



AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE: April 18, 2016
SUBJECT: Tentative Subdivision Map for Sixty-Eight (68) Residential Condominium Units
CASE: P15-0077: TSM 15-009
Assessor Parcel Numbers: 220-200-88-00, 220-200-89-00 and 220-200-90-00

Recommendation

Approve a Tentative Subdivision Map (TSM 15-009) that will adjust the lot lines of three contiguous parcels at the southeast corner of Carmel Street and Campus Way in the University District Specific Plan Area to establish sixty-eight (68) residential condominium units for one parcel, vacate and establish a new emergency access easement, building restricted easement, and private access easement.

Introduction

On May 27th, 2014 the City Council adopted an amendment to the University District Specific Plan ("UDSP") that updated the grading, street configurations, location of parks and open space, and elements of the form based code. Following approval of the Specific Plan Amendment, the Planning Commission approved a phased Tentative Subdivision Map (TSM 14-002) to allow for the subdivision of 25 acres of real property (consisting of 23 lots) within the University District Specific Plan Area to be reconfigured into 20 lots, 196 residential condominium units, and 11 commercial condominium units. A final map was subsequently approved by the City Council and became Subdivision Map 15997. Following finalization of the map, an error in the number of residential condominium units for Lot 3 (now identified as lot 1) was identified and is now proposed to be corrected. Additionally, building configurations for lots 3, 4, and 5 (now identified as lots 1, 2, & 3) are now proposed to be arranged in a manner that conflicts with the approved lot lines and easements of the approved map. Therefore, the purpose and intent of this Tentative Subdivision Map (TSM 15-009) request is to correct the number of residential condominium units on Lot 3 (now identified as Lot 1) and modify the configurations and easements of lots 3, 4, & 5 (now identified as Lots 1, 2, and 3).

Discussion

As noted, the applicant is requesting approval of a Tentative Subdivision Map to correct the number of residential units on Lot 1 from twenty seven (27) residential condominium units to sixty-eight (68) residential condominium units; adjust the lot lines of three (3) contiguous parcels (identified as Lots 1, 2, &

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3 on the attached tentative subdivision map); vacate an emergency access easement on Lots 1 & 2 and establish a new emergency access easement on lot 3; vacate a building restricted easement on lots 1 & 2 and establish a new building restricted easement on lot 3; and, vacate a private access easement on lots 1 & 2 and establish a new private access easement on lot 3.

The applicant is requesting the number of residential condominium units increase from twenty-seven (27) to sixty-eight (68) residential condominium units which is in compliance with the allowable density under the UDSP. The new lot configurations and the establishment of a new emergency access easement, building restricted easement, and private access easement will provide buildable parcels for future construction under the form based code standards per the UDSP. Furthermore, the Tentative Subdivision Map will adhere to the approved circulation network to facilitate movement of pedestrians, bicyclists, and motorists in a safe and efficient manner.

Attachment(s)

- A- Vicinity/Aerial Map
- B - Requested Entitlement
- C - Site & Project Characteristics
- D- Tentative Subdivision Map

Prepared by:



Art Piñon, Assistant Planner

Reviewed by:



Garth Koller, Principal Planner

Approved by:



Karen Brindley, Planning Division Manager

Submitted by:



Matt Little, Development Services Director / City Engineer



Attachment A

Vicinity Map

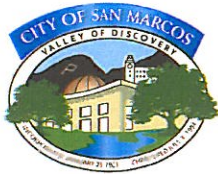




Attachment B

Requested Entitlement

A Tentative Subdivision Map (TSM 15-009) that will adjust the lot lines of three contiguous parcels at the southeast corner of Carmel Street and Campus Way in the University District Specific Plan Area, establish sixty-eight (68) residential condominiums units on one parcel, and vacate and establish a new emergency access easement, building restricted easement, and private access easement.



