

RESOLUTION PC 26-5191

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A TENTATIVE SUBDIVISION MAP FOR UP TO 46 CONDOMINIUM UNITS IN THE MULTIFAMILY RESIDENTIAL (R-3-6) ZONE

TSM25-0001
Santa Fe Flores, LP

WHEREAS, on February 18, 2025, the City received an application from Paul Mayer on behalf of Santa Fe Flores, LP requesting a Tentative Subdivision Map to consolidate two parcels into one lot and create up to 46 condominium units on a 2.6-net-acre site located at the rear of 2966, and the complete lots at 2972 and 2982, South Santa Fe Avenue, at the intersection of South Santa Fe Avenue and North Las Flores Drive in the Multifamily Residential (R-3-6) Zone in the College Area Neighborhood more particularly described as:

Brief Legal Description: PORTION OF LOT 4 IN BLOCK 95 OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 21, 1895.

Assessor's Parcel Number(s): A portion of 217-161-17-00, and the entirety of 217-161-18-00 and 217-161-19-00; and

WHEREAS, the Tentative Subdivision Map is being requested in conjunction with a General Plan Amendment (GPA25-0001) to change the land uses from "Commercial" to "Medium High Density Residential" on that portion of 2966 South Santa Fe Avenue and from "Medium Density Residential 2" to "Medium High Density Residential" for those vacant residential lots; a Rezone (R25-0001) to change the zone from Commercial (C) to Multifamily Residential (R-3-6) on a portion of 2966 South Santa Fe Avenue, and from Multifamily Residential 3 (R-3-10) to Multifamily Residential (R-3-6) for those vacant residential lots; and a Multifamily Site Development Plan (MFSDP25-0001), which will guide the orderly development of 46 residential condominium units on the project site; and

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

WHEREAS, on December 11, 2025, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on April 20, 2026, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider the Addendum to the previously adopted Final Mitigated Negative Declaration (ND22-008; SCH No. 2022090486) and it is determined that no new environmental information or documentation was presented revealing any new unidentified environmental impacts which had not been previously mitigated and the proposed project is within the scope of the impacts identified in ND22-008; and

WHEREAS, the Planning Commission 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 Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends to the City Council approval of this 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.
- C. This Tentative Subdivision Map is recommended to the City Council for approval in conjunction with the submitted GPA25-0001, R25-0001, MFSDP25-0001 and all conditions of approval specified in PC 26-5188, PC 26-5189, PC 26-5190, respectively, which documents are incorporated herein by this reference; and the mitigation measures in the Addendum to the previously adopted Final Mitigated Negative Declaration (ND22-008; SCH No. 2022090486) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The Planning Commission's decision is based on the following findings and determinations:
 1. The conditions of approval in the attached Exhibit A, and the findings below are necessary to insure 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 City's adopted General Plan, in that it provides a Multifamily Residential development in an area of the City designated for Medium High Density Residential with a density not to exceed 30

du/ac, and is compatible with the objectives, policies, general land uses, and programs specified in the General Plan, in that the project:

- a. Achieves a balanced distribution and compatible mix of land uses by providing a logical transition between existing and new land uses, meeting the present and future needs of all residents and the business community through the addition of a 0.37-acre portion of property that would otherwise be difficult to develop commercially due to site access and topographical challenges. (Goal LU-1)
 - b. Complements adjacent land uses by considering compatibility of activities, development patterns and architectural character elements through provision of a multi-family project that transitions to existing land uses with a contemporary architectural design and multiple recreational amenities for residents, and access to various mobility choices as it provides pedestrian connectivity to the adjacent public transit stop and rail trail. (Policy LU-1.1)
 - c. Promotes a compact development patterns that reduces air pollution and automobile dependence and facilitates walking, bicycling, and transit use by providing EV Ready parking for each unit and an irrevocable offer of dedication of right-of-way on S. Santa Fe Avenue for future Class IV one-way separated bicycle and pedestrian facilities. (Policy LU-2.1)
 - d. Provides community connections through development of land uses compatible with and support a variety of mobility opportunities and choices through development of a walkable, bike friendly and transit-oriented community as the project promotes pedestrian connections to transit and trails, along with bicycle connections to the rail trail as well as future Class IV separated bicycle and pedestrian facilities. (Goal LU-3)
 - e. Supports walkable development along main transit and transportation corridors through walkable connections to amenities within the project and to public transit connections offsite, both along S. Santa Fe Avenue and to the Sprinter station a mile to the east. (Policy LU-7.1)
3. The design or improvement of the proposed subdivision is consistent with the City's adopted General Plan, in that in that the General Plan Amendment (GPA25-0001) expands the Medium High Residential Density designation and the project provides for residential development that closely aligns with that designation with consideration of the site's constrained topography, required multi-family amenities, and provision of a two car garage for each condominium unit.

