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# Del Mar Planning Commission Agenda

City of Del Mar, Town Hall
1050 Camino del Mar, Del Mar, California

***Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.***

**Philip Posner**
Chair

**Ted Bakker**
Commissioner

**Jas Grewal**
Commissioner

**John Spelich**
Commissioner

**Vacant**
Commissioner

**Karen Brindley**
Planning & Community Development Director

**Amanda Lee**
Principal Planner

## Regular Meeting
## Tuesday, August 13, 2024 at 5:00 PM
## PLEASE NOTE EARLY START TIME.

It is the intention of your Planning Commission to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

**Public Participation/Comment**: Members of the public can participate in Planning Commission meetings in-person only. Anyone may address the Commission for up to three minutes, at the Chair's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Oral Communications. Agenda items may be addressed in any order at the discretion of the Chair. When addressing the Planning Commission, please state your name for the record. Any electronic presentations must be received before 12 p.m. on the date of the Planning Commission meeting. No PowerPoint presentations can be loaded during the meeting.

Please submit a completed "Speaker Slip", including the item number you wish to speak on, to City staff prior to the Chair announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

**Written Comments:** Members of the public can participate in the meeting by submitting a written red dot comment via email to planning@delmar.ca.us. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

**Project Applicants/Representatives:** Applicants and their team of representatives shall limit their [total] presentations to 10 minutes or less.

**Viewing the Meeting and Access to Agenda Materials:** Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: http://www.delmar.ca.us/AgendaCenter and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

**Assistance for persons with Disabilities**: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

As a courtesy to all meeting attendees, **please set cellular phones to silent mode** and engage in conversations outside the Town Hall.

**Regular Meetings** of the Planning Commission are generally held on the second Tuesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the City's website at www.delmar.ca.us, or call the Planning Department's office at 858-755-9313. A full Planning Commission agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's website the Thursday before each Planning Commission meeting.

**Meeting will end at 11:00 p.m.** unless extended by a majority vote of the Commissioners. If all the items on the agenda are not heard, the remaining items will be heard the following Tuesday (if facilities are available) at 1050 Camino Del Mar.

**Consent Calendar:** The Consent Calendar is considered by the Planning Commission near the beginning of the agenda. Items placed on the Consent Calendar will be approved in accordance with the staff recommendations for the item unless removed from the Consent Calendar by Commissioners, staff, or a member of the public. If you wish to keep an item from being placed on the Consent Calendar, please submit an email to planning@delmar.ca.us or to the staff member prior to the meeting by 3:30 p.m. the day of the meeting.

**Final action.** The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the Initial Consideration whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (de novo) public hearing review. If a de novo public hearing is set by the City Council, an additional fee will be required.

**Meeting Decorum:** All persons attending the Planning Commission meeting shall conduct themselves in a courteous and respectful manner. Comments shall be directed to the members of the Commission, rather than to others in attendance at the meeting. The Chairperson (or Vice Chair or Chair pro-tem in their absence), is designated as the parliamentarian for the meeting. As deemed appropriate, they may interrupt a speaker with instruction to redirect their remarks to relevant points on the agenda item before the Commission. They may also terminate a speaker's oral presentation if comments continue to be non-relevant or become disrespectful.

**Note:** The entirety of the City of Del Mar is located within the Coastal Zone. Some of the development projects listed on this agenda, as noted, require the receipt of a Coastal Development Permit. Some of these projects may also lie in what is known as the "Coastal Development Appeals Area". For the projects located in the appeals area, the City's action on the requested Coastal Development Permit may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission within the ten calendar days following the Coastal Commission's receipt of a notice from the City of its final action on the Coastal Development Permit application. However, before an appeal may be filed with the Coastal Commission, the City's action on the CDP application must be final, meaning that all of the City's [separate and internal] appeals processes must first be exhausted.

## ROLL CALL

## APPROVAL OF MINUTES

1. May 14, 2024 and July 9, 2024 Minutes

## UPDATE

## PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

## HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (Oral Communications)

## DISCUSSION AND BRIEFING (Application Items)

## CONSENT CALENDAR:

The Planning Commission at the beginning of the meeting can place any item on the agenda upon the Consent Calendar. Consent Calendar items are not subject to public testimony. If you have a concern and wish to present information to the PC, you must be present at the beginning of the meeting to ensure the item will not

be placed on consent or write a letter to the PC prior to the meeting expressing why the application should be taken off the Consent Calendar.

**CONTINUED APPLICATION(S):**

**ITEM 1**
**TVS24-001**

**Applicant:** Stuart Anstis
**Applicant Address:** 111 11th Street
**Applicant APN:** 300-094-03-00
**Tree Owner:** Tom Harrington
**Site Address (Vegetation Location):** 107 11th Street
**Site APN (Vegetation Location):** 300-094-02-00
**Environmental Status:** This initial determination does not constitute a project under the California Environmental Quality Act (CEQA) and is not subject to analysis.
**Staff Contact:** Monique Gil, Associate Planner
**Description:** The Planning Commission is being asked to evaluate the applicants view blockage claim, under Del Mar Municipal Code Chapter 23.51 (Trees, Scenic Views, and Sunlight), and determine whether or not unreasonable view blockage has occurred from vegetation located on a neighboring property.

**NEW APPLICATION(S):**

**ITEM 2**
**TPMC23-001**
**CDP24-004**

**APN:** 300-181-07-00
**Location:** 730-750 Stratford Court
**Applicant:** Deal Del Mar LLC
**Applicant Representative:** Bokal and Sneed Architects
**Environmental Status:** Exempt
**Zone:** R2
**Staff Contact:** Jennifer Gavin, Associate Planner
**Description:** A recommendation from the Planning Commission to the City Council to recommend approval of a Tentative Parcel Map (TPMC23-001) and Coastal Development Permit (CDP24-004) to allow the conversion of an existing residential duplex (two units) to condominium ownership.

**ITEM 3**
**CUP24-003**
**CDP24-020**

**Location:** X1A Undergrounding District- These boundaries roughly follow the San Dieguito Lagoon and Crest Canyon including a segment of San Dieguito Road, Oribia Road, Crest Road, and portions of Serpentine Drive, Avenida Primavera, Zuni Drive, 15th Street, and Hoska Drive.
**Owners/Applicants:** City of Del Mar
**Overlay Zones**: Lagoon, Bluff, Slope, and Canyon
**Environmental Status:** Exempt
**Staff Contact:** Jennifer Gavin, Associate Planner
**Description:** A recommendation to the City Council for Coastal Development and Conditional Use Permits to underground utility lines, remove utility poles, install above grade utilities, and perform related trenching and grading within the Bluff, Slope, and Canyon and Lagoon Overlay Zones.

**ITEM 4**
**CUP24-004**
**CDP24-024**

**Location:** San Dieguito Road from the intersection of San Dieguito Road and Racetrack View Drive and San Dieguito Road and Oribia Road
**Owners/Applicants:** City of Del Mar
**Overlay Zones:** Lagoon, Bluff, Slope, and Canyon
**Environmental Status:** Exempt
**Staff Contact:** Jennifer Gavin, Associate Planner
**Description:** A recommendation to the City Council to improve San Dieguito Drive from a private to a public road including the performance of grading and the construction of a retaining wall in order to widen of the road to meet minimum required standards.

**ITEM 5 WILL BE TIME CERTAIN AT 6:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE**

**ITEM 5**
**ZA24-004/LCPA24-003**
**Short Term Rental Regulations**

**Project:** Amendments to the Zoning Code and Local Coastal Program to establish new regulations for Short Term Rentals
**Locations:** Citywide
**Applicant:** City of Del Mar
**Environmental Status:** Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) because CEQA only applies to projects with the potential for causing a significant effect on the environment. There is no change in baseline environmental conditions or potential to cause a significant effect on the environment as a result of the Ordinance.
**Staff Contacts:** Amanda Lee, Principal Planner alee@delmar.ca.us and Adriana Jaramishian, Associate Planner ajaramishian@delmar.ca.us
**Description:** This is a request for a recommendation from the Planning Commission to the City Council on proposed amendments to establish regulations for STRs in a new Chapter 30.96 in the Del Mar Zoning Code and Local Coastal Program. The amendments address a City Council priority policy program and implement the 6th Cycle Housing Element Program 5C. The policy intent is to accommodate visitors while still maintaining the majority of housing stock for use by long term residents. As proposed, there would be an overall cap citywide and neighborhood caps to prevent the overconcentration of STRs. Existing STRs who apply for a STR permit would be allowed to continue operating until the property changes ownership, the STR permit is not renewed, or the STR Permit is revoked due to non-compliance. New STRs would be limited to one per owner and limited to primary residences to maintain the limited supply of dwelling units for long-term housing. Following Planning Commission, the Ordinance will be considered for introduction and adoption by the City Council and submitted to the Coastal Commission for certification for the Ordinance to take effect.

## ADJOURNMENT

I, Adriana Jaramishian, Associate Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday, August 1, 2024.

_____
Adriana Jaramishian
Associate Planner

**CITY OF DEL MAR**
**PLANNING COMMISSION REGULAR MEETING**
**DRAFT ACTION MINUTES**
**July 9, 2024**
**Del Mar Town Hall**
**1050 Camino Del Mar, Del Mar, California**

The minutes set forth the actions taken by the Planning Commission on the matters stated. Audio/video recordings of the Planning Commission proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the Planning Commission, including Red Dots (materials provided to the Planning Commission after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Planning Department at (858) 755-9313.

## CALL TO ORDER
Chair Posner called the Regular Meeting to order at 6:03 p.m.

## ROLL CALL
Chair Philip Posner and Commissioners Ted Bakker, Jas Grewal, and John Spelich

Staff Present: Planning and Community Development Director Karen Brindley, Principal Planner Amanda Lee, Principal Planner Matt Bator, Associate Planner Jennifer Gavin, Associate Planner Elizabeth Yee, Associate Planner Monique Gil, and Assistant City Attorney Wendy House

## APPROVAL OF MINUTES
None.

## UPDATE
Principal Planner Lee provided two updates:

1) The draft Short Term Rental regulations will be presented to the Planning Commission on August 13, 2024, for a recommendation to City Council prior to the City Council public hearing in September 2024.
2) The Objective Design Standards will be presented to the City Council on August 26, 2024.

## PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)
Principal Planner Lee responded to Commissioner inquiries about the status of the Watermark affordable housing project and 941 Camino del Mar mixed use affordable housing project, and answered questions related to updating the City's Local Coastal Program.

## ITEMS NOT LISTED ON THE AGENDA (Oral Communications)
None.

**DISCUSSION AND BRIEFING (Application Items)**

Principal Planner Lee gave an overview of the agenda and indicated items 1 and 3 were eligible for the consent calendar.

**CONSENT CALENDAR**

**ITEM 1**
**RM23-001**
**CUP24-001**
**CDP24-008**

**APN:** 299-200-65-00
**Location:** 690 Serpentine Drive
**Applicant:** La Atalaya, LLC
**Applicant Representative:** Adam Birnbaum, AMB Planning Services, LLC
**Zone:** R1-40
**Overlay Zone:** Bluff, Slope, and Canyon, Lagoon, WUI, Open Space
**Environmental Status:** Pursuant to the requirements of the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration (MND) was certified by the City Council on February 1, 2021 for the previously approved subdivision and related improvements pursuant to City Council Resolution 2021-05. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary since there has not been a substantial change in circumstance that would necessitate a new environmental review.
**Staff Contact:** Jennifer Gavin, Associate Planner
**Description:** A request for the Planning Commission's recommendation to City Council for approval of a revision to conditions for previously approved Tentative Map TTM18-004 and approval of Coastal Development Permit CDP24-008 and Conditional Use Permit CUP24-001 for the construction of roadway, utility, and safety improvements partially located in a steep slope setback within the Bluff, Slope, and Canyon Overlay and Lagoon Overlay.

**This project is located within the Coastal Commission's Appeal Jurisdiction*

One speaker slip was submitted in support from the applicant's representative, Adam Birnbaum, indicating no need to speak. Staff answered questions from Commissioner Bakker.

**MOTION BY CHAIR POSNER, SECOND BY COMMISSIONER SPELICH, TO APPROVE ITEM 1 ON THE CONSENT CALENDAR.**

**MOTION PASSED (VOTE 4-0)**

**VOTE:**

| | |
|---|---|
| **Ayes:** | **Chair Posner and Commissioners Bakker, Grewal, and Spelich** |
| **Noes:** | **None** |
| **Recused:** | **None** |
| **Absent:** | **None** |
| **Abstain:** | **None** |

**ITEM 3**
**CUP22-003**
**CDP23-019**

**APN:** 299-100-34-00
**Location:** 2201 San Dieguito Drive
**Applicant:** Blue Water Valet, Viewpoint Brewery
**Applicant Representative:** Robert Scott
**Zone:** North Commercial
**Overlay Zone:** Lagoon Overlay and Floodplain Overlay
**Environmental Status:** Exempt
**Staff Contact:** Elizabeth Yee, Associate Planner
**Description:** A request for Conditional Use Permit and Coastal Development Permit to operate a valet parking operation in conjunction with an existing brewery/restaurant (Viewpoint Brewery) on property located at 2201 San Dieguito Drive in the North Commercial Zone and Lagoon Overlay and Floodplain Overlay.

**This project is located within the Coastal Commission's Appeal Jurisdiction*

No speaker slips were submitted. Staff answered questions from Commissioner Bakker.

**MOTION BY CHAIR POSNER, SECOND BY COMMISSIONER SPELICH, TO APPROVE ITEM 3 ON THE CONSENT CALENDAR.**

**MOTION PASSED (VOTE 4-0)**

**VOTE:**

| | |
|---|---|
| **Ayes:** | **Chair Posner and Commissioners Bakker, Grewal, and Spelich** |
| **Noes:** | **None** |
| **Recused:** | **None** |
| **Absent:** | **None** |
| **Abstain:** | **None** |

## NEW APPLICATIONS:

**ITEM 2**
**A24-001/ ZA24-005/LCPA24-004 (Inclusionary Housing)**

**A24-002 (Condo Conversions)**

**Project:** Amendments to the Inclusionary Housing and Condo Conversion Regulations for Implementation of Housing Element Programs 4D and 4E and Related Amendments to the Zoning Code and Local Coastal Program
**Locations:** Citywide
**Applicant:** City of Del Mar
**Environmental Status:** The 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The Final PEIR is available at: **www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020**
The amendments would not result in significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final PEIR. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary.
**Staff Contact:** Amanda Lee, Principal Planner alee@delmar.ca.us
**Description:** This is a request for a recommendation from the Planning Commission to the City Council on the proposed amendments to the Del Mar

Municipal Code Chapters 24.21 and 24.40 to repeal and replace the City's existing Inclusionary Housing Regulations and amend the existing Condo Conversion regulations to implement Housing Element Programs 4D and 4E; and related minor correction amendments to the DMMC Chapters 30.24 and 30.25 to ensure consistency between the Inclusionary Housing regulations and density standards for the North Commercial Zone and Professional Commercial Zone in the City's Zoning and Code and Local Coastal Program. The amendments will be subject to introduction and adoption by the City Council at future public hearings. The Inclusionary Housing/Condo Conversion Ordinance would take effect 30 days from adoption by the City Council. The companion minor correction amendments to the LCP and Zoning Code will require certification by the Coastal Commission following City Council adoption.

Principal Planner Lee provided the staff presentation. Planning staff and Assistant City Attorney House answered questions from the Commission.

There were no public speakers for this item.

The Commission discussed the following topics related to this project:

- Whether to require 15% or 20% of units in a multi-unit project to be rented low-income
- Whether the percentage for inclusionary requirement should vary based on size of project
- Consideration of economic feasibility of projects with affordable housing units
- In-lieu fees and removal of this option for multi-unit development and condo conversions to ensure lower income units get developed on-site

**MOTION BY COMMISSIONER GREWAL, SECOND BY COMMISSIONER SPELICH TO RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION TO THE CITY COUNCIL WITH A MODIFICATION TO THE INCLUSIONARY HOUSING REQUIREMENT TO REQUIRE 15% INCLUSIONARY FOR PROJECTS WITH 20 OR FEWER UNITS AND TO MAINTAIN THE EXISTING 20% INCLUSIONARY REQUIREMENT FOR PROJECTS WITH MORE THAN 20 UNITS; AND CONFIRM THE CEQA DETERMINATION AS PRESENTED BY STAFF. (VOTE 4-0)**

**VOTE:**

| | |
|---|---|
| **Ayes:** | **Chair Posner and Commissioners Bakker, Grewal, and Spelich** |
| **Noes:** | **None** |
| **Recused:** | **None** |
| **Abstain:** | **None** |

**ITEM 4**
**TVS24-001**

**Applicant:** Stuart Anstis
**Applicant Address:** 111 11th Street
**Applicant APN:** 300-094-03-00
**Tree Owner:** Tom Harrington
**Site Address (Vegetation Location):** 107 11th Street
**Site APN (Vegetation Location):** 300-094-02-00
**Environmental Status:** This initial determination does not constitute a project under the California Environmental Quality Act (CEQA) and is not subject to analysis.

**Staff Contact:** Monique Gil, Associate Planner
**Description:** The Planning Commission is being asked to evaluate the applicants view blockage claim, under Del Mar Municipal Code Chapter 23.51 (Trees, Scenic Views, and Sunlight), and determine whether or not unreasonable view blockage has occurred from vegetation located on a neighboring property.

Associate Planner Gil provided the staff presentation. Planning staff and Assistant City Attorney House answered questions from the Commission.

The Commission provided the following disclosures:
- Commissioner Spelich drove by the properties.
- Commissioner Grewal visited the Applicant's residence and took photos from inside
- Commissioner Bakker met with the Applicant, spoke with Principal Planner Bator, and looked at google earth photos
- Chair Posner visited the Applicant's residence from the outside, met with both Applicant and Tree Owner, and spoke with Associate Planner Gil
- All Commissioners reviewed the red dot items prior to the meeting

Felix Tinkov (Applicant's Legal Representative) spoke on behalf of the Applicant and answered questions from the Commission.

Lee Andelin (Tree Owner's Legal Representative) spoke on behalf of the Tree Owner and answered questions from the Commission.

Chair Posner opened the public hearing and the following spoke:
- Karla Leopold, 125 11th Street
- Richard Waite, 136 Sea Orbit Lane
- Claire McGreal, 1135 Stratford Court (with time donation from Tom McGreal)
- Jim Sneed, 244 9th Street

Felix Tinkov provided a rebuttal on behalf of the Applicant.

Lee Andelin and Tom Harrington (Tree Owner) provided a rebuttal on behalf of the Tree Owner.

RECESS FROM 8:48PM TO 9:05PM.

Chair Posner asked the Applicant and Tree Owner if there is any opportunity for settlement and both parties indicated "no" in response.

Chair Posner closed the public hearing.

The Commission discussed the following topics related to this project:
- Photographic evidence of unreasonable view blockage
- Historical aspect of the subject tree
- Trimming of the subject tree by the prior tree owner and the current tree owner
- Window placement in the Applicant's residence based on the subject tree

Assistant City Attorney House requested a continuance of the item due to new information that was brought to staff's attention that should be discussed with the Applicant and revisited in a future public meeting.

**MOTION BY CHAIR POSNER, SECOND BY COMMISSIONER SPELICH TO CONTINUE THE ITEM DATE CERTAIN TO THE AUGUST 13, 2024 PLANNING COMMISSION MEETING. (VOTE 4-0)**

**VOTE:**

| | |
|---|---|
| **Ayes:** | **Chair Posner and Commissioners Bakker, Grewal, and Spelich** |
| **Noes:** | **None** |
| **Recused:** | **None** |
| **Abstain:** | **None** |

**ADJOURNMENT**

The meeting was adjourned at 9:16 PM.

# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
August 13, 2024

APPLICATION: TVS24-001

APPLICANT:
Name: Stuart Anstis (Applicant)
Address: 111 11th Street
Del Mar, CA 92014
APN#: 300-094-03-00

TREE OWNER:
Name: Tom Harrington (Tree Owner)
Address: 107 11th Street
Del Mar, CA 92014
APN #: 300-094-02-00

ENVIRONMENTAL STATUS

The Planning Commission is being asked to evaluate the Applicant's scenic view blockage claim, under Del Mar Municipal Code (DMMC) Chapter 23.51 (Trees, Scenic Views, and Sunlight), and determine whether or not unreasonable scenic view blockage has occurred from vegetation located on a neighboring property. This initial determination does not constitute a project under the California Environmental Quality Act (CEQA) and is not subject to CEQA analysis.

BACKGROUND

TSVS Application and Hearing Process

The Trees, Scenic Views and Sunlight (TSVS) Ordinance is set forth in DMMC Chapter 23.51 (*See*, Exhibit A), and provides a process by which persons may seek City action to restore Scenic Views (as defined by DMMC § 23.51.020(M)) (Scenic View) and/or Sunlight (as defined by DMMC § 23.51.020(Q)) (Sunlight) access lost as a result of tree/vegetation growth on another property. The TSVS process includes several required criteria and procedures that must be followed before a binding determination by the City can be rendered. The intent of the process is to encourage all possible efforts at a private resolution to the dispute prior to City involvement in the matter. However, if unable to resolve a TSVS dispute after making reasonable efforts, including attempting mediation, a property owner (or legal occupant with written permission of the property owner) may submit a request to have the matter heard by the Planning Commission.

TSVS applications submitted to the City are subject to a two-step process by which the applicant is required to first demonstrate they have a pre-existing Scenic View from a Primary Living Area

(as defined by DMMC § 23.51.020(J)) (PLA) of their residence that has been unreasonably obstructed by tree growth on another property within 300 feet of the applicant's residence, and that the obstructed Scenic View and/or Sunlight access is eligible for restorative action. If the first step is satisfied per the Municipal Code, the second step involves the City determining the appropriate action to reasonably restore the prior Scenic View and/or Sunlight access that was lost and adopt the required restorative action by Resolution. A TSVS application is subject to review, consideration and a determination by the Planning Commission, and is appealable to the City Council.

Continued Public Hearing before the Planning Commission

On Tuesday, July 9, 2024, the Planning Commission conducted a noticed public hearing to receive evidence and testimony regarding the above-referenced TVS24-001 Application (Application). The purpose of the hearing was to determine whether one (1) Chinese elm tree (*Ulmus parvifolia,* referred to herein as the "Elm Tree"), located on the Tree Owner's property at 107 11th Street, had grown to unreasonably obstruct pre-existing Scenic Views from the PLA (a living room) of the Applicant's residence located at 111 11th Street. (*See,* Exhibit B for the July 9, 2024 Planning Commission Staff Report.)

During the deliberations portion of the July 9, 2024 hearing, the City Attorney's Office requested a continuance of the hearing due to the discovery of new information, which was brought to the attention of staff during the hearing, regarding the evidence submitted and presented to the City. At issue was the sole photograph provided by the Applicant of the subject Elm Tree taken from the Applicant's PLA. The Applicant represented to the City that the photograph was taken in November of 2018, which is less than six years ago.

Specifically, during the hearing and while the Applicant's presentation to the Commission was underway, a City staff member noticed a landmark in the photograph (a flagpole) located on the Applicant's neighboring property at 101 11th Street. The staff member recalled the flagpole having been removed at some point in time prior to 2014. The significance of this date is that the TSVS Ordinance provides the right to seek restoration and preservation of Scenic Views and/or Sunlight that existed at the time a person purchased or occupied a property or in the last 10 years, whichever is shorter. Additionally, one of the factors the Planning Commission considers under DMMC § 23.51.050(B) of the TSVS Ordinance in determining whether there has been an unreasonable obstruction of a pre-existing Scenic View is "documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter."

Based on the discovery of this information during the July 9, 2024, hearing, the City Attorney's Office determined it was necessary to request a continuance of the hearing. A continuance would provide an opportunity for staff to confirm that the photograph presented by the Applicant was in fact taken prior to 2018, and more specifically, prior to the 10-year period mentioned in the TSVS Ordinance. A continuance would also provide the Applicant and the Tree Owner with an opportunity to comment on, refute, or rebut the City's discovery on the record, and would further provide the Applicant with an opportunity to submit alternative documentable evidence that could

be considered by the Planning Commission as part of the Application. As requested by the City Attorney's Office, the Planning Commission granted the continuance of the item to August 13, 2024.

Following the July 9, 2024 hearing, staff confirmed that the flagpole in the photograph submitted by the Applicant had been removed in or before 2011. In Google Street View images dated 2011 to the present, there is no flagpole visible on the property located at 101 11th Street; however, in Google Street View images predating 2011, the flagpole is present on the property. (*See,* Exhibit C.) It appears as though the flagpole had been removed from the property at some point in time between February of 2009 and January of 2011. Accordingly, staff concluded that the photograph submitted by the Applicant and presented to the Planning Commission during the July 9, 2024 hearing could not have been taken in November of 2018, and instead would have been from 2011 or earlier.

Staff notified both the Applicant and the Tree Owner of staff's determination regarding the earlier date of the photograph. In response, the Applicant informed staff that he had no alternative photographic evidence to provide to the City. Additionally, the Applicant submitted the attached letter dated July 19, 2024 outlining the Applicant's position upon learning of staff's determination. (*See,* Exhibit D.) In further response to staff's determination, on August 1, 2024, the Tree Owner provided the attached photographs to the City depicting the Elm Tree on the Tree Owner's property. (*See,* Exhibit E.) In addition to supplemental documentation and evidence provided by the Applicant and Tree Owner following the July 9, 2024 hearing, staff received the attached communication on August 5, 2024 from Jeff Sturgis, a family member of the previous owners of the Tree Owner's property. (*See,* Exhibit F.)

## ANALYSIS

For further analysis of the TVS24-001 Application and a summary of the assertions made by the Applicant and Tree Owner prior to the July 9, 2024 hearing, please see the July 9, 2024 Planning Commission Staff Report attached as Exhibit B, which details the required findings and standards for review outlined in DMMC Sections 23.51.050 through 23.51.070. The red dot communications relating to the July 9, 2024 hearing are also attached for reference (*See,* Exhibit G.)

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission's review include consideration of the evidence submitted by both parties and the personal observations made while visiting the subject properties, in order to determine if the required findings can be made.

If the Planning Commission decides that the findings cannot be made pursuant to DMMC § 23.51.050, then the Commission would need to make findings for denial of TVS24-001 for the record and no further action would be taken.

If the Planning Commission decides that both findings can be made pursuant to DMMC § 23.51.050, then, as previously described, the Planning Commission should discuss what the

appropriate restorative action may be and, if necessary, employ a subcommittee of the Commission to make a recommendation for action at a future public hearing.

Respectfully Submitted,

Monique Gil, Associate Planner

Exhibits

Exhibit A – DMMC Chapter 23.51 (TSVS Ordinance)
Exhibit B – July 9, 2024, Planning Commission Staff Report
Exhibit C – City's Review of Applicant's Scenic View Photograph (with Flagpole)
Exhibit D – Correspondence from Applicant dated July 19, 2024
Exhibit E – Photographs from Tree Owner submitted on August 1, 2024
Exhibit F – Correspondence from Jeff Sturgis dated August 5, 2024
Exhibit G – July 9, 2024, Planning Commission Hearing Red Dot Correspondence

# Chapter 23.51

## TREES, SCENIC VIEWS AND SUNLIGHT

### 23.51.010 Purpose. [Ord. 747, 780]

A. The City recognizes that Trees, Scenic Views and plentiful Sunlight contribute to the special character of Del Mar and to the overall quality of life enjoyed by residents, property owners, and visitors in Del Mar.

B. Trees, Vegetation, and other landscaping produce a wide variety of significant psychological and tangible benefits for residents, property owners, and visitors in Del Mar. Trees contribute to the economic value and comfortable enjoyment of the community, neighborhoods and individual properties. Trees provide aesthetic value as part of an urban forest, visual and auditory privacy, climate control, wind screening, soil stability, and wildlife habitat.

C. Scenic views, whether of the Pacific Ocean, nearby lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, produce a variety of significant and tangible benefits for residents, property owners and visitors. Scenic views provide inspiring vistas, encourage distinct and creative architecture, and contribute to the economic value and comfortable enjoyment of real property within the City of Del Mar.

D. Plentiful Sunlight provides an opportunity to utilize solar energy and contributes to the economic value and comfortable enjoyment of real property within the City of Del Mar.

E. The purpose of this chapter is to acknowledge the benefits derived from Trees, Scenic Views and plentiful Sunlight and to balance the goal of maintaining each of them when possible. This chapter also provides a process by which persons may seek to restore Scenic Views and/or Sunlight that has been unreasonably obstructed by the growth and/or installation of Trees and Vegetation.

23.51.020 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section: [Ord. 780]

A. "Applicant" shall mean any property owner (or legal occupant with written permission of the property owner) who alleges that Trees or Vegetation located on the property of another person unreasonably obstructs a pre-existing Scenic View or Sunlight and who has filed a [Trees, Scenic Views and Sunlight] Application with the City to restore said view or sunlight.

B. "Certified Arborist" shall mean Certified Arborist as that term is defined by the International Society of Arboriculture.

C. "Crown reduction/shaping" shall mean a method of comprehensive trimming that reduces a Tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs of a Tree by removal of leaders or the longest portion of limbs to a lateral large enough to assume to terminal.

D. "Heading back" shall mean a pruning process where overall reduction of the mass of a Tree is achieved by modification to major limbs.

E. "Imminent Danger" shall mean the immediate risk to the health, safety or welfare of any person or real property, whether private or publicly owned.

F. "Lacing" shall mean a comprehensive method of trimming that systematically and sensitively removes excess portions of a Tree and improves the structure of the Tree.

G. "Mediation" shall mean a private, voluntary process in which an impartial and qualified third party facilitates communication between parties to a dispute to promote settlement.

H. "Obstruction" shall mean any substantial blocking or diminishment of Scenic Views and/or Sunlight that is attributable to the growth, improper maintenance or location of a Tree or Vegetation.

I. “Person” shall mean any individual, corporation, partnership, firm, or other legal entity (including the City of Del Mar), owning property or residing within the Del Mar City limits. [Ord. 780]

J. “Primary Living Area” shall mean that [single] portion of a residence from which a Scenic View is observed most often by the occupants and guests at the residence. The determination of Primary Living Area is to be made on a case-by case basis and shall be consistent with any prior determinations made by the City.

K. “Protected Tree” shall mean any of the following:

1. A Tree of the species *Cupressus macrocarpa* (Monterey Cypress),

2. A Tree of the species *Pinus torreyana* (Torrey Pine); or

3. A Tree of any species and located on property within the Central Commercial, Open Space Overlay zones of the City, within a public right-of-way, or on public or City-owned property.

4. Any Tree planted as a result of required mitigation for the removal of another Protected Tree. [Ord. 729]

L. “Restorative Action” shall mean any specific action required to resolve a dispute relating to the unreasonable obstruction of a pre-existing Scenic View or Sunlight.

M. “Scenic View” shall mean a view of the ocean, lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, from the Primary Living Area of a residence.

N. “Severe pruning” shall mean the cutting of branches and/or trunk of a Tree in a manner which substantially reduces the overall size of the Tree or destroys the existing symmetrical appearance, natural shape or health of the Tree and which results in the removal of main lateral branches leaving the trunk and branches of the Tree in a stub appearance. “Topping” and “Heading back” as defined herein are considered to be severe pruning.

O. “Site of Subject Tree” shall mean the property on which a Subject Tree is located.

P. “Subject Tree” shall mean a Tree for which a claim has been made by an Applicant regarding the unreasonable obstruction of a Scenic View or Sunlight.

Q. “Sunlight” shall mean the availability of direct or indirect Sunlight to the Primary Living Area or to the existing solar energy system of a residence.

R. “Thinning” shall mean the selective removal of entire branches from a Tree so as to improve visibility through the Tree and/or improve the Tree’s structural condition.

S. “Tree” shall mean any perennial plant growing on public or private property, having a self-supporting woody main stem or trunk with the potential to obstruct Scenic Views or Sunlight, including but not limited to Trees, shrubs, hedges, and bushes or any plant material planted or growing in a dense continuous line so as to form a thicket barrier or naturally grown fence. References to “Tree” shall include the plural.

T. “Tree Removal” shall mean the elimination of any Tree or plant from its present location.

U. “Topping” shall mean eliminating the upper portion of the trunk or main leader of a Tree. Topping is not recommended in almost all cases.

V. “Trimming” shall mean the selective removal of portions of branches from a Tree so as to modify the Tree shape or profile or otherwise alter the Tree’s appearance.

W. “Vegetation” shall mean all plant material, including but not limited to, those referenced in this section for the term “Tree”.

X. “Windowing” shall mean a form of thinning by which openings or “windows” are created to restore Scenic Views and/or Sunlight.

23.51.030 Rights Established.

A. A person shall have the right to seek restoration and preservation of Scenic Views or Sunlight that existed at the time they purchased or occupied a property or in the last ten years, whichever is shorter, when such Scenic Views from the Primary Living Area, or Sunlight available to the Primary Living Area or solar energy system of a residence, have subsequently been unreasonably obstructed by the growth of Trees or Vegetation located within the Del Mar City limits and 300 feet of the Applicant's property boundary.

B. In order to establish such rights pursuant to this Chapter, the Applicant shall follow the process established in this Chapter.

C. Any person whose Tree(s) is the subject of a Trees, Scenic Views and Sunlight application shall be granted the right to, under Applicant supervision, access the Applicant's Primary Living Area and personally view and/or document the alleged blockage and Scenic Views and/or Sunlight. By signing the Trees, Scenic Views and Sunlight application, the Applicant shall acknowledge and accept this right given to the Tree owner.

D. All persons are advised that the alteration and removal of certain Trees requires a permit under DMMC Chapter 23.50 (Trees). The applicability of DMMC Chapter 23.50 should be determined by the City prior to any action on Trees.

23.51.040 Procedure

A. Any person who desires to resolve a conflict between Trees, Scenic Views and Sunlight may submit an application to the Department of Planning and Community Development on a form approved by the Director.

B. The application shall be deemed to have been filed when:

1. The Director has determined that the application is complete, has been submitted in proper form and meets the criteria established in Section 23.51.030 A of this Chapter; and

2. The Applicant has submitted to the City the required fee, in an amount to be established by resolution of the City Council, to cover the administrative costs of processing the application; and

3. The Director has determined that the Applicant has contacted the Subject Tree owner and has made reasonable efforts, including documented efforts to engage in mediation, to resolve the dispute and that these efforts have not been successful.

C. The Director shall cause the application to be presented at a noticed public hearing conducted by the City of Del Mar Planning Commission. [Ord. 780]

D. Within ten (10) working days after the application has been deemed filed, City staff shall notify the Subject Tree owner, in writing, and provide the following:[Ord. 780]

1. A copy of the Trees, Scenic Views and Sunlight application;

2. A copy of DMMC Chapter 23.51;

3. A statement explaining that there is still time and an opportunity to resolve the matter by discussions between the Applicant and the Subject Tree owner prior to the scheduled public hearing;

4. Information about the mediation process, including a handout from the Del Mar Community Mediation Advisory Committee, and encouragement to use mediation. Additional informational materials associated with dispute resolution shall be distributed as they are made available; and

5. Notice that a written response to the application may be submitted for review by the Planning Commission prior to the hearing, the deadline for any such response, and the date and time of the hearing.

E. At least ten (10) days prior to the public hearing, notice shall be published and mailed to property owners of record of real property within 300 feet of both the Applicant’s property boundaries and of the site of the Subject Tree.

F. At the hearing, each party shall be allowed time to present evidence pertinent to the application/claim. The public shall also be given an opportunity to comment on the application. The Applicant shall not thereafter raise arguments that were not presented during the public hearing or in the written record.

G. The Planning Commission shall make a decision on the Application based on the criteria listed in Section 23.51.050 of this Chapter. An action approving an Application shall be set forth in a Resolution and accompanied by Conditions of Restorative Action that identify the specific manner in which the Subject Tree is to be trimmed, pruned, removed or otherwise altered in accordance with Section 23.51.070 of this Chapter. The Planning Commission's decision shall become final on the eleventh (11th) working day following such determination, unless the decision is appealed to the City Council in accordance with the provisions of this Code (Section 23.51.100). [Ord. 780]

H. The Conditions of Restorative Action and required term of maintenance (if deemed appropriate) imposed by the Planning Commission may be recorded in a covenant against the deed for the property on which the Subject Tree is located. If required, the covenant shall run with the land to help guarantee permanent preservation of pre-existing Scenic Views and/or Sunlight. [Ord. 780]

23.51.050 Standards for Determining Unreasonable Obstruction. Prior to rendering a decision in favor of the Applicant, the Planning Commission shall make the following findings of fact: [Ord. 780]

A. That the Applicant has contacted the Subject Tree owner and has made reasonable efforts to resolve the dispute as set forth in DMMC Section 23.51.040 B. Proof of the Applicant's efforts shall include documented attempts (registered mail, etc.) to reach and confer with the Subject Tree owner, and documentation supporting efforts to mediate the dispute; and

B. That the Scenic View from or the Sunlight reaching the real property of the Applicant is unreasonably obstructed and the manner in which the Scenic View and/or Sunlight is obstructed. In determining whether the Scenic

View from and/or Sunlight reaching the real property of the Applicant is unreasonably obstructed, the Planning Commission shall consider several factors, which include but are not limited to, the following: [Ord. 780]

1. The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both:

2. Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter;

3. The quality of the pre-existing Scenic View(s) and/or Sunlight being obstructed;

4. That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated;

5. The extent to which the Subject Tree interferes with efficient operation of a Applicant's pre-existing solar energy systems;

6. The extent to which the Subject Tree causes shadows or reduces air circulation and/or light;

7. The extent to which the Applicant's Scenic Views and/or Sunlight has been diminished over time by factors other than Subject Tree growth;

8. The variety of Subject Tree, its projected rate of growth and maintenance requirements;

9. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor;

10. The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property;

11. The extent to which soil stability is provided by the Subject Tree, considering soil structure, degree of slope and extent of the Subject Tree's root system per a report from a licensed soils engineer (if applicable);

12. The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors;

13. The extent to which energy conservation and/or climate control is provided by the Subject Tree;

14. The extent to which wildlife habitat is provided by the Subject Tree;

15. Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees);

16. The value of the Subject Tree to the community/neighborhood; and

17. Whether the Subject Tree is located on public right-of-way or City-owned property.

23.51.060 Criteria for Determining Appropriate Restorative Action. After it has been determined, through the hearing process, that unreasonable obstruction has occurred, then the following unweighted factors shall be considered in determining appropriate Restorative Action:

A. Any hazards posed by the Subject Tree to persons or structures on the property of the Applicant including, but not limited to, fire danger, as determined by a City Fire Official, and the danger of falling limbs or Trees, as determined by a Certified Arborist;

B. The variety of Subject Tree, its projected rate of growth and maintenance requirements;

C. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor;

D. The location of the Subject Tree with respect to overall appearance, design, or use of the Subject Tree owner's property;

E. Soil stability provided by the Subject Tree considering soil structure, degree of slope and extent of the Subject Tree's root system per a report from a licensed soils engineer;

F. Privacy (visual and auditory) and wind screening provided by the Subject Tree to the owner and to neighbors;

G. Energy conservation and or climate control provided by the Subject Tree;

H. Wildlife habitat provided by the Subject Tree;

I. Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees);

J. The value of the Subject Tree to the community/neighborhood; and

K. Whether the Subject Tree is located on public right-of-way or City-owned property.

23.51.070 Hierarchy of Restorative Actions

A. Restorative Action may include additional written conditions (including ongoing maintenance), and directions as to appropriate timing of such actions, and may be made to run with the land and apply to successors in interest. Where removal is required, replacement by appropriate species should be considered, but may not always be required.

B. View and/or Sunlight Restorative Actions must be consistent with all other provisions of this chapter. In cases where Trimming, Windowing, or other Restorative Action may affect the health of a Tree which is to be preserved, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the State of California. Severe pruning should be avoided due to the damage such practice causes a Tree's form and health. Restorative Actions may include, but are not limited to the following, in order of preference:

1. Lacing: Lacing is the most preferred pruning technique that removes excess foliage and can improve the structure of the Tree.

2. Windowing: Windowing may be utilized where possible, if it does not adversely affect the Tree's growth pattern or health. Topping should not be done to accomplish windowing.

3. Crown reduction/shaping: Crown reduction/shaping is preferable to topping or Tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the Tree, adversely affect the Tree's growth pattern or health, or otherwise constitute a detriment to the Tree in question.

4. Heading back: Heading back is only to be permitted for Trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if Restorative Actions 1 through 3 of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.

5. Tree Removal: Tree removal may be considered when the above-mentioned Restorative Actions are judged to be ineffective and may be accompanied by replacement plantings of appropriate plant materials to restore the maximum level of benefits lost due to Tree removal. The City of Del Mar has designated certain Trees as "Protected Trees". Any alteration or removal of Protected Trees will require a permit from the City's Planning Director pursuant to DMMC Chapter 23.50.

6. Stand Thinning: The removal of a portion of the total number of Trees from a grove of Trees, without any replacement plantings.

23.51.080 Restorative Work and Allocation of Costs. When the Planning Commission has rendered a decision in favor of the Applicant, the following procedures shall be enacted: [Ord. 780]

A.

1. The Subject Tree owner shall submit to the Applicant and the City two (2) itemized estimates for

carrying out the Restorative Work required by the Resolution. The estimates shall be supplied by licensed landscape or licensed Tree service contractors, under the supervision of a Certified Arborist, acceptable to the City, within (30) days after the adoption of the Resolution.

2. Within fifteen (15) days of receiving the cost estimates, the Applicant shall deposit with the City an amount equal to the lower cost estimate. Failure of the Applicant to make the required deposit within 15 days will render the resolution of approval null and void. After the required deposit is received by the City, the Subject Tree owner will then, at her/his sole discretion, choose the company by which she/he wishes the work done, as found acceptable to the City, and shall order the work done within 30 days after receiving the Applicant’s deposit or such other period of time as the Planning Commission may determine to be reasonable and appropriate. If the Subject Tree owner does not have the work completed within the time period indicated by the Planning Commission or within 30 days, the City will order the work completed and charge the Subject Tree owner with any costs incurred above the estimate selected.

3. Upon completion of the work, the Subject Tree owner shall notify the City and shall submit a copy of an invoice showing that the work was performed. Upon submittal of the invoice and verification by City staff of the compliance, the City shall transmit the funds from the City deposit account to the Subject Tree owner. If the paid invoice submitted by the Subject Tree owner is for an amount less than the funds in the City's trust account, the Subject Tree owner shall only be transmitted an amount equal to the actual cost of the trimming. In such situations, the balance of the trust account shall be refunded back to the Applicant or applied to the Applicant's permit processing account, if that account contains a negative balance. If the paid invoice submitted by the Subject Tree owner is for an amount that exceeds the funds in the City's trust account, the Subject Tree owner shall only receive the funds from the City trust account, and the Subject Tree owner shall be responsible for paying the difference. If a Subject Tree owner chooses to do the required work himself/herself, then the Subject Tree

owner shall not be compensated from the City trust account and the amount in the trust account shall be refunded to the Applicant(s).

B. In the event that the Planning Commission or Council makes the determination that the Subject Tree constitutes a hazard to the safety of the Applicant or his/her property, and is being maintained by the Subject Tree owner in disregard for the safety of others, the Subject Tree owner shall: 1) cause appropriate corrective work to be performed within 30 days; 2) pay all costs for work performed; and 3) deposit with the City an amount equal to that expended by the Applicant as required by section 23.51.040 B2 of this Chapter and the fees shall be refunded to the Applicant.

23.51.090 Ongoing Maintenance. If ongoing maintenance is required as a condition of the Planning Commission's approval in favor of the Applicant, said maintenance work shall be performed according to the time schedule (annually, bi-annually, etc.) established by the Planning Commission. On each occasion that scheduled maintenance is to occur, the procedures indicated in section 23.51.080 shall apply. [Ord. 780]

23.51.100 Appeal. The decision of the Planning Commission may be appealed to the City Council pursuant to this Code. The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of the City of Del Mar's decisions pursuant to this Chapter. [Ord.780]

23.51.110 Enforcement. The Subject Tree owner shall comply with any work prescribed by the Planning Commission or Council no later than ninety (90) days after final action on the Application, unless, it is determined that it is less harmful to the Subject Tree for the work to occur at a specific time of the year, in which case, the work shall be performed no later than ninety (90) days from a date set by the Planning Commission or Council. Thereafter, the continued maintenance (if required by Resolution) of the Subject Tree that is not in compliance with the final order prescribed by the Planning Commission or Council shall constitute a misdemeanor or infraction, punishable in accordance with the provisions of DMMC 1.08 and is declared a public nuisance which may be enjoined or abated as provided by law. [Ord. 780]

23.51.120 Limitations.

A. It is not the intent of the City in adopting this Chapter to affect obligations imposed by an existing easement or a valid pre-existing covenant or agreement.

B. Nothing in the Chapter shall deny private parties the right to seek remedial action for imminent danger caused by Trees.

# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
July 9, 2024

APPLICATION: TVS24-001

APPLICANT:
Name: Stuart Anstis
Address: 111 11th Street
Del Mar, CA 92014
APN#: 300-094-03-00

TREE OWNER:
Name: Tom Harrington
Address: 107 11th Street
Del Mar, CA 92014
APN #: 300-094-02-00

ENVIRONMENTAL STATUS: The Planning Commission is being asked to evaluate the Applicants view blockage claim, under Del Mar Municipal Code Chapter 23.51 (Trees, Scenic Views, and Sunlight), and determine whether or not unreasonable view blockage has occurred from vegetation located on a neighboring property. This initial determination does not constitute a project under the California Environmental Quality Act (CEQA) and is not subject to analysis.

## BACKGROUND

The Trees, Scenic Views and Sunlight Ordinance (TSVS) is set forth in the Del Mar Municipal Code (DMMC) Chapter 23.51 (Exhibit A) and provides a process by which property owners may seek City action to restore scenic views and/or sunlight access lost as a result of tree/vegetation growth on another property. The TSVS process includes several required criteria and procedures that must be followed before a binding determination of the City can be rendered. The intent of the process is to encourage all possible efforts at a private resolution to the dispute prior to City involvement in the matter. However, if unable to resolve a scenic view or sunlight obstruction issue after making reasonable efforts, including attempting mediation, a property owner (or legal occupant with written permission of the property owner) may submit a request (application) to have the matter heard by the Planning Commission.

Submitted TSVS applications are subject to a two-step process by which applicants are required to first demonstrate they have a pre-existing scenic view from a Primary Living Area (PLA) that has been unreasonably obstructed by tree growth on another property and that the obstructed scenic view is eligible for restorative action. If the first step is satisfied per the code, the second step involves City action to determine the appropriate action to reasonably restore the prior scenic view and/or sunlight access that was lost and adopt the required restorative action by Resolution. A

TSVS application is subject to Planning Commission decision and is appealable to the City Council.

TSVS Application:

On February 27, 2024, Stuart Anstis (Applicant) submitted a Trees, Scenic Views, and Sunlight application (TVS24-001, Exhibit B), asserting one (1) Chinese elm tree (*Ulmus parvifolia,* and referred to herein as "Elm Tree") located on the property at 107 11th Street had grown to unreasonably obstruct pre-existing scenic views from the Primary Living Area (PLA), a living room, of his residence located at 111 11th Street. A vicinity map, showing the location of the Applicants' residence and Tree Owner residence has been included as Exhibit C to this report. With the TSVS application materials, the Applicant also submitted documentation of correspondence, including an offer to engage in third party mediation, with the Tree Owner, prior and after the filing of their application, however the parties did not come to an agreement.

The Tree Owner at 107 11th Street was notified on March 21, 2024, of the filing of the TSVS application and that the application had been set for public hearing before the Planning Commission. In the time between the application submittal and setting the application for a public hearing, staff worked with the Applicant to acquire all required documentation per the DMMC. In preparation for the Planning Commission hearing, the Tree Owner submitted various materials and an arborist's Report regarding the Subject Elm Tree (Exhibit D).

ANALYSIS

As set forth in DMMC §23.51.030 (A), in order for an application to be eligible for review by the Planning Commission the following eligibility criteria must be met and verified by City staff:

1. **The Subject Tree(s) or vegetation are located within 300 feet of the Applicant's property.**

The Subject Tree is located to the west and within 300 feet of the Applicant's property at 107 11th Street. The attached location map (Exhibit E) shows the location of the tree and defines a 300-foot radius from the Applicant's home.

2. **The Applicant is seeking restoration of scenic views or sunlight that has been obstructed by tree(s) or vegetation since the time that the Applicant purchased or occupied the residence or within the last ten years, whichever is the shorter time period;**

Mr. Anstis has owned the residence at 111 11th Street since 1993. Mr. Anstis has provided undated photographic evidence into the record of a scenic, blue water, ocean view, and believes the photo was taken within the last ten years. Mr. Anstis asserts that this view was maintained until at least 2018.

Applicant's Request

The Applicant's residence is a two-story, single-unit home. As previously mentioned, the Applicant took ownership of the residence in 1993, so the establishment date for any scenic views observed and protected from the home's PLA in accordance with DMMC Chapter 23.51 would be from 2014 forward, as that is within the last 10 years of the application filing.

The TSVS application materials describe the proposed PLA, observed Scenic Views, and provides a history of claimed scenic view loss (Exhibit B). In these application materials, the Applicant asserts that the PLA of the residence is the living room, which is located on the second floor towards the northwest corner of the home. The portion of scenic view for which the Applicant is seeking restoration is observed in a northwesterly direction and is comprised of blue water and horizon/sky from the Pacific Ocean. Staff performed a search of City Records and did not find evidence of any other PLA being claimed by the Applicant.

Exhibit B of this report also includes materials to document the Applicant's attempt to resolve the view obstruction conflict with the current neighbors (including an offering to engage in mediation), and expressed that previous owner, The Sturgis Family, kept the tree trimmed to maintain the Applicant's scenic view during their occupancy of the home. According to the Applicant, there is one elm tree causing the alleged view obstruction. The elm tree is located approximately 5 feet west of the common boundary separating the two properties. The height and width of the tree was not provided by the Applicant, Arborist Report, or the Tree Owner.

Tree Owner's Response

The Tree Owner's property (107 11$^{th}$ Street) includes a two-story main residence and attached accessory dwelling unit on an approximately 8,000 square-foot lot located in the High Density Mixed residential (R2) zone. The combined residences are located at the far southern portion of the lot. There are several trees and other vegetation on the property, north of the structure, however, the TSVS application is limited to the elm tree noted earlier.

Upon receiving notification that a TSVS application had been submitted to the City, the Tree Owner provided a response to the application and Applicants' claims (Exhibit D) stating that the elm tree provides privacy into the yard, and stated the Applicant provided photo of an unobstructed view was take during a season which the elm tree was bare of leaves. Additionally, the tree owner reported that the elm tree has been trimmed three times since 2021, and he removed a pine tree that can be seen in the unobstructed view to improve the Applicants view, but that the Applicant never had an unobstructed view of the coastline.

The Tree Owner provided an Arborist Report, included in Exhibit D, and states that structural trimming to the extent the Applicant is requesting to restore their views would be detrimental to the tree. The arborist report states that "removal of any significant portion of the uppermost tree canopy is likely to expose structurally critical trunk issue to risk of sunburn and dieback," and that the height of the elm tree is naturally limited by the salty spray carried from the ocean by the

prevailing breeze. The arborist report recommends pruning be limited to structural pruning and reserved at the lowest level of material removal required to satisfy pruning objectives.

PLANNING COMMISSION ACTION - FINDINGS REQUIRED (STEP ONE)

The decision-making procedure for TSVS applications is a two-step process. The first step is for the Planning Commission to establish whether the two findings required by DMMC § 23.51.050 can be made. The two required findings are as follows:

1. **DMMC §23.51.050 (A):**
   **That the Applicant has contacted the Subject Tree owner and has made reasonable efforts to resolve the dispute as set forth in DMMC Subsection 23.51.040 (B). Proof of the Applicant's effort shall include documented attempts (registered mail, etc.) to reach and confer with the Subject Tree owner, and documentation supporting efforts to mediate the dispute.**

The Applicant submitted evidence they have been in contact with the Tree Owner multiple times in an attempt to resolve this dispute without City involvement, including proposing third-party mediation. Based on information submitted into the record by the Applicant, it was determined that the application has been "filed" in accordance with DMMC §23.51.040 (B), and pursuant to DMMC §23.51.040 (C), is now before the Planning Commission for consideration. Based on the information submitted, staff recommends that the above-cited finding can be made.

2. **DMMC §23.51.050 (B):**
   **That the Scenic View from or the Sunlight reaching the real property of the Applicant is unreasonably obstructed and the manner in which the Scenic View and/or Sunlight is obstructed.**

In order for the Commission to make this finding, the following facts must first be established:

**2a.** The Planning Commission will first need to establish if the view blockage being claimed is indeed a "Scenic View" and if the PLA from which the view is observed is qualifies under the definition of "Primary Living Area." As defined by DMMC §23.51.020 M, a "Scenic View" includes "a view of the ocean, lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, from the Primary Living Area of a residence." A "Primary Living Area" is defined by DMMC §23.51.020(J) as "that (single) portion of a residence from which a Scenic View is observed most often by the occupants and guests at the residence. The determination of Primary Living Area is to be made on a case-by-case basis and shall be consistent with any prior determinations made by the City." Staff is not aware of any prior determinations regarding the establishment of the PLA for 111 11$^{th}$ Street.

As stated in the application materials for TSVS24-001 (Exhibit B), the Applicant states the PLA of the home is the living room located on the northwest corner of the residence. It is staff's observation that the majority of what is visible from the PLA is the Subject Elm Tree and the amount of blue water ocean depicted in the photograph of an obstructed view, un-dated, has been reduced.

**2b.** If the Planning Commission is able to make a determination that the obstructed view in question is a "Scenic View," from the PLA of the residence, the Planning Commission must next establish if this view is being "unreasonably obstructed" by the Subject Elm Tree located at 107 11th Street using the criteria listed under DMMC § 23.51.050(B) (Exhibit A). This Code Section lists seventeen factors for the Commission to consider when determining if view obstruction from vegetation is "unreasonable." While not all seventeen factors listed in the above-cited Code are necessarily applicable, staff recommends the Planning Commission review the application with specific attention to the following factors and the staff comments provided:

1. **The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both:**
   Based on the photos taken from the primary living area, of the entire view, it appears that the majority of the scenic view is taken from the alleged obstruction of the west facing window, as well as the majority of the blue water/Pacific Ocean view.

2. **Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter;**
   The Applicant did submit photo evidence that demonstrates a partial scenic view existed and stated that the photo was taken within the last 10 years, which is the shorter of the two criteria. Evidence to confirm the date at which the photo was taken was not provided.

3. **The quality of the pre-existing Scenic View(s) and/or Sunlight being obstructed;**
   The Applicant is seeking to preserve/restore a blue-water view of the Pacific Ocean and horizon, which is considered to be a high-quality view.

4. **That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated;**
   It does not appear that the trimming of the Subject Elm Tree would create an unreasonable infringement on the Tree Owner's privacy, as there would still be additional vegetation and fencing separating the Tree Owner's property from neighboring property at 107 11th Street. The lot's dwelling units are located further to the south, leaving the northern portion of the R2, which is capable of supporting an additional primary dwelling unit by Code, open and visible from the public right-of-way (11th Street).

6. **The extent to which the Subject Tree causes shadows or reduces air circulation and/or light;**
   According to the Applicant, the Subject Elm Tree causes shadows that prevent the main living space from receiving afternoon sun.

8. **The variety of Subject Tree, its projected rate of growth and maintenance requirements;**

According to Sunset's Western Garden Book, Chinese elm trees are fast growing trees, reaching 40 to 60 feet tall, that require thinning in their older years to lessen chance of storm damage. However, the arborist report provided by the Tree Owner, states that the subject Elm Tree's height is limited by the ocean spray carried by the breeze, and pruning should be limited to structural pruning and reserved at the lowest level of material removal required to satisfy pruning objectives. The reports specifies that removal of any significant portion of the uppermost tree canopy is likely to expose the trunk tissue to sunburn and dieback.

9. **The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor;**
   According to the Arborist's report, the elm tree appears to be in good health with no obvious structural defects.

10. **The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property;**
    It is unclear how long the elm tree has been located on the Tree Owner's property, but the Applicant stated that the prior Tree Owner had maintained the foliage adjacent to the primary living space from the time he purchased the property in 1993. According to the Tree owner, the elm tree provides privacy to the backyard.

12. **The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors;**
    As previously mentioned, the Tree Owner stated that the elm tree provides privacy to the backyard. The Tree Owner did not specify if wind screening is provided.

13. **The extent to which energy conservation and/or climate control is provided by the Subject Tree;**
    The Tree Owner asserts that the Subject Elm Tree provides shading to the northeastern portion of their outdoor area.

14. **The extent to which wildlife habitat is provided by the Subject Tree;**
    Evidence of wildlife habitat was not provided by the Applicant, or arborist report, but the Tree Owner provided that the tree is used by birds.

15. **Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees);**
    The subject vegetation is not a protected tree pursuant to DMMC § 23.50.020(E).

16. **The value of the Subject Tree to the community/neighborhood; and**
    As mentioned above, the subject vegetation is not a protected tree according to the DMMC, however, it is mature vegetation that is easily visible from public rights-of-way.

17. **Whether the Subject Tree is located on public right-of-way or City-owned property.**
    The elm tree is not located on public right-of-way or City-owned property.

RESTORATIVE ACTION (STEP TWO)

If the Planning Commission is able to make the required two findings pursuant to DMMC §23.51.050, the Commission would then need to determine the appropriate action pursuant to DMMC §23.51.070 to restore the Applicant's view so it can be reasonably maintained as documented. As a part of this decision the Commission will need to make two decisions:

1. The type of restorative action pursuant to DMMC §23.51.070(B) (Exhibit A)

2. Any additional written conditions including if ongoing maintenance is required and the time schedule (for example annual, bi-annual trimmings).

In the past, the Planning Commission has often utilized a subcommittee of the Planning Commission to assist in preparation of a recommended restorative action plan for consideration by the entire Planning Commission at a subsequent public hearing. If this is the direction the Planning Commission chooses to take for this application, then the appropriate action would be to appoint a two-Commissioner subcommittee following the vote on the above-cited findings, then continue the hearing to a future Planning Commission meeting.

It should be noted that only the restorative action would be discussed and acted on at the next meeting, as the determination of findings had already been made.

Once the Planning Commission has adopted a Resolution documenting its determination for restorative action, the entire action on the TSVS application is appealable to the City Council. The Applicants and Tree Owner would be subject to the procedures outlined in DMMC §23.51.080 for implementation of the final restorative action after the local appeal rights have been exhausted and the decision becomes effective.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission's review include consideration of the written and photographic evidence submitted by both parties and the personal observations made while visiting the subject properties, in order to determine if the required findings can be made.

If the Planning Commission decides that the findings cannot be made pursuant to DMMC §23.51.050, then the Commission would need to make findings for denial of TSVS22-001 for the record and no further action would be taken.

If the Planning Commission decides that both findings can be made pursuant to DMMC §23.51.050, then, as previously described, the Planning Commission should discuss what the appropriate restorative action may be and, if necessary, employ a subcommittee of the Commission to make a recommendation for action at a future public hearing.

Respectfully Submitted,

Monique Gil, Associate Planner

Exhibits

Exhibit A – DMMC Chapter 23.51
Exhibit B – TSVS22-001 Application Materials
Exhibit C – Vicinity Map
Exhibit D – Tree Owner Materials
Exhibit E – Tree Location Exhibit

# Chapter 23.51

## TREES, SCENIC VIEWS AND SUNLIGHT

### 23.51.010 Purpose. [Ord. 747, 780]

A. The City recognizes that Trees, Scenic Views and plentiful Sunlight contribute to the special character of Del Mar and to the overall quality of life enjoyed by residents, property owners, and visitors in Del Mar.

B. Trees, Vegetation, and other landscaping produce a wide variety of significant psychological and tangible benefits for residents, property owners, and visitors in Del Mar. Trees contribute to the economic value and comfortable enjoyment of the community, neighborhoods and individual properties. Trees provide aesthetic value as part of an urban forest, visual and auditory privacy, climate control, wind screening, soil stability, and wildlife habitat.

C. Scenic views, whether of the Pacific Ocean, nearby lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, produce a variety of significant and tangible benefits for residents, property owners and visitors. Scenic views provide inspiring vistas, encourage distinct and creative architecture, and contribute to the economic value and comfortable enjoyment of real property within the City of Del Mar.

D. Plentiful Sunlight provides an opportunity to utilize solar energy and contributes to the economic value and comfortable enjoyment of real property within the City of Del Mar.

E. The purpose of this chapter is to acknowledge the benefits derived from Trees, Scenic Views and plentiful Sunlight and to balance the goal of maintaining each of them when possible. This chapter also provides a process by which persons may seek to restore Scenic Views and/or Sunlight that has been unreasonably obstructed by the growth and/or installation of Trees and Vegetation.

23.51.020 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section: [Ord. 780]

A. "Applicant" shall mean any property owner (or legal occupant with written permission of the property owner) who alleges that Trees or Vegetation located on the property of another person unreasonably obstructs a pre-existing Scenic View or Sunlight and who has filed a [Trees, Scenic Views and Sunlight] Application with the City to restore said view or sunlight.

B. "Certified Arborist" shall mean Certified Arborist as that term is defined by the International Society of Arboriculture.

C. "Crown reduction/shaping" shall mean a method of comprehensive trimming that reduces a Tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs of a Tree by removal of leaders or the longest portion of limbs to a lateral large enough to assume to terminal.

D. "Heading back" shall mean a pruning process where overall reduction of the mass of a Tree is achieved by modification to major limbs.

E. "Imminent Danger" shall mean the immediate risk to the health, safety or welfare of any person or real property, whether private or publicly owned.

F. "Lacing" shall mean a comprehensive method of trimming that systematically and sensitively removes excess portions of a Tree and improves the structure of the Tree.

G. "Mediation" shall mean a private, voluntary process in which an impartial and qualified third party facilitates communication between parties to a dispute to promote settlement.

H. "Obstruction" shall mean any substantial blocking or diminishment of Scenic Views and/or Sunlight that is attributable to the growth, improper maintenance or location of a Tree or Vegetation.

I. “Person” shall mean any individual, corporation, partnership, firm, or other legal entity (including the City of Del Mar), owning property or residing within the Del Mar City limits. [Ord. 780]

J. “Primary Living Area” shall mean that [single] portion of a residence from which a Scenic View is observed most often by the occupants and guests at the residence. The determination of Primary Living Area is to be made on a case-by case basis and shall be consistent with any prior determinations made by the City.

K. “Protected Tree” shall mean any of the following:

1. A Tree of the species *Cupressus macrocarpa* (Monterey Cypress),

2. A Tree of the species *Pinus torreyana* (Torrey Pine); or

3. A Tree of any species and located on property within the Central Commercial, Open Space Overlay zones of the City, within a public right-of-way, or on public or City-owned property.

4. Any Tree planted as a result of required mitigation for the removal of another Protected Tree. [Ord. 729]

L. “Restorative Action” shall mean any specific action required to resolve a dispute relating to the unreasonable obstruction of a pre-existing Scenic View or Sunlight.

M. “Scenic View” shall mean a view of the ocean, lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, from the Primary Living Area of a residence.

N. “Severe pruning” shall mean the cutting of branches and/or trunk of a Tree in a manner which substantially reduces the overall size of the Tree or destroys the existing symmetrical appearance, natural shape or health of the Tree and which results in the removal of main lateral branches leaving the trunk and branches of the Tree in a stub appearance. “Topping” and “Heading back” as defined herein are considered to be severe pruning.

O. “Site of Subject Tree” shall mean the property on which a Subject Tree is located.

P. “Subject Tree” shall mean a Tree for which a claim has been made by an Applicant regarding the unreasonable obstruction of a Scenic View or Sunlight.

Q. “Sunlight” shall mean the availability of direct or indirect Sunlight to the Primary Living Area or to the existing solar energy system of a residence.

R. “Thinning” shall mean the selective removal of entire branches from a Tree so as to improve visibility through the Tree and/or improve the Tree’s structural condition.

S. “Tree” shall mean any perennial plant growing on public or private property, having a self-supporting woody main stem or trunk with the potential to obstruct Scenic Views or Sunlight, including but not limited to Trees, shrubs, hedges, and bushes or any plant material planted or growing in a dense continuous line so as to form a thicket barrier or naturally grown fence. References to “Tree” shall include the plural.

T. “Tree Removal” shall mean the elimination of any Tree or plant from its present location.

U. “Topping” shall mean eliminating the upper portion of the trunk or main leader of a Tree. Topping is not recommended in almost all cases.

V. “Trimming” shall mean the selective removal of portions of branches from a Tree so as to modify the Tree shape or profile or otherwise alter the Tree’s appearance.

W. “Vegetation” shall mean all plant material, including but not limited to, those referenced in this section for the term “Tree”.

X. “Windowing” shall mean a form of thinning by which openings or “windows” are created to restore Scenic Views and/or Sunlight.

23.51.030 Rights Established.

A. A person shall have the right to seek restoration and preservation of Scenic Views or Sunlight that existed at the time they purchased or occupied a property or in the last ten years, whichever is shorter, when such Scenic Views from the Primary Living Area, or Sunlight available to the Primary Living Area or solar energy system of a residence, have subsequently been unreasonably obstructed by the growth of Trees or Vegetation located within the Del Mar City limits and 300 feet of the Applicant's property boundary.

B. In order to establish such rights pursuant to this Chapter, the Applicant shall follow the process established in this Chapter.

C. Any person whose Tree(s) is the subject of a Trees, Scenic Views and Sunlight application shall be granted the right to, under Applicant supervision, access the Applicant's Primary Living Area and personally view and/or document the alleged blockage and Scenic Views and/or Sunlight. By signing the Trees, Scenic Views and Sunlight application, the Applicant shall acknowledge and accept this right given to the Tree owner.

D. All persons are advised that the alteration and removal of certain Trees requires a permit under DMMC Chapter 23.50 (Trees). The applicability of DMMC Chapter 23.50 should be determined by the City prior to any action on Trees.

23.51.040 Procedure

A. Any person who desires to resolve a conflict between Trees, Scenic Views and Sunlight may submit an application to the Department of Planning and Community Development on a form approved by the Director.

B. The application shall be deemed to have been filed when:

1. The Director has determined that the application is complete, has been submitted in proper form and meets the criteria established in Section 23.51.030 A of this Chapter; and

2. The Applicant has submitted to the City the required fee, in an amount to be established by resolution of the City Council, to cover the administrative costs of processing the application; and

3. The Director has determined that the Applicant has contacted the Subject Tree owner and has made reasonable efforts, including documented efforts to engage in mediation, to resolve the dispute and that these efforts have not been successful.

C. The Director shall cause the application to be presented at a noticed public hearing conducted by the City of Del Mar Planning Commission. [Ord. 780]

D. Within ten (10) working days after the application has been deemed filed, City staff shall notify the Subject Tree owner, in writing, and provide the following:[Ord. 780]

1. A copy of the Trees, Scenic Views and Sunlight application;

2. A copy of DMMC Chapter 23.51;

3. A statement explaining that there is still time and an opportunity to resolve the matter by discussions between the Applicant and the Subject Tree owner prior to the scheduled public hearing;

4. Information about the mediation process, including a handout from the Del Mar Community Mediation Advisory Committee, and encouragement to use mediation. Additional informational materials associated with dispute resolution shall be distributed as they are made available; and

5. Notice that a written response to the application may be submitted for review by the Planning Commission prior to the hearing, the deadline for any such response, and the date and time of the hearing.

E. At least ten (10) days prior to the public hearing, notice shall be published and mailed to property owners of record of real property within 300 feet of both the Applicant’s property boundaries and of the site of the Subject Tree.

F. At the hearing, each party shall be allowed time to present evidence pertinent to the application/claim. The public shall also be given an opportunity to comment on the application. The Applicant shall not thereafter raise arguments that were not presented during the public hearing or in the written record.

G. The Planning Commission shall make a decision on the Application based on the criteria listed in Section 23.51.050 of this Chapter. An action approving an Application shall be set forth in a Resolution and accompanied by Conditions of Restorative Action that identify the specific manner in which the Subject Tree is to be trimmed, pruned, removed or otherwise altered in accordance with Section 23.51.070 of this Chapter. The Planning Commission's decision shall become final on the eleventh (11th) working day following such determination, unless the decision is appealed to the City Council in accordance with the provisions of this Code (Section 23.51.100). [Ord. 780]

H. The Conditions of Restorative Action and required term of maintenance (if deemed appropriate) imposed by the Planning Commission may be recorded in a covenant against the deed for the property on which the Subject Tree is located. If required, the covenant shall run with the land to help guarantee permanent preservation of pre-existing Scenic Views and/or Sunlight. [Ord. 780]

23.51.050 Standards for Determining Unreasonable Obstruction. Prior to rendering a decision in favor of the Applicant, the Planning Commission shall make the following findings of fact: [Ord. 780]

A. That the Applicant has contacted the Subject Tree owner and has made reasonable efforts to resolve the dispute as set forth in DMMC Section 23.51.040 B. Proof of the Applicant's efforts shall include documented attempts (registered mail, etc.) to reach and confer with the Subject Tree owner, and documentation supporting efforts to mediate the dispute; and

B. That the Scenic View from or the Sunlight reaching the real property of the Applicant is unreasonably obstructed and the manner in which the Scenic View and/or Sunlight is obstructed. In determining whether the Scenic

View from and/or Sunlight reaching the real property of the Applicant is unreasonably obstructed, the Planning Commission shall consider several factors, which include but are not limited to, the following: [Ord. 780]

1. The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both:

2. Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter;

3. The quality of the pre-existing Scenic View(s) and/or Sunlight being obstructed;

4. That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated;

5. The extent to which the Subject Tree interferes with efficient operation of a Applicant's pre-existing solar energy systems;

6. The extent to which the Subject Tree causes shadows or reduces air circulation and/or light;

7. The extent to which the Applicant's Scenic Views and/or Sunlight has been diminished over time by factors other than Subject Tree growth;

8. The variety of Subject Tree, its projected rate of growth and maintenance requirements;

9. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor;

10. The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property;

11. The extent to which soil stability is provided by the Subject Tree, considering soil structure, degree of slope and extent of the Subject Tree's root system per a report from a licensed soils engineer (if applicable);

12. The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors;

13. The extent to which energy conservation and/or climate control is provided by the Subject Tree;

14. The extent to which wildlife habitat is provided by the Subject Tree;

15. Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees);

16. The value of the Subject Tree to the community/neighborhood; and

17. Whether the Subject Tree is located on public right-of-way or City-owned property.

23.51.060 Criteria for Determining Appropriate Restorative Action. After it has been determined, through the hearing process, that unreasonable obstruction has occurred, then the following unweighted factors shall be considered in determining appropriate Restorative Action:

A. Any hazards posed by the Subject Tree to persons or structures on the property of the Applicant including, but not limited to, fire danger, as determined by a City Fire Official, and the danger of falling limbs or Trees, as determined by a Certified Arborist;

B. The variety of Subject Tree, its projected rate of growth and maintenance requirements;

C. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor;

D. The location of the Subject Tree with respect to overall appearance, design, or use of the Subject Tree owner's property;

E. Soil stability provided by the Subject Tree considering soil structure, degree of slope and extent of the Subject Tree's root system per a report from a licensed soils engineer;

F. Privacy (visual and auditory) and wind screening provided by the Subject Tree to the owner and to neighbors;

G. Energy conservation and or climate control provided by the Subject Tree;

H. Wildlife habitat provided by the Subject Tree;

I. Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees);

J. The value of the Subject Tree to the community/neighborhood; and

K. Whether the Subject Tree is located on public right-of-way or City-owned property.

23.51.070 Hierarchy of Restorative Actions

A. Restorative Action may include additional written conditions (including ongoing maintenance), and directions as to appropriate timing of such actions, and may be made to run with the land and apply to successors in interest. Where removal is required, replacement by appropriate species should be considered, but may not always be required.

B. View and/or Sunlight Restorative Actions must be consistent with all other provisions of this chapter. In cases where Trimming, Windowing, or other Restorative Action may affect the health of a Tree which is to be preserved, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the State of California. Severe pruning should be avoided due to the damage such practice causes a Tree's form and health. Restorative Actions may include, but are not limited to the following, in order of preference:

1. Lacing: Lacing is the most preferred pruning technique that removes excess foliage and can improve the structure of the Tree.

2. Windowing: Windowing may be utilized where possible, if it does not adversely affect the Tree's growth pattern or health. Topping should not be done to accomplish windowing.

3. Crown reduction/shaping: Crown reduction/shaping is preferable to topping or Tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the Tree, adversely affect the Tree's growth pattern or health, or otherwise constitute a detriment to the Tree in question.

4. Heading back: Heading back is only to be permitted for Trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if Restorative Actions 1 through 3 of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.

5. Tree Removal: Tree removal may be considered when the above-mentioned Restorative Actions are judged to be ineffective and may be accompanied by replacement plantings of appropriate plant materials to restore the maximum level of benefits lost due to Tree removal. The City of Del Mar has designated certain Trees as "Protected Trees". Any alteration or removal of Protected Trees will require a permit from the City's Planning Director pursuant to DMMC Chapter 23.50.

6. Stand Thinning: The removal of a portion of the total number of Trees from a grove of Trees, without any replacement plantings.

23.51.080 Restorative Work and Allocation of Costs. When the Planning Commission has rendered a decision in favor of the Applicant, the following procedures shall be enacted: [Ord. 780]

A.

1. The Subject Tree owner shall submit to the Applicant and the City two (2) itemized estimates for

carrying out the Restorative Work required by the Resolution. The estimates shall be supplied by licensed landscape or licensed Tree service contractors, under the supervision of a Certified Arborist, acceptable to the City, within (30) days after the adoption of the Resolution.

2. Within fifteen (15) days of receiving the cost estimates, the Applicant shall deposit with the City an amount equal to the lower cost estimate. Failure of the Applicant to make the required deposit within 15 days will render the resolution of approval null and void. After the required deposit is received by the City, the Subject Tree owner will then, at her/his sole discretion, choose the company by which she/he wishes the work done, as found acceptable to the City, and shall order the work done within 30 days after receiving the Applicant’s deposit or such other period of time as the Planning Commission may determine to be reasonable and appropriate. If the Subject Tree owner does not have the work completed within the time period indicated by the Planning Commission or within 30 days, the City will order the work completed and charge the Subject Tree owner with any costs incurred above the estimate selected.

3. Upon completion of the work, the Subject Tree owner shall notify the City and shall submit a copy of an invoice showing that the work was performed. Upon submittal of the invoice and verification by City staff of the compliance, the City shall transmit the funds from the City deposit account to the Subject Tree owner. If the paid invoice submitted by the Subject Tree owner is for an amount less than the funds in the City's trust account, the Subject Tree owner shall only be transmitted an amount equal to the actual cost of the trimming. In such situations, the balance of the trust account shall be refunded back to the Applicant or applied to the Applicant's permit processing account, if that account contains a negative balance. If the paid invoice submitted by the Subject Tree owner is for an amount that exceeds the funds in the City's trust account, the Subject Tree owner shall only receive the funds from the City trust account, and the Subject Tree owner shall be responsible for paying the difference. If a Subject Tree owner chooses to do the required work himself/herself, then the Subject Tree

owner shall not be compensated from the City trust account and the amount in the trust account shall be refunded to the Applicant(s).

B. In the event that the Planning Commission or Council makes the determination that the Subject Tree constitutes a hazard to the safety of the Applicant or his/her property, and is being maintained by the Subject Tree owner in disregard for the safety of others, the Subject Tree owner shall: 1) cause appropriate corrective work to be performed within 30 days; 2) pay all costs for work performed; and 3) deposit with the City an amount equal to that expended by the Applicant as required by section 23.51.040 B2 of this Chapter and the fees shall be refunded to the Applicant.

23.51.090 Ongoing Maintenance. If ongoing maintenance is required as a condition of the Planning Commission's approval in favor of the Applicant, said maintenance work shall be performed according to the time schedule (annually, bi-annually, etc.) established by the Planning Commission. On each occasion that scheduled maintenance is to occur, the procedures indicated in section 23.51.080 shall apply. [Ord. 780]

23.51.100 Appeal. The decision of the Planning Commission may be appealed to the City Council pursuant to this Code. The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of the City of Del Mar's decisions pursuant to this Chapter. [Ord.780]

23.51.110 Enforcement. The Subject Tree owner shall comply with any work prescribed by the Planning Commission or Council no later than ninety (90) days after final action on the Application, unless, it is determined that it is less harmful to the Subject Tree for the work to occur at a specific time of the year, in which case, the work shall be performed no later than ninety (90) days from a date set by the Planning Commission or Council. Thereafter, the continued maintenance (if required by Resolution) of the Subject Tree that is not in compliance with the final order prescribed by the Planning Commission or Council shall constitute a misdemeanor or infraction, punishable in accordance with the provisions of DMMC 1.08 and is declared a public nuisance which may be enjoined or abated as provided by law. [Ord. 780]

23.51.120 Limitations.

A. It is not the intent of the City in adopting this Chapter to affect obligations imposed by an existing easement or a valid pre-existing covenant or agreement.

B. Nothing in the Chapter shall deny private parties the right to seek remedial action for imminent danger caused by Trees.

City of Del Mar
Department of Planning and Community Development
1050 Camino del Mar
Del Mar, CA 92014

Phone: 858-755-9313 Fax: 858-755-2794
Hours: M-TH 1:00 pm – 5:30 pm
FRI 1:00 pm – 4:30 pm
www.delmar.ca.us

**TSVS - _____ - _____**

Submittal Date: _____ Planner: _____

Fees: PL: _____ GPF: _____ Noticing: _____

Receipt No.: _____

# Trees, Scenic Views and Sunlight Application

| **APPLICANT:** | |
|---|---|
| Applicant(s): Stuart Anstis | |
| Mailing Address: 111 11th St | |
| City / State: Del Mar CA | Zip: 92014 |
| Phone No(s): 858 261 9157 | |
| Email: sanstis@ucsd.edu | |
| Signature(s): Stuart Anstis 2/19/24 | |
| **OWNER (if not primary applicant listed above):** | |
| Owner: Stuart Anstis | |
| Mailing Address: 111 11th St | |
| City / State: Del Mar CA 92014 | Zip: |
| Phone No(s): 858 261 9157 | |
| Email: sanstis@ucsd.edu | |
| Signature(s) (authorizing applicant to submit application): Stuart Anstis 2/19/24 | |
| **APPLICANT'S PROPERTY INFORMATION:** | |
| Site Address: 111 11th St Del Mar CA 92014 | |
| Mailing Address: same | |
| Assessor Parcel No.: | |
| **TREE / VEGETATION – OWNER'S PROPERTY INFORMATION:** | |
| Owners Name Tom Harrington | |
| Site Address: 101 11th St Del Mar CA 92014 | |
| Mailing Address: same. Email: tomharrington44@gmail.com | |
| Assessor's Parcel Number: | |
| Zone: 80ft | Overlay Zone: |
| Approximate distance from the applicant's property: Lot adjacent. Foliage ~30ft House ~80ft | |

**The applicant shall complete the following information. No application will be deemed complete unless all sections are answered in full. Attach additional pages if necessary.**

1. Describe the **Primary Living Area** of your residence. Describe the scenic view that is being obstructed and the specific tree/vegetation that is causing the obstruction. If the tree/vegetation is obstructing sunlight from reaching the Primary Living Area or solar energy system of the residence, please describe:

My primary living area is my living room with a large picture window approx 15ft wide x 3ft high, facing west towards the ocean. When I moved into my house in 1993, and for many years afterwards, I enjoyed an uninterrupted view of the ocean over the rooftops of my neighbor Myrna Sturgis, who lived at #101 The sunlight used to shine into my room from ~3pm (depending on the time of year) until sunset. But the foliage from my neighbor's trees now completely obscures the ocean view and blocks out the afternoon sunlight after ~3pm. My neighbor Thomas Harrington has persistently refused to cut down this foliage, despite at least three separate in-person requests over the years.

2. Explain the steps you have taken to resolve this matter with the tree/vegetation owner. Please provide documentation of these actions. [Note: Early neighbor consultation and attempts to resolve the problem using Mediation Services are required prior to any consideration by the Planning Commission.]

See Attachments #1 (narrative) and #2 (Supporting evidence from Emails) and #3 (3 photographs)

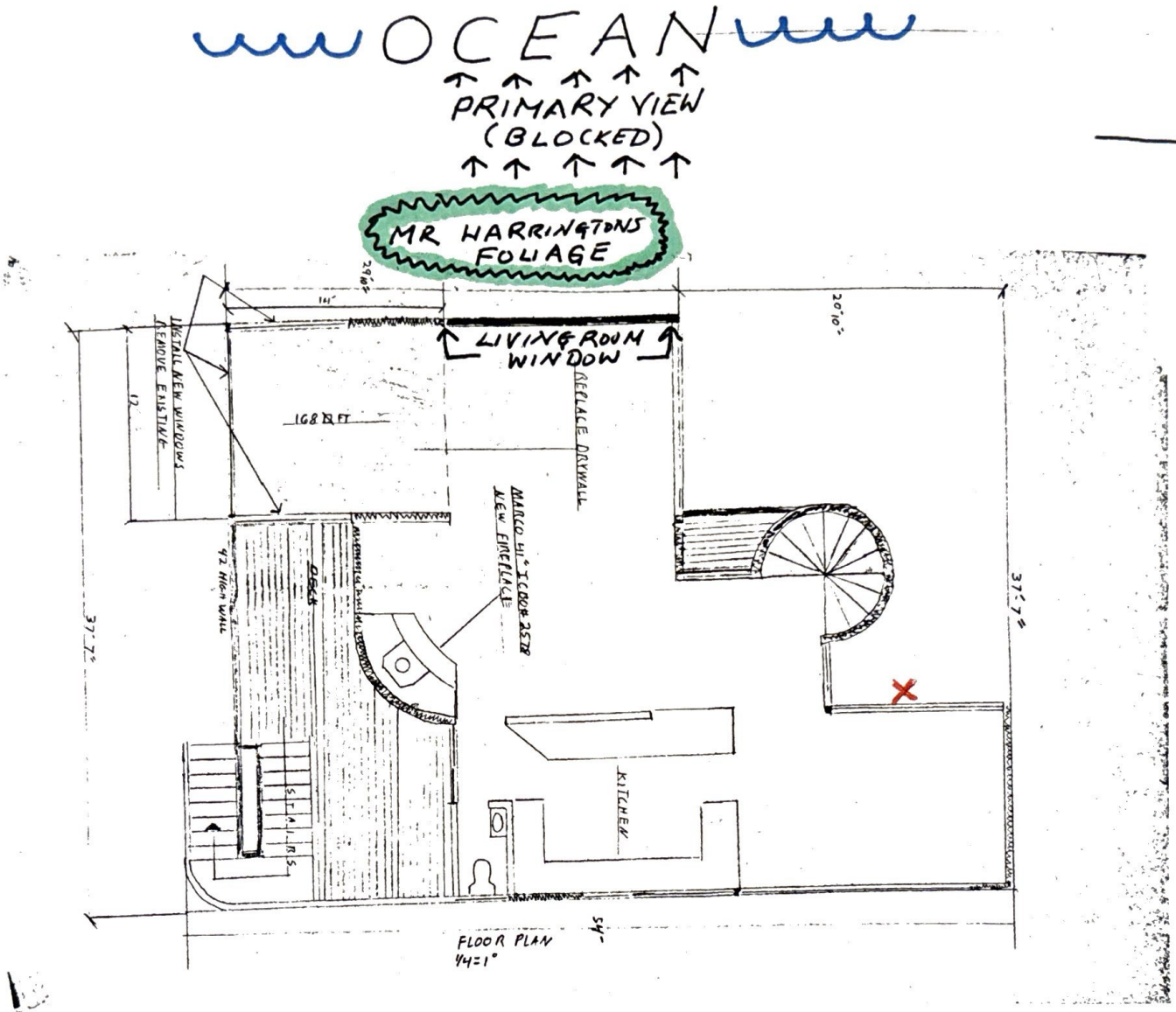
Photographs in Attachment#3 shows the previously unobstructed view of the ocean fomerly visible out of my window (Photograph 1) but now blocked by foliage (Photograph 2).

3. The Planning Commission will only consider applications regarding scenic views and/or sunlight access that existed at the time you purchased or occupied the subject property or in the last ten years, whichever is shorter. Please describe all (required) evidence you have submitted to document the date and extent of the <u>unobstructed</u> view or amount of sunlight reaching your Primary Living Area or solar energy system. Also, please provide evidence that documents the date of property purchase of occupation of the residence.

I have lived at 111 11th St Del Mar for 30 years. My previous neighbor was Myrna Sturgis who aways kept her foliage trimmed. But over the past two years I have repeatedly asked my new neighbor Mr. Harrington to trim his foliage and restore my ocean view. These requests were either in Emails, reproduced in Attachment #2., or else during in-person meetings. Mr. Harrington never trimmed his foliage, but instead produced a large variety of Excuses. In my Email of February 18th 2024 I asked if he was willing to go to mediation. He replied promptly, not mentioning mediation but instead inviting me to pick my battles

See Attachments #1 (narrative) and #2 (Supporting evidence from Emails), #3 (3 photographs) and #4 (Grant Deed)

· Attachment #3 – Photo 1 shows the previously unobstructed view of the ocean formerly visible out of my window.
· Attachment #3 – Photo 2 shows that Mr. Harrington's foliage blocks my primary view of the ocean and cuts off afternoon sunlight from my living room.
· Attachment #4 - the 'Grant Deed' as documentary evidence that I purchased 111, 11th Street in 1993 (30 years ago)




X = The side window that Mr Harrington falsly claimed is my primary view.

FLOOR PLAN OF 111 11TH ST, DEL MAR CA 92014

ATTACHMENT #3 – PHOTO 1

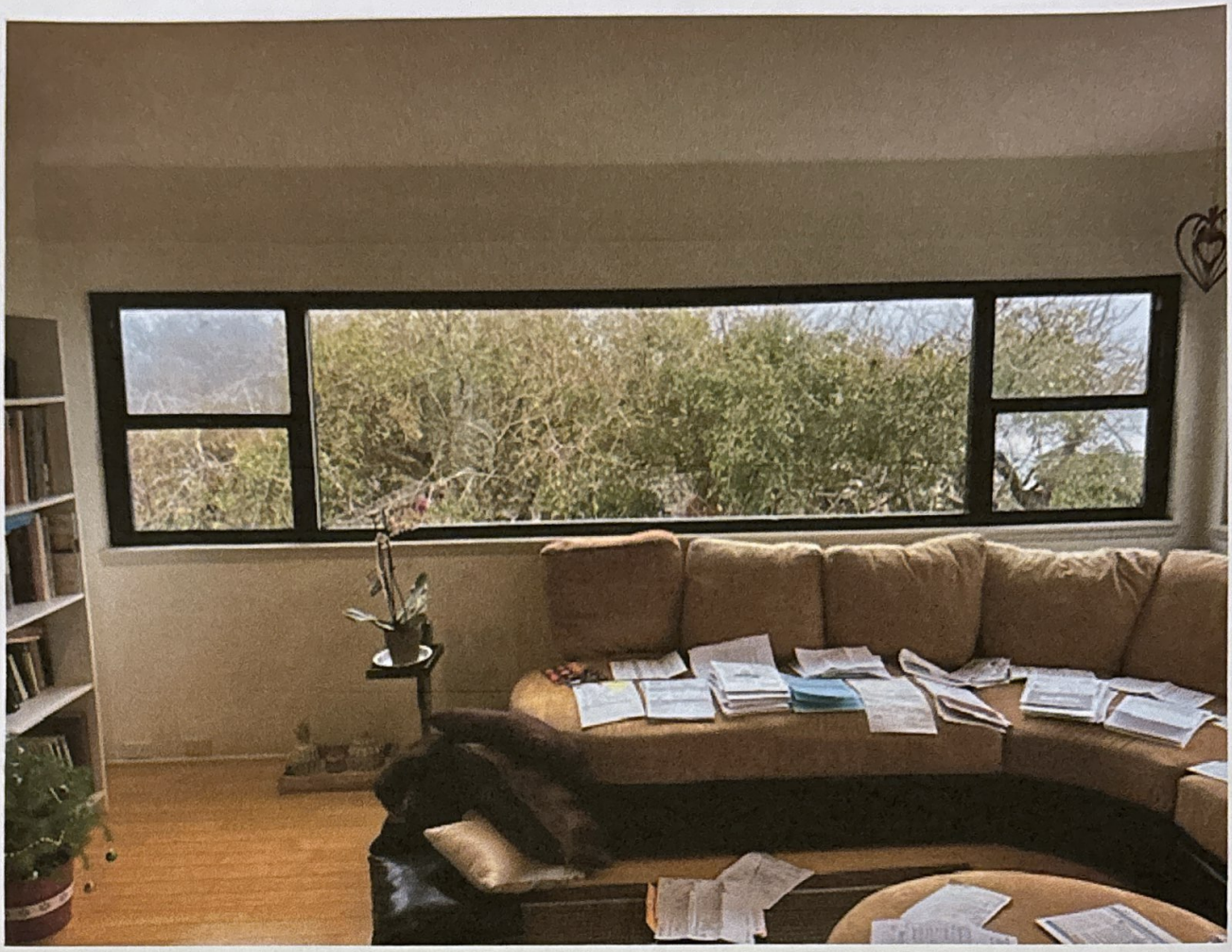
THE PREVIOUSLY UNOBSTUCTED VIEW OF THE OCEAN FORMERLY VISIBLE OUT OF MY WINDOW FOR 30 YEARS.

T

From: **STUART ANSTIS** stuartanstis@icloud.com
**Subject:** P2
**Date:** January 22, 2024 at 3:24 PM
**To:** Anstis, Stuart sanstis@ucsd.edu

SA

ATTACHMENT #3 - PHOTO 2



Sent from my iPhone

TOM HARRINGTON'S FOLIAGE BLOCKS MY PRIMARY VIEW OF THE OCEAN AND CUTS OFF THE AFTERNOON SUNLIGHT FROM MY LIVING ROOM.

**From:** **STUART ANSTIS** stuartanstis@icloud.com
**Subject:** Photo
**Date:** January 22, 2024 at 3:24 PM
**To:** Anstis, Stuart sanstis@ucsd.edu

SA

ATTACHMENT #3 – PHOTO 3.

Sent from my iPhone

TOM HARRINGTON HAS BUILT A HOUSE WHOSE WINDOWS GAZE DIRECTLY INTO MY BACKYARD AT A DISTANCE OF 60 INCHES (5 FEET) FROM OUR DIVIDING FENCE.

**From: Stuart Anstis**
**To: Del Mar City Planning Commission**
**Re: Rebuttal of Mr. Harrington's attorney's letter.**

**Summary**

The May 10, 2024 letter is a document of selfish entitlement. The issue is that Mr. Harrington's foliage is completely blocking my view of the ocean and cutting off the sunlight from my living room window; and for multiple years now, he has refused to trim it despite my many requests. The letter seeks to deflect attention from the actual issue by going into great irrelevant detail about the species, age and appearance of the tree (which for some reason they call the subject tree) that is blocking my view. This makes no difference. I simply want Mr. Harrington to do the neighborly thing and trim back his foliage to restore my view of the ocean, much as the prior property owner did for decades before.

This letter is the latest in a series of maneuvers, excuses, and supposed reasons why Mr. Harrington cannot possibly cut back his foliage. He has now gone to the extent of hiring a law firm to further cloud the issue rather than expend a fraction of that cost on trimming the tree which blocks my primary, and sole, view of the ocean.

Mr. Harrington's tree is doing one thing well – it is blocking my view of the story poles on his property which evidence the very extensive buildings he proposes to erect. This is no accident, as the proposed structure will also severely compromise my view of the ocean. The only reason I can fathom he has opted for this course is to argue his development will not block my view because I have no view since it is already blocked by his tree. I do not like to attribute such duplicity to a neighbor, but this conclusion is hard to avoid.

**Details.** (Paragraphs from Mr. Harrington's letter are pasted in and colored red. My rebuttals are in black).

**The applicant has not established an entitlement to the claimed view**

Del Mar's Trees, Scenic Views and Light Ordinance provides in relevant part: "A person shall have the right to seek restoration and preservation of Scenic Views or Sunlight that existed at the time they purchased or occupied a property or *in the last ten years, whichever is shorter* ...." (DMMC § 23.51.030(A), italics added.) An application therefore must be supported by "*[d]ocumentable evidence* that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or *in the last ten years, whichever is shorter*." (DMMC § 25.51.050(B)(2), italics added.) But the only evidence the applicant provides of his previously existing view is an undated photograph, attached as "PHOTO 1" to his application. Though applicant conspicuously fails to provide a date for the photograph—indeed, part of what might be a date label in the lower left corner is cropped—the photograph appears to be well over ten years old. The applicant is not entitled to have his view restored to what it was over ten years ago, and the applicant has not provided "documentable evidence" of what the

view was within the last ten years. It is therefore impossible for Mr. Harrington to know what view the applicant seeks to have restored, and the application fails for lack of evidence.

"Photo 1" is dated November 2018, so it is six years old – that is, it is within the last 10 years as required by the ordinance. Moreover, I have attested to the view that I have had for over 30 years, and my neighbors will likewise testify – all of which is to say, there is ample evidence of my "entitlement to the claimed view."

**The applicant has not established a loss of view**

Even if it were assumed that "PHOTO 1" was taken within the last ten years, the applicant has not established any loss of view. Notice that "PHOTO 1" was taken during the winter season, when the branches were bare of foliage. Those same branches filled with foliage would have blocked *all* of the applicant's whitewater view, even without any additional growth. In all the seasons of the year other than winter, the applicant's view was not materially better than it is now, based on the evidence that has been provided. Furthermore, the comparison photograph provided by the applicant, "PHOTO 2," is misleadingly taken at a lower angle than "PHOTO 1," making the current view look worse than it really is.

The fiction employed here is patently obvious. Mr. Harrington speciously claims that I have no "whitewater view" when the photos show otherwise. When the tree is trimmed, I can easily see the waves crashing on the shore across my entire bay window. As it stands now, I am able to barely eke out such views at one corner of the window, and that, too, will disappear if the tree is permitted to continue to grow uncontrolled.

Attached below is "PHOTO 4," taken on May 26, 2024, which shows the obstructed view. Please compare this to "PHOTO 1" (also shown below) to compare the unobstructed view when the tree is trimmed – notably, the photos are taken at precisely the same angle. Mr. Harrington's claims to the contrary are baseless.

PHOTO 1 TAKEN NOVEMBER 2018

PHOTO 4 TAKEN 05/26/24

**The applicant's view has not been unreasonably obstructed**

The Trees, Scenic Views and Light Ordinance does not exist to lock in residents' views as they existed at some date in the past; the ordinance applies only when "Scenic Views from the Primary Living Area, or Sunlight available to the Primary Living Area ... have subsequently been *unreasonably* obstructed by the growth of Trees or Vegetation ...." (DMMC § 23.51.030(A), italics added.) Here, Mr. Harrington has not allowed the vegetation on his property to get out of control. To the contrary, he has trimmed the Subject Tree three times since he purchased the property on October 11, 2021—most recently less than six weeks ago. (See enclosed receipts.) At most the crown of the Subject Tree has increased by a foot or two. In addition, Mr. Harrington has entirely removed the mature pine tree that can be seen in the right half of "PHOTO 1," so in that respect the applicant's view has improved. (See the photograph attached to the application below "PHOTO 2," showing that the mature pine tree is gone.)

Mr. Harrington has allowed the "Subject Tree" to grow unchecked in an uncontrolled manner ever since he moved in. I am no arborist, but I can see with my own eyes that the offending tree is thicker, higher and denser than when he first purchased the property a few years ago. There is nothing reasonable about purposefully letting his tree grow, after my repeated neighborly requests, to ensure that I cannot see the Scenic View from my home, and to greatly diminish the Sunlight from entering my property in the afternoon.

**1. The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both**

The applicant has not provided a surveyor's transit and has not calculated the extent of the alleged Scenic View obstruction as a percentage. Furthermore, as noted, the single photograph that the applicant has provided of the previously existing view is undated and appears to be much greater than ten years old, and therefore not useful for making such a calculation.

**2. Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter**

Again, the applicant's single photograph of the previously existing view is undated and obviously older than ten years. The applicant therefore has not provided the documentable evidence required by the ordinance.

The photograph in question dates from November 2018. It should not take a ***surveyor's transit,*** whatever that is, to get Mr Harrington to do the decent neighborly thing and trim back his foliage. No neighbor in Del Mar has ever, to my knowledge, asked for or expected any such thing. Mr. Harrington is imposing unnecessary obstacles. In any case, the photo speaks volumes and is sufficient to meet the requirements of the ordinance.

**4. That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated**

If the Subject Tree were pruned low enough to give the applicant a relatively unobstructed view of the coast, this would severely compromise its ability to give privacy to Mr. Harrington's backyard. The applicant would then have a view directly down into the backyard from his alleged Primary Living Area.

**AND**

**12. The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors**

As noted, the Subject Tree is the only means of providing privacy for Mr. Harrington's backyard. Without the tree, the applicant could peer directly into Mr. Harrington's backyard from the applicant's alleged Primary Living Area.

Paragraphs 4 and 12 both refer to Mr. Harrington's alleged privacy. Mr. Harrington's house is approximately **80 ft (**Eighty feet) from my living room window. He has just built a large house that gazes into my own backyard from a distance of **60 inches.** It seems that Mr Harrington's privacy is more important to him than my privacy. Notwithstanding this juxtaposition, the tree can be trimmed to permit my historic view of the ocean from my "alleged Primary Living Area" without sacrificing Mr. Harrington's privacy – much as it has for the 30 years preceding his purchase of the neighboring property. In fact, if properly trimmed, and maintained in that manner, my view would not extend to his backyard, but rather to the peak of the home's existing roof. It appears that Mr. Harrington is aiming to ensure that I do not see the monstrous size of the building he wishes to construct which will ensure that my view of the ocean is fully obliterated.

**6. The extent to which the Subject Tree causes shadows or reduces air circulation and/or light**

As shown in the photographs appended to the arborist's report and those enclosed separately, the Subject Tree has been appropriately thinned and trimmed and allows air circulation and light penetration. It is not overly dense or hedge-like.

On the contrary. Mr Harrington's photographs are taken from the side and give completely irrelevant views of is foliage. None of them are taken from the crucial direction, which is from my living room window. The attached photograph shows that this foliage does completely block my view of the ocean. It also cuts off the sunlight from my living room in the afternoons. Mr Harrington's photographs show none of this.

**8. The variety of Subject Tree, its projected rate of growth and maintenance requirements**

The Subject Tree, a Chinese Elm, is fully mature, having been planted long before the applicant purchased his property. According to the prior owner of Mr. Harrington's property, the tree is approximately sixty years old. As a mature tree, it is not projected to grow significantly larger. Furthermore, as explained in the enclosed arborist's report, the "[h]eight of [the] tree is naturally limited by the salty spray carried from the ocean by the prevailing breeze." For maintenance, the arborist recommends that "[p]runing should be limited to structural pruning and reserved at the lowest level of material removal required to satisfy pruning objectives." The arborist further recommends: "Retain as much leaf canopy as possible. Reserve pruning for thinning cuts, where structurally beneficial. Avoid removing any more material from the tree than is necessary to satisfy maintenance objectives."

**9. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor**

The Subject Tree, a mature Chinese Elm, is a handsome tree, and the applicant does not contend otherwise. The tree is mature, and as such is not expected to increase significantly in size. Additionally, as noted, the tree's height "is naturally limited by the salty spray carried from the ocean by the prevailing breeze." Mr. Harrington's arborist assesses the tree's health condition as "Good" and its structural condition as "Fair."

**10. The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property**

The Subject Tree benefits the owner's property by providing much-needed shade, privacy, and cooling for the home and backyard. ….

**16. The value of the Subject Tree to the community/neighborhood**

The Subject Tree is a beautiful, mature tree that enhances the aesthetics of the community.

