

RESOLUTION PC 25-5157

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SITE DEVELOPMENT PLAN FOR A MIXED-USE DEVELOPMENT WITH 165 RESIDENTIAL UNITS, INCLUDING 15% ONSITE AFFORDABLE UNITS, AND 5,600 SQUARE FEET OF COMMERCIAL AREA IN THE SPECIFIC PLAN AREA (SPA) ZONE

SDP 23-0003

Avenue Development Partners, LLC.

WHEREAS, on June 15, 2023, the City received an application from Avenue Development Partners, LLC. requesting a Site Development Plan to allow the construction of a five-story mixed-use development with 165 residential units, including 15% onsite affordable units, and 5,600 square feet of commercial area on a 2.44-acre site located on the north side of Armorlite Drive, approximately 180 feet east of Las Posas Road, in the Business/Industrial District, more particularly described as:

Brief Legal Description: Lot B in the City of San Marcos, County of San Diego, State of California, according to Parcel Map Thereof No. 21967, filed in the Office of the County Recorder of San Diego County, September 15, 2022.

Assessor's Parcel Number(s): 219-162-62-00; and

WHEREAS, the Site Development Plan is being requested in conjunction with a General Plan Amendment (GPA23-0002) to change the General Plan land use designation of the project site from Public Institutional (PI) to Specific Plan Area (SPA), a Rezone (R23-0001) to change the zoning of the project site from Public Institutional (P-I) to Specific Plan Area (SPA), a Specific Plan (SP23-0001) adopting the Armorlite Specific Plan, and a Conditional Use Permit (CUP23-0002) allowing the temporary use of a rock crusher during the construction of the site; and

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

WHEREAS, on February 15, 2024, the City held a joint public workshop-CEQA Scoping meeting to provide an informational overview of the proposed project to the general public per the Notice of Preparation (NOP) and in accordance with CEQA Section. 15083; and

WHEREAS, on May 19, 2025, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider a/an Environmental Impact Report (EIR) 24-003 (SCH No. 2024020372) for said request pursuant to the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends to the City Council approval of this Site Development Plan per the submitted architectural plans date stamped November 30, 2023 and Civil Plans dated November 14, 2024 (165 residential unit mixed-use building with 5,600 square feet of commercial on a 2.44-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 Site Development Plan is recommended to the City Council for approval in conjunction with the submitted General Plan Amendment (GPA23-0002), Rezone (R23-0001), Specific Plan (SP23-0001), and Conditional Use Permit (CUP23-0002) and all conditions of approval specified in Resolution Numbers PC 25-5160, PC 25-5161, PC 25-5159, and PC 25-5158 respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (EIR) 24-003 (SCH No. 2024020372), Resolution No. PC 25-5162, 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 Planning Commission's decision is based on the following findings and determinations:
  1. The Site Development Plan conforms with the City's General Plan, Armorlite Lofts Specific Plan, and all provisions of the San Marcos Municipal Code (SMMC) in that that the project implements the Armorlite Specific Plan. The project is compatible with the objectives, policies, general land uses, and programs specified in the Armorlite Lofts Specific Plan, in that the proposed project will provide 165 residential units with 15% reserved for onsite affordable units, and 5,600 square feet of commercial floor area, with required parking, private open space/recreational amenities, which provides a balanced distribution and compatibility of land uses. In addition, General Plan Consistency Findings are provided within the Armorlite Lofts Specific Plan.
  2. As feasible, the Site Development Plan preserves mature trees and will not unnecessarily remove trees and natural vegetation in that the site is generally void of trees, however the new plan will plant 80 trees of varying species and sizes. Any trees removed on-site will be replaced at a ratio which will exceed the required 1:1

ratio and the planting of trees will be 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. Additionally, existing specimens of white sage scrub onsite will be transplanted onsite to preserve vegetation native to the site.

