

RESOLUTION NO. 2024-9270

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A SITE DEVELOPMENT PLAN INCLUDING A DENSITY BONUS TO ALLOW THE CONSTRUCTION OF A MIXED-USE PROJECT WITH 119 APARTMENTS AND 4,000 SQUARE FEET OF COMMERCIAL SPACE IN THE MIXED USE 2 (MU-2) ZONE

SDP22-0007
Capalina SMA, LLC

WHEREAS, on October 19, 2022, the City of San Marcos (City) received an application from Capalina SMA, LLC requesting a Site Development Plan including a Density Bonus, to allow the construction of 119 apartments and 4,000 square feet of commercial space on a 2.51-acre site located on the north side of Capalina Road between Rancho Santa Fe Road and Pacific Street in the Business/Industrial District, more particularly described as:

Brief Legal Description: Parcel 2 of Parcel Map no. 2003, in the City of San Marcos, County of San Diego, State of California, per map filed in the office of the county recorder of San Diego County, October 23, 1973 as file no. 73-296977 of official records. Excepting therefrom all that portion conveyed to the City of San Marcos for street purposes, recorded March 19, 2004 as file no. 2004-0229021 of official records.

Assessor's Parcel Number(s): 219-115-33-00; and

WHEREAS, the Site Development Plan is being requested in conjunction with a General Plan Amendment (GPA22-0003) to change the land use designation from Mixed Use 3 to Mixed Use 2; and a Rezone (R22-0003) to change the zone from Mixed Use 3 (MU-3) to Mixed-Use 2 (MU-2); and

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

WHEREAS, on May 11, 2023, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on February 5, 2024, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request as well as the appropriate environmental document for said request to the City Council by a 7-0 vote, in favor; and

WHEREAS, on March 26, 2024, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider an Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) for said request pursuant to the California Environmental Quality Act (CEQA).

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

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The City Council hereby approves this Site Development Plan per the submitted plans except as modified herein, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. This Site Development Plan is approved in conjunction with the submitted General Plan Amendment (GPA22-0003); and Rezone (R22-0003); and all conditions of approval specified in Resolutions 2024-9269 and 2024-1542, respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR23-003/SCH No. 2023050006) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The City Council's decision is based on the following findings and determinations:
 - 1. The Site Development Plan conforms with the City's General Plan and all provisions of the San Marcos Municipal Code in that in that the project will change the land use designation of the property from non-residential mixed use (MU-3) to residential and commercial mixed use (MU-2) The 119-unit apartment project with 4,000 square-foot (in conjunction with a 5% Density Bonus) is consistent with the 30 to 45 dwelling units per acre density range of the "High Density Residential" (HDR). An incentive to reduce parking and waivers to the minimum floor area ratio and building setbacks of the MU-2 Zone are requested and shown on the project plans as allowed by Government Code Section 65915 for projects where at least five percent (5%) of the residential units (six units) are dedicated for very low-income households. The proposed project achieves a balanced distribution and compatible mix of land uses to meet the present and future needs of all residents and the business community (General Plan Goal LU-1) and implements Goal 2 the General Plan Housing Element by providing further opportunities for affordable housing with six dedicated units for low-income housing within the project.
 - 2. The project site does not contain any substantial trees and is currently vacant. As a result, the proposed development under the Site Development Plan will not unnecessarily remove trees and natural vegetation and will plant new trees throughout the proposed development, including additional trees along Capalina Road and Mission Road.
 - 3. The project site is generally devoid of any topographical features in that the project site was previously graded and is currently vacant. As a result, the proposed development under the Site Development Plan will not have any impact on natural landforms or ridgelines, nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting.
 - 4. The Site Development Plan provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and

general welfare, in that the residential units are substantially buffered from the adjacent properties by parking, drive-aisles, and/or landscaping. The on-site commercial uses are minor in nature and are expected to be compatible with the residential units as appropriate for the mixed-use zoned project.

