

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA AMENDING CHAPTERS 10.24, 20.300, 20.400, AND 20.450 OF THE SAN MARCOS MUNICIPAL CODE TO REGULATE NOISE PERFORMANCE STANDARDS

WHEREAS, the City desires to amend Chapters 10.24, 20.300, 20.400, and 20.450 of the San Marcos Municipal Code (SMMC) to clarify the City's desired land use practices relating to noise performance standards; and

WHEREAS, the City currently regulates various site planning and general development standards under SMMC Chapter 10.24, as well as provisions of SMMC Title 20 (Zoning Ordinance), contained in Chapters 20.300, 20.400, and 20.450, including noise performance standards which are regulated under Section 20.300.070(F). The City desires to clarify these provisions to regulate noise consistent with the San Marcos General Plan (General Plan), Noise Element; and

WHEREAS, regulating land use provisions governing noise performance standards is necessary to protect and preserve the health, safety and welfare of the community; and

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

WHEREAS, the required public hearing held on May 15, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, after the introduction of an ordinance concerning modifications to SMMC Title 20 on June 27, 2017, it was noted that Table 20.300-4 was missing verbiage that had appeared on the version considered and recommended for the City Council's approval by the Planning Commission, and the re-introduction of this ordinance is for

the purpose of correcting such Table and approving all associated elements of Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission did consider this request as exempt from the California Environmental Quality Act (CEQA) because this is not a project within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this Resolution is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Existing SMMC Chapter 10.24, Table 20.300-4, and SMMC Chapters 20.300, 20.400 and 20.450 of the Zoning Ordinance, specifically Sections 20.300.070, 20.400.020, and 20.450.040, are hereby amended as shown in blacklined, underlined additions and strikeouts in the attached Exhibit A.

Section 3. This is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this Ordinance is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

Section 4. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 5. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance and cause the same, or the title thereof as a summary, to be published in a newspaper of general circulation designated for the publication of legal notices in the City of San Marcos in accordance with the provisions of State Law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the 11th day of July, 2017, and thereafter

PASSED, APPROVED AND ADOPTED at a regular meeting of the San Marcos City Council on the ____ day of _____, 2017, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

James M. Desmond, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk

Helen Holmes Peak, City Attorney

EXHIBIT

- A** Amended SMMC Chapter 10.24, and SMMC Table 20.300-4, and SMMC Sections 20.300.070, 20.400.020 and 20.450.040 governing noise performance standards