

ORDINANCE NO. 2023-1532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING REZONE OF A 1.76 ACRES SITE FROM MIXED USE 3 (MU-3) TO COMMERCIAL (C)

R 21-0001
Lonnie Tabbaa

WHEREAS, on January 6, 2021, the City received an application from Lonnie Tabbaa requesting a zone reclassification of 1.76 acres from Mixed Use 3 (MU-3) to Commercial (C) located at 200 Las Posas Road in the Business/Industrial District more particularly described as:

Brief Legal Description: The southeasterly 250 feet of lot 2 in block 102 of the Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof no. 806 filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number(s): 219-122-03-00; and

WHEREAS, the Rezone is being requested in conjunction with a General Plan Amendment (GPA21-0001) to change the land use designation from "Mixed Use 3" to "Commercial"; a Conditional Use Permit (CUP21-0001) to allow the operation of an automotive refueling station, carwash, and drive-through restaurant within the Commercial zone; and a Variance (V22-0001) to allow an automotive fueling station within five hundred (500) feet of an existing automotive fueling station; and

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

WHEREAS, on September 1, 2022, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on March 20, 2023, 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 June 27, 2023, 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 (ND22-010 / SCH No. 2022100480) 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 recommended to the City Council for approval in conjunction with the submitted General Plan Amendment (GPA21-0001); Conditional Use Permit (CUP21-0001); and Variance (V22-0001) and all conditions of approval specified in Resolution No. 2023-9152 (GPA21-0001), Resolution No. 2023-9153 (CUP21-0001), and Resolution No. 2023-9154 (V22-0001), respectively, which documents are incorporated herein by this reference; and the mitigation measures in Mitigated Negative Declaration (ND22-010 / SCH No. 2022100480) 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 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 project implements General Plan Land Use Goal LU-1: "Achieve a balanced distribution and compatible mix of land uses to meet the present and future needs of all residents and the business community" in that the project is a complimentary land use to those in the vicinity; promotes commercial use of the property; and provides a strategically located piece of infrastructure (an automotive fueling station) in the vicinity of aerial routes of the city and State Route 78.
 2. The proposed Rezone complies with the objectives of the adopted City-wide Land Use Policy Plan, in that the proposed Commercial (C) zone protects the City's tax base by providing retail commercial sales and services in a setting that promotes retail destinations and business hubs in close proximity to highly visible thoroughfares; establishes, maintains, and protects the viability of commercial, retail, office, and those uses that have similar access and infrastructure needs; locates these in close proximity to appropriate services and transportation infrastructure; and provides employment opportunities in close proximity to residents.
 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 proposed Commercial (C) zone implements the General Plan land use designation of Commercial, proposed in General Plan Amendment (GPA 21-0001); the drive-through has been designed with adequate vehicle stacking and entrances have been placed to the rear of the project site, to minimize any impacts to the public right-of-way; adequate parking and access for customers and employees are provided; meets Federal and State requirements for disabled access; will comply with stormwater treatment requirements; and will provide adequate public facilities and infrastructure, including fire, police, water, sewer, and street improvements

