

Attachment F
(Creek District Specific Plan – Land
Use and Circulation sections –
Properties #1 & 8)

Chapter 2 Planning Area

2.1 District Location

Regionally, the Creekside District is centrally located to the North County, roughly midway between Carlsbad and Escondido and the two respective regional north-south transportation corridors, I-5 and State Route 15 (see Figure 2-1). The District is also centrally located within San Marcos, adjacent to San Marcos Boulevard, the City's primary commercial corridor, and a mile or less from the City's Town Center, Cal State San Marcos, and Palomar College (see Figure 2-2). Situated in the City's designated Business & Industrial District, the area is bounded on the north by San Marcos Boulevard, on the south and west by Discovery Street, and on the east by Grand Avenue and State Route 78 (SR-78).

SR-78 provides regional access to the Creekside District via the San Marcos Boulevard and Los Posas Road interchanges. Local east-west access to the District is provided via San Marcos Boulevard and Discovery Street/Craven Road, while Las Posas/McMahr Road, Via Vera Cruz, Bent Avenue, and Grand Avenue all provide for north-south access to the area.

Figure 2-1: Regional Context



Centrally located in San Marcos, the Creekside District is near key city destinations: Cal State San Marcos (top), the Civic Center (middle), and Palomar College (bottom).

Item 2.159

Figure 2-2: Planning Area Context

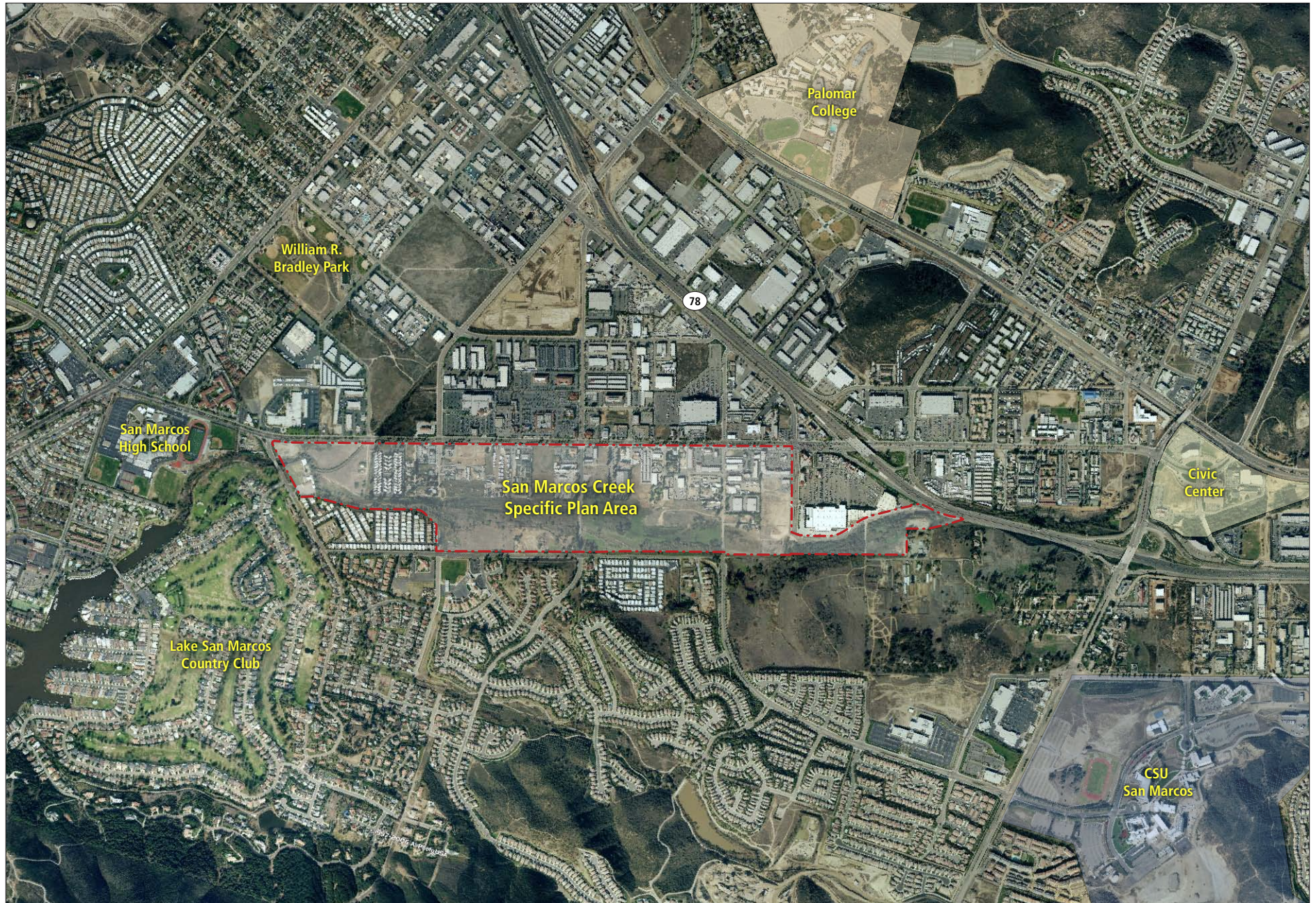


Figure 2-3: Planning Area



2.2 District Character

2.2.1 The Natural Setting

The 214-acre Creekside District takes its name from San Marcos Creek, which extends the entire length of area from SR-78 to Discovery Street (see Figure 2-3). Situated within the creek's alluvial plain, the District has relatively level topography that slopes gradually (approximately 2% slope) down from east to west. The creek channel itself is not deeply incised, so the difference in elevation between the bottom of the creek and a parallel portion of San Marcos Boulevard is typically not more than five to ten feet. Because the District is so flat, much of the area is subject to flooding during intense storm events. Roughly two-thirds of the District is located within the 100-year floodplain.

Due to its susceptibility to flooding, most of the southern portion of the District remains undeveloped. Vegetation in the undeveloped portion of the District generally consists of riparian woodlands along the creek channel, with grasslands occupying the upland areas between the riparian woodlands and developed areas. The condition of the plant cover in each of these areas varies widely, from quite disturbed and patchy to very dense and lush. Generally, the riparian woodland areas include a mix of willows, reeds, sedges, and mulefat with scattered cottonwoods, sycamores, and other non-native tree species interspersed. Sections of the creek channel are so densely vegetated that the creek itself is frequently not visible. On the other hand, the grassland areas, which consist of primarily low-growing native and non-native grasses and random stands of eucalyptus and walnut trees are more visually open in character.

While the visual quality and design character of the existing development in the District is, on average, not very strong, the visual character of the area's natural setting is generally quite pleasant, although not uniformly so. The more disturbed portions of the District are somewhat weedy in character and the area's ap-



Large portions of the southern area remain undeveloped due to potential flooding (top). However, the site's openness provides an attractive setting and views of the surrounding hilly landscape (bottom).

pearance varies dramatically from season to season. The absence of significant topographic or man-made features within the District contributes to a very open visual character that allows for views out from the District to the surrounding landscape, including the creek corridor and the distinctive hillsides and ridgelines that ring San Marcos.



San Marcos Boulevard is a heavily traveled commercial corridor and sub-regional thoroughfare.



Existing auto-oriented "strip" malls along San Marcos Boulevard do not contribute to a positive district character or identity.

2.2.2 The Land Use Setting

Land Use Patterns

Land uses in the area surrounding the District include four general categories: commercial, industrial, residential and institutional. Retail and service commercial uses predominate along San Marcos Boulevard, with industrial uses located to the north and south of the retail. Residential subdivisions predominate in the areas south and west of Discovery Street with some legal nonconforming residential uses scattered within the Creekside District. Institutional land uses are interspersed with other uses to the north, west and south of the District.

Existing District Land Uses

Existing development in the District is located primarily north of the creek and closer to San Marcos Boulevard. Development in the area between Grand Avenue and McMahr Road consists of primarily commercial and legal nonconforming industrial uses, including neighborhood "strip" retail centers, two gas stations, a lumberyard, three storage facilities, a construction material storage yard, auto services, a bowling alley, office uses, and a fast food restaurant.

The southern half of the District between Grand Avenue and McMahr Road, including areas north and south of the creek, is primarily undeveloped, except for four single-family residences and a vacant industrial building. No development is located within the District east of Grand Avenue, which consists of undeveloped creek channel to Highway 78. West of McMahr Road existing development includes the "E-Z Living" mobile home park, a half-dozen single-family residences, a restaurant, and a church and affiliated school.

Surrounding Land Uses

South of the District, the “Valle Verde” mobile home park is located in the area between the Creek and Discovery Street. South and west of Discovery Street, existing development consists primarily of residential uses (single-family and cluster development), the Lake San Marcos Country Club, and some institutional uses including a church, an elementary school, and San Marcos High School. North of the District, development along San Marcos Boulevard is primarily retail. Between the freeway and Via Vera Cruz, these retail uses consist of a mixture of neighborhood and regional retail centers, auto-oriented service uses, and some office uses. From Via Vera Cruz west to McMahr Road, the uses have a predominantly entertainment retail character, with major uses including Old California Restaurant Row, Edwards Cinema, and Sears. Industrial and office uses occupy portions of the north side of San Marcos Boulevard west of Pacific Street and predominate in the area immediately north of the retail development along San Marcos Boulevard (e.g., farm supply, a beer distributorship, and the County office complex).

The Creekside Marketplace, a regional retail center, borders the District to the east and north in the area between Grand Avenue and SR-78. The area south of Creekside Marketplace remains predominantly undeveloped except for some legally nonconforming transitional land uses immediately south and southeast of the District. The General Plan currently calls for business park and health care uses south of the creek, but the City will be reevaluating future uses in this area through the “Heart of the City” specific plan process.



Edwards Cinema (top), Old California Restaurant Row (middle), and the Creekside Marketplace (bottom) are key existing retail uses along San Marcos Boulevard.

Much of the area's retail is characterized by development patterns typical of "strip" commercial uses.



2.2.3 Development Patterns

Each of the four general land use categories described above (commercial, industrial, residential and institutional) have unique development patterns, building types, and architectural characters associated with them. The existing development in each of these categories represents the physical context into which future Creekside District development is going to grow. A key consideration of the plan is how different this existing physical context (i.e., the built environment) is from what is proposed for the District.

Commercial

Currently, the densest concentration of commercial development occurs in a two-block stretch of San Marcos Boulevard between McMahr Road and Bent Avenue. The development consists of primarily low-rise "strip" malls and large "big box" structures, many with a Spanish colonial architectural theme. The majority of buildings are set back from the street with parking lots occupying the front setback. Interspersed within this commercial strip development are small clusters of legal nonconforming single-family residential units, legal nonconforming storage yards and vacant lots that contribute to a lack of continuity along the street edge.

The architectural quality of the commercial buildings varies greatly from building to building. Most of the "strip" malls have a simple, somewhat generic retail architectural character. Many of these are designed with references, such as light-colored stucco exteriors and terra cotta roof tiles, to the Spanish colonial architectural theme called for in the City's design guidelines for San Marcos Boulevard. In general, the design quality of the existing commercial development along San Marcos Boulevard is ordinary. Most Spanish colonial references are limited to surface decoration, and the architecture does not reflect building forms and massing associated with the style.

Only a few retail buildings have multiple stories or directly front onto San Marcos Boulevard.



Existing industrial uses exhibit a functional architectural character with minimal articulation.



A positive example of a commercial building in the Spanish colonial theme can be found at the northeast corner of San Marcos Boulevard and Via Vera Cruz. This two-story stucco office building is well proportioned, set close to the street, and successfully exhibits stylistically appropriate architectural detailing, including a wood and metal balustrade, exposed wood beams, terra cotta tiles and exterior columns. A small number of buildings also are designed in the “ranch” style, such as the Bamford Center on Grand Avenue. This simple style can be characterized by sloped wood shingle roofing and darkly painted or stained wood panel exteriors with white accent trim around windows and doors.

Industrial

The majority of industrial development is located in the triangular area between the San Marcos Boulevard commercial corridor and SR-78. A limited number of legal nonconforming industrial buildings are also mixed into the commercial area along the south side of San Marcos Boulevard. Most of the industrial structures are of low-rise simple concrete box construction, and range in size from roughly 2,000 to 30,000 square feet. Buildings tend to be surrounded by fields of parking, which separate them from the street and from adjacent buildings. The industrial zone has a purely functional architectural character and includes minimal variation in massing and building heights.

Residential

A variety of housing types can be found within the District and surrounding area. The majority of residential development is concentrated in the hills south of Discovery Street and to the west of the District. Large, upscale single-family homes built within the last ten to fifteen years comprise the development in the hills directly south of the District, while older, well-maintained single-family homes are located in the Lake San Marcos Country Club to the west.



The existing mobile home park in the planning area is considered a transitional use until the area redevelops.



Attractive, newer residential neighborhoods in the Discovery Hills overlook the site.



A nearby office building reflects a Spanish/Mediterranean style.

In addition to these detached single-family homes, there are also a number of townhomes, apartments, and mobile homes located adjacent to the District. A small townhome development is located at the intersection of La Sombra Drive and Discovery Street, and a senior apartment complex is located on San Marcos Boulevard near the intersection with Discovery Street. Two mobile home parks are located immediately south of the District, one at the southwest corner in the area bounded by Discovery Street and San Marcos Creek, and the other is on the south side of Discovery Street east of Via Vera Cruz.

The predominant residential architectural styles are Spanish colonial/Mediterranean and ranch. Newer homes are generally larger two-story structures with a Spanish/Mediterranean theme, while the older homes tend to be one-story, ranch-style buildings.

Residential development located within the District includes a handful of modest single-family homes and a mobile home park. Single-family homes are tucked among the commercial development south of San Marcos Boulevard with the largest cluster located west of McMahr Road. The mobile home park, which is located just west of these single family homes on Tamarisk Lane, includes approximately 76 units and is considered a transitional use until the area redevelops.

Institutional

A number of institutional buildings are located in the District vicinity, including educational, civic and religious uses. The only institutional use actually in the District is the Valley Bible Church and Christian School on Discovery Street south of San Marcos Boulevard. The City is working with this organization to relocate elsewhere within the city since their current site is subject to flooding from San Marcos Creek. Another church and a public elementary school are located just south of the District on Discovery

Street east of La Sombra Drive, and San Marcos High School is located on San Marcos Boulevard just west of Discovery Street. All of these uses have a dominant suburban and auto-oriented character (i.e., large parking areas).



A portion of the Valley Christian School site currently lies within the 100-year floodplain.



Discovery Elementary is the closest elementary school to the District.

2.3 Land Ownership And Parcelization

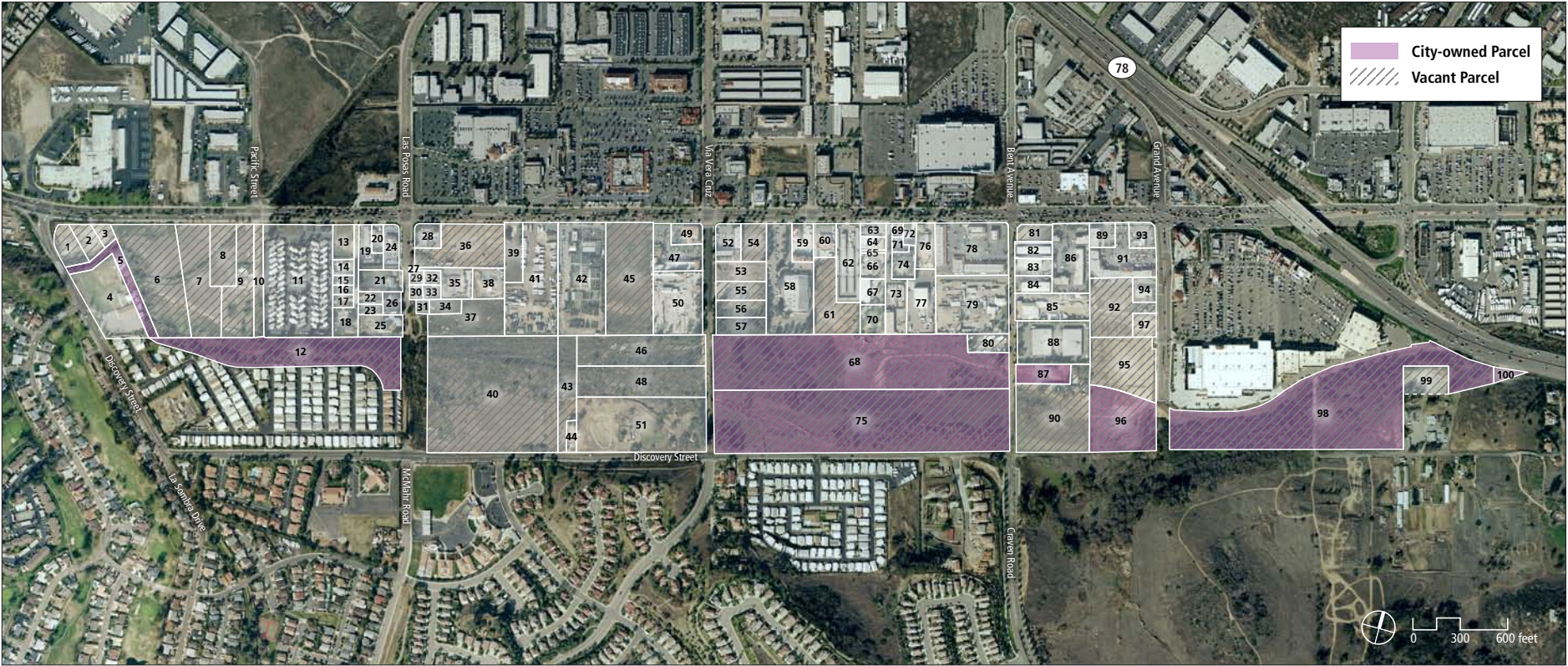
The District includes 100 recorded parcels, owned by 75 different landowners. Altogether, the 100 parcels include approximately 208 acres (the District also includes approximately 6 acres in public right-of-ways). Parcel sizes vary from 0.03 acres (1,200 square feet) to 17.2 acres. Generally, the existing parcels tend to be small, with over half of the parcels (59% or 59 parcels) being less than an acre in area. Of the 100 parcels, only eight parcels are larger than 5 acres in area, and only four are larger than 10 acres.

The City of San Marcos is the largest landowner, with eight parcels totaling 59.6 acres (see Figure 2-4). In anticipation of implementing the flood control improvements identified in this plan, the City has been acquiring land along the creek corridor that will be needed to construct the necessary improvements.

Of the 100 parcels in the District, 38 parcels are vacant or undeveloped. These vacant parcels include approximately 127.5 acres (61% of the District), and range in size from 0.17 acres to 17.2 acres. Of the 21 property owners who own undeveloped land, the four largest landowners own 89.9 undeveloped acres, or 71% of the vacant land. The City of San Marcos' landholdings account for 46% of the vacant land. In addition to the vacant and undeveloped parcels, many parcels are under-utilized (i.e., the amount or type of development currently on them is not consistent with what is permitted under existing zoning), so the vacant land represents only a portion of District land with development potential.

An inventory of all District parcels, their owners, size, and development status is included as Appendix A.

Figure 2-4: Land Ownership and Parcelization





Chapter 3 Land Use

3.1 Purpose

The Land Use chapter establishes the framework for development and conservation within the Creekside District. The chapter describes the overall land use concept for the District, including the types, intensities, and distribution of uses, and sets forth specific land use goals and policies.

This direction provides the foundation for the more detailed land use regulations and development standards that are established in Chapter 7, Form-Based Code (see Section 7.2 Land Use/Building Function Regulations) as well as other elements of the Specific Plan. More specific goals and policies for open space and resource management are included in Chapter 4, information on the circulation system is contained in Chapter 5, community design issues are addressed in Chapter 6, and details relating to public utilities are contained in Chapter 8.

3.2 Land Use Concept

3.2.1 Mixed-Use Downtown

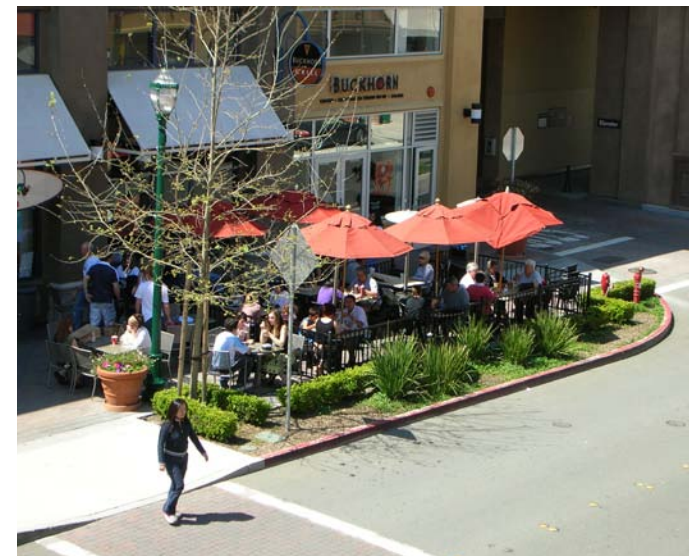
GOAL 3.1: An active, mixed-use commercial core and “downtown” for San Marcos that will be both a citywide and regional destination.

Over the years, San Marcos has grown from a rural unincorporated community into a city without the benefit of having a true “downtown” that serves as the focus of the community’s social, cultural and commercial life. The Town Center area, with the City Hall complex and associated commercial development, fulfills some of the civic and cultural needs typically associated with a community’s downtown, but the need remains for a commercial center that will contribute to the vitality, livability, and identity of San Marcos.

As the City continues to grow, and areas such as the Town Center, Cal State San Marcos, and Heart of the City build out, so will the demand for a downtown that addresses the commercial and entertainment needs of the City’s residents, workers, students and visitors. The intent of this Specific Plan, and the associated infrastructure improvements, is to provide a framework that will support the creation of just such a thriving commercial center and focal point for community interaction.

Policy 3.1.1: Establish the Creekside District as an attractive pedestrian-oriented, mixed-use commercial center.

San Marcos currently lacks a truly pedestrian-oriented shopping and entertainment district. The prevalent existing pattern is characterized by retail centers designed primarily to cater to passing vehicular traffic. In order to establish the Creekside District as a vibrant center for the community’s social and commercial life, it



The Creekside District will be a pedestrian-oriented, mixed-use “Downtown.”

is essential that it be an attractive, walkable neighborhood where people feel comfortable strolling, lingering, and engaging in the social and cultural activities that characterize successful downtowns.

Many factors contribute to the creation of a pedestrian-oriented district, including the design of the public streetscape and the scale and orientation of buildings. The type, mix, and distribution of land uses, however, also play an important role. Promoting mixed-use development in the Creekside District will support the creation of a pedestrian-oriented district, by locating residences, employment, retail, entertainment and services within convenient walking distance of each other, and thus eliminating the need for many of the daily vehicle trips that are necessary when these uses are dispersed. The intent is for those who live and work in the area in the future to be able to walk from homes and jobs to nearby businesses for dining, shopping, services, and entertainment, and for those who visit or commute to the District to be able to park once and then walk to all of their destinations (This “park once” strategy is at the heart of the parking management plan discussed in Chapter 5, Circulation and Transportation. Additionally, refer to this chapter as well as Chapter 6, Community Design for detailed discussion of pedestrian-oriented design concepts, standards and guidelines).

Policy 3.1.2: Encourage mixed-use development that enhances the identity and function of the Creekside District as a downtown for San Marcos and a retail and entertainment destination for the North County.

Policy 3.1.3: Balance retail and entertainment uses with a mix of residential, office, and service uses that complement and support the economic viability of the commercial core, and contribute to the creation of a new “24-hour” neighborhood with around-the-clock vitality.

