

ORDINANCE 2020-1490

AN ORDINANCE OF THE CITY COUNCIL OF THE SAN MARCOS, CALIFORNIA,  
APPROVING A REZONE TO CHANGE 3.6 ACRES FROM RESIDENTIAL  
MANUFACTURED HOME PARK (R-MHP) TO SPECIFIC PLAN AREA (SPA)

R 18-0002

The Sunrise Gardens Project Owner LLC

WHEREAS, on May 1, 2018, an application was received from The Sunrise Gardens Project Owner LLC, requesting a Rezone of 3.6 acres from Residential Manufactured Home Park (R-MHP) 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 February 2, 2007 as Instrument No. 2007-0074634 of the Official Records, in the County of San Diego;

Assessor Parcel Number: 228-312-09-00.

WHEREAS, the Rezone 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); a Prezone (PZ 18-0001) to zone the southern parcel Specific Plan Area (currently zoned Single-Family Residential (RS) in County) in the City of San Marcos; 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, 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

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 this Rezone, as shown on the attached Exhibit A, incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. This Rezone is submitted 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); Prezone (PZ18-0001); 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 (PZ 18-0001), 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 (FEIR 19-002) (SCH No. 2019049004) (Resolution 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.
- D. The City Council's decision is based on the following findings and determinations:
  1. The proposed Rezone is consistent with the City's General Plan and the land uses authorized by the Rezone are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, in that the proposed project would implement the overarching goals of the City's General Plan through various proposed features and components such as providing housing near transit and existing commercial and industrial uses; providing a range of multifamily housing; designating opportunities for recreational and open space areas; and supporting vehicular, bicycle, and pedestrian modes of travel. Additional objectives of the project include creating a quality development design using architectural and landscape design that provide a distinct built environment which is pleasing to residents and neighbors alike; using building materials that complement and enhance the surrounding environment and neighborhoods; and creating a distinct recreational environment though the careful placement of trails and open space features that blend with natural land forms.
  2. The proposed Rezone complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the project requires approval of a Specific Plan which requires high quality design, orientation and development due to their location or visibility within the community (San Marcos General Plan Policy LU5.6) which in turn helps to promote community design that produces a distinctive, high quality built environment with forms and character that create memorable places and enrich community life.

3. The proposed Rezone implements the land use designations of the City's General Plan for the public health, safety, comfort, convenience, and general welfare of the San Marcos Community in that proposed multifamily residential development would direct growth into an area of San Marcos that can support a variety of uses, creating a transition to residential from the light industrial and commercial land uses and open space to the east and south, and the mobile home communities to north and west. It also supports multimodal transportation and includes infrastructure improvements.
  4. The proposed Rezone ensures the orderly, attractive, and efficient growth and development of the City for the maximum benefit of its citizens, in that that proposed multifamily residential development would direct growth into an area of San Marcos that can support a variety of uses, creating a transition to residential from the light industrial and commercial land uses and open space to the east and south, and the mobile home communities to north and west. It also supports multimodal transportation and includes infrastructure improvements.
  5. The proposed Rezone strengthens the economic conditions and vitality of commercial centers to maintain and promote existing business and generate opportunities to attract new business, in that The proposed project would place higher density housing on the project site in an area served by transit, which would provide for greater viability and a larger customer base for alternative modes of transportation to serve the area, such as the existing Sprinter light rail and Breeze bus transit stop, located approximately 0.3 miles from the E. Barham Drive project entrance and approximately 0.4 miles from the Meyers Avenue entrance. Bus routes Route 305 and Route 353 operate at this station. Thus, the proposed project's land use would support a variety or mobility opportunities and promote multimodal transportation, consistent with Goals LU-3 and LU-7.
  6. 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.
- E. This Rezone is within the scope of Environmental Impact Report (FEIR19-002) (SCH No. 2019049004) and the mitigation monitoring and reporting program with the adoption of findings 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:

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Rebecca D. Jones, Mayor  
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

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Phillip Scollick, City Clerk  
City of San Marcos

