

ORDINANCE NO. 2023-1534

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A REZONE OF 7.6 ACRES FROM COMMERCIAL (C) TO SPECIFIC PLAN AREA (SPA)

R21-0003
Meritage Homes

WHEREAS, on October 19, 2021, the City received an application from Meritage Homes requesting a zone reclassification of 7.6 acres from Commercial (C) to Specific Plan Area (SPA) located west of the intersection of N. Las Posas Road and Palm Road in the College Area Neighborhood more particularly described as:

Parcels 2 and 3 of Parcel Map No. 20629, in the City of San Marcos, County of San Diego, State of California, Filed in the Office of the County Recorder of San Diego County on February 19, 2009 as File No. 2009-0071729 of Official Records;

Assessor's Parcel Number(s): 219-121-15-00 and 219-121-16-00;
and

WHEREAS, the Rezone is being requested in conjunction with a Specific Plan (SP21-0003) to establish rules and regulations for the development of the project site; a General Plan Amendment (GPA21-0007) to change the land use from "Commercial" to "Specific Plan Area"; a Multi-Family Site Development Plan (MFSDP21-0001) for design review of a residential condominium complex; and a Tentative Subdivision Map (TSM21-0003) for an 120-unit condominium map; and

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

WHEREAS, on May 12, 2022, the City held an Environmental Impact Report (EIR) Scoping Meeting to provide an overview of the project Notice of Preparation, in accordance with CEQA Guideline Section 15083, and Public Workshop with the general public; and

WHEREAS, on June 5, 2023, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request and the appropriate environmental document for said request to the City Council, by a 7-0 vote, in favor; and

WHEREAS, on June 27, 2023, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider a/an Environmental Impact Report (FEIR22-002) (SCH No. 2022040440) for said request pursuant to the California Environmental Quality Act (CEQA); and

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 Ordinance.

- B. The City Council hereby approves this Rezone, as shown on the attached Exhibit A, incorporated by reference and made a part of this Ordinance as though fully set forth herein.
- C. This Rezone is approved in conjunction with the submitted Specific Plan (SP21-0003), General Plan Amendment (GPA21-0007), Multi-Family Site Development Plan (MFSDP21-0001), and Tentative Subdivision Map (TSM21-0003), and all conditions of approval specified in Ordinance No. 2023-1533 and Resolution Nos. 2023-9155, 2023-9156, and 2023-9157, respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR22-002) (Resolution No. 2023-9158) are hereby incorporated by reference and made a part of this Ordinance with the same force and effect as though fully set forth herein.
- D. The City Council's decision is based on the following findings and determinations:
 - 1. The proposed Rezone is consistent with the City's General Plan and the land uses authorized by the Rezone are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, in that the proposed project would implement the overarching goals of the City's General Plan through various proposed features and components such as providing housing near transit and existing commercial and industrial uses; providing a range of multi-family housing; designating opportunities for recreational and open space areas; and supporting vehicular, bicycle, and pedestrian modes of travel. Additional objectives of the project include creating a quality development design using architectural and landscape design that provide a distinct built environment which is pleasing to residents and neighbors alike; using building materials that complement and enhance the surrounding environment and neighborhoods; and creating a distinct recreational environment through the careful placement of walkways and open space features within the development.
 - 2. The proposed Rezone complies with the objectives of the adopted City-wide Land Use Policy Plan, in that The project requires approval of a Specific Plan which requires high quality design, orientation and development due to their location or visibility within the community (San Marcos General Plan Policy LU5.6) which in turn helps to promote community design that produces a distinctive, high quality built environment with forms and character that create memorable places and enrich community life.
 - 3. The proposed Rezone implements the land use designations of the City's General Plan for the public health, safety, comfort, convenience, and general welfare of the San Marcos Community in that proposed multi-family residential development would direct growth into an area of San Marcos that can support a variety of uses, and the proposed multi-family residential development constitutes an appropriate a transition from the single-family residential land uses to the north and west, and a commercial building to the south.
 - 4. The proposed Rezone strengthens the economic conditions and vitality of commercial centers to maintain and promote existing business and generate

opportunities to attract new business, in that the proposed project would place higher density housing on the project site in an area served by transit, which would provide for greater viability and a larger customer base for alternative modes of transportation to serve the area, such as the existing Sprinter light rail transit stop located approximately 0.35 miles to the east on Mission Road at Palomar College. Thus, the proposed project's land use would support a variety of mobility opportunities and promote multimodal transportation, consistent with Goals LU-3 and LU-7.