In contrast to current land use regulations that promote a more homogeneous, single-purpose commercial district in the area north of the creek, the Specific Plan promotes a mixture of commercial, residential and employment uses within the District. The rationale for this approach is both economic and social. Economically, the mixed-use concept is important because of the support that residential and employment-generating uses will provide for new retail development. Given the competitive nature of the retail market in the North County, it will be critical to build a local base of support for new retail by incorporating complementary residential and employment-generating uses within the District. Socially, a mixed-use district supports the development of a more vibrant district that avoids the downtimes associated with single-use districts. The mixture of uses ensures that the District will be active with people working, shopping, socializing, and residing in the District at all times of the day, seven days a week, not just during business hours on weekdays.



A mix of retail, office, and residential uses will make the Creekside District a vibrant “24-hour” neighborhood.



Vertical mixing of land uses is preferred to horizontal mixing of uses.

Policy 3.1.4: Provide landowners and developers with flexibility to respond to market factors as they change over time.

The mixed-use land use concept is purposely non-prescriptive in terms of specific uses required or their distribution in order to provide District landowners with flexibility to respond to changes in the market. The intent is to allow for a broad range of activities and to support creative development concepts that will result in an economically and socially vibrant downtown. Substantial flexibility in uses will be allowed as long as other key goals (e.g., urban form, pedestrian orientation, transit-friendliness, etc.) of the Plan are achieved. That noted, large areas devoted to a single use or function are generally discouraged in favor of a mix of uses.

Policy 3.1.5: Encourage vertical mixing of uses as the preferred development strategy, while allowing for compatible horizontal mixing of uses as appropriate to the land use context.

The mixed-use concept provides flexibility not only by providing for a range of possible uses, but also by allowing flexibility in how uses are mixed. Uses can be mixed either vertically or horizontally. Vertical mixing is when different uses are placed over one another, such as when residential or office uses are developed over ground-floor retail. Horizontal mixing is when different uses are situated side by side, such as when an office building is developed adjacent to retail. Generally, vertical mixing of uses is preferred, particularly in the more commercially-oriented areas, where establishing a nearly continuous ground-floor retail presence is essential to establishing a successful commercial district.

3.2.2 Land Use Patterns and Distribution

GOAL 3.2: Land use and development patterns that respond to the assets and constraints inherent in the District's context to create an attractive mixed-use district composed of distinct neighborhoods.

The long, relatively narrow configuration of the District's urban area, combined with the surrounding land use context, creates a series of conditions that will influence the form and character of District land uses. Key influences that the Plan responds to include: the District's adjacency to the heavily-traveled San Marcos Boulevard, access provided by key street corridors (e.g., Las Posas, Via Vera Cruz and Bent Avenue) to the freeway and City destinations, the cluster of entertainment-oriented retail north of the District (e.g., Edwards Cinema and Old California Restaurant Row), adjacency to San Marcos Creek, and existing residential and commercial development. The development strategy is to promote land use patterns and built forms that transform these factors into assets that will enhance the viability and distinctiveness of the District.

Policy 3.2.1: Build on the presence of existing entertainment retail uses, such as Old California Restaurant Row and the Edwards Cinemas complex, by encouraging the introduction of specialty-retail/entertainment-type uses that will create a distinct retail identity for the area.

A market study conducted for the area indicates that there is little demand in San Marcos for conventional neighborhood retail centers or the older generation "power" centers. In order for the Creekside District to attract retailers and shoppers, a more unique type of retail will be needed in the area. Restaurant Row and the Edwards Cinema complex, on the north side of San Marcos Boulevard, represent retail uses that could be the kernel for the

creation of a new specialty or entertainment-oriented retail district in the area. The intent is to encourage new uses that will create a synergy with existing specialty and entertainment-related retail businesses. Such a synergy would enhance the economic vitality of the area and help establish the Creekside District as a unique destination and a regional draw. One such use might be an upscale hotel with strong orientation to the creek as an aesthetic and recreational amenity, and facilities to accommodate local and Cal State related group meetings, social functions and special occasions.

Policy 3.2.2: Develop a new pedestrian-oriented retail core in the area between McMahr Road and Via Vera Cruz.

Policy 3.2.3: Develop a pedestrian-oriented "Main Street" parallel San Marcos Boulevard that is designed to be the District's primary retail street.

The size of San Marcos Boulevard and the high volumes of traffic it conveys are generally at odds with the concept of creating a pedestrian-oriented downtown. As a result, the strategy is to develop an appropriately scaled Main Street parallel to and immediate-



A pedestrian-oriented "Main Street" will be the Creekside District's primary retail corridor.

ly south of San Marcos Boulevard that can serve as the focus of retail activity in the District. The street is designed to accommodate slower traffic movement with on-street parking. The Plan calls for the intensification of commercial uses along Main Street to form an active mixed-use core for the District. Active public-oriented retail, restaurant, entertainment, service, and cultural uses will be the primary activity at street level. It is critical that ground-level uses provide a continuity of activity and interest along the entire length of the east-west spine. Upper-level office, residential, and commercial uses are encouraged along the east-west spine support to the ground-level retail uses.

Main Street will extend the length of the District, forming a central spine around which new development will be structured. Given its length, land use and built character will vary along the length of the Main Street. Two primary retail commercial centers are envisioned within the District: one in the area between McMahr Road and Via Vera Cruz, and one centered on the Bent Avenue/Main Street intersection. These locations take advantage of the convenient access to the freeway and nearby activity cen-



Land uses adjacent to the Creekside Promenade and open space corridor should complement the park and open space in character and identity.

ters, such as Cal State San Marcos, Palomar Community College, and the Heart of the City, that is provided by these three north-south travel corridors. The McMahr-to-Via Vera Cruz center is envisioned as the core of the new downtown given its central location, the proximity of entertainment uses north of San Marcos Boulevard, and the dual access provided by McMahr Road and Via Vera Cruz. While the sections of Main Street outside these two centers may include retail, it is anticipated that other complementary commercial and residential uses will occupy more of the ground-floor frontages.

Policy 3.2.5: Encourage uses in areas adjacent to the Creekside Promenade and the open space corridor that will benefit by their proximity to the open space amenity, and contribute to the identity of the District and the public's experience of it.

The creek open space corridor and the associated Creekside Promenade, a linear park along the northern edge of the corridor, will serve as important aesthetic and recreational amenities for new development. The City will encourage development along this corridor that takes maximum benefit from this amenity and enhances the public's ability to enjoy it. Such uses might include retail, entertainment, and lodging uses that have an outdoor component (e.g., hotel, restaurant, etc.) and whose appeal would be enhanced by visual and physical access to the open space amenity. New development along the promenade will be encouraged to orient to the open space amenity and integrate entries and outdoor functions (e.g. outdoor eating areas, entry plazas, and patios) with the public landscape in a manner that adds value to both the public open space and private development. Specific development and design approaches for achieving this objective are discussed in Chapter 6, Community Design. Uses whose function and focus is primarily internal, such as theaters or certain types of retail, will generally be discouraged adjacent to the creek corridor.

3.2.3 Areawide & Sub-district Land Use Concept

As shown in the Land Use diagram (Figure 3-1), the Plan establishes a single “Mixed Use” land use designation for the entire area identified for urban uses.¹ The balance of the area is designated as either “Open Space” or “Park.” Table 3.1 provides a summary of land area associated with each land use category.

Sub-District Land Use Concept

While the urban (i.e., developable) portion of the Creekside District is designated for “mixed use” development, the District is not intended to be uniform in either its land use or physical character. The District is envisioned as a series of interconnected neighborhoods whose different land use and physical characteristics complement each other while providing variety and texture to the new downtown. For planning purposes, the Creekside District has been divided into seven sub-districts in order to better describe key characteristics envisioned for each area (see Figure 3-2: Sub-District Designations). The configuration of these sub-districts is intended to respond to specific site conditions and development contexts and to create and reinforce distinct neighborhood identities. As such, these sub-districts form the basis for the detailed land use and development standards contained in the Plan’s form-based development code (Chapter 7).

San Marcos Boulevard Sub-district

Due to the large number of people who travel this corridor daily, the San Marcos Boulevard frontage represents the public face of the District. The objective is ultimately to transform the existing pattern of automobile-oriented “strip” malls into a high-end commercial corridor with a consistent and well-defined “street wall” of

buildings that are appropriately scaled to the broad width of San Marcos Boulevard. New buildings will be oriented to the corridor and sited at consistent frontage lines in order to give better definition to the public realm and establish a safer and more active pedestrian zone. Uses may include retail, office, entertainment, lodging and residential uses, with an emphasis on office and other commercial uses. Ground-floor uses will be restricted to commercial uses.



Development along San Marcos Boulevard should create a consistent “street wall” that is scaled to the street.

Table 3.1: Land Use Program

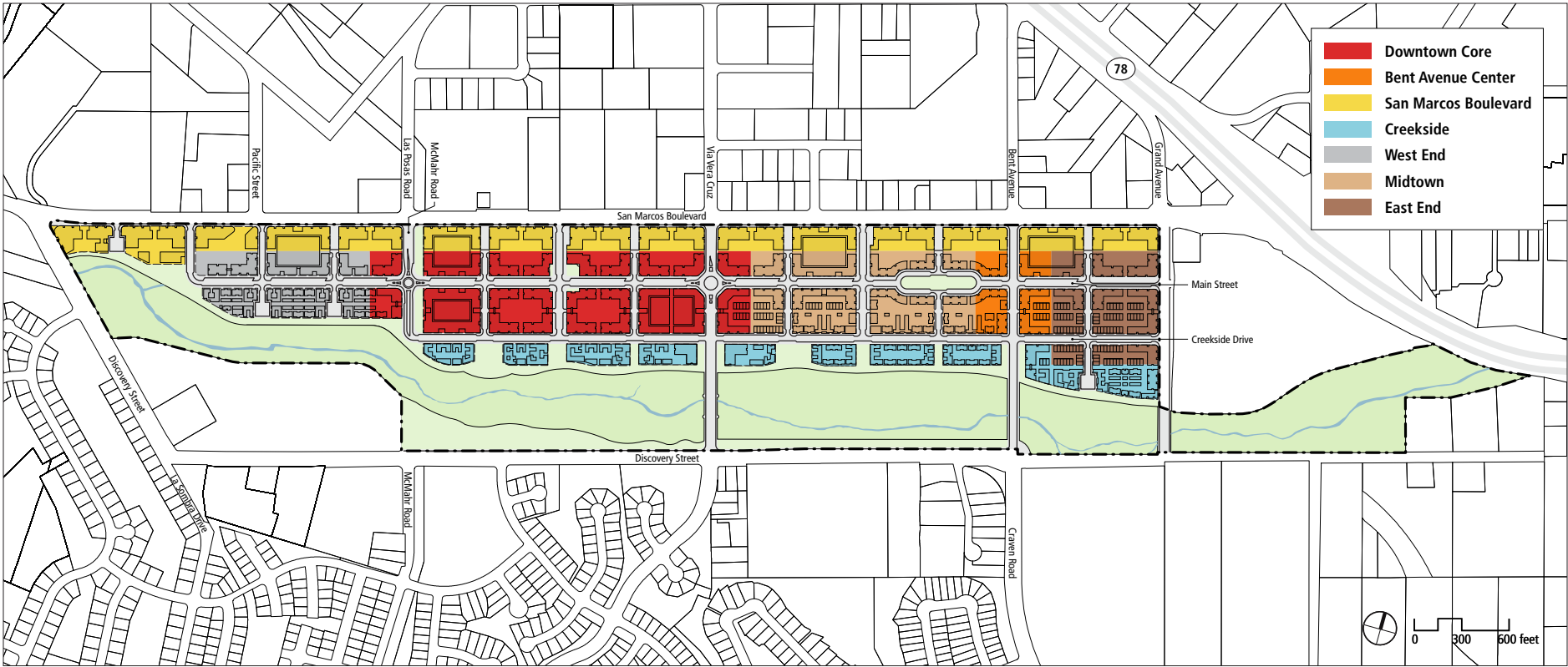
Land Use Designation	Acres
Mixed Use	81.3
Parks	20.6
Open Space	73.6
Rights-of-Way	38.5
Total	214.0

1. Conceptual building footprints are depicted in Figure 3-1 and other diagrams throughout this Specific Plan. These building footprints are intended to provide a sense of context and scale; they are illustrative rather than regulatory in nature (i.e. development applications do not need to conform to these footprints to be consistent with the Specific Plan).

Figure 3-1: Land Use Designations



Figure 3-2: Sub-District Designations



Downtown Core Sub-district

District development will be most intense and most urban in character in the Downtown Core. The objective is to establish this area as a citywide and regional retail and entertainment destination. Uses may include retail, office, entertainment, lodging and residential uses, but the emphasis will be on retail and entertainment uses that complement and enhance the direction established by existing entertainment uses north of San Marcos Boulevard. Residential and office uses will occupy upper stories to enhance around-the-clock activity and the viability of the core. Development will be structured around the new east-west Main Street and a series of north-south cross-streets that will allow commercial uses to extend from San Marcos Boulevard south to the Creekside Promenade. Building entries and transparent storefronts will be oriented to attractive pedestrian-oriented streets enhanced with public amenities and active uses, such as sidewalk cafes.

Figure 3-3 depicts the scale and character envisioned for development in the Downtown Core. This illustration shows what the street scene along Main Street and the Town Center Plaza might look like at buildout.



Highest intensity uses will occur in the Downtown Core.



The Town Center Plaza, located at the center of the Downtown Core, is intended to be a vibrant pedestrian space that is framed and activated by surrounding development.

Figure 3-3: Downtown Core Sub-district Concept Illustration



Creekside Sub-district

The Creekside sub-district provides the transition between the creek open space amenity and urban development to the north. The Creekside Promenade and the adjoining parks and open space corridor represent the Creekside District's primary amenity, and both uses and built form will respond to it. Uses may include a mix of retail, entertainment, lodging and residential, with the emphasis being on uses that enhance and benefit from the adjacent promenade and creek corridor. The land use emphasis will vary along the length of the corridor in response to adjoining development to the north. Thus, in the area south of the Downtown Core, creekside development will be more commercial (retail, entertainment, lodging) in character, whereas in the area south of the Midtown sub-district, development may have a more residential character. Development in the sub-district will maintain a dual orientation, with buildings fronting on and addressing Creekside Drive while also providing both physical and visual access to the adjacent open space amenities. Development frontages adjoining the promenade and associated park spaces will incorporate semi-public and private plazas, terraces and open space areas that augment the public promenade and include active uses such as restaurants with outdoor dining.

Figure 3-4 illustrates the scale and character envisioned for the Creekside Sub-district. The illustration depicts smaller-scale development along Creekside Drive with one of the Creekside Promenade plazas in the foreground.



The Creekside Sub-district will provide a transition from urban development to the creek corridor parks and open space.



Parts of the Creekside Sub-district, such as south of the Midtown Sub-district, may be more residential in character.

Figure 3-4: Creekside Sub-district Concept Illustration



Bent Avenue Center Sub-district

Bent Avenue is an important gateway to the Creekside District, particularly from uses to the southeast such as Cal State San Marcos. The sub-district will be a commercial center that serves the eastern portion of the District and provides a complementary, but distinctly different land use character from the Downtown Core. Uses may include retail, office, entertainment, lodging, and residential, but the emphasis will be much less on entertainment and lodging than in the Downtown Core. The sub-district may evolve to have a specific commercial focus. One possible scenario envisioned for the area is that it may become a “design center” that specializes in retail (e.g., furniture, lighting, housewares, galleries, etc.) and service (e.g., interior design, architecture, landscape architecture, etc.) businesses that deal with home improvements. Ground-floor uses will include primarily retail and other pedestrian-oriented uses, while residential and office uses will occupy upper floors. The intersection of Bent Avenue and Main Street will be the heart of the sub-district and buildings will front on both corridors. As in the Downtown Core, building entries and transparent storefronts will be oriented to attractive pedestrian-oriented streets enhanced with public amenities and active uses, such as sidewalk cafes.

Figure 3-5 depicts the scale and character envisioned for the Bent Avenue Center Sub-district as seen from East End Commons park facing east.



The Bent Avenue Center Sub-district could evolve into a “design center,” such as the Cedros District in Solana Beach, CA (top) or Fourth Street in Berkeley, CA (bottom).

Figure 3-5: Bent Avenue Center Sub-district Concept Illustration





The Midtown, East End, and West End Sub-districts will be more residential in character.

Midtown, East End, and West End Sub-districts

The character envisioned for the Midtown, East End and West End sub-districts will vary somewhat in response to their particular settings, but will generally be quite similar to each other. Uses may include retail, office, entertainment and residential, but the mixed-use setting is likely to include a higher proportion of residential uses and local service and office uses that support and complement the adjoining commercial center, and fewer destination-type retail and entertainment uses. Residential uses may occupy ground floors as well as upper floors, including live/work lofts that provide strong street-front orientation and accommodate ground-floor retail or galleries. Development generally will have a lower, more intimate scale, but will still provide a strong orientation to and definition of the public realm. Similarly, streetscape design generally will be simpler, and the pedestrian zone will be more intimate and include fewer active uses and storefronts.

3.2.4 Redevelopment and Revitalization

GOAL 3.3: Enhanced economic potential of the District resulting from the revitalization and redevelopment of existing underutilized, outdated, and/or nuisance uses or businesses.

Policy 3.3.1: Encourage the replacement of existing non-conforming uses with uses that will contribute to the creation of a vibrant, pedestrian-oriented, mixed-use district.

The Plan recognizes that the Creekside District is not a “blank canvas,” but rather a complex mixture of existing businesses, numerous and diverse-sized parcels, and many different landowners. By necessity, the transition from the existing mixture of retail, service and industrial uses and underutilized lands to a vital mixed-use district will be gradual. While many of the existing uses will remain for the foreseeable future—the City will not force existing, legally-operating uses to leave the District—it is assumed that ultimately, as the character of the area improves and land values increase, that uses that are not consistent with the vision for the District (e.g., industrial uses) will voluntarily relocate and/or be replaced by development that better captures the enhanced economic potential associated with the new mixed-use district.

Policy 3.3.2: Encourage the introduction of a more compact and intense pattern of development that maximizes the development potential of the District and supports City objectives for economic viability and place-making.

The City has many reasons for encouraging the redevelopment of the Creekside District with development that is both more compact and higher intensity. Compact, higher intensity development supports the concept of a vibrant and active downtown, both be-

cause of the number of people it will attract to the area and the positive retail synergy that develops from a concentration of complementary uses. The concentration of people and uses also supports the objective of creating a “park once”, pedestrian-oriented district, and enhances the District’s ability to support regular and frequent transit service that is a viable alternative to the private automobile. Finally, the increased development potential will help support the investment in new infrastructure such as flood control improvements and new bridges, as well as the extensive park, open space, and streetscape improvements that will make the Creekside District the unique destination envisioned.

Policy 3.3.3: Encourage infill and redevelopment along San Marcos Boulevard that will improve the corridor’s economic vitality, enhance the definition and character of the corridor, and create better pedestrian scale and orientation.

While San Marcos Boulevard will continue in the near term to function as a predominantly auto-oriented commercial corridor, the development in the rest of the District is expected to be an impetus for change along this street frontage. The corridor currently consists of predominantly “strip” commercial uses that include an inordinate number of convenience retail outlets that are dependent on “drive-by” or “impulse” shopping. New development of vacant and underutilized lots, and redevelopment of currently developed parcels, should be used to incrementally reconfigure and revitalize the street frontage. Redevelopment of currently developed parcels will be a long-term and incremental process that will be driven by market forces rather than City regulation. As new development in the area begins to improve the character and economic vitality of the area, it is anticipated that existing developments will want to upgrade or redevelop in order to remain competitive.

From a land use perspective, these changes involve a transition from predominantly auto-oriented, convenience uses to more destination-type uses. The intent is to both diversify the economic base and to add uses that will attract people to the area, rather than just opportunistically capturing pass-by dollars. Such uses need not be just retail, but can also include office and professional service uses.

In terms of development character, the redevelopment of the street frontage is intended to enhance the overall image of the area, creating a more positive entry statement for new development proposed south of the boulevard. To a great extent, the success of planning area development that does not front on San Marcos Boulevard will be dependent on creating a positive first impression along San Marcos Boulevard.

The effect of the existing strip commercial development pattern on the physical environment is one of fragmentation caused by driveways and parking lots, an array of signs competing for the driver's eye, and predominantly single-story structures that are not in scale with the boulevard. The physical character of District development is addressed in more detail in Chapter 6, Community Design and Chapter 7, Form-Based Code. In general, key physical changes encouraged along San Marcos Boulevard include:

- Development of taller buildings that are more in scale with the wide boulevard,
- Creation of a more consistent building setback that places buildings closer to the street in order to give better definition to the public right-of-way,
- Relocation of parking lots to the rear of buildings and in parking structures,
- Reduction in the number, and eventual phasing out, of private driveways with direct access from San Marcos Boulevard, and
- Creation of a broader and more protected pedestrian environment with pedestrian connections to the development areas to the south.

Refer to the design guidelines and development standards in Chapters 6 and 7 for the techniques that will be used to achieve these changes.



San Marcos Boulevard will evolve into a more consistent, inviting, and pedestrian-oriented corridor.

3.2.5 Housing

GOAL 3.4: New housing that supports the concept of the Creekside District as a place to live as well as work, shop and play.

The incorporation of residential uses into the Creekside District's land use mix is essential to the achieving the City's vision for a new mixed-use downtown. Residential development will make an important contribution to the revitalization of the planning area by placing future residents in convenient proximity to shopping, jobs, services, transit and recreational and open space amenities. Residents' use of District retail will help support the area's viability, and the mix of housing with employment, shopping, entertainment, and cultural opportunities will establish a strong day-time and nighttime presence in the area that contributes vitality and richness of the urban environment.

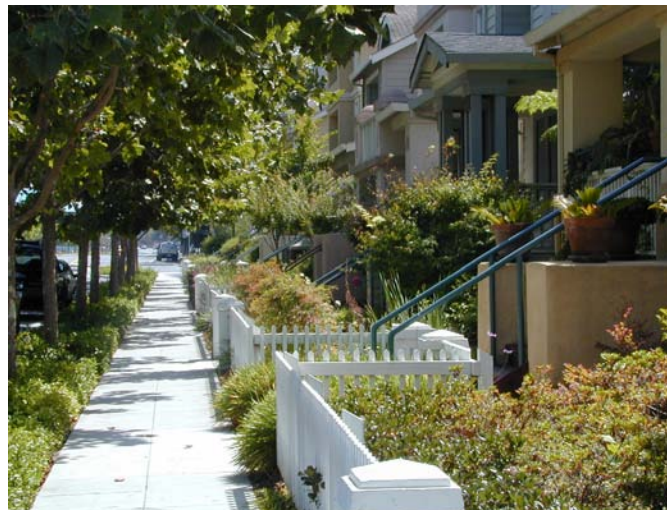
Policy 3.4.1: Encourage a diversity of higher density housing types, including a mixture of both rental and ownership housing.

The District should provide housing opportunities for a diverse community that will support the development of a vital mixed-use district. Residential development can include a diversity of unit types, including: street-oriented townhouses, stacked flats, apartments, and studio units. Opportunities for live-work units will also be permitted. Single-family detached units will not be permitted since they would not be a good use of the limited land resource and are not consistent with the vision for the mixed-use district. Planning area housing should include a range of tenure options, including fee simple ownership, condominium ownership, and rental housing.

Policy 3.4.3: Encourage housing development that addresses the needs of a diverse population, including age, household composition, and income.

Policy 3.4.4 Require developers of new housing to reserve at least 15% of units as affordable for low- and moderate-income households.

Statistics indicate that fewer and fewer households match the description of the traditional nuclear family. With this change comes a change in housing needs. District housing should reflect the diversity represented by households comprised of single-parent families, the elderly, students, extended nuclear families, first-time buyers, "empty-nesters", and households with two working members, in addition to the traditional family. Upscale versions of smaller units, attached units, and "in-town" units should be provided for those who wish an alternative to the traditional suburban home, as well as for those who are unable to afford the larger unit and lot.



Street-oriented townhouses and other higher density forms of housing will create vitality within the District.

In order to ensure that affordable housing is provided within the District, the City will implement a tailored version of its existing Inclusionary Housing Ordinance, which generally requires that 15% of new units be reserved as affordable (see Section 7.2.3 Inclusionary Housing Requirement for the Plan's application of this requirement). In order to encourage a diverse and heterogeneous community, the plan discourages over-concentration of affordable or other special needs housing within one area or development. Instead, such housing should be distributed throughout the planned neighborhoods and well integrated with general market-rate housing.

“Live-work” units are another form of mixed-use development that can provide landowners and developers flexibility in responding to the market. Live-work development is designed for people who are interested in having their work space (i.e., employment) and their living space (i.e., residence) in the same building. Such living arrangements are partially a lifestyle choice, but are also particularly appealing to those who are self-employed and would have difficulty affording both a mortgage payment and office rent. This is particularly true for artists, craftspeople, and the owners of small start-up businesses.



A variety of housing types, including “live-work” units, will establish a diverse residential community and provide for flexibility in the area's redevelopment.

The live-work development pattern is quite flexible and can serve as an important transitional use. Typically, live-work units are designed with very simple, open floor plans and taller than normal ceiling heights. The simplicity of the spaces gives them greater flexibility in their use. For example, if live-work units are designed with a taller first story, they are easily converted to commercial space with residential or office above, once the market demand for commercial development has matured. Of course, there is also the sociological aspect of live-work development that tends to support the creation of dynamic new neighborhoods. The presence of artists, craftspeople and others who choose to live in live-work studios often serves as a magnet for the development of shops, galleries, and cafes to serve them.

Policy 3.4.5: Limit the areas in which residential uses can be introduced as ground-floor uses in order to support the establishment of a strong retail commercial presence in the Creekside District.

As the future downtown for San Marcos, the Creekside District is envisioned first and foremost as a commercial retail center. As essential as residential uses will be to the success of the District, they are anticipated to occur as upper-floor uses throughout the majority of the area. In an effort to ensure that the consistently strong demand in California for housing does not displace potential for commercial development, residential development will only be allowed as a ground-floor use in limited portions of the District as identified in Figure 3-6.

Figure 3-6: Residential Distribution



3.2.6 Transit-Oriented Development

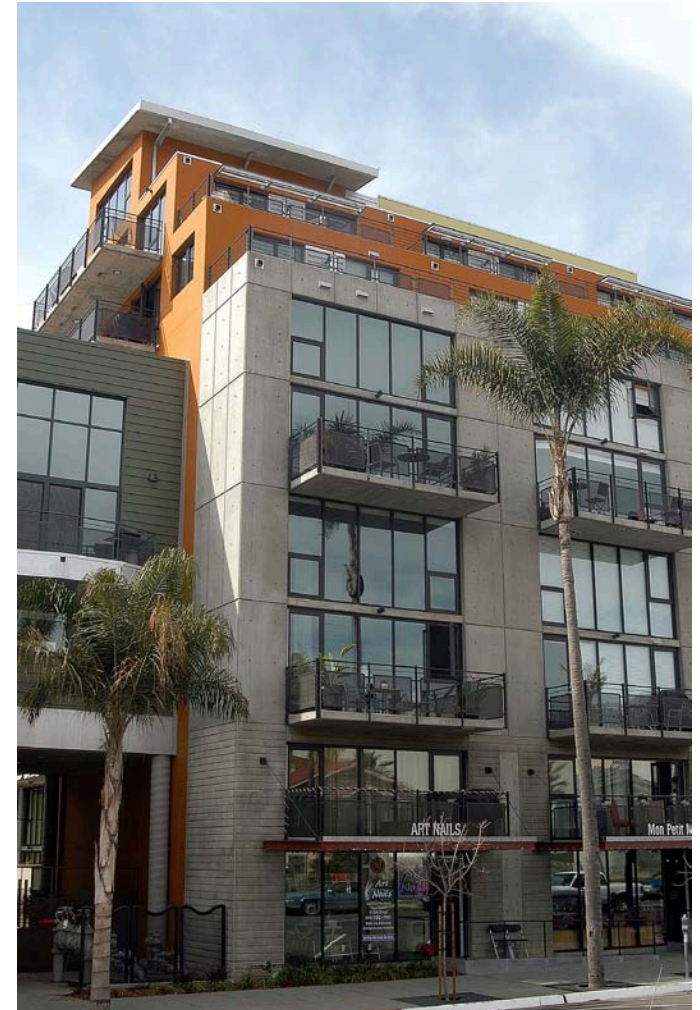
GOAL 3.5: A neighborhood designed to facilitate the convenient use of transit as a viable alternative to the private automobile.

Policy 3.5.1: Support land use and development patterns that will reduce automobile dependence and support alternative modes of transportation while minimizing impacts on existing community character.

One of the strategies for developing the Creekside District as an attractive and socially vibrant neighborhood is to enhance the use of transit as a convenient mode of transportation. Improved transit service will not only help to minimize the increase in traffic congestion and air pollution associated with development of the area, but it will also help to establish a safer, more attractive, and less hectic pedestrian environment.

Many of the land use strategies already identified to support the creation of a more socially vibrant and economically vital neighborhood are also strategies that support increased transit use. Creating mixed-use neighborhoods is a way to bring many of our typical daily destinations within walking distance of each other. The number of daily vehicle trips can be reduced by siting employment, retail, services, entertainment, parks, and day care services within convenient walking distance of each other and to transit. Creating comfortable, pedestrian-oriented neighborhoods is important to increasing transit use, because people generally will not use transit if they cannot walk comfortably to and from the transit stop.

Finally, providing higher density development supports transit use by generating higher daytime and nighttime populations and more shopping, employment, and entertainment activities throughout the day. Both the larger populations and the increased around-the-clock activity will help support more regular and more frequent transit service, which is essential to attracting transit users.



Higher density housing will support better transit service to the Creekside District.

Item 2.191

Policy 3.5.2: Establish a strong pedestrian and transit orientation throughout the Creekside District by prohibiting primarily auto-oriented land uses.

The intent of the plan is to establish a new pedestrian- and transit-oriented district that accommodates vehicular access, but is neither dependent on nor generates high volumes of pass-through traffic. Uses that are predominantly automobile-oriented, such as typical “big-box” retail, gas stations, “strip” commercial centers, and fast-food restaurants, are inconsistent with this intent and should not be permitted within the planning area. This is not to suggest that major attractions or destinations that people drive to, such as hotels, theaters, shops and restaurants, are not appropriate. Uses that can be designed to fit into a pedestrian-oriented environment and can be conveniently served by transit, as well as automobiles, are appropriate.

Policy 3.5.3: Encourage development intensities along Bent Avenue and Main Street that enhance the viability of the proposed District shuttle service.

To ensure that transit is a convenient and viable alternative, the Plan proposes the creation of a free local shuttle bus service that will loop through District along Bent Avenue, Main Street, and San Marcos Boulevard with connections to the NCTD Sprinter light rail stations and other nearby destinations, such as Cal State, Heart of the City, Town Center, and Palomar College (see Chapter 5 for more detail regarding transit service). Higher density development should be encouraged along these corridors to enhance shuttle ridership potential.



Integrating retail, commercial, and office uses is a key part of transit- and pedestrian-friendly development.

3.2.7 Open Space

GOAL 3.6: An integrated open space system that protects and enhances natural resource values, while contributing to the creation of an attractive and distinctive identity for the planning area.

- Policy 3.6.1: Preserve the San Marcos Creek open space corridor as a citywide open space amenity, focal feature, and natural resource area.
- Policy 3.6.2: Create an integrated system of natural and urban open spaces that is a signature element of the Creekside District and provides a rich and diverse open space amenity for District residents, workers, and visitors.
- Policy 3.6.3: Protect and maintain the area within the proposed San Marcos Creek flood control channel as a continuous, natural open space corridor with enhanced habitat values.



Access to the creek corridor will be restricted to protect resource values

- Policy 3.6.4: Create a system of multi-purpose levee-top trails and urban open space paralleling the flood control channel and linking the Creekside District to adjoining neighborhoods, activity nodes, and open space facilities.

The flood control improvements required along San Marcos Creek present an opportunity to create a dramatic open space amenity and an important natural resource area that will be the signature feature that gives the Creekside District its unique identity. The land use concept is to develop an open space system in the District that integrates the naturalized creek channel corridor with a series of urban parks, plazas, and trail corridors to form a dramatic visual and recreational element that complements the new downtown.

Altogether, 94 acres of parks and open space within the District will be preserved or created. Approximately 74 acres of the San Marcos Creek channel will be preserved as naturalized open space. A number of actions will be taken to enhance the quality of the habitat along the corridor, including replacing habitat disturbed by the creation of the flood control improvements, protecting



West Sacramento's "Riverwalk" provides an example of a levee that also serves as an open space amenity

and enhancing habitat values in undisturbed vegetation communities, and expanding native California habitat through the creation of new wetland, riparian, grassland and woodland areas. Public access to the naturalized portion of the creek corridor will be restricted in order to protect habitat values, but 19 acres of improved parkland will be developed along the levee tops on either side of the corridor to allow the public to enjoy views of the natural open space.

The Plan calls for the creative integration and linking of the creek-side open space corridor with the urban area to create a unique creek-focused identity for the entire district. Development along the north edge of the creek corridor will be designed to complement and activate the adjoining Creekside Promenade and park spaces. In turn, these parks will be linked back into the urban area through a series of pedestrian-friendly, tree-lined streets whose design incorporates water features and elements that symbolically link the development area to the creek.

For more detailed discussion of Specific Plan policies regarding the open space resource and related design guidelines, refer to Chapter 4, Open Space and Conservation and Chapter 6, Community Design.

3.3 Land Use Program and Development Intensity

The total projected development potential for the Creekside District is based on projections of the amount of vehicular traffic that can be accommodated on the local street and freeway system using the San Diego Association of Governments' (SANDAG's) regional transportation model. Based on this analysis of long-range circulation capacity, some general assumptions have been made regarding the mix of uses that might be expected to both achieve the desired vision for the District and fall within the projected street system capacity. The conceptual development program assumed for this Plan is provided Table 3.2.

The Development Intensity map (Figure 3-7) shows how this development potential should be distributed within the Creekside District in order to achieve the desired character and function. The relative intensities are defined by a series of zones that designate maximum Floor Area Ratios (FARs) that cannot be exceeded. Floor Area Ratios are a common measure of land use intensity that is expressed as a ratio of building floor area to site area. The intent of the intensity map is to achieve quality growth that balances the demands of economic development with the constraints presented by the circulation system.

Table 3.2: Conceptual Development Program

Land Use	Development Area (square feet)
Retail	1,265,000
Office	589,000
Residential	2,760,000 (2,300 dwelling units)
Total	4,614,000

Figure 3-7: Development Intensity



To the degree possible, the land areas and FARs on the development intensity map have been structured to allow for the maximum development without exceeding the traffic-generation cap. However, given the inexactitude of long range transportation projections and the uncertainty regarding the precise mix and intensity of development that will be implemented within the Creekside District, it will be important to monitor actual development and traffic characteristics and remaining circulation capacity as the District builds out. Depending on the findings of the monitoring, the City may wish to adjust its development capacity projections and/or development intensity requirements.

Policy 3.7.1: Regulate development intensity within the Creekside District to ensure that new development is consistent with built character envisioned for the area and will not result in adverse impacts to the circulation system.

Policy 3.7.2: Analyze District traffic conditions every three years to assess the need to adjust District capacity projections. If the analysis indicates that District development is consuming network capacity faster or slower than projected, the City should consider adjusting District intensity categories or the planned circulation system accordingly (for specific implementation intent, see Section 9.4.3 Development / Circulation Monitoring Program).

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Chapter 5

Circulation and Transportation

5.1 Introduction

The transportation and circulation system for the Creekside District is designed to facilitate safe and efficient access to the area, both internally and externally. It is also designed to balance and create more opportunity among the various modes of travel, including private automobiles, public transit, bicycles, and walking, in order to create an attractive, pedestrian-oriented district in which the influence of the automobile on the character and function of the area is minimized.

The street network is designed to seamlessly integrate the Creekside District into the existing roadway system by implementing City-planned roadway improvements and complementing these improvements with new collector and local streets that facilitate convenient internal circulation. An emphasis is placed on enhancing the connectivity of the circulation system not only to improve access, but also to disperse traffic, provide greater route flexibility, and minimize traffic impacts on existing city streets. The plan also promotes transit and non-vehicular circulation by integrating safe and convenient bus, bicycle, and pedestrian facilities into the street and the open space networks.

The primary goals governing the Creekside District circulation plan are:

GOAL 5.1: A circulation system that safely accommodates increased vehicular traffic associated with Creekside District and cumulative Creekside District development, while establishing a new pedestrian- and transit-friendly downtown for San Marcos.

GOAL 5.2: A circulation system that maintains and improves access and connectivity between the Creekside District and adjacent neighborhoods such as the Barham/Discovery, Richmar, and Business/Industrial neighborhoods.

GOAL 5.3: A pedestrian and bicycle circulation system that expands and enhances the public's ability to reduce automobile travel and enjoy the area's open space resources.

GOAL 5.4: Convenient transit service that leverages existing and proposed regional transit to provide a viable alternative to the private automobile for Creekside District residents, workers, and visitors.



San Marcos Boulevard does not provide an appealing environment for pedestrians, bicyclists, or transit riders.

5.2 Existing Transportation Context

5.2.1 Vehicular System

The Creekside District has excellent regional access from State Route 78 (SR-78), which forms the eastern boundary of the area. The SR-78 interchanges at San Marcos Boulevard and Las Posas provide convenient vehicular access to the area for those coming from outside San Marcos.

Local access to the Creekside District is currently provided by a series of east-west and north-south streets. San Marcos Boulevard, which forms the northern boundary of the District, is the most significant local route due to both the volume of traffic it carries and the commercial profile of the corridor. It is the primary east-west arterial through San Marcos, providing a direct connection between the Creekside District and San Marcos Civic Center. Discovery Street, which forms portions of the southern and western boundaries of the Creekside District, provides a second important east-west corridor. Discovery Street, which currently terminates at the Bent Avenue/Craven Road intersection, provides access to the Barham/Discovery neighborhood south and east of the Creekside District, and to Cal State San Marcos via Craven Road. Ultimately, Discovery Street will be extended eastward to connect with Barham Drive and provide a more direct connection between the Creekside District and Twin Oaks Valley Road and its interchange with SR-78. Currently, there are no significant east-west streets providing access within the District.

There are four public street rights-of-way that extend north-south through the Creekside District. From west to east they are McMahr Road, Via Vera Cruz, Bent Avenue, and Grand Avenue. Of the four streets, only Via Vera Cruz and Bent Avenue currently provide a through connection between San Marcos Boulevard and Discovery Street. Although both streets provide important

connections from San Marcos Boulevard to residential areas south of the District, neither street is developed to urban standards and both are subject to closure by flooding during moderate to heavy storm events.

Outside the Creekside District, Las Posas Road is the primary arterial providing access to the north. Las Posas Road, which changes name to McMahr Road when it enters the District south of San Marcos Boulevard, provides a direct link to the interchange at SR-78, Mission Road and the future light rail Sprinter Station at Palomar Community College. Craven Road, as mentioned above, is a collector street providing a direct link between the Creekside District and Cal State San Marcos and residential areas in Discovery Hills and the Heart of the City area.

5.2.2 Pedestrian and Bicycle System

The design of transportation facilities surrounding the District currently tends to favor vehicular travel over walking or cycling. San Marcos Boulevard includes bicycle lanes and sidewalks, but the heavy traffic volumes along this corridor make this an unappealing place to be a pedestrian or cyclist. The numerous curb cuts for driveways create significant potential for vehicle conflicts with both cyclists and pedestrians. Also, the placement of side-

walks immediately adjacent to the travelway, without an intervening planting strip or on-street parking, fails to provide either physical or psychological buffer between pedestrians and moving vehicles.

While Discovery Street accommodates much lower traffic volumes, sidewalks are only provided along portions of the south side of the street and no accommodation is provided for bicycles. As on San Marcos Boulevard, the sidewalk is located immediately adjacent to the street.

Excellent pedestrian and bicycle facilities have been developed along Craven Road from its intersection with Discovery Street to Foxhall Drive. A Class I pedestrian/bicycle path (i.e., fully separated from the roadway) parallels the west and south side of the street with substantial setbacks from the roadway and attractive landscaping and fencing introduced along both sides of the trail. From Foxhall Drive to Twin Oaks Valley Road the pedestrian and bicycle facilities revert to sidewalks and bike lanes.

The McMahr Road/Las Posas Road corridor currently has bike lanes and sidewalks along those sections that have been developed, but are not continuous. Bike lane and sidewalk standards are the same as on San Marcos Boulevard.



Left: Existing access through the Creekside District—both north/south and east/west—is limited.

Right: Via Vera Cruz does not meet urban roadway standards and is prone to flooding.

5.2.3 Transit System

The City of San Marcos participates in the North County Transit District (NCTD), which operates nine “Breeze” bus routes in or through the City. Much of this service, however, is concentrated at Palomar College and focuses on regional connections with neighboring cities like Escondido, Vista, and Oceanside. Only three of the nine Breeze routes directly serve the Creekside District:

- **Route #341.** Route 341 connects Palomar College and Cal State San Marcos via San Marcos Boulevard. The route, which operates hourly between approximately 5:00 AM and 9:30 PM Monday through Saturday, uses Mission Road, Rancho Santa Fe Road, San Marcos Boulevard, and Twin Oaks Valley Road. Bus stops adjacent to the Creekside District are located along San Marcos Boulevard at: Discovery Street, Pacific Street, Las Posas Road, Via Vera Cruz, and Grand Avenue. In addition to this standard service, this route also provides limited school service under route numbers 441 and 442.
- **Route #344.** Route 344 connects Palomar College and Carlsbad via San Marcos Boulevard and Las Posas Road. The route operates hourly between approximately 5:30 AM and 7:00 PM Monday through Saturday. Bus stops adjacent to the Creekside District are the same locations as those for Route 341, located along San Marcos Boulevard at Las Posas Road, Pacific Street, and Discovery Street.
- **Route #347.** Route 347 provides hourly service to Escondido from Palomar College via Los Posas Road, Craven Road and Twin Oaks Valley Road. The route operates hourly between approximately 6:00 AM and 7:30 PM Monday through Friday with limited Saturday service. In the eastward direction, the route takes Via Vera Cruz and Discovery Street

through the Creekside District, while the return trip uses Bent Avenue and San Marcos Boulevard. Bus stops within or adjacent to the District are located at Via Vera Cruz and San Marcos Boulevard and on Discovery Street.

The standard Breeze fare is \$2 per ride, or \$4 for unlimited daily travel. Breeze bus stops are currently only marked with signs and do not have bus turn-outs or other facilities, such as benches and shelters, associated with them.

The NCTD is currently constructing the 22-mile Sprinter light rail line that will connect San Marcos with Oceanside, Vista, and Escondido. When revenue service begins in late 2007, the Sprinter will provide service every half hour from approximately 5:00 AM to 9:00 PM, seven days a week. Three San Marcos Sprinter stations will be located within approximately a mile to a mile and a half of the Creekside District: the Civic Center, Palomar College, and Cal State San Marcos stations. Concurrent with the initiation of the Sprinter service, NCTD will introduce reconfigured Breeze routes, including adjustments to the three routes that serve the Creekside District, to better complement the new rail service.

The San Diego Association of Governments’ 2030 Regional Transportation Plan identifies San Marcos Boulevard as part of an important North County transit corridor connecting the coastal cities to Escondido. As such, some consideration has been given to possibly introducing bus rapid transit service (enhanced bus service with features typical of rail transit) along the corridor in the future, however, no specific proposals are pending at this time.

5.3 The Circulation Concept

Transportation and circulation are critical to the success of any downtown or commercial center. Thus, the circulation plan for the Creekside District is designed not only to accommodate projected increases in traffic, but also to enhance the District's economic and development potential. The strategy employed is four-fold: 1) increase accessibility to the Creekside District from the outside, 2) provide for convenient movement once inside the District, 3) design a street network that supports the creation of a pedestrian-oriented retail district, and 4) provide facilities that enhance the quality and convenience of transit, bicycling, and walking as alternatives to driving.

Enhanced Accessibility

The first part of the strategy primarily involves the extension, widening and enhancement of existing streets (e.g., Via Vera Cruz, Bent Avenue and Grand Avenue) to provide through, all-weather connections to the surrounding area, including freeway interchanges at Twin Oaks Valley Road and Las Posas Road, and to key community activity centers such as Cal State San Marcos, the Civic Center, and Palomar Community College. These improvements will enhance access to the area, which in turn will contribute to the viability of future commercial uses.



Circulation improvements will improve access to community activity centers, such as the Civic Center and Cal State San Marcos.





An appropriately scaled street grid provides flexibility to suit many different uses and users.

Convenient Internal Circulation

The second part of the strategy involves the creation of an internal network of streets that facilitates movement within the Creekside District. The planned street network provides a grid of collector and local access streets that are parallel to and interconnected with the existing framework of primary, major and secondary arterials that serve the area. In addition to accommodating circulation, the street network also establishes the physical framework within which development occurs. As such, the street grid is scaled to be consistent with the District's land use and development objectives, as well as its circulation objectives. To this end, the network of streets is designed to balance several key objectives, including:

1. providing optimum balance of parcel size and street frontage for new development,
2. optimizing access to individual properties and choice of travel routes,
3. creating block sizes that are a comfortable scale for pedestrians to walk and that establish an intersection spacing that discourages build up in vehicular travel speeds, and
4. implementing street standards that help to maintain slower vehicle speeds and facilitate safe and convenient pedestrian crossing.

A New Retail Street

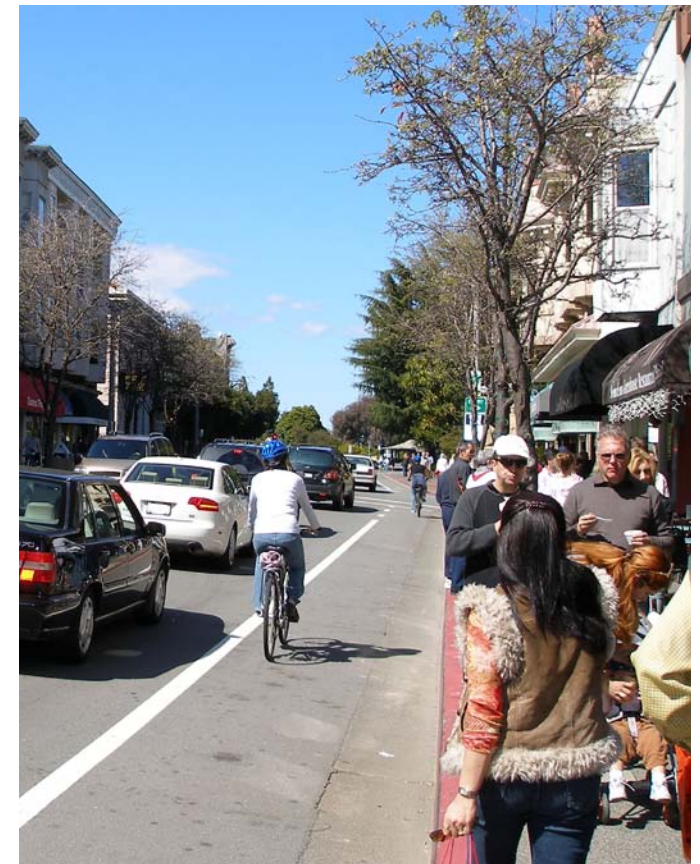
The third part of the strategy involves the creation of a street that incorporates the best qualities of a traditional “main street”: a comfortable mix of vehicles and pedestrians; pedestrian-scaled streets; efficient, but slow-moving traffic; convenient on-street parking; street-oriented storefronts; and attractive sidewalks and pedestrian areas. The Plan establishes a new east-west collector street that parallels San Marcos Boulevard one block to the south, and extends the length of the development area. The roadway is intended to be the focal point for the development of the new commercial mixed-use district, literally and figuratively its “Main Street.” This east-west collector is complemented by a series of north-south cross streets and a second east-west street, Creekside Drive, that provides access along the north side of the creek corridor.



A traditional “Main Street” is a key component of the circulation system.

A Multi-modal System

Finally, the Creekside District is designed to facilitate safe and convenient mobility and access for all modes of transportation. While recognizing the need to accommodate local and citywide traffic on its streets, the system is designed to include facilities, such as broad sidewalks, dedicated bike lanes, off-street multi-use trails, and attractive bus stops, that encourage walking, cycling, and transit as safe and convenient alternatives to the automobile. In addition to attractive design, key factors in promoting walking, cycling, and transit are ensuring that facilities are conveniently located and are interconnected without gaps or barriers that might inhibit their use.



Walking, bicycling, and transit provide an alternative to the private automobile in a balanced circulation system.

5.4 The Street Network

5.4.1 Primary Circulation System and Functional Classifications

The Creekside District is well served by a system of major roadways that connect the area to the surrounding city and region. This primary circulation system (see Figure 5-1) consists of a number of roadway classifications, including Freeways, Primary Arterials, Major Arterials, Secondary Arterials, and Collector streets (see Table 5.1). While the primary function of these roadways is to accommodate regional and citywide travel demand, their efficient function is critical to the success of the Creekside District. The District's circulation system and development concept have been conceived specifically to avoid impacts to the function of this primary circulation system and, wherever possible, to enhance it.

5.4.2 Non-Project Related Improvements

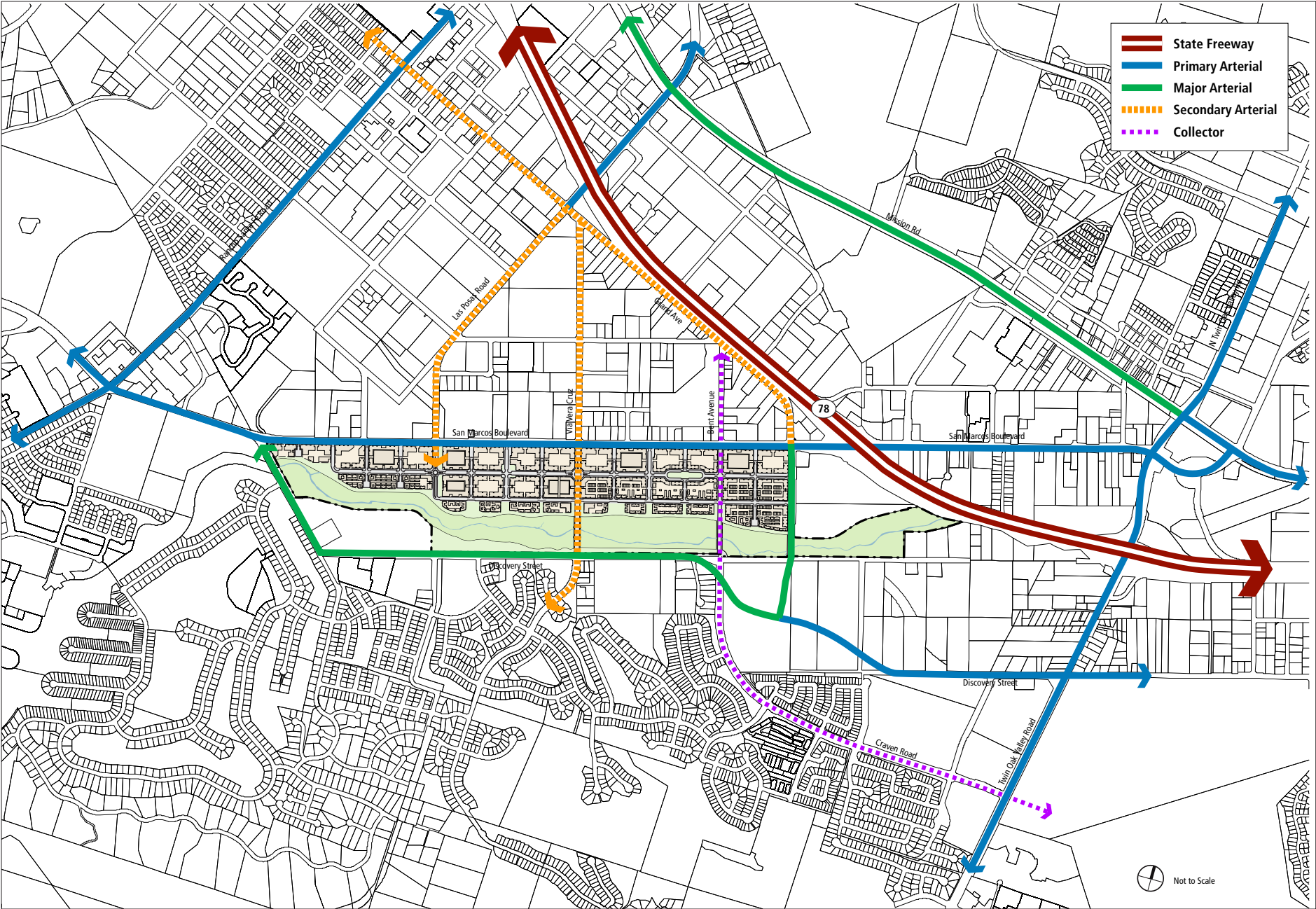
The Circulation Element of the San Marcos General Plan identifies infrastructure needed to meet traffic demand projected for buildout of the city. General Plan-identified circulation improvements that play a key role in the development of the Creekside District, but are not directly related to the Specific Plan, include:

- **San Marcos Boulevard.** As the major east-west corridor through the city, San Marcos Boulevard will continue to carry large volumes of traffic. The Circulation Element calls for widening of this street to have an ultimate right-of-way of 126 feet with 3 travel lanes in each direction plus medians and left-turn pockets. Some segments of the corridor adjacent to the Creekside District already have been improved to this ultimate width. Specific Plan development along the south side of San Marcos Boulevard will be set back to ensure that the additional right-of-way needed to improve the street to its ultimate design standard is provided.

Table 5.1: Primary Circulation System & Functional Classifications

Street	Extent	Functional Classification
State Route 78	Twin Oaks Valley Road to Las Posas Road	Freeway
San Marcos Boulevard	SR 78 to Discovery Street	Primary Arterial
Discovery Street	San Marcos Blvd. to Twin Oaks Valley Road	Major Arterial / Primary Arterial
Grand Avenue	San Marcos Boulevard to Discovery Street	Major Arterial
Las Posas/McMahr Road	SR 78 to Discovery Street	Secondary Arterial
Via Vera Cruz	San Marcos Boulevard to Discovery Street	Secondary Arterial
Bent Avenue/Craven Road	San Marcos Blvd. to Twin Oaks Valley Road	Collector

Figure 5-1: Primary Circulation System



- **Discovery Street/Barham Drive.** Discovery Street is planned to be extended eastward from its terminus at Craven Road to connect with Barham Drive at Twin Oaks Valley Road. As a Secondary Arterial east to Grand Avenue and a Primary Arterial further east to Twin Oaks Valley Road, the Discovery Street/Barham Drive extension will have, respectively, four and six travel lanes. This extension will provide an important new east-west connection to the Creekside District that will relieve pressure on San Marcos Boulevard and provide more direct access to the freeway interchange at Twin Oaks Valley Road.

The portion of Discovery Street between Craven Road and La Sombra Drive will be upgraded as part of the Specific Plan improvements, which are discussed in detail below. The section of Discovery Street between San Marcos Boulevard and La Sombra Drive is under County jurisdiction, and will be upgraded to a four-lane Secondary Arterial, including replacement of the existing substandard bridge, at an undetermined future date.

5.4.3 Specific Plan Circulation Improvements

Circulation improvements required in the Creekside District fall into two categories: those whose need and benefit is almost entirely related to the District's development, and those required both to serve proposed Creekside development and to address broader city circulation issues. The improvements in this latter category relate primarily to the existing north-south streets and specifically to providing all-weather crossings of San Marcos Creek and upgrading these corridors to their urban standards as arterial and collector streets.

Bridges and Arizona Crossings

Consistent with the General Plan, the three principal north-south streets through the District (Via Vera Cruz, Bent, and Grand) will be improved to full urban standards and provide through access between San Marcos Boulevard and Discovery Street. In order to resolve circulation constraints related to flooding, bridges over San Marcos Creek will be built on Via Vera Cruz and Grand Avenue. While the designs of these bridges have yet to be finalized, conceptual designs are described below.

The Via Vera Cruz bridge is anticipated to be approximately 400 to 450 feet long and 90 feet wide, and to include two 10.5-foot- and two 11.5-foot-wide travel lanes (two northbound and two southbound), a continuous ten-foot-wide center turn lane, and a five-foot-wide bicycle lane on each side of the travelway. A 10-foot wide sidewalk/multi-use trail will run along both sides of the travelway. The multi-use trails will be separated from the travelway with a traffic barrier and will include two 8-foot wide semi-circular viewing areas overlooking the creekside open space.

The Grand Avenue bridge is anticipated to be approximately 450 feet long and vary from 67 to 73 feet in width. Similar to the Via Vera Cruz bridge, it will include four eleven-foot-wide travel lanes (two northbound and two southbound) and a continuous

ten-foot-wide center turn lane. Instead of bike lanes, the Grand Avenue Bridge will have variable width shoulders on each side of the travelway. A 9-foot wide sidewalk/multi-use trail, separated by a traffic barrier, will run along the west side of the travelway. No pedestrian facilities are provided on the east side of the bridge.

Both bridges also will include ornamental railings, pilasters, lighting, and banners to visually enhance the bridge experience for pedestrians and the traveling public.

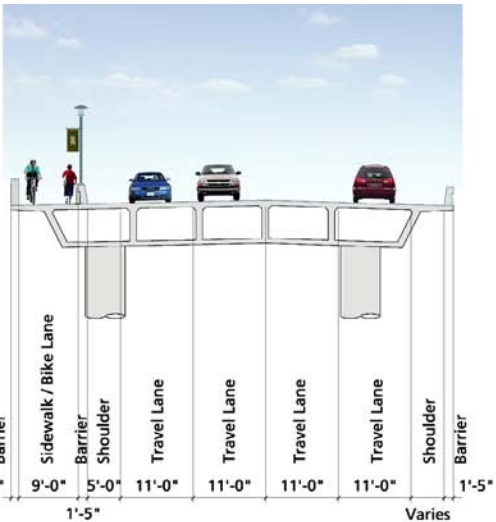
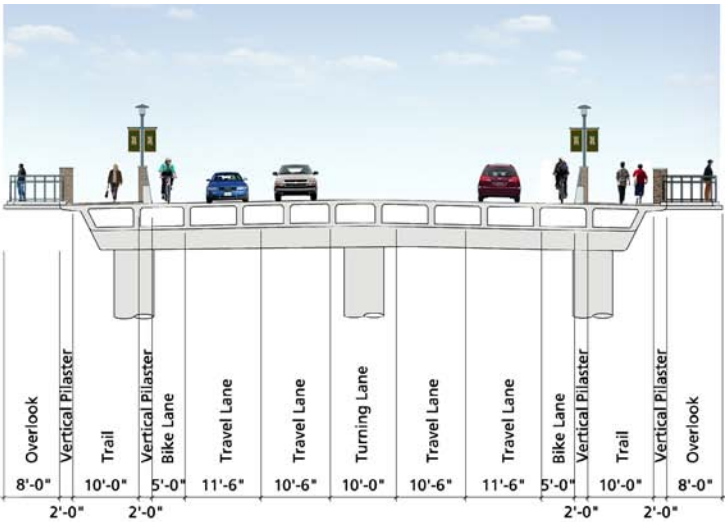
Due to the high costs involved in building bridges, the road improvement strategy for the north-south streets calls for bridges to be constructed over the creek only on Via Vera Cruz and Grand Avenue. An “Arizona crossing” (i.e., an at-grade crossing designed to allow floodwaters to flow over the roadway) is proposed for Bent Avenue. The Bent Avenue crossing and related road elevation have been designed to be compatible with the addition of a bridge in the future, if it is deemed necessary and can be funded.

Creekside Drive & McMahr Road Improvements

In constructing the flood control levees north of the creek, a new east-west street, Creekside Drive, will be constructed on top of the backfilled development pad that will be built behind the levees. While not required by the flood control improvements, McMahr Road will be upgraded as part of the construction of Creekside Drive to provide through access to San Marcos Boulevard. The design and character of these streets is discussed in greater detail later in this chapter.

Discovery Street Improvements

In addition to improvements to the north-south streets, the section of Discovery Street between McMahr Road and Craven Road will be raised in sections to be consistent with flood control elevations on the south side of the creek and improved to urban street standards. The improved roadway will include two 11-foot travel lanes in each direction, a 10-foot center turn lane, two 5-foot bike lanes and an 8-foot parking lane on the north side of the roadway



Conceptual Bridge Sections: Via Vera Cruz Bridge (left) and Grand Avenue Bridge (right)

adjacent to the creekside open space. The pedestrian zone on the north side of the corridor will include a 4-foot continuous parkway and a 6-foot sidewalk. The existing 5.5-foot sidewalk on the south side of Discovery Street will be maintained or reconstructed if disturbed by the street improvements.

GOAL 5.5: Resolve existing circulation issues related to flooding on San Marcos Creek by implementing General Plan identified circulation improvements to key north-south corridors.

Policy 5.5.1: In order to improve area circulation and facilitate development of the Creekside District, the City, will implement a series of circulation improvements prior to any substantial private development in the area. These “Phase I” improvements will include:

- Upgrading Via Vera Cruz to planned urban standard, including construction of a bridge over San Marcos Creek.
- Upgrading Bent Avenue to planned urban standard, including enhanced low-water crossing (i.e., “Arizona crossing”) of San Marcos Creek.
- Constructing a bridge over Grand Avenue and extend Grand Avenue south to Discovery Street.
- Upgrading Discovery Street, from McMahr to Craven Road, to planned urban standard.
- Improving McMahr Road and constructing a new east-west Creekside Drive from McMahr Road to Grand Avenue.

Policy 5.5.2: The City shall monitor the long-term function of the enhanced low-water crossing on Bent Avenue to confirm its effectiveness and safety. If the City determines that the crossing is not satisfactory from either a public safety or traffic operations standpoint, the City will consider the addition of a bridge to the corridor.

Local Streets and Access

The Creekside District’s street network introduces a system of collector and local streets designed to augment the existing system of major roadways while facilitating circulation within the District and improving access to individual properties. The network subdivides the District into an evenly spaced grid of streets that can effectively and efficiently distribute traffic, while also establishing a fine-grained pattern of developable blocks. This highly interconnected system of streets not only increases route choices for drivers, but also supports walking, cycling, and transit by providing short, direct routes throughout the District.

The street plan equally subdivides the areas between the existing north-south streets (Pacific, McMahr, Via Vera Cruz, Bent and Grand) to create a series of nine, parallel north-south local access streets, located on approximate 470-foot centers. Two parallel east-west streets are located between San Marcos Boulevard and the creek open space corridor. The northernmost east-west street, Main Street, is designed to be the primary retail commercial street for the District, while the second east-west street, Creekside Drive, is designed as a smaller local access street. Figure 5-1 illustrates the Creekside District street network and its connection with the City’s existing circulation system.

GOAL 5.6: An efficient and highly interconnected network of streets that promotes the effective movement of vehicular traffic and establishes a rational framework for future development.

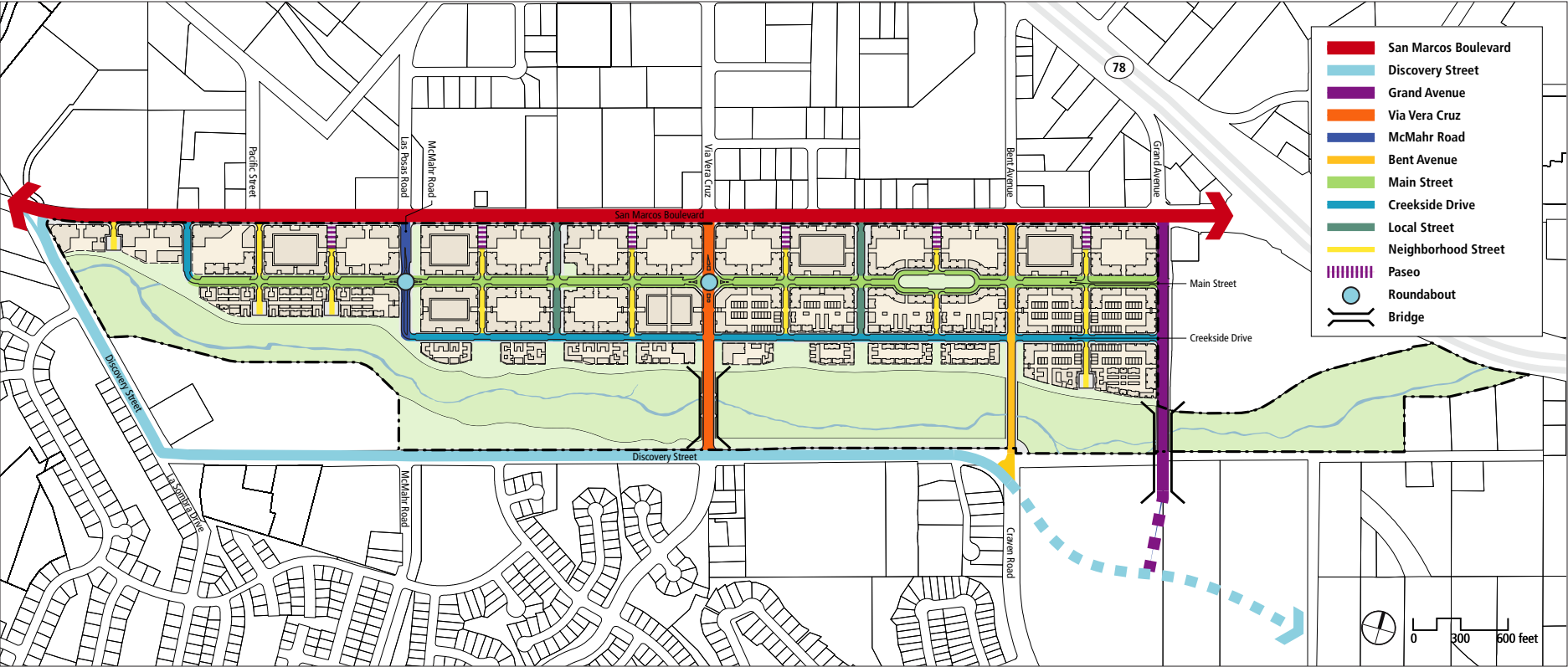
- Policy 5.6.1: Other than the street improvements implemented by the City during the initial phase, the internal street system will be implemented incrementally by developers as it is needed to serve new development.
- Policy 5.6.2: In order to minimize the impact on traffic flow on San Marcos Boulevard, the five internal north-south streets that intersect San Marcos Boulevard will be restricted to right turns in and out, and will not have signals or median breaks on San Marcos Boulevard.
- Policy 5.6.3: The street system within the Creekside District is intended to be fixed and should be constructed according to the alignments depicted within the Plan. Only minor adjustments may be made to address infeasible alignments or adverse impacts provided that any adjustment does not decrease the connectivity or the capacity of the planned street system and otherwise substantially conforms to the overall intent of the Plan.

5.4.4 Functional Classifications and Development Standards

The Specific Plan includes eight street categories with different design standards established for each (see Figure 5-2). The standards have been specifically formulated to address the character and function proposed for the Creekside District; certain categories apply to a particular street while others relate to a general class of streets. The following discussion summarizes the functional classifications and development standards for the Creekside District street system.

Because streets play such a critical role in establishing the design and development character of an area, as well as its function, additional guidance related to street design, circulation site planning issues, and streetscape improvements (e.g., landscaping, lighting, signage, etc.) is included in the Chapter 6, Community Design.

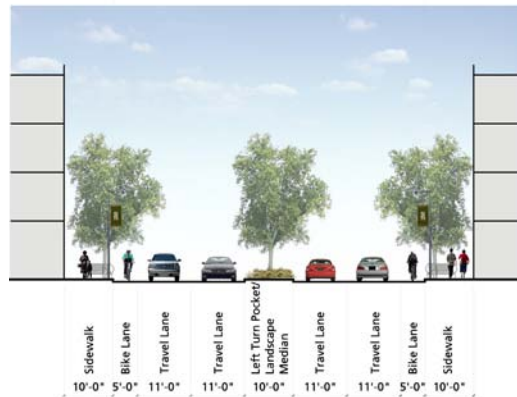
Figure 5-2: Street Classification Plan



Via Vera Cruz [Primary connector]



Via Vera Cruz will allow free vehicle movement while providing pedestrian comfort.



Via Vera Cruz is intended to carry significant volumes to and from the Creekside District, providing connections to the SR-78/Las Posas interchange and areas to the north. With the construction of the new Via Vera Cruz bridge, this street will also serve as an important through route for residential neighborhoods south of the Creekside District.

Corridor Type:.....Cross-town connector

R.O.W. Width:.....84'

Vehicular Zone

Movement:Two-way / Free

Maximum Posted Speed: 35 mph

Pavement Width:..64'

Traffic Lanes:.....Four 11' lanes, plus 10' left turn pocket / landscaped median

Bicycle Lanes:.....5'

Parking Lanes:.....None—on-street parking prohibited

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..10'

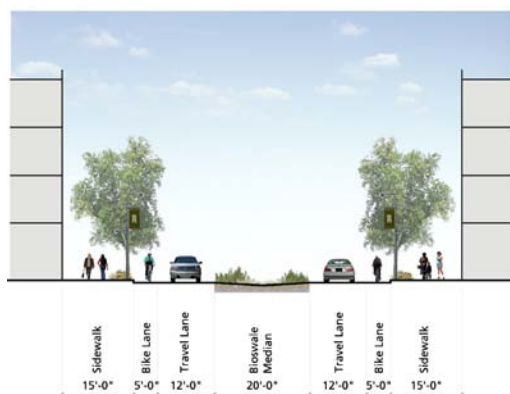
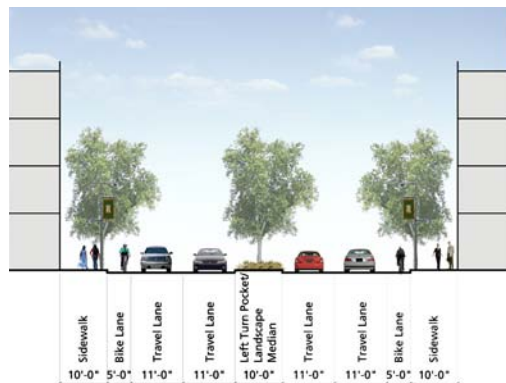
Planters:.....4' x 6' tree wells; 10' center median

Planting:.....Tall canopy trees plus tall vertical trees to highlight entry corridor

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....25' max height (20' preferred); Split-level light standards recommended (e.g., 16' pedestrian fixture, 24' street fixture)

McMahr Road [Secondary connector]



McMahr will serve as an important entry point into the Creekside District, providing a vehicular connection between the SR-78/Las Posas interchange and the Main Street corridor. South of Main Street and connecting to Creekside Drive, McMahr will transition into a more local-serving street with a broad central median that provides for both substantial planting as well as stormwater management.

