

RESOLUTION NO. 2026-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS AUTHORIZING THE CITY MANAGER TO SECURE AN APPRAISAL FOR A POTENTIAL FUEL MODIFICATION EASEMENT OVER A PORTION OF THE PROPERTY COMPRISING LA MOREE PARK PROPERTY, WHICH EASEMENT WOULD NOT CONSTITUTE EITHER DISCONTINUANCE OR ABANDONMENT OF PARK USE, AND TO NEGOTIATE AND IMPLEMENT A TRANSACTION FOR THE GRANT OF SUCH FUEL MODIFICATION EASEMENT TO SEA BREEZE PROPERTIES, LLC, SUBJECT TO PAYMENT OF APPRAISED VALUE AND THE REIMBURSEMENT OF APPRAISAL COSTS AND TRANSACTIONAL COSTS INCURRED BY THE CITY WITH RESPECT TO THE SAME.

WHEREAS, Sea Breeze Properties, LLC. (Sea Breeze) owns property within the City of San Marcos (City) located on the south side of La Moree Road, south of Barham Drive comprising of Assessor Parcel Number 2203410200; and

WHEREAS, Sea Breeze is processing an application for a Specific Plan Amendment (SP26-0001), Site Development Plan (SP26-0002), and Tentative Subdivision Map (TSM26-0002) for the construction of residential single-family attached development consisting of 87 units (Project); and

WHEREAS, Sea Breeze is required to provide 150 feet of fuel modification around the structures of the Project to comply with Public Resources Code Section 4291, and based on the current design of the Project some portions of this fuel modification zone would encroach upon the adjacent undeveloped property; and

WHEREAS, the property adjacent to the Sea Breeze Project is owned by the City and is designated as a park, specifically as La Moree Park (Park); and

WHEREAS, Sea Breeze has requested that the City grant an easement over a portion of the Park to Seabreeze for the purposes of fuel modification for the Project; and

WHEREAS, Government Code Sections 38440 through 38462 govern the discontinuance or abandonment of any land dedicated as a public park and owned in fee by the City; and

WHEREAS, the use of a portion of the Park as a fuel modification easement for the development of the Project is not inconsistent with the use of Park property as a public park and does not therefore constitute a discontinuance of park use and/or abandonment of any park land; and

WHEREAS, staff has determined that future development and use of the Park would not be impeded, precluded, or otherwise adversely affected by the grant of a fuel modification easement to the Project; and

WHEREAS, the grant of such a fuel modification easement over a portion of the Park would not require and/or constitute the discontinuance or abandonment of that portion of the Park and/or use of the same for park purposes as delineated in Government Code Sections 38440 through 38462; and

WHEREAS, the consideration of the granting of an easement to Sea Breeze over a portion of the City's Park property the purpose of a fuel modification zone for the proposed Project does not constitute the City's approval of the Project, which must be processed in accordance with and subject to the San Marcos Municipal Code and all applicable local and state laws; and

WHEREAS, the City Council believes that an appraisal of the proposed fuel modification easement is necessary to determine the fair market value of the potential grant of a fuel modification easement to the Project, to facilitate the potential conveyance of such an easement to Sea Breeze, and desires to authorize the City Manager to undertake the same; and

WHEREAS, the City Council also desires to authorize the City Manager, upon completion of such appraisal and subject to payment of such appraised value and the reimbursement of appraisal costs and transactional costs incurred with respect to the same for payment, to negotiate and implement a transaction for the grant of such a fuel modification easement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Marcos does resolve as follows:

SECTION 1. The above recitals are all true and correct and are incorporated herein by this reference.

SECTION 2. Based upon all recitals and evidence described herein, the City Council hereby finds as follows:

- A. The use of a portion of La Moree Park for fuel modification purposes for an adjacent development is not a discontinuance of park use or abandonment of park property as described in Government Code Sections 38440 through 38462, and that such potential Park use would not be impeded, precluded, or otherwise adversely affected by the grant of a fuel modification easement to the Project.
- B. The City Manager is authorized to cause an appraisal to be prepared for the value of the use of a portion of La Moree Park as a fuel modification easement to determine fair market value of the easement, subject to reimbursement of the costs and expenses of the same by Sea Breeze Properties, LLC.

- C. Upon completion of the above-referenced appraisal, the City Manager is further authorized to negotiate and implement a transaction for the grant of such a fuel modification easement interest by the City to Sea Breeze Properties, LLC, subject to the reimbursement of transactional costs incurred with respect to the same, in addition to the appraisal costs referenced in Section 2.C, above.
- D. The granting of a fuel modification easement to Sea Breeze Properties, LLC. over a portion of La Moree Park is not inconsistent or in conflict with the use of La Moree Park as a public park.
- E. The actions represented by this Resolution do not constitute, and shall not be construed to operate as, the City's approval of the Project proposed by Sea Breeze Properties, LLC, which Project must be processed in accordance with and subject to the San Marcos Municipal Code and all applicable local and state laws
- F. Subject to meeting the terms and provisions of this Resolution, and specifically Sections 2.A through A.E, above, the City Council authorizes the City Manager to grant an easement for fuel modification purposes for appropriate consideration to Sea Breeze Properties, LLC.

SECTION 3. The consideration of the grant of a fuel modification easement on City property and associated actions specified in this Resolution are individually and collectively exempt from the California Environmental Quality Act (CEQA) because they do not either individually or collectively constitute a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly, and any potential impacts associated with the Seabreeze Properties, LLC Project will be assessed, and appropriately evaluated and addressed, as the Project is processed in accordance with and subject to the San Marcos Municipal Code and all applicable local and state laws.

SECTION 4. The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS at a regular meeting held on the 28th day of July, 2026, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos

ATTACHMENT:
Exhibit A – Potential Fuel Modification Easement Boundary