

February 12, 2018

Mr. Kevin Johnston
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, California 92123

Re: Property Specific Request General Plan Amendment Environmental Impact Report
PDS2012-3800-12-005; PDS2014-REZ-14-006; LOG NO. PDS2012-ER-12-00-003;
SCH NO. 20151012

Dear Mr. Johnston,

L2-1 The City of San Marcos (City) thanks you for the opportunity to respond to the Draft Environmental Impact Report (DEIR) prepared for the above referenced project. City Council (Resolution 2014-7985) Annexation Policy (attached) sets forth general goals for annexation of property into jurisdictional boundaries of the City. To this end, it is important for project implementation that there is consistency between City and County General Plan land use designations for City Sphere of Influence (SOI) properties. With this in mind, the City Development Services Department requests your consideration of the following comments regarding County Property Specific Request (PSR) area changes within the City's SOI.

- L2-2
- PSR NC22: The proposed change from SR10 to a combination of SR-10 and SR1 does increase the land use density. However most of this PSR area is part of the San Marcos Highlands Specific Plan Area approved (City Council December 13, 2016) for 189 dwelling units on 265.8 acres consistent with the City's General Plan. The SMH SPA approval results in a density of 0.71 dwelling units per acre through a clustered site design with 72% of the acreage preserved for habitat/preservation, and an open space corridor. An SR-1 on the County portion of the project is more consistent with the SMH SPA than the proposed SR-1 and SR-10 mix. The City requests that the County consider a SR-1 for the PSR area contained within the SMH SPA. The project applicant has secured Federal and State biological regulatory permits, and is currently in process with the Local Agency Formation Commission (LAFCO) to annex the County project acreage to the City. In light of this information, the City requests that the County not oppose future annexation of the site, and ultimately, development as per the approved SMH SPA.

- L2-3
- PSR NC 38, NC 41, and NC 48: The City General Plan for this PSR is Agricultural Residential (0.125-1 dwelling unit per acre). The County change from SR-2 to SR-1 for this PSR is consistent with the San Marcos General Plan.

- L2-4
- PSR SD15: The site is southeast of the La Costa Meadows Light Industrial Park, contiguous to a large existing industrial building, and the City limits. The City of San Marcos General Plan designation for this PSR area is Specific Plan with Light Industrial, Commercial, and Open Space land uses. The VR-10.9 and SR-0.5 land uses included with C-1 in this PSR are not consistent with the City's General Plan. However, the City is evaluating an application
- L2-5

L2-5^{cont} L submitted on January 26, 2017 to request entitlements to allow construction of commercial, multi-family residential (351 units), and open space land uses.

L2-6 [In addition to above, the City requests that land use changes resulting in additional impacts to City services, such as fire protection, traffic and circulation, and park services, be fully evaluated and mitigated at the project specific level of environmental review.

L2-7 [Thank you in advance for your consideration of these comments. The City requests that the comments contained herein are considered in the Final EIR and that the City is notified when the project is scheduled for public hearing. If you have any questions, please feel free to me in the Planning Division at (760) 744-1050 extension 3237 or svandrew@san-marcos.net.

Cordially,



Susan Vandrew Rodriguez
Associate Planner

Enclosure (1): Annexation Policy Resolution 2014-7985

cc: Dahvia Lynch, Development Services Director
Karen Brindley, Planning Manager
Joe Farace, Principal Planner
Peter Kuey, Principal Civil Engineer, Land Development
Norm Pedersen, Associate Planner

RESOLUTION NO. 2014-7985

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
APPROVING A COMPREHENSIVE POLICY GOVERNING FUTURE ANNEXATIONS

WHEREAS, a Ridgeline Protection Ordinance was approved by the City to preserve primary and secondary ridgelines, protect natural viewsheds and unique natural resources within the San Marcos city limits; and

WHEREAS, the adopted Ridgeline Protection Ordinance was placed on the ballot, which was approved by the voters of San Marcos; and

WHEREAS, a more recent development in the City's adopted Spheres of Influence has raised public concerns over preservation of significant landforms in the County areas adjacent to the City of San Marcos within adopted Spheres of Influence; and

WHEREAS, the City Council directed staff to prepare a policy to govern future annexations into the City of San Marcos and the protection of significant landforms as part of these annexations; and

WHEREAS, staff prepared a comprehensive annexation policy dealing with all aspects of annexation into the City.


