



ATTACHMENT D

CITY COUNCIL RESOLUTION NO. 2024-9326

RESOLUTION NO. 2024-9326

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A TENTATIVE SUBDIVISION MAP TO CREATE TWO DEVELOPMENT PARCELS AND ONE OPEN SPACE PARCEL FROM MERGING FOUR EXISTING PARCELS AND ESTABLISH 228 RESIDENTIAL CONDOMINIUMS IN THE SPECIFIC PLAN AREA (SPA) ZONE

TSM24-0001
The Las Posas Owner LPV, LLC

WHEREAS, on January 2, 2024, the City received an application from The Las Posas Owner LPV, LLC requesting a Tentative Subdivision Map to create two development parcels and one open space parcel from merging four existing parcels and establish 228 residential condominiums in the Specific Plan Area (SPA) Zone on a 33.2-acre vacant site bounded by Pacific Street, La Mirada Drive, Las Posas Road, and Linda Vista Drive in the Business/Industrial District, more particularly described as:

Brief Legal Description: Lots 1, 2, 3 and 4 in Block 113 of Rancho Los Vallecitos De San Marcos, in the City of San Marcos, County of San Diego, State of California, according to the map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number(s): 219-222-01-00, 219-222-02-00, 219-222-03-00, 219-222-04-00; and

WHEREAS, the Tentative Subdivision Map is being requested in conjunction with a Specific Plan (SP22-0001) to establish rules and regulations for the development of up to 228 residential units on the project site; a General Plan Amendment (GPA21-0002) to allow for a change of land use designation from Industrial (I) to Specific Plan Area (SPA); a Rezone (R21-0002) to change the zone from Industrial (I) to Specific Plan Area (SPA); and a Multi-Family Site Development Plan (MFSDP24-0001) to allow the construction of 228 residential condominiums; and

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

WHEREAS, on June 21, 2022, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on June 17, 2024, the Planning Commission held a duly noticed public hearing in the manner prescribed by law and recommended approval of said request as well as the appropriate environmental document for said request to the City Council by a 6-0 vote, in favor; and

WHEREAS, the City Council held a public hearing on July 23, 2024 that was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council did review and consider an Environmental Impact Report (FEIR24-002/SCH No. 2022050650) for said request pursuant to the California Environmental Quality Act (CEQA).

WHEREAS, the City Council did consider said Tentative Subdivision Map and the recommendation by City staff, including but not limited to the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Department and Fire Protection District with respect thereto; and

WHEREAS, the applicant/developer proposes to file a Final Map of said subdivision.

NOW, THEREFORE, the City Council resolves as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. This Tentative Subdivision Map is within the scope of the Environmental Impact Report (FEIR24-002 / SCH No. 2022050650) and the mitigation monitoring and reporting program, and both are hereby recommended to the City Council for adoption pursuant to CEQA.
- C. The City Council approves this Tentative Subdivision Map pursuant to the City Subdivision Ordinance (SMMC Title 19), and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution, 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.
- D. This Tentative Subdivision Map is recommended to the City Council for approval in conjunction with the submitted General Plan Amendment (GPA21-0002), Rezone (R21-0002), Specific Plan (SP22-0001), and Multi-Family Site Development Plan (MFSDP24-0001); and all conditions of approval specified in Resolutions/Ordinances 2024-9324, 2024-1547, 2024-1548, and 2024-9325, respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR24-002/SCH No. 2022050650) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- E. The City Council's decision is based on the following findings and determinations:
 1. The conditions of approval in the attached Exhibit A, and the findings below are necessary to ensure that the subdivision and the improvements thereof will conform with all ordinances, plans, rules, standards, and improvements and design requirements of the City.
 2. The Tentative Subdivision Map is consistent with the goals, policies, and objectives of the City's adopted General Plan in that it creates one open space lot and a two-lot condominium map for 228 units to allow the development of residential condominiums in an area of the City designated for Specific Plan Area, and is compatible with the objectives, policies, general land uses, and programs specified

in the Pacific Specific Plan, in that the proposed residential project will provide residential units with required parking, private and public open space/recreational amenities, which provides a balanced distribution and compatibility of land uses. In addition, General Plan Consistency Findings are provided within the Pacific Specific Plan.

3. The design or improvement of the proposed subdivision is consistent with the City's adopted General Plan and Pacific Specific Plan in that the proposed residential project will be consistent with its adopted polices and standards, as well as will be compatible with the existing commercial and industrial development surrounding the site. This multi-family residential project is strategically located near State Route 78 and within close proximity to employment opportunities and/or goods and services to support the future residents. Furthermore, transit options such as a bus route is located along the project frontage which includes connection to the Palomar College Transit Center located approximately 1.25 miles from the project site.
4. The site is physically suitable for this type of development, in that the site has not been developed, is generally flat, and can accommodate the proposed 228 residential condominiums at a net density of 23.77 dwelling units per acre. The site is able to accommodate all units within three-story buildings and provide all required parking and associated amenities.
5. The design of this subdivision and improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that the project Environmental Impact Report (EIR24-002) has identified, analyzed and provides mitigation measures to reduce project impacts to less than significant.
6. The design of this subdivision and type of improvements is not likely to cause serious public health problems, in that the project Environmental Impact Report (EIR24-002) has identified, analyzed and provides mitigation measures to reduce project impacts to less than significant.
7. The design of this subdivision or the type of improvements will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.
9. The property is not subject to a Williamson Act contract, an open space easement, a conservation easement, or an agricultural conservation easement.
10. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling in the subdivision.