Attachment C

Site & Project Characteristics

Property	Existing Land use	Zoning	General Plan Designation
Subject	Vacant	*Specific Plan Area	*Specific Plan Area
North	State Route 78	**Specific Plan Area	**Specific Plan Area
South	Mixed Use (Res/Com)	*Specific Plan Area	*Specific Plan Area
East	Self Storage	*Specific Plan Area	*Specific Plan Area
West	Vacant	*Specific Plan Area	*Specific Plan Area

*University District Specific Plan Area

**Heart of the City Specific Plan Area

Flood Hazard Zone	<u> </u> yes	<u> X </u> no
Sewers	<u> X </u> yes	<u> </u> no
Septic	<u> </u> yes	<u> X </u> no
Water	<u> X </u> yes	<u> </u> no
Gen. Plan Conformance	<u> X </u> yes	<u> </u> no
Land Use Compatibility	<u> X </u> yes	<u> </u> no

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Attachment D
Tentative Subdivision Map

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RESOLUTION PC 16-4538

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE SUBDIVISION MAP (TSM 15-009) FOR SIXTY-EIGHT (68) RESIDENTIAL CONDOMINIUM UNITS ON ONE (1) PARCEL, ADJUST THE LOT LINES OF THREE (3) CONTIGUOUS PARCELS, AND VACATE AND ESTABLISH A NEW EMERGENCY ACCESS EASEMENT, PRIVATE ACCESS EASEMENT, BUILDING RESTRICTION EASEMENT

P15-0077 (TSM 15-009)
Urban Villages San Marcos, LLC

WHEREAS, on December 3, 2015, an application was received from Urban Villages San Marcos, LLC requesting a Tentative Subdivision Map to establish sixty-eight (68) residential condominium units on one (1) parcel, adjust the lot lines of three (3) contiguous parcels, and vacate and establish a new emergency access easement, private access easement, and building restriction easement at the southeast corner of Campus Way and Carmel Street in the University District Specific Plan Area, more particularly described as:

Lots 3, 4 and 5 of Final Subdivision Map No. 15997 Recorded October 16, 2014, all in the City of San Marcos, County of San Diego, State of California
Assessor Parcel Numbers: 220-200-88-00, 220-200-89-00 and 220-200-90-00.

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

WHEREAS, On May 27, 2014, the City Council adopted an amendment to the University District Specific Plan that updated the grading, street configurations, location of parks and open space, and elements of the form based code; and

WHEREAS, On July 7, 2014, the Planning Commission approved a phased Tentative Subdivision Map (TSM 14-002) to allow for the subdivision of twenty-five (25) acres of real property (consisting of 23 lots) within the University District Specific Plan Area to be reconfigured into twenty (20) lots, one-hundred ninety-six (196) residential condominium units, and eleven (11) commercial condominium units; and

WHEREAS, On September 23, 2014, the City Council approved Final Map (Map 15997); and

WHEREAS, following recording of Subdivision Map 15997, an error in the number of residential condominium units was identified by the applicant and is being revised to correct the map; and

WHEREAS, building configurations for lots 3, 4, and 5 (now identified as lots 1, 2, & 3) are now proposed to be arranged in a manner that conflicts with the approved lot lines and easements of Subdivision Map 15997 and is now proposed to be modified; and

WHEREAS, changes to Subdivision Map 15997 require approval of a Tentative Subdivision Map in compliance with the procedures outlined in Title 19 of the San Marcos Municipal Code (SMMC); and

WHEREAS, the required public hearing held on April 18, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the project is within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2014 Addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the subject property has been annexed to Community Facility District CFD 98-01: Police Only, and CFD 2001-01: Fire and Paramedic; and

WHEREAS, the Planning Commission 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 Protection District 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 developer proposes to file a Final Map on said subdivision; and

WHEREAS, the Planning Commission's decision is based upon the following findings and determinations:

1. Said Tentative Subdivision Map (TSM 15-009) complies with the goals, policies, and objectives of the general Plan and University District Specific Plan;
2. The site is physically suitable for the proposed subdivision and proposed density of future development;
3. The design of this subdivision and improvements will not cause public health problems;
4. The design and improvements will not conflict with any easements acquired by the public at large for access;
5. The project is within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2014 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA);
6. The proposed subdivision meets all requirements of the University District Specific Plan, Title 19 of the San Marcos Municipal Code (SMMC), and the Subdivision Map Act.