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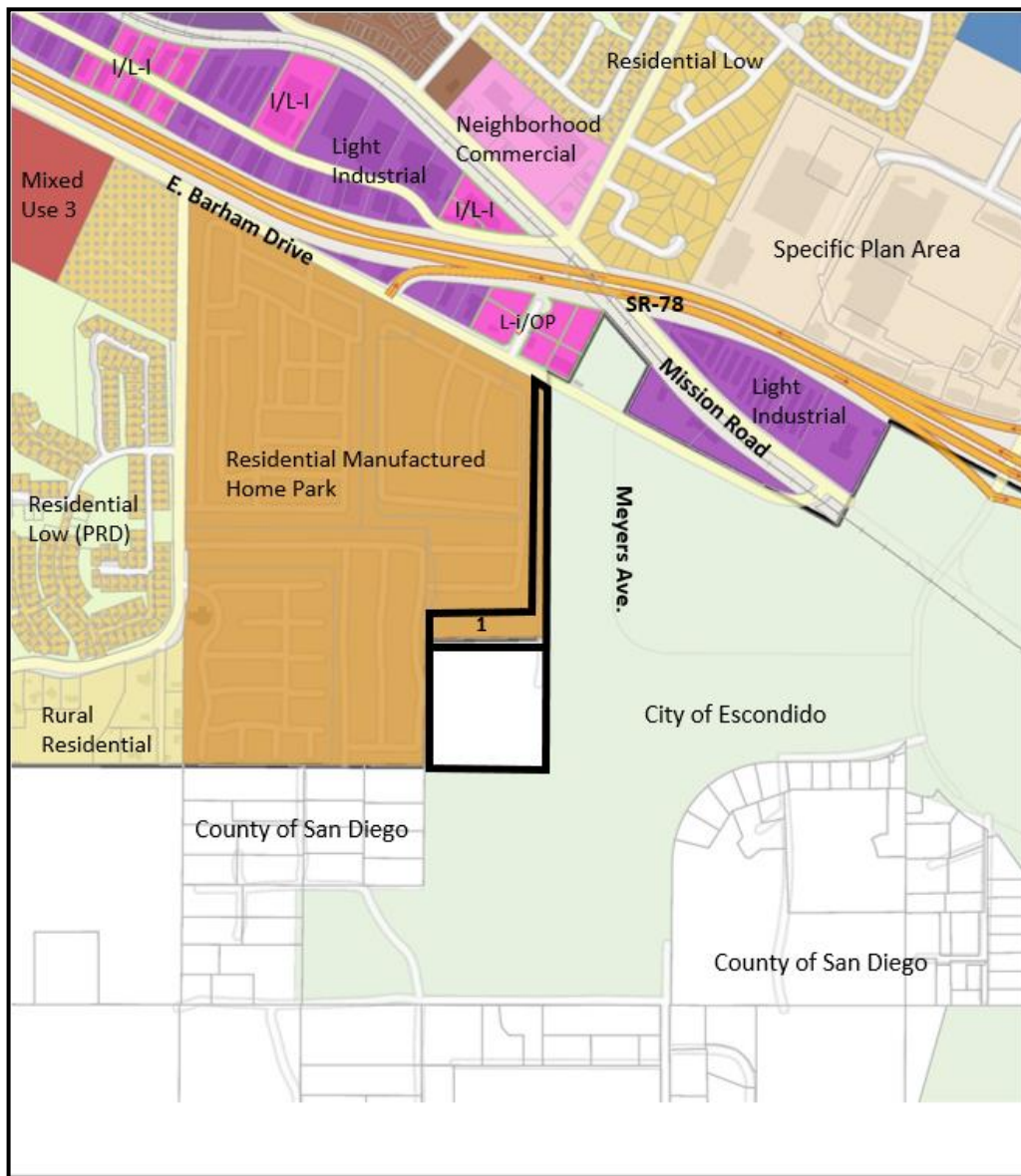
Helen Holmes Peak, City Attorney  
City of San Marcos

**Attachment(s):**

Exhibit A – Rezone Exhibit

## EXHIBIT A

### Rezone Exhibit



**1** - APN: 228-312-09: 3.6 ac. From: Residential Manufactured Home Park (RMHP) To: Specific Plan Area (SPA)