Corridor Type:.....Cross-town connector / Commercial mixed-use corridor

R.O.W. Width:.....84'

Vehicular Zone

Movement:Two-way / Free (north of Main Street) / Two-way / Slow (south of Main Street)

Maximum Posted Speed: 35 mph (north of Main Street) / 25 mph (south of Main Street)

Pavement Width: .64' (north of Main Street) / 54' (south of Main Street)

Traffic Lanes:Four 11' lanes, plus 10' left turn pocket / landscaped median (north of Main Street) / Two 12' lanes plus 20' bioswale median (south of Main Street)

Bicycle Lanes:.....5'

Parking Lanes:.....None—on-street parking prohibited

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..10' (north of Main Street) / 15' (south of Main Street)

Planters:.....4' x 6' tree wells (north of Main Street) / 5' continuous planter (south of Main Street); 10' and 20' center median

Planting:.....Tall canopy trees plus tall vertical trees to highlight entry corridor

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....25' max height (20' preferred); Split-level light standards recommended (e.g., 16' pedestrian fixture, 24' street fixture)

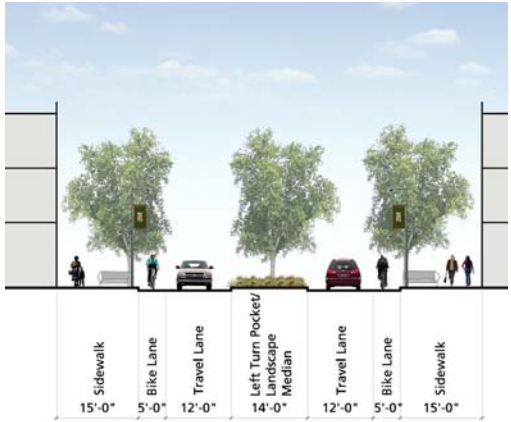
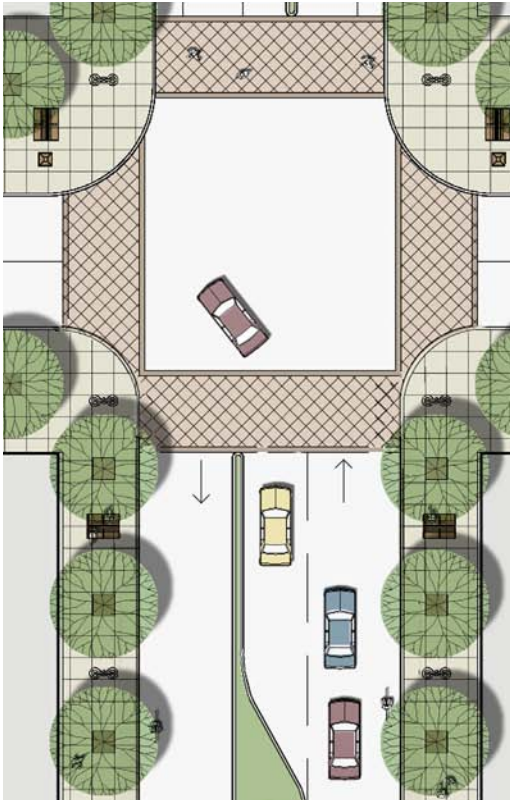


North of Main Street, McMahr Road will serve as an important and handsomely planted entry into the District.

Bent Avenue [Secondary connector]



Bent Avenue will have parking and bike lanes on both sides



Bent Avenue will serve as an important connector street for areas north and south of the District, including a direct link to Cal State San Marcos via Craven Road. It will also serve as an important commercial retail street where it intersects Main Street. This crossroads is intended to be focus of an important, but secondary, retail mixed use center.

Corridor Type:.....Commercial mixed-use corridor

R.O.W. Width:.....78'

Vehicular Zone

Movement:.....Two-way / Free

Maximum Posted Speed: 30 mph

Pavement Width:..48'

Traffic Lanes:Two 12' lanes, plus 14' left turn pocket / landscaped median

Bicycle Lanes:.....5'

Parking Lanes:.....None—on-street parking prohibited

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..15'

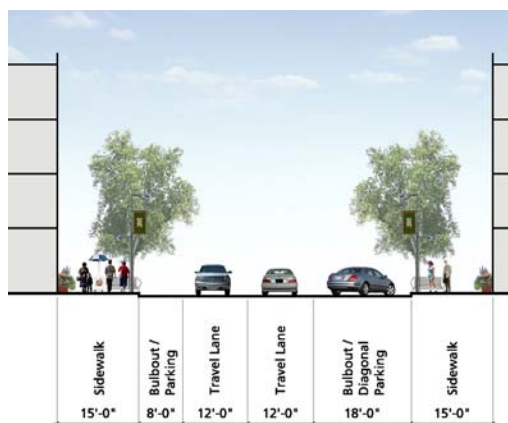
Planters:.....5' continuous planter; 14' center median

Planting:.....Canopy shade trees

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....20' max height (16' preferred)

Main Street [East-west commercial street]



Main Street is intended to be the District's primary retail street, providing direct access to commercial uses that front onto the corridor. On-street parking is provided along both sides of the street with parallel parking on the south side and diagonal parking on the north. The street is designed to promote slow travel speeds that will discourage its use as a "short-cut" or bypass for San Marcos Boulevard and to promote pedestrian safety. The right-of-way provides for a generous pedestrian zone to encourage pedestrian activity and outdoor uses such as cafes and sidewalk vendors. Curb cuts and driveway access will be prohibited and street widths will be necked down (i.e., narrowed) at intersections to calm traffic and provide safer pedestrian crossing.

Corridor Type:.....Commercial corridor

R.O.W. Width:.....80'

Vehicular Zone

Movement:.....Two-way / Slow

Maximum Posted Speed: 25 mph

Pavement Width:..50'

Traffic Lanes:.....12'

Bicycle Lanes:.....None

Parking Lanes:.....8' parallel on south side; 18' diagonal on north side *

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..15'*

Planters:.....4' x 6' tree wells

Planting:.....Canopy shade trees, ornamental trees and plantings

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....20' max height (16' preferred)



Main Street will serve as the District's primary commercial corridor.

*Parallel parking provided on both sides on blocks surrounding East End Commons with wider northern sidewalk.

Note: The section of Main Street immediately west of Grand Avenue is depicted in Specific Plan graphics in an interim condition that would allow construction of the southern half of the Main Street cross section (southern sidewalk and parking and travel lanes) plus an interim northern sidewalk without redevelopment of existing commercial development to north; when this northern area redevelops, Main Street shall be constructed to the full cross section described in these standards.

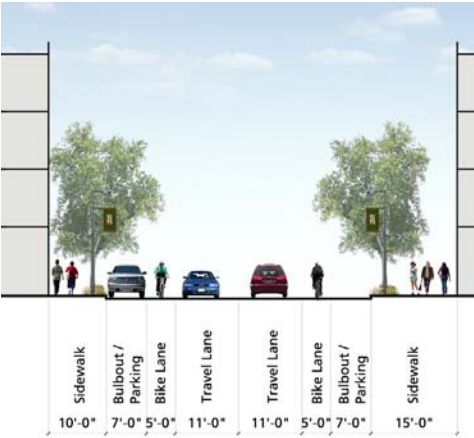
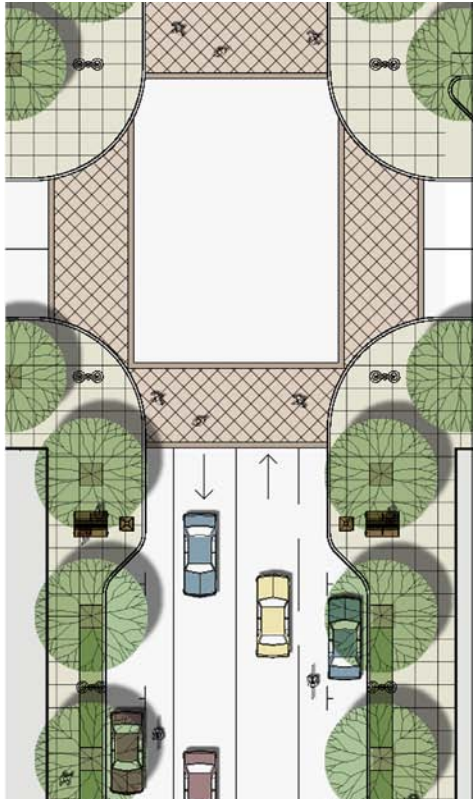
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Creekside Drive [Secondary east-west street]*



Creekside Drive will have bike lanes, parking, and wide sidewalks.

*These standards also apply to the north-south entry road connecting Main Street with San Marcos Boulevard at the west end of the District.



Creekside Drive provides a secondary east-west route through the Creekside District. Smaller in scale than Main Street, Creekside Drive is intended as a local mixed-use corridor that responds to the adjacent Creekside Promenade. A wider pedestrian zone with a continuous planter is provided on the south side of the street, and, at street intersections, the sidewalk will take on the appearance of the adjacent Creekside Promenade entry parks and plazas. Additionally, bicycle lanes will be striped the length of the street, providing a dedicated east-west bicycle route through the District.

Corridor Type:.....Mixed-use corridor

R.O.W. Width:.....71'

Vehicular Zone

Movement:.....Two-way / Slow

Maximum Posted Speed: 25 mph

Pavement Width:..46'

Traffic Lanes:.....11'

Bicycle Lanes:.....5'

Parking Lanes:.....7'

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..15' (south side of Creekside Drive) / 10' (elsewhere)

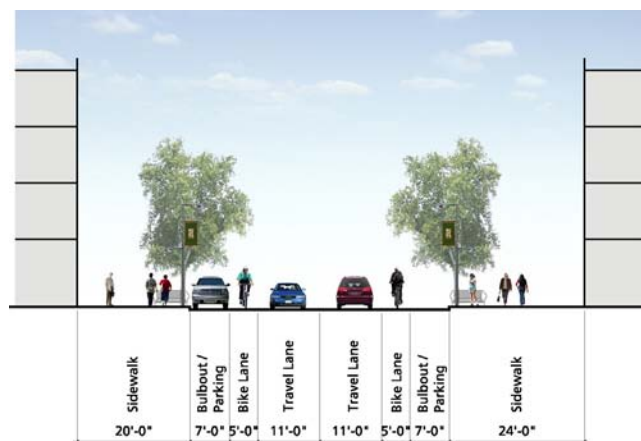
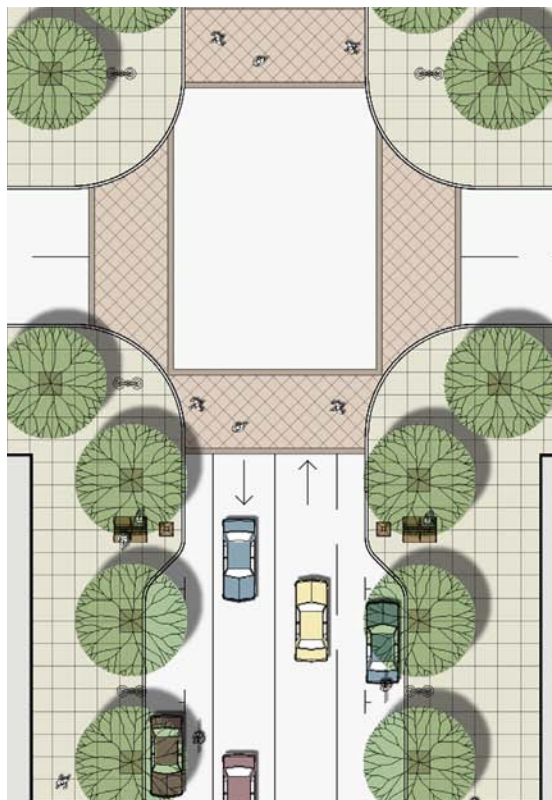
Planters:5' continuous planter (south side of Creekside Drive) / 4' continuous planter (elsewhere)

Planting:.....Canopy shade trees / Plaza treatment (where applicable)

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....20' max height (16' preferred)

"Local Street" [Intermediate north-south through streets]



Local Streets provide through connections to existing arterial streets serving the District and enhance internal circulation and direct, local access to individual properties. These streets are designed for low vehicular travel speeds and comfortable bicycle and pedestrian use. Bike lanes and parallel, on-street parking are provided along both sides of the street. The north-south streets are envisioned to be distinctive mixed use commercial corridors that connect San Marcos Boulevard to the Creek corridor. As such they have larger rights-of-way to accommodate broad pedestrian zones (see Chapter 6, Community Design for more detail).

Corridor Type:.....Mixed-use corridor

R.O.W. Width:.....90', plus additional 20' on east side of R.O.W. extending 120' south from San Marcos Boulevard

Vehicular Zone

Movement:.....Two-way / Slow

Maximum Posted Speed: 25 mph

Pavement Width: .46'

Traffic Lanes:11'

Bicycle Lanes:.....5'

Parking Lanes:.....7'

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..20' west side / 24' east side

Planters:4' x 6" tree wells

Planting:.....Canopy trees, ornamental trees and plantings

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....20' max height (16' preferred)

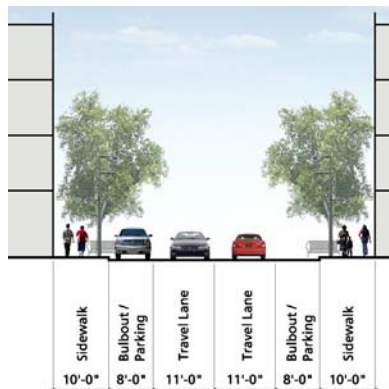


Wide sidewalks on local streets will provide space for water features and other landscape elements.

"Neighborhood Street" [Non-through north/south streets]



Neighborhood streets are intended to promote slow travel speeds.



Neighborhood Streets are intended to enhance internal circulation and provide direct, local access to individual properties. These streets are designed for low vehicular travel speeds and comfortable pedestrian use. Parallel, on-street parking is provided along both sides of the street.

Corridor Type:.....Mixed-use corridor

R.O.W. Width:.....58'

Vehicular Zone

Movement:.....Two-way / Very slow

Maximum Posted Speed: 25 mph

Pavement Width: .38'

Traffic Lanes:11'

Bicycle Lanes:.....None

Parking Lanes:.....8'

Curb Type:Vertical curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: ..10'

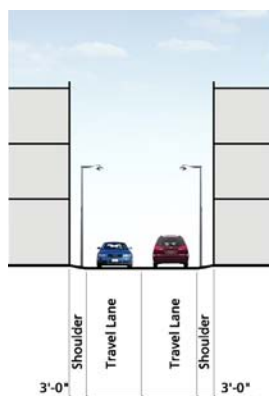
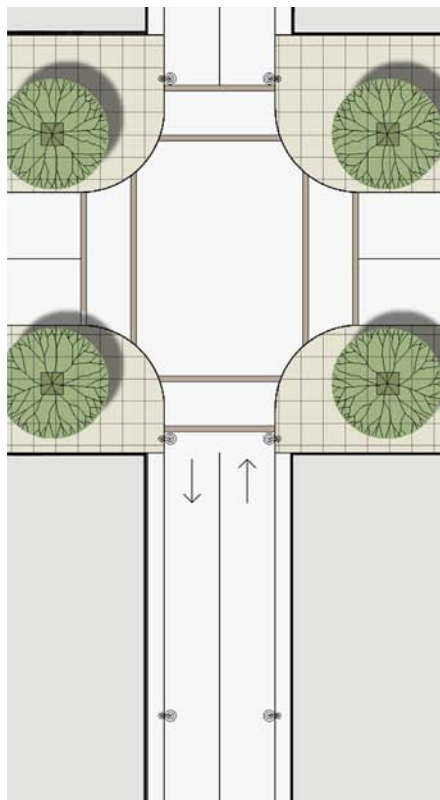
Planters:4'x6' tree well or 4' continuous strip

Planting:.....Canopy shade trees

Tree Species:See recommended species and Master Streetscape Plan policies in Chapter 6, Community Design

Lighting:.....20' max height (16' preferred)

"Alley" [to be incorporated east/west through blocks as appropriate]



Alleys, which are through streets that bisect a block lengthwise, are used to provide access to the rear of commercial and residential properties in order to reduce the number of driveways and the presence of service vehicles along the primary street frontages. Typically they provide access to parking, loading docks, and garbage collection areas in commercial areas and garages in residential areas. Parking is prohibited along alleys.

Corridor Type: ---.Local Access

R.O.W. Width:26'

Vehicular Zone

Movement:Two-way / Very Slow

Maximum Posted Speed: 10 mph

Pavement Width: 26'

Traffic Lanes:10', plus 3' shoulder

Bicycle Lanes:.....None

Parking Lanes:.....None—on-street parking prohibited

Curb Type:Rolled curb with gutter

Curb Radius:Smallest context-sensitive radius that allows for sufficient emergency access

Pedestrian Zone

Sidewalk Width: .None

Planter Width:None

Planters:None

Planting:None

Tree Species:None

Lighting:20' max height (16' preferred)



Alleys reduce the number of driveways on primary streets.



Street trees, lighting and other landscape elements separate pedestrians from traffic and foster an inviting atmosphere.



Special paving treatments draw drivers' attention to pedestrian crossings while adding aesthetically to the pedestrian environment.

5.5 Pedestrian and Bicycle Circulation

Establishing a truly balanced circulation system is dependent on creating a safe and functional environment for modes of transit other than the automobile. Given the strong automobile orientation and high traffic volumes on San Marcos Boulevard, the intent is to make the Creekside District much more attractive and accommodating to pedestrians and bicyclists by providing well-designed facilities that are integrated with the area's street network in a manner that minimizes conflicts with vehicular circulation.

These facilities will connect the Creekside District internally, but also link the area to surrounding neighborhoods and major destination points such as Cal State San Marcos, Palomar Community College and the Town Center via existing and planned pedestrian and bicycle facilities.

GOAL 5.7: A comprehensive, integrated bikeway and pedestrian system that connects the Creekside District to the broader community, promotes alternatives to the automobile, and enhances the public's enjoyment of the District's open space resources.

Policy 5.7.1: Provide continuous, inter-connected travel corridors for pedestrians and bicyclists that serve the same destinations as automobiles, as well as non-vehicular destinations such as the creek open space corridor.

The Creekside District provides an extensive and continuous system that allows for the safe and efficient movement of pedestrians and bicyclists for both commute and recreational purposes. The circulation system incorporates two levels of pedestrian and bicycle facilities: street-related (Class II) and non-street-related (Class I).

5.5.1 Pedestrian Facilities

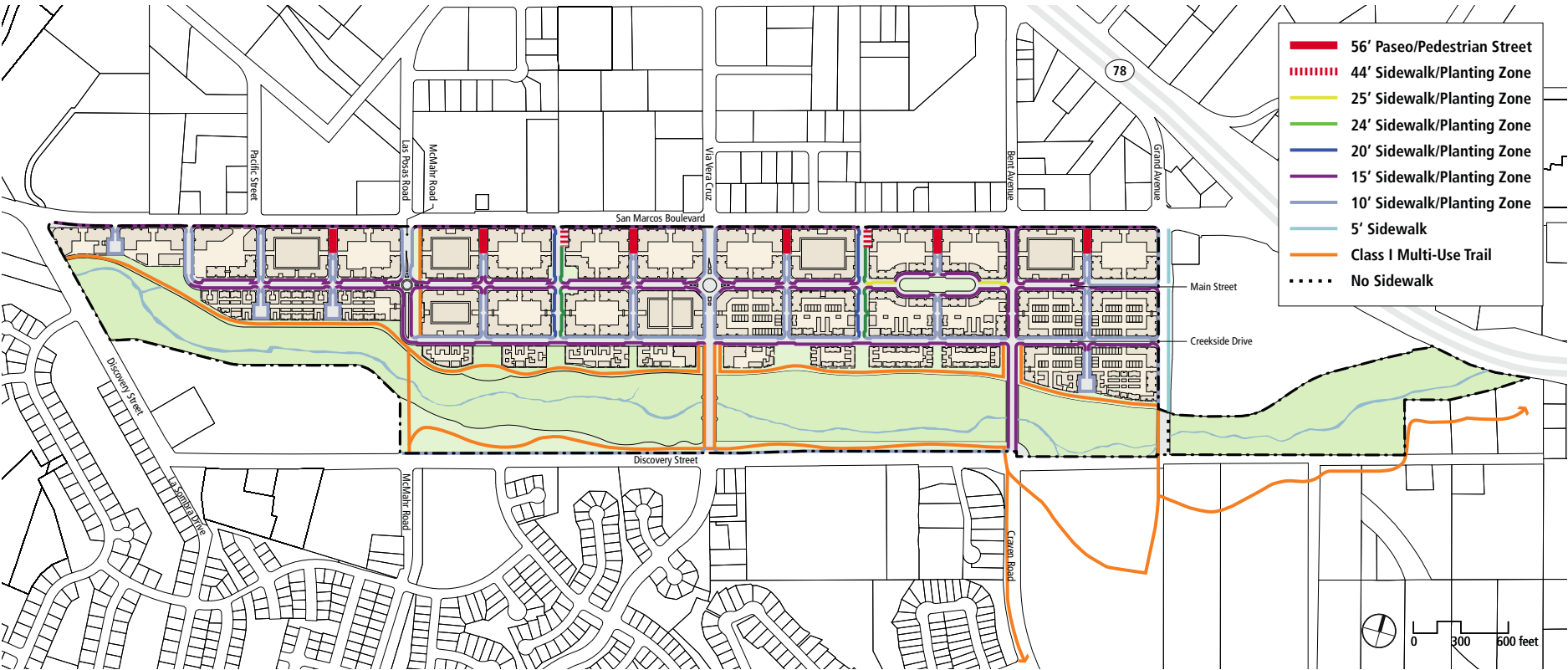
Pedestrian circulation in the Creekside District (Figure 5-3) will be accommodated in three ways:

- Broad, tree-lined sidewalks on both sides of all streets within the developed area;
- Pedestrian streets or "paseos" that provide off-street, pedestrian passages within the developed area; and
- Class I, multi-use trails in the creekside open space corridor that will connect to the street system within the District as well as to existing and proposed facilities outside the District.

Pedestrian-Friendly Streets

To attract and maintain significant pedestrian activity in the Creekside District the streets not only need to accommodate vehicular traffic, but also be safe, attractive, and convenient for pedestrians. The public street rights-of-way in the District will be used as much by pedestrians as vehicles, and so the pedestrian zones have been designed with the same care given to the vehicular travelway. In addition to providing ample area within the pedestrian zone, the District's street standards and streetscape guidelines address the use and location of the many elements that contribute to the character and quality of the pedestrian environment, including sidewalks, on-street parking, street trees and buffer landscaping, street lights, signs, crosswalks, transit stops, benches and other streetscape furniture (streetscape guidelines are contained in Chapter 6, Community Design).

Figure 5-3: Pedestrian Trails and Sidewalks





Traffic calming measures, such as crosswalk refuges, make streets more pedestrian friendly.



Roundabouts at McMahr and Via Vera Cruz will efficiently balance vehicular and pedestrian movement while serving as gateways to the Creekside District.

Traffic Calming

In order to create a comfortable and safe pedestrian environment, the locations at which pedestrians and vehicles come into contact with each other must be carefully designed to manage the flow of vehicular traffic. These locations occur primarily at intersections, but can also occur at mid-block locations. Traffic-calming devices such as roundabouts, traffic circles, curb extensions (i.e., “bulb-outs”, “neck downs”, etc.), and enhanced crosswalks are recommended throughout the planning area, with special emphasis on Main Street where establishing a free flow of pedestrian traffic and a slow regular flow of vehicular traffic will work together to enhance the commercial environment.

Paseos

In an effort to support walking within the District, the Plan calls for the creation of a series of pedestrian-only streets, or paseos. Located at the north end of the District’s six north-south Neighborhood Streets, these paseos will provide pedestrian connections to Main Street and the District’s retail core from San Marcos Boulevard and maintain a walkable scale for the blocks fronting San Marcos Boulevard. The paseos will be lined with storefronts and activated with outdoor restaurants and pedestrian amenities such as fountains, sculpture, benches and other street furniture. While these six paseos will be located in public rights-of-way and required as part of the public circulation system, developers also will be encouraged to incorporate the paseo concept into their private developments. Mid-block paseos are an effective means of providing pedestrian access from street frontages to mid-block parking, and for expanding retail frontages.

Class I Multi-use Trails

Given the importance of open space to the character of the Creekside District, a high priority is given to the creation an area-wide system of off-street, or Class I, trails that will allow employees, residents and visitors to fully enjoy the natural beauty of San Marcos Creek while commuting or recreating. Class I trails along the levee tops and within creekside park areas will provide key east-west trail connections through the area. North-south connections will be provided within the street corridors.

GOAL 5.8: Street design that balances the efficient movement of vehicular traffic with the creation of a safe, attractive, and convenient pedestrian-oriented district.

- Policy 5.8.1 Provide continuous sidewalk improvements or off-street paths along all street corridors, and close gaps in the existing pedestrian system.
- Policy 5.8.2 Provide convenient and direct pedestrian access to all buildings (commercial and residential) from street frontages, rather than through parking lots.
- Policy 5.8.3 Encourage developers to provide pedestrian streets (i.e., “paseos”) in mid-block areas that provide for pedestrian access through the block and to parking areas located behind buildings.
- Policy 5.8.4: Integrate traffic-calming measures, such as roundabouts, traffic circles, curb extensions, textured paving, pedestrian refuges/islands and on-street parking, into the street design in order to create a more pedestrian-friendly circulation system.
- Policy 5.8.5: Provide street trees and other landscaping between the street and sidewalk to provide separation.

tion from the travelway, micro-climate control, and aesthetic enhancement.

Policy 5.8.6: Provide pedestrian-scaled lighting to enhance nighttime activity, and add spatial definition and human scale to the pedestrian realm.

Policy 5.8.7: Provide on-street parking on most District streets to enhance parking convenience and provide separation between pedestrians and the travelway; where on-street parking is not provided, use a continuous planter to buffer pedestrians from the travelway.

Policy 5.8.8: Incorporate special paving treatments at key intersection crossings to announce and signify the importance of the pedestrian zone and to aesthetically enhance the crossing. Paving materials, colors and textures can be used to delineate the crosswalk area. Crosswalk materials shall be durable and safe for pedestrian use.

Policy 5.8.9: In order to promote pedestrian movement between the Creekside District and employment and entertainment areas north of San Marcos Boulevard, the City will explore design options for creating safe and attractive pedestrian crossings of San Marcos Boulevard.

Policy 5.8.10: Roundabouts shall be incorporated into the intersection designs of McMahr Road and Via Vera Cruz where they cross Main Street to regulate the flow of north-south traffic both through the District and onto Main Street (without requiring left turn lanes or a traffic signal). The roundabouts will also be designed as gateway features that announce the entry to the Creekside District and the Main Street commercial corridor.

5.5.2 Bicycle Facilities

Safe, convenient and attractive bicycle are an important amenity that will enhance the District's commercial development, reduce vehicle trips and increase the community's appreciation of the open space resource. Figure 5-4 shows the system of Class I (off-street multi-use trails) and Class II (on-street bike lanes) facilities that will serve the Creekside District.

GOAL 5.9: A comprehensive and integrated system of Class I and Class II facilities that supports bicycle use in the Creekside District for commuting and recreation.

Policy 5.9.1 Provide an interconnected system of Class II bicycle lanes that connect to existing and planned bicycle facilities on San Marcos Boulevard, Las Posas Road, Discovery Street, McMahr Road, and Craven Road.

Policy 5.9.2 Provide five-foot-wide (5') Class II bicycle lanes along both sides of the following Creekside District streets to facilitate bicycle commuter access to and from the urbanized area:

- Bent Avenue
- Via Vera Cruz
- McMahr Road
- Creekside Drive
- All Local Streets

Policy 5.9.3 Complete key linkages between the City's existing bicycle system and the Creekside District bicycle system.

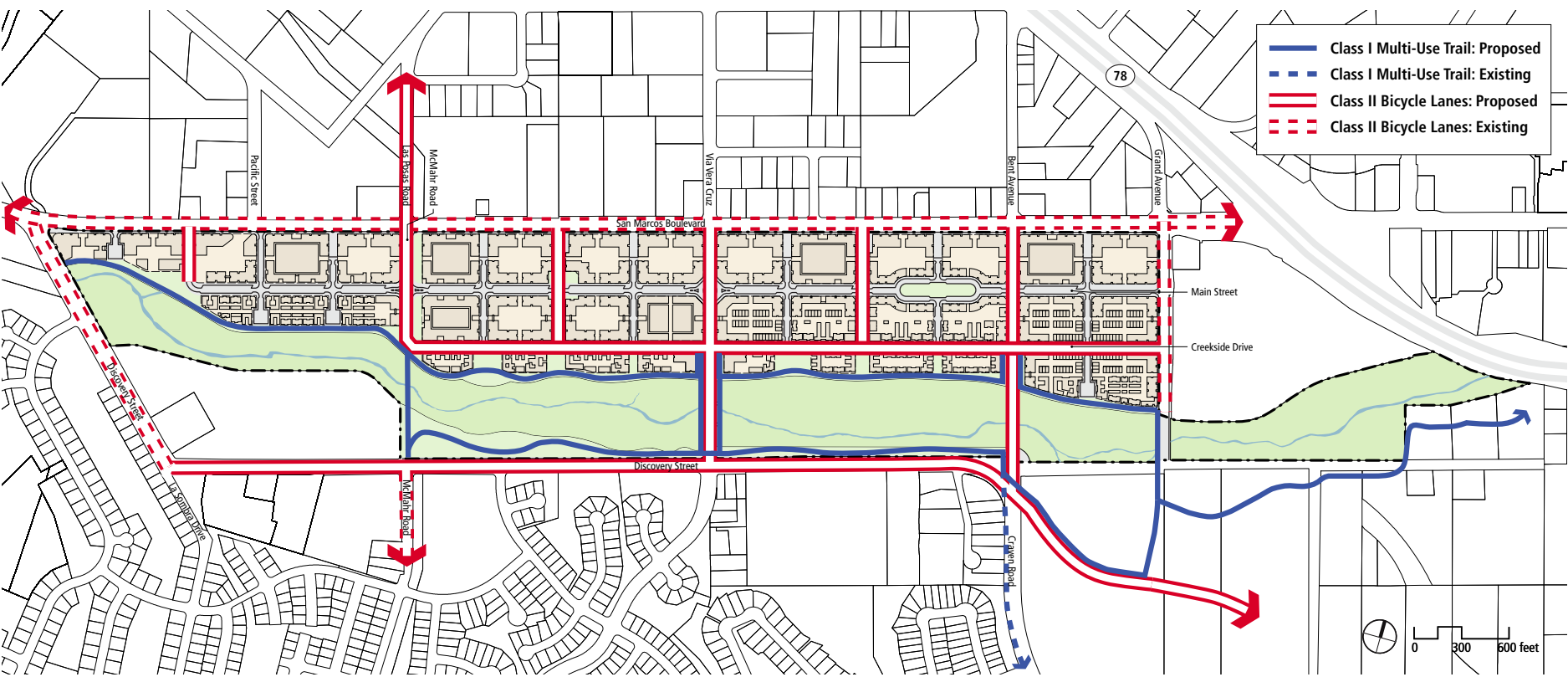


Lively paseos—pedestrian streets—create direct, interesting, and pleasant routes for pedestrians.

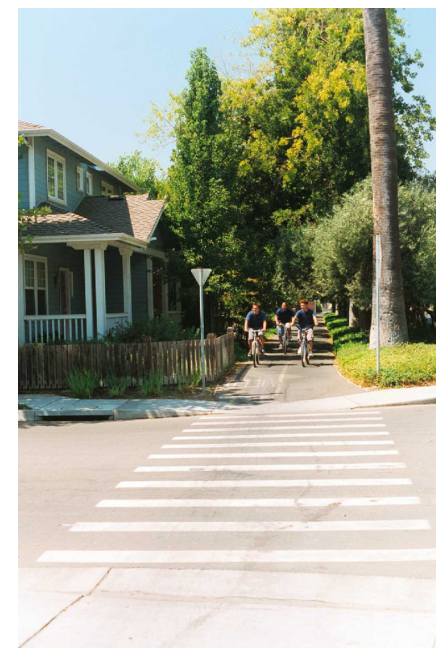


Bicycle routes should be clearly marked to alert drivers to the presence of bicycles.

Figure 5-4: Bicycle Lanes and Routes



- Policy 5.9.4 Encourage developers to incorporate secure bicycle parking and showering/changing facilities into their developments to support bicycle use by Creekside District employees.
- Policy 5.9.5 Establish a system of directional and safety signs that identify bicycle corridors, provide directions and distances to key destinations, and provide safety warnings at intersections. The signage system should be designed to be in scale with pedestrian and bicycle use. Pavement markings and symbols (e.g., “sharrows”) should also be used to clarify and announce bicycle use within public streets that lack Class II bicycle lanes.
- Policy 5.9.6 Provide an inter-connected system of Class I multi-use trails (i.e., not located in a street) along the San Marcos Creek corridor that accommodate non-motorized recreational trail use (e.g., walking, biking, skating, etc.) and allow the public to enjoy this open space resource.
- Policy 5.9.7 Construct an all-weather multi-use Creekside Promenade trail along the top of the levee/embankment on the north side of the San Marcos Creek corridor. The trail, which will extend from Discovery Street to Grand Avenue, will be designed to accommodate maintenance vehicles as well as pedestrians, bicyclists, and other non-motorized vehicles (refer to Chapter 5, Open Space & Conservation for more detailed discussion on design of these facilities).
- Policy 5.9.8 Construct an all-weather multi-use trail along the top of the levee/embankment on the south side of the San Marcos Creek corridor. The trail, which will extend along the north side of Discovery Street from McMahr Road to Grand Avenue and then onward to SR-78, will be designed to accommodate maintenance vehicles as well as pedestrians, bicyclists, and other non-motorized vehicles (refer to Chapter 5, Open Space & Conservation for more detailed discussion on design of these facilities).
- Policy 5.9.9 Special pedestrian/bicycle street crossings shall be developed where the Class I creek trails intersect major north-south streets (i.e., Via Vera Cruz, Bent and Grand). These crossings should be delineated in the travelway, and should also include signage providing safety warnings for both cyclists and motorists of an approaching intersection. Textured paving or warning bumps should be used in the travelways before the crossings to alert traffic that they are approaching a sensitive intersection.
- Policy 5.9.10: Construct a north-south pedestrian bridge that spans the creek and natural habitat areas, linking the trails on the north and south sides of the creek corridor. The pedestrian bridge should be located near McMahr Road, providing an additional north-south pedestrian crossing between Via Vera Cruz and Discovery Street and creating, along with the Grand Avenue Bridge, a recreational trail loop internal to the Creekside District.



Off-street and on-street bicycle facilities facilitate bicycle travel, both for recreation and commuting.



The creekside trails will serve both the recreational and transportation needs of pedestrians, bicyclists, and other non-motorized users.

Policy 5.9.11 The new Via Vera Cruz bridge will incorporate multi-use trails along both sides of the bridge, while the Grand Avenue bridge will incorporate a trail along its west side, which faces the main open space area. These trails, which will be physically separated from the roadway by a traffic barrier, will link directly into the Class I trails along the north and south sides of the creek. Each bridge trail will include pedestrian overlooks that provide vista points looking out over the creek and associated open space.

Policy 5.9.12 In order to provide convenient connections between development north of the creek and the multi-use trail of the Creekside Promenade, access points will be developed at the southern terminus of all eleven north-south streets that abut the open space corridor (refer to the Open Space Element for more discussion of the design of these areas).

5.6 Transit Service

Enhancing transit service is a key strategy in the creation of the Creekside District. Providing convenient and affordable transit will allow the City to develop a vibrant, new mixed-use neighborhood while:

- minimizing increases in traffic congestion and air pollution;
- increasing transportation choice and reducing automobile dependency;
- promoting efficient development patterns and pedestrian-friendly environments; and
- minimizing project area costs associated with the provision of parking.

In order to establish effective transit service to the Creekside District, the plan proposes a two-tier transit system that includes: a) improved North County Transit District (NCTD) bus and light rail services to the city and region, and b) creation of a new local shuttle service that will provide internal Creekside District circulation with looped connections to key nearby San Marcos destinations (e.g., employment centers, campuses and transit stations).

Attachment G
(Property purchase documents - #2)

Hall, Lupita

From: Brenner, Alicia
Sent: Monday, March 22, 2010 3:20 PM
To: Hall, Lupita
Subject: RE: Woodland Pkwy - Fleck escrow

Hi Lupita,

On the payment request please make a note to finance, that the TransNet Account (404-00-600002-8005) is to be charged first up to the amount available in the project budget (I think it's around 30K). The remaining costs are to be charged to account 402-00-6000002-8005.

Thanks,

.....
Alicia Brenner | City of San Marcos
760 744 1050 ext. 3248
abrenner@san-marcos.net

From: Hall, Lupita
Sent: Monday, March 22, 2010 3:00 PM
To: Brenner, Alicia
Subject: FW: Woodland Pkwy - Fleck escrow
Importance: High

Hi Alicia,

This looks like it's part of the Barham/Lamoree-Woodland Pkwy Interchange project #8005. Can you give me the funding number to use for this wire funds request?

Thanks!

Lupita T. Hall
Engineering Division
City of San Marcos
lhall@san-marcos.net

From: Vo, Paul
Sent: Monday, March 22, 2010 2:47 PM
To: Hall, Lupita
Cc: Serio, Liliane
Subject: FW: Woodland Pkwy - Fleck escrow
Importance: High

Lupita,

Please prepare the wiring request and let Jane know when the fund will be wired. I already sent Jane the signed Change of Ownership Report.

From: Jane Wiggans [mailto:jane@wiggansgroupinc.com]
Sent: Monday, March 22, 2010 11:57 AM
To: Vo, Paul
Cc: 'Smigiel, Terry'; Shari McAuley, Wiggans Group, Inc.
Subject: Woodland Pkwy - Fleck escrow
Importance: High

Paul:

Attached is the closing statement and wiring funds for the Fleck purchase – please arrange for wiring on Thursday March 25 so we can close on Friday, March 26th. Also, please have the attached change of ownership signed and returned via email. If you have any questions, please let me know. Thank you.

Jane L. Wiggans, SR/WA

Wiggans Group, Inc.

5256 So. Mission Road, Suite 138

Bonsall, CA 92003

T 760.806.1776

C 760.518.3005

F 760.806.6616

jane@wiggansgroupinc.com



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CITY OF SAN MARCOS
REQUEST FOR WIRE TO BE SENT

DATE: March 22, 2010

VENDOR NAME: Chicago Title / Escrow Division

WIRE INSTRUCTIONS:

Bank Name: Union Bank - 1980 Saturn St., Monterey Park, CA 91755
Bank Account #: Credit to Chicago Title Company in trust for San Marcos
Redevelopment Agency Account 9101051077

ABA #: 122000496

Reference/Description: Escrow no. 73710000407


AMOUNT \$804,478.85

DESCRIPTION: Escrow Deposit for property on 684 E. Barham Drive,
San Marcos, CA 92069 Parcel ID 220-250-23-00
Seller Kevin J. Fleck as Trustee.

CHARGE ACCOUNT ~~#404-00-600002-8005 (approx. 30k)~~ *No more funding remaining. DMN*
#402-00-600002-8005 (charge reminder to this)
(See Alicia's attached email)

SUBMITTED BY: LT Hall

APPROVED BY:  

DEPT. HEAD'S SIGNATURE:  

SPECIAL INSTRUCTIONS FOR FINANCE:

Funds will need to be wired on March 25, 2010 for closing on
March 26, 2010.

Journal Entry 1000.12

 Effective Dt 03/25/10 Type
 Batch Id 44609 Entered by Marina Crandall
 Interfunds No on 04/07/10
 Transaction# at 12:36

Purpose PURCHASE OF FLECK PROPERTY, APN 220-250-23, 684 E.BARHAM DR.

Accounts	Debits	Credits
402-00-600002-8005	804,478.85	
402-00-110000		804,478.85
	-----	-----
Totals	804,478.85	804,478.85

Approved by: DMW 4/7/10

CCS.GL General Ledger Release 8.2.1 R*GLRJE*R.FORM By Marina Crandall (cran1)

Transfer Approval Confirmation

The following transfers have been approved.

Type: Intra-Bank (Book)
Debit Account: 0860020084 - City General Account
Amount: 804,478.85
Send Date: 03/25/2010
Beneficiary Account Number: 9101051077
Beneficiary Account Name: CHICAGO TITLE COMPANY

Payment Details: ESCROW NO 73710000407 TS ESCROW
OFFICER TERRY SMIGIEL
Sequence Number: 001140
Bank Control Number: UB 712101

End of Report

3/25/10

1009.12

REF2: 60904

3,751.00 CHECK PAID
REF1: 4563794
REF2: 60922

150.00 CHECK PAID
REF1: 4674389
REF2: 60961

804,478.85 OUTGOING MONEY TRANSFER
WIRE TRANS TRN0325013170 UBOC UB712101N
REF1: 93052273

1,516.35 ZBA DEBIT
TRANSFERRED TO 0860045443
CITY OF SAN MARCOS
REF1: 99960729

543,879.96 ZBA DEBIT
TRANSFERRED TO 0860020149
CITY OF SAN MARCOS
REF1: 99960730

1,370,760.12 TOTAL OF 13 ITEMS

ACCOUNT 0860020149 - CITY P-R

CLOSING LEDGER
TOTAL ZBA CREDITS

0.00
543,879.96

TOTAL ARP DEBITS

ITEMS:

1

6,027.70

TRANSACTION INFORMATION
FOR 25MAR10

AMOUNT DESCRIPTION

--- CREDITS ---

543,879.96 ZBA CREDIT
TRANSFERRED FROM 0860020084
CITY OF SAN MARCOS
REF1: 99960732

--- DEBITS ---

537,852.26 PREAUTHORIZED ACH DEBIT
CITY OF SAN MAR PC CLEAR PPD -SETT-PC CLEAR2
REF1: 53099130

427.65 CHECK PAID
REF1: 4537594
REF2: 82323

3,126.94 CHECK PAID
REF1: 4537595
REF2: 82990

125.59 CHECK PAID
REF1: 4714025

*Escrow deposit
for Fleck property*

WC TFR



CHICAGO TITLE
COMPANY

316 West Mission Avenue, Suite 121
Escondido, CA 92025
Phone: (760)746-3882 / Fax: (760)746-9207

Paul Malone
San Marcos Redevelopment Agency
c/o Wiggans Group, Inc., Jane Wiggans, 5256 So. Mission Road
Suite 138
Bonsall, CA 92003

Date: March 1, 2010
Property: 684 E. Barham Drive
Escrow No.: 73710000407-TS

WIRE INFORMATION

Our wiring instructions for the above referenced transaction are as follows:

To: Chicago Title Company

Bank: Union Bank
1980 Saturn Street
Monterey Park, California 91755

Routing No.: 122000496

Account No.: Credit to Chicago Title Company in trust for San Marcos Redevelopment Agency account
number 9101051077.

Please refer to our Escrow No.: 73710000407



Chicago Title Company

316 West Mission Avenue, Suite 121, Escondido, CA 92025
Phone: (760)746-3882 | FAX: (760)746-9207

BUYER'S STATEMENT

Settlement Date: March 31, 2010
Disbursement Date: March 31, 2010

Escrow Number: CTSD24-73710000407
Escrow Officer: Terry Smigiel

Buyer: San Marcos Redevelopment Agency
c/o Wiggans Group, Inc., Jane Wiggans, 5256 So. Mission Road Suite 138
Bonsall, CA 92003

Seller: Kevin J. Fleck as Trustee
2855 Geise Court
Escondido, CA 92027

Property: 684 E. Barham Drive
San Marcos, CA 92069
Parcel ID(s): 220-250-23-00

	DEBIT	CREDIT
Financial Consideration		
Contract Sales Price	800,000.00	
Principal Amount of New Loan(s)		
Title & Escrow Charges		
Settlement or Closing Fee	Chicago Title Company	1,815.00
Title Insurance	Chicago Title Company	1,896.00
messenger fees	Chicago Title Company	17.85
Other Debits/Credits		
refundable cushion	Chicago Title Company	750.00
Balance Due FROM Buyer	804,478.85	
TOTALS	804,478.85	804,478.85

APPROVED and ACCEPTED

The Buyer's signatures hereon acknowledge their approval and signify their understanding that tax and insurance prorations and reserves are based on figures for the preceding year or supplied by others or estimated for the current year, and in the event of any change for the current year, all necessary adjustments will be made between Borrower and Seller directly. Any deficit in delinquent taxes or mortgage payoffs will be promptly reimbursed to the Settlement Agent by the Seller. In the event a Real Estate Agent negotiated the transaction such Agent may be furnished a copy of this statement.

I have carefully reviewed the Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

Paul Malone
and others

Buyer:

San Marcos Redevelopment Agency

BY:

Paul Malone
Executive Director

To the best of my knowledge, the Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

Chicago Title Company
Settlement Agent

Hall, Lupita

From: Vo, Paul
Sent: Monday, March 22, 2010 2:47 PM
To: Hall, Lupita
Cc: Serio, Liliane
Subject: FW: Woodland Pkwy - Fleck escrow
Attachments: 220-250-23 Fleck Escrow Buyer's Statement & Wire Info 031610.pdf; 220-250-23 Fleck Escrow Preliminary Change of Ownership.pdf

Importance: High

Lupita,

Please prepare the wiring request and let Jane know when the fund will be wired. I already sent Jane the signed Change of Ownership Report.

From: Jane Wiggans [mailto:jane@wiggansgroupinc.com]
Sent: Monday, March 22, 2010 11:57 AM
To: Vo, Paul
Cc: 'Smigiel, Terry'; Shari McAuley, Wiggans Group, Inc.
Subject: Woodland Pkwy - Fleck escrow
Importance: High

Paul:

Attached is the closing statement and wiring funds for the Fleck purchase – please arrange for wiring on Thursday March 25 so we can close on Friday, March 26th. Also, please have the attached change of ownership signed and returned via email. If you have any questions, please let me know. Thank you.

Jane L. Wiggans, SR/WA

Wiggans Group, Inc.

5256 So. Mission Road, Suite 138

Bonsall, CA 92003

T 760.806.1776

C 760.518.3005

F 760.806.6616

jane@wiggansgroupinc.com



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Hall, Lupita

From: Vo, Paul
Sent: Monday, March 15, 2010 8:43 AM
To: Serio, Liliane
Cc: Hall, Lupita
Subject: FW: Richmar/Assi - escrow instruction for \$50k deposit
Attachments: 220-084-06&07 Escrow Instr - deposit.pdf; 220-084-06 07 Assi Contract signed 02182010.pdf

Liliane,

Would you help filling out the Escrow Instructions. We need the information concerning interest bearing account and tax information? Jane Wiggans need to send it back to escrow.

We also need to deposit 50K as indicated on page 4 of the agreement. The acquisition is for the future Mission Road Widening.

Lupita will send up the wiring instruction.