11. The City Council considered the effect of the development on the housing needs of the region and the balancing of those needs against the public service needs of residents and available fiscal and environmental resources.
 12. As a common interest development, prospective buyers will be provided the required notices and reports pursuant to applicable law.
 13. The City Council approves of an open space conservation easement, having received and considered the proposal to do so and based on the following findings:
 - a. That the preservation of the land as open space is consistent with the City's adopted General Plan; and
 - b. That the preservation of the land as open space is in the best interest of the state, county, and city and is important to the public for the enjoyment of scenic beauty, for the use of natural resources, or for recreation specifically because one or more of the following reasons exists:
 - i. That the land is essentially unimproved and if retained in its natural state is valuable as a wildlife preserve and the instrument contains appropriate covenants to that end.
 - ii. It is the public interest that the land be retained as open space because such land will add to the amenities of living in neighboring urbanized areas.
 - iii. The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end.
 - iv. The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.
 14. The Tentative Subdivision Map, as conditioned, is consistent with the Conservation Open Space Element of the City's adopted General Plan.
 15. All requirements of CEQA and the environmental protection provision of the City's Subdivision Ordinance (SMMC Title 19) have been met in that this Tentative Subdivision Map, as conditioned, will not have a significant effect on the environment, as reviewed and analyzed in the Environmental Impact Report (FEIR24-002 / SCH No. 2022050650) has been prepared for the proposed project, and all potential impacts related to air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources, will be mitigated to a level less than significant.
- F. The Tentative Subdivision Map complies with the requirements of the City's Subdivision Ordinance and the State's Subdivision Map Act.
- G. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of City Council approval. The Final Map, conforming to this conditionally

approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the State's Subdivision Map Act. It is the applicant/developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

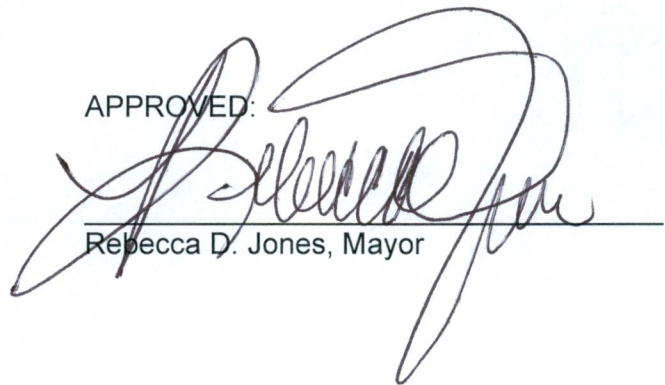
- H. Within thirty (30) days of the approval of the Tentative Subdivision Map (TSM24-0001) the approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this Resolution as the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution No. 2024-9326." 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 any Final Map, grading plan, improvement plan, or building permit.
- I. 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 Pacific 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.
- J. 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 boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.
- K. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- L. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall

include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 23rd day of July, 2024, by the following roll call vote:

AYES: COUNCILMEMBERS: JENKINS, MUSGROVE, SANNELLA, JONES
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NUÑEZ

APPROVED:



Rebecca D. Jones, Mayor

ATTEST:



Phillip Scollick, City Clerk

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A
RESOLUTION NO. 2024-9326
TSM24-0001
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 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 (FEIR24-002/SCH No. 2022050650) shall be implemented.

B. Prior to submittal of any Final Map, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The Final Map shall show the gross and net acreage of all lots created.
2. The Final Map shall use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system.

The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations from City's Survey Control Network Record of Survey 23731 or astronomic observations. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

3. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles, and shall not exceed more than ten (10) degrees from radial except as approved by the City Engineer.
- C. Prior to or concurrent with the recordation of a Final Map, unless otherwise noted, 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. Prior to Final Map approval or issuance of public improvement plans, whichever occurs first, the applicant/developer shall dedicate to the City public streets, utilities, and drainage facilities easements for Las Posas Road, Pacific Street, and Linda Vista Drive, emergency access easement, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
3. Lot 'A' as shown on the tentative map must be reserved for habitat conservation purposes on the Final Map.
4. Prior to the recordation of a Final Map (except maps for financing and conveyance purposes only), the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval.
5. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street Naming Committee.
6. Where proposed off-site improvements, including but not limited to streets, slopes, sidewalks, curb, gutter, bicycle facilities, landscape parkways, public utility facilities

and drainage facilities, are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required by the City. The applicant/developer shall provide recorded documents satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the Final Map.

If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to the filing of any Final Map for approval, in accordance with SMMC Section 19.16.110, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In all cases, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.

7. Direct access rights to all parcels abutting the proposed Linda Vista Drive shall be relinquished to the City on the Final Map.
8. The Final Map shall include a statement to indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a homeowners association (HOA).
9. The applicant/developer shall develop Covenants, Conditions and Restrictions (CC&Rs) for the proposed project to assure the continued maintenance and operation of all open space and common areas, recreational facilities, and private improvements.
 - a. At a minimum, the CC&Rs shall describe the property manager and/or HOA maintenance responsibilities, parking restrictions, fuel modification maintenance, dry and wet utilities, storm water quality Best Management Practices (BMPs), landscaping, shared access, parking, and drainage, City reporting responsibilities, and any regulatory agency permit responsibilities. The CC&Rs shall include an exhibit and/or written description depicting the HOA maintenance responsibilities.
 - b. The applicant/developer shall submit a draft copy of the CC&Rs for review and comment by the City. Final form of the CC&Rs shall be to the satisfaction of the City Attorney. A fully executed copy of the CC&Rs shall be provided to the City for recordation with the Final Map.
 - c. The CC&Rs shall include the provision that garages shall be utilized for the parking of vehicles, to be enforced by the HOA.
 - d. Maintenance of private open space areas and slopes shall be the responsibility of the HOA. All remaining open space lots, improvements and slopes that the City agrees to maintain must comply with City's criteria for maintenance for the Community Facility District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).

10. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Director prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.
11. For commercial or multifamily areas that share access, utilities, drainage, and/or parking, an unsubordinated reciprocal access, drainage, maintenance and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
12. Line of sight easements, if necessary, shall be dedicated on the Final Map and delineated on all improvement and 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.
13. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted to and approved by the City in accordance with SMMC Sections 19.16.070 and 19.16.080.
14. The applicant/developer shall submit improvement plans and appropriate construction notes to the City Engineer for approval. Plans shall include all off-site improvements as specified by the City Engineer including but not limited to:
 - a. Linda Vista Drive street improvements for sidewalk, curb, gutter, American with Disabilities Act (ADA) compliant pedestrian ramps, City-standard radius type driveways, Class II buffered and Class IV bicycle facility and ramps, landscape parkway, biofiltration basin and appurtenances, re-striping of travel lanes, street lights, irrigation meter, lines, and dedicated electrical source;
 - b. Storm drain pipe, inlets, and cleanouts in Linda Vista Drive must be designed and constructed for the 100-year storm event and tributary area of full-street right-of-way width of Linda Vista Drive between Pacific Street and Las Posas Road in addition to on-site private project runoff;
 - c. Pacific Street and Linda Vista Drive intersection improvements for a traffic signal, cabinets, loops, pedestals, push buttons, pull boxes, mast arms, and appurtenances, intersection restriping to provide one left-turn lane and one shared through-right-turn lane at all approaches, bicycle facilities, installation of continental crosswalks, and installation of ADA compliant curb ramps;

- d. Las Posas Road improvements for North County Transit District, transit stop amenities including bench, bus shelter, and trash can; landscape center median with irrigation lines;
 - e. La Mirada Drive street improvements for sidewalk, curb, gutter, Class IV bicycle facility and ramps, landscape parkway, and re-striping travel lanes;
 - f. Las Posas Road and Linda Vista Drive improvements include reconstruction of the southwest corner of the intersection to improve alignment; restriping the westbound approach to provide one right-turn lane, one through lane, and one left-turn lane; restriping the eastbound approach to provide one shared through-right-turn lane and one left-turn lane; continental crosswalks, ADA compliant curb ramps, and necessary traffic signal modifications for the installation of new vehicle detection loops; and
 - g. Signage and striping plan shall be included with the improvement plans utilizing Caltrans' standards.
15. The applicant/developer shall make a fair-share contribution (3.6 percent) towards the widening and restriping of the southbound approach to provide one right-turn lane, one through lane, and one left-turn lane at the Grand Avenue/Via Vera Cruz/SR 78 off ramps, satisfactory to the City Engineer.
16. Prior to the approval of public improvement plan for Linda Vista Drive, the developer/applicant shall provide in a form satisfactory to the City Attorney, an executed and recorded License, Encroachment Maintenance, and Removal Agreement for the private storm drain laterals and appurtenances in Linda Vista Drive. Said Agreement shall be filed with the San Diego County Recorder's Office.
17. The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City standards based on R-value tests. All private streets and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the Final Map.
18. 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 Engineer.
19. 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.
20. The applicant/developer shall design and install a fiber optic traffic signal

interconnect system linking all traffic signals on Linda Vista Drive between Rancho Santa Fe Road and Los Posas Road. All pull boxes shall be designed and spaced per the City standards.

21. The applicant/developer shall pay an in-lieu fee for the development of a traffic signal timing plan for all new traffic signals or traffic signal modification(s). The fee shall cover 100% of the cost of the design and implementation of the plan including a 25% administration fee. All traffic count data for the development of traffic signal plans shall be current and provided to the City Engineer.
22. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.
23. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.
24. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines and with the exception of the existing overhead power and utilities along La Mirada Drive. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Director.
25. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
26. The applicant/developer may choose to pay an in-lieu fee rather than complete the undergrounding of the existing overhead utilities. The applicant/developer shall make an in-lieu payment based upon the linear feet of utilities to be deferred at the rate then in effect as established and published by the City Engineer.
27. 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.

28. A North County Transit District (NCTD) bus shelter and bus bench shall be designed on Las Posas Road as shown on the tentative map. The plans shall depict details such as the bench, bus shelter, solar lighting, and trash can. The design shall be approved by NCTD, the City Engineer, and the Planning Director.
29. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community Facilities Districts (CFD):
 - a. CFD 98-01: Improvement Area No. 1 (Police Only)
 - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01: Fire and Paramedic
 - d. CFD 2011-01: Congestion Management

A Special Improvement Area shall be formed with respect to CFD 98-02 or annex into an existing Special Improvement Area for the ongoing maintenance services provided by the City for improvements being installed above and beyond the City standards including but not limited to Class IV bicycle facilities and appurtenances, and biofiltration basin and appurtenances, installed by the applicant/developer as depicted on a Special Improvement Area exhibit, to be submitted by the applicant/developer after project approval. Such improvements include, but are not limited to, storm water treatment devices and enhanced landscaping features. No building permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the prepayment option laid out in each CFD formation document. 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.