5. The project site is not adjacent to or within the vicinity of any natural landforms or natural vegetation and is surrounded by existing development and the project's landscaping is in scale and harmonious with existing and future development and complies with the Water Efficient Landscape Ordinance.
6. The structure(s), Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles, in that the project will incorporate landscaping and trees where currently none exist. The project will complete frontage improvements along Capalina Road, including the construction of a new sidewalk. Pedestrian connections are provided to Capalina Road as well as to Mission Road, where there is access to a bus stop and the nearby Inland Rail Trail.
7. To the maximum extent feasible, the Site Development Plan includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Building Code, Zoning Ordinance or other sections of the San Marcos Municipal Code that exist on the site, in that the site is currently vacant and all trash, storage, and utility equipment will be screened from view. No code violations currently exist on the project site.
8. The Site Development Plan provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority, in that the project provides two driveway entries from Capalina Road and adequate internal drive aisles consistent with San Marcos Fire Department circulation requirements, on- and off-site storm water facilities, and will provide water and sewer connections to the site in compliance with Vallecitos Water District requirements. Furthermore, frontage improvements along Capalina Road will be constructed where they do not currently exist. The dedication of public right-of-way along Mission Road will allow for the future construction of ultimate public improvements.
9. The Site Development Plan provides open space, parking areas, and landscaping consistent with the Zoning Ordinance and in a manner that visually enhances the physical use of the property in that the project provides adequate parking for residents and visitors, private balconies are provided for each residential unit, and shared common open space amenities are provided on the site consisting of a pool and spa, outdoor seating and picnic areas, and a fitness center.
10. All requirements of CEQA have been met, in that an Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) has been prepared for the proposed project, and all potential impacts related to biological resources, cultural resources, geology and soils, and tribal cultural resources, will be mitigated to a level less than significant.

- E. This Site Development Plan is within the scope of the Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) and the mitigation monitoring and reporting program, and both are hereby recommended to the City Council for adoption pursuant to CEQA.
- F. Within thirty (30) days of the approval of the Site Development Plan (SDP22-0007), the approved site plan, architectural elevations, floor plans, and conceptual landscape plan shall be submitted as a digital file on a CD including this Resolution number on the title page. The title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution No. 2024-9270." Immediately following this statement shall appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to submittal of any grading plan, improvement plan, or building permit.
- G. This Site Development Plan approval shall lapse and be null and void two (2) years following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of two (2) years, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- H. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, any and all applicable City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- I. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- J. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 26th day of March, 2024, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

Phillip Scollick, City Clerk

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A
RESOLUTION NO. 2024-9270
SDP22-0007
Conditions of Approval

A. General Provisions

1. All of the terms, covenants and conditions contained herein shall run with the land and be binding on and inure to the benefit of the heirs, successors, assigns, and representatives of the applicant/developer as to any and all of the property.
2. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City of San Marcos (City) shall have the right to revoke or modify all approvals herein granted including issuance of building permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or see damages for their violation. The applicant/developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
3. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, and other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
4. The proposed new development may be subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
5. The development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
6. All design requirements and mitigation measures of Environmental Impact Report (FEIR23-003/SCH No. 2023050006) shall be implemented.

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

Land Development Division

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC Chapter 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

2. The applicant/developer shall dedicate to the City rights-of-way for public street, utility, and drainage purposes along the northerly property frontage of Mission Road to provide 94'-0" wide ultimate right-of-way, as shown on the site plan. 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. Access rights to Mission Road shall be relinquished.
3. The Slope easement (County Record Document# 2004-0229021) dedicated to the City of San Marcos that encumbers project parcel shall be vacated per City of San Marcos vacation procedures and California Streets and Highway Code.
4. The applicant/developer is required to construct publicly maintained landscaping, irrigation, and vegetated bioswales within the Mission Road and Capalina Road right-of-way. The applicant/developer is required to obtain and show on the plans the following:
 - a. A dedicated public water meter for irrigation for public landscaping shall be shown on the grading and/or public improvement plans.
 - b. A publicly maintained irrigation loop irrigating both the proposed Mission Road landscaping and the Capalina Road landscaping shall be designed and delineated on the grading and/or public improvement plan.
 - c. A minimum 5-ft wide public utility and maintenance access easement shall be dedicated to the City of San Marcos for public landscape irrigation lines.
5. The applicant/development shall execute and record an Encroachment, Maintenance, and Removal Agreement (EMRA) for the proposed privately maintained storm drain pipes and outlets within the Mission Road right-of-way.
6. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
7. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted to and approved by the City in accordance with the SMMC Sections 19.16.070 and 19.16.080.
8. The applicant/developer shall submit plans and appropriate construction notes for improvement of all streets, right of way, and drainage facilities to the City Engineer for approval. Plans shall include all off-site improvements to the satisfaction of the City Engineer including, but not limited to:

- a. For Capalina Road street widening with appropriate transition, curb, gutter and sidewalk, relocation of existing above and below ground utility boxes and vaults, Americans with Disability Act compliant pedestrian ramps, City standard radius-type driveway, vegetated bioswale, fire hydrant, and grind and overlay;
 - b. Wet utility connections and water and sewer improvements as required by Vallecitos Water District (VWD) on Capalina Road, Pacific Street, and Descanso Avenue;
 - c. Curb outlets, and grind and overlay on Mission Road (for utility connection); and
 - d. Signage and striping plan including re-striping of two-way left turn lane in Capalina Road utilizing Caltrans standards.
9. The design of all internal drive aisles and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all internal drive aisles shall conform to geotechnical recommendations based on R-value tests. All internal drive aisles and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the Final Map or Grading Permit issuance.
10. 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.
11. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and the City's "Urban Street Design Criteria" in effect at the time of project approval.
12. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards. This includes publicly maintained streetlights at each project driveway on Capalina Road with appropriate conduit and power from a dedicated public power source.
13. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.
14. All utilities fronting, abutting, or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must

accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Director.

15. 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.
16. The proposed Vallecitos Water District (VWD) watermain loop between Mission Road and Capalina Road shall be reflected on the plans along with associated VWD easement. Proposed physical encroachments (e.g. retaining wall along Mission Road, etc.) into said easement shall be approved by VWD.
17. 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.
18. A North County Transit District (NCTD) bus bench shall be designed and constructed on Mission Road. The plans shall depict details such as the bench, concrete pad, and other amenities as required by NCTD. The design shall be approved and confirmed in writing by NCTD, the City Engineer, and the Planning Division Director.
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).
 - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance.
 - c. CFD 2001-01: Fire and Paramedic.
 - d. CFD 2011-01: Congestion Management.

No building permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the pre-

payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

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: on-site grading, water quality BMP's (biofiltration basins and vegetated bioswale), retaining walls, on-site surface improvements, widening of Capalina Road (curb, gutter, sidewalk, as needed relocation of above grade and below grade utilities, and appropriate transitions) along the property frontage, wet and dry utility connections, and street restoration efforts on Capalina and Mission Road. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Development Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash.
21. 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.
22. 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.
23. The applicant/developer shall secure letters of permission from adjacent property owners for all grading work 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.
24. 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.
25. 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).

26. 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.
27. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across the adjacent property.
28. 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.
29. 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.
30. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
31. All construction and grading related Best Management Plans (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.
32. 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.
33. The applicant/developer shall submit "will-serve" letters or approved documentation from all affected public service and utilities agencies prior to issuance of grading permit.

Planning Division

34. Under separate permit application, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:

- a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect.
- b. Separate landscape plans shall be submitted for the on-site (private) landscape areas and the off-site (CFD) landscape areas. CFD landscape plans shall be submitted to the Land Development Division as part of the street improvement plan set. Private landscape plans shall be submitted separately to the Planning Division.
- c. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the landscape architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the landscape architect and estimate the cost of plant and irrigation materials only.
- d. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet if in public view. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards handout, City Council Resolution 2001-5747); and method of installation and irrigation.
- e. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, SMMC Chapter 20.330, in addition to State of California water efficiency requirements.
- f. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans (SWQMP).
- g. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type and shall not include chain link fencing. Pilasters shall be spaced no more than fifty (50) feet apart.
- 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 for contacting the Public Works Department for CFD landscaping inspections.
35. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face, similar textured block, or other architecturally compatible material/finish approved by the Planning Division. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
36. 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.

- 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 San Luis Rey Band of Mission Indians, Rincon Band of Luiseño

Indians, Pechanga Band of Indians or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

- c. Unanticipated Discovery Procedures: Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

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

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

All sacred sites, significant tribal cultural resources, and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural

materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

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

In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

- d. 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)).

37. Construction-related ground-disturbing activities (e.g., clearing/grubbing, vegetation removal, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require biological survey for nesting bird species to be conducted within the limits of grading within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines to 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitor(s) shall be provided in order to monitor active nest(s) or other project activities in order to ensure all of the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas. If construction activities, particularly clearing/grubbing, grading, and other intensive activities, stop for more than 3 days during the nesting season, an additional nesting bird survey shall be conducted within the proposed impact area.