Nothing about the age or species of the tree gives Mr. Harrington the right to block my ocean view. Nor does the arborist's claim that trimming the tree, as it has historically been maintained, would damage the tree in any manner. Rather, the report appears to be bought and paid for by Mr. Harrington to obfuscate – nebulously suggesting retention of "as much leaf canopy as possible." The tree canopy can remain largely intact while still permitting my Scenic Views, and Sunlight to enter my home, much as it has for decades.

The great advantage to Mr. Harrington in not pruning his tree lies not in the state of that tree, but in its ability to block my view of the story poles he has recently erected outlining the enormous building he proposes to erect. This building promises to further compromise my view of the ocean. For these reasons I request Del Mar City Council to instruct Mr. Harrington to trim his foliage with no further prevarications or delays.

# Exhibit C - Vicinity Map

| | | | |
|---|---|---|---|
| 1" = 198 ft | TVS24-001<br>(Anstis, 111 11th Street) | 06/24/2024 | |

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

**AANNESTAD ANDELIN & CORN LLP**
160 CHESTERFIELD DRIVE • SUITE 201
CARDIFF-BY-THE-SEA • CALIFORNIA 92007
www.aac.law • (760) 944-9006

*Coastal Property Rights, Land Use & Litigation*

May 10, 2024

VIA EMAIL

Monique Gil, Associate Planner
Planning & Community Development Department
City of Del Mar
1050 Camino del Mar
Del Mar, California 92014
mgil@delmar.ca.us

**Re: Trees, Scenic Views and Sunlight Application (101/107 11th Street)**

Dear Ms. Gil:

I am the attorney for Thomas Harrington, owner of 101 and 107 11th Street and the tree that is the subject of Dr. Stuart Anstis' application dated February 19, 2024. Dr. Anstis' application should be rejected for the following reasons:

**The applicant has not established an entitlement to the claimed view**

Del Mar's Trees, Scenic Views and Light Ordinance provides in relevant part: "A person shall have the right to seek restoration and preservation of Scenic Views or Sunlight that existed at the time they purchased or occupied a property or *in the last ten years*, *whichever is shorter* …." (DMMC § 23.51.030(A), italics added.) An application therefore must be supported by "*[d]ocumentable evidence* that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or *in the last ten years, whichever is shorter*." (DMMC § 25.51.050(B)(2), italics added.) But the only evidence the applicant provides of his previously existing view is an undated photograph, attached as "PHOTO 1" to his application. Though applicant conspicuously fails to provide a date for the photograph—indeed, part of what might be a date label in the lower left corner is cropped—the photograph appears to be well over ten years old. The applicant is not entitled to have his view restored to what it was over ten years ago, and the applicant has not provided "documentable evidence" of what the view was within the last ten years. It is therefore impossible for Mr. Harrington to know what view the applicant seeks to have restored, and the application fails for lack of evidence.

**The applicant has not established a loss of view**

Even if it were assumed that "PHOTO 1" was taken within the last ten years, the applicant has not established any loss of view. Notice that "PHOTO 1" was taken during the winter season, when the branches were bare of foliage. Those same branches filled with foliage would have blocked *all* of the applicant's whitewater view, even without any additional growth. In all the seasons of the year other than winter, the applicant's view was not materially better than it is now, based on the evidence that has been provided. Furthermore, the comparison photograph provided by the applicant, "PHOTO 2," is misleadingly taken at a lower angle than "PHOTO 1," making the current view look worse than it really is.

**The applicant's view has not been unreasonably obstructed**

The Trees, Scenic Views and Light Ordinance does not exist to lock in residents' views as they existed at some date in the past; the ordinance applies only when "Scenic Views from the Primary Living Area, or Sunlight available to the Primary Living Area … have subsequently been *unreasonably* obstructed by the growth of Trees or Vegetation …." (DMMC § 23.51.030(A), italics added.) Here, Mr. Harrington has not allowed the vegetation on his property to get out of control. To the contrary, he has trimmed the Subject Tree three times since he purchased the property on October 11, 2021—most recently less than six weeks ago. (See enclosed receipts.) At most the crown of the Subject Tree has increased by a foot or two. In addition, Mr. Harrington has entirely removed the mature pine tree that can be seen in the right half of "PHOTO 1," so in that respect the applicant's view has improved. (See the photograph attached to the application below "PHOTO 2," showing that the mature pine tree is gone.)

**The factors under section 23.51.050(B) weigh against the application**

Section 23.51.050(B) of the Trees, Scenic Views and Light Ordinance sets forth several factors to be considered in deciding whether to grant an application under the ordinance. All the relevant factors weigh against granting the application, or are at worst neutral.

**1. The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both**

The applicant has not provided a surveyor's transit and has not calculated the extent of the alleged Scenic View obstruction as a percentage. Furthermore, as noted, the single photograph that the applicant has provided of the previously existing view is undated and appears to be much greater than ten years old, and therefore not useful for making such a calculation.

**2. Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter**

Again, the applicant's single photograph of the previously existing view is undated and obviously

older than ten years. The applicant therefore has not provided the documentable evidence required by the ordinance.

**3. The quality of the pre-existing Scenic View(s) and/or Sunlight being obstructed**

The preexisting view (assuming without evidence that the photograph provided by the applicant was taken within the relevant time period) was *not* of great quality. As explained, with full foliage most of the year, the applicant's view of the whitewater would have been completely blocked. Furthermore, the preexisting view was partially blocked by a mature pine tree, which has now been removed. The applicant's preexisting view at best was of the distant horizon looking over the trees. The applicant never had an unobstructed view of the coast.

**4. That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated**

If the Subject Tree were pruned low enough to give the applicant a relatively unobstructed view of the coast, this would severely compromise its ability to give privacy to Mr. Harrington's backyard. The applicant would then have a view directly down into the backyard from his alleged Primary Living Area.

**5. The extent to which the Subject Tree interferes with efficient operation of an Applicant's pre-existing solar energy systems**

The applicant does not allege that the Subject Tree interferes with a pre-existing solar energy system, or that he even has such a system.

**6. The extent to which the Subject Tree causes shadows or reduces air circulation and/or light**

As shown in the photographs appended to the arborist's report and those enclosed separately, the Subject Tree has been appropriately thinned and trimmed and allows air circulation and light penetration. It is not overly dense or hedge-like.

**7. The extent to which the Applicant's Scenic Views and/or Sunlight has been diminished over time by factors other than Subject Tree growth**

The applicant's views and sunlight have not diminished by factors other than Subject Tree growth. To the contrary, they have been improved by the removal of the mature pine tree as mentioned.

**8. The variety of Subject Tree, its projected rate of growth and maintenance requirements**

The Subject Tree, a Chinese Elm, is fully mature, having been planted long before the applicant purchased his property. According to the prior owner of Mr. Harrington's property, the tree is approximately sixty years old. As a mature tree, it is not projected to grow significantly larger.

Furthermore, as explained in the enclosed arborist's report, the "[h]eight of [the] tree is naturally limited by the salty spray carried from the ocean by the prevailing breeze." For maintenance, the arborist recommends that "[p]runing should be limited to structural pruning and reserved at the lowest level of material removal required to satisfy pruning objectves." The arborist further recommends: "Retain as much leaf canopy as possible. Reserve pruning for thinning cuts, where structurally beneficial. Avoid removing any more material from the tree than is necessary to satisfy maintenance objectives."

**9. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor**

The Subject Tree, a mature Chinese Elm, is a handsome tree, and the applicant does not contend otherwise. The tree is mature, and as such is not expected to increase significantly in size. Additionally, as noted, the tree's height "is naturally limited by the salty spray carried from the ocean by the prevailing breeze." Mr. Harrington's arborist assesses the tree's health condition as "Good" and its structural condition as "Fair."

**10. The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property**

The Subject Tree benefits the owner's property by providing much-needed shade, privacy, and cooling for the home and backyard.

**11. The extent to which soil stability is provided by the Subject Tree, considering soil structure, degree of slope and extent of the Subject Tree's root system per a report from a licensed soils engineer (if applicable)**

This factor is not applicable.

**12. The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors**

As noted, the Subject Tree is the only means of providing privacy for Mr. Harrington's backyard. Without the tree, the applicant could peer directly into Mr. Harringon's backyard from the applicant's alleged Primary Living Area.

**13. The extent to which energy conservation and/or climate control is provided by the Subject Tree**

As noted, the Subject Tree is a mature tree that provides shade and cooling for Mr. Harrington's home and backyard.

**14. The extent to which wildlife habitat is provided by the Subject Tree**

The Subject Tree is frequently used by birds.

**15. Whether the Subject Tree is a "Protected Tree", as defined herein and in Chapter 23.50 (Trees)**

The Subject Tree is not a "Protected Tree."

**16. The value of the Subject Tree to the community/neighborhood**

The Subject Tree is a beautiful, mature tree that enhances the aesthetics of the community.

**17. Whether the Subject Tree is located on public right-of-way or City-owned property**

The subject tree is not located on a public right-of-way or City-owned property.

**Granting the application would result in undue damage to the Subject Tree**

The Subject Tree is a mature tree. Its general size and shape are long-established. To give the applicant the view he seeks would require a drastic reduction in the canopy or removal of major limbs. Such measures are strongly discouraged in the ordinance: "Severe pruning should be avoided due to the damage such practice causes a Tree's form and health." (DMMC § 23.51.070(B.) Likewise, the City's Public Tree Policy Manual specifies "excessive pruning," "topping," and "[t]aking any action which could lead to the death of a tree or could permanently damage its health" as "prohibited acts." (Del Mar Public Tree Policy Manual § 2.10.)[1] The definition of "excessive pruning" includes "removing in excess of one-fourth (25 percent) or greater, of the functioning leaves and stems," as well as "Heading Cuts" and "Topping Cuts." (*Id.*, § 1.11.) "Topping means the practice of cutting back large-diameter branches or truncating the main stem." (*Id.*, § 1.27.)

The preferred remedy therefore is "lacing" (DMMC § 23.51.070(B)(1)), but *this has already been done*, as shown by the enclosed photographs and receipts. To improve the applicant's view any further, beyond what has already been accomplished by lacing and removal of the mature pine tree, would require more drastic measures, which Mr. Harrington's arborist recommends against. As the arborist explains in his enclosed report: "Many of the subject trees have a structural pruning recommendation as a method of achieving risk mitigating objectives. In mature trees (such as most of these), *the structure has already been developed and can often not be corrected without performing large pruning cuts that increase the likelihood [of] decays*. For this reason, the structural pruning on the subject trees should primarily concentrate on reducing end weight to create less mechanical stress on weak areas (such as branch unions and roots/basal area). Reduction and removal pruning cuts (not topping) should be applied during the structural pruning process to help achieve risk mitigation objectives." (Italics added.)

For the foregoing reasons, Dr. Anstis' application should be denied. We reserve the right to submit

[1] "Although the primary intent of [the Public Tree Policy Manual] is to provide guidance to the City for the management of public trees, all Del Mar residents are urged to use it as a reference tool for selecting, planting and maintaining privately-owned trees within the City." (Del Mar Public Tree Policy Manual, p. 5.)

additional information.

Very truly yours,

AANNESTAD ANDELIN & CORN LLP

Lee M. Andelin

cc: Thomas Harrington

# Chinese Elm (*Ulmus parvifolia*) Assessment

101 11th Street, Del Mar, CA, 92014

Treehugger Care & Consulting

SUBMITTED TO:

Thomas Harrington

(650)468-5657

Tomharrington44@gmail.com

PREPARED BY:

Tony Gurnoe

(760)815-4186

tony@treehuggercare.com

ISA Certified Tree Risk Assessment Arborist

Certification #WE-14380A

CA DPR Applicator License #166195

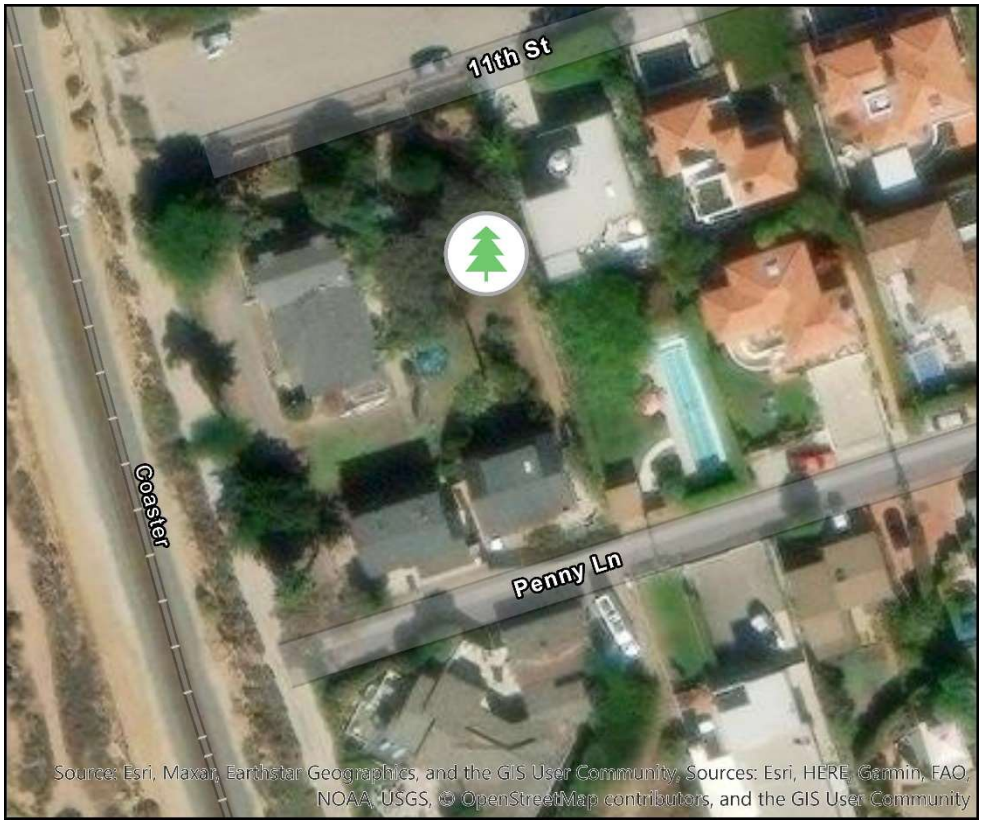
November 1, 2023

Treehugger Care & Consulting

## BACKGROUND AND ASSIGNMENT

In October of 2023, Treehugger Care & Consulting (THCC) was contacted by Tom Harrington in regard to assessing a large, old growth *Ulmus parvifolia* tree at 101 11th Street in Del Mar, CA. The assessment was to focus on any reasonable methods to ensure the greatest viewshed corridors for the neighboring property to the east as possible without compromising the health of the subject tree. The subject tree had previously been pruned in June of 2023. That dose of pruning focused on mitigating structural issues with the tree and removal of dead or damaged wood.

*Figure 1 – Location of subject tree at 101 11th Street, Del Mar, CA*




## OBSERVATIONS

The subject tree was assessed with an emphasis on health maintenance on October 23rd. The structural integrity of the tree was assessed using industry **BMP**. Each tree **crown** and **stem** was visually inspected, looking for defects such as **included bark**, **cavities**, **fungal fruiting bodies**,

[1] Terms appearing in boldface type are defined in the Glossary at the end of this report.

and/or **decay**. Inspections of defects within the crowns was limited to a ground-level visual inspection. On site, the following relevant observations were noted:

Refer to photos in Appendix A for additional details.

- Tree has responded favorably to previous maintenance efforts – canopy is relatively full and in good health.
- Height of tree is naturally limited by the salty spray carried from the ocean by the prevailing breeze.
- Pruning should be limited to **structural pruning** and reserved at the lowest level of material removal required to satisfy pruning objectives.
- Removal of any significant portion of the uppermost tree canopy is likely to expose structurally critical trunk tissue to risk of sunburn and dieback.

| Species | Health Condition | Structural Condition | Management Recommendations |
|---|---|---|---|
| Chines Elm (*Ulmus parvifolia*) | Good | Fair | Retain as much leaf canopy as possible. Reserve pruning for thinning cuts, where structurally beneficial. Avoid removing any more material from the tree than is necessary to satisfy maintenance objectives. |

REVIEW OF RECOMMENDATION TERMS

**Structural Pruning** – Many of the subject trees have a structural pruning recommendation as a method of achieving risk mitigating objectives. In mature trees (such as most of these), the structure has already been developed and can often not be corrected without performing large pruning cuts that increase the likelihood decays. For this reason, the structural pruning on the subject trees should primarily concentrate on reducing end weight to create less **mechanical stress** on weak areas (such as branch unions and roots/ basal area). **Reduction and removal pruning** cuts (not topping) should be applied during the structural pruning process to help achieve risk mitigation objectives.

HEALTH

The subject tree has signs of foliar salt burn in the uppermost canopy. To help improve the health of the trees, it is recommended to provide deep irregular irrigation as needed to supplement natural rainfall.

Treehugger Care & Consulting

APPENDIX A – EXAMPLE PHOTOS

**Photo #1**

- Good retained seasonal leaf production and improved structure in the tree as a result of prior maintenance efforts

Treehugger Care & Consulting

**Photo #2**

- Subject tree viewed from the west

Treehugger Care & Consulting

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the THCC can neither guarantee nor be responsible for the accuracy of information provided by others. Standard of Care has been met with regards to this project within reasonable and normal conditions.
2. THCC will not be required to give testimony or to attend court by reason of this report unless subsequent contractual agreements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
3. Loss or alteration of any part of this report invalidates the entire report.
4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the THCC.
5. This report and any values expressed herein represent the opinion of the THCC, and the THCC's fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.
6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring, unless otherwise stated. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.
7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.
8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time.
9. Any recommendation and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.

10. The author has no personal interest or bias with respect to the subject matter of this report or the parties involved. He/she has inspected the subject tree(s) and to the best of their knowledge and belief, all statements and information presented in the report are true and correct.

*11.* Unless otherwise stated, trees were examined using the risk assessment criteria detailed by the International Society of Arboriculture's publications *Best Management Practices – Tree Risk Assessment* and the *Tree Risk Assessment Manual (Second Edition).*

REFERENCES

Harris, Richard W., James R. Clark, and Nelda P. Matheny. *Arboriculture: Integrated Management of Landscape Tree, Shrubs, and Vines.* New Jersey: Prentice Hall, 2004. Print
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Dunster, Julian A., E. Thomas Smiley, Nelda Matheny, and Sharon Lilly. *Tree Risk Assessment Manual (Second Edition).* Illinois: International Society of Arboriculture, 2017. Print.

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GLOSSARY

**Best Management Practices (BMPs)** – The International Society of Arboriculture has developed a series of Best Management Practices (BMPs) for the purpose of interpreting tree care standards and providing guidelines of practice for arborists, tree workers, and the people who employ their services.

**Canopy –** The part of the crown composed of leaves and small twigs (Harris, Clark, and Matheny 526).

**Cavity –** An open wound, characterized by the presence of decay and resulting in a hollow (Harris, Clark, and Matheny 527).

**Codominant** – Equal in size and relative importance, usually associated with either the trunks/stems or scaffold limbs/branches in the crown (Harris, Clark, and Matheny 527).

**Crown** – The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree (Harris, Clark, and Matheny 527).

**Decay** – Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin (Harris, Clark, and Matheny 527).

**Epicormic sprout -** Shoot that arises from latent or adventitious buds.

**Failure** – Breakage of stem, branch, roots, or loss of mechanical support in the root system (Smiley, Matheny, and Lilly 48).

**Fungal Fruiting Bodies –** Any complex fungal structure that contains or bears spores.

**Included Bark –** Pattern of development at branch junctions where bark is turned inward rather than pushed out (Harris, Clark, and Matheny 529).

**Level 2 Basic Assessment: -** A Level 2 or basic assessment is a detailed visual inspection of a tree and its surrounding site, and a synthesis of the information collected. It requires that a tree risk assessor walk completely around a tree looking at the site, buttress roots, trunk, and branches. A basic assessment may include the use of simple tools to gain additional information about the tree or defects. This is the standard assessment that is performed by arborists in response to a client's request for tree risk assessment (Smiley, Matheny, and Lilly 15).

**Mechanical stress –** Force applied over the length of a branch or stem, adjusted for cross sectional area; force on the crown from gravity, ice, snow, or wind applied over the trunk length, adjusted for cross sectional area.

**Stem** – The main trunk of a tree or other plant (Harris, Clark, and Matheny 533).

**Structural Pruning** – Pruning that influences the orientation, spacing, growth rate, strength of attachment or ultimate size of branches and stems, resulting in a strong tree.

**Target** – People, property, or activities that could be injured, damaged, or disrupted by a tree (Smiley, Matheny, and Lilly 50).

**Target zone** – The area where a tree or branch is likely to land if it were to fail (Smiley, Matheny, and Lilly 50).

# Invoice

**# INV-000052**

**Balance Due**
**$411.00**

**Treehugger Care and Consulting, LLC**
Company ID : Treehugger Care and Consulting, LLC
Tax ID : 92-0404723
1061 Woodlake Dr.
Cardiff by the Sea California 92007
U.S.A

Bill To
**Tom Harrington**
101 11th St.
Del Mar
California

Invoice Date : November 18, 2023
Terms : Net 30
Due Date : December 18, 2023

Subject :

Chinese Elm Pruning

| # | Item & Description | Percent Complete | Item Budget | Amount |
|---|---|---|---|---|
| 1 | Structural pruning of easternmost Chinese elm tree to encourage clear viewshed corridors on north and south sides of the tree. | 5.00 | 75.00 | 375.00 |
| 2 | Greenwaste dump fees | 1.00 | 36.00 | 36.00 |
| | | | Sub Total | 411.00 |
| | | | **Total** | **$411.00** |
| | | | **Balance Due** | **$411.00** |

## Notes

Thank you for the payment and support!

Payment Options

# 107-11th St Tree

Reply | Reply All | Forward | ...

TH

Thomas Harrington <tomharrington44@gmail.com>
To Monique Gil

Wed 4/24/2024 9:32 AM

You replied to this message on 4/24/2024 10:12 AM.
If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wish to submit the following 5 reasons why the tree should stay just as it is:

1. Privacy. Most house would never be allowed to have a living room window look straight down into an adjacent property yard. This is confirmed by a DRB member.
2. The tree was there long before Stuart was there, going back to around 1950. It was nurtured by the previous owner, Myrna, for 60 years she lived there, and is a key reason that my wife and I purchased the property and intend to have it in our rear garden.
3. Trimming the foliage from the tree would potentially kill the tree, according to the Arborist's report I have submitted.
4. I have accommodated Stuart's wishes several times to give him more light and better views on each side of the tree.
5. he has a nice view of the ocean white caps on the end of 11th St., just not over this tree at an angle because the tree has grown. One day he will likely be able to look under the foliage.

Very truly yours,
Thomas Harrington

## PURPOSE

The City of Del Mar is committed to the preservation of its unique village-like atmosphere, which is distinguished by its valuable and treasured community forest. Through sustaining the ecosystem, creating visually aesthetic landscaping, and maintaining and encouraging a diversity of trees, both in terms of age and species, our goal to preserve our environment can be achieved.

The Tree Ordinance (Section 23.50) of the Del Mar Municipal Code provides for the orderly protection of specified trees to promote the health, safety, welfare, and quality of life for the residents of the City. By assuring the preservation and protection of the urban forest through regulations and standards of care, our natural resources will continue to enhance the landscape, streets, and parks, while helping to define the unique character of Del Mar.

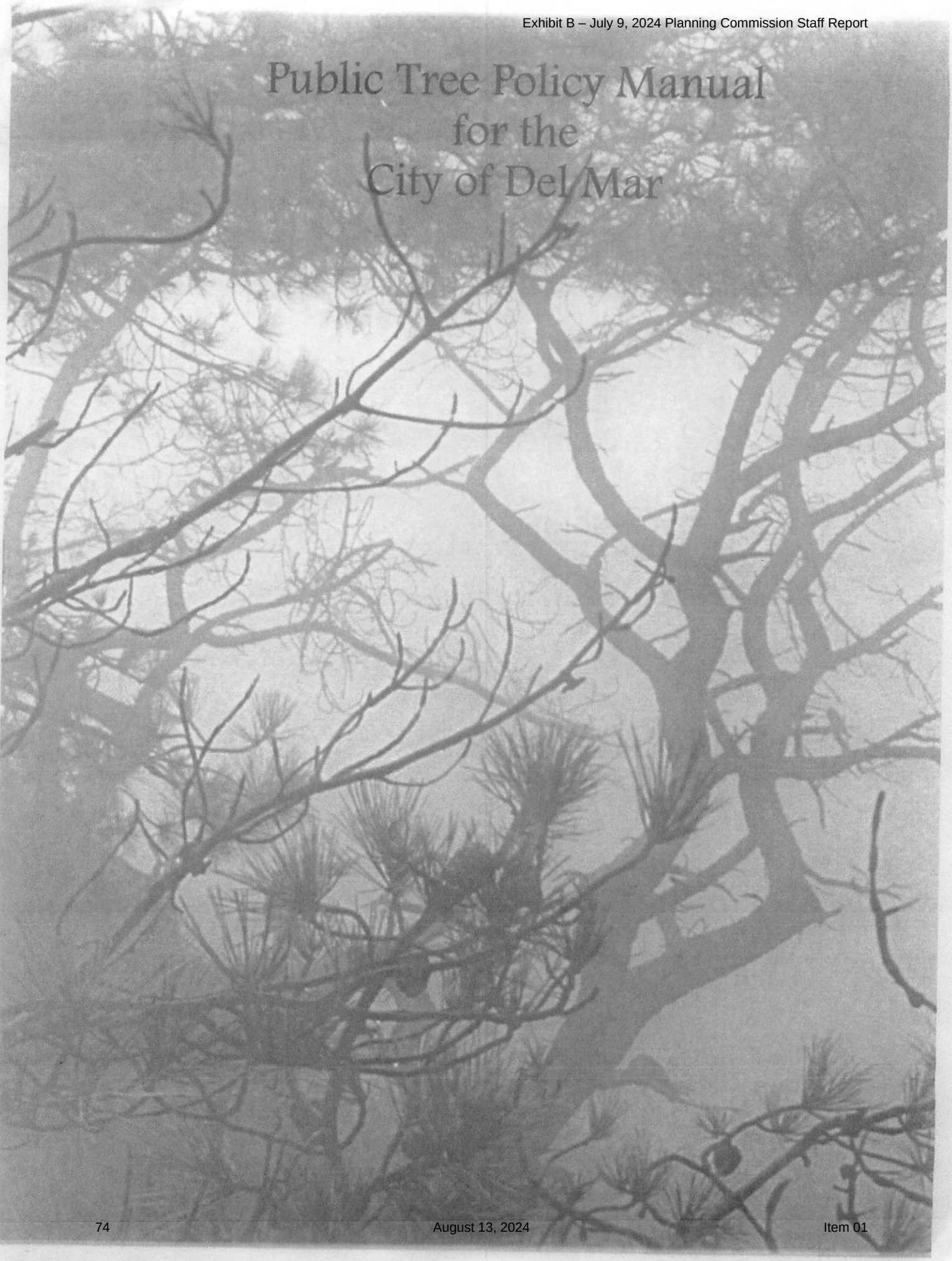
This Public Tree Policy Manual establishes the specific technical regulations, standards, and specifications needed to implement the Ordinance, and to realize the City's public forest goals.

These goals are intended to provide consistent care and achievement in the following areas:

- Insure and promote preservation of the existing tree canopy cover within the City limits.
- Provide recommended standards for the maintenance of protected and public trees. Del Mar's protected trees are the Torrey Pine and the Monterey Cypress as well as all trees of any species which are located within the Central Commercial, Open Space Overlay Zones of the City, within a public right-of-way, or on public or city-owned property.
- Provide a standardized content for tree reports required by the City.
- Establish criteria for determining when a tree is unsafe and a possible threat to public health, safety, welfare and/or the urban forest.
- Provide standards for the replacement of trees that are permitted to be removed.
- Increase the survivability of trees during and after construction events by providing protection standards and best management practices.

**Although the primary intent of this policy manual is to provide guidance to the City for the management of public trees, all Del Mar residents are urged to use it as a reference tool for selecting, planting and maintaining privately-owned trees within the City.**

# Public Tree Policy Manual for the City of Del Mar



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Development Department
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Phone 858-755-9313
Fax 858-755-2794

October 2003
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This document is available on the
City of Del Mar's website:
www.delmar.ca.us

Cover Photo by Harriet Schuman

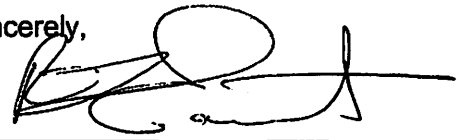
Del Mar Residents, City Officials and All Interested Parties

On February 2, 2004, the City Council of the City of Del Mar officially approved the Public Tree Policy Manual for the City of Del Mar as represented in this report.

Countless hours of effort by many citizens, city officials and staff have been donated to the preparation and adoption of the Manual. Formal acknowledgements of these efforts cannot nearly equal in value the contributions that have been made by these individuals toward the future of the Del Mar Community.

In this context, we believe, and trust that others will agree, that this Public Tree Policy Manual serves as a standard excellence equal to the task of preserving the quality of our liveable village.

Sincerely,



Richard Earnest, Councilmember
Mayor 2003 - 2004

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City of Del Mar

Public Tree Policy Manual
Standards and Specifications

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B. City of Del Mar Torrey Pine Tree Maintenance Guide (Not yet available)
C. List of Preferred Street Trees (Not yet available)
D. Tree Protection Standard Notes
E. ISA Hazard Evaluation Form (sample)
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H. Safety Standards, ANSI Z133.1-1994 (Reference Source)
I. Torrey Pine Tree Planting Detail and Watering Specifications
J. Tree Planting Guidelines

## PURPOSE

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## SECTION 1.00 DEFINITIONS

For the purposes of this *Policy* and interpretation of regulations, the following definitions shall apply:

1. Certified Arborist is an individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or a Registered Consulting Arborist with the American Society of Consulting Arborists. A certified arborist can be found in the yellow pages of the local telephone book or from the Western Chapter of the ISA at (916) 641-2990 (www.wcisa.org). A Registered Consulting Arborist with the American Society of Consulting Arborists can be found by utilizing the ASCA's referral directory on www.asca-consultants.com .

2. City Arborist means the person designated as such by the City of Del Mar.

3. Compaction means compression of the soil structure or texture by any means that creates an upper layer that is impermeable ('cap'). Compaction is injurious to roots and the health of a tree *(see Soil Compaction Damage, Section 5.20-A).*

4. Dangerous see Hazardous.

5. Dead Tree means a tree that is dead or that has been damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches, exists to sustain life) and has been determined to be such by a certified arborist. This definition may include a tree that is "dying." If the tree has been determined to be dead, removal may be permitted in accordance with Section 23.50.080 C-1 of the Del Mar Municipal Code.

6. Diameter at Breast Height (DBH) or Diameter at Standard Height (DSH) means the diameter of the perimeter tree trunk at four and one-half feet (or 54 inches) above natural grade level The diameter may be calculated by using the following formula: DBH= circumference at 4.5-feet / 3.142 (D=C/Pi). To determine the DBH of multi-trunk trees or measuring trees on slopes, consult the current Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

7. Director means the Director of Planning and Community Development or the Director's designee, unless otherwise specified in the Policy.

8. Discretionary Development Approval means Design Review Board or City Council approval.

9. Disturbance refers to all of the various activities from construction or development that may damage trees.

10. Dripline Area means the suggested minimum area within X distance from the trunk of a tree in a typical location, measured from the perimeter of the trunk of the tree at 54-inches above natural grade, where X equals a distance ten times the diameter of the trunk at 54-inches above natural grade, or the distance to the outermost edge of the tree canopy, whichever is the lesser distance. (Example; a tree with a DBH of 24" has a drip line radius of 240", (24"DBH x 10 = 240" or 20 feet from the trunk in all directions; 18"DBH x 10 = 180" or 15 feet.

11. Excessive Pruning means removing in excess of one-fourth (25 percent) or greater, of the functioning leaves and stems. Pruning in excess of 25 percent is injurious to the tree and is a prohibited act. Excessive pruning typically results in the tree appearing as a 'bonsai', 'lion's-tailed', 'lolly-popped' or overly thinned *(see 'Standards for Pruning Protected Trees', Section 2.15)*. "Heading Cuts' and "Topping Cuts" are considered to be excessive pruning in the City of Del Mar.

Unbalanced Crown: Excessive pruning also includes removal of the leaf or stem area predominantly on one side, topping, or excessive tree canopy or crown raising. Exceptions are when clearance from overhead utilities or public improvements is required or to abate a hazardous condition or a public nuisance *(see Definitions, Section 1.17)*.

Roots: Excessive pruning may include the cutting of any root two (2) inches or greater in diameter. It is recommended that a Certified Arborist be consulted prior to the any cutting or removal of tree roots.

12. Hazardous Tree refers to a tree that possesses a structural defect which poses an imminent risk if the tree or part of the tree that would fall on someone or something of value (target)(*see Hazardous Trees, Section 4.00)*

13. Injury means a wound resulting from any activity, including but not limited to 'excessive pruning', cutting, trenching, excavating, altering the grade, paving or compaction within the tree protection zone of a tree. Injury shall include bruising, scarring, tearing or breaking of roots, bark, trunk, branches or foliage, herbicide or poisoning, or any other action foreseeably leading to the death or permanent damage to tree health.

14. Project Arborist means a certified arborist (*see Certified Arborist, Section 1.1*) retained by a property owner or development applicant for the purpose of overseeing on-site activity involving the welfare of the trees to be retained. The project arborist shall be responsible for all reports, appraisals, tree preservation plans, or inspections as required.

15. Protected Tree means: 1) a tree of the species *Cupressus macrocarpa* (Monterey Cypress); 2) a tree of the species *Pinus torreyana* (Torrey Pine); 3) a tree of any species located on property within the Central Commercial, Open Space Overlay Zones of the City, within a public right-of-way, or on public or City-owned property; or 4) any tree planted as a result of required mitigation for the removal of another Protected Tree(s).

16. Protective Tree Fencing means a temporary enclosure erected around a tree to be protected at the boundary of the Tree Protection Zone. The fence serves three primary functions: 1) to keep the foliage crown, branch structure and trunk clear from direct contact and damage by equipment, materials or disturbances; 2) to preserve roots and soil in an intact and non-compacted state; and 3) to identify the Tree Protection Zone (*see Section 5.15-E*) in which no soil disturbance is permitted and activities are restricted.

17. Public Nuisance means something that is offensive to the community or that violates the legal rights of persons or the community, as determined only by the Director of Planning and Community Development, City Attorney or the Public Works Department.

18. Public Tree means any tree growing within the street right-of-way [outside of private property], public property or easements. In some cases, property lines lie several feet behind the sidewalks or the edge of the paved street. A City Encroachment Permit is required prior to any work on or around these trees. Check with the Public Works Department to verify prior to any work near a street tree.

19. Recommended Practice means an action, treatment, technique or procedure that may be implemented for superior care or preservation of trees. Recommended practices may be required under specific conditions of approval for discretionary development projects or injury mitigation.

20. Removal means any of the following: 1) complete tree removal such as cutting to the ground or extraction of the tree; or 2) taking any action foreseeably leading to the death of a tree or permanent damage to its health or structural integrity, including but not limited to excessive pruning, cutting, girdling, poisoning, over watering, unauthorized relocation or transportation of a tree, or trenching, excavation, altering the grade, or paving within the dripline of the tree.

21. Required Practice means a mandatory action, treatment, technique or standard of care required to be implemented by the property owner, developer, contractor or designee for the preservation of trees.

22. Root Buffer means a temporary layer of material to protect the soil texture and roots. The buffer shall consist of a base course of tree chips spread over the root area to a minimum of 6-inch depth, capped by a base course of 3/4-inch quarry gravel to stabilize 3/4-inch plywood on top.

23. Site Plan means a set of drawings (e.g. preliminary drawings, site plan, grading, demolition, building, utilities, landscape, irrigation, tree survey, etc.) that show existing site conditions and proposed landscape improvements, including trees to be removed, relocated or retained. Site plans shall include the following minimum information that may impact trees: 1) surveyed tree location, species, size (height, width, DBH or DSH), dripline area (including trees located on neighboring property that overhang the project site) and street trees within 30-feet of the project site; 2) paving, concrete, trenching or grade change (including the limits of over-excavation) located within the tree protection zone; 3) existing and proposed utility pathways; 4) surface and subsurface drainage and aeration systems to be used; 5) walls, tree wells, retaining walls and grade change barriers, both temporary and permanent; 6) landscaping, irrigation and lighting within dripline of trees, including all lines, valves, etc; or 7) location of other landscaping and significant features. All of the final approved site plan sheets shall reference tree protection instructions (*see also Site Plan, Section 6.35*).

24. Soil Compaction means the compression of soil particles that may result from the movement of construction tools (wheelbarrows etc.), workers, heavy machinery and trucks, or storage of construction materials, structures, paving, etc. within the Tree Protection Zone. Soil compaction can result in atrophy of roots and potential death of the tree, with symptoms often taking 3 to 10-years to manifest (*see Soil Compaction, Section 5.20-A; and Aeration, Section 2.50-A*).

25. Soil Fracturing means the loosening of hard or compacted soil around a tree by means of a pneumatic soil probe (Gro-gun) that delivers sudden bursts of air to crack, loosen or expand the soil to improve the root growing environment.

26. Target is a term used to include people, vehicles, structures or something subject to damage by a tree. Note: A tree may not be a hazard if a *"target"* is absent within the falling distance of a tree or its parts (e.g., a defective tree in a non-populated area away from pathways may not be considered a hazard.)

27. Topping means the practice of cutting back large-diameter branches or truncating the main stem.

28. Tree Appraisal means a method of determining the monetary value of a tree as it relates to the real estate value of the property, neighborhood or community. When required, a certified arborist determines the appraisal by adjusting a tree's basic value by its condition, location and species using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers (*see Tree Reports, Section 6.00*).

29. Tree Protection and Preservation Plan means a plan prepared by a certified arborist or registered landscape architect that outlines measures to protect and preserve trees on a project (*see Tree Protection and Preservation Plan, Section 5.10 and Reports, Section 6.30*). This plan shall include requirements for preconstruction; treatments during demolition and/or construction; establishment of a Tree Protection Zone for each tree; tree monitoring and inspection schedule; and a provision for continued maintenance of those trees after construction according to the requirements in this Manual.

30. Tree Protection Zone or (TPZ) means, unless otherwise specified by a project arborist or City Arborist, the area of temporary fenced tree enclosure (*see Protective Tree Fencing, Section 5.15-D, and Section 5.15-E*). Within the TPZ, roots that are critical for tree survival are typically found in the upper three foot soil horizon, and may extend beyond the dripline area. Protecting the roots in the TPZ is necessary to ensure the tree's survival. The TPZ is a restricted activity zone where no soil disturbance is permitted, unless otherwise approved. TPZ must be identified for each tree and shown on all applicable improvement plans for a development project. Restricted and approved activities within the TPZ are outlined in Section 5.15-E. Unless otherwise specified, the approved minimum TPZ shall be formulated in the following way: the TPZ radius shall be 10 times the DBH of the trunk or the distance to the outermost edge of the tree canopy, whichever is the lesser distance. (*see Dripline area, Section 1.10*). For example: a 2-foot DBH = a 20-foot radius from the perimeter of the trunk—or a 40-foot TPZ. The City Arborist retains discretionary right to extend or modify the TPZ at any time.

31. Tree Report means a report submitted to the City for review that is prepared by a certified arborist retained by the property owner or agent.

32. Tree Survey Report In the case of a discretionary development approval, a tree survey report is required to provide information about all trees on the site including: inventory of all trees, location, species, size, condition, maintenance needs, potential impacts of disturbance, recommended mitigation measures, tree appraisal value, etc. (*see Tree Reports, Section 6.00*).

33. Tree Policy Manual is this document.

34. Trenching means any excavation to provide irrigation, install foundations, utility lines, services, pipe, drainage or other property improvements below grade. Trenching within the TPZ is injurious to roots and tree health and is prohibited, unless approved. If trenching is approved within the TPZ, it must be in accordance with instructions and table outlined in this Manual (*see Trenching, Section 5.20-C, and Pavement and Hardscape Conflicts with Tree Roots, Section 5.40*).

35. Verification of Tree Protection means the project arborist shall verify, in writing, that all pre-construction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. An initial inspection of protective fencing and written verification must be submitted to the City Arborist prior to demolition, grading or building permit issuance (*see Inspections, Section 5.30*).

36. Vertical Mulching means augering, hydraulic or air excavation of vertical holes within a tree's root zone to loosen and aerate the soil, typically to mitigate compacted soil. Holes are typically penetrated 4- to 6-feet on center, 2- to 3-feet deep, 2- to 6-inches in diameter and backfilled with either perlite, vermiculite, peat moss or a mixture thereof.

## SECTION 2.00 TREE MAINTENANCE GUIDELINES

INTRODUCTION
This chapter establishes recommendations for the care and maintenance of Del Mar's public trees. These recommendations apply to all persons who own or are engaged in the business of repairing, maintaining, or preserving these trees. The following recommendations are set forth for pruning (including for utility, fire safety and traffic encroachment purposes), planting, watering, soil and nutrient requirements, as well as insect, disease and fruit control. Guidelines for selecting an arborist are also included. These guidelines are based on sound arboricultural principles and are applicable to trees, shrubs and woody plants.

### 2.10 PROHIBITED ACTS

The following prohibited maintenance practices for protected trees apply.

A. Excessive Pruning
Except for clearance pruning of utility lines, traffic or abating a Public Nuisance, excessive pruning (*see Excessive Pruning, Section 1.11*) shall be considered a prohibited act.

B. Topping
Topping shall be considered a prohibited act (*see Topping, Section 1.27*). Seek alternatives to topping (*see Types of Pruning, Section 2.20-A*).

C. Other prohibited actions
Taking any action which could lead to the death of a tree or could permanently damage its health, including but not limited to excessive pruning, cutting, girdling, poisoning, over watering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

### 2.15 STANDARDS FOR PRUNING PUBLIC TREES

The most compelling reason to prune trees is to develop a strong, safe framework. All work to be performed on public trees shall be in accordance with the following standards:

A. Permission
Prior to performing any work on a public tree, an Encroachment Permit from the City of Del Mar must first be obtained. The requirement does not pertain to City personnel or contracted service providers involved in work related/approved activities.

B. Specifications
When an Encroachment Permit is required for work involving a public tree, specifications for the proposed work shall be written and shall be administered by a qualified arborist. Such specifications shall be designed to promote the preservation of tree structure and health.

C. Industry Standards

All work on public trees shall be in accordance with the most current edition of the following industry standards: (*see Performance Standards. Standard Practices for Tree Care Operations - ANSI A300-1995 Appendix G; Safety Standards, ANSI Z133.1-1994, Appendix H; and Tree Pruning Guidelines, Appendix F).*

## 2.20 PRUNING MATURE TREES

There are six types of pruning that may be required for use on mature regulated trees (*see ISA Tree Pruning Guidelines, Appendix F*). Prior to working on the tree, the tree worker is required to be familiar with these types of pruning as stated in the Performance Standards, ANSI, A300-1995. Species-specific pruning promotes the natural shape of the tree (i.e. excurrent, decurrent, vase-shaped, fast growing, etc.)

A. Types of Pruning

- Crown Cleaning
- Crown Thinning
- Crown Raising
- Crown Restoration
- Crown Reduction
- Utility Pruning

B. Tree Injury

Climbing and pruning practices shall not injure the tree except for the pruning cuts.

C. Timing of Pruning

To reduce the probability of insect infestation, disease, or infection, the following seasonal restrictions apply, except when public safety is a concern (*see Tree Pruning, Surgery and Removal, Section 5.15-G*):

- Pine (Pinus spp.) or Elm (Ulmus spp.): Do not prune March-October.
- All species: Do not prune during the flush of spring shoot growth.
- Trees with thin bark: Do not prune in summer when sunscald injury may be a factor.
- Deciduous trees (leafless in winter): Best pruned November-February.
- Hazardous trees of any species may be pruned any time of the year for abatement reasons.

## 2.25 PRUNING DISTRESSED TREES

Distressed trees require as much leaf area as possible to overcome stressed conditions. To avoid additional injury, the following measures shall be followed for these trees.

A. Injury or Disturbance

If a tree has been damaged by injury or disturbance, delay pruning until deadwood becomes evident (typically 1-3 years after injury). Crown cleaning is then recommended.

B. Neglect

Trees that have received little or no care or maintenance may need moderate crown thinning, reduction of end weights, or entire crown restoration.

765231

| CUSTOMER'S ORDER NO. | DEPARTMENT | DATE |
|---|---|---|
| | | 5-28-24 |

NAME Tom

ADDRESS 101 11th st

CITY, STATE, ZIP Del mar

| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE. RETD. | PAID OUT |
|---|---|---|---|---|---|---|
| | | | | | | |

| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|---|---|---|---|
| 1 | 1 month service March | $400 | |
| 2 | Remove trash | | |
| 3 | Trimm Back Tree from neighbor | $680 | |
| | Total | $1,080 | |
| | Thank you | | |

RECEIVED BY

01-11

A-5805
T-46320/46960

KEEP THIS SLIP FOR REFERENCE

Treehugger Care & Consulting

# INVOICE

**Invoice# INV-000052**

**Balance Due**
**$411.00**

**Treehugger Care and Consulting, LLC**
Tax ID : 92-0404723
1061 Woodlake Dr.
Cardiff by the Sea California 92007

Bill To
**Tom Harrington**
101 11th St.
Del Mar
California

Invoice Date : November 18, 2023
Terms : Net 30
Due Date : December 18, 2023

Subject :
Chinese Elm Pruning

| # | Item & Description | Qty (Hours) | Rate (Dollars) | Amount |
|---|---|---|---|---|
| 1 | Structural pruning of easternmost Chinese elm tree to encourage clear viewshed corridors on north and south sides of the tree. | 5.00 | 75.00 | 375.00 |
| 2 | Greenwaste dump fees | 1.00 | 36.00 | 36.00 |
| | | | Sub Total | 411.00 |
| | | | **Total** | **$411.00** |
| | | | **Balance Due** | **$411.00** |

Notes
Thank you for the payment and support!

Payment Options

53221HS Deluxe 1-800-328-0304 or www.deluxe.com/shop

1075

BAL. BRO'T FOR'D

DATE 10-3-23

TO Pedro Francisco

DEPOSITS

FOR

| | |
|---|---|
| TOTAL | |
| THIS CHECK | 650 - |
| OTHER | |
| BALANCE | |

TAX DEDUCTIBLE

53221HS Deluxe 1-800-328-0304 or www.deluxe.com/shop

1076

BAL. BRO'T FOR'D

DATE 10/31/23

TO Pedro Francisco

DEPOSITS

FOR Oct. 400

Typ Melaluka 950

| | |
|---|---|
| TOTAL | 1350 |
| THIS CHECK | 1350 |
| OTHER | |
| BALANCE | |

TAX DEDUCTIBLE

53221HS Deluxe 1-800-328-0304 or www.deluxe.com/shop

1077

BAL. BRO'T FOR'D

DATE 11/27/23

TO Pedro Francisco

DEPOSITS

FOR 32 plants x

120 ea

| | |
|---|---|
| TOTAL | |
| THIS CHECK | 3,840 - |
| OTHER | |
| BALANCE | |

TAX DEDUCTIBLE

D45AVV SLKDK06 10/22/2021 11:21 -61-

# Exhibit E - Tree Location Map

| | | | |
|---|---|---|---|
| 1" = 161 ft | TVS24-001<br>(Anstis, 111 11th Street) | 06/24/2024 | |

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Photo 1 – Flag Pole Analysis

# LAW OFFICE OF FELIX TINKOV

**110 West A Street, Suite 650**
**San Diego, CA 92101**
**Telephone (619) 832-1761**
**felix@tinkovlaw.com**
**www.tinkovlaw.com**

**Felix Tinkov, Esq.**
**Principal**


Via Certified & Electronic Mail

July 19, 2024

Monique Gil
Associate Planner
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

Re: 111 11th Street (Dr. Stuart Anstis) Trees, Scenic Views and Sunlight Application

Dear Ms. Gil:

I am writing in response to your outreach on July 10, 2024 to my client, Dr. Stuart Anstis, owner of 111 11th Street, with respect to his application requesting the City of Del Mar order the trimming of a Chinese elm tree owned by Mr. Tom Harrington at 101-107 11th Street. As you know, Mr. Harrington's tree now blocks almost the entirety of Dr. Anstis' second story, west-facing living room bay window such that little remains of the "white-cap" views of the Pacific Ocean my client had enjoyed for the past three decades. I understand the City has ascertained that a white flagpole appearing in the corner of a photo submitted with Dr. Anstis's application was removed sometime prior to 2011, such that the photo in question could not have been taken in November 2018 as originally believed. Dr. Anstis appreciates the care the City staff has taken to ensure this mistake is corrected so that the Planning Commission can make a well-founded and accurate determination on the application and evidence presented. The photo, which remains in the record, is presented as evidence of Dr. Anstis' white cap views prior to 2011. Bolstered by Dr. Anstis's written testimony, and the oral testimony provided by multiple neighboring property owners at the July 9, 2024 Planning Commission hearing, it is plain that the Chinese elm was trimmed to permit my client's ocean view through regular, and as-needed, trimming until Mr. Harrington purchased the property. Though overwhelming evidence already exists in the administrative record before the Planning Commission, the continuance of the hearing to August 13, 2024 has afforded an opportunity to further investigate the matter resulting in the discovery of additional evidence (with the expectation of more to come) supporting Dr. Anstis's continued right to the enjoyment of his historical, unobstructed Pacific Ocean view.

Dr. Anstis's has testified, in writing, since 1993 when he purchased 111 11th Street, he has enjoyed unobstructed views from his living room bay window of ocean waves lapping the shoreline. He has explained Mr. Harrington's predecessor in interest, the Sturgis family, would trim the Chinese elm to ensure this view. This all changed in 2021 with Mr. Harrington's purchase of the Sturgis family's property, when he denied each neighborly request made by Dr.

Anstis to keep the tree from becoming overgrown – as evidenced by three years of email exchanges presented with the application. Karla Leopold, who has lived for decades at 125 11th Street, testified to the Planning Commission confirming that the matriarch of the Sturgis family, Myrna, *always* quickly and thoughtfully took up neighbors' requests to trim trees so that everyone might enjoy unobstructed ocean views. Rick Waite, who has for nearly four decades walked down 11th Street to get to his preferred surfing spot, testified that through the time of Mrs. Sturgis' passing the trees on that property were regularly maintained and trimmed whenever a neighbor requested. Former Planning Commissioner Claire McGreal, testified that she was shocked to see how the Chinese elm now blocked nearly the entirety of Dr. Anstis's window. Mrs. McGreal explained that throughout her lifetime, her friend, Myrna Sturgis, fastidiously maintained the property's trees and proactively asked neighbors if their views were obstructed to ensure further trimming when necessary. This uncontroverted written and oral testimony is sufficient evidence to find in favor of Dr. Anstis's application. (Evidence Code § 140 ["'Evidence' means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact."].) Mr. Harrington presents no evidence to the contrary, simply because he has none.

Not that it is necessary, but just yesterday afternoon, I spoke directly with Jeff Sturgis, Myrna's son and the trustee of the Sturgis estate, extensively about the Chinese elm in question. Mr. Sturgis confirmed that his family regularly maintained the Chinese elm (and all of the other trees on the property), approximately once a year. He offered to review his files for photos of the trimmed tree and receipts from that work, and has indicated he will soon submit a short testimonial to the City regarding his family's regular tree maintenance practices during the course of their ownership of the lot. A little while later in the afternoon, I spoke at length with certified arborist Andy McCracken of Tremendous Tree Service, about his decades of tree maintenance, scheduled one to two times each year and as needed in addition, on the Sturgis property. Mr. McCracken explained that he might not trim the Chinese elm on each visit, but would do so, at a minimum, once per year, to ensure that Dr. Anstis would have an unobstructed Pacific Ocean view from his bay window over the Sturgis' roof ridgeline. Mr. McCracken specifically asked that I convey that Myrna Sturgis would take particular care of the Chinese elm because she understood the importance of Dr. Anstis's ocean view and she always wished to be a good neighbor. Mr. McCracken also informed me that his regular maintenance of the property ended with Myrna Sturgis' passing, but that he trimmed the property's trees one final time, including the Chinese elm, just prior to the sale of the property to Mr. Harrington, at Jeff Sturgis' request. This information from Mr. Sturgis and Mr. McCracken explicitly corroborates the evidence already before the Planning Commission – namely, that in the preceding ten (10) years, the Chinese elm tree was regularly trimmed to permit Dr. Anstis an unobstructed Pacific Ocean view from his living room bay window, and that this all came to an end only when Mr. Harrington decided he would take away my client's enjoyment of his property.

To date, Mr. Harrington has offered no countervailing evidence. Rather, his argument relies upon little more than an insinuation that Dr. Anstis, Mrs. Leopold, Mr. Waite, and Mrs. McGreal dissembled. A substantial number of other neighbors now desire to speak in favor of

Dr. Anstis's application as they were unable to attend the July 9, 2024 meeting. As I have just learned today that the August 13, 2024 Planning Commission hearing will be re-opened for public comment, it should be expected that a host of additional testimonial evidence will be provided to explain that until Mr. Harrington took over the 101-107 11th Street property, the Chinese elm tree had been maintained continuously for decades to permit Dr. Anstis his living room view out to the ocean. It is expected that Mr. Harrington, once again bereft of countervailing facts, will resort to casting doubt on the veracity of each and every one of his neighbors or will, again, make absurd claims that blocking the entirety of Dr. Anstis's view is not unreasonable. The only thing here that is unreasonable, is Mr. Harrington's unwillingness to be neighborly going on three years.

Dr. Anstis remains confident that the Planning Commission will continue to see through the bluster and will grant the application ordering Mr. Harrington to trim the Chinese elm tree regularly, much as had been done for decades prior.

Sincerely,

Felix Tinkov, Esq.

cc: Wendy House, Assistant City Attorney, Del Mar
Client

TH

Thomas Harrington <tomharrington44@gmail.cc

To Monique Gil; Lee Andelin; Jim Sneed; Robert Scott

Reply | Reply All | Forward

Thu 8/1/2024 8:25 AM

You replied to this message on 8/1/2024 8:45 AM.
If there are problems with how this message is displayed, click here to view it in a web browser.

111 11th St, Del Mar.pdf
1 MB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find a list of pictures of the tree at 107-11th St. taken by my son from Google Earth and Google Street view. They show a very different history of the size and coverage of the Chinese Elm tree since 2005 than is being "remembered" by the applicant and some neighbors. These pictures show that Stuart never had the view he is claiming from his living room window. The picture Stuart presented was more than 10 years old, as required by the Planning Commission, and should disqualify his appeal. He didn't present a newer picture because there weren't any.

Respectfully, Tom Harrington

2015

2014

2012

2011

2009

© 2021 Google
2007

NOV 2022

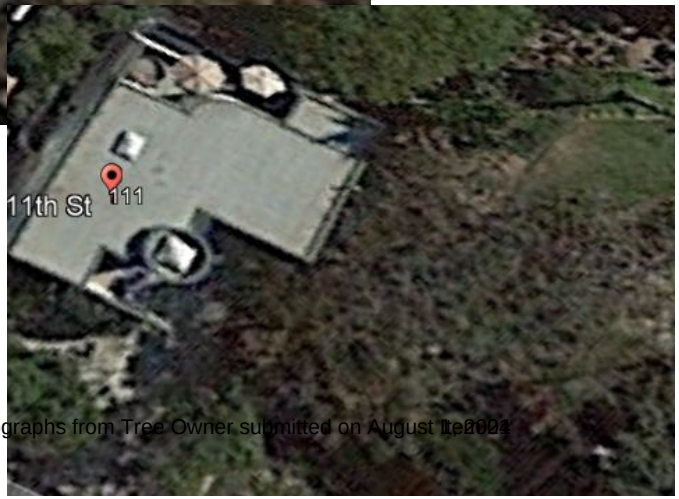
NOV 2017

2003

2024

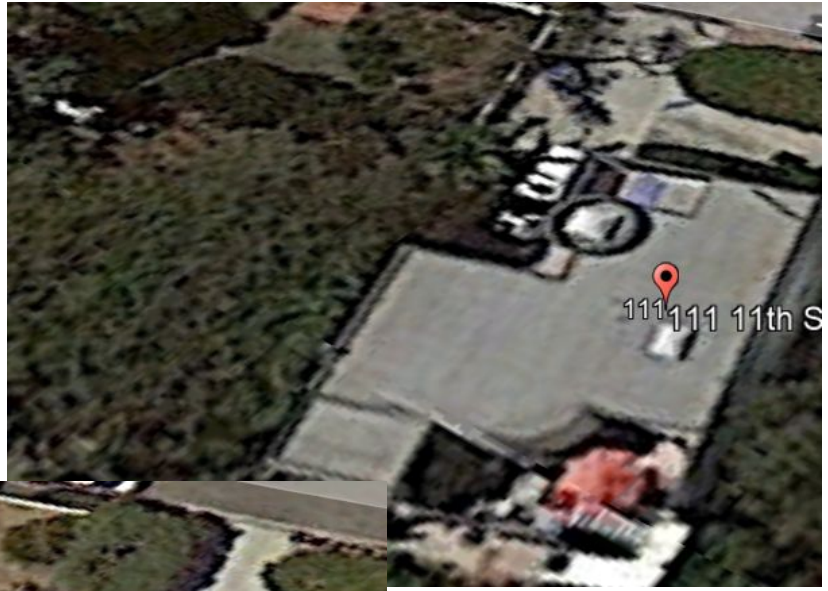
JULY 2024

AUG 2019




NOV 2016

JULY 2024




AUG 2019

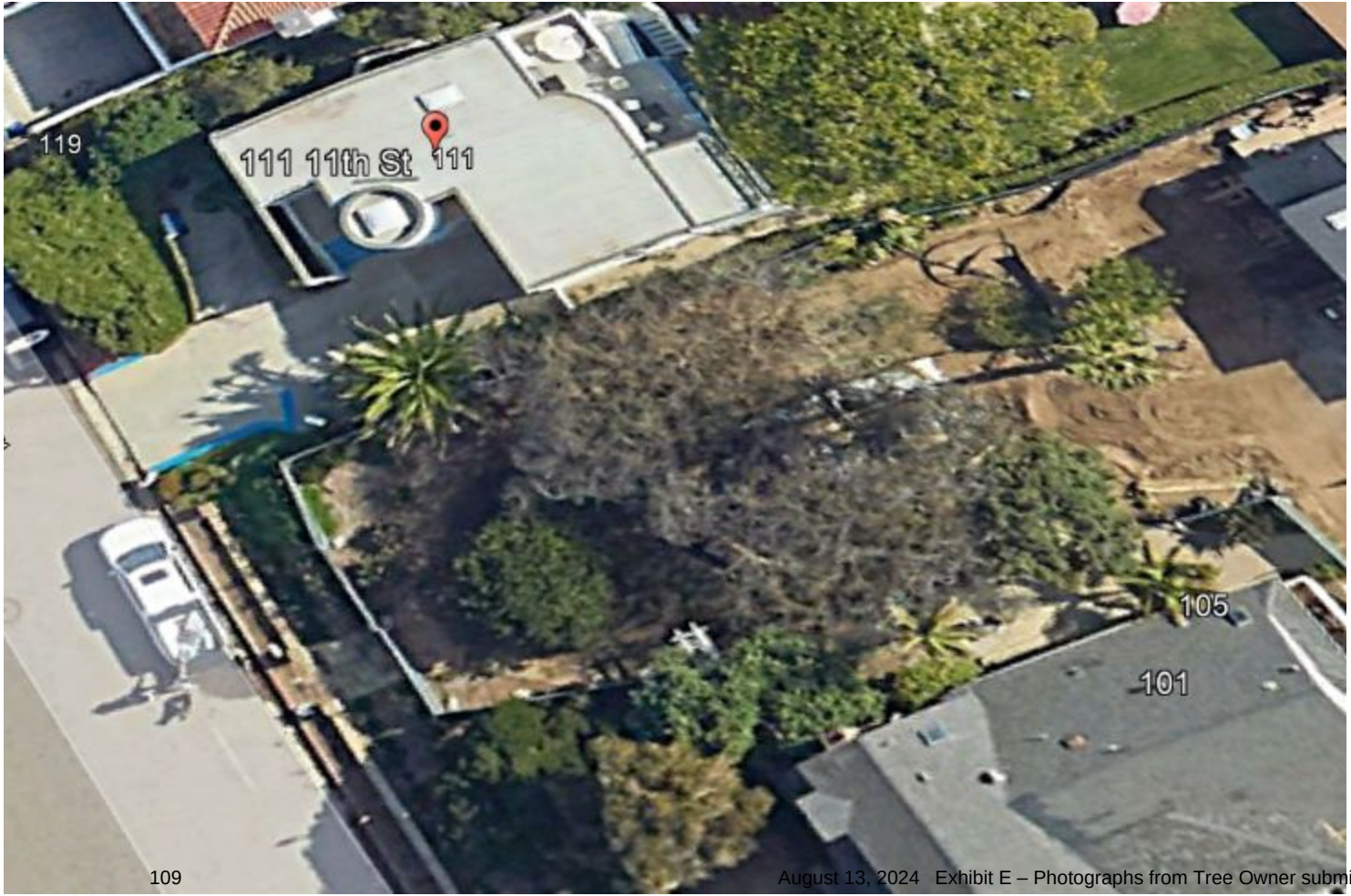
AUG 2010

JAN 2008

NOV 2013

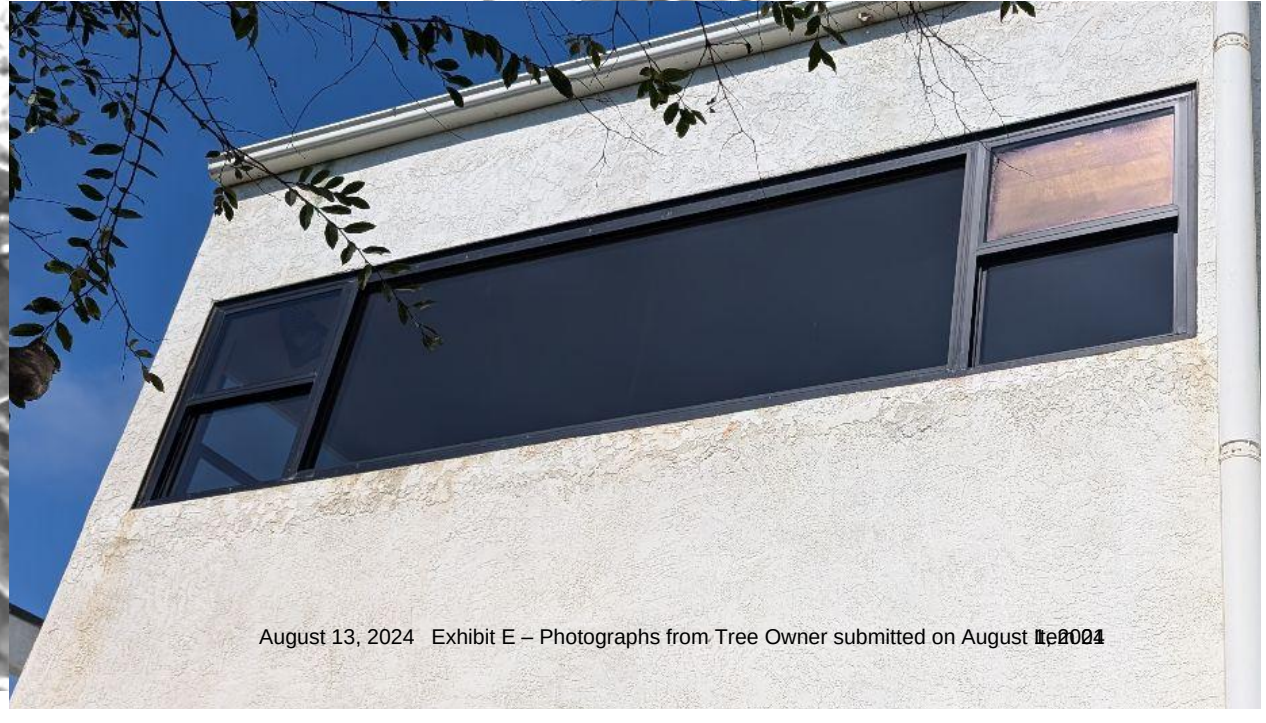
**MAR 2016**

**AUG 2019**




**NOV 2022**

## JULY 2024



**JULY 2024**

JGS

Planning and Community Development Department
City of Del Mar
Attn: Monique Gil, Associate Planner
1050 Camino del Mar
Del Mar, CA 92014
T. (858) 375-9516
F. (858) 755-2794

August 5, 2024

Re: 101 & 107 11TH Street, Del Mar, CA 92014 tree trimming & maintenance

Dear Monique,

I am respectfully submitting this letter at the request of Richard Waite, one of my previous neighbors when my family owned the properties at 101 & 107 11th Street.

I am confirming from 1988 until the properties were sold, that the trees on the properties, including the two Chinese elms located on the 107-11th St. property, were trimmed by Andy McCracken annually, or thereabouts. I also had the trees trimmed just prior to the sale in December 2021.

Please let me know if I can answer any further questions regarding this matter. Thank you for your time and consideration in advance.

Sincerely,

Jeffrey G. Sturgis

**Date:** July 9, 2024 at 12:02:51 PM

<k.leopold@leopoldmanagement.com>, Willie <w.leopold@leopoldmanagement.com>
**Cc:** Stuart Anstis <sanstis@ucsd.edu>, Claire <clairemcg@roadrunner.com>, Rick Waite <rwaite@keenlaw.com>, Linda Castiles <lindacastile800@gmail.com>, stephanie tarkington <tarkingtonsteve@gmail.com>cityclerk@delmar

**planning commission**

**Item 4**

Good afternoon members of the Planning Commission

I stand before you today deeply troubled by the disregard shown by Mr. Harrington towards our community and its values. His disregard for immediate neighbors view while completely obstructing his ocean view by overgrowth of trees and foliage with little to no maintenance is inexcusable. The construction of oversized homes and ADUs on his property has not only obstructed cherished ocean views but has also disrupted the harmony of our neighborhood. We have lived at 125 11th St. for over 20 years, 2 doors up from the applicants home today. I have watched the trees and foliage continue to obstruct not only Stuart's view, but the streets, communities and neighbors views.
For generations, the previous owners upheld a standard of respect and consideration, ensuring that their developments and trees complemented rather than overshadowed our community. They welcomed feedback and were integral parts of our neighborhood fabric, celebrating and supporting local initiatives like the surfing community They ask the neighbors to inform them if any overgrown trees obstructed views and would immediately take care of the request.
In stark contrast, Mr. Harrington has shown little regard for these principles. The unchecked growth of trees and foliage, coupled with construction that blatantly ignores neighborhood standards, speaks volumes about his lack of engagement with the community's concerns. His dismissive attitude towards preserving views and the environment is evident in his comments on the Chinese Elm tree, which he claims enhances aesthetics while ignoring its true impact on our collective landscape.
I walked by the property daily for 20 years and I didn't know an Elm tree was there.

As residents who have invested years into nurturing a vibrant and respectful community, we urge the City Council to hold Mr. Harrington accountable. It is not just about restoring views; it is about ensuring that future developments respect the character and integrity that define our neighborhood.

In the words of Mr. Rogers, "all we are ever asked to do in this life is to treat our neighbors, especially those in need, exactly as we hope to be treated ourselves." We ask that Mr. Harrington be a good neighbor by reconsidering his approach and working collaboratively with us to preserve what makes our community special.

Thank you

-

**From: Stuart Anstis**
**To: Del Mar City Planning Commission**
**Re: Rebuttal of Mr. Harrington's attorney's letter.**

**Summary**

The May 10, 2024 letter is a document of selfish entitlement. The issue is that Mr. Harrington's foliage is completely blocking my view of the ocean and cutting off the sunlight from my living room window; and for multiple years now, he has refused to trim it despite my many requests. The letter seeks to deflect attention from the actual issue by going into great irrelevant detail about the species, age and appearance of the tree (which for some reason they call the subject tree) that is blocking my view. This makes no difference. I simply want Mr. Harrington to do the neighborly thing and trim back his foliage to restore my view of the ocean, much as the prior property owner did for decades before.

This letter is the latest in a series of maneuvers, excuses, and supposed reasons why Mr. Harrington cannot possibly cut back his foliage. He has now gone to the extent of hiring a law firm to further cloud the issue rather than expend a fraction of that cost on trimming the tree which blocks my primary, and sole, view of the ocean.

Mr. Harrington's tree is doing one thing well – it is blocking my view of the story poles on his property which evidence the very extensive buildings he proposes to erect. This is no accident, as the proposed structure will also severely compromise my view of the ocean. The only reason I can fathom he has opted for this course is to argue his development will not block my view because I have no view since it is already blocked by his tree. I do not like to attribute such duplicity to a neighbor, but this conclusion is hard to avoid.

**Details.** (Paragraphs from Mr. Harrington's letter are pasted in and colored red. My rebuttals are in black).

**The applicant has not established an entitlement to the claimed view**

Del Mar's Trees, Scenic Views and Light Ordinance provides in relevant part: "A person shall have the right to seek restoration and preservation of Scenic Views or Sunlight that existed at the time they purchased or occupied a property or *in the last ten years, whichever is shorter* ...." (DMMC § 23.51.030(A), italics added.) An application therefore must be supported by "*[d]ocumentable evidence* that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or *in the last ten years, whichever is shorter*." (DMMC § 25.51.050(B)(2), italics added.) But the only evidence the applicant provides of his previously existing view is an undated photograph, attached as "PHOTO 1" to his application. Though applicant conspicuously fails to provide a date for the photograph—indeed, part of what might be a date label in the lower left corner is cropped—the photograph appears to be well over ten years old. The applicant is not entitled to have his view restored to what it was over ten years ago, and the applicant has not provided "documentable evidence" of what the

view was within the last ten years. It is therefore impossible for Mr. Harrington to know what view the applicant seeks to have restored, and the application fails for lack of evidence.

"Photo 1" is dated November 2018, so it is six years old – that is, it is within the last 10 years as required by the ordinance. Moreover, I have attested to the view that I have had for over 30 years, and my neighbors will likewise testify – all of which is to say, there is ample evidence of my "entitlement to the claimed view."

**The applicant has not established a loss of view**

Even if it were assumed that "PHOTO 1" was taken within the last ten years, the applicant has not established any loss of view. Notice that "PHOTO 1" was taken during the winter season, when the branches were bare of foliage. Those same branches filled with foliage would have blocked *all* of the applicant's whitewater view, even without any additional growth. In all the seasons of the year other than winter, the applicant's view was not materially better than it is now, based on the evidence that has been provided. Furthermore, the comparison photograph provided by the applicant, "PHOTO 2," is misleadingly taken at a lower angle than "PHOTO 1," making the current view look worse than it really is.

The fiction employed here is patently obvious. Mr. Harrington speciously claims that I have no "whitewater view" when the photos show otherwise. When the tree is trimmed, I can easily see the waves crashing on the shore across my entire bay window. As it stands now, I am able to barely eke out such views at one corner of the window, and that, too, will disappear if the tree is permitted to continue to grow uncontrolled.

Attached below is "PHOTO 4," taken on May 26, 2024, which shows the obstructed view. Please compare this to "PHOTO 1" (also shown below) to compare the unobstructed view when the tree is trimmed – notably, the photos are taken at precisely the same angle. Mr. Harrington's claims to the contrary are baseless.

PHOTO 1 TAKEN NOVEMBER 2018

PHOTO 4 TAKEN 05/26/24

**The applicant's view has not been unreasonably obstructed**

The Trees, Scenic Views and Light Ordinance does not exist to lock in residents' views as they existed at some date in the past; the ordinance applies only when "Scenic Views from the Primary Living Area, or Sunlight available to the Primary Living Area ... have subsequently been *unreasonably* obstructed by the growth of Trees or Vegetation ...." (DMMC § 23.51.030(A), italics added.) Here, Mr. Harrington has not allowed the vegetation on his property to get out of control. To the contrary, he has trimmed the Subject Tree three times since he purchased the property on October 11, 2021—most recently less than six weeks ago. (See enclosed receipts.) At most the crown of the Subject Tree has increased by a foot or two. In addition, Mr. Harrington has entirely removed the mature pine tree that can be seen in the right half of "PHOTO 1," so in that respect the applicant's view has improved. (See the photograph attached to the application below "PHOTO 2," showing that the mature pine tree is gone.)

Mr. Harrington has allowed the "Subject Tree" to grow unchecked in an uncontrolled manner ever since he moved in. I am no arborist, but I can see with my own eyes that the offending tree is thicker, higher and denser than when he first purchased the property a few years ago. There is nothing reasonable about purposefully letting his tree grow, after my repeated neighborly requests, to ensure that I cannot see the Scenic View from my home, and to greatly diminish the Sunlight from entering my property in the afternoon.

**1. The extent of alleged Scenic View obstruction, expressed as a percentage of the total Scenic View, and calculated by means of a surveyor's transit or by photographs or both**

The applicant has not provided a surveyor's transit and has not calculated the extent of the alleged Scenic View obstruction as a percentage. Furthermore, as noted, the single photograph that the applicant has provided of the previously existing view is undated and appears to be much greater than ten years old, and therefore not useful for making such a calculation.

**2. Documentable evidence that demonstrates the Scenic Views and/or Sunlight that existed at the time the Applicant purchased or began occupying a property, or in the last ten years, whichever is shorter**

Again, the applicant's single photograph of the previously existing view is undated and obviously older than ten years. The applicant therefore has not provided the documentable evidence required by the ordinance.

The photograph in question dates from November 2018. It should not take a ***surveyor's transit,*** whatever that is, to get Mr Harrington to do the decent neighborly thing and trim back his foliage. No neighbor in Del Mar has ever, to my knowledge, asked for or expected any such thing. Mr. Harrington is imposing unnecessary obstacles. In any case, the photo speaks volumes and is sufficient to meet the requirements of the ordinance.

**4. That the implementation of a Restorative Action will not create an unreasonable infringement of the Subject Tree owner's privacy that could not be mitigated**

If the Subject Tree were pruned low enough to give the applicant a relatively unobstructed view of the coast, this would severely compromise its ability to give privacy to Mr. Harrington's backyard. The applicant would then have a view directly down into the backyard from his alleged Primary Living Area.

**AND**

**12. The extent to which privacy (visual and auditory) and wind screening is provided by the Subject Tree to the owner and to neighbors**

As noted, the Subject Tree is the only means of providing privacy for Mr. Harrington's backyard. Without the tree, the applicant could peer directly into Mr. Harrington's backyard from the applicant's alleged Primary Living Area.

Paragraphs 4 and 12 both refer to Mr. Harrington's alleged privacy. Mr. Harrington's house is approximately **80 ft (**Eighty feet) from my living room window. He has just built a large house that gazes into my own backyard from a distance of **60 inches.** It seems that Mr Harrington's privacy is more important to him than my privacy. Notwithstanding this juxtaposition, the tree can be trimmed to permit my historic view of the ocean from my "alleged Primary Living Area" without sacrificing Mr. Harrington's privacy – much as it has for the 30 years preceding his purchase of the neighboring property. In fact, if properly trimmed, and maintained in that manner, my view would not extend to his backyard, but rather to the peak of the home's existing roof. It appears that Mr. Harrington is aiming to ensure that I do not see the monstrous size of the building he wishes to construct which will ensure that my view of the ocean is fully obliterated.

**6. The extent to which the Subject Tree causes shadows or reduces air circulation and/or light**

As shown in the photographs appended to the arborist's report and those enclosed separately, the Subject Tree has been appropriately thinned and trimmed and allows air circulation and light penetration. It is not overly dense or hedge-like.

On the contrary. Mr Harrington's photographs are taken from the side and give completely irrelevant views of is foliage. None of them are taken from the crucial direction, which is from my living room window. The attached photograph shows that this foliage does completely block my view of the ocean. It also cuts off the sunlight from my living room in the afternoons. Mr Harrington's photographs show none of this.

**8. The variety of Subject Tree, its projected rate of growth and maintenance requirements**

The Subject Tree, a Chinese Elm, is fully mature, having been planted long before the applicant purchased his property. According to the prior owner of Mr. Harrington's property, the tree is approximately sixty years old. As a mature tree, it is not projected to grow significantly larger. Furthermore, as explained in the enclosed arborist's report, the "[h]eight of [the] tree is naturally limited by the salty spray carried from the ocean by the prevailing breeze." For maintenance, the arborist recommends that "[p]runing should be limited to structural pruning and reserved at the lowest level of material removal required to satisfy pruning objectives." The arborist further recommends: "Retain as much leaf canopy as possible. Reserve pruning for thinning cuts, where structurally beneficial. Avoid removing any more material from the tree than is necessary to satisfy maintenance objectives."

**9. The aesthetic quality of the Subject Tree, including but not limited to species characteristics, size, growth, form and vigor**

The Subject Tree, a mature Chinese Elm, is a handsome tree, and the applicant does not contend otherwise. The tree is mature, and as such is not expected to increase significantly in size. Additionally, as noted, the tree's height "is naturally limited by the salty spray carried from the ocean by the prevailing breeze." Mr. Harrington's arborist assesses the tree's health condition as "Good" and its structural condition as "Fair."

**10. The extent to which the location of the Subject Tree with respect to overall appearance, design, or use benefits the Subject Tree owner's property**

The Subject Tree benefits the owner's property by providing much-needed shade, privacy, and cooling for the home and backyard. ….

**16. The value of the Subject Tree to the community/neighborhood**

The Subject Tree is a beautiful, mature tree that enhances the aesthetics of the community.

Nothing about the age or species of the tree gives Mr. Harrington the right to block my ocean view. Nor does the arborist's claim that trimming the tree, as it has historically been maintained, would damage the tree in any manner. Rather, the report appears to be bought and paid for by Mr. Harrington to obfuscate – nebulously suggesting retention of "as much leaf canopy as possible." The tree canopy can remain largely intact while still permitting my Scenic Views, and Sunlight to enter my home, much as it has for decades.

The great advantage to Mr. Harrington in not pruning his tree lies not in the state of that tree, but in its ability to block my view of the story poles he has recently erected outlining the enormous building he proposes to erect. This building promises to further compromise my view of the ocean. For these reasons I request Del Mar City Council to instruct Mr. Harrington to trim his foliage with no further prevarications or delays.

# RE: TVS24-001 - Photo

LA
Lee Andelin <lee@aac.law>
To Monique Gil
Cc Jim Sneed; Robert Scott; Thomas Harrington

Reply | Reply All | Forward

Mon 7/8/2024 6:43 PM

You forwarded this message on 7/8/2024 7:51 PM.

- Sturgis 11th Street Del Mar Chinese Elm.pdf 728 KB
- Sturgis 11th Street Photos Del Mar Drug Store.pdf 405 KB
- Sturgis 11th Street w Chinese Elm_East view.pdf 2 MB
- Sturgis 11th Street w Kentia Palm Chinese Elm.pdf 521 KB
- Sturgis 101 & 107 11th Street Del Mar.pdf 2 MB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you. And here are some historic photos that we obtained from the previous owner.

---

**Lee M. Andelin**
**Partner**

**AANNESTAD ANDELIN & CORN LLP**
160 Chesterfield Drive, Suite 201
Cardiff-by-the-Sea, California 92007
(760) 944-9006
lee@aac.law
www.aac.law

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**From:** Monique Gil <mgil@delmar.ca.us>

Happy New Years to You both

358

02-06

Name COL. STURGIS

Address

Date Clerk No. 14

ROLLS OR PACKS TO BE DEVELOPED

Do not put more than 5 Rolls per Envelope

| No. of Rolls | Size | Prints of Each | Size Contact or Jumbo |
|---|---|---|---|
| 1 | – | 1 | |

SPECIAL INSTRUCTIONS

NEGATIVES FOR REPRINTS

Put Negatives and Rolls in separate envelopes

| No. of Negs. | Size | Prints Each | Size Contact or Jumbo |
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| | | | |

Rolls 15

Packs

Prints @ 4

" @ 5

8 " @ 6 48

" @ 7

" @ 8

Enlargements @

Copies @

Total 63

Sales Tax

Total

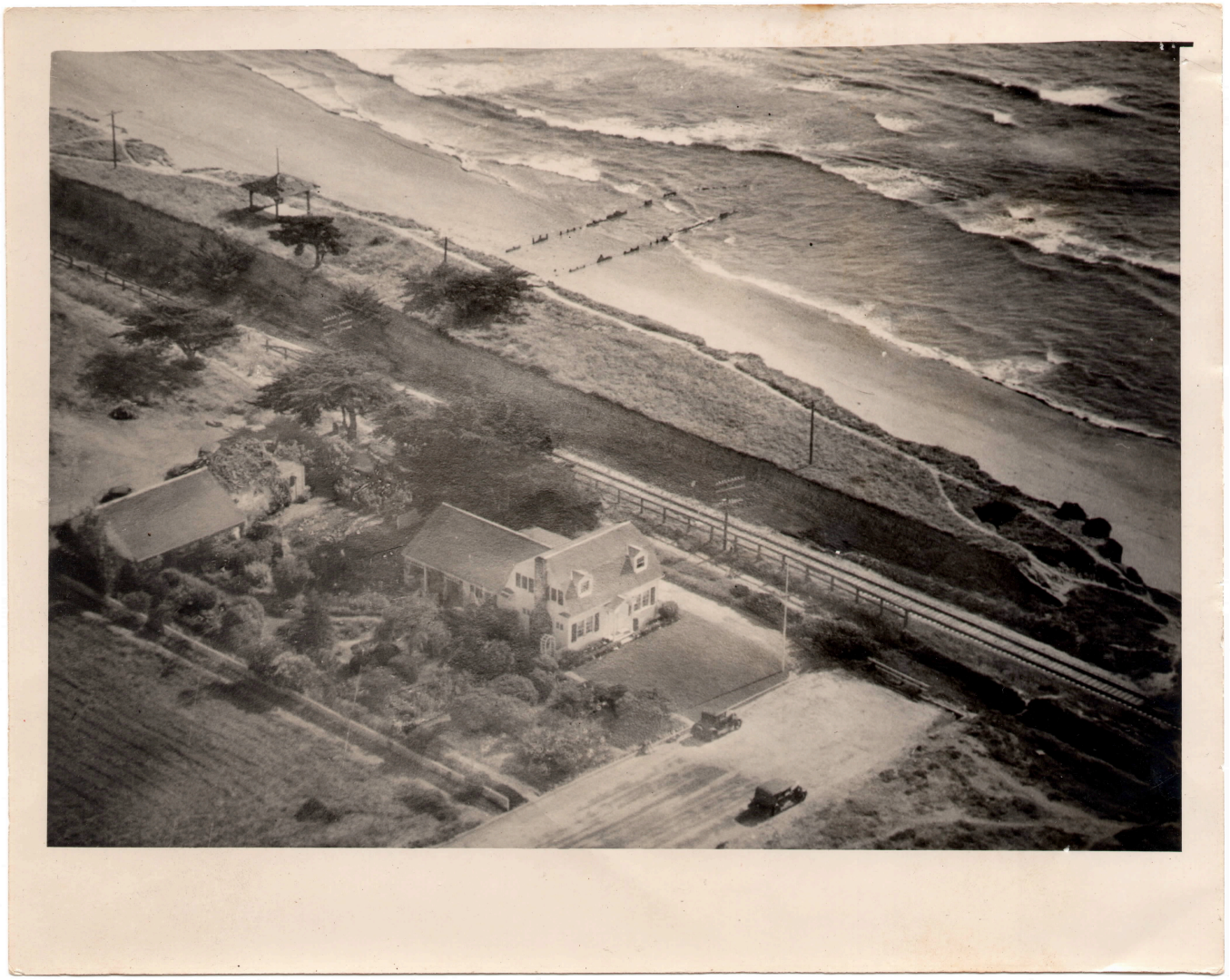
Processed by Phil's Photo Finishing especially for

DEL MAR DRUG STORE

DEL MAR CALIFORNIA

PRESCRIPTIONS KODAK FINISHING

CUSTOM KODAK FINISHING IN THE BROWN AND WHITE ENVELOPE



Adriana Jaramishian
To Monique Gil
Cc Amanda Lee

Reply | Reply All | Forward

Mon 7/8/2024 3:42 PM

You replied to this message on 7/8/2024 3:42 PM.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Monique,
Re: tomorrow's meeting ,July 9th at 6 pm, about Harrington's foliage blocking our views:
1. The photograph I supplied earlier, showing my unobsserctued view, dates rom November 2018.
2. I attach a photograph supplied by Bill and Karly Leopold at 125 11th St. this shows that Mr. Harrington's untrimmed trees are also blocking their ocean view as well as mine.
Thank you!
Start Anstid

Begin forwarded message:

**From:** Karla Leopold <karla@karlaleopold.com>
**Subject: View blockage from. Harrington's non trimmed trees**
**Date:** June 19, 2024 at 5:33:09 PM PDT
**To:** Karla Leopold <k.leopold@leopoldmanagement.com>, Bill Leopold <w.leopold@leopoldmanagement.com>
**Cc:** "Anstis, Stuart" <sanstis@ucsd.edu>

# TVS24-001 - Photo

LA

Lee Andelin <lee@aac.law>
To Monique Gil
Cc Jim Sneed; Robert Scott; Thomas Harrington

Follow up. Completed on Monday, July 8, 2024.
You replied to this message on 7/8/2024 9:50 AM.

20240521_173542.jpg
3 MB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Monique,

Here is a photo showing a perspective from the applicant's main living area (looking toward the north) that is not seen very well in the photos previously provided by the applicant.

Lee

**Lee M. Andelin**
**Partner**

AANNESTAD ANDELIN & CORN LLP
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lee@aac.law
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# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
August 13, 2024

APPLICATION: TPMC23-001/CDP24-004

REQUEST: A recommendation from the Planning Commission to the City Council to recommend approval of a Tentative Parcel Map (TPMC23-001) and Coastal Development Permit (CDP24-004) to allow the conversion of an existing detached residential duplex (two units) to condominium ownership.

APPLICANTS/OWNERS: Deal Del Mar LLC

OWNER'S AGENT: Jorge H. Palacios (JP Engineering, Inc.)

SITE LOCATION: 730-750 Stratford Court

ASSESSOR PARCEL NUMBER (APN): 300-181-07-00

COMMUNITY (GENERAL) PLAN DESIGNATION: High Density Residential

ZONING: R2 (High Density Mixed Residential)

OVERLAY(S): Coastal Overlay (Appeals Jurisdiction)

ENVIRONMENTAL STATUS: Pursuant to the California Environmental Quality Act (CEQA), the Project is found to be Categorically Exempt pursuant to Section 15315 (Class 15 - Minor Land Divisions) in that it proposes a division of property zoned for residential use within an urbanized area into four or fewer parcels, in conformance with the General Plan and Zoning, which does not request a variance from standards, has all services and access available, has not been involved in a division of a larger parcel within the previous two years, and does not have an average slope greater than 20 percent.

HOUSING IMPACT STATEMENT: This action is related to existing residential units to remain and therefore will not have any impact to the number of residential units in Del Mar. An in-lieu housing impact fee will be paid to accommodate future low-income housing efforts for the City.

BACKGROUND:

The subject property comprises a single lot measuring 7,994 square feet and is developed with two, detached, two-story residential units originally constructed in 2012 pursuant to approved Design Review Permit DRB08-20 and Coastal Development Permit CDP08-11. The lot itself is defined as a corner lot, with frontages on Little Orphan Alley to the south, 8th Street to the north, and Stratford Court to the east. The property is uniformly rectangular in shape, compliant with minimum size and dimensional standards for the R2 Zone, and is thoroughly landscaped with mature vegetation. The site's topography is relatively flat with the property to the west terraced down at a lower elevation. All surrounding properties are developed with exclusively single-family or duplex residential structures of similar age, scale and massing.

ANALYSIS:

Project Description:

The applicant is requesting approval of Tentative Parcel Map TPMC23-001 and Coastal Development Permit CDP24-004 to allow a subdivision of airspace and individual (condominium) ownership of each of the property's two residential dwelling units. The property itself would remain a single lot and with ownership and maintenance shared by the two owners in accordance with recorded covenants, codes and restrictions (CC&R's). Minor physical improvements to the pool/spa and fencing/walls are proposed under a separate application (ADR24-003) and are not under the purview of the Planning Commission. No physical improvements to the residential structures (including changes to existing landscaping and trees) are proposed otherwise.

Subdivision Review (DMMC Title 24):

Title 24 of the Del Mar Municipal Code (DMMC) stipulates requirements for subdivisions and further implements requirements of California's Subdivision Map Act. Chapter 24.40 of the DMMC provides specific procedures and requirements that regulate conversion of existing rental housing to condominium ownership (subdivision of airspace), with the goals of:

- *Reducing the impact of such conversions on residents who may be required to relocate due to the conversion of apartments to condominiums by providing procedures for notification and adequate time and assistance for such relocation.*

- *Assuring that purchasers of converted housing have been properly informed as to the physical conditions of the structure which is offered for purchase.*

- *Ensuring that converted housing achieves a high degree of appearance, quality, and safety, and is consistent with the goals of the City.*

Specifically, the Tentative Map has been found to be consistent with the following relevant sections of the City's Municipal Code:

*Engineering Review* - Per DMMC 24.01.060- 24.01.070, the Tentative Map has been reviewed by the City's Project Engineer and Public Works Department and with the inclusion of suggested conditions of approval (Exhibit A) found the Tentative Map to be consistent with map design standards, requirements for Grading and Erosion Control, and Storm Water Management and Discharge Control. A new Soils Report was not required in that all of these issue areas were addressed in the project when constructed and there are no new improvements to warrant a new review.

Further, monumentation consistent with DMMC 24.01.150 will be required to be provided per the conditions of approval included in the draft resolution (Exhibit A).

*Physical Elements Report* - In accordance with §24.40.020 of the DMMC, the Applicant has provided a "Physical Elements Report" (Bokal and Sneed Architecture, February 22, 2024) which details the condition of the building and the broader property. The intent in providing the document and analysis is to ensure that residential conversions occur only when a structure maintains or creates a "high degree of appearance, quality and safety, consistent with the goals of the City." The report concludes that the structures have been built in accordance with contemporary codes and construction methods, resulting in an estimated remaining useful life of not less than 35 years. Therefore, staff finds that the subject residences conform to the standards and intent of DMMC §24.40.020 and is accordingly suitable for conversion to condominium ownership.

*Physical Standards* - §24.40.060 of the DMMC stipulates Specific Physical Standards criteria to which any residential conversion must adhere, including conformance with applicable City building codes, Zoning Regulations, provisions for fire prevention, separate utility metering for each converted unit, a provision of 200 square feet of private storage space, laundry facilities, and landscape maintenance. These two units comply with the conversion design criteria enumerated in §24.40.060 and with standards of the California Building Code when the structures received final inspection.

Specifically, the property is in conformance with the R2 Development Standards as analyzed below:

| Standards | R2 Zone | Existing Condition |
|---|---|---|
| Density | 12.5 dwelling units per net acre. (2.3 units) | 2 units |
| Min. lot size | 7,000 sq. ft. | 7,994 sq. ft. |
| Min. street frontage | 35 feet | 50 feet (8th Street); 160 feet (Stratford Court) |
| Min lot width | 50 feet | 50 feet |
| Min. lot depth | 90 feet | 160 feet |
| Front yard setback | 20 ft. | 20 ft. |
| Rear yard setback | 20 ft. | 20 ft. |
| Street side yard (East) | 10 ft. | 10 ft. |
| Interior side yard (West) | 5 ft. | 5 ft. |

| | | |
|---|---|---|
| FAR | 35% | 34.9% |
| Max. lot coverage | 50%. | 31.2% |
| Height limitation | 26 ft. | 730 Stratford Ct.: 25' 6"<br>750 Stratford Ct: 23' 7" |

A breakdown of each unit's floor area follows below:

Unit 1 (730 Stratford Court)
Floor Area:

| | |
|---|---|
| First Floor: | 712 square feet |
| Second Floor: | 490 square feet |
| Basement (Exempt FAR) | 941 square feet |
| Garage (one vehicle): | 200 square feet |

Total FAR for Unit 1: 1,402 square feet
Total for Unit 1 (including basement): 2,343 square feet

Unit 2 (750 Stratford Court)
Floor Area:

| | |
|---|---|
| First Floor: | 712 square feet |
| Second Floor: | 475 square feet |
| Basement (Exempt FAR) | 923 square feet |
| Garage (one vehicle): | 200 square feet |

Total FAR for Unit 2: 1,387 square feet
Total for Unit 2 (including basement): 2,310 square feet

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Total floor area of duplex: 2,789 square feet
Total (including basement) 4,653 square feet

Per DMMC 30.80.030 B. two- or three-bedroom units (on a multi-family lot) must provide two parking spaces per unit (one space in a 200 square foot garage). Both units at 730 and 750 Stratford Court are three- bedroom units and provide one 200 square foot garage and one carport each accessed by driveways off Stratford Court consistent with the parking requirements of the DMMC.

*Affordable Housing Mitigation* - Pursuant to DMMC Chapter 24.21 (Affordable Housing Mitigation), to minimize the potential for adverse impacts to the supply and availability of rental housing that may occur with conversion to individual ownership, a condition of approval has been included in the attached, draft resolution that an In-lieu Housing Mitigation Fee shall be paid by the Applicant to the City. The adopted In-Lieu fee is $35 per square foot of habitable area. The existing habitable area of both units is 4,653 which equates to an in-lieu fee of $162,855. These funds will be placed into the City's Housing Assistance Fund and utilized to acquire property, property rights and/or to construct new housing for individuals or households of moderate, low, very low and extremely low incomes. Further, the approval of this Tentative Map is consistent with DMMC 24.21.060 in

that the City has not authorized any other condominium conversions in the last year which means that less than 60 dwelling units have been approved in the last calendar year.

There are no tenants on this property so the noticing provisions for tenants per DMMC 24.40.070 and 24.21.105 are not required.

*Subdivision Findings* - Pursuant to DMMC 24.40.100 the Tentative Map can be approved making the required findings in that, as analyzed in the report previously, the Tentative Map meets the requirements for Subdivisions per DMMC 24.40.100 and is consistent with the City's General Plan in that the action is consistent with the R2 zoning and density requirements (2 units). The two units are a more recent build (2012) and have been maintained to a high degree of appearance, quality, and safety, per the Physical Elements Report. Further, there are no current or recent tenants of the property so this conversion would not displace any tenants of any income level.

Coastal Development Permit Review (DMMC Chapter 30.75):

The subject project proposes a subdivision (as defined in Chapter 30.04.180 of the DMMC) on land located with the City's Coastal Overlay and the appeals jurisdiction of the California Coastal Commission, and requires approval of a Coastal Development Permit (CDP) in accordance with the City's Local Coastal Program (LCP).

Per DMMC §30.75.140 the following seven findings must be made for approval of a CDP:

1. **That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located**

   Pursuant to the adopted City of Del Mar Community (General) Plan and Zoning Ordinance, two units on one lot is a permitted use in the R2 Zone and the project meets the density requirement for this lot of 12.5 units per net acre.

2. **That the proposal meets the criteria of the applicable chapters of this Title**

   The proposed project, as conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically Chapters 24.01 (General Provisions), 24.21 (Dedication: Affordable Housing Mitigation), 24.40 (Conversion of Residential Property), 30.20 (R2, High Density Mixed Residential), and Chapter 30.80 (Parking).

3. **That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program**

   The proposed subdivision (tentative parcel map) has been reviewed by the Planning, Public Works and Engineering Departments and found to conditionally comply with all applicable standards of design. The condominium Tentative Map will not have any impact on Coastal Resources as there are no new structures as a part of this request and public access is not required to be provided as a part of this Map as the nearest public access point is located at

nearby 15th Street since this property is separated from the ocean by other private properties, the existing rail line, and then the Coastal Bluffs beyond.

4. **That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

   While the subject property is located between the first public road and the sea, adequate public access to the coast exists elsewhere in close proximity at (public) Seagrove and Powerhouse Parks. Moreover, as the property is separated from coastal access by other developed and privately owned properties, existing railroad tracks, as well as a steep coastal bluff, existing opportunities do not exist to create new public access. No public recreation facilities exist on the property and none would be impacted with implementation of the Project.

5. **That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

   The Project site is not located in the Beach Overlay Zone, therefore this finding is not applicable.

6. **That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

   The Project is proposed on privately owned property where no public views presently exist and the property is not located within nor does it contain any natural features as those referenced in Policy Numbers IV-22 through IV-27 of the LCP Land Use Plan.

7. **That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

   The Project site does not contain wetland resources nor will it result in the creation of a wetland as defined in the LCP and so this finding is not applicable.

As the proposed subdivision is found to comply with all applicable standards for subdivisions and is consistent with the City's Local Coastal Program all findings can be made to allow the Planning Commission to recommend (to the City Council) approval of the CDP request as found in the draft resolution (Exhibit A).

CORRESPONDENCE:

No correspondence has been received concerning this Project.

RECOMMENDATIONS:

This Project has been reviewed by the Planning, Public Works and Engineering Departments and has been found to comply with applicable standards of the DMMC. Therefore, the Planning Commission should recommend that the City Council conditionally approve Tentative Parcel Map TPMC23-001 and Coastal Development Permit CDP24-004 as proposed.

_____
Jennifer Gavin
Associate Planner

EXHIBITS:

Exhibit A - Draft Planning Commission Resolution PC-2024-xx

RESOLUTION NO. PC-2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP (CONDOMINIUM) TPMC23-001 AND COASTAL DEVELOPMENT PERMIT CDP24-004 TO ALLOW THE CONVERSION OF AN EXISTING RESIDENTIAL DUPLEX (TWO DETACHED UNITS) TO CONDOMINIUM OWNERSHIP, ON LAND LOCATED WITHIN THE R2 (HIGH DENSITY RESIDENTIAL) ZONING AND COASTAL OVERLAY DISTRICTS AT 730 AND 750 STRATFORD COURT, DEL MAR, CALIFORNIA

APN: 300-181-07-00

WHEREAS, Deal Del Mar, LLC ("Applicant") is the owner of real property commonly referred to as 730 and 750 Stratford Court (APN 300-181-07-00) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Tentative Parcel Map (Condominium) (TPMC) and Coastal Development Permit (CDP) to allow the conversion of two existing detached residential units to condominium ownership (the "Project") on land located within the R2 (High Density Residential) Zoning, South Beach Community Plan Designation, and Coastal Overlay at the Property; and

WHEREAS, said verified application constitutes a request as provided by Titles 24 and 30 of the Del Mar Municipal Code (DMMC); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Project is found to be Categorically Exempt per Section 15315 (Class 15 - Minor Land Divisions) in that it proposes a division of property zoned for residential use within an urbanized area into four or fewer parcels, in conformance with the General Plan and Zoning, does not request a variance from standards, has all services and access available, has not been involved in a division of a larger parcel within the previous two years, and does not have an average slope greater than 20 percent; and

WHEREAS, on August 13, 2024, the Planning Commission of the City of Del Mar held a duly noticed public hearing to review TPMC23-001 and CDP23-004, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

a. Tentative Parcel Map TPMC23-001 submitted by the Applicant.
b. Written information submitted with the application.
c. Oral testimony from City staff, the Applicant and the public (if any).
d. Staff Report, dated August 13, 2024, which is incorporated by this reference as though fully set forth herein.
e. Additional information submitted during the hearing (if any); and

WHEREAS, DMMC §30.75.080 (B)(7) states:

*Unless otherwise specified in this Chapter, the Planning Commission shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for applications for the subdivision of land; and*

WHEREAS, DMMC §24.60.020 states:

*Tentative parcel maps shall be subject to the requirements and procedures applicable to tentative maps contained in Chapter 24.50; and*

WHEREAS, DMMC §24.50.110(A) and (C) (respectively) state:

*The Planning Commission shall conduct a public hearing on the proposed tentative map; and*

*Within fifty days of the filing of the tentative map with the secretary of the Planning Commission, the Planning Commission shall file with City Clerk its findings and its recommendation based on those findings. The Planning Commission will recommend to the City Council the approval, conditional approval or denial of the tentative map. As appropriate, the Planning Commission shall recommend the kind, nature, and extent of improvements should be constructed or installed.*

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Del Mar Finds the project to be Categorically Exempt per Section 15315 (Class 15 - Minor Land Divisions) in that it proposes a division of property zoned for residential use within an urbanized area into four or fewer parcels, in conformance with the General Plan and Zoning, does not request a variance from standards, has all services and access available, has not been involved in a division of a larger parcel within the previous two years, and does not have an average slope greater than 20 percent' and

THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Del Mar adopts the following findings and recommends that the City Council approve TPMC23-001 subject to conditions of approval:

1. The proposed project, as conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically Chapters 24.01 (General Provisions), 24.21 (Dedication: Affordable Housing Mitigation), 24.40 (Conversion of Residential Property), 30.20 (R2, High Density Mixed Residential), and Chapter 30.80 (Parking).