30. 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: rough and precise grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMPs, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash.
- D. Prior to issuance of any grading permit, the applicant/developer shall comply with the

following conditions.

Land Development Division

1. 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.
2. 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.
3. If applicable, the applicant/developer shall secure letters of permission from adjacent property owners for all grading crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
4. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the Land Development Division for review and approval. The details shall conform to City standards, codes and ordinances, and San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Engineer and Planning Division Director.
5. A hydrology and hydraulic report, including calculations, shall be prepared for the project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the project's build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
6. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
7. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across the project site.

8. 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.
9. 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.
10. Proof of coverage under the State of California's General Construction Permit shall be provided to the Land Development Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
11. All construction and grading related Best Management Practices (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.
12. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
13. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.

Planning Division

14. 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 Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans (SWQMP).
 - g. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which is consistent with the development standards in the Pacific Specific Plan. The fencing plan shall include a detail of each proposed fence/wall type and shall not include chain link fencing.
 - h. Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable. Landscape plans shall be reviewed and signed by the project biologist.
 - i. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
 - j. 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.
 - k. All CFD landscaping/irrigation shall be inspected and approved by the Public Works Landscape Inspector for installation in accordance with the approved CFD landscape plans. The applicant/developer shall be responsible to contact the Public Works Department for CFD landscaping inspections.
15. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face, similar textured block, or other architecturally compatible material/finish approved by the Planning Division. The applicant/developer shall submit a material

sample to the Planning Division for review and approval prior to issuance of any grading permits that include exposed retaining walls.

16. The applicant/developer shall comply with the following conditions regarding biological resources:

- a. MM-BIO-1 – Rare Plant Transplant Plan: Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant or Developer shall submit a rare plant transplant plan to the City and resource agencies (USFWS and CDFW) regarding transplanting and monitoring of special-status plants to be impacted by the project: San Diego button-celery, Orcutt's brodiaea, and thread leaved brodiaea. The transplant plan shall be approved by the City and resource agencies prior to implementation and prior to issuance of clearing, grubbing, other land disturbance, or grading permits related to the project. The transplant plan shall meet currently accepted standards for sensitive plant species translocation and include, at minimum, methods for plant salvage, seed/bulb/corm collection, transplantation, relocation, performance standards, and maintenance and monitoring to achieve establishment success. San Diego button-celery, Orcutt's brodiaea, and thread-leaved brodiaea to be impacted shall be translocated and/or replanted through propagation on-site as specified in the approved rare plant transplant plan. Resource Agencies may require the rare plant transplant plan also include off-site translocation or replanting at one of several candidate sites in the City having appropriate soils and habitat for these species. Contingency or remedial measures shall also be included in the approved transplant plan to ensure performance standards are achieved. Such measures may include supplemental seeding or transplantation of nursery grown plants, replacing dead plants, improving weed control, or other adaptive management techniques required by the resource agencies. Resource agency verification that transplant plan performance standards have been met is required for the completion of this measure. In addition to the transplant plan, a cost estimate to implement the plan shall be provided to and approved by the City and resource agencies. Prior to implementation, transplantation and monitoring in accordance with the rare plant transplant plan shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent permit-issuing resource agencies.

- b. MM-BIO-2 – Vernal Pools Mitigation Plan: Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant or Developer shall submit a Vernal Pool Mitigation Plan (VPMP) to the City and applicable permit-issuing resource agency (i.e. USFWS, USACE, RWQCB, and/or CDFW) describing vernal pool creation, expansion, and/or restoration, as well as maintenance and monitoring of such vernal pools. The VPMP shall be approved by the City and permit-issuing resource agency prior to implementation and prior to issuance of clearing, grubbing, other land disturbance, or grading permits related to the project. The proposed distribution of the vernal pool mitigation herein shall be on-site as

specified in the approved VPMP. The VPMP shall include, at minimum, creation and restoration methods, performance standards, maintenance and monitoring, and contingency measures if performance standards are not met. Agency sign-off, as applicable per the regulatory permit(s) issued for the project, shall be required for verification that VPMP criteria has been met and for completion of this measure. If impacts to vernal pools occupied by listed San Diego fairy shrimp cannot be fully avoided, prior to impacts, a consultation shall be completed with USFWS to obtain take authorization pursuant to the federal ESA and as described in mitigation measure BIO-3. Measures required by USFWS as a result of consultation shall be implemented, which may include preparation and implementation of a resource salvage plan and translocation of cysts by inoculation into suitable habitat within approved preserve areas or into created or restored habitat. Suitable habitat is located on-site within existing depressions (found not occupied) near existing vernal pools to be preserved on-site, all of which is located within the Vernal Pool Major Amendment Area in the City's Draft Subarea Plan. In addition to the VPMP, a cost estimate to implement the plan shall be provided to and approved by the City and pertinent resource agencies. Implementation and monitoring per VPMP plan shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent resource agencies.