38. The applicant/developer shall enter into a regulatory agreement and Owner Participation Agreement (OPA), approved by the City Manager, for the affordable housing units required under State Density Bonus Law. The agreement shall include, but is not limited to, term of restriction, monitoring requirements, occupancy and income restrictions, management control, and Conditions, Covenants, and Restrictions considered by the City to ensure compliance with the City's Housing Element of the General Plan. Such rental restrictions for the six (6) dedicated very low-income units shall be effective for a term of fifty-five (55) years. In addition, the dedicated units shall include a mixture of available floor plan types (e.g. studio, 1-bedroom, 2-bedroom).

Building Division

39. 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 Engineering Inspection Division.
40. The project is subject to the approval of the applicable water/sewer district(s) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the water/sewer district(s) prior to issuance of grading or building permit.

Fire Department

41. Improvement plans shall show location and spacing / distance of fire hydrants. Hydrants shall be bronze industrial fire hydrants. Minimum GPM shall be per CFC Appendix B. Industrial fire hydrants shall have two 4-inch ports and one 2.5-inch port. Installation shall be as per local Water District specifications. Hydrant type shall be Clow style, Model #865. Maximum spacing from one hydrant to another cannot exceed 300 feet. Maximum distance from a fire hydrant to any fire department connection cannot exceed 50 feet.
42. The existing fire hydrant on Capalina Road shall be replaced with a new industrial model.
43. 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.
44. 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.

45. 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.
 46. Where two fire apparatus access roads are required (more than 50 units) they shall be placed a distance apart equal to not less than one-half of the length of the maximum diagonal dimension of the property or area to be served, measured in a straight line between accesses.
 47. Deferred submittal / separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to buildings, etc.)
- C. Prior to issuance of any building permit, unless otherwise noted, the applicant/developer shall comply with the following conditions:

Land Development Division

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

combustible materials to the project site.

Planning Division

7. 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.
8. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
9. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
10. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
11. 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 Planning Division Director.
12. The applicant/developer shall submit a comprehensive sign program to the Planning Division for review and approval. Following review and approval of the comprehensive sign program, all proposed signage requires approval of a separate sign permit.
13. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
14. Rain gutter downspouts shall be internal or architecturally compatible with the building as determined by the Planning Division.
15. Gas meters shall be architecturally screened from view by low screening walls. Wall materials shall be architecturally compatible with the building(s). Screening plan shall be approved by the Planning Division prior to issuance of building permit.
16. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Director. Said TDM plan shall address coordination with local transit districts regarding existing and future bus routes and stops, shuttle service to rail stations and incentives for bus & rail passes. The TDM plan shall also include investigations into staggered work hours, carpools, education and financial incentives. The TDM plan shall be implemented

at occupancy. The applicant/developer or property owner will be responsible for the submission of an annual report consistent with the TDM goals and general strategies for review by the City Engineer and Planning Division Director.

17. The applicant/developer shall submit an outdoor furniture manual with photographs and specifications of benches, picnic tables, barbeques, trash receptacles, etc. The manual shall include a site plan showing locations of the outdoor furniture. The applicant/developer shall be responsible for the installation of outdoor furniture.
18. Electric vehicle (EV) parking spaces shall be provided in accordance with the requirements of the latest adopted Title 24 Building Code.
19. The building plans shall clearly demonstrate compliance with the requirements of the city's Climate Action Plan, including, but not limited to, photovoltaic, electric water heaters, electric vehicle charging, and bicycle racks.
20. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval prior to submittal of a building permit. The applicant/developer or property owner shall be responsible for compliance with the parking management plan.

Building Division

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that is in effect at the time of building permit issuance.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. The applicant/developer shall incorporate an on-site security camera system including controlled building access.
35. 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. Minimum number of units requiring accessibility improvements shall include both market rate and low-income units.

Fire Department

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

pre-fire planning purposes.

