

RESOLUTION NO. 2025-9481

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A MULTI-FAMILY SITE DEVELOPMENT PLAN FOR 46 RESIDENTIAL CONDOMINIUMS ON AN 8.6-ACRE VACANT SITE IN THE WOODWARD 46 SPECIFIC PLAN AREA (SPA) ZONE

MFSDP22-0005  
Cornerstone Communities

WHEREAS, on November 15, 2022, the City received an application from Cornerstone Communities requesting a Multi-Family Site Development Plan to allow the construction of 46 residential condominiums on an 8.6-acre site located on the east side of Woodward Street, approximately 235 feet north of Mission Road, in the Richland Neighborhood more particularly described as:

Parcel B of Certificate of Compliance Recorded February 29, 2008 as Instrument No. 2008-0107275 of Official Records and more particularly described as Lot 5 in Block 52 of Rancho Los Vallecitos de San Marcos, according to Map thereof No. 806, filed December 21, 1895 in the Office of the County Recorder of San Diego County, excepting therefrom the southerly 233 feet of said Lot 5, measured concentric to the northerly right-of-way of Mission Road thereof.

Assessor's Parcel Number(s): 220-210-49-00; and

WHEREAS, the Multi-Family Site Development Plan (MFSDP22-0005) is being requested in conjunction with a Specific Plan (SP22-0005) to establish rules and regulations for the development of the project site; a Specific Plan Amendment (SP22-0006) of the Heart of the City Specific Plan to change the sub-plan designation from "Richmar Specific Plan" to "Woodward 46 Specific Plan" for the subject property; a General Plan Amendment (GPA22-0004) to amend the land use maps and text related to Specific Plan changes in the Land Use Element; a Tentative Subdivision Map (TSM22-0004) for a 46-unit condominium map; and a Conditional Use Permit (CUP22-0005) to allow for a temporary rock crusher during grading operations; and

WHEREAS, the Development Services Department did study said request, and recommends approval of said request; and

WHEREAS, on August 30, 2023, the City held an Environmental Impact Report (EIR) Scoping Meeting to provide an overview of the project Notice of Preparation, in accordance with CEQA Guideline Section 15083, and Public Workshop with the general public; and

WHEREAS, on June 16, 2025, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request and the appropriate environmental document for said request to the City Council by a 6-0 vote in favor; and

WHEREAS, on September 9, 2025, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider an Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) for said request pursuant to the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, the City Council does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.
- B. The City Council hereby approves this Multifamily Site Development Plan per the submitted plans date stamped November 28, 2023 (46 condominiums on 8.6-acre lot) except as modified herein, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. This Multi-Family Site Development Plan (MFSDP22-0005) is hereby approved by City Council in conjunction with the submitted Specific Plan (SP23-0005), Specific Plan Amendment (SP22-0006), General Plan Amendment (GPA22-0004), Tentative Subdivision Map (TSM22-0004), and Conditional Use Permit (CUP22-0005), and all conditions of approval specified in Ordinances 2025-1563, 2025-1564 and Resolutions Numbers: 2025-9480, 2025-9481, 2025-9482, 2025-9483 respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR23-005) (Resolution No. 25-9479) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The City Council's decision is based on the following findings and determinations:
  1. The Multi-Family Site Development Plan conforms to the General Plan, Woodward 46 Specific Plan, and all provisions of the San Marcos Municipal Code, in that the project will change the land use designation from the "Richmar Specific Plan" sub-plan designation in the Heart of the City Specific Plan to "Woodward 46 Specific Plan" for multi-family residential which will complement the adjoining Mission 316 Specific Plan condominium development to the south. In addition, General Plan Consistency Findings are provided within the Woodward 46 Specific Plan.
  2. In the event of the removal of existing mature trees on site to conduct grading and reconfigure the site is required; new trees will be planted consistent with the following General Plan Policies LU-2.7: Promote the installation of trees to reduce the urban heat-island effect and COS-2.6: Preserve healthy mature trees where feasible; and trees will be replaced at a ratio which exceeds the required 1:1. Natural vegetation of biological value removed as part of project development and grading will be mitigated. Other vegetation removal will be necessary consistent with the Fire Protection Plan prepared for the project.
  3. The Multifamily Site Development Plan will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting, in that the proposed multi-

family development consisting of 46 dwelling units is proposed to be primarily located on the upper eastern half of the property to avoid the steep rocky slope along Woodward Street, and is located below existing single-family development at the top of the hill and north of existing multi-family development along Mission Road. The development area will include a soil-nail wall and block retaining walls up to 20 feet in height which will be colored and textured to have a natural appearance conforming to the area terrain, and manufactured slopes will be landscaped with plant material to blend-in with the surrounding natural vegetation.

4. The Multifamily Site Development Plan provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare, in that the project will be located adjacent to an existing 159 unit multi-family development directly to the south, single-family residences to the east, dedicated open space to the north, and Twin Oaks Valley Creek to the west across Woodward Street.
5. The structure(s), Multifamily Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site, in that the perimeter landscape pattern and appearance will be consistent with the adjoining multi-family development along Mission Road. The development will appear consistent in scale and bulk to the existing development to the east.
6. The structure(s), Multi-Family Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles, in that landscaping will be provided within the interior of the site as well as along the access driveway from Woodward Street which will be compatible with the adjoining multifamily development site to the south. Internal sidewalks provide adequate pedestrian movement within the development including a pedestrian connection to the sidewalk along Woodward Street.
7. The Multifamily Site Development Plan provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority, in that the project provides improvements along Woodward Street including a new entry driveway, on-site stormwater detentions basins, retaining walls, adequate internal driveways consistent with San Marcos Fire Department circulation requirements, and will provide water and sewer connection to the site in compliance with Vallecitos Water District requirements.
8. The Multi-Family Site Development Plan provides open space, parking areas, and landscaping consistent with the Zoning Ordinance and Woodward 46 Specific Plan in a manner that visually enhances the physical use of the property, in that the project provides adequate parking for residents and visitors, private usable open space is provided for each unit while shared common open space amenities are provided on site consisting of a playground, seating areas, and garden.