3. The project site is generally devoid of any natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting.
4. The 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 building will be placed on the east side of the project site, adjacent to existing residential development. The project site will be buffered from commercial and telecommunication utility facilities on the west by block walls, landscaped planters, and onsite parking areas.
5. The 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 project develops one of the last remaining vacant lots in the vicinity with a structure, mixed-use land uses, multi-family rental opportunities, and landscaping consistent to existing development.
6. The 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 the project will incorporate landscaping and trees where currently none exist. The project provides multiple outdoor areas for passive and active recreation. Furthermore, the mixed-use ground floor commercial space on Armorlite Drive will provide further street activation to encourage pedestrian and cycling activity to and from the site.
7. To the maximum extent feasible, the Site Development Plan includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the California Building Code, Zoning Ordinance or other sections of the SMMC that exist on the site in that the site is currently vacant and all trash, storage, and utility equipment will be screened from view and no code violations are known to the City to exist on the project site.
8. The design and location of architecture and signs are consistent with the character and scale of the buildings to which they were attached or that are located on the same site, the signs are visually harmonious with surrounding development, and

there are no illegal signs on the site in that a comprehensive sign program is required and any building signage will require the approval of a building permit to confirm conformance with the Armorlite Lofts Specific Plan, the approved Comprehensive Sign Program, and any applicable sign provisions of the San Marcos Municipal Code.

9. The 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 driveway on Armorlite Drive provides the primary access and additional emergency access is provided by an access easement on the Pacific Bell Telephone Company property (APN: 219-162-61-00), and adequate internal driveways consistent with San Marcos Fire Department circulation requirements; on-site storm water facilities are designed consistent with City requirements; and water and sewer connections are in compliance with Vallecitos Water District requirements; and existing complete street improvements along the project's Armorlite Drive frontage will not be impacted by the project.
  10. The 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 the project provides adequate parking for residents and visitors, private usable open space is provided for each unit, and shared common open space amenities are provided on the site consisting of tot lots, seating areas, barbeque area, courtyards, dog parks, and indoor lounge areas, and a pool and spa.
  11. All requirements of CEQA have been met, in that an Environmental Impact Report (EIR) 24-003 (SCH No. 2024020372) 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 General Plan Amendment is within the scope of the Environmental Impact Report (EIR) 24-003 (SCH No. 2024020372) and the mitigation monitoring and reporting program, and both are hereby recommended to the City Council for certification pursuant to CEQA.
- F. Within thirty (30) days of the approval of the Site Development Plan (SDP) 23-0003, 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. 2025-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 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 as authorized by the Armorlite Lofts 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, or 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 Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 19th day of May, 2025, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Fatima Rios Perez, Chairperson

ATTEST:

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Gina Jackson, Senior Office Specialist

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

EXHIBIT A  
RESOLUTION NO. PC 25-5157  
SDP 23-0003  
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 (EIR 24-003 / SCH No. 2024020372) 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. 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 so long as such requirements are not inconsistent with the Caltrans Highway Design manual.
3. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities, bonds 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.
4. The applicant/developer shall obtain a Right of Entry and/or License Permit from the North County Transit District (NCTD), if determined applicable by the NCTD. The applicant/developer may also be required to install traffic and safety improvements as identified by NCTD.
5. 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, but not be limited to:
  - i. The relocation of approximately 12 existing Silva Cell facilities on Armorlite Drive to facilitate the installation of the project driveway.
  - ii. New public storm drain within Armorlite Drive to capture and convey mitigated project runoff.
  - iii. The scope of the improvement plan shall include the offsite water and sewer improvements noted in the project Water and Sewer Study unless otherwise noted by Vallecitos Water District.
  - iv. The improvement plan shall be submitted for second plan check prior to approval of the grading permit.
6. An Encroachment, Maintenance and Removal Agreement shall be processed and recorded against the property for the private storm drain connections to public facilities within the right-of-way on Armorlite Drive.
7. 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 grading permit issuance.

8. 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 City Director of Public Works.
9. 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.
10. 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.
11. 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, Special Improvement Area.
  - c. CFD 2001-01: Fire and Paramedic.
  - d. 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. The project may also annex into an existing Special Improvement Area if deemed appropriate by the City. 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.

12. 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, storm drain facilities, water quality best management practices (BMP), 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 Development Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash. The City shall reimburse the applicant/developer any cash security paid following the City's formal acceptance of the improvements and the City Engineer's approval of the project as-built plans, which will not be unreasonably denied, withheld or conditioned.
13. 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.
14. 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.
15. In the instance construction activities or graded slopes cross property lines, the applicant/developer shall secure letters of permission from adjacent property owners for which property lines are crossed by the aforementioned activities. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
  - i. The existing trash enclosure located on APN 219-162-61 shall be relocated as shown on the project plans to facilitate adequate emergency access to the project parcel. The design of the reconstructed trash enclosure shall conform to the City's current BMP Design Manual.
16. Erosion control and/or sediment control details shall be submitted with/on the

grading plans to the City 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.

17. 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 site and all surface waters that may flow onto the project site 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).
18. The applicant/developer shall be responsible for mitigating impacts created by the project's changes to 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.
19. The applicant/developer shall execute a "Hold Harmless Agreement" with the City regarding drainage across the project site.
20. 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.
21. 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.
22. Proof of coverage under the State of California's General Construction Permit (NPDES) 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.
23. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.

Planning Division

24. 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 on-site (private) landscape areas and the off-site (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. 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.
  - f. All permanent BMPs as identified on 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 SWQMP.

- g. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
- 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. Perimeter walls and fences shall be a textured solid block (north and west sides) and tubular steel on the east side, incorporating decorative pilasters spaced no more than sixty (60) feet apart. On the east side, the project shall include a textured solid block, or equivalent view obscuring wall-type wall contiguous with the AT&T telecom facility at 225 Las Posas Road in the city of San Marcos (APN: 219-162-61-00 or Parcel A of Parcel Map 21967).
- i. The applicant shall ensure that development landscaping habitat does not include exotic plant species that may be invasive to native habitats in the region. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's "Invasive Plant Inventory" List. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides. (MM-BIO-2b).
- j. A passive open space area, approximately 20 by 30 feet in size, shall be provided in the northeast corner of the project site. This area shall be landscaped with native plant species, including the transplantation of existing white sage (*Salvia apiana*) specimens recovered from the project site prior to grading. If transplanting white sage specimens from onsite locations is determined to be infeasible, the applicant shall incorporate other locally sourced white sage specimens into the landscape design for this area and other onsite locations, in compliance with Condition of Approval B(27)(h) (Native Vegetation).

With the Landscape Permit application, the applicant/developer shall submit a Transplant Plan prepared by the qualified professional botanist. The plan shall:

- i. Identify onsite specimens designated for transplant,
  - ii. Specify interim care measures during construction, including temporary relocation sites, and
  - iii. Provide detailed instructions for replanting in final locations.
- 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.

25. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block, per the final approved landscape plans. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
26. If a rock crusher(s) is used during grading operations, the applicant/developer shall comply with all conditions of approval of Conditional Use Permit (CUP 23-0002), Resolution No. PC 25-5158.
27. The applicant/developer shall comply with the following conditions regarding cultural resources:
  - a. Archaeological 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 a Qualified Archaeologist has been retained at the Applicant/Owner or Grading Contractor's expense to monitor ground disturbing activities associated with project construction.

The Qualified Archaeologist 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 Qualified Archaeologist 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. In areas of artificial paving, the Qualified Archaeologist shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than (6) six inches below the original pre-project ground surface to identify any evidence of potential archaeological 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 archaeological resources by the Qualified Archaeologist.

The Qualified Archaeologist shall maintain ongoing collaborative

coordination with the Native American monitor(s) (mitigation measures MM-TCR-1) 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, preferably through e-mail, of the start and end of all ground disturbing activities.

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Director for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to consulting Tribes. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City. (MM-CR-1a)

- b. Unanticipated Discovery Procedures: The Qualified Archaeologist may temporarily halt or divert ground disturbing activities if previously unknown archaeological 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 associated with Native American culture, it will be considered a tribal cultural resource and subject to MM-TCR-4 and -5. 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 (subject to mitigation measures MM-TCR-4 and MM-TCR-5) 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. (MM-CR-1b)

- c. 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 Section 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 (2) business days of being notified if the remains are subject to their authority. If the Medical Examiner recognizes the remains to be Native American, and not under their jurisdiction, then they 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, (6) 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 Section 5097.94(k)). (MM-CR-2)

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

- a. Monitoring (Pre-Excavation) Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall extend the invitation to enter into a Monitoring Agreement with the Rincon Band of Luiseño Indians and the San Luis Rey Band of Luiseño Indians (Tribes). The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Tribes 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. In the event that either or both tribes choose not to enter into an agreement or fail 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.

Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the Tribal 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 Tribes 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. Additionally, all non-tribal artifacts collected by the archaeologist shall also be subject to curation. (MM-TCR-1)

- b. Controlled Grading: The area illustrated on the confidential exhibit attached to the grading plans shall be subject to controlled grading. Under the observation of a tribal monitor and qualified archaeologist, the contractor shall use either a small piece of equipment or observe the removal of soil by a backhoe equipped with a flat-edge bucket to excavate soil using shallow cuts made in approximately one-foot lifts. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area and random samples may be screened to ensure adequate detection of any cultural materials that may be present. In the event that cultural materials or human remains are exposed, the procedures for unanticipated discoveries in mitigation measure TCR-4 shall apply. Controlled grading shall continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits, or when restrictive layers or non-cultural formational soils are encountered that predate any human occupation of this location, as determined by the qualified professional archaeologist, in consultation with the tribal monitor. Once the identified depth has been reached, the controlled grading process will be terminated and mass grading may proceed, subject to review and approval by the City. (MM-TCR-2)
- 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 (1) one monitor from the Rincon Band of Luiseño Indians and (1) one monitor from the San Luis Rey Band of Luiseño 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.

Native American monitors 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 Native American monitors 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 Native American monitors 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 Native American monitors.

The Qualified Archaeologist (mitigation measure MM-CR-1a) and Native American monitors 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 Tribes, preferably through e-mail, of the start and end of all ground disturbing activities. (MM-TCR-3)

- d. Unanticipated Discovery Procedures: 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 associated with Native American culture, it will be subject to mitigation measure MM-CR-1b. 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 (subject to mitigation measure MM-CR-1b), then the Qualified Archaeologist, Tribes, 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 Tribe and the Native American monitor, then the City and the 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 (as defined by the California Environmental Quality Act [CEQA]), then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The 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 Native American monitor. Any testing, taking of photos or 3D prints are prohibited, unless all monitoring tribes give prior written approval. (MM-TCR-4)

- e. 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. The procedures in mitigation measure MM-CR-2 shall apply. (MM-TCR-5)
- f. Reburial: Prior to the approval of grading plans, the Applicant/Owner 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 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. (MM-TCR-6)
- g. Access Agreement and Management Plan: Prior to the issuance of a Certificate of Occupancy, the Applicant/Owner 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 (1) 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. Management of the reburial area is to include the development of a revegetation plan in consultation with the consulting tribes, including notification process for proposed maintenance of the reburial area. (MM-TCR-7)

- h. Native Vegetation: Prior to clearing and grubbing of vegetation in the project area, a qualified professional botanist shall flag the presence of white sage for transplanting into the landscaping or offsite. In the event that transplanting is determined infeasible by the botanist, in their professional judgement, the Applicant/Owner shall ensure that native white sage is included in the landscaping plan for the project. (MM-TCR-8)
- i. Land Acknowledgement Statement: The project applicant shall develop and post a Land Acknowledgement Statement inside a common area of the development. The statement shall be developed in coordination with Tribes and address the acknowledgement that the project is on the ancestral lands of culturally affiliated tribes that have been the original and ongoing stewards of the land. In the event that consulting tribes do 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. The location of the Land Acknowledgement Statement shall be noted on elevation and/or plan view drawings for the common area of the development. (MM-TCR-9)
- j. Project-Specific Ethnographic Synthesis: The Applicant/Owner 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/Owner 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 the field studies, the Applicant/Owner 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. (MM-TCR-10)

29. Breeding Season Avoidance. To the extent feasible, the applicant/developer shall only remove vegetation from the project impact footprint between September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project shall occur September 1 through February 14 to avoid the breeding season. If project construction must occur during the breeding season, mitigation measure MM-BIO-1b shall be implemented. (MM-BIO-1a)
30. Nesting Survey(s). Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside of the nesting season for these species (February 15 through August 31, annually). If construction occurs during the nesting season, pre-construction nesting bird surveys must be conducted within 72 hours of construction-related activities. If nesting birds are detected by the biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance) in conjunction with consultation with the City of San Marcos. If construction must take place within the recommended buffer widths above, the project applicant shall contact the City of San Marcos and wildlife agencies (United States Fish and Wildlife Service [USFWS] and California Department of Fish and Wildlife [CDFW]) to determine the appropriate buffer.

Additionally, take of a state candidate species is prohibited under the California Endangered Special Act (CESA). While Crotch's bumble bee has low potential to occur on site, the pre-construction surveys for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee

are located within the construction area. The pre-construction survey shall include focused surveys, which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version of such guidelines at the time of construction.

