

RESOLUTION NO. 2019-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A MULTI-FAMILY SITE DEVELOPMENT PLAN FOR THE REDEVELOPMENT OF A 1.52 ACRE SITE WITH TWENTY-FOUR (24) UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT IN THE MULTIFAMILY RESIDENTIAL 3 (R-3-10) ZONE

MFSDP 18-0002
Hall Land Company, Inc.

WHEREAS, on May 22, 2018, the City received an application from Hall Land Company, Inc. requesting a Multi-Family Site Development Plan to allow the demolition of an existing 6,915 square foot vacant bank building and construction of a twenty-four (24) two-story residential townhome condominium units on a 1.52-acre (1.48-acre net) site located at 1210 E. Mission Road of the Multifamily Residential 3 (R-3-10) Zone in the Richland Neighborhood more particularly described as:

Brief Legal Description: Parcel A of Parcel Map No. 6024, filed in the Office of the County Recorder of San Diego County on June 8, 1977, being a division of a portion of lots 1, 2, and 4 in block 3 of Bennett Orchard Estates, Unit No. 1, in the City of San Marcos, in the County of San Diego, State of California, According to Map thereof No. 2065, filed in the Office of the County Recorder of San Diego County, on October 17, 1927

Assessor's Parcel Number(s): 226-071-07-00; and

WHEREAS, the Multi-Family Site Development Plan is being requested in conjunction with a General Plan Amendment (GPA18-0003) to change the land use from "Neighborhood Commercial (NC)" to "Medium Density Residential 2 (MDR2)"; a Rezone (R 18-0003) to change the zone from Neighborhood Commercial (N-C) to Residential 3 (R-3-10); a Tentative Subdivision Map (TSM 18-0002) to dedicate right-of-way and create twenty-four (24) condominium units; and a Variance (V18-0001) to allow for the reduction of special setbacks on E Mission Road; and

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

WHEREAS, on February 21, 2019, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on June 3, 2019, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request and Mitigated Negative Declaration (ND 18-004 and SCH No. 2019011064) as the appropriate environmental document for said request to the City Council by a 6-0 vote, in favor; and

WHEREAS, on July 9, 2019, 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 Mitigated Negative Declaration (ND18-004 and SCH No. 2019011064) 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 are hereby incorporated by reference into this Resolution.
- B. The City Council hereby approves this Multi-Family Site Development Plan per the submitted plans date stamped January 7, 2019 (twenty-four residential condominium units in four (4) two-story buildings on a 1.52 acre gross/1.48 acre net site) 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 is approved in conjunction with the submitted General Plan Amendment (GPA 18-0003), Rezone (R 18-0003), Tentative Subdivision Map (TSM 18-0002), and Variance (V 18-0001) and all conditions of approval specified in Resolution No. 2019-XXXX (GPA 18-0003), Ordinance No. 2019-XXXX (R 18-0003), Resolution No. 2019-4783 (TSM 18-0002), and Resolution No. 2019-XXXX (V18-0001), respectively, which documents are incorporated herein by this reference; and the mitigation measures in adopted Mitigated Negative Declaration (ND18-004 and SCH No. 2019011064) 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 with the General Plan and all provisions of the San Marcos Municipal Code, in that the project achieves a balanced distribution and compatible mix of land uses to meet the present and future needs of all residents and the business community by removing blighted structures and redeveloping the site with residential units which are compatible with the existing neighborhood.
 - 2. The removal of twenty-two (22) existing mature trees on site is necessary to conduct grading and reconfigure the site; the proposal to plant sixty-five (65) new trees will be a sufficient replacement of the trees that will be removed and is consistent with 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; where necessary, trees shall be replaced at a ratio of 1:1.
 - 3. The Multi-Family 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 all grading activities will conform to the Grading Ordinance and existing hillsides will be retained by the project.

4. The Multi-Family 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 an approximately twenty (20) foot setback from the project to the adjacent Neighborhood Commercial zoned property is proposed with a six (6) foot block wall and landscaping further enhancing the buffer between the two uses; the nearest commercial building to the proposed project building would be approximately fifty-six (56) feet east from the project.
 5. The structure(s), Multi-Family 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 proposed two-story townhomes (approx. 29 feet in height) are compatible with the surrounding residential and commercial building heights in the vicinity; the landscaping, including sixty-five (65) new trees will also be compatible with the existing neighborhood.
 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.
 7. The Multi-Family 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 proposed dedication of four (4) feet of right-of-way on Avenida Chapala (to a 60 foot ultimate width) will allow open surface parking on the east side of the street, along the project frontage, and the design of the project driveway on Avenida Chapala meets all provisions of the City's street design manual.
 8. The Multi-Family Site Development Plan provides open space, parking areas, and landscaping consistent with the Zoning Ordinance and in a manner that visually enhances the physical use of the property, in that three (3) onsite recreational amenities for residents of the development are being provided pursuant to San Marcos Municipal Code (SMMC) § 20.215.060(B) and landscaping will contain a mixture of trees, shrubs, plants, and groundcover that will further enhance the neighborhood.
 9. All requirements of CEQA have been met, in that impacts to biological resources, cultural resources, hazards, and hazardous materials, noise, public services, recreation, and tribal cultural resources have been sufficiently mitigated to a level of insignificance with mitigation measures identified in ND18-004.
- E. This Multi-Family Site Development Plan is within the scope of Mitigated Negative Declaration (ND18-004 SCH No. 2019011064) and the mitigation monitoring and reporting program, and both are hereby adopted pursuant to CEQA.

- F. Within thirty (30) days of the approval of the Multi-Family Site Development Plan (MFSDP 18-0002) 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. 2019-XXXX." 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 one (1) year following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of one (1) year, 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 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 9th day of July, 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

Phillip Scollick, City Clerk

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A

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 Mitigated Negative Declaration (ND18-0004 and SCH No. 2019011064) shall be implemented.
7. Future tenant improvements for each building shall require issuance of a building permit(s). Tenant improvement plans for each building shall include a parking calculation to substantiate that the subject parcel contains the required amount of parking spaces for the proposed use in accordance with the City's Off-Street Parking Ordinance (SMMC Ch. 20.340).

- B. The removal of the existing 6,915 square foot building onsite shall require a Building ("Demolition") Permit and the applicant/developer shall comply with the following conditions.

Planning/Building Division

1. The applicant/developer shall use a licensed contractor registered with Cal/OSHA for all asbestos-related work. The contractor shall be responsible for informing the landfill of the contractor's intent to dispose of asbestos waste and shall also be responsible for segregating and characterizing waste streams prior to disposal.
 2. During building demolition, the applicant/developer shall handle all lead-containing paint in accordance with Cal/OSHA lead standards. Compliance and training requirements for activities where workers may be exposed to lead are presented in Title 8, CCR, Section 1532.1(e)(1). Additionally, in accordance with Title 8, CCR, Section 15321(p), written notification to the nearest Cal/OSHA office is required at least 24 hours prior to certain lead-related work.
 3. The following protocol shall be implemented for handling universal waste during building demolition:
 - a. Fluorescent light tubes, fluorescent lights with internal ballasts, and HIG light bulbs should be removed from lighting fixtures and managed for recycling prior to demolition.
 - b. All light ballasts shall be inspected for PCB status (labeling) and removed prior to demolition. All light ballasts that are unlabeled or lack a "No PCBs" designation shall be treated as PCB-containing components and managed as hazardous waste.
 - c. Potential lead-acid, NiCad, or other rechargeable batteries used in emergency lighting and exit signs should be managed for recycling.
 - d. Refrigeration equipment (roof top HVAC units) shall be moved and managed for reuse or the CFC refrigerants in the equipment shall be reclaimed for recycling prior to disposing of the equipment.
 - e. Removal of universal waste or suspect hazardous building materials shall be conducted by contractors licensed to handle, transport and/or dispose of universal wastes and hazardous wastes.
- C. Prior to issuance of any grading permit, the applicant/developer shall comply with the following conditions.

Land Development Division

1. The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City standards based on R-value tests. All private streets 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.

2. The exact depth of 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". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
3. 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.
4. 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.
5. 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):

CFD 98-01: Improvement Area No. 1 (Police Only).

CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance.

CFD 2001-01: Fire and Paramedic.

CFD 2011-01: Congestion Management.

Additionally, if the City determines it to be necessary, a Special Improvement Area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the City for improvements being installed above and beyond the City standards, installed by the applicant/developer as depicted on a Special Improvement Area exhibit, to be submitted by the applicant/developer after project approval. Such improvements include, but are not limited to, storm water treatment devices and enhanced landscaping features. 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.

6. 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, driveway improvements, storm drain facilities, water quality BMP's, and landscaping. 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. For grading securities, the City may require 10% of said securities to be in the form of cash.
7. 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.
8. 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.
9. 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.
10. 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 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).

11. 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.
12. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across the adjacent property.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.

Planning Division

19. 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. Separate landscape plans shall be submitted for the onsite (private) landscape areas and the offsite (CFD) landscape areas. CFD landscape plans shall be submitted to the Land Development Division as part of the street improvement plan set. Private landscape plans shall be submitted separately to the Planning Division.
 - c. 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.
 - d. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet if in public view. 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.
 - e. Landscape plans shall include any above ground utility facilities (i.e., backflow preventers, telecom boxes, electrical transformers, etc.) and propose adequate landscape screening to conceal the facilities from public view.
 - f. 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.
 - g. 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).

- h. 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. The perimeter block wall shall include a minimum of seven (7) pilasters, equally spaced along E. Mission Road, and a minimum of seven (7) pilasters on the east side of the property, adjacent to the commercial center. All perimeter block walls shall be constructed of multicolored block (i.e., Orco Wheat, Tan, and Nufad) and shall contain a graffiti-resistant coating. The E. Mission Road block wall shall integrate landscaping (i.e., climbing vines, shrubs, etc.) on the exterior side of the wall. The eastern ornamental iron easement access gate shall be redesigned to be opaque, providing a similar level of privacy as the adjacent block wall. The redesign of the access gate shall be subject to the approval of the Planning Division Manager.
 - i. The “dog area” identified as a recreational amenity shall include a pet waste disposal station that at a minimum contains: (1) a sign requiring pets to remain “on leash” and owners to remove pet waste, (2) a pet waste collection bag dispenser, and (3) a waste receptacle.
 - j. 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.
 - k. 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.
20. All exposed 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.
21. The use of a rock crusher(s) on site shall require approval of a Conditional Use Permit (CUP) prior to issuance of grading permit.
22. The applicant/developer shall comply with the following conditions regarding cultural resources:

- a. Prior to the issuance of a Grading Permit, or ground disturbing activities, the applicant/developer shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the applicant/developer and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.
- b. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.
- c. Prior to the issuance of a Grading Permit or ground-disturbing activities, the applicant/developer or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the applicant/developer or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- d. Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the

archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

- e. The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.
- f. The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The applicant/developer or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.
- g. The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the

drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

- h. As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction 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. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains 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 discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By 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, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.
- 23. Prior to grading the site or causing any impact to the site, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15th to August 31st to prevent potential impacts to nesting

of any migratory, songbirds, or raptors. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a buffer of appropriate size as determined by a qualified biologist based on site conditions and type of work to be conducted. The nest and surrounding buffer area shall be avoided until the nesting cycle is complete.

24. The applicant/developer shall pay an affordable housing in-lieu fee or enter into a regulatory agreement and Owner Participation Agreement (OPA), approved by the City Manager, for the affordable housing units. The agreement shall include, but is not limited to, term of restriction, monitoring requirements, occupancy and income restrictions, management control, and Conditions, Covenants, and Restrictions considered by the City to ensure compliance with the City's Housing Element of the General Plan.

Building Division

25. 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.
26. 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.
27. The applicant/developer shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site.

Fire Department

28. The installation of one (1) bronze industrial fire hydrant on Driveway A, or in an alternative location and/or quantity as determined necessary by the Fire Marshal, shall be required. The minimum fire flow shall be 1,500 gallons per minute (GPM) measured at twenty (20) pounds per square inch (PSI) residual pressure. Industrial fire hydrants shall have two 4-inch ports and One 2.5-inch port. Installation of the hydrant shall be consistent with local Water District specifications. Hydrant type shall be Jones or Clow. All hydrants shall be color coded per National Fire Protection Associate (NFPA) 291. Maximum spacing from one hydrant to another cannot exceed 300 feet from another.

29. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty-four (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 a minimum width of 16 feet (curb line to curb line).
 30. 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.
 31. 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.
 32. 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.
- D. 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 to building permit issuance.
2. 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.
3. All public improvements are required at the time of subdivision and/or development and 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.

4. The Land Development Division approved precise grading plans shall be attached to the building plans.
5. All grading shall be supervised 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 certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the Public Works Inspector. The certificate 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. The project elevations, as identified on the architectural plans (Exhibit C), are generally acceptable; however, as part of the Building Permit review, the Planning Division will provide final architectural review and approval. Typical features associated with the architectural style shall be represented on all sides of the building. In addition, each architectural style shall have additional enhancements on the front building elevation. The proposed residential buildings shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include color/material swatches/samples for the proposed residential buildings.
9. 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.
10. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
11. 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.
12. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units. A final noise assessment is required for the interior of the residential units since noise levels at the building

facades are above 60 dBA CNEL. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces). The noise assessment shall be submitted to the Planning Division Manager.

13. 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.
14. All rooftop mechanical units, vents, ducts, etc. (not including solar systems) 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.
15. Rain gutter downspouts shall be required and internal or architecturally screened from view where feasible as determined by the Planning Division.
16. Garage doors shall include at least one (1) pane of glass that is transparent (i.e., not opaque) in a height conducive to allow a property manager to conduct a visual inspection of the interior of the garage from outside the unit.
17. Garages shall have a minimum interior dimension of twenty (20) by twenty (20) for vehicle parking ("vehicle parking area"). Interior vehicle parking areas shall be clear of any overhead obstructions and shall not be utilized for storage space, including but not limited to, trash receptacles.
18. 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.
19. The project proposes the use of individual trash containers for each unit. Should a trash enclosure be proposed instead, it shall have minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high for trash and recycling containers shall be constructed to match the main buildings in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation. Trash enclosures shall be

architecturally compatible with the proposed buildings.

20. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.
21. The applicant/developer shall submit an outdoor furniture manual with photographs and specifications of benches, picnic tables, barbeques, trash receptacles, etc. Manual shall include a site plan showing locations of the outdoor furniture. The applicant/developer shall be responsible for the installation of outdoor furniture.

Building Division

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. The project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility

standards.

29. 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.
30. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance.
31. 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.
32. 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.
33. 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.
34. 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.
35. A phasing plan shall be submitted to the 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.
36. 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.
37. The outer boundary of schools (grades K through 12) as listed in the current California Private School Directory shall comply with Education Code Section 33190 relating to the location of a school facility within 1,000 feet of businesses that are regulated for the storage, use and handling of hazardous materials as defined by the California Health and Safety Code.

Fire Department

38. 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.
 39. The project shall include an automatic fire extinguishing system in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
 40. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
 41. Access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building.
 42. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
 43. Gate(s) on the east (commercial center) side of property shall be equipped with an appropriate Knox entry system (i.e., box, padlock, key switch, etc.) to allow emergency access, to the satisfaction of the Fire Marshal.
- E. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

Public Works Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Public Works 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 Public Works Inspectors at a minimum monthly basis throughout the life of the project.

Land Development Division

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 Public Works 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 Public Works 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 test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough (i.e., 4 feet by 4 feet) to be representative of the finished color scheme and exposed to direct sunlight. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Manager. The applicant/developer shall be responsible to contact the Planning Division for inspection.

Building Division

13. 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.
14. 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.
15. 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.
16. The demolition of buildings shall not commence until the proper testing of asbestos, lead paint, and hazardous materials has been performed and the abatement of the hazardous materials has been completed. The recycling of materials shall comply with state law and all utilities shall be disconnected and safely abandoned.
17. 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.
18. 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

19. 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 the weight of fire apparatus (75,000 lbs.).

- F. 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. An encroachment permit to the satisfaction of the City Engineer shall be recorded for any private improvements with the street right of way.
4. 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.
5. 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.
6. 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.
7. 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).
8. 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

9. 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.
10. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
11. Common landscape areas shall not be transferred over to the responsibility of the HOA until inspected and approved by the City.
12. 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.
13. 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.
14. 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

15. 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

16. 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).
17. 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.

G. 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.
3. All perimeter block walls shall be maintained in a state of "good repair" and free of any graffiti. Any changes to wall perimeter walls and/or perimeter wall landscaping shall require approval of the City's Planning Division Manager.
4. Metal swing gate on east side of the property, over the water/sewer easement, shall be kept closed, secured, and well maintained at all times.
5. Approved Parking Management Plan (PMP) shall be implemented and enforced by the Homeowner's Association (HOA) at all times. Any changes to the PMP shall require approval of the City's Planning Division Manager.