- c. MM-BIO-3 – Listed Species Conservation Measures: Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant or Developer shall demonstrate to the City that consultation with USFWS for adverse effects to San Diego Fairy shrimp, thread leaved brodiaea, and San Diego button celery has occurred in accordance with Section 7 or Section 10 of the federal ESA, as applicable. Impacts to San Diego button celery and thread leaved brodiaea shall also require either a Section 2080.1 Consistency Determination or a Section 2081(b) Incidental Take Permit from CDFW, according to the federal action, or demonstrate to the City that none was required by CDFW. Impacts to habitat occupied by these listed species shall be compensated by the implementation of habitat-based mitigation via an HMMP and long-term conservation and management via a PMP (see mitigation measures MM-BIO-7a and MM-BIO-7b).
- d. MM-BIO-4 – Avoidance of Nesting Birds and Raptors: To prevent direct impacts to nesting birds, including raptors, protected under the federal MBTA and the CFGC, any project construction activities requiring the removal and/or trimming of vegetation suitable for nesting birds (including clearing, grubbing, trenching, grading, or any land disturbances) shall occur outside of the breeding season for general birds, including raptors (January 15 to September 15). The City may waive this condition, provided that the following additional avoidance measures are taken. If the construction activities cannot avoid the bird breeding season, a qualified biologist shall be retained to conduct a pre-construction nesting bird survey within 7 days prior to the activities to confirm the presence or absence of active bird nests. If no active bird nests are found by the qualified biologist, then the activities shall proceed with the reassurance that no violation to the MBTA and CFGC would occur. If an active bird nest is

found by the qualified biologist, then vegetation removal and/or trimming activities at the nest location and within 300 feet for passerine birds and 500 feet for raptors shall not be allowed to occur until the qualified biologist has determined that the nest is no longer active. Buffers may be reduced only at the discretion of the qualified biologist, depending on the bird species and construction/vegetation removal activities required in the vicinity of the active nest.

- e. MM-BIO-5 – Construction Work Limits Fencing: Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the Applicant or Developer shall demonstrate to the City that the approved grading boundaries and limits of work are presented on the Final Construction Drawings, including the limits of work fencing. To help ensure inadvertent/unauthorized impacts to environmentally sensitive areas outside of the approved limits of work footprint are avoided, temporary construction fencing (orange fencing or similar), including silt fencing as appropriate, shall be installed at the edges of the approved impact limits. This fencing shall be installed prior to construction and maintained for the duration of construction activity. Fencing shall be installed in a manner that does not impact sensitive species or habitats to be avoided. Prior to installation, a qualified biologist shall survey the fencing location to inspect that the fencing alignment is consistent with the Final Construction Drawings and to verify no special-status plant species occur within the fencing installation location. If special-status plants are detected, the fencing alignment shall be adjusted to avoid those plant individuals, or such plants shall be relocated into the project preserve areas to avoid their impact as a result of fence installation. Once the fencing is installed, the City and project biologist (see MM BIO-6) shall determine the need for additional inspections and monitoring activities throughout the duration of construction. If work occurs beyond the fenced or demarcated limits of impact, work in the affected areas shall cease until the problem has been remedied and mitigation identified satisfactory to the City and qualified biologist. All temporary construction fencing shall be removed upon completion of construction.
- f. MM-BIO-6 – Biological Construction Monitoring: Prior to any clearing, grubbing, or issuance of grading permits for the project site, the project Applicant or Developer shall demonstrate to the City that a qualified biologist has been retained to monitor construction activities, including monitoring of the temporary work/impact limits fencing installation (see MM-BIO-5), which clearly delineates the edge of the approved work limits and the edges of environmentally sensitive areas that occur beyond the approved limits. The qualified biologist shall conduct a preconstruction environmental training session for construction personnel to inform them of the sensitive biological resources in the local area and the avoidance measures in place to remain in compliance. The monitoring, at minimum, shall include inspection of construction work areas, including staging and storage areas, to confirm that activities are kept within the approved limits and that Best Management Practices are in place. The biologist shall regularly monitor construction activities throughout construction. If items of non-compliance are identified, the

biologist shall notify the on-site construction superintendent immediately to discuss and implement corrective actions. Issues of non-compliance that result in additional impacts to sensitive biological resources shall be documented and provided to the City within 72 hours of identification. Mitigation for unauthorized impacts shall adhere to the applicable measures in the Biological Resources Technical Report prepared for the project.

- g. MM-BIO-7a – Compensatory Mitigation for Impacts to Sensitive Natural Communities: Impacts to sensitive natural communities (e.g., Diegan coastal sage scrub, native grassland, non-native grassland, mixed grassland, and vernal pools) as a result of project implementation shall be mitigated per the following ratios. A 3:1 mitigation ratio shall be provided for impacts to vernal pools (minimum 1:1 creation/expansion), a 2:1 ratio for impacts to native grassland (including disturbed), a 1:1 ratio for Diegan coastal sage scrub (including disturbed and Baccharis dominated), a 0.5:1 ratio for impacts to mixed grassland (including disturbed), and a 0.5:1 ratio for impacts to non-native grassland. Mitigation shall not occur at levels below these ratios unless otherwise conditioned in permits or discretionary approvals issued by the City and/or applicable permit-issuing resource agency (USFWS, USACE, RWQCB, and/or CDFW). The mitigation to sensitive natural communities shall be implemented per MM-BIO-7b.
- h. MM-BIO-7b – Compensatory Mitigation for Permanent Impacts to Sensitive Natural Communities: Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the Applicant or Developer shall demonstrate to the satisfaction of the City, and applicable permit-issuing agency (i.e. USFWS, USACE, RWQCB, and/or CDFW) that compensatory mitigation for direct permanent impacts to sensitive natural communities (e.g., Diegan coastal sage scrub, native grassland, non-native grassland, mixed grassland, and vernal pools) has been adequately provided in accordance with the ratios described in mitigation measure MM-BIO-7a and secured through one or a combination of the following mechanisms:
 - i. Implementation of on-site and/or off-site habitat preservation, creation/expansion, restoration, and/or enhancement; or
 - ii. Purchase of off-site conservation credits from a conservation bank in the region (such as Brook Forest Mitigation Bank, Cleveland Corridor Conservation Bank, Heights of Pala Mesa Conservation Bank, Manchester Avenue Conservation Bank, Ramona Grasslands Conservation Bank, Red Mountain Conservation Bank, or another location deemed acceptable by the City).

