

RESOLUTION PC 14-4406

A RESOLUTION OF THE SAN MARCOS PLANNING COMMISSION
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A GENERAL PLAN
AMENDMENT TO CHANGE THE LIGHT INDUSTRIAL TO SPA (232
RESIDENTIAL CONDOMINIUMS & 7,200 SQUARE FEET RETAIL) LOCATED
IN THE COLLEGE AREA NEIGHBORHOOD

Case No: GPA 13-008
The Oakcreek Project Owner, LLC
(P13-0035)

WHEREAS, an application was received from The Oakcreek Project Owner, LLC requesting a General Plan Amendment to change approximately 14 acres of light industrial (LI) to Medium Density Residential (MDR2 (15-20 du/ac)) including SP13-008, TSM 13-005 SDP 13-006, & MFSDP 13-003 for property located at the corner of las Flores Drive, South Santa Fe Road, Norman Strauss and Bostick Boulevard in the College Community Area more particularly described as:

Being Parcel A and B of Parcel Map 15693, a portion of Lot 8 of Map 11661, Lots 11 and 12 of Map 11661, all as recorded in the City of San Marcos, County of San Diego, State of California in official records. Together with a portion of Parcel 4 of Parcel Map 15693, a portion of No Name Street, as shown in record of survey Map No. 520 and a portion of Las Flores Drive formerly F Street as shown record of survey Map No. 520, all as recorded in the County of San Diego, State of California in official records.

Assessor's Parcel Numbers: 217-161-17-19, 217-560-11, 24, 43, & 45

WHEREAS, the State of California has adopted Article 5 of the State Government Code; and

WHEREAS, Article 6 provisions specify that each planning agency and legislative body of each City and county shall adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, Article 5, Section 65302 of the State Government Code specifies the contents for a general plan and a land use element to said plan; and

WHEREAS, Article 6 Section 65358 of the State Government Code allows for yearly updates to local general plans to allow for changes in the market place and the regulatory environment; and

WHEREAS, the Development Services department did study and does not recommend approval of changing the current land use designation from light industrial to medium density residential and therefore there is no action on the submitted entitlements (SP 13-008, TSM 13-005, SDP 13-006, & MFSDP 13003) given recommended action on the GPA 13-008 & R 13-005); and

WHEREAS, the public hearing was advertised for April 7th, 2014 and was duly advertised in the manner prescribed by law, and

WHEREAS, the Planning Commission considered the request for the General Plan; and

WHEREAS, the Planning Commission did find that pursuant to California Environmental Quality Act (CEQA) Section 15270, CEQA does not apply to a project which a public agency rejects or disapproves, and

therefore the Planning Commission recommends that to the City Council that this project is not subject to CEQA; and

WHEREAS, the Planning Commission's decision for denial is based upon the following findings and determinations:

1. The proposed General Plan Amendment changing the current land use designation from Light Industrial (LM) to Specific Plan Area (SPA for Medium Density Residential (MDR2)) will reduce the City's light industrial inventory by 15%. This would also eliminate approximately 14 acres of premium light industrial property that is ready for development. The loss of the Light Industrial would eliminate employment opportunities for San Marcos residents. Changing the land use designation to allow residential in lieu of light industrial is not promoting orderly development when there is an abundant amount of similar or higher density resident available in various locations of the city.
2. The proposed General Plan Amendment changing the land use from light industrial to medium density residential will negatively affect the implementation of the General Plan Policies of the adopted College Area Community Land Use Plan in that the following project is inconsistent with the following General Plan Land Use Policies as indicated below:

Policy LU-1.1 Ensure that adjacent land uses complement one another by considering compatibility of activities, development patterns and architectural character elements and access to various mobility choices.

Project Consistency with Policy:

As indicated above, changing the land use from light industrial to medium density residential creates an incompatibility with the adjacent light industrial land use with operations, noise, visual, traffic, and possibly overflow parking. The proposed residential will not have access to transit or transportation alternatives.

Policy LU-1-5: Provide for and retain a variety of complimentary industrial uses that offer employment opportunities.

Project Consistency with Policy

Currently, there is only 84 acres of vacant/available light industrial property remaining to be utilized in San Marcos. Of this total 53% is constrained and questionable if it can be developed. The proposed change substantially reduces the City's light industrial inventory by 15%. Not only is that a substantial decrease in light industrial inventory, it removes the largest, ready to go light industrial lots from the limited light industrial inventory that remains in San Marcos.

Policy LU-4.1: Continue to encourage the development, expansion, and upgrade of higher education facilities such as Palomar Community College, California State University San Marcos, and private educational facilities.

Project Consistency with Policy:

There have been other large educational facilities that have developed in light industrial park, like St. Augustine. Staff is currently working with another

college to possibly locate in San Marcos. This site could be utilized for such a use. By changing the land use from light industrial to residential, eliminates any future opportunity to consider a potential higher educational facilities that would be considered a compatible use with proper conditioning.

Policy LU-4.3: Promote the growth of research, development, and high tech businesses and organizations associated with California State University San Marcos to further develop the connection between academic innovation and community development and to identify new areas of growth for local businesses.

Project Consistency with Policy:

If the medium density residential were to go forward in lieu of the current light industrial designation, it would also eliminate opportunities for research, development, and high tech businesses that could tie into business associated with CSUSM. The proposed land use change would also eliminate the potential for new growth of local businesses looking for larger industrial lots currently available at this site.

Policy LU-4.4: Establish a “Business Park” zone that promotes the intent of the Business Park land use, and allows for attraction of high tech businesses like green-tech and bio-medical industries.

Project Consistency with Policy

Although the site is not zone Business Park, this property is one of the City's largest remaining vacant light industrial properties that would be immediately available to consider a business park setting to accommodate highly technical business within the City of San Marcos. The 12.61 acres of light industrial land use needs to be retained in order for San Marcos to be competitive with the surrounding industrial markets.

Policy LU-6.2: Encourage businesses and existing employers to remain and expand in San Marcos.

Project Consistency with Policy:

Approximately 12.61 acres of prime light industrial land would be eliminated reducing an opportunity for future jobs for the San Marcos residence.

Policy LU-6.3: Encourage and actively promote the location of clean, high tech, telecommunications, and research and development uses within designated industrial and business park areas. This is intended to provide jobs for highly skilled manufacturing and research/ development employees, create local revenue sources, support other business sectors, and provide other benefits to local residents and the City.

Project Consistency with Policy:

The proposed land use change from light industrial to residential eliminates all possibilities for companies looking for a reasonably sized industrial lot to establish jobs for highly skilled manufacturing and research. Nor will this land use change allow any additional light industrial support for existing businesses in San Marcos.

Policy LU-6.7: Promote development and revitalization of revenue-generating land uses in areas designated for commercial and industrial uses that will support business and employment growth.

Project Consistency with Policy:

Even with the small [positive fiscal impact with medium density residential, there is a greater net fiscal benefit with retaining the current land use. There are also increased General Fund expenditures with the medium density residential that exceed that of the light industrial development.

Policy S-4.4: Avoid locating sensitive uses near established hazardous materials users or industrial areas where incompatibilities would result, except in cases where appropriate safeguards have been developed and implemented.

Project Consistency with Policy:

Staff is concerned that converting light industrial to medium density residential, would cause potential operational issues for the existing businesses that are established and currently consider compatible light industrial with surrounding uses in this area. Regardless if there is an attempt of disclosure, it would likely be insufficient for future residents due to potential nuisance issues associated with the existing industrial. The same issue could occur with the light industrial experiencing nuisance issues with the residential that currently do not exist today. Staff is also concerned about the remaining light industrial lot to the west and adjacent to the proposed multi-family residential. The conversion of light industrial to residential will most likely impact the market availability of the remaining vacant light industrial property to the west given the proximity of the new residential project.

Policy N-1.1: Address the potential for excessive noise levels when making land use planning decisions in accordance with Table 7-3 Land Use Compatibility Noise Standards.

Project Consistency with Policy:

The proposed land use change seems to have the potential to create nuisance noise complaints with the existing light industrial users. This is indicated in the attached letters & e-mails. This may be a very difficult and expensive transition for the existing light industrial businesses in effort to remedy any potential noise issue due to the incompatibility proposed by the applicant.

Policy N-3.5: Require industrial land uses to locate vehicular traffic and operations away from adjacent residential areas as much as possible.

Project Consistency with Policy:

The existing light industrial businesses have already established their vehicular traffic patterns on Bosstick Boulevard and Norman Strasse Road. The applicant proposes access off of Norman Strasse Road and Las Flores which will could in traffic issues.

Policy 1.1: 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 and in proximity to significant concentrations of employment opportunities.

Project Consistency with Policy:

Currently, there is capacity for 5,500 residential units zoned under the classification Medium Density Residential 2 (MDR2) or higher density including University District Specific Plan or the San Marcos Creek District available for development that would yield multi-family residential units. The City has adequate housing inventory to comply with the State Housing law. The proposed site is not in close proximity to transit stops as indicated in the above policy.

BE IT THEREFORE FURTHER RESOLVED, that based on the information provided and finding stated above, the Planning Commission recommends the City Council takes the following action:

1. Deny the proposed General Plan Amendment as presented by applicant/developer to the Planning Commission at the hearing on April 7th, 2014.
2. Even though there is small positive fiscal impact with the medium density residential project, there is a greater net fiscal benefit with retaining the current land use. There is also increase in the General Fund expenditures with the medium density residential project that exceeds that of the light industrial development.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 7th day of April 2014.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONER:

APPROVED:

, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 14-4407

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION
RECOMMENDING DENIAL TO THE CITY COUNCIL APPROVAL OF A ZONE
RECLASSIFICATION OF APPROXIMATELY 14 ACRES FROM LIGHT
INDUSTRIAL (LI) TO MEDIUM DENSITY RESIDENTIAL (MDR2 (15-20
DU/AC)) IN THE COLLEGE AREA NEIGHBORHOOD

R 13-005
The Oakcreek Project Owner, LLC
(P13-0035)

WHEREAS, on June 27, 2013 an application was received from The Oakcreek Project Owner, LLC requesting a Rezone of approximately 14 acres of Light Industrial" (LI) to Medium Density Residential (MDR2 (15-20 du/ac)) including SP13-008, TSM 13-005 SDP 13-006, & MFSDP 13-003 located on vacant property at the corner of Las Flores Drive , South Santa Fe Road, Norman Strauss and Bostick Boulevard in the College Area Neighborhood, more particularly described as:

Being Parcel A and B of Parcel Map 15693, a portion of Lot 8 of Map 11661, Lots 11 and 12 of Map 11661, all as recorded in the City of San Marcos, County of San Diego, State of California in official records. Together with a portion of Parcel 4 of Parcel Map 15693, a portion of No Name Street, as shown in record of survey Map No. 520 and a portion of Las Flores Drive formerly F Street as shown record of survey Map No. 520, all as recorded in the County of San Diego, State of California in official records.

Assessor's Parcel Numbers: 217-161-17-19, 217-560-11, 24, 43, & 45

WHEREAS, the Development Services department did study and does not recommend approval of changing the current land use designation from light industrial to medium density residential and therefore there is no action on the submitted entitlements (SP 13-008, TSM 13-005, SDP 13-006, & MFSDP 13003) given the recommended action on the GPA 13-008 & R 13-005);

WHEREAS, the required public hearing held on April 7th, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did find that pursuant to California Environmental Quality Act (CEQA) Section 15270, CEQA does not apply to projects in which a public agency rejects or disapproves, and therefore the Planning Commission recommends that to the City Council that this project is not subject to CEQA; and

WHEREAS, the Planning Commission's decision of denial is based on the following findings and determinations:

1. The proposed Rezone would not encourage the orderly development of the light industrial site in that the proposed project is requesting to a rezone to "Medium Density Residential" to allow the construction of 232 residential condominiums and 7,200 square

AGENDA ITEM
2

feet of retail. The proposed rezone would deplete 15% of premium light industrial property that is ready for light industrial development.

2. The proposed Rezone will be detrimental to the public health, safety, and welfare in that the rezone would create an incompatible between the existing industrial uses and the proposed residential that would be exposed to existing noise from the existing light industrial operations, the proposed residential would be adjacent to existing light industrial that may be considered a visual nuisance, and there is the potential of residential traffic utilizing the existing industrial road for ingress/egress and overflow parking possibly affecting existing industrial businesses. Based on the conclusions of a market & fiscal impact analysis, it was determined that although both alternatives have a positive fiscal impact on the City of San Marcos, retaining the light industrial actually produces a higher annual return of \$53,000 greater than the proposed project. The City has abundant availability of residential property matching the proposed density, however, the City has limited light industrial inventory which if this is lost, it will also reduce employment opportunities for the City of San Marcos.
3. The proposed Rezone is not consistent with the objectives of the General Plan in that the proposed changes does not achieve a balance & compatible mix of land use by reducing light industrial by 15% which is already a limited inventory and increase in residential in an area never anticipated to support residential whereas there is over 100 acres of land readily available for the proposed project.
4. Even though there is small positive fiscal impact with the medium density residential project, there is a greater net fiscal benefit with retaining the current land use. There is also increase in the General Fund expenditures with the medium density residential project that exceeds that of the light industrial development.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The Rezone (R 13-005), as shown on the attached "Exhibit B", is hereby recommended for denial to the City Council.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 7th day of April 2014, by the following roll call vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

ABSTAIN: COMMISSIONER:

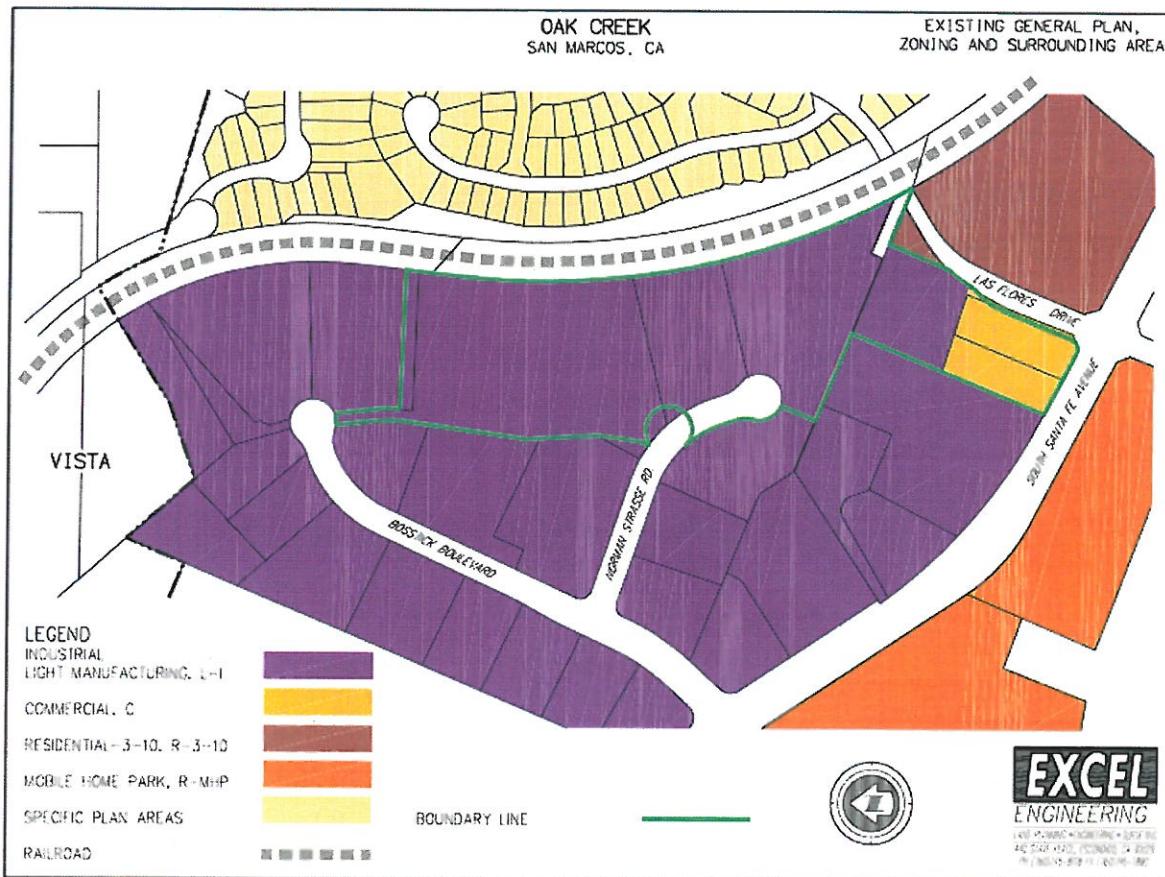
APPROVED:

, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

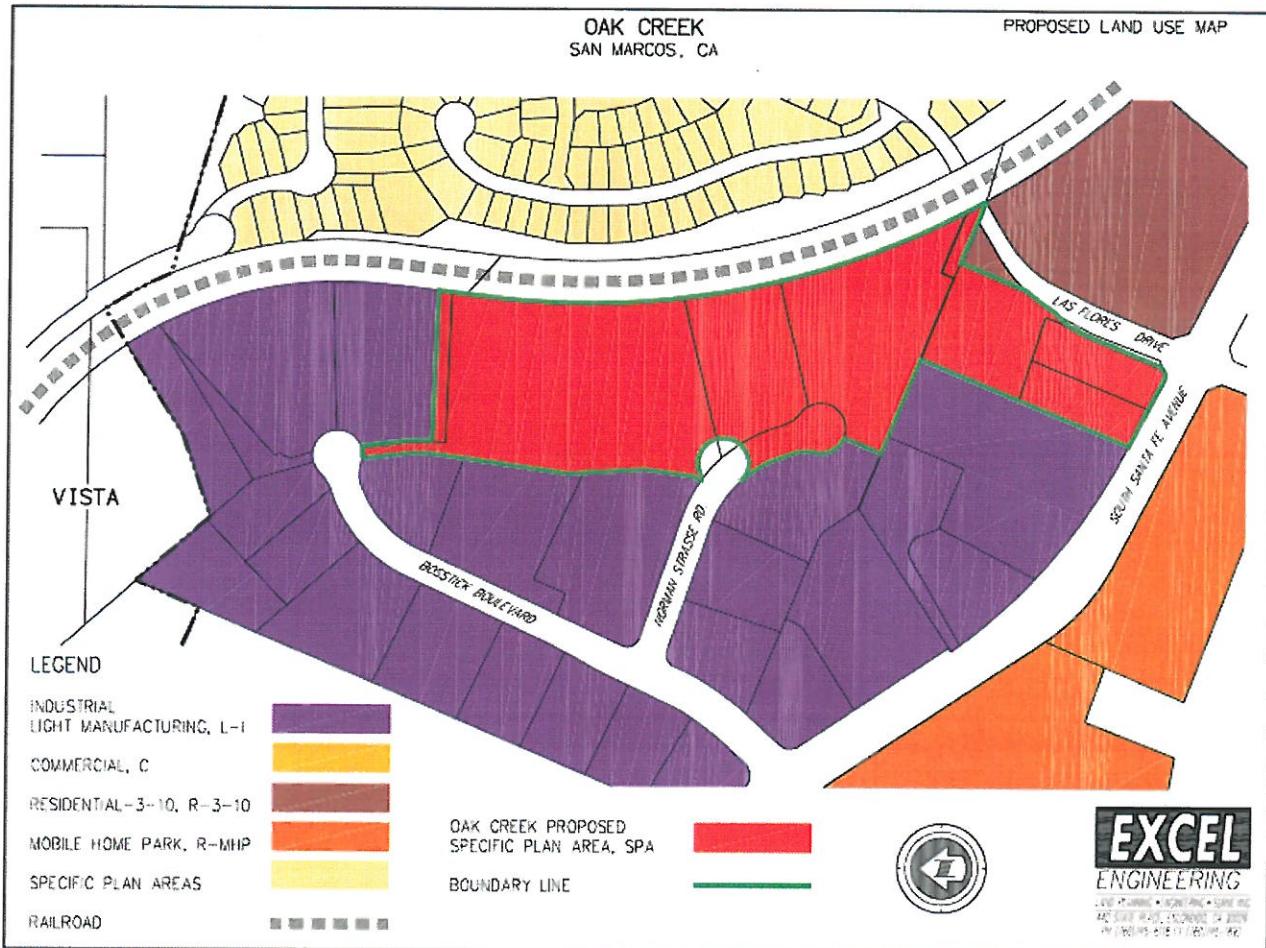
Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

EXHIBIT "A"



San Marcos Existing General Plan Zoning and Surrounding Area

Attachment "B"



Proposed Land Use Map

