

ORDINANCE NO. 2024-1542

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A REZONE OF 2.51-ACRES FROM MIXED USE 3 (MU-3) TO MIXED USE 2 (MU-2)

R22-0003  
Capalina SMA, LLC

WHEREAS, on October 19, 2022, the City received an application from Capalina SMA, LLC requesting a zone reclassification of a 2.51-acre project site from Mixed Use 3 (MU-3) to Mixed Use 2 (MU-2) located on the north side of Capalina Road between Rancho Santa Fe Road and Pacific Street in the Business/Industrial District, more particularly described as:

Brief Legal Description: Parcel 2 of Parcel Map no. 2003, in the City of San Marcos, County of San Diego, State of California, per map filed in the office of the county recorder of San Diego County, October 23, 1973 as file no. 73-296977 of official records. Excepting therefrom all that portion connected to the City of San Marcos for street purposes, recorded March 19, 2004 as file no. 2004-0229021 of official records.

Assessor's Parcel Number(s): 219-115-33-00; and

WHEREAS, the zone reclassification is being requested in conjunction with a General Plan Amendment (GPA22-0003) to change the land use designation from Mixed Use 3 (MU-3) to Mixed Use 2 (MU-2); and a Site Development Plan (SDP22-0007) for design review of a mixed-use residential and commercial project; and

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

WHEREAS, on May 11, 2023, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on February 5, 2024, 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 March 26, 2024, 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 a Mitigated Negative Declaration (FEIR23-003/SCH No. 2023050006) for said request pursuant to the California Environmental Quality Act (CEQA).

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. Rezone R22-0003 is approved in conjunction with the submitted General Plan Amendment (GPA22-0003); and a Site Development Plan (SDP22-0007); and all conditions of approval specified in Resolutions 2024-9269, 2024-9370, respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR23-003/SCH No. 2023050006) 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. Rezone R22-0003 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 (Goal LU-1) as development per the MU-2 zone would add residential units and commercial development to an underutilized (vacant) property surrounded by a variety of uses including existing commercial and residential uses. The project provides additional housing opportunities within proximity to transit and employment. The General Plan Amendment will allow for multi-family residential units at a density of 30 to 45 dwelling units per acre. However, the residential density of the proposed project is 47.4 du/ac with a five percent (5%) density bonus allowed by Government Code Section 65915 for projects where at least five percent (5%) of the residential units are dedicated for very low-income households. The proposed high-density housing type will provide needed housing that will contribute to meeting the housing demand of the community and provide housing in proximity to SR-78, bus/light rail stations, and employment opportunities.
  2. Rezone R22-0003 complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the project will incorporate connections and reduce barriers between neighborhoods, transit corridors, and activity centers within the city (San Marcos General Plan Policy LU-3.1) in that frontage improvements will be added along Capalina Road and additional right-of-way will be acquired by the city along Mission Road for future mobility improvements which will increase bicycle and pedestrian connectivity to surrounding land uses, employment, the Inland Rail Trail, and public transit opportunities.
  3. Rezone R22-0003 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 proposed multi-family residential and commercial development would direct growth in an area of San Marcos that can support a variety of uses, and the proposed multi-family and commercial development locates uses near transit and employment opportunities.

4. Rezone R22-0003 enables flexibility in development type and scale by location to provide for emerging economic and social trends, in that the site has remained undeveloped under the current Mixed Use 3 (MU-3) zoning that only allows for non-residential mixed-use development with a Specific Plan. The proposed Rezone to Mixed Use 2 (MU-2) allows for flexibility in development in that the zone allows for multi-family residential units and commercial development on the site in close proximity to State Route 78, transit options, and employment opportunities. The proposed project under the MU-2 zoning satisfies a regional need for additional housing units and develops an appropriate amount of commercial which aligns with current economic and social trends.
  5. All requirements of CEQA have been met, in that an Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) has been prepared for the proposed project, and all potential impacts related to biological resources, cultural resources, geology and soils, and tribal cultural resources, will be mitigated to a level less than significant.
- E. Rezone R22-0003 is within the scope of the Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) and the mitigation monitoring and reporting program, and both are hereby recommended to the City Council for adoption 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 26<sup>th</sup> day of March, 2024.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 9<sup>th</sup> day of April, 2024, 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:

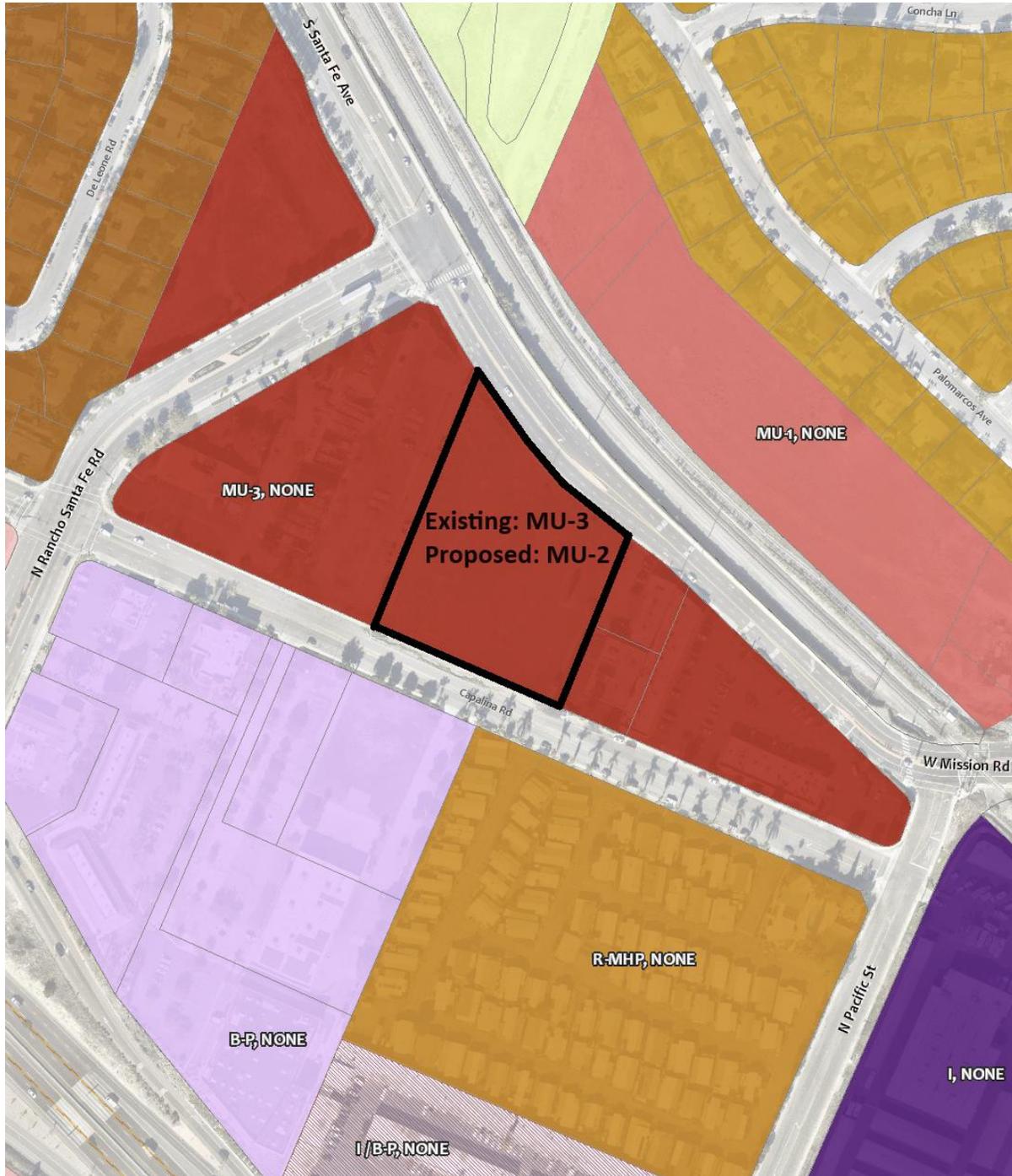
\_\_\_\_\_  
Phillip Scollick, City Clerk

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Helen Holmes Peak, City Attorney

**Attachment(s):**

Exhibit A – Rezone Exhibit

**EXHIBIT A**  
**Rezone Exhibit**



**Rezone from Mixed Use 3 (MU-3) to Mixed Use 2 (MU-2)**  
**APN: 219-115-33-00**