

ORDINANCE NO. 2017-XXXX

A RESOLUTION OF THE CITY OF SAN MARCOS CITY  
COUNCIL APPROVING A SPECIFIC PLAN FOR A 148-UNIT  
AFFORDABLE APARTMENT COMPLEX

P15-0052

SP 15-004

National Community Renaissance

WHEREAS, on July 8, 2015 an application was received from National Community Renaissance requesting a Specific Plan for a 148-unit affordable apartment complex, in conjunction with Multi-Family Site Development Plan (MFSDP 15-004), General Plan Amendment (GPA 15-003), and Rezone (R 15-002), located at 339-340 Marcos Street in the Richmar Neighborhood, more particularly described as:

Portions of Lots 1 and 2, Block 50 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.

Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

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

WHEREAS, the existing 136-unit affordable apartment complex is considered a legal non-conforming use; and

WHEREAS, public workshops with the general public were held on August 11 and August 31 of 2016; and

WHEREAS, the Planning Commission recommended approval to the City Council on December 19, 2016; and

WHEREAS, the required public hearing held on February 14, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council did consider a Mitigated Negative Declaration (ND 16-002) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council's decision is based on the following findings and determinations:

1. The proposed Specific Plan complies with the objectives of the adopted City-wide Land Use Policy Plan in that the project will provide for an opportunity to redevelop affordable housing by replacing an existing 136-unit apartment complex with a new 148-unit development which will further opportunities for affordable housing by extending the life of affordable housing stock and increasing the number of units

within the City; and therefore, continue to implement Goal 2 (Protect, Encourage, and Provide Housing Opportunities for Persons of Lower and Moderate Incomes) of the General Plan Housing Element and Implementing Program 2 (Facilitate Affordable Housing Construction) and Program 11 (Conservation of Existing and Future Affordable Units); the proposal will encourage the orderly redevelopment of the Richland Neighborhood in that the proposed affordable apartment project is designed for an area of high pedestrian use with walk-up apartment units oriented toward the public sidewalk along Richmar Avenue, and located in walking distance to commercial retail, schools, parks, and public transit such as the nearby Sprinter line and Breeze bus services; and the General Plan requires approval of a Specific Plan which will establish development criteria for the proposed affordable apartment project.

2. The proposed Specific Plan will not be detrimental to the public health, safety, and welfare in that the affordable housing project will be conditioned through the Specific Plan (SP 15-004) and Multi-Family Site Development Plan (MFSDP 15-004) for new and improved architectural treatment, energy-efficient construction, and water-efficient landscaping; construct new Richmar Avenue frontage improvements; provide seventy-seven (77) percent more parking than the existing apartment complex in accordance with the City Off-Street Parking Ordinance (SMMC Ch. 20.340); provide adequate setbacks between buildings and from other properties; and adequate public facilities and infrastructure, including fire, police, water, sewer.

NOW, THEREFORE, the City Council resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (ND 16-002) is hereby approved.
3. This Specific Plan (SP 15-004) is hereby approved.
4. This Specific Plan (SP 15-004) is approved in conjunction with the submitted Multi-Family Site Development Plan (MFSDP 15-004), General Plan Amendment (GPA 15-003), and Rezone (R 15-002); and all conditions of approval specified in Resolution No. 2017-XXXX, Resolution No. 2017-XXXX, and Ordinance No. 2017-XXXX, respectively, are incorporated by reference herein.
5. Prior to submittal of grading, final map, and/or building permit application, whichever comes first, the applicant 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.
6. To the extent permitted by law, the applicant/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 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. 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.

**EFFECTIVE DATE:** 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, on the 14<sup>th</sup> day of February, 2017.

**PASSED, APPROVED, AND ADOPTED** at a special meeting of the City Council of the City of San Marcos, California on the \_\_\_\_ day of \_\_\_\_\_, 2017 by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

APPROVED:

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James M. Desmond, Mayor  
City of San Marcos

ATTEST:

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Phil Scollick, City Clerk  
City of San Marcos

APPROVED TO FORM:

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Helen Peak, City Attorney  
City of San Marcos

Attachment: Exhibit "A" (Specific Plan text)

EXHIBIT "A"