

ORDINANCE 2020-1489

AN ORDINANCE OF THE CITY COUNCIL OF THE SAN MARCOS,
CALIFORNIA, APPROVING A PREZONE OF 10.8 ACRES TO SUNRISE
SPECIFIC PLAN AREA (SPA)

PZ 18-0001

The Sunrise Gardens Project Owner LLC

WHEREAS, on May 1, 2018, an application was received from The Sunrise Gardens Project Owner LLC, requesting a Prezone of 10.8 acres from Single-Family Residential (RS) (County) to the Sunrise Specific Plan Area (SPA) located at the southeastern limits of San Marcos south of E. Barham Drive, east of Meyers Avenue, in the Barham/Discovery Community more particularly described as:

Brief Legal Description: A Portion of Lot 5 and 7, in Section 18, Township 12 South, Range West, partly in the City of San Marcos, and partly in the County of San Diego, as evidenced by Certificates of Compliance Recorded January 10, 2007 as Instrument No. 200700198581 of the Official Records, in the County of San Diego;

Assessor Parcel Number: 228-312-10-00.

WHEREAS, the Prezone is being requested in conjunction with an Annexation of 10.8 acres to the City from the County on the southern parcel (APN 228-312-10-00); a General Plan Amendment (GPA18-0002) for a change of land use designation from Light Industrial to Specific Plan Area (SPA) on 10.8 acres (APN 228-312-10-00) and Low Density Residential (LDR) to SPA on 3.8 acres (APN 228-312-09-00); a Rezone (R18-0002) to change the northern parcel zone from Residential Manufactured Home Park (R-MHP) to Specific Plan Area (SPA); a Specific Plan (SP18-0002) to provide rules and regulations for development of the project site; a Multifamily Site Development Plan (MFSDP 18-0001) which will guide the orderly development on the project site; a Tentative Subdivision Map (TSM 18-0001) to create 192 residential condominiums; a Conditional Use Permit (CUP 18-0006) to allow for the temporary use of a rock crusher during grading operations; and a Grading Variance (GV18-0001) to allow manufactured slopes in excess of 20 feet in height; and

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

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

WHEREAS, on April 10, 2019, the City held an Environmental Impact Report (EIR) public scoping meeting to provide an overview of the project Notice of Preparation in accordance with CEQA Guideline Section 15083; and

WHEREAS, on February 27, 2020, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on May 18, 2020, the 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 23, 2020, 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 Environmental Impact Report (FEIR19-002) (SCH No. 2019049004) 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 Prezone is consistent with the land use designation of the General Plan for the Barham/Discovery Neighborhood in the project area, and the policy of the Land Use Element for all unincorporated acreage within the City's Sphere of Influence to be prezoned in a manner consistent with the City's adopted General Plan Land Use designations. The project complies with General Plan Goals and Policies, including San Marcos General Plan Land Use Goal LU-1: The project helps achieve a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community.
2. The proposed Prezone complies with the policy of the Land Use Element to recommend specific zone changes in unincorporated areas within the City's Sphere of Influence to ensure conformance with development policies. The proposed multifamily residential development constitutes an appropriate transition from the light industrial commercial land uses and open space to the north, east south, and the mobile home communities to west. The project provides additional for-sale housing opportunities within proximity to transit and employment.
3. The proposed Prezone will not be detrimental to the public health, safety or welfare, or the surrounding land uses in the area in that the project area may be best serviced through the City of San Marcos, will not adversely affect existing districts, and will be subject to the requirements of the adopted Sunrise Specific Plan.
4. All requirements of CEQA and the environmental protection provision of the City's Subdivision Ordinance (SMMC Title 19) have been met for this Rezone, and all potential impacts related to biological resources, cultural resources, noise, and tribal cultural resources, will be mitigated to a level less than significant, or in the case of transportation, will be significant, and unmitigable, 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.

NOW, THEREFORE, the City Council resolves as follows:

1. The foregoing recitals are true and correct.
2. This Prezone (PZ 18-0001) complies with the requirements of City Council Resolution No. 2014-7985 Approving a Comprehensive Policy Governing Future Annexations as the pre-zoning is consistent with the City's General Plan land use designation in conjunction with the concurrent approval of the other development entitlements.
3. The Prezone (PZ 18-0001), as shown on the attached "Exhibit A", is hereby recommended to the City Council for approval.
4. The Prezone (PZ 18-001) is recommended to City Council for approval in conjunction with the submitted Annexation of 10.8 acres to the City from the County on the southern parcel (APN 228-312-10-00); a General Plan Amendment (GPA18-0002); Rezone (R18-0002); Specific Plan (SP 18-0002); Multifamily Site Development Plan (MFSDP 18-0002); Tentative Subdivision Map (TSM 18-0001), Conditional Use Permit (CUP 18-0006); and Grading Variance (GV 18-0001) and all conditions of approval specified in Resolutions or Ordinances: 2020-XXXX (GPA 18-0002); 2020-XXXX (SP 18-0002), 2020-XXXX, (R18-0002), 2020-XXXX (MFSDP 18-0002), 2020-XXXX (TSM 18-0001), 2020-XXXX (CUP 18-0006), and 2020-XXXX (GV 18-0001) respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR19-002) (Resolution No. 2020-XXXX) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
5. This Rezone is within the scope of the Environmental Impact Report (FEIR19-002) (SCH No. 2019049004) and the mitigation monitoring and reporting program, and overriding considerations for transportation impacts are hereby recommended to the City Council for certification pursuant to CEQA.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, this 23rd day of June 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

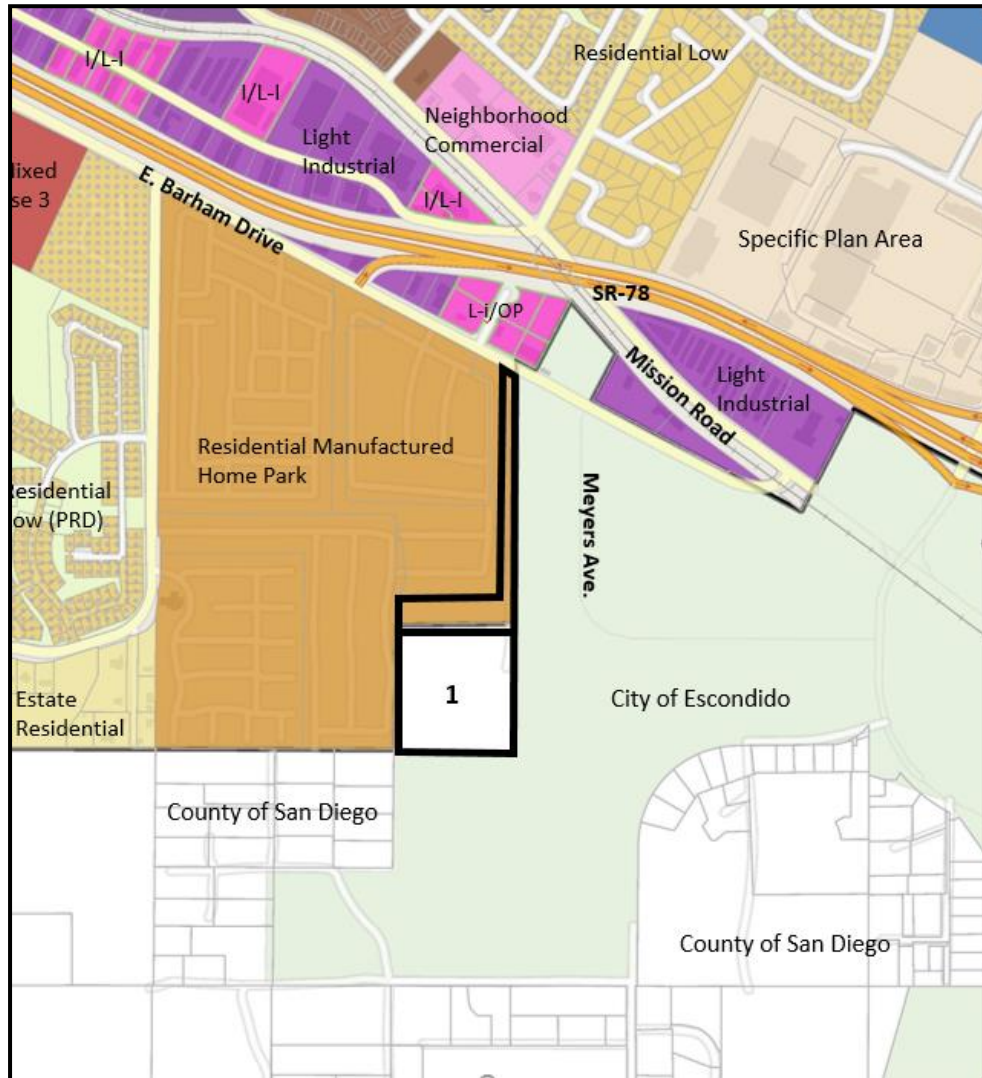
Helen Holmes Peak, City Attorney
City of San Marcos

Attachment(s):

Exhibit A – Prezone Exhibit

EXHIBIT A

Prezone Exhibit



1 - APN: 228-312-10: 10.8 acres From: Single-Family Residential (SR-1) (County) To: Specific Plan Area (SPA)