



## Legislation Details (With Text)

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**Title:** RESOLUTION NO. 2020-8801 - CONDITIONAL USE PERMIT (CUP) 20-0003 - MODIFICATION OF TRAFFIC SIGNAL INSTALLATION TIMING REQUIREMENTS FOR LOMA SAN MARCOS (EDENPARK)

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**Indexes:**

**Code sections:**

**Attachments:** 1. CC Reso - CUP20-0003.pdf, 2. Attachment A - Maps.pdf, 3. Attachment B - Requested Entitlement.pdf, 4. Attachment C - Site & Project Characteristics.pdf, 5. Attachment D - CC Minutes 11-13-2018.pdf, 6. Attachment E - Reso for CUP 18-0004.pdf, 7. Attachment F - Traffic Memo.pdf, 8. Attachment G - Draft PC Minutes 06-01-2020.pdf, 9. Attachment H - PC Reso.pdf, 10. Attachment I - Site Photos.pdf, 11. Attachment J - Public Comment.pdf

Date	Ver.	Action By	Action	Result
7/14/2020	1	City Council		

### MEETING DATE:

JULY 14, 2020

### SUBJECT:

RESOLUTION NO. 2020-8801 - CONDITIONAL USE PERMIT (CUP) 20-0003 - MODIFICATION OF TRAFFIC SIGNAL INSTALLATION TIMING REQUIREMENTS FOR LOMA SAN MARCOS (EDENPARK)

### Recommendation

APPROVE a modification to Conditional Use Permit (CUP) 18-0004 to change the timing requirements for the installation of a traffic signal on San Elijo Road at the Loma San Marcos (Edenpark) project driveway. Installation of the traffic signal at any time prior to the operation of Phase 1B of the project is in conformance with the previously adopted Mitigated Negative Declaration (ND03-681) amended in 2018.

### Board or Commission Action

The Planning Commission recommended the City Council change the timing requirement for the installation of a traffic signal to occur with phase 1B of the project by a 5-2 vote (Flodine and Carroll voting no).

### Relevant Council Strategic Theme

Quality of Life  
Planning for the Future  
Economic Development

### Executive Summary

On November 13, 2018, the City Council adopted the Loma San Marcos Specific Plan amendment and CUP

to allow a youth sports filming operation to occur at a former material recovery facility and site of the former San Marcos Movie Studio Specific Plan (never realized). The Loma San Marcos Specific Plan and CUP proposed use of the former material recovery facility in two phases (Phases 1 and 2), with the first phase consisting of two parts (Phase 1A and Phase 1B). Phase 1A would be the partial reuse of the existing facility, Phase 1B would be the full reuse of the existing facility, and Phase 2 would construct a new office building and parking structure at the rear of the property.

As a result of dividing Phase 1 into two parts, traffic signal warrants would not be met until Phase 1B of the project (full use of the existing facility). During the November 2018 City Council Hearing, public testimony was received requesting the earlier installation of the traffic signal, in Phase 1A. The City Council proposed and the applicant agreed to modify the CUP to require the installation of the traffic signal as part of Phase 1A, within 18 months of the approval of the Loma San Marcos Specific Plan and CUP. Upon the deadline to obtain approval of the permits required to install the traffic signal, the City received from the applicant this request to modify the Loma San Marcos CUP (18-0004) to require installation of the traffic signal concurrent with project Phase 1B.

## **Discussion**

### Background

The 12.33 acre project site is located at 1601 San Elijo Road, between the San Elijo Town Center and Melrose Drive. It was developed in the early 1990's as a 179,535 square foot Material Recovery Facility (MRF). The site is accessed via an easement from San Elijo Road, over a gated private driveway owned by the County of San Diego. Surrounding land uses consist of the closed County landfill to the east and vacant land to the north, south, and west.

The MRF was abandoned in 1995 and in 2003 the property was purchased by Loma San Marcos. In 2004, the City adopted the San Marcos Studios Specific Plan and Conditional Use Permit (CUP) to allow the existing building to be repurposed into movie studios (Phase 1) and to construct a new office building and parking structure in the rear of the property (Phase 2).

After the property did not develop into a traditional movie studio, the City adopted a 2018 Specific Plan amendment and CUP to allow onsite commercial filming in association with youth sport activities (Loma San Marcos Specific Plan and CUP). Under this proposal, the applicant further divided the original movie studio Phase 1 into two parts (Phase 1A and Phase 1B). Phase 1A is currently operational (although temporarily suspended due to the COVID-19 pandemic) and utilizes a 71,400 square foot portion of the existing facility (61,650 square foot movie studio with 5 basketball courts and 5 beach volleyball courts, and a 9,750 square foot industrial/office area for movie production) while the remaining 108,135 square feet of the facility is limited by the CUP to being utilized as storage. The future Phase 1B of the project would allow use of the remaining 108,135 square feet of the existing facility for the movie studio, add approximately 23,000 square feet of floor area, and construct additional improvements to onsite circulation, parking, and landscaping to support the expanded use of the facility. Phase 2 of the project would continue to consist of the development of an office building and parking structure at the rear of the project site, unchanged from the original San Marcos Movie Studio Specific Plan.

The new Edenpark Specific Plan (SP19-0003) was submitted to the City on September 9, 2019. It is currently under review, and if adopted, it would supersede and replace the existing Loma San Marcos Specific Plan and

CUP. Under the new/proposed Edenpark Specific Plan, the applicant intends to re-envision Phases 1B and 2 of the project based on their experience operating the facility. While the Edenpark Specific Plan application is under review by the City, the facility operates under the provisions of Phase 1A of the existing Loma San Marcos Specific Plan and CUP, which this request proposes to modify.

### Applicant's Request

The 2004 San Marcos Movie Studios traffic impact analysis found that vehicular trips generated by the original Phase 1 (i.e., reuse of the entire existing 179,535 square foot facility) would require the installation of a traffic signal at the intersection of the project driveway and San Elijo Road to mitigate traffic impacts. The subsequent 2018 Loma San Marcos Specific Plan and CUP subdivided the original Phase 1 into two sub-phases (i.e., 1A and 1B). As a result, Phase 1A did not generate traffic rising to the thresholds for a traffic signal, as determined by signal warrants.

Although originally proposed with the installation of the traffic signal linked to the more intensive Phase 1B use, public input and deliberations at the November 13, 2018 City Council meeting resulted in the City Council modifying condition of approval M(9) to impose the traffic signal requirement on Phase 1A (instead of 1B). Specifically, the amended condition required the applicant to obtain approval of an Improvement Plan for the installation of the traffic signal fourteen (14) months from the date of approval (January 13, 2020) and that the traffic signal be installed within four (4) months of receipt of all necessary approvals (May 13, 2020).

Condition of approval M(9), as amended by the City Council at their November 13, 2018 public meeting, is shown below with "strike-out" representing the applicant's current request:

M(9) Prior to occupancy of Phase 1A, all parking and improvements shall be installed per the approved parking layout plan. ~~In addition, design and permitting of the traffic signal will be pursued, with all necessary approvals to be achieved no later than fourteen (14) months from the date of approval of this Resolution, and construction completed within four (4) months of receipt of all such necessary approvals.~~

The applicant is requesting that the requirement for the installation of the traffic signal be removed from the Loma San Marcos CUP conditions of approval for Phase 1A. The applicant's support for the request includes the fact that traffic generated under the current Phase 1A use of the site does not meet traffic signal warrants. In addition, the applicant indicates that the intersection improvements at the project site driveway should be designed to consider the increased intensity of future use of the intersection by the potential development of the Copper Hills project, a development proposal adjacent to the project site. An application has been filed with the City for "Copper Hills," a proposal to annex 69 acres to the City for development with approximately 350 residential units and 140,000 square feet of commercial/light industrial buildings under a General Plan and Zone Change. The Copper Hills application has been incomplete and inactive since February 23, 2017 and the developer for the project has contacted the City expressing their intent to withdraw the application in favor of pursuing development of the site in conformance with existing County General Plan/ Zoning designations for 64 residential units.

### Analysis of Applicant's Request

The installation of a traffic signal on San Elijo Road at the project driveway was not required by a signal warrant analysis for traffic generated by Phase 1A of the project. However, without a traffic signal at the

driveway, traffic exiting the Loma San Marcos site cannot safely turn left across San Elijo Road, and all traffic exiting from the project site is required to turn right, onto eastbound San Elijo Road. As a result, any westbound traffic must first go east to the San Elijo Town Center to effectively make a U-turn using Baker Street (or turn across the private driveway of the Chevron gas station). During the November 13, 2018 City Council meeting, members of the community expressed concerns about traffic impacts to the San Elijo Hills Town Center from these U-turns, which ultimately led to the addition of the project condition requiring installation of the traffic signal as part of the first phase (1A) of the project.

Staff required the applicant to prepare a supplemental traffic analysis as support for their request to defer the signal installation to Phase 1B. While the original 2004 San Marcos Studios traffic analysis forecasted the traffic generation from the site based on models for a movie studio, the required supplemental analysis was intended to study the actual traffic volumes from the operation of the site, provide insight into project level traffic impacts to the San Elijo Hills Town Center, and provide pedestrian counts along the frontage of the project site (all of which were areas of concern that led to the requirement of the installation of the traffic signal as part of Phase 1A of the project).

In response, the applicant prepared a Traffic Analysis entitled “San Marcos Movie Studio- Traffic Analysis Memorandum” dated February 11, 2020 (“Analysis”) to document traffic patterns under the approved Loma San Marcos CUP (Attachment F). The Analysis includes vehicular and pedestrian counts at the project driveway on three occasions: December 15, 2019, a Sunday morning; December 17, 2019, a Tuesday afternoon; and February 2, 2020, a Sunday afternoon, when the facility hosted an event described by the applicant as “medium sized.”

Staff concurs with the Analysis finding that traffic signal warrants are not met, given the traffic generated by the current use of the site. However, staff requested that the Analysis be revised to include additional information to assist in understanding the area’s current circulation patterns, how a traffic signal would affect these patterns, and to further evaluate safety concerns raised by residents. Staff’s comments on the Analysis included the request for greater context of the traffic counts in the larger facility operation such as scheduling information, details on medium and large-size event frequency, and the total number of visitors typical for events. Additionally, staff requested a specific origin-destination analysis of the overall number of vehicles effectively making a U-turn out of the facility by either cutting through the gas station or making a left at Baker Street and a subsequent left on San Elijo Road (to head west). An origin-destination analysis would track the specific vehicles exiting the project driveway to determine how many are making movements through the San Elijo Hills Town Center to head west. Unfortunately, the requested analysis could not be conducted before the pandemic and mandatory “stay-at-home” order went into effect and impacted traffic patterns. Therefore, at the time of the preparation of this staff report, a revised Traffic Analysis memo was not available.

To date, the applicant has completed other improvements to the site required for Phase 1A that include, but are not limited to: the installation of a raised barrier (“pork chop”) on the project driveway to prevent left turns out of the facility, installation of lane delineators (“candlesticks”) in the median of San Elijo Road to also prevent left turns out of the facility, and crosswalk striping along the project frontage.

Lastly, it is important to note that if the new Edenpark Specific Plan is approved, it would supersede and replace the Loma San Marcos Specific Plan and CUP. The applicant has expressed an interest in further developing the site under the new Edenpark Specific Plan instead of the existing Loma San Marcos Specific Plan and CUP. If the installation of the traffic signal is not required with Phase 1A of the project, it would likely

be required with the Edenpark project, when it is developed in the future.

### Planning Commission Action

Consistent with the City Council's previous decision on the project, staff recommended that the Planning Commission continue to require the installation of the traffic signal in Phase 1A of the project and grant the applicant another 18-month period to obtain all the necessary approvals and install the signal. The Planning Commission considered this recommendation and extensive public comment both in favor and in opposition to the request (Attachment J). Ultimately, the Planning Commission rejected the recommendation of staff in a 4-3 vote and developed an alternative recommendation to the City Council in a 5-2 vote to require the installation of the traffic signal in Phase 1B. This recommendation was influenced by the Commission's concern that given the current circumstances related to the COVID-19 pandemic, a reasonable extension of time for the installation of the signal could not be developed and that the signal should be installed when warranted, in Phase 1B of the project.

### **Environmental Review**

Installation of the traffic signal at any time before or concurrent with Phase 1B is consistent with the previously adopted Mitigated Negative Declaration (ND 03-681) for the San Marcos Studios and the 2018 Addendum for the Loma San Marcos Specific Plan Amendment and Conditional Use Permit, adopted on November 13, 2018.

### **Fiscal Impact**

There is no fiscal impact due to the approval of this permit.

The applicant would be required to pay for all City fees associated with obtaining permits to install the traffic signal. The applicant would also pay for the installation of the traffic signal and any associated intersection improvements required.

Once installed, the City would incur the nominal cost of operating and maintaining the traffic signal. Any deferment of the installation of the signal would also defer the City's cost of operating and maintaining the traffic signal. All costs associated with the traffic signal will be expended out of the City's Operation and Maintenance Budget.

The parcel associated with the permit has also been annexed into all appropriate Community Facility Districts (CFD): CFD 98-01 Improvement Area No. 1 (Police Only), CFD 98-02 (Lighting, Landscaping, Open Space, and Preserve Maintenance), and San Marcos Fire Protection District CFD 2001-01 (Fire)

### **Attachment(s)**

List Attachments Here

- A. Vicinity Map, Existing Traffic Routes, and Illustrated Site Plan
- B. Requested Entitlement

- C. Site & Project Characteristics
- D. City Council Minutes (November 13, 2018)
- E. City Council Resolution CC 2018-8562 for CUP 18-0004
- F. Traffic Analysis Memorandum dated February 11, 2020
- G. Draft Planning Commission Minutes (June 1, 2020)
- H. Planning Commission Resolution PC 20-4849 for CUP 20-0003
- I. Site Photos
- J. Public Comments

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