4. The proposed Rezone enables flexibility in development type and scale by location to provide for emerging economic and social trends, in that the project site has not developed under the Mixed-Use 3 (MU-3) zone designation since being rezoned in 2012 to allow development with a mixture of commercial and office uses. Additionally, since the COVID-19 pandemic in 2020, economic and social trends to allow remote work have significantly weakened the demand for office space, further challenging the development of the site with office space. The proposed rezone to Commercial (C) allows for the development of the site in alignment with emerging economic and social trends for commercial uses and not office space.
 5. All requirements of CEQA have been met, in that the project will not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory with the incorporated Biological, Cultural and Public Safety mitigation measures identified in Mitigated Negative Declaration (ND22-010 / SCH No. 2022100480) and incorporated herein; the project will not have impacts that are individually limited, but cumulatively considerable in that most direct project impacts are less than significant and impacts to biological and cultural resources are less than significant with the incorporation of mitigation measures identified in Mitigated Negative Declaration (ND22-010 / SCH No. 2022100480) and incorporated herein; and the project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly in that impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As detailed in analyses for air quality, hazards and hazardous materials, and noise that are a part of Mitigated Negative Declaration (ND22-010 / SCH No. 2022100480), the proposed project would not result, either directly or indirectly, in adverse hazards related to air quality, hazardous materials, or noise. Compliance with applicable rules, regulations, and recommended mitigation measures would reduce potential impacts on human beings to a less than significant level. Effects on human beings are generally associated with impacts related to issue areas such as air quality, geology and soils, hazards and hazardous materials, noise, and transportation. As discussed in this Initial Study, the project would have a less than significant impact or a less than significant impact with mitigation in each of these resource areas. Therefore, the project would not cause substantial adverse effects on human beings, either directly or indirectly, and impacts associated with the project would be less than significant with mitigation incorporated.
- E. This Rezone is within the scope of the previously Mitigated Negative Declaration (ND22-010 / SCH No. 2022100480) and the mitigation monitoring and reporting program 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 27th day of June, 2023.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 27th day of June, 2023 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

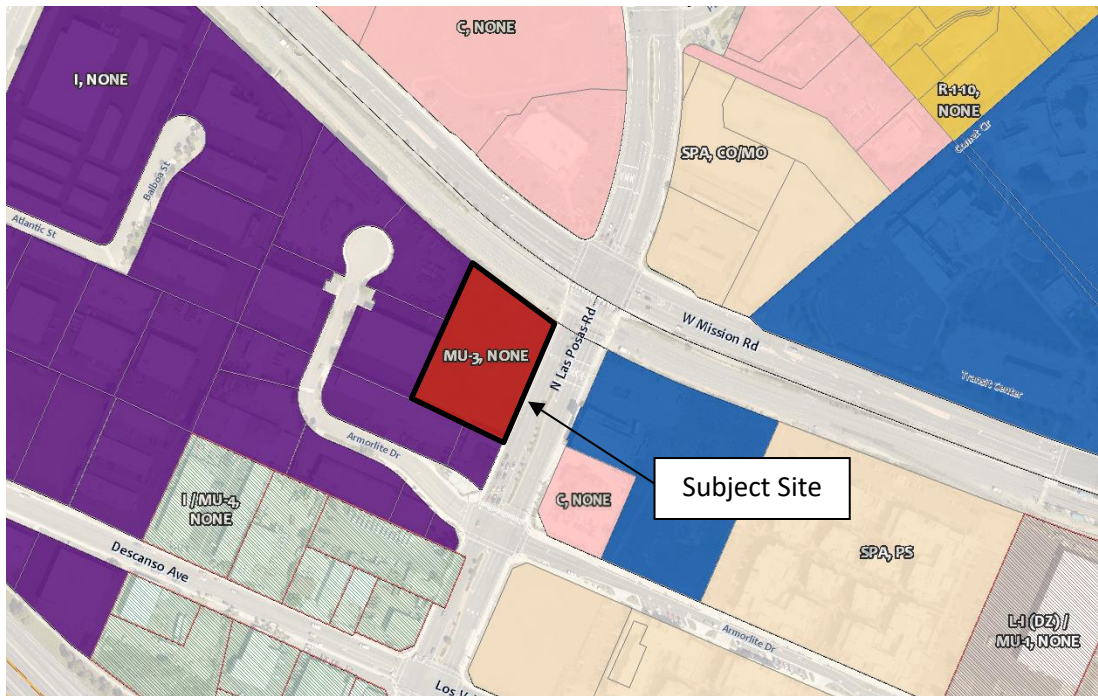
Attachment(s):

Exhibit A – Rezone Exhibit

EXHIBIT A

Rezone Exhibit

Existing Zoning:



Proposed Zoning:

