

ORDINANCE 2020-1491

AN ORDINANCE OF THE CITY COUNCIL OF THE SAN MARCOS, CALIFORNIA,  
APPROVING THE SUNRISE SPECIFIC PLAN AREA (SPA) FOR THE  
DEVELOPMENT OF A 192-UNIT RESIDENTIAL CONDOMINIUM COMPLEX  
ON 14.4 ACRES

SP18-0002

The Sunrise Gardens Project Owner LLC

WHEREAS, on May 1, 2018, the City received an application from The Sunrise Gardens Project Owner LLC, requesting a Specific Plan providing rules and regulations for the construction of 192 multifamily units comprising one hundred (100) two-story townhomes and ninety-two (92) three-story townhomes on a 14.4 acre site 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, and February 2, 2007 as Instrument No. 2007-0074634 of the Official Records, in the County of San Diego;

Assessor Parcel Number(s): 228-312-09-00 and 228-312-10-00.

WHEREAS, the Specific Plan Area (SPA) 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 Rezone (R18-0002) to change the northern parcel zone from Residential Manufactured Home Park (R-MHP) to Specific Plan Area (SPA); 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 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

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 Resolution.
- B. The City Council hereby approves this Specific Plan Amendment, 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 Specific Plan Amendment is approved in conjunction with the submitted General Plan Amendment (GPA 18-0002), a Prezone (PZ 18-0001), Rezone (R18-0002), 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: 2020-XXXX (GPA 18-0002), 2020-XXXX (PZ 18-0001), 2020-XXXX (R18-0002), 2020-XXXX (MFSDP 18-0002), 2020-XXXX (TSM 18-0001), 2020-XXXX (CUP 18-0006), and 2020-XXXX (GV 18-0002) 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.
- 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 multifamily 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 Sunrise Specific Plan.
  - 2. The proposed Specific Plan Amendment 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 Amendment 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 Sunrise 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 Environmental Impact Report (FEIR19-002)(SCH No. 2019049004) has been prepared for the proposed project and all potential impacts related to biological resources, cultural resources, noise tribal cultural resources, and transportation 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.
- E. This Specific Plan Amendment is within the scope of the Environmental Impact Report (FEIR19-002)(SCH No. 2019049004) and the mitigation monitoring as well as the Statement of Overriding Consideration, are hereby recommended to the City Council for certification 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.

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 – Specific Plan text

EXHIBIT A  
SP 18-0002  
Specific Plan  
[SPECIFIC PLAN TEXT AS SEPARATE PDF]