4. The site is physically suitable for this type of development, in that the site is previously disturbed and adjacent to existing utilities and public streets already improved to ultimate conditions.
5. The site is physically suitable for the proposed density of development, in that the project conforms to all relevant development standards of the Multifamily Residential Zone (R-3-6), pursuant to the conditions of approval of the Multifamily Site Development Plan (MFSDP25-0001; Resolution PC 26-5190).
6. 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 Addendum to the previously adopted Final Mitigated Negative Declaration (ND22-008; SCH No. 2022090486) was prepared for the project and determined that no significant environmental impacts would occur with implementation of mitigation measures incorporated into the resolution.
7. The design of this subdivision and type of improvements is not likely to cause serious public health problems, in that the water and sanitary sewer services are provided to the site and the project is required to comply with all federal, state, and local laws regarding the development of the project.
8. 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.
9. 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.
10. The property is not subject to a Williamson Act contract, an open space easement, a conservation easement, or an agricultural conservation easement.
11. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling in the subdivision
12. 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.
13. As a common interest development, prospective buyers will be provided the required notices and reports pursuant to applicable law.
14. 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 Addendum to the previously adopted Final Mitigated Negative Declaration (ND22-008; SCH No. 2022090486) and the mitigation monitoring and reporting program, in that mitigation measures related to biological resources, tribal/cultural resources, noise, hazards and hazardous materials, and public services have been incorporated into the conditions of approval of TSM 25-0001 and MFSDP25-0001 (Resolution PC 26-5190).

- E. This Tentative Subdivision Map is within the scope of the Addendum to the previously adopted Final Mitigated Negative Declaration (ND22-008; SCH No. 2022090486) and the mitigation monitoring and reporting program pursuant to CEQA.
- 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 Planning Commission 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 (TSM25-0001) 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. [##-#####]." 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 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 Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 20th day of April, 2026, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Lionel Saulsberry, Chairperson

ATTEST:

Song LeBaron, Senior Management Analyst

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A
RESOLUTION PC 26-5191
TSM25-0001
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, subject to the transitional fee period ending March 3, 2027 pursuant to Council Resolution 2024-9388, 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 the Addendum to the Final Initial Study/Environmental Checklist and Mitigated Negative Declaration for the Santa Fe Flores, LP Project (Mitigated Negative Declaration ND22-008; SCH No. 2022090486) shall be implemented.
7. The development of the site shall be consistent with the approved Multifamily Site Development Plan (MFSDP25-0001).