9. All requirements of CEQA have been met, in that an Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) has been prepared for the proposed project, and all potential impacts related to biological resources, cultural resources, noise, and tribal cultural resources will be mitigated to a level less than significant.
- E. This Multifamily Site Development Plan is within the scope of the Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) and the mitigation monitoring and reporting program pursuant to CEQA.
- F. Within thirty (30) days of the approval of the Multifamily Site Development Plan MFSDP18-0003 the approved site plan, architectural elevations, floor plans, and conceptual landscape plan shall be submitted as a digital file on a CD including this Resolution number on the title page. The title page shall include the statement "I (we), \_\_\_\_\_, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution No. 2020-9481." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to submittal of any grading plan, improvement plan, or building permit.
- G. This Multi-Family Site Development Plan approval shall lapse and be null and void two (2) years following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of two (2) years, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- H. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and as authorized by the Woodward 46 Specific Plan, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- I. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- J. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The

applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project but shall survive in perpetuity.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 9<sup>th</sup> day of September, 2025, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

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Rebecca D. Jones, Mayor

ATTEST:

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Phillip Scollick, City Clerk

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

EXHIBIT A  
RESOLUTION Np. 2025-9481  
MFSDP22-0005  
Conditions of Approval

A. General Provisions

1. All of the terms, covenants and conditions contained herein shall run with the land and be binding on and inure to the benefit of the heirs, successors, assigns, and representatives of the applicant/developer as to any and all of the property.
2. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City of San Marcos (City) shall have the right to revoke or modify all approvals herein granted including issuance of building permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or see damages for their violation. The applicant/developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
3. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, and other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
4. The proposed new development may be subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
5. The development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
6. All design requirements and mitigation measures of Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) shall be implemented.

- B. Prior to issuance of any grading permit, the applicant/developer shall comply with the following conditions.

Land Development Division

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC Chapter 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded

by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

2. The applicant/developer shall dedicate to the City easements or rights-of-way for emergency and municipal access, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes. Easements granted to the City shall include, but may not be limited to:
  - i. An emergency and municipal access easement shall be provided over the project access road.
3. The applicant/developer shall submit an application to vacate the drainage rights and a portion of the slope rights granted to the City per document 2002-0251944. Public street and utility rights shall be reserved for the City.
4. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
5. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted to and approved by the City in accordance with the SMMC Sections 19.16.070 and 19.16.080.
  - A. The applicant/developer shall submit plans and appropriate construction notes for improvement of all streets, right of way and drainage facilities to the City Engineer for approval. Plans shall include all off-site improvements as specified by the City Engineer. The scope of the offsite improvements shall include, but not be limited to:
    - i. A signage and striping plan shall be included with the improvement plans utilizing Caltrans' standards and shall be acceptable to the City Engineer. The striping plan shall include modifications to the existing center turn lane on Woodward Street to facilitate project access.
    - ii. A new public streetlight and fire hydrant at the intersection of the project driveway and Woodward Street.

6. The design of all private streets, drive aisles, and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets and/or drive aisles shall conform to City standards based on R-value tests. All private streets, drive aisles and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the Final Map or Grading Permit issuance.
7. The exact depth of any new or improved street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria" and "Street Excavation Ordinance". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
8. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and the City's "Urban Street Design Criteria" in effect at the time of project approval.
9. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at the location shown on the tentative map as specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.
10. If applicable, all utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
11. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of



approval for the proposed development.

- i. Water meter sizing and locations shall be approved by Vallecitos Water District prior to issuance of the first grading permit.
12. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-01: Improvement Area No. 1 (Police Only).
  - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance.
  - c. CFD 2001-01: Fire and Paramedic.
  - d. CFD 2011-01: Congestion Management.

No building permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

13. The applicant/developer shall post securities to the City, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash.
14. The applicant/developer shall submit an application for a grading permit in accordance with SMMC Chapter 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
15. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and

recommendations arising therefrom shall be submitted in the form of a report written by a registered geotechnical engineer or registered engineering geologist.

16. The scope of the grading plans shall include a walkable pedestrian connection from the project site to Woodward Street, the design of which shall be reviewed and approved by the City Engineer.
17. If applicable, the applicant/developer shall secure letters of permission from adjacent property owners for all construction activities crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
18. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the Land Development Division for review and approval. The details shall conform to City standards, codes and ordinances, and San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Engineer and Planning Manager.
19. A hydrology and hydraulic report, including calculations, shall be prepared for the project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the project's build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
20. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
21. The applicant/developer shall execute a "Hold Harmless" Agreement with the City.
22. All proposed private improvements located within the City right-of-way or existing public easements shall be permitted through an Encroachment, Maintenance and Removal Agreement (EMRA). The EMRA shall be executed and recorded prior to

grading permit issuance.

23. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the most current requirements of SDRWQCB.
24. The applicant/developer shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
25. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
26. All construction and grading related Best Management Plans (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.