Prior to issuance of any land disturbance, clearing, grubbing, or issuance of grading permits for the site, compensatory mitigation areas proposed on- and/or off-site through habitat creation/expansion, enhancement, and/or restoration shall be required to prepare and implement a Habitat Mitigation Monitoring Plan (HMMP) and a Preserve Management Plan (PMP), which shall be subject to City and applicable permit-issuing resource agency (i.e., USFWS,

USACE, RWQCB, and/or CDFW) review and approval prior to the issuance of any permits for the proposed project. Because the rare plant transplant plan and vernal pool mitigation plan (see MM-BIO-1 and MM-BIO-2 above) ultimately prescribes actions resulting in grasslands and vernal pools establishment, re-establishment, and/or restoration, such plans shall suffice as the HMMP provided the pertinent information prescribed below is incorporated.

The HMMP shall prescribe the on-/off-site mitigation actions of creation/establishment/expansion, re-establishment, restoration, enhancement, and/or preservation. The HMMP shall include the location of any creation/establishment, re-establishment, restoration, enhancement and/or preservation site(s); requirements for site preparation, soil amendments, temporary irrigation, native plant palettes, installation methods, maintenance, and performance monitoring, as appropriate. The HMMP shall include graceful tarplant into the native habitat planting seed palette, where appropriate. The HMMP shall also include information pertaining to any specific rare plant translocation plans (see MM-BIO-1) or vernal pool resources mitigation plans (see MM-BIO-2) as required by MM-BIO-1 and MM-BIO-2. The HMMP shall require that all mitigation (except for preservation areas not restored) be subject to monitoring with specific performance standards to ensure that the impacted functions and services are restored. All the mitigation areas shall be subject to long-term management as outlined by the approved PMP for the project.

The PMP for the proposed project shall prescribe the on-/off-site actions of stewardship and perpetual management of the preserve areas and include at a minimum: (a) the location and description of the mitigation area(s); final plans for the mitigation area(s); (b) the responsible entities for the mitigation area(s); (c) the management funding amount and mechanism, based on a Property Analysis Record (PAR) or similar cost estimation method approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW); (d) specific habitat and monitoring management directives, including: vegetation monitoring, sensitive species monitoring, water pollution, and control and treatment of non-native invasive/exotic plant species; (e) specific success criteria (f) public awareness programs/initiatives; (g) preserve barriers, fencing management, and signage to prevent human intrusion and control illegal dumping; (h) monitoring and reporting schedules; and (i) adaptive management recommendations for the preserve area. Implementation of long-term management shall be provided by a qualified entity approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) with experience in managing preserve lands.

Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project, a protective instrument, such as a conservation easement or restrictive covenant, shall be recorded over the mitigation areas where such a protective instrument does not already exist (including all on-/off-site conservation areas), and in-perpetuity management shall be provided by a qualified manager in accordance with the PMP, which would be funded by an

endowment or other acceptable funding mechanism.

The draft HMMP and PMP, including the endowment estimate and documentation, shall be provided to the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) at least 60 days prior to project impacts. The HMMP and PMP shall be approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project. for Implementation of the HMMP and PMP shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent permit-issuing resource agency prior to any land disturbance for the project.

- i. MM-BIO-8a – Regulatory Permitting: Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project, the Applicant or Developer shall provide the City copies of all applicable regulatory permits required by the USACE, RWQCB, and/or CDFW for project impacts to jurisdictional aquatic resources.
 - j. MM-BIO-8b – Compensatory Mitigation for Impacts to Jurisdictional Resources: Impacts to jurisdictional aquatic resources under the regulation of USACE, RWQCB, and/or CDFW that result from the proposed project shall be mitigated at a 3:1 ratio consisting of a minimum 1:1 creation/expansion/establishment/re-establishment, subject to regulatory permitting requirements of USACE, RWQCB, and/or CDFW, as applicable (MM-BIO-8a). Mitigation shall be provided through one or a combination of the following mechanisms below:
 - i. Purchase of preservation, creation/establishment, re-establishment, rehabilitation, and/or enhancement credits from a mitigation bank (such as the Brook Forest Mitigation Bank, Ramona Grasslands Conservation Bank, San Luis Rey Mitigation Bank, or another bank) approved by USACE, RWQCB, and CDFW as applicable.
 - ii. Implementation of permittee-responsible preservation, creation/expansion/establishment, re-establishment, restoration, rehabilitation and/or enhancement at an on- and/or off-site location approved by the applicable permit-issuing resource agency (i.e., USACE, RWQCB, and/or CDFW). Permittee-responsible mitigation proposed on- and/or off-site shall be required to prepare and implement a Habitat Mitigation Monitoring Plan (HMMP) and a Preserve Management Plan (PMP) (see MM-BIO-7b), which shall be subject to the applicable permit-issuing resource agency (i.e., USACE, RWQCB, and/or CDFW) review and approval prior to implementation. The HMMP shall prescribe the on-/off-site mitigation actions proposed, and the PMP shall provide the parameters for stewardship and perpetual management.
17. The applicant/developer shall comply with the following conditions regarding cultural resources:

- a. MM-TCR-1 – Pre-Excavation Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation 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 Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

- b. MM-TCR-2 – 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 a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

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

present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or 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 Qualified Archaeologist and TCA Native American monitor.

