

ORDINANCE NO. 2019-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A REZONE OF 1.52 ACRES FROM NEIGHBORHOOD COMMERCIAL (N-C) TO MULTI-FAMILY RESIDENTIAL 3 (R-3-10).

R 18-0003
Hall Land Company, Inc.

WHEREAS, on May 22, 2018, the City received an application from Hall Land Company, Inc. requesting a zone reclassification of 1.52 acres (1.48 acres net) from Neighborhood Commercial (N-C) TO Multifamily Residential 3 (R-3-10) located at 1210 E. Mission Road in the Richland Neighborhood more particularly described as:

Brief Legal Description: Parcel A of Parcel Map No. 6024, filed in the Office of the County Recorder of San Diego County on June 8, 1977, being a division of a portion of lots 1, 2, and 4 in block 3 of Bennett Orchard Estates, Unit No. 1, in the City of San Marcos, in the County of San Diego, State of California, According to Map thereof No. 2065, filed in the Office of the County Recorder of San Diego County, on October 17, 1927.

Assessor's Parcel Number(s): 226-071-07-00; and

WHEREAS, the zone reclassification is being requested in conjunction with a General Plan Amendment (GPA18-0003) to change the land use from "Neighborhood Commercial (NC)" to "Medium Density Residential 2 (MDR2)"; a Tentative Subdivision Map (TSM 18-0002) to dedicate right-of-way and create twenty-four (24) condominium units; and a Multifamily Site Development Plan (MFSDP 18-0002) which will guide the orderly development on the project site; and a Variance (V18-0001) to allow for the reduction of special setbacks on E Mission Road; and

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

WHEREAS, on February 21, 2019, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on June 3, 2019, 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 6-0 vote, in favor; and

WHEREAS, on July 9, 2019, 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 Mitigated Negative Declaration (ND 18-004 and SCH No. 2019011064) for said request pursuant to the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, the City Council does hereby order as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Ordinance.
- B. The City Council hereby approves this Rezone, 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 Rezone is approved in conjunction with the submitted General Plan Amendment (GPA 18-0003), Tentative Subdivision Map (TSM 18-0002) to create twenty-four (24) residential condominium units, Multifamily Site Development Plan (MFSDP 18-0002), and Variance (V 18-0001) and all conditions of approval specified in Resolution No. 2019-XXXX (GPA 18-0003), Resolution No. 2019-XXXX (TSM 18-0002), Resolution No. 2019-XXX (MFSDP 18-0002), and Resolution No. 2019-XXXX (V18-0001), respectively, which documents are incorporated herein by this reference; and the mitigation measures in adopted Mitigated Negative Declaration (ND 18-004 and SCH No. 2019011064) are hereby incorporated by reference and made a part of this Ordinance 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 Rezone is consistent with the City's General Plan and the land uses authorized by the Rezone are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, in that the proposed 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 (LU-1) and will designate land for a variety of residential densities sufficient to meet the housing needs for a variety of household sizes and income levels, with higher densities being focused in the vicinity of transit stops in proximity to significant concentrations of employment opportunities (HE-1.1)..
 - 2. The proposed Rezone complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the project proposes twenty-four (24) residential units, at a density of 16.18 dwelling units per acre (du/ac), in conformance with the allowed density of the MDR2 land use designation (15.1 to 20.0 du/ac).
 - 3. The proposed Rezone implements the land use designations of the City's General Plan for the public health, safety, comfort, convenience, and general welfare of the San Marcos Community in that the redevelopment of the site will conform to the provisions of the R-3-10 zone, which is consistent with and implements the MDR2 General Plan land use designation. The rezone of the property to R-3-10 is an expansion of an adjacent R-3-10 zoning district to the west of the project site and is compatible with the neighborhood. Additionally, a Multifamily Site Development Plan (MFSDP 18-0002) will ensure the orderly development of the site in conformance with the new General Plan and Zoning designations, and ensure adequate public facilities and infrastructure, including fire, police, water, sewer are available to the property for the project. The project will also be developed in accordance with the California Building Code and all

landscaping will be installed in conformance with the City's Water Efficient Landscape Ordinance.

4. The proposed Rezone enables flexibility in development type and scale by location to provide for emerging economic and social trends, in that the existing commercial facilities on the site (a bank building and parking lot) have been vacant for approximately ten (10) years with no economic activity; redevelopment of the site with the proposed residential project will remove blighted buildings from the community and improve the neighborhood with compatible residential development that has access to transit and within close proximity to a significant concentration of employment opportunities.
 5. All requirements of CEQA have been met, in that impacts to biological resources, cultural resources, hazards and hazardous materials, noise, public services, recreation, and tribal cultural resources have been sufficiently mitigated to a level of insignificance with mitigation measures identified in ND 18-004.
- E. This Rezone is within the scope of the Mitigated Negative Declaration (ND 18-004 SCH No. 2019011064) and the mitigation monitoring and reporting program, and both are hereby adopted pursuant to CEQA.
- F. 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 9th day of July, 2019.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 9th day of July, 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk

Helen Holmes Peak, City Attorney

Attachment(s):

Exhibit A – Rezone Exhibit

EXHIBIT A
Rezone Exhibit

