

1.0 EXECUTIVE SUMMARY



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1.1 Introduction

The environmental impact report (EIR) process, as defined by the California Environmental Quality Act (CEQA), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decision-makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potentially significant adverse impacts; and (3) identify and evaluate reasonable alternatives to a project. In accordance with §15168 of the State CEQA Guidelines (Title 14 of the California Code of Regulations [CCR]), this Draft Program Environmental Impact Report (PEIR) that has been prepared for the City of Del Mar's 6th Cycle Housing Element Update (HEU) including the impacts of future housing development on the candidate housing sites and of the potential HEU action programs identified in Section 2.1 of the Introduction, for (the "project").

This (PEIR) has been prepared by the City of Del Mar (City) to provide an analysis of the project's potential effects on the environment. This PEIR also provides information related to the Housing Element Update (HEU) to be used for reference and information by any decision-makers, responsible agencies, or other interested parties.

The PEIR is intended to comply with the California Environmental Quality Act (CEQA) Guidelines, which ensures that projects within California (State) create the lowest possible effects for the environment. To achieve this, State CEQA Guidelines §15123 through §15131 require EIRs to include a description of the project (which in this case is the HEU), the environmental setting, any identified environmental impacts, mitigation measures to be used for environmental impact reduction, alternatives to the project, potential cumulative impacts stemming from the project, and further economic, social, and other growth effects associated with the project.

1.2 Project Location

The City is a coastal community located in northwestern San Diego County, approximately 20 miles north of downtown San Diego. The City is located north of Torrey Pines State Beach, directly south of the City of Solana Beach, and generally west of the City of San Diego. Regional access to the City is provided by Interstate 5 (I-5) that is located east of the City in a north-south orientation and Highway 101 (US 101), which is called Camino del Mar for the segment within the City, that runs in a north-south orientation along the City's coastline.

The City's entire westerly boundary runs along the shoreline and has coastline views of the Pacific Ocean from its beaches, coastal bluffs, and inland properties. The City has one beach-level neighborhood. Other natural aesthetic resources include steep bluffs at the northwest and southwest portions of the City, where coastal bluffs rise steeply approximately 75 feet above a sandy beach. Areas of the City located away from the sea cliffs rise as high as 400 feet above sea level. The San Dieguito Lagoon and River inlet crosses the northern portion of the City and, over time, has created a floodplain in the northeastern corner

of the City (Community Plan, 1976). As a coastal community with high land values and limited land resources, the City has developed into a mostly built-out community with little available developable land.

1.3 Project Objectives

In accordance with State CEQA Guidelines §15124, the following primary objectives support the HEU's purpose, assist the City, as the lead agency, in developing a reasonable range of alternatives to be evaluated in this PEIR, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary. The HEU's purpose is to address the housing needs and objectives of the City and to meet the State Housing law requirements. The HEU has the following goals:

- Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.
- Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community
- Prioritize Production of Accessory Dwelling Units (ADUs)
- Vigorously Pursue Housing Opportunities on 22nd District Agricultural Association Property (Del Mar Fairgrounds)
- Provide an Economically and Socially Diverse Balance of Housing Options and Affordability that are Affordable for a Variety of Income Levels and Housing Needs
- Improve and Preserve the Community's Existing Housing Stock
- Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar
- Promote Housing Resources and Assistance Opportunities

1.4 Project Description Summary

The City of Del Mar Housing Element is a required element within the Del Mar Community Plan (the City's General Plan) pursuant to State law. In compliance with California Government Code §65583, the Housing Element identifies, analyzes, and makes adequate provision for the existing and projected housing needs of all the City's economic segments.

California Government Code §§65580–65589.8 require that jurisdictions evaluate their Housing Elements every eight years. The City's existing Community Plan covers the eight-year 5th Cycle Housing Element (April 30, 2013 to April 30, 2021). The HEU will ensure consistency with current State Housing laws and cover the 6th Cycle Housing Element planning period (2021-2029). The HEU will represent a comprehensive update to the City's last adopted Housing Element (i.e., the 5th Cycle).¹ The HEU will include goals, policies, and implementation programs for the 6th Cycle. It will also include revisions to

¹ San Diego Association of Governments Website, *Regional Housing Needs Assessment Plan Sixth Housing Element Cycle Planning for Housing in the San Diego Region 2021-2029*, http://www.sandag.org/uploads/publicationid/publicationid_1661_14392.pdf, Accessed May 26, 2020.

goals, policies, and modified or continuing implementation programs carried over from the existing 5th Cycle Housing Element for completion in the first year of the 6th Cycle.

The HEU, which integrates/updates supporting socioeconomic, demographic, and household data, is specifically intended to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation of 163 dwelling units (DUs). **Section 3.7, Project Characteristics**, discusses the HEU components in detail. This PEIR evaluates future development of 209 DUs throughout the City as facilitated by the HEU. The 209 DUs includes the 163 DUs needed to meet the City's 6th Cycle RHNA allocation and the 46 estimated carryover DUs from the 5th Cycle RHNA allocation. The potential impacts of future housing development facilitated by the HEU are being evaluated for potential location on 104 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 340 acres. A portion of the future housing development facilitated by the HEU is also expected to include Accessory Dwelling Units (ADUs), which are allowed by State law and the DMMC on sites throughout the community anywhere that residential is an allowed use.

To begin assessing options to meet RHNA, the City compiled an inventory of candidate housing sites with the potential to accommodate the City's RHNA. The candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse environmental impacts. The HEU's intent is to reduce impacts by placing housing near public transportation and recreation opportunities and away from environmentally sensitive resources. The HEU, in addition to narrowing down from the list of candidate sites to a list of "adequate sites" that will accommodate the RHNA allocation (163 DUs) and the 5th Cycle estimated carryover units (46 DUs), will contain a list of HEU action programs, which is a collection of action-oriented strategies that are intended to increase available housing capacity. Some of the action programs will occur on sites that are identified in the PEIR as candidate housing sites. The City's list of potential HEU action programs are summarized here and further described in PEIR **Appendix 9.2, Potential 6th Cycle Housing Element Update Action Programs**. Even if selected for the Final HEU, these potential HEU action programs will be subject to future City Council actions for approval and implementation.

- PRIORITY: Complete Processing of Amendments to North Commercial (NC) Zone – 5th Cycle Program 2-E (already in process)
- PRIORITY: Complete Processing of Amendments to Professional Commercial (PC) Zone – 5th Cycle Program 2-F (already in process)
- PRIORITY: Process Amendments to the Central Commercial (CC) Zone
- PRIORITY: Extend and enhance the City's Existing Accessory Dwelling Unit (ADU) Incentive Pilot Program and Consider Whether to Offer Additional Incentives (i.e., ADU concierge program; and permit ready program that is already in process)
- PRIORITY: Pursue a Tiered Program of Actions that Would Involve Securing Partnership Agreements, Developer Participation Agreements, and Execution of Development Agreements to Develop Housing at the State-owned Del Mar Fairgrounds
- PRIORITY: Establish an ADU Amnesty Program

- **PRIORITY:** Establish a Streamlining/Incentive Program Available to Projects Proposing Affordable Units
- Update and Promote the City's Density Bonus Ordinance to Comply with State Law
- Explore Whether to Create an Affordable Housing Overlay Zone
- Explore Whether to Establish a Residential Opportunity Infill Program
- Rezone Program to Produce Affordable Units on Vacant Land
- Carryover Rezone Program - 5th Cycle Housing Element (Program 2-G) (already in process)

It is noted that future Community Plan, Del Mar Municipal Code (DMMC) Title 30 (Zoning Code), and Local Coastal Program amendments may be required to implement programs identified on the list of potential HEU action programs; see **Appendix 9.2**, and ancillary amendments to other planning documents may also be necessary for clarification and consistency purposes. However, in accordance with State California Environmental Quality Act (CEQA) Guidelines §15168 (Program EIR), all later activities in the HEU program will be examined in the light of this PEIR to determine whether an additional environmental document must be prepared, which would be determined prior to City Council approval of future HEU implementation actions. Similarly, discretionary permits and future CEQA evaluation will be required prior to approval of future housing development facilitated by the HEU, except for ADUs and Junior ADUs, which are exempt from CEQA and discretionary permits per California Government Code §§ 65852.2 and 65852.22.

The City is generally classified as a small suburban community situated within the greater San Diego metropolitan region. As a coastal community with high land values and limited land resources, the City has developed into a mostly built-out community with little available developable land. The City is located north of Torrey Pines State Beach, directly south of the City of Solana Beach, and generally west of the City of San Diego. The City's projected housing need for the 6th Cycle RHNA planning period (2021-2029), as assigned by the San Diego Association of Governments (SANDAG) in accordance with State law, is 163 DUs. The City's RHNA is broken down into the following income levels:

- 37 Very Low Income (including Extremely Low Income)
- 64 Low Income
- 31 Moderate Income
- 31 Above Moderate Income

As previously mentioned, the City's RHNA allocation for low- and very-low income housing is 101 DUs; and the allocation for moderate- and above moderate-income housing is 62 DUs. Based on past and current trends, the City anticipates growth in the existing residentially-zoned areas to meet the moderate and above moderate income need through development of new units and Accessory Dwelling Units (ADUs). Within the existing residential neighborhoods, moderate income and above-moderate income units can be accommodated on vacant and underutilized residentially-zoned sites. Additional units, including smaller more affordable options, can be accommodated through development of ADUs and similar small housing options (i.e., tiny homes and modular homes) throughout the community.

Based on housing trends to date, it is unlikely that the City will be able to accommodate its RHNA allocation for lower-income housing, which is 101 DUs, including 37 very-low income DUs and 64 low-income DUs, within existing residential neighborhoods based on the existing regulatory context. Therefore, to comply with State law, the City has identified various action program strategies to accommodate the lower-income RHNA units, including amendments to existing land use designations and zoning and identification of vacant, residentially-zoned parcels in an inventory of candidate housing sites.

Under the HEU, housing action programs will be considered in addition to various other strategies to increase housing capacity and production of affordable DUs. See PEIR **Appendix 9.2** for additional details on the list of potential HEU action programs, which includes the North Commercial Zone, Professional Commercial Zone, and Central Commercial Zone; opportunities on the State-owned Del Mar Fairgrounds property; opportunities for partnerships at various existing sites with existing multiple dwelling unit residential, retail center, and hotel development; and various vacant low-density and very low-density residential zones as required to meet Assembly Bill (AB) 1397. Additional affordable units can also be accommodated through future ADU and Junior ADU development, which is anticipated to occur on sites throughout the community, in addition to the candidate housing sites. Examples of potential candidate sites that are not on the list of potential HEU action programs, include various City-owned sites in the Public Facilities (PF) Zone.

To meet the City's very-low and low-income RHNA need, the City has identified non-vacant parcels currently zoned for non-residential uses. These parcels are located primarily within the North Commercial (NC), Professional Commercial (PC), and Community Commercial (CC) zones. Planning and zoning amendments for the NC zone and PC zone are currently underway as part of 5th Cycle Housing Element implementation programs to facilitate the development of affordable housing in these commercial zones.

The City's list of potential action programs includes vacant sites on the North Bluff and South Stratford because they are required to be considered with the HEU due to existing regulatory impediments. Per AB 1397, sites must be vacant, must meet the minimum size requirements (between 0.5 acre and 10 acres in size), and must be able to be served by utilities. Sites designated to meet the very-low and low-income need must allow development at the assigned default density, which for the City is 20 DU/AC.² The City does not currently have any zones that can accommodate this density. Currently, the City's highest densities are in the Medium Density Single-Mixed Residential-East and West zones (RM-East and RM-West) at 17.6 DU/AC. The associated candidate housing sites identified above pursuant to AB 1397 are located in the Very Low-Density Residential zone (R1-40) and Modified Low-Density Residential zone (R1-14), as further described in **Section 3.0, Project Description**.

To comply with AB 1397, the City must specify the number of units that can realistically be accommodated on each candidate housing site; and identify whether the site is adequate to accommodate lower-income housing in accordance with existing regulations or if future implementation actions are needed. Recognizing that not all candidate housing sites will ultimately be included in the HEU, the 104 candidate housing sites in the PEIR account for a 30 percent buffer (49 DUs), which is intended to serve as a sites

² Note this is per acre and not per parcel. One acre equals 43,560 square feet.

contingency that may be considered after HEU certification to address future “no net loss,” if it becomes necessary to identify a replacement site during the 6th Cycle (2021-2029). See discussion of AB 1233 below for additional details.

AB 1233 states that if a jurisdiction fails to provide adequate sites in the prior planning period, which in the City’s case is the 5th Cycle covering 2013-2021, the jurisdiction must also include HEU action programs (i.e., zone code amendments or rezones) to accommodate the shortfall within one year of the new cycle’s commencement. The City’s no net loss housing obligation per AB 1233 is referred to as the 5th Cycle “carryover” housing program, which is required to be addressed in addition to the 6th Cycle RHNA. The City’s estimated “carryover” is 46 DUs from the 5th Cycle Housing Element (Program 2-G).³

The City’s RHNA allocation for the 6th Cycle HEU and estimated carryover from the 5th Cycle is 209 DUs. In addition, for the purpose of the analysis in this PEIR, the City planned for additional units as a buffer and planned contingency if necessary to address Senate Bill (SB) 330 and SB 166 requirements of the “no net loss” provisions if it becomes necessary to identify a replacement site during the HEU. The City has factored in a 30 percent buffer into this PEIR’s candidate housing sites analysis, which means that an additional 49 DUs (30 percent of the 163 RHNA units) have been considered in the sites inventory. Therefore, the candidate housing sites analysis in this PEIR considered a total of 258 units (163 RHNA units + estimated 46-unit carryover from the 5th Cycle Housing Element + 49-unit buffer), but the Final HEU will only incorporate capacity for the 209 DUs needed for RHNA and the 5th Cycle carryover.

1.5 Areas of Controversy

State CEQA Guidelines §15123 (b)(2) and (3) require that this section of the Draft PEIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how to, mitigate the significant effects. The following issues of concern have been identified during the review period of the distribution of the Notice of Preparation (NOP) and public meetings:

- Potential conflicts with of short-term rentals in residential neighborhoods.
- Potential reduction of emergency response capabilities.
- The consistency of new housing units with existing community character.
- Accuracy of the allocated 163 RHNA units.
- Effects to the City’s water quality after development of housing units.
- The analysis and duration of the environmental process due to the comprehensiveness of the Draft EIR.
- Wildfire risks associated with additional development.
- Effects on City roadway and traffic patterns.

³ Housing Program 2-G from the 5th Cycle Housing Element anticipated a zoning code amendment, Local Coastal Program Amendment, and Community Plan amendment to allow residential development of 20 units/acre on 2.3 acres of vacant land east of Jimmy Durante Boulevard and south of San Dieguito Drive.

- The modification of land uses to accommodate higher density residential developments.
- Noise pollution effects on lagoon area ecology.
- Mixed use as a beneficial modification to commercial areas.

The above issues have been considered in this PEIR, where applicable, in **Sections 4.1** through **4.20**. With regard to the candidate sites, the PEIR provides a discussion and evaluation of the locations and potential impacts associated with future development facilitated by the HEU. The decision-making body (i.e., the City Council) will be asked to select housing strategies for the HEU that take into account local values and community character while meeting the various State mandates that apply in order for the City to meet its objective to gain certification of the HEU in accordance with State Housing laws.

1.6 Alternatives to the Project

State CEQA Guidelines §15126.6(a) requires a Draft EIR to “describe the range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” No significant and unavoidable impacts were identified for the HEU; which means that all potentially significant impacts that were identified in the Draft PEIR could be mitigated to a less than significant level. However, in response to the potentially significant impacts that were identified, the PEIR includes the following alternatives for consideration by decision-makers upon action related to the HEU:

Alternative 1: The No Project Alternative

The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the ability to compare the impacts of approving the HEU with impacts of not approving the HEU. The No Project analysis is required to discuss the existing conditions (at the time the Notice of Preparation was published on February 19, 2020, as well as what would be reasonably expected to occur in the foreseeable future, if the HEU were not approved, based on current plans and consistent with available infrastructure and community services.

The HEU plans for an additional 209 DU throughout 104 candidate housing sites (any combination thereof) that are comprised of 123 parcels totaling approximately 340 acres. The 209 DUs include the candidate housing sites needed to meet the City’s 6th Cycle RHNA allocation (163 DUs) and the 5th Cycle Housing Element Program 2-G RHNA allocation carryover units (“estimated” at 46 DUs). The No Project Alternative assumes that the 163 units required to meet the 6th Cycle RHNA allocation would not be developed (the estimated 46 DUs would still be since it is a requirement of the 5th Cycle). The City would not update its Housing Element and would not meet the City’s RHNA obligations required by State Housing law. This Alternative assumes the City’s buildout pursuant to the Community Plan, including the underlying land use designations and zoning. The No Project Alternative is the circumstance under which future housing development pursuant to the 6th Cycle HEU would not proceed, but the existing environmental conditions would not necessarily be preserved without development as property owners of these candidate housing sites could choose to develop their respective properties per the existing Community Plan and Del Mar Municipal Code (DMMC).

Alternative 2: 22nd District Fairgrounds Alternative (Site 2) – Environmentally Superior Alternative

The State-owned 22nd District Agricultural Association Fairgrounds Alternative (Fairgrounds Alternative) excludes all candidate housing sites in the City's jurisdiction as discussed in **Section 3.0, Project Description**, except for the Fairgrounds site (i.e., Site 2). Site 2 includes nine parcels totaling 266.36 acres in the City's northwestern portion zoned Fairgrounds-Racetrack in the DMMC, as well as the Surf N Turf lot east of Jimmy Durante Boulevard, which is outside of the City's boundary and zoned Open Space – Park and Commercial Visitor in the City of San Diego. The 22nd District Agricultural Association is a State agency that owns and operates the Fairgrounds, which includes an existing equestrian facility, Horse park, golf center, and parking lots. As noted, the Fairgrounds properties identified for this Alternative are not all located within the City of Del Mar jurisdiction. Some are located within the City of San Diego and others are located along the southerly border of the City of Solana Beach.

This alternative includes demolition of the existing 48-room grooms' dormitory and rebuilding the living quarters in the Backstretch Area, as well as development of additional housing units to meet the City's 209 DU RHNA allocation. Thus, all housing development required to meet the City's RHNA allocation would occur within the State-owned Fairgrounds properties. Under this alternative, new housing development would be developed as multiple family dwelling units in a more concentrated area than the project, which proposes to spread the candidate sites and housing throughout the City. As with the project, affordable housing units would be available for Fairgrounds workers, many of whom tend to earn low wages, although all 209 DUs would be provided on the Fairgrounds property.

In order to pursue this Alternative as part of the HEU, the City will need to have agreements in place with the State to demonstrate the commitment to sufficiently develop the required number of units to meet the City's obligations per the 6th Cycle RHNA and 5th Cycle Program 2-G carryover units.

Alternative 3: No North Bluff Housing (Site 1)

The No North Bluff Housing Alternative would exclude the North Bluff properties (Site 1) from the candidate housing sites inventory. The North Bluff properties are located at the City's northwestern border and are bounded by the City of Solana Beach to the north, dog beach to the south, the Fairgrounds to the east, and the Pacific Ocean to the west. The No North Bluff Housing Alternative excludes approximately 12.39 acres of primarily vacant land with a development potential of 248 DUs (at a density of 20 unit/acre) that could meet the City's low and very low-income housing needs. This alternative assumes development of 209 DUs throughout 104 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 330 acres.

Environmentally Superior Alternative

State CEQA Guidelines require that an Environmentally Superior Alternative be identified for each project. No Project Alternative is the environmentally superior alternative because it would avoid many of the proposed project's impacts. Therefore, in compliance with CEQA requirements, this PEIR also identifies an environmentally superior alternative among the other alternatives. The 22nd District Agricultural Association Fairgrounds Alternative is the alternative that best meets project objectives with the least

impact to the environment, and the 22nd District Agricultural Association Fairgrounds Alternative is the environmentally superior alternative.

These alternatives are evaluated in **Section 6.0, Alternatives**.

1.7 Unavoidable Significant Impacts

The HEU's potentially significant impacts are defined in **Sections 4.1** through **4.20** of this Draft PEIR. As noted in these sections, all of the potentially significant impacts identified can be mitigated to a less than significant level through implementation of feasible mitigation measures. As such, no significant and unavoidable impacts would occur with implementation of the HEU and a Statement of Overriding Considerations by the decision-maker will not be necessary by the City Council.

1.8 Summary of Environmental Impacts and Mitigation Measures

Table 1-1, Summary of Significant Impacts and Proposed Mitigation Measures provides a summary of significant impacts and proposed mitigation measures associated with the HEU as identified in this PEIR. Refer to **Sections 4.1** through **4.20**, for an evaluation of the environmental impacts and mitigation measures for the project. All impacts of the HEU can be mitigated to less than significant.

Table 1-1: Summary of Significant Impacts and Proposed Mitigation Measures

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.4, Biological Resources		
Issue BIO-1 Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than significant with mitigation applied.	MM Bio-1: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on Sites 1-A, 1-C, 1-E, 1-F, 2-A through 2-F, 3, 4, 5, 9-A, 9-B, 16, 17, 18, 19, 20, 102, 104, 105 to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.
Issue BIO-2 Would the Project have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Less than significant with mitigation applied	MM Bio-1: See Above
Issue BIO-3 Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant with mitigation applied.	MM Bio-2: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following mitigation framework: Prior to issuance of a permit for grading or vegetation removal, future housing development of candidate housing Sites 1-A, 1-C, 1-F, 2-A,

Resource Impact	Level of Significance	Mitigation Measure(s)
		2-B, 2-C, 2-D, 2-E, 2-F, 3, 4, and 5 facilitated by the HEU, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site-specific biological resources survey. As required by DMMC 30.53 (Lagoon Overlay Zone), any potential jurisdictional waters identified on-site during the general biological resources survey, would require the preparation of a jurisdictional wetlands delineation of the housing site by the applicant and shall be conducted following the methods outlined in the USACE's 1987 <i>Wetlands Delineation Manual</i> and the <i>Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region</i> . The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by Coastal Commission and the RWQCB.
Issue BIO-4 Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	Less than significant with mitigation applied.	MM Bio-1: See above MM Bio-3 Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

Resource Impact	Level of Significance	Mitigation Measure(s)
Issue BIO-5 Would the project conflict with the provisions of an adopted HCP, NCPP, or other approved local, regional, or State HCP?	Less than significant with mitigation applied.	MM Bio-1: See above MM Bio-2: See above
Section 4.5, Cultural Resources		
Issue CUL-1 Cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guideline 15064.5?	Less than significant with mitigation applied.	MM Cul-1 Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework: For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.
Issue CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guideline 15064.5?	Less than significant with mitigation applied.	MM Cul-2 Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.to reduce the impacts to below a level of significance.

Resource Impact	Level of Significance	Mitigation Measure(s)
Issue CUL-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	Less than significant with mitigation applied.	MM Cul-2 Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework: In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.
Section 4.7, Geology and Soils		
Issue GEO-6 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant with mitigation applied.	MM Geo-1 Paleontological Monitoring and Compliance Program. For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall: <ul style="list-style-type: none"> a. <u>Retain a Qualified Project Paleontologist</u>. Prior to ground disturbing activities, the Applicant shall retain a qualified Project Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources. b. <u>Paleontological Monitoring and Compliance Program</u>. After design of the housing development has been finalized to determine the precise extent and location of ground disturbing activities, and prior to ground disturbing activities, the Project Paleontologist shall prepare a Paleontological Monitoring and Compliance Program to be implemented during the ground disturbing activities. The Program shall be prepared in accordance with the standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>disturbing activities, the Program shall be provided to the City of Del Mar.</p> <p>Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full-time by a qualified paleontological monitor during initial ground disturbing activities.</p> <p>The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist.</p> <p>The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.</p> <p>c. <u>Paleontological Worker Environmental Awareness Program (WEAP)</u>. Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend.</p> <p>d. <u>Fossil Discovery</u>. In the event of a fossil discovery by construction personnel, all work in the find's immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity,</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions:</p> <ul style="list-style-type: none"> i. <u>Salvage of Fossils</u>. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. ii. <u>Preparation and Curation of Recovered Fossils</u>. Once salvaged, the City shall ensure that significant fossils are identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the San Diego County Natural History Museum), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Project Paleontologist. Field collection and preparation of fossil specimens shall be performed by the Project Paleontologist with further preparation as needed by an accredited museum repository institution at the time of curation. e. <u>Final Paleontological Monitoring and Compliance Report</u>. Upon completion of ground disturbing activities (and curation of fossils, if necessary) the Project Paleontologist shall prepare a Final Paleontological Monitoring and Compliance Report outlining the results of the Paleontological Monitoring and Compliance Program. The report shall be provided to the City of Del Mar and shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any

Resource Impact	Level of Significance	Mitigation Measure(s)
		recovered fossils, and the scientific significance of those fossils, and where fossils were curated.
Section 4.9, Hazards		
<p>Impact HAZ-1 Would the project create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release or routine transport, use, or disposal of hazardous materials?</p> <p>Impact HAZ-2 Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p>	Less than significant with mitigation applied	<p>MM HAZ-1 Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527-13 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.</p> <p>MM HAZ-2 If the applicant or applicant's contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant's contractor shall:</p> <ol style="list-style-type: none"> 1. Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the area, and secure the area; 2. Notify the applicant's Environmental Professional and immediately implement proper remedial activities as recommended; 3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area; 4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Resource Impact	Level of Significance	Mitigation Measure(s)
Impact HAZ-4 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or environment	Less than significant with mitigation applied	MM HAZ-1: See above MM HAZ-2: See above
Section 4.13, Noise		
Impact NOI-1 Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant with mitigation applied	NOI-1: To reduce construction-related noise impacts, where construction activities would exceed the standards established in DMMC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction: <ul style="list-style-type: none"> Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction). Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible. NOI-2 Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning and Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> A procedure to the public for notifying the City's Code Compliance Officer and Sheriff's Department (during regular construction hours and off-hours); A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and <p>A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.</p>
<p>Impact NOI-2 Would the project result in Generation of excessive groundborne vibration or groundborne noise levels?</p>	Less than significant with mitigation applied	<p>NOI-3:</p> <p>To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:</p> <ul style="list-style-type: none"> The applicant shall submit to the Planning and Community Development Department the preexisting condition of all vibration-sensitive land uses within a 50-foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant. <p>Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.18, Tribal Cultural Resources		
<p>Impact TRC-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> Listed or eligible for listing in the California Register of Historical Resources, or listed on a local register of historical resources as defined in PRC §5020.1(k); or Determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1. In applying the criteria set forth in subdivision (c) of PRC §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 	<p>Less than significant after mitigation</p>	<p>MM TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Planning and Community Development Director to the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning and Community Development Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines §15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources.</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code §§21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non- profit institution with a research interest in the materials, such as the San Diego Archeological Center. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Del Mar Historical Society for educational purposes.</p>

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