

RESOLUTION PC 17-4645

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A GRADING VARIANCE TO ALLOW MANUFACTURED SLOPES OVER TWENTY FEET IN HEIGHT

CASE NO: GV 17-004

H.G. Fenton Development Company LLC (P16-0037)

WHEREAS, on September 7, 2016 an application was received from H.G. Fenton Development Company LLC requesting a Grading Variance to allow manufactured slopes over twenty feet in height, in conjunction with a General Plan Amendment (GPA 17-003 and Mitigated Negative Declaration (MND 16-001)), Specific Plan (SP 16-002), Tentative Subdivision Map (TSM 16-003), and Site Development Plan (SDP 17-006), to allow residential development of up to 220 single family dwelling units on approximately 39 acres of vacant land located north of Craven Road, south of the future Discovery Street, west of Rush Drive, and east of Bent Avenue more particularly described as:

ALL OR PORTIONS OF LOTS 1 AND 2 OF BLOCK 67, AND LOTS 8, 9, 10, 11, 12 AND 13 OF BLOCK 63 OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 AND PARCEL A OF MAP NO. 16595

Assessor Parcel Numbers: 221-080-18-00, 221-080-24-00, 221-080-19-00, 221-080-11-00, 221-070-20-00, 221-142-07-00, 221-080-23-00, 221-080-12-00, 221-070-19-00

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (MND 16-001) for this project in conjunction with General Plan Amendment (GPA 17-003) RESOLUTION PC 17-4642) pursuant to CEQA; and

WHEREAS, Developmental Services conducted a public workshop on October 5, 2017 for the proposed project; and

WHEREAS, the Developmental Services Department did study said request and does recommend approval of said project; and

WHEREAS, the required public hearing held on February 5, 2018 was duly advertised and held in the manner prescribed by law;

WHEREAS, THE PLANNING COMMISSION'S recommendation is based upon the following findings and determinations:

1. There are exceptional and extraordinary circumstances applicable to the property involved and that complying with the requirements would create an exceptional

hardship to the applicant/developer and the surrounding property owners because it would require substantial grading to reduce the proposed slopes to less than 20 feet to accommodate the private open space and development of the residential lots per the standards within the Barham/Discovery Community Plan.

2. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the near vicinity that would be denied to the property if the variance is not granted, in that other similar developments do not have the same topographic constraints. The variance is necessary to develop the property.
3. The proposed grading variance will not adversely affect the Barham/Discovery Community Plan or City-wide Land Use Policies, development standards, or design guidelines in that all manufactured slopes shall be safely engineered per the recommendations of the Soil and Geological Investigation and therefore will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity.
4. There will be no adverse effect on the General Plan pending approval, in that the granting of the grading variance will allow the site to be developed in accordance with the residential density range of 5.39 du/ac to 6.04 du/ac as outlined in the Discovery Village South Specific Plan pending approval.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. All slopes requiring a grading variance shall be landscaped in conformance with landscape plans included with TSM 16-003.
- C. The Grading Variance recommended to the City Council for approval subject to compliance with all conditions outlined in Resolution PC 17-4644 for TSM 16-003, General Plan Amendment and Mitigated Negative Declaration (GPA 17-003/PC Resolution 17-4642), Specific Plan Amendment (SP 16-002/PC Resolution 17-4643), Site Development Plan (SDP17-006/PC Resolution 17-4646), and all conditions of said resolutions are hereby incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of February 2018, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

\_\_\_\_\_, Chairperson  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Sandra Gallegos, Senior Office Specialist  
SAN MARCOS CITY PLANNING COMMISSION

Exhibit A: Grading Variance Exhibit

Exhibit "A"