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

- A. The foregoing recitals are true and correct.
- B. Said Tentative Subdivision Map (TSM 15-009) complies with the requirements of the City Subdivision Ordinance and the Subdivision Map Act.

- C. An addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan was previously approved pursuant to the California Environmental Quality Act covering all potential impacts of the Tentative Subdivision Map.
- D. Said Tentative Subdivision Map (TSM 15-009) 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.
- E. Within ten (10) days after the adoption of the Resolution, any interested person may appeal the foregoing finding of this Commission to the City Council. No final Map shall be approved, no grading permit issued, and no building permits issued for permits for other temporary uses until after the expiration of the tenth (10th) day following the adoption of the Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.
- F. Approval of this Tentative Subdivision Map (TSM 15-009) expires within two years from date of approval. The Final Map conforming to this conditionally approved Tentative Subdivision Map (TSM 15-009) 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 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.
- G. Developer/Applicant must 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.
- H. Prior to recordation of any Final Map, the developer must comply with the following conditions:
 - 1. The property owner must dedicate to the City of San Marcos easements and/or rights-of-way for Carmel Street, emergency access, and building restricted area, 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.
 - 2. Utility easements for sewer and water serving Lot 2 must be dedicated on the final map or shall be dedicated by separate instrument prior to final map approval.

3. A note must be added to the final map stating that no permits (i.e. building permits, grading permits, etc.) can be issued without first obtaining additional entitlement approvals from the City of San Marcos.
4. A copy of the Conditions, Covenants, and Restrictions (CC&Rs) shall be submitted for review and approval by the City. The CC&Rs shall be recorded prior to or concurrent with the Final Map recording.
5. Carmel Street must be dedicated by the applicant to the City of San Marcos. The dedication shall be for an additional 8' along the property frontage and provide a transition to the existing right-of-way on Campus way.
6. Direct access rights to all parcels abutting Carmel Street shall be relinquished to the City on the Final Map.
7. The applicant must comply with all requirements from the Vallecitos Water District (VWD).
8. A Real Estate Disclosure/Overflight Notification must be recorded for all properties and residential condominiums within tentative subdivision map area. The disclosure must contain the following language:

NOTICE OF AIRPORT IN VICINITY: This property is located in the vicinity of an airport, within what is known as an Airport Influence Area. For this reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example, noise, vibration, and odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with this property, and determine whether they are acceptable to you, before you complete your purchase.

- I. Prior to any future development of the project site (s), the applicant/developer must obtain a land use entitlement (i.e. Site Development Plan, Conditional Use Permit, Director's Permit, etc.) for the site(s). Prior to approval of any land use entitlement associated with the Tentative Subdivision Map, all plans and exhibits submitted with the planning application must demonstrate compliance with all provisions in the University District Specific Plan and all applicable mitigation measures included in the 2014 addendum to Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2008101083) for University District Specific Plan.
- J. The applicant shall ensure that prospective purchasers sign a disclosure identifying the property as being within the City's Community Facilities Districts for which there will be additional property tax assessments.
- K. In the event of any conflict between these conditions of approval, the mitigation monitoring and reporting program approved in conjunction with the approved 2014 addendum to the Final Environmental Impact Report (State Clearinghouse No.

2008101083), and/or the adopted amendments to the University District Specific Plan, the more detailed or specific requirement shall prevail as deemed by the Planning Division.

- L. Following recordation of the final map, the applicant must submit a Mylar of the map to the City.
- 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 developer or its contractors, subcontractors, agents, employees or other persons acting on 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. 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, 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.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 18th of April, 2016, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION