

RESOLUTION NO. 2026-9616

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS DENYING AN APPEAL OF RESOLUTION PC 26-5201 APPROVING A TENTATIVE SUBDIVISION MAP TO CREATE THREE LEGAL LOTS TO ENABLE DEVELOPMENT OF 202 MULTI-FAMILY RESIDENTIAL UNITS ON A TOTAL OF 19.83 ACRES NORTHWEST OF TWIN OAKS VALLEY ROAD AND DISCOVERY STREET WITHIN THE UNIVERSITY DISTRICT SPECIFIC PLAN AREA, AND DENYING AN APPEAL OF RESOLUTION PC 26-5197 RECOMMENDING APPROVAL OF AN ASSOCIATED SUMMARY VACATION AND ABANDONMENT OF PUBLIC RIGHT-OF-WAY

TSM24-0004/AA26-0001  
North City Community Partners, LLC

WHEREAS, on October 21, 2024, the City received an application from North City Community Partners, LLC requesting a Tentative Subdivision Map (TSM24-0004) to create three lots on a 19.83-acre site to enable development of 202 multi-family townhomes through a separate Site Development Plan (SDP), a westerly extension of North City Drive from Twin Oaks Valley Road to the boundary of the easterly termination of North City Drive approved with TSM19-0002; and the construction of Street A from Discovery Street into the future North City Drive; located west of Twin Oaks Valley Road and North of Discovery Street with the site zoned University District Specific Plan (SPA) Zone in the Barham/Discovery Community more particularly described as:

Brief Legal Description: These portions of Lots 2 through 10, inclusive, in Block 62, together with all of Lots 4, 5, 6, 14, 15, 15, and 17, and those portions of Lots 1, 2, 3, 7, 12, 13, 18, 19, 20, and 21 in Block 63, 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 of official records, together with that portion of Discovery Street lying between Blocks 62 and 63 of said map vacated to public use per County Board of Supervisors Resolution recorded December 5, 1900 in Book 23, page 175 of official records.

Assessor's Parcel Numbers: 220-181-40; 220-190-52; 221-080-05; 221-080-06; 221-100-02; 221-100-03; 221-100-04; 221-100-10; 221-100-35; 221-100-40; 221-100-62; 221-100-64; 221-100-65; 221-100-66; 221-100-69; 221-100-70; 221-100-72; 221-100-73; 221-100-74; 221-100-56; and

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

WHEREAS, on May 18, 2026, the San Marcos Planning Commission held a duly noticed public hearing and approved Tentative Subdivision Map (TSM24-0004) pursuant to Resolution PC 26-5201, and also recommended City Council approval of associated summary vacation and abandonment of public right-of-way pursuant to Resolution PC 26-5197, by a 6-0-1 vote; and

WHEREAS, on May 28, 2026, an appeal (AA26-0003) was filed by Elizabeth Santos in opposition to the decisions made by the Planning Commission pursuant to Resolutions PC 5201; and

WHEREAS, the City Council held an appeal hearing on June 23, 2026, which was duly noticed and held in the manner prescribed by law; and

WHEREAS, the Appellant was given the opportunity to participate in the public hearing through oral testimony and submittal of written comments; and

WHEREAS, on June 23, 2026, the City Council fully reviewed, considered, and evaluated the staff reports prepared for the project including the attachments to the staff reports, oral and written public testimony, and all other documents and evidence in the public record on the Project and the appeal; and

WHEREAS, after consideration of the evidence of the entire administrative record, at the public hearing on June 23, 2026, the City Council adopted Resolution No. 2026-9616 denying the appeal (AA26-0003) of Resolution PC 25-5201 and Resolution PC 26-5197, thereby approving the Tentative Subdivision Map (TSM24-0004).

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

- A. The foregoing recitals are true and correct and are hereby incorporated by reference into this Resolution.
- B. The City Council, having independently heard, considered, and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Project, the Planning Commission's decision, and the appeal, finds that the Appellant has not shown, based on evidence in the record, that the Planning Commission's decisions were made in error. This determination is based on the staff report and attachments prepared for the Planning Commission hearing on the Project and the staff report, and attachments prepared for the City Council on the Project and the appeal, which is incorporated herein by reference.
- C. The City Council hereby denies the appeal and approves this Tentative Subdivision Map pursuant to the City Subdivision Ordinance (San Marcos Municipal Code Titel 19), and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this resolution as though fully set forth herein.

- D. This Tentative Subdivision Map TSM24-0004 is approved in conjunction with the all conditions of approval specified in Specific Plan Amendments (SP22-0002 and SP24-0003, respectively), which documents are incorporated herein by this reference; and the mitigation measures in adopted Environmental Impact Report (FEIR) (State Clearing House No. 2008101083) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- E. The City Council's decision is based on the following findings and determinations:
1. The conditions of approval in the attached Exhibit A and the findings below are necessary to ensure that the subdivision and the improvements thereof will conform with all ordinances, plans, rules, standards, improvements, and design requirements of the City.
  2. The Tentative Subdivision Map is consistent with the City's adopted General Plan, and University District Specific Plan, in that the lots meet the required minimum lot size; the TSM is being formed to accommodate development that complies with the land use and development standards of the University District Specific Plan, and it is compatible with the objectives, policies, general land uses, and programs specified in the University Specific Plan.
  3. The design or improvement of the proposed subdivision is consistent with the City's adopted General Plan designation for the University Specific Plan (SPA) in that the proposed project will be consistent with its adopted policies and standards and would be a visual extension of the current North City development.
  4. The site is physically suitable for the proposed future multi-family condominium development. The site is currently vacant and available for development, and necessary public utilities can be adequately provided. The project site will be served by, and have access to, the existing street network, including Twin Oaks Valley Road and Discovery Street, ensuring appropriate circulation and connectivity.
  5. The site is physically suitable for the proposed density of development, in that the future dwelling units and non-residential uses will not exceed the maximum allowance specified with the University District Specific Plan.
  6. The design of this subdivision and improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that the previously adopted EIR has identified, analyzed, and provided mitigation measures to reduce project impacts to less than significant.
  7. The design of this subdivision and type of improvements is not likely to cause serious public health problems, as specified and analyzed within the adopted EIR through the approved mitigation measures to reduce or eliminate impacts.

8. The design of this subdivision or the type of improvements will not conflict with any easements acquired by the public at large for access through, or use of, property within the proposed subdivision.
  9. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.
  10. The property is not subject to a Williamson Act contract, an open space easement, a conservation easement, or an agricultural conservation easement.
  11. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling in the subdivision per Government Code section 66473.1.
  12. All requirements of California Environmental Quality Act (CEQA) and the environmental protection provision of the City's Subdivision Ordinance (SMMC Title 19) have been met in that this Tentative Subdivision Map, as conditioned, will not have significant effect on the environment, as reviewed and analyzed in the previously Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2025 Addendum to the FEIR (State Clearinghouse No. 2008101083).
- F. The Tentative Subdivision Map complies with the requirements of the City's Subdivision Ordinance and the State's Subdivision Map Act.
- G. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of City Council approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the State's Subdivision Map Act. It is the applicant/developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.
- H. Within thirty (30) days of the approval of the Tentative Subdivision Map TSM24-0004 the approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this Resolution as the title page. This title page shall include the statement "I (we), \_\_\_\_\_, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution No. 22-5016." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any Final Map, grading plan, improvement plan, or building permit.
- I. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, University District Specific Plan, and with all applicable state and federal regulations, as

may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.

- J. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.
- K. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- L. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 23<sup>rd</sup> day of June, 2026, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

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Rebecca D. Jones, Mayor

ATTEST:

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Phillip Scollick, City Clerk

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

EXHIBIT A

RESOLUTION

TSM24-0004/AA26-0003

Conditions of Approval

A. General Provisions

1. All of the terms, covenants and conditions contained herein shall run with the land and be binding on and inure to the benefit of the heirs, successors, assigns, and representatives of the applicant/developer as to any and all of the property.
2. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City of San Marcos (City) shall have the right to revoke or modify all approvals herein granted including issuance of building permits; deny or further condition the subsequent approvals that are derived from the approvals herein granted; institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
3. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, and other costs associated with the project's planning, engineering, construction and/or architecture for the project.
4. The proposed new development may be subject to the payment of development fees and in-lieu fees as required by the City's Public Facilities Fee Ordinance and Inclusionary Housing Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
5. The development must comply with the San Diego Region MS4 and City storm water regulations applicable at the time of approval of the corresponding grading permit application.
6. All applicable design requirements and mitigation measures of Final Environmental Impact Report (SCH No. 2008101083) for the University District Specific Plan shall be implemented.

B. Prior to submittal of any Final Map, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The Final Map shall show the gross and net acreage of all lots created.
2. The Final Map shall use the California Coordinate System for its “Basis of Bearing” and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
3. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles, and shall not exceed more than ten (10) degrees from radial except as approved by the City Engineer.

C. Prior to or concurrent with the recordation of a Final Map, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC Chapter 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.
2. The applicant/developer shall dedicate to the City easements or rights-of-way including but not limited to:
  - a. Public street, utility, and drainage easements for North City Drive and Street ‘A’;
  - b. 18-foot-wide, 20-foot-wide and 25-foot-wide public street, utility, and drainage easements on Twin Oaks Valley Road.
  - c. Two 20-foot-wide, and one 35-foot-wide public drainage easements on Lot 1;
  - d. Access easements shall be dedicated as needed to San Diego Gas and Electric over Lot 1 for access to existing facilities.
  - e. For the Creekside trail, a minimum 15-foot-wide general municipal easement over Lots 1 and 2;
  - f. Additionally, the applicant/developer shall irrevocably offer to dedicate to the City easements for public drainage over the water quality basin over Lot 1, and an interim maintenance agreement shall be executed with the City and recorded for maintenance of this area.
  - g. 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.

3. Prior to the recordation of a Final Map, the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval.
4. For commercial or multifamily areas that share access and/or parking, an unsubordinated reciprocal access, maintenance and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
  - a. A private reciprocal access and drainage easement shall be dedicated over Lot 2 to benefit Lot 3 of Final Map 16617
  - b. A private reciprocal access and drainage easement shall be dedicated over Lot 3 to benefit Lot 4 of Final Map 16617
5. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street Naming Committee. Once approved, new public streets shall be dedicated by the applicant/developer to the City as shown on the tentative map. Selected street names shall be shown on the approved improvement plans.
6. The developer shall obtain all necessary easements or other interest in real property and shall dedicate the same to the City as required by the City for all proposed off-site improvements, including but not limited to North City Drive and Street 'A' as shown on the tentative map, streets, public utility facilities, drainage facilities, and secondary emergency vehicular access. The applicant/developer shall provide recorded documents satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the Final Map or the approval of the public improvement plan, whichever comes first. If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to the filing of any Final Map for approval, in accordance with SMMC Section 19.16.110, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In all cases, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.
7. The offsite irrevocable offer of dedication per Final Map 16617 for North City Drive shall be accepted in its entirety.
8. Direct access rights to all parcels abutting Twin Oaks Valley Road, North City Drive and Street 'A', excepting the access points shown on the tentative map, shall be relinquished

to the City on the Final Map.

9. All public trails areas shall be dedicated for “general municipal purposes” as required by the City, unless otherwise required by these conditions. All public trails shall be provided with adequate access for maintenance from a public street as shown on the tentative map.
10. The Final Map shall include a statement to indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a homeowners association (HOA).
11. Prior to map recordation, the applicant/developer shall provide draft Covenants, Conditions and Restrictions (CC&Rs) for the proposed project to ensure the continued maintenance and operation of all open space and common areas, recreational facilities, and private improvements.
  - a. At a minimum, the CC&Rs shall describe the property manager and/or HOA maintenance responsibilities, parking restrictions, water quality Best Management Practices (BMPs), shared retaining walls spanning property lines, and any regulatory agency permit responsibilities. The CC&Rs shall include an exhibit and/or written description depicting the HOA maintenance responsibilities.
  - b. The applicant/developer shall submit a draft copy of the CC&Rs for review and comment by the City. Final form of the CC&Rs shall be to the satisfaction of the City Attorney and shall be approved prior to map recordation. A fully executed copy of the CC&Rs shall be provided to the City for recordation prior to issuance of any building permit.
  - c. The CC&Rs shall include the provision that garages shall be utilized for the parking of vehicles, to be enforced by the HOA.
  - d. Maintenance of private open space areas and slopes shall be the responsibility of the HOA. All remaining open space lots and improvements that the City agrees to maintain must comply with City's criteria for maintenance for the Community Facility District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).
12. The applicant/developer shall provide a signed disclosure for the remainder parcels for this subdivision. No building permit shall be issued for the remainder parcel until it is further subdivided or a Certificate of Compliance for Lot Legality is approved and recorded to the satisfaction of the City Engineer. The remainder parcels cannot be sold unless a Certificate of Compliance for Lot Legality is approved and recorded to the satisfaction of the City Engineer. This note shall be placed on a separate sheet of the Final Map.
13. Line of sight easements, if necessary, shall be dedicated on the Final Map and delineated on all improvement and grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest

edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.

14. Prior to map recordation and prior to issuance of a public improvement permit, the applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements. Securities and applicable fees for the construction of the public improvements shall be submitted to and approved by the City in accordance with SMMC Sections 19.16.070 and 19.16.080.
15. The applicant/developer shall submit plans and appropriate construction notes for improvements as shown on the tentative map, including but not limited to the following, subject to the approval of the City Engineer:
  - a. All streets, right of way, drainage facilities;
  - b. In North City Drive and Street 'A', the sewer main, manhole, and appurtenances, potable water main, fire hydrants, and appurtenances, reinforced concrete storm drain pipes, storm drain inlets, cleanouts, and laterals, asphalt pavement and base, curb, gutter, sidewalk, pedestrian ramps and crosswalks, median, landscaping and street trees, irrigation line and appurtenances, street lights, and striping.
  - c. At the intersection of North City Drive and Street 'A' the roundabout and associated medians, pedestrian ramps, landscaping, crosswalks, striping, street lights, and utilities.
    1. Improvements for an open space pedestrian connection shall be installed as shown on the tentative map.
  - d. In Twin Oaks Valley Road, all required improvements to facilitate the installation of a 8-foot-wide separated bike facility, 3-foot-wide landscaped buffer, and 16'-foot-wide landscaped parkway along the frontage of Lot 1. Improvements shall also include utility relocations, storm drain, curb, gutter and a minimum 5-foot-wide sidewalk to the satisfaction of the City Engineer.
  - e. Traffic signal modifications at the intersections of Twin Oaks Valley Road and North City Dr. and Discovery Street and Street A, as well as appurtenant improvements to the median on Twin Oaks Valley Road. The intersection design shall also accommodate improvements for bicycle crossing(s) and/or bike boxes to the satisfaction of the City Engineer.
  - f. All improvements for the Creekside trail, including the safety railing/fence, and maintenance access.
  - g. Reinforced concrete storm drain pipe, cleanouts, inlets, rip-rap, and headwalls on Lot 1.
  - h. Plans shall include all off-site improvements as specified by the City Engineer including but not limited to: sewer main, manhole, and appurtenances, potable water main, fire hydrants, and appurtenances, reinforced concrete storm drain pipes, storm drain inlets, cleanouts, and laterals, asphalt pavement and base, curb, gutter, sidewalk, pedestrian ramps and crosswalks, median, landscaping and street trees, irrigation line and appurtenances, street lights, and striping in offsite North City Drive and Twin Oaks Valley Rd., subject to City Engineer approval.

- i. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans' standards and shall be acceptable to the City Engineer.
16. 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 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 Final Map for each Map Unit.
17. The exact depth of any new or improved street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria" and "Street Excavation Ordinance". Tests shall be taken by a qualified engineer at locations approved by the City Engineer.
18. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and the City's "Urban Street Design Criteria" in effect at the time of project approval.
19. Conduit and pull boxes shall be designed, installed and spaced under sidewalk within North City Drive and Street 'A' per the City standards to provide infrastructure for future fiber optic connectivity.
20. For new traffic signals or signal modification(s), an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall cover 100% of the cost of the design and implementation of the plan including a 25% administration fee. The applicant/developer shall provide up to date traffic counts for those intersections included within the timing plans. This includes signal timing modifications at the Twin Oaks Valley Road/North City Drive and Street 'A' / Discovery Street signalized intersections.
21. 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.
22. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Director
23. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, private fire hydrants, transformer and electrical panels, etcetera, shall be placed outside of the ultimate right-of-way and if applicable, trail easement.

24. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.
25. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community Facilities Districts (CFD):
  - a. CFD 98-01: Improvement Area No. 1 (Police Only)
  - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance, including Improvement Area F-57
  - c. CFD 2001-01: Fire and Paramedic
  - d. CFD 2011-01: Congestion Management

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

26. The applicant/developer shall post securities to the City, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, secondary emergency vehicular access, traffic signals, storm drain facilities, water quality BMPs, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until acceptance of the public improvements and/or as-built approval of the private improvements, as applicable, by the City. Said security shall ensure the construction of the "approved" improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require up to 10% of said securities to be in the form of cash.
27. Prior to the recordation of the Final Map, City Council shall consider its approval of the vacation and abandonment of all public streets, rights-of-way, and service easements proposed to be vacated as shown on the tentative map. Approval of the Final Map is dependent upon City Council affirming the vacations and abandonments as shown on the tentative map.
28. The portion of public right-of-way per map 806, dedicated to the City of San Marcos that encumbers the project Lot 1 shall be vacated per the City of San Marcos vacation procedures and California Streets and Highways Code. The Developer and the City shall

coordinate appropriate disposition of the property.

29. Prior to the recordation of the Final Map, the applicant/developer shall provide to the City executed quitclaim deeds for all easements to be quitclaimed by outside agencies as shown on the tentative map.
  30. The Shubin Lane private street easement shall be quitclaimed by City Council prior to the City's acceptance of the public street dedications for North City Drive and prior to approval of the public improvement plans. If the Shubin Lane private street easement cannot be quitclaimed, the easement shall be subordinated to the proposed public street dedications.
  31. The applicant/developer shall process a Site Development Plan (SDP) for architectural and site plan review for future development. SDP review shall require administrative approval by the Planning Division Director and City Engineer.
- D. Prior to issuance of any grading permit, the applicant/developer shall comply with the following conditions.

#### Land Development Division

1. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Director prior to precise grading plan approval for any phase. The phasing plan may be subject to further conditions.
2. The applicant/developer shall submit an application for a grading permit in accordance with SMMC Chapter 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
3. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report written by a registered geotechnical engineer or registered engineering geologist.
4. The applicant/developer shall secure letters of permission from adjacent property owners for all graded slopes 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.
5. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the Land Development Division for review and approval. The details shall conform to City standards, codes and ordinances, and San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Engineer and Planning Director.
6. A hydrology and hydraulic report, including calculations, shall be prepared for the project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved

hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the project's build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).

7. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
8. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across adjacent property.
9. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City-adopted BMP design manual and meeting the most current requirements of SDRWQCB in effect at the time of grading permit issuance.
10. The applicant/developer shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
11. Proof of coverage under the State of California's General Construction Permit shall be provided to the Land Development Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
12. All construction and grading related Best Management Practices (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.
13. All trail systems fronting and within the project shall be designed per the University District Specific Plan and to the satisfaction of the Parks and Recreation, Public Works, and Development Services Departments. Deviations from the UDSP shall be approved by the Planning Director and City Engineer.
14. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.
15. The applicant/developer shall provide recorded quitclaims of easement(s) for any existing overhead utilities (e.g. SDG&E) that have been or are required to be relocated.

#### Planning Division

16. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face,

or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.

17. If a rock crusher(s) is used during grading operations, the applicant/developer shall comply with all conditions of approval of Director's Permit DP22-0004 Resolution ADM22-5004.

#### Building Division

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

#### Fire Department

19. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. The applicant/developer shall provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes. At approval of final building plans, Developer shall contact San Marcos GIS ([gis-support@san-marcos.assist.com](mailto:gis-support@san-marcos.assist.com)) to begin the process of creating a Fire Preplan. \*\*At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time of fire inspection.
20. At approval of final building plans, Developer shall contact San Marcos GIS ([gis-support@san-marcos.assist.com](mailto:gis-support@san-marcos.assist.com)) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS preplan to show progress. Note: Minor changes to plans made during construction can be corrected at the time for fire inspection.
21. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet (curb line to curb line), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds in accordance with California Fire Code (CFC) Section 503.2.1, SMMC Section 17.64.120. The proposed primary access road must be constructed prior to delivery of combustibles to the site, and the secondary access road shall be constructed prior to issuance of the 51<sup>st</sup> building permit, excluding retaining wall permits.
22. All roads in the project shall have adequate turn radius to accommodate all Fire Department apparatus including frontline and reserve fire engines and frontline and reserve trucks (engine and tiller ladder trucks). The required inside turn radius shall be 28 feet for engine and tiller ladder truck. No curb deflection or other features shall interfere with fire apparatus ability to navigate any street. The Land Development Division shall maintain the proper templates for turn radius of all Fire Department apparatus.
23. Roundabout design shall accommodate all San Marcos Fire Dept. Apparatus including:

Frontline and Reserve Fire Engines and Frontline and Reserve Trucks – (Engine and Tiller).

24. All dead end fire apparatus access roadways in excess of 150 feet in length shall be provided with an approved area for turning around of all San Marcos Fire apparatus. A hammerhead turn-around or cul-de-sac will be required by the Fire Department.
  25. The gradient for a fire apparatus roadway shall not exceed 20 percent. Grades exceeding 12 percent (incline or decline) shall not be permitted without mitigation: Minimal surface of Portland cement concrete (PCC) with a deep broom finish perpendicular to the entire direction/length of travel and grade. The angle of departure and approach of fire access roads shall not exceed 7 degrees (12 percent) as required by CFC Section 503.2.7, as amended.
  26. Improvement plans shall show location and spacing / distance of fire hydrants. Hydrants shall be bronze industrial fire hydrants. Minimum GPM shall be per CFC Appendix B. Industrial fire hydrants shall have two 4-inch ports and one 2.5-inch port. Installation shall be as per local Water District specifications. Hydrant type shall be Clow style, Model #865. Maximum spacing from one hydrant to another cannot exceed 300 feet. Maximum distance from a fire hydrant to any fire department connection cannot exceed 50 feet. NOTE: All new fire hydrants within the development shall be private hydrants
  27. Deferred submittal / separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to buildings, etc.
- E. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

Land Development Division

1. All Skyview Park improvements shall be fully constructed, inspected, and formally accepted by the City prior to the City's issuance of the 505th production building permit cumulatively associated with this Tentative Map and TSM19-0002.
2. The Final Map shall be recorded prior to building permit issuance.
3. The approved precise grading plans shall be attached to the building plans.
4. All public improvements required at the time of subdivision and/or development shall be under construction to the satisfaction of the City Engineer prior to the issuance of the first production building permit, excluding retaining wall permits and model units.
5. All grading shall be observed by a licensed geotechnical engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual

work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.

6. A certification of line and grade for the building pad, signed and stamped by the engineer of work, shall be provided to the Engineering Inspector. The certification shall be in a form acceptable to the City Engineer.
7. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants per construction phase shall be operational prior to the delivery of combustible materials to the project site unless otherwise required by the City Fire Marshal.

#### Planning Division

8. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All exterior fixtures shall be approved by the City.
9. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
10. Prior to building permit issuance, the applicant/developer shall provide for recordation the City-approved Covenants, Conditions and Restrictions (CC&Rs) for the proposed project to ensure the continued maintenance and operation of all open space and common areas, recreational facilities, and private improvements.
11. At a minimum, the CC&Rs shall describe the property manager and/or HOA maintenance responsibilities, parking restrictions, water quality Best Management Practices (BMPs), and any regulatory agency permit responsibilities. The CC&Rs shall include an exhibit and/or written description depicting the HOA maintenance responsibilities.
  - a. A complete executed copy of the City-approved CC&Rs shall be provided to the City for recordation prior to building permit issuance.
  - b. The CC&Rs shall include the provision that requires garages to be utilized for the parking of vehicles, and enforceable by the HOA.
  - c. Maintenance of private open space areas and slopes shall be the responsibility of the HOA. All remaining open space lots and improvements that the City agrees to maintain must comply with City's criteria for maintenance for the Community Facility District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).
  - d. The CC&Rs shall include maintenance responsibilities for Lot 7 if it will be developed with a residential land use.

- F. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

Engineering Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Engineering Construction Inspection Division. The applicant/developer shall provide the inspector with a detailed construction schedule which depicts when building occupancy or occupancies will occur and when key public and private infrastructure improvements will be completed. Schedule updates shall be provided to the Building and Engineering Inspectors at a minimum monthly basis throughout the life of the project.

Land Development Division

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

Building Division

9. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
  10. Water wells shall be reconstructed or abated in strict compliance with SMMC Sections 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by County of San Diego Environment Health Department.
  11. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. The project is required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
  12. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
  13. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- G. Prior to the occupancy of any structure, the applicant/developer shall comply with the following conditions:

Land Development Division

1. Twin Oaks Valley Road, North City Drive and Street A shall be constructed in their entirety, including all required landscaping and irrigation, in accordance with the approved project plans prior to issuance of occupancy of the first production unit.
2. All public and private improvements, including underground conversion of overhead utilities and excluding Skyview Park, shall be completed in accordance with the approved project plans prior to issuance of the first market rate Certificate of Occupancy. Such improvements, except for public street improvements per condition G.1, may be permitted

to be installed in phases per a City approved phasing plan and shall be completed per the City's requirements.

3. All applicable easements and agreements shall be recorded prior to occupancy, if not required sooner by these conditions.
4. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
5. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
6. Any existing broken pavement, concrete curb, gutter or sidewalk or any other facilities damaged during construction of the project, shall be repaired or replaced as directed by the Engineering Inspector prior to the release of any project securities.
7. Public water and sewer improvements in accordance with the project water/sewer study shall be constructed for the project as determined necessary by the applicable water/sewer district(s).
8. Private water and sewer improvements shall be constructed for the project as determined necessary by the applicable governing agency.
9. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the Land Development Engineer prior to issuance of any certificate of use and occupancy.

#### Planning Division

10. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
11. Common landscape areas shall not be transferred over to the responsibility of the HOA until inspected and approved by the City.
12. All CFD landscaping shall be installed, inspected, and approved by the Public Works Department. Landscaping shall be established and flourishing in a healthy manner.
13. Landscape maintenance for publicly dedicated open space, North City Drive and Street 'C' right-of-way, multi trail systems, and parks shall be accomplished by the

applicant/developer or HOA for a minimum period of two (2) years, which may be extended at the sole discretion of the City, until such time as accepted by the City. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is well established and thriving prior to the City accepting maintenance responsibilities. As a condition to begin this period, the applicant/developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance contract amount.

14. The applicant/developer shall submit a Certificate of Completion by the landscape architect to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
15. The applicant/developer acknowledges that the maintenance of the public open space, parks, trails and etc. may expose the City to liability and agrees to hold the City harmless from any actions in the maintenance of such areas or shall establish a HOA which will hold the City harmless from any actions in the maintenance of such areas.

#### Fire Department

16. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
17. On-site fire hydrants shall be color coded per NFPA 291. The bottom eight inches of a private fire hydrant shall be painted red. A minimum 3-ft clearance shall be maintained around hydrants. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
18. The project shall include “NO PARKING FIRE LANE” signs. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by California Vehicle Code Sections 22500.1 and 22658(a) and San Marcos Fire Department Standards.