

ORDINANCE NO. 2023-1533

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN
MARCOS APPROVING THE GRAN VISTA SPECIFIC PLAN FOR
120 RESIDENTIAL CONDOMINIUMS

SP21-0003
Meritage Homes

WHEREAS, on October 19, 2021, the City received an application from Meritage Home requesting a Specific Plan to allow for 120 residential condominiums on a 7.6-acre site 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 Specific Plan is being requested in conjunction with a General Plan Amendment (GPA21-0007) to change the land use from "Commercial" to "Specific Plan Area"; a Rezone (R21-0003) to change the zone from Commercial (C) to Specific Plan Area (SPA); 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 and adopts this Specific Plan, 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 is approved in conjunction with the submitted Rezone (R21-0003), 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. 2023-1534 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 Specific Plan is consistent with the City's General Plan, in that the Specific Plan will provide rules and regulations for development of the project site in accordance with the multi-family land use designation while addressing the unique physical characteristics, constraints, and resources of the Specific Plan Area. In addition, General Plan Consistency Findings are provided within the Gran Vista Specific Plan.
 - 2. The proposed Specific Plan complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the project achieves a balanced distribution and compatible mix of land uses to meet the present and future needs of all residents and the business community in accordance with Land Use Goal LU-1. Furthermore the project promotes compact development patterns that reduce air pollution and automobile dependence and facilitates walking and transit use in accordance with Land Use Policy LU-2.1.
 - 3. The proposed Specific Plan will not be detrimental to the public health, safety, morals, and welfare, in that the proposed multifamily residential project will be conditioned through a Tentative Subdivision Map and Multifamily Site Development Plan, as required by the Gran Vista Specific Plan, for architectural treatment, building setbacks, landscaping, parking, and adequate public facilities and infrastructure.
 - 4. All requirements of CEQA have been met, in that an 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, and 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 Specific Plan 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. 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 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 27th day of June 2023 by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk

Helen Holmes Peak, City Attorney

Attachment(s):

Exhibit A – Specific Plan text

EXHIBIT A

Specific Plan