

# STAFF REPORT

## PLANNING COMMISSION MEETING

**MEETING DATE:** October 18, 2021  
**SUBJECT:** Discovery Village South Modification to Conditions of Approval  
**CASE NUMBERS:** TSM 16-003 and SDP 17-006  
**APN:** 221-081-01, 221-081-02, 221-081-03, 221-081-04, 221-081-05

### Recommendation

Recommend to the City Council approval a resolution modifying the conditions of approval for Resolution 8471 (TSM 16-003) and Resolution 2018-8472 (SDP 17-006). This action can rely on the previously adopted Mitigated Negative Declaration (MND 16-001) prepared for the project.

### Background

On February 5, 2018 the Planning Commission recommend to City Council approval of the Discovery Village South project for a 220 unit single family residential development. On March 13, 2018, the City Council adopted conditions of approval for Tentative Subdivision Map (TSM) 16-003 and Site Development Plan (SDP) 17-006. The conditions of approval contained specific infrastructure requirements for the construction of Discovery Street from Craven Road to Twin Oaks. Since approval, the applicant has pulled permits to construct the project as conditioned. Since the start of construction, substantial grading and subsurface improvements have occurred along the Discovery Street alignment. The applicant has requested consideration of revisions to conditions of approval relating to the construction of Discovery Street due to increased construction costs and supply chain issues that have resulted in delay. Proposed changes to the conditions of approval provide the applicant the ability to occupy up to 35 units while construction of Discovery Street continues. The proposed changes do not result in a material change to the overall requirements to construct Discovery Street, and will provide funding for additional future public infrastructure.

### Discussion

On March 13, 2018, City Council approved the entitlements for a project located East of Craven Road, South of the future Discovery Street Extension and North of the Discovery Meadows development, commonly referred to as the Fenton South project (now referred to as "Discovery Village South"). The project approved the construction of up to 220 units on approximately 39 acres. Approvals for the projects included entitlements for a Tentative Subdivision Map (TSM) 16-003 and Site Development Plan (SDP) 17-006. Both the TSM and SDP provided conditions of approval relating to the construction

of Discovery Street between Bent Avenue and Twin Oaks Valley Road. These conditions of approval required the construction of Discovery Street prior to occupancy of any structure within the project.

Over the course of 2020 and 2021, the applicant has pursued the construction of the project including the construction of Discovery Street. In summer of 2021, the applicant approached the City seeking modification to the conditions relating to the construction of Discovery Street. The nature of the request was to allow deferral of the construction of Discovery Street prior to the occupancy of the 36<sup>th</sup> structure. The applicant cited several reasons for this including those relating to supply chain issues and managing around increasing costs.

Staff evaluated the request to determine if it would affect the orderly development of the project, determine if the request was reasonable, and establish what impacts modifications may have to the public. Staff did not find that the modification of the condition would materially affect the nature of the project, nor did modification of the conditions result in a reduction of infrastructure being built to the benefit of the public. Further evaluation necessitated the additional requirement for the applicant to ensure safe and appropriate access for residents until such time as they can use Discovery Street as the primary access, which is included in the modified conditions of approval.

Staff reviewed the modified conditions with respect to the Final Mitigated Negative Declaration (MND) in order to determine if any additional environmental impacts under the California Environmental Quality Act (CEQA) were required to be addressed. The full construction of Discovery Street between Bent Avenue and Twin Oaks Valley Road was not necessary for Project access or required as mitigation for Project impacts under CEQA. This applicant agreed to this Project condition to help implement the City's infrastructure plans in the Project area and improve the quality of life for residents. Therefore, no CEQA related impacts would result from modifying the condition. No additional impacts were identified that would create an impact under CEQA.

However, non-CEQA related indirect impacts and temporary impacts associated with the revised phasing and extended construction schedule for Discovery Street are mutually recognized by staff and the applicant. These include the general inconveniences associated with nearby construction. The applicant has agreed to provide a contribution towards additional infrastructure improvements for the community to help offset indirect and temporary impacts with long-term tangible public benefits. The proposed contribution would provide \$800,000 towards public park infrastructure.

For the reasons described above, staff recommends approving the resolution modifying conditions of approval for TSM 16-003 and SDP 17-006.



## Environmental Review

The Project has been reviewed for compliance with CEQA and has been found to be in conformance with the previous MND. The MND (MND 16-001) was approved and certified by City Council on March 13, 2018. The Notice of Determination (NOD) was filed with the State of California Office of Planning and Research on March 28, 2018. No substantial changes are proposed in the Project and there are no substantial changes in circumstances under which the Project will be undertaken that will require major revisions to the previous MND due to involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines section 15162(a)(3). Therefore, pursuant to CEQA Guidelines section 15162 the previously adopted MND is adequate without modification.

## Attachment(s)

Adopting Resolution:  
Resolution PC 21-4948


- A. Attachment A- Resolution 2018-8471 (TSM 16-003)
- B. Attachment B- Resolution 2018-8472 (SDP 17-006)
- C. Attachment C – Vicinity Map

Prepared by:

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Isaac Etchamendy P.E., City Engineer

Reviewed by:

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Approved and Submitted by:



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Joseph Farace, Planning Division Manager



ATTACHMENT A  
Resolution 2018-8471 (TSM 16-003)

RESOLUTION NO. 2018-8471

A RESOLUTION OF THE CITY OF SAN MARCOS CITY COUNCIL APPROVING A TENTATIVE SUBDIVISION MAP FOR CONSTRUCTION OF UP TO A MAXIMUM OF 220 CONDOMINIUM RESIDENTIAL UNITS ON A MAXIMUM OF THREE (3) RESIDENTIAL LOTS (LOTS 1, 2, & 3), ONE (1) LOT (LOT A) ESTABLISHED FOR PRIVATE DETENTION BASIN, AND ONE (1) REMAINDER LOT LOCATED ON APPROXIMATELY 39 ACRES TO BE DEVELOPED UNDER THE DISCOVERY VILLAGE SOUTH SPECIFIC PLAN

Case No. TSM 16-003 (P16-0037)  
H.G. Fenton Development Company LLC

WHEREAS, on September 7, 2016 an application was received from H. G. Fenton Development Company LLC requesting a General Plan Amendment (GPA 17-003) and adoption of Mitigated Negative Declaration (MND16-001), Specific Plan (SP 16-002), Tentative Subdivision Map (TSM 16-003) Site Development Plan (SDP 17-006), and Grading Variance (GV 17-004) to allow residential develop of up to 220 dwelling units on approximately 39 acres of vacant land located north of Craven Road, south of the future Discovery Street, west of Rush Drive, and east of Bent Avenue more particularly described as:

ALL OR PORTIONS OF LOTS 1 AND 2 OF BLOCK 67, AND LOTS 8, 9, 10, 11, 12 AND 13 OF BLOCK 63 OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 AND PARCEL A OF MAP NO. 16595

Assessor Parcel Numbers: 221-080-18-00, 221-080-24-00, 221-080-19-00, 221-080-11-00, 221-070-20-00, 221-142-07-00, 221-080-23-00, 221-080-12-00, and 221-070-19-00

WHEREAS, the Development Services Department held a public workshop on October 5, 2017 for the proposed project; and

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the Planning Commission recommended approval to the City Council on February 5, 2018; and

WHEREAS, the required public hearing held on March 13, 2018 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council did consider a Mitigated Negative Declaration (MND 16-001) pursuant to the California Environmental Quality Act; and

WHEREAS, the City Council did consider said Tentative Subdivision Map and the recommendation of its staff, 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 with respect thereto, and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the

improvements thereof will conform to all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the applicant/developer proposes to file a Final Map on said subdivision; and

WHEREAS, the City Council's decision is based upon the following findings and determinations:

1. Said Tentative Subdivision Map (TSM 16-003) and design of the proposed subdivision is consistent with the proposed General Plan, as amended, and Discovery Village South Specific Plan (SP 16-002).
2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density of the proposed Discovery Village Specific Plan.
3. As conditioned, the design of this subdivision and improvements will not cause public health problems.
4. The design or improvements will not conflict with any easements acquired by the public at large for access.
5. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat.
6. The proposed Tentative Subdivision Map (TSM 16-003) is consistent with the goals, policies and objectives of the proposed Discovery Village South Specific Plan (SP 16-002), in that the design guidelines will result in a quality housing product blending in with the constraints of the site which insures better compatibility with the surrounding area.
7. The proposed Tentative Subdivision Map (TSM 16-003), as conditioned, will not be detrimental to the public health, safety, morals and welfare in that adequate public facilities and infrastructure including fire, police, water, sewer, drainage, and road capacity are being provided.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. Said Tentative Subdivision Map (TSM 16-003) complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. Said Tentative Subdivision Map (TSM 16-003) is hereby approved, pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this Resolution.
- D. The approval of the Tentative Subdivision Map (TSM 16-003) expires within 24 months from date of the City Council approval. The Final Map conforming to this conditionally approved Tentative



Subdivision Map (TSM 16-003) shall be filed with the City Council in time so that the Council may approve said maps before their expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, or as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the applicant/developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Subdivision Map and new processing of the map.

- E. The Tentative Subdivision Map is approved by the City Council in conjunction with the submitted General Plan Amendment (GPA 17-003), Mitigated Negative Declaration (MND 16-001), Specific Plan Amendment (SP 16-002), Site Development Plan (SDP 17-006), and Grading Variance (GV 17-004), and Resolution No. 2018-8470, Ordinance No. 2018- 1463, Resolution No. 2018- 8472, and Resolution No. 2018-8473 are incorporated herein by this reference with the intent that all conditions of approval specified in Resolution No. 2018-8470, Ordinance No. 2018-1463, Resolution No. 2018-8472, and Resolution No. 2018-8473 are incorporated in and made a part of this Resolution with the same force and effect as though fully set forth herein.
- F. General Provisions:
  - 1. Prior to submittal and approval of the Final Tentative Subdivision Map and/or any development permit (i.e. grading permit or within 180 days of the approval of the Tentative Map, whichever occurs first, the revised tentative map, landscaping plan, etc. shall be submitted as a digital file on a CD including this resolution as a title page. This title page shall include the statement "I (we), \_\_\_\_\_, the owner(s) or the owner's representative, have read, understand and agree to the conditions of the City Council approving GPA 17-003, SP 16-002, TSM 16-003, SDP 17-006, and GV 17-004." 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 City's Planner and Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
  - 2. The applicant/developer shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities District for which there are additional tax assessments.
  - 3. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code (SMMC), City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference.
  - 4. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading permit application.
  - 5. The homeowner's association is required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the

applicant/developer.

6. All development standards shall be complied with per the approved San Marcos Discovery Village South Specific Plan as adopted under SP 16-002.
  7. The applicant/developer shall review and comply with all mitigation measures listed in Mitigated Negative Declaration (MND 16-001) as adopted under Resolution 18-8470 and satisfy the mitigation monitoring program.
  8. The applicant/developer shall comply with all conditions as approved in GPA 17-003, SP 16-002, SDP 17-006, and GV 17-004 per Resolution 18-8470, Ordinance 18-1463, and Resolutions 18-8472 and 18-8473.
  9. Upon completion of project construction activities or when work is ceased for an extended period of time, areas disturbed and not stabilized by landscaping or development should be protected by appropriate BMPs and kept free of nonnative invasive species. Invasive plant species include any species identified as having a High inventory rating or Alert status by Cal-IPC and any plant determined by the project biologist to be a nuisance, causing potential detriment to native flora and/or fauna associated with San Marcos Creek (e.g., whitetop (*Lepidium draba*)).
  10. The applicant/developer shall record an overflight notification document in association with the approval of any new residential land use within the AIA overflight notification area consistent with the ALUCP. As adopted under the General Plan Safety Element under Goals S-7, Policy S-7.1, See Figure 6-5 McClellan-Palomar Airport Influence Area.
  11. The condominium air space lot sizes shall meet the minimum requirements of the Specific Plan for each plan type except as noted on Table 3 of the Discovery Village South Specific Plan.
- G. Prior to recordation or concurrent with a final map, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall establish Covenants, Conditions and Restrictions (CC&Rs) for the proposed project and Homeowners Association (HOA) to assure the continued maintenance and operation of all open space and common areas, recreational facilities and private improvements as follows:
    - a. The City Attorney shall approve the wording of by-laws and articles of incorporation of the proposed HOA in writing prior to the creation of said HOA.
    - b. The applicant/developer and all persons, firms or corporations owning the property subject to this subdivision at the time of the recording of the Final Map and their heirs, administrators, executors, successors and assignees, shall operate, maintain and repair the open space, recreational facilities and private

- improvements for common use and benefit of the residents, approved by the City Council primarily for the benefit of the residents, and shall continue to operate, maintain and repair such open space, facilities, improvements for common use and benefit of the residents.
- c. CC&Rs shall be approved by the City prior to recordation of the same. The CC&Rs shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles. Said area cannot be used for storage other than a vehicle. This restriction shall also be incorporated as part of a Parking Management Plan.
  - d. At the time said Final Map(s) is recorded in the Office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps, a restriction that the area to be used as open space and for recreational facilities be for the use and benefit of the occupants of the property shown on said Final Maps.
  - e. At the same time the Final Maps are recorded, there shall also be recorded a document, signed by all persons, firms and corporations having an interest in the property shown on the Final Maps, whereby said persons, firms and corporations accept the terms and conditions of this Tentative Subdivision map and agree with the City of San Marcos to comply therewith. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos.
2. This project applicant/developer shall apply for an improvement permit compliant with SMMC Chapter 14.16. All plans submitted for improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.
  3. Improvement plans shall include the onsite proposed loop road and any Community Facility District (CFD) facilities. Plans may need to include the installation of a traffic signal and intersection improvements at Bent Avenue and Discovery Street should CIP Project No. 88623 not move forward. The intersection improvements may need to include street improvements west of the intersection to match existing conditions or City approved construction documents as determined by the City Engineer.
  4. A note shall be added to the final map stating that the realignment of Craven Road, and improvements to Bent Avenue consistent with the traffic study shall be constructed and in operation prior to occupancy of the 107<sup>th</sup> structure within the development.
  5. A note shall be added to the final map stating that the full width improvement of the



extension of Discovery Street from Bent Avenue to Twin Oaks Valley Road, pursuant to the General Plan, shall be completed to the satisfaction of the City Engineer prior to any occupancy of any building.

6. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
7. The applicant/developer shall dedicate to the City of San Marcos easements for utility purposes, slope access and maintenance, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
8. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required improvements. Securities and applicable fees for the construction of the improvements shall be submitted and approved in accordance with SMMC sections 19.16.070 and 19.16.080.
9. 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 Individual Homeowners Association/Master Homeowners Association.
10. 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 CFDs:

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

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

CFD 2001-01 – Fire and Paramedic

CFD 2011-01 – Congestion Management

Additionally, 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 shown on the Special Improvement Area Exhibit. Such improvements include, but are not limited to, storm water treatment devices and enhanced landscaping features. No building permit to construct CFD facilities 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 Community Facilities Districts 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 Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

11. A phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager 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 Manager. Other conditions may be imposed by the City Engineer and Planning Division Manager to allow out-of-phase construction.
12. The applicant/developer shall provide a signed disclosure for the remainder parcel for this subdivision. No building permit shall be issued for the remainder parcel until it is further subdivided. This note shall be placed on a separate sheet of the Final Map.
13. The project boundaries have been reviewed and deemed by the City's Floodplain Administrator as falling within the FEMA special flood hazard area. No encroachment of the development shall be allowed within this area unless approved by the City's Floodplain Administrator. The applicant/developer shall design the site to be compliant with the provisions outlined in SMMC 20.255. For design not specified by the SMMC, developer shall seek guidance from the Department of Homeland Security Federal Emergency Management Agency's (DHS-FEMA) technical memoranda on design. The applicant/developer shall bear the full responsibility of complying with floodplain management requirements as well as the processing of any floodplain/floodway re-mapping. The applicant/developer shall obtain approval of a Conditional Letter of Map Revision (CLOMR) from FEMA prior to Final Map approval or issuance of a grading permit.
14. The vacation of City held easements which are no longer necessary shall occur on the Final Map or by separate document. The applicant/developer shall compensate the City for any land owned in fee by the City. Compensation shall be in a form acceptable to the City Manager.
15. At the discretion of the City Manager, the applicant/developer shall obtain all interests in real property for all offsite public improvements and shall dedicate the same to the City. The applicant/developer shall also obtain temporary construction easements necessary to construct any offsite public improvements. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to permit issuance.

16. Direct access rights to all parcels abutting Craven Road and Discovery Street shall be relinquished to the City on the Final Map except at the two project entrances and the one emergency access as shown on the Tentative Subdivision Map.
  17. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street naming Committee. The selected street name(s) shall be shown on the final map(s).
  18. 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. All installations shall be compliant with the City's Street Lighting Standards.
  19. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association. All remaining open space lots, improvements and slopes that the City agrees to maintain must comply with City's maintenance criteria for CFD No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance)
  20. All utilities fronting, abutting or within the project shall show on the improvement plans to be relocated underground with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
  21. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's (VWD) 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.
  22. 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.
- H. Prior to issuance of a grading permit, the applicant/developer shall comply with the following conditions:



1. A detailed landscape and irrigation plan prepared by a licensed landscape architect shall be submitted to the City of San Marcos for review and approval for graded area affecting CFD, HOA, and private landscape areas. Each plan shall address proposed phasing of Planning Areas 1, 2, & 3 as each development Area comes forward. Upon completion of the separate landscape improvements areas, the licensed professional shall submit a letter to the City stating that all materials have been installed in accordance with the approved plans prior to issuance of occupancy permits.
2. The applicant/developer shall submit separate HOA & private landscape plan(s) that complies with all requirements stated in the Water Efficiency Landscape Ordinance (WELO) and comply with the latest State adopted WELO. Additionally, the landscape plans are required to install water efficient non-spray irrigation in all planting areas adjacent to roadways, lanes or alleys.
3. Final landscaping and irrigation plans shall be submitted for review and final approval by the City after addressing review comments on the initial landscape plans. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials & installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection.
4. The compensatory mitigation of impacts to regionally sensitive native and naturalized habitats within the proposed project site, consisting of southern willow scrub, coastal and valley freshwater marsh, herbaceous wetland, alkali marsh, Diegan coastal sage scrub, valley needlegrass grassland, and non-native grassland involves the implementation of habitat-based land conservation in accordance with Table 3.4-1. The mitigation ratios presented in Table 3.4-1 are subject to review by the resource and regulatory agencies.
  - a) Mitigation for impacts to southern willow scrub, coastal and valley freshwater marsh, herbaceous wetland, and alkali marsh could occur through a combination of the following: establishment/re-establishment or establishment/re-establishment combined with enhancement, rehabilitation, and/or preservation; however, the mitigation cannot result in a net-loss of habitat or biological functions and values. Mitigation for impacts to Diegan coastal sage scrub, valley needlegrass grassland, and non-native grassland could occur through a combination of establishment/re-establishment or establishment/re-establishment combined with enhancement, rehabilitation, and/or preservation.
  - b) Mitigation may be achieved via onsite mitigation and/or offsite mitigation at a City approved mitigation site and/or purchase of habitat credits from a resource and regulatory agency approved mitigation bank (typically required to be within the same watershed as the proposed project impact). If habitat credits cannot be

purchased in an existing mitigation bank, then permittee-responsible off-site mitigation would be required. Mitigation may occur via preservation within the San Marcos Creek corridor or north of the Biological Study Area (BSA). Permittee responsible offsite mitigation would require the following: preparation of a compensatory mitigation and monitoring plan, preparation of a long-term resource management plan, open space easement, selection of a resource manager, and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs.

5. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
6. Blasting operations, if applicable, shall be done in conformance with Chapter 17.60 of the San Marcos Municipal Code.
7. The applicant/developer shall submit for a grading permit in accordance with SMMC Chapter 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
8. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
9. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed 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 buildout 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).
10. A Stormwater Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region,

Order No. R9-2013-0001.

11. The applicant/developer shall enter into a Stormwater Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction stormwater management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
12. A letter of permission shall be provided from the property owner for any grading or improvements outside of the subdivision boundary.
13. A Stormwater Pollution Prevention Plan or similar should be developed for the project and Best Management Practices (BMPs) implemented to control erosion and export of sediment from the site during storm events.
14. Environmental training should be provided for contractors and construction personnel by the project biologist prior to the start of construction work, should be repeated if gaps in construction operations are required, and should be provided annually thereafter.
15. Prior to the start of mass clearing and grubbing of habitat, temporary fencing (e.g., orange silt fence, orange snow fence, etc.) should be installed along the perimeter of the project footprint to prevent inadvertent disturbance to adjacent biological resources. Installation of perimeter control may require removal of vegetation using handheld equipment.
16. Temporary fencing should be installed and maintained by the contractor under direction of the project biologist and construction manager.
17. BMPs proposed for the project should not include any species listed by the California Invasive Plant Council (Cal-IPC) in the California Invasive Plant Inventory.
18. Temporary night lighting, if required, should be downcast/fully shielded and directed away from adjacent habitat.
19. The compensatory mitigation of impacts involves the implementation of habitat based land conservation in accordance with MND 16-001. Specifically, the applicant/developer should mitigate for impacts to gnatcatcher occupied habitat via onsite mitigation and/or mitigation at a City approved mitigation site and/or purchase, at a 2:1 mitigation ratio, 10.42 acres of gnatcatcher-occupied habitat, from a resource agency approved mitigation bank.
20. Clearing and grubbing in or within 300 feet of gnatcatcher-occupied habitat should occur from September 1 (or sooner if a resource agency approved biologist demonstrates to the satisfaction of the resource agencies that all nesting is complete) to



February 14 to avoid the gnatcatcher breeding season.

21. Impacts to jurisdictional resources consisting of southern willow scrub, coastal and valley freshwater marsh, herbaceous wetland, and alkali marsh would require acquisition of the following permits and approvals, or demonstration to the City Planning Manager that such approvals are not required:
  - a. A Clean Water Act Section 404 permit for discharge of dredged or fill material within waters of the United States;
  - b. A Clean Water Act Section 401 state water quality certification for an action that may result in degradation of waters of the State, and;
  - c. A Streambed Alteration Agreement issued under Section 1602 of the California Fish and Game Code.
22. To avoid impacts to nesting migratory birds and raptors, all clearing, grubbing, and/or grading of vegetation that has a potential to support active nests should not take place from January 1 through September 15, the "restricted work period." If avoidance of the nesting migratory bird breeding season is not feasible, clearing, grubbing and/or grading of vegetation may occur during the "restricted work period" if a qualified biologist conducts a focused survey for active nests within (approximately) 48 hours prior to work in the area and determines the area to be free of nesting birds. If active bird nests were found, then all construction activities undertaken for the project must comply with regulatory requirements of the federal MBTA and California Fish and Game Code Sections 3503 and 3513. This would require protection of the nest, eggs, chicks, and adults until such time as the nestlings have fully fledged and are no longer dependent upon the nest site.
23. The pre-blast survey shall be conducted for structures within a minimum radius of 500 feet from the identified blast site to be specified by the applicant/developer. Sensitive receptors that could reasonably be affected by blasting shall be surveyed as part of the pre-blast survey. Notification that blasting would occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan.
24. The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed locations. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. The applicant/developer, or its subcontractor (as appropriate), shall keep a record of each blast for at least 1 year from the date of the last blast.

25. Milling features shall be preserved in place, if possible, or shall be relocated to onsite open space or landscaped areas prior to disturbance, if feasible, and as reflected in the Cultural Resource Treatment and Monitoring Agreement.
- I. Prior to issuance of a permit to allow any clearing, grubbing, and/or grading the applicant/developer shall comply with the following conditions:
  1. The planting palette for all proposed development uses onsite (e.g., residential lots, detention basins, etc.) should not include any species listed by Cal-IPC in the California Invasive Plant Inventory.
  2. Prior to beginning project construction, the applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation, including consultation with Luiseno Native American monitor.
  3. The applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe at least thirty (30) days prior to beginning project construction. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site. The Agreement shall also include specific measures to be taken to protect and preserve any tribal cultural resources previously identified and/or discovered within the APE, including but not limited to cultural resource conservation easements.
  4. Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe and the San Luis Rey Band of Mission Indians. Said methodology shall include the requirement for a qualified archaeological monitor and Luiseno Native American monitor to be present and to have joint authority to stop and redirect grading activities to evaluate the significance of any archaeological resources discovered during earth disturbing activities. Archaeological and Luiseno Native American monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. If the applicant/developer, the Project Archaeologist, and the Tribe cannot agree on the significance of the mitigation for such resources, these issues will be presented to the Planning Division Manager for decision.

5. The pre-construction meeting with the applicant/developer, contractor, and City staff shall include the Project Archaeologist and Luiseno Native American monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist and Luiseno Native American monitor regarding proposed archaeological techniques and strategies for the project.
  6. All grubbing shall be controlled in areas of concern as determined by the Project Archaeologist and the Luiseño Native American monitor, and as reflected in the Treatment and Monitoring Agreement developed in consultation with the Luiseño Tribe, and shall be inspected by the Project Archaeologist and Luiseño Native American monitor prior to initiating grading for those areas. Grading shall be controlled within the area of CA-SDI-11809 and San Marcos Creek using a slope board or similar equipment to allow soil to be removed in increments of only a few inches at a time. Other areas which may require controlled grading shall be determined by the Project Archaeologist and the Luiseño Native American monitor, as reflected in the Treatment and Monitoring Agreement developed in consultation with the Luiseño Tribe. Details of the type of equipment used, rate of grading (speed), etc. shall be documented in the Treatment and Monitoring Agreement.
- J. During grading activities, the applicant/developer shall comply with the following conditions:
1. Prior to any construction, the Public Works Inspector shall conduct a pre-construction meeting in which a representative from the Planning Division and the project biologist and archeologist shall attend.
  2. During grading the owner/developer/contractor shall implement and maintain the stormwater pollution prevention measures as required on the approved plans. Violations of the City's Stormwater 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 stormwater requirements.
  3. 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.
  4. A monitoring biologist should inspect and oversee installation of temporary perimeter fencing and should be on site full-time during the initial clearing and grubbing of habitat, and should conduct weekly inspections thereafter during grading operations to ensure compliance with the project biological requirements. The biologist should be

knowledgeable about upland and wetland biology and ecology, possess a bachelor's degree in a biological related field, and have at least 2 years of experience in field biology or current certification of a nationally recognized biological society. In lieu of the above qualifications, a resume should demonstrate to the satisfaction of the City that the proposed biologist has the appropriate training and background to effectively implement the recommended construction period mitigation and monitoring measures. The biologist should have the authority to halt construction activities, if needed and should report any violation to the City within 48 hours of detection.

5. If least Bell's vireo nesting territories are determined to be present within 300 feet of construction activities during the breeding season for this species (April 10 to July 31), then noise generated from construction activities should be kept below 60 A-weighted decibels (dBA) hourly average at the edge of the riparian canopy or below ambient levels if ambient is determined to be louder than 60 dBA.
6. A San Diego County qualified archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
7. The import of fill onto the site shall be clean of cultural resources and documented as such.
8. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required by a superseding agency, curation shall be conducted by an approved facility in San Diego County and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the applicant/developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.
9. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains



shall be examined in the field and kept in a secure location at the site, and if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98. If inadvertent discoveries of surface or subsurface archaeological/tribal cultural resources are discovered during grading, the applicant/developer, the Project Archaeologist, the San Luis Rey Band of Mission Indians, and the Luiseño Native American monitor under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and/or tribal cultural resources, as applicable, and shall take into account the religious beliefs, customs, and practices of the San Luis Rey Band of Mission Indians. If avoidance is not feasible and a Data Recovery Plan is authorized by the City as the Lead Agency under CEQA, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan. Notwithstanding any other rights available under law, the decision of the Planning Manager shall be appealable to the Planning Commission and/or City Council.

10. The applicant/developer shall contact the Viejas Tribal Government or other Kumeyaay tribe designee to provide: 1) a project construction schedule; 2) any project schedule changes; 3) accommodation of a Kumeyaay monitoring during project construction; and 4) outreach if there are any inadvertent discoveries during project construction.
11. The project contractor shall, to the extent feasible, schedule construction activities to avoid the simultaneous operation of construction equipment so as to minimize noise levels resulting from operating several pieces of high noise level emitting equipment.
12. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Enforcement shall be accomplished by random field inspections by applicant/developer personnel during construction activities, to the satisfaction of the City's Development Services Department.
13. Construction noise reduction methods such as shutting off idling equipment, construction of a temporary noise barrier, maximizing the distance between construction equipment staging areas and adjacent residences, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.

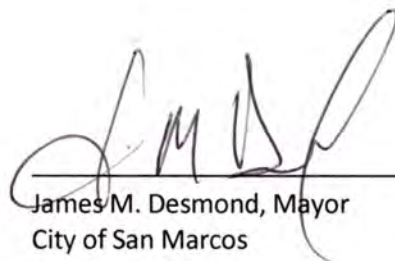
14. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive receptors.
  15. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented and a report of the action provided to the reporting party.
  16. The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.
  17. All grading shall be supervised by a 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.
- K. Prior to acceptance of public improvements, completion of grading, and/or release of securities, the applicant/developer shall comply with the following conditions:
1. A final geotechnical report shall be provided to the engineering inspector to specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
  2. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector prior to security release. The certificate shall be in a form acceptable to the City Engineer.
  3. The applicant/developer shall file a Letter of Map Revision based on Fill (LOMR-F) or Letter of Map Revision (LOMR) and provide all supporting documentation provided to DHS-FEMA to the City's Floodplain Administrator.
  4. All applicable easements and agreements shall be recorded prior to release of project securities.
  5. As-built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of

approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.

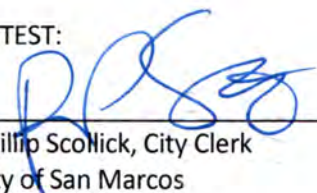
6. The applicant/developer shall maintain all CFD projects as outlined in the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Applicant/developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance to cover the balance.
  7. Prior to the release of the Grading Bond, a Monitoring Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts including evaluation and/or data recovery efforts, as necessary) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City's Planning Manager. The final report shall all be submitted to the South Coast Information Center and the curation facility, if recovered cultural materials are curated.
- L. The applicant/developer shall comply with adopted conditions per GPA 17-003, SPA 16-002, SDP 17-006, and GV 17-004, and mitigation measures as adopted in MND 16-001.
- M. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), 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 permit arising from the project as defined in the Tentative Subdivision Map; (ii) any damages, liability and/or claims 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 operation of 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 City. This indemnification shall not terminate upon expiration of the Tentative Subdivision Map, but shall survive in perpetuity.
- N. To the extent feasible and as permitted by law, applicant/developer and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services and equipment needed and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California,  
this 13th day of March, 2018, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE  
ABSTAIN: COUNCILMEMBERS: NONE

  
\_\_\_\_\_  
James M. Desmond, Mayor  
City of San Marcos

ATTEST:

  
\_\_\_\_\_  
Phillip Scollick, City Clerk  
City of San Marcos



ATTACHMENT B  
Resolution 2018-8472 (SDP 17-006)

RESOLUTION NO 2018-8472

A RESOLUTION OF THE CITY COUNCIL APPROVING A SITE DEVELOPMENT PLAN ALLOWING THE CONSTRUCTION OF UP TO A MAXIMUM OF 220 CONDOMINIUM RESIDENTIAL UNITS IN THE BARHAM/DISCOVERY COMMUNITY

CASE NO.: SDP 17-006 (P16-0037)  
H.G. Fenton Development Company LLC

WHEREAS, on September 7, 2016 an application was received from H.G. Fenton Development Company LLC requesting a General Plan Amendment (GPA 17-003), Specific Plan Amendment (SP 16-002), Tentative Subdivision Map (TSM 16-003), Site Development Plan (SDP 17-006), and Grading Variance (GV 17-004) to allow construction of up to 220 condominium residential units located south of the future Discovery Street, west of Rush Drive, east of Bent Avenue & north of Craven Road, more particularly described as:

ALL OR PORTIONS OF LOTS 1 AND 2 OF BLOCK 67, AND LOTS 8, 9, 10, 11, 12 AND 13 OF BLOCK 63 OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 AND PARCEL A OF MAP NO. 16595

Assessor Parcel Numbers: 221-080-18-00, 221-080-24-00, 221-080-19-00, 221-080-11-00, 221-070-20-00, 221-142-07-00, 221-080-23-00, 221-080-12-00, 221-070-19-00

WHEREAS, Developmental Services conducted a public workshop on October 5, 2017 for the proposed project; and

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

WHEREAS, the Planning Commission recommended approval to the City Council on February 5, 2018; and

WHEREAS, the required public hearing held on March 13, 2018 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council did consider the Mitigated Negative Declaration (MND 16-001) pursuant to CEQA; and

WHEREAS, the City Council's decision is based upon the following findings and determinations:

1. The project, as conditioned, conforms with the General Plan as amended, the proposed Discovery Village South Specific Plan, once approved, and all provisions of the San Marcos

Municipal Code and Zoning Ordinance.

2. As feasible and as analyzed in the Mitigated Negative Declaration (MND 16-001), the project preserves mature trees and will not unnecessarily remove trees and natural vegetation, with mitigation measures to reduce the impact to less than significant.
3. The project as conditioned will not impact ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting, as analyzed in the Mitigated Negative Declaration (MND 16-001).
4. The project as conditioned provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare.
5. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.
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.
7. To the maximum extent feasible, the project as conditioned will provide adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Zoning Ordinance, Building Code, or other sections of this Code, if any, that exist on the site.
8. There are no proposed signs and no illegal signs on the site.
9. The project as conditioned 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.
10. The project as conditioned provides open space, parking areas, and landscaping consistent with the San Marcos Municipal Code and Zoning Ordinance and in a manner that visually enhances the physical use of the property.

NOW THEREFORE, the City Council resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The City Council approves the proposed project subject to the following conditions:



1. Revised site plan, landscape plans and shall be modified to reflect the conditions of this approving resolution and mitigation measures and submitted to the Planning Division for review and approval.
  2. Any future modifications to the Site Development Plan shall follow the processing requirements as described in Chapter 20.515 of the Zoning Ordinance.
- C. The revised site plan, preliminary landscaping plan, floor plan, and any other plan required by the City, shall be submitted as a digital disk including copies of all related resolutions as a title page. This title page shall include the statement "I(we), \_\_\_\_\_, the owner(s) or the owner's representative, have read, understand and agree to the conditions of City Council Resolution for SDP 17-006." 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 Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
- D. General Provisions:
1. The applicant/developer shall establish Covenants, Conditions, and Restrictions (CC&Rs). The CC&Rs shall be approved by the City prior to recordation of any maps associated with the tracts. The CC&Rs shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles. Said area cannot be used for storage other than a vehicle.
  2. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point. The applicant/developer shall ensure that prospective purchasers sign a disclosure acknowledging that the property is within the City's Community Facilities Districts Boundaries which are subject to supplemental tax assessments. Annexation into one or more of these districts and payment of in-lieu fees is or will be required.
- E. The following shall apply to the Site Development Plan submitted to the City, date stamped on January 19, 2018:
1. Due to roadway configuration (street-bulbs, street curvature) the following Lots are exempt from the minimum Lot width and Lot depth standards as indicted on Table 3 of the Discovery Village South Specific Plan:  
Sheets 2 & 3 of 29:
    - a. Lots 4, 5, 13-16, 29-31, 40, 67, 68, 77-79, 84-87, 100-103, 107, 108, 110, 111, 119, 120, 123, and 131 do not meet the minimum Lot width of 45 feet.



- b. Lot 131 does not meet the minimum Lot depth of 90 feet.
2. All residential lots adjacent to private parks shall be separated by a decorative good neighbor wall.
3. Consistent with the Discovery Village South Specific Plan, the Ceremonial Entry Open Space – Area “D” to include: Community Center, Swimming Pool, Gym Room or Club House.
- F. Prior to approval of working drawings, the Architectural Elevations and Floor Plans submitted to the City, the following shall be addressed:
  1. Identify the architectural style for every proposed elevation.
  2. Propose elevations submitted with working drawings that shall include:
    - a. Additional architectural detail consistent with the Discovery Village South Specific Plan.
    - b. Reduction in the amount of blank walls.
    - c. A material legend shall be prepared, submitted and presented on a material board pending final review and approval by the Planning Division Manager. Anticipated examples would be multiple choices of color stone and brick veneers, variation in architectural wrought iron details, deletion of asphalt shingles replaced with flat, s-shape, etc. concrete roof tiles of various colors.
    - d. All garage doors shall include architectural windows.
    - e. Architectural detail and variety of balconies and porches shall be provided.
  3. The follow lots shall be required to provide additional architectural enhancements:
    - a. Sheet 2 of 9
      - 1.) Rear elevations: Lots 1-30, 41, 44-50, 56, 57, 62, 63, 66, 78-93, and 108.
      - 2.) Right elevations: Lots 1, 5, 14-18, 29, 30, 41, 50, 57, 63, 85-87, and 139.
      - 3.) Left elevations: 4, 11-15, 18, 29, 49, 56, 62, 66, 80, 85, 86108, 111, 132, and 134.
    - b. Sheet 3 of 9
      - 1.) Rear elevations: Lots 67, 88-107, 156, 184-186, 191-202, and 207-218.
      - 2.) Right elevations: 101,102, 107, 147, 155, 161, 173, 181, 184, 188, 189, 196, 204, 207, 212, 215, 219, and 220.
      - 3.) Left elevations: 67, 102, 103, 140, 148, 164,174, 179, 182, 187, 197, 202, 205, 210, 213, and 218.

- G. All conditions below must be addressed on the landscape plans prior to acceptance of working drawings for building permits:
1. Homeowners Association (HOA) maintained areas shall be depicted and submitted on separate set of landscape plans addressing all HOA landscape design and maintenance areas.
  2. Private homeowner maintained areas shall be submitted on a separate set of landscape plans addressing all private landscape design and maintenance area.
  3. The final landscape design shall comply with the Discovery Village South Specific Plan design standards as presented in SP16-002 and to the satisfaction of the Planning Manager.
  4. A note shall be added to the landscape plan indicating that additional landscaping may be required if deemed necessary during field inspection.
  5. Landscape plan shall clearly indicate that the applicant/developer shall install landscaping in all front yards for Planning Areas 1, 2, & 3.
  6. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials and installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection. All submitted estimates shall be stamped and signed by the Landscape professional. The landscape plans shall comply with the City's Water Efficient Landscape Ordinance.
- H. Prior to Grading Permit Issuance, the following conditions shall be complied with:
1. The project boundaries have been reviewed and deemed by the City's Floodplain administrator as falling within the FEMA special flood hazard area. No encroachment of the development shall be allowed within this area unless approved by the City's Floodplain Administrator. The applicant/developer shall design the site to be compliant with the provisions outlined in SMMC 20.255. For design not specified by the City's Municipal code, applicant/developer shall seek guidance from the Department of Homeland Security Federal Emergency Management Agency's (DHS-FEMA) technical memoranda on design. The applicant/developer shall bear the full responsibility of complying with floodplain management requirements as well as the processing of any floodplain/floodway re-mapping. The applicant/developer shall obtain approval of a Conditional Letter of Map Revision (CLOMR) from FEMA prior to Final Map approval or issuance of a grading permit.
  2. The applicant/developer shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All



applicable fees and securities shall be paid prior to grading permit issuance.

3. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
  4. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed 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 buildout 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).
  5. A Stormwater Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001.
  6. The property owner shall enter into a Stormwater 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.
  7. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
  8. Blasting operations, if applicable shall be done in conformance with Chapter 17.60 of the San Marcos Municipal Code.
- I. Prior to issuance of any building permit, the following conditions shall be complied with:
1. Plans and construction documents submitted for a building permit shall be designed and seal/signed by a California licensed design professional as required by the latest Business and Professions Code.

2. The residential garage design shall demonstrate that the interior dimension are 20' x 20' for double-car stall and if proposed, 12' x 20' for a single-car space. Interior garage area shall be free and clear of any obstructions and shall not be utilized for storage space. This restriction will be included in the CC&R's and enforced by the HOA.
3. The applicant/developer shall obtain "will serve" letters from all affected public service and utilities agencies prior to issuance of a building permit.
4. The applicant/developer shall submit a full set of building elevations for final review and approval by the Planning Manager.
5. The design of common areas shall comply with Federal Law, ADA 90, and State Law, Title 24, California Code of Regulations, for accessibility standards for new construction.
6. The design of buildings and structures shall comply with the latest adopted edition of the California Building Code and other applicable codes.
7. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required:
  - i. Exterior door jambs shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door.
  - ii. Door stops on wooden jambs shall be one piece construction or substantially fastened to the jamb.
  - iii. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing.
  - iv. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface.
  - v. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
  - vi. Garage doors exceeding 14 feet in width shall have two locking devices.
  - vii. All exterior doors, including doors from the garage to the side yard, shall be 1 3/4 inch solid wood or solid core construction.
  - viii. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
  - ix. Solid wood doors shall have a wide angle 180 degree peep hole.
  - x. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.
8. A phasing plan shall be submitted as Planning Area 1, 2, & 3 to the Development Services Department for review. The Phasing Plan shall identify the extent of street



improvements, recreational improvements and the location of buildings and structures for each phase. Utility meters shall not be released until the improvements and the appropriate departments accept conditions of approval for each phase.

9. This development is subject to the payment of development fees as required by City Ordinance prior to the issuance of any building permit.
10. The applicant/developer shall submit a Permanent Master Maintenance Plan for final review and approval by Developmental Services. This document will be included as an attachment to the CC&R's.
11. All fire lanes shall be shown on Building Plans to the satisfaction of the Fire Marshal.
12. All grading shall be supervised by a 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.
13. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector. The certificate shall be in a form acceptable to the City Engineer.
14. 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.
15. 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.
16. A Final Map shall be recorded prior to building permit issuance.
17. The applicant/developer shall file a Letter of Map Revision based on Fill (LOMR-F) or Letter of Map Revision (LOMR) and provide all supporting documentation provided to DHS-FEMA to the City's Floodplain Administrator.
18. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
19. The proposed project shall contribute its fair share contribution towards the construction of Grand Avenue, between the existing southern terminus and Discovery

Street in accordance with the approved traffic study. This fair share contribution is in addition to payments received as part of the City of San Marcos Public Facility Fee (PFF) Program.

20. The proposed residences adjacent to Discovery Street and Craven Road shall require mechanical ventilation systems or air conditioning systems in order to ensure that windows and doors at the second-floor elevations can remain closed while maintaining a comfortable environment. Additionally, sound-rated (i.e., minimum Sound Transmission Class (STC) rated) windows may be installed (if deemed necessary). An interior noise analysis shall be required and approved by the City of San Marcos for the proposed habitable rooms on the second floor of lots adjacent to Discovery Street and Craven Road prior to issuance of building permits. Installation of these systems (i.e., HVAC and sound-rated windows) shall be required if the interior noise analysis shows that impacts are above the state and City's 45 (dBA CNEL/L<sub>dn</sub>) interior noise standard. The interior noise analysis shall substantiate that with the implementation of required mitigation, the resulting interior noise levels will be less than the noise standard, and thus, will result in a less-than-significant impact.
21. New buildings shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
22. 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.
23. 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.
24. 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. Exception: Single-Family residential driveways; serving no more than one single-family dwelling, shall have minimum width of 16 feet curb line to curb line. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds. CFC Section 503.2.1, SMMC 17.64.120.
25. 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 fire dept.
26. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards.