NOW, THEREFORE, BE IT RESOLVED that:


1. The foregoing recitals are true and correct.
2. That the attached annexation policy is hereby approved and to be applied to all future annexation projects.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, this 23rd day of September 2014 by the following roll call vote:

AYES:	COUNCILMEMBERS:	JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE

ATTEST:


Phillip Scollick, City Clerk
City of San Marcos


James M. Desmond, Mayor
City of San Marcos



CITY COUNCIL

Policy

CITY OF SAN MARCOS

SUBJECT: Goals and Policies for Annexation of Property into City Limits

ADOPTED: September 23, 2014 by Resolution No. 2014-7985

Purpose

This policy sets forth general goals and policies for annexation of property into the jurisdictional boundaries of the City of San Marcos.

Goals

Promote the annexation of unincorporated lands, where it is determined in the City's interest, to promote orderly development, implement City-wide goals and objectives, and/or to expedite delivery of facilities and services within the Sphere of Influence areas.

The annexation of unincorporated properties into the City must complement and be compatible with adjoining land use areas as envisioned by the City's General Plan and comply with the City's development standards, as outlined in the following policies.

Policies

- (a) Allow owners of property located within the adopted Sphere of Influence to annex to the City and annex unincorporated lands owned by the City.
- (b) Demonstrate that facilities, services, and infrastructure are adequate to serve proposed annexations in accordance with City standards.
- (c) Demonstrate that appropriate improvements, as determined by the City, will be financed by the property owner and/or applicant, and that such expansion of the City boundaries will not have unacceptable adverse fiscal or environmental impacts to existing City services or residents.
- (d) Comply with all applicable City municipal code provisions and development standards, environmental review, and CFDs annexation and development fees in place at time of building permit issuance as found in San Marcos Municipal Code, Chapter 17.64.
- (e) Require annexing properties to be annexed into all applicable service, utility, and special districts.
- (f) Properties to be annexed must be located within the City's adopted Sphere of Influence and be physically contiguous with City limits, and represent a logical geographic expansion of the City without creating an incorporated County "island".

POLICY NO. 2014-10

- (g) Properties to be annexed must be pre-zoned consistent with the City's General Plan land use designation in conjunction with any other development entitlements.
- (h) Properties to be annexed with significant landforms adjacent to designated Primary and/or Secondary Ridgelines will extend the preservation of these Primary and/or Secondary Ridgelines, where warranted, and consistent with the provisions and with the intent of the Ridgeline Protection and Management Overlay Zone in the San Marcos Municipal Code, Title 20, Chapter 20.260, in accordance with the following guidelines:
 - Preserve scenic resources, including prominent landforms such as Double Peak, Owens Peak, San Marcos Mountains, Merriam Mountains, Cerro de Las Posas, Franks Peak, and canyon areas through conservation and management policies.
 - Encourage and maintain high-quality architectural and landscaping designs that enhance or compliment the hillsides, ridgelines, canyons, and view corridors that comprise the visual character in San Marcos.
 - Continue to work with new development and redevelopment project applicants in designing land use plans that respect the topography, land forms, view corridors, wildlife corridors, and open space that exists.
 - Evaluate potential impacts to visual and aesthetic resources, including the potential to create new light sources while still maintaining and being sensitive to rural lighting standards.
- (i) Properties to be annexed must comply with the goals and policies of the General Plan including, but not limited to, the following elements: Land Use; Mobility; Conservation & Open Space; Parks, Recreation, & Community Health; Safety; Noise; and Housing Elements.
- (j) Properties to be annexed must comply with fire code requirements, including wildland fire mitigation measures through the City's Urban Wildland/Interface Area standards and the City's minimum 150-foot fuel management zone.
- (k) The property owner and/or applicant must obtain all necessary approvals from the City, the Local Agency Formation Commission (LAFCO), and other applicable agencies, prior to annexation.