#### Planning Division

27. Under separate permit application, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:
  - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect.
  - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the landscape architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the landscape architect, and estimate the cost of plant and irrigation materials only.
  - c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards handout, City Council Resolution 2001-5747); and method of installation and irrigation.
  - d. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, SMMC

Chapter 20.330, in addition to State of California water efficiency requirements.

- e. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans (SWQMP).
  - f. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type and shall not include chain link fencing. Pilasters shall be spaced no more than fifty (50) feet apart.
  - g. Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable. Landscape plans shall be reviewed and signed by the project biologist.
  - h. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
  - i. The landscape permit shall require that prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.
28. All exposed block retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit. The proposed soil-nail retaining wall shall have a color and texture similar in appearance to the existing wall at the adjacent Mission 316 development.
29. If a rock crusher(s) is used during grading operations, the applicant/developer shall comply with all conditions of approval of Conditional Use Permit (CUP22-0005), Resolution PC 25-5154. In addition, if a rock drill and blasting is proposed, such operations shall comply with said CUP22-0005 and Blasting Permit requirements

approved by the Fire Department and Building Division.

30. The applicant/developer shall comply with the following conditions regarding cultural resources and tribal cultural resources:

- a. Project-Specific Ethnographic Synthesis: The Applicant shall fund the preparation of a project-specific ethnographic synthesis, not to exceed what is described in the confidential proposal provided by the Rincon Band of Luiseño Indians dated August 27, 2024. No later than 30 days after the final Project approval, the Applicant shall extend a written offer to the Rincon Band of Luiseño Indians to enter into an agreement with their ethnographer to conduct and prepare the ethnographic synthesis in accordance with the aforementioned proposal. In the event of a dispute between the parties in entering into the agreement for the ethnographic synthesis, and after a good faith and reasonable effort, the City shall serve as the final arbiter. The City will determine the scope and content of an ethnographic synthesis in that event.

The synthesis will draw from oral histories, elder knowledge, and other sources of confidential Indigenous knowledge that relate to the tribal cultural resource affected by the proposed project. The ethnographer shall be afforded up to 90 days following funding of the ethnography to carry out any field visits with appropriate tribal representatives. After 90 days, or sooner if the ethnographer completed its field studies, the Applicant shall be permitted to proceed with ground disturbing activities and construction of the project while non-field-based data gathering, such as ethnographic interviews of informants and review of tribal documents, is being carried out. Upon completion, a public (redacted) version of the ethnographic synthesis shall be submitted to the California Historical Resources Information System and the City. The final non-redacted study shall belong to the Rincon Band of Luiseño Indians.

- b. Monitoring Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Monitoring Agreement with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the monitoring for Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing

activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Monitoring Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

- c. Construction Monitoring: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that the Rincon Band and San Luis Rey Band have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Monitoring Agreement. Native American monitoring shall include one monitor from the Rincon Band of Luiseno Indians and one monitor from the San Luis Rey Band of Luiseno Indians simultaneously. In the event that either tribe chooses not to enter into an agreement or fails to respond to the offer, the City shall allow construction to proceed without the Native American monitor(s) as long as the offer was extended and documented.

The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

The TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb the original

pre-project ground surface to identify any evidence of potential tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the TCA Native American monitor.

The Qualified Archaeologist and TCA Native American monitor shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the TCA Tribes, preferably through e-mail, of the start and end of all ground disturbing activities.

- d. Exclusionary Fencing of ESA: Prior to the commencement of clearing and grubbing of the project area, the contractor shall install high visibility temporary exclusionary fencing around the western cultural feature under the direction of the Qualified Archaeologist and TCA Native American monitor. The contractor shall be responsible for ensuring that the fence is maintained throughout the duration of ground disturbing activity associated with project construction. The feature shall be designated as an Environmentally Sensitive Area on grading plans.
- e. Monitoring of Activity: When heavy equipment operation or construction-related activity that do not involve ground disturbance reach 100 feet of the eastern cultural feature, a TCA Native American monitor must be present. The purpose of the monitoring of non-ground disturbing activity at this location is to ensure that personnel do not inadvertently impact the resource. Monitoring of non-ground disturbing activity shall not be required beyond 100 feet of the eastern cultural feature.
- f. Capping: Prior to the commencement of ground disturbing activities associated with project construction, the contractor shall, under the direction of the Qualified Archaeologist and TCA Native American monitor, cap the eastern cultural feature. The cap shall be composed of a layer of geotextile or geogrid on the surface of the feature, followed by at least a 10-foot by 10-foot area of culturally sterile soil.
- g. Controlled Grading: Grading plans for the project construction shall direct the contractor to use controlled grading methods within 500 feet of the eastern and western cultural features. Controlled grading will involve use

of a small piece of equipment or a road grader to peel away native soil using shallow cuts made in approximately five-inch-deep layers. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area. This deposited soil may be sampled and screened to ensure adequate detection of any cultural materials that may be present. The Qualified Archaeologist and TCA Native American monitor will direct the controlled grading process, including the pace of the grading and the depth of layers to be removed. If potential tribal cultural resources are encountered, the procedures in this sub-condition (g) shall apply. If no cultural deposits are encountered, the road grader will continue to make passes until one of two conditions are met (whichever occurs first): 1) Grading will continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits; or 2) non-cultural formational soils are encountered that predate any human occupation of this location. Once the cultural deposit has been completely removed, the controlled grading process will be terminated and mass grading may proceed.

- h. Unanticipated Discovery Procedures for Native American Resource: TCA Native American monitors may temporarily halt or divert ground disturbing activities if previously unknown tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be not associate with Native American culture, it will be subject to the following sub-condition (i). Native American tribal cultural resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource and a potentially significant archaeological resource that is associated with Native American culture, then the Qualified Archaeologist, TCR Tribes, TCR monitors, and City shall coordinate on appropriate treatment.

All unearthed tribal cultural resources will be collected, temporarily stored in a secure location and repatriated according to the consulting tribes, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the tribal cultural resources are considered potentially significant by the TCA Tribe and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner, the culturally appropriate treatment of those resources.

All sacred sites and significant tribal cultural resources encountered within



the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation. Any cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site, and repatriated according to the terms of the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

- i. Unanticipated Discovery Procedures for Non-Native American Resource:  
In the event of the unanticipated discovery of cultural resources, all ground disturbing activity at that location shall temporarily halt or be diverted. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. A Qualified Archaeologist shall be retained to assess the discovery. If the resource is determined to be associated with Native American culture, it will be considered a tribal cultural resource and subject to the preceding sub-condition (h). Non-Native American resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource and a potentially significant archaeological resource that is associated with Native American culture, then the Qualified Archaeologist, Tribes, Native American monitors, and City shall coordinate on appropriate treatment.

Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist) will be minimally documented in the field. All unearthed archaeological resources will be collected, temporarily stored in a secure location until analysis and documentation are complete. If a determination is made that the archaeological resources are considered potentially significant by the Qualified Archaeologist, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods.

In the event that curation of archaeological resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project

grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the curation facility that the curation has been completed.

- j. Human Remains: As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.

If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the

landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

- k. Reburial: Prior to the approval of grading plans, the Applicant shall designate a reburial location onsite and note the location as excluded from construction-related activity on grading plans. The reburial location shall be used to rebury any cultural materials encountered during monitoring, and to rebury existing collections from the previous data recovery effort. Following the completion of all ground disturbing activity and reburial of all materials and before the issuance of a Certificate of Occupancy, the Applicant shall: 1) ensure that native plants and natural barriers are installed (in consultation with TCA tribes) as part of landscaping; 2) file a deed restriction on the parcel that protects the reburial location from future disturbance and provide a copy to the City. The exhibit for the deed restriction and purpose of it shall be kept confidential and out of the public record.
  - l. Deed Restriction: Prior to the issuance of a Certificate of Occupancy, the Applicant shall record a deed restriction with the County of San Diego for the western cultural feature that restricts ground disturbing activities at that location. A copy of the recorded deed restriction shall be provided to the City as proof of compliance.
  - m. Access Agreement: Prior to the issuance of a Certificate of Occupancy, the Applicant shall extend a written offer to each consulting tribe to enter into an access agreement, which is binding on successors and heirs to the property, that allows for legal access to visit the reburial location after construction is completed. If more than one tribe elects to enter into an access agreement, each tribe shall have its own agreement. In the event that one or more consulting tribe does not respond to the offer within 30 days of receipt, then the City will deem this mitigation measure satisfied provided that the offer was extended and documented in accordance with this measure.
31. The permanent loss of 5.5 acres of Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub shall be mitigated at a minimum 1:1 ratio. Section 5.2.1 of the Draft Subarea Plan for San Marcos references the preferred order of mitigation to be on-site mitigation, off-site acquisition, in-lieu fees, or mitigation credits. For mitigation purposes, the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub acreages on the project site that would be impacted have been combined as these two vegetation communities are considered to have similar sensitivity under the Multiple Habitat Conservation Program. Thus, 5.5 acres of occupied coastal California gnatcatcher Diegan Coastal Sage Scrub will be preserved by the project applicant through off-site acquisition, in lieu fees, a

purchase of credits from Buena Creek Mitigation Bank or another approved mitigation bank, or a combination thereof as approved by the City of San Marcos Planning Division Director and the Wildlife Agencies prior to issuance of the grading permit. If on site or off-site habitat mitigation will be completed by the Applicant to satisfy the compensatory mitigation requirements, it shall be carried out in accordance with a Habitat Mitigation and Monitoring Plan (HMMP) that outlines the strategy for enhancement and maintenance of the habitat for locally sensitive species occupying Diegan Coastal Sage Scrub. The HMMP will be provided to Wildlife Agencies for review and approval. Any land acquired as off-site mitigation to benefit gnatcatcher shall include a cost estimate for long-term management, an endowment, and land protection mechanism such as a conservation easement. Mitigation lands for gnatcatcher must be occupied or include high quality suitable habitat.

32. Prior to the commencement of any grading or construction activities, the applicant/developer shall conduct comprehensive photo and video documentation of the existing condition of the wall located on the adjacent property to the south. A second set of photo and video documentation shall be completed upon the conclusion of construction activities and prior to the issuance of final occupancy approval. All documentation shall be retained by the applicant/developer and made available to the City upon request
33. An updated presence/absence protocol survey of the project site and a 500-foot buffer around the project site shall be conducted by a qualified biologist with a valid United States Fish and Wildlife Service 10(a)(1)(A) permit to further evaluate the coastal California gnatcatcher (CAGN) territories that could be affected by short term project construction activities, including vegetation clearance, and long term habitat loss and indirect impacts. In accordance with the USFWS survey protocol, a minimum of six breeding season surveys shall be conducted at least 1 week apart from March 15, through June 30, pending the anticipated construction timeline for the project. The results of the survey shall be submitted to the City and USFWS upon completion.

