

RESOLUTION PC 18-4691

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION RECOMMENDING THE CITY COUNCIL  
APPROVE A GRADING VARIANCE TO ALLOW  
MANUFACTURED SLOPES THAT EXCEED TWENTY (20)  
FEET IN HEIGHT WITHIN THE MURAI SPECIFIC PLAN  
AREA (SPA) IN THE COLLEGE AREA NEIGHBORHOOD

GV 15-002  
(P15-0068)

ColRich California LLC

WHEREAS, on September 16, 2015 the City of San Marcos received an application from ColRich California LLC, the project applicant, requesting approval of a Grading Variance to allow manufactured slopes to exceed twenty (20) feet in height in the Murai Specific Plan area for a proposed Single Family Residential subdivision of 89 residential lots/units, four private parks, private streets, public trails and Open Space, in conjunction with General Plan Amendment (GPA 15-005), Specific Plan (SP 15-009), Tentative Subdivision Map (TSM 15-007), Conditional Use Permit (CUP 15-008), Site Development Plan (SDP16-002), and Environmental Impact Report (16-001) on a 91.65 acre site located to the west of the northern terminus of N. Las Posas Road, more particularly described as:

Portions of Section 34, Township 11 South and Section 3 and Section 4, Township 12 south, all in range 3 west, San Bernardino Meridian, in the City of San Marcos, County of San Diego, State of California.

Assessor's Parcel Numbers: 184-241-03-00, 218-011-10-00, 217-050-36-00, and 217-050-38-00

WHEREAS, the Grading Variance (GV 15-002) is being requested in conjunction with a General Plan Amendment (GPA 15-005) to amend the project site's designation in the Land Use and Community Design Element from "Specific Plan Area/Residential (89 lots)/OS/P" to "Murai Specific Plan Area/Open Space" and to remove the designation and description in the Park, Recreation and Community Health Element of the General Plan of a public park on the project site, a Specific Plan (SP 15-009) which will guide the orderly development on the project site, a Tentative Subdivision Map (TSM 15-007) for 89 single-family residential lots, access/ private street lots, open space lots, trails, and private park lots, a Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations, and a Site Development Plan (SDP 16-002) to address the design of residential units and plotting of floor plans and elevations within the subdivision; and

WHEREAS, a Notice of Preparation Scoping Meeting and public workshop with the general public was held on October 5, 2016; and

WHEREAS, the Planning Commission did consider and recommend approval to the City Council of an Environmental Impact Report (EIR 16-001, SCH #2016091054, Resolution No. PC 18-4694) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

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

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

1. There are exceptional and extraordinary circumstances applicable to the property involved and complying with the requirement of the Zoning Ordinance would create an exceptional hardship to the applicant and the surrounding property owners because it would require substantial grading and export/removal of material in order to reduce the slope heights less than 20 feet. The design of slopes with more than 20 feet in height will minimize the grading footprint of the project hence minimizing impacts and allowing for the preservation of on-site open space as is required by the applicable City and County plans (City's Draft Subarea Plan of the Multiple Habitat Conservation Program and County's Multiple Species Conservation Program).
2. The granting of the Grading Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties within the vicinity. The proposed project is to develop a residential subdivision of 89 lots with private parks, private access streets, public trails and Open Space preserve, which is consistent with the current General Plan designation and the proposed General Plan Amendment and Specific Plan. Granting of this Variance will allow the slope heights to exceed 20 feet without benching, resulting in smaller development footprint which would allow for the 89 residential lots subdivision, preservation of requisite Open Space and other ancillary uses. Currently established residential projects in the vicinity were also developed in compliance with the City's General Plan and affording this Variance will provide for similar property right to the project.
3. The granting of the Grading Variance will not be materially detrimental to the public health, safety and welfare, or injurious to property or improvements within the area in that the proposed slopes and building pads will be constructed per the recommendations of the geotechnical report and approval of the City Engineer, and all manufactured slopes will be landscaped and irrigated for erosion control and aesthetic purposes. The overall height of the slopes and the amount of grading will be reduced since the slopes are designed without benches, resulting in reducing the temporary construction impacts.
4. The granting of the Grading Variance will not adversely affect any adopted master or precise plan in that the currently developed residential communities in the project vicinity also has similar slopes and the proposed slopes will not adversely affect any adopted master plans. The design of slopes with more than 20 feet in height will minimize the grading footprint of the project hence allowing for the preservation of on-site open space as is required by the applicable City plans (City's Draft Subarea Plan of the Multiple Habitat Conservation Program). Additionally all slopes will be

landscaped to beautify the neighborhood and the residential development will be architecturally compatible with the surrounding neighborhood.

5. There will be no adverse effect on the General Plan in that the granting of the grading variance will allow the site to be developed in accordance with the anticipated land uses adopted under the current General Plan and the proposed General Plan Amendment, if approved.

NOW, THEREFORE, the Planning Commission resolves as follows

- A. The foregoing recitals are true and correct.
- B. The Grading Variance is recommended to the City Council for approval subject to compliance with all applicable conditions as set forth in Resolution PC 18-4688 (General Plan Amendment 15-005), Resolution PC 18-4689 (Specific Plan 15-009), Resolution PC 18-4690 (Tentative Subdivision Map 15-007), Resolution PC 18-4692 (Conditional Use Permit 15-008), Resolution PC 18-4693 (Site Development Plan 16-002) and Resolution PC18-4694 (Environmental Impact Report 16-001). All conditions are hereby incorporated by reference herein.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Sandra Gallegos, Senior Office Specialist  
SAN MARCOS CITY PLANNING COMMISSION

Attachment: Exhibit "A" Slope Variance Exhibit

**EXHIBIT “A”**  
Slope Variance Exhibit