27. Roads at 24 feet width – No Parking allowed. Road at 32 feet width – Parking on one side of road. Roads at 40 feet width – Parking on both sides.
28. Install bronze residential fire hydrant(s). Minimum GPM shall be per CFC.
29. Installation shall be as per local Water District specifications, whichever is applicable. Hydrant Type shall be Jones or Clow.
30. Hydrants shall be spaced no more than 600 feet apart for detached single family dwelling developments and no more than 300 feet apart for multi-family (apartment / condominium) developments.
31. An Automatic Fire Sprinkler System complying with NFPA 13D and 2013 CRC shall be installed.
32. 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.
33. Residential Building numbers shall be a minimum of 4 inches high. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
34. 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.
35. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
36. The City of San Marcos 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.
37. 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.
38. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.

39. The proposed new development is 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.
  40. The proposed new development is subject to the payment of School Fees as required by law. The applicant/developer is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
  41. Prior to issuance of the 107<sup>th</sup> building permit, Bent Avenue shall be improved and in operation per City of San Marcos CIP Project No. 88623 or the applicant/developer shall construct the following:
    - a. Bent Avenue / Discovery Street – Complete the at grade improvement of the intersection including a traffic signal
    - b. Discovery Street / Craven Road – Relocate the existing intersection eastward, to create a new three legged, signalized intersection matching the proposed Discovery Street extension
    - c. Restripe Bent Ave to provide 2 – 12' travel lanes (one each direction) with striping to provide a northbound left turn lane, thru lane, and right turn lane at the intersection of Bent Avenue and West San Marcos Boulevard, consistent with the current plans for the City's CIP project 88623, to the satisfaction of the City Engineer.
- J. Prior to any construction, the following conditions shall be complied with:
1. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
  2. Prior to any construction activity on site, the applicant/developer will be required to acquire proper clearance and approval from all utility companies in which relocation of utilities is proposed or required.
- K. During construction of any phase of the project, the following conditions shall be complied with:
1. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 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 of San Marcos. Failure to comply will result in the issuance of citations. Citations required a mandatory court



appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.

2. The applicant/developer may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The applicant/developer may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of conditions of approval.
3. At least one copy of all approved plans, approval letters, and conditions of approval shall be available for review at the job site at all times.

4. Large equipment and construction traffic shall not be allowed to park on adjacent streets. All construction equipment must remain on-site for the duration of construction. Unless explicitly approved by the Director of Public Works, no construction workers will be allowed to park on surrounding adjacent streets.
  5. Fire Marshal shall approve emergency access for construction and post-construction phases.
  6. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required. No street shall be closed without advanced notice to the surrounding businesses and residents to the satisfaction of the City Engineer.
  7. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
  8. All grading shall be supervised by a 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.
  9. Prior to delivery of combustible building construction materials to the project site; the following conditions shall be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (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).
- L. Prior to occupancy of any structure, the following conditions shall be complied with:
1. The following items shall be addressed and complied with as required by the Fire Department:
    - i. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (type Jones 3775 or the equivalent Clow hydrant).
    - ii. Buildings to be fire sprinklered as determined by the Fire Department.
    - iii. The building address shall be clearly labeled and readable from the street during the day as well as the night.
    - iv. The applicant/developer shall submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.
  2. Building or structures shall not be used or occupied until the City or appropriate agencies have accepted the buildings for occupancy. A Certificate of Occupancy ("C or O") shall not



- be issued until the project improvements have been accepted and all the project improvements have been accepted and project conditions have been satisfied.
3. All open space areas, park areas, including landscaping and areas for the Pedestrian & Bicycle trails and the Multi-use trails shall be improved in accordance with the Discovery Village South Specific Plan per SP 16-002.
  4. An automatic fire extinguishing system shall be installed in accordance with the latest adopted Uniform Building Code and the National Fire Protection Association standards as approved by the Fire Marshal.
  5. Full width improvement of Discovery Street from Bent Avenue to Twin Oaks Valley Road shall be completed to the satisfaction of the City Engineer. A note shall be added to the final map stating that the full width extension of Discovery Street shall be completed to the satisfaction of the City Engineer prior to any occupancy of any structure.
  6. All applicable easements and agreements shall be recorded prior to occupancy.
  7. 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.
  8. 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.
  9. 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. Provide geo-referenced building plan in CAD (.dwg) format using the following coordinate system: NAD\_1983\_StatePlan\_California\_VI\_FIPS\_0406\_Feet. 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.
- M. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements

have been specifically set forth in these conditions, all of which are now incorporated herein by reference.

- N. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), 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 permit arising from the project as defined in the Site Development Plan; (ii) any damages, liability and/or claims 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 operation of 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 City. This indemnification shall not terminate upon expiration of the Site Development Plan, but shall survive in perpetuity.
- O. Site Development Plan Review approval shall lapse and shall be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- P. 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 and equipment needed and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- Q. The applicant/developer shall comply with all conditions of approval in General Plan Amendment (GPA 17-003), Specific Plan Amendment (SP 16-002), Tentative Subdivision Map (TSM 16-003), and Grading Variance (GV 17-004), and mitigation measures in Mitigated Negative Declaration (MND 16-001). Resolution No. 2018- 8470, Ordinance No. 2018- 1463, Resolution No. 2018- 8471, and Resolution No. 2018-8473 are incorporated herein by this reference with the intent that all conditions of approval specified in Resolution No. 2018-8470, Ordinance No. 2018-1463, Resolution No. 2018- 8471, and Resolution No. 2018- 8473 are incorporated in and made a part of this Resolution with the same force and effect as though fully set forth herein.



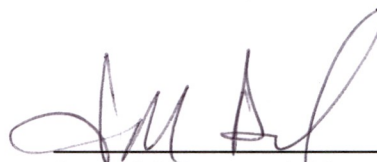
PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, this 13th day of March, 2018 by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

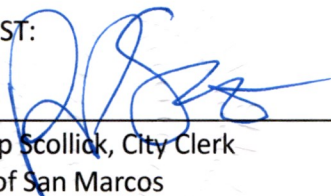
ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE



James M. Desmond, Mayor  
City of San Marcos

ATTEST:



Phillip Scollick, City Clerk  
City of San Marcos

## ATTACHMENT C Vicinity Map