The surveys shall be performed by a biologist with expertise in surveying for bumble bees and include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two (2) to four (4) weeks apart. Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling), and surveyors shall wait at least one (1) hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to five (5) minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five (5) minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one (1) time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

If Crotch's bumble bee nests are not detected, no further mitigation is required. The

mere presence of foraging Crotch's bumble bees shall not require implementation of additional mitigation measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the project construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest because the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report shall be submitted to the City Planning Division Director within 30 days of the last survey pass. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.

If Crotch's bumble bee is detected within the project site, the project applicant/developer shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document. (MM-BIO-1b)

31. 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 a Qualified Biologist has been retained at the Applicant/Owner or Grading Contractor's expense to be on site per the discretion of the City during initial clearing/grubbing and during grading to ensure compliance with all provisions of condition of approval D(11).
32. The permanent loss of 2.13 acres of Diegan Coastal Sage Scrub will be mitigated at a minimum 1:1 ratio and the permanent loss of 0.12 acres of non-native grassland will be mitigated at a minimum 0.5:1 ratio. The amount of mitigation acreage required for non-native grassland may be reduced if up-tiered (i.e., coastal sage scrub) habitat is available for purchase. 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, and mitigation credits. Since on-site mitigation is not an option due to the project design, the impacted 2.13 acres of Diegan coastal sage scrub and 0.06 acres of non-native grassland will be mitigated 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's Planning Division Director and wildlife agencies prior to issuance of the grading permit. (MM-BIO-3)

33. The applicant/developer shall enter into a regulatory agreement and Owner Participation Agreement (OPA), approved by the City Manager, for the 17 affordable housing units proposed onsite in association with the requested density bonus. 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.
34. Grading plans shall include a note requiring that all heavy diesel construction equipment be rated Tier IV or better. The grading and general contractor(s) shall maintain records verifying that all construction equipment used on-site met this requirement and shall provide these records to the City upon occupancy.

#### Building Division

35. 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.
36. 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

37. 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 (1) single-family dwelling, access roads shall have minimum width of 16 feet (curb line to curb line).

38. 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.
  39. 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.
  40. 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 Department 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 approved precise grading plans shall be attached to the building plans.
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 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.
4. 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.

5. 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.
6. 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

7. Future tenant improvements for each building shall require review of the Planning Division for conformance with the Specific Plan or applicable zoning regulations concurrent with the 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 Armorlite Loft Specific Plan (SP23-0001) and or City's Off-Street Parking Ordinance (SMMC Ch. 20.340), whichever is applicable.
8. The location of the Land Acknowledgement Statement, developed in coordination with Tribes pursuant to MM-TCR-9, shall be noted on elevation and/or plan view drawings for the common area of the development.
9. The installation of electric heat pump water heaters is required. The use of natural gas water heaters is prohibited.
10. In-unit residential wood burning or natural gas fireplaces are prohibited.
11. The residential units with direct line-of-site to West Mission Road and Las Posas Road shall have enhanced balcony and patio shielding consisting of 3.5-foot barriers. The barriers shall be constructed of a non-gapping material consisting of masonry, ¼ inch thick glass, earthen berm, or any combination of these materials.
12. To ensure compliance with California Code of Regulations (CCR) Title 24, a final noise assessment is required prior to the issuance of the first building permit to identify the interior noise requirements based upon architectural and building plans. Interior noise levels of 45 dBA CNEL can be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g., air conditioning) and upgraded windows for all sensitive rooms (e.g., bedrooms and living spaces).
13. A minimum of 13 Level 2 Electric Vehicle (EV) charging stations, with 25 EV

capable and 62 EV ready parking spaces shall be provided in the community parking area or as otherwise required by the California Building Code (CBC), whichever is greater.

14. The installation of a rooftop solar photovoltaic system with a minimum capacity of 11.2 kW shall be required to serve the commercial ground floor area or as otherwise required by the CBC, whichever is greater.
15. 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.
16. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
17. 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.
18. Residential structures shall comply with the CBC regarding interior noise levels for residential dwelling units.
19. All tot lot recreational amenities and playground equipment shall comply with all Consumer Product Safety Commission and Americans with Disabilities Act (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.
20. The applicant/developer shall submit a comprehensive sign program to the Planning Division for review and approval. Following review and approval of the comprehensive sign program, all proposed signage requires approval of a separate sign permit.
21. 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.
22. Rain gutter downspouts shall be internal or architecturally screened from view where feasible as determined by the Planning Division.

23. 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.
24. The trash enclosure (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.
25. A Transportation Demand Management (TDM) Plan developed in accordance with SMMC Chapter 20.360 shall be submitted for review and approval by the City Engineer and Planning Division Manager.
26. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.
27. Any proposed outdoor seating for the ground floor commercial portion of the development shall require the approval of the Planning Division Director, and an Encroachment Agreement, if proposed within the public right-of-way. To obtain approval of outdoor furniture, the applicant/developer shall submit an outdoor furniture manual with photographs and specifications of benches, picnic tables, barbecues, trash receptacles, etc. The manual shall include a site plan showing locations of the outdoor furniture. The applicant/developer shall be responsible for the installation and maintenance of outdoor furniture.

#### Building Division

28. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the CBC, Part 2, Title 24, California Code of Regulations.
29. 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 of California Business and Professions Code.
30. 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 CBC at the time of project approval.

31. 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.
32. 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; 1-3/4 inch solid exterior doors; laminated safety glass; wide angle peep hole for exterior doors; and no louvered windows.
33. Project shall have a camera security system installed throughout the parking and other publicly accessible areas of the site.
34. 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 & Safety Code §§ 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.
35. The project shall comply with the latest Federal Law, A.D.A., and State Law, California Code of Regulations, Title 24, for accessibility standards.
36. 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.
37. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance.
38. 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. The City adopted new development fees effective March 3, 2025. Because this project was submitted on June 15, 2023, prior to the adoption of the new fees, it is eligible for a transition period that allows payment of the Public Facilities Fees in effect at the time of application submittal, subject to the criteria identified in City Council Resolution 2024-9388.

39. 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 or other evidence demonstrating payment of all required school fees, to the satisfaction of the Building Official prior to the issuance of the first building permit from the City.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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

45. 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.
46. The project shall include an automatic fire extinguishing system in accordance with the latest adopted CBC, 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.

47. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
  48. 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.
  49. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
  50. Any gate(s) restricting primary or secondary vehicular access to the site 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. Access gate shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
  51. The proposed development is subject to the requirements of the City Fire Code Mid-Rise Ordinance (SMMC Section 17.64.210).
  52. Building plans shall indicate where elevators are installed, and shall meet the following conditions of California Fire Code (CFC) Section 607 and CBC Chapter 30 which comply with the following:
    - a. At least one (1) elevator that extends to the top floor of a structure shall accommodate the loading and transport of an ambulance gurney or stretcher (maximum size 24 inches by 76 inches) in the horizontal position.
    - b. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch ambulance gurney or stretcher in the horizontal, open position, shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.
    - c. A minimum of four (4) keys shall be provided for Fire Department use.
- 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.

#### 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 City 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 City 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 and SWPPP. Violations of the City's Storm Water Management Ordinance (SMMC Ch. 14.15) 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. The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential environmental impacts due to project implementation:

- a. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.
  - b. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the project site.
  - c. To avoid attracting predators, the project site shall be kept clean of debris. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
  - d. Pets of construction project personnel shall not be allowed on the project site. (MM-BIO-2a)
11. A qualified biologist shall be on site per the discretion of the City during initial clearing/grubbing and during grading to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of potential biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that any issues are appropriately and lawfully managed.

The qualified biological monitor shall also be responsible for the following duties:

  - a. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
  - b. Halt work, if necessary, and confer with the USFWS, CDFW and City of San Marcos to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence.
  - c. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions were achieved. (MM-BIO-2c)
12. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
13. The project shall comply with Regional Air Quality Standards.

14. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough 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 Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.
15. Prior to issuance of a blasting permit, the project applicant or contractor shall provide the final location of the construction equipment, topography, and construction schedule to the Planning Division. If the rock drill is shown to be located within 160 feet from a sensitive land use's property line, an acoustical engineer shall prepare a noise assessment to determine whether noise levels in excess of the 75 dBA standard would occur during construction.