2. The proposed map is consistent with the Del Mar General Plan in that the proposed residential use in the R2 Zoning Designation and density of development (12.5 units per net acre) are permitted under the Community Plan requirements for the South Beach neighborhood.

3. As conditioned, the design of the proposed subdivision will conform with the Municipal Code in effect at the time of tentative map in that all requirements have been met for residential conversion of the existing two units to condominium ownership.

4. The overall design and physical condition of the conversion achieves a high degree of appearance, quality and safety as provided in the Applicant's Physical Elements Report

5. The conversion will not displace predominantly low and moderate income families or tenants without adequate provision for suitable relocation of such families or tenants in that there are no tenants on this property; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Del Mar adopts the following findings and recommends that the City Council approve CDP24-004 subject to conditions of approval:

1. **That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located**

   Pursuant to the adopted City of Del Mar Community (General) Plan and Zoning Ordinance, two units on one lot is a permitted use in the R2 Zone and the project meets the density requirement for this lot of 12.5 units per net acre.

2. **That the proposal meets the criteria of the applicable chapters of this Title**

   The proposed project, as conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically Chapters 24.01 (General Provisions), 24.21 (Dedication: Affordable Housing Mitigation), 24.40 (Conversion of Residential Property), 30.20 (R2, High Density Mixed Residential), and Chapter 30.80 (Parking).

3. **That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program**

   The proposed subdivision (tentative parcel map) has been reviewed by the Planning, Public Works and Engineering Departments and found to conditionally comply with all applicable standards of design. The condominium Tentative Map will not have any impact on Coastal Resources or Public Views as there are no new structures as a part of this request and public access is not required to be provided as a part of this Map as the nearest public access point is located at nearby 15$^{th}$ Street since this property is separated from the ocean by other private properties, the existing rail line, and then the Coastal Bluffs beyond.

4. **That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable**

**requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

While the subject property is located between the first public road and the sea, adequate public access to the coast exists elsewhere in close proximity at (public) Seagrove and Powerhouse Parks. Moreover, as the property is separated from coastal access by other developed and privately owned properties, existing railroad tracks, as well as a steep coastal bluff, existing opportunities do not exist to create new public access. No public recreation facilities exist on the property and none would be impacted with implementation of the Project.

5. **That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

   The Project site is not located in the Beach Overlay Zone, therefore this finding is not applicable.

6. **That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

   The Project is proposed on privately owned property where no public views presently exist and the property is not located within nor does it contain any natural features as those referenced in Policy Numbers IV-22 through IV-27 of the LCP Land Use Plan.

7. **That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

   The Project site does not contain wetland resources nor will it result in the creation of a wetland as defined in the LCP and so this finding is not applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the recommendations for approval are subject to the following conditions:

## General

G-7 *[Code Compliance]*

Approval of this application shall not waive the requirement for compliance with the provisions of the DMMC or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this Permit authorization.

G-15 *[Indemnification]*

By accepting this permit and Tentative Map authorized herein, the applicant agrees to indemnify, defend and save the City of Del Mar, its authorized agents, officers, representatives and employees harmless from and against any and all penalties, liabilities, annoyances, or loss resulting from claims or court action and arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit.

Miscellaneous

M-1 [*Easement holder outreach and final map approval*]
Prior to recordation of the final parcel map, the Applicant shall submit correspondence from all onsite public utilities holding easements within the proposed subdivision acknowledging receipt of a copy of the proposed Final Parcel Map and stating their objection or approval of the filing of the map without their signature.

M-2 [*Payment of City fees*]
Prior to recordation of the Final Map, all outstanding City fees shall be paid.

M-3 [*Map titles*]
At the time of recordation of the Final Map, the name of the person(s) authorizing the map and whose name(s) appears on the map as the person (s) who requested the map, shall be the name of the owner(s) of the subject property and shall be the same party or parties as shown on the Tentative Parcel Map unless the Director of Planning and Community Development has approved the substitution of a successor-in-interest to such party or parties.

M-4 [*Requirement for an encroachment permit*]
An Encroachment Permit for any work within public right-of-way shall be obtained prior to issuance of building permits.

M-5 [*Final map conformance to requirements of Subdivision Map Act*]
The Final Map shall comply with the most current provisions of the Subdivision Map Act and City of Del Mar Municipal Code Title 24 (Subdivision Ordinance).

M-6 [*Submittal of title report, verification of property ownership*]
Prior to the approval of the Final Map by the City Engineer, the Applicant shall submit a title report dated within six months of the date of submittal, copies of sufficient documentation to verify lot legality and current ownership, and a subdivision guarantee from a qualified title insurance company. The guarantee shall have a minimum $1,000 liability coverage and in a form acceptable to the Director of Planning and Community Development as well as the City Engineer.

M-7 [*Updated date of map preparation*]
The date of preparation should be updated as needed on the map.

Planning

PLN-2 [*Payment of In–Lieu Housing Mitigation fees*]
In accordance with Del Mar Municipal Code Chapter 24.21.015, prior to the recordation of the Final Map the subdivider shall pay In–Lieu Housing Mitigation fees in the amount that such fees exist at the time of payment per resolution of the City Council.

PLN-3 [*Coastal Development Permit expiration*]
If the development approved by Coastal Development Permit CDP23-004 is not established within three years (36 months) of the date its approval by the City Council, the approval shall expire and become null and void.

PLN-4 [*Map expirations*]
Tentative Parcel Map TPMC23-001 shall expire two years (24 months) after its approval or conditional approval by the City Council. Upon application received at a meeting of the City Council at least sixty (60) days prior to the expiration of -TPMC23-001, the City Council may extend the time of expiration for a period consistent with Map Act requirements.

Engineering

E-1 *[Separate Permits for Off-site Work]*
All improvements to off-site facilities, including the provision of reciprocal access and/or utility lines as proposed or required pursuant to the conditions of this Permit, shall be subject to the receipt of separate City permits, as applicable.

E-2 *[Engineering Fee]*
Prior to approval of the Parcel Map, the applicant shall provide fees as delineated in the City's Engineering Review Fee Schedule as funds necessary for Engineering Department review of the proposed site improvements, if needed. If additional review beyond the scope outlined in the Engineering Review Fee Schedule becomes necessary, a supplemental deposit(s) will be required.

E-3 Prior to first submittal of the Parcel Map for review, the applicant shall pay an in-lieu fee, to the City of Del Mar, for future improvement of 9$^{th}$ Street as indicated in the approved cost estimate prepared by the Engineer of Work.

E-4 [Water Service]
If not already existing, each residence will require its own dedicated metered water service.

E-4A Any water lines that cross between the exclusive use areas of the condominium parcel must be severed and capped so each exclusive use area's water system is isolated within said exclusive use area.

E-4B Any landscaping in common areas shall require a separate water meter and irrigation system with controller. The monthly water service shall be paid for by the Home Owner's Association.

E-5 Each structure withing the one lot condominium Parcel Map shall have its own sewer service. Should a new sewer lateral(s) be required, then an improvement plan, for the new lateral, shall be required.

E-6 The applicant shall comply with all City, County, State and Federal laws and regulations applicable to this Parcel Map.

E-7 [Parcel Map Conditions]

E-7A A final condominium Parcel Map shall be required to consolidate the two lots into one parcel for condominium purposes. With the Parcel Map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the Parcel Map which shall create a Homeowners Association for the development. The CC&R's shall be subject to the review and approval of the City Attorney, Planning Director and the City Engineer prior to recordation of the Parcel Map. The Homeowners Association shall be responsible for the maintenance of the Common areas, on the property and other common areas not within the area of a dedicated public street and facilities on the site. The project CC&R's shall include an exhibit showing the location of all the common private improvements to be maintained by the Homeowners Association. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the Home Owner's Association;

E-7B The applicant's engineer/surveyor shall submit a preliminary copy of the condominium Parcel Map along with a preliminary copy of the title report, traverse calculations, monumentation bond estimate and a copy of the adjoining deeds and/or recorded maps to the City for review.

E-7C Any dedications, open offers of dedication, or grants of easements to the City may be dedicated and accepted on the face of the Parcel Map. Agreement or other required items shall be recorded as separate documents concurrently after recordation of the Parcel Map;

E-7D The project developer shall create private storm drainage easements on the Parcel Map, if needed, across the project for the benefit of the individual exclusive use areas, subject to the review and approval of the City Engineer; and

E-7E The condominium Parcel Map shall be in substantial conformance to the approved Tentative Parcel Map and must be submitted to the City Engineering Department for review and approval. The condominium Parcel Map shall be prepared, wet signed and sealed by a Civil Engineer or Land Surveyor, registered in the State of California and licensed to prepare maps.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar, this 13th day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Philip Posner, Chair
Planning Commission
City of Del Mar, California

ATTEST:

_____
Karen Brindley
Director of Planning and Community Development
City of Del Mar, California

# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
August 13, 2024

APPLICATION(S): CUP24-003/CDP24-020

REQUEST: A Planning Commission recommendation to the City Council for approval of Conditional Use and Coastal Development Permits to underground utility lines, remove utility poles, install above-grade utilities, and perform related trenching and grading within the Bluff, Slope, and Canyon and Lagoon Overlay Zones.

APPLICANTS/OWNERS: City of Del Mar

SITE LOCATION: Public right-of-way and easements in the X1A Undergrounding District

ENVIRONMENTAL STATUS: Pursuant to the California Environmental Quality Act (CEQA), the proposed project has been analyzed and determined to be Categorically Exempt pursuant to CEQA Guidelines Section 15302(d) (Class 2) and 15304 (Class 4) because the project does not cause any significant environmental impacts from removal of overhead electric utility distribution systems to the placement of underground utility lines and supporting aboveground transformers and communication facilities which includes restoring the surface to the existing environmental condition. The removal of the powerlines enhances the visual quality of the environment and improves public safety from elimination of those overhead lines. As the project is designed and as it is monitored during construction, none of the six exceptions to this Exemption apply.

The environmental review analysis is included below.

HOUSING IMPACT STATEMENT: This project scope does not include any type of housing development and will not impact the number of housing units in Del Mar.

BACKGROUND:

This project is a part of the citywide Utility Undergrounding Project (UP), which will remove utility poles and replace overhead cables for electricity and telecommunications with underground lines. The UP is planned to be implemented in phases/segments over several years and has been divided into several districts. One of these segments is the X1A portion of the project, which is referred to herein as UUD X1A (See Exhibit A for the X1A map that shows the District boundaries). These boundaries roughly follow the San Dieguito Lagoon and Crest Canyon including a segment of San Dieguito Drive, Oribia Road, Crest Road, and portions of Serpentine Drive, Avenida Primavera, Zuni Drive, 15th Street, and Hoska Drive.

Pursuant to the requirements of the Lagoon Overlay and Bluff, Slope, and Canyon Overlay requirements, the Planning Commission will be reviewing the project and making a

recommendation to Council for a Conditional Use Permit (CUP) and a Coastal Development Permit (CDP). The City Council will be the final decision body on all required discretionary permits (DRB, CUP, and CDP).

ANALYSIS:

Project Description

The project includes new publicly performed trenching and the installation of conduit, equipment pads, and retaining walls associated with the proposed undergrounding of electrical and telecom facilities within approximately 12,300 lineal feet of existing public right-of-way, easements, and private streets in the area. The project will also include homeowner performed trenching and conduit installation to allow for homeowner overhead lines to be buried from the City underground line to the homeowner's electric meters. There are approximately eighty-five (85) homes where overhead services currently exist that will be buried in this manner. The project will also include public and homeowner repairs to the surface improvements (roadways and hardscape) and replacement of vegetation disturbed during construction of the trench, pads, handholes, and retaining walls. The utility agency will install equipment and wiring for the proposed electrical and telecom services and will remove all overhead wires and poles currently located within the X1A Undergrounding District. The majority of the work will occur within existing streets and driveways with some limited exceptions, such as: where equipment and walls are adjacent to the paved areas; where the homeowner is required to trench through their yards to existing meter locations; and where overhead utility lines and pole removals travel across open space areas such as canyon and lagoons.

In the case of lines crossing in areas where there are Torrey Pines and where the project is within the dripline of a Torrey Pine or Monterrey Cyprus Tree, the trenching will be hand dug as required by the City's Tree Protection Plan. (Exhibit B).

Both a Conditional Use Permit (CUP24-003) and a Coastal Development Permit (CDP24-020) are required for UUD X1A because the project is partially located in the Lagoon Overlay Zone (L-OZ) (along San Dieguito Drive) and partially in the Bluff, Slope and Canyon Overlay Zone (BSC-OZ).

Consistency with the Lagoon Overlay Zone (L-OZ)

This project is subject to a Conditional Use Permit and Coastal Development Permit (CDP) for the portion of the project located within the Lagoon Overlay Zone. Most of the project site is not located within a wetland, however, a portion of the site is located within the 100-foot wetland buffer and as such a CDP is required pursuant to DMMC 30.53.100 A. In limited cases some telecom poles are within or immediately adjacent to the wetland. In these circumstances, construction will be performed by cutting the poles at ground level and "boom trucks" will be staged on San Dieguito Drive to lift the wires and poles out and onto the road to then process for disposal. This construction practice eliminates any impacts to the wetland or lagoon resources.

Should the boom trucks not be able to reach the poles, then a low impact construction practice would be employed. In these limited cases, the poles would be removed by hand. The crews would walk out to the pole and hand cut the pole to ground level, fell the poles, cut them into manageable pieces, and haul the pieces out with a small rubber tractor-trailer or wheelbarrow.

City staff is coordinating the CDP permitting effort with Coastal Commission staff to determine which poles (potentially up to five out of ten poles) are within the City's CDP issuing jurisdiction and the other poles being located in the Commission's "original jurisdiction." The original jurisdiction poles require a separate CDP that is approved by the Coastal Commission itself.

All other trenching and utility undergrounding within the Lagoon Overlay Zone will occur within the City right-of-way. Post utility undergrounding, the paved roadway will be restored to its original condition.

These utility improvements are consistent DMMC §30.53.090A.2 which allows utility work to occur within a wetland buffer. As noted above, there are environmental benefits from the undergrounding of poles and wires because the removal will enhance the scenic resources of the wetland areas. Moreover, the grading within UUD X1A has been kept to the minimum necessary to locate above ground facilities with grading quantities being less than 25 Cubic Yards (CY) and retaining walls that will not exceed a maximum height of four feet two inches (4'3").

**Consistency with the Bluff, Slope, and Canyon Overlay Zone (BSC-OZ)**

Pursuant to DMMC §30.52.060, a Coastal Development Permit and Conditional Use Permit are required when a project is within the BSC-OZ. Here, the X1A undergrounding work includes some areas where either trenching, pole removal, grading, and/or construction of a retaining wall are to be located in substantially steep slopes and/or steep slope setbacks. Generally, these areas include the following:

- San Dieguito Drive adjacent to 1810 San Dieguito Drive (Plan Sheet C-4, C-5)
- Oribia Road adjacent to 1420 to 1490 Oribia Road (Plan Sheet C-8)
- Oribia Road adjacent to 1200 Oribia Road (Plan Sheet C-10)
- Oribia Road adjacent to Crest Canyon (Plan Sheet C-11)
- Crest Road adjacent to Crest Canyon (Plan Sheet C-21, 25)

Only two poles are proposed to be removed that are currently located in either substantially steep slopes or steep slope setbacks: The first is located at 1305 Crest Road and the other pole is located on Crest Road at the intersection with Amphitheatre Drive adjacent to Crest Canyon.

Poles that are inaccessible from the City right-of-way will include a crew walking in, hand cutting the pole, cutting the pole into manageable pieces, and hauling the pieces out with a small rubber-tired tractor-trailer or wheelbarrow. Alternatively, SDG&E may choose to helicopter the pieces out where the labor force is unable to remove the poles by hand.

One retaining wall will be located adjacent to 1810 San Dieguito Drive to accommodate a concrete pad with a handhole and pedestal. The grading and retaining wall are located in both substantially steep slopes and steep slope setbacks. The grading quantity is minimal being only 0.2 CY total, and the maximum height of the retaining wall is only three feet four inches (3'4") feet (2 feet visible above grade). A detail for the wall has been included as Exhibit C.

As a construction practice, trenching and grading was carefully sited to avoid steep slopes and the steep slope setbacks. The design objectives resulted in a limited encroachment into steep slopes. In total only 0.01% of the project encountered steep slopes within the Underground District area. As a utility project that has been designed to be minimally impactful to steep slopes, the project is consistent with DMMC §30.52.060.A.5 Where encroachment into steep slope areas was unavoidable, the utility work has been designed to the minimum size necessary and any placement of aboveground structures are designed to follow the natural contours of hillsides. Accordingly, these practices minimize the amount of soil disturbance and preserves the natural topography of the sloped area.

CONDITIONAL USE PERMIT (CUP24-004)

Pursuant to DMMC Chapter 30.60, the granting of a Conditional Use Permit for the improvements within the Lagoon Overlay Zone shall be supported by findings of fact supporting the five standards of review cited below. With each of the required standards, staff has provided a Finding for the Planning Commission's consideration.

1. **That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.**

The undergrounding of utilities into the City Right of Way and associated trenching, grading, and pole removal is a permitted use in the Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone.

2. **That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements on such vicinity and zone in which the property is located.**

The undergrounding of utilities lines will be a benefit to the public and improve the established character of the surrounding neighborhood by removing unsightly power lines and poles. Additionally, public safety will be improved in that the project area is located in the Wildland Urban Interface (High Severity Fire Area) and so undergrounding the lines will reduce the risk of fire for this area. And the project has been designed to minimize the environmental impacts to a level of insignificance.

**3. That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on the streets.**

The project will be an improvement to public utility infrastructure and will not have an undue burden on the streets.

**4. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as are required by this chapter or as are needed, in the opinion of the Planning Commission, or the City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

The proposed project will underground existing overhead utility lines therefore, setbacks, landscaping, parking, etc. standards are not applicable to the design of the project. Typical development standards in the Zoning Code are not applicable to this project, in that the project includes removing utility poles and replacing overhead cables for electricity and telecommunications with underground lines, which will be located in existing roadway/right-of-way and utility easements. As a result, the project will be compatible and harmonious with surrounding uses.

**5. That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.**

This Conditional Use Permit request is consistent with the City's Community Plan, Community Development Goal 3, Objective and Policy F. 4. which calls for a program to underground overhead utilities.

<u>COASTAL DEVELOPMENT PERMIT FINDINGS/PROJECT'S CONSISTENCY WITH THE LOCAL COASTAL PROGRAM (LCP)</u>:

The project requires a Coastal Development Permit (CDP) due to its location in the Lagoon and Bluff, Slope, and Canyon Overlay Zones. The LCP Implementing Ordinances, the entirety of which have been distributed to the Planning Commission under separate cover, comprise the standards by which CDPs are to be reviewed and approved.

Staff has reviewed the application for consistency with the applicable provisions (standards) of the LCP, specifically the resource protection, avoidance of hazards, and public access standards. With regard to public access standards, portions of the project are located between the sea and the first public roadway. As such, the development is subject to review under the public access standards of Chapter 30.61 of the LCP Implementing Ordinances (and the corresponding chapter of the Zoning Code.) The regulatory standards of this Chapter requires that any decision on the

requested Coastal Development Permit include a specific finding(s) as to why the requested permit should or should not be conditioned to require the provision of public access opportunities to and/or along the shoreline, opportunities in the form of public access easements, installation of access improvements, or both.

In terms of Public Access, all existing public access points would remain and the few retaining walls that must be constructed to accommodate above ground utility facilities have been located in a manner that will not impede vehicular or pedestrian travel.

Additionally, the project is consistent with the purpose and requirements of the Lagoon Overlay Zone in that the majority of the project is barriered from the San Dieguito Lagoon by San Dieguito Road and, where poles are in or adjacent to the wetland, removal procedures will be followed to avoid negative impacts.

The project is consistent with the purpose and requirements of the Bluff, Slope, and Canyon Overlay in that the project has been designed to the minimum size necessary and to follow the natural contours of hillsides so as to minimize the amount of soil disturbance and encroachment into steep slopes and steep slope setbacks commensurate with preserving the natural topography of the area. Utility poles in steep slopes and steep slope setbacks will be specially cut and removed (or air-lifted out) to best protect bluff, slopes, and canyons located within the project area.

Further, where the project is within the dripline of a Torrey Pine or Monterrey Cyprus Tree, the trenching shall be hand dug to avoid any damage to these protected trees.

The project, as conditioned, has been found by staff to meet all the applicable provisions of the City's certified LCP and the California Coastal Act. Staff is therefore recommending conditional approval of the CDP. Staff is also recommending that the required findings of approval may be made because the proposed use is consistent with the uses allowed for the underlying zone; and that the proposed project meets the criteria and is consistent with the provisions of the certified Local Coastal Program, including those provisions regarding preservation of public views, provision of public access opportunities, and resource protection. The draft resolution with recommended CDP findings is included as Exhibit D.

ENVIRONMENTAL REVIEW

As noted above, staff has determined this project be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(d) (Class 2) and 15304 (Class 4) in that the project includes the conversion of overhead electric utility distribution systems to underground and includes restoring the surface to the existing condition and where no significant environmental impacts are generated.

The project also requires minor alterations of land in six locations with low grading quantities and low retaining wall heights (4'3" maximum) to locate required above ground facilities for the

undergrounded lines such as handholes, transformers, and pedestals. The proposed project has been sited, designed, and will be constructed consistent with the Cultural Resources Assessment titled "Cultural Resource Assessment for the Crest Canyon Undergrounding District X1A Project" prepared by HELIX Environmental Planning, Inc. dated July 8, 2024 (Exhibit E and incorporated herein), and a Biological Resources Letter Report prepared by Busby Biological Resources dated July 11, 2024, as Exhibit F and incorporated herein, to avoid potential impacts to cultural resources and biological resources, respectively, as a result of the project.

The Cultural Resource Assessment determined that no historical resources are present in the project area and the project is not expected to adversely impact any known cultural resource. The assessment concluded that although it is unlikely that resources are present in the majority of the project area, there may be a potential for buried archaeological resources to be present within deposits adjacent to the lagoon along San Dieguito Drive within the project site. Therefore, the construction documents contain these protective measures and require the contractor to adhere to the "Environmental Contractor Commitments" which are found in the Final Construction Plan Set. As part of the work, archeological and Native American monitoring is integrated into activities where trenching or ground-disturbing work occurs and particularly along San Dieguito Drive, adjacent to the lagoon.

The Biological Letter Report found that the project has been designed to avoid significant direct and indirect effects on sensitive biological resources by siting the work to occur predominantly within and adjacent to developed areas (e.g., streets, driveways, and residential landscaped yards), with only minimal invasive work within and adjacent to sensitive native habitats that may support sensitive biological resources (i.e., San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive canyon areas). In addition to the incorporation of specific project design features to avoid sensitive resources, the project includes project-specific Environmental Contractor Commitments and Best Management Practices (BMPs) that have been integrated into the Final Construction Plans. These measures will be implemented before and during construction to ensure protection of sensitive habitats. Measures include routine monitoring by a qualified biologist to ensure that the contractor complies with all protective.

## RECOMMENDATION

The Planning Commission should review the project for consistency with the applicable provisions for Conditional Use Permits (DMMC Chapter 30.74) and Coastal Development Permits (DMMC Chapter 30.75). The project has been evaluated for compliance with the standards of the above-cited Chapters. No correspondence has been received to date, and as noted within the body of this report, the project as designed is consistent with the standards of review contained within the above-cited Chapters. Therefore, it is staff's recommendation that the Planning Commission adopt the attached resolution (Exhibit D), recommending City Council approval of the project with the conditions noted therein.

Respectfully Submitted,

Jennifer Gavin
Associate Planner

Attachments:
Exhibit A - UUD X1A Boundaries
Exhibit B - City of Del Mar Assessment of Torrey Pines
Exhibit C – Wall Details
Exhibit D - Draft Resolution
Exhibit E - Cultural Resource Assessment
Exhibit F - Biological Resources Letter Report
Exhibit G- Project Plans

# Utility Undergrounding District (UUD X1A) - Crest Canyon

P62475 Exempt from Removal (to be removed as part of SDG&E project)

## LEGEND

District Limits

Trench Work Beyond District Limits

www.delmar.ca.us/up

# City of Del Mar Utility Undergrounding Tree Protection Project

SUBMITTED TO:

Joe Bride
Deputy Public Works Director
City of Del Mar

PREPARED BY:

Gene Bordson
ISA Board Certified Master Arborist
ISA Certified Tree Worker (Climber)
ISA Qualified Tree Risk Assessor
# WE-10777BT
DPR Applicator License# 140768
TCIA Plant Health Care Technician

AUGUST 12, 2021

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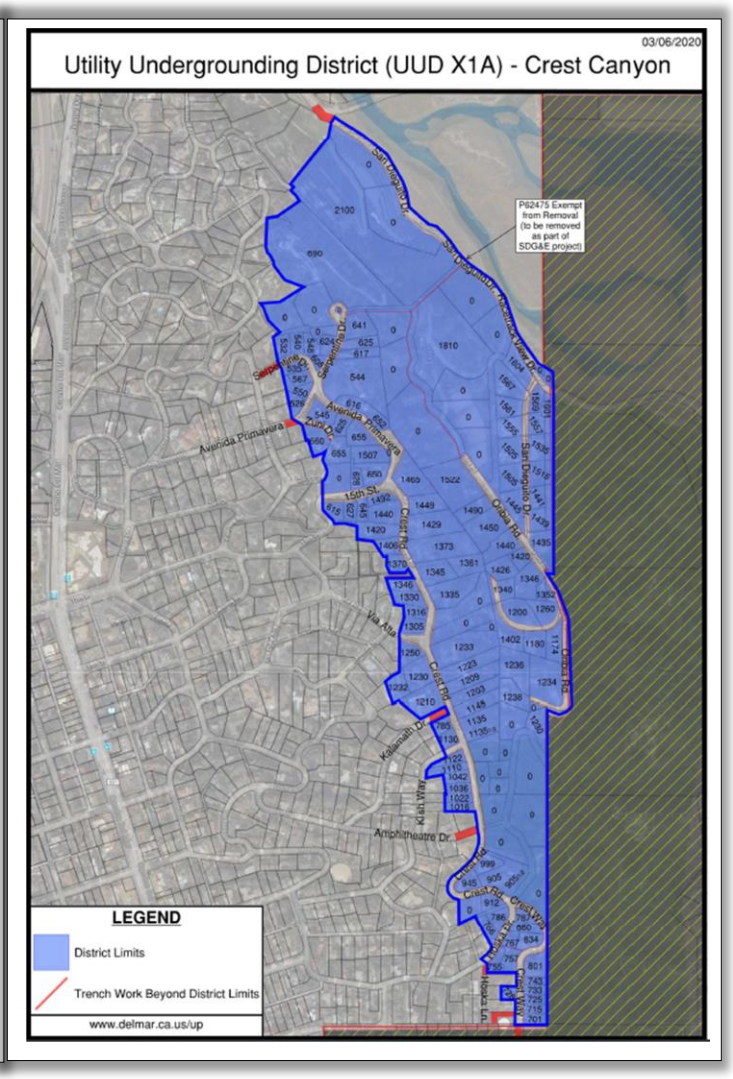
# BACKGROUND AND ASSIGNMENT

In June of 2021, West Coast Arborists, Inc. (WCA) was contacted by the City of Del Mar regarding a tree protection zone (TPZ) report for a utility undergrounding project. The scope of the work was identified as such: Tree Protection Zone Report for protected tree species (Torrey Pines and Monterey Cypress). Identify the location of all protected and unprotected city trees within the project street right-of-way construction zone. Identify the location of protected and unprotected private property trees within the project street right-of-way construction zone. Provide a general recommendation of trench offset distance from priority tree trunks to minimize damage to tree roots during trench excavation operations, based on best management practices (BMPs) guidelines. Shown below are the two areas WCA was asked to include in this report.



# OBSERVATIONS

ISA Certified Arborist for WCA (Michael Young) visually inspected trees within the specified areas between 08/04/2021 and 08/11/2021 documenting the location and approximate trunk diameters of protected species (Torrey pine and Monterey cypress) likely to be impacted. All other data was derived from WCA's existing tree inventory database for the City of Del Mar. Based on the data collection and the ISA's best management practices, there were 532 trees identified as being at risk of experiencing notable impacts to their health and stability as a direct result of the proposed utility undergrounding project. Of these 532 trees, 169 trees were protected species and 270 trees were identified as being on private property.

# DISCUSSION

Below is a list of topics and discussions relating to the preservation of the subject trees. For diagrams relating to the tree protection plan, refer to photos in Appendix A & B.

**Root Biology & Root Pruning –** The vast majority of tree roots grow growing laterally near the top 18 inches of soil and can grow outward distances of 2-3 times the radius of the crown or more. This means that the proposed trenching is very likely to result in root pruning/damages. Root pruning is an injurious practice that can significantly damage trees and affect their structural strength and health. For these reasons, it is not recommended to perform root pruning any more than absolutely necessary around the tree. Linear root pruning cuts on one side of a tree will likely reduce stability when the cut is made at a distance from the trunk that is less than three times the trunk diameter[1].

**Construction Work –** Because trees are unique living organisms, the impacts of the construction work could vary drastically and take five years or more to show any symptoms. Some construction activities that can damage or kill trees include root cutting/tearing during trenching, adding fill soil over roots, altering water drainage patterns, soil compaction, mechanical injuries from equipment, heat damage from exhaust, and chemical damage from contamination/ runoff onto the trees or soil. Conscious efforts should be made to mitigate these damages.

**Tree Protection Zone (TPZ) -** It is important to establish a TPZ around trees during construction to protect the tree's roots and surrounding soils from damages. WCA recommends installing a 4-6-foot-tall stable fence at or beyond the tree's **drip line** or a radius from the trunk of 1 foot per DSH inch to keep equipment, tools, soil, etc. out of the TPZ (refer to Appendix B). This TPZ should be clearly marked with signs stating that the area within is a TPZ and no one is allowed to disturb it. Irrigation should be provided within the entire TPZ throughout construction to maintain adequate soil moisture levels. Root pruning or any soil disturbances performed within the TPZ areas should be done under the supervision and at the direction of a certified arborist.

[1] This statement is not meant to "ok" linear root pruning cuts at or beyond three times a tree's trunk diameter.

**Equipment Mitigation Strategies** – In order to reduce soil compaction and tearing/ crushing of roots, driving equipment near trees (in TPZ if hardscapes are removed) should always be avoided when possible. Driving over soil with excessive turning or when soil is wet can be especially damaging. If it is necessary for specific tasks, it is recommended to add a 4-inch layer of mulch with ¾" plywood on top of any softscaping.

## GENERAL MANAGEMENT RECOMMENDATIONS

Considering the likely health and stability impacts on private and publicly owned adjacent trees, WCA has the following general management recommendations to consider[2]:

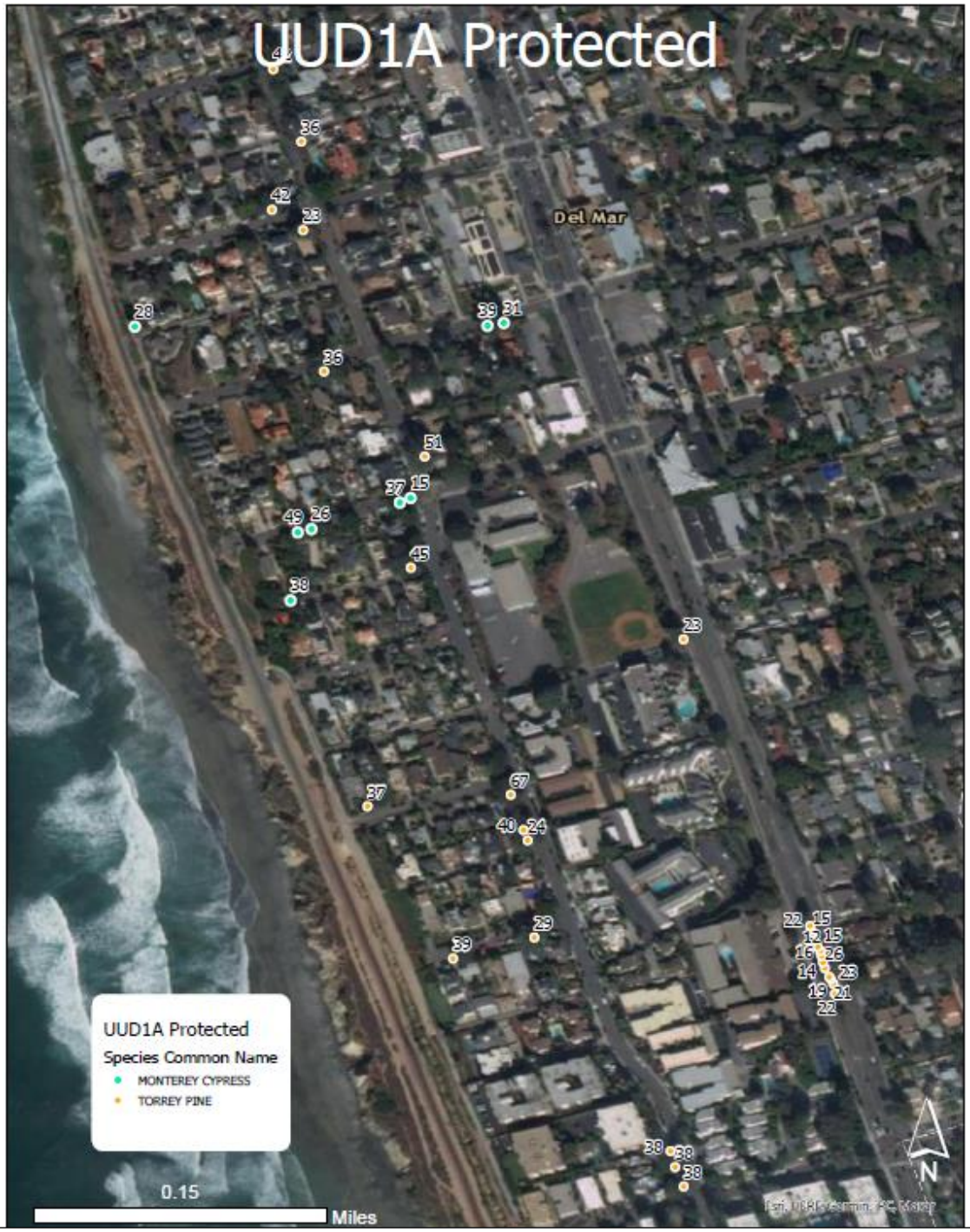
1. If logistically and fiscally reasonable, horizontal directional drilling (HDD) would likely be the best choice to mitigate impacts to tree health. Conduit for utilities should be installed to a minimum depth of 3-4 feet below grade to reduce the likelihood of severing structurally important roots (see Appendix C for examples). Entry and exit points for boring as well as materials/equipment should be placed outside of any tree canopy **driplines** throughout the construction process.

2. Move the proposed utility location as far away from trees as possible and install/manage a modified tree protection zone on the tree side of the trenching (see page 4 for details). In order to reduce tearing of roots, it is recommended to use a root pruner such as DOSKO or Vermeer to outline the trenches prior to excavation (at least 18 inches deep). Exposed roots with diameters larger than 1 inch should have final pruning cuts with sharp clean tools after the trenching if substandard injuries are encountered. If roots are to be uncovered for longer than 5 hours, they should be covered with mulch, soil, or moist burlap to help prevent desiccation and sun scald injuries. If the designated trenching location falls within the designated **critical root zone** (CRZ) of the tree (six times trunk diameter away from the trunk) then the trench should be carefully excavated with an **airspade** or hand tools to expose the tree roots. An ISA certified arborist should be present to perform or direct this excavation to determine if root pruning without significant impacts on tree health and stability is even possible. If possible, then the project arborist(s) should perform or direct this root pruning. If root pruning is not possible within these guidelines, then removal and replacement of the tree should be considered on a case-by-case basis.

[2] Due to the numerous variables and conditions that may be encountered, these general guidelines can be modified at the discretion of the project arborist(s) as is seen fit.

# APPENDIX A – PHOTOS

**Photo #1** **Stratford Court South Protected Tree Map**




The image above shows the 36 protected tree sites identified in the Stratford court area with their associated trunk diameter in inches. The general tree protection zone for these trees should be to the edge of each tree's dripline or one foot radius away from the trunk for every inch trunk diameter (whichever is further). A general critical root zone for each tree has been determined to be a radius of 6 times the trunk diameter away from the trunk.

# APPENDIX A – PHOTOS

**Photo #2** **Stratford Court South Protected Tree Chart**

| # | | Side Type | Tree # | On Address | Common Name | DSH | Height |
|---|---|---|---|---|---|---|---|
| 1 | | FRONT YARD | 1 | 159 10TH ST | TORREY PINE | 36 | 30-45 |
| 2 | | FRONT YARD | 1 | 227 10TH ST | MONTEREY CYPRESS | 31 | 30-45 |
| 3 | | FRONT YARD | 1 | 231 10TH ST | MONTEREY CYPRESS | 39 | 30-45 |
| 4 | | Front | 1 | 140 11TH ST | TORREY PINE | 42 | 45-60 |
| 5 | | Front | 1 | 127 6TH ST | TORREY PINE | 39 | 45-60 |
| 6 | | FRONT YARD | 1 | 149 6TH ST | TORREY PINE | 29 | 30-45 |
| 7 | | FRONT YARD | 1 | 110 7TH ST | TORREY PINE | 37 | 15-30 |
| 8 | X | SIDE | 3 | 650 STRATFORD CT | TORREY PINE | 67 | 30-45 |
| 9 | | FRONT YARD | 1 | 135 9TH ST | MONTEREY CYPRESS | 26 | 30-45 |
| 10 | | FRONT YARD | 2 | 135 9TH ST | MONTEREY CYPRESS | 49 | 30-45 |
| 11 | | FRONT YARD | 1 | 157 9TH ST | MONTEREY CYPRESS | 15 | 15-30 |
| 12 | | FRONT YARD | 2 | 157 9TH ST | MONTEREY CYPRESS | 37 | 30-45 |
| 13 | X | Side | 1 | 750 CAMINO DEL MAR | TORREY PINE | 23 | 45-60 |
| 14 | X | Median | 4 | 500 CAMINO DEL MAR | TORREY PINE | 22 | 45-60 |
| 15 | X | Median | 5 | 500 CAMINO DEL MAR | TORREY PINE | 23 | 45-60 |
| 16 | X | Median | 6 | 500 CAMINO DEL MAR | TORREY PINE | 21 | 45-60 |
| 17 | X | Median | 7 | 500 CAMINO DEL MAR | TORREY PINE | 19 | 45-60 |
| 18 | X | Median | 8 | 500 CAMINO DEL MAR | TORREY PINE | 26 | 45-60 |
| 19 | X | Median | 9 | 500 CAMINO DEL MAR | TORREY PINE | 14 | 45-60 |
| 20 | X | Median | 10 | 500 CAMINO DEL MAR | TORREY PINE | 16 | 45-60 |
| 21 | X | Median | 11 | 500 CAMINO DEL MAR | TORREY PINE | 12 | 30-45 |
| 22 | X | Median | 12 | 500 CAMINO DEL MAR | TORREY PINE | 15 | 45-60 |
| 23 | X | Median | 13 | 500 CAMINO DEL MAR | TORREY PINE | 15 | 45-60 |
| 24 | X | Median | 14 | 500 CAMINO DEL MAR | TORREY PINE | 22 | 45-60 |
| 25 | | FRONT YARD | 1 | 101 PENNY LN | MONTEREY CYPRESS | 28 | 30-45 |
| 26 | | FRONT YARD | 1 | 210 SEA ORBIT LN | TORREY PINE | 36 | 45-60 |
| 27 | X | Side | 1 | 640 STRATFORD CT | TORREY PINE | 24 | 30-45 |
| 28 | X | Side | 2 | 640 STRATFORD CT | TORREY PINE | 40 | 30-45 |

Rows marked with green indicate trees noted as being on private property.

# APPENDIX A – PHOTOS

**Photo #3** **Stratford Court South Protected Tree Chart**

| # | | Side Type | Tree # | On Address | Common Name | DSH | Height |
|---|---|---|---|---|---|---|---|
| 29 | X | FRONT | 1 | 122 SHIPPEY LN | MONTEREY CYPRESS | 38 | 15-30 |
| 30 | | Front | 1 | 402 STRATFORD CT | TORREY PINE | 38 | 30-45 |
| 31 | | Front | 1 | 410 STRATFORD CT | TORREY PINE | 38 | 30-45 |
| 32 | | Front | 1 | 412 STRATFORD CT | TORREY PINE | 38 | 30-45 |
| 33 | X | Side | 1 | 150 SHIPPEY LN | TORREY PINE | 45 | 45-60 |
| 34 | | FRONT YARD | 1 | 905 STRATFORD CT | TORREY PINE | 51 | 30-45 |
| 35 | | FRONT YARD | 1 | 1050 STRATFORD CT | TORREY PINE | 23 | 30-45 |
| 36 | | FRONT YARD | 1 | 1145 STRATFORD CT | TORREY PINE | 42 | 45-60 |

# APPENDIX A – PHOTOS

**Photo #4** **Crest Canyon Protected Tree Map**

The image above shows the 133 protected tree sites identified in the Crest Canyon area with their associated trunk diameter in inches. The general tree protection zone for these trees should be to the edge of each tree's dripline or one foot radius away from the trunk for every inch trunk diameter (whichever is further). A general critical root zone for each tree has been determined to be a radius of 6 times the trunk diameter away from the trunk.

# APPENDIX A – PHOTOS

**Photo #5** **Crest Canyon Protected Tree Chart**

| # | Side Type | Tree # | On Address | Common Name | DSH | Height |
|---|---|---|---|---|---|---|
| 1 | Monolithic | | 589 15TH ST | TORREY PINE | 34 | 30-45 |
| 2 | Monolithic | | 628 15TH ST | TORREY PINE | 23 | 15-30 |
| 3 | Unimproved | | 526 AVENIDA PRIMAVERA | TORREY PINE | 32 | 30-45 |
| 4 | Monolithic | | 526 AVENIDA PRIMAVERA | MONTEREY CYPRESS | 26 | 30-45 |
| 5 | Unimproved | | 545 AVENIDA PRIMAVERA | TORREY PINE | 17 | 15-30 |
| 6 | Monolithic | | 545 AVENIDA PRIMAVERA | TORREY PINE | 14 | 15-30 |
| 7 | Monolithic | | 545 AVENIDA PRIMAVERA | TORREY PINE | 18 | 30-45 |
| 8 | Monolithic | | 545 AVENIDA PRIMAVERA | TORREY PINE | 21 | 30-45 |
| 9 | Monolithic | | 545 AVENIDA PRIMAVERA | MONTEREY CYPRESS | 22 | 30-45 |
| 10 | Monolithic | | 652 AVENIDA PRIMAVERA | TORREY PINE | 26 | 30-45 |
| 11 | Monolithic | | 652 AVENIDA PRIMAVERA | TORREY PINE | 21 | 15-30 |
| 12 | Monolithic | | 652 AVENIDA PRIMAVERA | TORREY PINE | 22 | 30-45 |
| 13 | Unimproved | | 912 CREST RD | TORREY PINE | 20 | 30-45 |
| 14 | Unimproved | | 912 CREST RD | TORREY PINE | 19 | 30-45 |
| 15 | Unimproved | X | 950 CREST RD | TORREY PINE | 22 | 30-45 |
| 16 | Unimproved | | 1135 CREST RD | MONTEREY CYPRESS | 25 | 30-45 |
| 17 | Unimproved | | 1135 CREST RD | MONTEREY CYPRESS | 16 | 15-30 |
| 18 | Unimproved | | 1135 CREST RD | MONTEREY CYPRESS | 18 | 15-30 |
| 19 | Unimproved | | 1135 CREST RD | MONTEREY CYPRESS | 19 | 15-30 |
| 20 | Unimproved | | 1135 CREST RD | MONTEREY CYPRESS | 32 | 30-45 |
| 21 | Monolithic | | 1203 CREST RD | TORREY PINE | 26 | 30-45 |
| 22 | Monolithic | | 1346 CREST RD | TORREY PINE | 17 | 30-45 |
| 23 | Monolithic | | 1346 CREST RD | TORREY PINE | 14 | 30-45 |
| 24 | Unimproved | | 1429 CREST RD | TORREY PINE | 21 | 45-60 |
| 25 | Monolithic | | 1429 CREST RD | TORREY PINE | 12 | 30-45 |
| 26 | Monolithic | | 1429 CREST RD | TORREY PINE | 16 | 30-45 |
| 27 | Unimproved | X | 1900 ZAPO ST | MONTEREY CYPRESS | 22 | 15-30 |
| 28 | Unimproved | X | 1900 ZAPO ST | MONTEREY CYPRESS | 14 | 15-30 |

Rows marked with green indicate trees noted as being on private property.

# APPENDIX A – PHOTOS

**Photo #6** **Crest Canyon Protected Tree Chart**

| | | | | | | |
|---|---|---|---|---|---|---|
| 29 | Unimproved | X | 1900 ZAPO ST | MONTEREY CYPRESS | 12 | 15-30 |
| 30 | Unimproved | X | 1900 ZAPO ST | MONTEREY CYPRESS | 21 | 15-30 |
| 31 | Unimproved | X | 1900 ZAPO ST | TORREY PINE | 19 | 15-30 |
| 32 | Other | X | 2 HIDDEN GULCH PATH | TORREY PINE | 21 | 15-30 |
| 33 | Other | X | 2 HIDDEN GULCH PATH | TORREY PINE | 22 | 30-45 |
| 34 | Other | X | 2 HIDDEN GULCH PATH | TORREY PINE | 18 | 30-45 |
| 35 | Other | X | 2 HIDDEN GULCH PATH | TORREY PINE | 23 | 30-45 |
| 36 | Monolithic | | 730 HOSKA DR | TORREY PINE | 24 | 30-45 |
| 37 | Monolithic | | 735 HOSKA DR | TORREY PINE | 48 | 45-60 |
| 38 | Monolithic | | 749 HOSKA DR | TORREY PINE | 18 | 30-45 |
| 39 | Monolithic | | 755 HOSKA DR | TORREY PINE | 24 | 30-45 |
| 40 | Monolithic | | 787 HOSKA DR | MONTEREY CYPRESS | 15 | 15-30 |
| 41 | Monolithic | | 787 HOSKA DR | TORREY PINE | 12 | 30-45 |
| 42 | Other | X | 2 HOSKA LN WATER TOWER | TORREY PINE | 24 | 30-45 |
| 43 | Other | X | 2 HOSKA LN WATER TOWER | TORREY PINE | 17 | 30-45 |
| 44 | Other | X | 2 HOSKA LN WATER TOWER | TORREY PINE | 14 | 30-45 |
| 45 | Monolithic | | 1115 KLISH WY | TORREY PINE | 37 | 45-60 |
| 46 | Monolithic | | 1200 ORIBIA RD | TORREY PINE | 16 | 30-45 |
| 47 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 48 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 16 | 30-45 |
| 49 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 17 | 30-45 |
| 50 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 51 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 17 | 30-45 |
| 52 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 53 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 54 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 55 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 56 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 57 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |

# APPENDIX A – PHOTOS

| Photo #7 | Crest Canyon Protected Tree Chart | | | | | |
|---|---|---|---|---|---|---|
| 58 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 59 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 60 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 61 | Monolithic | | 1234 ORIBIA RD | TORREY PINE | 18 | 30-45 |
| 62 | Monolithic | | 1236 ORIBIA RD | TORREY PINE | 22 | 30-45 |
| 63 | Monolithic | | 1236 ORIBIA RD | TORREY PINE | 21 | 30-45 |
| 64 | Monolithic | | 1260 ORIBIA RD | TORREY PINE | 45 | 30-45 |
| 65 | Monolithic | | 1260 ORIBIA RD | TORREY PINE | 16 | 15-30 |
| 66 | Monolithic | | 1260 ORIBIA RD | TORREY PINE | 28 | 30-45 |
| 67 | Monolithic | | 1260 ORIBIA RD | TORREY PINE | 48 | 60+ |
| 68 | Monolithic | | 1352 ORIBIA RD | TORREY PINE | 51 | 45-60 |
| 69 | Monolithic | | 1450 ORIBIA RD | TORREY PINE | 39 | 45-60 |
| 70 | Monolithic | | 1450 ORIBIA RD | TORREY PINE | 16 | 30-45 |
| 71 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 45 | 45-60 |
| 72 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 34 | 45-60 |
| 73 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 30 | 45-60 |
| 74 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 26 | 45-60 |
| 75 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 21 | 45-60 |
| 76 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 19 | 45-60 |
| 77 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 18 | 45-60 |
| 78 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 20 | 45-60 |
| 79 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 80 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 36 | 45-60 |
| 81 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 12 | 30-45 |
| 82 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 83 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 45-60 |
| 84 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 14 | 45-60 |
| 85 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 15 | 45-60 |
| 86 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 10 | 30-45 |

# APPENDIX A – PHOTOS

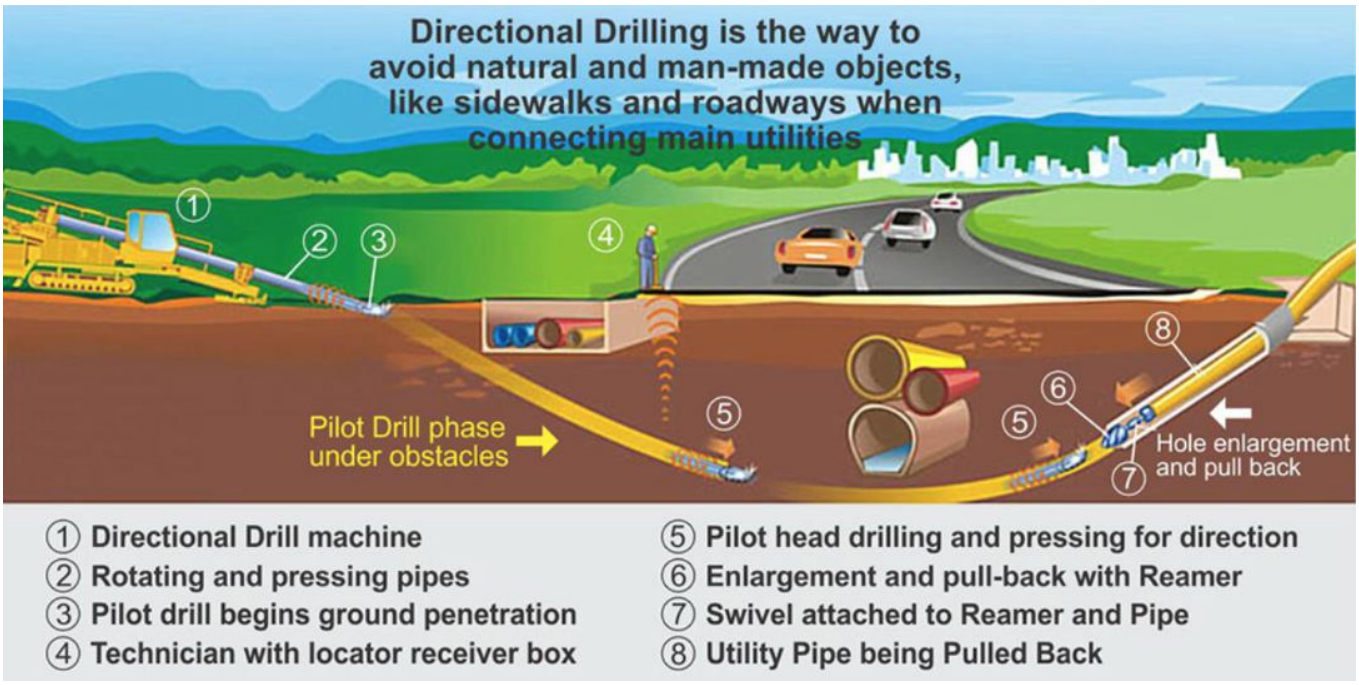
| Photo #8 | Crest Canyon Protected Tree Chart | | | | | |
|---|---|---|---|---|---|---|
| 87 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 11 | 30-45 |
| 88 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 21 | 45-60 |
| 89 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 18 | 45-60 |
| 90 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 91 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 42 | 45-60 |
| 92 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 24 | 30-45 |
| 93 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 11 | 30-45 |
| 94 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 11 | 30-45 |
| 95 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 19 | 30-45 |
| 96 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 18 | 30-45 |
| 97 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 17 | 30-45 |
| 98 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 44 | 45-60 |
| 99 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 37 | 45-60 |
| 100 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 21 | 30-45 |
| 101 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 102 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 103 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 27 | 45-60 |
| 104 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 11 | 30-45 |
| 105 | Monolithic | | 1810 SAN DIEGUITO DR | TORREY PINE | 38 | 45-60 |
| 106 | Monolithic | | 2100 SAN DIEGUITO DR | TORREY PINE | 16 | 30-45 |
| 107 | Monolithic | | 2100 SAN DIEGUITO DR | TORREY PINE | 15 | 30-45 |
| 108 | Unimproved | | 450 SERPENTINE DR | MONTEREY CYPRESS | 26 | 45-60 |
| 109 | Monolithic | | 532 SERPENTINE DR | MONTEREY CYPRESS | 29 | 30-45 |
| 110 | Monolithic | | 535 SERPENTINE DR | MONTEREY CYPRESS | 36 | 30-45 |
| 111 | Monolithic | | 567 SERPENTINE DR | TORREY PINE | 16 | 30-45 |
| 112 | Monolithic | | 567 SERPENTINE DR | TORREY PINE | 16 | 30-45 |
| 113 | Monolithic | | 608 SERPENTINE DR | TORREY PINE | 31 | 30-45 |
| 114 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 15-30 |
| 115 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |

# APPENDIX A – PHOTOS

| Photo #9 | Crest Canyon Protected Tree Chart | | | | | |
|---|---|---|---|---|---|---|
| 116 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 117 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 118 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 119 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 120 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 121 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 122 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 123 | Monolithic | | 641 SERPENTINE DR | TORREY PINE | 15 | 30-45 |
| 124 | Unimproved | | 1986 ZAPO ST | TORREY PINE | 10 | 30-45 |
| 125 | Unimproved | | 1986 ZAPO ST | TORREY PINE | 5 | 15-30 |
| 126 | Unimproved | | 1986 ZAPO ST | TORREY PINE | 16 | 30-45 |
| 127 | Unimproved | | 1986 ZAPO ST | TORREY PINE | 15 | 30-45 |
| 128 | Unimproved | | 1986 ZAPO ST | TORREY PINE | 19 | 30-45 |
| 129 | Monolithic | | 660 ZUNI DR | MONTEREY CYPRESS | 23 | 30-45 |
| 130 | Other | | 2 ZUNI WATER TOWER | TORREY PINE | 20 | 45-60 |
| 131 | Other | X | 2 ZUNI WATER TOWER | TORREY PINE | 27 | 60+ |
| 132 | Other | X | 2 ZUNI WATER TOWER | TORREY PINE | 31 | 60+ |
| 133 | 2 | X | ZUNI WATER TOWER | TORREY PINE | 3 | 2 ZUNI WATER TOWER |

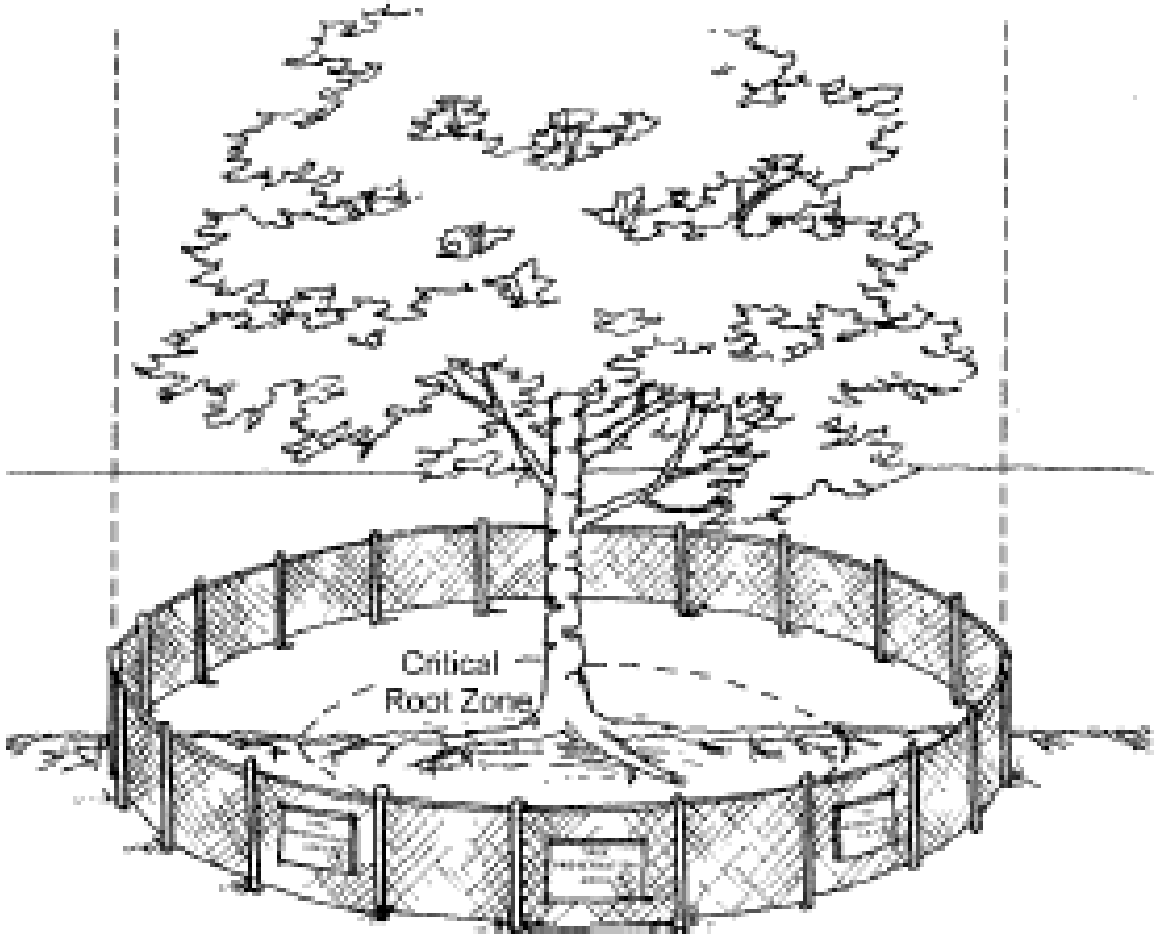
# APPENDIX B – TREE PROTECTION PLAN

## Example of Horizontal Directional Drilling



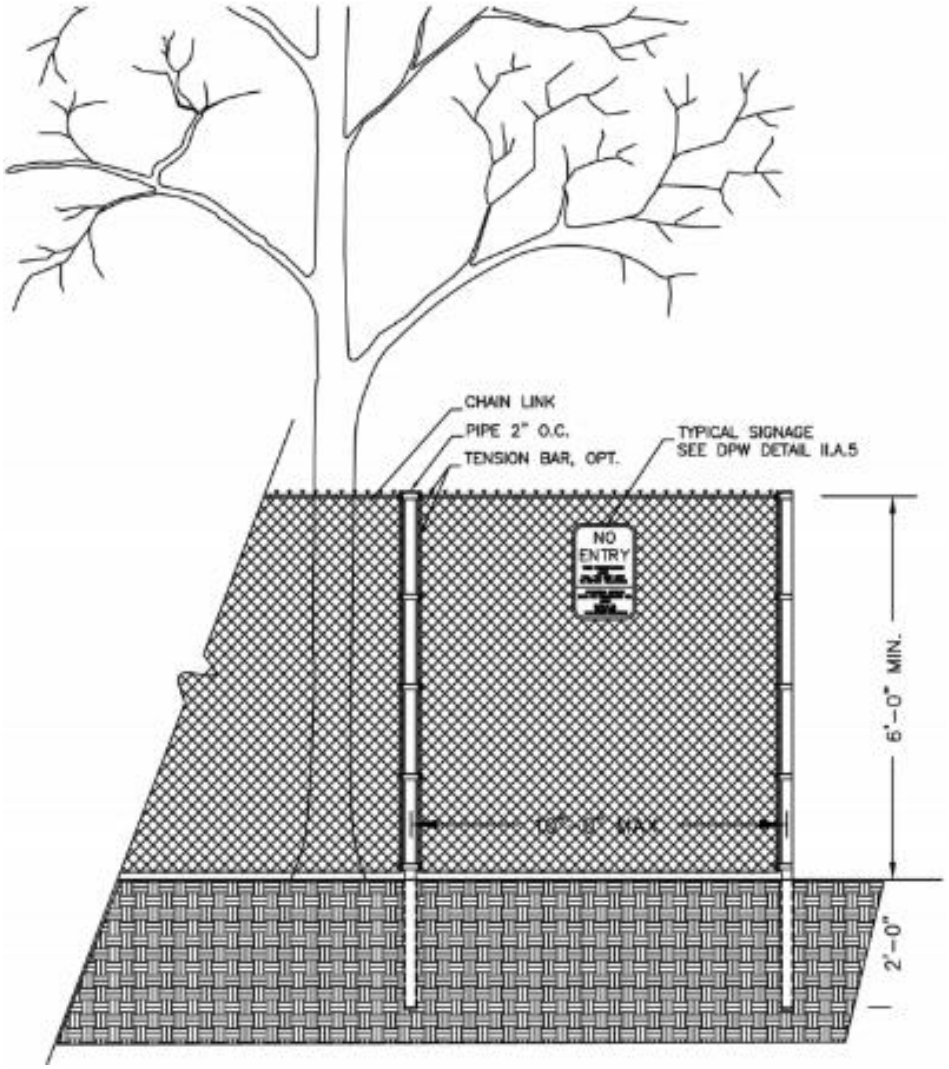

**Directional boring**, also referred to as **horizontal directional drilling** (HDD), is a minimal impact trenchless method of installing underground utilities such as pipe, conduit, or cables in a relatively shallow arc or radius along a prescribed underground path using a surface-launched drilling rig. Directional Boring/HDD offers significant environmental advantages over traditional cut and cover pipeline/utility installations. The technique is routinely used when conventional trenching or excavating is not practical or when minimal surface disturbance is required.

# APPENDIX B – TREE PROTECTION PLAN




- Shown above is an example of an enclosed tree protection zone (TPZ) from the ISA *Best Management Practices: Managing Trees During Construction* publication.

# APPENDIX B – TREE PROTECTION PLAN




- Shown above is an example of tree protection zone fencing and signage.

# ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others. Standard of Care has been met with regards to this project within reasonable and normal conditions.

2. The Consultant will not be required to give testimony or to attend court by reason of this report unless subsequent contractual agreements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

3. Loss or alteration of any part of this report invalidates the entire report.

4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.

5. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.

6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring, unless otherwise stated. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.

7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.

8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time.

9. Any recommendation and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.

10. The author has no personal interest or bias with respect to the subject matter of this report or the parties involved. He/she has inspected the subject tree(s) and to the best of their knowledge and belief, all statements and information presented in the report are true and correct.

11. Unless otherwise stated, trees were examined using the risk assessment criteria detailed by the International Society of Arboriculture's publications *Best Management Practices – Tree Risk Assessment* and the *Tree Risk Assessment Manual*.

# BIBLIOGRAPHY

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# GLOSSARY

**Air Spade** – A specialist excavation tool that uses compressed to remove and break up soil with minimal damage to roots and underground utilities. It can be used for a variety of reasons including the alleviation of compaction, soil improvement, root inspection and root location.

**Best Management Practices (BMPs)** – The International Society of Arboriculture has developed a series of Best Management Practices (BMPs) for the purpose of interpreting tree care standards and providing guidelines of practice for arborists, tree workers, and the people who employ their services.

**Canopy –** The part of the crown composed of leaves and small twigs (Harris, Clark, and Matheny 526).

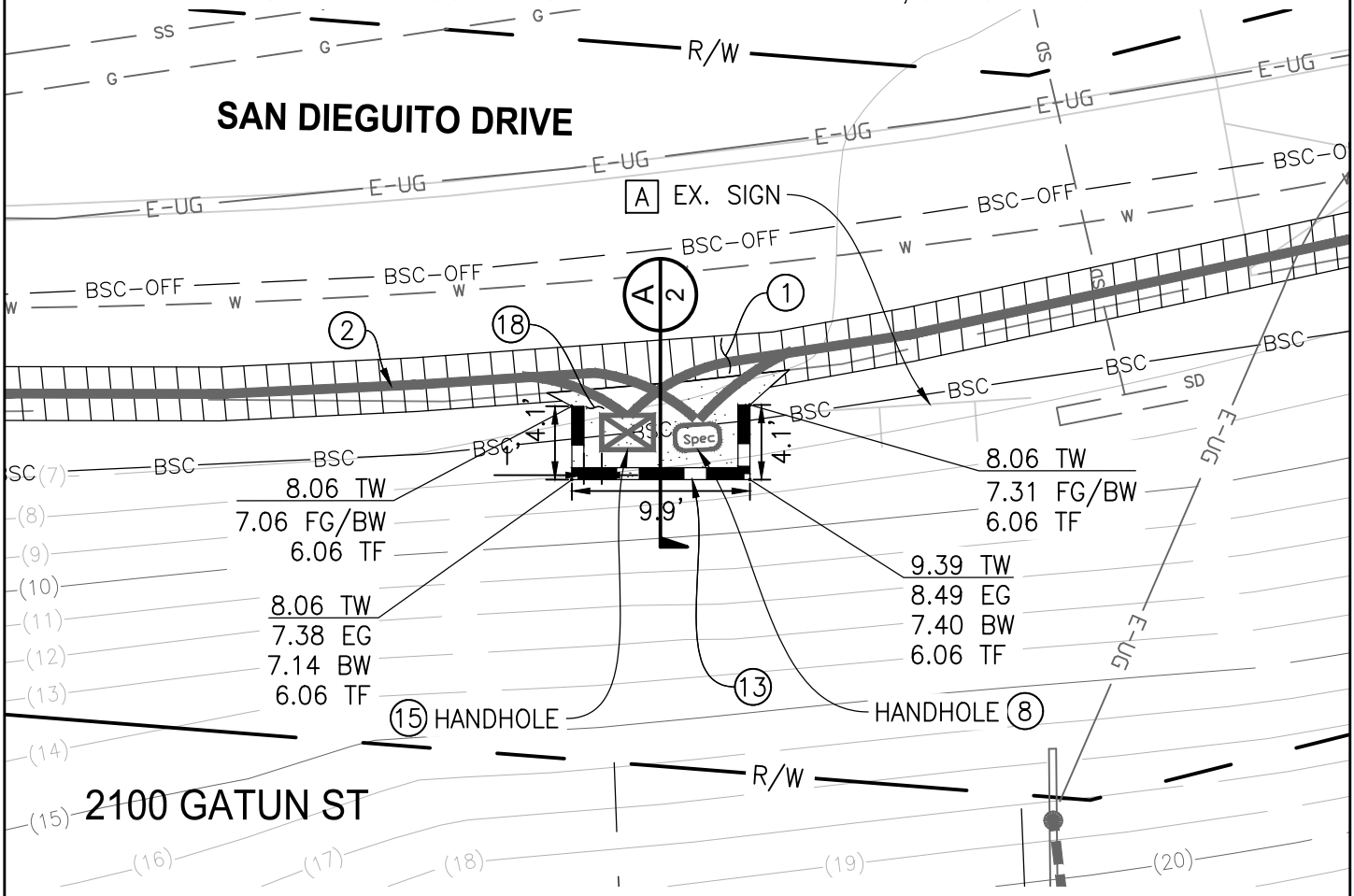
**Critical Root Zone** (CRZ) – Area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival.

**Crown** – The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree (Harris, Clark, and Matheny 527).

**Drip line** – The area defined by the outermost circumference of a tree canopy where water drips from and on to the ground.

# RETAINING WALL PLAN

SAN DIEGUITO DR, NEAR THE PROPERTY AT 2100 GATUN ST
DISTRICT X1A CONVERSION IMPROVEMENT PLAN , SEE SHEET C-4




## CONSTRUCTION NOTES:

1. SPECTRUM DRY UTILITY STRUCTURE
2. AT&T HANDHOLE
3. RETAINING WALL PER SDRSD C-02
4. DECOMPOSED GRANITE SURFACE
5. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
6. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS

A. PROTECT IN PLACE

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 2.0'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

MAX. EXISTING SLOPE: 2:1
MAX. VERTICAL CUT: 3.4'
CUT = 0.1 CY
FILL = 0.1 CY
EXPORT = 0 CY

10' 0' 5' 10'

SCALE: 1" = 10'

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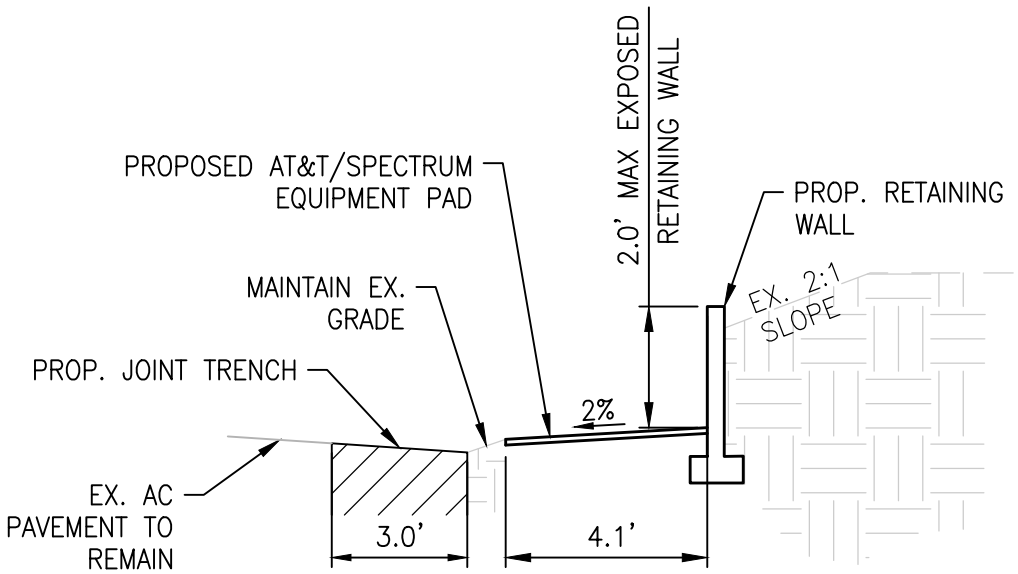
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-2100GATUN.DWG (07-02-2024 4:46:02PM) Plotted by: wstephens

# RETAINING WALL PLAN

SAN DIEGUITO DR, NEAR THE PROPERTY AT 2100 GATUN ST
DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-4




## SECTION A

NOT TO SCALE

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F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-2100GATUN.DWG (07-02-2024 4:46:04PM) Plotted by: wstephens

# RETAINING WALL PLAN

SAN DIEGUITO DR, NEAR THE PROPERTY AT 2100 GATUN ST
DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-4

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

SPECTRUM 17"X30" HANDHOLE

AT&T 2'X3' HANDHOLE

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FULL CIRCLE THINKING®
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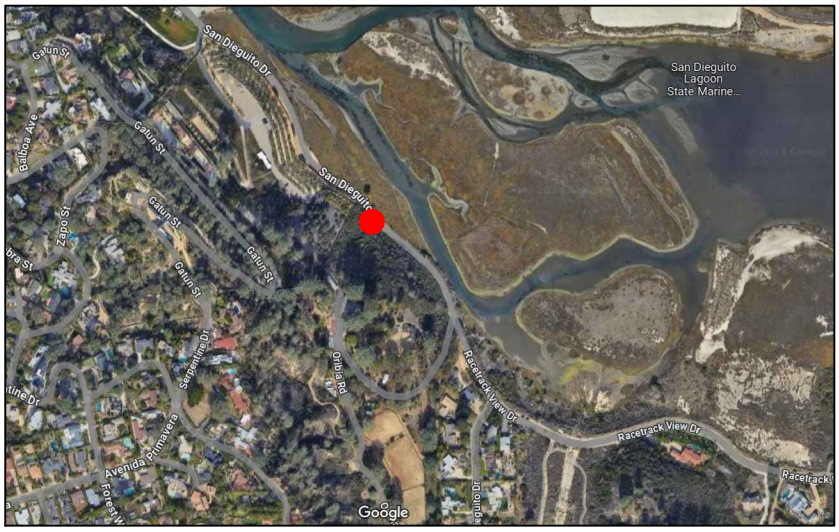
San Diego, Ca 92122
858.554.1500
fuscoe.com

SHEET 3 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-2100GATUN.DWG (07-02-2024 4:46:09PM) Plotted by: wstephens

# RETAINING WALL PLAN

SAN DIEGUITO DR, NEAR THE PROPERTY AT 2100 GATUN ST
DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-4




VICINITY MAP

PROPOSED RETAINING WALL LOCATION

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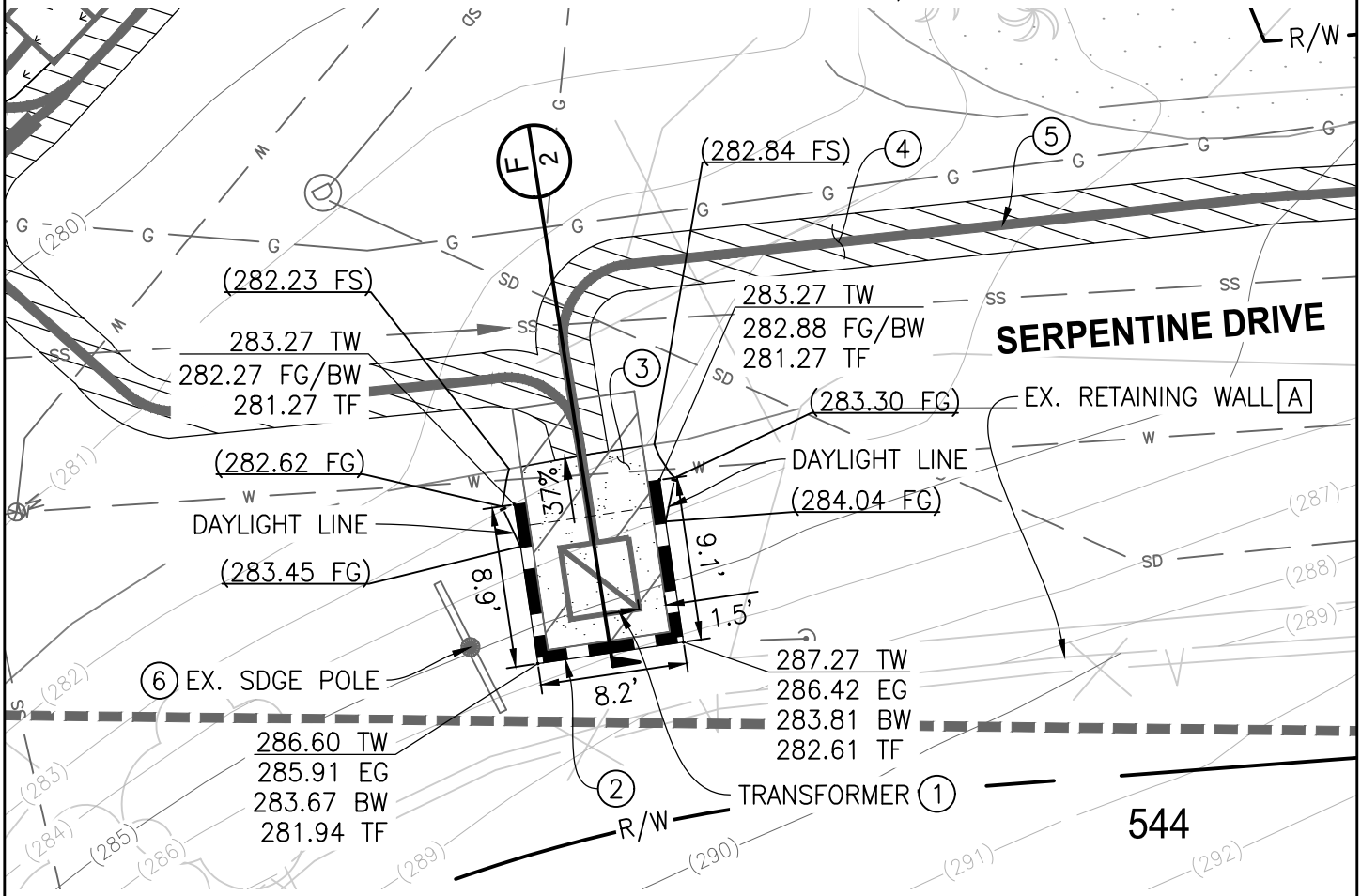
SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-2100GATUN.DWG (07-02-2024 4:46:14PM) Plotted by: wstephens

# RETAINING WALL PLAN

544 AVENIDA PRIMAVERA

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-14




## CONSTRUCTION NOTES:

1. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
2. RETAINING WALL PER SDRSD C-02
3. DECOMPOSED GRANITE SURFACE
4. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
5. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
6. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS

A PROTECT IN PLACE

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 3.5'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

MAX. EXISTING SLOPE: 3:1
MAX. VERTICAL CUT: 5.0'
CUT = 5.4 CY
FILL = 0.0 CY
EXPORT = 5.4 CY

10' 0' 5' 10'

SCALE: 1" = 10'

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San Diego, Ca 92122
858.554.1500 fuscoe.com

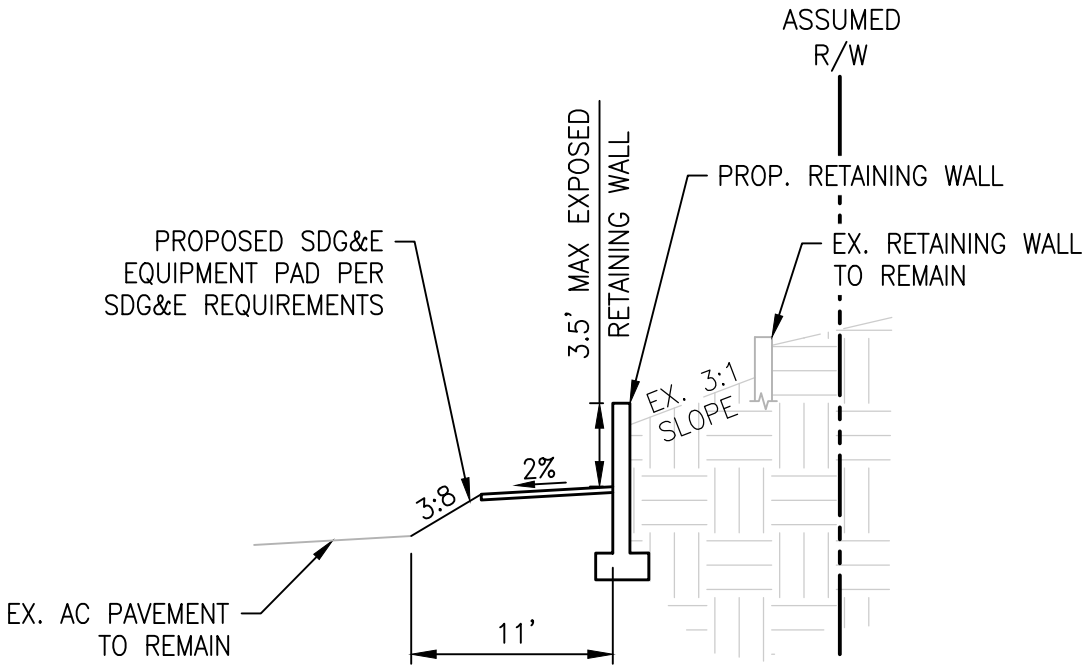
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-544AVENIDAPRIMAVERA.DWG (07-02-2024 4:21:29PM) Plotted by: wstephens

# RETAINING WALL PLAN

544 AVENIDA PRIMAVERA

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-14




## SECTION F

NOT TO SCALE

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San Diego, Ca 92122
858.554.1500 fuscoe.com

SHEET 2 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-544AVENIDAPRIMAVERA.DWG (07-02-2024 4:21:30PM) Plotted by: wstephens

# RETAINING WALL PLAN

544 AVENIDA PRIMAVERA

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-14

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

SDG&E TRANSFORMER

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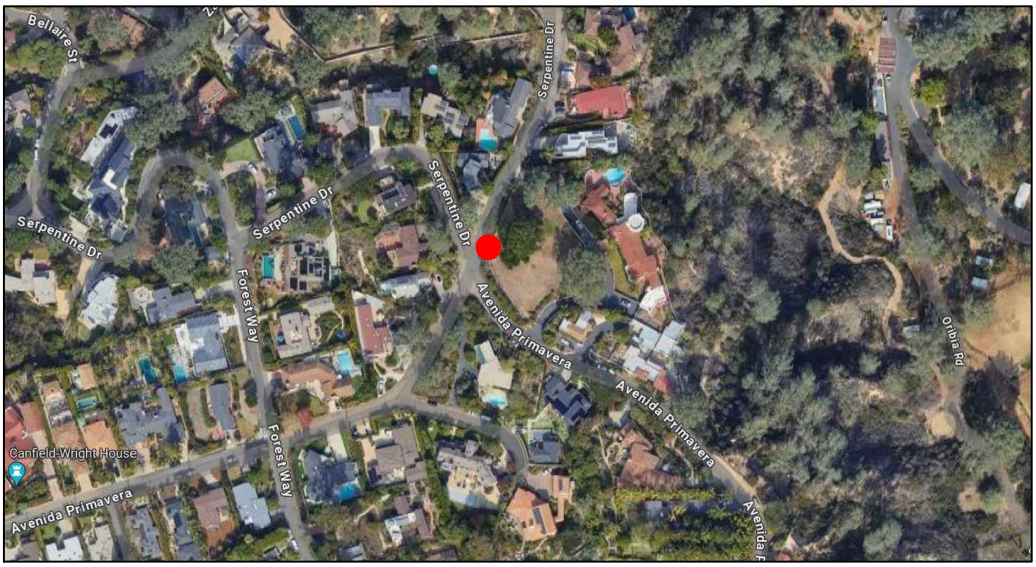
SHEET 3 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-544AVENIDAPRIMAVERA.DWG (07-02-2024 4:21:35PM) Plotted by: wstephens

# RETAINING WALL PLAN

544 AVENIDA PRIMAVERA

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-14




VICINITY MAP

PROPOSED RETAINING WALL LOCATION

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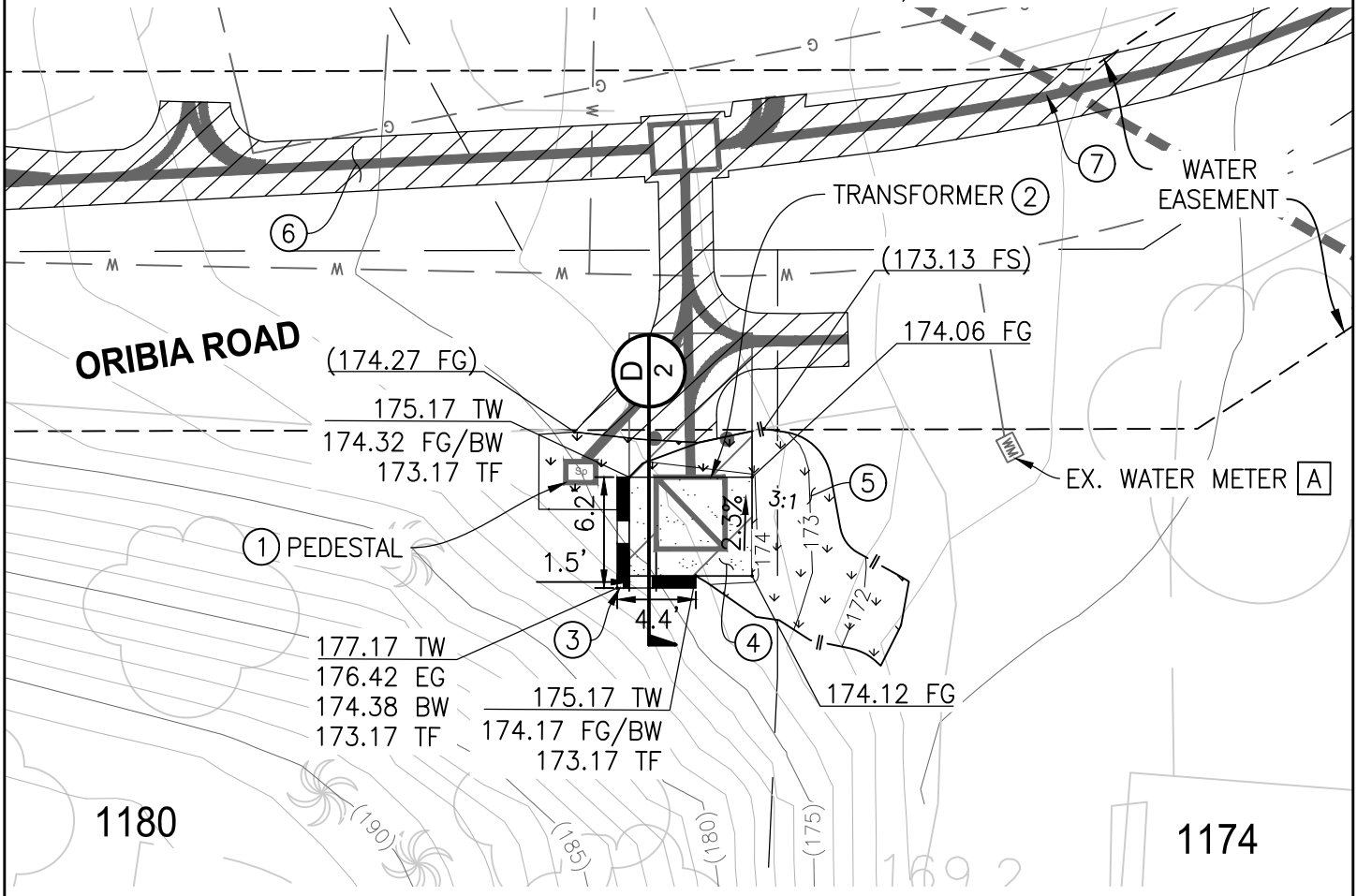
SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-544AVENIDAPRIMAVERA.DWG (07-02-2024 4:21:40PM) Plotted by: wstephens

# RETAINING WALL PLAN

1180 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-9




## CONSTRUCTION NOTES:

1. SPECTRUM DRY UTILITY STRUCTURE
2. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
3. RETAINING WALL PER SDRSD C-02
4. DECOMPOSED GRANITE SURFACE
5. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
6. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
7. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS

A. PROTECT IN PLACE

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 2.8'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

MAX. EXISTING SLOPE: 1.25:1

MAX. VERTICAL CUT: 4.3'

CUT = 0.3 CY

FILL = 1.4 CY

IMPORT = 1.1 CY

10' 0' 5' 10'

SCALE: 1" = 10'

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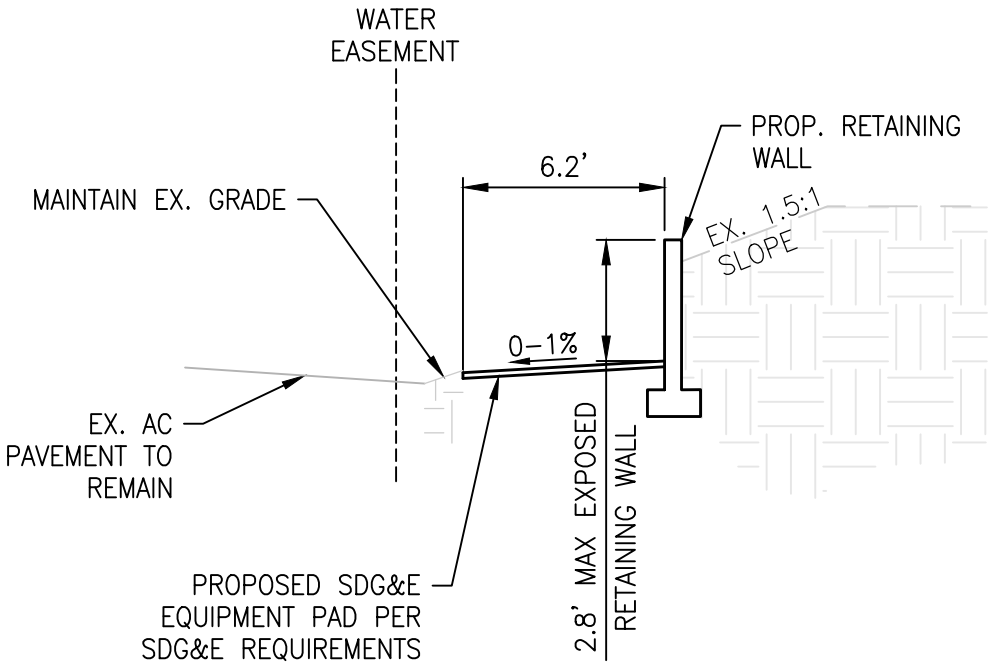
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1180ORIBIA.DWG (07-02-2024 4:28:44PM) Plotted by: wstephens

# RETAINING WALL PLAN

1180 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-9




## SECTION D

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F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1180ORIBIA.DWG (07-02-2024 4:28:46PM) Plotted by: wstephens

# RETAINING WALL PLAN

1180 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-9

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

SDG&E TRANSFORMER

SPECTRUM 20"X14" HANDHOLE

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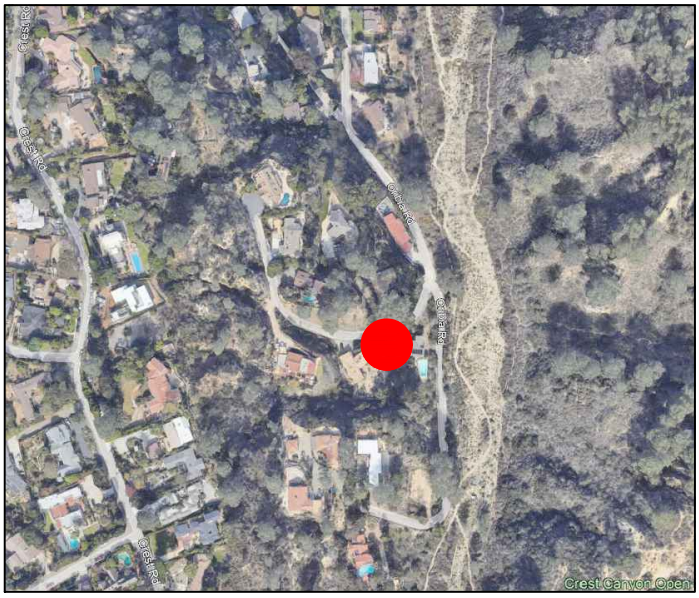
F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1180ORIBIA.DWG (07-02-2024 4:28:51PM) Plotted by: wstephens

# RETAINING WALL PLAN

1180 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-9




VICINITY MAP

PROPOSED RETAINING
WALL LOCATION

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858.554.1500 fuscoe.com

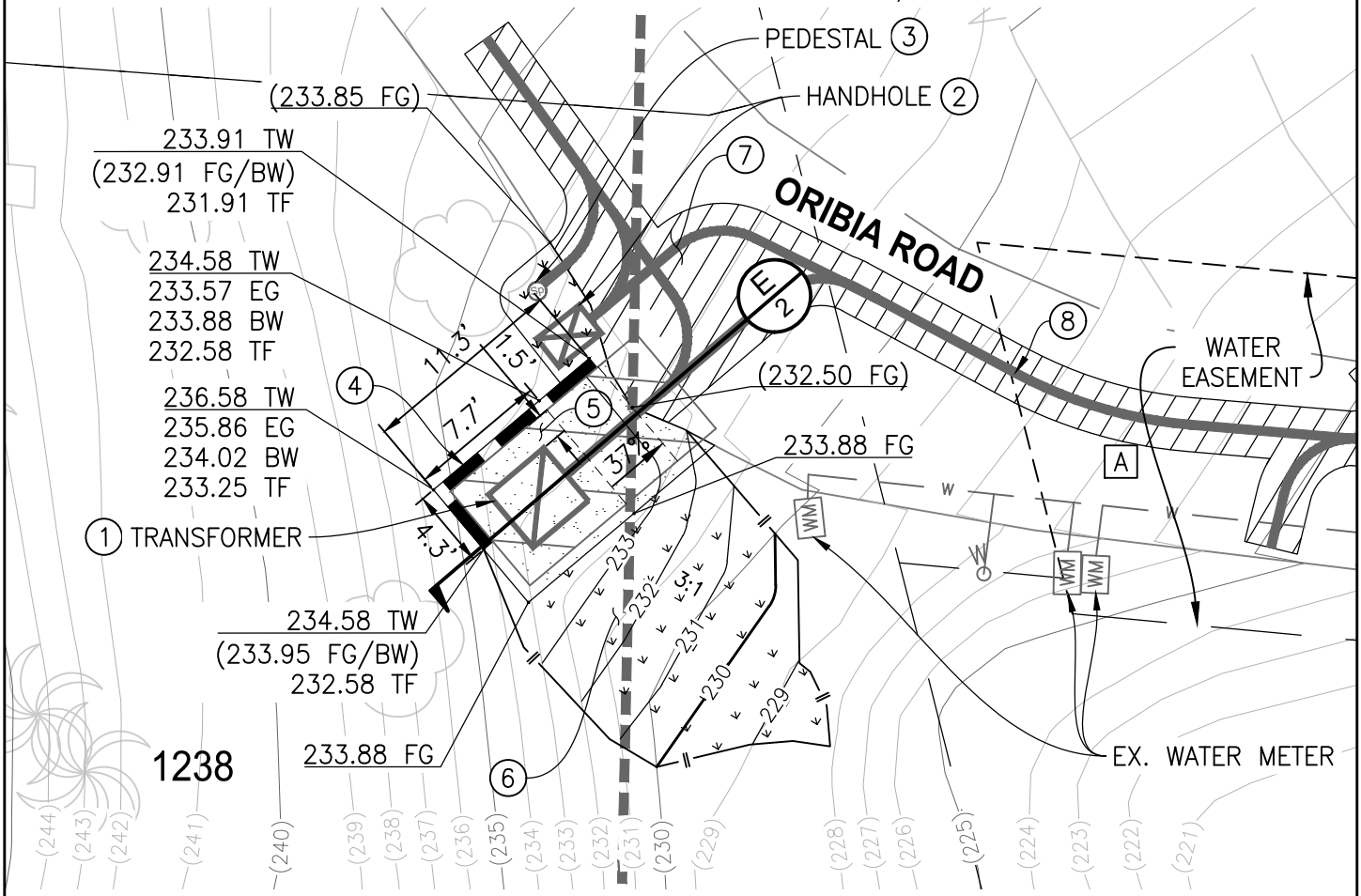
SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1180ORIBIA.DWG (07-02-2024 4:28:56PM) Plotted by: wstephens

# RETAINING WALL PLAN

1238 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-12




## CONSTRUCTION NOTES:

1. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
2. AT&T HANDHOLE
3. SPECTRUM DRY UTILITY STRUCTURE
4. RETAINING WALL PER SDRSD C-02
5. DECOMPOSED GRANITE SURFACE
6. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
7. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
8. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS

A. PROTECT IN PLACE

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 2.6'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

MAX. EXISTING SLOPE: 2:1

MAX. VERTICAL CUT: 3.6'

CUT = 1.2 CY

FILL = 1.2 CY

IMPORT = 0.0 CY

10' 0' 5' 10'

SCALE: 1" = 10'

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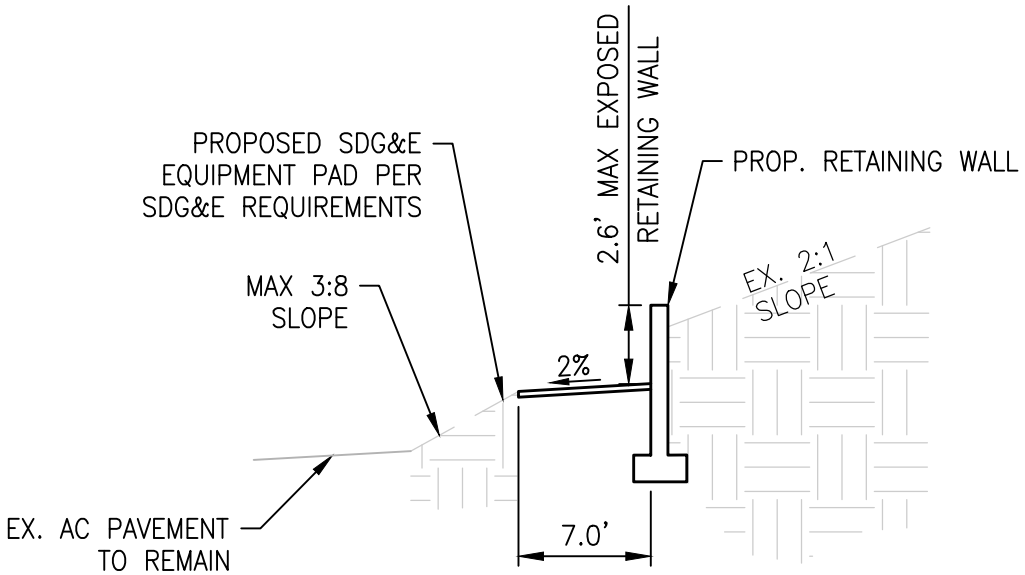
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1238ORIBIA.DWG (07-02-2024 4:38:18PM) Plotted by: wstephens

# RETAINING WALL PLAN

1238 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-12




## SECTION E

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F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1238ORIBIA.DWG (07-02-2024 4:38:19PM) Plotted by: wstephens

# RETAINING WALL PLAN

1238 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-12

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

SDG&E TRANSFORMER

AT&T 2'X3' HANDHOLE

SPECTRUM DRY UTILITY PEDESTAL

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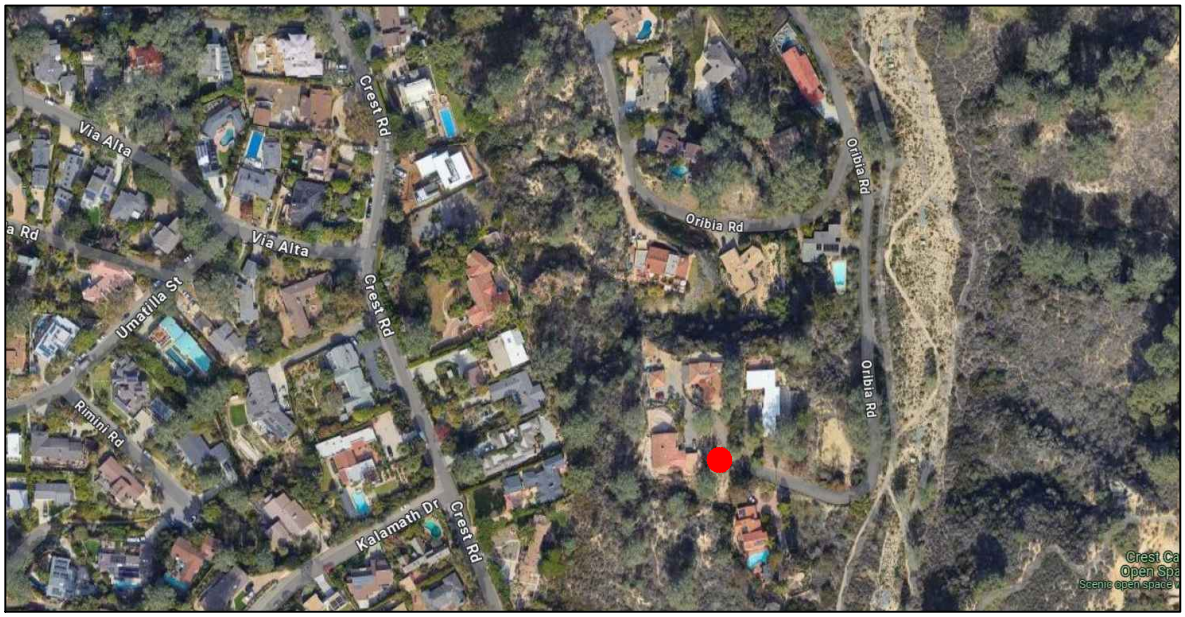
# RETAINING WALL PLAN

