

RESOLUTION PC 12-4273

A RESOLUTION OF THE CITY OF SAN MARCOS
PLANNING COMMISSION RECOMMENDING THE CITY
COUNCIL CERTIFY THE FINAL ENVIRONMENTAL
IMPACT REPORT NO. 11-44 AND ADOPT A STATEMENT
OF OVERRIDING CONSIDERATIONS.

Case No. EIR 11-44
City of San Marcos General Plan

WHEREAS, the City of San Marcos (City) initiated a comprehensive update of the General Plan in 2009, establishing goals and policies to guide operation of the City by regulating land use and community design; mobility; conservation and open space; parks, recreation and community health; safety; and noise; and

WHEREAS, City of San Marcos is the lead agency for the preparation and consideration of environmental documents for the Project, as defined by the California Environmental Quality Act located at Public Resources Code Sections 21000-21178.1 ("CEQA") and the California Guidelines for the Implementation of CEQA located at Cal. Code of Regulations, Title 14, Sections 15000-15387 ("State CEQA Guidelines"); and

WHEREAS, the Program EIR (State Clearing House #2011071028) prepared for the project provides a description of potential environmental impacts of the proposed General Plan and recommends mitigation measure to reduce the impacts to less than significant level, where feasible; and

WHEREAS, a Notice of Preparation of the draft Program EIR was circulated to the public, responsible agencies, and other interested parties for their review and comment from July 5, 2011 to August 3, 2011, as required by CEQA; and

WHEREAS, the draft Program EIR was prepared in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Regulations Section 21000 et seq., and the CEQA Guidelines, 14 California Code of Regulation Section 15000

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et seq., and the draft Program EIR and the draft General Plan circulated to the public, responsible agencies, and other interested parties for their review and comment from November 21, 2011 to January 5, 2012, as required by CEQA; and

WHEREAS, written comments and oral testimony were received on the draft Program EIR and draft General Plan during the 45-day review period including those given at the public hearings before the Planning Commission; and

WHEREAS, the City of San Marcos has consulted with public agencies required by CEQA and has provided an opportunity for review and comment on the Draft EIR as required by the provisions of the State CEQA Guidelines; and

WHEREAS, the City of San Marcos has evaluated the comments received from public agencies and persons who reviewed the Draft EIR and has prepared responses to the comments received during the public comment period; and

WHEREAS, the City of San Marcos has evaluated the comments received from public agencies and persons who reviewed the Draft EIR and has prepared responses to the comments received during the public comment period; and

WHEREAS, said comments and recommendations received on the Draft EIR, either verbatim or in summary, a list of persons, organizations and public agencies commenting on the Draft EIR, and responses of the City of San Marcos to environmental points raised in the review and consultation process have been attached to and made part of the Draft EIR (State Clearing House #2011071028) in the form of the Final EIR (No. 11-44), for the Project, as required by Section 15132 of the State CEQA Guidelines; and

WHEREAS, the City of San Marcos desires and intends to use the Final EIR and the documents incorporated by reference therein, as the environmental documentation required by the State and Local CEQA Guidelines for the above-referenced discretionary action of adopting the General Plan to the extent authorized by law; and

WHEREAS, the Planning Commission is responsible for reviewing the Final EIR and making a recommendation to the City Council of the City of San Marcos as to whether such Final EIR has been prepared in compliance with all applicable requirements; and

WHEREAS, on January 9, 2012, January 12, 2012, and January 17, 2012, the Planning Commission held duly noticed public hearings on the General Plan and Draft EIR, held in the manner prescribed by law, and has considered all written and oral reports of staff and public testimony on the matter, and such other modifications as are reflected in the record of this matter; and

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Final EIR indicates that the Project would have direct and/or cumulative impacts in the following areas, which can be reduced to less than significant levels if all mitigation measures recommended in the Final EIR are implemented for the General Plan:
 1. Aesthetics and Visual Resources;
 2. Agricultural Resources;
 3. Air Quality;
 4. Biological Resources;
 5. Cultural Resources;
 6. Geology, Soils, and Mineral Resources;
 7. Greenhouse Gas Emissions;
 8. Hazards and Hazardous Materials;
 9. Hydrology and Water Quality;
 10. Land Use and Planning;
 11. Noise;
 12. Paleontological Resources;
 13. Population and Housing;
 14. Public Services, Utilities, and Energy;
 15. Recreation
 16. Transportation and Traffic
- C. The Final EIR indicates that Project will have the following significant, direct and/or cumulative unmitigable impacts on the environment in the following areas; even after all feasible mitigation measures recommended

in the Final EIR are implemented and as such have recommended adoption of the attached Findings of Fact and Statement of Overriding Consideration for the General Plan:

1. Air Quality (significant and unmitigable, cumulative - violate air quality standard or contribute substantially to an existing or projected air quality violation)
 2. Greenhouse Gas Emission (significant and unmitigable, cumulative - generation of greenhouse gas emissions)
 3. Public Services, Utilities, and Energy (cumulative - energy infrastructure)
- D. The Final EIR reflects the independent judgment of the City of San Marcos, as required by Section 21082.1(c)(3) of CEQA; and
- E. The Final EIR has been prepared and completed in compliance with CEQA and all applicable requirements, as required by Section 15090 of the State CEQA Guidelines; therefore, the Planning Commission recommends certification of the Final EIR by the San Marcos City Council.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 17th day of January, 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Steve Kildoo, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Planning Secretary
SAN MARCOS CITY PLANNING COMMISSION

EXHIBIT "A"
Findings of Fact and Statement of Overriding Consideration



RESOLUTION PC 12-4272

A RESOLUTION OF THE CITY OF SAN MARCOS
PLANNING COMMISSION RECOMMENDING TO THE
CITY COUNCIL APPROVAL AND ADOPTION OF THE
DRAFT GENERAL PLAN

GPA 09-105
City of San Marcos

WHEREAS, the City of San Marcos (City) initiated a comprehensive update of the General Plan in 2009, and a General Plan have been prepared to guide the future of the City by describing guiding themes, goals and policies regulating land use and community design; mobility; conservation and open space; parks, recreation and community health; safety; and noise; and

WHEREAS, an Implementation Program has been prepared to enable the implementation of these goals and policies; and

WHEREAS, the City conducted an extensive public outreach process for the General Plan update to incorporate community direction and ownership of the update including but not limited to a series of 3 public workshops and special meetings; and

WHEREAS, the City Council appointed 13 community members and 9 alternates to serve on a General Plan Advisory Committee which, over the course of 24 meetings, provided guidance and recommendations on key issues relating to the General Plan; and

WHEREAS Article 5 of the State Government Code specifies 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 any land outside its boundaries which bear a relationship to its long range planning efforts or a designated Sphere of Influence; and

WHEREAS Article 5, Section 65302 of the State Government Code specifies the contents for a general plan; and

WHEREAS, on January 9, 2012, January 12, 2012, and January 17, 2012, the Planning commission held duly noticed public hearings on the General Plan, and has considered all written and oral reports of staff and public testimony on the matter, and such other modifications as are reflected in the record of this matter; and

WHEREAS, the General Plan (GPA 09-105) is a citywide document that is an integrated, internally consistent statement of the official land use policy for the City of San Marcos; and

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WHEREAS, the Program EIR (SCH #2011071028) prepared for the project provides a description of potential environmental impacts of the proposed General Plan and recommends mitigation measure to reduce the impacts to less than significant level, where feasible; and

WHEREAS, the draft General Plan circulated to the public, responsible agencies, and other interested parties for their review and comment from November 21, 2011 to January 5, 2012, as required by CEQA; and

WHEREAS, written comments and oral testimony were received on the draft Program EIR and draft General Plan during the 45-day review period including those given at the public hearings before the Planning Commission; and

WHEREAS, pursuant to the California Government code Section 65354, the Planning commission is required to make written recommendation to the City Council whether to approve, approve in modified form, or deny proposed general plan amendments as made by an affirmative vote of not less than a majority of the total membership of the Commission.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The draft General Plan is consistent with the requirements of the California Government Code regarding General Plans and the adopted General Plan guidelines in effect as of the date of this resolution, and ensures and maintains internal consistency with all the objective, policies, general land uses, programs and actions of all elements of the General Plan.

The General Plan is a comprehensive update of the 1988 General Plan, which includes an update of existing elements, with the exception of the Housing Element which shall be updated under a separate process. The General Plan comprises the following State mandated and optional elements: Land Use and Community Design; Mobility; Conservation and Open Space; Parks, Recreation and Community Health; Safety; Noise; Housing (to be updated separately).

Development of the General Plan was a multi-year process and involved extensive public participation in the form of public workshops, surveys and public hearings, and General Plan Advisory Committee meetings. Nine guiding themes were identified through the comprehensive public participation program to reflect the objectives of the community. The guiding

themes of the General Plan, as stated within the Draft Environmental Impact Report include:

1. Creating a vibrant destination city
2. A strong local economy and employment base
3. Connecting people to places
4. An educational and academic hub
5. A city with choices
6. Sustaining environmental quality
7. Building a greener community
8. A healthy and safe community
9. Continuing our agricultural heritage

Each element of the General Plan has been reviewed by City staff, the General Plan consultant and the Planning Commission for internal consistency and has been determined to be internally consistent and reflect the established guiding themes.

3. The draft General Plan is in compliance with the provisions of the California Environmental Quality Act (CEQA).

A Program Environmental Impact Report has been prepared for the project that provides a description of potential environmental impacts of the proposed General Plan implementation and recommends mitigation measure to reduce impacts to less than significant level, where feasible. After implementation of the General Plan goals and policies and the recommended mitigation measures, most of the significant or potentially significant impacts associated with implementation of the proposed General Plan would be reduced to a less than significant level.

A Notice of Preparation of the draft Program EIR was circulated to the public, responsible agencies and other interested parties for their review and comment from July 5, 2011 to August 3, 2011, as required by law.

The draft Program EIR and the draft General Plan were circulated to the public, responsible agencies, and other interested parties for their review and comment from November 21, 2011 to January 5, 2012, in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Regulations Section 21000 et seq., and the CEQA Guidelines, 14 California Code of Regulation Section 15000 et seq., and other applicable laws and regulations.

The program EIR for the General Plan addresses all related environmental concerns in compliance with CEQA, including but not limited to the following:

1. Aesthetics and Visual Resources;

2. Agricultural Resources;
3. Air Quality;
4. Biological Resources;
5. Cultural Resources;
6. Geology, Soils, and Mineral Resources;
7. Greenhouse Gas Emissions;
8. Hazards and Hazardous Materials;
9. Hydrology and Water Quality;
10. Land Use and Planning;
11. Noise;
12. Paleontological Resources;
13. Population and Housing;
14. Public Services, Utilities, and Energy;
15. Recreation
16. Transportation and Traffic

Written comments and oral testimony were received on the draft General Plan during the 45-day review period including those given at the public hearings before the Planning Commission.

4. The proposed General Plan would not be detrimental to the public convenience, health, safety, or general welfare of the City.

The General Plan will promote the health, safety and welfare of the City through the listed goals and policies included within each Element. A Program Environmental Impact Report has been prepared for the project that provides a description of potential environmental impacts of the proposed General Plan implementation and recommends Mitigation Measures to reduce impacts to less than significant level, where feasible. After implementation of the General Plan goals and policies and the recommended mitigation measures, most of the significant or potentially significant impacts associated with implementation of the proposed General Plan would be reduced to a less than significant level. Impact areas of Air Quality and Greenhouse Gas Emissions could not be completely mitigated and would result in significant unavoidable impacts associated with implementation of the proposed General Plan. However, these identified unavoidable impacts would occur to a much greater extent under the existing General Plan.

BE IT THEREFORE FURTHER RESOLVED, that based on the written information provided, the public comments received and the findings stated above, the Planning Commission hereby recommends that the City Council take the following action:

1. Adopt the City of San Marcos General Plan (GPA 09-105) as presented to the Planning Commission at the hearing on January 9, 2012 and referenced as Exhibit A, and including the incorporation of changes noted in the Errata Sheet, which is attached hereto and incorporate herein as Exhibit D, as visualized in the updated Land Use Plan including the modification to the Land Use Plan recommended by the Planning Commission, and modification to other General Plan maps as noted in the Errata Sheet.

The General Plan (GPA 09-105), as amended per attachments A-D, is hereby recommended to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a series of meetings thereof, this 17th day of January, 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Steve Kildoo, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Planning Secretary
SAN MARCOS CITY PLANNING COMMISSION