5. All requirements of CEQA have been met, in that Environmental Impact Report (FEIR22-002) (SCH No. 2022040440) has been prepared for the proposed project, and all potential impacts related to biological resources, cultural resources, and tribal cultural resources, will be mitigated to a level less than significant, or in the case of transportation, will be significant and unavoidable, requiring approval of a Statement of Overriding Considerations in order to certify the EIR and have been incorporated into the Conditions of Approval for the project.
- E. This Rezone is within the scope of the Environmental Impact Report (FEIR22-002) (SCH No. 2022040440) and the mitigation monitoring and reporting program, and both are hereby certified pursuant to CEQA.
- F. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 27th day of June, 2023.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this _____ day of _____, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

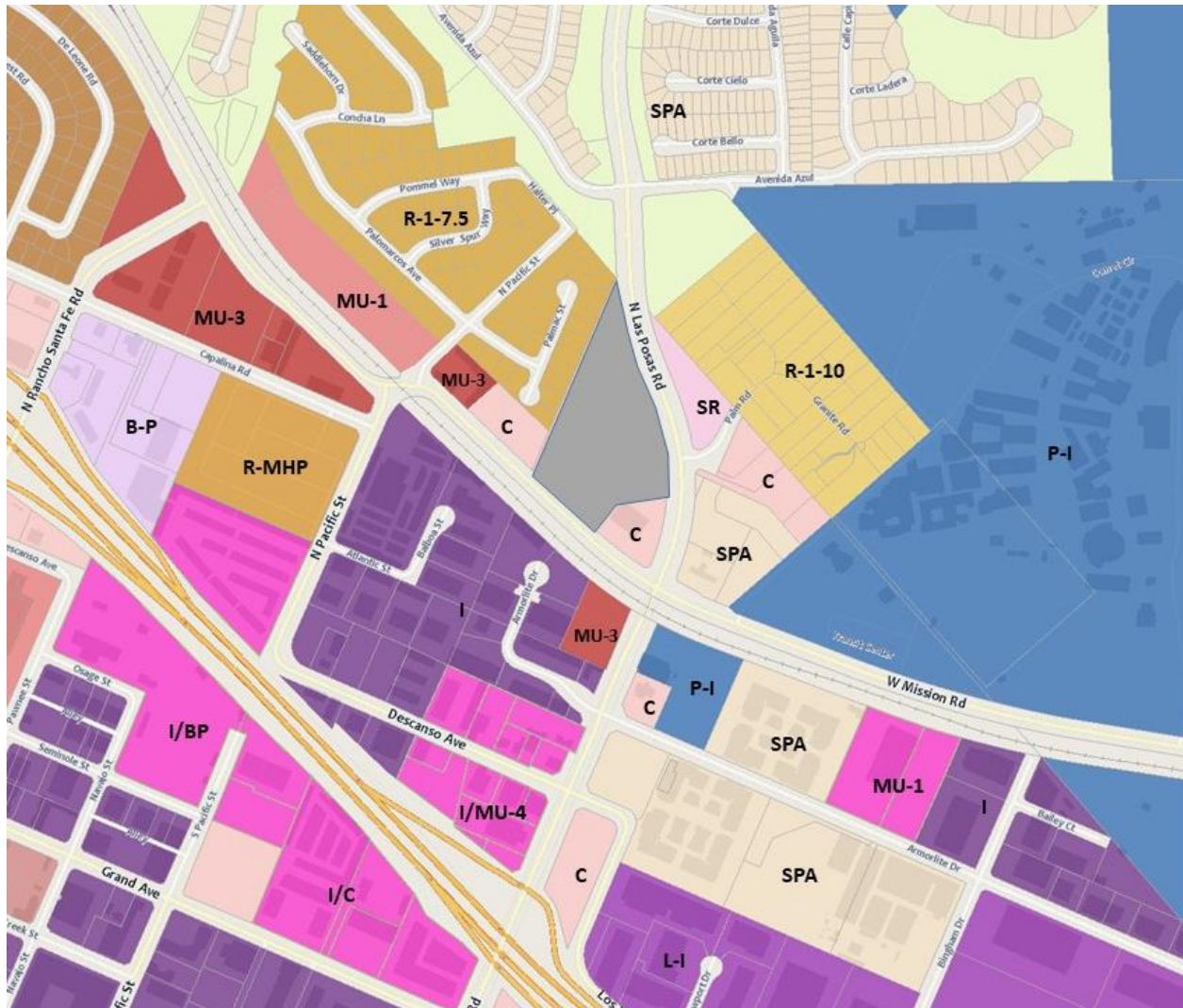
Phillip Scollick, City Clerk

Helen Holmes Peak, City Attorney

Attachment(s):

Exhibit A – Rezone Exhibit

EXHIBIT A
Rezone Exhibit



Zone change from Commercial (C) to Specific Plan Area (SPA)



APN: 219-121-15-00 and 219-121-16-00