If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If vegetation clearing must start outside of those dates, then focused nesting surveys would be conducted prior to vegetation clearing for the project site and a 500-foot buffer zone. No more than 3 days prior to the clearing of vegetation, a qualified biologist shall conduct a pre-construction clearance survey for CAGN to confirm that the vegetation on-site is not occupied by the species. If nests are found, they would be avoided by establishing a 500-foot non-disturbance buffer around the nest. Vegetation clearance may continue with regular biological monitoring if there is no indication of disturbance to the nest(s). If the vegetation clearance is potentially disruptive to active nests a larger buffer may be implemented as determined by the qualified biologist. If CAGN are observed

moving through the area during vegetation clearing activities, the project biologist may delay the removal of vegetation and/or grading until CAGN has left the area of their own volition.

If CAGN is found to be within the survey area (project site plus a 500-foot buffer) during protocol or pre-construction surveys, the following avoidance and minimization measures shall be implemented.

- a. To reduce potential noise impacts to nesting CAGN, a qualified biologist shall monitor noise levels with a noise monitoring device at an appropriate distance from the nest to determine if construction activity noise is above 60 dBA Leq, the standard level requested by the USFWS, or if noise levels above 60 dBA Leq have the potential to affect any CAGN nests.
- b. If/when an active CAGN nest is identified, an acoustician shall monitor noise at the edge of construction as directed by the qualified biologist. If noise levels continue to exceed 60 dBA Leq, the acoustician shall consult with the qualified biologist and provide requirements for the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA Leq during the breeding season (February 15 through August 31). Noise monitoring shall occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the activities in general are disturbing the nesting activities, the biologist shall have the authority to halt construction and shall consult with the USFWS to devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal CAGN and the activities, and working in other areas until the young have fledged.

All active nests shall be reported within 24 hours to the USFWS upon detection.

34. Focused surveys found the Diegan Coastal Sage Scrub on site to be occupied by Crotch's bumble bee (CBB). Thus, there is potential for "take" of CBB and adverse impacts may occur through the removal of occupied habitat. However, the project would incorporate the following CBB avoidance, minimization and mitigation measures to reduce significant impacts to below a level of significance. should the species remain a candidate for state listing. If the State ultimately does not list Crotch's bumble bee under the California Endangered Species Act and the species is removed from candidate status, the mitigation measures outlined below would no longer be applicable.

Incidental Take Permit:

Crotch's bumble bee has been detected onsite, and all suitable habitat is considered occupied. As avoidance of impacts is not feasible, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq.). If an Incidental Take Permit is issued, the Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. In addition, the terms and conditions of that permit shall supersede any conflicting measures contained in this document. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal. Should the State decline to list the species under the California Endangered Species Act and remove its candidate status, this measure shall no longer be applicable, and an Incidental Take Permit will not be required.

**Pre-activity surveys:**

To avoid direct impacts on CBB, removal of habitat (i.e., defined as any habitat disturbance) must occur outside of the Colony Active Period (generally occurring between February 1 through August 31). If the removal of habitat must occur during the Colony Active Period, a Qualified Biologist shall conduct a pre-activity-survey no more than three days prior to the initiation of construction activities to determine the presence or absence of CBB within the proposed area of disturbance following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) or the latest guidance from CDFW no more than 10 days and no less than 3 days prior.

A Qualified Biologist must meet the qualifications discussed in the CDFW guidance (i.e., Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species, dated June 6, 2023). Resumes shall be provided to CDFW for review.

The pre-activity survey shall consist of non-lethal photo vouchers following California Department of Fish and Wildlife (CDFW) guidance (CDFW 2023). The surveys shall consist of passive methods unless a Memorandum of Understanding is obtained. The Qualified Biologist shall send all photographic vouchers to a CDFW approved taxonomist to confirm the identifications of the bumble bees encountered during surveys. If candidate bumble bees will be captured or handled during surveys, then the Qualified Biologist shall obtain the required authorization via a Memorandum of Understanding or Scientific Collecting Permit pursuant to CDFW guidance (CDFW 2023).

If pre-activity surveys identify CBB individuals on-site, the Qualified Biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral/nest resources or identified nesting locations.

The size and configuration of the no-work buffer shall be based on the best professional judgment of the Qualified Biologist in consultation with CDFW. Construction activities shall not occur within the no-work buffers until the bees ~~appear~~ are no longer active (i.e., associated floral resources appear desiccated and no bees are seen flying for three consecutive days indicating dispersal from the area). Take of any endangered, threatened, candidate species that results from the project is prohibited, except as authorized by State law (Fish and Game Code section 86, 2062, 2067, 2068, 2080, 2085; California Code Regulations, Title 14, section 786.9) under CESA.

Survey data shall be submitted by the Qualified Biologist to the California Natural Diversity Database (CNDDDB) in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable.

#### **Compensatory Mitigation for Impacts to Crotch's Bumble Bee Habitat**

Should the species be formally listed, or remain a candidate for listing, mitigation for the loss of CBB occupied Diegan Coastal Sage Scrub shall be conducted to reduce impacts to less than significant. This mitigation will be carried out in conjunction with the Diegan coastal sage scrub mitigation described in MM-BIO-6. Specifically, the Diegan coastal sage scrub mitigation shall include habitat compensation at a minimum 1:1 ratio or as negotiated through consultation with the CDFW for an Incidental Take Permit, to also benefit the CBB. This mitigation may be satisfied through off-site acquisition, in lieu fees, purchase of credits from an approved mitigation bank, or a combination thereof. If necessary, habitat enhancement or restoration also may be incorporated, to be described in a Habitat Management and Monitoring Plan (i.e. planting of native Diegan coastal sage scrub flowering plant species known to support bumble bee populations, removal of invasive species, etc.). If prepared, the HMMP or other plans for Crotch's bumble bee habitat enhancement or restoration will be provided to CDFW for review and approval. Any land acquired as off-site mitigation to benefit CBB shall include a cost estimate for long-term management, an endowment, and a land protection mechanism such as a conservation easement. Mitigation lands for CBB must be occupied or include high quality suitable habitat. This species shall also be included in the Worker Environmental Awareness Program educational program as described below.

35. The applicant shall implement a Worker Environmental Awareness Program (WEAP) for the construction crew that will be developed by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) will receive

the WEAP presentation on the first day of project work. They will be advised of sensitive species in the area and avoidance measures being implemented to protect them at the site. At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of federal and State laws, reporting requirements, and project features and conditions designed to reduce direct and indirect impacts to these species, role of the Biological Monitor, and worker responsibilities to maintain compliance with mitigation measures while working at the site.

36. Approved construction work area limits shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to vegetation removal. The marked boundaries shall be maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side of the work area to reduce the potential for encroachment and additional vegetation loss within adjacent open space. Fencing shall be put in place by a qualified surveyor per the project applicant's approved construction and grading plans. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the designated project areas, staging areas, and routes of travel. The biological monitor shall verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.
37. A long-term open space management plan shall be developed to minimize impacts of the residential development on the adjacent coastal California gnatcatcher (CAGN) and Diegan Coastal Sage scrub habitat. The adjacent area falls within a Multiple Habitat Conservation Program Hardline Reserve, occupied by CAGN, and additional mitigation measures are necessary to minimize impacts associated with increased human and domestic pet presence from the project. The plan shall include a program of education to reduce domestic and feral cat encroachment (using the program developed by the American Society for the Prevention of Cruelty to Animals). Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in the landscaping plan and shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999. This list includes such species as pepper trees (*Schinus mole*), pampas grass (*Cortaderia selloana*), fountain grass, ice plant (*Carpobrotus sp.*), myoporum (*myoporum sp.*), black locust (*Robinia pseudoacacia*), capeweed (*Arctotheca calendula*), tree of heaven (*Ailanthus altissima*), periwinkle (*Vinca major*), sweet alyssum (*Lobularia maritima*), English ivy (*Hedera helix*), French broom (*Genista monspessulana*), Scotch broom (*Cytisus scoparius*), and Spanish broom (*Spartium*



*junceum*). The plan shall also address permanent residential lighting to be directed away from the open space.

#### Building Division

38. If the project is to be phased, the applicant/developer shall submit a phasing plan to the Building Division for review and approval. Said phasing plan shall graphically depict the order in which the buildings (including models) will be occupied and depict which public and private infrastructure and amenities will be completed prior to each building occupancy. Once approved, any deviations from the phasing plan must be reviewed and approved by the Building Division, Planning Division, Land Development Division, Fire Department and the Public Works Construction Inspection Division.
39. The project is subject to the approval of the applicable water/sewer district(s) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the water/sewer district(s) prior to issuance of grading or building permit.

#### Fire Department

40. Improvement plans shall show location and spacing / distance of fire hydrants. Hydrants shall be bronze industrial fire hydrants. Minimum GPM shall be per CFC Appendix B. Industrial fire hydrants shall have two 4-inch ports and one 2.5-inch port. Installation shall be as per local Water District specifications. Hydrant type shall be Clow style, Model #865. Maximum spacing from one hydrant to another cannot exceed 300 feet. Maximum distance from a fire hydrant to any fire department connection cannot exceed 50 feet.

NOTE: All new fire hydrants within the development shall be private hydrants

41. Deferred submittal / separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to buildings, etc.
42. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet (curb line to curb line), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds in accordance with California Fire Code (CFC) Section 503.2.1, SMMC Section 17.64.120. For single-family residential driveways serving no more than one single-family dwelling, access roads shall have minimum width of 16 feet (curb line to curb line).
43. Parking is not allowed on any streets with a 24-ft width. Parking is allowed on one side of the street if the width is 32-feet, and allowed on both sides of the street if the width is 40-feet. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement, and wording for all fire lane signs and/or red curbs shall be as required by the California Vehicle Code, Section 22500.1, 22658(a) and the San Marcos Fire Department

Standards.

44. The gradient for a fire apparatus roadway shall not exceed 20 percent. Grades exceeding 12 percent (incline or decline) shall not be permitted without mitigation: Minimal surface of Portland cement concrete (PCC) with a deep broom finish perpendicular to the entire direction/length of travel and grade. The angle of departure and approach of fire access roads shall not exceed 7 degrees (12 percent) as required by CFC Section 503.2.7, as amended.
  45. All roads in the project shall have adequate turn radius to accommodate all Fire Department apparatus including frontline and reserve fire engines and frontline and reserve trucks (engine and tiller ladder trucks). The required inside turn radius shall be 28 feet for engine and tiller ladder truck. No curb deflection or other features shall interfere with fire apparatus ability to navigate any street. The Land Development Division shall maintain the proper templates for turn radius of all Fire Department apparatus.
  46. All dead end fire apparatus access roadways in excess of 150 feet in length shall be provided with an approved area for turning around of all San Marcos Fire apparatus. A hammerhead turn-around or cul-de-sac will be required by the Fire Department.
- C. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The Final Map shall be recorded prior the building permit issuance.
2. The approved precise grading plans shall be attached to the building plans.
3. Prior to submittal of any building plans, the grading and public improvement plan sets shall be submitted for the second plan check and deemed substantially complete by the Land Development Engineer. Prior to issuance of any building permits, the public improvement plans shall be approved by the City Engineer and appropriate securities accepted.
4. All public improvements required at the time of subdivision and/or development shall be under construction to the satisfaction of the City Engineer prior to the issuance of the first production building permit, excluding retaining wall permits and model units.
5. All grading shall be observed by a licensed geotechnical engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained

within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.

6. A certification of line and grade for the building pad, signed and stamped by the engineer of work, shall be provided to the Engineering Inspector. The certification shall be in a form acceptable to the City Engineer.
7. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.

#### Planning Division

8. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All exterior fixtures shall be approved by the City.
9. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
10. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
11. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
12. All tot lot recreational amenities and playground equipment shall comply with all C.P.S.C. and A.D.A. accessibility standards. Plans shall include a detail of each of the play areas with the proposed play equipment and specifications of said equipment. Final design shall be approved by the Parks and Recreation Director and Planning Division Manager.
13. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Manager. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
14. Rain gutter downspouts shall be internal or architecturally screened from view where feasible as determined by the Planning Division.

15. Gas meters shall be architecturally screened from view by low screening walls. Wall materials shall be architecturally compatible with the building(s). Screening plan shall be approved by the Planning Division prior to issuance of building permit.
16. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Manager. Said TDM plan shall address coordination with local transit districts regarding existing and future bus routes and stops, shuttle service to rail stations and incentives for bus & rail passes. The TDM plan shall also include investigations into staggered work hours, carpools, education and financial incentives. The TDM plan shall be implemented at occupancy. The applicant/developer will be responsible for the submission of an annual report consistent with the TDM goals and general strategies for review by the City Engineer and Planning Division Manager.
17. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.

#### Building Division

18. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code (CBC), Part 2, Title 24, California Code of Regulations.
19. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
20. The City is located in Seismic Design Category “D”. Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
21. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards.
22. Residential structures shall be designed to comply with the crime prevention measures approved by the City, including such items as: reinforced door jambs; one-piece door stops; 16-gauge strike plate for deadbolts; locking hardware for garage doors; two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; laminated safety glass; wide angle peep hole for exterior doors; no louvered windows; and address numbers easily visible from the street.

23. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
24. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The applicant/developer shall indicate which features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
25. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance.
26. The applicant/developer shall pay Public Facilities Fees as established by the latest adopted Public Facilities Fee, based on the proposed land use, and shall be paid prior to the issuance of the first permit for the development.
27. The project is subject to the payment of school fees as required by law. The applicant/developer shall submit a Certificate of Compliance from the school district prior to the issuance of the first building permit from the City.
28. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.
29. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
30. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City and other agencies have accepted the improvements

in compliance with these conditions of approval.

31. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.

#### Fire Department

32. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. The applicant/developer shall provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes. At approval of final building plans, Developer shall contact San Marcos GIS ([gis-support@san-marcos.assist.com](mailto:gis-support@san-marcos.assist.com)) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time of fire inspection.
  33. Separate Permit / Deferred Submittal: Automatic fire sprinkler system(s) shall be installed in accordance with the latest adopted California Building Code, California Fire Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association (NFPA 13D).
  34. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
  35. Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the buildings.
  36. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
  37. Access gate(s) or other devices that may obstruct fire access roadways shall be equipped with a Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure. Access gate shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
- D. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

### Engineering Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Engineering Construction Inspection Division. The applicant/developer shall provide the inspector with a detailed construction schedule which depicts when building occupancy or occupancies will occur and when key public and private infrastructure improvements will be completed. Schedule updates shall be provided to the Building and Engineering Inspectors at a minimum monthly basis throughout the life of the project.
2. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
3. During construction activities, the applicant/developer shall maintain public and private driveway and/or road access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
4. The applicant/developer shall submit a traffic control plan to the Engineering Inspector for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
5. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
6. At the discretion of the Engineering Inspector, the applicant/developer shall document the pre-construction condition of existing roads or offsite properties which may be impacted by construction activities. The applicant/developer shall be responsible in repairing any construction related damages prior to occupancy.
7. A Right-of-Way permit shall be required prior to commencement of any work within the City right- of-way.
8. The applicant/developer shall implement and maintain storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance (Ch. 14.15 S.M.M.C.) will result in Stop Work Orders, Notices of Violations and/or citations with fines. Work on the project may be delayed until the City determines that compliance with storm water requirements has been achieved.

### Planning Division

9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

10. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
11. The project shall comply with Regional Air Quality Standards.
12. A City of San Marcos-approved, qualified biologist shall be present during all vegetation clearing and other activities with the potential to affect coastal California gnatcatcher (CAGN), orange throated whiptails, coastal whiptails, Bryant's woodrat, Coopers hawks, and southern rufus-crowned sparrow, nesting birds, and any other sensitive plant or wildlife resource, and will monitor the project for avoidance of unanticipated impacts to the aforementioned species and their habitats. Standard construction Best Management Practices will be implemented by the contractor to minimize potential impacts to sensitive species. The biologist shall have the authority to halt all associated project activities that may be in violation of the protective measures. Daily monitoring logs shall be maintained and a monthly report of compliance with biological resource measures will be provided to the City during construction. Standard Construction Best Management Practices shall include the following:
  - a. Vehicle speeds will not exceed 10 miles per hour (mph) adjacent to CAGN habitat. Clear signage will be installed and maintained throughout the construction period.
  - b. Placement of drip pans under parked equipment and vehicles.
  - c. Regular inspection and maintenance of equipment to avoid spills and immediate containment of any spills.
  - d. Chemicals. Herbicides, and pesticides will not be used.
  - e. Pets and firearms will not be allowed at the site.
  - f. Trash will be removed from the site daily or be stored in wildlife proof containers.
  - g. Stormwater protection (i.e., straw waddles, silt fence) will be employed to prevent spills, runoff, or sediment from entering nearby aquatic habitats. These materials will be weed free and no project debris or rubbish will be allowed to enter into or be placed where it may be washed by rainfall or runoff in the wetlands.
  - h. Staging/storage areas for equipment and materials will be located at least 100 feet away from the riparian areas. Equipment will be checked and maintained daily to prevent leaks of pollutants into the wetlands.
  - i. No equipment maintenance will be carried out within 100 feet of the riparian area.
  - j. All pipes, culverts, or similar structures with a 4-inch diameter or greater that are stored on the construction site overnight shall be thoroughly inspected for wildlife or nesting birds before the pipe is subsequently curried, capped, or otherwise used or moved in any way.



- k. To prevent inadvertent entrapment of wildlife during construction, all excavated, wells, steep-walled holes, or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day.
  - l. Any construction lighting will be directed toward the work area and away from adjacent habitats.
13. Woodrat middens (nests) are large nests or dens made of woody debris, such as sticks, dead cacti, and bark. Middens were observed throughout the project site and within the project impact area. The project may contain both big-eared woodrat Bryant's woodrat and all middens will be treated as potentially sensitive. Within 30 days of initial site disturbance, a pre-construction survey shall be conducted for woodrat middens. All occupied woodrat middens shall be mapped and flagged for avoidance to the extent feasible, with a minimum of 10-feet surrounding the active midden. If avoidance is not feasible, middens will be disturbed "daylighted" by a qualified biologist one night before anticipated vegetation removal to allow for the rats to escape and passively relocate prior to disturbance of the area.
14. If site clearing activities are conducted between January 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to the start of such activities to identify actively nesting birds within the project site and a 500-foot buffer around the project site. If any nests are found, their locations shall be flagged and an appropriate avoidance buffer, ranging in size from 25 to 50 feet for passerines, and up to 500 feet for raptors depending upon the species and the proposed work activity. The non-disturbance buffer zone shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging materials. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No disturbance shall occur within this buffer until the qualified biologist confirms that breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, activities shall be conducted at the discretion of the qualified biologist and with monitoring and management to confirm that nesting birds and the nests are not disturbed. If no nesting birds are observed during the nesting survey or during other monitoring activities, then no further actions shall be necessary. A follow-up survey will be needed if site clearing does not occur within 3 days after the initial survey and/or a pause in construction activity occurs for more than 7 days.

#### Building Division

15. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.

16. Water wells shall be reconstructed or abated in strict compliance with SMMC Sections 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by County of San Diego Environment Health Department.
17. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
18. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
19. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

#### Fire Department

20. Prior to the delivery of combustible building construction materials to the project site, the following conditions shall be completed to satisfaction of the Fire Department: 1) fire hydrants(s) shall be installed, approved, and usable, and 2) fire lane or access roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs.).
  21. A legible site address shall be posted and visible from either direction of approach to the project.
  22. A written site safety plan shall be created and implemented in accordance with California Fire Code Chapter 33. Plan shall establish a fire prevention program at the project site, applicable throughout all phases of construction.
- E. Prior to the occupancy of any structure, the applicant/developer shall comply with the

following conditions:

Land Development Division

1. All improvements including underground conversion of overhead utilities shall be completed in accordance with the approved project plans prior to issuance of the first market rate Certificate of Occupancy.
2. All applicable easements and agreements shall be recorded prior to occupancy.
3. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
4. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
5. Any existing broken pavement, concrete curb, gutter or sidewalk or any other facilities damaged during construction of the project, shall be repaired or replaced as directed by the Public Works Inspector.
6. Water and sewer improvements in accordance with the project water/sewer study shall be constructed for the project as determined necessary by the applicable water/sewer district(s).
7. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the Land Development Engineer prior to issuance of any certificate of use and occupancy.

Planning Division

8. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Manager.

9. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
10. Common landscape areas shall not be transferred over to the responsibility of the HOA until inspected and approved by the City.
11. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
12. The applicant/developer shall have completed the installation of the playground equipment and outdoor furniture in accordance with the manufacturer's standards. The applicant/developer shall submit for each phase a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications.
13. The applicant/developer shall disclose to future owners/tenants of the project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building occupancy.

#### Building Division

14. The applicant/developer shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy from the Building Official. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

#### Fire Department

15. Building addresses shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc).
16. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
17. On-site fire hydrants shall be color coded per NFPA 291. The bottom eight inches of a private fire hydrant shall be painted red. A minimum 3-ft clearance shall be maintained around hydrants. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.

18. The project shall include “NO PARKING FIRE LANE” signs. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by California Vehicle Code, Sections 22500.1 and 22658(a) and San Marcos Fire Department Standards.

F. Ongoing Advisory Conditions

1. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
2. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.