

ORDINANCE NO. 2026-1577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, APPROVING AN AMENDMENT OF THE DAVIA VILLAGE-MARC SPECIFIC PLAN TO MODIFY THE ALLOWED LAND USES TO PERMIT UP TO TEN (10) TEMPORARY RESIDENTIAL UNITS WITHIN 15,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITH A CONDITIONAL USE PERMIT

SP24-0002  
MG Properties

WHEREAS, on December 16, 2024, the City received an application from MG Properties requesting an amendment of the Davia Village-MARC Specific Plan to allow for ten (10) residential apartment units on the ground floor of an existing mixed-use building located at 1045 Armorlite Drive in the Business/Industrial District more particularly described as:

Brief Legal Description: PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 21282, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 01, 2015 AS FILE 2015-7000387 OFFICIAL RECORDS

Assessor's Parcel Number(s): 219-163-62-00, 219-163-63-00 and 219-163-64-00; and

WHEREAS, on January 14, 2014, the City Council approved Specific Plan (Ordinance 2014-1387), General Plan Amendment (Resolution 2014-7871), Rezone (Ordinance 2014-1386), Multifamily Site Development Plan (Resolution 2014-7872) , and Site Development Plan (Resolution 2014-7873); and

WHEREAS, a Mitigated Negative Declaration (MND 13-003); State Clearinghouse No. 2013061059 was also adopted by the City Council on January 14, 2014; and

WHEREAS, on March 19, 2018 the City Council approved a modification of the Multifamily Site Development Plan MFSDP17-0003 (Resolution 2019-8610), an addendum to the previously adopted mitigated negative declaration, and to remove conditions imposing a fee triggered by certain resident occupancy levels within the Davia Village-Marc Specific Plan; and

WHEREAS, the Specific Plan Amendment is being requested in conjunction with a Conditional Use Permit (CUP 24-0001) to allow the temporary conversion of the commercial space to residential use. Minor adjustments to uses of certain commercial suites to be converted to residential units are being requested to improve the project site's overall performance and to address vacant commercial suites. Specifically, the requested amendments are to allow the conversion of ten (10) commercial suites to ten (10) residential units, located on the ground floor of Building 6 for a total conversion of 13,500 square feet as shown on submitted project plans attached to this resolution as Attachment B. The project modification will result in a total of 426 units, with 3,225 square feet of commercial/retail space; and

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

WHEREAS, on February 2, 2026, 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 6-1 vote, in favor; and

WHEREAS, on March 10, 2026, 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 an Addendum prepared for the previously adopted Mitigated Negative Declaration (MND 13-003) for said request pursuant to the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, the City Council does hereby order 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 and adopts this Specific Plan Amendment, 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 Specific Plan Amendment is approved in conjunction with the submitted Conditional Use Permit (CUP 24-0001) and all conditions of approval specified in Resolution 2026-9549, respectively, which documents are incorporated herein by this reference; and the mitigation measures in previously adopted Mitigated Negative Declaration (MND 13-003) are hereby incorporated by reference and made a part of this Resolution 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 Specific Plan Amendment is consistent with the City's General Plan, in that the site's land use designation is Specific Plan Area, and expanding the range of commercial land uses within the Specific Plan to allow the conversion of space to residential use provides additional flexibility in development standards, while appropriately considering the unique physical characteristics and resources of the Davia Village-Marc Specific Plan area.
  2. The proposed Specific Plan Amendment complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the project maintains all mixed-use retail and commercial land uses previously established within the Davia Village-Marc Specific Plan, and residential uses will be allowed only on a temporary basis, subject to approval of a Conditional Use Permit.
  3. The proposed Specific Plan Amendment will not be detrimental to the public health, safety, morals, and welfare, in that the project complies with all parking requirements, involves no changes to the building footprint, and will not increase

vehicle trips, resulting in no new impacts from converting unoccupied retail space to apartments.

4. All requirements of CEQA have been met, in that previously adopted Mitigated Negative Declaration (MND 13-003) addressed the environmental impacts of the existing mixed-use development, an Addendum was prepared to evaluate any changed conditions, and it has been determined that no substantial changes to the project, to the circumstances under which it is undertaken, or new information of substantial importance will occur that would require preparation of a subsequent MND or EIR.
- E. This Specific Plan Amendment is within the scope of the Addendum to Mitigated Negative Declaration (MND13-003) (SCH No. 2013061059) and the mitigation monitoring and reporting program, and both are hereby recommended to the City Council for adoption pursuant to CEQA.
  - F. Prior to submittal of grading, final maps, and/or building permit application, whichever comes first, the applicant/developer shall submit the specific plan (in color) as an editable digital file on a CD and two (2) hard copies to the Planning Division for review and final approval.
  - G. 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.
  - H. 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 10<sup>th</sup> day of March, 2026.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 10th day of March, 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:

APPROVED AS TO FORM:

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Phillip Scollick, City Clerk

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Helen Holmes Peak, City Attorney

**Attachment(s):**

Exhibit A – Specific Plan text

**EXHIBIT A**

**Specific Plan**