



ATTACHMENT C

CITY COUNCIL STAFF REPORT 7/23/2024



Staff Report

File #: TMP-2126, **Version:** 1

MEETING DATE:

JULY 23, 2024

SUBJECT:

RESOLUTION NOS. 2024-9323, 9324, 9325, & 9326 AND ORDINANCE NOS. 2024-1547 & 1548 - PACIFIC SPECIFIC PLAN - ENTITLEMENTS FOR A 228-UNIT RESIDENTIAL DEVELOPMENT, INCLUDING AN ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (EIR24-002) WITH FINDINGS OF FACT, A GENERAL PLAN AMENDMENT (GPA21-0002), A REZONE (R21-0002), A SPECIFIC PLAN (SP22-0001), A MULTI-FAMILY SITE DEVELOPMENT PLAN (MFSDP24-0001), AND A TENTATIVE SUBDIVISION MAP (TSM24-0001) AS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION BY A 6-0 VOTE

Recommendation

ADOPT or INTRODUCE the following, as applicable, in the order set forth below:

1. ADOPT resolution (2024-9323) to certify the Environmental Impact Report (EIR24-002 / SCH No 2022050650) associated Mitigation Monitoring and Reporting Program, with Findings of Fact;
2. ADOPT resolution (2024-9324) (General Plan Amendment GPA21-0002) for a land use change of 33.2 acres/project site from Industrial (I) to Specific Plan Area (SPA);
3. INTRODUCE ordinance (2024-1547) (Rezone R21-0002) for a zone reclassification of 33.2 acres/project site from Industrial (I) to Specific Plan Area (SPA);
4. INTRODUCE ordinance (2024-1548) (Specific Plan SP22-0001) to adopt the Pacific Specific Plan to establish development guidelines and serve as the primary land use, policy, and regulatory document for the project site;
5. ADOPT resolution (2024-9325) (Multi-Family Site Development Plan MFSDP24-0001) to allow the construction of 228 residential condominiums; and
6. ADOPT resolution (2024-9326) (Tentative Subdivision Map TSM24-0001) to establish two residential lots and one open space lot, with 116 residential condominiums on Lot 1 and 112 residential condominiums on Lot 2.

Board or Commission Action

On June 17, 2024, the Planning Commission voted 6-0 to recommend certification of the Environmental Impact Report (EIR24-002 / SCH No. 2022050650), associated Mitigation Monitoring and Reporting Program, with Findings of Fact, and to recommend approval of the General Plan Amendment (GPA21-0002), Rezone (R21-0002), Specific Plan (SP22-0001), Multi-Family Site Development Plan (MFSDP24-0001) and Tentative Subdivision Map (TSM24-0001).

Executive Summary

The approximately 33.2-acre project site consists of primarily undeveloped land and contains a variety of vegetation communities with special-status plant and animal species. Special-status plant species have been

afforded special status and/or recognition by the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) and may also be included in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants. Three sensitive vegetation communities/habitat types that are identified on the site include vernal pool, Diegan coastal sage scrub, and grassland. Six special-status plant species were observed on the project site during biological surveys include Thread-leaved brodiaea, Orcutt's brodiaea, Small-flowered morning-glory, San Diego button-celery, Chaparral rein orchid, and Graceful tarplant. Special status animal species include those that have been afforded special status and/or recognition by USFWS and/or CDFW. San Diego fairy shrimp is the only special status animal species that was detected in the project area during the biological surveys and is a federally listed endangered species. Due to presence of special status plant and animal species, City initiated early consultation with the Resource Agencies, (USFWS & CDFW). The Resource Agencies let the applicant and City staff know that preserving vernal pools occupied with San Diego fairy shrimp is highly important to USFWS and that preserving state-listed endangered Thread-leaved brodiaea is highly important to CDFW.

The project was initially submitted on March 22, 2021, for a General Plan Amendment and Rezone to change the site's designation from Industrial (I) to Specific Plan Area (SPA) which would include an analysis of the environmental impacts associated with future projects on the site. In order to fully evaluate the environmental impacts associated with the project, staff directed the applicant to submit a site design in conjunction with the General Plan Amendment and Rezone.

On January 11, 2022, the project applicant submitted an application for a Specific Plan, Mutli-Family Site Development Plan, and a Tentative Subdivision Map proposing a 449-unit project with a development footprint of approximately 17.9 acres with approximately 15.3 acres preserved as Open Space. Due to the site's unique characteristic of diversity of biological resources, staff initiated early consultations with the Resource Agencies. Based on these discussions, specific mitigation measures to address concerns of the Resource Agencies were incorporated into the Draft EIR (DEIR). The project identified in the EIR is the 449-unit proposal and identified as the "DEIR Project" in this report. The DEIR was circulated for public comment for 45 days starting March 2, 2023.

Comments received from the Resource Agencies during the 45-day DEIR public review period expressed that an alternative be provided that develops no more than 25 percent along the southern border of the project site, restricting development to the southernmost third of the project site with the goal of minimizing impacts to sensitive biological resources. As a result of these comments, an additional alternative project design was incorporated into the Final EIR (FEIR) consisting of 228 units with a development footprint of 9.7 acres (29.2%) of the project site. This development scenario is the project design that staff is recommending for approval and is referred to in this report as the "228-unit project" or the "Reduced Development Footprint Alternative - Vernal Pool Impact Minimization" ("RDFA-VPIM").

Introduction

The proposed Pacific Specific Plan would allow the development of 228 residential units on an approximately 33.2-acre vacant site bounded by Pacific Street, La Mirada Drive, Las Posas Road, and Linda Vista Drive. The development project recommended for approval is for 228 condominiums under the Multi-Family Site Development Plan and Tentative Subdivision Map. The project design will result in a gross density of 6.86 dwelling units per acre (du/ac) and a net density of 23.77 du/ac. Development is proposed on approximately

9.7 acres (including street dedication), with approximately 23.5 acres preserved as natural open space.

Discussion

Specific Plan/General Plan Amendment/Rezone

The applicant originally submitted a Specific Plan for the development of up to 449 residential units consisting of condominiums, market-rate apartments, and/or affordable apartments, on the project site. However, as a result of comments received on the DEIR, the Specific Plan is proposed to be revised consistent with the recommended project of 228 residential condominiums (MFSDP24-0001, TSM24-0001) and is shown in strike-out/underline format in Attachment E. A Specific Plan is a comprehensive planning document that establishes development guidelines for a project site. The Pacific Specific Plan will serve as the primary land use, policy, and regulatory document for the project by providing a development planning review process for developing residential while preserving at least 60% of the site as natural open space. The Specific Plan includes design standards and other requirements to achieve the objectives of a high-quality development proximate to transit and employment opportunities.

The project site currently has a General Plan Land Use designation and Zoning designation of Industrial (I), which allows for the development of various industrial, office, and commercial uses. A General Plan Amendment and Rezone is required to change the land use designation and zone of the project site from Industrial (I) to Specific Plan Area (SPA). This General Plan Amendment and Rezone would allow the Specific Plan to provide rules and regulations for the proposed residential development of the property.

The Specific Plan would implement the overarching goals of the City's General Plan through various proposed features and components such as providing housing near transit and the commercial and industrial uses existing near State Route 78; providing a range of housing options; designating opportunities for recreational and open space areas; and supporting vehicular, bicycle, and pedestrian modes of travel. Additional objectives of the project include providing at least 60% of the site for onsite conservation of habitat and species and establishing development standards and design guidelines that ensure distinctive architecture, landscaping and recreational amenities that complements and enhances the existing surrounding neighborhood while providing a desirable living environment for residents within the Specific Plan area. The project complies with General Plan Goals and Policies as stated below:

San Marcos 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.

The proposed project would add residential units to an underutilized (vacant) property surrounded by a variety of uses including commercial and industrial uses, and Bradley Park to the southwest. The project provides housing opportunities within proximity to transit and employment.

San Marcos General Plan Land Use Goal LU-3: Develop land use patterns that are compatible with and support a variety of mobility opportunities and choices.

The proposed project would construct housing on the vacant project site near mobility options. Palomar College Transit Center is located approximately 1.25-miles from the Specific Plan area. Palomar College Transit Center is the largest North County Transit District (NCTD) hub that consists of a bus depot on the north

side of West Mission Road, near the main entrance to Palomar College, and a train station on the south side of West Mission Road that serves the SPRINTER hybrid rail train. A bus stop on the Las Posas frontage of the Specific Plan area serves two bus routes that connect to the Palomar Transit Center, Cal State San Marcos, and the Poinsettia Transit Station in Carlsbad which serves the COASTER rail train. Furthermore, an urban trail would be constructed along the north and south project frontages, which would encourage walking and biking to surrounding destinations. Thus, the proposed project's land use would support a variety of mobility opportunities and promote multimodal transportation.

San Marcos General Plan Land Use Goal LU-5: Promote community design that produces a distinctive, high-quality built environment with forms and character that create memorable places and enrich community life.

The project site will be regulated under the Pacific Specific Plan, which allows for residential development. The Specific Plan establishes development plan guidelines and standards such as setbacks, landscaping, and architecture. Active and passive open space and common areas are located within the development to enhance the quality of the built environment and create memorable places that enrich community life. Implementation of the design standards in the Pacific Specific Plan ensure orderly development and that the project will establish an intent and character of the neighborhood and vicinity compatible with surrounding development and the goals of the General Plan.

San Marcos General Plan Housing Element Goal 1: Provide a broad range of housing opportunities with emphasis on providing housing which meets the special needs of the community.

The project proposes to replace land designated for industrial with residential dwelling units. The Specific Plan allows for-sale condominiums, market-rate apartments, and affordable apartments. The proposed Site Development Plan consists of two, for-sale condominium developments that are described as rowhomes and villas. The rowhome development offers four plan types of two-, three, or four-bedroom units with sizes ranging from 1,200 square feet to 1,890 square feet. The villa development offers three plan types of two- or three-bedroom units with sizes ranging from 1,232 square feet to 1,832 square feet. The proposed variety in housing types will provide needed housing that will contribute to meeting the housing demand of the community. Although allowed by the Specific Plan, no apartments or affordable housing units are proposed as part of the Multi-Family Site Development Plan.

Additional detailed description of the project's compliance with applicable General Plan Goals and Policies is included within the Pacific Specific Plan.

Multi-Family Site Development Plan

As stated in the Executive Summary, the Pacific Specific Plan allows for up to 228 residential units and the project is proposed with 228 dwelling units which would result in a gross density of 6.86 dwelling units per acre (du/ac) and a net density of 23.77 du/ac. Development is proposed on approximately 9.7 acres (including street dedication), with approximately 23.5 acres preserved as natural open space. Under the Multi-Family Site Development Plan (MFSDP), the project design was reviewed for compliance with applicable development standards of the Pacific Specific Plan, the Zoning Ordinance, and other regulatory provisions. The MFSDP addresses the design of the 228 residential condominiums, the floor plans and elevations, and associated common open space and residential amenities within the project site. The proposed site plan consists of 32 residential buildings configured as three to ten-plex building types. Site and architectural plans

for the proposed project are included in Attachment F.

Architecture/Floor Plans

The project's Spanish Architecture takes inspiration from traditional Spanish Mediterranean style architecture that was generally adapted from the early ranchos of California and haciendas of Mexico. Elements and materials traditionally used for the Spanish Mediterranean style include low pitched roofs using "S" tiles, simple forms with stucco walls, fiber cement trim at selected window enhancements, decorative shutters, decorative pot shelves, decorative metal grilles, accent tiles for a decorative look at select gables and select entryways and stone veneers. The architecture was chosen to celebrate the rich history of California and complement existing architecture adjacent to the project area." The project will feature two residential product types: rowhomes and villas. Both product types are made up of multiple three-story buildings approximately 40 feet in height with an attached two-car garage for each unit. The rowhomes will have four floor plan types ranging in size from 1,200 square feet to 1,890 square feet with two-, three-, and four-bedroom units. The villas will have three floor plan types ranging in size from 1,232 square feet to 1,832 square feet with two- and three-bedroom units. The buildings comply with the maximum building height of 45-feet and three stories, as established by the Pacific Specific Plan. Exterior building materials primarily consist of painted stucco and concrete tile roofs, with many architectural accents such as stone, metal railings, decorative shutters, pot shelves, and gable accents. Two color schemes per product type provide variation but maintain a cohesive design.

Affordable Housing

The proposed 228-unit project does not propose any affordable housing units on-site. However, to comply with the City's Inclusionary Housing Ordinance, the project is conditioned to enter into an affordable housing agreement with the City to pay in-lieu fees equal to 15% of the total number of units.

Open Space/Landscaping

Each residential unit for the project is designed with a 55- to 80-square-foot balcony and/or a 265- to 285-square foot patio for private open space. These private open space amenities exceed the 50-square-foot balcony and 250-square-foot patio requirements per the Pacific Specific Plan which is also consistent with the San Marcos Municipal Code. In addition to private open space, the project includes centrally located common recreational amenities of two tot-lot/playgrounds totaling 5,583 square feet, a pool and spa area with restrooms, barbeque and seating areas totaling 5,813 square feet, and a play lawn and seating area totaling 1,780 square feet. Landscaping throughout the project will consist of a mixture of trees, shrubs, and ground cover to enhance the proposed buildings along the project frontages as well as interior to the site. A total of 275 trees will be planted with the project (which includes 44 trees within the rights-of-way) and only 2 existing trees will be removed. All on-site landscaping will be maintained privately and will be required to comply with the City's Landscape Water Efficiency Ordinance (SMMC Chapter 20.330). Landscaping within the rights-of-way for Linda Vista Drive, La Mirada Drive and Pacific Street will be publicly maintained. A conceptual landscape plan has been provided in the project plans Attachment F.

Grading/Utilities

Grading will consist of approximately 16,600 cubic yards (CY) of cut material and 16,600 CY of fill. Although the site is intended to balance, it is anticipated that as much as 10,000 CY of material will either be imported to the site or exported from the site to complete the grading, including utility and foundation trench spoils. Due to the topography of the project site and to minimize disturbance of sensitive habitat, retaining walls are located

along the perimeter of the site. Up to a four-foot-high retaining wall will be located along a portion of Pacific Street. Retaining walls interior to the project site, adjacent to the open space area vary in height with a maximum of approximately 10-foot-tall wall with perimeter fencing on top, at the central northeast corner of the residential development. An approximately four and a half foot retaining wall with perimeter fencing on top is located along the southern project frontage on Linda Vista Drive. Water and sewer service for the proposed project will be provided by the Vallecitos Water District. The project proposes to connect to existing water and sewer facilities in Linda Vista Drive and Pacific Street. A new storm drain will be constructed in Linda Vista Drive to convey water from the project's open space preserve area, the residential development, and collect public street runoff into an existing city storm drain system.

Parking and Circulation

Parking for the residential project is subject to the parking ratios established by the Pacific Specific Plan. This requires market-rate condominium parking at two spaces per unit, with guest parking at one space for every three units, which is also consistent with the San Marcos Municipal Code. Using these parking ratios, the proposed project requires a total of 532 parking spaces which includes 476 spaces within attached two-car garages and 76 guest parking spaces throughout the site. A reciprocal access and parking agreement between Lots 1 and 2 will be executed. Parking spaces include four accessible spaces. In accordance with the City's Climate Action Plan (CAP) requirements, the project is required to install at least 27 Level 2 EV chargers.

The project will be accessed from a driveway on Linda Vista Drive and a driveway on Pacific Street. An additional access for emergency vehicles only will be located on Linda Vista Drive near Las Posas Road. No vehicular access is provided to Las Posas Road or La Mirada Drive. Both non-emergency driveways allow all turning movements into and out of the project.

As part of the project, an urban trail with off-street pedestrian and bicycle facilities will be constructed along the project frontage on Linda Vista Drive and La Mirada Drive from Pacific Street to Las Posas Road. Additionally, a Class II buffered bicycle facility will be constructed on Linda Vista Drive from Pacific Street to Las Posas Road to provide an on-street bicycle facility. A sidewalk and a Class II buffered bicycle facility along the project frontage on Pacific Street will also be constructed from Linda Vista Drive to La Mirada Drive. Pedestrian connections to the proposed sidewalk on Pacific Street and to the urban trail along Linda Vista Drive will be provided. The existing on-street parking on La Mirada and Pacific Street will remain with the proposed pedestrian and bicycle improvements.

The southwest curb-return at the intersection of Linda Vista Drive and Las Posas Road will be re-constructed to improve the intersection's alignment for the receiving legs. A traffic signal system will be constructed at the intersection of Linda Vista Drive and Las Posas Road. The project will construct ADA compliant pedestrian ramps at each curb return with high-visibility crosswalks at both of these intersections.

Tentative Subdivision Map

The existing project site consists of four vacant parcels totaling approximately 33.2 acres. A Tentative Subdivision Map (TSM24-0001) is proposed to create two residential development parcels, one open space parcel, establish 228 residential condominium units, and dedicate additional city right-of-way. Lot 1 is proposed to be approximately 5.5 acres and have 116 residential condominium units. Lot 2 is proposed to be

approximately 4.1 acres and have 112 residential condominium units. Lot A is proposed to be approximately 23.5 acres and maintained as an open space lot. The remaining acreage is proposed to be allocated as city right-of-way.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (FEIR24-002/SCH No. 2022050650) (Attachment D) was prepared for the proposed project and circulated for 45-day public review from March 2, 2023, to April 17, 2023. Detailed responses to the comments on the EIR are included in Attachment D/Final Environmental Impact Report. A brief summary is included at the end of this section.

Air Quality

The proposed project would change the allowable land use and zoning designation of Industrial (I) to allow for residential uses under a proposed Specific Plan Area. However, the project's proposed growth would be within the growth projections for the City, and, at a regional level, the proposed project is consistent with the underlying growth forecasts in the California State Implementation Plan (SIP) and Regional Air Quality Strategy (RAQS). Therefore, implementation of the proposed project would not conflict with the RAQS or SIP, and proposed development would be consistent with the anticipated growth in the region. Implementation of the proposed project also would not violate any air quality standards or contribute substantially to an existing or projected air quality violation during construction with mitigation or operation. Additionally, the proposed project would not expose a substantial number of people to objectionable odors. As construction of the proposed project would likely exceed the significance threshold for volatile organic compound (VOC) prior to mitigation, the potential for the proposed project to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or California ambient air quality standard is potentially significant. Because construction could result in exceedance of the VOC significance threshold, the potential health effects associated with exposure of sensitive receptors to criteria air pollutants, specifically ozone (O₃), were also considered potentially significant. However, with implementation of mitigation measure MM-AQ-1 which requires low VOC architectural coatings, VOC emissions generated during construction of the proposed project would be reduced to a less-than-significant level.

Biological Resources

The approximately 33.2-acre project site consists of primarily undeveloped land. A total of 73 plant species were observed within the project site during the biological surveys, of which 31 are non-native species. A total of 17 animal species were observed/detected including four invertebrates, one reptile, ten bird species, and two mammal species.

Special-status plant species have been afforded special status and/or recognition by USFWS and/or CDFW and may also be included in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants. Three sensitive vegetation communities/habitat types were mapped on the project site: vernal pool, Diegan coastal sage scrub (including disturbed and baccharis-dominated), and grassland (including mixed,

native, and non-native grassland). Remaining areas on the project site include disturbed habitat and urban/developed, which are not considered sensitive. Six special-status plant species were observed that include Thread-leaved brodiaea (*Brodiaea filifolia*), Orcutt’s brodiaea (*Brodiaea orcuttii*), Small-flowered morning-glory (*Convolvulus simulans*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), Chaparral rein orchid (*Piperia cooperi*), and Graceful tarplant (*Holocarpha virgata* ssp. *elongata*).

Special status animal species include those that have been afforded special status and/or recognition by USFWS and/or CDFW. San Diego fairy shrimp (*Branchinecta sandiegonensis*) is the only special status animal species that was detected in the project area during the biological surveys in 2020 and is a federally listed endangered species.

The proposed 228-unit project implements the Reduced Development Footprint Alternative - Vernal Pool Impact Minimization (RDFA-VPIM) described in the project’s Final EIR which was added in response to comments received on the DEIR. This Alternative design is a variation of the Reduced Development Footprint Alternative that is analyzed in the DEIR. Under the 228 units project Alternative, development would occur within a reduced development footprint in the southern portion of the project site. Table 1 below provides a development area comparison of the DEIR Project and the proposed 228-unit project (RDFA-VPIM).

Table 1 -Development Area Comparison		
<u>Project</u>	<u>Project Development Area</u>	<u>Habitat Preservation Area</u>
DEIR Project (449 units)	15.26 acres (46%)	17.94 acres (54%)
Proposed RDFA-VPIM (228 units)	9.7 acres (29.2%)	23.5 acres (70.8%)

The vegetation types impacted with implementation of the DEIR Project versus the RDFA-VPIM are nearly the same; both would result in impacts to grassland, Diegan coastal sage scrub, and vernal pool vegetation. Although both projects would impact vernal pools, the DEIR Project would impact vernal pools and other features known to be occupied by San Diego fairy shrimp. The RDFA-VPIM would avoid all features occupied by San Diego fairy shrimp as shown in Table 2 below.

Table 2 - Proposed Project Impacts to Vernal Pools and San Diego Fairy Shrimp		
<u>Project</u>	<u>Vernal Pools</u>	<u>San Diego Fairy Shrimp</u>
DEIR Project (449 units)	0.15-acre	8 features
Proposed RDFA-VPIM (228 units)	0.03-acre	0 features

The DEIR Project would impact two listed plant species whereas the RDFA-VPIM would impact only one of these listed plant species. Specifically, implementation of the proposed project in the DEIR would impact the federally listed threatened and state listed endangered thread-leaved brodiaea (*Brodiaea filifolia*) and the federally listed endangered and state listed endangered San Diego button celery (*Eryngium aristulatum* var. *parishii*); whereas implementation of the RDFA-VPIM would impact thread-leaved brodiaea. There would be no impacts to San Diego button celery as a result of the RDFA-VPIM as shown in Table 3 below.

Table 3 - Proposed Project Impacts to Listed Plant Species		
<u>Project</u>	<u>Thread-leaved Brodiaea</u>	<u>San Diego Button Celery</u>

DEIR Project (449 units)	33,879 plants	103 plants
Proposed RDFA-VPIM (228 units)	106,037 plants	0 plants

The project is conditioned to implement mitigation measures MM-BIO-1 through MM-BIO-8b which address rare plant transplantation, vernal pool mitigation, listed species conservation, avoidance of nesting birds and raptors, construction work limits, biological construction monitoring, compensatory mitigation for impacts to sensitive natural communities, compensatory mitigation for permanent impacts to sensitive natural communities, regulatory permitting, and compensatory mitigation for impacts to jurisdictional resources. These mitigation measures would ensure consistency with the MHCP and draft San Marcos Subarea Plan, reduce potential impacts related to special status plants and animals, would reduce potential impacts on sensitive natural communities, and would ensure that the appropriate permits are obtained and that impacts are compensated in accordance with USACE, RWQCB, and CDFW requirements. With implementation of mitigation measures MM-BIO-1 through MM-BIO-8b, impacts to biological resources as a result of project implementation would be reduced to a level of less than significant.

Cultural/Tribal Cultural Resources

Implementation of the proposed project would not impact any identified archaeological resources, historical resources, or any known human remains interred outside a formal cemetery. However, the potential exists for impacts to unknown cultural resources resulting from implementation of the proposed project. Following Native American consultation pursuant to Assembly Bill 52 and Senate Bill 18, the City negotiated mitigation measures with consulting tribes to assure identification and appropriate handling of potentially buried Tribal Cultural Resources (TCR) within the original Project site. These potentially significant impacts to archaeological resources and human remains would be mitigated to below a level of significance through implementation of mitigation measures MM-TCR-1 through MM-TCR-4. Specifically, implementation of mitigation measures MM-TCR-1 through MM-TCR-3 provide for the presence of archaeological and Native American monitors during ground disturbing activities that would be able to identify any previously unidentified cultural resources and to prevent inadvertent disturbance of any intact cultural deposits that may be present. Should any resources be identified, implementation of mitigation measure MM-TCR-4 would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary. Potential impacts to human remains would be mitigated through implementation of mitigation measures MM-TCR-1 through MM-TCR-4, which include the requirement that any remains uncovered during ground disturbing activities shall not be further disturbed until the San Diego County Coroner has determined origins of the remains and final treatment has been agreed to with input of Native American Tribes as necessary. With incorporation of these mitigation measures, potential impacts to cultural resources associated with the proposed project would be reduced to a level of less than significant.

Geology and Soils

Based upon the analysis presented in the EIR, impacts associated with seismicity, liquefaction, landslides, erosion/loss of topsoil, compressible soils, and expansive soils were determined to be less than significant. Impacts to paleontological resources during project construction would be reduced to a level of less than significant with implementation of mitigation measure MM-GEO-1. The mitigation measure requires the applicant to retain a qualified paleontologist to prepare a Paleontological Resources Impact Mitigation Program (PRIMP) and requires a qualified paleontological monitor to be on site during initial rough grading and other significant ground-disturbing activities. Furthermore, the proposed project would be required to adhere to all recommendations in the Revised Preliminary and Final Geotechnical Evaluation prepared for the

project. With mitigation measure MM-GEO-1, potential impacts during construction activities to paleontological resources are reduced to a less than significant level.

Transportation (Vehicles Miles Traveled Analysis)

Per the City's Transportation Impact Analysis (TIA) guidelines, the Vehicle Miles Traveled (VMT) analysis screening threshold was evaluated for the residential project. The project does not require a detailed VMT analysis, as the project is located in a VMT efficient area. The threshold of significance for VMT per resident is 16.6 and the project's VMT per resident is 12.5. The project is therefore considered to have a less than significant transportation impact.

Level of Service Analysis (Land Use and Planning)

Since Senate Bill 743 went into effect, analysis of traffic congestion based on the level of service (LOS) metric is not part of the CEQA impact assessment. However, the City requires a separate LOS-based traffic analysis to demonstrate that the project would maintain mobility performance goals outlined in the City's General Plan (Mobility Policy M-1.4). As such, the LOS-based traffic study was submitted to the City under separate cover for review (Appendix K of the EIR).

The traffic study anticipates the proposed project generating 1,368 average daily trips (ADT), including 109 AM peak hour trips and 123 PM peak hour trips. Thirteen road segments, ten intersections, and the project's two driveway entries were analyzed in the traffic study. For Near-Term 2025 and Horizon Year 2050, all intersections and roadway segments analyzed are projected to operate at an acceptable LOS D or better with the exception of two intersections.

The intersection of Via Vera Cruz, Grand Avenue, and SR-78 Eastbound Ramps for both Near Term 2025 and Horizon Year 2050, without and with project conditions, result in LOS E and F, respectively. The project causes more than 2.0 second delay to the intersection. Therefore, the project is required to pay a 3.6% fair share contribution for a dedicated southbound right-turn lane.

The intersection of Linda Vista Drive and Pacific Street for both Near Term 2025 and Horizon Year 2025, without and with project conditions, result in LOS F. The project causes more than 2.0 second delay to the intersection. Therefore, the project is required to construct a traffic signal system at this intersection.

The project will contribute toward City-wide traffic. In order to mitigate for potential cumulative impacts, the proposed project is conditioned to financially participate in the Congestion Management Community facilities district (CFD 2011-01), which will assist in City-wide efforts to reduce traffic congestion and impacts to State Route 78.

DEIR Alternatives

As required per CEQA, project alternatives were considered as part of the environmental review. The three alternatives considered with the DEIR are No Project Alternative, Existing Land Use Designation Alternative, and Reduced Development Footprint Alternative., The potential alternatives were evaluated in terms of their ability to meet the project objectives.

The objectives of the proposed project are described as follows:

1. Promote infill development and develop housing on a site that is served by existing utilities, services, and street access, within close proximity to public transportation and shopping centers.
2. Assist the City in implementing its housing goals by changing a non-residentially zoned site to a site where medium to high-density housing is allowed.
3. Provide a variety of housing types, including affordable housing, to align with the City's Regional Housing Needs Allocation requirements.
4. Restore, manage, and conserve sensitive on-site biological resources, to the extent feasible, while accommodating residential uses.
5. Design buildings, spaces, site layout, and uses that enhance and respect the character of the surrounding area in a manner typical to residential developments and planning principles and to enhance connectivity.
6. To the extent possible given site constraints, maximize the opportunity to provide medium-density housing for the City of San Marcos up to 15.0 dwelling units per acre, which is comparable to other medium-density housing developments in the City of San Marcos.

No Project Alternative

Under the No Project Alternative, the DEIR Project would not be implemented, and the project site would remain undeveloped in its existing condition. This alternative would eliminate all the significant impacts identified for the project. However, certain benefits would not be realized under this alternative such as providing needed housing units in the City or restoring, managing, and conserving biological resources. Since the No Project Alternative would not develop the site or conserve and manage biological resources, this alternative would not fulfill any of the project objectives.

Existing Land Use Designation Alternative

Under the Existing Land Use Designation Alternative, the project site would be developed per the City's General Plan land use designation as an Industrial (I) land use. This alternative would develop 15.28 acres and preserve 17.94 acres of the 33.2-acre project site. This alternative would consist of development of 480,000 square feet of research and development area with a 220,000-square-foot (1,440 spaces), four-story parking structure. Similar to the DEIR Project, over 17 acres would be set aside for biological preservation. Because development of the Existing Land Use Designation Alternative would include grading and development of the same site, construction-related impacts would be similar to the DEIR Project and would require similar mitigation for impacts to air quality, biological resources, cultural resources and tribal cultural resources. However, the industrial use of the site would be expected to result in greater impacts to air quality, GHG emissions, hazards and hazardous materials, transportation, and wildfire, in comparison to the impacts resulting from the proposed project's residential use, and additional mitigation may be required. This alternative would promote infill development on site; however, it would not fulfill any of the basic project objectives and would also not aid the City in achieving its Regional Housing Needs Assessment allocation. Furthermore, the project site has been designated for industrial development under the existing and previous General Plans but has remained vacant, evidencing that its constraints have rendered it not marketable and socially and environmentally infeasible for industrial uses. Although this alternative would be consistent with the existing designated land use and zoning for the site and adjacent land uses, this alternative would not reduce or avoid significant environmental impacts and would not meet any project objectives.

Reduced Development Footprint Alternative

The Reduced Development Footprint Alternative would include development of 321 units on 8.3 acres of the

33.2-acre site, with the remaining 24.9 acres preserved. Because development of this alternative would include construction of the same site, construction-related impacts would be similar to the DEIR Project and, like the DEIR Project, would require similar mitigation for impacts to air quality, biological resources, cultural resources and tribal cultural resources. While the development footprint under this alternative (8.3 acres) would be less than that analyzed for the DEIR Project (15.28 acres), edge effects to biological resources and impacts to federally listed threatened and state-listed endangered thread-leaved brodiaea would be increased. Although this alternative would avoid or minimize impacts to vernal pools in comparison to the DEIR project, it would cause greater impacts to thread-leaved brodiaea. While this alternative would develop infill housing on an urbanized site and rezone the site to residential to assist the City to implement its housing goals (project objectives 1 and 2), it would implement less housing compared to the DEIR Project and less efficiently promote infill development. This alternative would also provide less varied housing compared to the DEIR Project, including less affordable housing (objective 3). This alternative would meet objective 4 by avoiding vernal pools but would result in greater impacts to thread-leaved brodiaea that would be inconsistent with objective 4. This alternative would not meet project objective 5 because the site would be atypically designed in a manner that does not enhance connectivity. This alternative would also not meet objective 6 to the same extent as the project, as it would not maximize housing density for the City.

FEIR Alternatives

As a result of comments received on the DEIR from the Resource Agencies and consultations with them, two additional alternatives were added into the FEIR.

Reduced Development Footprint Alternative - Vernal Pool Impact Minimization/ Staff's recommended project for approval

The RDFA-VPIM alternative was added to the Final EIR in response to consultations and comments received on the DEIR from the Resource Agencies. This alternative is a variation of the Reduced Development Footprint Alternative where development would occur within a reduced development footprint focused on the southern portion of the project site. The RDFA-VPIM would include development of 228 units on approximately 9.7 acres of the 33.2-acre site, with the remaining 23.5 acres preserved. Because development of this alternative would include construction of the same site, construction-related impacts would be similar to the DEIR Project and, like the DEIR Project, would require similar mitigation for impacts to air quality, biological resources, cultural resources and tribal cultural resources. While this alternative would provide for a larger biological preservation area of the site (approximately 23.5 acres in comparison to the proposed project's 17.94-acres of preserved area), reduced edge effects, and would reduce impacts to San Diego button celery and vernal pools in comparison to the project; this alternative would result in substantially more impacts to thread-leaved brodiaea (approximately 72,158 additional plants). This alternative would avoid vernal pools occupied by listed branchiopods (fairy shrimp) across the site in comparison to the project and achieve a 30% maximum building footprint at the site. While this alternative would develop infill housing on an urbanized site and rezone the site to residential to assist the City to implement its housing goals (project objectives 1 and 2), it would implement less housing compared to the DEIR Project and less efficiently promote infill development. This alternative would also provide less varied housing types compared to the DEIR Project and would not include any affordable/low-income housing units (objective 3). This alternative would meet objective 4 by avoiding vernal pools but would result in greater impacts to thread-leaved brodiaea that would be inconsistent with objective 4. This alternative would meet project objective 5 because the site would be designed in a manner that enhances connectivity. This alternative would not meet objective 6 to the same extent as the project, as it would not maximize housing density for the City.

Reduced Pacific Specific Plan Project Alternative

The Reduced Pacific Specific Plan Project Alternative is a variation on the DEIR Project and would include development of 299 units on approximately 13.3 acres of the 33.2-acre site, with the remaining 19.9 acres preserved. Because development of this alternative would include construction of the same site, construction-related impacts would be similar to the DEIR Project and, like the DEIR Project, would require the same mitigation for impacts to air quality, biological resources, cultural resources and tribal cultural resources. The development footprint under this alternative (13.3 acres) would be less than that analyzed for the DEIR Project (15.26 acres). This alternative would result in 0.01-acre less impacts to vernal pools and would avoid two vernal pools occupied by San Diego fairy shrimp, which would be impacted by implementation of the proposed project. Furthermore, this alternative would provide for a larger biological preservation area of the site (approximately 1.96 acres more than the proposed project). While this alternative would develop infill housing on an urbanized site and rezone the site to residential to assist the city to implement its housing goals (project objectives 1 and 2), it would implement less housing compared to the DEIR Project and less efficiently promote infill development. This alternative would also provide less varied housing compared to the proposed project (objective 3). This alternative would meet objective 4 similar to the project. This alternative would meet project objective 5 because the site would be designed in a manner that enhances connectivity. However, this alternative would not meet objective 6 to the same extent as the project, as it would not maximize housing density for the City. The Reduced Pacific Specific Plan Project Alternative would meet project objectives to a lesser extent compared to the DEIR Project, as it would implement less housing, less dense housing, and less varied housing compared to the proposed project. Off-site improvements under this alternative would be similar to the DEIR Project.

Environmentally Superior Alternative

Of the alternatives identified to reduce potential environmental impacts compared to the DEIR Project, the RDFA-VPIM would be considered the environmentally superior alternative. As mentioned above, this alternative would meet most of the project objectives and reduce the severity of impacts related to air quality, biological resources, cultural resources, greenhouse gas emissions, and tribal cultural resources in comparison to the DEIR Project due to the reduced unit count and reduced development footprint. However, such impacts under this alternative would still remain as less than significant with mitigation incorporated, similar to the DEIR Project. Additionally, while this alternative would develop infill housing on an urbanized site and rezone the site to residential to assist the City to implement its housing goals (project objectives 1 and 2), it would implement less housing compared to the DEIR Project and less efficiently promote infill development. This alternative would also provide less varied housing compared to the DEIR Project and would not include any affordable/low-income housing units. In comparison to the DEIR Project, the RDFA-VPIM would cluster development along and within the southern boundary of the site, which would consolidate development potentially reducing the development interfaces/edges to adjacent preservation areas on-site. This alternative would result in approximately 5.56 acres less development impacts in comparison to the DEIR Project. When comparing impacts to biological resources, the DEIR Project and the RDFA-VPIM would both impact native vegetation, vernal pools, and listed special-status plant species. However, the DEIR Project would also impact a listed special-status animal (federally listed endangered San Diego fairy shrimp) whereas this alternative would have no impacts to listed special-status animals. Additionally, this alternative would avoid all features occupied by San Diego fairy shrimp. Although this alternative would impact a substantially larger amount of thread-leaved brodiaea in comparison to the project; the RDFA-VPIM has been determined the environmentally superior alternative due to the reduction in impacts to vernal pools and increase in preserve

area in comparison to the proposed project.

DEIR Public Comments

City of Carlsbad Public Works/Transportation: The comments relate to traffic delay or congestion impacts to the City of Carlsbad, which is no longer considered a significant impact on the environment pursuant to CEQA. However, the EIR's traffic consultant prepared a trip generation analysis demonstrating that the project's average daily trips into the City of Carlsbad is below the City of Carlsbad thresholds for triggering a required Transportation System Management payment.

US Department of Fish and Wildlife Service: The letter provides various comments on the proposed project mainly in relation to the project impacts on the sensitive habitat on-site and suggests that an alternative be provided that develops no more than 25 percent along the southern border of the project site, restricting development to the southernmost third of the project site with the goal of minimizing impacts to sensitive biological resources. The letter also describes numerous wildlife agency permitting and procedural requirements. The Final EIR provides a detailed response to the comments and has included the addition of two project alternatives designed to address some of the comments from the wildlife agencies.

California Department of Fish and Wildlife: The letter provides various comments on the proposed project mainly in relation to the project impacts on the sensitive habitat on-site and suggests the site be preserved as a mitigation bank or be limited to a maximum 25 percent development footprint. Comments are also provided stating that on-site mitigation may not be biologically viable and therefore not adequate to fully mitigate the loss of biological functions and values as required and that areas proposed as mitigation lands should be protected in perpetuity with a perpetual biological conservation easement, financial assurance, and dedication to a qualified entity for long-term management and monitoring. The letter also describes numerous wildlife agency permitting and procedural requirements. The Final EIR provides a detailed response to the comments and has included the addition of two project alternatives designed to address some of the comments from the wildlife agencies.

California Department of Transportation: The letter comments on topics such as complete streets, mobility and smart growth. The Final EIR provides a detailed response to the comments which includes verification that the that VMT has been analyzed per CEQA requirements as well as Level of Service (LOS) for consistency with the City's General Plan. The response also details the multi-model frontage improvements which include off-street bicycle and pedestrian facilities on La Mirada Drive and Linda Vista Drive, the addition of a pedestrian sidewalk on the project side of Pacific Street, and the upgrade of an existing transit stop on Las Posas Road.

San Diego County Archeology Society: The letter states that San Diego County Archaeological Society agrees with the impact analysis and recommended monitoring program for Native American and archeological resources.

California Native Plant Society: The letter provides numerous comments on the proposed project including concerns over proposed biological mitigation measures, concerns over the lack of project alternatives, the project's inconsistency with the proposed Multiple Species Conservation Plan (MSCP), and the suggestion the site be preserved as a natural park. The Final EIR provides a detailed response to the comments.

Southwest Mountain States Regional Council of Carpenters: A letter provided by Mitchell M. Tsai, Attorney at

Law, on behalf of Southwest Mountain States Regional Council of Carpenters, provides many comments on various subjects including but not limited to greenhouse gas emissions (GHG), vehicle miles traveled (VMT), lack of reasonable project alternatives, and biological impacts. The Final EIR provides a detailed response to the comments.

Individual 1: A letter received by an individual expresses concern about developing the property given the habitat value of the project site and provides background on the various habitat types located on the project site and similar sites in the region. A detailed response to the comments has been provided in the Final EIR (Attachment D).

Fiscal Impact

Fiscal and Economic Impact Reports were prepared for the project and have been provided as Attachment H, which compares the land use change from Industrial (I) to Specific Plan Area (SPA) which would allow residential uses. For the purposes of the fiscal and economic reports, the analysis compared the proposed project consisting of 228 residential condominiums with 480,000 square feet of Industrial Flex/Research & Development, a 220,000-square-foot parking garage structure, 1,440 parking space, and a floor area ratio (FAR) of 0.48. This hypothetical project would develop 14.58 acres and preserve 18.62 acres of the 33.2-acre project site.

The Fiscal Impact Report identifies potential recurring municipal revenues and costs to the City General Fund that may result from the proposed land use change from non-residential mixed use to residential/commercial mixed-use for the project site. Revenue sources include property taxes, sales taxes, licenses, permits, and fines. Expenditures for the City include public safety, public works maintenance, and administrative services. The Fiscal Impact Report estimates that the proposed 228-unit residential project would result in a recurring fiscal surplus of \$133,426 to the City's General Fund as compared to a recurring surplus of \$536,851 if the site was developed with the Industrial Flex/Research & Development uses as described above.

The Economic Impact Report identifies general economic impacts that may result from the proposed project. Major indicators of economic impact are 1) Gross receipts (direct output plus output produced by suppliers and employee spending), 2) Employment (direct on-site and indirect which supports direct employment), and 3) One-Time Construction Impacts. By developing the project site with residential uses (228 units), the Economic Impact Report estimates that the recurring economic output to the City would be approximately \$6.5 million compared to the recurring economic output to the City if developed as Industrial Flex/Research & Development of \$87.3 million. This reduction is related to the difference in employment type between multi-family residential uses where employment opportunities would be negligible versus an Industrial Flex/Research & Development use of the property. The Economic Impact Report estimates that one-time economic impacts related to site construction would be \$87.8 million for the 228-unit residential project compared to \$307.5 million for construction of an industrial development.

The project site has remained undeveloped under the current Industrial (I) Zone. The site is unlikely to be developed with an industrial development due to site constraints and current trending economic conditions where a high-market demand for residential units supersedes the need for non-residential space.

Public Comment

The City conducted a public workshop and EIR scoping meeting that was noticed and held on June 21, 2022. Two members of the public attended the workshop. Comments received at the meeting were generally about compatibility with the existing surrounding industrial land uses. Compatibility comments received were regarding potential competition for street parking and the desire to focus the residential uses on the eastern portion of the site towards the commercial center to reduce impacts on the residents such as noise from existing business operations and truck traffic. Comments were also received regarding the proposed height of the buildings in relation to the existing surrounding development. Prior to the Planning Commission meeting, comments were received from the California Department of Fish & Wildlife requesting further revisions to the Final EIR and mitigation measures. This letter and a specific response to these comments are provided in Attachment J. The response outlines why the Final EIR and mitigation measures address the comments provided by the California Department of Fish and Wildlife which includes that the project is required to obtain approval of a Rare Plant Transplant Plan, Vernal Pools Mitigation Plan, Habitat Mitigation Monitoring Plan, Preserve Management Plan, and other regulatory permits from the Resource Agencies prior to project construction.

Letters were also received from Mitchell M. Tsai, Attorney at Law, North County Transit District (NCTD) and a nearby property owner. The letter from Mitchell M. Tsai, on behalf of the Western States Regional Council of Carpenters (WSRCC) reiterated many comments provided on the DEIR EIR and a response to this letter is included in Appendix P of the Final EIR (Attachment D) and in Attachment I. This letter states that the EIR should be revised and recirculated since the EIR lacks a stable and finite project description and since an added alternative increases the project's biological impacts. In response the "project" analyzed in the Final EIR has remained consistent with the DEIR. The alternatives added were modifications of the project or a project alternative included in the DEIR. No new significant impacts are identified with the added alternatives and the mitigation measures provided are appropriate and effective to mitigate impacts the EIR "project" and alternatives to a level of less than significant.

NCTD requested that the relocated and improved bus stop meet their standards. In response, the project is conditioned to require the bus stop design to be approved by the City and NCTD. Comments from a nearby property owner reiterated comments previously provided from the property owner earlier in the project review opposing the land use change from industrial use to residential use and expressing concerns on traffic impacting truck deliveries to the industrial area, potential parking issues, loud noise, and crime affecting industrial property values. In response, the project site has remained vacant under the existing industrial zoning and is unlikely to be developed with industrial uses due in part to habitat constraints and market demand. The proposed residential use would result in less average daily trips (ADT) than a hypothetical 300,000-square foot research and development industrial project on this site (8 ADT per 1,000 s.f. = 2,400 ADT versus 6 ADT x 228 units = 1,368 ADT), on-site parking is provided per the Pacific Specific Plan which is consistent with the San Marcos Municipal Code parking requirements, and truck deliveries to existing and future surrounding businesses will be able to continue with this residential project.

These letters with responses and additional public comments are attached as Attachment I. Comments on the environmental review (EIR) that were received during the DEIR public comment period are discussed in the environmental section above and attached to the Final EIR (Attachment D, Appendix P).

Planning Commission Meeting

At the Planning Commission meeting on June 17, 2024, a representative of the Western States Regional

Council of Carpenters (WSRCC), spoke and reiterated comments received in their letters previously submitted to the City on April 17, 2023, and June 17, 2024. The message was that the city should require the use of a local skilled workforce to benefit the community's economic development and environment and reduce vehicle miles traveled. Staff responded that although not required, the project has a condition that the developer first consider San Marcos workers and businesses for material and labor. No other public comments were received at the hearing. The Planning Commissioners asked clarifying questions to staff and the applicant regarding accessible units, open space fencing, the resource agency permitting process, and if additional units were considered on the site. Staff and the applicant answered the questions and the Planning Commission voted 6-0 to recommend the City Council certify the Environmental Impact Report (EIR23-002 / SCH No. 2022050650), associated Mitigation Monitoring and Reporting Program, and Findings of Fact, and approve the General Plan Amendment (GPA21-0002), Rezone (R21-0002), Specific Plan (SP22-0001), Multi-Family Site Development Plan (MFSDP24-0001), and Tentative Subdivision Map (TSM24-0001) for the 228-unit residential project. The draft Planning Commission Minutes are included as Attachment K.

Attachment(s)

Resolutions and Ordinance proposed for adoption or introduction, as applicable:

1. Resolution No. 2024-9323 to certify the Environmental Impact Report (EIR24-002 / SCH No 2022050650), associated Mitigation Monitoring and Reporting Program, with Findings of Fact;
 2. Resolution No. 2024-9324 (General Plan Amendment GPA21-0002) for a land use change of 33.2 acres/project site from Industrial (I) to Specific Plan Area (SPA);
 3. Ordinance No. 2024-1547 (Rezone R21-0002) for a zone reclassification of 33.2 acres/project site from Industrial (I) to Specific Plan Area (SPA);
 4. Ordinance No. 2024-1548 (Specific Plan SP22-0001) to adopt the Pacific Specific Plan to establish development guidelines and serve as the primary land use, policy, and regulatory document for the project site;
 5. Resolution No. 2024-9325 (Multi-Family Site Development Plan MFSDP24-0001) to allow the construction of 228 residential condominiums; and
 6. Resolution No. 2024-9326 (Tentative Subdivision Map TSM24-0001) to establish two residential lots and one open space lot, with 116 residential condominiums on Lot 1 and 112 residential condominiums on Lot 2.
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- A. Vicinity Map
 - B. Requested Entitlements
 - C. Site & Project Characteristics
 - D. Environmental Impact Report (EIR24-002)
 - E. Pacific Specific Plan
 - F. Project Plans
 - G. Land Use Analysis
 - H. Fiscal and Economic Impact Analysis
 - I. Public Comments
 - J. CDFW Letter & Response
 - K. Draft Planning Commission Minutes from June 17, 2024

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Stephanie Kellar, Deputy City Engineer

Submitted by: Joseph Farace, Planning Division Director

Isaac Etchamendy, Development Services Director / City Engineer

Approved by: Michelle Bender, City Manager