B. City of Vista, Buena Sanitation District Sewer Conditions of Approval

1. This project is within the Vista (BSD)-San Marcos Detached Area Flow Transfer Agmt.
2. Upon completion of the final CEQA, and as a condition of sewer commitment, developer shall prepare, file, execute, and record a LAFCO/Vista 'Out of Areas Sewer Service' Agmt in order to obtain sewer service. Sewer availability and commitment is subject to the recording of the 'Out of Areas Sewer Service' Agmt.
3. The multi-family (townhomes-condominium units) residential development proposed density and sewer capacity is in compliance with the current Vista General Plan, Zoning requirements, and the current Sewerage Master Plan. Therefore, sewer capacity and sewer service are available for these parcels.
4. Developer shall obtain a 'Sewer Discharge' permit from the City of Vista-BSD, and pay all related fees and charges, prior to obtaining a City of San Marcos Building permit. Commitment to provide sewer services is made by the District's Board and/or City Council, and is subject to compliance with Sewer District's conditions of approval, terms, rules, and regulations, posting required securities/bonds, and payment of all pertinent fees and charges.
5. The proposed multi-family residential development project is within the City of Vista-BSD Sewer Service Basin B03(166) as determined by the current 'Sewerage Master Plan' and the 'Sewer Facility Maps'. An existing 8-in VCP (Dwg-3804, 2004-Yr) public sewer main along S Santa Fe Ave. is available for connection.
6. Developer shall hire a qualified Ca. Registered Land Surveyor or Engineer to field survey and certify the elevations of the existing sewer manholes #B03(166G) and #B03(166H). A signed, stamped and dated 'Survey Manhole Elevations Certification' shall be submitted to the Sanitation Engineer, prior to approval of the Grading/Improvement Plans. The certificate shall include Vista-BSD Manhole IDs, top of rim and invert elevations, city Benchmark, X,Y,Z coordinates, and survey date, plus digital (CAD and PDF) copy of the field survey data file.
7. **PUBLIC/PRIVATE SEWER FACILITIES DESIGN CRITERIA:**
 - a. Sewer Main: 8" PVC SDR-35 (Green) at 1.00% (Min) slope with 5' (Min) cover over the pipe. Sewer pipe shall be designed to maintain a self-cleaning velocity of two feet per second (2 fps Min) to avoid deposition of solids and odor. All sewer main data to be within a 'Sewer Main Data' table (to include SMH ID, Bearing, Radius, Length, Slope, Remarks, etc., ...).
 - b. Manholes: 'Private' 48" diameter manhole per COV SM-01 and SWR-03. 'Public' 60" diameter manhole per COV SM-02 and SWR-04.

- c. Sewer Laterals (private): 4" PVC SDR-35 (Green) at 2% slope (min) within the ROW, and 5' (Min) cover over the pipe at the property line. 'Two-Way' cleanout at property line with a utility box. All laterals to maintain a 5-ft separation, 6-ft separation between manholes. All sewer lateral data to be within a 'Private Sewer Lateral Data' table per COV SWR-24.
 - d. Pre-CCTV inspection is to be perform for ALL existing impacted public sewer mains – include all CCTV data in a 'Pre-CCTV Inspection Data' table. In addition, Post-CCTV inspection is to be performed for ALL newly installed public sewer mains and manholes – include all Post-CCTV data in a 'Post-CCTV Inspection Data' table. Refer to the Sewer Improvement Plans 'Sewer Notes' for additional Requirements.
 - e. The Sewer Maintenance Access Road shall be capable of handling H-20 & HS20 Load, and as recommended by the soils engineer and/or as directed by the City/Sanitation Engineer or his representative.
 - f. Developer shall prepare a 'Truck Turning Motion Analysis Plan' for Sewer Vactor/ Trash Pick-up/ Fire Trucks/ Delivery Trucks. 'Truck Turning Motion Analysis Plan' shall be designed and prepared by a Ca. Professional Engineer as part of the Improvement & Grading Plans.
 - g. Developer shall contact EDCO for approval of the enclosure design & location. The Trash Enclosure surface area may drain/ discharge into a public sewer system. A 'Will Serve' letter from EDCO for trash SERVICE is required.
 - h. Developer/Owner shall prepare, file, execute, and record a 'Private Sewer Facility Maintenance' Agreement (PSFMA).
 - i. Corporate Delegation of Authorization to sign (Notarized), Corporate's Operating Agmt, Secretary of State Certificate of God Standing, are to be submitted for the preparation of all required legal agreements.
8. Unless otherwise noted, ALL proposed sewer facilities within this project are 'PRIVATE' and shall be labeled as such on the plans. Add a note to the Sewer Improvement Plans to reflect this requirement. In addition, except for the new public manhole to be installed along the S Santa Fe Ave. public sewer main, ALL sewer manhole covers shall have "PRIVATE SEWER" cast into the lid, unless otherwise noted. Add a note to the Sewer Improvement Plans to reflect this requirement.
9. Developer to extend/ install approximately 1,250-lf of private sewer main pipe to serve the project. Each proposed condominium unit shall have a separate, individual, dedicated gravity flow, private sewer lateral and standard two-way

cleanout fronting and connecting to the private sewer main. The existing private sewer main entering the site along Las Flores Drive (SMH #B03.161.A0 to #B03.191) is to be removed completely (from SMH #B03.161.A0 to #B03.191). The SMH channel is to be reconstructed.