37. At approval of final building plans, Developer shall contact San Marcos GIS (gis-support@san-marcos.assist.com) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time of fire inspection.
38. Separate Permit / Deferred Submittal: An automatic fire sprinkler system shall be installed in compliance with the most current edition of the California Fire Code and the most current edition of NFPA 13, 13R, or 13D, based on number of units, type of construction and occupancy classification.
39. Separate Permit / Deferred Submittal: Fire alarm and/or monitoring system shall be installed in compliance with the most current edition of the California Fire Code and the most current edition of NFPA 72 for NFPA 13 and 13R fire sprinkler systems.
40. The applicant/developer shall provide a Construction Staging/Site Phasing Plan for approval prior to permit issuance.
41. Access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building.
42. A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to new multiple unit residential projects.
43. Access gate(s) or other devices that may obstruct fire access roadways, if proposed now or in the future, shall be equipped with a Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure. Access gate shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
44. The proposed development is subject to the requirements of the City Fire Code Mid-Rise Ordinance (SMMC Section 17.64.210).
45. Building plans shall indicate where elevators are installed, and shall meet the following conditions of California Fire Code (CFC) Section 607 and California Building Code (CBC) Chapter 30 which comply with the following:
 - a. At least one (1) elevator that extends to the top floor of a structure shall accommodate the loading and transport of an ambulance gurney or stretcher (maximum size 24 inches by 76 inches) in the horizontal position.
 - b. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch ambulance gurney or stretcher in the horizontal, open

position, shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.

c. A minimum of four (4) keys shall be provided for fire dept. use.

D. During the grading and construction phase, unless otherwise noted, the applicant/developer shall comply with the following conditions:

Engineering Inspection Division

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

requirements has been achieved.

Planning Division

9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.
10. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
11. The project shall comply with Regional Air Quality Standards.
12. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme and exposed to direct sunlight. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.
13. Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

Building Division

14. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
15. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
16. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court

appearance in North County Superior Court.

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

Fire Department

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

Land Development Division

1. All improvements including underground conversion of overhead utilities shall be completed in accordance with the approved project plans prior to issuance of the first market rate Certificate of Occupancy. This includes all offsite water and sewer improvements required by Vallecitos Water District (VWD).
2. All applicable easements and agreements shall be recorded prior to occupancy if not required sooner by these conditions.
3. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
4. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of

utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.

5. Any existing broken pavement, concrete curb, gutter or sidewalk or any other facilities damaged during construction of the project, shall be repaired or replaced as directed by the Public Works Inspector.
6. Water and sewer improvements in accordance with the project water/sewer study shall be constructed for the project as determined necessary by the applicable water/sewer district(s).

Planning Division

7. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Director.
8. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
9. Common landscape areas shall not be transferred over to the responsibility of the property owner until inspected and approved by the City.
10. All CFD landscaping shall be installed, inspected, and approved by the Public Works Department. Landscaping shall be established and flourishing in a healthy manner.
11. Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the applicant/developer or property owner for a minimum period of two (2) years, which may be extended at the sole discretion of the City, until such time as accepted by the City. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is well established and thriving prior to the City accepting maintenance responsibilities. As a condition to begin this period, the applicant/developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance contract amount.
12. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
13. The applicant/developer acknowledges that the maintenance of the public open

space, parks, trails and etc. may expose the City to liability and agrees to hold the City harmless from any actions in the maintenance of such areas.

14. The applicant/developer shall have completed the installation of the playground equipment and outdoor furniture in accordance with the manufacturer's standards. The applicant/developer shall submit for each phase a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications.
15. The applicant/developer shall disclose to future owners/tenants of the project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building occupancy.

Building Division

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

Fire Department

17. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
18. New structure shall be tested for Emergency Responder Radio Coverage in accordance with Section 510 of the California Fire Code.
19. 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.).
20. 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.
21. On-site fire hydrants shall be color coded per NFPA 291. The bottom eight inches of a private fire hydrant shall be painted red. A minimum 3-ft clearance shall be maintained around hydrants. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
22. Knox key box(es) shall be provided. A master key for entry to all gates, enclosures, and equipment rooms or areas is required and properly labeled per Fire Department requirements. Knox box shall be mounted in an area approved by the

Fire Department at a height of 60 to 66 inches above grade. Knox box shall be type with side-hinged door.

23. 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.
24. For multi-family buildings, fire extinguishers size, type and rating shall comply with 2019 California Fire Code, Section 906, extinguishers shall be rated at 2A:10B:C minimum.

F. Ongoing Advisory Conditions

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