1238 ORIBIA RD

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-12




VICINITY MAP

(STREET VIEW UNAVAILABLE)

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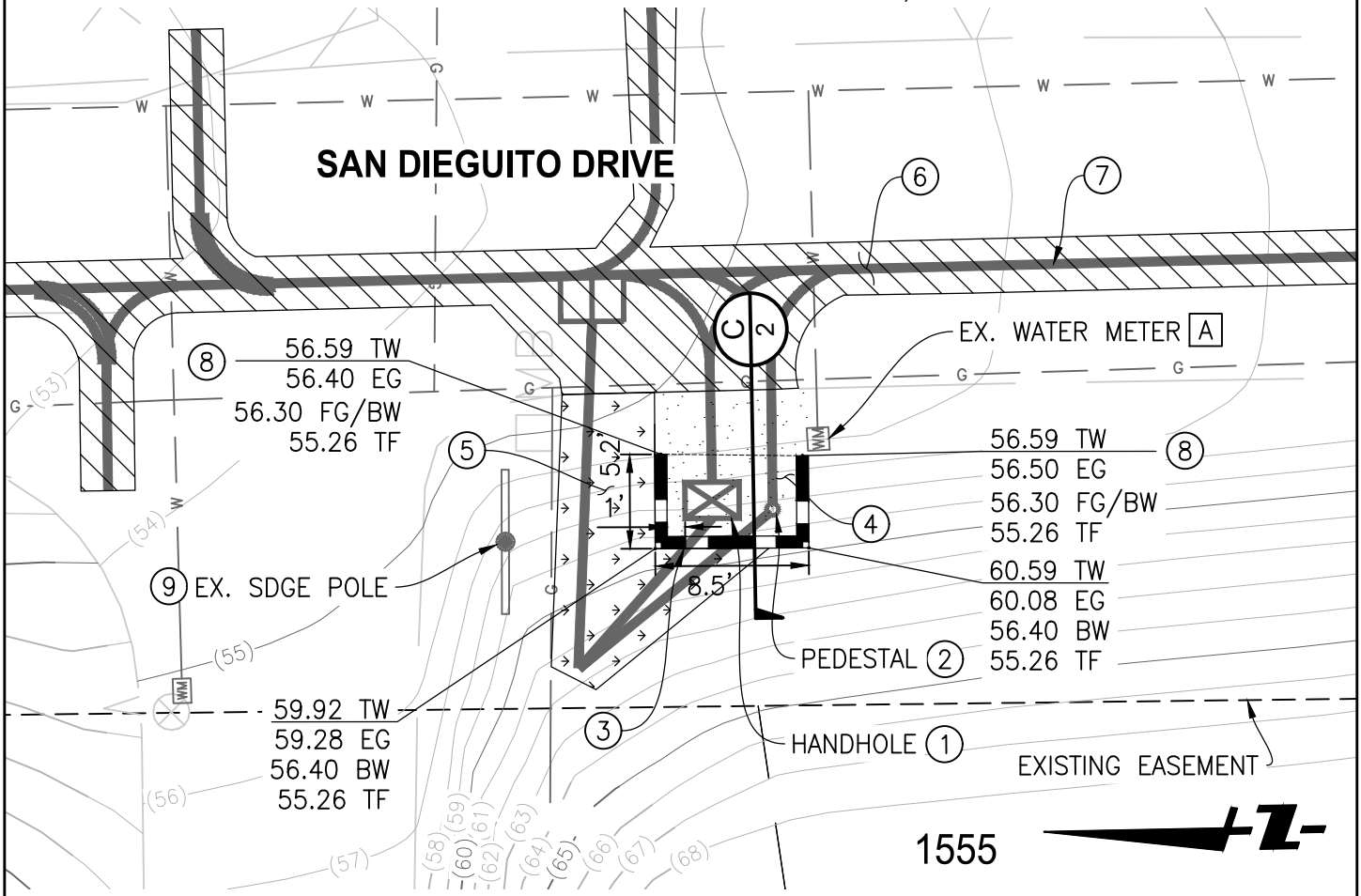
SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1238ORIBIA.DWG (07-02-2024 4:38:29PM) Plotted by: wstephens

# RETAINING WALL PLAN

1555 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6




## CONSTRUCTION NOTES:

1. AT&T HANDHOLE
2. SPECTRUM DRY UTILITY STRUCTURE
3. RETAINING WALL PER SDRSD C-02
4. DECOMPOSED GRANITE SURFACE
5. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
6. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
7. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
8. PAD ELEVATION DESIGNED TO TIE INTO BACK OF CURB IN PROPOSED SAN DIEGUITO DR PLANS. DESIGN BY OTHERS.
9. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS

A PROTECT IN PLACE

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 4.2'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

MAX. EXISTING SLOPE: 1.5:1
MAX. VERTICAL CUT: 5.8'
CUT = 3.7 CY
FILL = 0.0 CY
EXPORT = 3.7 CY

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10' 0' 5' 10'

SCALE: 1" = 10'

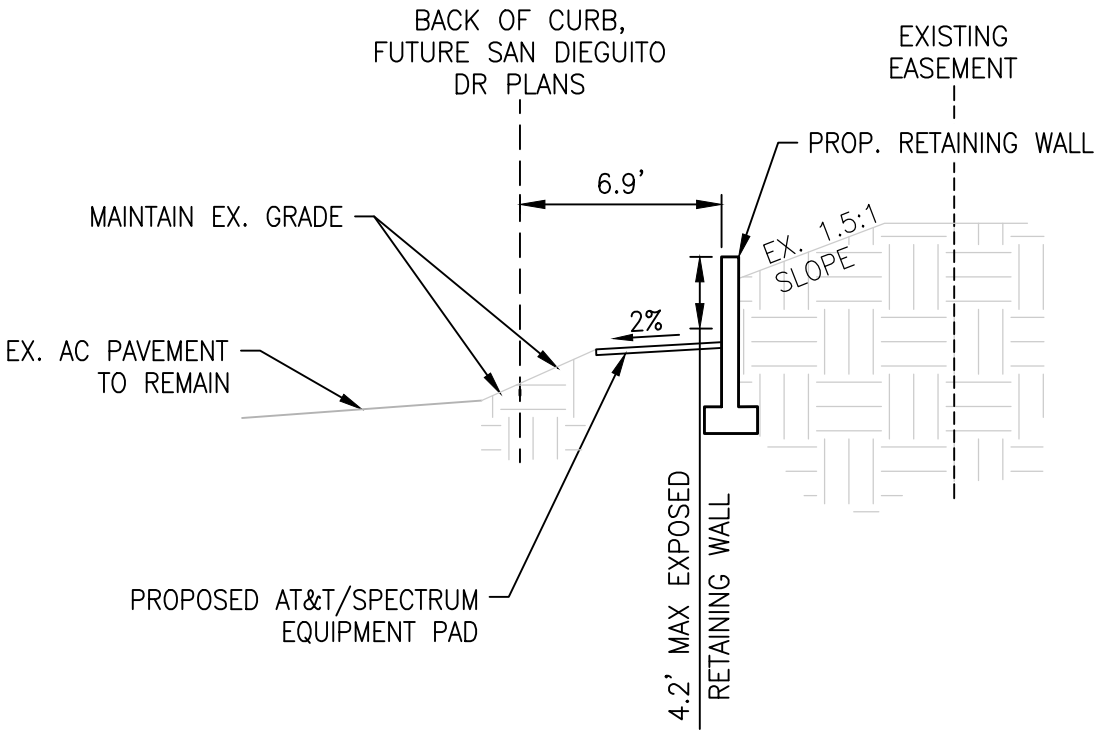
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1555SANDIEGUITO.DWG (07-02-2024 4:32:34PM) Plotted by: wstephens

# RETAINING WALL PLAN

1555 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6




## SECTION C

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F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1555SANDIEGUITO.DWG (07-02-2024 4:32:36PM) Plotted by: wstephens

# RETAINING WALL PLAN

1555 SAN DIEGUITO DR
DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

AT&T 2'X'3' HANDHOLE

SPECTRUM PEDESTAL

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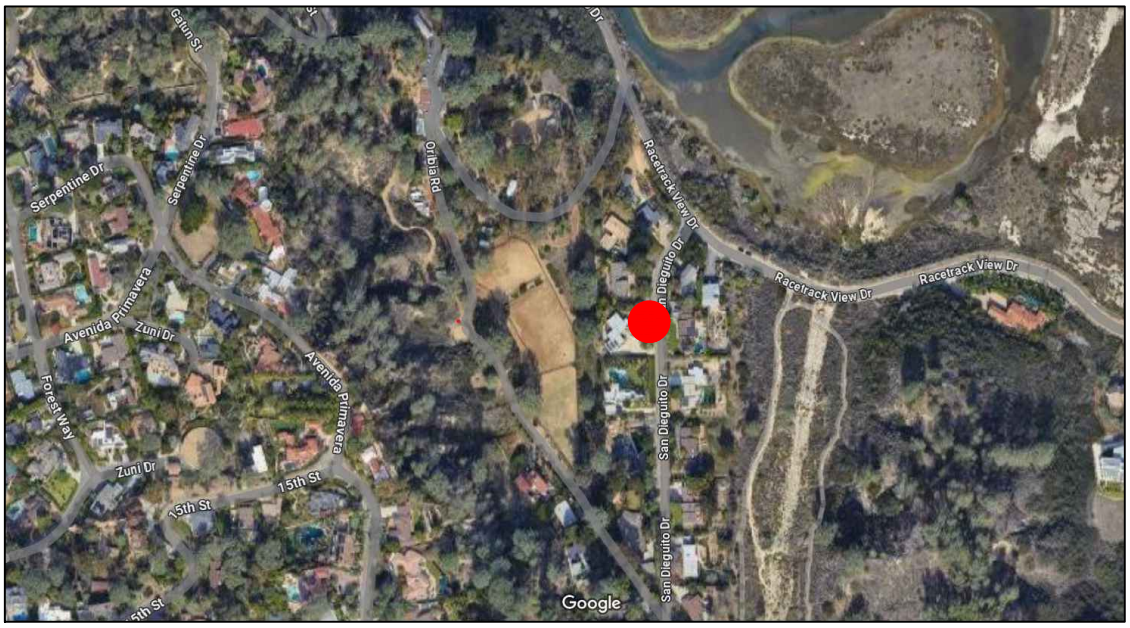
# RETAINING WALL PLAN

1555 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6




VICINITY MAP

PROPOSED RETAINING WALL LOCATION

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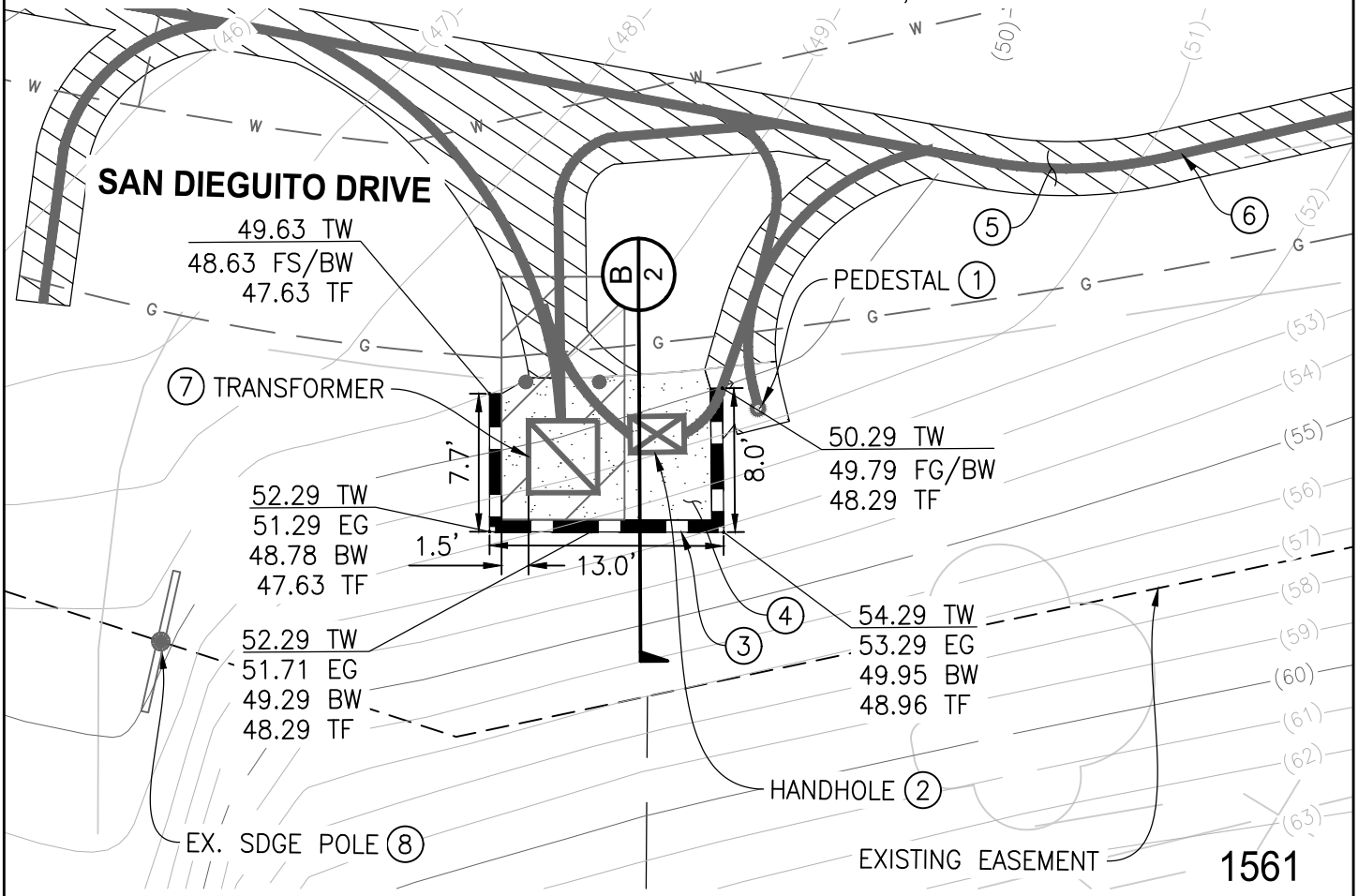
SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1555SANDIEGUITO.DWG (07-02-2024 4:32:46PM) Plotted by: wstephens

# RETAINING WALL PLAN

1561 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6




## CONSTRUCTION NOTES:

1. SPECTRUM DRY UTILITY STRUCTURE
2. ATT HANDHOLE
3. RETAINING WALL PER SDRSD C-2
4. DECOMPOSED GRANITE SURFACING
5. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
6. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
7. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
8. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS

GENERAL NOTES:

MAX. EXPOSED WALL HEIGHT: 4.3'

NATIVE HYDROSEED AROUND WALL EXCAVATION AS NEEDED PER TECHNICAL PROVISIONS

EARTHWORK QUANTITIES:

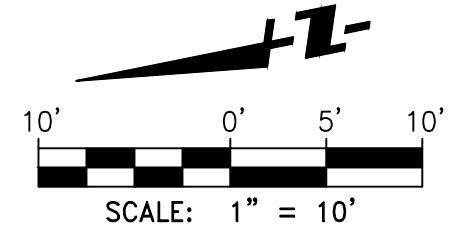
MAX. EXISTING SLOPE: 2:1

MAX. VERTICAL CUT: 5.3'

CUT = 3.5 CY

FILL = 0.0 CY

EXPORT = 3.5 CY




SCALE: 1" = 10'

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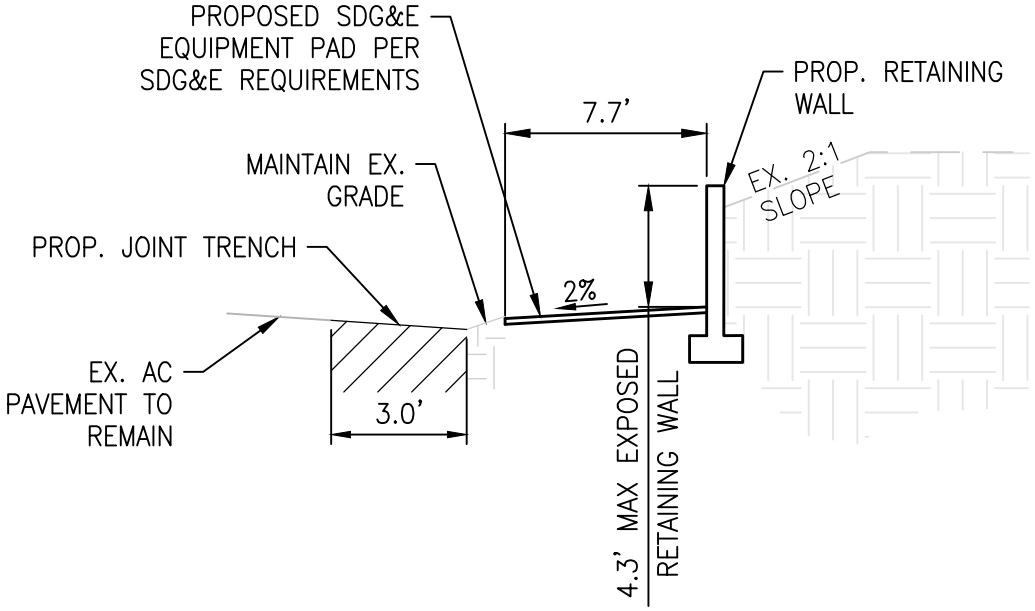
SHEET 1 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1561SANDIEGUITO.DWG (07-02-2024 4:43:30PM) Plotted by: wstephens

# RETAINING WALL PLAN

1561 SAN DIEGUITO DR
DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6




## SECTION B

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F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1561SANDIEGUITO.DWG (07-02-2024 4:43:31PM) Plotted by: wstephens

# RETAINING WALL PLAN

1561 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6

WALL MATERIAL: STONE VENEER - MOUNTAIN LION

SDG&E TRANSFORMER

AT&T 2'X3' HANDHOLE

SPECTRUM DRY UTILITY PEDESTAL

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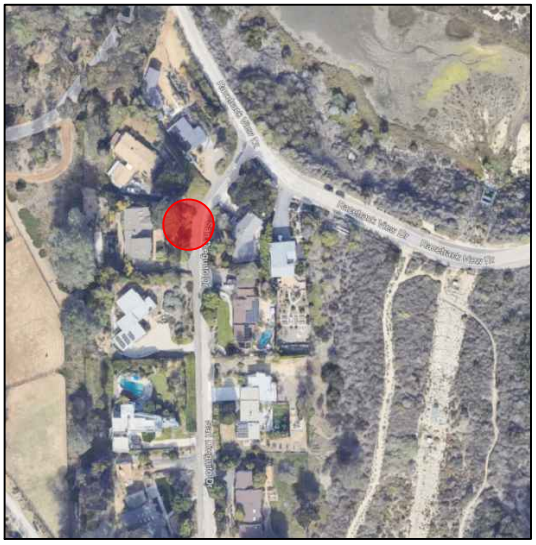
SHEET 3 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1561SANDIEGUITO.DWG (07-02-2024 4:43:36PM) Plotted by: wstephens

# RETAINING WALL PLAN

1561 SAN DIEGUITO DR

DISTRICT X1A CONVERSION IMPROVEMENT PLAN, SEE SHEET C-6



VICINITY MAP

PROPOSED RETAINING WALL LOCATION

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SHEET 4 OF 4

F:\PROJECTS\4048\003\EXHIBITS\X1A RETAINING WALL EXHIBITS\4048-003-X1A-WALL_EXH-1561SANDIEGUITO.DWG (07-02-2024 4:43:41PM) Plotted by: wstephens

RESOLUTION NO. PC-2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT CUP24-003 AND COASTAL DEVELOPMENT PERMIT CDP24-020, TO UNDERGROUND UTILITY LINES, REMOVE UTILITY POLES, INSTALL ABOVE GRADE UTILITIES, AND PERFORM RELATED TRENCHING AND GRADING WITHIN THE BLUFF, SLOPE, AND CANYON AND LAGOON OVERLAY ZONES.

WHEREAS, the City of Del Mar ("Applicant") filed an application for a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) ("Project") to underground utility lines, remove utility poles, install above grade utilities, and perform related trenching and grading within the X1A Undergrounding District located partially in the Bluff, Slope, and Canyon and Lagoon Overlay Zones; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed project has been analyzed and determined to be Categorically Exempt pursuant to CEQA Guidelines Section 15302(d) (Class 2) and 15304 (Class 4), and

WHEREAS, the basis for this Exemption is because the project is the conversion of overhead electric utility distribution systems that are placed underground and includes restoring the surface to the existing condition, and

WHEREAS, the project requires minor alterations to land in six locations with low grading quantities and low retaining wall heights (4.3' maximum) in order to locate required above ground facilities for the undergrounded lines such as handholes, transformers, and pedestals. The proposed project has been sited and designed and will be constructed based on recommendations in a Cultural Resources Assessment titled "Cultural Resource Assessment for the Crest Canyon Undergrounding District X1A Project" prepared by HELIX Environmental Planning, Inc. dated July 8, 2024, and a Biological Resources Letter Report prepared by Busby Biological Resources dated July 11, 2024, to avoid potential impacts to cultural resources and biological resources, respectively, as a result of the proposed activities. It has been further determined that none of the six exceptions to the use of a categorical exemption would apply to this project (CEQA Guidelines Section 15300.2) and the project has been designed to avoid sensitive environmental resources; and

WHEREAS, on August 13, 2024 the Planning Commission of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

a. Plans submitted by the applicant.
b. Written information submitted with the application.
c. Staff Report, dated **August 13, 2024** which is incorporated by this reference as though fully set forth herein; and
d. Additional information submitted during the hearing; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Del Mar recommends approval of Coastal Development Permit (CDP24-020) based upon the following findings:

1. **That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located.**

   The undergrounding of utilities into the City Right-of-Way and easements, associated trenching, grading, and pole removal is a permitted use in the Bluff, Slope and Canyon Overlay and the Lagoon Overlay Zones.

2. **That the proposal meets the criteria of the applicable chapters of this Title.**

   The proposed project, as conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically Chapters 30.52 (Bluff, Slope and Canyon Overlay Zone) and Chapter 30.53 (Lagoon Overlay Zone).

3. **That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP)**.

   The Coastal Development Permit, as conditioned, will be in conformity with the certified City of Del Mar Local Coastal Program (LCP) with respect to resource protection standards, avoidance of hazards regulations and public access standards. The City has carefully designed the undergrounding project to avoid impacts to the San Dieguito Lagoon and steep slope areas and the completed project will provide improved public views of the hillside and lagoon areas.

4. **That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act**.

   The portion of the proposed project located seaward of the first public roadway, as conditioned, is consistent with and implements the applicable requirements for provision of public access contained in The Del Mar Zoning Code and in the public access and public recreation policies of Chapter 3 of the California Coastal Act in that all existing public access points would remain and the few retaining walls that must be constructed to accommodate above ground utility facilities have been located in a way which do not impede vehicular or pedestrian travel.

5. **That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

   The proposed project (UUD X1A) is not located in the Beach Overlay Zone and no shoreline protection devices are proposed as part of this project, therefore this finding is not applicable.

6. **That the proposal is consistent with and implements the provisions of public view protection Policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

   The project is consistent with and implements the provisions of public view protection policies of the City of Del Mar Local Coastal Program, including those of the LCP Land Use Plan in that public views will be enhanced by the removal of utility poles and lines; and

7. **That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

   The proposed project is partially located in the Lagoon Overlay Zone and as conditioned, is consistent with and implements the provisions of that Lagoon Overlay Zone, as contained within the Local Coastal Program Implementing Ordinances and Land Use Plan in that the majority of the project is barriered from the San Dieguito Lagoon by San Dieguito Road and, where poles are in or adjacent to the wetland, removal procedures will be followed to avoid negative impacts.

AND BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar, that Conditional Use Permit (CUP24-001) be recommended for conditional approval by the City Council, and that approval be based upon the following findings:

1. **That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.**

   The undergrounding of utilities into the City Right of Way and associated trenching, grading, and pole removal is a permitted use in the Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone.

2. **That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements on such vicinity and zone in which the property is located.**

   The undergrounding of utilities lines will be a benefit to the public and improve the established character of the surrounding neighborhood by removing unsightly power lines and poles. Additionally, public safety will be improved in that the project area is located in the Wildland Urban Interface (High Severity Fire Area) and so undergrounding the lines will reduce the risk of fire for this area.

3. **That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on the streets.**

   The proposed project will be an improvement to public utility lines and will not have an undue burden on the streets.

4. **That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as are required by this chapter or as are needed, in the opinion of the Planning Commission, or the City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

   The proposed project will underground existing overhead utility lines therefore, setbacks, landscaping, parking, etc. standards are not applicable to the design of the project. Typical development standards in the Zoning Code are not applicable to this project, in that the project includes removing utility poles and replacing overhead cables for electricity and telecommunications with underground lines, which will be located in existing roadway/right-of-way and utility easements. As a result, the project will be compatible and harmonious with nearby uses.

5. **That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.**

   This Conditional Use Permit request is consistent with the City's Community Plan, Community Development Goal 3, Objective and Policy F. 4. which calls for a program to underground overhead utilities; and

AND BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar, that the steep slope encroachment required for the trenching, grading, and pole removals in relation to the Undergrounding Project X1A are recommended for conditional approval by the City Council, and that approval be based upon the following finding:

1. **Pursuant to DMMC 30.52.060.A. 5. encroachment into substantial steep slope areas and steep slope setbacks shall be permitted for the construction of, or improvement to, public utility lines and lateral utility hookups upon a finding by the Planning Commission that such improvements have been designed at the minimum size necessary and that they have designed to follow the natural contours of hillsides so as to minimize the amount of soil disturbance commensurate with preserving the natural topography of the area.**

   The undergrounding project was carefully designed to avoid steep slopes and steep slope setbacks to the maximum extent practical. Where encroachment into steep slope areas was unavoidable, these improvements have been designed at the minimum size necessary and that they have designed to follow the natural contours of hillsides so as to minimize the amount of soil disturbance commensurate with preserving the natural topography of the area.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar recommends application CUP24-003, and CDP24-020 be approved subject to the conditions listed on the following pages;

<u>General Conditions</u>

*[Note: The conditions listed below may have gaps in numbering or lettering. These gaps are intentional.]*

G-1 *[Business License]*
Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff.

G-3 *[Development Authorization Limited to Plan Set]*
This permit is granted based on submitted plans dated July 5, 2024, and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-5 *[Requirement for Building Permits]*
Prior to commencement of work, the applicant or agent shall obtain all required Building Permits.

G-6 [*Construction and Demolition Waste Recycling Requirement*]
Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65% of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted. All work associated with the project shall be done in conformance with the City of Del Mar's Mandatory Recycling Ordinance (No. 590).

G-7 *[Code Compliance]*
Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

G-11 *[Plan for Construction-Phase Impacts]*
Prior to issuance of Building Permits or commencement of project implementation (whichever comes first), the applicant shall provide a plan for construction-phase parking and equipment/materials storage for the project. The plan must include the following:

a. Identification of project material storage location;
b. Identification of project equipment storage location;
c. A construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries.
d. Location of any temporary sanitary facilities;
e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
f. Map displaying any/all haul routes; and
g. Contact information (phone number and Email) for the on-site supervisor(s);

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Parking Enforcement and Public

Works Departments. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-13 *[Permit Expiration]*
This permit shall expire three years from the date of approval unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

G-16 [*Compliance with City Noise Regulations]*
The applicant and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. / Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

G-17 *[Dig Alert]*
Prior to excavation or trenching, the applicant shall call Underground Service Alert of Southern California (Dig Alert- 1-800-227-2600) for a mark out of service utilities.

G-18 *[Rules for Construction-related Signage]*
All construction-related signage posted at the project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the project review process.

All construction related signage, including City required signs, shall be removed prior to final approval of the project.

<u>Engineering Conditions</u>:

These conditions shall be incorporated into the Plan Set or added to the Project Specifications.

E-1 The Plan shall be in compliance with applicable National Pollutant Discharge Elimination System (NPDES) stormwater requirements and shall incorporate the use of "Best Management Practices" (BMPs) to control runoff or discharge onto the City rights-of-way and to avoid run-off onto adjacent properties.

In addition to the considerations listed above, the Plan shall also address/incorporate the following:

E-1A A topographical map indicating right-of-way lines, topographic features and existing and/or proposed utilities prepared by a Registered Civil Engineer or a Licensed Land Surveyor. Said map shall include two-foot contour lines and/or sufficient spot elevations to clearly represent existing and proposed topographical features. Survey shall extend the width of the right-of-way, within limits of work;

E-1B The location of all existing or proposed easements which extend past the right-of-way, which are to be used for the utility proposed;

E-1C The inclusion of a traffic control plan for any phased work within the right-of-way, shall be submitted to the Public Works Department prior to commencement of work;

E-1D The proposed retaining walls shall be designed and constructed completely within the public right-of-way and easement. No portion of the wall or footing shall extend across the right-of-way line onto private property, unless there is an easement. The limits of the footing of the proposed retaining walls shall be depicted on the plan set. The applicant shall provide a plan and profile view of the proposed retailing wall that will depict top of wall and top of footing elevations;

E-1E Retaining wall sub-drains will not discharge onto City streets, as they contribute to nuisance water. Sub-drains shall discharge on soil, within the right-of-way, to allow percolation back into the soil;

E-1F Trench restoration shall be per County of San Diego Regional Standard Drawings. Any distressed pavement within, or adjacent to, the saw-cut limits shall be removed and replaced to the satisfaction of the City Engineer at no additional cost to the City.

E-1G The methods for providing temporary erosion control during the construction phase of the project, complete with the inclusion of standard improvement plan and erosion control notes on the plan set;

E-1H The applicant shall stabilize all slopes per City approved method; and

E-1I Following construction completion, the project designer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project designer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan.

E-2 Cuts into hillsides shall require the applicant to obtain a Land Conservation (LC) permit, pursuant to the provisions of the Del Mar Municipal Code (DMMC).

E-3 Prior to project commencement the applicant shall record any easement that is required on private property for the installation of the utility. The easement document shall be prepared to the satisfaction of the Planning and Community Development Director.

E-4 Should any retaining walls need to be designed by a California Licensed Structural Engineer, the applicant shall provide a Geotechnical Report for the project providing the required soil parameters needed to design the proposed retaining walls. The Report shall be prepared, signed and sealed by a Certified Engineering Geologist and a Geotechnical Engineer or Registered Civil Engineer. This Report shall be subject to review and approval by the City Engineer, City Building Department, and if deemed necessary, a third-party with expertise in geotechnical issues. The report required herein shall:

E-4A Evaluate existing site constraints;

E-4B Evaluate potential effect of proposed construction on nearby slopes, sensitive topographic features and neighboring properties;

E-4C Evaluate any mitigation measures if necessary;

E-4D Evaluate recommendations for any special construction methods as necessary; and

E-4E Provide recommendations for back-cuts for the construction of retaining walls. These recommendations shall include a time limit that the back-cuts can remain in place without either creating a stable backfill or completing construction of the approved retaining walls.

E-5 The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Department of Public Works and the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.

E-6 The applicant shall restrict hours of work for the use of heavy equipment during grading and improvements between the hours of 7:30AM to 5:00PM, this includes the warmup of equipment. Saturday, Sunday and City holiday work is prohibited.

E-7 All construction activities undertaken shall comply with the City's Community Plan and Municipal Code. In cases of conflict between the City's Municipal Code, these standard conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) City's Municipal Code regulations; 2) City's Community Plan; 3) Standard Conditions.

E-8 Pedestrian access along all public streets in the project area shall be maintained at all times unless material is being delivered to the site.

E-9 Any special or unique surfaces shall be restored in-kind. For example, cobblestone gutters shall be restored in-kind. Permittees are required to salvage as much of the existing materials as possible for reuse in the restoration and shall supply any new material with substantially similar characteristics as required for proper restoration.

E-10 The Permittee shall warrant that any trench backfill, trench restoration, pavement restoration, or other work performed in the Right-of-Way will be free from all defects due to faulty materials or quality of work for a period of one (1) years after the date the work was inspected and approved by the City. Upon failure of the pavement restoration within the one (1) year warranty period, the Permittee shall repair or remove and replace all such backfill, Pavement restoration, or other work, together with any other Pavement areas directly affected by that removal or replacement, without any expense to the City.

E-11 Construction Start Notification Letters shall be received by all addresses at least two days before commencing the work and must include the project limits, general scope of work, construction start and end dates, and name of contractor if other than the Applicant.

E-12 When the permitted work will affect residents' access to their property or will disrupt utility services, written notices must be hand delivered by means of door hangers to each residence, as well as to the Public Works Department. The Work Area and Schedule must be included on the notice and all notices delivered at least five (5) business days in advance of commencing work.

E-13 All construction work shall be performed and conducted so as not to interfere with access to the fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants. Accessways provided by Contractor leading to fire hydrants shall be kept free of all obstructions at all times.

E-14 The Contractor performing work in the right-of-way shall cleanup the work area daily, including the removal of debris and any excess construction material. There shall be no spoil material stockpiling within the right-of-way upon completion of the workday. Dusty conditions shall be controlled daily by appropriate methods such as sweeping when warranted or as directed by the City Engineer.

<u>Special Design Feature Conditions:</u>

SP-1 *[Cultural Monitoring]*
Ground disturbing activities along San Dieguito Drive, where adjacent to the lagoon, shall include an archaeological and Native American monitoring program as part of the project's construction operating procedures.

SP-2 *[Tree Protection Plan]*
The contractor performing the work shall adhere to the Tree Protection Plan measures identified in the Arborist Report Titled "City of Del Mar Utility Undergrounding Tree Protection Project"

*SP-3 [Pole Removal- Canyon Areas]*
The contractor removing poles in sensitive canyon areas shall walk in to hand cut the poles at ground level, fell the pole, cut into manageable pieces, and haul out with small rubber tired tractor-trailer or wheelbarrow. Alternatively, they may choose to hand cut the pole at ground level and helicopter the pole out of the canyon area. No other alternatives shall be used unless otherwise reviewed and approved to the satisfaction of the City. Notification of removal of poles via helicopter shall be provided to the City's Project Manager seventy-two (72) hours in advance.

*SP-3 [Pole Removal- Lagoon Area]*

The contractor removing poles in sensitive lagoon areas shall perform their work during low tides and walk in to hand cut the poles at ground level, leave a portion of the pole at the lagoon (to remain approximately 6-8 inches above grade), and utilize a truck parked at the street with a boom to bring the pole to the street for processing the pole for disposal. For poles which are not reachable with the boom the contractor shall walk in to hand cut the poles at ground level, fell the pole, cut into manageable pieces, and haul out with small rubber-tired tractor-trailer or wheelbarrow, No other alternatives shall be used unless otherwise reviewed and approved to the satisfaction of the City. This condition does not supersede any Coastal Commission required conditions for any poles located in the lagoon in Coastal Commission jurisdiction.

SP- 4 *[On-Site Biologist]*

SP-4 A. Prior to construction, a qualified biologist shall attend a pre-construction meeting to present a "worker environmental awareness training" to all construction personnel to discuss the project's construction operating procedures (i.e., contractor commitments) and BMPs.

SP-4 B. During construction, construction activities (including access and staging areas) shall be restricted to areas presented in the report titled "Final Biological Resources Letter Report for the Proposed Crest Canyon Undergrounding District X1A Project, City of Del Mar, San Diego County, California" and as reflected on the construction drawings. The qualified biologist shall conduct routine construction monitoring to monitor environmental compliance and ensure the project construction operating procedures and BMPs are implemented and maintained.

SP-4 C. The monitoring biologist shall document field activity via monitoring forms for submittal to the City to demonstrate compliance. If items of non-compliance are identified, the biologist shall notify the on-site construction superintendent immediately to discuss and implement corrective actions. Issues of non-compliance that result in direct or indirect effects on sensitive biological resources shall be documented and provided to the City within 72-hours of identification. The monitoring biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

SP-4 D. Post-Construction The qualified biologist shall survey the project work areas to verify that authorized limits of work were not exceeded and provide documentation via brief email or letter to the City. In the event that direct effects to sensitive vegetation exceed previously approved amounts, these additional effects shall be documented, quantified, and mitigated in accordance with City ordinances; CEQA; and other applicable local, state, and federal laws.

SP-5 *[Storm Water/Erosion Control Monitor]*

SP-5 A. Prior to construction, a qualified storm water/erosion control monitor, retained by the contractor, shall educate all construction personnel about storm water pollution prevention, BMPs, and other measures needed during various construction activities to manage urban runoff and prevent unauthorized discharges from construction.

SP-5 B. A qualified storm water/erosion control monitor shall be responsible for monitoring

weather conditions and implementation of any emergency plans as needed, evaluating the conditions of the site, overseeing construction operations, and inspecting and maintaining of the BMPs to keep the site in compliance.

SP-5 C. Appropriate BMPs shall be implemented during construction to capture and/or direct flows away from sensitive natural areas and away from the storm drain system to prevent toxins, chemicals, petroleum products, exotic plant materials, erosion, sediments, and other foreign materials from entering and degrading the adjacent San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive natural areas. Examples of construction BMPs include, but are not limited to, silt fencing, gravel bags, fiber rolls, temporary filters at storm drain inlets, containment areas for solid waste storage and concrete washout, limiting fueling/maintenance of equipment to designated areas outside and away from waters or wetlands areas, plastic covers, blankets/mats, and street sweeping, providing and installing material containment devices for refueling or fixing equipment that is not easily movable away from waters.

SP-6 *[Clearing of Vegetation]*
Clearing of vegetation in sensitive natural areas shall be minimal and will occur immediately adjacent to developed areas and vegetation trimming and overland pedestrian access in sensitive natural areas shall be minimal, and therefore, will not result in the introduction or expansion of invasive plants (i.e., plant species on the California Invasive Plant Council [Cal-IPC] “high” and “moderate” list; Cal-IPC 2024) into areas within and adjacent to proposed project features.

SP-7 *[Project Hours to Avoid Artificial Light Sources]*
Project-related activities within and adjacent to San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive natural areas shall be of short duration and limited to daylight hours (i.e., will not require the use of artificial light sources) to avoid deterring wildlife from these areas.

SP-8 *[Breeding/Nesting Bird Avoidance]*
Work within and adjacent to sensitive biological areas (i.e., San Dieguito Lagoon and Crest Canyon Open Space) shall occur outside of the general bird breeding/nesting season (generally February 1 to August 31), where feasible. Work outside of these sensitive biological areas, within developed areas and residential yards, which requires vegetation trimming or vegetation removal shall also be timed to occur outside of the general bird breeding/nesting season (i.e., no vegetation impacts between February 1 to August 31).

SP-8 A. If avoidance of the bird breeding/nesting season is not feasible, then a pre-construction survey must be conducted by a qualified biologist within seven days prior to the start of work to search for nesting birds within project work areas and the surrounding 300 feet, where feasible. If the surveys conclude no active nesting, the work shall resume as planned. If project activities are delayed or suspended for more than seven days during the breeding season, surveys shall be repeated prior to re-initiating work.

SP-8 B. If results of a bird survey identify active nesting birds within or adjacent to project work areas, an appropriate nest buffer (i.e., work avoidance area) shall be established by the qualified biologist, and if feasible, fenced or demarcated to restrict access in the buffer. Buffer distances may include, but shall not be restricted to, 25 feet around nests of common, non-listed birds and 300 feet around nests of sensitive, listed birds. Each of these buffers may be reduced, if appropriate, and as directed by a qualified biologist. The reduction in no-work buffers shall be approved by the City prior to implementation. Each nest avoidance buffer zone shall not be

disturbed until a qualified biologist has determined that the young have fledged, or the nest has otherwise become inactive.

SP-8 C. If construction activities (i.e., those potentially exceeding 60dBa hourly average, such as trenching, excavating, paving, and etc.) adjacent to the San Dieguito Lagoon and Crest Canyon Open Space are not completed prior to the breeding season for coastal California gnatcatcher, light-footed Ridgway's rail, and Belding's savannah sparrow, and these species are found present during the pre-construction surveys, then appropriate noise attenuation measures shall be implemented to reduce construction noise levels at the edge of occupied habitat. Noise levels shall be recorded by a qualified noise specialist and intermittent monitoring shall be conducted by a qualified biologist to ensure project-generated noise does not exceed 60dBa hourly average, unless ambient noises exceed 60dBa for which construction can proceed up to the ambient noise level. If noise attenuation measures are determined necessary by the qualified biologist, the following measures shall be incorporated:

- Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.
- Diesel equipment shall be operated with closed engine doors and equipped with factory-recommended mufflers.
- Mobile or fixed "package" equipment (e.g., arc-welders and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible.
- Unnecessary idling of internal combustion engines (e.g., in excess of five minutes) shall be prohibited.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- No project-related public address or music system shall be audible at any adjacent sensitive receptor.
- Temporary sound barriers or sound blankets shall be installed between construction operations and adjacent noise-sensitive habitat.

SP-9 *[Repave Streets and Driveways]*
Streets and driveways disturbed during construction will be repaved or repaired in-kind to match adjacent undisturbed roadway.

SP-10 *[Use of Native Hydroseed]*
As noted on the final construction plans, a California native hydroseed mix will be used to replace vegetation that has been disturbed or cleared during construction, where necessary, except for within a few properties where homeowners have requested the use of replacement ornamental plants in their yards disturbed during construction. The native hydroseed mix shall be submitted to the City by the contractor and approved by the City prior to application.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar this 13th day of August:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Philip Posner, Chairperson
Planning Commission
City of Del Mar, California

ATTEST:

_____
Karen Brindley
Planning and Community Development Director
City of Del Mar, California

**HELIX Environmental Planning, Inc.**
7578 El Cajon Boulevard
La Mesa, CA 91942
619.462.1515 tel
619.462.0552 fax
www.helixepi.com

July 8, 2024 01197.00002.004

Ms. Ashley Jones
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
c/o Jennifer Gavin

Subject: Cultural Resource Assessment for the Crest Canyon Undergrounding District X1A Project

Dear Ms. Jones:

The City of Del Mar (City) contracted HELIX Environmental Planning, Inc. (HELIX) to conduct a cultural resources study for the Crest Canyon Undergrounding District (District) X1A Project (project), in Del Mar, San Diego County, California. HELIX conducted a record search, a Sacred Lands File search, and a site visit of the project area. This letter report details the methods and results of the cultural resources study. In summary, no significant historical resources were identified within the project area, and no adverse impacts to cultural resources are anticipated from the project's development; thus, no mitigation is required. However, cultural resources monitoring is recommended as a project design feature for trenching and other ground-disturbing efforts along the northern edge of the project area (along San Dieguito Drive) due to this area being situated adjacent to the San Dieguito Lagoon where sedimentary alluvium and slopewash deposits of Holocene age may contain buried cultural material.

## PROJECT LOCATION AND DESCRIPTION

The project is located west of Interstate 5 (I-5), south of the San Dieguito Lagoon, and north of the Los Peñasquitos Lagoon (Figure 1, *Regional Location*). The project area is within Sections 11, 13, and 14, in Township 14 South, Range 4 West, on the U.S. Geological Survey (USGS) 7.5-minute Poway topographic quadrangle (Figure 2, *USGS Topography*). The undergrounding project is located within residential roads south of San Dieguito Drive, east of Camino Del Mar, and north of La Amatista Road (Figure 3, *Aerial Photograph*).

This dry utility undergrounding conversion project is located primarily along Crest Road from the border of the City of San Diego at the south and continues up through Crest Road to incorporate a portion of Avenida Primavera and Zuni Drive and ending at a dead-end portion of Serpentine Drive. The undergrounding also crosses east from Crest Road to Oribia Road and north to San Dieguito Drive. From San Dieguito Drive the undergrounding continues west adjacent to the San Dieguito Lagoon terminating at the Grand Avenue Overlook. The project extends to a portion of Hoska Drive to Hoska Lane

intersection, on Amphitheater Drive to the driveway at 980 Crest Road, on Kalamath Drive to the first pole adjacent 1210 Crest Road, to pole at 1329 Via Alta, down to 615 15th Street, to pole at 521 Avenida Primavera, to pole at 660 Zuni Dr, and down Serpentine Drive to Forest Way intersection.

The project will consist of the following components:

1) publicly funded trenching for new conduit installation, construction of new utility equipment pads, construction of new handholes, and construction of retaining walls associated with the proposed undergrounding electrical and telecom within approximately 12,300 lineal feet of existing public right-of-way and private streets in the area;

2) private residence homeowner funded trenching and new conduit from meter stations/boxes for 85 houses out to the street right-of-way at locations where overhead services currently exist to the homes;

3) public right-of-way and private property/homeowner repairs to the surface, including roadway paving and replacement of vegetation disturbed during construction of the trench, pads, handholes, and retaining walls;

4) utility agency installed equipment and wiring for the proposed electrical and telecom services; and

5) utility agency removal of all overhead wires and poles currently located within the District.

The majority of the work will occur in developed areas, within existing streets and driveways with some exceptions for equipment and walls adjacent to the paved areas, homeowner trenching through yards to existing meter locations, and overhead wire and pole removals for existing lines that cross through open space canyon and lagoon areas.

All excavations for the trenches, pads, and walls are expected to be completed with rubber-tired backhoes, loaders, and trucks. Hand digging with an arborist on standby is planned for trenching within the critical root zone of protected tree species where work near the tree is unavoidable. Breaker attachments on the backhoes may be necessary to use for excavation in areas of hard sandstone. Ground disturbing activities (e.g., trenching, excavating, hand digging, etc.) along San Dieguito Drive, adjacent to the lagoon, will implement an archaeological and Native American monitoring program as part of the project's construction operating procedures (i.e., contractor commitments). Additionally, pole removals in sensitive canyon areas are to be completed by hand; crews will walk in to hand cut pole at ground level, fell the pole, cut to manageable pieces, and haul out with small rubber tired tractor-trailer or wheelbarrow. Alternately, San Diego Gas & Electric (SDG&E) may choose to hand cut pole at ground level and helicopter the pole out of the canyon area. Pole removals in sensitive lagoon areas are to be completed via hand cutting pole at ground level and removal via truck at locations where boom can reach while parked on the existing paved road or felling and cut up for removal with a wheelbarrow for the one pole further off the road.

## METHODS

HELIX utilized a recent records search completed for the City that contained the area of the proposed project. The records search included the identification of previously recorded cultural resources within a half mile of the project area. The Native American Heritage Commission (NAHC) was contacted for a Sacred Lands File search on June 12, 2023. The NAHC responded on June 29, 2023, indicating that the Sacred Lands File search results were negative. No additional outreach to the Native American community was conducted as part of this study. The correspondence from the NAHC is included as an attachment to this letter report.

Historical maps and aerial photographs were also reviewed to assess the potential for historical structural resources and historical archaeological resources, including the 1904 and 1930 Southern California (1:250,000) USGS topographic maps; the 1953, 1967, 1975, and 1994 Del Mar 7.5-minute USGS topographic maps; and historic aerials from between 1932 and 1990 (NETR Online 2023; UCSB Digital Library 2023).

A site visit was conducted on June 16, 2023, by HELIX archaeologists James Turner and Jessica Garcia. The project area was walked and checked for cultural resources and to ascertain whether the roads within the project area had been cut into the hillside. The entirety of the project alignment is located within existing residential roads or private driveways.

## RESULTS

### Archival Research

The review of the records search data identified 13 previously recorded cultural resources within one half-mile of the project area, three of which are recorded within the overall project boundaries (Table 1, *Previously Recorded Resources within One Half-Mile of the Project Area*). In general, the resources within one-half mile consist of five prehistoric sites, four historic structures, two historic buildings, and one historic isolate. The two resources recorded within the project boundaries (P-37-026493. P-37-036412, and P-37-036413) are discussed below.

**Table 1**
**PREVIOUSLY RECORDED RESOURCES WITHIN ONE HALF-MILE OF THE PROJECT AREA**

| Resource Number (P-37-) | Resource Number (CA-SDI-) | Age and Resources Present | Description | Recorder, Date |
|---|---|---|---|---|
| 000192 | 192 | Prehistoric Site | Unknown | Treganza, n.d.; Foglia and Spelts, 2016 |
| 000193 | 193 | Prehistoric Site | Unknown | Treganza, n.d. |
| 008591 | 8591 | Prehistoric Site | Lithic scatter | Apple and Apple, 1980 |
| 024489 | 16241 | Prehistoric Site | Artifact scatter | Mealey et al., 2002; Mealey and McFarland, 2005 |
| 024739 | 16385H | Historic Structure | Segments of the Atchison, Topeka, and Santa Fe Railroad | Ballester and Woodard, 2002; Unknown, n.d.; Stiefel and Gunderman, 2009; McLean, 2010; Schultz and Harper, |

| Resource Number (P-37-) | Resource Number (CA-SDI-) | Age and Resources Present | Description | Recorder, Date |
|---|---|---|---|---|
| | | | | 2011; Castells, 2013; Castells and Krintz, 2013; Castells and Quach, 2014; Castells, 2015; Daly, 2015; Tift and Lennen, 2016; Courtney, 2017; Foglia, 2017 |
| 026493* | 17389 | Prehistoric Site | Campsite | Rogers, n.d. |
| 034956 | --- | Historic Structure | San Dieguito River Railroad Bridge | ASM Affiliates, Inc., 2009 |
| 036412* | --- | Historic Building | A raised ranch-style single-family residence built in 1965 | Mello, 2016 |
| 036413* | --- | Historic Building | An eclectic ranch style single family residence built in 1967 | Mello, 2016 |
| 036415 | --- | Historic Structure | Transmission line | Foglia and Spelts, 2016 |
| 036421 | --- | Historic Isolate | Insulator fragment | Foglia and Spelts, 2016 |
| 036422 | --- | Historic Building | Commercial building built in 1955 | Foglia et al., 2016 |
| 036423 | --- | Historic Building | Old Grand Avenue Bridge | Foglia and Spelts, 2016 |

* Within Project Area

## P-37-026493 (CA-SDI-17389)

P-37-026493 (CA-SDI-17389) was recorded by Malcom Rodgers in the 1920s as a campsite; during the initial recordation, he noted that the site had been destroyed by wind and rain erosion such that nothing remained save for fire-cracked rock (Rogers n.d.). No other updates for the site have been filed – it is presumed that the site was fully destroyed during the development of the residences now located in the recorded location of the resource.

## P-37-036412

Resource P-37-036412 is a raised ranch-style single-family residence (Mello 2016a). The building has a north-facing orientation and is two stories with a C-shaped plan. At the time of recordation, it was determined that the residence did not possess the requisite significance to be eligible for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR).

## P-37-036413

Resource P-37-036413 is a one-and-a-half-story, Eclectic style ranch-style, single-family residence built in 1967 (Mello, 2016b). At the time of recordation, it was determined that the residence did not possess the requisite significance to be eligible for listing in the NRHP or CRHR.

## Other Archival Research

No roads or structures are recorded in the area on the 1905 Southern California topographic map, though the San Dieguito Lagoon is recorded to the north, and "Delmar" is recorded to the southwest. The 1953 Del Mar topographic map shows several roads and structures within the project area – this map depicts the Del Mar Airport to the northeast and the Del Mar Racetrack to the north. The 1967 Del Mar map shows the area containing the project area as being relatively unchanged – this map also depicts I-5 in its present alignment to the west. The project area is relatively unchanged on the 1975 and 1994 Del Mar topographic maps.

The 1932 aerial photograph shows the area containing the project consisted primarily of dirt roads and sparsely spaced residences (UCSB Digital Library 2023). The area remains relatively unchanged in the 1941 photograph; the 1953 and 1964 aerial photographs show more structures within the project area (NETR Online 2021; UCSB Digital Library 2023). The aerial photographs from 1967, 1978, 1984, and 1990 show the area relatively unchanged from the 1964 aerial (NETR Online 2023).

Geologically, the majority of the project area is located within coastal bluffs that are underlain with very old paralic deposits dating to the middle to early Pleistocene and Torrey Sandstone, an order formation dating to the middle Eocene (Kennedy and Tan 2008). Along the far northern edge of the project area, closest to the lagoon, sedimentary alluvium, slopewash deposits of Holocene age, and Bay Point Formation of middle Pleistocene age are present (Kennedy 1975).

The area within and surrounding the project area contains soils from the loamy alluvial land-Huerhuero complex, terrace escarpments, the Carlsbad-Urban land complex, the Corralitos series, and the Carlsbad series. In general, these soils consist of loamy sands (Bowman 1973).

## Site Visit

The roads located within the northern portion of the project area, specifically - San Dieguito Drive, Racetrack View Drive, and Oribia Road, appear to have been cut into the bottom slopes of the bluffs. This was especially visible within Oribia Road – this road would likely have been approximately three to four feet higher before the cutting and grading. Each of these roads also contained new patches or stripes of asphalt indicative of trenching for the installation of utility lines, with SDG&E vaults being observed along the asphalt striping.

Crest Road and Crest Way, in the southern portion of the project area, also appeared to have been cut into the hillside in most areas. A few areas, such as the intersection of Crest Road and 15th Street, appeared to have been graded at some point, likely during the construction of the circular landscaped feature in the center of the intersection. Much of Crest Road and Crest Way appeared to have been freshly repaved, and both sides of the road have been developed with a residential neighborhood.

Representative site photos of the project area and conditions are included as an attachment to this letter.

## CONCLUSION AND RECOMMENDATIONS

The review of records search information indicated that no significant cultural resources have been previously recorded within the project area – the three previously recorded resources documented within the overall project area consist of one archaeological site initially recorded in the early 1900s that has since been destroyed and two non-significant built environment resources. Based on aerial photographs of the area, the project area has been developed since the 1960s; this development was evident during the site visit, which did not result in the identification of any additional cultural resources. Based on these factors, the implementation of the project is not expected to have an adverse impact on any known cultural resources.

Due to the geological setting of the project area and the amount of development that has occurred since the 1960s, it is unlikely that buried archaeological resources are present in the majority of the project area. The only exception would be the potential for buried archaeological resources to be present within Holocene-age deposits adjacent to the lagoon, along the northern edge of the project area. Given the project would implement an archaeological and Native American monitoring program as a project-specific commitment for ground-disturbing activities that occur within this area of the project alignment (i.e., along San Dieguito Drive where adjacent to the lagoon), no further studies or monitoring programs are recommended for the portions of the project outside of this area. In conclusion, no cultural resources are expected to be impacted by the project; thus, no mitigation is required or recommended.

If you have any questions regarding this cultural resource constraints assessment, please contact Stacie Wilson at (619) 462-1515 or StacieW@helixepi.com.

Sincerely,

James Turner , RPA
Staff Archaeologist

Stacie Wilson, RPA
Principal Investigator

## Enclosures:

Figure 1: Regional Location
Figure 2: USGS Topography
Figure 3: Aerial Photograph

Attachment A: Representative Site Photos
Attachment B: NAHC Correspondence

## REFERENCES

Bowman, Roy H.
1973 *Soil Survey: San Diego Area*. United States Department of Agriculture. Beltsville, Maryland.

Kennedy, Michael P.
1975 Geologic Map of the Del Mar Quadrangle. Pocket map In *Geology of the San Diego Metropolitan Area*. California Division of Mines and Geology Bulletin No. 200, Sacramento.

Kennedy, Michael P. and Siang S. Tan
2008 Geologic Map of the San Diego 7.5' Quadrangle, California. Digital preparation by Kelly R. Bovard, Anne G. Garcia, Diane Burns, and Carlos I. Gutierrez. Department of Conservation, California Geological Survey.

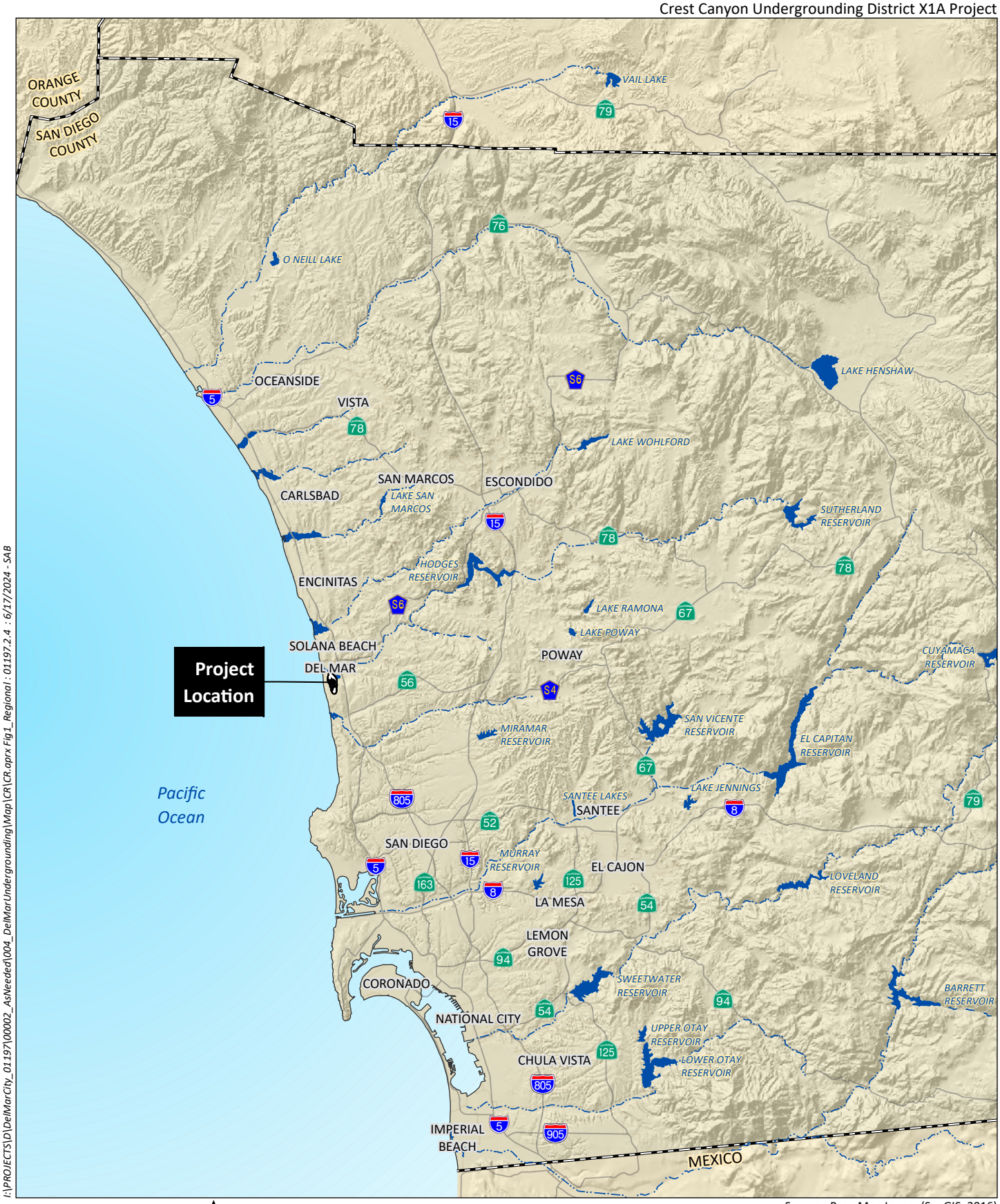
Mello, Monica
2016a Department of Parks and Recreation Site Record for P-37-036412. Form on file at the South Coastal Information Center, San Diego State University.

2016b Department of Parks and Recreation Site Record for P-37-036413. Form on file at the South Coastal Information Center, San Diego State University.

NETR Online
2023 *Historic Aerials*. Nationwide Environmental Title Research, LLC. Electronic document available at: http://www.historicaerials.com, accessed May 23, 2023.

Rogers, Malcom
n.d. Department of Parks and Recreation Site Record for P-37-026493. Form on file at the South Coastal Information Center, San Diego State University.

University of California, Santa Barbara (UCSB) Digital Library
2023 UCSB Frame Finder. University of California, Santa Barbara Digital Library. Electronic document available at https://mil.library.ucsb.edu/ap_indexes/FrameFinder, accessed May 23, 2023.

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0 8 Miles

Source: Base Map Layers (SanGIS, 2016)

HELIX Environmental Planning

# Regional Location

Figure 1

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Source: DEL MAR 7.5' Quad (USGS)

HELIX Environmental Planning

# USGS Topography

Figure 2

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0 700 Feet

Source: Aerial (NearMap, 2023)

HELIX Environmental Planning

# Aerial Photograph

Figure 3

# Attachment A

## Representative Site Photos

San Dieguito Drive, view to the southeast.

San Dieguito Drive, view to the south.

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Oribia Road, view to the north.

Crest Way, view to the north.

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Intersection of Crest Road, 15th Street, and Avenida Primavera, view to the north.

Crest Road, view to the south.

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# Attachment B

## NAHC Correspondence

# Sacred Lands File & Native American Contacts List Request

**NATIVE AMERICAN HERITAGE COMMISSION**
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

*Information Below is Required for a Sacred Lands File Search*

Project: Del Mar Undergrounding Project (HELIX Project No. 01197.00002.004)

County: San Diego

USGS Quadrangle Name: Del Mar

Township: 14S Range: 4W Section(s): 11, 13, 14

Company/Firm/Agency: HELIX Environmental Planning

Contact Person: Stacie Wilson

Street Address: 7578 El Cajon Blvd.

City: La Mesa Zip: 91942

Phone: (619) 462-1515

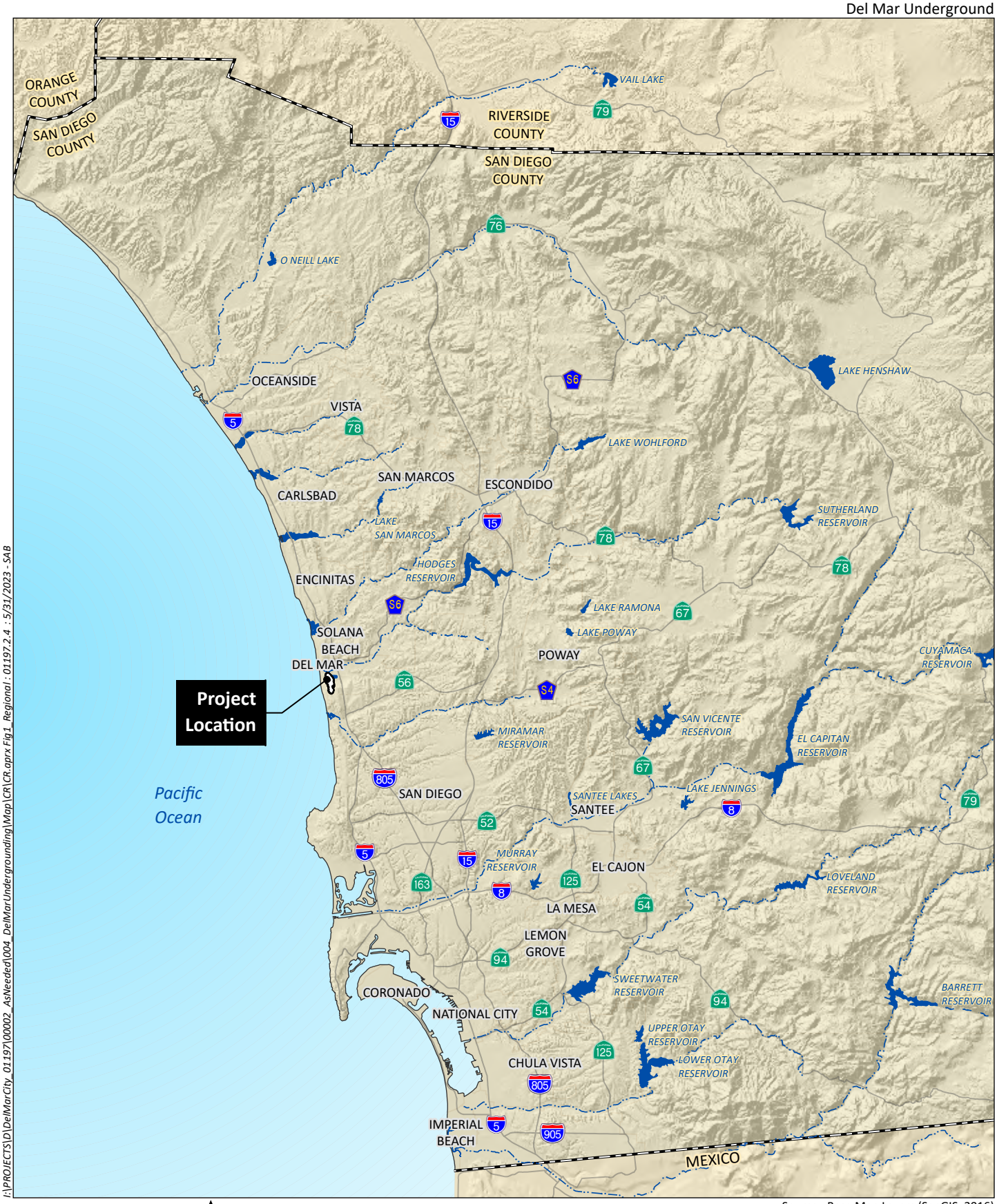
Fax: (619) 462-0552

Email: staciew@helixepi.com

Date Sent: June 12, 2023

Project Description:

HELIX was contracted to conduct a cultural resources study for the proposed Del Mar Undergrounding Project (project), located in the City of Del Mar, in northern San Diego County. The project proposes to replace above ground telecom and electrical lines with subsurface utilities within residential roads.

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0 8 Miles

Source: Base Map Layers (SanGIS, 2016)

HELIX Environmental Planning

# Regional Location

Figure 1

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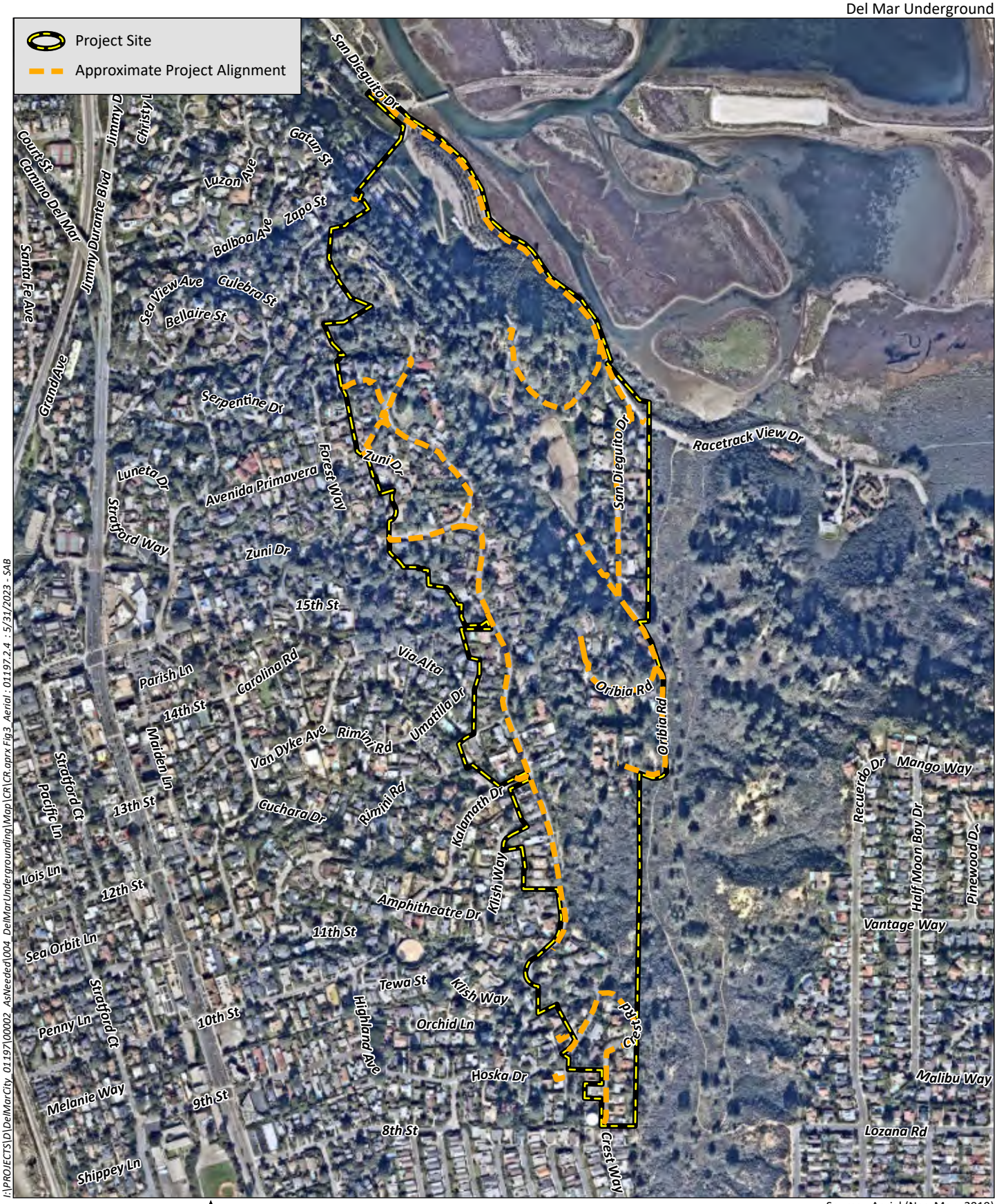
0 2,000 Feet

Source: DEL MAR 7.5' Quad (USGS)

HELIX Environmental Planning

# USGS Topography

Figure 2

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0 700 Feet

Source: Aerial (NearMap, 2019)

HELIX Environmental Planning

# Aerial Photograph

Figure 3

STATE OF CALIFORNIA Gavin Newsom, *Governor*

# NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
**[VAVANT]**

VICE CHAIRPERSON
**Reginald Pagaling**
*Chumash*

SECRETARY
**Sara Dutschke**
*Miwok*

COMMISSIONER
**Isaac Bojorquez**
*Ohlone-Costanoan*

COMMISSIONER
**Buffy McQuillen**
*Yokayo Pomo, Yuki, Nomlaki*

COMMISSIONER
**Wayne Nelson**
*Luiseño*

COMMISSIONER
**Stanley Rodriguez**
*Kumeyaay*

COMMISSIONER
**[VAVANT]**

COMMISSIONER
**[VACANT]**

EXECUTIVE SECRETARY
**Raymond C. Hitchcock**
*Miwok/Nisenan*

**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

June 29, 2023

James Turner
HELIX Environmental Planning, Inc.

Via Email to: JamesT@helixepi.com

**Re: Del Mar Undergrounding Project, San Diego County**

Dear Mr. Turner:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
*Cultural Resources Analyst*

Attachment

BUSBY Biological Services

July 11, 2024

Ashley Jones
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014
c/o Jennifer Gavin

**RE: Final Biological Resources Letter Report for the Proposed Crest Canyon Undergrounding District X1A Project, City of Del Mar, San Diego County, California**

Ms. Jones:

Busby Biological Services, Inc. (BBS) has prepared this biological resources letter report on behalf of HELIX Environmental Planning, Inc. (HELIX) for the City of Del Mar (City) Crest Canyon Undergrounding District X1A Project (project) located in the City of Del Mar, San Diego County, California (Attachment 1: Figure 1).

The purpose of this biological resources letter report is (1) to document the existing biological conditions within the approximate 147.019-acre survey area, which includes the City District X1A and an approximate 100-foot survey buffer around project features; (2) to evaluate the survey area and the vicinity for the potential to support sensitive biological resources; (3) to provide an analysis of the potential effects associated with the project with respect to local, state, and federal policies; and (4) to provide a discussion of project-specific design features and construction operating procedures (i.e., contractor commitments) that have been incorporated into the project to avoid significant direct and indirect effects to sensitive biological resources. Furthermore, this report provides the biological resources technical documentation necessary for review of the project under the California Environmental Quality Act (CEQA) by the City's Planning and Community Development Services Department.

## 1.0 INTRODUCTION

### 1.1 Project Location

The project occurs within the boundaries of the City's District X1A, immediately adjacent to and south of the San Dieguito Lagoon, approximately 0.5 mile east of the Pacific Ocean, 0.5 mile west of Interstate 5, 0.5 mile north of Del Mar Heights Road, and within Sections 11 and 14, Township 14 South, Range 4 West, on the U.S. Geological Survey (USGS) 7.5-minute Del Mar quadrangle (USGS 2021; Attachment 1: Figure 2). In general, the project alignment is located along Crest Road, from the border of the City of San Diego in the southern portion of the project area, north to a cul-de-sac on Serpentine Drive, as well as within several intersecting streets (Attachment 1: Figures 1 through 6). The project also occurs east of Crest Road within Crest Canyon Open Space, along Oribia Road, along San Dieguito Drive, within and adjacent to the San Dieguito Lagoon, terminating near Grand Avenue Overlook in the northwestern corner of the project area (Attachment 1: Figures 3 through 6).

The entire project is located within the planning boundaries of the San Diego Multiple Species Conservation Program (MSCP), with the northern, eastern, and southern portions of the survey area located within San Dieguito Lagoon MSCP Core Area 13 (Attachment 1: Figure 3). In addition, the entire project is located within the Coastal Zone and the City of Del Mar Subarea, which is currently being prepared and not available to the public as it has not been approved or adopted as of the date of this report. Besides very low density and low density residential zoning, additional zonings within the survey area include the Floodway Zone and Lagoon Overlay Zone, both occurring in the northern portion of the survey area within and adjacent to the San Dieguito Lagoon; the Open Space Overlay Zone, occurring within Crest Canyon Open Space (also zoned as Public Parkland Zone) in the southern portion of the survey area and San Dieguito Lagoon, it's adjacent floodway, and some of the bluffs and steep slopes adjacent to San Dieguito Lagoon in the northern portion of the survey area; the Bluff, Slope, and Canyon Overlay Zone, generally occurring in portions of land throughout the survey area that contain steep slopes exceeding 25 percent grade (City 2001 and 2024; Attachment 1: Figures 3 and 4).

The eastern boundary of the survey area occurs within the City of San Diego's Multi-Habitat Planning Area (MHPA) and Crest Canyon Open Space, both of which protect sensitive biological resources and open space covered within the City of San Diego's MSCP Subarea Plan (City of San Diego 1997; Attachment 1: Figure 3). In addition, the project is not located within or immediately adjacent to U.S. Fish and Wildlife Service (USFWS) designated or proposed critical habitat; however, critical habitat for the western snowy plover (*Charadrius alexandrinus nivosus*) occurs within a managed preserve area within the San Dieguito Lagoon, approximately 500 feet to the north of the survey area.

## 1.2 Project Description

This project proposes to install underground electrical and telecom services and decommission existing utility poles and overhead lines, consisting of a phased approach with the following components:

1) publicly funded trenching for new conduit installation, construction of new utility equipment pads, construction of new handholes, and construction of retaining walls associated with the proposed undergrounding of electrical and telecom within approximately 12,300 linear feet of existing public right-of-way and private streets;
2) private residence homeowner funded trenching and new conduit from meter stations/boxes for 85 houses out to the street right-of-way at locations to underground services where overhead utilities currently exist to the homes;
3) public right-of-way and private property/homeowner repairs to the surface, including roadway paving and replacement of vegetation/landscaping disturbed during construction of the trench, pads, handholes, and retaining walls;
4) utility agency installed equipment and wiring for the proposed electrical and telecom services; and
5) utility agency removal of all overhead wires and poles currently located within District X1A.

The project has been sited and designed to predominantly occur within and adjacent to developed areas (e.g., streets, driveways, and yards), with only minimal work within and adjacent to sensitive native habitats (i.e., San Dieguito Lagoon, Crest Canyon Open Space,

and other sensitive canyon areas) that may support sensitive biological resources. Based on the close proximity to the San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive canyon areas, the project design includes implementation of specific construction operating procedures (i.e., contractor commitments) and best management practices (BMPs) during construction activities within and adjacent to sensitive native habitats to assure protection of and avoid significant effects to sensitive biological resources in these areas.

The majority of the excavations for the trenches, pads, and walls associated with the underground electrical and telecom services will occur within and adjacent to developed areas and will not be located within or adjacent to sensitive biological resources. Most of this work is expected to be completed with rubber-tired backhoes, loaders, and trucks. Breaker attachments on the backhoes may be necessary for excavation in areas of hard sandstone. Much of the work and equipment staging associated with the underground electrical and telecom services will occur within existing developed streets and driveways, with some exceptions for equipment access and retaining wall installation adjacent to the paved areas, private property/homeowner trenching through yards to existing meter locations, overhead wire and pole removals for existing lines, and trenching in small fragments of disturbed land or native vegetation immediately adjacent to streets.

The pole and overhead wire removal work as well as equipment staging associated with the pole and overhead wire removals will also mostly occur within developed areas, with the exception of some pole and overhead wire removals occurring in small fragments of disturbed land or native vegetation immediately adjacent to streets, and within and adjacent to San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive canyon areas. Due to the close proximity of sensitive biological resources. pole removals in Crest Canyon Open Space and other sensitive canyon areas will be completed by hand where crews will walk in to hand cut poles at ground level, fell the poles, cut them into manageable pieces, and haul them out with small rubber tired tractor-trailer or wheelbarrow. Alternately, the San Diego Gas and Electric Company (SDG&E) may choose to hand cut the poles at ground level and helicopter the poles out of sensitive canyon areas. Similarly, pole removals in sensitive lagoon areas will be completed by hand where crews will walk in to hand cut the poles at ground level, fell the poles, and remove them with a boom truck from locations where a boom truck can reach the pole location while parked on the existing paved road. Removal of the single telecom pole (i.e., TP4; Attachment 1: Figure 5a) located far from San Dieguito Drive within San Dieguito Lagoon will be by hand, and crews will walk in to hand cut the pole at ground level, fell the pole, cut it to manageable pieces, and haul it out with a wheelbarrow.

No grading or substantial soil disturbances are anticipated during pole removal activities. Minor vegetation trimming and/or trampling may occur to ornamental and native vegetation during overland pedestrian egress and regress to the poles to be removed and during pole felling (Attachment 1: Figures 5a and 5b). During pole removal, no vegetation trimming or root disturbance will occur within access routes and work areas with open or low-growing vegetation, and only minor vegetation trimming with no root disturbance will occur within other access routes and work areas with dense or tall vegetation. The size of these pedestrian access routes and work areas associated with the proposed project activities will vary depending on the location of each pole and its proximity to existing roads and developed areas, with a maximum width of approximately 3 feet for pedestrian access routes and a maximum radius of 8 feet around poles as a temporary work area.

Additionally, the following construction operating procedures and BMPs would be implemented when construction occurs within or adjacent to sensitive biological resources and such would be noted/included as "Environmental Contractor Commitments" on the Final Construction Plan Set.

- Prior to Construction:
  - A qualified biologist, retained by the contractor, shall attend a pre-construction meeting to present a "worker environmental awareness training" to all construction personnel to discuss the project's construction operating procedures (i.e., contractor commitments) and BMPs.
  - A qualified storm water/erosion control monitor, retained by the contractor, shall educate all construction personnel about storm water pollution prevention, BMPs, and other measures needed during various construction activities to manage urban runoff and prevent unauthorized discharges from construction.
- During Construction:
  - Construction activities (including access and staging areas) shall be restricted to areas presented in this report and as reflected on the construction drawings. The qualified biologist shall conduct routine construction monitoring to monitor environmental compliance and ensure the project construction operating procedures and BMPs are implemented and maintained. In addition, the monitoring biologist shall document field activity via monitoring forms for submittal to the City to demonstrate compliance. If items of non-compliance are identified, the biologist shall notify the on-site construction superintendent immediately to discuss and implement corrective actions. Issues of non-compliance that result in direct or indirect effects on sensitive biological resources shall be documented and provided to the City within 72-hours of identification. The monitoring biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.
  - Clearing of vegetation in sensitive natural areas shall be minimal and will occur immediately adjacent to developed areas and vegetation trimming and overland pedestrian access in sensitive natural areas shall be minimal, and therefore, will not result in the introduction or expansion of invasive plants (i.e., plant species on the California Invasive Plant Council [Cal-IPC] "high" and "moderate" list; Cal-IPC 2024) into areas within and adjacent to proposed project features.
  - Project-related activities within and adjacent to San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive natural areas shall be of short duration and limited to daylight hours (i.e., will not require the use of artificial light sources) to avoid deterring wildlife from these areas.
  - Pole removal within aquatic resources in San Dieguito Lagoon occur during low tides to minimize affects to these resources.
  - Breeding/Nesting Bird Avoidance:
    - Work within and adjacent to sensitive biological areas (i.e., San Dieguito Lagoon and Crest Canyon Open Space) would occur outside of the general bird breeding/nesting season (generally February 1 to

August 31), where feasible. Avoidance of this Migratory Bird Treaty Act (MBTA) breeding/nesting season, would also avoid the nesting season for the coastal California gnatcatcher (March 1 through August 30), light-footed Ridgway's rail (April 1 through August 31), and Belding's savannah sparrow (February 15 through June 30). Work outside of these sensitive biological areas, within developed areas and residential yards, which requires vegetation trimming or vegetation removal shall also be timed to occur outside of the general bird breeding/nesting season (i.e., no vegetation impacts between February 1 to August 31).

- If avoidance of the bird breeding/nesting season is not feasible, then a pre-construction survey would be conducted by a qualified biologist within seven days prior to the start of work to search for nesting birds within project work areas and the surrounding 300 feet, where feasible. If the surveys conclude no active nesting, the work shall resume as planned. If project activities are delayed or suspended for more than seven days during the breeding season, surveys shall be repeated prior to re-initiating work.
- If results of a bird survey identify active nesting birds within or adjacent to project work areas, an appropriate nest buffer (i.e., work avoidance area) shall be established by the qualified biologist, and if feasible, fenced or demarcated to restrict access in the buffer. Buffer distances may include, but shall not be restricted to, 25 feet around nests of common, non-listed birds and 300 feet around nests of sensitive, listed birds. Each of these buffers may be reduced, if appropriate, and as directed by a qualified biologist. The reduction in no-work buffers shall be approved by the City prior to implementation. Each nest avoidance buffer zone shall not be disturbed until a qualified biologist has determined that the young have fledged, or the nest has otherwise become inactive.
- If construction activities (i.e., those potentially exceeding 60dBa hourly average, such as trenching, excavating, paving, and etc.) adjacent the San Dieguito Lagoon and Crest Canyon Open Space are not completed prior to the breeding season for coastal California gnatcatcher, light-footed Ridgway's rail, and Belding's savannah sparrow, and these species are found present during the pre-construction surveys, then appropriate noise attenuation measures shall be implemented to reduce construction noise levels at the edge of occupied habitat. Noise levels shall be recorded by a qualified noise specialist and intermittent monitoring shall be conducted by a qualified biologist to ensure project-generated noise does not exceed 60dBa hourly average, unless ambient noises exceed 60dBa for which construction can proceed up to the ambient noise level. If noise attenuation measures are determined necessary by the qualified biologist, the following measures shall be incorporated:
    - Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.

- Diesel equipment shall be operated with closed engine doors and equipped with factory-recommended mufflers.
- Mobile or fixed “package” equipment (e.g., arc-welders and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- Electrically powered equipment shall be used instead of pneumatic or internal- combustion powered equipment, where feasible.
- Unnecessary idling of internal combustion engines (e.g., in excess of five minutes) shall be prohibited.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- No project-related public address or music system shall be audible at any adjacent sensitive receptor.
- Temporary sound barriers or sound blankets shall be installed between construction operations and adjacent noise-sensitive habitat.

- Tree Protection:
  - A Certified Arborist should be present when trenching, excavations, and hand digging is planned adjacent to protected tree species (i.e., Torrey pine [*Pinus torreyana*], Monterey cypress [*Hesperocyparis macrocarpa*], and other tree species located within the environmentally sensitive Open Space Overlay Zone, Central Commercial Zone, public rights-of-way, and on public and City-owned property) to determine if root pruning without significant impacts on tree health and stability is possible. If a trenching location falls within the designated critical root zone (CRZ) of the tree (i.e., six times trunk diameter away from the trunk) then the trench should be carefully excavated with an AirSpade or hand tools to expose the tree roots under the supervision of a Certified Arborist, if possible.
  - Efforts should be made to avoid or minimize root cutting/tearing during trenching, adding fill soil over roots, altering water drainage patterns, soil compaction, mechanical injuries from equipment, heat damage from exhaust, and chemical damage from contamination/ runoff onto the trees or soil (WCA 2021).
  - Root pruning around a tree should not occur any more than absolutely necessary, especially if done near the top 18 inches of soil and within a radius of at least 2 to 3 times the radius of the crown, as pruning can be an injurious practice that can significantly damage trees and affect their structural strength and health (West Coast Arborists, Inc. [WCA] 2021). Linear root pruning cuts on one side of a tree will likely reduce stability when the cut is made at a distance from the trunk that is less than three times the trunk diameter (WCA 2021).
  - If logistically and fiscally reasonable, horizontal directional drilling (HDD) is the preferred method to mitigate impacts to tree health. Conduit for utilities should be installed to a minimum depth of 3 to 4 feet below grade to reduce the likelihood of severing structurally important roots. Entry and exit points for boring, as well as materials/equipment, should be placed outside of any tree canopy

driplines throughout the construction process (WCA 2021).
        - A Tree Protection Zone (TPZ), where logistically feasible, should be established around trees during project activities to protect the tree's roots and surrounding soils from damages. It is recommended that a 4- to 6-foot-tall stable fence be installed at or beyond the tree's drip line to keep equipment, tools, soil, etc. out of the TPZ. The TPZ should be clearly marked with signs stating that the area within is a TPZ and no one is allowed to disturb it. Irrigation should be provided within the entire TPZ throughout construction to maintain adequate soil moisture levels. Root pruning or any soil disturbances performed within the TPZ areas should be done under the supervision and at the direction of a Certified Arborist (WCA 2021).
        - Driving equipment near trees or in the TPZ should be avoided, if possible, to reduce soil compaction and tearing/crushing of roots. If necessary for specific tasks, it is recommended to add a 4-inch layer of mulch with ¾ inch plywood on top of any soft scaping (WCA 2021).
    - Storm Water Pollution and Erosion Control:
        - A qualified storm water/erosion control monitor shall be responsible for monitoring weather conditions and implementation of any emergency plans as needed, evaluating the conditions of the site, overseeing construction operations, and inspecting and maintaining of the BMPs to keep the site in compliance.
        - Appropriate BMPs shall be implemented during construction to capture and/or direct flows away from sensitive natural areas and away from the storm drain system to prevent toxins, chemicals, petroleum products, exotic plant materials, erosion, sediments, and other foreign materials from entering and degrading the adjacent San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive natural areas. Examples of construction BMPs include, but are not limited to, silt fencing, gravel bags, fiber rolls, temporary filters at storm drain inlets, containment areas for solid waste storage and concrete washout, limiting fueling/maintenance of equipment to designated areas outside and away from waters or wetlands areas, plastic covers, blankets/mats, and street sweeping, providing and installing material containment devices for refueling or fixing equipment that is not easily movable away from waters.
- Post-Construction:
    - The qualified biologist shall survey the project work areas to verify that authorized limits of work were not exceeded and provide documentation via brief email or letter to the City. In the event that direct effects to sensitive vegetation exceed previously approved amounts, these additional effects shall be documented, quantified, and mitigated in accordance with City ordinances; CEQA; and other applicable local, state, and federal laws.
    - Streets and driveways disturbed during construction will be repaved.
    - A California native hydroseed mix, provided by a qualified biologist, will be used to replace vegetation that has been disturbed or cleared during construction, where necessary, except for within a few properties where homeowners have requested the use of replacement ornamental plants in their yards disturbed during construction. The native hydroseed mix shall be

submitted to the City by the contractor and approved by the City prior to application. Besides application of a California native hydroseed mix, where applicable, no restoration or revegetation of native vegetation communities is anticipated, as effects on native vegetation are anticipated to be minimal.

## 2.0 RELEVANT REGULATIONS

The following federal, state, and/or local regulations or policies apply to the project.

### 2.1 Applicable Federal Regulations

**Federal Endangered Species Act**

The federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered 'take' under the ESA. Section 9(a) of the ESA defines 'take' as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The ESA is administered by USFWS. The project would comply with the federal ESA.

**Rivers and Harbors Act & Clean Water Act (Section 404)**

The Rivers and Harbors Act of 1899 and the Clean Water Act (CWA) of 1972 provide guidance for project activities within non-marine, Traditional Navigable Waters (TNWs) and/or "waters of the U.S." (WoUS). The U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) jointly regulate discharges of dredged or fill material into WoUS, including wetland and non-wetland aquatic features, pursuant to Section 404 of the CWA. The discharge of any pollutant from a point source into TNWs is illegal unless a permit under the CWA's provisions is acquired. Projects can be permitted on an individual basis via a Standard Individual Permit (SIP) or by an applicable nationwide permit (NWP) or regional general permits (RGPs). The project would comply with the Rivers and Harbors Act of 1899 and the CWA.

**Coastal Zone Management Act**

The Coastal Zone Management Act of 1972 (CZMA) is administered by the National Oceanic and Atmospheric Administration's (NOAA's) Office of Ocean and Resource Management (OCRM) and the California Coastal Commission (CCC). The CZMA preserves, protects, develops, and – where possible – enhances or restores the coastal zone in the U.S. California has a federally approved Coastal Zone Management Program (CZMP) for comprehensive management within the state coastal zone, which extends up to 3 miles seaward and inland. The California Coastal Act (CCA) is California's coastal zone management program under the CZMA, as discussed further in Section 2.2, below. The project would comply with the CZMA.

**Migratory Bird Treaty Act**

All migratory bird species that are native to the U.S. or its territories are protected under the federal MBTA, as amended under the Migratory Bird Treaty Reform Act of 2004. The MBTA prohibits the kill or transport of native migratory birds or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA. No permit is issued under the MBTA, and the MBTA does not mandate specific protection. However, typical acceptable requirements include nesting bird surveys during the avian breeding season (generally February 1 to August 31, including raptors) and avoidance measures if nesting birds are discovered within or adjacent to a project. Potential avoidance measures include, but are not limited to, construction monitoring, avoidance areas, and noise barriers. The project would comply with the MBTA.

## 2.2 Applicable State Regulations

**California Environmental Quality Act**

CEQA requires an environmental review for projects with potentially adverse effects on the environment. Adverse effects are typically mitigated in accordance with state laws and regulations. The project would comply with CEQA.

**California Endangered Species Act**

The California ESA is similar to the federal ESA in that it provides the legal framework for the listing and protection of species (and their habitats) by the State of California (State) that are identified as being endangered or threatened with extinction. The notable difference between the federal ESA and the California ESA is that the California ESA does not include harassment in its definition of 'take.' The project would comply with the California ESA.

**California Fish and Game Code**

The California Fish and Game Code (CFGC), Sections 1600 through 1603, provides guidance for project activities within rivers, streams, lakes, riparian habitat, and other wetlands as well as vernal pools when California state threatened and/or endangered species are present. CFGC Section 1602 requires an entity to notify the CDFW prior to commencing any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit debris, waste, or other materials that could pass into any river, stream, or lake.

CDFW can issue a Lake or Streambed Alteration Agreement (LSAA) for projects that substantially adversely affect CDFW jurisdictional resources. To avoid the need for an LSAA from CDFW, all proposed effects should remain outside of the top of active banks and the canopy/dripline of any associated riparian vegetation, whichever is greater. If the activity would not substantially adversely affect any CDFW jurisdictional resources, the entity may commence the activity without an LSAA.

The CFGC also provides specific protection and listing for wildlife. CFGC Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code or any regulation made pursuant thereto. CFGC Section 3503.5 states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by CDFW. CFGC Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds would not be disturbed, subject to approval by CDFW and/or USFWS. The project would comply with the CFGC.

**California Native Plant Protection Act**

The California Native Plant Protection Act (NPPA) is administered by CDFW. It preserves, protects, and enhances rare and endangered plant species within California. CDFW requires a permit pursuant to Section 2081(a and b) of the California ESA for take of plant species designated as candidate, rare, threatened, or endangered. The project would comply with the NPPA.

**Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act provides guidance for project activities that may affect water quality in California. The State Water Resources Control Board (SWRCB) has this responsibility for projects affecting waters within multiple Regional Water Quality Control Boards' (RWQCB) jurisdictions. Jurisdiction of the RWQCB extends to all WoUS, including wetlands, and to "waters of the State" (WoS) (described below).

The Porter-Cologne Water Quality Control Act gives the State's very broad authority to regulate WoS, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Water Quality Control Act has become an important tool for the regulatory environment following the Solid Waste Agency of Northern Cook County (SWANCC) and Rapanos court cases as well as with the implementation of the Federal Navigable Waters Protection Act (NWPR), with respect to the State's authority over isolated and otherwise insignificant waters. Generally, in the event that there is no nexus to a Relatively Permanent Water (RPW) or TNW, or if the water is determined to be ephemeral, any person proposing to discharge waste into WoS that could affect its water quality must file a Report of Waste Discharge. Although "waste" is partially defined as any waste substance associated with human habitation, the RWQCB also interprets this to include fill discharged into water bodies. The project would comply with the Porter-Cologne Water Quality Control Act.

**Clean Water Act (Section 401)**

Pursuant to the Porter-Cologne Water Quality Control Act, under Section 13000 et seq. of the California Water Code (CWC), the SWRCB or RWQCB may issue Waste Discharge Requirements for waters that do not meet the definition of a WoUS. For effects on WoUS (i.e., when a CWA Section 404 permit is obtained), the SWRCB or RWQCB may issue Water Quality Certifications under Section 401 of the CWA for project activities that fill or dredge.

Isolated waters – such as vernal pools – and other waters showing lack of connectivity to a TNW may be regulated under this act via the issuance of a Waste Discharge Permit. The project would comply with the CWA.

**California Coastal Act**

The CCA, administered by the CCC, is California's coastal zone management program under the CZMA, which regulates the conservation and use of coastal Environmentally Sensitive Habitat Areas (ESHAs) through responsible development. Under the CCA, ESHAs are defined as areas "in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." It limits activities within ESHAs and requires protection of ESHAs from significant disruption of habitat values. The CZMP is administered by the California Coastal Conservancy and the CCC. The California Coastal Conservancy is responsible for purchasing, protecting, restoring, and enhancing coastal resources, while the CCC manages the development within the coastal zone. The CCA encourages local governments to create Local Coastal Programs (LCPs) to protect public access and coastal resources on a local level. The local government typically issues Coastal Development Permits (CDPs) and implements their approved LCP in regulating developments within the coastal zone. Portions of the project are within areas under the jurisdiction of the City's certified LCP and the CCC permit authority area. The project would comply with the CCA.

**Natural Community Conservation Planning Program**

The California Natural Community Conservation Planning (NCCP) program, administered by CDFW, is a cooperative effort by the CDFW and numerous public and private partners that takes a broad-scale, ecosystem approach to planning for the protection and perpetuation of biological diversity throughout California by protecting both habitats and the species within these habitats while also accommodating compatible land use. The San Diego MSCP is part of this NCCP program and is discussed in further detail Section 2.3, below. The project would comply with the NCCP.

## 2.3 Applicable Local Programs and Regulations

**San Diego Multiple Species Conservation Program**

The MSCP, which was approved in August 1998, covers 85 species and includes a 900-square mile area in southwestern San Diego County (County 1998). The Draft City of Del Mar Subarea, portions of the unincorporated County, and 10 additional city jurisdictions comprise the MSCP Plan area. It is a comprehensive, long-term habitat conservation plan that addresses the needs of multiple species by identifying key areas for preservation as open space to link core biological areas into a regional wildlife preserve. The MSCP is one of several large multiple jurisdictional habitat planning efforts in San Diego County, each of which constitutes a subregional plan under the NCCP Act of 1991. The MSCP includes incorporated cities in southwestern San Diego County that will implement their respective portions of the MSCP through citywide "subarea" plans, which describe the specific implementing mechanisms each city will institute for the MSCP. The project is within portions of an area identified as the San Dieguito Lagoon MSCP Core Area. In addition, the project

occurs within the City's draft Subarea Plan, which is currently being prepared and is not available to the public as it has not been approved or adopted as of the date of this report. Therefore, the project is not subject to the provisions of the MSCP, although it is referenced in this report for project planning considerations and demonstration of voluntary consistency.

**City of Del Mar Community Plan**

The Environmental Management Element of the City's Community Plan (General Plan) provides goals and policies applicable to the project area as they relate to the conservation of natural resources as well as the protection and preservation of sensitive species and their habitats (City 2021). Specifically, the goals and policies applicable to the project include the protection of San Dieguito Lagoon, floodways and floodplains, sensitive vegetation communities, trees, bluffs, steep slopes, and open space. The project would comply with the City's General Plan.

**Del Mar Municipal Code**

The following City municipal codes are applicable to the protection of biological resources, floodways, parklands, and natural open space areas in the survey area (City 2024):

- Chapter 8.12 (San Dieguito Lagoon and River) – protects the biodiversity, natural heritage, and aquatic and upland ecosystems of the San Dieguito Lagoon and San Dieguito River; sustains, conserves, and protects natural habitats, wildlife and marine life populations; accommodates habitat restoration projects; improves educational, and research opportunities; and accommodates recreational activities.
- Chapter 23.50 (Trees) – protects Torrey pine, Monterey cypress, and other tree species located within the environmentally sensitive Open Space Overlay Zone, Central Commercial Zone, as well as within public rights-of-way and on public and City-owned property. Trees will be protected within the southern and northern portions of the survey area that occur within and adjacent to the Open Space Overlay Zone, as well as within public rights-of-way and on public and City-owned property throughout the survey area.
- Chapter 30.29 (Floodway Zone) – preserves areas subject to floodwater; reduces the need for construction of flood control facilities; protects the health, safety, and general welfare of persons and of properties located within and adjacent to the floodway. The northern portion of the survey area within San Dieguito Lagoon occurs within this zone.
- Chapter 30.30 (Public Parkland Zone) – designates publicly owned land for use as a public park or open space preserve. The southern portion of the survey area within Crest Canyon Open Space occurs within this zone.
- Chapter 30.52 (Bluff, Slope, and Canyon Overlay Zone) – protects the health, safety, and general welfare; controls the development of properties in order to preserve the bluffs, canyons, and steep slopes; and protects downstream resources from the adverse impacts of erosion and sedimentation. In general, portions throughout the survey area that contain steep slopes exceeding 25 percent grade occur within this zone.
- Chapter 30.53 (Lagoon Overlay Zone) – protects the biological resources within the San Dieguito Lagoon, including both the wetland resources and sensitive upland habitats. The northern portion of the survey area within and adjacent to San Dieguito Lagoon occurs within this zone.

- Chapter 30.60 (Open Space Overlay Zone) – protects open space areas to ensure an atmosphere of openness and preserve scenic vistas and unique natural features. The San Dieguito Lagoon and adjacent floodway zone, Crest Canyon Open Space, and the bluffs and steep slopes adjacent to San Dieguito Lagoon in the northern portion of the survey area occur within this zone.

All development activities and projects in these zones are to be designed and implemented in a manner consistent with the required protections and permitted uses specified under in the applicable Sections of the City's municipal codes.

## 3.0 METHODS

BBS performed background research and field reconnaissance surveys for the approximately 147-acre survey area, which included approximately 2 acres of proposed project features as well as approximately 145 acres adjacent to these features. The methods used for the background research and the field reconnaissance surveys are summarized below.

