

RESOLUTION NO. 2019-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A GENERAL PLAN AMENDMENT FOR A LAND USE CHANGE OF 1.52 ACRES FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL 2 (MDR2)

GPA 18-0003  
Hall Land Company, Inc.

WHEREAS, Government Code sections 65350 et seq. require each planning agency and legislative body of each city to adopt a comprehensive, long-term general plan for the physical development of the city; and

WHEREAS, Section 65358 of the Government Code specifies the requirements for the amendment of all or part of a General Plan; and

WHEREAS, on May, 22, 2018, the City received an application from Hall Land Company, Inc. requesting a General Plan Amendment for a change of land use designation from Neighborhood Commercial to Medium Density Residential 2 (MDR2) for 1.52 acres (1.48 acres net) 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 General Plan Amendment is requested in conjunction with a Rezone (R 18-0003) to change the zone from Neighborhood Commercial (N-C) to Multifamily Residential 3 (R-3-10); 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 Mitigated Negative Declaration (ND 18-004 and SCH No. 2019011064) as 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 (ND18-004 and SCH No. 2019011064) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The City Council hereby approves this General Plan Amendment, as shown on the attached Exhibit A, incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. This General Plan Amendment is approved in conjunction with the submitted Rezone (R 18-0003), Tentative Subdivision Map (TSM 18-0002), Multifamily Site Development Plan (MFSDP 18-0002), and Variance (V 18-0001) and all conditions of approval specified in Ordinance 2019-XXXX (R 18-0003), Resolution No. 2019-XXXX (TSM 18-0002), Resolution No. 2019-XXXX (MFSDP 18-0002), and Resolution No. 2019-XXXX (V18-0001), respectively, which documents are incorporated herein by this reference; and the mitigation measures in Mitigated Negative Declaration (ND18-004 and SCH No. 2019011064), 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. The proposed General Plan Amendment is consistent with the Goals and Objectives 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). Additionally, the density of the proposed project (16.18 du/ac) conforms to the density of the Medium Density Residential 2 (MDR2) General Plan land use designation (15.1-20.0 du/ac).
  - 2. The proposed General Plan Amendment is deemed to be in the public interest, in that it will remove a blighted structure (i.e., bank building) that has been vacant for approximately ten (10) years and create twenty-four (24) residential town home units in an area of the City with access to transit and within close proximity to a significant concentration of employment opportunities.
  - 3. The proposed General Plan Amendment will not be detrimental to the public health, safety, and welfare, in that that the zoning designation of the property is

also being changed (R 18-0003) to Multifamily Residential 3 (R-3-10) to match the surrounding area. The R-3-10 zone will also establish development standards for the property and 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. 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 18-0004.
- E. This General Plan Amendment is within the scope of the Mitigated Negative Declaration (ND 18-0004 SCH No. 2019011064) and the mitigation monitoring and reporting program, and both are hereby adopted pursuant to CEQA.
- F. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- G. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- H. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, 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. The 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, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 7th day of July 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

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Rebecca D. Jones, Mayor

ATTEST:

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Phillip Scollick, City Clerk

**Attachment(s):**

Exhibit A – Land Use Change Exhibit

## EXHIBIT A

### Land Use Change Exhibit