Thanks,

From: Jane Wiggans [mailto:jane@wiggansgroupinc.com]
Sent: Friday, March 12, 2010 11:17 AM
To: Vo, Paul
Cc: Schaffer, Charlie; admin@wiggansgroupinc.com
Subject: Richmar/Assi - escrow instruction for \$50k deposit

Paul:

We need the attached filled out for the \$50,000 deposit for Assi escrow. Please email back. I will forward the wiring instruction when rec'd from escrow. Thank you.

Jane L. Wiggans, SR/WA

Wiggans Group, Inc.

5256 So. Mission Road, Suite 138

Bonsall, CA 92003

T 760.806.1776

C 760.518.3005

F 760.806.6616

jane@wiggansgroupinc.com



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PRIVACY STATEMENT

Effective Date: May 1, 2008

Order No.: 73710000155-TS

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

PERSONAL INFORMATION COLLECTED

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

DISCLOSURE OF PERSONAL INFORMATION

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

PRIVACY STATEMENT

Effective Date: May 1, 2008
(continued)

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies:

We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties:

We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

CONFIDENTIALITY AND SECURITY OF PERSONAL INFORMATION

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

ACCESS TO PERSONAL INFORMATION / REQUESTS FOR CORRECTION, AMENDMENT, OR DELETION OF PERSONAL INFORMATION

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

CHANGES TO THIS PRIVACY STATEMENT

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

NOTICE OF AVAILABLE DISCOUNTS

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Available Discounts

CREDIT FOR PRELIMINARY TITLE REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES

Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within 12 - 36 months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge within the following time period from the date of the report.

FEE REDUCTION SETTLEMENT PROGRAM

Eligible customers shall receive a \$20.00 reduction in their title and/or escrow fees charged by the Company for each eligible transaction in accordance with the terms of the Final Judgments entered in The People of the State of California.

DISASTER LOANS

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within 24 months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be 50% of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be 50% to 70% of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be 32% to 50% of the appropriate title insurance rate, depending on the type of coverage selected.

SHORT TERM RATE - NON RESIDENTIAL

The Short Term Rate is a reduction of the charges shown in the Insurance Tables which is allowable only when the current order is placed within 60 months from the date of issuance of a prior CLTA or ALTA Form of Policy of any qualified title insurer and provided further that the grantor, borrower, lender, lessor or assignor is insured by or under the terms of a prior policy, or is the vested owner of the interest insured by said policy. The short term rate is 64% to 92% of the appropriate title insurance rate depending on the type of coverage selected.

EMPLOYEE RATE

No charge shall be made to employees (including employees on approved retirement) of the Company or its underwritten, subsidiary or affiliated title companies for policies or escrow services in connection with financing, refinancing, sale or purchase of the employees' bona fide home property. Waiver of such charges is authorized only in connection with those costs which the employee would be obligated to pay, by established custom, as a party to the transaction.

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2:

Name (as shown on your income tax return)

San Marcos Redevelopment Agency

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership

☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶

☒ Other (see instructions) ▶ **Government Agency**

☐ Exempt
payee

Address (number, street, and apt. or suite no.)

1 Civic Center Drive

City, state, and ZIP code

San Marcos, CA 92069

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

33 0306187

Part II Certification

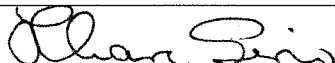
Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign
Here

Signature of
U.S. person ▶



Date ▶ 3/23/10

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

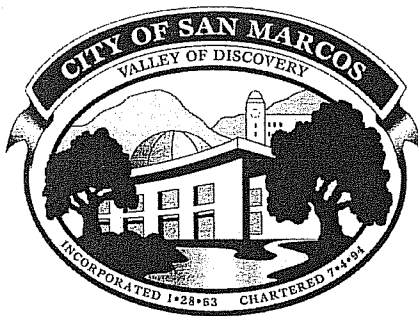
Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Attachment H
(Lease termination information –
Property #5)

Real Property Services
1 Civic Center Drive
San Marcos, CA 92069-2918



Tel: 760.481.3812
Fax: 760.510.1321
Web: www.San-Marcos.net

July 19, 2010

CBS Outdoor, Inc
4450 Alvarado Canyon Road
San Diego, CA 92120

**VIA USPS First Class and Certified Mail,
Return Reciept Requested**

**RE: 30-Day Notice of Termination– Lease Number 82038
931 Grand Ave, San Marcos, CA**

To whom it may concern:

On May 26, 2010, the San Marcos Redevelopment Agency, a Public Agency, purchased the property identified above from the previous owner and your lessor for lease number 82038. Attached, for your reference, is a copy of the Grant Deed recorded with the San Diego County Recorder's Office under document number 2010-0275184.

According to your lease, as amended, the new landlord shall have the right to terminate this lease with thirty (30) days notice. Pursuant to the terms and conditions of the lease, you are hereby notified of the termination of lease number 82038.

CBS Outdoor must remove the sign within thirty (30) days after the end of the thirty-day notice period. Such notice period shall end on August 19, 2010 with all property belonging to CBS Outdoor removed from the property **no later than September 19, 2010.**

If you have any questions or concerns, please contact Ellen Hegarty, Director of Real Property Services at (760) 744-1050, extension 3123.

Respectfully,


Paul Malone
Executive Director
San Marcos Redevelopment Agency

Enclosures: Grant Deed Document # 2010-0275184

CC: Real Property Services Division Director

RECORDING REQUESTED BY

Lawyer Title Company - Commercial Services

WHEN RECORDED MAIL THIS DOCUMENT:

San Marcos Redevelopment Agency
1 Civic Center Drive
San Marcos, CA 92069

DOC # 2010-0275184



JUN 02, 2010 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER

FEES: 0.00 TAX: N.D.
OC: OC

PAGES: 3



7732

FL
3P
ND
NF
TT

219-152-44;
APN: 219-152-45 ; 219-152-42;
Escrow No: 11608171
Title No: 11608171

Space above this line for Recorder's use

GRANT DEED

Not shown pursuant to Section 11932 of the California Revenue and Taxation Code

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Pasqua, LLC, a California limited liability company, which was depicted in the record
erroneously as Pasqua LLC, a California limited liability company and Pasqua LLC, a
California corporation hereby GRANT(S) to

DOCUMENTARY TRANSFER TAX \$ _____

San Marcos Redevelopment Agency, a Public Agency

all that certain real property situated in the City of San Marcos, County of San Diego, State of California:
See Exhibit A attached hereto and made a part hereof.

Commonly known as: 931 Grand Avenue, San Marcos, CA

Dated: May 26, 2010

Pasqua, LLC,
a California limited liability company

By: John B. Colucci, Manager

STATE OF CALIFORNIA

COUNTY OF San Diego

} ss:

On May 26, 2010 before me, Mary Anne Keller, Notary Public,
personally appeared John B. Colucci

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

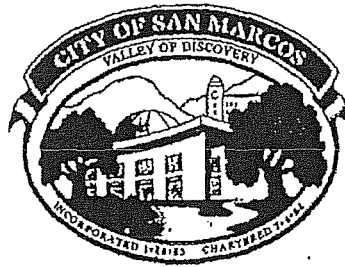


(This area for notary stamp)

Mail tax statement to
the address listed above

7733

1 Civic Center Drive
San Marcos, CA 92069-2918



Telephone
760.744.1050
FAX: 760.744.9058

CITY OF SAN MARCOS ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the Grant Deed dated May 26, 2010 from PASQUA;LLC, a California limited liability company, to the SAN MARCOS REDEVELOPMENT AGENCY, a public agency, is hereby accepted and the grantee consents to recordation thereof by its duly authorized officer.

Dated: May 27, 2010

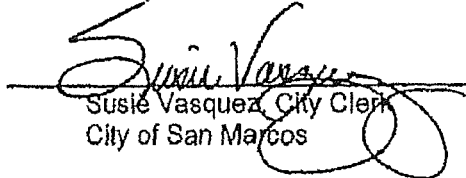

Susie Vasquez, City Clerk
City of San Marcos

Exhibit A

All that certain real property situated in the County of San Diego, State of California, described as follows:

PARCEL 1:

That portion of Lot 1, Block 80 of Rancho Los Vallecitos De San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895. Together with that portion of the Southerly 17.00 feet of Grand Avenue as vacated and closed to public use described as follows:

Commencing at the most Easterly corner of said Lot 1; thence along the Southerly line of said Lot 1, South 71°28'00" West (record South 73°20'00" West) 485.04 feet; thence North 22°05'00" East, 132.75 feet; thence South 67°55'00" East, 105.18 feet; thence North 22°05'00" East, 200.00 feet to a point in the Northerly line of said Southerly 17.00 feet of Grand Avenue being the True Point of Beginning; thence along said Northerly line South 67°55'00" East, 70.00 feet; thence South 22°05'00" West, 130.00 feet; thence North 67°55'00" West, 70.00 feet, thence North 22°05'00" East, 130 feet to the True Point of Beginning.

PARCEL 2:

That portion of Lot 1, Block 80 of Rancho Los Vallecitos De San Marcos, in the County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1985, described as follows:

Beginning at the most Easterly corner of said Lot 1; thence along the Southerly line of said Lot 1, South 71°28'00" West (record-South 73°20'00" West) 485.04 feet; thence North 22°05'00" East, 132.75 feet; thence South 67°55'00" East, 105.18 feet; thence North 22°05'00" East, 200.00 feet to a point in the Southwesterly line of Grand Avenue, as vacated and shown in Supervisor Records in Book 22, Page 60; thence along said Southwesterly line of Grand Avenue, in Book 22, Page 60; thence along said Southwesterly line of Grand Avenue, vacated, South 67°55'00" East, 140.00 feet to the True Point of Beginning; thence continuing South 67°55'00" East, 142.82 feet to a point in the Easterly prolongation of the Southerly line of said Lot 1; thence along said prolongation and Southerly line South 71°28'00" West 188.15 feet to a line which bears South 22°05'00" West from the True Point of Beginning; thence North 22°05'00" East, 122.48 feet to the True Point of Beginning.

PARCEL 3:

That portion of Lot 1, Block 80 of Rancho Los Vallecitos De San Marcos, in the County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895, together with a portion of the Southwesterly 17.00 feet of Grand Avenue adjoining said Lot 1 on the Northeast as vacated and closed to public use, described as a whole as follows:

Commencing at the most Easterly corner of said Lot 1; thence along the Northeasterly prolongation of the Southeasterly line of said Lot 1 North 71°28'00" East 26.11 feet to an intersection with the Southeasterly prolongation of the Northeasterly line of the Southwesterly 17.00 feet of said Grand Avenue; thence along said prolongation and said Northeasterly line North 67°55'00" West, 212.82 feet to the most Easterly corner of land described in Deed to Lionel C. Burton, et al, recorded September 24, 1963 as Instrument No. 170291 of Official Records and the True Point of Beginning; thence retracing along said Northeasterly line South 67°55'00" East, 70.00 feet; thence South 22°05'00" West, 122.48 feet to the intersection with the Southeasterly line of said Lot 1; thence along said Southeasterly line South 71°28'00" West, 11.55 feet to an intersection with the Southeasterly prolongation of the Southwesterly line of said land of Burton, et al; thence along said prolongation North 67°55'00" West, 61.24 feet to the most Southerly corner of said land of Burton, et al; thence along the Southeasterly line of said land of Burton, et al, North 22°05'00" East, 130.00 feet to the True Point of Beginning.

P.O. Box 531518
San Diego CA 92153-1518
Tel.: 619.234.2864; Fax: 619.342.4136
email: rrmsignlaw@gmail.com
website: www.signlaw.com

November 6, 2010

Bob Harbin, Director of Special Projects
CBS Outdoor Inc.
4450 Alvarado Canyon Rd.
San Diego CA 92120

CBS lease 80238
Billboard at 931 Grand Avenue, San Marcos CA
Pasqua / Colucci Property

Mr. Harbin:

I am authorized and directed by San Marcos City Manager Paul Malone and City Attorney Helen Peak to demand that CBS immediately remove the referenced billboard.

The San Marco Redevelopment Agency ("RDA") acquired the referenced property on or about May 26, 2010. The acquisition was done purely in a proprietary capacity, as a matter of contract, and not in any sort of legislative or regulatory capacity. The RDA did not use or threaten to use the power of eminent domain to effect the purchase. In acquiring the property, the RDA became the successor in interest to prior owners, including all rights and duties associated with the property. These rights include all the terms of CBS lease 80238 and the Addendum thereto, both of which are signature dated 12/18/2007. Paragraph 11 of that lease explicitly binds all successors on both the Lessor and Lessee sides of the equation. Both appear to be CBS "standard lease forms," and thus must be construed against the drafter. "Termination upon transfer" provisions in billboard leases are valid and legally enforceable. *Nielsen v. Eller Media*, 2008 WL 1747893 (Minn.App. 2008). Terminations by government landlords, pursuant to lease terms, do not entitle billboard companies to compensation. *Clear Channel v. Seattle Popular Monorail Authority*, 136 Wash.App. 781, 150 P.3d 649 (2007).

An unnumbered paragraph in the Addendum grants a power of termination to a later buyer:

In the event the Landlord elects to sell the property, the new Landlord shall have the right to terminate this lease with thirty (30) days notice. The new Landlord will, immediately upon giving such notice to Tenant (CBS), return to Tenant all Rent paid for the unexpired Term. Tenant shall remove the Structures (billboard signs) within thirty (30) days after the end of the thirty-day notice period.

Randal R. Morrison to Bob Harbin, CBS Outdoor
re: CBS billboard at 931 Grand Avenue, San Marcos CA
November 6, 2010
page 2

Exercising this explicit contractual power, the RDA gave CBS written notice of termination on July 19, 2010, and demanded that the billboard be removed by September 19, 2010. As required by the termination paragraph, the RDA has returned all proffered rent checks, and requested separate checks for another sign which is not subject to removal. Thus, as to the structure at 931 Grand, CBS is now in default of the lease and is unlawfully holding over.

Because of the proprietary / contractual nature of the lease termination, Business and Professions Code 5412 does not apply, and no compensation is due. *Patrick Media Group v. City of Riverside*, 2003 WL 22481529.

I also understand that in phone conversations with Geoffrey Foster of the San Marcos Real Property Services Division you offered the opinion that there are precedents which restrict an RDA from acting as a private land owner even if eminent domain was not used. By email to you dated September 14, 2010, Mr. Foster asked you to provide written evidence for this position. He tells me you have not responded in any way to his request. In that same email, Mr. Foster said that CBS did not need to remove the sign pending a meeting of all concerned persons to discuss this matter. The RDA now revokes Mr. Foster's temporary accommodation, which was made "without prejudice to the RDA's July 19th 30-Day Notice of Termination," and demands immediate removal of the subject sign.

The subject property is scheduled for mass grading after the first of the year, upon issuance of permits from the resource agencies. Thereafter the property will be offered for development/sale. All other structures on the property have been demolished. Only CBS's illegal billboard stands in the way.

I have examined Paragraph 7 of the lease, which concerns purchases by an entity holding the power of eminent domain. California Health & Safety Code section 33342 provides that redevelopment plans may provide for the agency to acquire property by gift, purchase, lease or condemnation all or part of the real property in the project area. The subject property is located within San Marcos RDA Project Area 1. The Plan for that area was adopted on July 12, 1983. Section 503 of the Redevelopment Plan provided that no eminent domain proceedings to acquire property could be commenced after of 12 years following the date of adoption of the ordinance approving and adopting the Redevelopment Plan. The Redevelopment Plan for Project Area 1 was amended on July 13, 1993. The First Amendment provided, *inter alia*, that the applicable portion of Section 503 was amended to state that "no eminent domain proceeding . . . shall be commenced after 12 years following the date of adoption of the ordinance approving and adopting the First Amendment to the Redevelopment Plan." The 12 year period following the adoption of the First Amendment expired in 2005. No action to amend the Redevelopment Plan to further extend this authority was taken prior to its expiration.

Randal R. Morrison to Bob Harbin, CBS Outdoor
re: CBS billboard at 931 Grand Avenue, San Marcos CA
November 6, 2010
page 3

Health & Safety Code section 33342.7 required legislative bodies that adopted final redevelopment plans before January 1, 2007 to adopt an ordinance that contains a description of the agency's program to acquire real property by eminent domain. San Marcos Ordinance 2007-1288 (copy enclosed), adopted October 9, 2007 states that the Agency's eminent domain authority had expired as to all redevelopment projects in the City. The RDA did not have eminent domain authority at the time of property acquisition, and does not have such authority now. For that reason, Paragraph 7 of the lease is irrelevant.

Similarly, Business and Professions Code 5412.6 is also irrelevant, for two reasons. First, the RDA's termination and demand for removal is a contractual right, and was not issued as a condition of approval for some project. Second, 5412.6 does not require compensation when the "building or structure which cannot be built without physically removing the display." Certainly that is true for the subject billboard.

I am also informed that the subject billboard structure has been illegally expanded from its original permit specifications. Unauthorized expansion of a nonconformity destroys the nonconforming use right. *Adams Outdoor v. Zoning Bd. of Appeals Virginia Beach*, 274 Va. 189, 645 S.E.2d 271 (VA 2007) (billboards converted to digital display without required permits lost nonconforming right and had to be entirely removed), *Tucson v. Clear Channel*, 218 Ariz. 172, 182, 181 P.3d 219, 229 (Ariz.App. 2008) (unpermitted relocation and addition of second face meant nonconforming status was lost). Thus, the 931 Grand Ave. sign structure is also illegal as a zoning violation. See also: *Lamar v. Fremont*, 278 Neb. 485, 771 N.W.2d 894 (Nebraska Supreme Court, 2009) (termination of lease extinguished nonconforming use right.)

In view of the foregoing, the San Marcos Redevelopment Agency demands that CBS immediately remove its billboard at 931 Grand Avenue, San Marcos. A demolition permit will be necessary for this to occur in a legal manner. CBS must promptly apply for a demolition permit at the City Office, 1 Civic Center Drive, San Marcos CA, and once the permit is issued, remove the subject sign in accordance with the demolition permit.

In the event that CBS continues holding over illegally, the RDA is prepared to take all appropriate legal actions to compel the removal of the billboard, including but not limited to a court order authorizing the RDA to remove and demolish the structure, using its own force or a private party under contract, and to charge the full removal cost to CBS.

Very truly yours,

Randal R. Morrison
RRM:ms



CBS OUTDOOR INC.
DATE: 12/18/07
SIZE: 14x48
REP NAME: HODGES
SIGN LOCATION LEASE

LEASE NO. 82038 DIV. 101
VENDOR NO. 70880
PANEL NO(S). 2284 / 2295

1. PASQUA, LLC (hereinafter called LESSOR(S)), hereby leases and grants exclusively to CBS OUTDOOR INC. (hereinafter called LESSEE) the premises (with free access to and upon same) described as: 931 Grand Avenue in the City of San Marcos, County of San Diego, in the State of CA, commencing on January 1, 2008 (The Commencement Date), for the purpose of erecting, constructing, installing, placing, operating, and maintaining LESSEE'S advertising sign(s) thereon including supporting structures, illumination facilities and connections, service ladders and other appurtenances and ancillary equipment.
2. LESSEE shall pay to LESSOR(S) rental of SEE ADDENDUM Dollars () per year, payable in monthly installments of () beginning on the Commencement Date. *PC* ~~Prior to completion of construction of LESSEE's sign structure and during the entire period in which no advertising copy is displayed on the premises by LESSEE, the rental shall be Ten (\$10.00) Dollars. Rental payments shall be limited to one (1) check per payment payable to no more than two (2) payees.~~
3. LESSOR(S) warrants that LESSOR(S) is the OWNER of the above-described real estate and has full authority to make this agreement and the LESSEE shall have the right to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintenance of LESSEE's sign(s) at the sole discretion of LESSEE. All such permits shall always remain the property of LESSEE.
4. LESSEE shall save the LESSOR(S) harmless from all damage to persons or property by reason of accidents resulting from the negligent or willful acts of its agents, employees or others employed in the construction, maintenance, repair or removal of its sign(s) on the premises.
5. *PC* This agreement is a Lease (not a License), and all sign(s), structure(s), improvements and appurtenances thereto placed on the premises by or for the LESSEE, its agent or predecessor, shall remain the property of the LESSEE and LESSEE shall have the right to remove the same at any time during the term of the Lease or, for a reasonable period after the expiration or termination of the Lease, if LESSEE removes its structure(s), only above grade portions of said structure(s) shall be removed. The future existence of below grade improvements shall not constitute continued occupancy of the premises by LESSEE.
6. *PC* The term of this Lease will be ~~ten (10) years~~ ^{SIX (6)} years beginning on the Commencement Date. This Lease shall continue in full force and effect for its term and thereafter for subsequent successive like terms unless terminated at the end of such term, or any successive like term, upon written notice by the LESSOR(S) or LESSEE sent by certified or registered mail served not less than ninety (90) days before the end of such term or subsequent like term. *MONTH TO MONTH TERM*
7. In the event that all or any part of the Property is acquired or sought to be acquired by any entity having or delegated the power of eminent domain, Lessee shall, at its election and its sole discretion, be entitled to: (i) contest the acquisition or defend against the taking of Lessee's interest in the Property; (ii) relocate the outdoor advertising structure and appurtenances onto any portion of the Property not acquired or not to be acquired; and/or (iii) be compensated from any award or consideration payable by the acquiring entity for all costs, damages and value loss incurred by Lessee relating to its leasehold, as improved with the outdoor advertising structure. LESSOR(S) may not terminate this lease under any right or circumstance if the Property has been taken or is threatened to be taken by eminent domain, or if the Property is conveyed to any entity or its agent with eminent domain authority.
8. *PC* In the event that, in LESSEE's sole opinion; (a) LESSEE is unable to secure or maintain any required permit or license from any appropriate governmental authority; (b) federal, state or local statute, ordinance regulation or other governmental action prohibits or materially limits use of the premises for outdoor advertising purposes; (c) LESSEE's sign(s) on the premises become entirely or partially obstructed or destroyed; (d) the view of LESSEE's signs are obstructed or impaired in any way by any object or growth on the premises or on any neighboring premises; (e) the advertising value of the structure(s) is impaired or diminished; (f) there occurs a diversion of traffic from, or a change in, the direction of traffic past the structure(s); (g) LESSEE is prevented from maintaining electrical power to the premises or illuminating its sign(s); (h) LESSEE finds that, in LESSEE's sole opinion, the continued maintenance/operation of the structure(s) is impractical or uneconomical; (i) maintenance will be hampered or made unsafe due to conditions caused by nearby properties, land uses, or utilities, then LESSEE shall, ~~at its option, have the right to either reasonably~~ ^{abolish the rent until the issues with "A" through "I" above are cured, and/or} terminate this Lease upon thirty (30) days notice in writing. *90* ~~to LESSOR(S) and LESSOR(S) shall refund to LESSEE, any rental payment paid in advance for the remainder of the un-expired term beyond the (90) day period.~~
9. *PC* ~~If LESSEE is prevented by law, government order, or other causes beyond LESSEE's control from illuminating its sign(s), then as an alternative to the remedy in Section 8(g) above, the LESSEE may reduce the rental provided in paragraph 2 above by 50%, with such reduced rental to remain in effect so long as such condition continues to exist. LESSEE agrees to pay all electrical power costs used in conjunction with its sign(s).~~
10. This Lease shall not obligate the LESSEE in any way until it is accepted and executed by a Vice President, General Manager or Regional Director of Real Estate who is responsible for executing LESSEE's duties under this Lease. It is understood that this written lease between parties constitutes the entire Lease and understanding between the parties and supersedes all prior representations, understandings, and agreements relating to the property site(s). This Lease may not be modified except in writing and signed by LESSOR(S) and an authorized signatory of LESSEE.
11. This Lease shall be binding upon heirs, executors, personal representatives, successors and assigns for the parties hereto and LESSOR(S) agrees to notify LESSEE of any change of ownership of the premises related hereto or of LESSOR(S)'s mailing address within seven (7) days of such change. LESSOR(S) agrees to hold LESSEE harmless from any action resulting from failure to provide said notice. LESSOR(S) shall not assign its interest under this lease or any part thereof except to a party who purchases the underlying fee title to premises and LESSEE shall not assign its interest under this Lease or any part thereof except to a party who purchases title to the subject sign structure(s) provided, however, this sentence shall not preclude a collateral assignment of LESSOR(S)'s or LESSEE's interest under this Lease to an established financial institution as, and part of, a bona fide loan transaction nor shall it preclude an assignment by LESSEE to any entity controlling, controlled by or under control with LESSEE.



12. All rents to be paid pursuant to this Lease and all notices are to be forwarded to the Undersigned LESSOR(S) at the address noted below the LESSOR(S)'s signature. Rental payments shall be deemed received by LESSOR(S) upon deposit by LESSEE with the United States Postal Service.
13. In the event that either party is in default under the terms of this Lease, the non-defaulting party shall deliver written notice via the United States Postal Services by certified or registered return receipt mail to the defaulting party, and said party may cure such failure within fourteen (14) days of receipt of such notice provided that for any non-monetary default, if a cure cannot reasonably be effected in 14 days, the defaulting party may continue such cure past 14 days from notice if it commences such cure within fourteen days from notice and pursues such cure to completion.
14. Concurrently with the execution of this Lease, or at any other time upon request of the other, LESSOR(S) and LESSEE shall execute, acknowledge, and deliver to the other a short form memorandum of this Lease for recording purposes. The Party requesting recordation shall be responsible for payment of any fees or taxes applicable thereto.

15. *JS* To the extent permitted by applicable law, LESSOR(S) hereby waives any statutory right to a landlord's lien or any other lien on any property of Lessee located on the premises.

16. Lessee shall have the absolute unencumbered right to trim, cut or remove any trees or other vegetation or any other debris from LESSOR(S)'s property, which in any way impairs the operation or maintenance of lessee's sign(s) or the view thereof.

17. ADDENDUM ATTACHED (as of the date of execution of this lease agreement).

LESSOR (LANDLORD): ☒ YES ☐ NO Initial Here *JS*

LESSEE (TENANT): ☒ YES ☐ NO Initial Here *JS*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

FOR LESSOR(S): *Pagosa LLC*
BY: *[Signature]*

Managing Director
Title

DATE: *12-18-07*

20-8184090
LESSOR'S SOCIAL SECURITY/TAX I.D. NO.

EXECUTED by the LESSOR in the presence of

[Signature]
Who is hereby requested to sign as witness.

BY: _____

Title

DATE: _____

LESSOR'S SOCIAL SECURITY/TAX I.D. NO.

EXECUTED by the LESSOR in the presence of

Who is hereby requested to sign as witness.

LESSOR(S)'S MAILING ADDRESS:

1094 Cuddeby Pl. #212
Street Address

San Diego
City

CA *92110*
State Zip

619-275-6456
Telephone Number

619-275-6457
Fax Number

FOR LESSEE:
CBS OUTDOOR INC.

BY: *[Signature]*
CHRIS STEINBACHER
DIRECTOR OF REAL ESTATE
WESTERN REGION
Title

DATE: *1/7/08*

EXECUTED by the LESSEE in the presence of

[Signature]
Who is hereby requested to sign as witness.

LESSEE(S)'S MAILING ADDRESS:

Street Address

City

State Zip

Telephone Number

Fax Number



LEASE NO. 82038

ADDENDUM to lease # 82038

AGREEMENT made this 18th day of December, 2007, between the undersigned, as LESSOR(S), and CBS OUTDOOR INC., LESSEE.

WHEREAS, for consideration of \$10.00 and other goods and valuable considerations from LESSEE to LESSOR(S), the parties or their predecessors entered into a sign location lease agreement dated January 1, 2008 (the "Lease").

WHEREAS, the parties desire to amend the Lease to establish their respective rights and obligations.

NOW THEREFORE, in consideration of the promises set forth herein, and in the subject Lease, the parties agree as follows:

In exchange for a new ten (10) year lease, CBS Outdoor will pay the following:

Years 1 - 2 \$42,000.00 / year or \$3,500.00 / month

Years 3 - 4 \$45,000.00 / year or \$3,750.00 / month

Years 5 - 6 \$48,000.00 / year or \$4,000.00 / month

~~Years 7 - 8 \$51,000.00 / year or \$4,250.00 / month~~

~~Years 9 - 10 \$54,000.00 / year or \$4,500.00 / month~~

In the event Landlord elects to construct a permanent building on the portion of the Premises occupied by the Tenant's Structures, as evidenced by the issuance of a valid building permit, this Lease shall terminate thirty (30) days after Tenant receives written notice and copy of the building permit from Landlord. Landlord will, immediately after giving such notice to Tenant, return to Tenant all Rent paid for the unexpired Term. Tenant shall remove the Structures within thirty (30) days after the end of the thirty-day notice period.

In the event Landlord elects to sell the property, the new Landlord shall have the right to terminate this lease with thirty (30) days notice. The new Landlord will, immediately after giving such notice to Tenant, return to Tenant all Rent paid for the unexpired Term. Tenant shall remove the Structures within thirty (30) days after the end of the thirty-day notice period.

Paragraph 4 shall be amended as follows: LESSEE shall maintain a \$1 Million liability policy for said sign and name LESSOR as an additional insured.

Paragraph 7 shall be amended as follows: Any award made to LESSEE shall not reduce the award made to LESSOR.

THE PARTIES further agree that this Addendum shall supersede any contrary or conflicting provisions of the Lease.

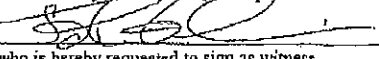
FOR LESSOR(S):

Pasqua, LLC
BY: 

Managing Director
Title

DATE: *12-18-07*

EXECUTED by the LESSOR in the presence of


who is hereby requested to sign as witness.

BY: _____

Title

DATE: _____

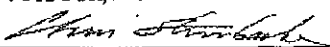
EXECUTED by the LESSOR in the presence of

Addendum A

Page 1 of 1

FOR LESSEE:

CBS OUTDOOR, INC.

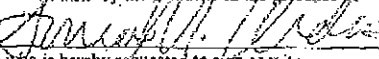
BY: 

CHRIS STEINBACHER
DIRECTOR OF REAL ESTATE
WESTERN REGION

Title

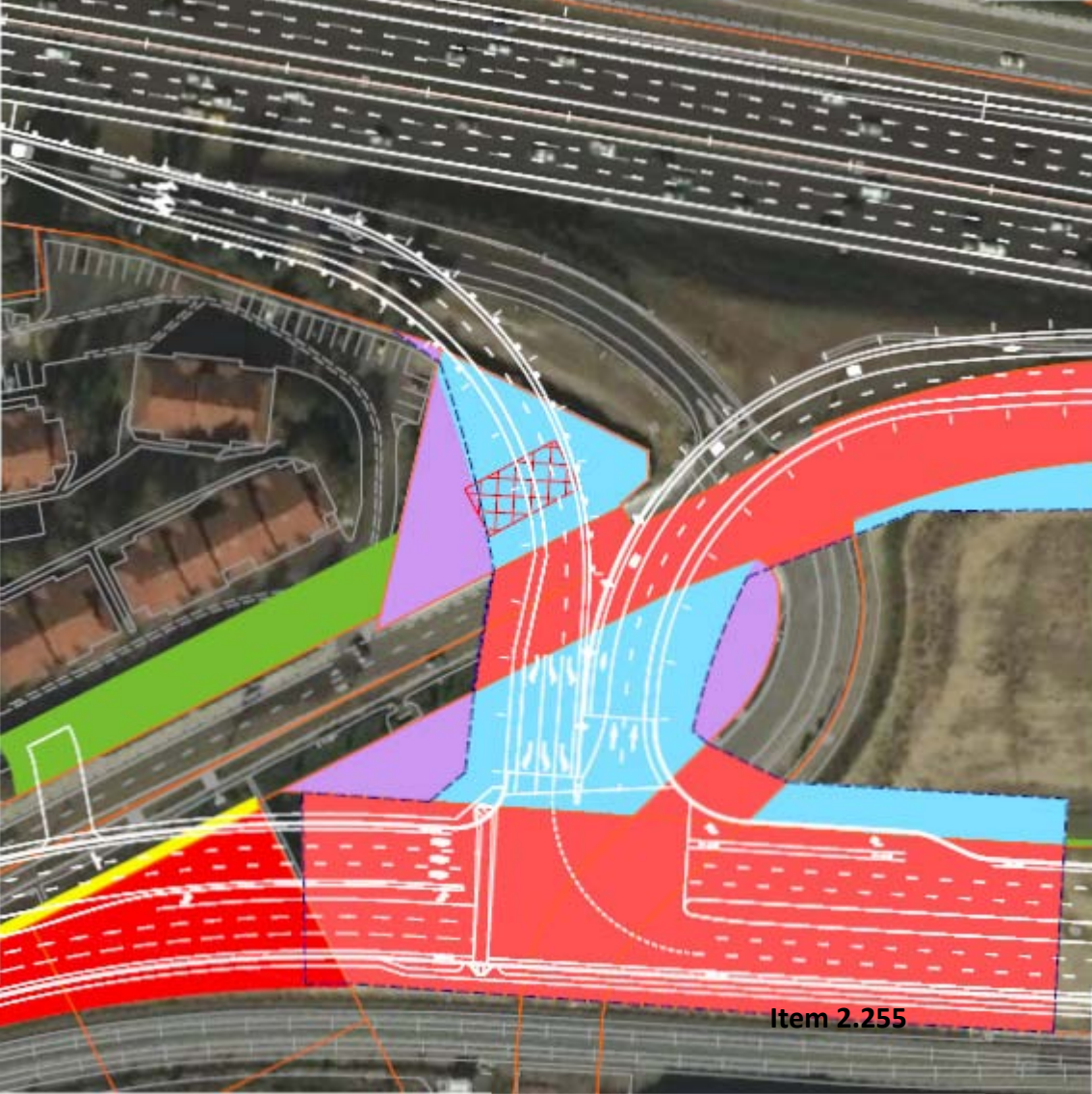
DATE: *1/2/08*

EXECUTED by the LESSEE in the presence of


who is hereby requested to sign as witness.

Rev. 12/02/04 eg

Attachment I
(Woodland Parkway Engineering
Design – Property #2)





Item 2.255

Attachment J

**(Linda Vista Re-alignment
Engineering Design – Properties # 5,
6 & 7)**



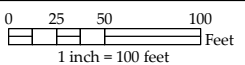
 ProjectArea

 City-owned Properties

Every effort has been made to assure the accuracy of the maps and data provided; however, some information may not be accurate or current. The City of San Marcos assumes no responsibility arising from use of this information and incorporates by reference its disclaimer regarding the lack of any warranties, whether expressed or implied, concerning the use of the same. For additional information see the Disclaimer on the City's website.

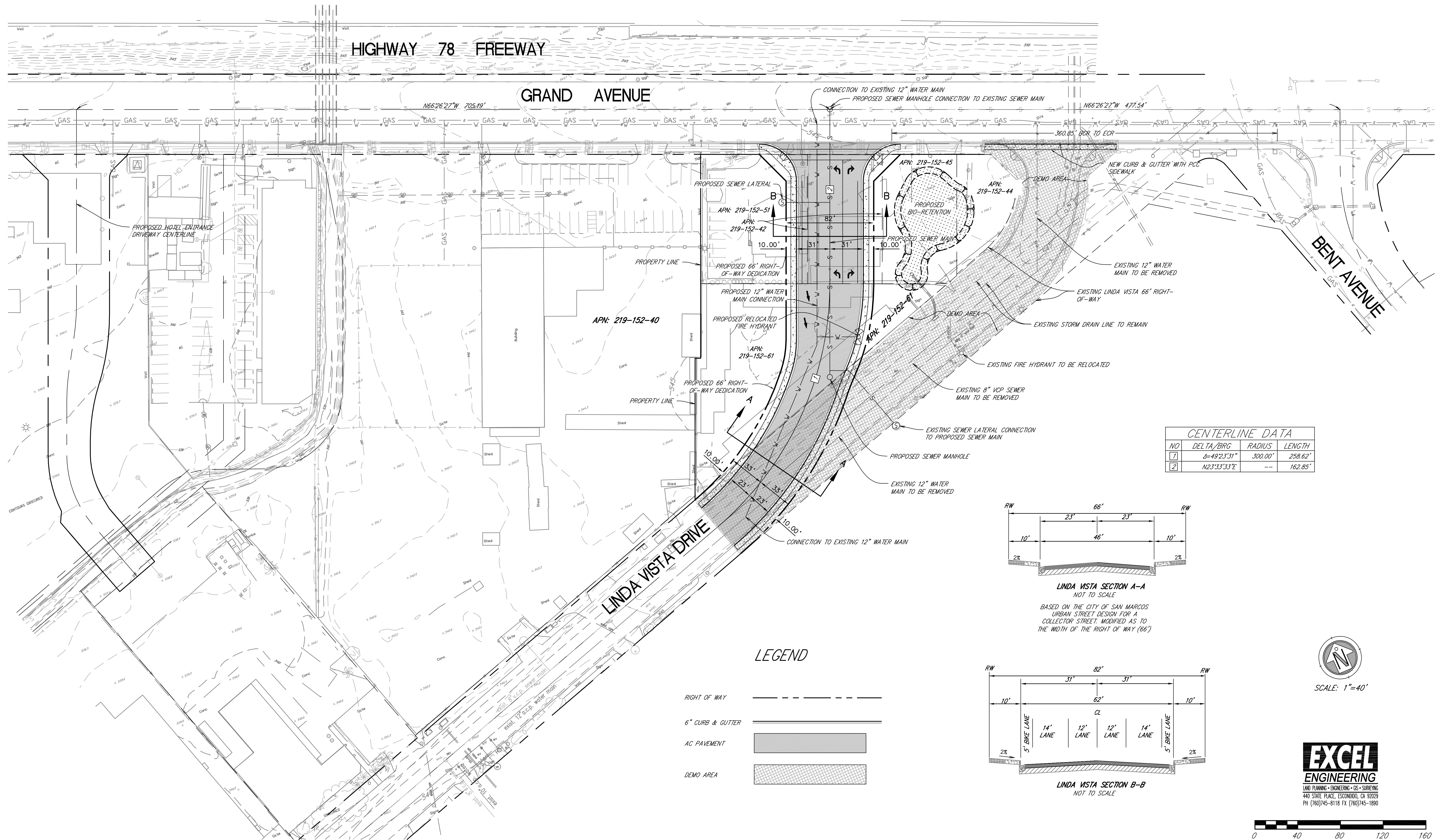
City of San Marcos

Grand Ave. Drainage/Road Improvements - Phase 1

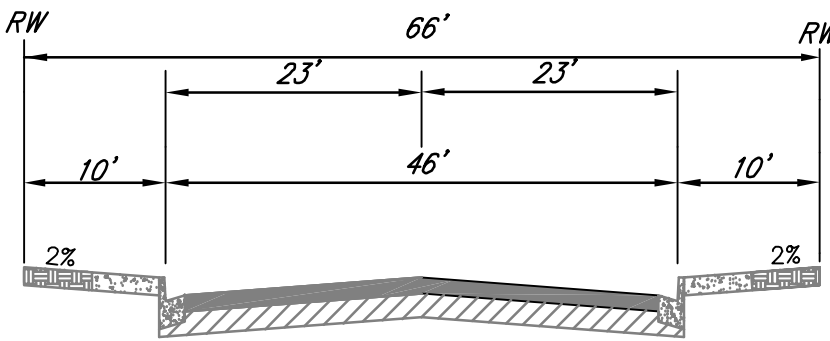


CREATED BY: City of San Marcos GIS
SOURCES OF DATA: O'Day Consultants, 08/11
and Eagle Aerial, 03/11

PROPOSED RE-ALIGNMENT OF LINDA VISTA DRIVE AND GRAND AVENUE



CENTERLINE DATA			
NO	DELTA/BRG	RADIUS	LENGTH
1	$\Delta=49^{\circ}23'31''$	300.00'	258.62'
2	$N23^{\circ}33'33''E$	--	162.85'

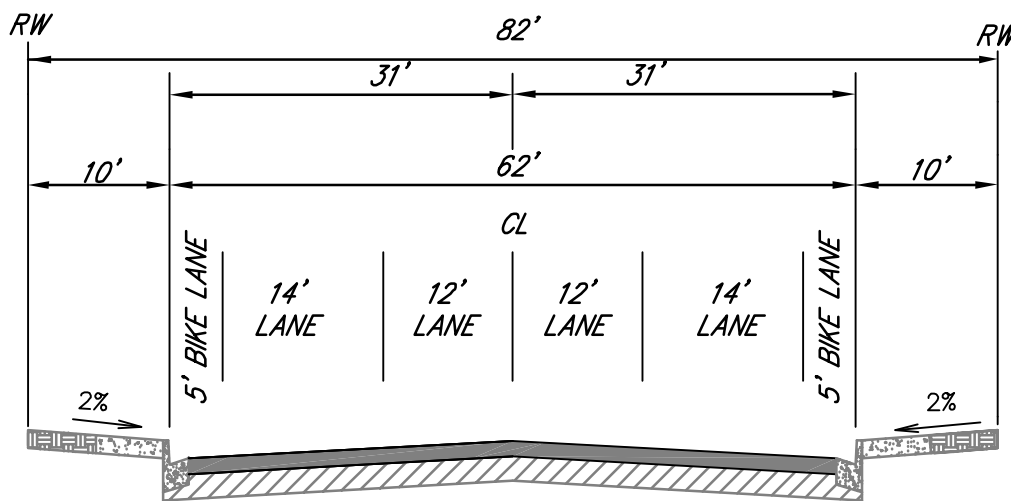


LINDA VISTA SECTION A-A
NOT TO SCALE

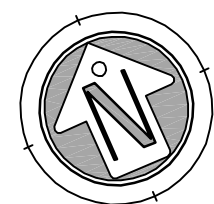
BASED ON THE CITY OF SAN MARCOS
URBAN STREET DESIGN FOR A
COLLECTOR STREET, MODIFIED AS TO
THE WIDTH OF THE RIGHT OF WAY (66')

LEGEND

- RIGHT OF WAY
- 6" CURB & GUTTER
- AC PAVEMENT
- DEMO AREA



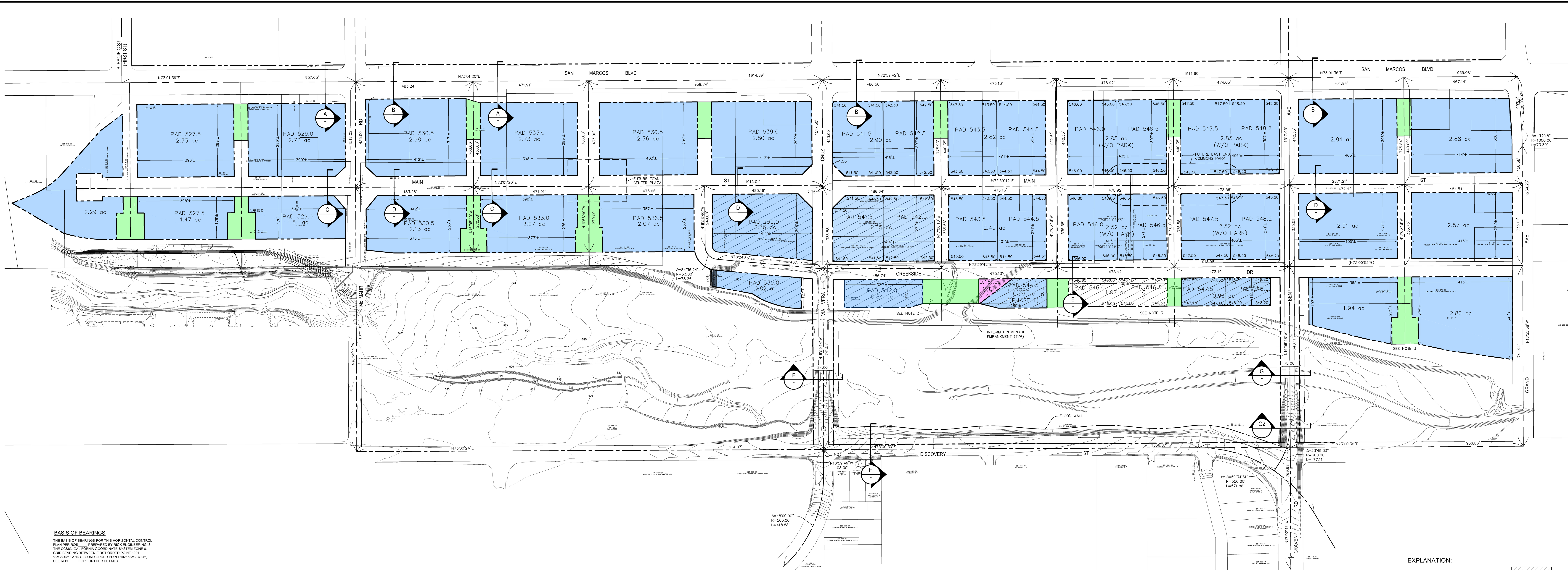
LINDA VISTA SECTION B-B
NOT TO SCALE



SCALE: 1"=40'

EXCEL
ENGINEERING
LAND PLANNING • ENGINEERING • DESIGN • SURVEYING
440 STATE PLACE, ESCONDIDO, CA 92029
PH (760)745-8118 FX (760)745-1890

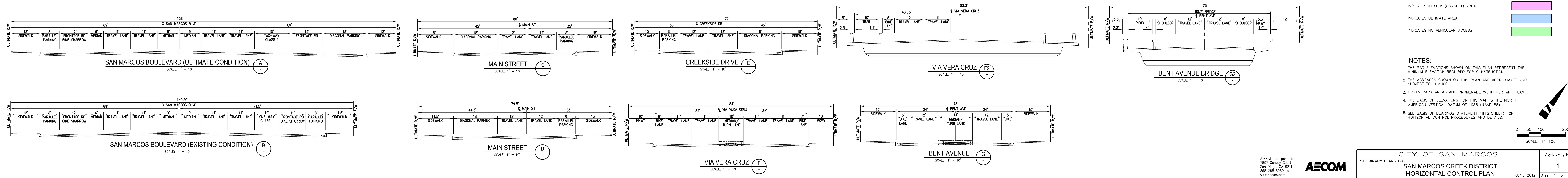




BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS HORIZONTAL CONTROL PLAN PER ROS, PREPARED BY RICK ENGINEERING IS THE COGSI, CALIFORNIA COORDINATE SYSTEM ZONE 8. GRID BEARING BETWEEN FIRST ORDER POINT 1021 "SMV021" AND SECOND ORDER POINT 1025 "SMV025" SEE ROS FOR FURTHER DETAILS.

- EXPLANATION:**
- INDICATES CITY OF SAN MARCOS OWNED PROPERTY
 - INDICATES INTERIM (PHASE 1) AREA
 - INDICATES ULTIMATE AREA
 - INDICATES NO VEHICULAR ACCESS

- NOTES:**
- THE PAD ELEVATIONS SHOWN ON THIS PLAN REPRESENT THE MINIMUM ELEVATION REQUIRED FOR CONSTRUCTION.
 - THE ACRES SHOWN ON THIS PLAN ARE APPROXIMATE AND SUBJECT TO CHANGE.
 - URBAN PARK AREAS AND PROMENADE WIDTH PER WRT PLAN
 - THE BASIS OF ELEVATIONS FOR THIS MAP IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
 - SEE BASIS OF BEARINGS STATEMENT (THIS SHEET) FOR HORIZONTAL CONTROL PROCEDURES AND DETAILS.



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