

ORDINANCE NO. 2022-1520

AN ORDINANCE OF THE CITY OF SAN MARCOS, CALIFORNIA,
APPROVING AN AMENDMENT OF THE HEART OF THE CITY
SPECIFIC PLAN

SP22-0002
Urban Villages San Marcos, LLC

WHEREAS, on September 10, 2021, the City received an application from Urban Villages San Marcos, LLC requesting an amendment to the Heart of the City Specific Plan to modify the specific plan's boundaries by removing Assessor's Parcel Numbers (APN's) 220-202-18-00 and 220-201-90-00 from the Heart of the City Specific Plan located east of the Sprinter Rail Line and south of Carmel Street in the Barham/Discovery Community more particularly described as:

Brief Legal Description: Lot 20 of Block 58, Map No. 806 (Rancho Los Vallecitos de San Marcos) in the City of San Marcos, County of San Diego, State of California, as Filed in the Office of the County Recorder of the County of San Diego, State of California, and Parcel 1 of Subdivision Map 21523 in the City of San Marcos, County of San Diego, State of California, as Filed in the Office of the County Recorder of the County of San Diego, State of California

Assessor's Parcel Number(s): 220-202-18-00 and 220-201-90-00;
and

WHEREAS, the Specific Plan Amendment is being requested in conjunction with a Specific Plan Amendment (SP21-0002) to include APN's 220-202-18-00 and 220-201-90-00 within the University District Specific Plan (UDSP) boundary, General Plan Amendment (GPA21-0005) to amend maps related to Specific Plan changes in the Land Use and Mobility Elements; a Tentative Subdivision Map (TSM21-0002) to create five (5) lots and 26 condominium units consisting of 23 commercial units and three (3) residential units, and a Site Development Plan (SDP21-0003) for review of three mixed-use buildings within the UDSP area; and

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

WHEREAS, on November 8, 2021, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on June 6, 2022, 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 July 12, 2022 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 the previously adopted and certified programmatic Final Environmental Impact Report (FEIR) for the University District Specific Plan and the 2022 Addendum to the FEIR (State Clearinghouse No. 2008101083) prepared for the project pursuant to the California Environmental Quality Act (CEQA); it is determined that no new

environmental information or documentation was presented revealing any new unidentified environmental impacts which had not been previously mitigated; and the proposed project is within the scope of the programmatic Final Environmental Impact Report for the University District Specific Plan (FEIR) and said FEIR adequately describes the proposed project addressed in the 2022 Addendum to the FEIR; and

NOW, THEREFORE, the Planning Commission 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 and adopts this Specific Plan Amendment, 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 Amendment is approved in conjunction with the submitted Specific Plan Amendment (SPA21-0002), General Plan Amendment (GPA21-0005), Tentative Subdivision Map (TSM21-0002), Site Development Plan (SDP21-0003), and all conditions of approval specified in Ordinance 2022-1519 and Resolutions 2022-9052, 2022-9053, and 2022-9054, respectively, which documents are incorporated herein by this reference; and the mitigation measures and design features in the previously adopted and certified Final Environmental Impact Report (FEIR) for the University District Specific Plan and the 2022 Addendum to the FEIR (State Clearinghouse No. 2008101083) 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 Amendment is consistent with the City's General Plan, in that removing the subject properties from the Heart of the City Specific Plan and inserting the properties into the University District Specific Plan will help produce a distinctive, high quality built environment with forms and character that create memorable places (GP Land Use Goal LU-5), achieve a balanced distribution and compatible mix of land uses to meet the future needs of all residents and the business community (GP Land Use Goal LU-1), develop land use patterns that are compatible with and support a variety of mobility opportunities and choices (GP Land Use Goal LU-3), maintain a supportive business climate and a healthy, sustainable economy to retain and attract high quality businesses and create additional employment opportunities (GP land Use Goal LU-6), and help to direct and sustain growth and expansion in areas of San Marcos that can support a concentration of a variety of uses and that are particularly suitable for multi-model transportation and infrastructure expansion and improvements (GP land Use Goal LU-7).
 - 2. The proposed Specific Plan Amendment complies with the objectives of the adopted City-wide Land Use Policy Plan in that the revisions will, as stated above, help produce a distinctive, high quality built environment with forms and character that create memorable places (GP Land Use Goal LU-5), achieve a balanced distribution and compatible mix of land uses to meet the future needs of all

residents and the business community (GP Land Use Goal LU-1), develop land use patterns that are compatible with and support a variety of mobility opportunities and choices (GP Land Use Goal LU-3), maintain a supportive business climate and a healthy, sustainable economy to retain and attract high quality businesses and create additional employment opportunities (GP land Use Goal LU-6), and help to direct and sustain growth and expansion in areas of San Marcos that can support a concentration of a variety of uses and are particularly suitable for multi-model transportation and infrastructure expansion and improvements (GP land Use Goal LU-7).

3. The proposed Specific Plan Amendment will not be detrimental to the public health, safety, morals, and welfare, in that any development occurring on the subject properties will be required to comply with the UDSP, California Building Code, and California Fire Code.
 4. All requirements of CEQA have been met, in that the project is within the scope of the previously adopted and certified FEIR and the 2022 Addendum to the FEIR including design features (State Clearinghouse No. 2008101083) prepared for the project pursuant to the California Environmental Quality Act (CEQA).
- E. This Specific Plan Amendment is within the scope of the FEIR and the 2022 Addendum to the FEIR (State Clearinghouse No. 2008101083) prepared for the project pursuant to the California Environmental Quality Act (CEQA) and the mitigation monitoring and reporting program 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 12th day of July, 2022.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 26th day of July, 2022, by the following roll call vote:

AYES: COUNCIL MEMBERS: JENKINS, NUÑEZ, WALTON, JONES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MUSGROVE

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 Revision Table

Exhibit B – Heart of the City Redlines/Revisions

EXHIBIT A
Heart of The City Specific Plan Revision Table

Section	Page(s)	Revision
Cover	N/A	Include new Specific Plan Number and date of revision
1.5	3	Update Acreage
1.5	4	Update Figure 2
1.5	6	Update Table 1
3.1.9	17	Update Figure 3
3.4	45	Update Figure 10
4.5	65	Update Table 7

EXHIBIT B
Specific Plan Redlines/Revisions