### 3.1 Project Background Research

Prior to conducting the field reconnaissance surveys, BBS conducted a literature review of applicable environmental documents and regulations for the proposed project, which included – but was not limited to – a review of online aerial satellite imagery (Google 2024); USGS 7.5-minute Del Mar topographic quadrangle maps (USGS 2024), U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey maps (USDA 2024); and other reputable online resources that provide data for the region.

A BBS Geographic Information Systems (GIS) Analyst conducted a query for historical sensitive species occurrences and habitat data for the survey area and a 1-mile buffer around the survey area. Databases and websites reviewed included:

- California Natural Diversity Database (CNDDB; CDFW 2024a);
- USFWS all species occurrence database (USFWS 2024a);
- County of San Diego (County) SanBIOS database (County 2024);
- California Native Plant Society (CNPS) online database (2024);
- Jepson Online Interchange (Jepson Flora Project 2024);
- Calflora Database (Calflora 2024); i
- USFWS Critical Habitat Portal (USFWS 2024b);
- Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2024b); and
- Special Animals List (CDFW 2024c).

BBS used the data obtained during the background research to inform the habitat assessments performed during the field reconnaissance surveys and to determine the potential for occurrence for sensitive species within the survey area.

### 3.2 Biological Reconnaissance Survey

BBS conducted a biological reconnaissance survey within the survey area to document existing biological resources on-site, assess the survey area for the potential to support sensitive biological resources, and assess the survey area for potential direct and indirect

effects that could occur to sensitive biological resources from the implementation of the project.

The entire survey area was surveyed on-foot and by car; however, some areas of private property were inaccessible on foot and, therefore, could only be surveyed visually with the aid of binoculars from accessible vantage points. Focused sensitive plant and wildlife surveys or an aquatic resource delineation were not conducted, because no significant effects on sensitive biological resources are anticipated as the project has been designed to avoid and minimize direct and indirect effects on sensitive biological resources through the implementation of BMPs and specific construction operating procedures (i.e., contractor commitments). Although a focused aquatic resource delineation was not conducted, the survey area was investigated for potentially jurisdictional aquatic resources, and these resources were preliminarily mapped during the biological reconnaissance survey.

BBS recorded plant and wildlife species observed directly and/or detected by indirect sign (e.g., scat, tracks, burrows, vocalizations) within the survey area. BBS mapped vegetation communities and land cover types by hand onto a 200-foot-scale (1 inch = 200 feet) aerial photograph-based field map of the survey area as well as with a hand-held Global Positioning System (GPS) using ArcGIS Field Maps. Dominant plant species within each vegetation community and land cover type were noted; however, since a large portion of the survey area was urbanized, many of the ornamental species in these areas were not identified to species. Digital photographs of representative areas were taken during the reconnaissance survey. A hand-held GPS device was used to record the locations of photograph points; sensitive species; and some utility pole, anchor pole, and anchor locations where they were absent from or did not appear to be consistent with the project CAD files. Following completion of the fieldwork, a GIS Analyst digitized all hand-mapped vegetation polygons in the office using ArcGIS software.

In addition, an International Society of Arboriculture (ISA) Certified Arborist from WCA mapped, documented approximate trunk diameters, and visually inspected Torrey pine and Monterey cypress within and adjacent to proposed project features, as well as reviewed tree data within WCA's existing tree inventory database for the City.

Vegetation community classifications follow Holland (1986) as modified by Oberbauer (2008). Plant nomenclature follows the Jepson Online Interchange (Jepson Flora Project 2024) for native and naturalized species, and Sunset Western Garden Book (Brenzel 2012) for ornamental species. Wildlife nomenclature follows Crother (2017) for amphibians and reptiles, American Ornithological Society Checklist (Chesser et al. 2022) and the San Diego County Bird Atlas (Unitt 2004) for birds, and Bradley et al. (2014) and the San Diego County Mammal Atlas (Tremor et al. 2017) for mammals. Sensitive species status is based on CNDDB (CDFW 2024a through c).

## 3.3 Survey Limitations

The survey results reflect existing environmental conditions at the time of the surveys, which naturally change over time. BBS did not conduct focused surveys or walk transects within the survey area; therefore, the lists of plant and wildlife species include species detected during the surveys but are limited by temporal and seasonal factors. In addition, the surveys were performed during the day, when nocturnal animals were not detectable, and some areas

of private property were inaccessible on foot and, therefore, could only be surveyed visually with the aid of binoculars from accessible vantage points. To account for these survey limitations, sensitive plant and wildlife species that have the potential to occur within the survey area were assessed based on pertinent literature describing the distribution and habitat preference, data from historical species occurrence databases, and the extensive local experience of the BBS biologists.

## 4.0 RESULTS

The biological reconnaissance surveys and vegetation mapping within the survey area were conducted by BBS biologist Darin Busby on August 10, 2021; Mr. Busby and BBS biologist Brian Parker on November 15, 2022; and Mr. Busby on April 26, 2024 (Table 1).

**Table 1. Summary of Biological Surveys and Conditions**

| Survey Type | Date | Time | | Weather | | | | Surveyor |
|---|---|---|---|---|---|---|---|---|
| | | | | Temp (°F) | Wind (mph) | Clouds (%) | Precip | |
| Biological reconnaissance | 8/10/21 | Start | 1300 | 75 | 3-5 | 10 | 0 | D. Busby |
| | | End | 1800 | 75 | 1-3 | 25 | 0 | |
| Biological reconnaissance of new project features; verify/update vegetation mapping | 11/15/22 | Start | 0930 | 63 | 0-2 | 0 | 0 | D. Busby B. Parker |
| | | End | 1500 | 65 | 3-5 | 0 | 0 | |
| Biological reconnaissance of new project features; verify/update vegetation mapping | 4/26/24 | Start | 0900 | 57 | 0-1 | 100 | 0 | D. Busby |
| | | End | 1330 | 62 | 2-5 | 100 | 0 | |

In addition, Michael Young, an ISA Certified Arborist from WCA, mapped, documented approximate trunk diameters, and visually inspected Torrey pine and Monterey cypress within and adjacent to proposed project features on August 4, and 11, 2021, as well as reviewed tree data within WCA's existing tree inventory database for the City (WCA 2021).

The following sections describe the physical characteristics, general botanical and zoological resources, and sensitive biological resources within the project survey area and provide an assessment of the potential for sensitive plant and wildlife species to occur within the project survey area**.** Attachment 2 contains representative photographs of the survey area.

### 4.1 General Land Uses

The project site is located within the City of Del Mar, San Diego County, California. The San Dieguito Lagoon is located within and immediately north of the survey area, and the Pacific Ocean is approximately 0.5 mile west of the survey area. The majority of the land uses within the survey area include existing City roads and residential developments. Other land uses within and adjacent to the survey area include State Park lands associated with San Dieguito Lagoon, Crest Canyon Open Space, and pedestrian/bicycle paths along the San Dieguito Lagoon.

### 4.2 Topography and Soils

Elevations within the survey area range from approximately 358 feet above mean sea level (amsl) along Crest Road at the southern boundary of the survey area to approximately 8 feet amsl adjacent to San Dieguito Lagoon at the northern boundary of the survey area (USGS 2021).

The online query of the USDA NRCS resulted in eight soil types present within the survey area: Carlsbad-Urban land complex, 2 to 9 percent slopes; Carlsbad gravelly loamy sand, 5 to 9 percent slopes; Corralitos loamy sand, 9 to 15 percent slopes; Lagoons of San Diego area; Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes, severely eroded; Marina loamy coarse sand, 9 to 30 percent slopes; Terrace escarpments; and Tujunga sand, 0 to 5 percent slopes (USDA 2024; Attachment 1: Figure 4). The following soils are classified as hydric on the USDA Hydric Soils List: Carlsbad gravelly loamy sand, 5 to 9 percent slopes; Corralitos loamy sand, 9 to 15 percent slopes; Lagoons of San Diego area; Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes, severely eroded; Marina loamy coarse sand, 9 to 30 percent slopes; and Tujunga sand, 0 to 5 percent slopes (USDA 2024).

## 4.3 Botanical Resources

Botanical resources within the survey area include the vegetation communities, land cover types, and plant species that were observed within the survey area during the biological reconnaissance surveys. A total of three wetland and eight upland vegetation communities and land cover types occur within the survey area, as summarized in Table 2 and described below (Attachment 1: Figures 5a and 5b). A total of 93 plant species were observed within these vegetation communities and land cover types, with 49 species (53 percent) considered native and 44 species (47 percent) considered non-native and/or naturalized into the area (Attachment 3). Sensitive plant species are discussed in Section 4.5, below. In addition, WCA documented and compiled data on a total of 532 trees at risk of experiencing impacts to their health and stability that are within and adjacent to proposed project features (Attachment 1: Figures 5a and 5b; WCA 2021).

**Table 2. Vegetation Communities & Land Cover Types within Survey Area**

| Vegetation Community/Land Cover Type[1] | Project Footprint[2] | | | Survey Buffer[2] | Total Survey Area[2] |
|---|---|---|---|---|---|
| | Trenching/ Ground Disturbance | Pedestrian Access/Work Area | Staging Area | | |
| **Sensitive** | **<0.003** | **0.105** | **--** | **48.905** | **49.013** |
| Southern willow scrub (63320) | -- | -- | -- | 0.266 | 0.266 |
| Salt marsh (52100) | -- | 0.013 | -- | 2.960 | 2.973 |
| Estuarine (64130) | -- | -- | -- | 1.016 | 1.016 |
| Torrey pine forest (83140) | -- | 0.008 | -- | 8.341 | 8.349 |
| Southern maritime chaparral (37C30) | -- | 0.055 | -- | 18.272 | 18.327 |
| Diegan coastal sage scrub (32500) | 0.002 | 0.009 | -- | 8.891 | 8.902 |
| Diegan coastal sage scrub – Rhus-dominated (32500) | <0.001 | 0.010 | -- | 6.951 | 6.962 |
| Diegan coastal sage scrub – revegetated (32500) | -- | -- | -- | 1.412 | 1.412 |
| Diegan coastal sage scrub – disturbed (32500) | -- | 0.010 | -- | 0.795 | 0.805 |

| Vegetation Community/Land Cover Type[1] | Project Footprint[2] | | | Survey Buffer[2] | Total Survey Area[2] |
|---|---|---|---|---|---|
| | Trenching/ Ground Disturbance | Pedestrian Access/Work Area | Staging Area | | |
| **Non-Sensitive** | **1.301** | **0.494** | **0.287** | **95.925** | **98.006** |
| Disturbed land (11300) | 0.006 | 0.103 | 0.118 | 1.250 | 1.477 |
| Developed land (12000) | 1.295 | 0.391 | 0.169 | 94.675 | 96.529 |
| **TOTAL** | **1.304** | **0.599** | **0.287** | **144.830** | **147.019** |

[1]Vegetation categories and numerical codes are from Holland (1986) and Oberbauer (2008) and are listed by Habitats and Tiers within the MSCP.
[2]All areas are presented in acres, rounded to the nearest thousandth.

**Southern Willow Scrub (63320)**

Southern willow scrub is a riparian community comprised of broad-leafed, winter-deciduous trees dominated by shrubby willows (*Salix* sp.), often in association with other riparian shrubs and emergent tree species. This vegetation community is typically found along drainages and creates dense thickets that lack a substantial understory. Within the survey area, this vegetation community is dominated by arroyo willow (*Salix lasiolepis*) and occurs between San Dieguito Lagoon and the intersection of Racetrack View Drive and San Dieguito Drive.

**Coastal Salt Marsh (32500)**

Salt marsh is dominated by a dense cover of perennial, emergent, herbaceous monocots. Within the survey area, this vegetation community occurs along the fringe of San Dieguito Lagoon and is heavily dominated by pickleweed (*Salicornia* sp.), fleshy jaumea (*Jaumea carnosa*), and California seablite (*Suaeda californica*), with saltgrass (*Distichlis spicata*), alkali-heath (*Frankenia salina*), and hottentot-fig (*Carpobrotus edulis*) along the outer fringe, near the Racetrack View Drive.

**Estuarine (64130)**

Estuarine habitats consist of permanently flooded areas in semi-enclosed coastal waters where tidal seawater mixes with fresh water from lakes or streams. Salinity and depth can vary substantially based on tidal flows. Vegetation within estuarine habitats generally consists of phytoplankton, algae, and eelgrass (*Zostera pacifica*). Within the survey area, estuarine habitat occurs where the San Dieguito Lagoon is fully inundated.

**Torrey Pine Forest (83140)**

Torrey pine forest is an open to moderately dense forest dominated by Torrey pine that can grow to heights of up to 60 feet. Within the survey area, this vegetation community is dominated by a canopy of Torrey pines with an understory of bare ground, leaf litter, and/or a low to moderate density of native shrubs, including lemonade berry (*Rhus integrifolia*), California sagebrush (*Artemisia californica*), scrub oak (*Quercus berberidifolia*), black sage (*Salvia mellifera*), California buckwheat (*Eriogonum fasciculatum*), chamise (*Adenostoma californica*), toyon (*Heteromeles arbutifolia*), and bushrue (*Cneoridium dumosum*). Torrey pine forest occurs in open space areas and in narrow strips of land within and adjacent to developed areas along the hills in the northern and central portions of the survey area.

**Southern Maritime Chaparral (37C30)**

Southern maritime chaparral is a low, fairly open chaparral that is generally associated with the coastal fog belt and often occurs in areas with sandstone soils. Within the survey area, this vegetation community is dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*), Eastwood manzanita (*Arctostaphylos glandulosa* ssp. *glandulosa*), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*), Torrey pine, scrub oak, and lemonade berry. Southern maritime chaparral occurs in Crest Canyon Open Space and in pockets of land adjacent to developed areas throughout the survey area.

**Diegan Coastal Sage Scrub (32500)**

Diegan coastal sage scrub consists primarily of low, soft-woody, facultatively drought-deciduous sub-shrubs and stem- and leaf-succulents up to 3 feet high that are typically found on dry, south-facing slopes or clay-rich soils. Within the survey area, this vegetation community is dominated by California sagebrush, California buckwheat, California encelia (*Encelia californica*), goldenbush (*Isocoma menziesii*), big saltbush (*Atriplex lentiformis*) and four-wing saltbush (*Atriplex canescens*). This vegetation community occurs primarily within the northern, central, and eastern portions of the survey area. Description of variants of this vegetation community within the survey area are provided below.

Disturbed Diegan coastal sage scrub includes portions of the Diegan coastal sage scrub that contain some kind of disturbance, such as mechanical or natural disturbance, trash, or a high percentage of non-native plants species such as hottentot-fig, golden wreath wattle (*Acacia saligna*), myoporum (*Myoporum laetum*), and fennel (*Foeniculum vulgare*). This vegetation community occurs primarily in the northern portion of the survey area adjacent to the San Dieguito Lagoon and in the central portion of the study area.

Rhus-dominated Diegan coastal sage scrub includes portions of the Diegan coastal sage scrub that are heavily dominated by lemonadeberry. Some portions of this community contain some kind of disturbance, such as mechanical or natural disturbance, trash, or a high percentage of non-native plants species such as hottentot-fig, fennel, and nasturtium (*Tropaeolum nasturtium*). This vegetation community occurs in patches throughout the survey area.
Revegetated Diegan coastal sage scrub consists of areas where there is evidence that Diegan coastal sage scrub habitat has been revegetated. This vegetation community occurs along the eastern edge of the survey area.

**Disturbed Land (11300)**

Disturbed land includes areas that retain a soil substrate but have been physically disturbed by previous human activity and are no longer recognizable as a native or naturalized vegetation community. Within the survey area, disturbed land is either dominated by bare ground or non-native species, such as tocalote (*Centaurea melitensis*), garland daisy (*Glebionis coronaria*), Russian thistle (*Salsola tragus*), Indian sweetclover (*Melilotus indicus*), and cheeseweed (*Malva parviflora*). Disturbed land occurs in several patches throughout the survey area, such as areas dominated by non-native plants along Crest Road and Racetrack View Drive, and the existing hiking trails within Crest Canyon Open Space.

**Developed Land (12000)**

Developed land has been constructed upon or otherwise physically altered to the extent that native vegetation is no longer supported. These areas contain permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. Developed land occurs throughout the survey area and includes existing roads, parking lots, residences, and landscaping.

## 4.4 Zoological Resources - Fauna

A total of 27 wildlife species were detected within and adjacent to the survey area during the biological reconnaissance surveys. The species detected are typical of the habitats present within the survey area and include species such as common side-blotched lizard (*Uta stansburiana*), red-tailed hawk (*Buteo jamaicensis*), killdeer (*Charadrius vociferus*), western gull (Larus occidentalis), mourning dove (*Zenaida macroura*), bushtit (*Psaltriparus minimus*), common raven (*Corvus corax*), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), northern mockingbird (*Mimus polyglottos*), California thrasher (*Toxostoma redivivum*), house sparrow (*Passer domesticus*), wrentit (*Chamaea fasciata*), black phoebe (*Sayornis nigricans*), Cassin's kingbird (*Tyrannis vociferans*), and great egret (*Ardea alba*). A pair of osprey (*Pandion haliaetus*), a CDFW Watch List species, was detected with an active nest in a utility pole adjacent to San Dieguito Lagoon in the northern portion of the survey area on April 26, 2024 (Attachment 1: Figure 5a). The list of wildlife species detected during the biological reconnaissance surveys is presented in Attachment 4.

**Sensitive Biological Resources**

Sensitive biological resources include sensitive vegetation communities, sensitive plant and wildlife species, wildlife movement corridors and nursery sites, and jurisdictional resources. The survey area was assessed for sensitive biological resources. Assessments for the potential for occurrence of sensitive biological resources are based upon known ranges; habitat preferences for the species; and historical species occurrence records from the CNDDB (CDFW 2024a), USFWS all species occurrence database (USFWS 2024a), and SanBIOS databases (County 2024). The following sections provide definitions for each of these sensitive biological resources and discuss the sensitive biological resources that are known to occur or have a potential to occur within the survey area.

**Sensitive Vegetation Communities**

Sensitive vegetation communities are vegetation assemblages, associations, or sub-associations that have cumulative losses throughout the region, have relatively limited distribution, support or potentially support sensitive species, or have particular value to other wildlife. Typically, sensitive vegetation communities are considered sensitive whether or not they have been disturbed. Sensitive vegetation communities are regulated by City, state, and federal resource agencies.

Based on these criteria, nine sensitive vegetation communities occur within the survey area (Table 2): southern willow scrub, salt marsh, estuarine, Torrey pine forest, southern maritime

chaparral, and Diegan coastal sage scrub (including the subcategories of disturbed, Rhus-dominated, and revegetated).

**Sensitive Plant Species**

For purposes of this report, sensitive plant species include those that are (1) listed as threatened or endangered or proposed for listing by federal or state agencies; (2) California Rare Plant Ranks (CRPR) List 1, List 2, List 3, or List 4 (CNPS 2024); (3) considered rare, endangered, or threatened by CDFW (CDFW 2024b); (4) considered Narrow Endemic or Covered species per the MSCP (County 1998); and/or (5) considered a Protected Tree per Chapter 23.50 of the Del Mar municipal code.

Focused surveys for sensitive plants were not performed; however, a literature review and database search resulted in 28 sensitive plant species that either were observed during the biological reconnaissance surveys, have occurrence records within 1 mile of the survey area, and/or have a potential to occur within or adjacent to the survey area based upon known ranges and habitat preferences for the species. Attachment 5 provides a table listing each of these 28 sensitive plant species and provides an analysis of their potential to occur within the survey area and proposed project footprint, and the following paragraph provides a summary of these species and their potential to occur. Moreover, of the 532 trees mapped by WCA, two sensitive or protected species were mapped, Monterey cypress and Torrey Pine.

Six sensitive or protected plant species were observed within the survey area, but not within the proposed project footprint, during the biological reconnaissance surveys (Attachment 1: Figures 5a and 5b). These six species are not expected to occur within the proposed project footprint due to the minimal suitable habitat. Additionally, these conspicuous plants would have been observed if present. These species include:

- Del Mar manzanita (federally endangered; CRPR 1B.1; MSCP-covered)
- wart-stemmed ceanothus (CRPR 2B.2; MSCP-covered)
- southwestern spiny rush (CRPR 2B.2)
- sea dahlia (*Leptosyne maritima*; CRPR 2B.2)
- Torrey pine (CRPR 1B.1; MSCP-covered; Del Mar municipal code Protected Tree)
- Monterey cypress (CRPR 1B.2; Del Mar municipal code Protected Tree)

In addition to the six sensitive plant species observed in the survey area, an additional 12 sensitive plant species have a moderate to high potential to occur within the survey area; however, within the proposed project footprint they have a low potential or are not expected to occur as the suitable habitat for these species is minimal and the conspicuous plants would have been observed if present (Attachment 5). These species include:

- Nuttall's lotus (*Acmispon prostratus*)
- Encinitas baccharis (*Baccharis vanessae*)
- southern tarplant (*Centromadia parryi* ssp. *parryi*)
- Orcutt's spineflower (*Chorizanthe orcuttiana*)
- summer-holly (*Comarostaphylis diversifolia* ssp. *diversifolia*)
- San Diego sand aster (*Corethrogyne filaginifolia* var. *incana*)
- Del Mar Mesa sand aster (*Corethrogyne filaginifol*ia var. *linifolia*)
- short-leaved dudleya (*Dudleya brevifolia*)

- San Diego barrel cactus (*Ferocactus viridescens*)
- beach goldenaster (*Heterotheca sessiliflora* ssp*. sessiliflora*)
- Nuttall's scrub oak (*Quercus dumosa*)
- estuary seablite (*Suaeda esteroa*)

In addition, 10 sensitive plant species are not expected or have a low potential to occur within the survey area and proposed project footprint, as suitable habitat does not exist for these species (Attachment 5). These species include:

- aphanisma (*Aphanisma blitoides*)
- Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*)
- coast wallflower (*Erysimum ammophilum*)
- cliff spurge (*Euphorbia misera*)
- Campbell's liverwort (*Geothallus tuberosus*)
- San Diego marsh-elder (*Iva hayesiana*)
- Coulter's salt-marsh daisy (*Lasthenia glabrata* ssp*. coulteri*)
- coast woolly-heads (*Nemacaulis denudata* var. *denudata*)
- chaparral ragwort (*Senecio aphanactis*)
- bottle liverwort (*Sphaerocarpos drewiae*)

**Sensitive Wildlife Species**

For purposes of this report, sensitive wildlife species include those that are (1) listed as threatened or endangered or proposed for listing by USFWS or CDFW; (2) designated as "fully protected" by CDFW; (3) considered "species of special concern" by CDFW; (4) considered "taxa to watch" by CDFW (CDFW 2024c); and/or (5) considered MSCP-covered species (County 1998). In addition to the sensitivity criteria described above, most native bird species are covered by the MBTA and CFGC. While these species may not be considered sensitive, effects on breeding and nesting activities are prohibited. As the list of species covered under the MBTA and CFGC is extensive, these species are not included in the sensitive wildlife species table. However, they are addressed further in Sections 5.0 and 6.0, below.

Focused surveys for sensitive wildlife were not performed; however, a literature review and database search resulted in 26 sensitive wildlife species that either were observed/detected during the biological reconnaissance surveys, have occurrence records within 1 mile of the survey area, and/or have a potential to occur within or adjacent to the survey area based upon known ranges and habitat preferences for the species. Attachment 6 provides a table listing each of these 26 sensitive wildlife species and provides an analysis of their potential to occur within the survey area and proposed project footprint, and the following paragraph provides a summary of these species and their potential to occur.

A pair of osprey, a CDFW Watch List species, was detected with an active nest in a utility pole adjacent to San Dieguito Lagoon in the northern portion of the survey area on April 26, 2024 (Attachment 1: Figure 5a). Although this species was observed within the survey area, the nest does not occur within the proposed project footprint.

In addition to the observed osprey, 17 sensitive wildlife species have a moderate to high potential to occur within the survey area; however, these species are either not expected or

have a low potential to occur within the proposed project footprint due to minimal suitable habitat present for these species (Attachment 6). These species include:

- western spadefoot (*Spea hammondii*)
- San Diegan legless lizard (*Anniella stebbinsi*)
- coast patch-nosed snake (*Salvadora hexalepis virgultea*)
- red diamond rattlesnake (*Crotalus ruber*)
- Blainville's horned lizard (*Phrynosoma blainvillii*)
- Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*)
- light-footed Ridgway's rail (*Rallus obsoletus levipes*)
- California gull (*Larus californicus*)
- California least tern (*Sternula antillarum browni*)
- northern harrier (*Circus hudsonius*)
- coastal California gnatcatcher (*Polioptila californica californica*)
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*)
- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*)
- northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
- Pacific pocket mouse (*Perognathus longimembris pacificus*)
- San Diego desert woodrat (*Neotoma lepida intermedia*)
- southern mule deer (*Odocoileus hemionus*)

In addition, eight sensitive wildlife species are not expected or have a low potential to occur within the survey area and proposed project footprint, as suitable habitat is minimal or does not exist for these species within the survey area and proposed project footprint (Attachment 6). These species include:

- monarch butterfly (*Danaus plexippus*)
- two-striped garter snake (*Thamnophis hammondii*)
- western snowy plover
- least Bell's vireo (*Vireo bellii pusillus*)
- yellow warbler (*Setophaga petechia*)
- white-tailed kite (*Elanus leucurus*)
- western mastiff bat (*Eumops perotis californicus*)
- pocketed free-tailed bat (*Nyctinomops femorosaccus*)

**Conserved Lands and Critical Habitat**

The entire project is located within the planning boundaries of the San Diego MSCP, with the northern, eastern, and southern portions of the survey area located within San Dieguito Lagoon MSCP Core Area 13, which protects biological resources within and adjacent to San Dieguito Lagoon and Crest Canyon Open Space (Attachment 1: Figure 3). In addition, the entire project is located within the Coastal Zone and in the City of Del Mar Subarea, which is currently being prepared and not available to the public as it has not been approved or adopted as of the date of this report. The eastern and southern edges of the survey area occur within the City of San Diego's MHPA, which protect sensitive biological resources and open space covered within the City of San Diego's MSCP Subarea Plan (City of San Diego 1997; Attachment 1: Figure 3). As outlined in the Environmental Management Element of the City's Community Plan and the Del Mar Municipal Code, the Floodway Zone and Lagoon Overlay Zone occur in the northern portion of the survey area within and adjacent to the San Dieguito Lagoon; the Open Space Overlay Zone occurs within Crest Canyon Open Space

(also zoned as Public Parkland Zone) in the southern portion of the survey area, as well as within San Dieguito Lagoon, it's adjacent floodway, and some of the bluffs and steep slopes adjacent to San Dieguito Lagoon in the northern portion of the survey area; and the Bluff, Slope, and Canyon Overlay Zone generally occurs in portions of land throughout the survey area that contain steep slopes exceeding 25 percent grade (City 2021 and 2024; Attachment 1: Figures 3 and 4).

The USFWS designates certain areas as 'critical habitat' if they determine that these geographic areas are essential for the conservation and/or recovery of a federally listed threatened or endangered species. Areas designated as critical habitat generally require special management activities to protect the species for which they have been designated. No critical habitat exists within the survey area; however, critical habitat for the western snowy plover occurs within a preserved and managed area within the San Dieguito Lagoon, approximately 500 feet to the north of the survey area.

**Wildlife Movement Corridors**

Wildlife corridors are essential to maintain populations of healthy and genetically diverse plant and wildlife species. Wildlife corridors are considered sensitive by local, state, and federal resource and conservation agencies because these corridors allow wildlife to move between adjoining open space areas that are becoming increasingly isolated as open space becomes fragmented from urbanization, rugged terrain, and/or changes in vegetation (Beier and Loe 1992).

Wildlife corridors can be classified as either regional corridors or local corridors. Regional corridors are defined as those linking two or more large areas of natural open space, and local corridors are defined as those allowing resident animals to access critical resources (e.g., food, cover, water) in a smaller area that might otherwise be isolated by some form of urban development (e.g., roads, housing tracts).

Within these wildlife corridors, wildlife movement activities typically fall into one of three movement categories: (1) dispersal (i.e., juvenile animals from natal areas or individuals extending range distributions), (2) seasonal migration, and (3) movement related to home range activities (e.g., foraging for food or water, defending territories, searching for mates). The majority of the survey area and surrounding lands are classified as urban/developed land. However, intact, undeveloped, native upland vegetation communities (i.e., southern maritime chaparral, Diegan coastal sage scrub, and Rhus-dominated Diegan coastal sage scrub) provide movement opportunities for wildlife and are considered local corridors because they provide access to resources such as food, cover, and water (Attachment 1: Figures 5a and 5b). In addition, a narrow strip of salt marsh and estuarine habitat that is part of the San Dieguito Lagoon MSCP Core Area occurs along the northeastern edge of the survey area and also provides movement opportunities for wildlife and are considered local corridors.

**Aquatic Resources**

Aquatic resources are considered sensitive biological resources and are regulated by the USACE, CDFW, RWQCB, CCC, and/or the City pursuant to Section 404 of the CWA (33 USC 1344), Section 401 of the CWA or the Porter-Cologne Water Quality Control Act, Section 1600 of the CFGC, and the CCA.

A focused aquatic resource delineation was not conducted for this project; however, the survey area was investigated for potentially jurisdictional aquatic resources and these resources were preliminarily mapped during the biological reconnaissance survey. Southern willow scrub, salt marsh, and estuarine habitat in San Dieguito Lagoon along the northern boundary of the survey area are the only potentially jurisdictional aquatic resources that occur in the survey area (Attachment 1: Figure 6). No other potentially jurisdictional drainages, wetlands, or wetland indicators (i.e., wetland vegetation, ordinary high water mark, streambed, stream bank, channel) were observed within the survey area.

## 5.0 ANALYSIS OF PROJECT EFFECTS

This section describes the potential project effects to sensitive plant and wildlife species, sensitive vegetation communities, potentially jurisdictional aquatic resources, wildlife movement corridors, local policies and ordinances, and adopted conservation plans.

Project effects have the potential to be either direct or indirect. A direct effect is typically an immediate disturbance, alteration, removal, or destruction of biological resources. Examples of direct effects include diverting surface water flows, encroaching into wetlands, clearing vegetation, and “taking” an individual species and/or its associated plant communities, as defined by CESA or FESA. An indirect effect is typically separated spatially or temporally from project activities and causes disturbance or alteration to surrounding biological resources, either as a secondary effect of a direct effect or from the degradation of a biological resource over time. Examples of indirect effects include increased human activity, hydrologic alterations, elevated noise and dust levels, decreased water quality, nighttime lighting, soil compaction, and the introduction of invasive animals (e.g., domestic cats and dogs) and plants.

The project was designed so that the majority of proposed project features occur solely in developed areas and are not located within or adjacent to biological resources; therefore, the analysis provided by individual criterion in this section focuses primarily on the proposed staging, access, and work areas that are located within or adjacent to biological resources. The project has been designed to avoid and minimize effects to common and sensitive biological resources by using existing City easements, access paths, trails, and roads to the greatest extent feasible.

The majority of the excavations for the trenches, pads, and walls associated with the underground electrical and telecom services will occur solely within and adjacent to developed areas (e.g., adjacent to streets, driveways, and yards) and will not be located within or adjacent to biological resources. However, minimal clearing of native upland vegetation, totaling 0.002 acre to Diegan coastal sage scrub and less than 0.001 acre to Rhus-dominated Diegan coastal sage scrub, will be required prior to trenching in two small, isolated fragments of habitat adjacent to developed areas (Attachment 1: Figures 5a and 5b).

In addition, trenching within the designated CRZ of a protected tree species will be performed carefully with an AirSpade or hand tools to expose the tree roots under the supervision of a Certified Arborist, if possible.

The majority of the pole and overhead wire removal work and equipment staging associated with the pole and overhead wire removals will occur within developed areas (e.g., adjacent to streets, driveways, and yards), except for some pole and overhead wire removals that will occur in small fragments of disturbed land or native vegetation immediately adjacent to streets, in Crest Canyon Open Space and other sensitive canyon areas, and within and adjacent to San Dieguito Lagoon (Attachment 1: Figures 3 through 6). Minor vegetation trimming and/or trampling of vegetation may occur to ornamental and native vegetation during overland pedestrian egress and regress during pole removal and felling (Attachment 1: Figures 5a and 5b). During pole removal, no vegetation trimming or root disturbance will occur within access routes and work areas with open or low-growing vegetation, and only minor vegetation trimming with no root disturbance will occur within access routes and work areas with dense or tall vegetation. The size of these pedestrian access routes and work areas associated with the proposed project activities will vary depending on the location of each pole and its proximity to existing roads and developed areas, with a maximum width of approximately 3 feet for pedestrian access routes and a maximum radius of 8 feet around poles as a temporary work area.

Appendix G of the CEQA Guidelines includes six criteria that are used to establish whether a proposed project may result in a ‘significant effect.’ A ‘significant effect’ is defined as a “substantial or potentially substantial adverse change in the environment.” Effects on biological resources are evaluated by City staff through an evaluation of these six significance criteria, which are outlined and analyzed later in this section. The significance of effects on biological resources that are present or those with the potential to occur was determined based upon the sensitivity of the resource and the extent of the anticipated impacts. For certain highly sensitive resources (e.g., a federally listed species), any effect would be considered a ‘significant effect’. Conversely, other resources that are of low sensitivity (e.g., species with a large, locally stable population in the County but declining elsewhere) or have a minimal disturbance or effect could sustain some disturbance with a ‘less than significant effect.’ Additionally, individual projects may have a less than significant finding for impacts to upland vegetation based on a limited affected area and minimal habitat value. Factors that contribute to a determination of minimal and low habitat value include small size, isolation from other habitats, lack of sensitive species, disturbance, dominance of non-native plant species, and degraded habitat quality.

## 5.1 Criterion 1 – Sensitive Plant and Wildlife Species

*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?*

**Criterion 1 Analysis of Effects**

***Sensitive Plant Species***

Six sensitive plant species were observed within the survey area but not within the proposed project footprint. These six species are not expected to occur within the proposed project footprint due to minimal suitable habitat. Additionally, these conspicuous plants would have been observed if present. Therefore, no sensitive plants that were observed within the survey area are expected to be directly or indirectly affected by the project.

An additional 12 sensitive plant species are either not expected or have a low potential to occur within the proposed trenching footprint, pedestrian access routes, and pedestrian work areas; however, they are not expected to be directly or indirectly affected during the trenching and other ground disturbance activities, as vegetation clearing will be minimal and limited to 0.002 acre of Diegan coastal sage scrub and less than 0.001 acre of Rhus-dominated Diegan coastal sage scrub (Attachment 1: Figures 5a and 5b), and the project has been designed to avoid and minimize effects on sensitive plant species by (1) limiting access and minor trimming of vegetation (i.e., if necessary with no root disturbance) in pedestrian access routes and pedestrian work areas to a small footprint within sensitive vegetation communities; (2) limiting the amount of pedestrian trips within work areas and access routes; and (3) implementing specific construction operating procedures (i.e., contractor commitments).

***Sensitive Wildlife Species***

The only sensitive wildlife species observed within the survey area was the osprey. No direct effects to the pair of osprey are expected. The active osprey nest was observed in a utility pole adjacent to San Dieguito Lagoon in the northern portion of the survey area and outside the proposed project footprint.

An additional 17 sensitive wildlife species are either not expected or have a low potential to occur within the proposed project footprint; however, they are not expected to be directly or indirectly affected during proposed project-related activities as the project has been designed to avoid and minimize effects on sensitive wildlife species by (1) limiting access and minor trimming of vegetation for pedestrian access routes and pedestrian work areas to a small footprint within sensitive vegetation communities; (2) limiting work to short durations in suitable habitat; (3) avoiding work during the general avian breeding season (generally February 1 to August 31) (or performing bird surveys and coordinating with a qualified Biologist as previously described in the project description); and (4) implementing specific construction operating procedures (i.e., contractor commitments).

The only USFWS critical habitat in the project vicinity is for the western snowy plover; it occurs within the San Dieguito Lagoon, approximately 500 feet to the north of the survey area and is an adequate distance from the project. Therefore, no direct or indirect effects would occur on USFWS critical habitat as a result of proposed project-related activities.

**Criterion 1 Conclusion**

Through project design features and implementation of the implementing specific construction operating procedures (i.e., contractor commitments) and BMPs, the project

would not result in adverse effects to sensitive plant and wildlife species. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

## 5.2 Criterion 2 – Sensitive Vegetation Communities

*Would the project have a substantial adverse effect on any riparian habitat or sensitive natural community identified by local or regional plans, policies, regulations, or by CDFW or USFWS?*

**Criterion 2 Analysis of Effects**

Project implementation would result in direct effects and disturbances to a total of 2.190 acres of vegetation communities and land cover types (Table 3; Attachment 1: Figures 5a and 5b). The effects and disturbances shown in Table 3 are divided by type of project effect, including (1) trenching and ground disturbance areas with direct removal of vegetation, when present; (2) overland pedestrian access and pedestrian work areas with minor vegetation trampling and/or minor vegetation trimming (i.e., no root disturbance); and (3) temporary staging of equipment with no vegetation removal or disturbance.

Project implementation would result in direct effects and disturbances to a total of 0.108 acre of sensitive vegetation communities, including salt marsh, Torrey pine forest, southern maritime chaparral, Diegan coastal sage scrub, Rhus-dominated Diegan coastal sage scrub, and disturbed Diegan coastal sage scrub (Table 3; Attachment 1: Figures 5a and 5b). However, of these total effects on sensitive vegetation communities, a total of less than 0.003 acres – 0.002 acre of Diegan coastal sage scrub and less than 0.001 acre of Rhus-dominated Diegan coastal sage scrub – will be directly affected through vegetation removal during trenching and other ground disturbance activities only. Given this impact to less than 0.003 acre is extremely small, reflects a narrow linear strip alongside the disturbed edge of a City road, does not provide habitat for sensitive species, and the impacts would not change the functions and value of the adjacent larger expanse of habitat, these impacts to less than 0.003 acre are considered less than significant. The remaining 0.105 acre of disturbance would occur during pole removal as a result of overland pedestrian access and/or minor trimming of vegetation, if necessary, with no root disturbance within pedestrian access routes and pedestrian work areas. The impacts to 0.105 acre from minor vegetation trampling and trimming would not result in a loss of vegetation/habitat and therefore are considered less than significant. It should be noted that trenching within the designated CRZ of a protected tree species will be performed carefully with an AirSpade or hand tools to expose the tree roots under the supervision of a Certified Arborist, if possible. In addition, the project has been designed to avoid and minimize effects on sensitive vegetation communities by limiting the amount of pedestrian trips within work areas and access routes in sensitive vegetation communities and by implementing the specific construction operating procedures (i.e., contractor commitments).

**Table 3. Proposed Effects and Disturbances to Vegetation Communities & Land Cover Types within Project Footprint**

| Vegetation Community/ Land Cover Type[1] | Project Footprint[2] | | | Total Disturbance[2] |
|---|---|---|---|---|
| | Trenching/ Ground Disturbance (Vegetation Removal) | Pedestrian Access/Work (Overland Pedestrian Access/Minor Vegetation Trimming) | Temporary Staging (No Vegetation Disturbance) | |
| **Sensitive** | **<0.003** | **0.105** | **--** | **0.108** |
| Salt marsh (52100) | -- | 0.013 | -- | 0.013 |
| Torrey pine forest (83140) | -- | 0.008 | -- | 0.008 |
| Southern maritime chaparral (37C30) | -- | 0.055 | -- | 0.055 |
| Diegan coastal sage scrub (32500) | 0.002 | 0.009 | -- | 0.011 |
| Diegan coastal sage scrub – Rhus-dominated (32500) | <0.001 | 0.010 | -- | 0.011 |
| Diegan coastal sage scrub – disturbed (32500) | -- | 0.010 | -- | 0.010 |
| **Non-Sensitive** | **1.301** | **0.494** | **0.287** | **2.082** |
| Disturbed land (11300) | 0.006 | 0.103 | 0.118 | 0.227 |
| Developed land (12000) | 1.295 | 0.391 | 0.169 | 1.855 |
| **TOTAL** | **1.304** | **0.599** | **0.287** | **2.190** |

[1] Vegetation categories and numerical codes are from Holland (1986) and Oberbauer (2008) and are listed by Habitats and Tiers within the MSCP.
[2] All areas are presented in acres, rounded to the nearest thousandth.

**Criterion 2 Conclusion**

Through project design features and implementation of the specific construction operating procedures (i.e., contractor commitments), the project would not result in adverse effects to sensitive vegetation communities. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

### 5.3 Criterion 3 – Aquatic Resources

*Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means?*

**Criterion 3 Analysis of Effects**

No significant direct or indirect adverse effects on salt marsh, the only potentially jurisdictional aquatic resource within the proposed project footprint, are expected to result from proposed project-related activities. The project has been designed to avoid and minimize effects on aquatic resources by (1) limiting access and work areas to the poles within and adjacent to the salt marsh to a small footprint with only overland pedestrian access and no vegetation trimming; (2) limiting the amount of pedestrian trips within work areas and access routes;

(3) requiring biological monitoring of work activities; and (4) implementing specific construction operating procedures (i.e., contractor commitments).

**Criterion 3 Conclusion**

Through project design features and implementation of the specific construction operating procedures (i.e., contractor commitments), the project would not result in adverse effects to aquatic resources. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

### 5.4 Criterion 4 – Wildlife Movement Corridors

*Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or within an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Criterion 4 Analysis of Effects**

No direct or indirect effects on the local wildlife corridors within Crest Canyon Open Space in the southern portion of the survey area or on the salt marsh and estuarine habitats in the San Dieguito Lagoon MSCP Core Area along the northeastern edge of the survey area, are expected to result from proposed project-related activities. The project would not impede wildlife access to, within, or through off-site areas in the San Dieguito Lagoon that may be used for urban wildlife movement, foraging, or breeding. The project has been designed to avoid and minimize effects on wildlife movement corridors by (1) limiting access and minor trimming of vegetation for pedestrian access routes and pedestrian work areas to a small footprint within sensitive vegetation communities; (2) limiting work to short durations in suitable habitat, (3) avoiding work during the general avian breeding season (generally February 1 to August 31); and (4) implementing specific construction operating procedures (i.e., contractor commitments).

**Criterion 4 Conclusion**

Through project design features and implementation of the specific construction operating procedures (i.e., contractor commitments), the project would not result in adverse effects to wildlife movement corridors. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

### 5.5 Criterion 5 – Local Policies and Ordinances

*Would the project conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Criterion 5 Analysis of Effects**

The entire project is located within the planning boundaries of the City of Del Mar Subarea. The northern boundary of the survey area occurs within the Lagoon Overlay Zone and the San Dieguito Lagoon MSCP Core Area, and the eastern boundary of the survey buffer occurs within the City of San Diego's MHPA and Crest Canyon Open Space. As mentioned

previously, the City's draft Subarea Plan is currently being prepared and not available to the public as it has not been approved or adopted as of the date of this report. However, the project was designed to consider the context of the City's draft Subarea Plan and to be consistent with CEQA requirements. In addition, the project has been designed to avoid and minimize effects on sensitive biological resources and conserved lands by implementing appropriate BMPs and implementing specific construction operating procedures (i.e., contractor commitments), and by adhering to the policies and guidelines of the MSCP, and Del Mar Municipal Code, and the Land Use Adjacency Guidelines of the City of San Diego's MSCP Subarea Plan (City of San Diego 1997).

**Criterion 5 Conclusion**

The project was designed to comply with CEQA and biological resources protection measures provided in other local plans, policies, and ordinances; therefore, the project would not conflict with local policies or ordinances that protect biological resources. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

### 5.6 Criterion 6 – Adopted Conservation Policies

*Would the project conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**Criterion 6 Analysis of Effects**

The entire project is located within the planning boundaries of the City of Del Mar Subarea. The northern boundary of the survey area occurs within the Lagoon Overlay Zone and the San Dieguito Lagoon MSCP Core Area, and the eastern boundary of the survey area occurs within the City of San Diego's MHPA and Crest Canyon Open Space. As mentioned previously, the City's draft Subarea Plan is currently being prepared and not available to the public as it has not been approved or adopted as of the date of this report. However, the project was designed to consider the context of the City's draft Subarea Plan and to be consistent with CEQA requirements. In addition, the project has been designed to avoid and minimize effects on sensitive biological resources and conserved lands by implementing appropriate BMPs and implementing specific construction operating procedures (i.e., contractor commitments), and by adhering to the policies and guidelines of the MSCP, and Del Mar Municipal Code, and the Land Use Adjacency Guidelines of the City of San Diego's MSCP Subarea Plan (City of San Diego 1997).

**Criterion 6 Conclusion**

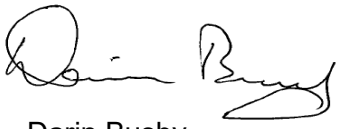
The project was designed to comply with CEQA and biological resources protection measures provided in other local plans, policies, and ordinances; therefore, the project would not conflict with provisions in any local, regional, or state habitat conservation plans. As such, no additional avoidance, minimization, and/or mitigation measures would be required.

## 6.0 CONCLUSION

The project has been designed to avoid significant direct and indirect effects on sensitive biological resources by siting the work to occur predominantly within and adjacent to developed areas (e.g., streets, driveways, and residential landscaped yards), with only minimal work within and adjacent to sensitive native habitats (i.e., San Dieguito Lagoon, Crest Canyon Open Space, and other sensitive canyon areas) that may support sensitive biological resources. In addition to the incorporation of specific project design features, implementation of the project includes project-specific construction operating procedures (i.e., contractor commitments) and BMPs during construction activities within and adjacent to sensitive native habitats to assure protection of and avoid significant adverse effects to sensitive biological resources in these areas. Therefore, the project is not expected to result in any significant direct or indirect effects on sensitive biological resources. As such, the project does not meet any of the six exceptions to project exemptions pursuant to the CEQA Guidelines and CEQA Categorical Exemptions Sections 15302(d) - Class 2 - Replacement or Reconstruction and Class 4 Minor Alteration to Land.

Please contact me at darin@busbybiological.com or 858.334.9508 with any questions or concerns regarding this letter report. Please see Attachment 7 for a summary of the preparers' qualifications.

Sincerely,



Darin Busby
Principal Biologist

**ATTACHMENTS**
Attachment 1: Figures
Attachment 2: Representative Photographs
Attachment 3: Plant Species Observed
Attachment 4: Wildlife Species Detected
Attachment 5: Sensitive Plant Species with Potential to Occur
Attachment 6: Sensitive Wildlife Species with Potential to Occur
Attachment 7: Summary of Preparer's Qualifications

## 7.0 REFERENCES

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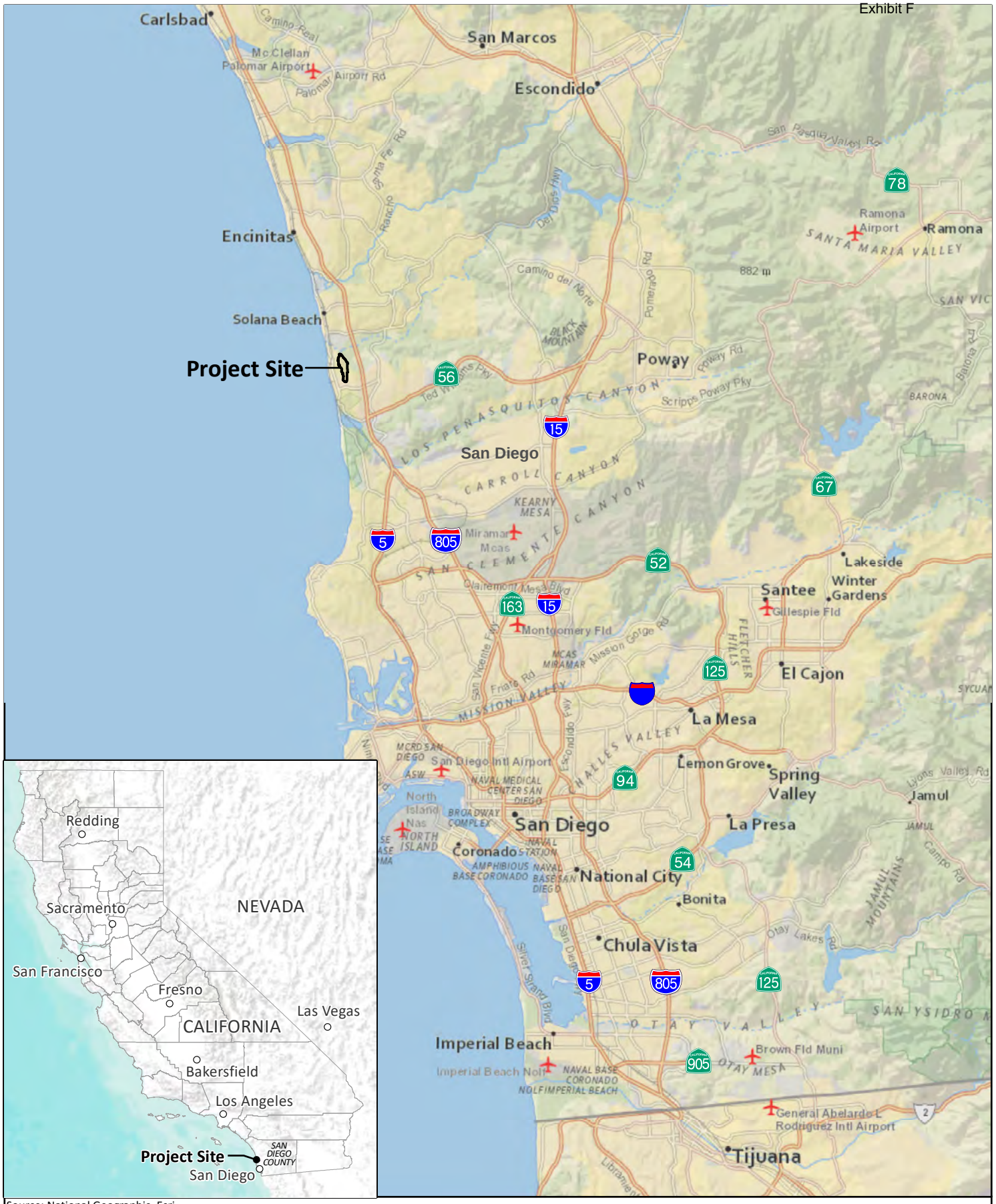
**ATTACHMENT 1**

# Figures




Source: National Geographic, Esri

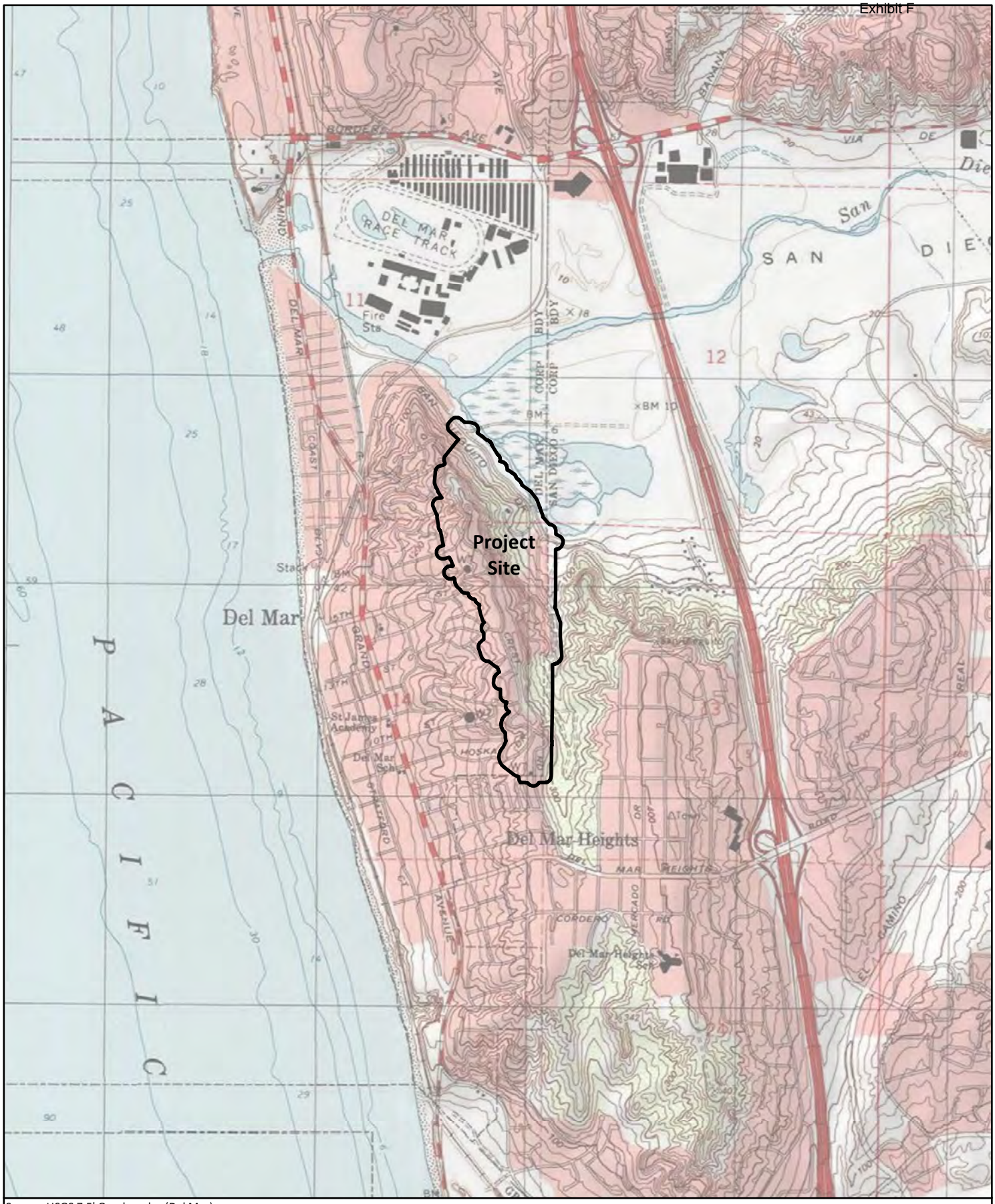
# Regional Location

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

BUSBY Biological Services

N 0 2.5 5 Miles

**Figure 1**




Source: USGS 7.5' Quadrangles (Del Mar)

## Project Vicinity (USGS)

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

BUSBY Biological Services

**Figure 2**

DEL MAR FAIRGROUNDS
SAN DIEGUITO LAGOON
DEL MAR
SAN DIEGO
CREST CANYON OPEN SPACE
SAN DIEGUITO DR
DEL MAR HEIGHTS RD
JIMMY DURANTE BLVD
ZAPO ST
CULEBRA ST
FOREST WAY
ZUNI DR
CAN DIEGUITO DR
ORIBIA RD
CREST RD
RIMINI RD
CAMINO DEL MAR
AMPHITHEATRE DR
TEWA ST
10TH ST
9TH ST
HOSKA DR
DESA DR
CREST WAY
DURANGO DR
RECUERDO DR
DEL MAR HEIGHTS RD
5

- Survey Area
- Municipal Boundary
- Trenching and Ground Disturbance
- Pedestrian Work Area and Access
- Staging Area
- City of San Diego MHPA
- Conserved Land
- San Dieguito Lagoon MSCP Core Area 13
- Western Snowy Plover Critical Habitat

BUSBY Biological Services

N

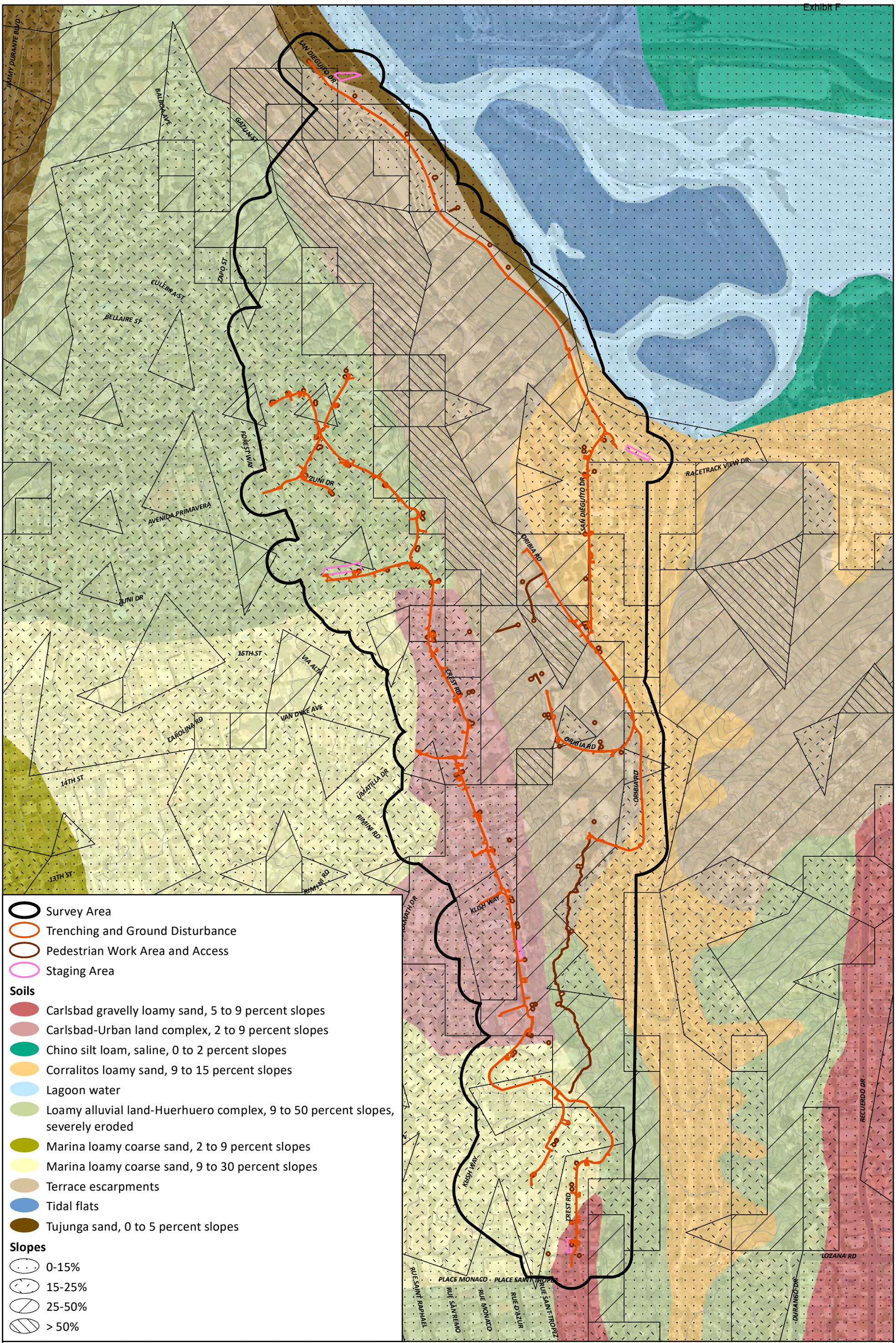
0 350 700 Feet

## Conserved Lands

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

August 13, 2024

**Figure 3**




Survey Area
Trenching and Ground Disturbance
Pedestrian Work Area and Access
Staging Area

**Soils**

Carlsbad gravelly loamy sand, 5 to 9 percent slopes
Carlsbad-Urban land complex, 2 to 9 percent slopes
Chino silt loam, saline, 0 to 2 percent slopes
Corralitos loamy sand, 9 to 15 percent slopes
Lagoon water
Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes, severely eroded
Marina loamy coarse sand, 2 to 9 percent slopes
Marina loamy coarse sand, 9 to 30 percent slopes
Terrace escarpments
Tidal flats
Tujunga sand, 0 to 5 percent slopes

**Slopes**

0-15%
15-25%
25-50%
> 50%

BUSBY Biological Services

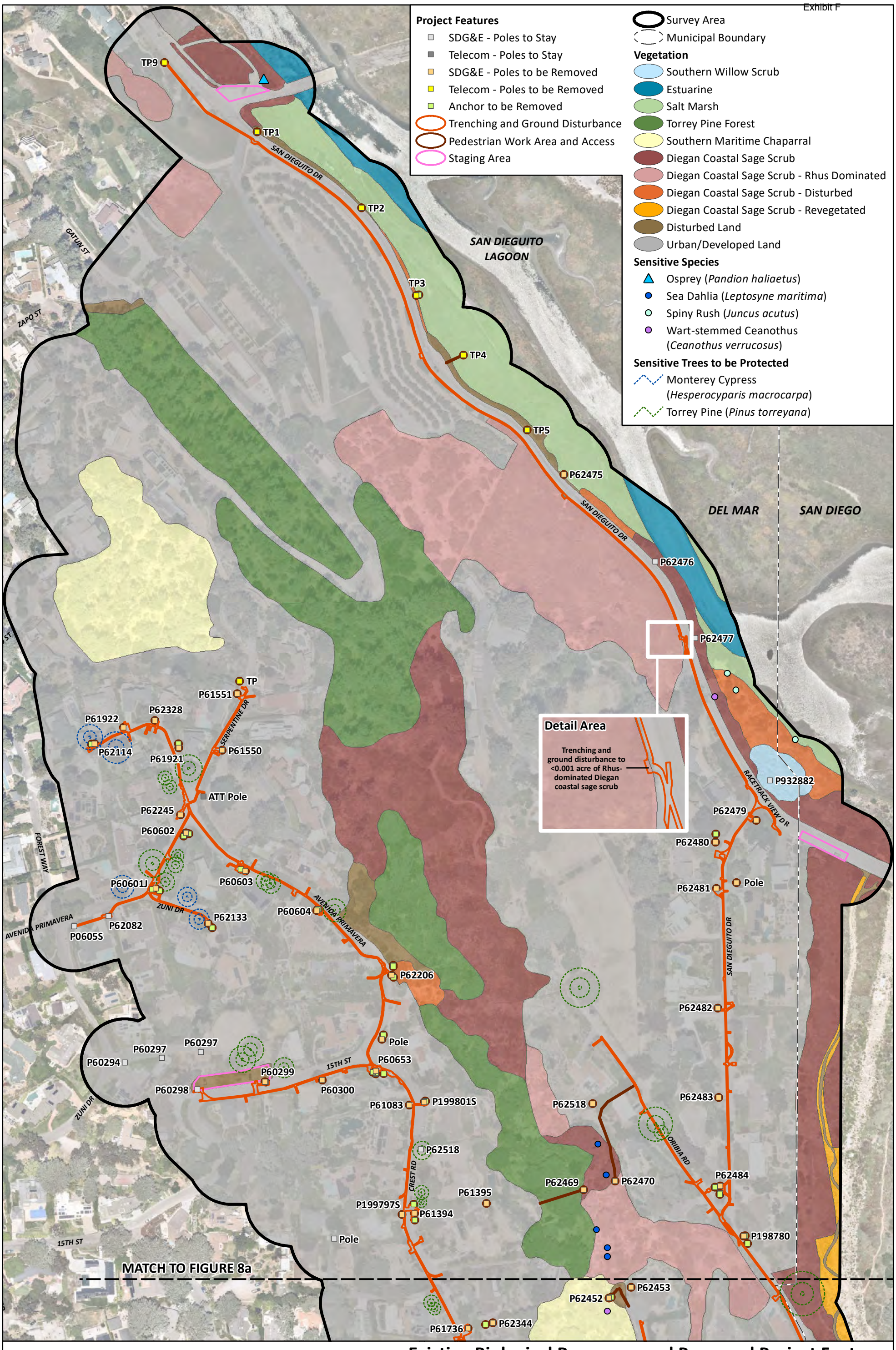
N

0 185 370 Feet

# Soils, Slopes, and Proposed Project Features

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

**Figure 4**




BUSBY Biological Services

# Existing Biological Resources and Proposed Project Features

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

**Figure 5a**

MATCH TO FIGURE 8a

P62452 P62453 P62344 P61736 Pole P62454 P62457 P62458 P61735 P62459 P161750 P62341J P62837 VIA ALTA P62340J P199229S UMATILLA DR P60707 RIMINI RD P62790 P62500 P62004 P60706 P62789 KALAMATH DR P62104 P60659 CREST CANYON OPEN SPACE CREST RD P61920 P62788 KLISH WAY P62466 Pedestrian access will follow existing hiking trail AMPHITHEATRE DR P62787 P199281 P60657 P60665 11TH ST P61857 P62442 P61858 DEL MAR SAN DIEGO P62463 HOSKA DR P62036 P61876 P63530 P61491 P62107 P62108 P208064 ATT Pole PLACE MONACO PLACE SAINT TROPEZ RUE SAINT RAPHAEL RUE SAN REMO RUE MONACO RUE D'AZUR RUE SAINT TROPEZ ORIBIA RD ORIBIA RD ORIBIA RD

**Detail Area**

Trenching and ground disturbance to 0.002 acre of Diegan coastal sage scrub

Survey Area

Municipal Boundary

**Project Features**

- SDG&E - Poles to Stay
- Telecom - Poles to Stay
- SDG&E - Poles to be Removed
- Anchor to be Removed
- Trenching and Ground Disturbance
- Pedestrian Work Area and Access
- Staging Area

**Vegetation**

- Torrey Pine Forest
- Southern Maritime Chaparral
- Diegan Coastal Sage Scrub
- Diegan Coastal Sage Scrub - Rhus Dominated
- Diegan Coastal Sage Scrub - Disturbed
- Diegan Coastal Sage Scrub - Revegetated
- Disturbed Land
- Urban/Developed Land

**Sensitive Species**

- Woodrat Midden (*Neotoma*) sp.
- Eastwood's Manzanita (*Arctostaphylos glandulosa*)
- Torrey Pine (*Pinus torreyana*)
- Wart-stemmed Ceanothus (*Ceanothus verrucosus*)

**Sensitive Trees to be Protected**

- Monterey Cypress (*Hesperocyparis macrocarpa*)
- Torrey Pine (*Pinus torreyana*)

BUSBY Biological Services

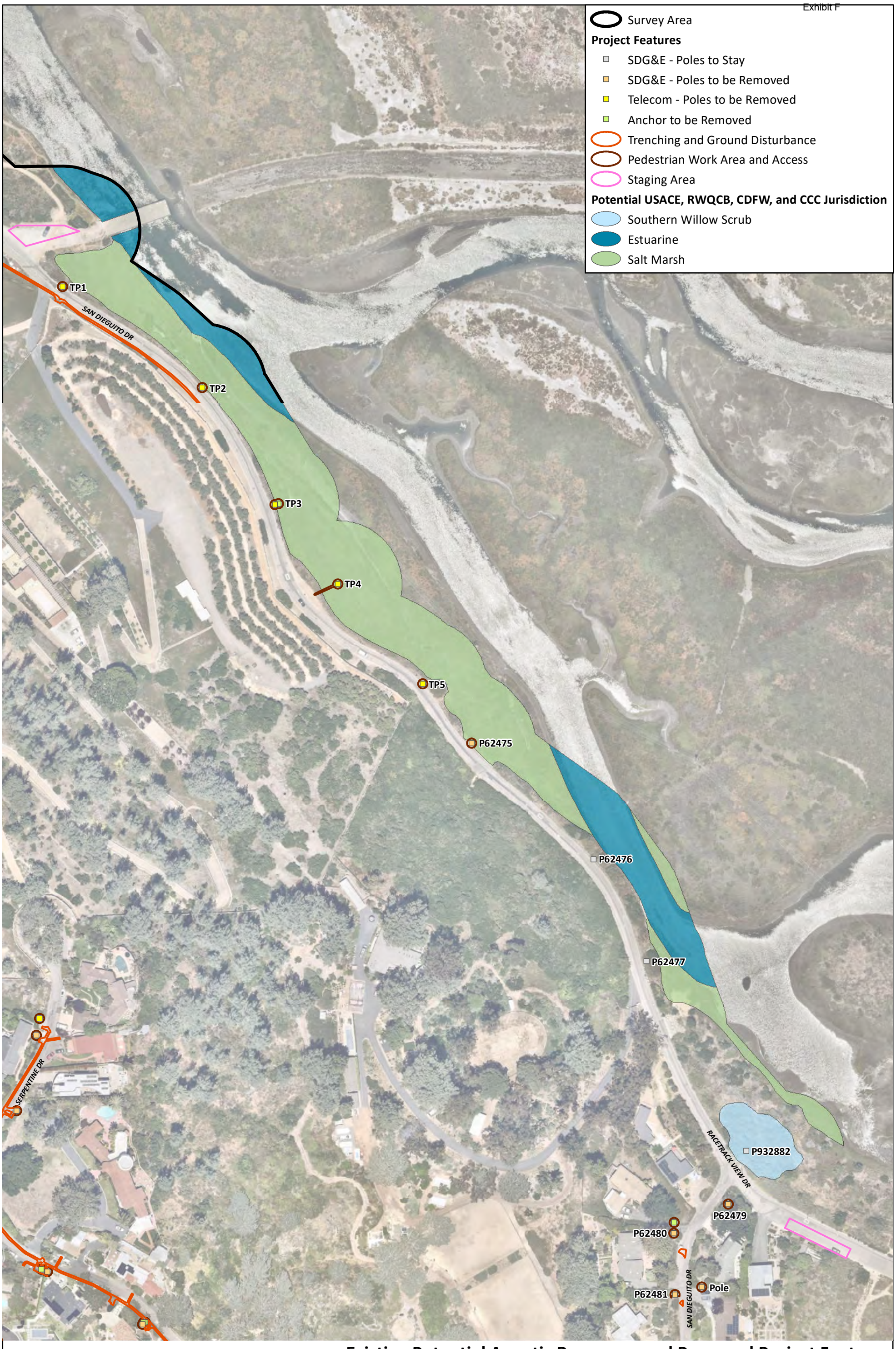
N 0 100 200 Feet

# Existing Biological Resources and Proposed Project Features

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

August 13, 2024

**Figure 5b**




**Existing Potential Aquatic Resources and Proposed Project Features**

CREST CANYON UNDERGROUNDING DISTRICT X1A PROJECT

BUSBY Biological Services

N 0 75 150 Feet

August 13, 2024

**Figure 6**

**ATTACHMENT 2**

# Representative Photographs

## Attachment 2. Representative Photographs

| | |
|---|---|
| | Photograph 1. Telecom Pole 3 in disturbed Diegan coastal sage scrub and anchor pole in coastal salt marsh in San Dieguito Lagoon adjacent to San Dieguito Drive (View northwest, 4/26/24). |
| | Photograph 2. Telecom Pole 4 and proposed access route in coastal salt marsh in San Dieguito Lagoon adjacent to San Dieguito Drive (View northwest, 11/15/22). |

| | |
|---|---|
| | Photograph 3. Utility pole P62470 on a steep slope with Rhus-dominated Diegan coastal sage scrub that is also heavily dominated by nonnative freeway iceplant (View south, 4/26/24). |
| | Photograph 4. Proposed pedestrian access route from Oribia Road to utility pole P62470 on a steep slope with Diegan coastal sage scrub (View north, 4/26/24). |

| | |
|---|---|
| | Photograph 5. Sea dahlia, a CRPR 2B.2 sensitive plant, on a steep slope with Rhus-dominated Diegan coastal sage scrub near utility pole P62470 (View east, 4/26/24). |
| | Photograph 6. Proposed pedestrian access route from Oribia Road to utility pole P62452 on a steep slope with disturbed land and southern maritime chaparral (View west, 8/10/21). |

| | |
|---|---|
| | Photograph 7. Utility pole P62454 in developed land adjacent to Oribia Road on a steep slope with disturbed land and southern maritime chaparral (View west, 8/10/21). |
| | Photograph 8. Utility pole P62206 and anchors in disturbed Diegan coastal sage scrub adjacent to Avenida Primavera (View south, 4/26/24). |

| | |
|---|---|
| | Photograph 9. Utility pole P62789 and anchor within disturbed land and surrounded by southern maritime chaparral in Crest Canyon Open Space (View south, 8/10/21). |
| | Photograph 10. Utility pole P62788 within southern maritime chaparral in Crest Canyon Open Space (View east, 8/10/21). |

| | |
|---|---|
| | Photograph 11. Utility pole P62787 and anchor and proposed pedestrian access route within disturbed land and surrounded by southern maritime chaparral in Crest Canyon Open Space (View south, 8/10/21). |
| | Photograph 12. Wart-stemmed ceanothus, a CRPR 2B.2 and MSCP-covered sensitive plant, within southern maritime chaparral and adjacent to a proposed pedestrian access route in disturbed land in Crest Canyon Open Space between utility poles P62788 and P62789 (View north, 8/10/21). |

| | |
|---|---|
| | Photograph 13. Utility pole P99281 and anchor and proposed pedestrian access route within southern maritime chaparral in Crest Canyon Open Space (View northeast, 8/10/21). |
| | Photograph 14. Proposed staging area along 15th Street within disturbed land adjacent to utility poles P60298 and P60299 (View west, 4/26/24). |

**ATTACHMENT 3**

# Plant Species Observed

## Attachment 3. Plant Species Observed

| Family | Scientific Name* | Common Name | Vegetation Community/Land Cover Type[1] |
|---|---|---|---|
| Agavaceae | *Agave americana** | century plant | DH, DEV |
| | *Agave attenuata** | foxtail agave | DEV |
| | *Yucca schidigera* | Mohave yucca | TP, SMC |
| Aizoaceae | *Carpobrotus edulis** | freeway iceplant | CSS-D, SM, DEV, DIST |
| | *Mesembryanthemum nodiflorum** | slender-leaved iceplant | CSS-D, DEV, DIST |
| Altingiaceae | *Liquidambar styraciflua** | sweetgum | DEV, DIST |
| Anacardiaceae | *Malosma laurina* | laurel sumac | CSS, CSS-RD |
| | *Rhus integrifolia* | lemonade berry | CSS, CSS-D, CSS-RD, SMAC, TP |
| | *Schinus molle** | Peruvian pepper tree | DEV, DIST |
| | *Schinus terebinthifolius** | Brazilian pepper tree | DEV, DIST |
| Apiaceae | *Conium maculatum** | poison-hemlock | CSS-D, DIST |
| | *Foeniculum vulgare** | fennel | CSS-D, DIST |
| Araliaceae | *Hedera helix** | English ivy | DEV |
| Arecaceae | *Phoenix canariensis** | Canary Island date palm | DEV |
| | *Phoenix roebelenii** | pygmy date palm | DEV |
| | *Syagrus romanzoffiana** | queen palm | DEV |
| Asteraceae | *Artemisia californica* | California sagebrush | CSS, CSS-D, CSS-R, TP |
| | *Artemisia dracunculus* | tarragon | CSS |
| | *Baccharis pilularis* | coyote brush | CSS, CSS-D, CSS-RD |
| | *Baccharis salicifolia* | mule fat | SWS |
| | *Centaurea melitensis** | tocalote | CSS, CSS-D, DIST |
| | *Deinandra fasciculata* | fascicled tarplant | CSS, CSS-D |
| | *Encelia californica* | California encelia | CSS, CSS-R |
| | *Encelia farinosa*[2] | brittlebush | CSS |
| | *Erigeron bonariensis** | flax-leaf fleabane | DEV, DIST |
| | *Gazania linearis** | treasure flower | DEV |
| | *Glebionis coronaria** | garland daisy | CSS, CSS-D, DEV, DIST |
| | *Hazardia squarrosa* var. *grindelioides* | saw-toothed goldenbush | CSS, CSS-D, TP |
| | *Heterotheca grandiflora* | telegraph weed | CSS |
| | *Isocoma menziesii* | goldenbush | CSS, DH |
| | *Leptosyne maritima* | sea dahlia | CSS, CSS-RD |
| | *Jaumea carnosa* | fleshy jaumea | SM |
| | *Pluchea sericea* | arrow weed | CSS-D |
| | *Stephanomeria diegensis* | San Diego wreath-plant | CSS, CSS-D, TP |

| Family | Scientific Name* | Common Name | Vegetation Community/Land Cover Type[1] |
|---|---|---|---|
| Boraginaceae | *Echium candicans** | pride-of-Madeira | CSS-D, DEV |
| | *Eriodictyon crassifolium* | felt-leaf yerba santa | TP |
| | *Phacelia ramosissima* | branching phacelia | CSS, CSS-D |
| Brassicaceae | *Brassica nigra** | black mustard | CSS, CSS-D |
| | *Hirschfeldia incana** | short-pod mustard | DIST |
| | *Raphanus sativus** | wild radish | CSS, CSS-D, DIST |
| Cactaceae | *Cylindropuntia prolifera* | coastal cholla | CSS |
| | *Opuntia ficus-indica** | Indian-fig | DEV |
| | *Opuntia littoralis* | coastal prickly pear | CSS |
| Capparaceae | *Peritoma arborea* | bladderpod | CSS |
| Chenopodiaceae | *Atriplex lentiformis* | big saltbush | CSS |
| | *Atriplex canescens* | four-wing saltbush | CSS, CSS-R |
| | *Salicornia pacifica* | Pacific pickleweed | SM |
| | *Suaeda californica* | California seablite | SM |
| Crassulaceae | *Aeonium arboreum** | tree aeonium | DEV |
| | *Crassula ovata** | jade plant | SMAC, DIST, DEV |
| | *Dudleya pulverulenta* | chalk-lettuce | CSS |
| Cupressaceae | *Hesperocyparis macrocarpa*[2] | Monterey Cypress | DEV |
| Ericaceae | *Arctostaphylos glandulosa* ssp. *crassifolia* | Del Mar manzanita | SMAC |
| Ericaceae | *Xylococcus bicolor* | mission manzanita | TP |
| Euphorbiaceae | *Croton californicus* | California croton | CSS |
| | *Euphorbia ingens** | candelabra cactus | DEV |
| | *Ricinus communis** | castor bean | CSS--D, DEV, DIST |
| Fabaceae | *Acacia retinodes** | everblooming acacia | DEV |
| | *Acacia saligna** | golden wreath wattle | CSS-D |
| | *Acacia* sp.* | acacia | DEV, DIST |
| | *Acmispon glaber* | deerweed | CSS, CSS-D, CSS-R |
| | *Quercus berberidifolia* | scrub oak | TP, SMAC |
| Frankeniaceae | *Frankenia salina* | alkali-heath | CSS, CSS-D, SM |
| Juncaceae | *Juncus acutus* ssp. *leopoldii* | southwestern spiny rush | SM, CSS-D |
| Lamiaceae | *Lavandula* sp.* | lavender | DEV |
| | *Salvia apiana* | white sage | CSS, DEV |
| | *Salvia leucophylla* | purple sage | DEV |
| | *Salvia mellifera* | black sage | CSS, CSS-R, TP |
| | *Salvia munzii* | Munz's sage | DEV |
| Liliaceae | *Aloe arborescens** | candelabra aloe | DIST |
| | *Aloe* sp.* | aloe | DEV |

| Family | Scientific Name* | Common Name | Vegetation Community/Land Cover Type[1] |
|---|---|---|---|
| Musaceae | *Musa* sp.* | banana | DEV |
| Myrtaceae | *Callistemon citrinus** | common bottle brush | DEV |
| | *Eucalyptus sideroxylon** | red iron bark | DEV |
| | *Eucalyptus* sp.* | eucalyptus | DEV, DIST |
| Pinaceae | *Pinus torreyana* ssp. *torreyana* | Torrey pine | SMAC, CSS, CSS-D, CSS-R, TP, DEV |
| Platanaceae | *Platanus occidentalis** | American sycamore | DEV |
| Plumbaginaceae | *Limonium perezii** | statice | DEV |
| Poaceae | *Avena fatua** | wild oats | CSS, CSS-D, DIST |
| | *Bromus diandrus** | common ripgut grass | CSS, CSS-D, DIST |
| | *Distichlis spicata* | saltgrass | SM |
| | *Pennisetum setaceum** | purple fountain grass | DEV, DIST |
| | *Pennisetum* sp.* | fountain grass | DEV |
| Polygonaceae | *Eriogonum fasciculatum* | California buckwheat | CSS, CSS-R, CSS-D, TP |
| Rhamnaceae | *Ceanothus verrucosus* | wart-stemmed ceanothus | CSS, TP, SMAC |
| | *Rhamnus crocea* | spiny redberry | CSS, SMAC |
| Rosaceae | *Adenostoma fasciculatum* | chamise | TP, SMAC |
| | *Heteromeles arbutifolia* | toyon | CSS, TP, CSS-RD |
| Rutaceae | *Cneoridium dumosum* | bushrue | TP |
| Salicaceae | *Salix lasiolepis* | arroyo willow | SWS |
| Scrophulariaceae | *Myoporum laetum** | myoporum | CSS-D |
| Solanaceae | *Datura wrightii* | jimson weed | CSS, DIST |
| Tropaeolaceae | *Tropaeolum majus** | nasturtium | CSS-D, CSS-RD, DEV, DIST |

* Non-native species

[1] **Vegetation Community/Land Cover Type**

SWS = Southern willow scrub
SM = Salt marsh
TP = Torrey pine forest
SMAC = Southern maritime chaparral
CSS = Diegan coastal sage scrub
CSS-RD = Diegan coastal sage scrub – Rhus-dominated
CSS-R = Diegan coastal sage scrub – revegetated
CSS-D = Diegan coastal sage scrub – disturbed
DIST = Disturbed land
DEV = Developed land

[2] Native to California but not to this region

**ATTACHMENT 4**

# Wildlife Species Detected

## Attachment 4. Wildlife Species Detected

| Family | Scientific Name | Common Name | Vegetation Community/Land Cover Type[1] |
|---|---|---|---|
| Accipitridae | *Buteo jamaicensis* | red-tailed hawk | TP, FO |
| Aegithalidae | *Psaltriparus minimus* | bushtit | DEV, CSS |
| Anatidae | *Anas platyrhynchos* | mallard | E, FO |
| Ardeidae | *Ardea alba* | great egret | SM, FO |
| Charadriidae | *Charadrius vociferus* | killdeer | SM, CSS, DIST |
| Columbidae | *Columba livia* | rock pigeon | DEV, FO |
| | *Zenaida macroura* | mourning dove | CSS, DEV |
| Corvidae | *Corvus corax* | common raven | DEV, CSS, SMAC, FO |
| Fringillidae | *Haemorhous mexicanus* | house finch | CSS, DEV |
| | *Spinus psaltria* | lesser goldfinch | CSS, CSS-R |
| Laridae | *Larus occidentalis* | western gull | SM, FO |
| Mimidae | *Mimus polyglottos* | northern mockingbird | CSS |
| | *Toxostoma redivivum* | California thrasher | CSS |
| Pandionidae | *Pandion haliaetus** | osprey | CSS, FO |
| Passerellidae | *Junco hyemalis* | dark-eyed junco | DEV |
| | *Pipilo maculatus* | spotted towhee | CSS, CSS-RD, TP |
| | *Melozone crissalis* | California towhee | CSS, CSS-RD, TP |
| | *Melospiza melodia* | song sparrow | CSS, CSS-R, DEV |
| Passeridae | *Passer domesticus* | house sparrow | CSS, DEV |
| Phrynosomatidae | *Uta stansburiana* | common side-blotched lizard | DEV, CSS, SMAC |
| Polioptilidae | *Polioptila caerulea* | blue-gray gnatcatcher | SMAC |
| Scolopacidae | *Numenius phaeopus* | whimbrel | SM |
| | *Tringa semipalmata* | willet | SM |
| Sylviidae | *Chamaea fasciata* | wrentit | CSS, CSS-RD |
| Trochilidae | *Calypte anna* | Anna's hummingbird | CSS, SMAC, DEV |
| Tyrannidae | *Sayornis nigricans* | black phoebe | CSS, DEV |
| | *Tyrannus vociferans* | Cassin's kingbird | CSS |

* Sensitive Species

[1] **Vegetation Community/Land Cover Type**

SWS = Southern willow scrub
SM = Salt marsh
TP = Torrey pine forest
SMAC = Southern maritime chaparral
CSS = Diegan coastal sage scrub
CSS-RD = Diegan coastal sage scrub – Rhus-dominated
CSS-R = Diegan coastal sage scrub – revegetated
CSS-D = Diegan coastal sage scrub – disturbed
DIST = Disturbed land
DEV = Developed land
FO = Fly over

## ATTACHMENT 5
# Sensitive Plant Species with Potential to Occur

## Attachment 5. Sensitive Plant Species with Potential to Occur

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| Nuttall's acmispon (*Acmispon prostratus*) | CRPR 1B.1; MSCP | Annual herb. Blooms Mar-Jun. Coastal dunes, coastal sage scrub. Elev 0-98ft. | Moderate | Low | Coastal sage scrub with sandy soils in the survey area is suitable for this species and the nearest record is in dune habitat approximately 0.85 mile to the east (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| aphanisma (*Aphanisma blitoides*) | CRPR 1B.2; MSCP; NE | Annual herb. Blooms Mar-Jun. Coastal bluff scrub, coastal dunes, coastal sage scrub. Elev 0-656ft. | Not Expected | Low | Coastal sage scrub with sandy soils in the survey area is suitable for this species but the only records of this species within 1 mile of the survey area date to 1894 and 1936 (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*) | FE; CRPR 1B.1; MSCP | Evergreen shrub. Blooms Dec-Jun. Chaparral. Elev 0-328ft. | Observed | Not Expected | Several individuals were mapped within southern maritime chaparral on the slope between Crest Road and Oribia Road and suitable habitat occurs throughout the survey area. No individuals were observed within the project footprint. This species is not expected within the small project footprint as it is a moderate-sized, conspicuous shrub and any individuals would have been observed. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| Encinitas baccharis (*Baccharis vanessae*) | FT; SE; CRPR 1B.1; MSCP; NE | Deciduous shrub. Blooms Aug-Nov. Maritime chaparral. Elev 260-2,920ft. | Moderate | Not Expected | Southern maritime chaparral in the survey area is suitable for this species but the only record of this species within 1 mile of the survey area is a 1979 collection specimen that lacks specific location data (CDFW 2024a). This species is not expected within the small project footprint as it is a moderate-sized, conspicuous shrub and any individuals would have been observed. Any previously undetected individuals will be avoided or not significantly impacted if vegetation trimming is necessary. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| wart-stemmed ceanothus (*Ceanothus verrucosus*) | CRPR 2B.2; MSCP | Evergreen shrub. Blooms Jan-Apr. Chaparral. Elev 25-2,165ft. | Observed | Not Expected | Several individuals were mapped in the southern maritime chaparral on the slope between Crest Road and Oribia Road in the survey area. None were observed within the project footprint. This species is not expected within the small project footprint as it is a moderate-sized, conspicuous shrub and any individuals would have been observed. Any previously undetected individuals will be avoided or not significantly impacted if vegetation trimming is necessary. |
| southern tarplant (*Centromadia parryi* ssp. *australis*) | CRPR 1B.1 | Annual herb. Blooms May-Nov. Grasslands and freshwater wetlands, vernal pools. Elev 0-430ft. | High | Low | No grasslands, freshwater marsh, or vernal pools are present; however, a 2004 record of this species exists within the salt marsh and adjacent dry disturbed slopes throughout the San Dieguito Lagoon immediately north of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*) | CRPR 1B.1 | Annual herb. Blooms Jan-Aug. Sandy soils in coastal dunes, coastal bluff scrub. Elev 0-230ft. | Low | Low | No coastal bluff scrub or dunes are present, although coastal sage scrub with sandy soils in the survey area is suitable for this species and the nearest record of this species is from a sandy area southeast of the intersection of Torrey Pines Road and Carmel Valley Road, 1 mile to the south (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| Orcutt's spineflower (*Chorizanthe orcuttiana*) | FE; SE; CRPR 1B.1 | Annual herb. Blooms Mar-May. Sandy openings in chaparral, coastal sage scrub, closed-cone coniferous forest. Elev 130-460ft. | Moderate | Low | Coastal sage scrub, chaparral, and Torrey pine forest in the survey area is suitable for this species and several records of this species exist within the Crest Canyon Open Space approximately 300 feet to the east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| summer-holly (*Comarostaphylis diversifolia* ssp. *diversifolia*) | CRPR 1B.2 | Evergreen shrub. Blooms Apr-Jun. Chaparral. Elev 100-2,690ft. | Moderate | Low | Southern maritime chaparral in the survey area is suitable for this species and the nearest record of this species is from the Crest Canyon Open Space Park approximately 400 feet east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| San Diego sand aster (*Corethrogyne filaginifolia* var. *incana*) | CRPR 1B.1 | Perennial herb. Blooms Jun-Sep. Coastal sage scrub. Elev 65-460ft. | Moderate | Low | Suitable coastal sage scrub in the survey area is suitable for this species and the nearest record of this species is a 1994 observation on the southern edge of the lagoon approximately 250 feet east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| Del Mar Mesa sand aster (*Corethrogyne filaginifol*ia var. *linifolia*) | CRPR 1B.1; MSCP | Perennial herb. Blooms May-Sep. Coastal sage scrub and chaparral. Elev 0-425ft. | High | Low | Coastal sage scrub and chaparral in the survey area is suitable for this species and several records of this species exist within 1 mile of the survey area, including several in the Crest Canyon Open Space that overlap with the southern portion of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| short-leaved dudleya (*Dudleya brevifolia*) | SE; CRPR 1B.1; MSCP; NE | Perennial herb. Blooms Apr-May. Sandstone, openings in maritime chaparral, coastal sage scrub. Elev 95-820ft. | Moderate | Low | Suitable maritime chaparral and coastal sage scrub in the survey area is suitable for this species and several records of this species exist within 1 mile of the survey area, including in the Crest Canyon Open Space approximately 700 feet east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| coast wallflower (*Erysimum ammophilum*) | CRPR 1B.2; MSCP | Perennial herb. Blooms Feb-Jun. Coastal dunes. Elev 15-330ft. | Low | Low | Coastal sage scrub with sandy soils in the survey area is suitable for this species and several records of this species exist in Crest Canyon Open Space within 200 feet of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| cliff spurge (*Euphorbia misera*) | CRPR 2B.2 | Shrub. Blooms Dec-Aug. Rocky areas in coastal bluff scrub and coastal sage scrub. Elev 0-1,610ft. | Low | Not Expected | The coastal sage scrub in the survey area is suitable for this species but the only record of this species within 1 mile of the survey area is an 1888 collection that lacks specific location information (CDDFW 2024a). This species is not expected within the small project footprint as it is a moderate-sized, conspicuous shrub and any individuals would have been observed. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and minimal trimming in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| San Diego barrel cactus (*Ferocactus viridescens*) | CRPR 2B.1; MSCP | Stem succulent. Blooms May-Jun. Found in sandy or gravelly soils in chaparral, coastal sage scrub, grassland. Elev 25-1,245ft. | Moderate | Not Expected | Coastal sage scrub and chaparral within the Crest Canyon Open Space in the southern portion of the survey area is suitable for this species and There are database records of this species in the Crest Canyon Open Space approximately 0.25 mile to the west of the survey area (CDFW 2024a). This species is not expected within the small project footprint as it is a conspicuous cactus that would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| Campbell's liverwort (*Geothallus tuberosus*) | CRPR 1B.1 | Ephemeral bryophyte. Clay soils in coastal scrub (mesic), vernal pools. Elev 33-1969 ft. | Not expected | Not Expected | Coastal sage scrub within the survey area lacks suitable mesic soils or vernal pools. There is a record of this species approximately 0.25 mile south of the survey area (CDFW 2024a). |
| Monterey cypress (*Hesperocyparis macrocarpa*) | CRPR 1B.2 (in native range); Protected Tree (Del Mar municipal code) | Coniferous, evergreen tree. Native only to Cypress Point and Point Lobos in Carmel, Ca. Naturalized, planted as an ornamental species outside its range. Elev 0-150 ft. | Observed | Not Expected | Species occurs as an ornamental, landscape species throughout survey area and adjacent to project footprint. This species is not expected within the small project footprint as it would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as only minimal trimming and/or root disturbance is proposed. |
| beach goldenaster (*Heterotheca sessiliflora* ssp. *sessiliflora*) | CRPR 1B.1 | Perennial herb. Blooms Mar-Dec. Coastal dunes, chaparral, coastal sage scrub. Elev 15-5,215ft. | Moderate | Low | Coastal sage scrub and chaparral with sandy soils in the survey area is suitable for this species and the nearest record of this species is west of Lozana Road, approximately 500 feet east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| San Diego marsh-elder (*Iva hayesiana*) | CRPR 2B.2 | Perennial herb. Blooms Apr-Oct. Marshes, playas. Elev 0-2,885ft. | Low | Not Expected | The salt marsh habitat along San Dieguito Lagoon is only marginally suitable. There is a 1994 record of this species in a brackish/freshwater marsh approximately 1 to 1.5 mile northeast of the survey area (CDFW 2024a). This species is not expected within the small project footprint as it is a moderate-sized perennial that would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and minimal trimming in suitable habitat is proposed. |
| southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*) | CRPR 4.2 | Perennial, rhizomatous herb. Blooms May-Jun. Coastal seeps, meadows, salt-marsh, dunes. Elev 0-3,115ft. | Observed | Not Expected | This species was observed in the salt marsh and disturbed coastal sage scrub along the fringes of San Dieguito Lagoon in the northeastern portion of the survey area; however, this species is not expected within the small project footprint as it is a conspicuous plant that would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and minimal trimming in suitable habitat is proposed. |
| Coulter's salt-marsh daisy (*Lasthenia glabrata* ssp. *coulteri*) | CRPR 1B.1 | Annual herb. Blooms Feb-Jun. Coastal salt marsh, playas, vernal pools. Elev 0-3,640ft. | Low | Low | Salt marsh habitat is limited to the edge of the San Dieguito Lagoon in northeastern edge of the survey area is suitable for the species but the only record of this species within 1 mile of the survey area is a 1999 collection from the east end of San Dieguito Lagoon, approximately 0.25 mile east of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| sea dahlia (*Leptosyne maritima*) | CRPR 2B.2 | Perennial herb. Blooms Mar-May. Coastal sage scrub. Elev 15-625ft. | Observed | Not Expected | Several individuals were observed in coastal sage scrub in the central portion of the survey area and numerous records of this species exist within 1 mile of the survey area, including one in the Crest Canyon Open Space near Oribia Road in the southern portion of the survey area (CDFW 2024a). This species is not expected within the small project footprint as it is a moderately-sized perennial that would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and minimal trimming in suitable habitat is proposed. |
| coast woolly-heads (*Nemacaulis denudata* var. *denudata*) | CRPR 1B.2 | Annual herb. Blooms Apr-Sep. Coastal dunes. Elev 0-260ft. | Not expected | Not Expected | Not expected in the survey area or project footprint as no coastal dunes are present. The only record of this species within 1 mile of the survey area dates to 1989 and lacks specific location data (CDFW 2024a). |
| Torrey pine (*Pinus torreyana* ssp. *torreyana*) | CRPR 1B.2; MSCP; Protected Tree (Del Mar municipal code) | Tree. Chaparral and closed-cone pine forest. Elev 0-590ft. | Observed | Not Expected | Dominant species in the Torrey pine forest and scattered throughout southern maritime chaparral and developed land in survey area. Several individuals occur adjacent to the project footprint; however, this species is not expected within the small project footprint as it would have been observed if present. Any previously undetected individuals will be avoided or not significantly impacted as only minimal trimming and/or root disturbance is proposed. |
| Nuttall's scrub oak (*Quercus dumosa*) | CRPR 1B.1 | Evergreen shrub. Blooms Feb-Apr. Sandy or clay loam soils associated with chaparral and coastal sage scrub. Elev 45-6,855ft. | High | Low | The coastal sage scrub and southern maritime chaparral within survey area are suitable for this species and numerous records of this species within 1 mile of the survey area, including one in the Crest Canyon Open Space in the southern portion of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and only minimal trimming in suitable habitat is proposed. |

| Species Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| chaparral ragwort (*Senecio aphanactis*) | CRPR 2B.2 | Annual herb. Blooms Jan-Apr. Alkaline flats, dry open rocky areas in coastal sage scrub and foothill woodlands. Elev 50-3,905ft. | Low | Low | Coastal sage scrub within the survey area is suitable for the species but the only record of this species within 1 mile dates to 1984 and lacks specific location data (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |
| bottle liverwort (*Sphaerocarpos drewiae*) | CRPR 1B.1 | Ephemeral bryophyte. Shaded, moist areas in coastal sage scrub and chaparral. Elev unknown. | Not expected | Not Expected | This species is not expected in the survey area and small project footprint as suitable mesic soils or vernal pools are not present. There is a record of this species approximately 0.2 mile south of the survey area (CDFW 2024a). Any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance and only minimal trimming in suitable habitat is proposed. |
| estuary seablite (*Suaeda esteroa*) | CRPR 1B.2 | Perennial herb. Blooms May-Oct. Coastal salt marsh. Elev 0-395ft. | High | Low | Salt marsh is limited to the edge of the San Dieguito Lagoon in northeastern edge of the survey area is suitable for the species and a record of this species occurs immediately northeast of the survey area (CDFW 2024a). There is a low potential for the species to occur in the small project footprint; however, any previously undetected individuals will be avoided or not significantly impacted as no ground disturbance in suitable habitat is proposed. |

**STATUS CODES**

**Federal**

FE = Federal-listed endangered species
FT = Federal-listed threatened species

**State**

SE = State-listed endangered species

**California Native Plant Society Rare Plant Ranking (CRPR)**

1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.
2B = Species rare, threatened, or endangered in California but more common elsewhere. These species are eligible for state listing.
3 = Lack the necessary information to assign them to one of the other ranks or to reject them. Many of these species are eligible for state listing.
4 = Watch list for species of limited distribution. These species need to be monitored for changes in the status of their populations.
.1 = Species seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)
.2 = Species fairly threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat)

**Multiple Species Conservation Program**

MSCP = MSCP-covered species
NE = MSCP Narrow Endemic Species

## ATTACHMENT 6
# Sensitive Wildlife Species with Potential to Occur

## Attachment 6. Sensitive Wildlife Species with Potential to Occur

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| **Invertebrates** | | | | | |
| monarch butterfly (*Danaus plexippus*) | (overwintering sites) FPE | Uses a wide variety of habitats, including urban areas. Overwintering occurs in several species of gum and pine trees. Host plant is milkweed (*Asclepias* sp.) | Low | Not Expected | No host plants were observed during the biological survey. Numerous suitable gum and pine trees for overwintering occur in the survey area; however, this species is not expected in the small project footprint as no suitable overwintering trees exists. There is a historic record of monarchs overwintering in gum and Torrey pine trees west of Crest Road in the southern portion of the survey area; however, no overwintering has been observed at the site since 1998 (CDFW 2024a, Xerxes Society for Invertebrate Conservation 2024). |
| **Amphibians** | | | | | |
| western spadefoot (*Spea hammondii*) | Proposed FT; SSC | Breeds in temporal pools and slow-moving sections of streams. Washes, river floodplains, alluvial fans, playas, alkali flats, temporary ponds, vernal pools, mixed woodlands, grasslands, coastal sage scrub, and chaparral. | Moderate | Not Expected | The Diegan coastal sage scrub and southern maritime chaparral in the southern portion of the survey area is moderately suitable for this species and one record of this species exists adjacent to and east of the survey area (CDFW 2024a); however, this species is not expected in the small project footprint as no suitable breeding habitat exists and no ground disturbance in suitable habitat is proposed. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| **Reptiles** | | | | | |
| San Diegan legless lizard (*Anniella stebbinsi*) | SSC | Found in leaf litter and loose soil on beaches and in coastal scrub, chaparral, and open riparian habitats. Sandy washes and beach dunes are used for burrowing, while logs and leaf litter are used for cover and feeding. | Moderate | Not expected | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. The nearest database records of this species date to 1965 and earlier (CDFW 2024a and County 2024); however, this species is not expected in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |
| coast patch-nosed snake (*Salvadora hexalepis virgultea*) | SSC | Chaparral and semi-arid areas with brushy or shrubby vegetation in canyons, plains, and rocky hillsides. | Moderate | Not expected | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. The only database record for this species within 1 mile of the survey area is a 1967 collection made near Del Mar Heights Road and Interstate 5, in an area that has since been developed (County 2024); however, this species is not expected in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |
| red diamond rattlesnake (*Crotalus ruber*) | SSC | Coastal sage scrub, open chaparral, woodland, grassland, and cultivated areas. | Moderate | Not expected | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. The only database records of this species within 1 mile of the survey area date to 1930 and earlier and lack specific location data (County 2024); however, this species is not expected in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| Blainville's horned lizard (*Phrynosoma blainvillii*) | SSC; MSCP | Open chaparral, coastal sage scrub with sandy, loose soil. Partially dependent on harvester ants for forage. | Moderate | Not expected | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. The only database records of this species within 1 mile of the survey area are from the Torrey Pines Extension, 0.6 mile to the south (CDFW 2024a, County 2024); however, this species is not expected in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |
| Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*) | WL; MSCP | Pristine open coastal sage scrub, chaparral, and streamside growth with loose sandy soils, revegetation sites. | High | Moderate | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. There are numerous records of this species within 1 mile of the survey area, with the nearest occurring in the Crest Canyon Open Space approximately 70 feet east of the survey area (CDFW 2024a, County 2024). This species has a moderate potential to occur in the small project footprint; however, only minimal ground disturbance in marginal habitat is proposed. |
| two-striped garter snake (*Thamnophis hammondii*) | SSC | Permanent fresh water, inhabiting streams, ponds, vernal pools. Occupies adjacent coastal sage scrub and grasslands during the winter.eu | Not expected | Not expected | This species is not expected to occur in the survey area as no permanent fresh water sources exist within the survey area. The only database record of this species within 1 mile of the survey area is a voucher specimen collected in 1929 that lacks specific location data (County 2024). |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| **Birds** | | | | | |
| osprey (*Pandion haliaetus*) | (Nesting) WL | Coast, lowland lakes, rarely foothills and mountain lakes. Uncommon fall/winter resident, rare in spring and summer. Fish are the primary prey item. | Observed (nest) | Not expected (forage or nest) | This species was observed with an active nest in utility pole adjacent to San Dieguito Lagoon in the northwestern corner of the survey area. The estuarine habitat in the northern portion of the survey area provides suitable foraging habitat. No impacts to this species are anticipated as the pole with the nest will not be removed. |
| light-footed Ridgway's rail (*Rallus obsoletus levipes*) | FE; SE; FP; MSCP | Salt marshes primarily dominated by cordgrass. | High | Low | The salt marsh along the northeastern edge of the survey area is highly suitable for this species; however, there is a low potential for the species to occur within the small project footprint and no ground disturbance in suitable is proposed. This species has been documented throughout the San Dieguito Lagoon (CDFW 2024a, USFWS 2024a, County 2024). |
| California gull (*Larus californicus*) | (Nesting colony) WL | Common in San Diego County as a winter species, coastal waters, lakes, ponds, garbage dumps. | Moderate (forage); not expected (nest) | Not expected (forage or nest) | This species may forage within the estuarine habitat on the northeastern edge of the survey area; however, no suitable nesting habitat is present. |
| western snowy plover (*Charadrius alexandrinus nivosus*) | (Nesting) FT; SSC; MSCP | Sandy beaches, lagoon margins, tidal mud flats. Migrant and winter resident. Localized breeding. | Not expected (forage or nest) | Not expected (forage or nest) | This species is not expected to forage or nest within the survey area as no suitable habitat for this species exists in the survey area. The only record of this species within 1 mile of the survey area is from 1954 and was made along the beach, in an area that no longer supports the species (CDFW 2024a). Critical habitat for this species occurs within a preserved and managed area within the San Dieguito Lagoon approximately 500 feet to the north of the survey area. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| California least tern (*Sternula antillarum browni*) | (Nesting colony) FE; SE; FP; MSCP | Bays, estuaries, lagoons, shoreline. Resident. Localized | High (forage); not expected (nest) | Not expected (forage or (nest) | The salt marsh along the northeastern edge of the survey area provides suitable roosting and foraging habitat; however, no suitable nesting or foraging habitat exists in the small project footprint. There are records of this species within San Dieguito Lagoon, although breeding data is scarce (CDFW 2024a, USFWS 2024a). |
| least Bell's vireo (*Vireo bellii pusillus*) | (Nesting) FE; SE; MSCP | Willow-dominated successional woodland or scrub, Baccharis scrub, mixed oak/willow woodland, and elderberry scrub in riparian habitat. Nests and forages in vegetation along streams and rivers that measures approximately 3 to 6 feet in height and has a dense, stratified canopy. | Not expected (forage or nest) | Not expected (forage or nest) | This species is not expected within the survey area as the one patch of southern willow scrub in the northeastern portion of the survey area is too small and isolated to support this species. The nearest records of this species are from riparian habitat east of Interstate 5, approximately 0.6 to 0.7 mile to the east (CDFW 2024a, USFWS 2024a). |
| yellow warbler (*Setophaga petechia*) | (Nesting) SSC; MSCP | Well-developed riparian habitats, often with mature willows | Not expected (forage or nest) | Not expected (forage or nest) | This species is not expected within the survey area as the one patch of southern willow scrub in the northeastern portion of the survey area is too small and isolated to support this species. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| northern harrier (*Circus hudsonius*) | (Nesting) SSC; MSCP | Coastal lowland, marshes, grassland, agricultural fields. Migrant and winter resident, rare summer resident. | High (forage); not expected (nest) | Low (forage); not expected (nest) | The salt marsh along the northeastern edge of the survey area provides suitable foraging for this species; however, nesting is not expected due to the close proximity of development. The nearest record of this species is from near the intersection of Jimmy Durante Boulevard and San Dieguito Drive, approximately 0.2 mile to the north of the survey area (County 2024). |
| white-tailed kite (*Elanus leucurus*) | (Nesting) FP | Nest in riparian woodland, oaks, sycamores. Forage in open, grassy areas. Year-round resident. | Not expected (forage or nest) | Not expected (forage or nest) | This species is not expected within the survey area as the one patch of southern willow scrub in the northeastern portion of the survey area is too small and isolated to support this species. The nearest record of this species is a 1999 observation just south of the Del Mar Fairgrounds, 0.2 mile to the north of the survey area (County 2024). |
| coastal California gnatcatcher (*Polioptila californica californica*) | FT; SSC; MSCP | Coastal sage scrub, maritime succulent scrub. Resident. | High | Not expected | The Diegan coastal sage scrub in the central and southern portion of the survey area is suitable for this species and there are numerous database records of this species within the vicinity of the survey area (CDFW 2024a, County 2024, USFWS 2024a); however, this species is not expected within the small project footprint as these areas are dominated by tall, woody plant species unsuitable for nesting. |
| southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) | WL; MSCP | Coastal sage scrub, chaparral, grassland. Resident. | High | Not expected | The Diegan coastal sage scrub in the central and southern portion of the survey area is suitable for this species; however, this species is not expected within the small project footprint as these areas are dominated by tall, woody plant species unsuitable for nesting. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) | SE; MSCP | Salt marshes, lagoons dominated by Salicornia. Resident. | High | Low | The salt marsh habitat within the San Dieguito Lagoon along the northeastern edge of the survey area is suitable and this species has been documented within the lagoon adjacent to the survey area (CDFW 2024a, County 2024); however, this species has a low potential to occur in the small project footprint as minimal suitable habitat exists and no ground disturbance in suitable is proposed. |
| **Mammals** | | | | | |
| western mastiff bat (*Eumops perotis californicus*) | SSC | Chaparral, desert scrub, coniferous forest. Strongly tied to cliffs where it roosts primarily in rock crevices. Forages at elevation. | Low (forage); not expected (roost) | Low (forage); not expected (roost) | The southern maritime chaparral, Diegan coastal sage scrub, and Torrey pine forest are suitable for foraging; however, there is no suitable roosting habit in the survey area. The only record of this species within 1 mile of the survey area was a likely a dead or diseased specimen collected by Animal Control in 1996 (County 2024). |
| pocketed free-tailed bat (*Nyctinomops femorosaccus*) | SSC | Roosts primarily in rock crevices in cliffs, but occasionally in buildings or caves. Forages over stock ponds and other water bodies in a variety of habitats, including desert scrub and pine-oak forests. | Low (forage); not expected (roost) | Low (forage); not expected (roost) | The only permanent water sources for foraging are within the lagoon outside the survey area and suitable roosting habitat is minimal. This species has been documented in the Camino Del Mar bridge over the railroad tracks, 0.1 mile to the east of the survey area (CDFW 2024a). |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) | SSC | San Diego County west of mountains in sparse, disturbed coastal sage scrub or grasslands with sandy soils. | High | Low | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is suitable for this species. This species has been recorded in the Crest Canyon Open Space within and to the east of the survey area (CDFW 2024a); however, this species has a low potential to occur in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |
| Pacific pocket mouse (*Perognathus longimembris pacificus*) | FE; SSC | Open coastal sage scrub; fine, alluvial sands near ocean. | Moderate | Low | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portion of the survey area is moderately suitable for this species. The nearest record of this species is from this area approximately 500 feet east of the survey area (CDFW 2024a); however, this species has a low potential to occur in the small project footprint as minimal suitable habitat exists and minimal ground disturbance in marginal habitat is proposed. |
| San Diego desert woodrat (*Neotoma lepida intermedia*) | SSC | Coastal sage scrub and chaparral | High | Not expected | The Diegan coastal sage scrub and southern maritime chaparral in the central and southern portions of the survey area is suitable for this species. There are database records of this species in the Crest Canyon Open Space within and to the east of the survey area (CDFW 2024a). A large woodrat nest was observed at the base of a lemonade berry shrub approximately 15 feet from a pole to be removed (P62787) in the southern portion of the survey area, but it was likely too large to belong to this species. This species is not expected in the small project footprint as no woodrat sign was detected in the vicinity of any other project features and no ground disturbance in suitable is proposed. |

| Common Name | Status | Habitat Description | Potential to Occur | | Justification |
|---|---|---|---|---|---|
| | | | Survey Area | Project Footprint | |
| southern mule deer (*Odocoileus hemionus*) | MSCP | Widespread throughout undeveloped portions of San Diego County. | Moderate | Not expected | The Diegan coastal sage scrub, southern maritime chaparral, Torrey Pine woodland in the central and southern portion of the survey area is moderately suitable for this species; however, this species is not expected in the small project footprint and minimal ground disturbance in marginal habitat is proposed. |

**STATUS CODES**

**Federal**
FE = Federal-listed endangered species
FT = Federal-listed threatened species

**Multiple Species Conservation Program**
MSCP = MSCP-covered species

**State**
SE = State-listed endangered species
ST = State-listed threatened species
SSC = Species of special concern
FP = Fully protected species
SPT = State proposed threatened
WL = State-watch list species

**ATTACHMENT 7**

# Summary of Preparer's Qualifications

**Darin A. Busby, Principal Biologist**

## PROFESSIONAL SUMMARY

Mr. Busby has over 25 years of biological experience in the fields of wildlife research and education, and environmental consulting. His primary areas of expertise include conducting focused surveys and monitoring for a variety of state- and federally listed sensitive plant, invertebrate, amphibian, reptile, bird, and mammal species; evaluating impacts to sensitive biological resources; conducting both general and species-specific habitat assessments; designing, implementing, and managing field studies for general biological surveys and large-scale baseline ecological studies; performing wildlife movement studies; and conducting jurisdictional wetland delineations. In addition, Mr. Busby has experience preparing a variety of technical reports; managing project databases; and mapping with Global Positioning Systems.

Mr. Busby is knowledgeable of local, state, and federal regulatory requirements, including the City of San Diego Multiple Species Conservation Program and Multi-Habitat Planning Area, County of San Diego Multiple Species Conservation Program, North County Multiple Habitat Conservation Program and Subarea Plans, California Environmental Quality Act, California Endangered Species Act, National Environmental Policy Act, and the federal Endangered Species Act. He has worked on projects for a variety of clients, including government agencies, utility companies, military installations, and private landowners and developers, as well as local, state, and federal regulatory agencies.

## PERMITS/CERTIFICATIONS/AUTHORIZATIONS

- USFWS Permit (#115373-4) – Approved to survey for and monitor nests of coastal California gnatcatcher, survey for Quino checkerspot butterfly, and survey for all California vernal pool branchiopods (fairy shrimp)
- USFWS Approval – Survey and monitor for desert tortoise, handle and monitor for arroyo toad
- CDFW Scientific Collecting Permit (#006243) – Approved to survey for insects, herpetofauna, birds, small mammals, and plants
- CDFW Memorandum of Understanding (#006243) – Approved to survey for California black rail
- BLM – Approved to survey for and handle flat-tailed horned lizard
- Willow Flycatcher Survey Training Workshop, Kern River Preserve, 2003
- Certification in Wetland Delineation Techniques, Management, and Advanced Hydric Soils.
- Federally, State, and Locally Certified Disadvantaged Business Enterprise (DBE)

## EDUCATION

- B.S., Ecology & Evolution, University of California, Santa Barbara (1998)
- Wildlife Management Program, The School for Field Studies – Boston University, Kenya, East Africa (1997)

# CITY OF DEL MAR
# DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLAN

## GENERAL NOTES

1. IMPORTANT NOTICE: SECTION 4216 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE VALID. FOR YOUR DIG ALERT I.D. NUMBER, CALL UNDERGROUND SERVICE ALERT, TOLL FREE 1–800–422–4133, TWO DAYS BEFORE YOU DIG.
2. CONTRACTOR SHALL IMPLEMENT AN EROSION AND SEDIMENT CONTROL PROGRAM DURING THE PROJECT GRADING AND/OR CONSTRUCTION ACTIVITIES. THE PROGRAM SHALL MEET ALL APPLICABLE REQUIREMENTS OF THE 2022 CONSTRUCTION GENERAL PERMIT ORDER WQ 2022–0057–DWQ NPDES NO CAS000002 AND THE CITY OF DEL MAR MUNICIPAL CODE.
3. "PUBLIC IMPROVEMENT SUBJECT TO DESUETUDE OR DAMAGE." IF REPAIR OR REPLACEMENT OF SUCH PUBLIC IMPROVEMENTS IS REQUIRED, THE OWNER SHALL OBTAIN THE REQUIRED PERMITS FOR WORK IN THE PUBLIC RIGHT–OF–WAY, SATISFACTORY TO THE PERMIT– ISSUING AUTHORITY.
4. ALL EXISTING AND/OR PROPOSED PUBLIC UTILITY SYSTEM AND SERVICE FACILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH SECTION 144.0240 OF THE MUNICIPAL CODE.
5. THE AREA WHICH IS DEFINED AS A NON–GRADING AREA AND WHICH IS NOT TO BE DISTURBED SHALL BE STAKED PRIOR TO START OF THE WORK. THE PERMIT APPLICANT AND ALL OF THEIR REPRESENTATIVES OR CONTRACTORS SHALL COMPLY WITH THE REQUIREMENTS FOR PROTECTION OF THIS AREA AS REQUIRED BY ANY APPLICABLE AGENCY.

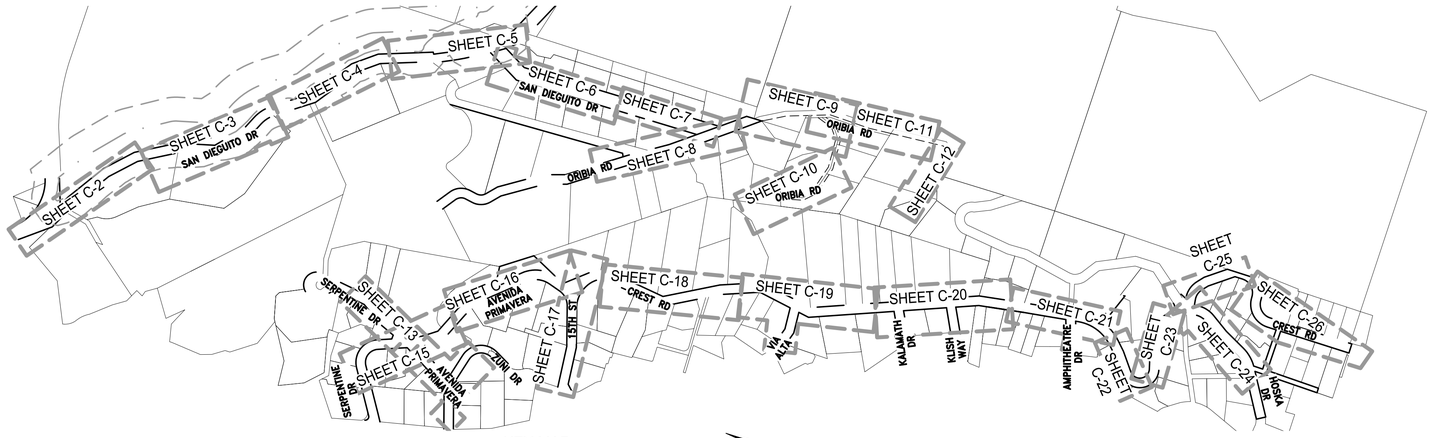
## ENGINEER'S NOTICE TO CONTRACTOR

1. THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES AND STRUCTURES SHOWN AND ANY OTHER LINES OR STRUCTURES NOT OF RECORD OR NOT SHOWN ON THESE PLANS, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES.
2. THE CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTORS SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER, OR ANY PUBLIC AGENCY.
3. THE ESTIMATES OF EARTHWORK AND IMPROVEMENT QUANTITIES AS SHOWN HEREON ARE PROVIDED ONLY FOR THE PURPOSE OF SATISFYING CITY PLAN INFORMATION REQUIREMENTS. THE CONTRACTOR SHALL PERFORM AN INDEPENDENT ESTIMATE OF ALL EARTHWORK AND IMPROVEMENT QUANTITIES AND SHALL USE SAME AS A BASIS FOR HIS BID(S) AND CONTRACT(S).
4. THE TOPOGRAPHIC INFORMATION CONTAINED IN THESE PLANS WAS OBTAINED BY AERIAL AND/OR FIELD SURVEY DATA, AND DISCREPANCIES BETWEEN PLAN ELEVATIONS AND ACTUAL ELEVATIONS ARE TO BE ANTICIPATED. THE CONTRACTOR SHALL REMAIN ALERT FOR AND PROMPTLY REPORT ANY AND ALL SUBSTANTIAL DISCREPANCIES (SUFFICIENT TO CAUSE A CHANGE IN THE PLANS AND/OR AN INCREASE IN COSTS) TO THE OWNER AND TO THE ENGINEER OF RECORD, AND SHALL NOT PROCEED WITH AN AFFECTED WORK AREA UNTIL DIRECTED TO DO SO BY AN APPROPRIATE OWNER REPRESENTATIVE.
5. QUANTITY CALCULATIONS ARE BASED UPON AERIAL TOPOGRAPHY AND ESTIMATED SOILS INFORMATION, AND SHOULD BE CONSIDERED ONLY A ROUGH APPROXIMATION OF ACTUAL QUANTITIES.
6. CONTRACTOR ASSUMES SOLE AND COMPLETE RESPONSIBILITY FOR THE PROTECTION AND PRESERVATION OF ALL SURVEY MONUMENTS, AND SHALL HAVE ANY DISTURBED OR COVERED MONUMENT RESET BY A QUALIFIED REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR AT THE DIRECTION OF THE GOVERNING AGENCY.
7. DEMOLITION OF ALL LABELED ITEMS WILL INVOLVE REMOVAL OF ALL SUB SURFACE FOOTINGS AND SUBSTRUCTURES (IF APPLICABLE).
8. THE CONTRACTOR TO POTHOLE AND VERIFY THE LOCATION AND ELEVATIONS OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS PRIOR TO START OF CONSTRUCTION. CONTRACTOR SHALL CONTACT CIVIL ENGINEER IN THE EVENT OF ANY CONFLICTS PRIOR TO CONSTRUCTION.
9. THE CONTRACTOR MUST NOTIFY UNDERGROUND ALERT AT 1–800–422–4133 A MINIMUM OF TWO FULL WORKING DAYS PRIOR TO START OF DEMOLITION, GRADING, OR CONSTRUCTION OF ANY KIND. THE USA TICKET NUMBER MUST BE AVAILABLE AT THE CONSTRUCTION SITE PRIOR TO START ANY WORK SHOWN ON THIS SET OF PLANS.
10. CONTRACTOR SHALL NOTE THAT PORTIONS OF THE PROJECT ARE LOCATED IN BLUFF, SLOPE, AND CANYON OVERLAY AND LAGOON OVERLAY ZONES. THESE ZONES ARE DELINEATED AS DEFINED IN THE DEL MAR MUNICIPAL CODE, CHAPTER 30.52.

## SPECIAL NOTES

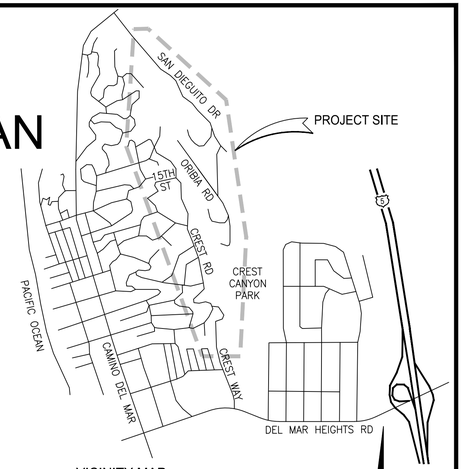
THE FOLLOWING NOTES ARE PROVIDED TO GIVE DIRECTIONS TO THE CONTRACTOR BY THE ENGINEER OF WORK.

1. THE ENGINEER OF WORK SHALL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT CONSTRUCTION WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, NOR SHALL THE ENGINEER BE REQUIRED TO SUPERVISE CONDUCT OF THE WORK OF THE CONSTRUCTION PROCEDURES AND SAFETY PROCEDURES FOLLOWED BY THE CONTRACTOR OR SUBCONTRACTORS OR THEIR RESPECTIVE EMPLOYEES OR BY ANOTHER PERSON AT THE JOB SITE OTHER THAN THAT OF THE ENGINEER'S EMPLOYEES.
2. THE CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.
3. ALL WALLS, SLABS, ASPHALT PAVING AND OTHER IMPROVEMENTS SHOWN AS TO BE REMOVED OR DEMOLISHED WITHIN THE LIMIT OF CONSTRUCTION WILL BE REMOVED AND DISPOSED OF AT AN APPROVED SITE.
4. THE CONTRACTOR WILL MAKE EXPLORATIONS AND LOCATE EXISTING UNDERGROUND FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY BECAUSE OF LOCATION OF EXISTING FACILITIES.
5. WHERE NEW UNDERGROUND CONNECTS TO EXISTING WORK IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATIONS AND ELEVATION OF EXISTING WORK PRIOR TO EXCAVATION FOR NEW WORK AND TO CONNECT THE NEW WORK THERETO. ALL POTENTIAL CONFLICTS SHALL BE BROUGHT TO THE FIELD ENGINEERS ATTENTION IN ADVANCE TO PREVENT DELAYS IN CONSTRUCTION SCHEDULE.
6. THE LOCATIONS OF ANY UNDERGROUND STRUCTURES AS SHOWN ON THESE PLANS HAVE BEEN OBTAINED FROM AVAILABLE RECORDS AND ARE SHOWN FOR THE BENEFIT OF THE CONTRACTOR. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONARY MEASURES TO PROTECT ALL UNDER– GROUND OR OVERHEAD STRUCTURES WHETHER SHOWN OR NOT ON THESE DRAWINGS.
7. CONTRACTOR SHALL BE REQUIRED TO ABIDE BY ALL RECOMMENDATIONS INCLUDED IN THE ARBORIST REPORT TITLED "CITY OF DEL MAR UTILITY UNDERGROUNDING TREE PROTECTION PROJECT" (8/12/21) WHEN TRENCHING NEAR ANY TORREY PINE OR MONTEREY CYPRESS TREES, AS IDENTIFIED IN THE PLANS.
8. CONTRACTOR SHALL PROTECT IN PLACE ALL SURVEY MONUMENTS AND REPLACE ANY DISTURBED DURING CONSTRUCTION.
9. CONTRACTOR SHALL REPLACE IN KIND PRIVATE IMPROVEMENTS THAT ARE DISTURBED DURING CONSTRUCTION.




KEY MAP

SCALE: 1"=300'




VICINITY MAP

NOT TO SCALE

## BASIS OF BEARINGS

BEARINGS HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS–83) ZONE VI, (EPOCH UNKNOWN), AS DERIVED LOCALLY BY CITY OF DEL MAR HORIZONTAL AND VERTICAL CONTROL POINTS CURRY AND REED AS PUBLISHED BY THE CITY OF DEL MAR JUNE 1990, BEARING N20°27'57"E

GRID COORDINATES:
CURRY: N=1928531.1184 E=6250872.7752
REED: N=1930177.6005 E=6251487.2511

DISTANCES SHOWN HEREON ARE GROUND DISTANCES. TO APPROXIMATE GRID DISTANCES, MULTIPLY THE GROUND DISTANCES BY THE COMPUTED COMBINATION FACTOR (CF) 0.999744065.

## BENCHMARK STATEMENT

CITY OF DEL MAR BENCHMARK: STATION SERIAL NUMBER – 0032 DESIGNATION – CURRY

ELEV = 146.75' NGVD29

DESCRIPTION: 2–1/2 INCH BRASS DISK STAMPED CURRY 1990 LS 4965 SET IN TOP OF A CONCRETE CURB INLET AT THE SOUTHEASTERLY CURB RETURN AT CAMINO DEL MAR AND 10TH STREET.

## ABBREVIATIONS

| | |
|---|---|
| AC | – ASPHALTIC CONCRETE |
| ADA | – AMERICANS WITH DISABILITIES ACT |
| BS | – BOTTOM OF STAIRS |
| BOTT | – BOTTOM OF PIPE |
| CB | – CATCH BASIN |
| CONC | – CONCRETE |
| CMP | – CORRUGATED METAL PIPE |
| CY | – CUBIC YARDS |
| EX | – EXISTING |
| FF | – FINISH FLOOR ELEVATION |
| FG | – FINISHED GRADE |
| FH | – FIRE HYDRANT |
| FL | – FLOW LINE |
| FM | – FORCE MAN |
| FS | – FINISHED SURFACE |
| GB | – GRADE BREAK |
| HDPE | – HIGH DENSITY POLYETHYLENE |
| HP | – HIGH PRESSURE |
| IE | – INVERT ELEVATION |
| LAT | – LATERAL |
| MH | – MANHOLE |
| PVC | – POLYVINYL CHLORIDE |
| RCP | – REINFORCED CONCRETE PIPE |
| RIM | – RIM OF STRUCTURE ELEVATION |
| R/W | – RIGHT–OF–WAY |
| SD | – STORM DRAIN |
| SDCO | – STORM DRAIN CLEAN OUT |
| SDRSD | – SAN DIEGO REGIONAL STD DWG |
| SF | – SQUARE FEET |
| SS | – SANITARY SEWER |
| SSCO | – SANITARY SEWER CLEAN OUT |
| STA | – STATION |
| TC | – TOP OF CURB |
| TD | – TOP OF DITCH |
| TF | – TOP OF FOOTING |
| TG | – TOP OF GRATE |
| TP | – TOP OF PIPE |
| TS | – TOP/TOE OF SLOPE |
| TW | – TOP OF WALL |
| UTIL | – UTILITY |
| VCP | – VITRIFIED CLAY PIPE |
| U.O.N. | – UNLESS OTHERWISE NOTED |
| WAS | – WATER AGENCIES STANDARD |
| WS | – WATER SERVICE |

| SHEET INDEX | |
|---|---|
| SHEET # | SHEET TITLE |
| C–1 | TITLE SHEET |
| C–2 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–3 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–4 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–5 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–6 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–7 | SAN DIEGUITO DR IMPROVEMENT PLAN |
| C–8 | ORIBIA RD IMPROVEMENT PLAN |
| C–9 | ORIBIA RD IMPROVEMENT PLAN |
| C–10 | ORIBIA RD IMPROVEMENT PLAN |
| C–11 | ORIBIA RD IMPROVEMENT PLAN |
| C–12 | ORIBIA RD IMPROVEMENT PLAN |
| C–13 | AVENIDA PRIMAVERA IMPROVEMENT PLAN |
| C–14 | SERPENTINE DR IMPROVEMENT PLAN |
| C–15 | SERPENTINE DR IMPROVEMENT PLAN |
| C–16 | AVENIDA PRIMAVERA IMPROVEMENT PLAN |
| C–17 | 15TH ST IMPROVEMENT PLAN |
| C–18 | CREST RD IMPROVEMENT PLAN |
| C–19 | CREST RD IMPROVEMENT PLAN |
| C–20 | CREST RD IMPROVEMENT PLAN |
| C–21 | CREST RD IMPROVEMENT PLAN |
| C–22 | CREST RD IMPROVEMENT PLAN |
| C–23 | CREST RD IMPROVEMENT PLAN |
| C–24 | HOSKA DR IMPROVEMENT PLAN |
| C–25 | CREST RD IMPROVEMENT PLAN |
| C–26 | CREST RD IMPROVEMENT PLAN |
| C–27 | RETAINING WALL PLAN |

## WORK TO BE DONE

THE PAVING, AND UTILITY WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE FOLLOWING DOCUMENTS, CURRENT AT THE TIME OF CONSTRUCTION, AS DIRECTED BY THE CITY ENGINEER.

1. CITY OF DEL MAR MUNICIPAL CODE
2. THIS SET OF PLANS
3. THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK)
4. SAN DIEGO REGIONAL STANDARD DETAILS

## SOURCE OF TOPOGRAPHY

THE TOPOGRAPHY WAS GATHERED BY AERIAL PHOTOGRAMMETRY METHODS BY:
ROBERT J. LUNG & ASSOCIATES
2832 WALNUT AVENUE, SUITE E
TUSTIN, CA 92680
(714) 832–2077
DATE OF PHOTOGRAPHY: 8/5/21

SUPPLEMENTAL SURVEY BY:
FUSCOE ENGINEERING
6390 GREENWICH DR, SUITE 170
SAN DIEGO 92122
SURVEY DATE: 6/24/21

## DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF DEL MAR IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN.

MILES J. LEANDRO R.C.E. NO 84291 EXP. 09–30–25 — 7/3/24 DATE

FUSCOE ENGINEERING, INC
6390 GREENWICH DRIVE, STE 170
PH: 858–554–1500 FAX: 858–597–0335
MLEANDRO@FUSCOE.COM

REGISTERED PROFESSIONAL ENGINEER — MILES J. LEANDRO — No. RCE 84291 — EXP. 9–30–25 — Civil — STATE OF CALIFORNIA

## LEGEND

### PROPOSED IMPROVEMENTS

| IMPROVEMENT | SYMBOL |
|---|---|
| EASEMENT | |
| RIGHT–OF–WAY | |
| LOT LINE | |
| CENTER LINE | ℄ |
| EXISTING SPOT ELEVATION | (XXX.XXFS) |
| PROPOSED SPOT ELEVATION | XXX.XX FS |
| JOINT TRENCH DESIGN (BY OTHERS) | |
| RETAINING WALL. SDRSD C–02 | |
| GRIND & OVERLAY (1.5") | |
| TRENCH RESURFACING. SDRSD G–24A & G–24B | |
| CONCRETE PAVEMENT OR HARDSCAPE. SDRSD G–5 | |
| LANDSCAPE RESTORATION | |
| DECOMPOSED GRANITE SURFACE | |
| TREE PROTECTION ZONE OF TORREY PINE OR MONTEREY CYPRESS TREE | |
| SDG&E TRANSFORMER (BY OTHERS) | |
| SDG&E HANDHOLE (BY OTHERS) | |
| SDG&E HANDHOLE WITH STREET LID (BY OTHERS) | |
| AT&T HANDHOLE (BY OTHERS) | |
| SPECTRUM HANDHOLE (BY OTHERS) | Spec |
| SPECTRUM PEDESTAL (BY OTHERS) | Sp |
| SDG&E FUSE CABINET (BY OTHERS) | |

### EXISTING IMPROVEMENTS

| | |
|---|---|
| EXISTING FENCE | X — X — X |
| EXISTING FIRE HYDRANT | |
| EXISTING STREET LIGHT | |
| EXISTING SEWER MAIN | SS |
| EXISTING STORM DRAIN | SD |
| EXISTING CURB INLET | |
| EXISTING POWER POLE | |
| EXISTING EDGE OF ROAD | |
| EXISTING WATER MAIN | W |
| EXISTING JOINT TRENCH (SHOWN FOR REFERENCE ONLY) | |
| EXISTING METER (SHOWN FOR REFERENCE ONLY) | |
| EXISTING COMMUNICATIONS LINE | C |
| EXISTING GAS | G |
| EXISTING SEWER FORCE MAIN | FM |
| EXISTING SDGE TRANSMISSION | E–UG |
| EXISTING CURB, GUTTER, SIDEWALK | |
| EXISTING SIGN | |
| EXISTING MANHOLE & CLEANOUTS | |
| EXISTING UTILITY BOXES & WATER VALVES | |
| WETLAND BOUNDARY | |
| 100' OFFSET FROM WETLAND BOUNDARY | |
| EXISTING CATV RISER | |
| BOTTOM/TOP OF SUBSTANTIALLY STEEP SLOPE FOR BLUFF, SLOPE, AND CANYON OVERLAY ZONE | BSC BSC |
| STEEP SLOPE SETBACK BLUFF, SLOPE, AND CANYON OVERLAY ZONE OFFSET | BSC–OFF |

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS–SHOWN
ACAD FILE NO.
PROJECT NO. 4048–003

DESIGNED: M.L. DRAWN: M.L. CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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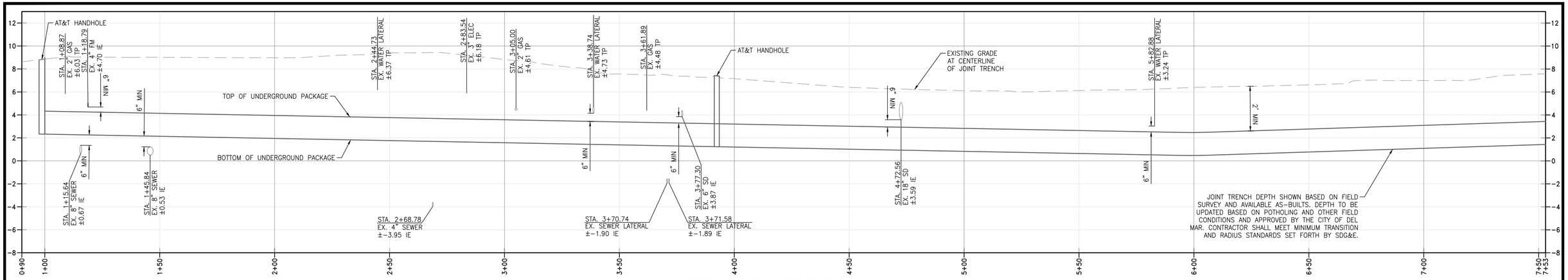
APPROVED

JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

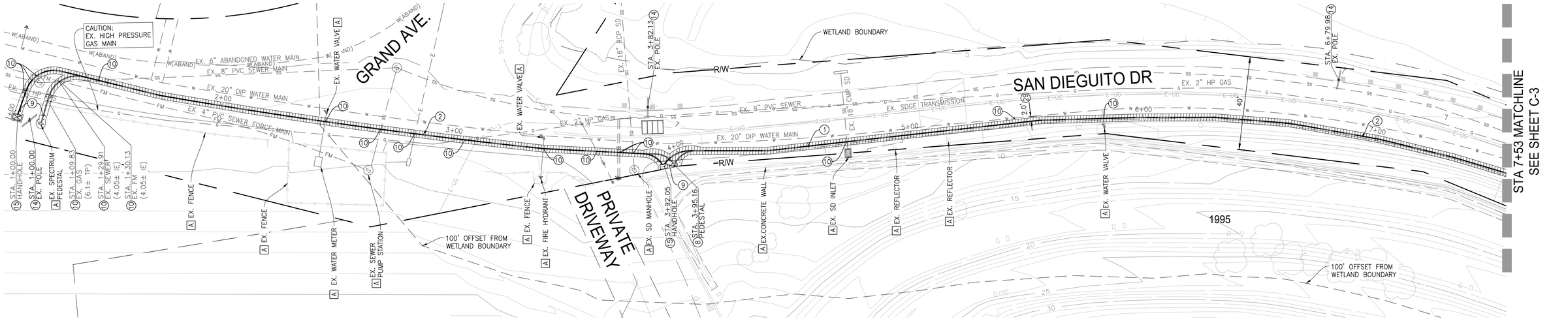
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
TITLE SHEET

SHEET C-1
01 OF 27 SHEETS




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=4'




## PLAN VIEW: SAN DIEGUITO DRIVE

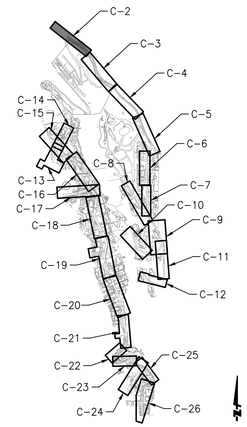
SCALE: 1"=20'

### CONSTRUCTION NOTES:

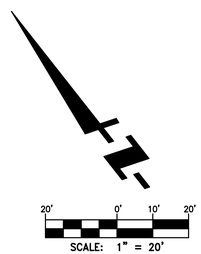
1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
14. EXISTING TELECOM POLE TO BE REMOVED BY OTHERS
15. AT&T HANDHOLE
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

### DEMOLITION NOTES:

A. PROTECT IN PLACE




KEY MAP
NOT TO SCALE




SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
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EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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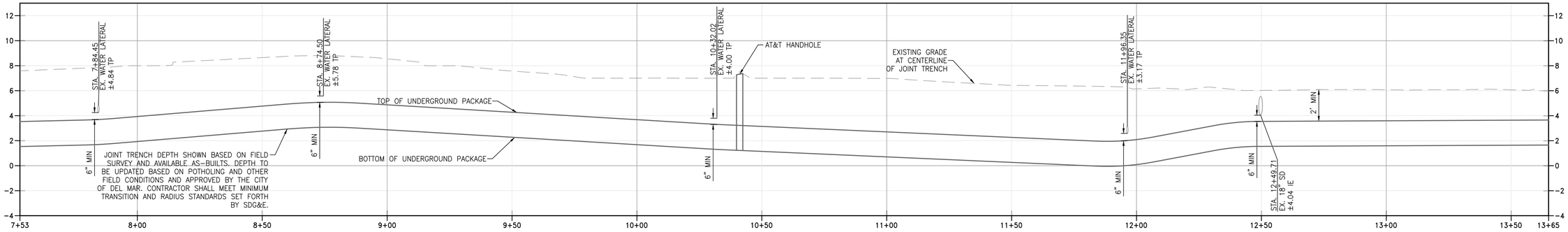
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

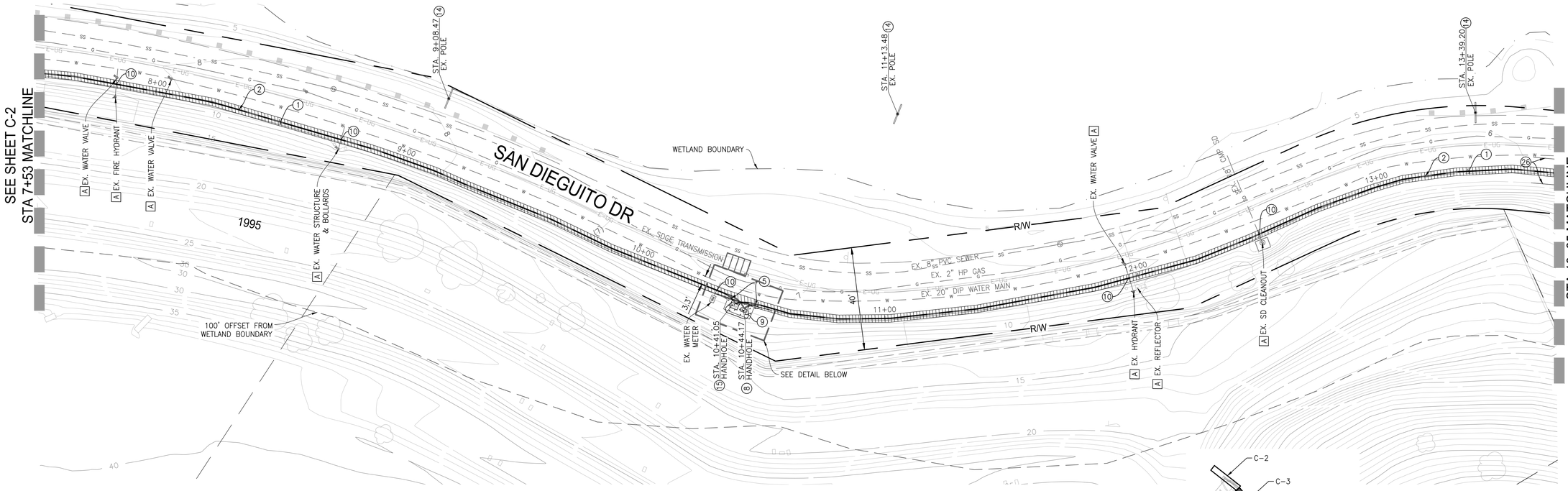
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-2
02 OF 27 SHEETS



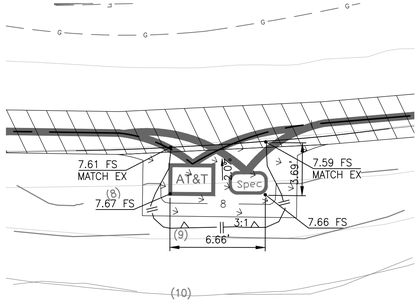

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=4'




## PLAN VIEW: SAN DIEGUITO DRIVE

SCALE: 1"=20'




## DETAIL: SAN DIEGUITO DRIVE GRADING

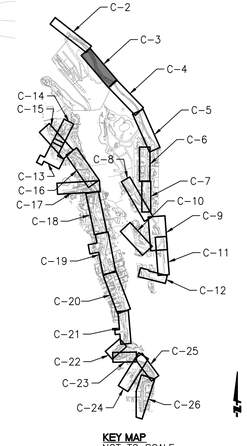
SCALE: 1"=5'

### CONSTRUCTION NOTES:

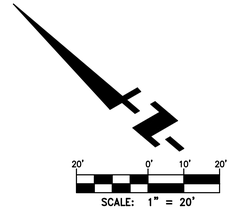
1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
14. EXISTING TELECOM POLE TO BE REMOVED BY OTHERS
15. AT&T HANDHOLE
26. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE BOTTOM OF SUBSTANTIALLY STEEP SLOPE AND 10' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

### DEMOLITION NOTES:

A. PROTECT IN PLACE




KEY MAP
NOT TO SCALE




REG. STERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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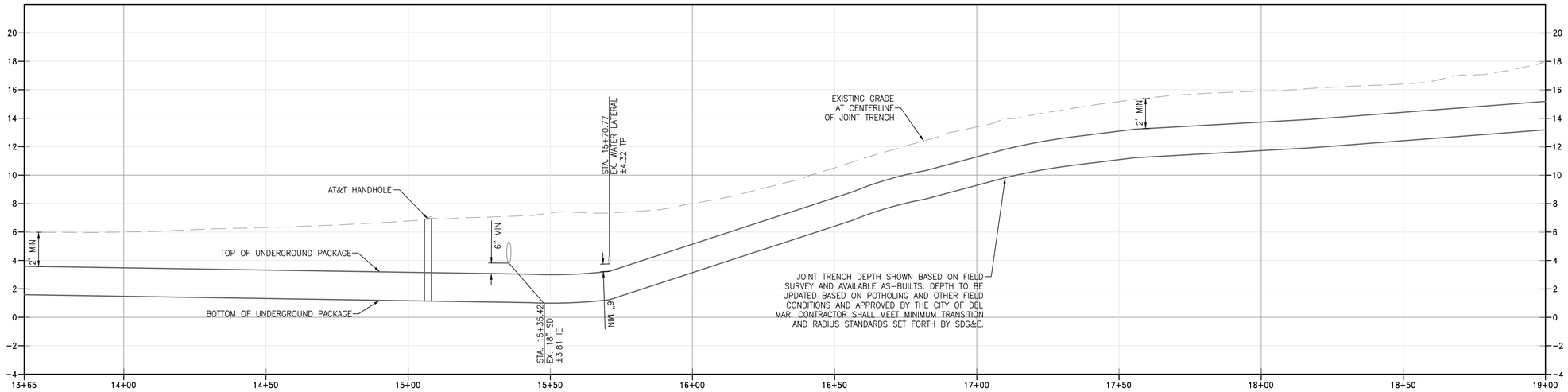
www.delmar.ca.us

APPROVED
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

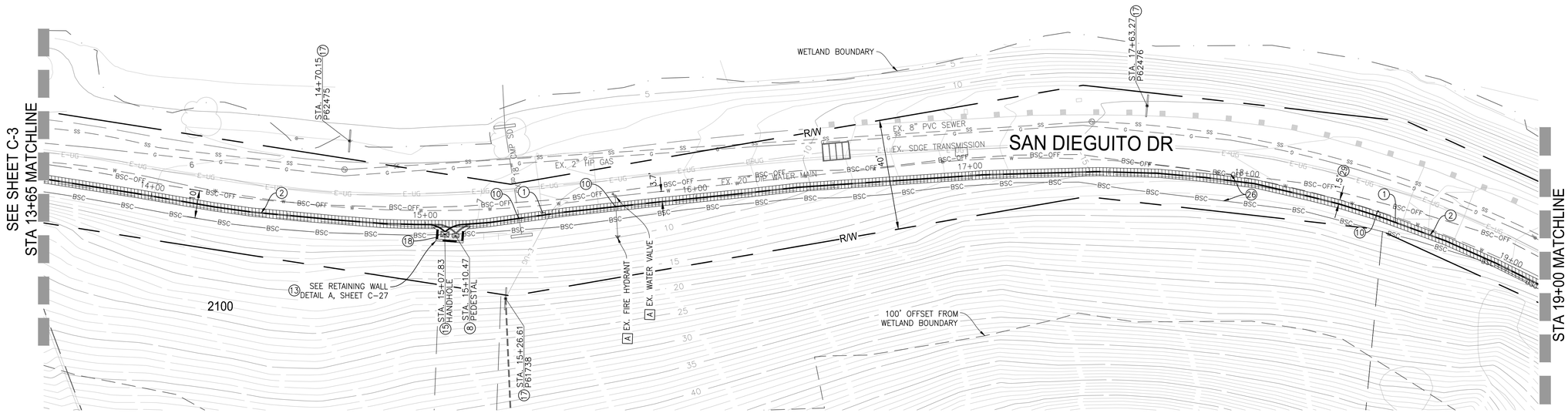
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-3
03 OF 27 SHEETS



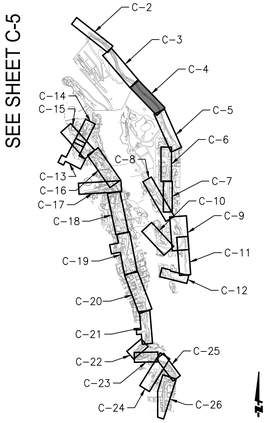

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=4'




## PLAN VIEW: SAN DIEGUITO DRIVE

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

### CONSTRUCTION NOTES:

(1) TRENCH RESURFACING PER SDRSD G-24A AND G-24B

(2) PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS

(8) SPECTRUM DRY UTILITY STRUCTURE

(10) CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION

(13) STONE VENEER MASONRY RETAINING WALL PER SDRSD C-02. SEE SHEET C-27 FOR DETAIL

(15) AT&T HANDHOLE

(17) EXISTING SDG&E POLE TO BE REMOVED BY OTHERS

(18) DECOMPOSED GRANITE SURFACE

(26) BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE BOTTOM OF SUBSTANTIALLY STEEP SLOPE AND 10' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

(29) WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

### DEMOLITION NOTES:

[A] PROTECT IN PLACE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-4
04 OF 27 SHEETS



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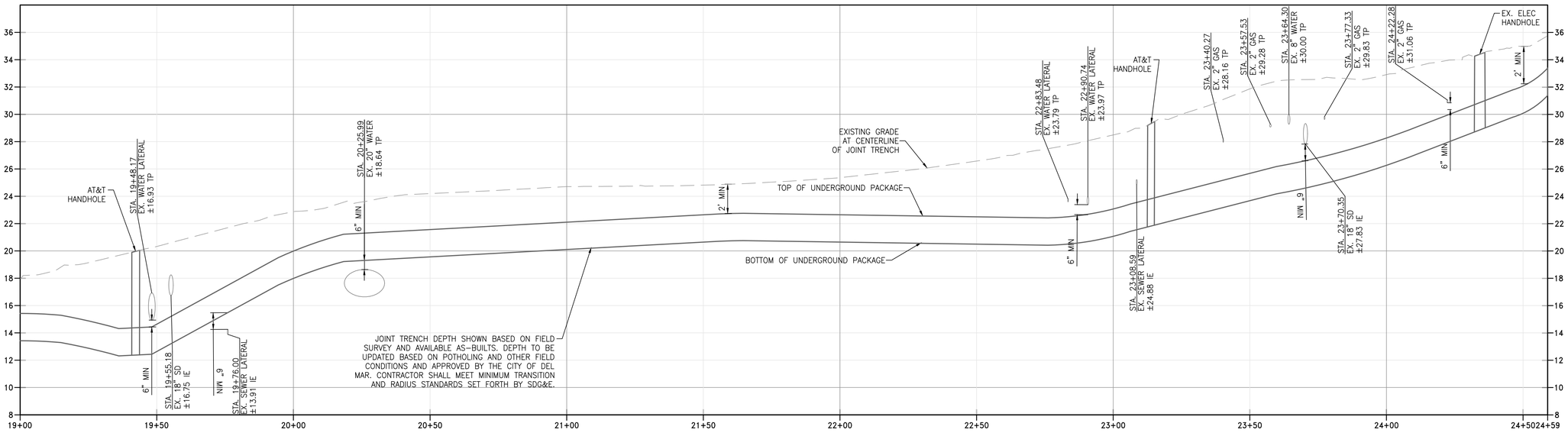
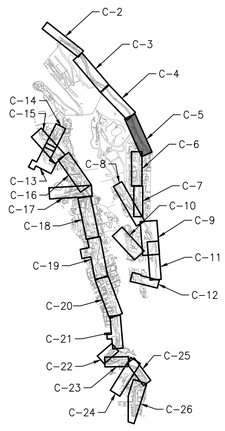
August 13, 2024

E-24-XXX-004

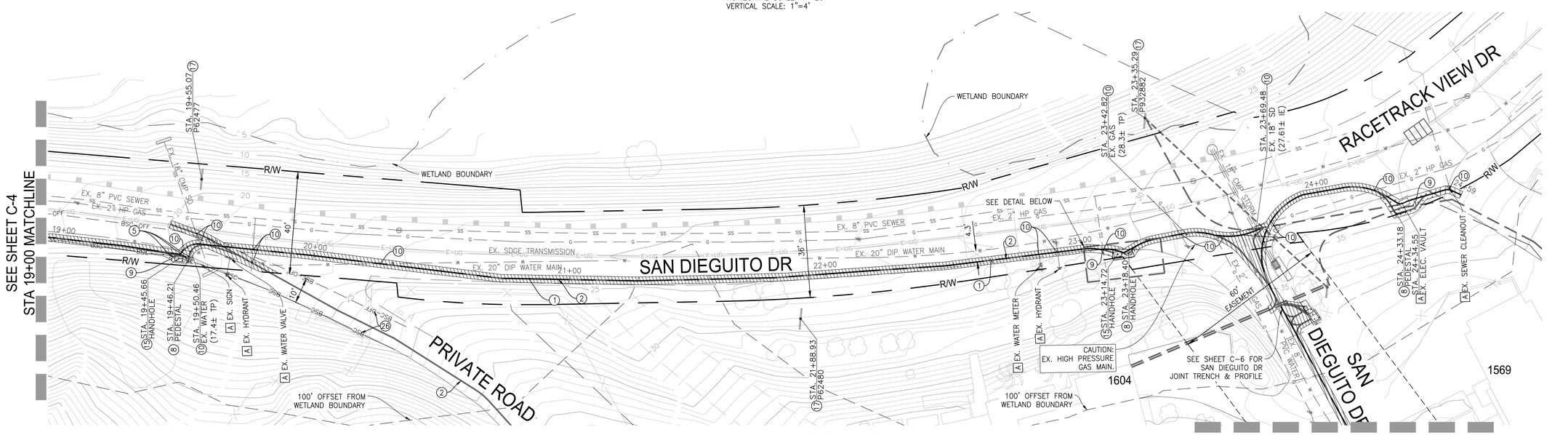



## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=4'

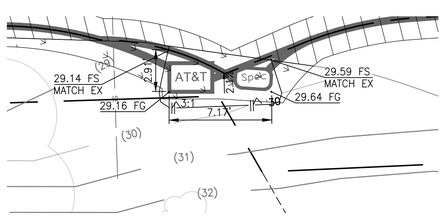



**KEY MAP**
NOT TO SCALE




## PLAN VIEW: SAN DIEGUITO DRIVE

SCALE: 1"=20'




## DETAILS: SAN DIEGUITO DRIVE GRADING

SCALE: 1"=5'

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
26. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE BOTTOM OF SUBSTANTIALLY STEEP SLOPE AND 10' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

### DEMOLITION NOTES:

A. PROTECT IN PLACE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
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No. RCE 84291
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STATE OF CALIFORNIA

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|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
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DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-5
05 OF 27 SHEETS



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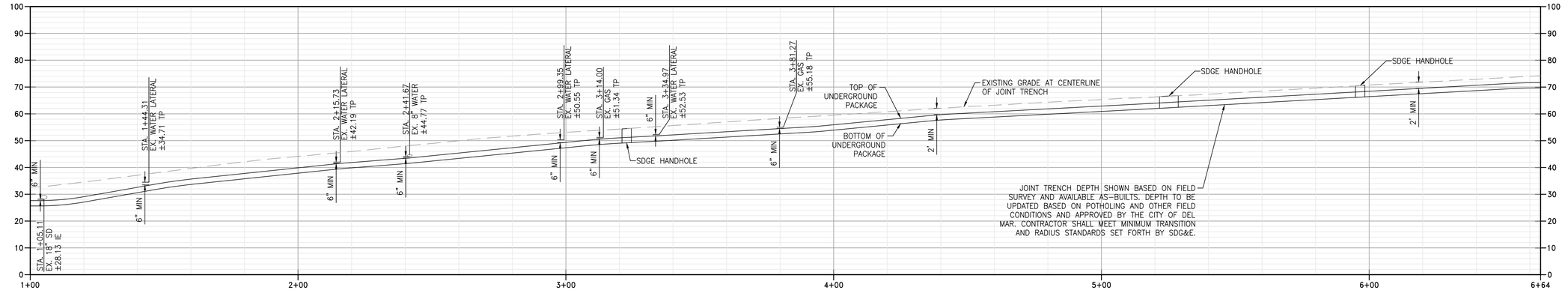
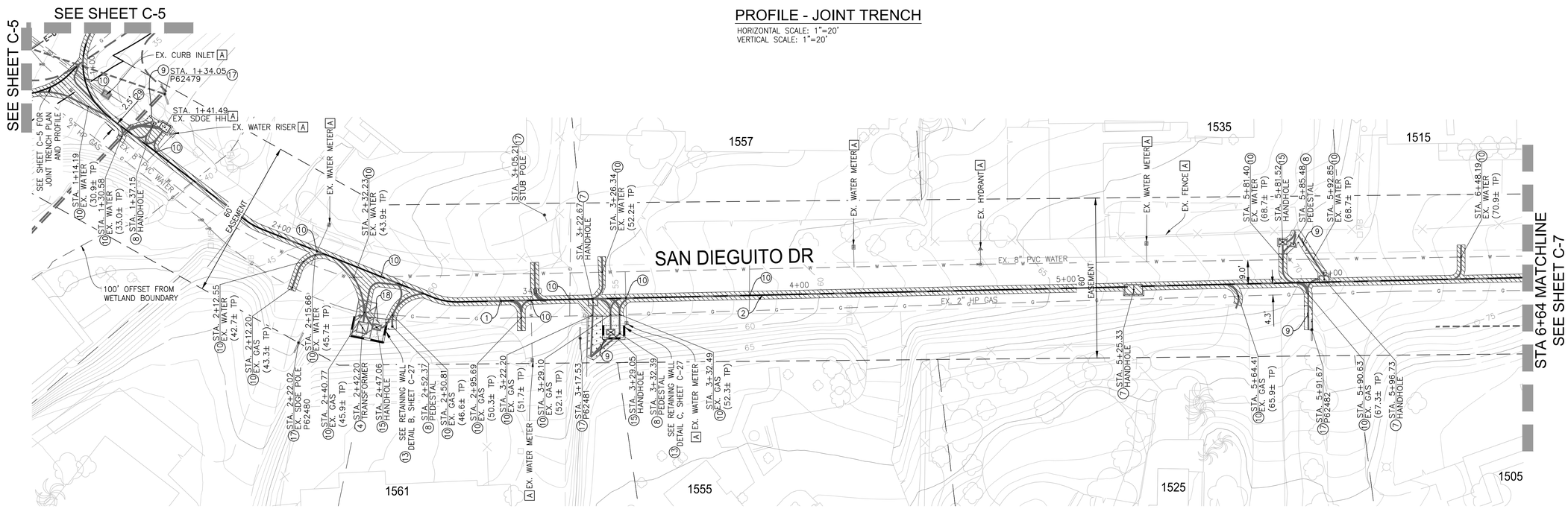
August 13, 2024

E-24-XXX-005



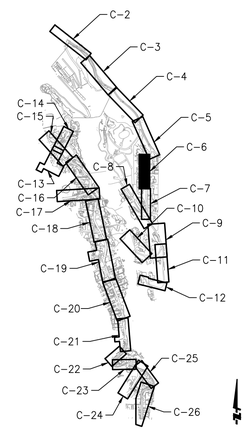

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: SAN DIEGUITO DRIVE

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS

### CONSTRUCTION NOTES CONT'D:

10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
13. STONE VENEER MASONRY RETAINING WALL PER SDRSD C-02. SEE SHEET C-27 FOR DETAIL
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
18. DECOMPOSED GRANITE SURFACE
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

### DEMOLITION NOTES:

A. PROTECT IN PLACE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
CIVIL
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

| DESIGNED: | DRAWN: | CHECKED: |
|---|---|---|
| M.L. | M.L. | M.L. |

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

FUSCOE ENGINEERING
6390 Greenwich Dr, Suite 170
San Diego, Ca 92122
858.554.1500 fuscoe.com

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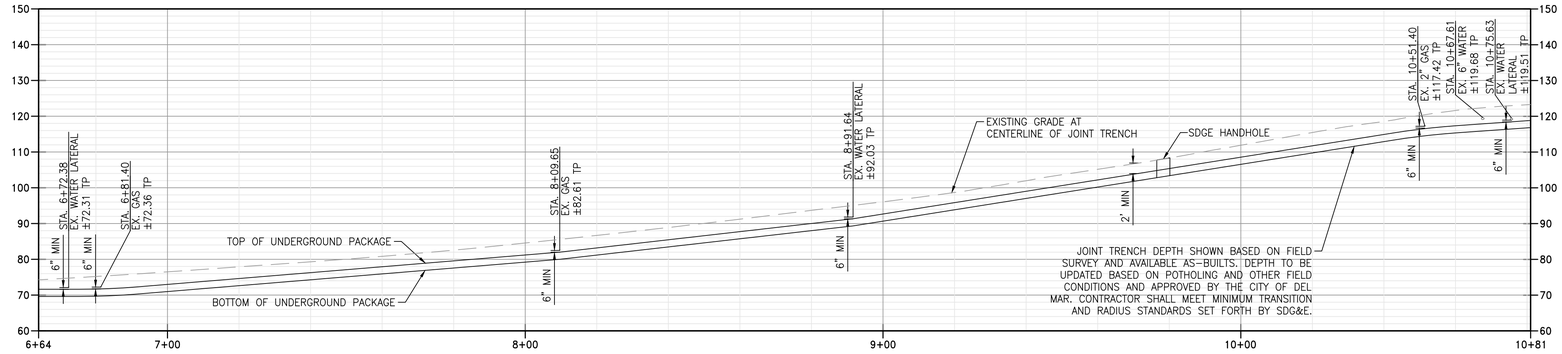
APPROVED
JOE BRIDE RCE C52107 PUBLIC WORKS DIRECTOR — DATE

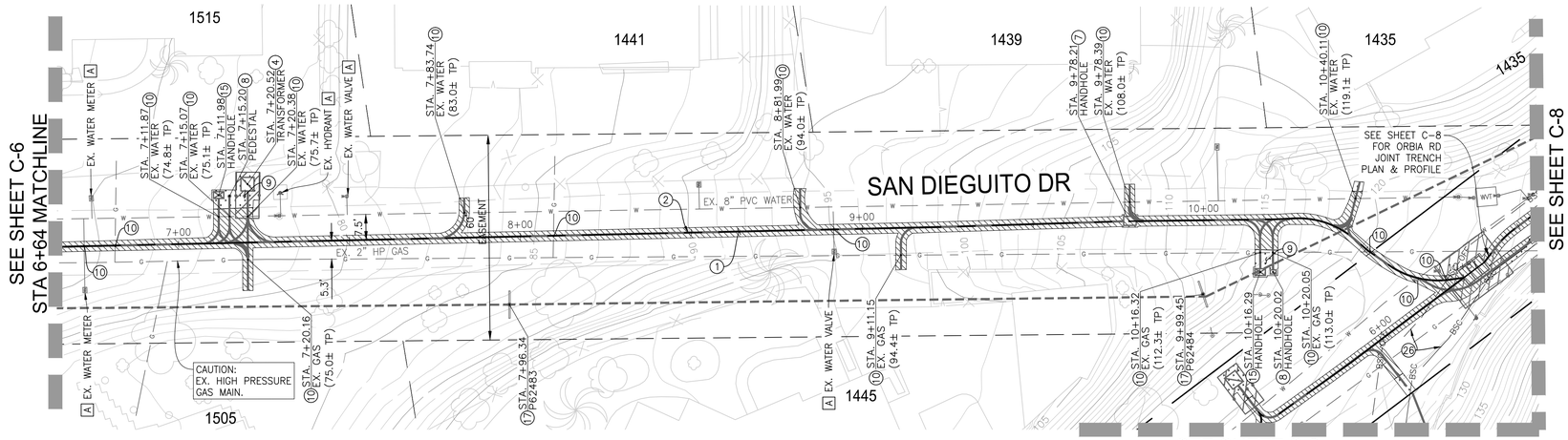
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-6
06 OF 27 SHEETS




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: SAN DIEGUITO DRIVE

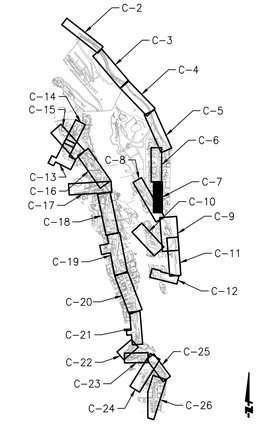
SCALE: 1"=20'

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
26. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE BOTTOM OF SUBSTANTIALLY STEEP SLOPE AND 10' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

### DEMOLITION NOTES:

A. PROTECT IN PLACE




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SAN DIEGUITO DR IMPROVEMENT PLAN

SHEET C-7
07 OF 27 SHEETS


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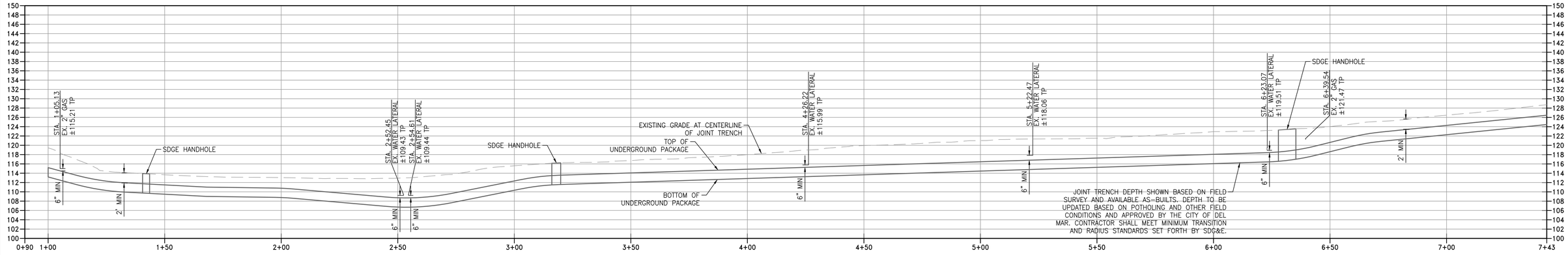
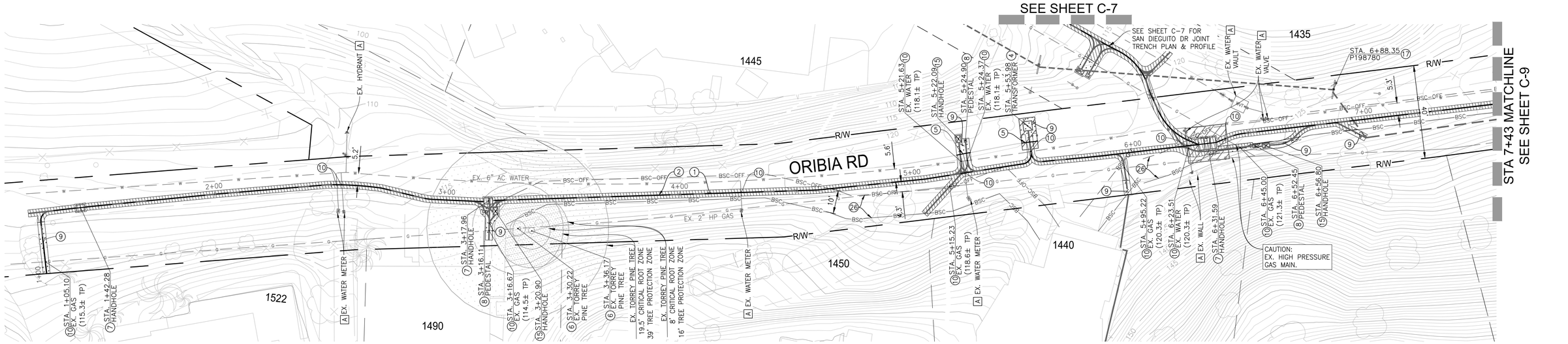
August 13, 2024
E-24-XXX-007




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=10'




## PLAN VIEW: ORIBIA ROAD

SCALE: 1"=20'

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
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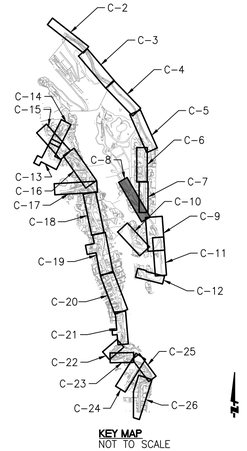
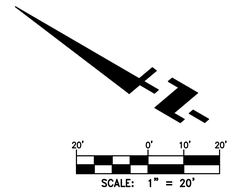
### DEMOLITION NOTES:

A. PROTECT IN PLACE




KEY MAP
NOT TO SCALE




SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
CIVIL
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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APPROVED

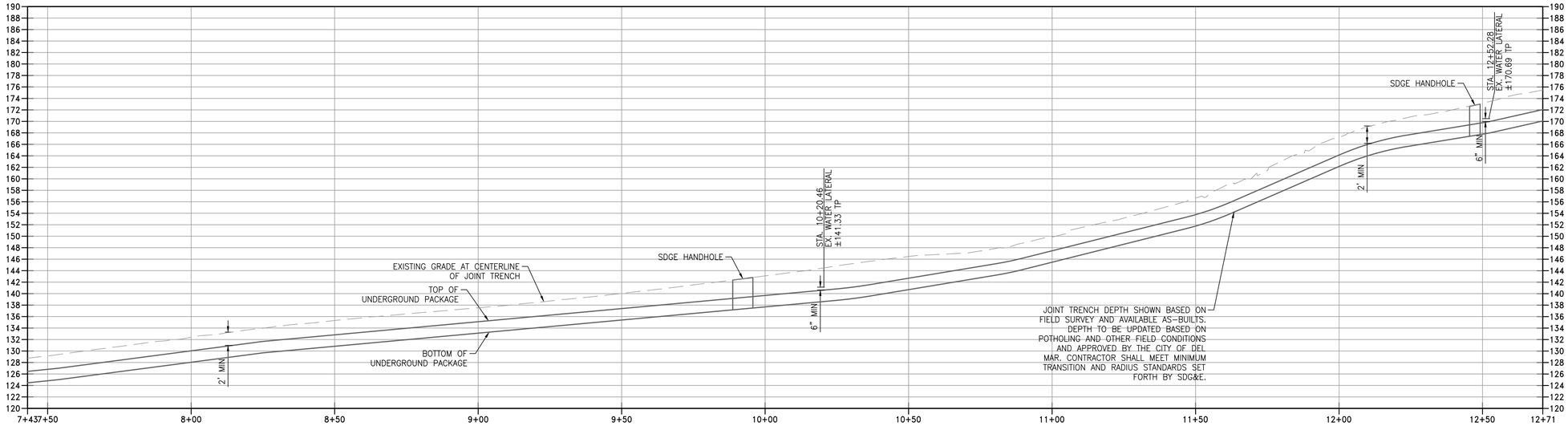
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

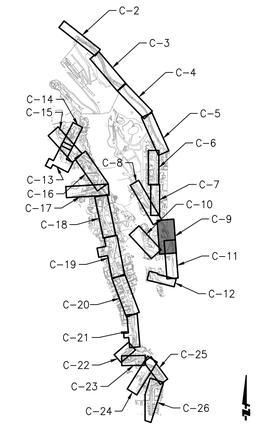
ORIBIA RD IMPROVEMENT PLAN

SHEET C-8
08 OF 27 SHEETS




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=10'

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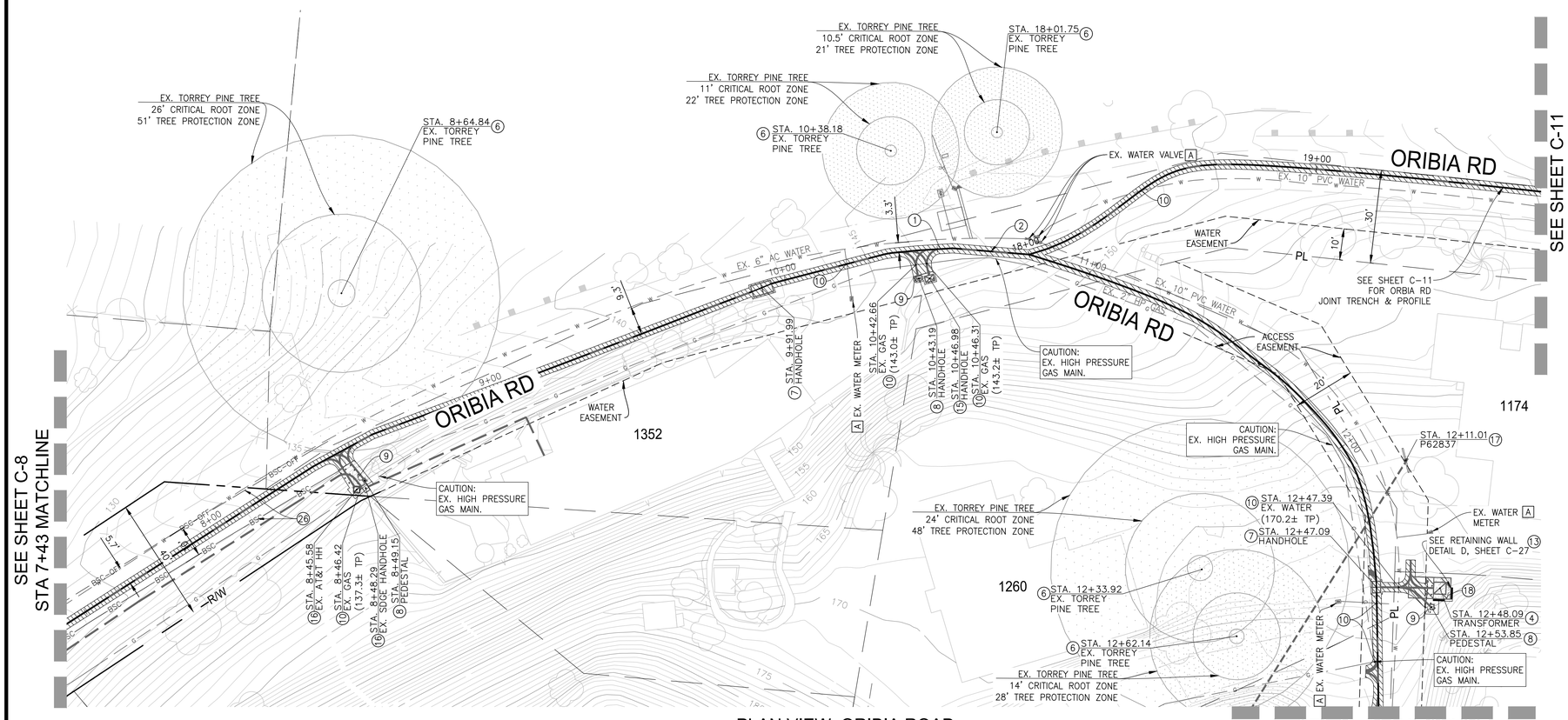


## PLAN VIEW: ORIBIA ROAD

SCALE: 1"=20'

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
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18. DECOMPOSED GRANITE SURFACE
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## DEMOLITION NOTES:

A. PROTECT IN PLACE

## GENERAL NOTES:

1. ORIBIA ROAD IS A PRIVATE ROAD AND NECESSARY EASEMENTS FOR THE JOIN TRENCH FACILITIES WILL BE OBTAINED BY THE CITY.

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

FUSCOE ENGINEERING
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San Diego, Ca 92122
858.554.1500 fuscoe.com

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1050 Camino del Mar, Del Mar, CA 92014
T 858.755-9313 F 858.755-2794
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JOE BRIDE RCE C52107 PUBLIC WORKS DIRECTOR | DATE

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
ORIBIA RD IMPROVEMENT PLAN

SHEET C-9
09 OF 27 SHEETS


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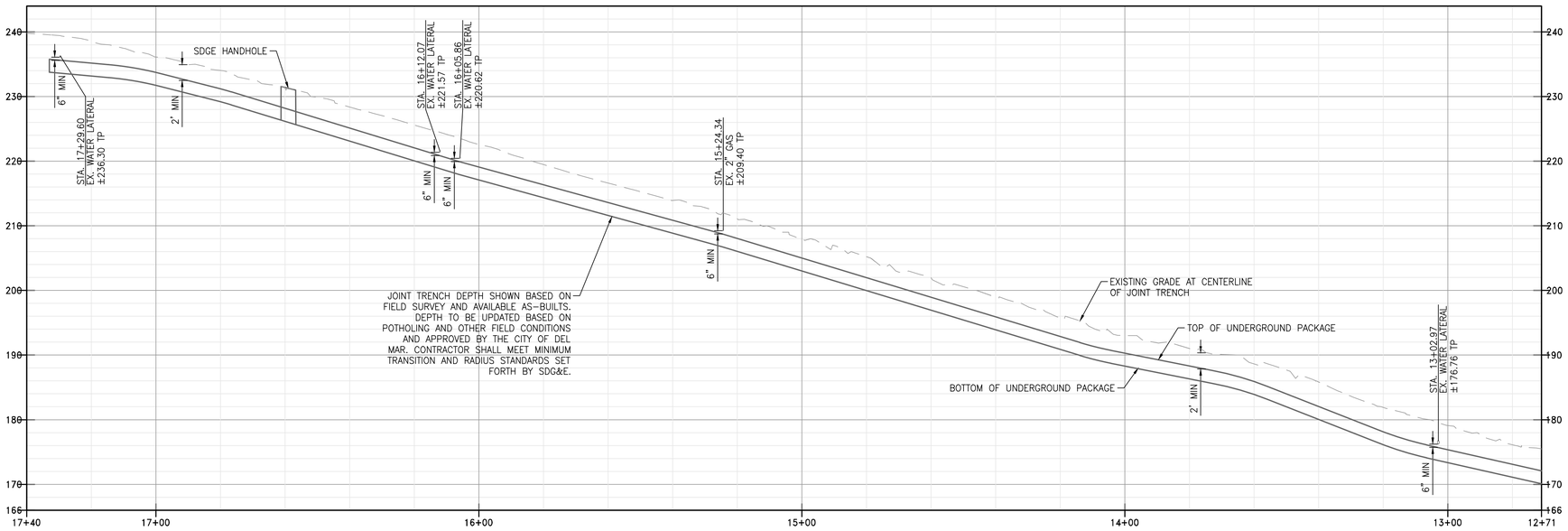
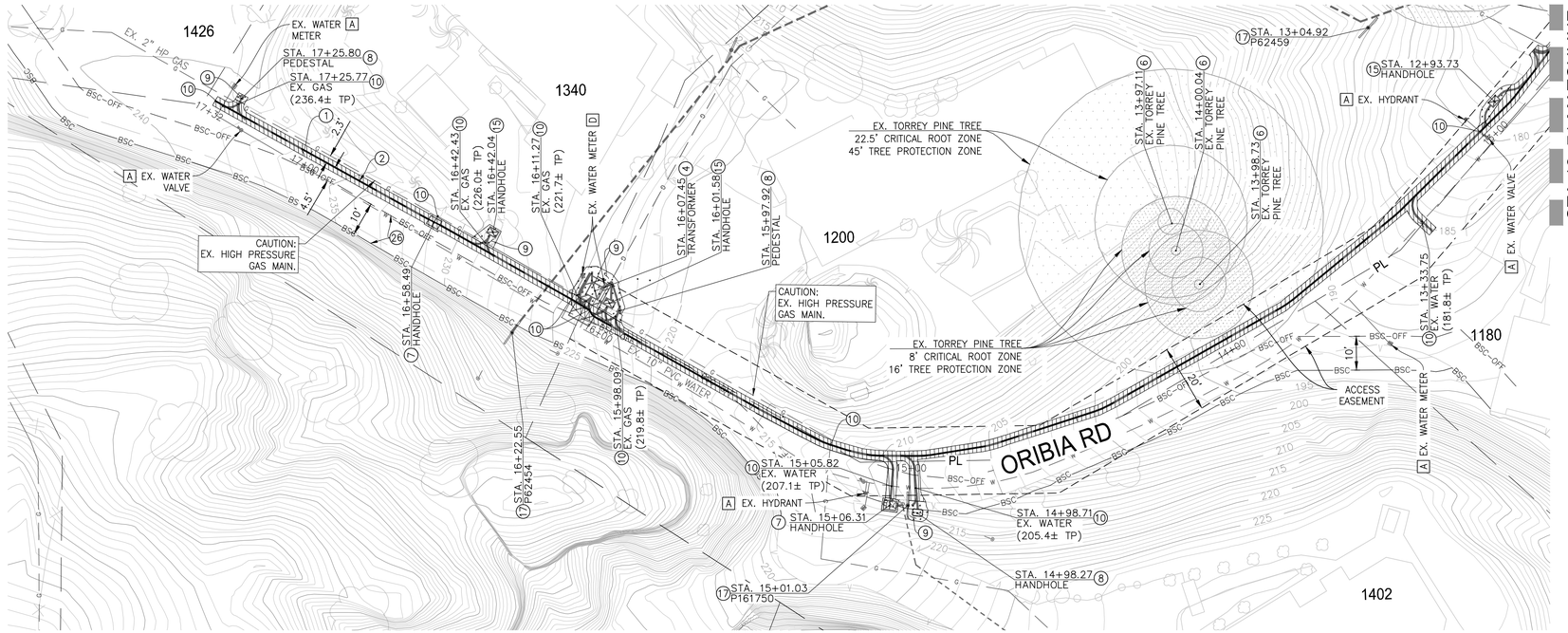
August 13, 2024
E-24-XXX-009



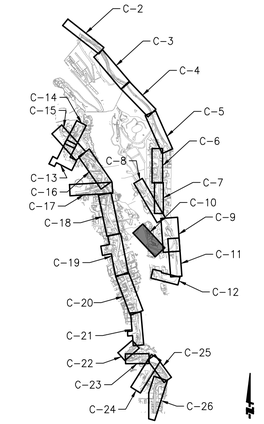

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=10'




## PLAN VIEW: ORIBIA ROAD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
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## DEMOLITION NOTES:

A. PROTECT IN PLACE

D. TO BE RELOCATED BY OTHERS

## GENERAL NOTES:

1. ORIBIA ROAD IS A PRIVATE ROAD AND NECESSARY EASEMENTS FOR THE JOIN TRENCH FACILITIES WILL BE OBTAINED BY THE CITY.

REGISTERED PROFESSIONAL ENGINEER
WILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
ORIBIA RD IMPROVEMENT PLAN

SHEET C-10
10 OF 27 SHEETS


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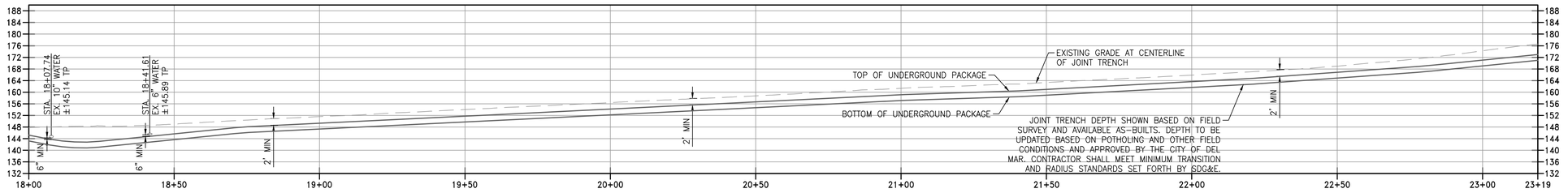
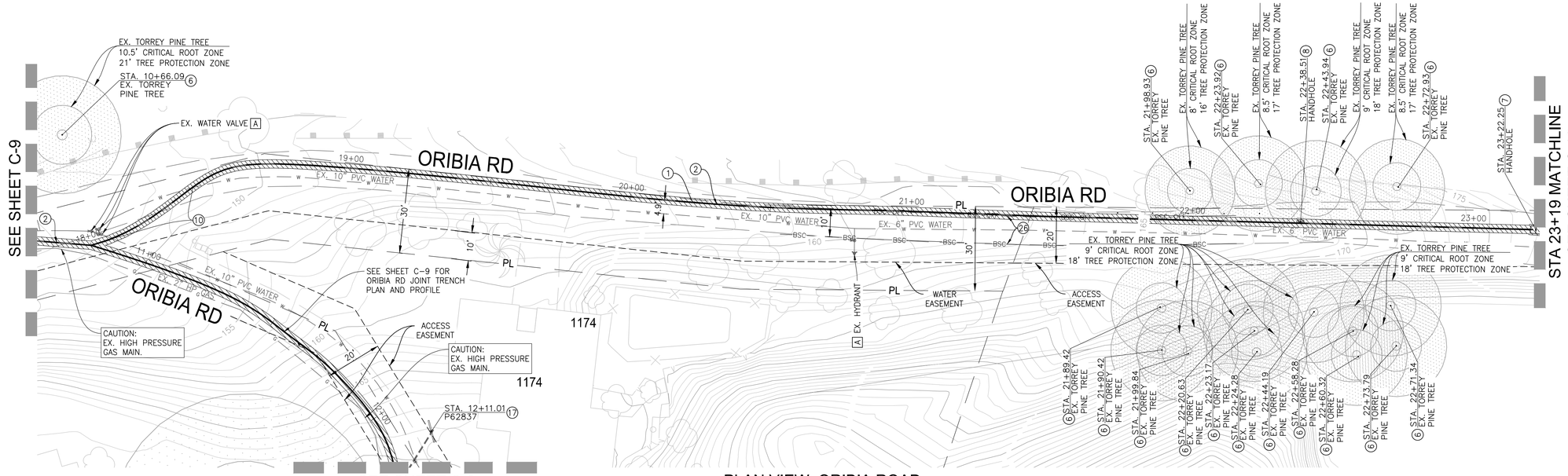
August 13, 2024
E-24-XXX-010



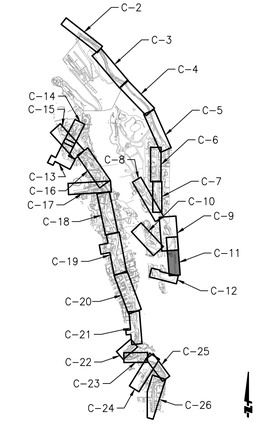

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: ORIBIA ROAD

SCALE: 1"=20'




**KEY MAP**
NOT TO SCALE

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
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### DEMOLITION NOTES:

A. PROTECT IN PLACE

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20' 0' 10' 20'
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REG. STERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

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|---|---|---|---|
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| M.L. | M.L. | M.L. |

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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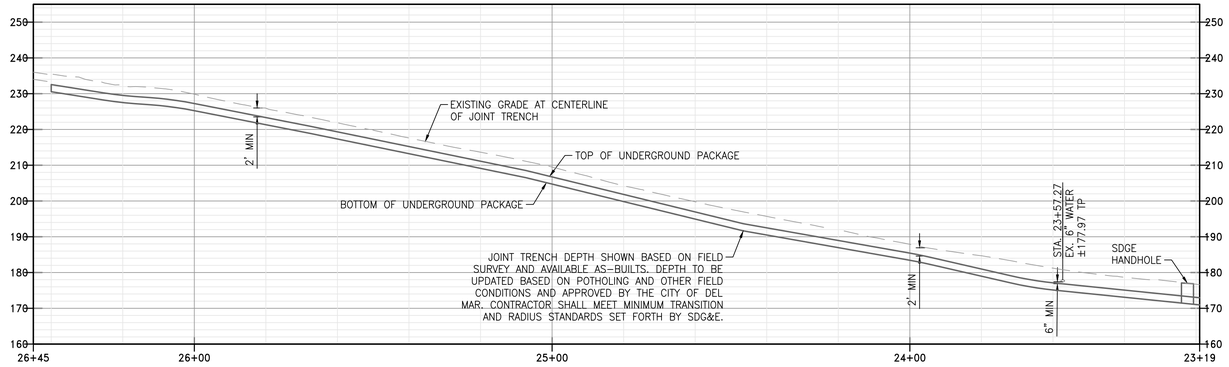
APPROVED
JOE BRIDE RCE C52107 DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
ORIBIA RD IMPROVEMENT PLAN

SHEET C-11
11 OF 27 SHEETS




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
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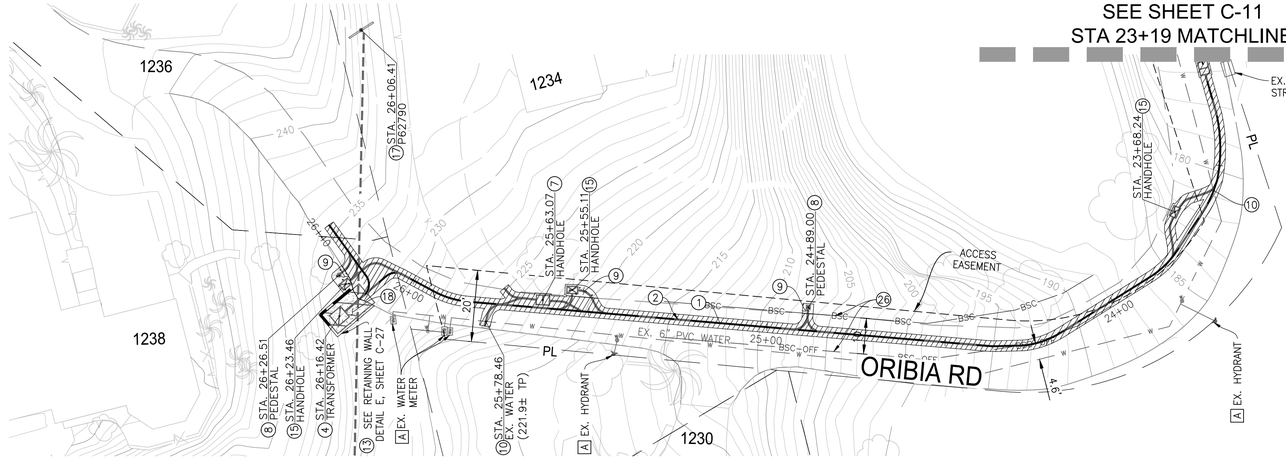
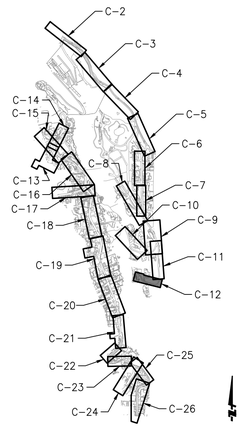



## PLAN VIEW: ORIBIA ROAD

SCALE: 1"=20'




**KEY MAP**
NOT TO SCALE

## CONSTRUCTION NOTES:

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STATE OF CALIFORN A

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
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PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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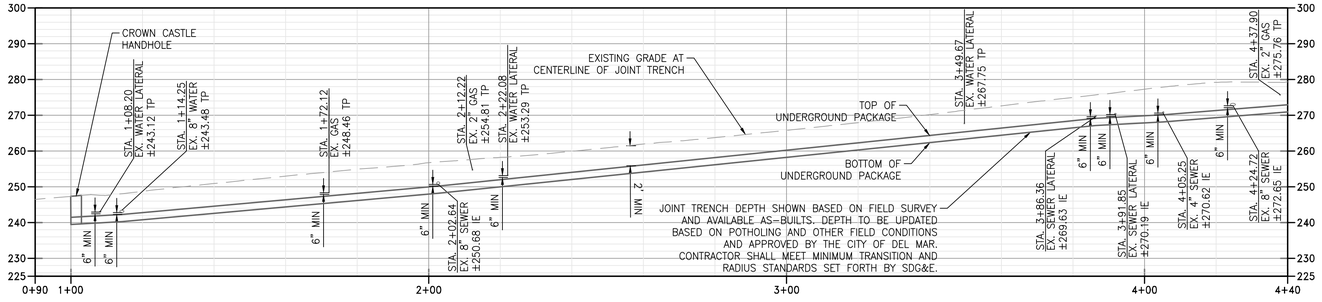
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

ORIBIA RD IMPROVEMENT PLAN

SHEET C-12
12 OF 27 SHEETS

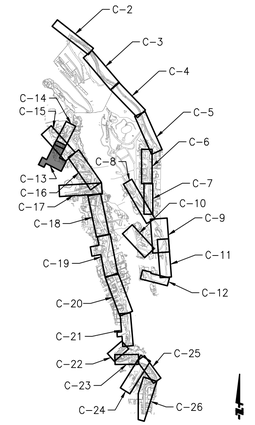



## PROFILE - AVENIDA PRIMAVERA JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

## CONSTRUCTION NOTES:

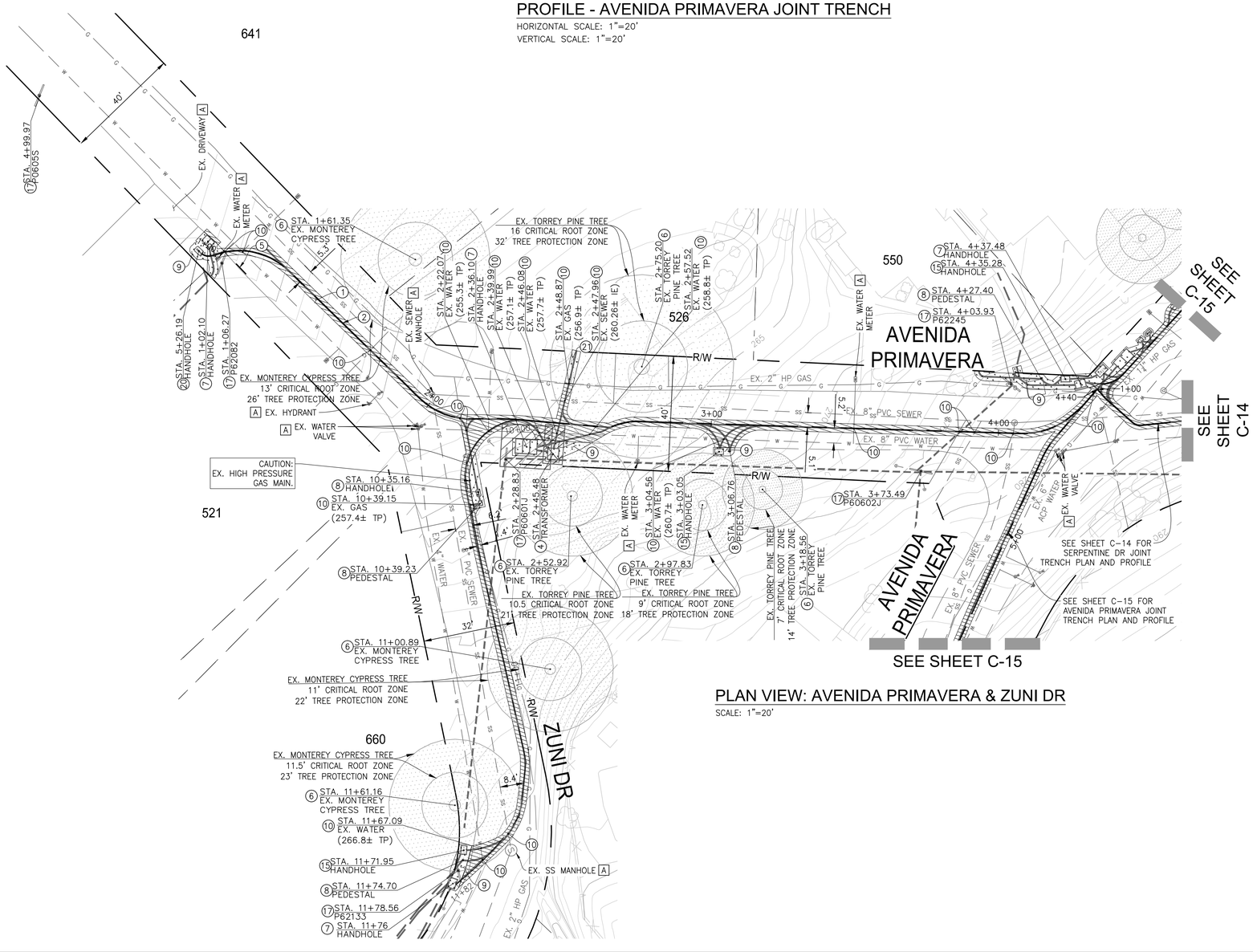
1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
20. CROWN CASTLE HANDHOLE
21. REPLACE CONCRETE DRIVEWAY AND ANY NECESSARY PAVERS, FLAGSTONE, GUTTER, OR HARDSCAPE IN KIND TO NEAREST JOINT




KEY MAP
NOT TO SCALE

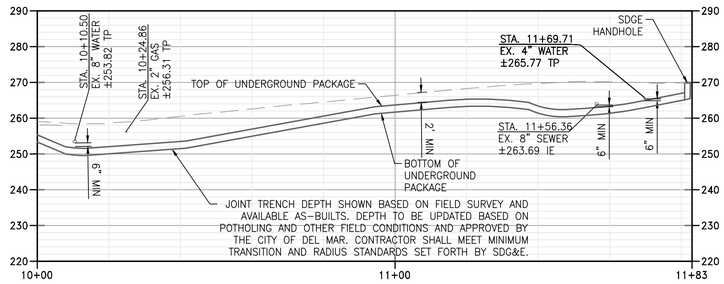
## DEMOLITION NOTES:

A PROTECT IN PLACE




## PLAN VIEW: AVENIDA PRIMAVERA & ZUNI DR

SCALE: 1"=20'




## PROFILE - ZUNI DR JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — R.C.E. NO. 84291 — DATE 7/3/24

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APPROVED
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
AVENIDA PRIMAVERA IMPROVEMENT PLAN

SHEET C-13
13 OF 27 SHEETS


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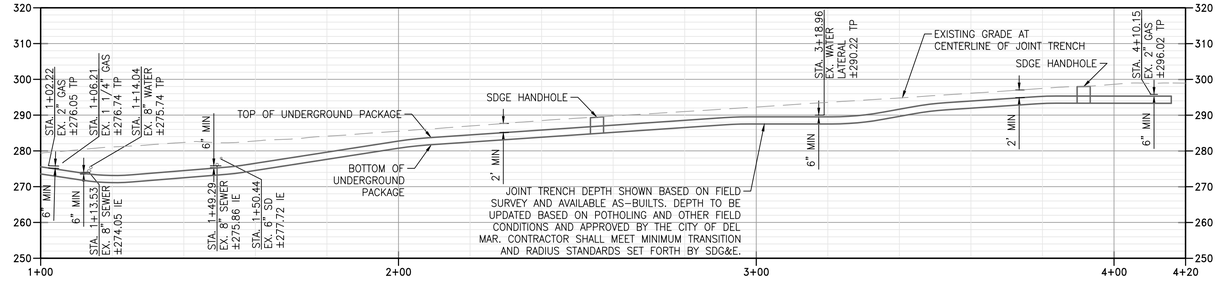
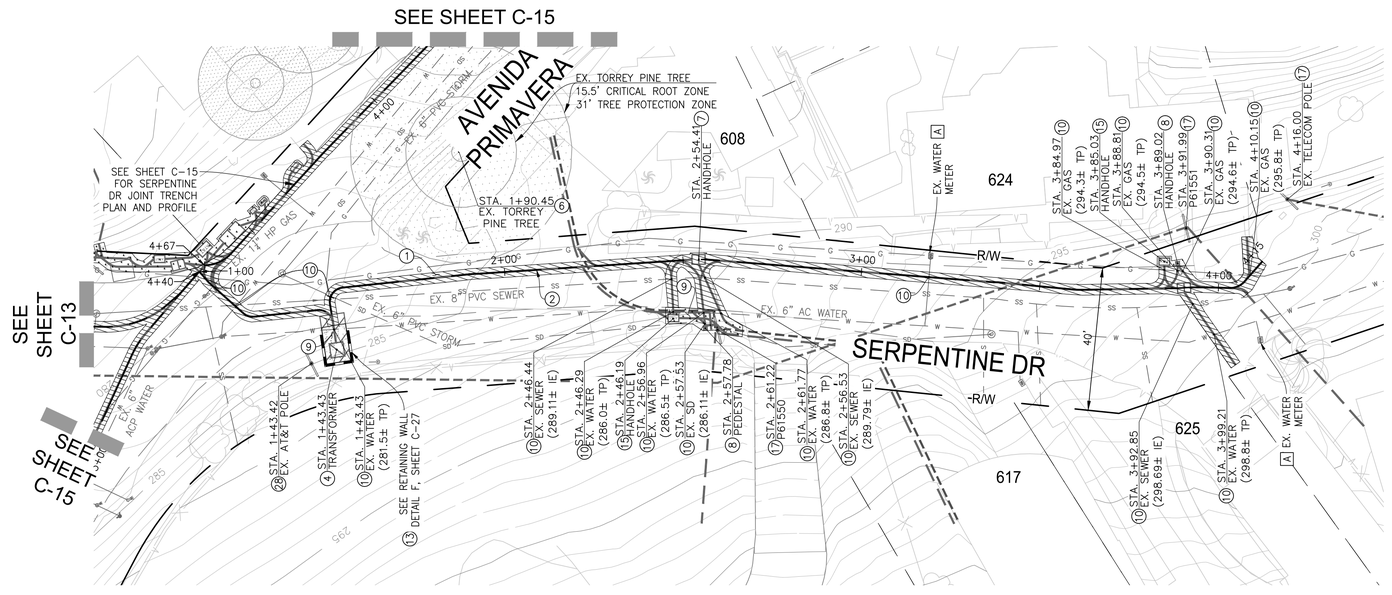
August 13, 2024
E-24-XXX-013




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: SERPENTINE DR

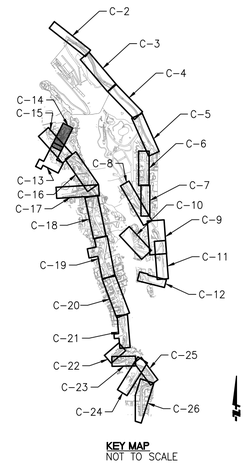
SCALE: 1"=20'

## CONSTRUCTION NOTES:

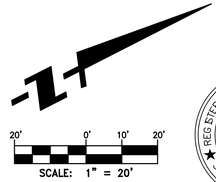
1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
13. STONE VENEER MASONRY RETAINING WALL PER SDRSD C-02. SEE SHEET C-27 FOR DETAIL
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
28. EXISTING AT&T POLE TO BE REMOVED BY OTHERS

## DEMOLITION NOTES:

A. PROTECT IN PLACE




KEY MAP
NOT TO SCALE




REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
CIVIL
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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APPROVED
JOE BRIDE RCE C52107 DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SERPENTINE DR IMPROVEMENT PLAN

SHEET C-14
14 OF 27 SHEETS


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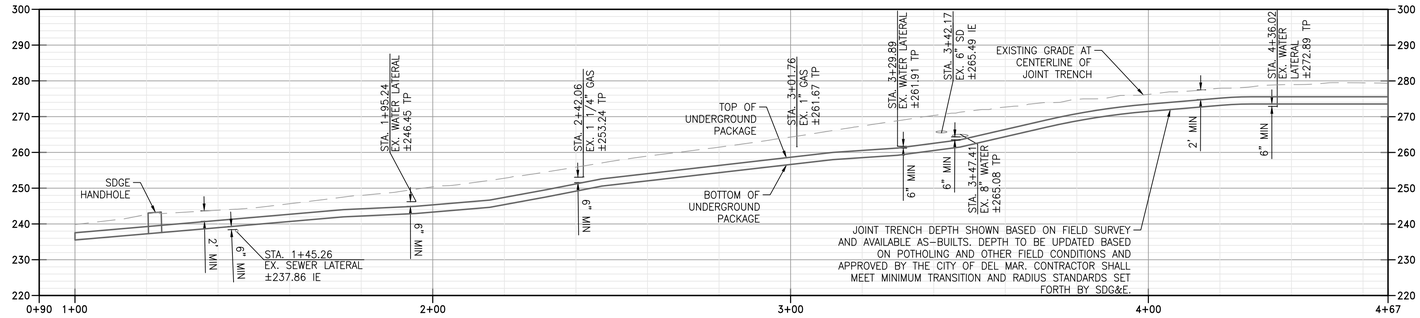
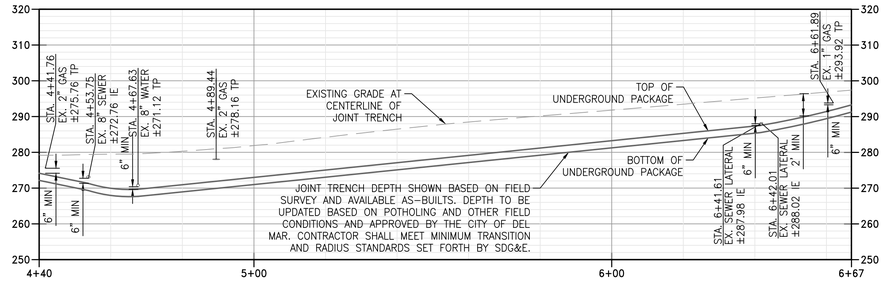
August 13, 2024
E-24-XXX-014




## PROFILE - SERPENTINE DR JOINT TRENCH

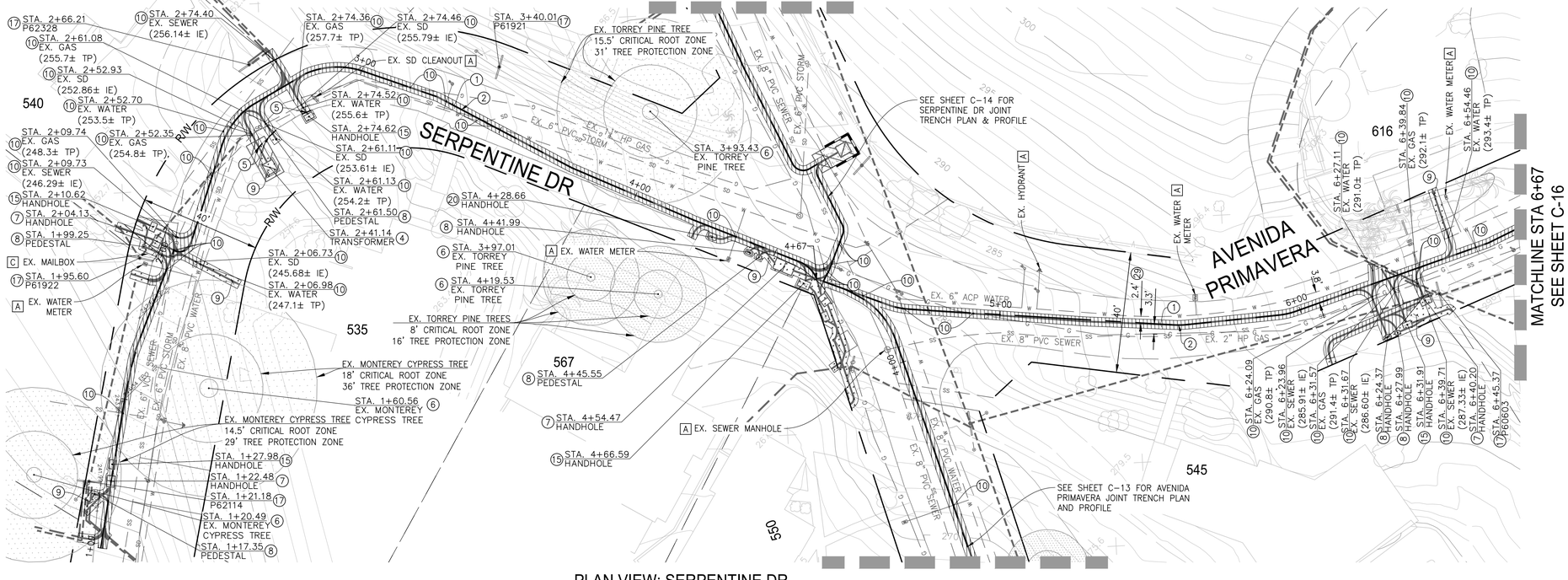
HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PROFILE - AVENIDA PRIMAVERA JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

SEE SHEET C-14




## PLAN VIEW: SERPENTINE DR

SCALE: 1"=20'

SEE SHEET C-13

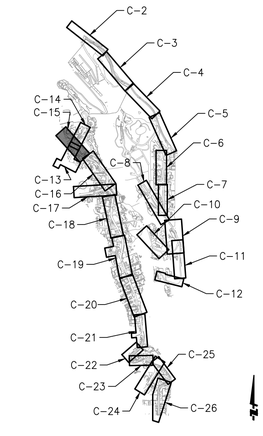
## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
20. CROWN CASTLE HANDHOLE
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

## DEMOLITION NOTES:

A. PROTECT IN PLACE

C. TO BE RELOCATED AS DIRECTED BY CITY




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
CIVIL
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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APPROVED
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
SERPENTINE DR IMPROVEMENT PLAN

SHEET C-15
15 OF 27 SHEETS

## DEMOLITION NOTES:

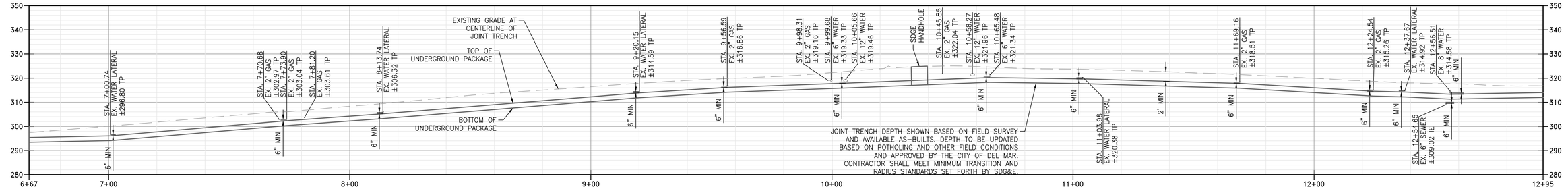
- [A] PROTECT IN PLACE
- [B] REMOVE AND REPLACE
- [C] TO BE RELOCATED AS DIRECTED BY CITY

## CONSTRUCTION NOTES:

- (1) TRENCH RESURFACING PER SDRSD G-24A AND G-24B
- (2) PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
- (4) SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
- (5) REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
- (6) EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
- (7) SDG&E HANDHOLE
- (8) SPECTRUM DRY UTILITY STRUCTURE
- (9) NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
- (10) CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION

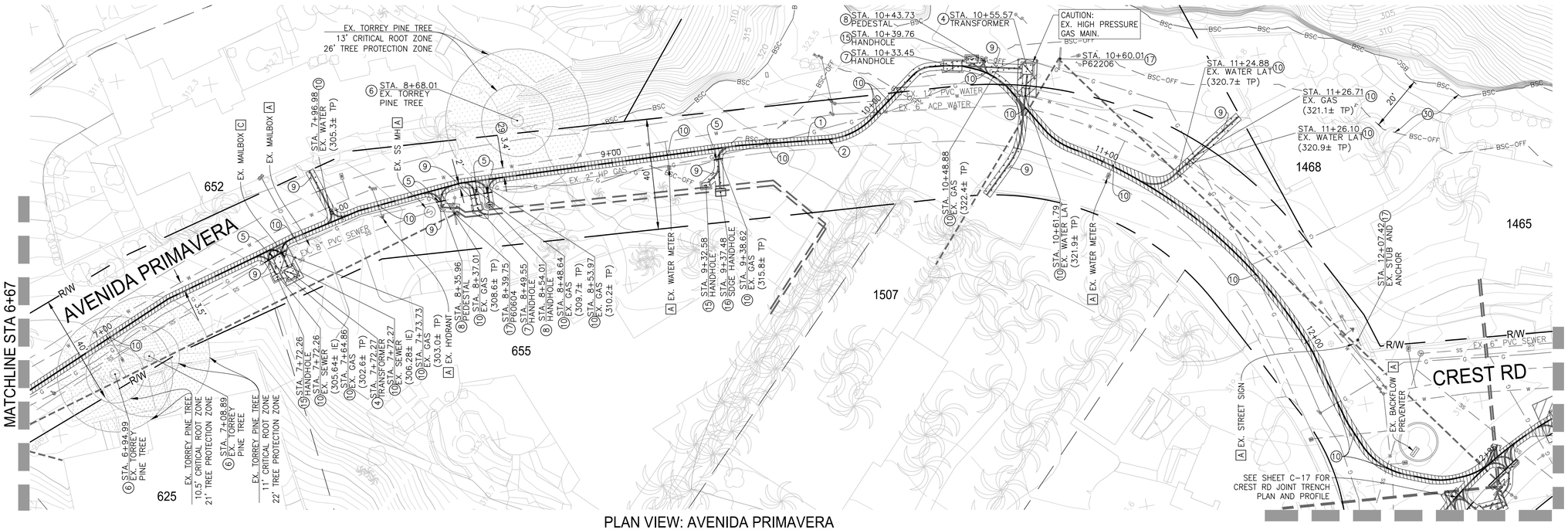
## CONSTRUCTION NOTES CONT'D:

- (15) AT&T HANDHOLE
- (16) EXISTING DRY UTILITY
- (17) EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
- (29) WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING
- (30) BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE TOP OF SUBSTANTIALLY STEEP SLOPE AND 20' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52



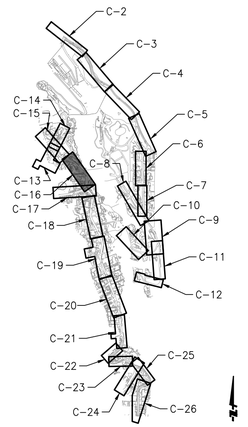

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: AVENIDA PRIMAVERA

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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JOE BRIDE RCE C52107 PUBLIC WORKS DIRECTOR | DATE

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
AVENIDA PRIMAVERA IMPROVEMENT PLAN

SHEET C-16
16 OF 27 SHEETS


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August 13, 2024
E-24-XXX-016

## CONSTRUCTION NOTES:

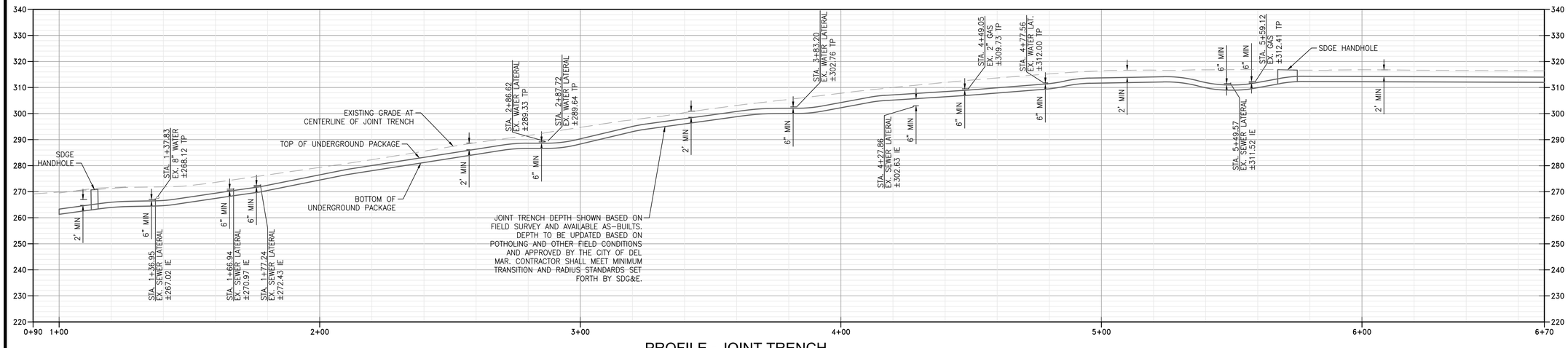
1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS

## CONSTRUCTION NOTES CONT'D:

10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
24. TRENCH PACKAGE SHALL TUNNEL UNDER GUTTER TO PROTECT IN PLACE
30. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE TOP OF SUBSTANTIALLY STEEP SLOPE AND 20' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

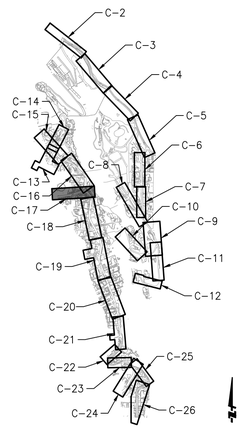
## DEMOLITION NOTES:

A. PROTECT IN PLACE



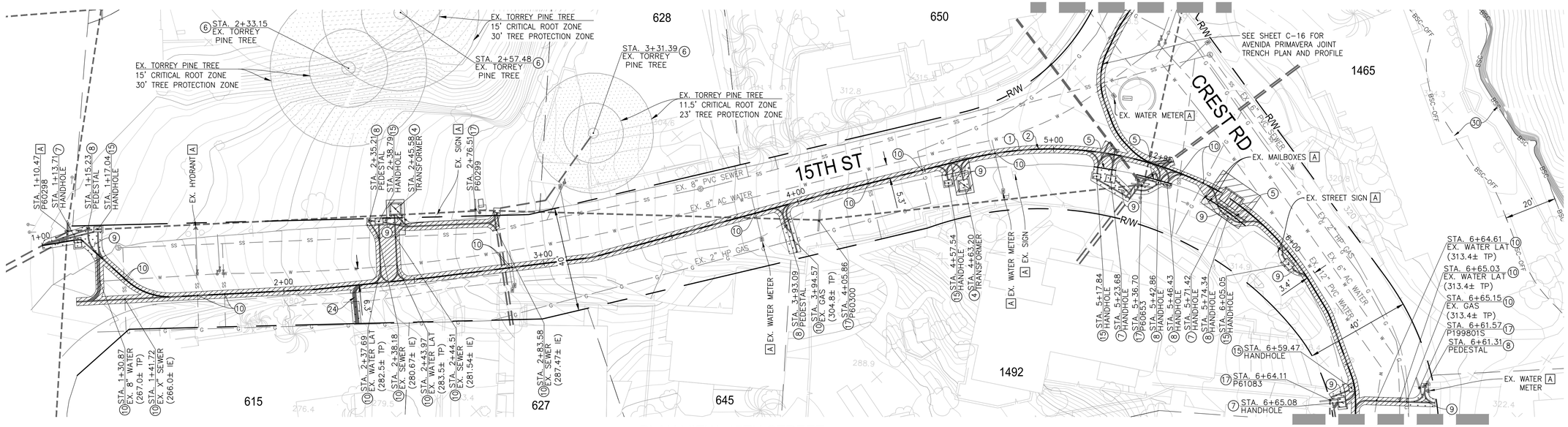

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




**KEY MAP**
NOT TO SCALE

SEE SHEET C-16




## PLAN VIEW: 15TH STREET

SCALE: 1"=20'

MATCHLINE STA 6+70
SEE SHEET C-18

REG. STERED PROFESS DNAL ENG NEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
STATE OF CALIFORN A
Civil

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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San Diego, Ca 92122
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1050 Camino del Mar, Del Mar, CA 92014
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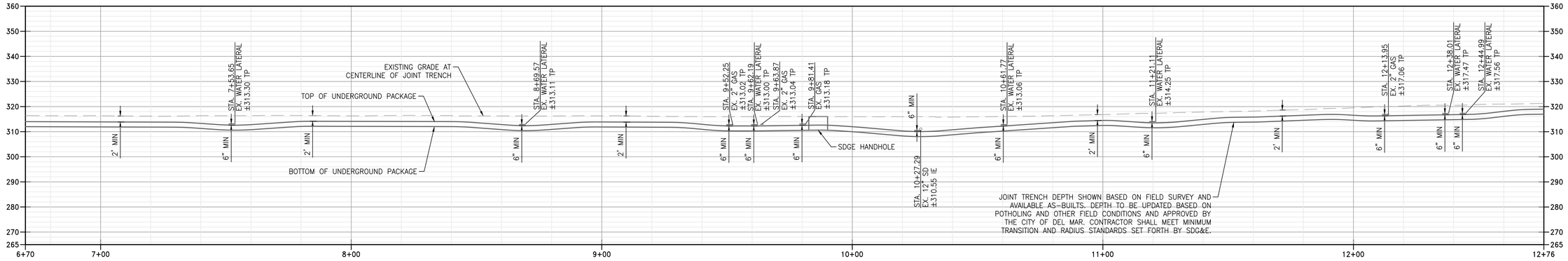
APPROVED

JOE BRIDE RCE C52107 | DATE
PUBLIC WORKS DIRECTOR

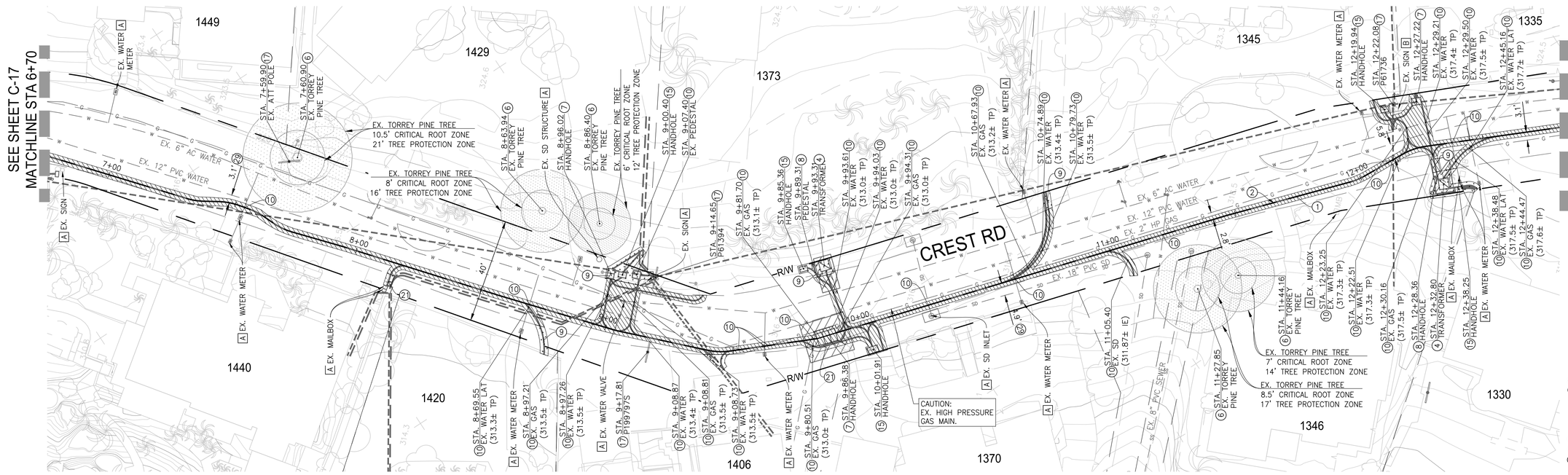
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
15TH ST IMPROVEMENT PLAN

SHEET C-17
17 OF 27 SHEETS



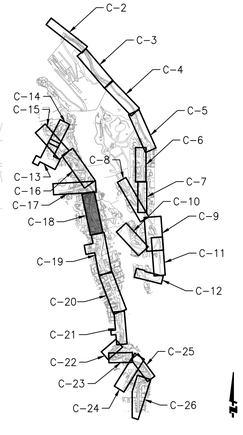

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
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8. SPECTRUM DRY UTILITY STRUCTURE
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10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION

### CONSTRUCTION NOTES CONT'D:

15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
21. REPLACE CONCRETE DRIVEWAY AND ANY NECESSARY PAVERS, FLAGSTONE, GUTTER, OR HARDSCAPE IN KIND TO NEAREST JOINT
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

### DEMOLITION NOTES:

A. PROTECT IN PLACE
B. REMOVE AND REPLACE

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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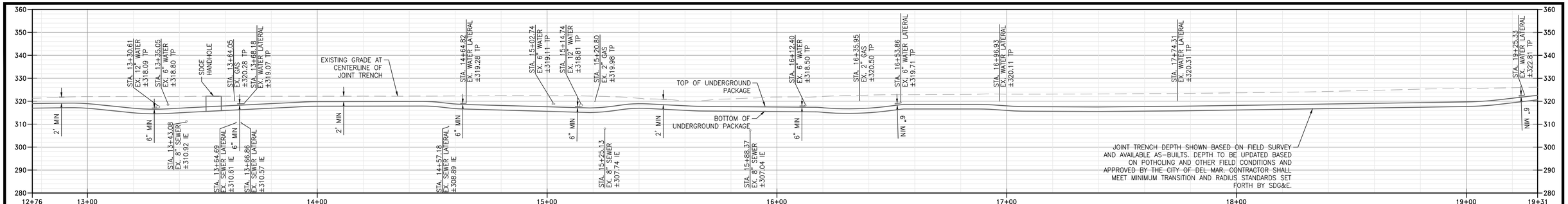
APPROVED
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

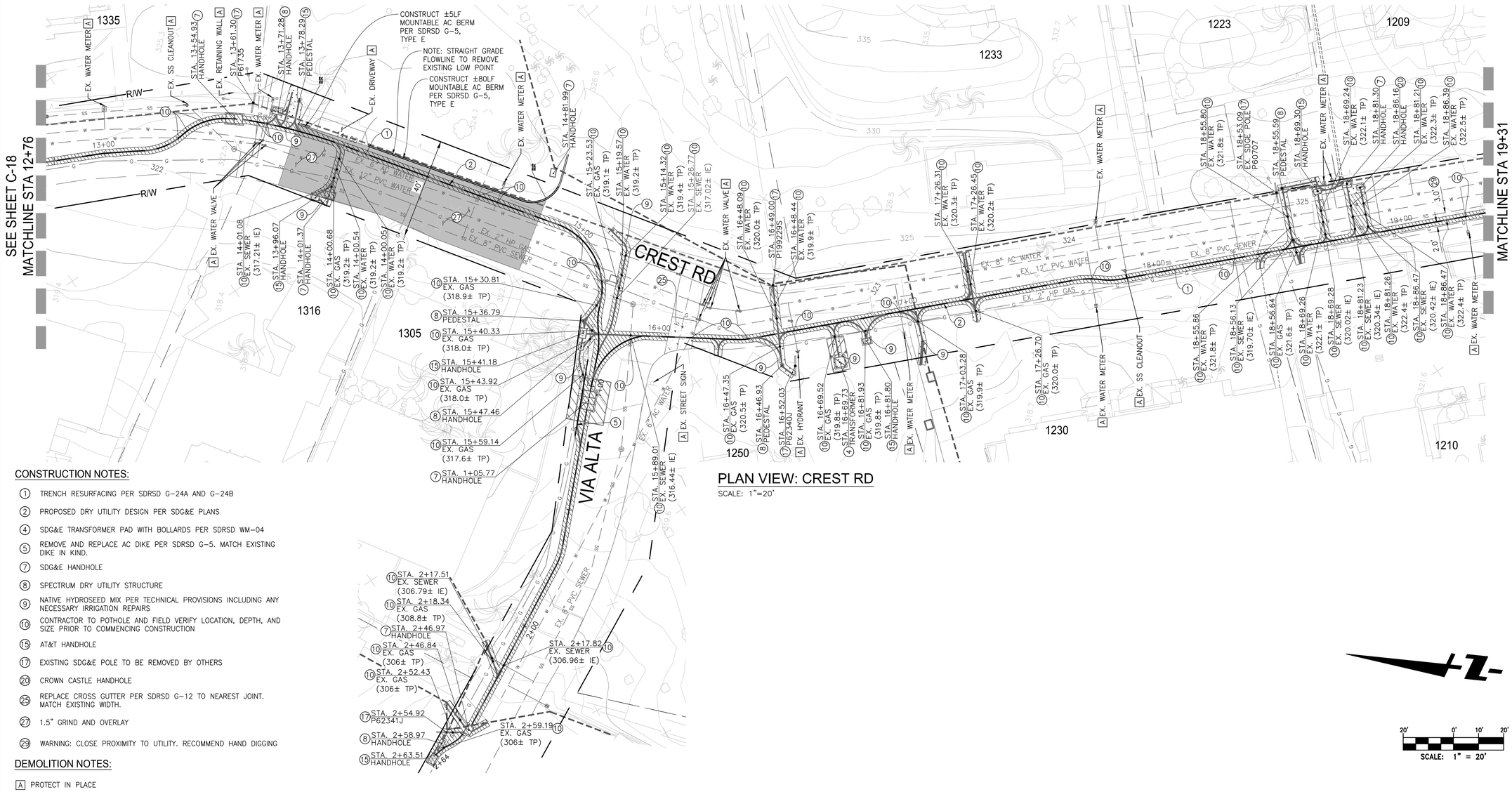
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-18
18 OF 27 SHEETS



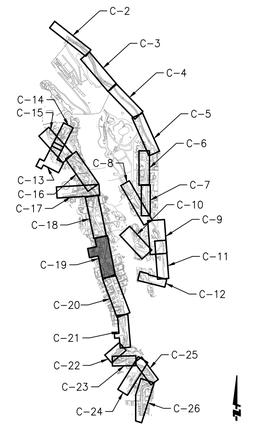

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
20. CROWN CASTLE HANDHOLE
25. REPLACE CROSS GUTTER PER SDRSD G-12 TO NEAREST JOINT. MATCH EXISTING WIDTH.
27. 1.5" GRIND AND OVERLAY
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING

## DEMOLITION NOTES:

A. PROTECT IN PLACE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

| DESIGNED: | DRAWN: | CHECKED: |
|---|---|---|
| M.L. | M.L. | M.L. |

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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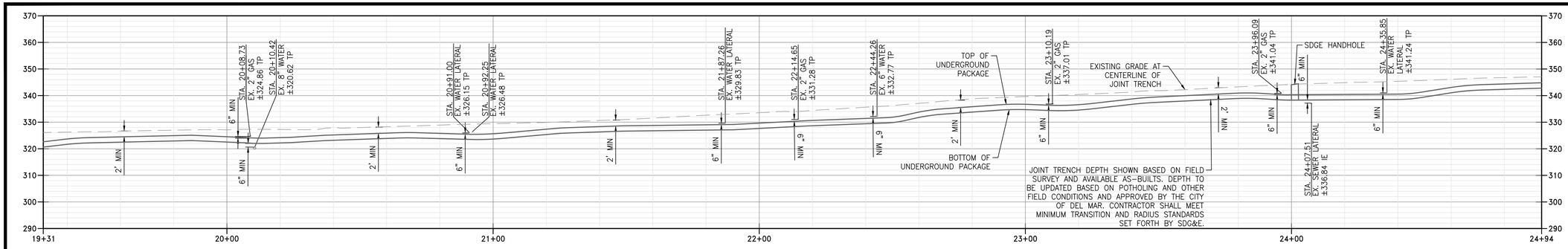
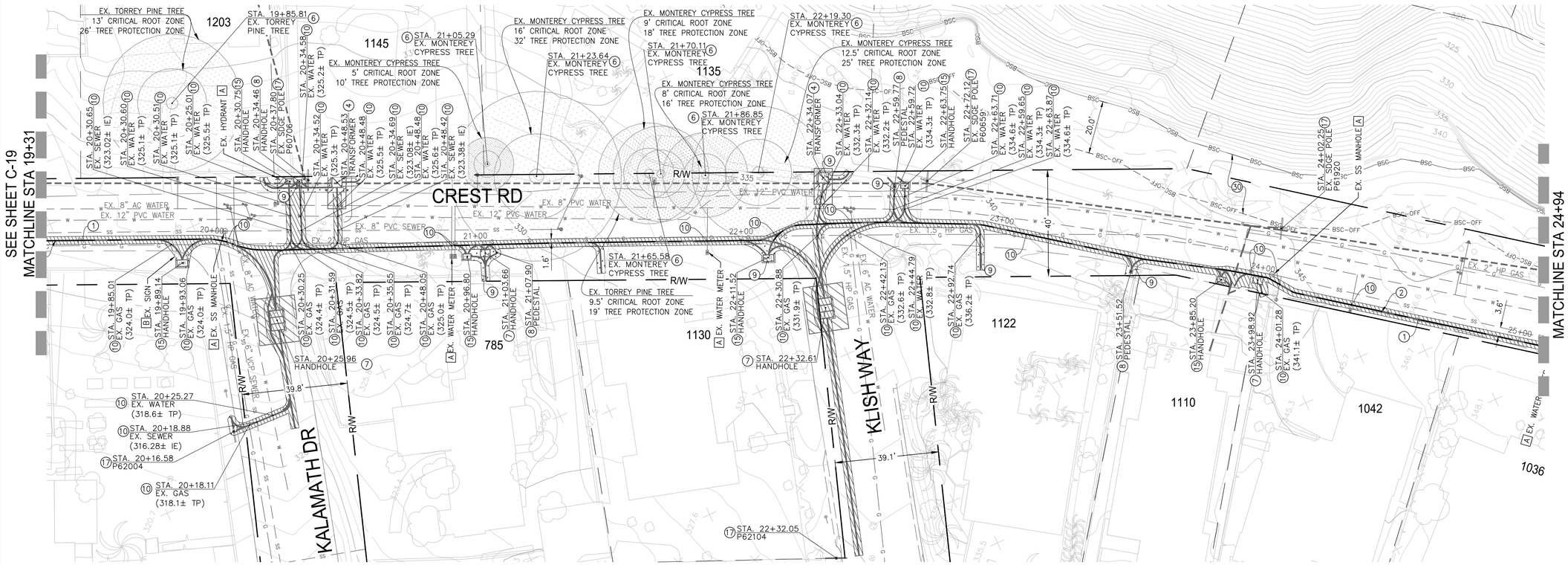
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-19
19 OF 27 SHEETS



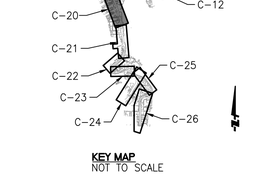

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

### DEMOLITION NOTES:

[A] PROTECT IN PLACE

[B] REMOVE AND REPLACE

### CONSTRUCTION NOTES:

(1) TRENCH RESURFACING PER SDRSD G-24A AND G-24B

(2) PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS

(4) SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04

(6) EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION

(7) SDG&E HANDHOLE

(8) SPECTRUM DRY UTILITY STRUCTURE

### CONSTRUCTION NOTES CONT'D:

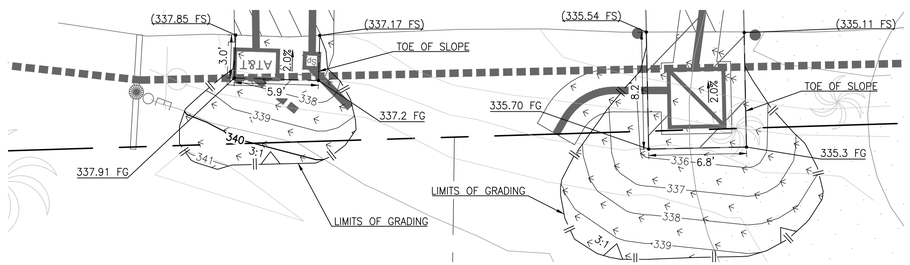
(9) NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS

(10) CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION

(15) AT&T HANDHOLE

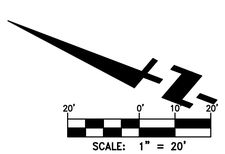
(17) EXISTING SDG&E POLE TO BE REMOVED BY OTHERS

(30) BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE TOP OF SUBSTANTIALLY STEEP SLOPE AND 20' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52




## DETAIL: CREST RD GRADING AREA

SCALE: 1"=5'




SCALE: 1" = 20'

REG. STEERED PROFESSIONAL ENGINEER
MILES J. LEANARDO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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APPROVED

JOE BRIDE RCE C52107 DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

CREST RD IMPROVEMENT PLAN

SHEET C-20
20 OF 27 SHEETS



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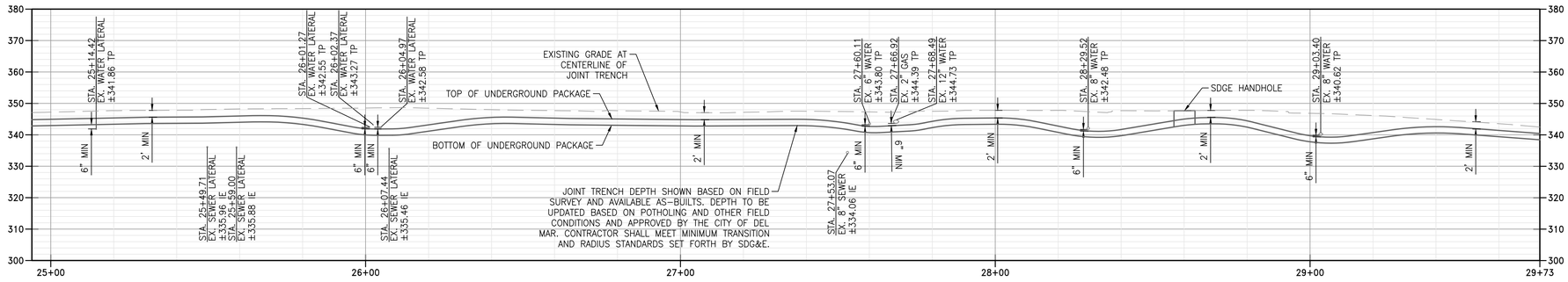
August 13, 2024




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
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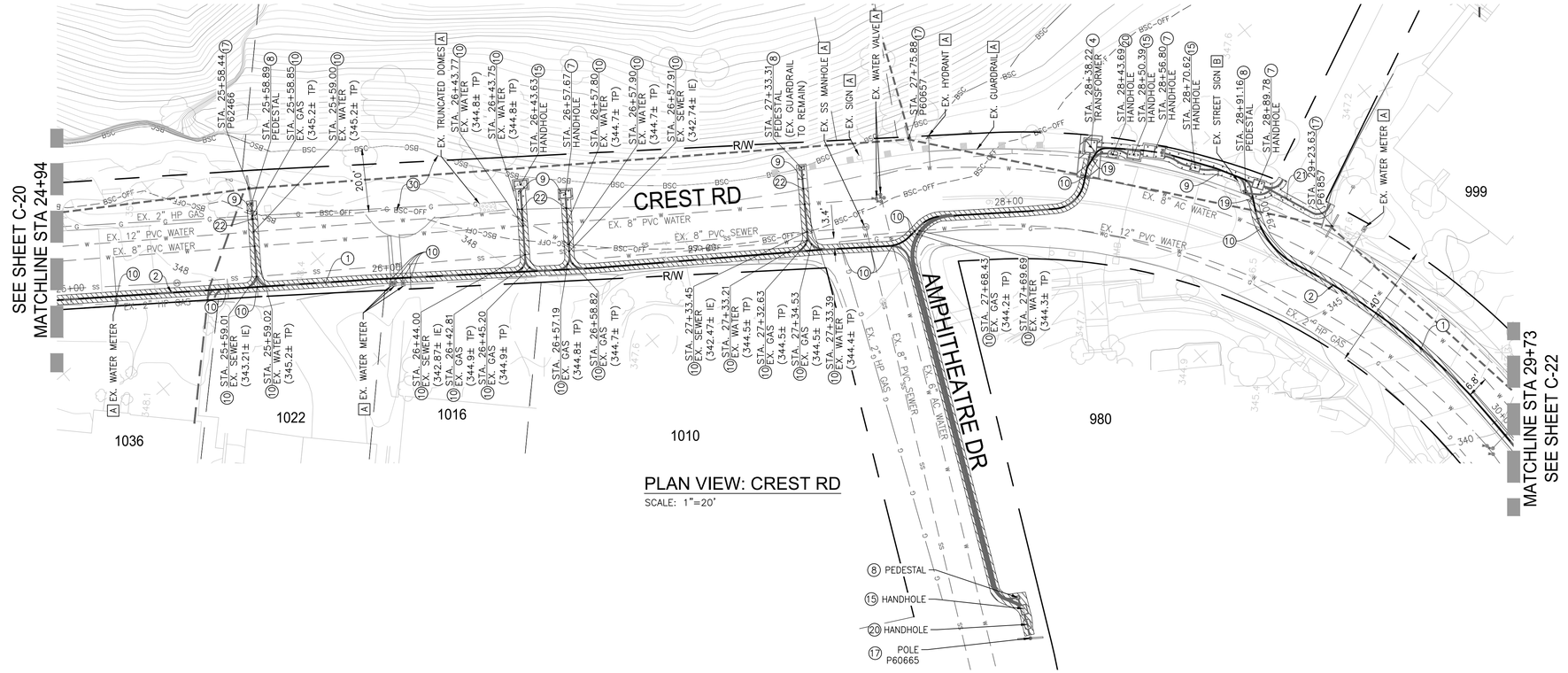
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
19. TRENCH PACKAGE SHALL TUNNEL UNDER CURB AND GUTTER TO PROTECT IN PLACE
20. CROWN CASTLE HANDHOLE
21. REPLACE CONCRETE DRIVEWAY AND ANY NECESSARY PAVERS, FLAGSTONE, GUTTER, OR HARDSCAPE IN KIND TO NEAREST JOINT
22. TRENCH PACKAGE SHALL TUNNEL UNDER CURB TO PROTECT IN PLACE
30. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE TOP OF SUBSTANTIALLY STEEP SLOPE AND 20' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

## DEMOLITION NOTES:

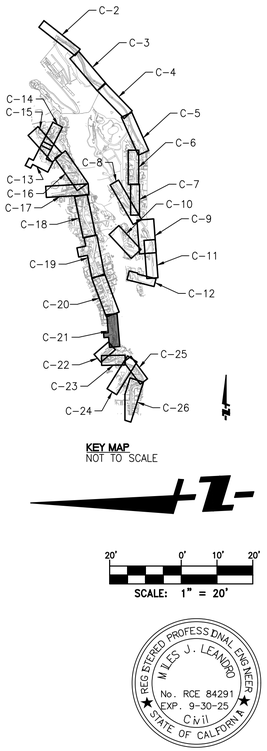
A. PROTECT IN PLACE

B. REMOVE AND REPLACE




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
CIVIL
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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APPROVED
JOE BRIDE RCE C52107 DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-21
21 OF 27 SHEETS


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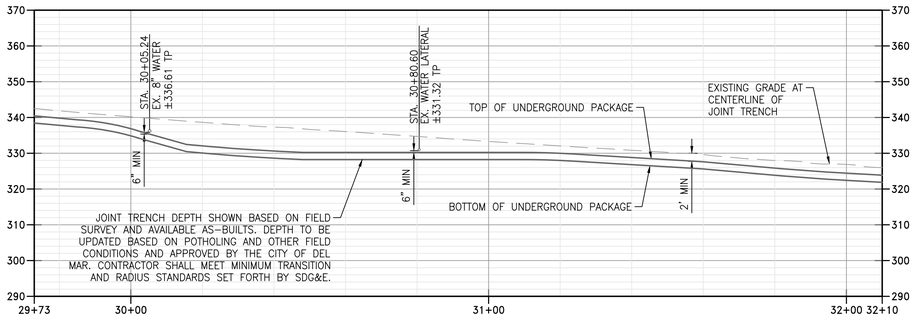
August 13, 2024
E-24-XXX 021

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
19. TRENCH PACKAGE SHALL TUNNEL UNDER CURB AND GUTTER TO PROTECT IN PLACE
22. TRENCH PACKAGE SHALL TUNNEL UNDER CURB TO PROTECT IN PLACE
23. EXISTING SDG&E PAD TO BE REMOVED BY OTHERS

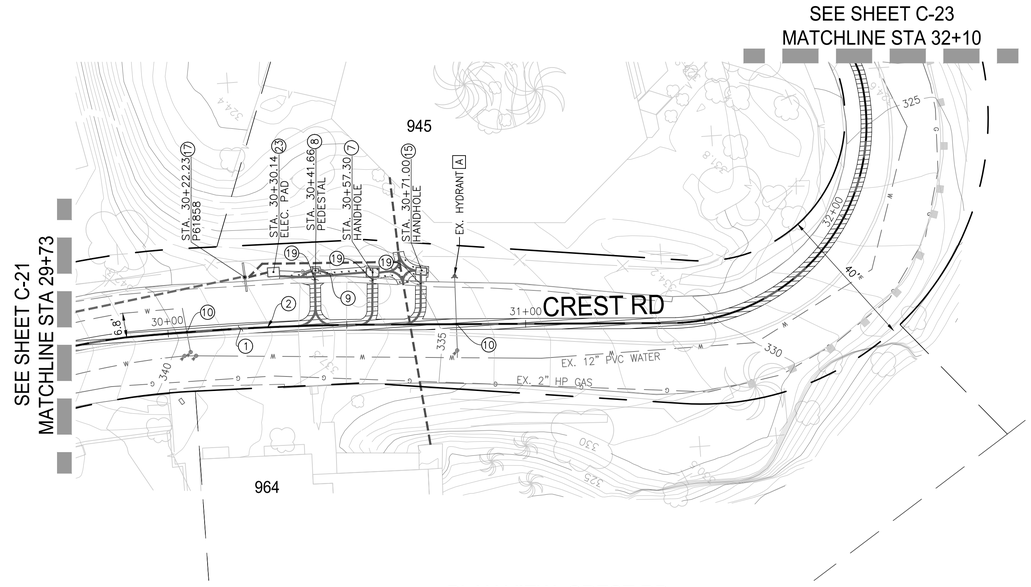
## DEMOLITION NOTES:

A. PROTECT IN PLACE



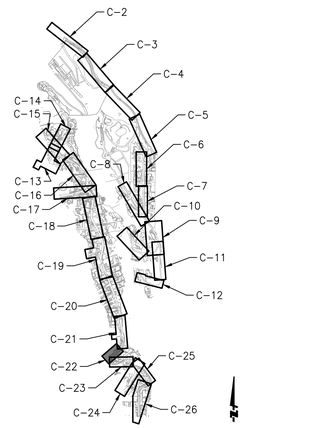

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK | 84291 R.C.E. NO. | 7/3/24 DATE

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JOE BRIDE RCE C52107 PUBLIC WORKS DIRECTOR — DATE

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-22
22 OF 27 SHEETS


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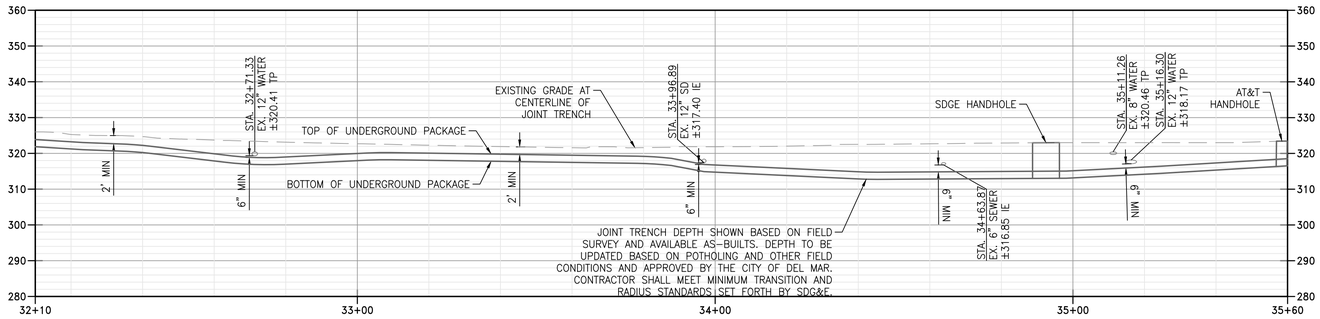
August 13, 2024
E-24-XXX-022

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
22. TRENCH PACKAGE SHALL TUNNEL UNDER CURB TO PROTECT IN PLACE

## DEMOLITION NOTES:

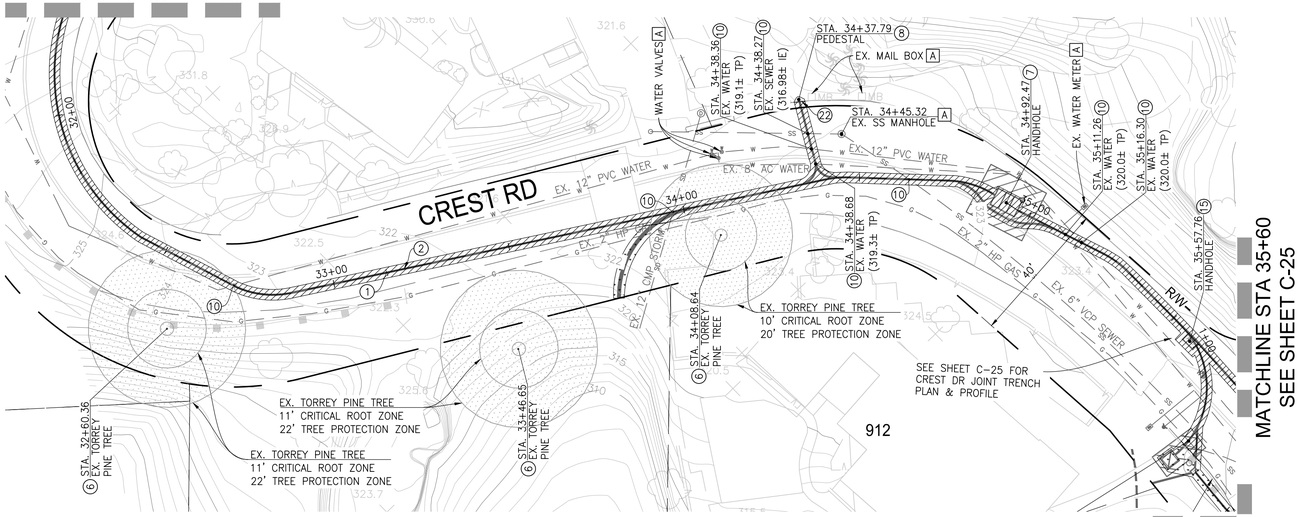
A. PROTECT IN PLACE




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

SEE SHEET C-22
MATCHLINE STA 32+10

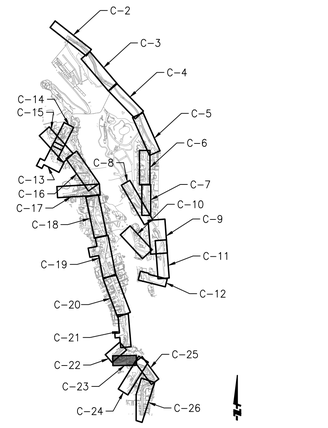



## PLAN VIEW: CREST RD

SCALE: 1"=20'

MATCHLINE STA 35+60
SEE SHEET C-25

SEE SHEET
C-24




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
| | | | |

SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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APPROVED
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-23
23 OF 27 SHEETS


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August 13, 2024
E-24-XXX-023

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
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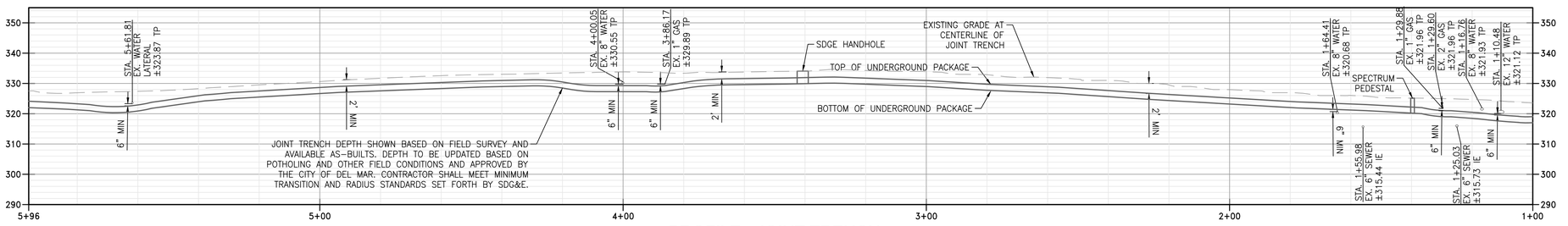
21. REPLACE CONCRETE DRIVEWAY AND ANY NECESSARY PAVERS, FLAGSTONE, GUTTER, OR HARDSCAPE IN KIND TO NEAREST JOINT
22. TRENCH PACKAGE SHALL TUNNEL UNDER CURB TO PROTECT IN PLACE

## DEMOLITION NOTES:

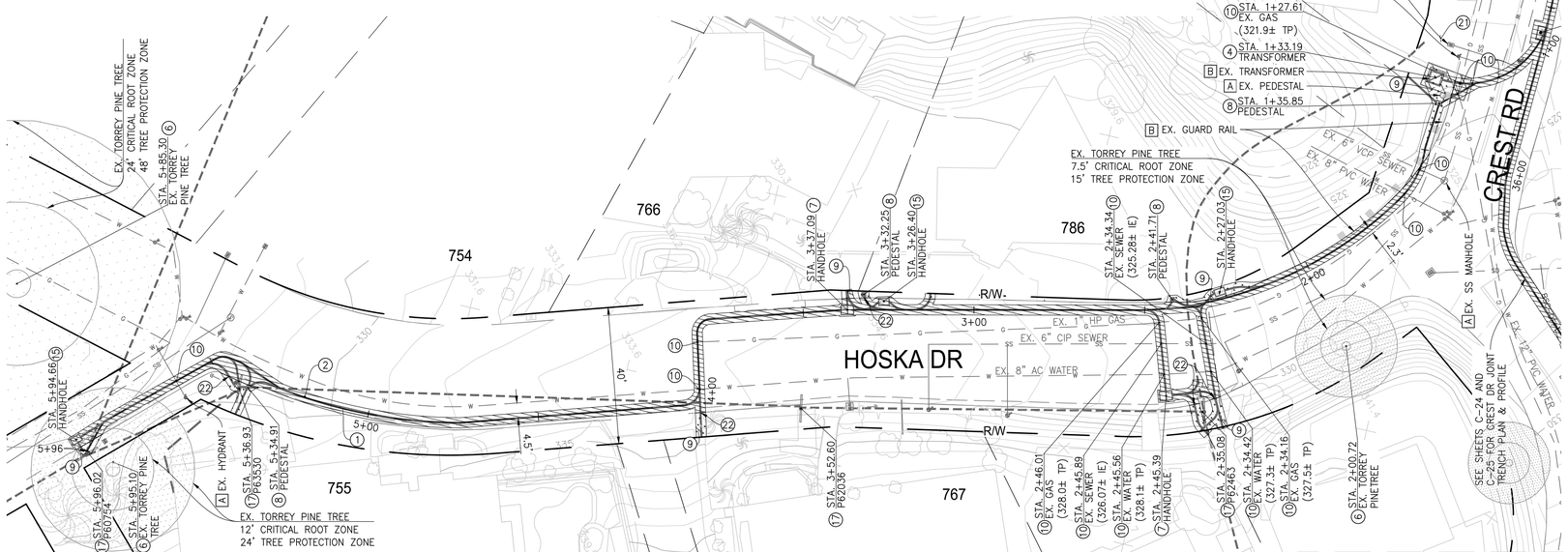
A. PROTECT IN PLACE

B. REMOVE AND REPLACE



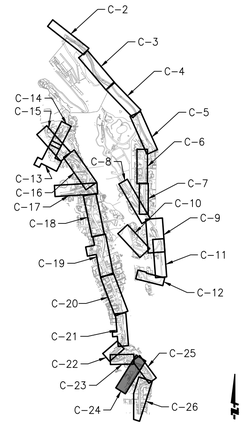

## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

SCALE: 1"=20'




**KEY MAP**
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

| REVISION | DESCRIPTION | APPROVED | DATE |
|---|---|---|---|
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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APPROVED

JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
HOSKA DR IMPROVEMENT PLAN

SHEET C-24
24 OF 27 SHEETS


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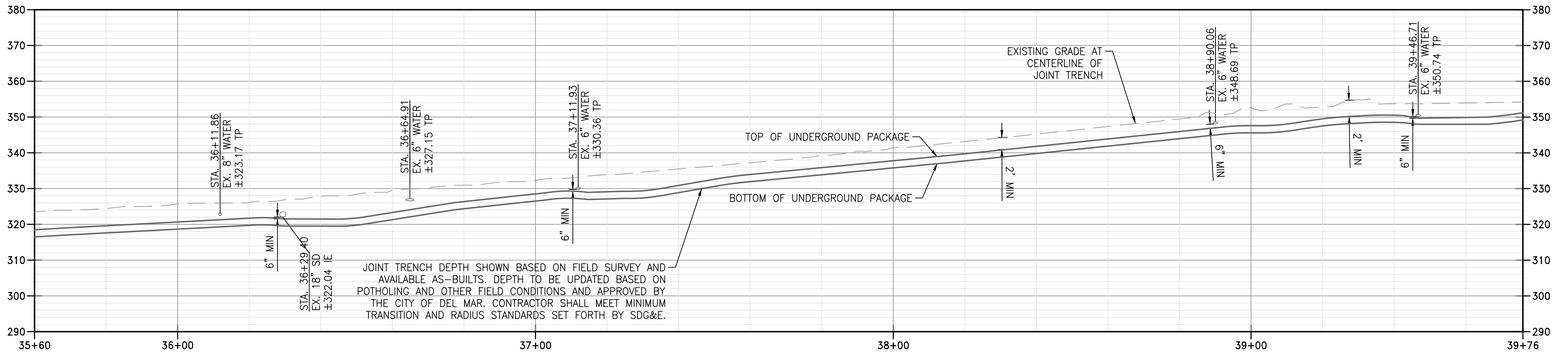
August 13, 2024
E-24-XXX-024




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
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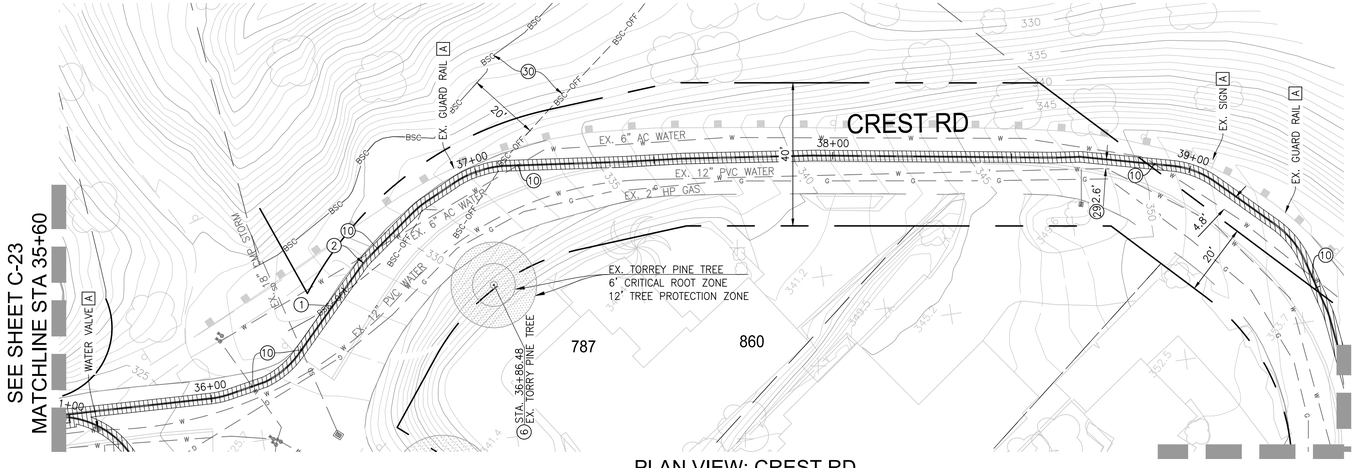
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
29. WARNING: CLOSE PROXIMITY TO UTILITY. RECOMMEND HAND DIGGING
30. BLUFF, SLOPE, AND CANYON AND OVERLAY ZONE TOP OF SUBSTANTIALLY STEEP SLOPE AND 20' OFFSET PER DEL MAR MUNICIPAL CODE CH. 30.52

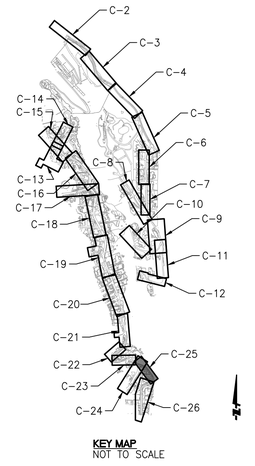
## DEMOLITION NOTES:

A. PROTECT IN PLACE




## PLAN VIEW: CREST RD

SCALE: 1"=20'




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REG. STERED PROFESS DNAL ENG NEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALFORN A

| REVISION | DESCRIPTION | APPROVED | DATE |
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SCALE: AS-SHOWN
ACAD FILE NO.
PROJECT NO. 4048-003

DESIGNED: M.L. | DRAWN: M.L. | CHECKED: M.L.

ENGINEER OF WORK — 84291 R.C.E. NO. — 7/3/24 DATE

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APPROVED

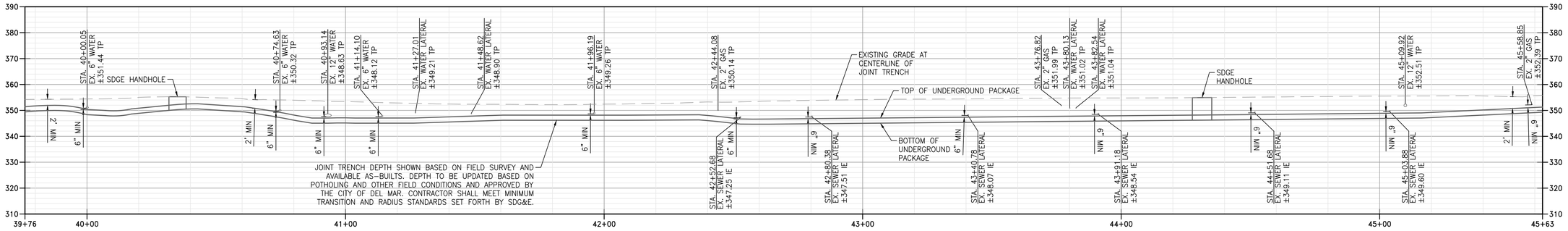
JOE BRIDE RCE C52107 — DATE
PUBLIC WORKS DIRECTOR

CITY OF DEL MAR

DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS

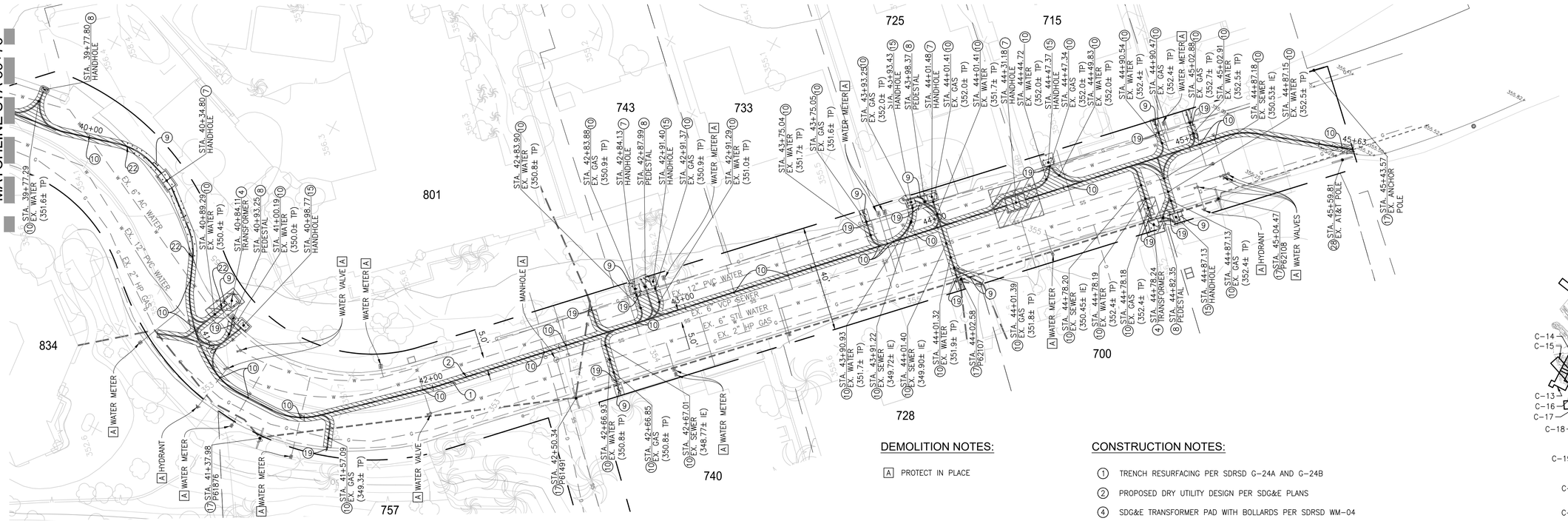
CREST RD IMPROVEMENT PLAN

SHEET C-25
25 OF 27 SHEETS




## PROFILE - JOINT TRENCH

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=20'




## PLAN VIEW: CREST RD

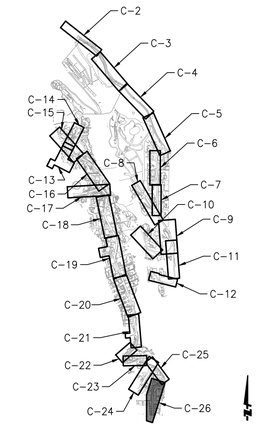
SCALE: 1"=20'

### DEMOLITION NOTES:

[A] PROTECT IN PLACE

### CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
10. CONTRACTOR TO POTHOLE AND FIELD VERIFY LOCATION, DEPTH, AND SIZE PRIOR TO COMMENCING CONSTRUCTION
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
19. TRENCH PACKAGE SHALL TUNNEL UNDER CURB AND GUTTER TO PROTECT IN PLACE
22. TRENCH PACKAGE SHALL TUNNEL UNDER CURB TO PROTECT IN PLACE
28. EXISTING AT&T POLE TO BE REMOVED BY OTHERS




KEY MAP
NOT TO SCALE

20' 0' 10' 20'
SCALE: 1" = 20'

REGISTERED PROFESSIONAL ENGINEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALIFORNIA

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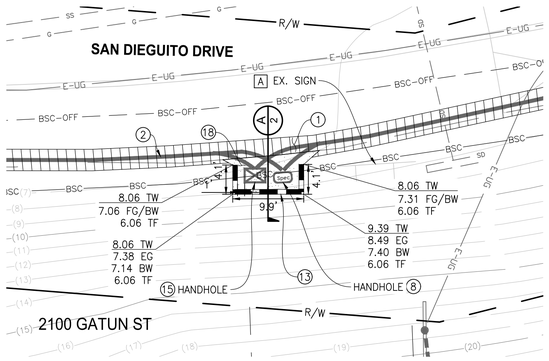
PUBLIC WORKS DIRECTOR

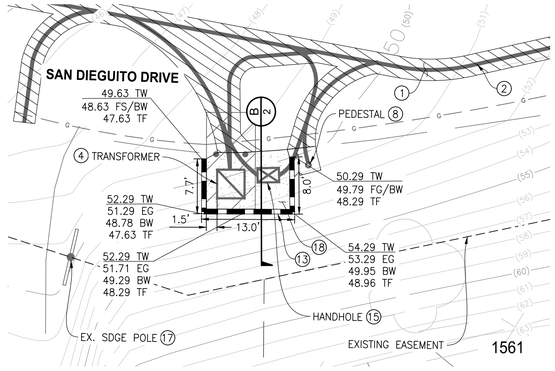
CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
CREST RD IMPROVEMENT PLAN

SHEET C-26
26 OF 27 SHEETS



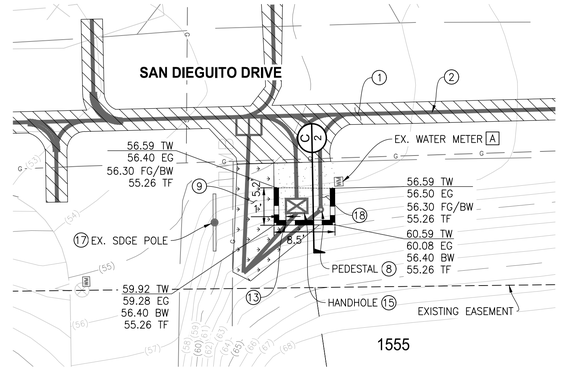

A C-4 RETAINING WALL @ SAN DIEGUITO DR NEAR 2100 GATUN ST

SCALE: 1" = 10'



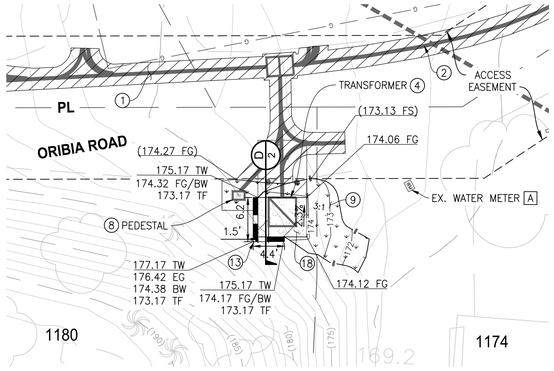

B C-6 RETAINING WALL @ 1561 SAN DIEGUITO DR

SCALE: 1" = 10'



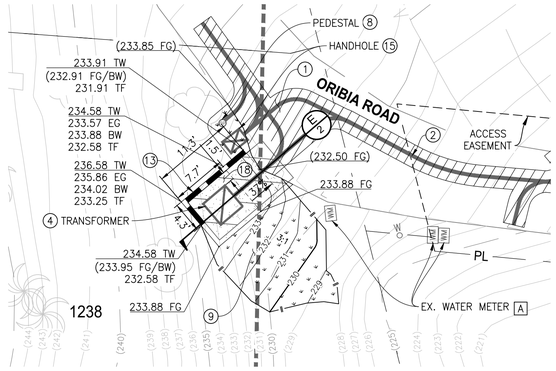

C C-6 RETAINING WALL @ 1555 SAN DIEGUITO DR

SCALE: 1" = 10'



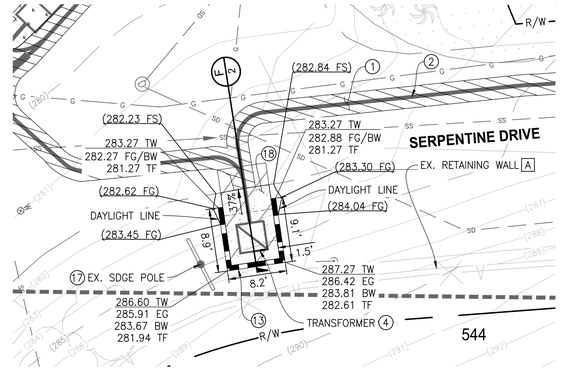

D C-9 RETAINING WALL @ 1180 ORIBIA RD

SCALE: 1" = 10'




E C-12 RETAINING WALL @ 1238 ORIBIA RD

SCALE: 1" = 10'




F C-14 RETAINING WALL @ 544 AVENIDA PRIMAVERA

SCALE: 1" = 10'

## DEMOLITION NOTES:

A PROTECT IN PLACE

## CONSTRUCTION NOTES:

1. TRENCH RESURFACING PER SDRSD G-24A AND G-24B
2. PROPOSED DRY UTILITY DESIGN PER SDG&E PLANS
4. SDG&E TRANSFORMER PAD WITH BOLLARDS PER SDRSD WM-04
5. REMOVE AND REPLACE AC DIKE PER SDRSD G-5. MATCH EXISTING DIKE IN KIND.
6. EXISTING TORREY PINE OR MONTEREY CYPRESS TREE TO REMAIN AND PROTECT IN PLACE. ALL EXCAVATION WITHIN THE CRITICAL ROOT ZONE MUST BE HAND-DUG UNDER ARBORIST OBSERVATION
7. SDG&E HANDHOLE
8. SPECTRUM DRY UTILITY STRUCTURE
9. NATIVE HYDROSEED MIX PER TECHNICAL PROVISIONS INCLUDING ANY NECESSARY IRRIGATION REPAIRS
13. STONE VENEER MASONRY RETAINING WALL PER SDRSD C-02. SEE SHEET C-27 FOR DETAIL
15. AT&T HANDHOLE
17. EXISTING SDG&E POLE TO BE REMOVED BY OTHERS
18. DECOMPOSED GRANITE SURFACE

REG STERED PROFESS DNAL ENG NEER
MILES J. LEANDRO
No. RCE 84291
EXP. 9-30-25
Civil
STATE OF CALFORN A

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CITY OF DEL MAR
DISTRICT X1A CREST CANYON CONVERSION IMPROVEMENT PLANS
RETAINING WALL PLAN

SHEET C-27
27 OF 27 SHEETS


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August 13, 2024
E-24-XXX-027

# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
August 13, 2024

APPLICATIONS: CUP24-004, CDP24-024

REQUEST: A Planning Commission recommendation to the City Council for approval of Conditional Use and Coastal Development Permits to improve San Dieguito Drive from a private to a public road including grading and the construction of a retaining wall in order to widen of the road to meet minimum required standards.

APPLICANTS/OWNERS: City of Del Mar

SITE LOCATION: San Dieguito Drive from the intersection of San Dieguito Drive and Racetrack View Drive and San Dieguito Drive and Oribia Road

ENVIRONMENTAL STATUS: The Project is exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15301, Existing Facilities, exempts projects involving the "operation, repair, maintenance...or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Examples include existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety. Additionally, Section 15302, Replacement or Reconstruction, exempts projects that involve the "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced" (i.e., roadway replacement and storm drain improvements). Section 15304, Minor Alterations to Land, also applies as the areas disturbed by the proposed improvements would be restored with pavement, gravel (surface parking), and/or hydroseeded to minimize erosion. A total of 3 trees would be removed along San Dieguito Drive; however, such trees are ornamental and not considered to have scenic value. None of the exceptions listed under CEQA Guidelines §15300.2 apply to the Project and no unusual circumstances are present that could lead to a significant environmental effect.

COMMUNITY PLAN AND ZONING DESIGNATIONS:

The entire project site is located within the Bluff, Slope and Canyon (BSC) Overlay Zone intended to "preserve and protect the sandstone bluffs, canyons, and steep slopes that bring diversity to Del Mar's natural environment."

A portion of the project, approximately where the road is adjacent to the residences at 1569 and 1604 San Dieguito Drive, is located within the Lagoon Overlay Zone. The Lagoon Overlay Zone is composed of properties which are located directly in, or in proximity to the Los Penasquitos and

San Dieguito Lagoons. The purpose of the Lagoon Overlay Zone is "to protect the wetland resources of these lagoon areas and their sensitive upland habitats by requiring that all development activities taking place in the zone are designed and implemented in a manner that is consistent with wetland habitat protection and enhancement."

HOUSING IMPACT STATEMENT: This project scope does not include any type of housing development and will not impact the number of housing units in Del Mar.

BACKGROUND:

San Dieguito Drive (SDD) is an approximately 1,000 linear-foot asphalt private road with public access that extends from the intersection of San Dieguito Drive and Racetrack View Drive to Oribia Road and varies in paved width between 17-20 feet. The road is not part of the City's public streets system and is not owned or maintained by the City. However, there is an easement over San Dieguito Drive that grants the City access for road and utility purposes (i.e., public access, sewer, water, gas, power, and telephone lines). See Exhibit A for a project location map.

Currently, San Dieguito Drive is in a deteriorated condition and needs repair. For decades, the City has provided information and discussed alternatives with the property owners about how the road could be considered for acceptance into the City's streets and roadways system. Once accepted the road would be added to the City's regular street maintenance schedule.

**Resident Outreach/Engagement**
Throughout the process, the City has engaged residents to explore ideas/solutions, answer questions and solicit input. This is a typical and standard process for the City and was particularly valuable in developing the Minimal Alternative project design, which allows for design features of the road that retain the rural nature of the neighborhood while also ensuring the street design meets the City's public street standards. This design was ultimately supported by residents and the City Council to approve the San Dieguito Improvement District and move forward in the process to improve San Dieguito Drive so that it may be accepted into the City's street system.

ANALYSIS:

Project Description

The proposed San Dieguito Drive Improvement Project (Project) is a collaborative effort between the City of Del Mar (City) and property owners on San Dieguito Drive and Oribia Road to bring San Dieguito Drive up to public road standards so that it can be accepted into the City's street system and maintained as a public street in the future. The design of the San Dieguito Drive improvements includes the following:

- Removal of the existing approximately 1,000 linear feet of deteriorated asphalt road;
- Widening of the roadway to 20 feet of drivable surface;
- Improvements to drainage by installing a standard centerline crown, concrete rolled curbs, storm drain pipelines, and storm drain inlets;
- Installation of two modular wetlands to collect stormwater;
- Installation of an approximately 36-foot-long retaining wall at the southwest corner of San Dieguito Drive and Racetrack View Drive to assist in this area to widen the roadway;
- Removal of five trees in the City Right of Way to accommodate the road widening. Specifically, three Aleppo Pine and one Canary Island Date Palm tree in front of 1445 San Dieguito Drive and one acacia in front of 1569 San Dieguito Drive; and
- Reconstruction of driveway aprons to conform to the new rolled curb profile.

The road was designed to maintain existing parking along the gravel shoulders. The road design will improve public access, public safety, stormwater/drainage, and retains the rural neighborhood characteristics. Additionally, the project is consistent with the Community Plan and public road design standards because the improvement of the road will facilitate the movement of traffic in a safe an uncongested manner while maintaining a pedestrian-oriented community (as noted in Transportation Objective and Policy B). The project improves vehicular parking on San Dieguito Drive while also providing greater access. The improvements will provide an even paved surface that allows pedestrians to safely walk either from parking to residences or to walk to the nearby lagoon or canyon trails.

Pursuant to DMMC §30.53.070, and as stated above, a Conditional Use Permit and Coastal Development Permit are required for the San Dieguito Drive improvement project because it is partially located in the Lagoon Overlay. This project is also located in the Bluff, Slope, and Canyon Overlay but no portion of the project is located in steep slopes or steep slope setbacks per DMMC 30.52.60 A.1.b.

This project is intended to be constructed at the same time as the X1A Undergrounding project is underway since both include segments along this portion of San Dieguito Drive.

CONDITIONAL USE PERMIT (CUP24-004)

The proposal is subject to the receipt of a Conditional Use Permit for the portion of the project located within the Lagoon Overlay Zone. The project site is not located within a wetland but is partially located within the 100-foot wetland buffer required pursuant to DMMC 30.53.100 (A). The project includes improvements to widen San Dieguito Drive as well as the addition of two modular wetlands as stormwater collection tools which would contribute to the protection of the adjacent wetland area (San Dieguito Lagoon) by preventing unwanted run-off drainage from directly entering the lagoon. A retaining wall is proposed on an existing slope at the corner of Racetrack View Drive and San Dieguito Drive with a maximum height of 3 feet and 8 inches and has been located to minimize wall size/height, the amount of grading, and mature landscape removal to the greatest extent possible in order to accomplish the minimum roadway widening.

Pursuant to DMMC Chapter 30.60, the granting of a Conditional Use Permit for the improvements within the Lagoon Overlay Zones shall be supported by findings of fact supporting the five standards of review as cited below. With each of the required standards, staff has provided a Finding for the Planning Commission's consideration.

1. **That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.**

The current request to improve the street is permitted in the Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone.

2. **That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements on such vicinity and zone in which the property is located.**

The improvement to San Dieguito Drive will improve vehicular safety and convenience, and will improve emergency vehicle access to properties located on San Dieguito Drive and beyond on Oribia Road.

3. **That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on the streets.**

The proposed San Dieguito Drive street improvement project will improve a deteriorated private street in a manner that will qualify it into the City's public street system resulting in improved public access. The minor widening of the street will also improve public safety. The street use will continue to serve the community, including residents of San Dieguito Drive and Oribia Road.

4. **That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as are required by this chapter or as are needed, in the opinion of the Planning Commission, or the City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

The San Dieguito Drive improvement project is designed to public street standards for the rural road classification, which includes minor widening of the paved surface (up to three feet (3') in some areas) and improved drainage capacity and it has been designed to minimize disturbance of existing grades and vegetation in order to retain the rural nature of the neighborhood.

**5. That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.**

This Conditional Use Permit request is consistent with the City's Community Plan in that the improvement of the road will facilitate the movement of traffic in a safe an uncongested manner consistent with a pedestrian-oriented community. These upgrades are consistent with the Transportation Objective and Policy B. The improvement of the road will allow improved vehicular parking on San Dieguito Drive while also providing safer and greater public access by providing an even paved surface.

COASTAL DEVELOPMENT PERMIT FINDINGS/PROJECT'S CONSISTENCY WITH THE LOCAL COASTAL PROGRAM (LCP):

The project requires a Coastal Development Permit (CDP) due to its location in the Lagoon and Bluff, Slope, and Canyon Overlay Zones. The LCP Implementing Ordinances, the entirety of which have been distributed to the Planning Commission under separate cover, comprise the standards by which CDP's are to be reviewed and approved.

Staff has reviewed the application for its consistency with the applicable provisions (standards) of the LCP, specifically the resource protection, avoidance of hazards and public access standards. With regard to public access standards, the project is located between the sea and the first public roadway. As such, the development is subject to review under the public access standards of Chapter 30.61 of the LCP Implementing Ordinances (and the corresponding chapter of the Zoning Code.) The regulatory standards of that chapter require that any decision on the requested Coastal Development Permit include a specific finding(s) as to why the requested permit should or should not be conditioned to require the provision of public access opportunities to and/or along the shoreline, opportunities in the form of public access easements, installation of access improvements, or both.

Staff is recommending that a finding be made that the project improves public access because the project expands the width of the street, makes the road safer to travel on, the parking will be improved with a level surface making it easier for the public to gain access to the nearby lagoon and canyon walking trails.

Additionally, the project is consistent with the purpose and requirements of the Lagoon Overlay Zone because the project is not located within a wetland, is separated from the San Dieguito Lagoon by San Dieguito Drive and Racetrack View Drive, and includes improvements to stormwater collection systems to improve protection of the lagoon by capturing and treating run off before it can reach the lagoon. The project is consistent with the purpose and requirements of the Bluff, Slope, and Canyon Overlay because the project boundaries are outside of the steep slopes or steep slope setbacks and the project has been designed to minimize grading to the

extent possible in order to provide the minimum width road needed for emergency vehicle access, which is a twenty foot (20')) standard.

The project, as designed and conditioned, has been found to meet all of the applicable provisions of the City's certified LCP and the California Coastal Act itself. Therefore, staff is recommending conditional approval of the CDP. Staff is also recommending that the required findings of approval be made because the proposed use is consistent with the underlying zoning and that the proposed project meets the criteria and is consistent with the provisions of the certified Local Coastal Program, including those provisions regarding preservation of public views, providing enhanced public access, and as designed protects coastal resources. A resolution with CDP findings is attached as Exhibit B and is incorporated herein.

RECOMMENDATION

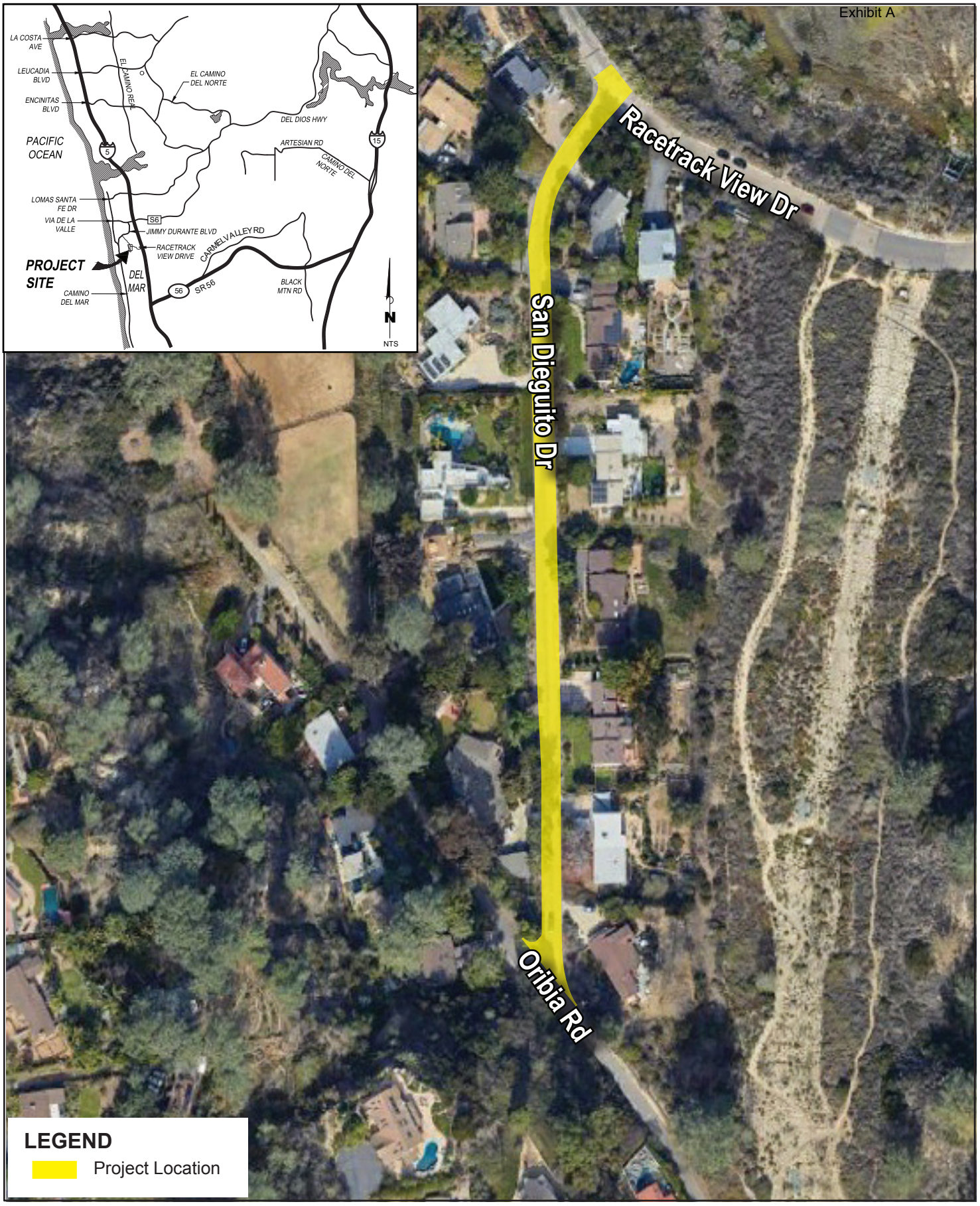
Staff recommends Planning Commission adopt the attached draft resolution (Exhibit B) with findings and conditions recommending approval to the City Council for Conditional Use Permit (CUP24-004) and Coastal Development Permit (CDP24-024).

Respectfully Submitted,

Jennifer Gavin
Associate Planner

Attachments:
Exhibit A- Project Location Map
Exhibit B- Draft Resolution

Exhibit A




Michael Baker INTERNATIONAL

File: 55100629Figures.indd

Not to Scale

SAN DIEGUITO DRIVE

# Regional/Local Vicinity Map

August 13, 2024

Item 04 Figure 1

RESOLUTION NO. PC-2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A CONDITIONAL USE PERMIT CUP24-004 AND COASTAL DEVELOPMENT PERMIT CDP24-024, TO IMPROVE SAN DIEGUITO DRIVE FROM A PRIVATE TO A PUBLIC ROAD, INCLUDING THE PERFORMANCE OF GRADING AND THE CONSTRUCTION OF A RETAINING WALL IN ORDER TO WIDEN THE STREET IN THE BLUFF, SLOPE, AND CANYON OVERLAY ZONE (BSC-OZ) AND LAGOON OVERLAY (LZ-OZ) BETWEEN RACETRACK VIEW DRIVE AND ORIBIA ROAD

WHEREAS, the City of Del Mar (herein referred to here as the: "Applicant") filed an application for a Coastal Development (CDP) Permit and a Conditional Use Permit (CUP) for the improvement of San Dieguito Drive (project) which allows for a private road to become a City accepted public road, and

WHEREAS, the project includes the grading and the construction of a retaining wall, allowing for the widening of the road to meet minimum required standards, repaves the road, and creates a level surface condition for parking; and

WHEREAS, The Project is exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15301, Existing Facilities, exempts projects involving the "operation, repair, maintenance...or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Examples include existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety. Additionally, Section 15302, Replacement or Reconstruction, exempts projects that involve the "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced" (i.e., roadway replacement and storm drain improvements). Section 15304, Minor Alterations to Land, also applies as the areas disturbed by the proposed improvements would be restored with pavement, gravel (surface parking), and/or hydroseeded to minimize erosion. A total of five trees would be removed along San Dieguito Drive; however, such trees are ornamental and not considered to have scenic value. None of the exceptions listed under CEQA Guidelines §15300.2 apply to the Project and no unusual circumstances are present that could lead to a significant environmental effect.; and

WHEREAS, on August 13, 2024, the Planning Commission of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements at which time all persons desiring to be heard were heard; and

WHEREAS, written and oral evidence was submitted and considered to include without limitation:

a. Plans submitted by the applicant.
b. Written information submitted with the application.
c. Staff Report, dated **August 13, 2024,** which is incorporated by this reference as though fully set forth herein; and
d. Additional information submitted during the hearing; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Del Mar, that the recommendation for approval of **Conditional Use Permit CUP24-004** is based on the following findings:

1. **That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.**

   The application to improve the street is permitted within the Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone.

2. **That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and zone in which the property is located.**

   The improvement to San Dieguito Drive will improve vehicular safety and convenience, and will improve emergency vehicle access to properties located on San Dieguito Drive and Oribia Road.

3. **That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets.**

   The proposed San Dieguito Drive street improvement project will improve a deteriorated private street in a manner that will qualify it into the City's public street system resulting in improved public access. The minor widening of the street will also improve public safety. The street use will continue to serve the community, including residents of San Dieguito Drive and Oribia Road.

4. **That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as are required by this Chapter or as are needed, in the opinion of the Planning Commission, or City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

   The San Dieguito Drive street improvement project is designed to public street standards for the rural road classification, which includes minor widening of the paved surface (up to three feet (3') in some areas) and improved drainage capacity and it has been designed to minimize disturbance of existing grades and vegetation in order to retain the rural nature of the neighborhood.

5. **That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.**

This Conditional Use Permit request is consistent with the City's Community Plan in that the improvement of the road will facilitate the movement of traffic in a safe and uncongested manner consistent with a pedestrian-oriented community. These upgrades are consistent with the Transportation Objective and Policy B. The improvement of the road will allow improved vehicular parking on San Dieguito Drive while also providing safer and greater public access by providing an even paved surface.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** by the Planning Commission of the City of Del Mar, that the recommendation for approval of Coastal Development Permit CDP24-024 based on the following findings:

1. **That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located.**

   A public street is allowed within the Bluff, Slope, and Canyon and Lagoon Overlay Zones.

2. **That the proposal meets the criteria of the applicable chapters of this Title (Title 30-Zoning).**

   The proposed project, as designed and conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically: 30.52 (Bluff, Slope, and Canyon Overlay Zone); 30.53 (Lagoon Overlay Zone); 30.74 (Conditional Use Permits); and 30.75 (Coastal Development Permits).

3. **That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP)**.

   The Coastal Development Permit, as conditioned, is consistent with the certified City of Del Mar Local Coastal Program. The entire project site is located within a special overlay zone identified in the LCP, the Bluff, Slope, and Canyon Overlay Zone. No part of the improvements are within steep slopes or steep slope setbacks consistent with the requirements of this overlay zone.

   A portion of the project is located in the Lagoon Overlay Zone but is not located within a wetland, is protected from the wetland by a perpendicular street (Racetrack View Drive), and includes improvements to collect stormwater runoff to prevent collection into the Lagoon.

4. **That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title (Title 30-Zoning). and in the public access and public recreation policies of Chapter 3 of the California Coastal Act**.

   The project is consistent with and implements the applicable requirements for provision of public access contained in the Del Mar Zoning Code and in the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project improves access to

parking and walkability of San Dieguito Drive for pedestrians to be able to walk to the nearby lagoon and canyon trails.

5. **That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

   The Project is not located on the shoreline.

6. **That the proposal is consistent with and implements the provisions of public view protection Policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

   The project is consistent with and implements the provisions of public view protection policies of the City of Del Mar Local Coastal Program, including those of the LCP Land Use Plan. With exception to a low retaining wall, the project is primarily at-grade construction and will not impact any public views.

7. **That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

   The roadway is not located directly within a wetland resource, is existing, provides the only access to existing homes, and does not adversely impact wetland resources.

AND BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar that the approval of CUP24-004 and CDP24-024 shall be subject to the following conditions:

## GENERAL CONDITIONS

*[Note: The conditions listed below may have gaps in numbering or lettering. These gaps are intentional.]*

G-1 *[Business License]*
Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff.

G-3 *[Development Authorization Limited to Plan Set]*
This permit is granted based on submitted plans dated June 26, 2024, and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-5 *[Requirement for Building Permits]*
Prior to commencement of work, the applicant or agent shall obtain all required Building Permits.

G-6 [*Construction and Demolition Waste Recycling Requirement*]
Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65% of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted. All work associated with the project shall be done in conformance with the City of Del Mar's Mandatory Recycling Ordinance (No. 590).

G-7 *[Code Compliance]*
Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

G-11 *[Plan for Construction-Phase Impacts]*
Prior to issuance of Building Permits or commencement of project implementation (whichever comes first), the applicant shall provide a plan for construction-phase parking and equipment/materials storage for the project. The plan must include the following:

a. Identification of project material storage location;
b. Identification of project equipment storage location;
c. A construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries.
d. Location of any temporary sanitary facilities;
e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
f. Map displaying any/all haul routes; and
g. Contact information (phone number and Email) for the on-site supervisor(s);

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Parking Enforcement and Public Works Departments. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-13 *[Permit Expiration]*
This permit shall expire three years from the date of approval unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all

costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

G-16 [*Compliance with City Noise Regulations]*
The applicant and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. / Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

G-17 *[Dig Alert]*
Prior to excavation or trenching, the applicant shall call Underground Service Alert of Southern California (Dig Alert- 1-800-227-2600) for a mark out of service utilities.

G-18 *[Rules for Construction-related Signage]*
All construction-related signage posted at the project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the project review process.

All construction related signage, including City required signs, shall be removed prior to final approval of the project.

<u>Engineering Conditions</u>:

These conditions shall be incorporated into the Plan Set or added to the Project Specifications.

E-1 The Plan shall be in compliance with applicable National Pollutant Discharge Elimination System (NPDES) stormwater requirements and shall incorporate the use of "Best Management Practices" (BMPs) to control runoff or discharge onto the City rights-of-way and to avoid run-off onto adjacent properties.

In addition to the considerations listed above, the Plan shall also address/incorporate the following:

E-1A A topographical map indicating right-of-way lines, topographic features and existing and/or proposed utilities prepared by a Registered Civil Engineer or a Licensed Land Surveyor. Said map shall include two-foot contour lines and/or sufficient spot elevations to clearly represent existing and proposed topographical features. Survey shall extend the width of the right-of-way, within limits of work;

E-1B The location of all existing or proposed easements which extend past the right-of-way, which are to be used for the roadway improvements;

E-1C The inclusion of a traffic control plan for any phased work within the right-of-way, shall be submitted to the Public Works Department prior to commencement of work;

E-1D The proposed retaining walls shall be designed and constructed completely within the public right-of-way and easement. No portion of the wall or footing shall extend across the right-of-way line onto private property, unless there is an easement. The limits of the footing of the proposed retaining walls shall be depicted on the plan set. The applicant shall provide a plan and profile view of the proposed retailing wall that will depict top of wall and top of footing elevations;

E-1E Retaining wall sub-drains will not discharge onto City streets, as they contribute to nuisance water. Sub-drains shall discharge on soil, within the right-of-way, to allow percolation back into the soil;

E-1F Roadway improvements shall be per County of San Diego Regional Standard Drawings. Any distressed pavement within, or adjacent to, the saw-cut limits shall be removed and replaced to the satisfaction of the City Engineer at no additional cost to the City.

E-1G The methods for providing temporary erosion control during the construction phase of the project, complete with the inclusion of standard improvement plan and erosion control notes on the plan set;

E-1H The applicant shall stabilize all slopes per City approved method; and

E-1I Following construction completion, the project designer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project designer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan.

E-2 Cuts into hillsides shall require the applicant to obtain a Land Conservation (LC) permit, pursuant to the provisions of the Del Mar Municipal Code (DMMC).

E-3 Prior to project commencement the applicant shall record any easement that is required on private property for the installation of the utility. The easement document shall be prepared to the satisfaction of the Planning and Community Development Director.

E-4 Should any retaining walls need to be designed by a California Licensed Structural Engineer, the applicant shall provide a Geotechnical Report for the project providing the required soil parameters needed to design the proposed retaining walls. The Report shall

be prepared, signed and sealed by a Certified Engineering Geologist and a Geotechnical Engineer or Registered Civil Engineer. This Report shall be subject to review and approval by the City Engineer, City Building Department, and if deemed necessary, a third-party with expertise in geotechnical issues. The report required herein shall:

E-4A Evaluate existing site constraints;

E-4B Evaluate potential effect of proposed construction on nearby slopes, sensitive topographic features and neighboring properties;

E-4C Evaluate any mitigation measures if necessary;

E-4D Evaluate recommendations for any special construction methods as necessary; and

E-4E Provide recommendations for back-cuts for the construction of retaining walls. These recommendations shall include a time limit that the back-cuts can remain in place without either creating a stable backfill or completing construction of the approved retaining walls.

E-5 The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Department of Public Works and the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.

E-6 The applicant shall restrict hours of work for the use of heavy equipment during grading and improvements between the hours of 7:30AM to 5:00PM, this includes the warmup of equipment. Saturday, Sunday and City holiday work is prohibited.

E-7 All construction activities undertaken shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code, these standard conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) City's Municipal Code regulations; 2) City's General Plan; 3) Standard Conditions.

E-8 Pedestrian access along all public streets in the project area shall be maintained at all times unless material is being delivered to the site.

E-9 Any special or unique surfaces shall be restored in-kind. For example, cobblestone gutters shall be restored in-kind. Permittees are required to salvage as much of the existing materials as possible for reuse in the restoration and shall supply any new material with substantially similar characteristics as required for proper restoration.

E-10 The Permittee shall warrant that any backfill, pavement restoration, or other work performed in the Right-of-Way will be free from all defects due to faulty materials or quality of work for a period of one (1) years after the date the work was inspected and approved by the City. Upon failure of the pavement restoration within the one (1) year warranty period, the Permittee shall repair or remove and replace all such backfill, Pavement restoration, or other work, together with any other Pavement areas directly affected by that removal or replacement, without any expense to the City.

E-11 Construction Start Notification Letters shall be received by all addresses at least two Days before commencing the work and must include the project limits, general scope of work, construction start and end dates, and name of contractor if other than the Applicant.

E-12 When the permitted work will affect residents' access to their property or will disrupt utility services, written notices must be hand delivered by means of door hangers to each residence, as well as to the Public Works Department. The Work Area and Schedule must be included on the notice and all notices delivered at least five (5) business days in advance of commencing work.

E-13 All construction work shall be performed and conducted in coordination with the City's Fire Department so as to minimize the interference with access to the fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants. Accessways provided by Contractor leading to fire hydrants shall be kept free of all obstructions at all times.

E-14 The Contractor performing work in the right-of-way shall cleanup the work area daily, including the removal of debris and any excess construction material. There shall be no spoil material stockpiling within the right-of-way upon completion of the workday. Dusty conditions shall be controlled daily by appropriate methods such as sweeping when warranted or as directed by the City Engineer.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar this 13th day of August, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Philip Posner, Chair
Planning Commission Chair
City of Del Mar, California

ATTEST:

_____
Karen Brindley
Director of Planning and Community Development
City of Del Mar, California

# City of Del Mar
# Staff Report

PLANNING COMMISSION
STAFF REPORT
August 13, 2024

APPLICATION: Short Term Rental (STR) Regulations - Local Coastal Program Amendment and Zoning Code Amendment (LCPA 24-003 and ZA 24-004)

REQUEST: This request seeks a Planning Commission recommendation to the City Council relating to proposed amendments to establish regulations for STRs in a new Chapter 30.96 in the Del Mar Municipal Code and Local Coastal Program. The proposed STR regulations address a City Council priority policy program and implement the 6th Cycle Housing Element Program 5C (planning years 2021-2029). See the draft amendments in Report Exhibit A.

The Planning Commission is asked to:

1) Confirm the environmental determination that the proposed STR Regulations project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) because CEQA only applies to projects with the potential for causing a significant effect on the environment; and

2) Recommend that the City Council approve the proposed STR Regulations project amending the Del Mar Municipal Code and Local Coastal Program.

APPLICANT: City of Del Mar

STAFF CONTACTS: Amanda Lee, Principal Planner and Adriana Jaramishian, Associate Planner

LOCATIONS: Citywide

BACKGROUND:
The proposed STR regulations (Exhibit A) will accommodate existing STR owners and preserve long term housing stock. Preparation of STR regulations has been a multi-year process (summarized in Exhibit B), which has involved studies and consideration of how the availability of dwelling units in the community for short-term visitor use can supplement the availability of visitor accommodations and support visitor-serving uses without sacrificing the City's need to maintain its long-term housing stock. Adoption of the STR Regulations will implement the City's 6th Cycle Housing Element Program 5C.

Staff prepared a regulatory framework in accordance with City Council direction provided from October 2023 through May 2024. The proposed regulations align with the City's certified Housing Element, certified Local Coastal Program, and the following City Council-adopted guiding principles and objectives to:

1. Honor the existing policies in the Del Mar Community Plan.

2. Maintain the residential character of neighborhoods in residential zones.
3. Honor the tradition of vacation rentals during the summers, holidays, and horse-racing season.
4. Ensure protection of the public health, safety, and general welfare.
5. Ensure the City's natural resources will be preserved and protected.
6. Ensure STRs will not overburden public improvements, facilities, and services.
7. Minimize adverse impacts to adjacent private properties and the surrounding neighborhood.
8. Consider distribution and concentration of STRs throughout the community.
9. Craft regulations that are easy to understand and implement.
10. Communicate expectations for civil conduct in line with "good neighbor" policies.
11. Establish enforcement protocols, and ensure regulation of short-term rentals is, at a minimum, revenue neutral to the City.
12. Work towards a solution for STRs that works for Del Mar and will pass muster with the Coastal Commission.

Del Mar is a small coastal city that hosts millions of visitors each year. Overnight visitors are accommodated by hotels that are located in Del Mar or in close proximity to Del Mar with a combined total of 2,379 hotel guest rooms, as well as STR visitor lodging options, as follows:

- Within the City, there are 400 guest rooms between six hotels and two additional visitor-serving lodging businesses.
- Within a five-mile radius of the City of Del Mar's jurisdictional boundary, there are an additional 1,979 guest rooms between 13 hotels.
- There are also hundreds of STRs located in neighboring communities in the City of San Diego, City of Solana Beach, and County of San Diego, which are advertised as being located in "Del Mar," as well as informal STR accommodations in Del Mar neighborhoods that to date have been unregulated.

By comparison, the City has a total of 2,574 dwelling units per the 2020 United States Census, which means the number of visitor-serving accommodations in the greater Del Mar area exceed the total number of dwelling units in Del Mar. The City's policy intent is for the proposed STR regulations to accommodate visitors while still maintaining the majority of the local housing stock for use by long term residents. This is consistent with the policy intent of Program 5C in the City's certified Housing Element and consistent with Coastal Commission policy direction on STRs.

On May 20, 2024, the City Council requested that staff prepare a draft STR Ordinance as follows:

- Draft regulations for new STRs that:
  - Set an overall cap on STRs citywide and neighborhood caps on STRs to prevent the overconcentration of STRs and reflect historic trends of STR use in the North Beach, South Bluff, and Hills neighborhoods.
  - Limit new STRs to the Owner's primary residence to maintain the limited supply of dwelling units in the City for long-term housing.
  - Limit new STRs to a maximum of one STR per lot and one STR per owner; and allow two-unit condominium lots to operate one STR per owner (i.e., R2 and RM zones).

- Accommodate existing STR owners that apply for a STR permit during implementation of the Ordinance from specific regulations that will apply to new STRs including allowance to exceed the maximum caps on STRs; to continue operating an existing STR that is not the owner's primary residence; to continue operating more than one STR or more than one STR on a lot; and to continue operating until the property changes ownership, the STR permit is not renewed, or the STR permit is revoked due to non-compliance.
- Continue to prohibit STR use in ADUs in residential zones and allow STR use in ADUs in commercial zones only where the ADU is a primary residence which is consistent with State ADU law, the California Coastal Act, and the ADU Ordinance adopted by the City Council in December 2023.

A dedicated web page was created to share information with the public about the STR regulations in process: https://www.delmar.ca.us/563/Short-Term-Rentals

For additional information on Housing Element implementation, refer to the City's website: https://www.delmar.ca.us/852/6th-Cycle-Housing-Element-Program-Implem

ANALYSIS:
The term "Short Term Rental" is defined as the rental of a dwelling unit, or any portion thereof, for 30 consecutive days or less for dwelling, lodging, or sleeping purposes. The STR definition aligns with the provisions in the Del Mar Municipal Code for collection of transient occupancy tax (TOT). Monthly rentals and long term rentals more than 30 consecutive days are not subject to the proposed STR regulations or the City's TOT regulations.

The proposed STR regulations align with the Del Mar Community Plan, certified Housing Element, and certified Local Coastal Program. This includes Community Plan goals to preserve and enhance Del Mar's special residential character and small-town atmosphere; preserve housing for diverse age and socio-economic groups at a range of income levels; and Local Coastal Program goals to provide the public with quality overnight accommodations and other visitor-serving facilities, which enhance the unique village character; and ensure visitor-serving facilities are compatible with surrounding development. See Exhibit B.

Below is a summary of the proposed STR regulations. The revisions incorporated since the City Council provided direction on May 20, 2024, are noted below with an asterisk (*):

**Citywide Cap:**
Sets the maximum number of STRs at 5% of the City's total dwelling units located in the City based on the most current United States Census data (Proposed DMMC Section 30.96.050(B)).

- This equates to a citywide cap of 129 STRs based on the 2020 US Census.
- The cap will apply citywide in residential and commercial zones and may initially be exceeded if necessary to accommodate existing STRs.
- Once the cap is reached (or exceeded through accommodation of existing STRs), any applications for new STRs would be placed on a waitlist in the order in which the STR permit applications are received. Once contacted by the City, owners on the wait list will have 30 days to submit an application or the City will move on to the next owner on the list.

**Existing STRs:**

Accommodates existing STR owners who timely register with the City and obtain a STR Permit (Proposed DMMC Sections 30.96.020, 30.96.040, 30.96.050, 30.96.080)

- Defines "Existing STR" as a STR in operation prior to adoption of the City's STR Ordinance where the owner timely registered the existing STR with the City as of the date stated in the Ordinance (to be determined by the City Council in consultation with the City Attorney).
- Permit applications for Existing STRs must be submitted within 60 days of the effective date of the Ordinance and will be processed before applications for new STRs
- STR Permits for existing STRs will be accommodated even where the existing operations do not conform with specific requirements applicable to new STRs including:
  - May exceed Citywide cap and/or neighborhood caps applicable to the location
  - May continue operating more than one STR per owner (on same lot or separate lots)
  - May continue operating full-time STRs (even if not in a primary residence)
  - May continue operating as a business entity if that is existing STR ownership in place
- Existing STRs are subject to all other applicable provisions of Chapter 30.96 (i.e., maintaining STR permit in good standing and compliance with good neighbor/operation requirements).
- A termination of existing rights will occur upon any of the following:
  - The transfer of ownership of the STR property
  - The STR permit is not maintained in good standing
  - The STR Permit is not timely renewed prior to the date of expiration or the STR permit is revoked due to non-compliance
  - A change in title processed in accordance with Section 30.96.030(G) where the original owner remains on the title shall not be considered a transfer of ownership that terminates rights to an existing STR.
- As of the writing of this Report, owners have registered 115 existing STRs with the City. See Exhibit E for locations of the existing STRs. By comparison, prior data (provided by City consultant, DTA) identified 125 STRs were advertised for rent in Del Mar in June 2023.
- Owners of existing STRs are encouraged to register at the following link:

https://www.delmar.ca.us/FormCenter/Planning-6/ShortTerm-Rental-Registry-51

**STR Permits:**

Requires property owner to obtain a permit to operate STR (Proposed DMMC Section 30.96.030)

- Requires STR Permit for rental of a dwelling unit, or portion thereof, for dwelling, lodging, or sleeping purposes for 30 consecutive days or less. See Exhibit G summary of proposed STR Permit procedures.
- *Clarifies long-term rentals more than 30 consecutive days are exempt from the STR regulations.
- STR Permits for new STRs will be issued only to "Owner" with recorded interest in the unit.
- Prohibits subletting for STR use and owner's tenants are not eligible to obtain a STR Permit.
- Owners of new STRs must be natural persons who live in the unit as their primary residence for more than six (6) months per year.
- Allows owners to be personal or family trusts or limited liability companies (LLCs) if they are natural persons with at least one member (trust beneficiary or LLC manager/member).

Owners of new STRs may not be timeshares, business trusts, or other business entities other than LLCs (i.e., corporations, limited partnerships, general partnerships, or limited liability partnerships).

- *Clarifies that a new STR Permit is not required for changes in title to the dwelling unit resulting from inheritance or where an original owner under the STR permit remains an owner under the new title. This simplified the prior language to remove references to more specific circumstances (i.e., marriage, divorce, death, or transfers to a trust or LLC) and clarify the intent to allow the original owner to modify the property ownership on the title to add or remove members while maintaining continuity of the original owner).
- Limits permit issuance for new STR operations to only one STR per owner; owners with more than one Existing STR would be accommodated.
- Requires a designated local contact person to act as the responsible person to be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding within thirty (30) minutes to complaints.
- Requires evidence of property liability insurance (minimum $1 million policy).
- *Adds requirement to indemnify, hold harmless, and defend the City from liability claims.
- Requires STR Permit renewal prior to the permit expiration date every two years.
- Requires notice of STR Permit approval to owners within three hundred (300) feet.
- The STR Permit application will include owner authorization for the City to conduct a reasonable inspection for safety compliance.
- STR Permit is not required for non-commercial home exchanges (no monetary or other consideration exchanged between parties) or for the L'Auberge Vacation Villas, Wavecrest Resort Timeshares and local hotels who continue to pay Transient Occupancy Taxes.

**Residential Zones:**

Limits new STRs in residential zones to maintain neighborhood character and maintain housing as primary use of dwelling units (Proposed DMMC Section 30.96.060)

- Limits new STRs to primary residences occupied by the owner as their principal place of residence for more than six months per year.
- Maximum of one STR per lot in R1 zones (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, Carmel Valley Precise Plan) and on lots with one primary unit in R2 and RM zones
- For lots with two primary units (R2 and RM zones):
  - Allows STR use in each unit on two-unit condominium lots
  - Limits to one STR for lots with two units and only one owner
  - Accommodates existing STR owners with two STRs on their lot.
  - Prohibits STR use in ADUs in residential zones per State ADU law.

**Apartments/Condominiums:**

Limits STRs in multi-unit condos and prohibits STRs in apartments to preserve the City's older, more affordable rental units for housing (Proposed DMMC Section 30.96.060)

- Limits new STRs to primary residences that are occupied by the owner as their principal place of residence for more than six months per year.

- Prohibits STRs in existing apartments in the RM-South, RM-West, RM-East, and R2 residential zones to preserve these units for housing. In residential zones, there are nine (9) existing apartment complexes with 321 total units (see Exhibit D).
- Limits STRs in multi-unit condos in the RM-South, RM-East, RM-West, and R2 residential zones to a maximum of 10% of the total primary dwelling units and requires written consent of the homeowner's association. Creates potential capacity for 45 STRs in the 17 existing condo complexes with 421 total units that range in size from 5-unit to 126-unit complexes (see Attachment D).
- Prohibits STRs in units that are subject to affordable housing restrictions.

**Commercial Zones:**

Allows STRs in commercial zones (except the BC zone) for consistency with the Coastal Act, which prioritizes visitor serving uses over residential (Proposed DMMC Section 30.96.060)

- Limits new STRs to primary residences occupied by the owner as principal place of residence for more than six months per year.
- Allows STR use in the Visitor Commercial (VC) zone.
- Allows STRs in zones that allow residential: Residential-Commercial (RC), Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), and the 941 Camino del Mar (941 CDM) Specific Plan.
- STR use will be permitted in an ADU in commercial zones only where the ADU is used as a primary residence, which is consistent with State Housing law, the Coastal Act, and the ADU Ordinance adopted by the City Council in December 2023 that is currently pending Coastal Commission certification.
- Limits STRs in apartments and condos in commercial zones to 10% of the primary dwelling units. (There are no existing apartments in the RC, CC, NC, or PC zones.)
- Continues to allow visitor accommodation use in the Wavecrest Resort Timeshares, Hotel Specific Plan, 941 CDM Specific Plan, VC Zone and CC Zone per applicable entitlements and zoning.
- See Exhibit D analysis of STR potential in commercial zones as summarized below:
    - VC zone: Allows STR use. The existing Terraces Apartments is a 53-unit complex of older studio apartments (non-conforming use) where STR use would be limited to 10%, which would provide potential capacity for 5 STRs (consistent with LCP) and maintain the other 48 units as lower cost housing options.
    - NC Zone: Allows STR use. Creates potential capacity for 4 STRs in entitled 50-unit residential project (pending building permit approval and construction), which includes 10 deed-restricted lower income units that are prohibited from use as STRs.
    - PC Zone: Allows STR use. There are no existing dwelling units in zone.
    - 941 Camino del Mar Specific Plan: Existing Specific Plan allows STR use. Potential capacity for 6 STRs in 8-unit residential/STR project (pending building permit approval), which includes two deed-restricted low-income units that prohibit STR use.
    - CC Zone: Allows STR use. Potential capacity for 5 STRs where five lots each have one unit accessory to the existing commercial uses: 300 9th Street (at 915 Camino del Mar), 1101 Camino del Mar, 1105 Camino del Mar, 1202 Camino del Mar, and 1126 Camino del Mar. For use as new STRs, units would need to be maintained as primary residences.

- RC zone: Allows STR use. Potential capacity for 6 STRs on six lots, including three lots that each have a single unit and three lots that each have two units per lot.

**Neighborhood Caps:**

Establishes caps to mimic historic use patterns and minimize potential for overconcentration (Proposed DMMC Section 30.96.060)

- Sets neighborhood concentration limits as percentage of the total 129 STRs allowed per citywide cap. Exhibit E identifies the location of the existing STRs registered to-date and capacity with respect to neighborhood cap. See Exhibit F for the three neighborhood cap areas.
- **Sets 60% cap in North Beach neighborhood** (R1-5B, R1-10B, RM-East, RM-West) – Capacity for 77 STRs. The City has record of 71 existing STRs registered in North Beach. (By comparison, 71 STRs were advertised in June 2023.)
- **Sets 25% cap in South Bluff neighborhood** (R1-40, R2 south of 15th Street, RM-South, RC) – Capacity for 32 STRs. The City has record of 23 existing STRs registered in South Bluff. (By comparison, 32 STRs were advertised in June 2023.)
- **Sets 15% cap in Hills neighborhood** (R1-40, R1-10, R1-5, RM-Central, northerly R2, CVPP) – Capacity for 19 STRs. The City has record of 18 existing STRs registered in Hills. (By comparison, 19 STRs were advertised in June 2023.)
- In locations where no concentration limit is set (i.e., North Bluff or commercial zones), STRs would still count towards the citywide cap.

**Good Neighbor Provisions/Operating Requirements:**

Communicates expectations for civil conduct and provisions to protect the public health, safety, and welfare in surrounding neighborhoods (Proposed DMMC Sections 30.96.050 and 30.96.070)

- Owner must provide copy of standard rental agreement to confirm inclusion of required content per STR regulations.
- *Clarifies STR advertisements including those posted on or by web- or application-based hosting platform or third-party booking vendor websites must include STR Permit number.
- Owner must acknowledge review of Good Neighbor Policy (Exhibit C).
- Approved STR permits to be posted on website and notice mailed to owners within three hundred (300) feet.
- Requires rental agreements provide a minimum three (3)-night stay and limit STR occupancy to two persons per bedroom plus two additional persons.
- Limits additional guests to visits during the hours of 8:00 a.m. and 10:00 p.m. daily.
- Requires primary rental guest to be at least twenty-five (25) years of age, listed on rental application, and present at the STR during the rental period.
- Requires rental agreement specify regulations for occupancy, parking, trash, noise limits, and other details.
- *Clarifies the trash disposal includes organic waste and recycling in appropriate containers.
- *Clarifies local contact person must be available twenty-four (24) hours per day, seven days per week to promptly respond to complaints within thirty (30) minutes of receipt from the City, County Sheriff, or residents.

- Requires interior display of STR permit, Transient Occupancy Tax rate, and Good Neighbor Policy and requires exterior display of the STR notice and designated twenty-four (24) hour local contact person.
- Limits use to lodging and prohibits events (i.e., weddings, receptions, commercial functions, bachelor/bachelorette parties, and similar events).
- Prohibits STR use in non-dwelling units (i.e., tents, garages, or vehicles).

**Enforcement:**

Establishes enforcement protocols (Proposed DMMC Section 30.96.080)

- Identifies violations, penalties, enforcement provisions consistent with citywide enforcement.
- Sets forth the procedures and required grounds for decisions to suspend or revoke STR permit.
- Identifies the process to appeal a permit denial, suspension, or revocation.
- Applies fine amounts specific to STR Ordinances per Government Code Section 36900(d).

**STR Permit Fee and Transient Occupancy Tax (TOT):**

Requires payment of STR Permit Fee and TOT (Proposed DMMC Section 30.96.070)

- Permit fee would establish cost recovery consistent with City fee schedule.
- Identifies the process for collection of TOT.
- TOT collection is required per the Municipal Code for all types of transient occupancy uses citywide. This is consistent with a STR-related Ballot Measure and TOT Ordinance that are in process on a parallel timeline to explicitly clarify applicability to STRs.

*Next Steps:*

This action consists of LCP and Zoning Code amendments to Del Mar Municipal Code Title 30. The next step will be for an Ordinance to be introduced to the City Council on September 23, 2024 with a second reading and adoption of the Ordinance to follow (tentatively October 7, 2024). As part of the Ordinance introduction hearing, the City Council will be asked to provide direction on the deadline for existing STR owners to register their existing STRs with the City, the process for vetting that list, and the process for accepting permit applications from existing STR owners. Following final action by the City Council, the Ordinance will be submitted to the Coastal Commission for certification in order for the Ordinance to take effect.

ENVIRONMENTAL STATUS: The requested action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) because CEQA only applies to projects with the potential for causing a significant effect on the environment. There is no change in baseline environmental conditions or potential to cause a significant effect on the environment. On April 17, 2024, the City's CEQA consultant, Interwest Group, completed an Initial Study evaluation, which concluded that no environmental factors would be potentially affected by the STR Regulations contemplated by the City Council. The subsequent revisions to the regulations also would not result in a change in baseline environmental conditions or potential to cause a significant effect on the environment. A Notice of Exemption will be prepared identifying that the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

HOUSING IMPACT: STRs involve commercial use of a dwelling unit, which has the potential to decrease the availability of housing options if left unregulated. The City's Housing Element Program 5C commits the City to implement measures to reduce current vacancy rates with the intent to maintain dwelling units in residential zones for long term housing. A unit is recorded as "vacant" when off-site owners report their units as unoccupied with no housing tenant. The proposed STR regulations include measures to maintain dwelling units for long term housing including a citywide cap on the total number of STRs; and a requirement for new STRs to be limited to dwelling units that are primary residences where the occupants live more than six months per year.

RECOMMENDATION:
Staff recommends the Planning Commission confirm the CEQA determination that the proposed STR Regulations Ordinance is exempt from CEQA and recommend to the City Council adoption of the proposed Ordinance to create STR regulations in the Local Coastal Program and Zoning Code (LCPA 24-003/ZA 24-004).

Respectfully submitted,

Amanda Lee
Principal Planner

Exhibit A – Proposed Code Language
Exhibit B – Additional Background
Exhibit C – Good Neighbor Policy
Exhibit D – Analysis of Multi-Unit Sites
Exhibit E – Location of Existing STRs
Exhibit F – Neighborhood Cap Locations
Exhibit G – Summary of STR Permit Procedure

This copy of the draft STR Regulations shows text that is proposed to be added to the Del Mar Municipal Code (DMMC) as a new Chapter 30.96 in the City's Zoning Code and certified Local Coastal Program. All changes presented to the Council on May 20, 2024 have been accepted. It identifies the changes incorporated in response to City Council briefings and public meeting discussion on May 20, 2024, together with additional non-substantive changes incorporated for clerical, grammatical, and/or clarity purposes. Text shown in underline has been added and text shown in strikeout is text that was deleted.

## Chapter 30.96 – Short-Term Rentals

### 30.96.010 – Purpose

~~The City of Del Mar has experienced an increase in the number of residential properties offering dwelling units on residential properties for rent as Short-Term Rentals (STRs) for visitor lodging involving timeframes of less than thirty (30) consecutive days.~~ The purpose of this Chapter is to provide a permitting process and reasonable standards regulating the use and operation of Short-Term Rentals (STRs) for visitor lodging involving timeframes of thirty (30) consecutive days or less, with the intent to maintain long-term housing stock in the City of Del Mar; honor the existing policies in the Del Mar Community Plan; maintain the residential character of neighborhoods in residential zones; honor the tradition of vacation rentals during the summer~~s~~, holiday~~s~~, and horse-racing season~~s~~; ensure protection of the public health, safety, and general welfare; ensure the City's natural resources will be preserved and protected; ensure STRs will not overburden public improvements, facilities, and services; minimize adverse impacts to adjacent private properties and the surrounding neighborhood; establish distribution and concentration of STRs throughout the community; establish enforcement protocols; and ensure the regulation of STRs is, at a minimum, revenue-neutral to the City.

### 30.96.020 – Definitions

For purposes of Chapter 30.96, the following definitions shall apply:

*Accessory Dwelling Unit (ADU)* shall have the same meaning as in Section 30.04.010(C) of this Municipal Code.

*Bedroom* shall be defined as an enclosed space within a dwelling unit that is designed for or could be used for sleeping and has or is designed to have a door permitting complete closure and separation from the kitchen, living room, and hallway areas.

*Designated Local Contact Person* means the person designated by the Owner to be available 24 hours per day, 7 days per week, for the purpose of responding within 30 minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR, and taking remedial action to resolve any such complaints.

*Existing Short-Term Rental (Existing STR)* means a STR ~~in operation~~operating in the City prior to adoption of the City's STR Ordinance where the Owner timely

registered the STR with the City as of the date stated in the Ordinance. A STR shall cease to be protected as an Existing STR upon any of the following: the transfer of ownership of the STR property, the STR Permit is not maintained in good standing, including a STR Permit that is not timely renewed prior to the permit expiration date, or the STR Permit is revoked due to non-compliance with any provisions of this Chapter. A change in title that is processed in accordance with Section 30.96.030(G) shall not be considered a transfer of ownership that would terminate rights to an Existing STR. Unless otherwise expressly stated herein, an Existing STR is subject to all applicable provisions of this Chapter.

*Home Exchange* means an agreement between two parties for exclusive use of each other's homes for living and sleeping purposes for a set period of time, with no monetary exchange or other consideration exchanged between the parties.

~~*Hosted Unit* means a STR whereby the Owner remains on-site during the STR rental period (except during daytime and/or working hours).~~

~~*Non-Hosted Unit* means a STR whereby there is no Owner that remains on-site during the STR rental period.~~

*Long-Term Rental* means the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, subject to a rental agreement, for a fixed-term or periodic tenancy period of more than thirty (30) consecutive calendar days.

*Owner* means the natural person(s) who is/are the owner(s) of record of the dwelling unit, at least one of whom occupies the dwelling unit at which the STR will operate as their Primary Residence. All owner(s) of record of the dwelling unit are required to sign the STR Permit application and shall be held jointly and severally liable for any violation(s) of this Chapter. For purposes of this Chapter, "Owner" may also include:

(i) A personal trust or family trust whose beneficiaries consist solely of natural persons and the trustee(s) of such trust, so long as at least one beneficiary or trustee of the trust occupies the dwelling unit at which the STR will operate as their Primary Residence. If the dwelling unit is held in a personal or family trust, each trustee must sign the STR Permit application, and shall be held jointly and severally liable for any violation(s) of this Chapter; ~~or~~ and

(ii) A limited liability company (LLC) owned by natural persons (not business entities), so long as at least one manager/member of the LLC occupies the dwelling unit at which the STR will operate as their Primary Residence. If the dwelling unit is part of a LLC, each manager/member of the LLC must sign the STR Permit application, and shall be held jointly and severally liable for any violation(s) of this Chapter.

The term "Owner" does not include a dwelling unit that is fully or partially owned as a timeshare, a business trust, or by any entity other than a LLC (e.g., corporation, limited partnership, general partnership, limited liability partnership, etc.).

*Primary Residence* means a dwelling unit owned and occupied as the Owner's principal place of residence, where the Owner lives more than six (6) months per year. For purposes of this Chapter, an Owner can only have one Primary Residence at any given time.

*Short-Term Rental* (STR) means the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, for not more than thirty (30) consecutive calendar days. For purposes of this Chapter, Home Exchanges and Long-Term Rentals (~~as~~each defined by this Chapter) are not considered STRs.

**30.96.030 – When a Short-Term Rental Permit is Required**

A. Any person or entity operating a STR in the City of Del Mar must have a valid STR Permit issued by the City pursuant to Section 30.96.050 of this Chapter. Notwithstanding Section 30.96.060(A) and (B), the following properties have existing entitlements for visitor accommodations that are subject to the payment of Transient Occupancy Tax under Chapter 3.12 of this Municipal Code, but are not subject to the requirement to obtain a STR Permit pursuant to this Chapter:

1. Hotels in the Visitor Commercial Zone including the Best Western Premier (720 Camino del Mar), Del Mar Beach Hotel (1702 Coast Boulevard), Hotel Indigo (710 Camino del Mar), Hotel L'Auberge (1540 Camino del Mar), Les Artistes (944 Camino del Mar), and Secret Garden Inn (1140 Camino del Mar);

2. L'Auberge Vacation Villas (1570 Camino del Mar) in the Hotel Specific Plan Zone; and

3. Wavecrest Resort Timeshares (1400 Ocean Avenue) in the R2 Zone.

B. A STR Permit will only be issued to the Owner of the dwelling unit.

C. No person shall rent, offer to rent, or advertise a STR without a valid STR Permit.

D. A STR Permit shall be valid for a period of two (2) years from the date of issuance and must be timely renewed prior to the permit expiration date every two (2) years thereafter to maintain a valid permit for STR operations.

E. The subletting of a STR is prohibited. Only an Owner with a valid STR Permit issued by the City is permitted to rent out a dwelling unit or portion thereof as a STR.

F. A STR Permit shall not be transferred, sold or assigned to any other person or entity. Upon transfer of ownership of a dwelling unit at which an STR operates, the STR Permit shall automatically terminate and no STR may be operated at the dwelling unit until a new STR Permit is issued by the City.

G. A new STR Permit is not required for changes in title to the dwelling unit resulting from ~~marriage, death, transfer into a personal or family trust, or transfers into a limited liability company (LLC)~~ inheritance or where an original Owner under the STR Permit remains an Owner~~, trustee, or manager/member of the LLC~~ under the new title. In such an event, notice of the change of title shall be provided to the City within thirty (30) days of such transfer.

**30.96.040 – Application Requirements**

An application for a STR Permit, or renewal thereof, shall be filed on a form provided by the City, shall be signed by the applicant(s) under penalty of perjury, and must include all of the following information, which shall be updated when there is any change to ensure that the City has current information on file at all times relating to the STR:

A. Legal name, address, telephone number, and email address of each Owner and the address and Assessor's Parcel Number (APN) of the STR.

1. Each Owner of the dwelling unit is required to sign the STR Permit application and acknowledge that (i) all information contained in the STR Permit application is true and correct; (ii) each Owner and the Designated Local Contact Person have reviewed, understand and are familiar with the requirements of this Chapter; (iii) each Owner and the Designated Local Contact Person are responsible for ensuring compliance with this Chapter; (iv) failure to comply with this Chapter and all applicable provisions of the Del Mar Municipal Code may result in suspension and/or revocation of a STR Permit; and (v) each Owner may be held jointly and severally liable for any violation(s) of this Chapter.

2. If the dwelling unit is held in a personal or family trust, the trustee(s) must sign the STR Permit application and must acknowledge the information is true and correct in accordance with Section 30.96.040(A)(1).

3. If the dwelling unit Owner is a LLC, each manager/member of the LLC must sign the STR Permit application and must acknowledge the information is true and correct in accordance with Section 30.96.040(A)(1).

4. Each Owner of a STR, or multiple Existing STRs, operating in the City shall disclose the name(s) and contact information for each person holding the legal, equitable, and/or beneficial interest of each of their respective STR ownership properties, as applicable.

5. Except for Existing STRs, documentation that the STR will operate ~~at~~as a Primary Residence shall be demonstrated by providing proof of the Owner's STR address ~~from~~ on at least two (2) of the following documents:

   a. Federal and State tax returns
   b. Bank account
   c. Vehicle registration
   d. Driver's license
   e. Voter registration
   f. Employment records
   g. Homeowner's tax exemption

6. Written consent from the homeowners' association (HOA), if applicable, or acknowledgement that there are no CC&Rs, private covenants, deed restrictions, or any other governing documents that prohibit or limit STR use of the dwelling unit.

B. Commencing from the effective date of this Ordinance, the Owner of an Existing STR, which meets the definition of an Existing STR as defined in Section 30.96.020 of this Chapter, will be eligible to apply for a STR Permit. The Owner of an Existing STR must submit all STR Permit application requirements to the City within sixty (60) days following the effective date of this Chapter to be considered as an Existing STR.

C. Legal name, address, telephone number, and email address of the Designated Local Contact Person, if different from the Owner, and written consent from the Designated Local Contact Person to act as the responsible person designated by the Owner to be available twenty-four (24) hours ~~per~~ a day, seven (7) days ~~per~~ a week, for the purpose of responding within thirty (30) minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR and taking remedial action to resolve any such complaints.

~~C~~D. Owner shall provide a Deed or Title Report for the STR property to confirm ownership interest in the property.

~~D~~E. STR Rental Agreement and Site-Specific Details.

1. Owner shall provide a copy of their standard STR rental agreement, which shall, at a minimum, include the following information: STR Permit number, STR address and information regarding the maximum STR occupancy, parking capacity, noise restrictions, trash, organics, and recycling disposal requirements, and rules and regulations that will be distributed to STR occupants and acknowledgment of receipt and review of the City's Good Neighbor Policy.

2. Site plan and/or photos showing the number and location of designated off-street parking spaces for the exclusive use of the STR.

3. Floor plan(s) showing the layout of the dwelling unit, including all bedrooms and bathrooms; and the location of fire extinguishers, smoke alarms, and carbon monoxide alarms.

4. Acknowledgement that the STR Permit does not authorize STR lodging in non-dwelling units such as garages or vehicles (e.g., recreational vehicles, motor homes, travel trailers, truck campers, tent trailers), tree-houses, tents and other temporary shelters~~, etc.)~~.

5. Authorization for the City to conduct an inspection of the STR for safety compliance in accordance with Section 30.96.070(F). The Owner shall allow the City to inspect the STR and property at any time prior to issuance of a permit and/or during the operation of the STR for the purpose of making a reasonable inspection to observe and enforce compliance with applicable laws, rules and regulations of the STR, including the provisions of this Chapter. The City may, but is not required to, conduct an inspection of the STR and property pursuant to the requirements of this Section.

~~E~~F. Evidence of ~~general~~ property liability insurance in the amount of at least One Million Dollars ($1,000,000), combined single limit, which insurance shall be maintained during the entire term of any STR Permit issued by the City. Evidence of insurance renewal must be provided to the City before expiration of the policy.

G. Each Owner shall jointly and severally agree to indemnify, hold harmless, and defend the City and its officials, employees and agents from any and all liability, actions, claims, damages, costs, and expenses of any kind whatsoever, including reasonable attorneys' fees and costs, which may be asserted by any person or entity arising from or relating to the issuance of the STR permit or its operation.

~~F~~H. Any other information as the City Manager, or designee, deems reasonably necessary to administer this Chapter.

~~G~~I. Permit ~~A~~application ~~F~~fee or renewal fee, as applicable, for initial application or permit renewal in accordance with the fee schedule established by the City Council, which may be amended from time-to-time.

**30.96.050 – Permit Issuance**

A. STR Permits shall be issued on a first-come, first-served basis, except that an~~y STRs operating in the City as of the effective date of this Ordinance, which are identified by the City as an~~ Existing STR Owner, which applies for a STR Permit in accordance with Section 30.96.040(B), ~~by inclusion on the City's STR database,~~ shall be granted priority to obtain a STR Permit.

1. Notwithstanding the permit issuance and locational requirements applicable to new STRs under Chapter 30.96, Existing STRs shall be accommodated as allowable uses in accordance with a valid STR Permit ~~issued pursuant to Section 30.96.050 from the effective date of the STR Ordinance until~~ unless a termination of existing rights occurs upon any of the following: the transfer of ownership of the STR property, the STR Permit is not maintained in good standing, including a STR Permit that is not timely renewed prior to the date of permit expiration, or the STR Permit is revoked due to non-compliance with any provisions of this Chapter. A change in title that is processed in accordance with Section 30.96.030(G) shall not be considered a transfer of ownership that would terminate rights to an Existing STR.

2. Notwithstanding Sections 30.96.060(A)(3)(a), (A)(4) and (A)(5) of this Chapter, Existing STRs shall be accommodated as allowable uses with a valid STR Permit regardless of whether the existing operations are non-conforming with respect to operation of more than one STR (on the same lot or separate lots) or whether the operations are not within a Primary Residence.

B. The maximum number of STR Permits issued by the City shall be limited to not more than five percent (5%) of the total number of dwelling units located in the City based on the most current United States Census data.

1. STR Permits for new STRs shall be restricted to one (1) per Owner and Existing STRs shall be restricted in accordance with Section 30.96.050(B)(3). Once the maximum allowable number of STR Permits ~~have~~ has been issued (including Existing STRs and new STRs), the Owner(s) of any applications submitted that would exceed the cap shall be placed on a waitlist that will be established based on the order the applications are filed and applications will be processed in the order in which the applications are received.

2. Once a STR Permit becomes available for issuance, application submittals will be accepted by the City in the order appearing on the City's STR Permit waitlist. Person(s) listed on the City's STR Permit waitlist, who are contacted by the City to submit a STR Permit application, will have thirty (30) days from the date of notification by the City to submit a STR Permit application for consideration. If the person(s) contacted by the City do not submit a STR Permit application to the City within the required thirty (30) ~~-~~day period, that person(s) will be removed from the waitlist and the City will move on to notifying the next person appearing on the City's STR Permit waitlist.

3. The Owner~~s~~ of an Existing STR~~s~~ may request a separate STR Permit for each Existing STR ~~currently~~ in operation by the ~~respective~~ Owner and registered with the City as of ~~the effective~~ date stated in ~~of~~ the STR

Ordinance. If the number of Existing STRs exceeds the cap, then no additional STR Permits shall be issued for new STRs until available capacity is reached within the cap through attrition (including, but not limited to, when existing rights are terminated for Existing STRs in accordance with Section 30.96.050(A)(1)).

C. STR Owners ~~shall~~ may not include a dwelling unit fully or partially owned as a timeshare, a business trust, or by any entity other than a LLC (e.g., corporation, limited partnership, general partnership, limited liability partnership, etc.).

D. A STR Permit shall be issued by the City if the applicant meets the conditions and requirements of this Chapter 30.96.

E. A STR Permit shall not be issued if:

1. The maximum number of STR Permits issued by the City already meets or exceeds the ~~c~~Citywide cap on STRs or exceeds the maximum number of permits allowed per Owner as established by Section 30.96.050(B).

2. The STR is a new STR, which is proposed in a prohibited location as set forth in Section 30.96.060 of this Chapter, or in a location that would exceed the neighborhood cap on STRs established by Section 30.96.060(A)(5).

3. The Owner has a pending enforcement action by the City for any violation of the Del Mar Municipal Code relating to the operation of a STR, unless the approval is required to resolve the enforcement action.

4. The property had a STR Permit revoked in the previous twelve (12) months, unless the STR Permit will be issued to a new Owner that meets the eligibility requirements.

F. Following the issuance of a STR Permit, the City will provide written, mailed notice of the STR Permit approval to all property owners located within 300 feet of the STR. Such notice shall include the address of the STR, number of bedrooms available for rent, number of available on-site parking spaces, and contact information for the STR's Designated Local Contact Person.

G. STR Permits may be suspended, revoked, or not renewed in accordance with Section 30.96.080 of this Chapter.

**30.96.060 – STR Locational Requirements**

A. Residential Zones.

1. STRs may be permitted in the following residential zones ~~where provided within an Owner's Primary Residence~~:

   a. Single dwelling unit zones

      Very low Density Residential (R1-40)
      Modified Low Density Residential (R1-14)
      Low Density Residential (R1-10)
      Low Density Residential-Beach (R1-10B)
      Medium Density Single Family Residential (R1-5)
      Medium Density Single Family Residential-Beach (R1-5B)
      Carmel Valley Precise Plan (CVPP)

   b. Multiple dwelling unit zones

      Medium Density Single-Mixed Residential-East (RM-East)
      Medium Density Mixed Residential-West (RM-West)
      Medium Density Mixed Residential-Central (RM-Central)
      Medium Density Mixed Residential-South (RM-South)
      High Density Mixed Residential (R2)

2. New STRs that are not within a Primary Residence shall be prohibited.

3. STRs are a prohibited use within:

   a. Multi-dwelling unit rental apartment development located in residential zones.

   b. Any dwelling units that are subject to deed restrictions or affordable housing covenants that limit rental of the unit to housing for specific income-restricted households.

   c. An Accessory Dwelling Unit located in residential zones.

   d. Non-dwelling units including, but not limited to, garages or vehicles or temporary shelters such as tents.

4. Except for Existing STRs with a valid STR Permit, ~~T~~the maximum number of STRs per lot shall be restricted to:

   a. Maximum of one (1) STR per lot developed with one dwelling unit, including lots developed with one primary dwelling unit and ADU development.

   b. Maximum of one (1) STR per Owner on a lot that is developed with two dwelling units, including lots developed with two primary dwelling units and ADU development.

c. Maximum of ten percent (10%) of the total primary dwelling units on a lot developed with multi-unit condominium development (three or more units). Lots with condominium development must provide documentation of written consent to operate a STR by the homeowner's association (HOA).

5. The total number of STRs permitted shall be further limited as follows to minimize the potential for overconcentration:

a. A maximum of sixty percent (60%) of the total number of STRs may be located in the North Beach neighborhood, which includes the R1-5B, R1-10B, RM-East and RM-West zones.

b. A maximum of twenty-five percent (25%) of the total number of STRs may be located in the South Bluff neighborhood, which includes the R1-40, R2, RM-South, and RC zones.

c. A maximum of fifteen (15%) of the total number of STRs may be located in the Hills neighborhood, which includes the R1-5, R1-10, R1-14, R1-40, and RM-Central zones and the northerly R2 zone located north of 15th Street.

B. Commercial Zones.

1. STRs may be permitted within the following commercial zones ~~where provided within an Owner's Primary Residence~~:

Residential-Commercial (RC)
Central Commercial (CC)
North Commercial (NC)
Professional Commercial (PC)
Visitor Commercial (VC)
941 Camino del Mar Specific Plan (941SP)

2. STRs in commercial zones are subject to the requirements in Section 30.96.060(A)(2), ~~30.96.060~~(A)(4) and (A)(5) of this Chapter.

3. STR use is permitted in an Accessory Dwelling Unit (ADU) subject to the regulations in Chapter 30.91 of this Municipal Code, only where the ADU is used as a ~~p~~Primary ~~r~~Residence.

4. STRs are a prohibited use within:

a. ~~-~~The Beach Commercial (BC), Public Facilities (PF), Public Parkland (PP), Railroad Right-of-Way (RR), and Floodway zones.

b. Any dwelling units that are subject to deed restrictions or affordable housing covenants that limit rental of the unit to housing for specific income-restricted households.

c. Non-dwelling units including, but not limited to, garages or vehicles (e.g., recreational vehicles, motor homes, travel trailers, truck campers, tent trailers), tree-houses, or temporary shelters such as tents.

**30.96.070 – Operating Requirements**

STRs shall comply with all of the following operating requirements:

A. Owner shall ensure that STR occupants and guests comply with all federal, state, and local laws, rules, and regulations including local regulations specific to noise, trash disposal, parking, coastal resources, and disclosure, inclusive of the following:

1. Noise Control.

a. It shall be unlawful and shall constitute a public nuisance for any Owner(s) of a STR to cause, allow or permit the emission or transmission of any loud noise from any sound-making equipment or sound-amplifying device to occur or be maintained at a STR, which may include, but is not limited to, the following: yelling, screaming, shouting, or other disturbing noises which unreasonably interfere with the peace and quiet of the nearby residents or members of the public. Owner(s) shall ensure that STR occupants and guests comply with the noise provisions set forth in Del Mar Municipal Code Chapter 9.20 (Noise Regulations). DMMC Section 9.20.090 specifies that any noise that is plainly audible at a distance of 50 feet between the hours of 10:00 p.m. and 8:00 a.m. is considered a prima facie violation.

b. STRs are for overnight lodging. Hosting of weddings, receptions, corporate events, commercial functions, bachelor or bachelorette parties, and any other similar events or gatherings that have the potential to cause a public nuisance are strictly prohibited.

c. Guest hours at ~~the~~ STR<u>s</u> shall be limited from 8:00 a.m. to 10:00 p.m. daily.

2. Trash Disposal. Trash<u>, organic waste</u> and recycling shall not be left or stored within public view, except <u>in the appropriate container</u> at a location that is designated for collection from 4:00 p.m. on the day prior to trash pick-

up until up to 12:00 p.m. on the day following the day designated for pick-up. All trash and recycling shall be in approved receptacles pursuant to Del Mar Municipal Code Chapter 11.20 (Management of Solid Waste).

3. Parking. Owner shall limit the number of vehicles at the STR to the number designated in the STR Permit, which shall be determined by the City at the time of permit issuance based on the number of available on-site parking spaces. All garage, driveway, and designated on-site parking spaces shall be made available for the vehicles of STR occupants and guests. Vehicles shall not impede access to sidewalks and neighboring properties or driveways.

4. Coastal Resource Protection. The coastal resource protections in the California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240) and the City's certified Local Coastal Program are not to be superseded or lessened in any way through implementation of the Chapter 30.96 STR regulations. The Owner shall disclose if the property contains environmentally sensitive habitat areas, and shall identify STR operational requirements to avoid potential impacts to coastal resources.

5. Disclosure of Site-Specific STR Requirements and Contact Information.

   a. The primary STR occupant listed on the STR rental application and present at the STR during the STR rental period must be at least twenty-five (25) years of age, provide the Owner with a telephone number, and shall be accessible to the Owner or Local Designated Contact Person by telephone at all times during the STR rental period.

   b. Interior Display of STR Permit. Owner shall affix the valid STR Permit provided by the City, which shall include reference to the City's Good Neighbor Policy and Transient Occupancy Tax rate, for interior display on the inside of the main entry door of the STR.

   c. Exterior Display of STR Notice. Owner shall affix a sign on the exterior of the STR during operation, at a minimum size of 8.5 inches by 11 inches, identifying the STR Permit number, name and contact information for the Designated Local Contact Person, the maximum number of occupants and guests permitted at the STR, and the maximum number of vehicles allowed at the property. The notice shall be located on-site in plain view of the general public and/or common areas and shall be maintained in good condition.

   d. Signs advertising availability of the STR for rent are not permitted on the property.

B. Minimum Night Stay. STRs shall have a minimum night stay of three (3) consecutive calendar nights.

C. Overnight Occupancy. ~~The~~ Owner shall limit overnight STR occupancy to a specific number of occupants, not to exceed two (2) persons per Bedroom plus two (2) additional persons per dwelling unit. All other applicable occupancy laws shall apply.

D. Avoidance of Public Nuisance. ~~The~~ Owner shall ensure that the STR occupants and/or guests do not create a public nuisance. Owner~~(s)~~ shall ensure that any unreasonable noise disturbances, unruly gatherings, disorderly conduct, or other violations are timely abated.

E. Prompt Response to Complaints. ~~The~~ Owner and/or the Designated Local Contact Person must be available 24 hours per day, seven days per week, to respond to complaints. Complaints received from the City, the Sheriff's Department, or a resident must be addressed ~~shall respond~~ within thirty (30) minutes of ~~the time a~~ receipt of the complaint ~~of public nuisance at the STR property is filed to take corrective action to address and resolve the complaint. This includes the filing of a complaint with the City, a Designated Local Contact person, or the San Diego County Sheriff's Department.~~ It is not intended that an Owner or Designated Local Contact Person act as a peace officer or place themselves in an at-risk situation. In follow up, Owner(s) shall provide documentation to the City on what steps were taken to mitigate the issue. Failure to timely respond to complaints is grounds for enforcement as set forth in Section 39.96.080 of this Chapter.

F. Safety Compliance.

1. The STR property must meet basic life safety requirements, including but not limited to, maintaining operable smoke alarms and carbon monoxide alarms, fire extinguishers, and first aid kits.

2. All Bedrooms within a STR shall meet all applicable California Building Code life safety requirements.

3. ~~The~~ Owner shall permit the City to inspect the STR prior to the issuance of a STR Permit and/or for the purpose of making a reasonable inspection to observe and enforce compliance with the provisions of Chapter 30.96.

G. Advertisements. All STR advertisements, including those posted on or by web- or application-based hosting platform or third-party booking vendor websites, must include the STR Permit number provided by the City.

H. Record Keeping, Audit. STR Owner(s) shall maintain records related to use and occupancy of the STR for the purpose of inspection and/or audit to demonstrate compliance with Chapter 30.96.

I. Payment of Transient Occupancy Tax. ~~The~~ Owner shall comply with all provisions of Del Mar Municipal Code Chapter 3.12 concerning the payment of Transient Occupancy Tax (TOT) for STR rentals. The TOT calculation shall include cleaning fees, resort fees, and all other fees collected as part of the total rent charged for the STR. If the STR Owner uses a web- or application-based hosting platform or third-party booking vendor, the hosting platform or booking vendor shall be considered an agent of the STR Owner for purposes of collecting and remitting the TOT to the City.

**30.96.080 – Enforcement**

A. It shall be unlawful for any person to fail to comply with any of the requirements of this Chapter or with any standards/conditions of a STR Permit, or to operate a STR within the jurisdiction of the City contrary to or in violation of any of the provisions of this Chapter, any applicable provisions of this Municipal Code, or any other applicable laws, rules, and regulations.

B. Any person who violates any provision of this Chapter shall be subject to the fine amounts set forth in Government Code Section 36900(d), as that Section may be amended from time to time.

C. Violations of this Chapter may be enforced by any method allowed in Del Mar Municipal Code Title 1 (General Provisions), Title 30 (Zoning Regulations), or any other applicable enforcement mechanism available to the City.

D. Suspension or Revocation of STR Permit. In addition to any other remedy provided by this Chapter, a STR Permit may be suspended or revoked by the City Manager, or designee pursuant to this Section.

1. The decision shall be based on at least one of the following grounds:

a. A material misrepresentation, false or misleading information was included on the application for a STR Permit.

b. A violation of any applicable provision of the Del Mar Municipal Code or other applicable law relating to the operation of the STR.

c. An authorized official has given notification of existing health or safety violations on the STR property or non-compliance with applicable laws, rules or regulations relating to fire, building, health or safety on the STR property.

d. An applicant or STR Permit holder is delinquent in the payment of any outstanding fees, assessments or taxes owed to the City related

to any property located in the City that is owned by the applicant, including, but not limited to, Transient Occupancy Taxes (TOT).

2. If a STR Permit is revoked, the Owner(s) shall not operate a STR at the property for a period of twelve (12) months from the date of such revocation; and no STR Permit that is revoked may be transferred to any other person or entity to operate a STR at the property during such period of revocation.

3. The appeal procedures for the denial, suspension or revocation of a STR Permit are as follows:

   a. A STR Permit applicant or STR Permit holder may request an administrative hearing to appeal the denial, suspension or revocation of a STR Permit by the City. The request for a hearing shall be submitted to the City Clerk within fifteen (15) days from the date the denial, suspension or revocation of the STR Permit is provided in writing.

   b. The City Manager shall designate a fair and impartial administrative hearing officer to determine whether to uphold the City's decision to deny, suspend or revoke the STR Permit. Compensation for the hearing officer, if any, shall be paid by the City.

   c. An administrative hearing shall be set for a date that is not sooner than thirty (30) days and not more than sixty (60) days from the date the request for the hearing is filed with the City. The appellant shall be notified of the time and place set for the hearing at least fifteen (15) days prior to the date of the hearing, unless the hearing date has been expedited.

   d. The City and the appellant shall each submit all documents relating to the denial, suspension or revocation of the STR Permit that the respective party intends to discuss during the administrative hearing to the hearing officer and the other party at least seven (7) days in advance of the hearing date.

   e. At the administrative hearing, the hearing officer shall only consider evidence that is relevant to determine whether the denial, suspension or revocation of a STR Permit is warranted. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the hearing officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing officer in accordance with the fundamentals of due process. The hearing officer may limit the total length of the hearing to one hour, at the hearing officer's

discretion, and shall allow the appellant at least as much time to present its case as is allowed the City.

f. The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the denial, suspension or revocation of the STR Permit. The appellant may be represented by counsel. The City's case shall be presented by a Code Enforcement Officer or by any other authorized agent of the City.

g. The hearing officer may continue the hearing and request additional information from the City or the appellant prior to issuing a written decision.

h. After considering all testimony and evidence submitted at the hearing, the hearing officer may announce a decision orally, but in any event, shall prepare a written decision. The decision shall be provided to the parties within ten (10) days of the hearing and shall either uphold the denial, suspension or revocation of the STR Permit or withdrawal the denial, suspension or revocation of the STR Permit. The decision shall briefly state the reason for the conclusion of the hearing officer. The City shall serve the decision on the appellant. The decision of the hearing officer shall be final and shall not be subject to further appeal to the City.

i. The failure of the appellant to appear at the administrative hearing shall result in the hearing officer issuing a final decision to uphold the City’s denial, suspension or revocation of the STR Permit and the appellant’s exhaustion of administrative remedies.

# BACKGROUND

This City Council priority special project initially began in 2016 and resumed in January 2023 after various processing delays due to the timing of court decisions rendered during the COVID-19 pandemic. Following is a summary of actions that have occurred to date:

## *Council Guiding Principles & Objectives for STR Regulations*

On July 24 and September 5, 2023, the City Council determined the twelve guiding principles and objectives to guide the process for development of new STR regulations:

1. Honor the existing policies in the Del Mar Community Plan.
2. Maintain the residential character of neighborhoods in residential zones.
3. Honor the tradition of vacation rentals during the summers, holidays, and horse-racing season.
4. Ensure protection of the public health, safety, and general welfare.
5. Ensure the City's natural resources will be preserved and protected.
6. Ensure STRs will not overburden public improvements, facilities, and services.
7. Minimize adverse impacts to adjacent private properties and the surrounding neighborhood.
8. Consider distribution and concentration of STRs throughout the community.
9. Craft regulations that are easy to understand and implement.
10. Communicate expectations for civil conduct in line with "good neighbor" policies.
11. Establish enforcement protocols, and ensure regulation of short-term rentals is, at a minimum, revenue neutral to the City.
12. Work towards a solution for STRs that works for Del Mar and will pass muster with the Coastal Commission.

## *STR Data and Database of Existing STRs to Identify Baseline Conditions*

In January 2023, the City contracted with consulting firm DTA to collect STR data specific to the City of Del Mar. DTA collected data between January 1, 2023, through June 30, 2023, to provide a general understanding of existing STRs in Del Mar (i.e., number, type, average length of stay, rental rate, and occupancy rates; and general location in the City). The STR data sets (April 2023 and June 2023) were presented to the City Council on July 10 and September 5, 2023, as described below.

- The number of STRs in Del Mar increased from 107 (April 2023) to 125 (June 2023), which represents an increase in the percentage of STRs compared to total dwelling units from 4.2% to 4.9% of the City's total 2,574 dwelling units per the 2020 Census. This comparison does not include the 43 STRs advertised in the Wavecrest Resort Timeshares (31 units) or L'Auberge Vacation Villas (12 units).

- For the greater 92014 zip code, which includes the City of Del Mar and portions of the cities of San Diego and Solana Beach and County of San Diego, following is a

summary of the change in trends identified between the April 2023 and June 2023 data related to length of stay, daily rental costs, and availability:

- An increase in the average days per rental from three to five days;
- A slight decrease in average daily rental rate from $630 to $625; and
- An increase in the average STR occupancy rate (occupancy compared to availability) from 62% to 82%.

- The breakdown of existing STRs in the City of Del Mar by location is as follows:

  - 57-59% of the existing STRs are operating in residential zones in the North Beach neighborhood (RM-West, RM-East, and R1-5 zones);
  - 26-28% of the existing STRs are operating in residential zones in the south bluff neighborhoods (R2 and RM-South zones);
  - 15% of the existing STRs are operating in residential zones in the hills neighborhoods (R1-10 and CVPP); and
  - The Wavecrest Resort and L'Auberge Villas provide an additional 43 STR options allowed per existing entitlements (R2 zone and Hotel Specific Plan).

On September 5, 2023, the City Council provided direction to staff to establish a database of existing STRs in operation to inform the City of the number of existing STRs that need to be accommodated. Multiple newsflash articles were published and distributed in the City's weekly update beginning September 8, 2023, to encourage existing STR owners to add their properties to the database. Owners will be required to register their existing STRs prior to the effective date of the Ordinance. Owners are encouraged to register existing STRs at following link:
https://www.delmar.ca.us/FormCenter/Planning-6/ShortTerm-Rental-Registry-51

As of August 8, 2024, there have been 115 existing STRs registered in the STR database.

***Consideration of Benchmarks: Other Cities, Coastal Commission, and the Courts***

On September 5, 2023, the City Council received a report with an overview of past Coastal Commission actions, court decisions, and legal parameters to help guide community discussions focused on the creation of a new STR regulatory framework.

*General Description of Coastal Act*

The Coastal Act requires public access to be protected, provided, and maximized. The CCC considers STRs as a means for visitors to access the coast. The relevant policy Section 30213 of the Coastal Act states "Lower cost visitor and recreation facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred." The CCC has interpreted that STRs are a type of lower cost visitor accommodation, more affordable than traditional hotels that can facilitate members of the public with low or moderate incomes to access and recreate at the coast. Further, the CCC has taken the position that coastal jurisdictions should expressly accommodate STRs

within Local Coastal Program policies and regulations. The CCC has generally interpreted STRs to be both a visitor-serving use and a form of residential use. In terms of length of stay, CCC staff has indicated an expectation in the past that the local regulations accommodate the ability for a weekend getaway to provide visitor opportunities during the most common times individuals are able to travel. That being said, the CCC has expressed recognition that each community is unique and may address STRs differently.

***Local Policy Context***

Del Mar Community Plan (General Plan)
The Del Mar Community Plan expresses the community's policy vision to guide development. It is the main point of reference for all land use-related decisions. The Community Development section of the Community Plan includes the City's Land Use Element and the most relevant land use policies related to the topics of STRs and housing included below:

Overall Goal: Preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach.

Community Development Goal 3: Preserve and enhance Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline.

Goal 3 Objective C: Adopt strong positive controls to prevent future commercial development which is incompatible with the existing residential character of the community.

Goal 3 Objective D: Preserve existing and insure adequate housing for diverse age and socio-economic groups within the community.

Goal 3 Objective E: Encourage and facilitate provision of lower cost housing for low- and moderate-income households.

Community Development Goal 5: Preserve the economic integrity of the community.

Goal 5 Objective A: Maintain a balanced philosophy toward commercial growth which permits the City's income to keep pace with its expenditures while insuring compatibility with all other goals and objectives of the Community Plan.

Goal 5 Objective B: Promote those uses of the commercial area which will be of greatest economic benefit to the community while insuring compatibility with all other goals and objectives of the Community Plan.

Goal 5 Objective D: When feasible and appropriate, require an economic analysis on any future proposed community plan revisions.

Community Development Goal 6: Assure continuing public participation in city planning by developing procedures in which citizens can participate in updating General Plan goals and policies and help in implementing programs including consultation and advice on enabling legislation.

City of Del Mar Community Plan - Housing Element (6th Cycle 2021-2029)
The Housing Element identifies the following goals, policies, and programs:

- Provide new types of housing opportunities and housing capacity for a greater range of income levels by pursuing development at the State Fairgrounds, promoting accessory dwelling units, and incorporating multiple dwelling unit development in various commercial zones;
- Remove governmental constraints to create new opportunities for affordable housing through modified regulations, incentives, and streamlining of processes;
- Establish a regulatory framework that supports the maintenance and improvement of existing housing, including the preservation of affordable housing;
- Provide equal opportunities and access to housing options within the community for residents of all abilities consistent with the City's overall housing policy goal to "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.";
- Provide affordable housing assistance resources and information to residents, property owners, and individuals seeking to remain living in the community or to relocate to Del Mar; and
- Identify the challenges faced by special needs groups working and/or living in the community and taking actionable steps towards assisting those groups consistent with the City's housing goals.

Housing Element Program 5C commits the City to implement measures to reduce current vacancy rates in units that off-site property owners report as unoccupied and having no long-term housing tenant.

Local Coastal Program (LCP) Land Use Plan (LUP)
Any proposed land uses must conform with the policies of the Coastal Act. The standard of review for any prospective STR Ordinance will be the City's certified LCP LUP. Relevant LCP policies include:

LUP Goal IV-A: Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern,

overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

LUP Policy II-6: Encourage visitor-serving and recreation-oriented businesses that blend harmoniously with the traditional small-town character of the community.

LUP Goal V-B: Provide the public with quality overnight accommodations and other visitor-serving facilities which enhance the unique village character of the community.

LUP Policy V-10: The City shall ensure that development of visitor-serving facilities is compatible with surrounding development and is consistent with the policies of this Land Use Plan intended to preserve environmentally sensitive resources.

***Regulatory Context – Zoning Code/Certified Local Coastal Program (LCP)***

Title 30 of the Del Mar Municipal Code sets forth the City's Zoning regulations. The DMMC Title 30 regulations and associated maps applicable to base zones, overlay zones, permitted/allowed uses, required discretionary permit types, public access, and coastal resources comprise the City's certified LCP implementing ordinances. Until new STR regulations are adopted and become effective, new STR's are only an allowed use in commercial zones, including the Residential-Commercial (RC), Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), Visitor-Commercial (VC), Hotel Specific Plan, and 941 Camino Del Mar Specific Plan zones; and as provided for by development entitlement (i.e., Wave Crest Resort Time Shares and L'Auberge Vacation Villas). STRs are currently not an allowed use in any residential zones, including R1-40, R1-14, R1-10, R1-0B, R1-5, R1-5B, RM-east, RM-West, RM-Central, RM-South, and R2 zones.

On October 2, 2023, the Council considered regulation examples from 17 jurisdictions:

- *San Diego region*: Cities of Carlsbad, Encinitas, Oceanside, San Diego, and Solana Beach.

- *Other California Jurisdictions:* Cities of Avalon, Carmel by the Sea, Carpinteria, Dana Point, Half Moon Bay, Laguna Beach, Newport Beach, Palm Springs, Pismo Beach, San Clemente, Santa Cruz, and Trinidad.

On January 22, 2024, the Council reviewed a draft STR framework and directed staff to revise the draft to allow existing STRs to exist until the property changes ownership, the permit is not renewed, or the permit is revoked due to non-compliance. On May 20, 2024, Council review of a revised STR framework focused on the permit process; the ability to maintain rights as an existing STR operator; enforcement and good neighbor policies; transient occupancy tax; primary residence requirement for new STRs; the changing perspective of CCC related to long-term housing and STRs; and the schedule to bring forward a STR Ordinance to Planning Commission, City Council, and CCC.

## *Prior Actions to Accommodate Existing STRs Until New Regulations Take Effect*

**Initial Moratorium:**
After experiencing a significant increase in the number of STRs operating in residential zones, on April 4, 2016, the City Council adopted a moratorium on new STRs in residential zones and provided for existing, non-conforming STRs to temporarily continue to operate while new regulations are processed. The moratorium ended on November 6, 2017 (when Ordinance 934 was adopted). The moratorium was replaced with a Council-adopted forbearance policy to accommodate STRs in operation prior to April 4, 2016, until new STR regulations take effect (see forbearance discussion below).

**STR "7/28 Ordinance" - Ordinance 934:**
November 6, 2017 - The City Council adopted Ordinance 934 to establish new STR regulations. This ordinance, also referred to as the "7/28 ordinance", never became effective because Zoning/Local Coastal Program Amendments require CCC certification per the California Coastal Act in order to take effect.

June 7, 2018 – After the CCC conditionally certified Ordinance 934 in June 2018, the City processed an extension. However, while the City was waiting for final resolution of litigation, the conditional CCC approval expired on December 13, 2019.

February 7, 2021 - The court dismissed the final case (City of Del Mar v. California Coastal Commission) because the CCC's conditional approval had expired on December 13, 2019.

**Adoption of Forbearance Policy Currently in Effect:**
The forbearance policy was adopted by Council Resolution 2017-71 on November 6, 2017, to accommodate STRs in operation prior to April 4, 2016, until new STR regulations take effect. The forbearance has been consistently applied, enforced, and maintained:

| Date | City Council Action |
|---|---|
| Nov 6, 2017 | Adopted STR Ordinance 934 and Resolution 2017-71 to establish Forbearance Policy |
| Sep 4, 2018 | Approved 6-month extension to March 2019 (Resolution 2018-61) |
| Feb 11, 2019 | Approved 1-year extension to February 2020 (Resolution 2019-09) |
| Feb 3, 2020 | Approved 1-year extension to February 2021 (Resolution 2020-05) |
| Feb 1, 2021 | Approved 2-year extension to February 2023 (Resolution 2021-04) |
| Jan 23, 2023 | Approved 2-year extension to January 2025 (Resolution 2023-02) |

# CITY OF DEL MAR
# SHORT-TERM RENTAL GOOD NEIGHBOR POLICY

This Good Neighbor Policy (Policy) was created to minimize potentially adverse impacts that Short-Term Rental (STR) properties may have on surrounding neighborhoods. STR owners, occupants and guests are responsible for ensuring compliance with the following rules. The capitalized terms in this Policy shall have the same meaning as the definitions in Del Mar Municipal Code (DMMC) Chapter 30.96 (STR Regulations).

**STR Permit #:** _____ **Exp.:** _____

**STR Address:** _____

**Owner Name:** _____ **Phone:** _____

- **24/7 Local Contact –** Owner or Owner's Designated Local Contact Person must be available 24 hours per day, seven days per week, to respond to complaints during STR operations.

  **Name:** _____ **Phone:** _____

- **Complaint Response Time –** Complaints received from the City, the Sheriff's Department, or a resident must be addressed within 30 minutes of receipt of the complaint.

- **Overnight Occupancy –** Maximum overnight occupancy is limited to two persons per bedroom, plus two people for the unit as a whole consistent with the California Building Code.

  **Max. Overnight Occupancy:** _____

- **Daytime Guests –** Daytime guests are permitted between the hours of 8:00 am and 10:00 pm.

- **Parking –** All garage, driveway, and designated on-site parking spaces must be made available for STR occupants and guests. Vehicles shall not impede access to sidewalks or neighboring properties or driveways.

- **Minimum Night Stay –** A three-night minimum stay is required.

- **Minimum Rental Age –** No person under the age of 25 years shall be permitted to rent a STR.

- **Exterior Signage –** The required exterior display sign identifying the Designated Local Contact Person, maximum number of occupants, and maximum number of vehicles shall be displayed and maintained on-site as a public notice during STR operations per DMMC Section 30.96.070(A)(5).

- **Interior Signage –** A copy of the STR permit, this Policy, and the Transient Occupancy Tax (TOT) rate shall be displayed on the inside of the main entry door of the STR (DMMC Section 30.96.070).

- **Public Nuisance Noise –** Any disturbing, excessive or offensive noises as defined in Chapter 9.20 of the DMMC shall be prohibited.

- **Trash/Recycling –** Properties shall be kept clean with no visible trash. Receptacles shall be stored out of public view, except on collection days in designated locations (DMMC Chapter 11.20).

- **No Special Events Permitted Onsite –** Includes weddings, commercial functions, parties, etc.

- **Enforcement –** STR permits may be denied, suspended or revoked for violations of the STR Ordinance. Violations are subject to DMMC Title 1 (General Provisions), Title 30 (Zoning), or any other applicable enforcement mechanism. This includes, but is not limited to, misdemeanor criminal prosecution, administrative monetary citations, and/or civil nuisance abatement actions.

***For additional information, visit the City's STR webpage at:*** **www.delmar.ca.us/563/Short-Term-Rentals**

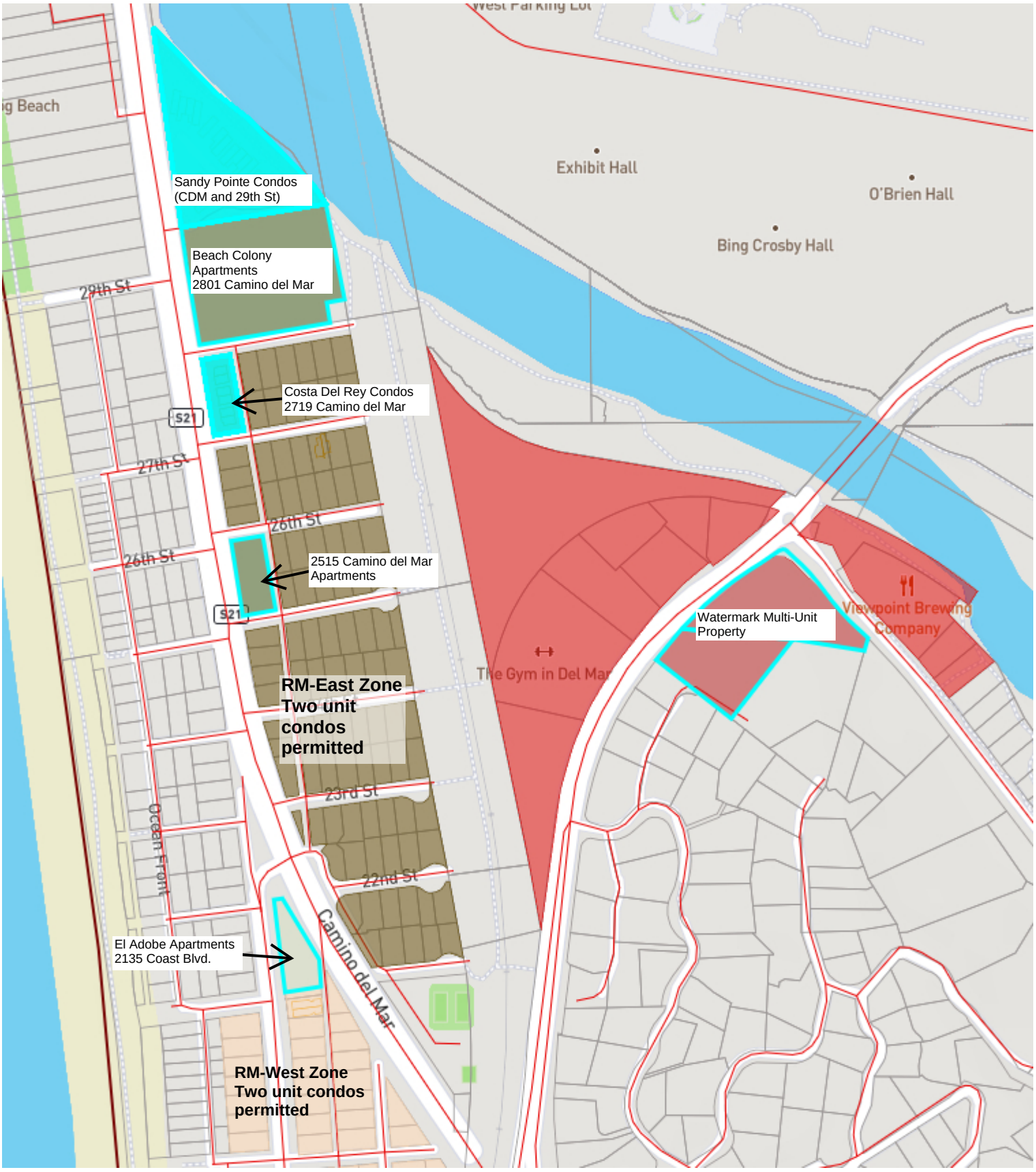
**ANALYSIS OF MULTI-UNIT PROPERTIES (August 2024) –Tables and Maps**

| | Multi-Unit Condos in Residential Zones | # of Units | Max New STRs | Zone |
|---|---|---|---|---|
| 1 | Del Mar Woods Condos | 126 | 13 | RM-South |
| 2 | 212 4th Street Condos | 18 | 2 | RM-South |
| 3 | 424 Stratford Court Condos | 38 | 4 | RM-South |
| 4 | 515 Stratford Court Condos | 10 | 1 | RM-South |
| 5 | 519 Stratford Court Condos | 18 | 2 | RM-South |
| 6 | 460 Camino del Mar Condos | 18 | 2 | RM-South |
| 7 | Sea Cliff Way Condos (Stratford Ct/Sea Cliff) | 5 | 1 | RM-South |
| 8 | 155 15th Street Condos | 28 | 3 | R2 |
| 9 | 1552 Camino del Mar Condos | 24 | 2 | R2 |
| 10 | 1558 Camino del Mar Condos | 20 | 2 | R2 |
| 11 | 1562 Camino del Mar Condos | 36 | 4 | R2 |
| 12 | 1844 Camino del Mar (Del Mar Villas Condos) | 24 | 2 | R2 |
| 13 | 1735 Coast Blvd Condos | 5 | 1 | RM-West |
| 14 | 1757 Coast Blvd Condos | 10 | 1 | RM-West |
| 15 | 1750 Ocean Front Condos | 5 | 1 | RM-West |
| 16 | Costa Del Rey Condos (2719 Camino del Mar) | 16 | 2 | RM-East |
| 17 | Sandy Pointe Condos (CDM and 29th Street) | 20 | 2 | RM-East |
| | *10% calculation of total units rounded to nearest whole number | 421 units total | **Capacity: 45 STRs** | |

| | Apartment Properties in Residential Zones | # of Units | Max New STRs | Zone |
|---|---|---|---|---|
| 1 | Los Arboles Apartments (201 4th Street) | 97 | - | RM-South |
| 2 | 167 4th Street Apartments | 12 | - | RM-South |
| 3 | 425 Stratford Court Apartments | 18 | - | RM-South |
| 4 | 510 Stratford Court Apartments | 48 | - | RM-South |
| 5 | 703 Stratford Court Apartments | 12 | - | RM-South |
| 6 | Ocean Village Apartments (1425 Ocean Avenue) | 22 | - | R2 |
| 7 | El Adobe Apartments (2135 Coast Blvd) | 12 | - | RM-West |
| 8 | 2515 Camino del Mar Apartments | 14 | - | RM-East |
| 9 | Beach Colony Apartments (2801 Camino del Mar) | 86 | - | RM-East |
| | | 321 units total | **Capacity: 0 STRs** | |

| | Apartments in Commercial Zones that Allow STR Use | # of Units | Max New STRs | Zone |
|---|---|---|---|---|
| 1 | Terraces at Del Mar Apartments (526 Camino del Mar) | 53 | 5 | VC |
| 2 | 941 CDM Multi-Unit – construction pending<br>*Includes 2 deed-restricted affordable units that preclude STR use and 6 unrestricted units* | 8 | 6 | 941 CDM SP |
| 3 | Watermark Multi-Unit – construction pending<br>*Includes 10 deed-restricted affordable units that preclude STR use and 40 unrestricted units* | 50 | 4* | NC |
| | * 10% calculation is based on 40 units total in order to subtract out the 10 deed-restricted affordable units | 111 units total | **Capacity: 15 STRs** | |

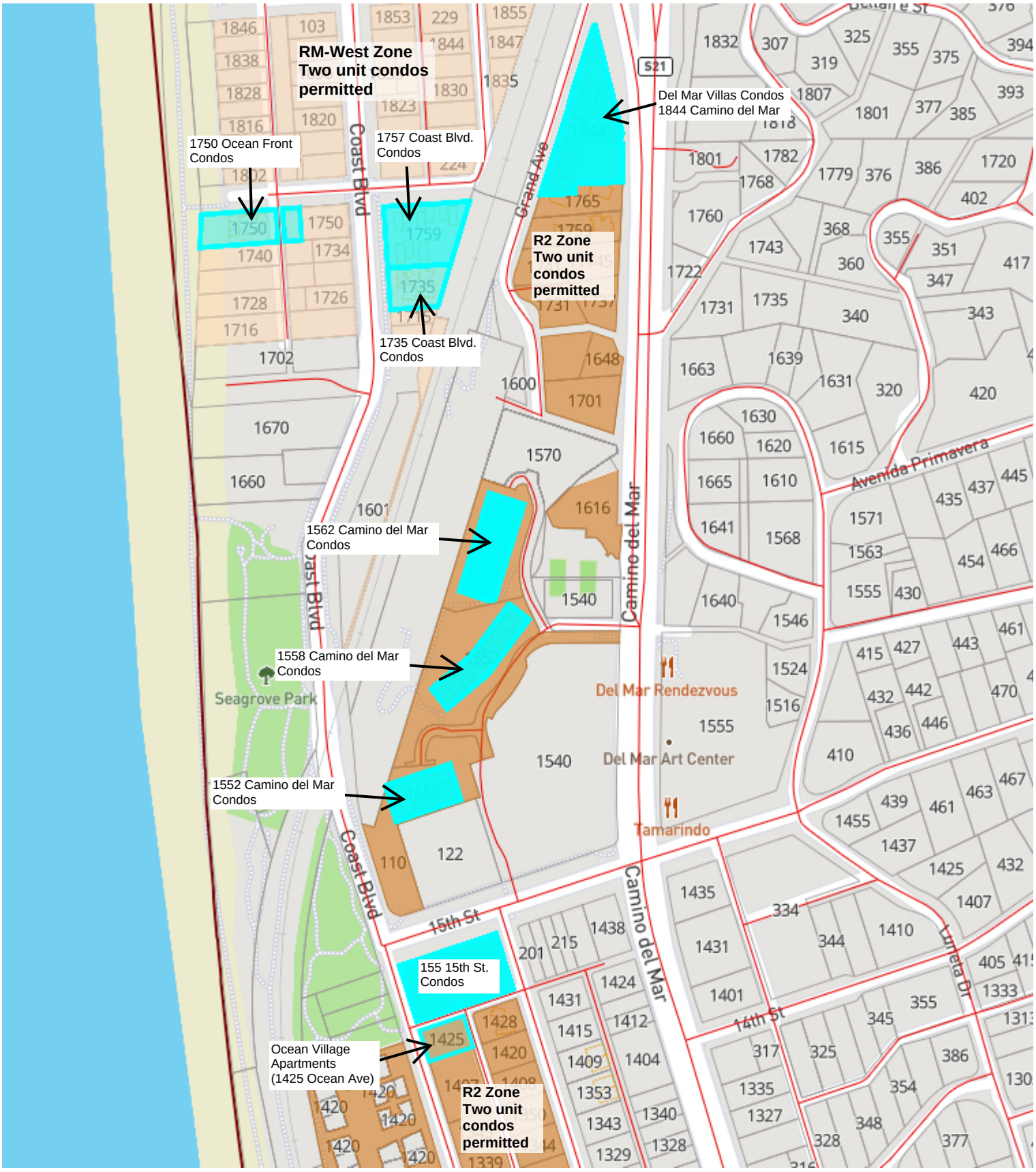
# North Beach and North Commercial Zone Multi-Unit Properties




| 1" = 425 ft | Multi-Unit Property | RM-East Zone<br>RM-West Zone | North Commercial Zone |
|---|---|---|---|

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# City Center Multi-Unit Properties




| 1" = 344 ft | Multi-Unit Property | RM-West Zone<br>R2 Zone | |
|---|---|---|---|

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# South Stratford Multi-Unit Properties

| | | | |
|---|---|---|---|
| 1" = 472 ft | Multi-Unit Property | R2 Zone<br>RM-South Zone | RM-Central Zone<br>Visitor Commercial Zone |

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# Analysis of STR Cap, Neighborhood Caps, and Existing STRs

**Citywide Cap on STRs**

The draft STR regulations set a 5% cap on the total number of allowed STRs, which would be 129 STRs maximum. The draft also establishes neighborhood caps to mimic historic use patterns and minimize the potential for overconcentration of STRs in one neighborhood. Currently, the City has a record of 115 existing STRs and potential capacity for a maximum of an additional 14 new STRs spread between the North Beach, South Bluff, and Hills neighborhoods and others with limited options (North Bluff/Via de la Valle (R1-14, R1-40 zones) and the 941 CDM Specific Plan, CC, VC, NC, and RC zones).

**North Beach Neighborhood Cap**

The North Beach neighborhood includes the RM-West, RM-East, R1-5B, and R1-10B zones. The draft sets a 60% cap on STRs in the North Beach neighborhood. The percentage is taken from the total 129 STRs allowed citywide. A maximum of 77 STRs would be allowed in North Beach neighborhood.

**South Bluff Neighborhood Cap**

For the purpose of the STR Ordinance, the South Bluff neighborhood includes portions of the R2 and R1-40 zones, and RM-South and RC zones. The draft sets a 25% cap on STRs allowed. A maximum of 32 STRs would be allowed in the South Bluff neighborhood.

**Hills Neighborhood Cap**

For the purpose of the STR Ordinance, the Hills neighborhood includes portions of the R1-40 and R2 zones, R1-10, RM-Central, and Carmel Valley Precise Plan (CVPP) zones. The draft sets a 15% cap on the total number of STRs allowed. A maximum of 19 STRs would be allowed in the Hills Neighborhood.

**Potential STRs in Capped Neighborhoods and Other Locations in Residential and Commercial Zones**

| **Analysis of STR Potential in Residential Zones** | | | |
|---|---|---|---|
| | *Existing STRs* | *Max STRs per Cap* | *Potential New STRs* |
| North Beach | 74 | 77 | Up to 3 more |
| South Bluff | 23 | 32 | Up to 9 more |
| Hills | 18 | 19 | Up to 1 more |
| Other: North Bluff and Via de la Valle | 0 | N/A | One per lot if capacity under citywide cap |

| **Analysis of STR Potential in Commercial Zones** | | | |
|---|---|---|---|
| | *Non-Restricted Dwelling Units* | *Existing STRs* | *Potential New STRs* |
| CC Zone | 5 | 0 | 5 (One per lot) |
| VC Zone | 53 | 0 | 5 (at 10% of units) |
| 941 CDM SP | 6 | 0 | 6 (per entitlement) |
| NC Zone | 40 | 0 | 4 (at 10% of units) |
| PC Zone | 0 | 0 | 0 |
| RC Zone | 9 | 0 | 6 (One per lot) |

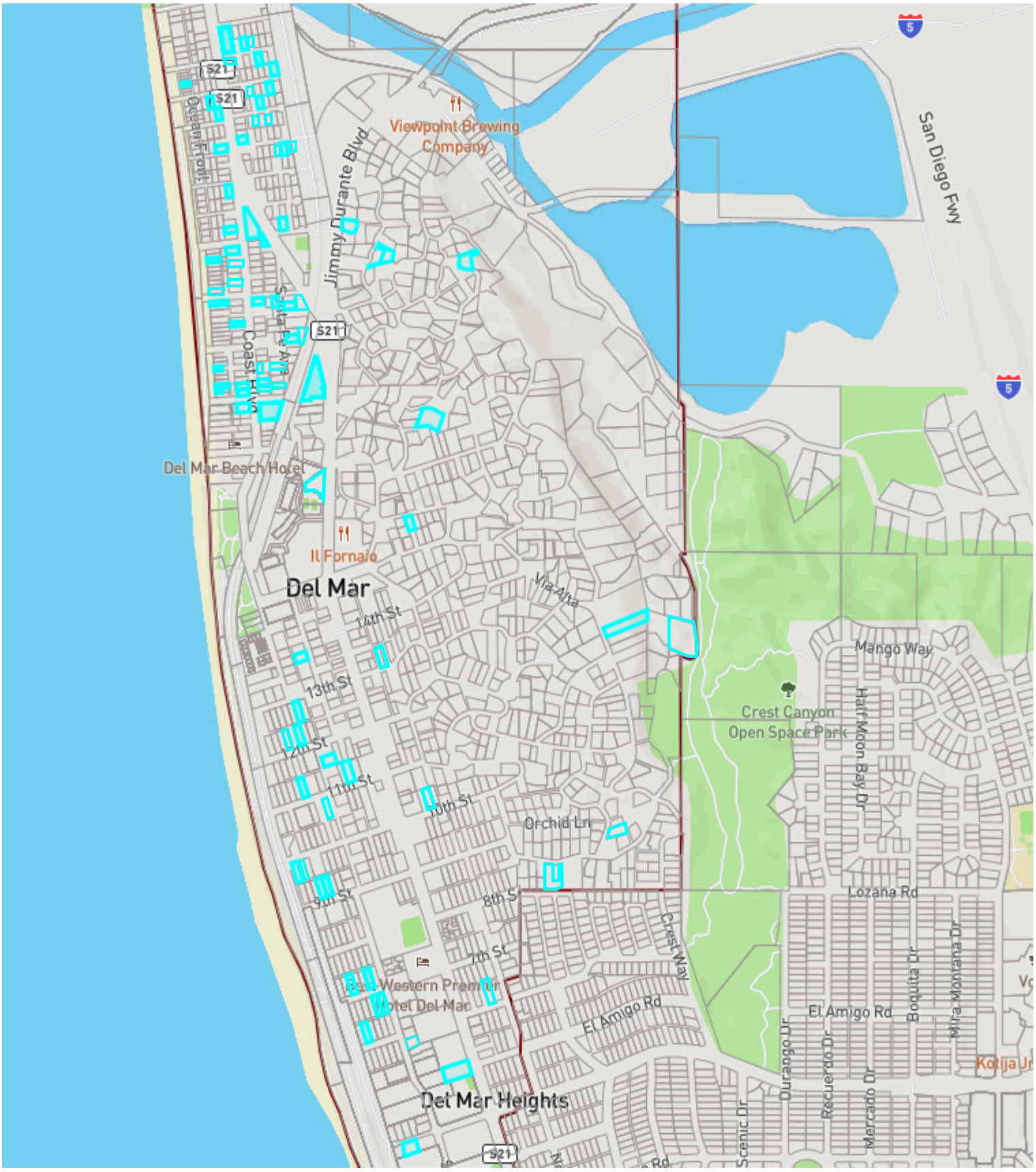
Following is a description of the set of maps in this Exhibit which show:

- The locations of the 115 Existing STRs citywide include:
    - Existing STRs in North Beach (74 STRs)
    - Existing STRs in South Bluff (23 STRs)
    - Existing STRs in Hills (18 STRs)

- The three areas that have neighborhood caps on STRs include:
    - **North Beach neighborhood** (cap at 60% - maximum 77 STRs): RM-West, RM-East, R1-5B, and R1-10B zones
    - **South Bluff neighborhood** (cap at 25% - maximum 32 STRs): portions of the R2 and R1-40 zones, and the RM-South and RC zones
    - **Hills neighborhood** (cap at 15% - maximum 19 STRs): portions of R1-40 and R2 zones, and the R1-10, RM-Central, and Carmel Valley Precise Plan (CVPP) zones

- The commercial zones with additional existing and future capacity for STRs include:
    - CC Zone
    - VC Zone
    - 941 CDM SP
    - NC Zone
    - PC Zone
    - RC Zone

# City of Del Mar - Existing STRs




| 1" = 1275 ft | STR Total = 115 | Short Term Rental | |
|---|---|---|---|

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# City of Del Mar - North Beach Existing STR's

| 1" = 451 ft | STR Total = 74 | One STR on lot<br>Two STRs on lot | Three or more STRs on lot |
|---|---|---|---|

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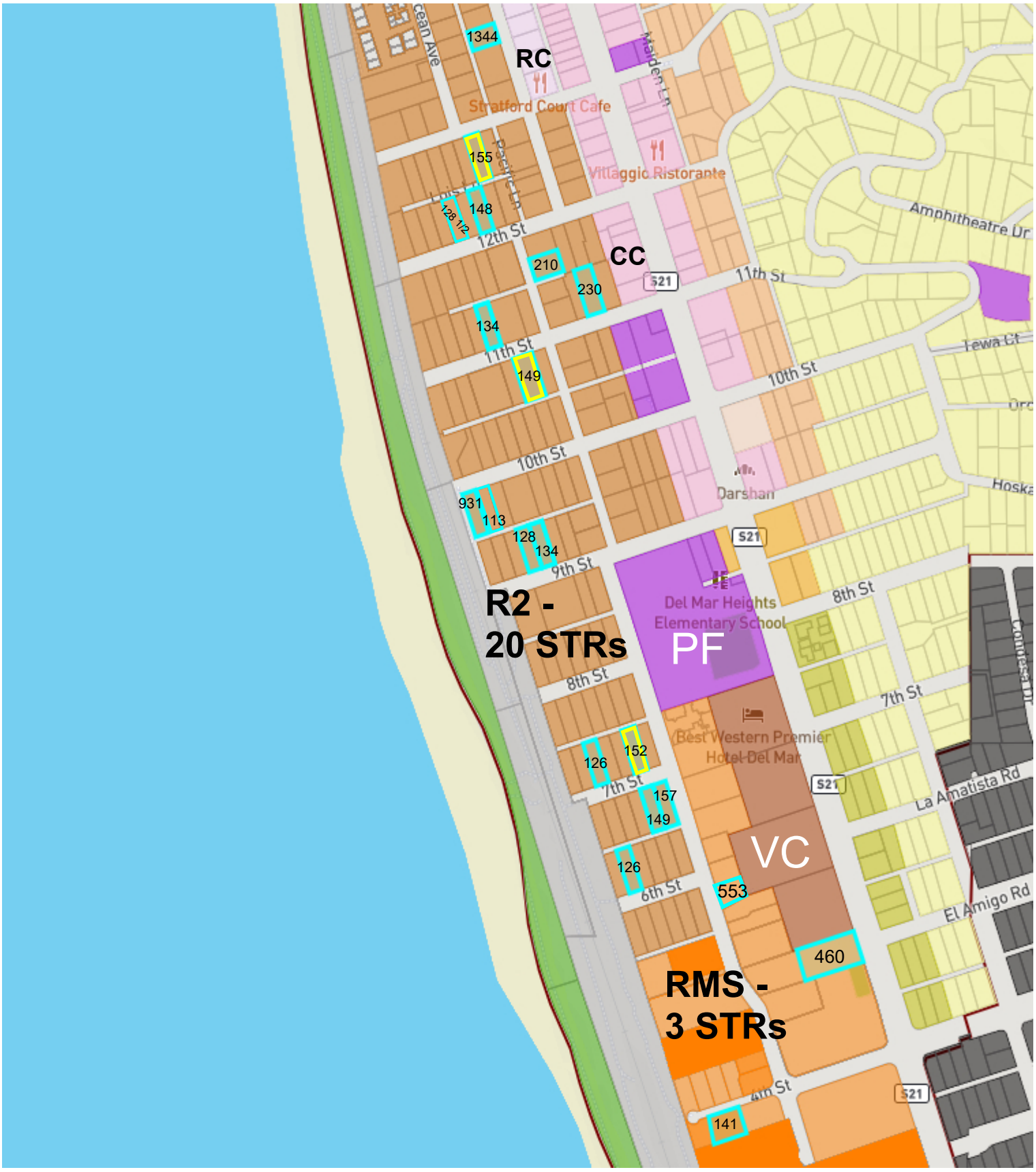
# City of Del Mar - South Bluff Existing STRs




| 1" = 575 ft | STR Total = 23 | One STR on lot<br>Two STRs on lot | |
|---|---|---|---|

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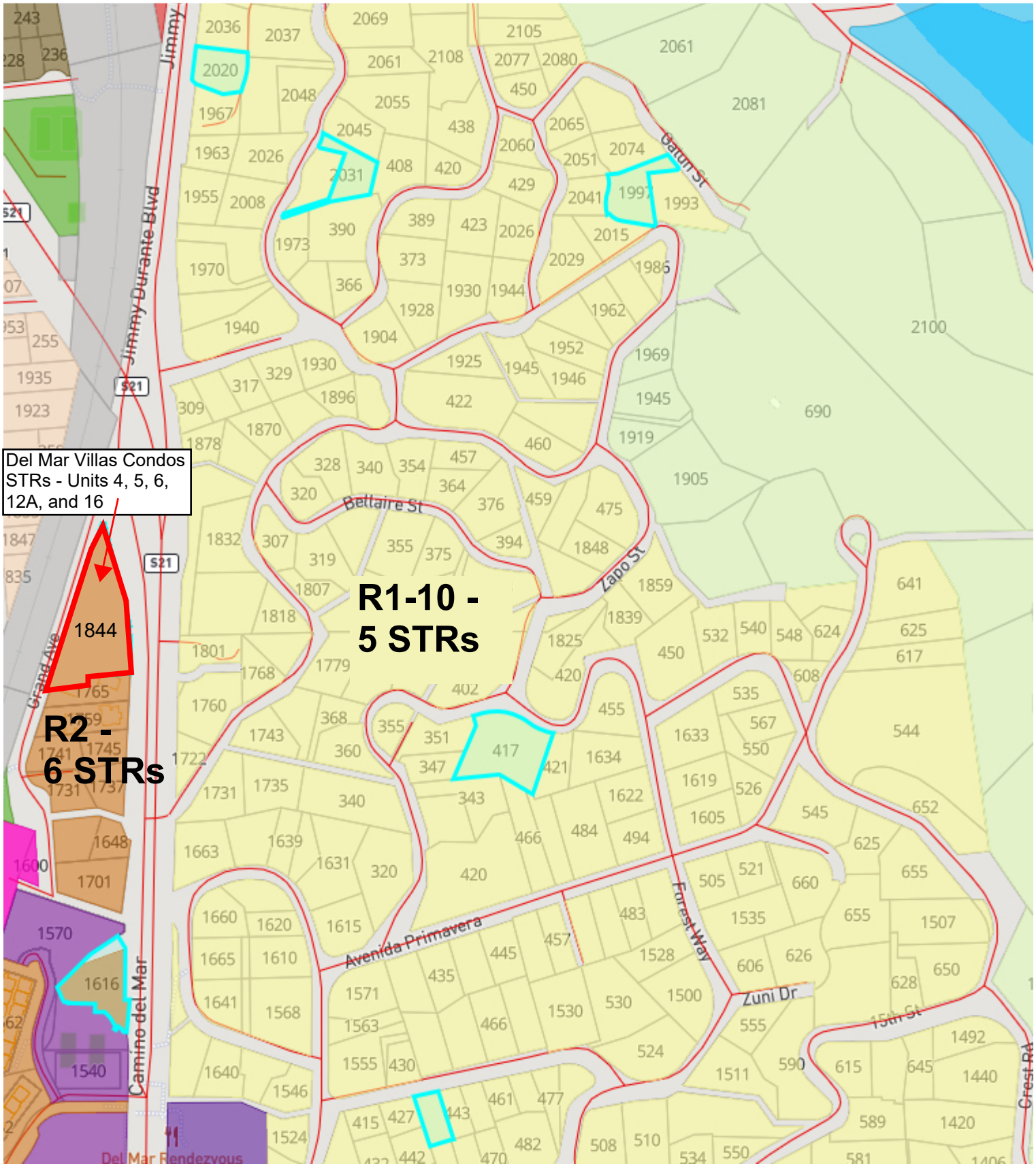
# City of Del Mar - Hills Existing STRs (North)




| 1" = 360 ft | STR Total = 11 | One STR on lot<br>Three or more STRs on lot | |
|---|---|---|---|

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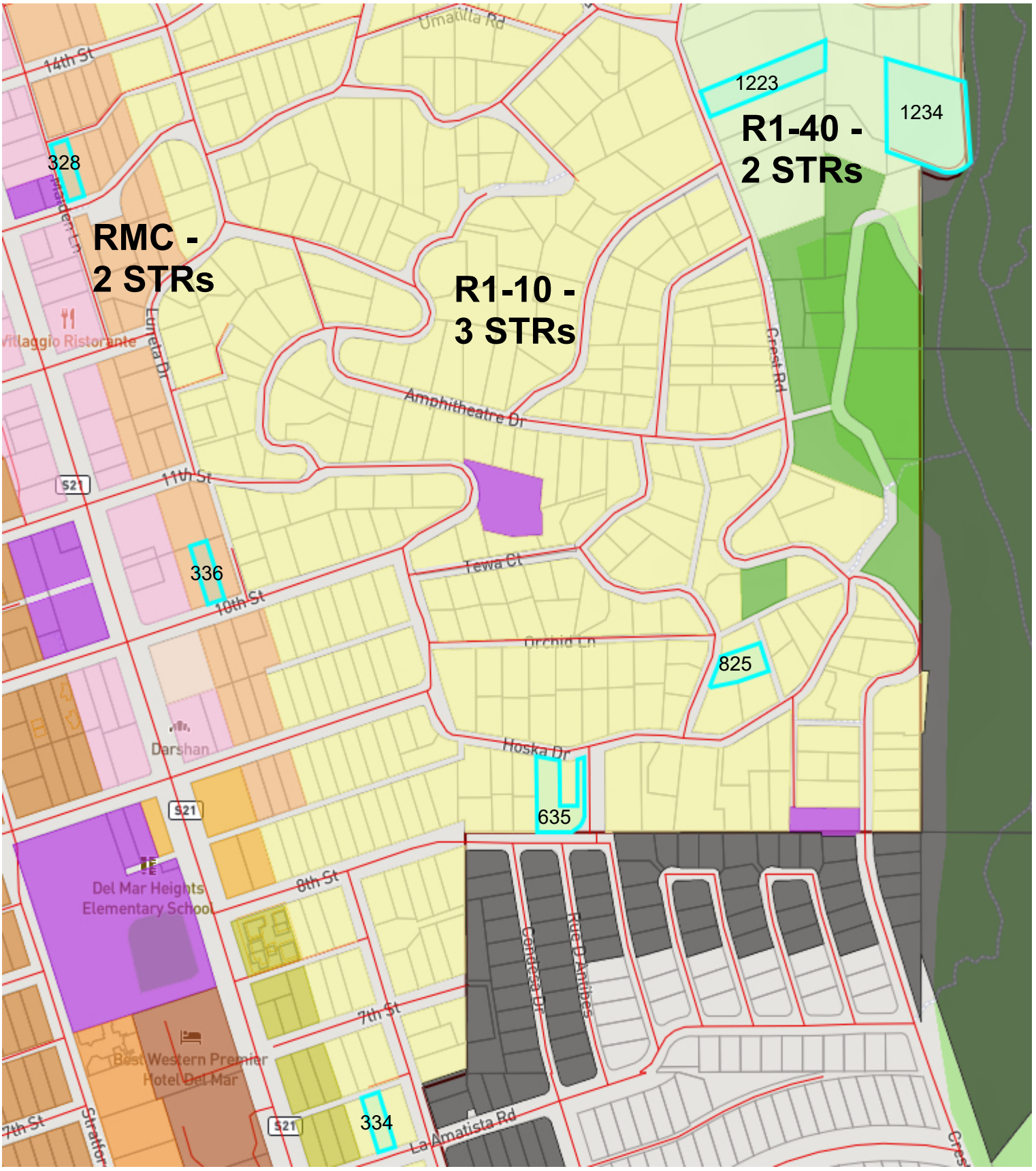
# City of Del Mar - Hills Existing STRs (South)




| 1" = 450 ft | STR Total = 7 | One STR on lot | |
|---|---|---|---|

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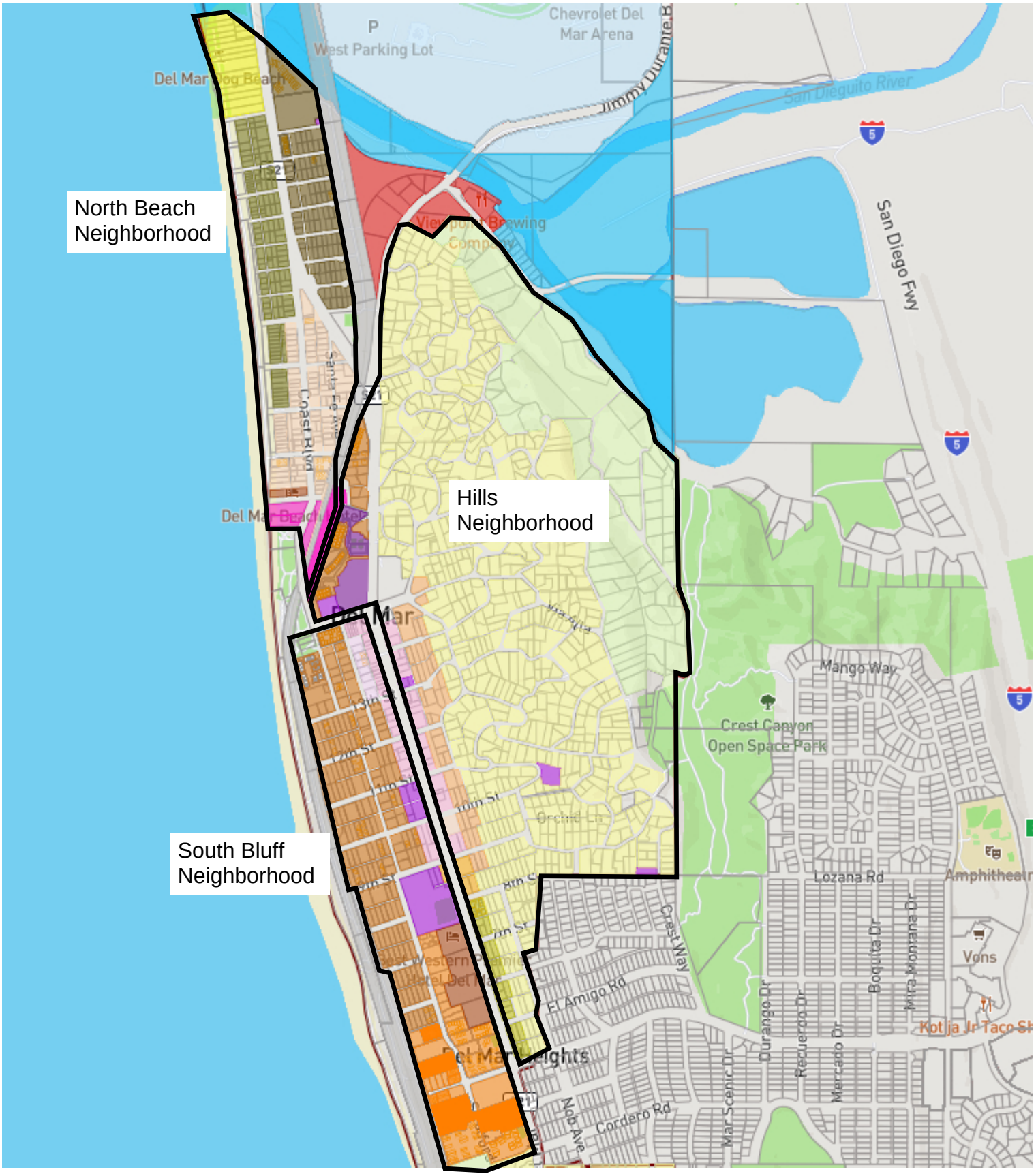
# City of Del Mar - Neighborhood Cap Boundaries




| 1" = 1480 ft | Sub Title | 08/06/2024 | |
|---|---|---|---|

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# Summary of Proposed STR Permit Procedures

## Qualifying Existing STRs - STRs in operation prior to adoption of STR Ordinance

**Existing STRs must timely register with the City of Del Mar**

- The City Council will specify the deadline to register within the STR Ordinance
- Registry deadline will be at least 30 days from STR Ordinance adoption

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**Must apply for STR Permit within 60 days following the effective date of the STR Ordinance**

- Permit applications will be accepted following the date the STR Ordinance takes effect
- Effective date of Ordinance is date Coastal Commission grants final certification
- Permits for Existing STRs will be processed prior to applications for new STRs
- Allows existing STRs to exceed caps (i.e., citywide, neighborhood), owners to submit a permit for each existing STR, continue operating without primary residence requirement, and continue operating until change in ownership, permit expires, or permit is revoked

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**Must renew STR Permit prior to permit expiration date**

- STR Permits will expire after two years
- Must maintain STR Permit in good standing with no lapse in permit expiration in order to maintain rights as Existing STR per STR Ordinance

## New STRs - All STR Permit Applications other than Existing STRs:

**Can apply for STR Permit following Ordinance effective date**

- Permit applications will be accepted following the date the STR Ordinance takes effect
- Effective date of Ordinance is date Coastal Commission grants final certification
- Permits for Existing STRs will be processed prior to applications for new STRs
- A maximum of one STR Permit application may be submitted per owner

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**New STRs must comply with specified caps in STR Ordinance**

- New STRs will be processed in the order permit application is received
- Waitlist will be established if there is not available capacity within the specified caps (i.e., citywide, neighborhood) to accommodate new STRs

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**Procedures for Individuals on Waitlist to submit application when capacity is available**

- City will contact individuals in the order added to the waitlist
- Individual must submit STR Permit application within 30 days of contact by City
- If applicant does not timely submit, they will be removed from the waitlist and the City will contact the next name on the waitlist to apply for a STR Permit

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**Must renew STR Permit prior to permit expiration date**

- STR Permits will expire after two years