The Qualified Archaeologist and TCA Native American monitor shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the TCA Tribe, 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 TCA 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 Rincon Band of Luiseño Indians, San Pasqual Band of Mission Indians, or any parties involved in the project specific monitoring or consultation process. 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.

- c. MM-TCR-3 – Unanticipated Discovery Procedures: Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or 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. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

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

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Director for decision. The Planning Division Director shall make a determination based upon the provisions of CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

All sacred sites, significant tribal cultural resources, and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor may, at their discretion, collect said resources for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural

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 TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

- d. MM-TCR-4 – Human Remains: As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.

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

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

mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98[e] and 5097.94[k]).

18. MM-GEO-1 – Paleontological Resources Impact Mitigation Program and Paleontological Monitoring: Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project that shall be consistent with the SVP 2010 Standard Procedures and outline requirements for preconstruction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the responsibility of the project proponent. A qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities (including augering) in areas underlain by the Santiago Formation and below a depth of 5 feet below the ground surface in areas underlain by Holocene alluvium to determine if they are old enough to preserve scientifically significant paleontological resources. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.

Building Division

19. 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.
20. 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

21. Grading / Improvement plans shall show location and spacing / distance of fire

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

22. Deferred submittal / separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to buildings, etc.
23. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet (curb line to curb line), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds in accordance with California Fire Code (CFC) Section 503.2.1, SMMC Section 17.64.120. For single-family residential driveways serving no more than one single-family dwelling, access roads shall have minimum width of 16 feet (curb line to curb line).
24. Parking is not allowed on any streets with a 24-ft width except designated parking spaces located adjacent to, but entirely outside of, the 24-ft street. Parking is allowed on one side of the street if the width is 32-feet, and allowed on both sides of the street if the width is 40-feet. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement, and wording for all fire lane signs and/or red curbs shall be as required by the California Vehicle Code, Section 22500.1, 22658(a) and the San Marcos Fire Department Standards.
25. Where two fire apparatus access roads are required (more than 50 units) they shall be placed a distance apart equal to not less than one-half of the length of the maximum diagonal dimension of the property or area to be served, measured in a straight line between accesses.
26. 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.
27. 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.
28. Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the buildings.

29. All dead end fire apparatus access roadways in excess of 150 feet in length shall be provided with an approved area for turning around of all San Marcos Fire apparatus. A hammerhead turn-around or cul-de-sac will be required by the Fire Department.

- E. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The Final Map shall be recorded prior to building permit issuance.
2. The approved precise grading plans shall be attached to the building plans.
3. Prior to submittal of any building plans, the grading and public improvement plan sets shall be submitted for the second plan check and deemed substantially complete by the Land Development Engineer. Prior to issuance of any building permits, the public improvement plans shall be approved by the City Engineer and appropriate securities accepted.
4. All public improvements required at the time of subdivision and/or development shall be under construction to the satisfaction of the City Engineer prior to the issuance of the first production building permit, excluding retaining wall permits and model units.
5. All grading shall be observed by a licensed geotechnical engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
6. A certification of line and grade for the building pad, signed and stamped by the engineer of work, shall be provided to the Engineering Inspector. The certification shall be in a form acceptable to the City Engineer.
7. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site, unless otherwise approved by the Fire Marshal.

Planning Division

8. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All exterior fixtures shall be approved by the City.
9. All exterior lighting shall use cut-off fixtures and shielded in order to direct the

illumination downward and reduce the visibility of any glare.

10. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
11. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
12. All tot lot recreational amenities and playground equipment shall comply with all C.P.S.C. and A.D.A. accessibility standards. Plans shall include a detail of each of the play areas with the proposed play equipment and specifications of said equipment. Final design shall be approved by the Parks and Recreation Director and Planning Division Director.
13. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
14. Rain gutter downspouts shall be internal or architecturally screened from view where feasible as determined by the Planning Division.
15. Gas meters shall be architecturally screened from view by low screening walls. Wall materials shall be architecturally compatible with the building(s). Screening plan shall be approved by the Planning Division prior to issuance of building permit.
16. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Director. The TDM plan shall be implemented at occupancy.
17. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.
18. Garages shall have minimum interior dimensions of twenty (20) by twenty (20) ("vehicle parking areas") to allow for the parking of vehicles. Interior vehicle parking areas shall be clear of any overhead obstructions and shall not be utilized for storage space, including but not limited to trash receptacles.
19. Garage doors shall include at least (1) pane of glass that is transparent (i.e. not opaque) at a height conducive to allow a property manager to conduct a visual inspection of the interior garage from outside the unit.
20. The applicant/developer shall submit an outdoor furniture manual with photographs and specifications of benches, picnic tables, barbeques, trash receptacles, etc. Manual shall include a site plan showing locations of the outdoor

furniture. The applicant/developer shall be responsible for the installation of outdoor furniture.

21. Electric vehicle (EV) garage and guest parking spaces shall be provided in accordance with the requirements of the latest adopted Title 24 Building Code and the Climate Action Plan compliance checklist.
22. The building plans shall clearly demonstrate compliance with the requirements of the city's Climate Action Plan, including, but not limited to, photovoltaic, electric water heating, electric vehicle charging, and bicycle racks.

Building Division

23. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code (CBC), Part 2, Title 24, California Code of Regulations.
24. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
25. The City is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
26. 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.
27. Residential structures shall be designed to comply with the crime prevention measures approved by the City, including such items as: reinforced door jambs; one-piece door stops; 16-gauge strike plate for deadbolts; locking hardware for garage doors; two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; laminated safety glass; wide-angle peep hole for exterior doors; no louvered windows; and address numbers easily visible from the street.
28. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
29. The project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards.

30. 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.
31. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance, including by entering into an affordable housing agreement with the City to pay in-lieu fees equal to 15% of the total number of units.
32. 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.
33. The project is subject to the payment of school fees as required by law. The applicant/developer shall submit a Certificate of Compliance from the school district prior to the issuance of the first building permit from the City.
34. 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.
35. 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.
36. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City and other agencies have accepted the improvements in compliance with these conditions of approval.
37. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.

Fire Department

38. Any new development which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. The applicant/developer shall provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes. At approval of final building plans, Developer shall

contact San Marcos GIS (gis-support@san-marcos.assist.com) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time for fire inspection.

39. Separate Permit / Deferred Submittal: Automatic fire sprinkler systems shall be installed in accordance with the latest adopted California Building Code, California Residential Code, California Fire Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association (NFPA 13, 13R, 13D) and the San Marcos Fire Marshal.
 40. Separate Permit / Deferred Submittal: Fire alarm and/or monitoring systems shall be installed in compliance with the most current edition of the California Fire Code and the most current edition of NFPA 72 (NFPA 13 and 13R fire sprinkler systems).
 41. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
 42. Buildings within the proposed development are subject to the requirements of the City Fire Code Mid-Rise Ordinance (reference SMMC Section 17.64.210 for details).
 43. New mid-rise structures shall be tested for Emergency Responder Radio Coverage in accordance with Section 510 of the California Fire Code.
 44. Building plans shall indicate where elevators are installed, and shall meet the following conditions of California Fire Code (CFC) Section 607 and California Building Code (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.
- F. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

Engineering Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with

the Engineering 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 per SMMC Chapter 17.32.180. No work shall be allowed on Saturdays, Sundays and holidays.
3. During construction activities, the applicant/developer shall maintain public and private driveway and/or road access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
4. The applicant/developer shall submit a traffic control plan to the Engineering Inspector for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
5. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
6. At the discretion of the Engineering Inspector, the applicant/developer shall document the pre-construction condition of existing roads or offsite properties which may be impacted by construction activities. The applicant/developer shall be responsible in repairing any construction related damages prior to occupancy.
7. A Right-of-Way permit shall be required prior to commencement of any work within the City right-of-way.
8. The applicant/developer shall implement and maintain storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance (SMMC Chapter 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. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.

11. The project shall comply with Regional Air Quality Standards.
12. MM-AQ-1 – Architectural Coatings: The project shall use low volatile organic compound (VOC) architectural coatings for interior application that do not exceed VOC content of 10 grams per liter, for exterior application that do not exceed VOC content of 50 grams per liter, and for parking application do not exceed VOC content of 100 grams per liter.
13. 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.

Building Division

14. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
15. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. The project is required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
16. 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.
17. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

Fire Department

18. 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.).

19. A legible site address shall be posted and visible from either direction of approach to the project.
 20. Create and implement a written site safety plan in accordance with California Fire Code Chapter 33. Plan shall establish a fire prevention program at the project site, applicable throughout all phases of construction.
- G. Prior to the occupancy of any structure, the applicant/developer shall comply with the following conditions:

Land Development Division

1. All improvements including underground conversion of overhead utilities shall be completed in accordance with the approved project plans prior to issuance of the first market rate Certificate of Occupancy.
2. All applicable easements and agreements shall be recorded prior to occupancy unless required sooner.
3. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
4. Redline As-Built drawings shall be submitted to the Land Development Engineering Division for review and approved by the City Engineer as Record Plan. 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).

Planning Division

7. 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.

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

Building Division

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

Fire Department

16. Building addresses shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
17. Rooms containing controls for sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for fire department use. Signs shall be constructed of durable materials, permanently installed and readily visible (reference San Marcos Fire Dept. Standard No. 1403 via website for additional specifications).
18. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
19. Knox key box(es) shall be provided. A master key for entry to all gates, enclosures, and equipment rooms or areas is required and properly labeled per Fire Department requirements. Knox box shall be mounted in an area approved by the Fire Department at a height of 60 to 66 inches above grade. Knox box shall be type with side-hinged door.
20. The applicant/developer shall comply with the Fire Department for hydrants. On-site fire hydrants shall be color coded per NFPA 291. The bottom eight inches of a private fire hydrant shall be painted red. A minimum 3-ft clearance shall be maintained around hydrants.
21. The project shall comply with Fire Department access requirements for emergency vehicles. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by California Vehicle Code, Sections 22500.1 and 22658(a) and San Marcos Fire Department Standards.
22. Access gate(s) or other devices that may obstruct fire access roadways shall be equipped with a Knox key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s) which open the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure. Access gates shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
23. For multi-family buildings, fire extinguishers size, type and rating shall comply with 2022 California Fire Code, Section 906. Extinguishers shall be rated at 2A:10B:C minimum.

H. Ongoing Advisory Conditions

1. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.

2. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
3. All walls and fencing associated with the open space shall be maintained by the Homeowner's Association (HOA).
4. All monument signs shall be maintained by the Homeowner's Association (HOA).