

RESOLUTION NO. 2024-9269

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING GENERAL PLAN AMENDMENT GPA22-0003 FOR A LAND USE CHANGE OF 2.51 ACRES FROM MIXED USE 3 TO MIXED USE 2

GPA22-0003
Capalina SMA, LLC

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 October 19, 2022, the City of San Marcos (City) received an application from Capalina SMA, LLC requesting a General Plan Amendment to allow for a change of land use designation from Mixed Use 3 (MU3) to Mixed Use 2 (MU2) on a 2.51-acre site 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 General Plan Amendment is requested in conjunction with a Rezone (R22-0003) 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, a noticed public workshop was held 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 an Environmental Impact Report (FEIR23-003/SCH No. 2023050006) for said request pursuant to the California Environmental Quality Act (CEQA).

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 General Plan Amendment GPA22-0003, as shown on the attached Exhibit A, incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. General Plan Amendment GPA 22-0003 is approved in conjunction with the submitted Rezone (R22-0003), and Site Development Plan (SDP22-0007); and all conditions of approval specified in Resolutions 2024-1542 and 2024-9270, 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. General Plan Amendment GPA 22-0003 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 (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. General Plan Amendment GPA 22-0003 is deemed to be in the public interest, in that the project will develop a vacant infill site, with commercial uses in the vicinity of State Route 78 as well as develop high-density housing in proximity to other goods and services, and employment and transit opportunities.
 - 3. General Plan Amendment GPA 22-0003 will not be detrimental to the public health, safety, and welfare, in that the zoning designation of the property is Mixed Use 2 (MU-2), which provides for housing and commercial mixed-use development designed in a compatible manner to the adjacent commercial uses. MU-2 zone

establishes development standards for the property and the Site Development Plan will ensure the orderly development of the site in conformance with the Zoning Ordinance and ensure adequate public facilities and infrastructure, including fire, police, water, and 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 an Environmental Impact Report (FEIR23-003 / SCH No. 2023050006) has been prepared, 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. General Plan Amendment GPA 22-0003 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 approved pursuant to CEQA.
- F. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, any and all applicable 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 26th day of March, 2024, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

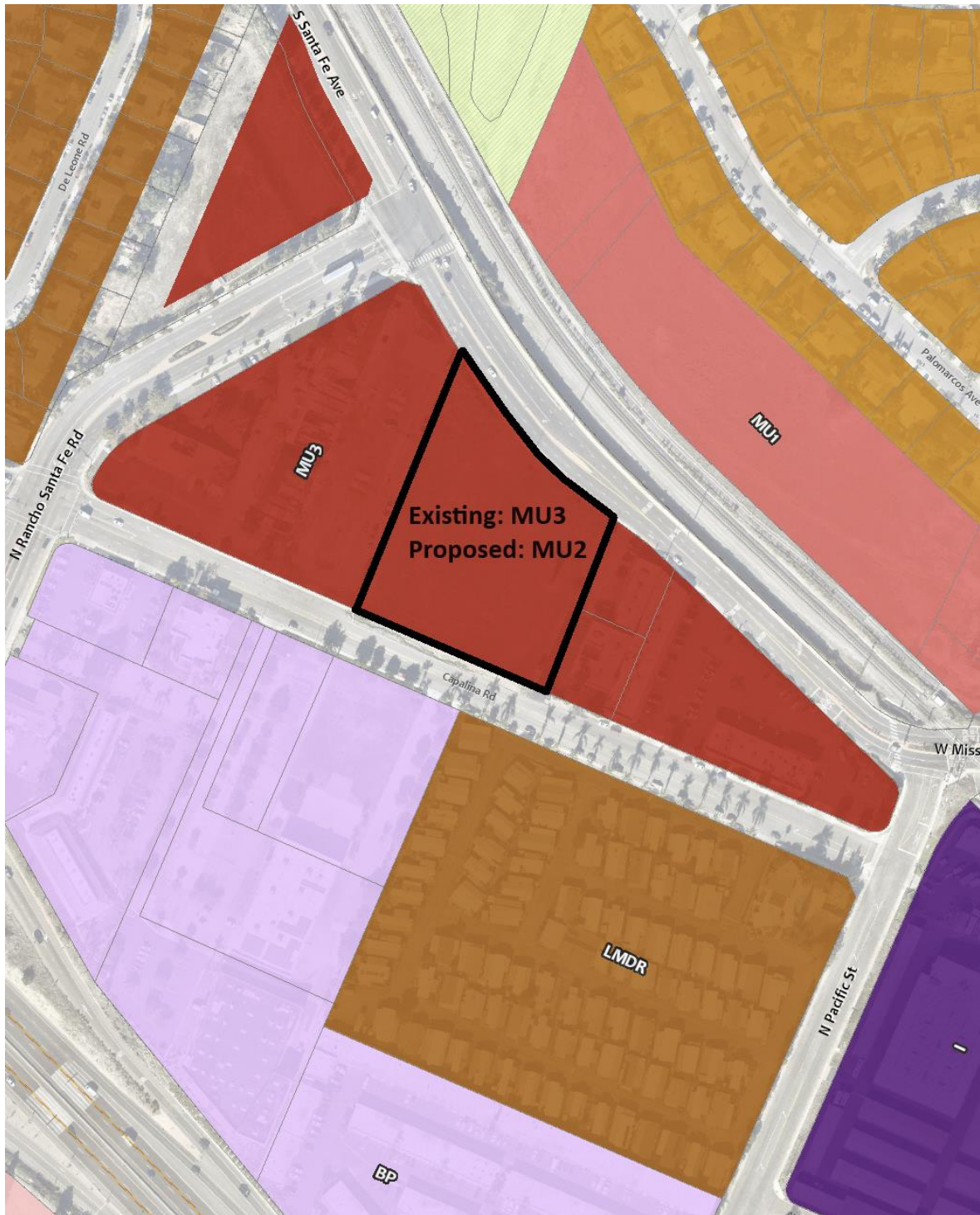
Phillip Scollick, City Clerk

Attachment(s):

Exhibit A – Land Use Change Exhibit

EXHIBIT A

Land Use Change Exhibit



Land Use Change from Mixed Use 3 (MU3) to Mixed Use 2 (MU2)
APN: 219-115-33-00