If the rock drilling and blasting noise assessment determines noise levels at the affected property lines would exceed 75 dBA, the acoustical engineer shall develop a mitigation plan to ensure during rock drilling and blasting would be below 75 dBA at the property line. Potential measures to reduce drilling and blasting noise levels could include: 1) construction of a temporary noise barrier of solid non-gaping material ranging from 8 to 12 feet in height along any property line where the impacts could occur; 2) limits on usage of the equipment (amount of time used and/or the location in respect to the property line) or other measures to ensure the levels would be below 75 dBA. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.' (MM-N-1)

#### Building Division

16. The applicant/developer shall obtain the required Occupational Safety and Health Administration (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.
17. Water wells shall be reconstructed or abated in strict compliance with SMMC Sections 8.44.130 through 8.44.170 and the California Water Code and Health and Safety Code Section 24400. Water well permits are issued by County of San Diego Environment Health Department.
18. 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 San Diego County Air Pollution Control District's standards including but not limited to Rule 55 (Fugitive Dust), for

mitigating fugitive dust during all phases of construction.

19. 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.
20. 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.
21. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans and the SWPPP. 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

22. 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.).
23. Compliance with SMMC Section 17.60.060 (Blasting Operations Procedures) and any other applicable provisions of CUP 23-0002. Blasting activities would be limited as follows:
  - a. Blasts would be limited to once per day;
  - b. Blasts are limited to six tons of ammonium nitrate for any given blast operation; and
  - c. The blast area would be limited to 20,000 square feet (100-foot x 200-foot area).

- 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 (to the extent required) 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, if not required sooner.
3. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the City Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a CFD, and will be subject to special taxes for public facilities and/or services.
4. Redline As-Built drawings shall be submitted to the City 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 Engineering 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 City Land Development Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City 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 Director.
9. All privately maintained landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner, prior to the first occupancy.
10. Common landscape areas shall not be transferred over to the responsibility of the homeowners association (HOA), if one is established, until inspected and approved by the City.
11. All CFD landscaping shall be installed, inspected, and approved by the Public Works Department. Landscaping shall be established and flourishing in a healthy manner, prior to the first occupancy.
12. Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the applicant/developer or HOA for a minimum period of two (2) years, which may be extended at the sole discretion of the City, until such time as accepted by the City. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is well established and thriving prior to the City accepting maintenance responsibilities. As a condition to begin this period, the applicant/developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance contract amount.
13. 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 Stormwater Quality Management Plan, respectively.
14. 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.
15. 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 San Diego County Recorder's Office prior to building occupancy.

#### Building Division

16. 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

17. Prior to the first occupancy, the secondary access from the project site through APN: 219-162-61-00 (Parcel A of Parcel Map 21967) to Las Posas Road shall be improved to provide a fully unobstructed 24-foot-wide drive aisle with operational swing gates, to the satisfaction of the Fire Marshal.
18. 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.)
19. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
20. 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 project 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. The applicant/owner or its successor-in-interest and the Transportation Demand Management (TDM) coordinator are responsible for implementation, monitoring, and reporting of their project's TDM Plan which is binding on the applicant and their successors for the life of the project.

- a. The project applicant/their successor or TDM coordinator shall submit their TDM Plan's Monitoring and Compliance Reports to the City during the first five years of the project's operations with relevant data and reports to document compliance with the project's TDM Plan. The initial/first report is due to the City after one year of issuance of final Certificate of Occupancy. After the initial report, monitoring reports are required to be submitted to the City every other year. The reports may include results of surveys and mode choices by project residents/employees to disclose if mode share goals are being met. The reports should list all the mandatory and optional strategies that are included in the TDM Plan and show implementation efforts undertaken by the applicant/successor/TDM coordinator. The report should also identify the participation rate by employees/residents for each strategy. If certain strategies are not able to achieve desired goals of reduction in vehicle trips, the report should identify what strategies the project will employ moving forward to achieve the goal of trips reduction.
  - b. If the City determines that a project's mode share goals are not being met and strategies included in the TDM Plan are deemed insufficient, the TDM coordinator shall work with the City to revise the project's TDM Plan to modify or replace strategies.
  - c. The applicant/owner is required to notify the City when administration and monitoring of the TDM Plan transfers to its successor-in-interest.
4. A minimum of 10 residential open parking spaces shall be made available for commercial use during daytime hours (between 9:00 am and 5:00 pm). Conversely, commercial parking spaces shall be made available for overnight residential use. These spaces shall be subject to time restrictions and enforcement measures, including towing, to ensure their availability for commercial tenants, as outlined in the Parking Management Plan.