

RESOLUTION PC 16-4543

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION RECOMMENDING TO THE CITY COUNCIL  
APPROVAL OF AN AMENDMENT OF THE SAN MARCOS  
HIGHLANDS SPECIFIC PLAN

P13-0009  
SP 13-001  
Farouk Kubba

WHEREAS, on February 13, 2013 an application was received from Farouk Kubba requesting an amendment of the San Marcos Highlands Specific Plan, in conjunction with Tentative Subdivision Map (TSM 13-001), Conditional Use Permit (CUP 13-010), Ridgeline Development Permit (ROZ 14-001), Prezone (PZ 14-001), and General Plan Amendment (GPA 15-002), on 266 acres located at the northern terminus N. La's Posas Road within the San Marcos Highlands Specific Plan Area (SPA), more particularly described as:

Portion of Sections 34 & 35, Township 11 South, Range 3 West, San Bernardino Meridian in the County of San Diego, State of California.

Assessor's Parcel Numbers: 182-110-02-00, 182-110-03-00, 182-111-01-00, 184-101-14-00, 184-102-18-00, 184-102-32-00, 182-102-44-00, 184-240-13-00, 184-240-14-00, 184-240-15-00, 184-240-32-00, 184-240-33-00, 184-241-05-00, 184-241-06-00, 184-241-07-00, & 184-241-08-00.

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

WHEREAS, public workshops with the general public were held on June 26, July 31, August 28, and December 16 of 2013; and

WHEREAS, the required public hearing was continued from January 6, 2014; and

WHEREAS, a Mitigated Negative Declaration (ND 13-010) was prepared and circulated for public review, but based upon public review comments received, an Environmental Impact Report (EIR 15-001, SCH #1999071007) was required to be prepared by the City; and

WHEREAS, the required public hearing on January 13, 2014 was tabled; and

WHEREAS, a Notice of Preparation Scoping Meeting and public workshop was held with the general public on August 28 and October 8 of 2014, respectively; and

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WHEREAS, the required public hearing held on September 6, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider an Environmental Impact Report (EIR 15-001, SCH #1999071007) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The proposed Specific Plan amendment complies with the goals, policies, and objectives of the adopted City-wide Land Use Policy Plan in that the project site is designated as the San Marcos Highlands Specific Plan Area (SPA) which allows up to 230 dwelling units; and the proposed Specific Plan amendment for 189 single-family residences is consistent with the aforementioned General Plan land use designation; and a modified Specific Plan for the subject property will establish development criteria for the proposed residential subdivision including one (1) public park, two (2) HOA mini-parks, trail connections, and preserved open space within the 266-acre Specific Plan Area (SPA).
2. The proposed Specific Plan amendment will not be detrimental to the public health, safety, morals, and welfare in that the single-family subdivision will be conditioned through a Specific Plan for architectural treatment, minimum lot size, setbacks, landscaping, parking, and adequate public facilities and infrastructure, including fire, police, water, sewer, and street improvements.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. An Environmental Impact Report (EIR 15-001, SCH #1999071007) for this project is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).
3. This Specific Plan (SP 13-001) is hereby recommended to the City Council for approval.
4. This Specific Plan (SP 13-001) is approved in conjunction with the submitted Tentative Subdivision Map (TSM 13-001), Conditional Use Permit (CUP 13-010), Ridgeline Development Permit (ROZ 14-001), Prezone (14-001), and General Plan Amendment (GPA 15-002), and all conditions of approval specified in Resolutions PC 16-4544, PC 16-4545, PC 16-4546, PC 16-4547, and PC 16-4548, respectively, are hereby incorporated by reference herein.

5. Site development shall occur in accordance with the approved San Marcos Highlands Specific Plan.
6. Prior to submittal of grading, final map, and/or building permit application, whichever comes first, the applicant 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.
7. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos ("City"), 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. 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 AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6<sup>th</sup> day of September, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION

Attachment: Exhibit "A" (Specific Plan text)

## EXHIBIT “A”