

# AGENDA REPORT

## Meeting of the San Marcos Planning Commission

**MEETING DATE:** July 7, 2014  
**SUBJECT:** Tentative Subdivision Map for Urban Villages San Marcos, LLC  
**CASE:** P14-0012: TSM 14-002

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### Recommendation

Recommend approval to the City Council of a Tentative Subdivision Map on the east side of Twin Oaks Valley Road that would allow for future mixed use developments under the University District Specific Plan.

### Introduction

On May 27<sup>th</sup>, 2014 City Council adopted an amendment to the University District Specific Plan. The amendments included revisions to the grading plan, street configurations, location of parks and open space, elements of the Form Based Code, and new retail types. On February 19, 2014, Urban Systems San Marcos, LLC submitted an application to process the first Tentative Subdivision Map (TSM 14-002) consisting of 24.9 acres of vacant land located on the east side of Twin Oaks Valley Road. This TSM request involves the consolidation of twenty-three (23) existing lots and the creation of twenty (20) new lots. Future development will come forward under a Site Development Plan process in order to develop mixed use projects under the criteria of the recently amended University District Specific Plan.

### Discussion

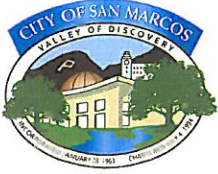
#### New Lot Configurations

The new lots will create a buildable parcel for future construction under the Form based Code standards per the University District Specific Plan. All future development shall come forward under separate Site Development Plan (SDP) for review and approval.

#### New Streets & General Purpose Municipal Easements

Under the recently adopted amendment to University District Specific Plan, the Tentative Subdivision Map will incorporate the design of circulation network to facilitate movement of pedestrians, bicyclists, and motorists in a safe and efficient manner. The Tentative Subdivision Map includes the extension of Campus Way to Carmel Street & North City Drive extended west to Twin Oaks Valley Road. There are also two new public streets identified as Street A & E to initiate the required street network. Street

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sections shall be consistent with Figure V.A. and the street cross sections as shown in the University District Specific Plan. There are also three roundabouts located at North City Drive/Street E, Campus Way/North City Drive, and Campus Way/Street A. The Tentative Subdivision Map proposes several public easements which will support the proposed public infrastructure.

**Attachment(s)**

- A- Vicinity/Aerial Map
- B - Requested Entitlements
- C - Site & Project Characteristics
- D- Tentative Subdivision Map
- E – Initial Study & Final EIR Addendum Resolution

Prepared by:

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Peter Kuey, Principal Civil Engineer

Reviewed by:

Mike Edwards, Public Works Director/City Engineer

Approved/Submitted by:

Jerry Backoff, Planning Division Director





## Attachment A

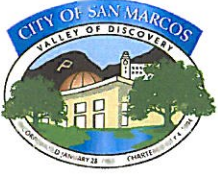
(vicinity/ariel map)



Project Site



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## **Attachment B**

### **Requested Entitlement**

- Adoption of Tentative Subdivision Map (TSM 13-004)

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## Attachment C

### Site & Project Characteristics

	<i>Existing</i>	<i>Zoning Designation</i>	<i>Land Use Designation</i>
Property	existing metal bldgs./ Outdoor storage/ vacant	SPA	SPA
North	Hampton Inn/ County Building/HWY 78	SPA	SPA
South	Cal State San Marcos	SPA	SPA
East	Quad, industrial bldgs & Vacant land	SPA	SPA
West	Miscellaneous buildings/ Vacant land/ Twin Oaks valley Road	SPA	SPA
Flood hazard zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	
Resource Conservation Zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	
Sewers	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	
Water	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	

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RESOLUTION PC 14-4423

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION  
APPROVING TENTATIVE SUBDIVISION MAP TSM 14-002 CONVERTING 23  
LOTS INTO 20 NEW LOTS TO BE DEVELOPED UNDER THE UNIVERSITY  
DISTRICT SPECIFIC PLAN

Case No. TSM 14-002 (P14-0012)

Urban Villages San Marcos, LLC

WHEREAS, an application was received from Urban Villages San Marcos, LLC requesting a Tentative Subdivision Map for the purpose of subdividing approximately 25 acres of real property located within the University District Specific Plan Area on the east side of Twin Oaks Valley Road, north of Barham Drive, west of Industrial Street, and south of Carmel Road, more particularly described as:

All of lots 12 and 13 and portions of lots "A", "C", 11, 14, 16, and 17 in block 58 of the Map of Rancho Los Vallecitos De San Marcos, according to the Map thereof No. 806, recorded December 21, 1895, together with portions of Parcels 3 and 4 of Parcel Map No. 2738, recorded June 7<sup>th</sup>, 1974, all in the City of San Marcos, County of San Diego, State of California

Assessor Parcel Numbers: 220-200-02, 220-200-40, 220-200-43, 220-200-47 & 48, 220-200-52, 220-200-79, 220-200-81 & 82, 220-200-84 & 85, 221-110-20, 221-110-30 & 31, 221-110-44, 221-110-46, 221-110-50, and 221-110-54 thru 59.

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

WHEREAS, the required public hearing was advertised for July 7, 2014, and was duly advertised in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider CEQA Findings in connection with said request pursuant to the California Environmental Quality Act; and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation of its staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Protection District with respect thereto, and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

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

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

1. Said Tentative Subdivision Map (TSM 14-002) complies with the amended University

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District Specific Plan approved by City Council on May 27<sup>th</sup>, 2014.

2. The proposed map is consistent with the University District Specific plan in that it includes implementation of the major thoroughfares and road systems per the University District Specific Plan.
3. The site is physically suitable for this type of subdivision;
4. The design of this subdivision and improvements will not cause public health problems;
5. The design or improvements will not conflict with any easements acquired by the public at large for access;
6. The proposed Tentative Subdivision Map (TSM 14-002), as conditioned, will not be detrimental to the public health, safety, morals and welfare in that adequate public facilities and infrastructure including fire, police, water, sewer, drainage, and road capacity are being provided.
7. The portion of unimproved North City Drive reflected on proposed Tentative Subdivision Map (TSM 14-002) as excess right-of-way is no longer required for public road purposes, as North City Drive has been constructed to its ultimate width, and such excess right-of-way is to be vacated through approval of said Tentative Subdivision Map as provided therein.

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

- A. The foregoing recitals are true and correct.
- B. Said Tentative Subdivision Map (TSM 14-002) complies with the requirements of the City Subdivision Ordinance and the Subdivision Map Act.
- C. An addendum to the FEIR was previously approved pursuant to the California Environmental Quality Act covering potential impacts of the Tentative Subdivision Map.
- D. Said Tentative Subdivision Map (TSM 14-002) is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this Resolution.
- E. Within ten (10) days after the adoption of the Resolution, any interested person may appeal the foregoing finding of this Commission to the City Council. No final Map shall be approved, no grading permit issued, and no building permits issued for permits for other temporary uses until after the expiration of the tenth (10<sup>th</sup>) day following the adoption of the Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.
- F. The approval of this Tentative Subdivision Map (TSM 14-002) expires within two years from date of approval. The Final Map conforming to this conditionally approved Tentative Subdivision Map (TSM 14-002) shall be filed with the City Council in time so that the Council may approve said maps before their expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, or as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Subdivision Map and new processing of the map.

- G. General Conditions of Approval which shall apply to all future Tentative Maps, Final Maps, Grading Plans and Permits, Site Development Plans and Building Permits within TSM 14-002, to assure that the development of the Specific Plan area addresses the unique environmental and geographic features of the property, shall include the following:
1. All development applications within the University District Specific Plan area shall demonstrate compliance with applicable mitigation measures included in addendum to Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2008101082) and the Approved Mitigation Monitoring Program and Reporting Program (MMP), related to resource protection, adequacy of public services, project design, phasing and financing of infrastructure.
  2. All development applications shall demonstrate compliance with applicable provisions of SP 14-003, relative to land use, density, development guidelines and regulations, site design, and conditions of approval, as applied project wide and to individual planning areas.
  3. In the event of any conflict between these conditions of approval, the mitigation monitoring and reporting program approved in conjunction with approved addendum to the Final Environmental Impact Report (State Clearinghouse No. 2008101083) and the adopted amendments to the University District Specific Plan the more detailed or specific requirement shall control.
  4. All incremental phases of development shall provide for adequate infrastructure, roadways, public facilities and utilities to support all proposed development within that individual phase, in accordance with the Specific Plan to the satisfaction of the City Engineer. Any changes on the phasing will need to be approved by the City Engineer/Planning Director.
  5. Prior to the issuance of any building permit for any future development, applicant/developer shall submit Site Development Plans for review and approval. Said plans shall include architectural elevations, fencing plan, landscape plan, entry statements, and site plan layout.
  6. The applicant shall pay the City to contract for expedited processing with an outside consultant to provide plan check, Site Plan Review and monitoring as the project builds out, if such expedited processing is requested.
  7. Where private streets are proposed the developer shall have CC&R's recorded and the establishment of a Homeowners Association for those specific areas fronting or utilizing the private streets. Until CC & R's are recorded, it shall be the responsibility of the developer to maintain.
- H. Prior to the recordation of any Final Map, the developer shall comply with the following conditions:
1. Developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or

requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.

2. No engineering permit shall be construed as providing exemption to applicable or adopted city standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project of issuance of an engineering permit.
3. The Tentative Subdivision Map shall be revised to:
  - a. Remove the "condominium" provision on Sheet 1.
  - b. Realign the underground utilities as determined by the City of San Marcos and Vallecitos Water District.
4. The subdivider shall construct offsite street improvements as identified in the University District Specific Plan Amendment Traffic Impact Assessment Report prepared by RBF Consultants and dated March 24, 2014. Said report provides trip generation thresholds as to when these improvements need to be constructed.
5. The developer shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval on a per unit basis. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and acceptable to the City Engineer.
6. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
7. The subdivider of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
8. North City Drive shall be dedicated by the developer a minimum right-of-way width of eighty (80) feet and up to a right-of-way width of eight four (84) feet, as shown on the tentative map and shall meet the City's Urban Street Design Criteria. Said dedication (from Campus Way to Street E shall occur with the recordation of the Unit 2 final map unless prior traffic studies determine the need for the North City Drive improvements.
9. North City Drive shall be dedicated by the developer a minimum right-of-way width of eighty eight (88) feet and up to a right-of-way width of one hundred twenty three (123) feet, as shown on the tentative map and shall meet the City's Urban Street Design Criteria. Said dedication (from Street E to Twin Oaks Valley Road) shall occur with the recordation of the Unit 4 final map unless prior traffic studies determine the need for the North City Drive improvements.



10. Twin Oaks Valley Road shall be dedicated by the developer as shown on the tentative map, based on a centerline to right-of-way width of eighty (80) feet, and shall meet the City's Urban Street Design Criteria. Said dedication shall occur with the recordation of the Unit 4 final map unless prior traffic studies determine the need for the Twin Oaks Valley Road improvements.
11. The subdivider shall demonstrate why Class II bike lanes are not required along North City Drive between Twin Oaks Valley Road and Street E to the satisfaction of the City Engineer prior to the approval of any Unit Final Map(s) associated with this segment of North City Drive. Additional street right of way may be required. Said demonstration shall occur prior to the recordation of the Unit 4 final map unless prior traffic studies determine the need for the North City Drive extension to Twin Oaks Valley Road.
12. Street A shall be dedicated by the developer a minimum right-of-way width of eighty (80) feet as shown on the tentative map and shall meet the City's Urban Street Design Criteria. Said dedication shall occur with the recordation of the Unit 3 final map unless prior traffic studies determine the need for the Street A improvements.
13. Prior to any building permit issuance not associated with P14-0023 (SDP 14-006, "Block C"), the subdivider shall secure the offsite dedication for Street A.
14. Street E shall be dedicated by the developer a minimum right-of-way width of eighty (80) feet and up to a right-of-way width of nine-two (92) feet, as shown on the tentative map and shall meet the City's Urban Street Design Criteria. Said dedication shall occur with the recordation of the Unit 2 final map unless prior traffic studies determine the need for the Street E improvements.
15. A fire truck turning exhibit shall be included in the tentative map demonstrating turning movements for all public and private streets are to the satisfaction of the Fire Marshal.
16. The subdivider shall demonstrate, to the satisfaction of the Fire Marshal, City Engineer, and Planning Director, the adequacy of emergency access provided along the University District's circulation streets and any proposed structures prior to any SDP approval within Unit 1, not associated with P14-0023 (SDP 14-006, "Block C"), or recordation of the Unit No. 2, 3, or 4 final maps.
17. The proposed roundabouts shall be designed to Federal Highway Administration (FHWA) standards. Turning movement exhibits for the City of San Marcos Fire Department vehicles and FHWA required commercial trucks shall be submitted to the City Engineer and Fire Marshal for review and approval. Additional right-of-way may be required to ensure safe and compliant paths of travel and utility installations, to the satisfaction of the City Engineer.
18. The developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free

and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.

19. Where off-site improvements (e.g., streets, slopes, public utility facilities) are to be constructed, the developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.
20. Unless permitted by the City Engineer, direct access rights to all lots abutting Carmel Street, to Lot 20 abutting Twin Oaks Valley Road, and to Lots 14, 16 and 17 abutting Barham Drive, shall be relinquished to the City on the appropriate Final Maps. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.
21. The subdivider shall be responsible in ensuring a fiber optic traffic signal interconnect system linking all traffic signals along Twin Oaks Valley Road between Barham Drive and State Route 78 and along Barham Drive from west La Moree Road to Twin Oaks Valley Road. Pull boxes shall be designed and spaced per the City standards. Design and construction shall be to the satisfaction of the City Engineer.
22. For new traffic signals or signal modification(s) required for any final map,, an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall be to the satisfaction of the City Engineer.
23. Line of sight easements, if necessary, shall be delineated as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
24. The subdivider shall coordinate with the North Country Transit District in determining if additional or relocated bus stops are required.
25. The subdivider shall ensure there is adequate right of way width to accommodate the City's future inter-city shuttle stops.
26. The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests. All private streets and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the associated Final Map, issuance of any grading or issuance of any building permit for this project.
27. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index

for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.

28. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.
29. The subdivider shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.
30. Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the subdivider a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping and Lighting District. Prior to acceptance by the City, the subdivider shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
31. The subdivider shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Landscaping and Lighting District. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out.
32. The subdivider shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
33. The subdivider shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
34. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way to avoid reconstruction or modification of same. Above ground utilities visible from the street shall be located within buildings, behind buildings or adequately screened to the satisfaction of the Planning Division Director.
35. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.



36. For each Final Map, the developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
37. The developer shall submit a "Primary" street name and two (2) alternate names for each lettered street shown on the Tentative Map, for review and approval by the street naming committee for each Final Map.
38. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards and to the satisfaction of the City Engineer.
39. The developer shall include underground utility plans within the City street improvement plan set which demonstrates no above ground utility facilities will be located within view of the public streets. Any exceptions shall be at the discretion of the Planning Director and City Engineer.
40. Prior to occupancy of the first unit associated with this tentative map, the subdivider shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-01 - Improvement Area No. 1 (Police Only)
  - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
  - c. CFD 2001-01 – Fire and Paramedic
  - d. CFD 2011-01 – Congestion Management

Additionally, a Special Improvement Area (SIA) shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, installed by the developer as shown on an approved Special Improvement Area Exhibit. Said SIA shall encompass the entire University District Specific Plan Area.

No building permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the subdivider may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The subdivider shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

41. Prior to Final Map approval, the developer shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each

of the public utilities and each entity owning easements within the proposed subdivision stating that:

- e. They have received a copy of the proposed Final Map from the developer.
  - b. They object or do not object to the filing of the Final Map without their signature.
  - c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board. Said Subordination Agreement may be waived at the discretion of the City Engineer.
42. The Final Map shall show the gross and net acreage of all parcels created.
43. The Final Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
44. If a phasing plan is submitted by the developer, the phasing plan shall be approved by the City Engineer and Planning Division Director prior to approval of the Final Map. The phasing plan may be subject to further conditions or phased conditions. Should the developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.
45. At time of development of any lot, a detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising there from shall be submitted in the form of a report.
46. A geologic and soils study shall be conducted at time of development of any lot. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots. Water quality/hydromodification facilities (LID, site, design, permeable pavers), and infiltration rates where water quality/hydromodification mitigation facilities are proposed. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions.
47. The subdivider shall secure letters of permission from adjacent property owners for all grading crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
48. Slopes in excess of twenty (20) feet shall not be permitted by grading activities, except for public roadway construction, unless a variance is first approved by the City.

49. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
50. All permanent manufactured cut/fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical).
51. The subdivider shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
52. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
53. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
54. The subdivider shall pursue alternative alignments to the proposed offsite storm drain and sewer improvements into APN's 221-110-68 and 221-110-61 to the satisfaction of the City Engineer. Said alternatives shall not be impactive to said APN's and shall be provided to the City for review and consideration prior to any permit issuance on the eastside of Twin Oaks Valley Road and not associated with P14-0023 (SDP 14-006, "Block C").
55. The subdivider shall construct the proposed Carmel Street and Twin Oaks Valley Road storm drain to its terminus at the southwest corner of Twin Oaks Valley Road and State Route 78 prior to occupancy of any Unit 3 lot or if required earlier by the University District Eastside Final Map Master Drainage Study.
56. The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to



provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.

57. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.
58. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots.
59. The developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
60. The Water Quality Improvement Plans (WQIP), approved as part of the grading or improvement plans, shall address the Best Management Practices (BMP's) to be utilized for each phase of development. The WQIP shall include an overview of project phasing that shows each project phase, prior to activation of the area for use in accordance with Order R9-2013-0001, that 100% of the impervious area for that phase will be treated and retained to meet water quality and hydro-modification requirements.
61. The WQIP shall be prepared in conjunction with the grading or improvement plans ("Plans") and included as part of the Plans. Prior to final approval of the Plans, the Plans shall be reviewed by the City for substantial conformance with the approved WQIP. The subdivider shall provide geotechnical permeability confirmation required by the City's current SUSMP for either use of all infiltration BMPs or for not using infiltration BMPs.
62. The drainage study shall include a separate BMP section with all calculations and modeling files, data and assumptions to mitigate for water quality and hydro-modification effects in accordance with Order R9 2013-0001, from June 27, 2013 to December 24, 2015. The design standard is the January 14, 2011 City of San Marcos SUSMP. After December 24, 2015, a new water quality and hydro-modification mitigation design standard goes into effect for projects that have not secured a grading permit and commenced site work.
63. The subdivider shall submit Water Quality Improvement Plans (WQIP) and calculations that will include Water Quality Treatment, Hydro-modification, Site Design, Source Control, Treatment Control, Volume Control, Permeable Pavement BMPs, LID, and Operation and Maintenance technical summaries to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 or current Municipal Storm Water Sewer System (MS4) Permit. Low Impact Development standards and Hydro-modification requirements will be applicable. The WQIP shall address the Best Management Practices (BMP's) to be utilized. The applicant is required to demonstrate numeric compliance with Order R9 2013-

0001 in accordance to the effective design standard. Said WQIP shall be prepared by a registered civil engineer with required supporting calculations included as appendices in the drainage study, all to the satisfaction of the City Engineer.

64. WQIP shall identify affected and 303(d) receiving water bodies, applicable water-quality objectives, total maximum daily loads (TMDLS), pollutants of concern for the project type, and estimates for post-construction discharge rates (with all BMPs in place), and demonstrate that the project pollutant loads will be treated in accordance with Order R9 2013-001 or current MS4 permit and will not cause a violation of the water quality objectives. The structural treatment and hydro-modification controls shall remove project pollutants anticipated to be generated by the project for the benefit of downstream impaired water bodies listed by the SWRCB 303(d) to a medium removal efficiency or better for the pollutants of concern.
65. Prior to occupancy of an SDP approved project, a Water Quality Maintenance Agreement shall be recorded with the County Recorder and proof of the recordation shall be provided to the City. The agreement shall include summaries of water quality/hydro-modification facilities and operations & maintenance. Said Agreement shall also address maintenance of the BMP's if project delays or abandonment occurs.
66. All construction and grading related BMPs, as well as post construction BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval.
67. The subdivider shall submit for City the SWRCB WDID#, all Permit Registration Documents (PRDs) prepared by a QSD, and a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SWRCB GCP to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall be prepared per the latest CASQA template. The SWPPP shall be prepared by a certified Qualified SWPPP Designer (QSD). The SWPPP shall describe all BMPs to be implemented year round.
68. The applicant/developer shall submit to the City for review and approval a BMP sheet(s) that includes a combination of BMPs in accordance to the City's latest Storm Water Standards Manual requirements and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001. Said plan shall be a separate sheet incorporated into the grading plan set. Each treatment control BMP shall have the following information listed on the BMP sheet:
  - a. Latitude and Longitude
  - b. Maintenance Requirements
  - c. Assessor Parcel Number location for each BMP
  - d. Type of BMP per CASQA classification
  - e. Pollutants removed by each BMP and Efficiency
  - f. Anticipated Project Generated Pollutants
  - g. Downstream Impaired Water Body Pollutants
  - h. Model number, manufacturer, manufacturer phone number, treatment flow, and retention times for each BMP
  - i. Area of project treatment for each BMP

69. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet(s).
70. All 100% of on-site drainage shall be treated on site in accordance with San Diego Regional Water Quality Control Board (SDRWQCB) Order R9 20013-0001 requirements and the City's SUSMP effective at the time of grading permit issuance. The drainage shall be treated onsite prior to entering public right-of-way. On-site yard drains and any pertinent structures shall be constructed in accordance with City standards and privately maintained.
71. Per Order R9 2013-0001 no irrigation runoff is allowed into the City MS4 system from existing or new development. Landscape shall be designed to retain all irrigation onsite and not enter the City MS4 system, per the City of San Marcos' Municipal Code, Water Efficient Landscape Ordinance.
72. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances and the current SWRCB General Construction Permit (GCP), as applicable. The details shall include landscaping and temporary irrigation systems on exposed slopes to achieve the General Construction Permit required coverage criteria, and for acceptance by the City's Engineering and Planning Divisions.
73. The subdivider shall submit for City the SWRCB WDID#, all Permit Registration Documents (PRDs) prepared by a QSD, and a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SWRCB GCP to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. BMPs shall be in accordance with CASQA or Caltrans design standards as directed by the City Engineer. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.
74. The subdivider shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMPs. Said mechanism shall address maintenance of the BMPs if project delays or abandonment occurs until the site has reached stabilization in accordance with the City's requirements and the General Construction Permit requirements and filed a Notice of Termination with the SDRWQCB with proof of acceptance by the SDRWQCB.
75. The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
76. All permanent Best Management Practices (BMPs) per the approved grading plan WQIP shall also be shown on the landscape plans. The landscape architect shall

sign the landscape plans certifying that the proposed landscape design complies with the requirements of the WQIP and Order R9 2013-0001.

77. The subdivider shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible.
  78. The subdivider shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all post-construction Best Management Practices (BMPs).
  79. Prior to grading permit issuance, the applicant/developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. A copy of the permit shall be kept onsite at all times, including records of all laboratory analyses and updates. The developer shall notify the City Storm Water Program Manager forty-five (45) days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQIP shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.
  80. At time of development of any lot, any street trees within the public right-of-way shall be planted with cu-structural soil or City approved equivalent.
- I. Prior to approval of any Site Development Plans (SDP) associated with the Tentative Subdivision Map, the following conditions shall be complied with:
1. All future SDP's shall comply with all development standards and all provision as stated in the University District Specific Plan.
  2. No building permits will be issued without an approved SDP.
  3. Landscaping for streetscapes, slopes, parkways, parks and open space shall incorporate standards; conditions of approval and design criteria in the Specific Plan and the Master Landscape Plan and the Water Efficiency Landscape Ordinance.
  4. Developer shall comply with the identified water conserving species included in the University District Specific Plan unless there is species alternative deemed acceptable and approved by the Planning Director and Public Works.
  5. Prior to approval of any SDP associated with Unit No. 2, the applicant/developer shall provide a preliminary design of the pedestrian bridge showing the potential location. It shall be the responsibility of the applicant/developer to coordinate the location with California State University and the Developmental Services Department.