10. The Construction Sewer Improvement and Grading Plans As-Built Signature block shall include a sanitation signature block for review/approval of the as-builts as noted below.

<p>“AS-BUILTS”</p>
<p>PROJECT-ENGINEER _____</p> <p>RCE EXP DATE</p>
<p>REVIEWED-BY:</p> <p>INSPECTION: _____ DATE: _____</p> <p>SANITATION: _____ DATE: _____</p> <p>NOTE: AS-BUILTS WILL BE SIGNED UPON:</p> <ul style="list-style-type: none"> • → VACATION OF ALL SURPLUS EASEMENTS • → COMPLETION OF LANDSCAPE WORK • → POST-CCTV INSPECTION OF ALL SEWER FACILITIES

- 11.
12. Construction Sewer Improvement Plans (‘PRIVATE AND PUBLIC’) are to be designed and prepared by a Ca. Professional Engineer, per Public Standards and/or as directed by the City Engineer.
13. Construction and inspection of the ‘PUBLIC/PRIVATE’ sewer facilities is to be done per Public Standards and/or as directed by the City Sanitation Engineer, including Pre- & Post-CCTV inspection. Add note to plans to reflect this requirement.
14. The FINAL MAP GENERAL NOTES shall include the following notes:
 - a. ALL PARCELS CREATED BY THIS FINAL MAP SHALL BE SUBJECT TO THE
 - i. RECORDED ‘OUT OF AREA SEWER SERVICE AGREEMENT’ PER DOC#: 2026-_____, RECORDED _____, 2025.
 - ii. RECORDED ‘PRIVATE SEWER FACILITY MAINTENANCE AGREEMENT’ DOC#2026-_____, RECORDED _____

_____, 2025.

iii. 'VISTA-SAN MARCOS DETACHED SEWERAGE FLOW TRANSFER' AGMT. PER DOC # _____ REC'D: _____

15. All Public/Private sewer facility improvements are to be separately bonded with the City of Vista-Buena Sanitation District. All other normal and customary fees and charges shall apply and are required to be paid during the plan review process. City/District to release bonds and securities once the As-Built Plans have been reviewed and approved, and the sewer improvements accepted by City/District.
16. Developer to comply with the SWRCB requirements to prevent Sanitary Sewer Overflows (SSOs) and Spills. Compliance can be met by complying with the conditions and requirements noted above, and by performing the required Pre- and Post-CCTV inspection, and installing approved sewer manholes.

C. 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 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. A certificate of compliance for property merger/boundary lot line adjustment shall be recorded for the properties (APNs: 217-161-17-00, 217-161-18-00, and 217-161-19-00) within the project boundary. The adjusted parcels shall be reflected on the final map submittal. An effectuating deed shall be provided within 30 days of recordation of the certificate of compliance...or shown on recorded final map.
4. 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.

Planning Division

5. The minimum lot size (net) for the residential lots shall be 6,000 square feet per the

provisions of the Multifamily Residential (R-3-6) Zone.

6. Side yards shall have a minimum of three (3) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of the applicable Zone.

- D. Prior to or concurrent with the recordation of a Final Map, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The applicant/developer shall process an application to quitclaim deed for the portion of the City's existing landscape maintenance easement dedicated per recorded document 2005-887134 for City Council consideration as shown on the site plan. The quitclaim can be processed on the Final Map or per separate document.
2. The applicant/developer shall dedicate to the City:
 - a. An irrevocable offer of dedication for 8-ft wide rights-of-way for S Santa Fe Ave public street, utilities, drainage facilities;
 - b. An easement for Landscape Maintenance and Access purposes for Open Space Slope; and,
 - c. 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. 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.
4. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map in accordance to the City's Street Naming and Renaming Policy. The names provided shall be subject to review and approval by the City's Street Naming Committee.
5. The applicant/developer shall submit plans and appropriate construction notes for

off-site improvements including but not limited to CFD landscape improvements.

6. Where proposed off-site improvements, including but not limited to CFD landscape improvements, 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 vehicular access rights to all parcels abutting N Las Flores shall be relinquished to the City on the Final Map.
8. All internal drive aisles are to be maintained through a “Private Road Maintenance Agreement”. The individual property owners served by the private drive aisles shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street. A note to this effect shall be added on the Final Map.
9. 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.
10. 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).
11. 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, water quality Best Management Practices (BMPs), 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).
12. 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.
 13. The developer shall provide a 30-ft widened driveway access within the right-of-way, to be shared with the neighboring property at 2966 S. Santa Fe Avenue. The driveway width shall be reduced to 25-ft minimum once onsite. For commercial or multifamily areas that share access and/or parking, an unsubordinated reciprocal access, 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.
 14. 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.
 15. 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 for each Map Unit.

16. The exact depth of any new or improved street structural section and subgrade requirement shall be determined based on subgrade “R” value tests and the appropriate Traffic Index for the type of street as described in the City's “Urban Street Design Criteria” and “Street Excavation Ordinance”. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
17. Prior to recordation of the Final Map or grading permit issuance, whichever comes first, the applicant/developer shall gain Buena Sanitation District approval for an Out of Area Service (OAS) agreement to serve the project site. The OAS must be processed through the Local Agency Formation Commission (LAFCO), requiring recordation by the County Recorder and State Board of Equalization approval.
18. 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.
19. 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) (PS-2)
 - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01: Fire and Paramedic (PS-1)
 - d. CFD 2011-01: Congestion Management

Additionally, if the City determines it to be necessary, a Special Improvement Area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the City for improvements being installed above and beyond the City standards, installed by the applicant/developer as depicted on a Special Improvement Area exhibit, to be submitted by the applicant/developer after project approval. Such improvements include, but are not limited to, storm water treatment devices and enhanced landscaping features. No building permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for

each CFD consentient with the pre-payment option laid out in each CFD 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.

20. The applicant/developer shall post securities to the City, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality 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.

Planning Division

21. The Covenants, Conditions and Restrictions (CC&R’s) for the proposed project shall assure the continued maintenance and operation of all open space and common areas, recreational facilities, and private improvements are maintained in perpetuity and in conformance with the approved plans and applicable provisions of the Multifamily Residential (R-3-6) Zone.
- E. 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. The applicant/developer shall secure letters of permission from adjacent property owners for all graded slopes 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. The applicant/developer shall execute and record an Encroachment, Maintenance, and Removal Agreement (EMRA) for the proposed privately maintained storm drain pipes within public right-of-way in South Santa Fe Ave and North Las Flores Dr.
5. 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.
6. 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).
7. 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.
8. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across adjacent property.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of the precise grading permit.

Planning Division

15. Under separate landscape 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 proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing except that black vinyl coated pet relief area fencing not visible from the exterior the property. Pilasters shall be located at the corners of all wall segments at the property frontage, and additional pilasters shall be spaced evenly on wall segments between corners.
- 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.
- 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.

1. The landscape plans shall include a minimum of three recreational amenities consisting of a playground (“tot lot”), picnic area with a built-in commercial grade barbeque grill, and outdoor game courts. To the extent possible, trees shall be placed to provide shade to both the playground and picnic areas. A minimum of one tree shall provide shading for the guest parking area. The dog relief areas must provide a Dogipot (or similar) system, with pet waste disposal bags and trash receptacle, located near the entrance to the area.
16. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
17. If proposed for grading operations, the use of a rock crusher(s) on site shall require approval of a Conditional Use Permit (CUP) prior to issuance of grading permit.
18. The applicant/developer shall comply with the following conditions regarding cultural resources:
 - a. 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. (MM-CR-1)

- b. 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 Pechanga Band of Luiseño Indians, San Luis Rey Band of Mission Indians, and the Rincon Band of Luiseño 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. (MM-CR-2)

- c. 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. (MM-CR-3)

- d. 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)). (MM-CR-4)

19. Prior to grading the site or causing any impact to the site, grading and/or construction activities on site must be avoided during the nesting season which extends from February 1st to September 15th to prevent potential impacts to nesting of any migratory, songbirds, or raptors. If construction initiation occurs between February 1 and September 15, a pre-construction nesting bird and raptor survey within 300 feet of the project impact area shall be completed by a qualified biologist prior to vegetation removal. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). If any active nests are detected, the area will be flagged and mapped along with a buffer as recommended by the qualified biologist. The buffer area(s) established by the qualified biologist will be avoided until the nesting cycle is complete or it is determined that the nest is no longer active. The qualified biologist shall be a person familiar with bird breeding behavior and capable of identifying the bird species of San Diego County by sight and sound and determining alterations of behavior as a result of human interaction. Buffers will be based on species-appropriate buffers and/or local topography and line of sight, species behavior and tolerance to disturbance, and existing disturbance levels, as determined appropriate by the qualified biologist. (MM-BIO-1)

Building Division

20. 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.
21. 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.
22. The applicant/developer shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site.

Fire Department

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. Any roads 24 feet in width are required to be posted with "No Parking – Tow Away Zone" signs approved by the fire department. Fire lanes shall be posted and/or curbs painted in accordance with CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards. The number, wording and placement of all fire lane signs shall be approved by the Fire Dept. prior to installation.
24. 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.
25. 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.
26. 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.
27. 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. All fire hydrants shall be color coded per NFPA 291. Maximum spacing between fire hydrants shall be 300 feet from one another. Maximum spacing from a fire hydrant to any fire department connection shall be 50 feet. Location of fire hydrants shall be approved by the fire department. All new fire hydrants inside the new development shall be private hydrants.
28. Deferred submittal/separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to buildings, etc.)

- F. 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 rough 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. The applicant/developer may submit the building plans concurrently with the rough grading plan at-risk at the discretion of the Land Development Engineer.
4. All public improvements required at the time of subdivision and/or development shall be under construction to the satisfaction of the City Engineer prior to the issuance of the first production building permit, excluding retaining wall permits and model units.
5. All grading shall be observed by a licensed geotechnical engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
6. A certification of line and grade for the building pad, signed and stamped by the engineer of work, shall be provided to the Engineering Inspector. The certification shall be in a form acceptable to the City Engineer.
7. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.

Planning Division

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

illumination downward and reduce the visibility of any glare.

10. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
11. To reduce noise reduction up to 25 dB(A) to achieve interior noise levels of 45 CNEL or less, window components with an STC rating of 25 or higher are required for units located on the south and east side of Building 1. To reduce noise levels at the amenity area on the south side of Building 1 and the south and east sides of Building 1 facing the roadways, the project must also include a 6-foot barrier adjacent to the amenity area south of Building 1, and a solid 3.5-foot barrier on the balconies located on the south and east sides of Building 1 and on the south and east sides of the Building 1 roof deck.
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.

Building Division

13. 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.
14. 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.
15. 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.
16. 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. A solar, battery, and EVCS system is required for this project.
17. 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.

18. 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.
19. 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.
20. 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.
21. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance. If affordable housing units are provided to satisfy the requirements of the City's Inclusionary Housing Ordinance or other applicable State housing laws, the applicant/developer shall enter into one or more regulatory agreements, subject to the approval of the City Manager. Such agreement(s) shall include, but not be limited to, provisions addressing the following: the term of affordability, monitoring and reporting requirements, occupancy and income restrictions, property management standards, and any Conditions, Covenants, and Restrictions (CC&Rs) deemed necessary by the City to ensure compliance with the City's Housing Element of the General Plan.
22. 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.
23. 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.
24. The proposed new development is subject to approval by the Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.

25. 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.
26. 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. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
27. 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.
28. 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.
29. The outer boundary of schools (grades K through 12) as listed in the current California Private School Directory shall comply with Education Code Section 33190 relating to the location of a school facility within 1,000 feet of businesses that are regulated for the storage, use and handling of hazardous materials as defined by the California Health and Safety Code.

Fire Department

30. 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. Produce a fire preplan in (ESRI) GIS format using the pre-configured GIS Starter Package provided by City of San Marcos. A completed fire preplan shall include the GIS data and output PDF for use by San Marcos Fire Department. Data deliverables (CAD and GIS) shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units -numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations.
31. At approval of Final Building Plans, Developer shall contact San Marcos GIS (gishelp@san-marcos.net) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the Fire Sprinkler Hydro Test, the

developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time of Fire inspection.

32. Separate Permit / Deferred Submittal: Automatic fire sprinkler systems for all buildings shall be designed and installed in accordance with NFPA 13 as mitigation for ladder access and hosepull deficiencies. Fire suppression systems shall comply with the latest adopted California Building and Fire codes, and shall conform to the standards adopted by the National Fire Protection Association (NFPA) and the San Marcos Fire Code Ordinance.
 33. Separate Permit / Deferred Submittal: Fire alarm system(s) shall be installed in compliance with the most current edition of the California Fire Code and the most current edition of NFPA 72. All automatic fire sprinkler systems shall be supervised by an approved central station. All valves controlling the water supply shall be supervised by the fire control unit. Fire alarm / notification system shall be provided in multi-family residential units in accordance with CA Fire Code and the most current edition of NFPA 72.
 34. Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the buildings. Buildings shall install fire sprinkler systems meeting the requirements of NFPA 13 in order to mitigate hosepull/access deficiencies.
 35. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
 36. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
 37. New and existing buildings shall have approved address numbers placed in position that is contrasting in color and plainly visible from street or road fronting the property. Each individual residential unit number shall be 4 inches in height with .5-inch stroke.
- G. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

Engineering Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Engineering Construction Inspection Division. The applicant/developer shall provide the inspector with a detailed construction schedule which depicts when building occupancy or occupancies will occur and when key public and private infrastructure improvements will be completed. Schedule updates shall be provided to the Building and Engineering Inspectors at a minimum monthly basis

throughout the life of the project.

Land Development Division

2. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
3. During construction activities, the applicant/developer shall maintain public and private driveway and/or road access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
4. The applicant/developer shall submit a traffic control plan to the 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. In the event that paleontological resources are discovered during grading, excavation, or other ground-disturbing activities, all work in the immediate vicinity of the discovery shall cease. The project applicant shall retain a qualified paleontologist, meeting the Society of Vertebrate Paleontology (SVP) professional standards, to evaluate the findings in accordance with the County of San Diego

Guidelines for Determining Significance – Paleontological Resources and applicable State of California guidelines.

The qualified paleontologist shall determine the significance of the discovery and recommend appropriate treatment, which may include avoidance, monitoring, or recovery. Construction activities in the affected area may resume only after the paleontologist determines that the resource has been appropriately addressed and authorizes continuation of work.

11. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
12. The project shall comply with Regional Air Quality Standards.

Building Division

13. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
14. Water wells shall be reconstructed or abated in strict compliance with SMMC Sections 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by County of San Diego Environment Health Department.
15. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. The project is required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
16. The demolition of buildings shall not commence until the proper testing of asbestos, lead paint and hazardous materials has been performed and the abatement of the hazardous materials has been completed. The recycling of materials shall comply with state law and all utilities shall be disconnected and safely abandoned.
17. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court

appearance in North County Superior Court.

18. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

Fire Department

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

Land Development Division

1. All applicable easements and agreements shall be recorded prior to occupancy.
2. 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.
3. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
4. 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.

5. 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).
6. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the Land Development Engineer prior to issuance of any certificate of use and occupancy.

Planning Division

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

13. 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.
14. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
15. The project development is subject to the payment of fees required by the South Santa Fe / Mission / Rancho Santa Fe Road Fee Reimbursement District (Resolution 2009-7177).

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. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
19. The project shall include "NO PARKING FIRE LANE" signs. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by California Vehicle Code Sections 22500.1 and 22658(a) and San Marcos Fire Department Standards.
20. Knox Key Boxes shall be provided. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in area approved by fire dept. at height of 60 to 66 inches above grade. Knox Box shall be type with side hinged door. Knox boxes shall be installed for every building.
21. For multi-family buildings - fire extinguishers size, type and rating shall comply with California Fire Code, Section 906, extinguishers shall be rated at 2A:10B: C minimum.

22. New and existing gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.