Responses to Letter L2, City of San Marcos

- L2-1 This comment is introductory in nature, conveying the importance of ensuring there is consistency between City of San Marcos and County of San Diego General Plan land use designations for City Sphere of Influence Properties. This comment states that subsequent comments provided within the letter pertain to PSR Analysis Areas within the City's Sphere of Influence (SOI) (i.e., PSR Analysis Areas NC22, NC38, NC41, NC48, and SD15).
- L2-2 This comment states that most of PSR Analysis Area NC22 is part of the approved San Marcos Highlands Specific Plan Area (SMH SPA). Further, this comment states that a land use designation of SR-1 on the County portion of the PSR is more consistent with the SMH SPA than the proposed land use designation of a mixed SR-1 and SR-10 area. The City requests the County consider changing the land use designation for the portion of PSR NC22 within the SMH SPA to SR-1.

The Draft SEIR has analyzed the change in land use designation for NC22 from the existing SR-10 to a combination of SR-10 and SR-1. Increasing the density on NC22 from a land use designation of SR-10 to SR-1 for the entire Analysis Area would result in increased impacts that were not analyzed in the Draft SEIR and would require additional analysis and recirculation of portions of the SEIR. Therefore, the request cannot be granted. Section 2.9.3.2 of the Draft SEIR provides a discussion of the proposed land use designations and whether the project would be consistent with the land use designation within the City's SOI (see pages 4.9-58, 4.9-76 and 4.9-77).

- L2-3 This comment states that the applicant for the SMH SPA has obtained Federal and State biological regulatory permits for the SMH SPA and is in the process with the Local Agency Formation Commission (LAFCO) to annex the County project acreage to the City, and requests that the County not oppose future annexation of the site.

The County acknowledges the City's request for the County not to oppose future annexation of the site; however, this comment does not raise specific issues relative to the DEIR, and, therefore, no response is required.

- L2-4 This comment states that the proposed land use designation changes within PSRs NC38, NC41, and NC48 (from SR-2 to SR-1) are consistent with the San Marcos General Plan.

The County acknowledges the comment. These PSRs are part of one Analysis Area referred to as NC38+ in the Draft SEIR. No further response is required.

- L2-5 This comment pertains to PSR Analysis Area SD15 and states that the proposed land use designations of VR-10.9 and SR-0.5 on portions of the site would be inconsistent with the City's General Plan. This comment also states that the City is evaluating an application for entitlements to construct commercial, multi-family residential (351 units), and open space land uses.

The County acknowledges the comment. Section 2.9.3.2 of the Draft SEIR discusses the consistency with City pre-annexation designations for the Proposed Project's PSR Analysis Areas located within the City SOIs (see pages 2.9-75 - 77). No impacts were assessed in the discussion related to consistency with City SOIs because the Analysis Areas in SOIs are not yet under the

jurisdiction of the adjacent cities. As such, any differences between the proposals and designations of adjacent cities would not result in conflicts with applicable land use plans.

- L2-6 This comment requests that land use changes that may result in additional impacts on City services such as fire protection, traffic and circulation, and park services be fully evaluated and mitigated at the project-specific level of environmental review.

The County acknowledges the comment and agrees that subsequent development project-specific level of analysis should include evaluation of any additional potential impacts to City services. The comment does not raise a specific issue with respect to the analysis performed in the Draft SEIR; therefore, no further response is necessary.

- L2-7 This comment is conclusory and the commenter requests to be notified when the project is scheduled for public hearing.

The County acknowledges this comment and will notify the City of San Marcos of the future public hearing.