6. Prior to occupancy of any Unit No. 2 development, the pedestrian bridge must be reviewed approved and constructed.
  7. Applicant/developer shall pay their fair share contribution towards the pedestrian bridge at Barham Drive/Campus Way.
  8. The applicant/developer shall provide a copy of the Affiliation Agreement between CSUSM and Urban Villages San Marcos LLC executed between the California State University San Marcos and the developer allowing all enrolled students to park on University property. If in the future, for whatever reason, the Affiliation Agreement is terminated between the developer/owner of the Quad and CSUSM, the developer/owner shall provide an alternate parking solution to accommodate all enrolled students or student housing facility shall be limited to the available parking. Final review and approval is required by the City.
  9. It shall be the sole responsibility of the applicant/developer to inform the City in advance if the Affiliation Agreement between CSUSM and Urban Villages San Marcos LLC is being terminated. The Quad will be prohibited from renting or leasing to the students until another parking solution is submitted to the City for review and approval by the City prior to any occupancies.
- J. Prior to the issuance of any building permits, the following conditions shall be complied with:
1. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) are in substantial conformance with the approved plans, reports, and standards.
  2. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
  3. The subdivider shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.
  4. This project is subject to payment of the public facilities fee established by San Marcos Ordinance No. 99-5197 and Resolution 99-5797. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project.
  5. The base lift of asphalt on all roads serving the area under construction shall be completed to the satisfaction of the Fire Marshal.
  6. The project shall conform to all applicable University District Specific Plan SP 14-003 Mitigation Monitoring Plan measures, the Affiliation Agreement between CSUSM and Urban Villages San Marcos, LLC, The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that specifies that Fifteen

percent (15%) of new housing construction must be affordable housing or the developer shall pay an In-Lieu Fee, as determined by the City, unless modified by the City Manager.

- K. During the construction phase, the following conditions shall be complied with:
1. Developer must comply with all applicable mitigation measures & monitoring requirements as stated in the adopted Addendum to the FEIR to the University District Specific Plan Area.
  2. The subdivider shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
  3. The subdivider shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
  4. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
  5. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
  6. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays. Exceptions may be allowed at the discretion of the City Engineer.
  7. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.
  8. During grading and construction operations, the subdivider shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
  9. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
  10. The subdivider shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer.

Devices shall be installed and maintained in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.

11. Dewatering activities during construction shall not be conducted without appropriate permits and approvals from all regulatory agencies involved (SDRWQCB, SWRCB, ACOE, and other Resource agencies). The City Stormwater Program Manager shall be notified one week in advance of any dewatering activities and a copy of all permits shall be submitted to the City. Dewatering activities will be conducted and planned for in compliance with the SDRWQCB, SWRCB, and project specific dewatering permit requirements obtained. Should the quality of the ground water be such that it does not meet the permitting requirements, then the water will need to be treated prior to discharge.
  12. The subdivider shall ensure that the grading and other construction activities meet the provisions specified in the California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001.
  13. The subdivider shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
  14. The subdivider shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans in the SWPPP.
  15. The subdivider shall minimize exposure time of disturbed soil areas.
- L. Prior to occupancy of any structure on the site, excluding temporary construction trailers, the following conditions shall be complied with:
1. All improvements shown on the improvement plans shall be constructed in accordance to the City approved construction phasing plan or as modified by the City Engineer or City Planning Director.
  2. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Subdivision Improvement Agreement for this project.
  3. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
  4. The subdivider shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the subdivider and approved by the City Engineer and the Director of Public Works.
  5. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with

the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.

6. The subdivider shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works. At the discretion of the Public Works Director, public streets containing Bioretention medians may require an extended warranty period.
  7. The subdivider shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
  8. All water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Director.
  9. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.
- M. The developer shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities at all times.
- N. Developer shall review and comply with all mitigation measures from the University District Specific Plan (UDSP) per the adopted addendum to the Final Environmental Impact Report (FEIR) (SCH No. 2008101083) and Mitigation Monitoring and Reporting Program (MMRP), as applicable for the Tentative Subdivision Map (TSM 14-002).
- O. The alignment and terminal point of storm drains shown on the tentative map shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
- P. Prior to release of any securities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an AutoCAD format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of the map, after recordation is also required.
- Q. Prior to the conversion from apartment units to for sale units, the project shall provide affordable housing units or pay an in lieu fee.
- R. Any Condition may be superseded by an approved Development Agreement.
- S. If any condition listed in the TSM resolution conflicts with an approved Development Agreement, the Development Agreement shall prevail.



- T. To the extent permitted by law, developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Tentative Subdivision Map; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of developer or its contractors, subcontractors, agents, employees or other persons acting on developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Tentative Subdivision Map, but shall survive in perpetuity.
- U. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services and equipment needed and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 7<sup>th</sup> of July, 2014, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION