

City of Del Mar

6th Cycle Housing Element Update

Final Program Environmental Impact Report

September 2020



CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Prepared By
Kimley»Horn



Final Environmental Impact Report
Responses to Comments
Del Mar 6th Cycle Housing Element Update
SCH No. 2020029064

Prepared For:



1050 Camino del Mar
Del Mar, CA 92014

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September 2020

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1.0 INTRODUCTION



1.0 INTRODUCTION

1.1 CEQA Requirements for a Final EIR

The City of Del Mar (City), in compliance with the California Environmental Quality Act (CEQA), has prepared this Final Program Environmental Impact Report (Final PEIR) for the City of Del Mar's 6th Cycle Housing Element Update (HEU). The City is required, after completion of a Draft PEIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the proposed Project, and to provide the general public with an opportunity to comment on the Draft PEIR. The City, as the lead agency, is also required to respond to significant environmental issues raised in the review and consultation process. This Final PEIR has been prepared to respond to public agency and general public comments received on the Draft PEIR for the Project, which was circulated for public review from July 2, 2020 through August 31, 2020.

State CEQA Guidelines §15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft PEIR and prepare a written response. The written response must address the significant environmental issues raised. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines §15204).

State CEQA Guidelines §15204 recommends that commenters provide comments which focus on the sufficiency of the Draft PEIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines §15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines §15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines §15204 is instructive and provides insight into both the obligation of commenting parties and how the Lead Agency should review and respond to comments. Section 15204 states in part:

- “(a) In reviewing Draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. ***CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.***” [emphasis added]

State CEQA Guidelines §15088 recommends that where a response to comment makes important changes in the information contained in the text of the draft EIR, that the Lead Agency either revise the text of the Draft EIR or include marginal notes showing that information. The Final PEIR for the Project has been prepared in accordance with CEQA. CEQA Guidelines §15132 indicates that the contents of a Final EIR shall consist of:

- a. “The draft EIR or a revision of the draft;
- b. Comments and recommendations received on the draft EIR either verbatim or in summary;
- c. A list of persons, organizations, and public agencies commenting on the draft EIR;
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- e. Any other information added by the Lead Agency.”

Therefore, the Final PEIR for the Project consists of the Draft PEIR and appendices, this Responses to Comments document, which includes comments and responses on the Draft PEIR, a list of all persons, organizations or agencies commenting on the Draft PEIR, and an Errata section indicating minor corrections to the Draft PEIR. As noted further below and in Section 3, Errata of this Responses to Comments document, the Errata section contains minor technical clarifications and corrections to the Draft PEIR, none of which affect the Draft PEIR conclusions, nor do they raise important new information or otherwise require recirculation of the Draft PEIR, pursuant to CEQA Guidelines §15162.

Pursuant to CEQA Guidelines §15088(b), the City has provided written responses to comments to any public agency that commented on the Draft PEIR, at least ten (10) days prior to the City Council consideration of certifying the EIR as adequate under CEQA. Due to the COVID-19 pandemic, the Del Mar City Hall and Del Mar Branch Library, locations commonly used for placement of hard copy documents, are closed to the public until further notice, but the Final PEIR will be made available to the general public on the City’s website at:

- www.delmar.ca.us/Archive.aspx?AMID=57

Or

- www.delmar.ca.us/HousingElement

The Final PEIR, along with other relevant information and public testimony at the City Council’s hearing, will be considered by the City’s Council in determining whether or not to certify the EIR and approve the Project.

1.2 Organization of the Final PEIR

This Final PEIR document is organized as follows:

Section 1.0 Introduction – provides a brief introduction to this document.

Section 2.0 Draft PEIR Comments and Responses – includes all comments received on the Draft PEIR and the City’s responses to those comments, in accordance with CEQA. The Final PEIR incorporate the DPEIR by reference.

- Section 3.0 Draft PEIR Errata** – presents clarifications, revisions made to the Draft PEIR resulting from comments made of the Draft PEIR, minor staff edits, or insignificant modifications to the text of the document.
- Section 4.0 Mitigation Monitoring and Reporting Program** – Section 15097 of the CEQA Guidelines required the City to adopt a MMRP to ensure that the mitigation measures identified for the Housing Element in the PEIR are implements. The MMRP is provided in Section 4.
- Section 5.0. Final PEIR Appendix** – provides information regarding the Draft PEIR as well as information received during the circulation of the Draft PEIR that is being provided as part of the record to be considered by the public and decision-makers.

1.3 CEQA Process History

The City has complied with relevant CEQA Guidelines regarding the preparation and processing of the Program EIR. A brief summary of the Project’s CEQA process is as follows:

- A Notice of Preparation (NOP) informing interested parties and agencies of the Project was circulated on February 19, 2020 until March 20, 2020.
- The City held a joint PEIR Scoping Meeting and Community Public Workshop on February 29, 2020 at the Del Mar City Hall, 1050 Camino del Mar, Del Mar, California, where written and verbal testimonies were received.
- The Draft EIR was distributed for public review on July 2, 2020 for a 60 public review period, which closed on August 31, 2020.
- The City prepared the City of Del Mar’s 6th Cycle Housing Element Update (HEU) and presented a Draft to the City Council at the September 9, 2020 City Council meeting. The Housing Element will be available for public review after the City Council meeting.
- Two public meeting were held to receive public input and comments on the Draft PEIR. The first informational session was held with the City Council on July 6, 2020 and the second was scheduled with the Planning Commission on July 14, 2020 at 6:00 p.m.

1.4 Clarifications, Amplifications and Modifications to the Draft EIR

Section 3.0, Draft EIR Errata, details the changes to the Draft EIR. CEQA Guidelines §15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

- “(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including

a feasible project alternative) that the project's proponents have declined to implement. ...

- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Specific clarifications have been made to the Executive Summary, Project Description and throughout the Draft PEIR in response to public comments. Specifically, a clarification has been made to the number of candidate sites included in the proposed Project from 104 to 103. This was due to the removal of site 97 from consideration. The numbering system for candidate site has been retained to avoid confusion by changing candidate site numbers at this late stage in the EIR process (therefore, although the candidate site numbers range from 1 to 104, there are only 103 sites since there is no longer a candidate site 97). Alternative 3 was modified to acknowledge the updated candidate housing total for the proposed Project. Clarifications were also made in the errata to show the removal of specific references to candidate site 97 and the corrected acreage of site 55. Text changes have also been made to other sections to make insignificant modifications to the Draft PEIR.

This information does not rise to the level of significant new information as the resulting impact analysis and alternatives considered remain essentially unchanged, and no new or more severe impacts have been identified. These changes do not warrant Draft PEIR recirculation pursuant to CEQA Guidelines §15088.5. As set forth further below and elaborated upon in the respective Response to Comments, none of the Errata below reflect a new significant environmental impact, a “substantial increase” in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted, nor do the Errata reflect a “fundamentally flawed” or “conclusory” Draft PEIR. Therefore, this Final PEIR does not require recirculation prior to certification.

2.0 DRAFT EIR COMMENTS AND RESPONSES



2.0 DRAFT EIR COMMENTS AND RESPONSES

In accordance with CEQA Guidelines §15132, the following is a list of persons, organizations, and public agencies that submitted comments on the Draft Environmental Impact Report (EIR) during the public review period. This section includes all comments received by the City on the Draft EIR, including written comments, comments submitted online through emails sent to the City, and oral comments received at the public meetings. Although CEQA only requires a 45-day review period for the Draft EIR, the City provided for a full 60-day review period of the Draft EIR which ran from July 2, 2020 through August 31, 2020.

2.1 List of Draft EIR Comments

Comments have been numbered as shown below, with responses to each comment following the respective comment letter.

Reference	Commenter	Date
State		
S1	22 nd District Agricultural Association, State of California Dustin J. Fuller, Supervising Env. Planner, 22 nd DAA	August 31, 2020
July 6, 2020 Public Meeting Comments		
M 1	J. Grewal, T. Martinez, J. Kawasaki, and K. Lare	July 6, 2020
General Public		
G 1	Annie Duval	August 2, 2020
G 2	Jan McMillan	August 31, 2020
G 3	Laura DeMarco	August 31, 2020

**Comment Letter S1 - 22nd District Agricultural Association, State of California - Dustin J. Fuller,
Supervising Env. Planner, 22nd DAA**

Comment Letter S1



August 31, 2020

Mr. Joseph D. Smith, AICP, Director
Planning and Community Development
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Subject: Comments on the Program Environmental Impact Report (PEIR) for the
proposed 6th Cycle Housing Element Update

Dear Mr. Mooney:

The 22nd District Agricultural Association (22nd DAA) appreciates the opportunity to provide comments on the draft PEIR for the above listed project. The 22nd DAA understands that the Housing Element Update (HEU) identifies potential sites for future housing, including sites under the ownership of the 22nd DAA. As stated on Page 1-4 of the PEIR (see below), the 22nd DAA fully expects that all sites considered will conduct, at a minimum, an Initial Study comparing that proposed housing development to the PEIR and clearly indicate its consistency with the PEIR (and mitigation measures implemented) or provides for another appropriate CEQA document. These documents should be noticed and provided to the 22nd DAA for review and comment.

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

3

The PEIR identifies general development bubbles located on 22nd DAA property (Figure 3-1, Candidate Housing Sites). It should be noted that close coordination with the 22nd DAA will be needed for any of the sites included on this graphic. Some are located in more environmentally sensitive areas; Area 2-F on the graphic is adjacent to the 22nd DAAs \$6 million wetland restoration project which would require extensive analysis on wetland biological resources to ensure that any future housing does not negatively

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Mr. Joseph D. Smith, AICP, Director
August 31, 2020
Comments on the Program Environmental Impact Report (PEIR) for the proposed 6th Cycle Housing Element Update

impact this restoration area. Other areas identified (Living Quarters in the Backstretch Area) are actively used for Horse Racing and may not be available for development. Still other areas are located in or near the heart of the Fairgrounds (the 48-room dormitory, also known as "Motel 6"); development in this location would place residences in close proximity to year-round events including the Annual San Diego County Fair, Summer and Fall Race meets (including periodic Breeders Cup) as well as 300+ other events ranging in size from a wedding to the Good Guys Auto show. Careful consideration needs to be made when placing residential uses on a facility such as the Del Mar Fairgrounds as this existing use is planned to continue operation as it has and impacts to residents from air quality, noise, and traffic/parking to name a few, may result.

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For these reasons, the 22nd DAA requests that the City of Del Mar work closely with our staff to ensure that any future housing development on 22nd DAA owned property is fully vetted, evaluated and appropriate environmental review is conducted.

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The 22nd DAA appreciates the opportunity to provide comments on the City's Draft PEIR for the 6th Cycle Housing Element Update. As documented in our comment letter, the 22nd DAA wants to ensure that close coordination between the City of Del Mar and 22nd DAA is undertaken if housing proposed on 22nd DAA owned land is pursued and that additional environmental review be conducted for any housing developed under the Housing Element Update.

Sincerely yours,

22nd District Agricultural Association



Dustin J. Fuller
Supervising Environmental Planner, 22nd DAA

Cc: Carlene Moore, Interim Chief Executive Officer, 22nd DAA

**Response to Comment Letter S1 - 22nd District Agricultural Association, State of California -
Dustin J. Fuller, Supervising Env. Planner, 22nd DAA**

Letter S1 **Dustin J. Fuller**
Supervising Environmental Planner, 22nd DAA
August 31, 2020

Response S1-1: Introductory comments regarding the 6th Cycle Housing Element Update (HEU) EIR are noted and are responded individually below.

Response S1-2: Future Community Plan, Del Mar Municipal Code (DMMC) Title 30 (Zoning Code), and Local Coastal Program amendments may be required to implement programs identified on the list of potential HEU action programs (see Appendix 9.2 of the Draft PEIR). Amendments to other supporting planning documents may also be necessary for clarification and consistency purposes. However, in accordance with State California Environmental Quality Act (CEQA) Guidelines §15168 (Program EIR), all later activities in the HEU program, including future development on candidate housing sites, will be examined in the light of the PEIR to determine whether an additional environmental document must be prepared and if so, which environmental document is most appropriate for the proposed action. This decision would be determined by the City, prior to City Council approval of future HEU implementation actions. Similarly, discretionary permits and future CEQA evaluation will be required prior to approval of future housing development facilitated by the HEU, except for ADUs and Junior ADUs, which are exempt from CEQA and discretionary permits per California Government Code §§ 65852.2 and 65852.22. The preparation of future environmental documents associated with the HEU would be subject to City and State CEQA Guidelines noticing requirements.

The Housing Element will provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City and institute policies intended to guide City decision-making and establish an Implementation Program to achieve housing goals through the year 2029. This includes a Regional Housing Needs Allocation (RHNA) implementation plan which will include site-specific development standards, along with CEQA mitigation measures identified in this PEIR's Mitigation Monitoring and Reporting Program to which future projects, as applicable, must adhere to, for the site to develop consistent with the HEU's purpose and to avoid or lessen any potentially significant environmental impacts. The City agrees to provide the 22nd DAA environmental documents from future development for review and comment, per City and State noticing requirements.

Response S1-3: The comment is a reiteration of the HEU's intent regarding for future development and is noted for the record. No further response is needed.

Response S1-4: The City is aware of the environmentally sensitive areas in proximity to the 22nd District Agricultural Association (DAA) properties. In an effort to create a comprehensive HEU candidate housing sites inventory, the City identified vacant sites, as well as opportunities for re-designation and zoning code amendments to allow residential and mixed-use development in the North Commercial and Professional Commercial Zones, mixed-use development in the downtown village area, and multiple-family development in the Fairgrounds Area. All identified candidate housing sites were evaluated at a

programmatic level based on information available to the City where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered. Future housing development on any of the candidate housing sites would be subject to the City's design review process, discretionary permits, and CEQA evaluation at the project-level. For such project-level evaluation, the City would rely on the local CEQA Guidelines adopted on June 1, 2020 (to address potential transportation impacts related to vehicle miles traveled (VMT)) and the State CEQA Guidelines *Appendix G: Environmental Checklist Form* to determine the potential for impacts on any of the 21 environmental factors included on the Environmental Checklist Form, including air quality, noise, and transportation.

Response S1-5: The City has noted the commenter's appreciation. As the Fairgrounds land is owned and controlled by the State, development within this zone is governed by the 22nd DAA Board of Directors and the California Coastal Commission (Coastal Commission). As such, the City would coordinate closely with 22nd DAA and Coastal Commission staff on any future development on HEU candidate sites within the Fairgrounds Focus Area, ensuring that any future development in the area complies with State CEQA Guidelines and any applicable federal, state, and local regulations and/or policies.

Comment Letter M1 -J. Grewal, J. Grewal, T. Martinez, J. Kawaski, and K. Lare



From: Jas Grewal <jas.grewal@sbcglobal.net>
Sent: Monday, July 06, 2020 12:00 PM
To: City Clerk Mail Box; Ellie Haviland; Sherryl L. Parks; Terry Gaasterland; Dwight Worden; David Druker
Subject: Project EIR for the 6th Housing Element
Follow Up Flag: Follow up
Flag Status: Completed

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 read at the meeting for this item. Thank you.
Dear Council Members,

1

We are writing to express our concern that the draft EIR being presented to you today does not address the creative ways in which the ADHOC Housing 6th Element Task Force identified to fulfill our RHNA goals. We are attaching the Production and Presentation report for your ready reference so you can easily see the discrepancies.

2

Please note that when staff asked for the Housing Task Force's input for the areas for EIR analysis underway by consultants, the committee was in unanimous agreement that the EIR not focus just on one or two specific areas of Del Mar as staff had pursued but that all zones of Del Mar should be included in the EIR since our goal was to disperse the housing in all zones of the city and not in any one or two specific zones.

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Our understanding from the staff, and it was confirmed by the two council liaisons Gasterland and Worden, that our input would be shared with the consultants so that the EIR could in fact cover all areas of the City so that when the time

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came for Council to choose the various programs from our robust creative solutions to fulfill the RHNA numbers for the final Housing Element document, the EIR would have been already completed and would not have to be done again for a specific area that was excluded by this current EIR incurring both extra expense and time. Given the current budget crisis, this is an important consideration.

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With the current EIR presented to you today with the analysis of only select zones, in effect, the 90 plus hours devoted to research and document the creative solutions without further need for significant development for the 6th housing element cycle, except for what's mandated by state law for vacant land, would have been in vain.

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The current EIR leads us down the path for significant development making it easy to meet the current RHNA numbers which is the easy way to address the RHNA numbers today but leaving the future very uncertain for how we will meet future RHNA demands. The result, if the creative solutions are not included in the EIR, will be a complete change of the character of the current City of Del Mar which is very much valued by residents, your constituents.

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We hope you will direct Staff to include all zones in the EIR so that the work of the Housing Task Force would not have been not done in vain. Please note the Production and Preservation report truly reflects the resident's desires of how they wish to support affordable housing with minimal development given the numerous other options available for this housing cycle.

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Thank you for your consideration.

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Jas Grewal, Chair
Tracy Martinez, Vice Chair
Julie Kawasaki, Member
Karen Lare, Member
Adhoc 6th Element Task Force

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Updated Report to Ad-hoc Citizen's Housing Task Force

June 15, 2020

REPORT FROM HOUSING PRODUCTION AND PRESERVATION SUB-COMMITTEE

EXECUTIVE SUMMARY

The State of California mandates each City to provide a planning document called a Housing Element, that provides policy direction for the implementation of various programs and actions that accommodate projected future housing growth needs, identifies opportunities for new housing units, preserves existing housing stock and assists the existing population for all income levels within their Community.

Why is the Housing Element important? Why should residents pay attention to what is written in this State mandated document? Because, the programs, policy changes and zoning changes voted on by City Council and put forth in the Housing Element, automatically become part of the City of Del Mar's Community Plan. No additional community approval is then needed to enact them.

The City of Del Mar is required by the State, for this next eight-year cycle (2021 to 2029) to ensure through the Housing Element planning document, that our regional allocation of 163 affordable housing units can be met. This does not mean that the City of Del Mar actually builds these units. It means that the City must create policies and programs to allow, incentivize and encourage creation of the required 163 units.

The City through its last eight year cycle Housing Element planning document already provided the policy changes to meet not only the last cycle's goal of 76 units but more than the 163 required for this next cycle. Thus, our goal for this cycle is to see how we can ensure affordable units are created by; 1. using the existing policies and procedures and 2. creating new directives and programs to see tangible results over the next eight years.

It is important to note that each year the San Diego County Area calculates the regional median income. This number impacts the income level designated for each level of affordable housing. The 2019 median income was \$86,300*, which then mandates the four income categories and the number of required units accordingly. The regional allocation of 163 housing units for the City is as follows:

1. 37 units for Very Low income (\$26,753 to \$43,150).
2. 64 units for Low Income (\$43,151 to \$69,040).
3. 31 units for Moderate Income (\$69,041 to \$103,560).
4. 31 units for Above Moderate Income (greater than \$103,560).

*The income in each category will adjust annually based on each year's median income.

In our work as the sub-committee on Production and Preservation, we educated ourselves by completing the following:

- Met with Council Liaisons Worden, Gaasterland & Staff McMahon to gain insight and history on the city's affordable housing initiatives and to understand the potential options / solutions available.
- Spent considerable time understanding the various potential housing options available at the Fairgrounds and received feedback from Worden & McMahon on each.

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- Reviewed maps and documents provided by McMahon that show each City-owned parcel and its current uses.
- Conducted walking tours of sites to review them first hand.
- Reviewed City-owned parcels and considered; Could we build? Should we build? And how many units?
- Discussed re-zoning, zoning amendments and processes with McMahon and Liaisons on several of the City-owned parcels.
- Attended a Tiny Homes Symposium to understand regulatory challenges and advances in utilizing Tiny Homes as attractive affordable housing units.
- Spent significant time discussing creative solutions amongst ourselves, McMahon, Liaisons and some residents.
- The group considered the report from the Finance committee that was completed in 2014 where they reviewed and analyzed the City owned properties for potential sale or change in use.

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cont.

With the knowledge gained, we ranked each City-owned parcel and Fairground options by adhering to the best use of land principal and the timeline required for completion. While carefully examining all available options, we made a concerted effort to be impartial and avoided all political considerations including, our own preferences and prejudices. Due to the Covid -19 pandemic and its implications on City revenue, we made appropriate changes to ensure financial viability for each recommended option.

This report evaluates and prioritizes the following two approaches to produce additional units:

- A. City Owned Properties and Fairgrounds opportunities
- B. Accessory Dwelling Units (ADUs)

Each of these two approaches has recommended steps and a count of feasible new units.

This report further evaluates risks to current housing and mechanisms to retain existing units. Also included are options for the 100 year old Dunham House, including ways to use the structure for office space, affordable housing or revenue generation. Finally, this report summarizes financial feasibility for accomplishing the prioritized options.

PRODUCTION OF NEW AFFORDABLE HOUSING UNITS:

A. City Owned Property and Fairgrounds

Our subcommittee looked at each and every substantial parcel of land the City owns to see if they were suitable for creating affordable housing units (we did not look at all easements or street ends due to their size). Each property was assessed and then ranked below by those locations which have a high desirability, feasibility, and then by priority based on ease, cost and appeal to the majority of the residents for a positive outcome.

High Priority Options for the 6th housing cycle

1. **Sell one of the City Owned Properties listed below to Fund Affordable Housing Projects:**
 - o **Zuni Water Tank property** – based on land value and location of lot we suggest selling it versus developing it and using the proceeds to fund other affordable housing programs noted in options 2 through 8 below. (Estimated sale price of \$4.5M to \$5.0M. Expenses required to reconfigure water system and remove

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- tank). This property is owned by the City Water System however there is an opportunity for the City Council to direct proceeds from the sale to the Housing Fund as was done with sale of the City owned Balboa property to partially fund Shores Park.
- o **12th Street and Luneta Drive** – vacant lot (approximately 8,000sq.ft.) that could be sold to fund Affordable Housing Programs or developed by the city into affordable housing units. Value of lot estimated at \$3.0M to \$3.5M. This would be a back-up option if the City chose not to sell the Zuni Water Tank Property but will bring in significantly less proceeds to fund affordable housing projects.
2. **City owned 28th Street property** – 2500 sq. foot lot with potential for a minimum of 2 units and a maximum of 4 units (Tiny Homes of 400 - 800 square feet each). This option has been studied by staff and has been deemed feasible. Parking permits or other accommodations will be necessary for 4 units. (Estimated purchase cost for Tiny homes \$75k each \$150k to \$300k total). City could elect to build but costs will be significantly higher. The City would receive monthly revenue from this non-performing asset.
 3. **City Hall 10th Street south expansion lot** – 4500 square foot lot with potential for a minimum of 4 units up to a maximum of 6 units depending on size of units in a 2-story configuration. Parking spaces designated at adjacent civic center if required. Costs for 3000 sq. ft. of development (build costs only for 4 units) approximately \$900m. The City would receive monthly revenue from this non-performing asset.
 4. **Annex the Surf and Turf RV Park** on the east side of the Fairgrounds all the way to the Lagoon from the City of San Diego (so this would be City of Del Mar land and would count in our RHNA numbers), and turn the current RV Park into an affordable housing area (75 parking spots today) or split the RV lot and make half tiny homes/mobile homes and the other half would remain as RV lots. Initial potential (estimated based on Fairgrounds discussions) for 20 units with the potential for increasing numbers up to 60 units. Federal or State Grants may be available to support this initiative related to Lagoon Habitat Restoration. Costs attributed to annexing, planning, landscaping and utilities hook-ups (if required), for Tiny Home/Mobile Home community estimated at \$350k. Monthly revenue from rental of spaces would benefit the Fairgrounds and the City would count these affordable housing unit towards their regional allocation.
 5. **Encourage additional residential units in existing commercial buildings in the downtown commercial zone as allowed by the new State ADU Law.** Units must comply with existing FAR and height restrictions. See Section B Number 6 below for additional details. Incentivize through reduced fees, streamlined processes and incorporate the 2018 law allowing the use of existing building codes to bring units into compliance. For example; an underutilized storage space or conference room can become a repurposed space for an ADU.
 6. **Pine Needles Water Tank** - Property needs to be assessed for space for a Tiny Home beside water tank – based on initial review potential for 1 unit. The City would receive monthly revenue from this non-performing asset.
 7. **10th Street / Highland Water Tank** – lot boundaries need to be assessed to see if adding a Tiny Home would work alongside water tank – based on initial review potential for 1 to 2 units. The City would receive monthly revenue from this non-performing asset.
 8. **Convert Del Mar Fairgrounds track housing to affordable units** (in order to have it count for Del Mar RHNA goals we will need an exemption from the existing rules requiring a kitchen as this housing currently utilizes a communal kitchen per safety regulations). Available only to track or fairgrounds employees, it has a potential of 500+ units. Costs for necessary upgrades are not known at this time, but we estimate a City contribution of \$500k for this housing cycle would allow us to upgrade 100 units. We request the City to work with Senator Toni Atkin's office and the Fairgrounds to accomplish this.
 9. **Convert an existing Fairgrounds livestock / horse barn to housing** (south of first gate/north of main gate Jimmy Durante side). Will require new development. Potential

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for a fairgrounds / developer revenue split. Could have a separate entrance. Potential for a minimum of 66 units which would count towards the City's regional allocation.

Medium Priority Options - for the 7th Housing Cycle these could be the highest priorities

1. **The two lots on 9th Street where current DMF and DMCC offices are located.** As part of the design and development of Shores Park, the City could consider adding 4 to 6 affordable senior housing units above the DMCC/DMF building when it is newly constructed. While we respect the vision of Shores Park and realize that citizens have contributed to its preservation of open space for the community, the need for senior housing in this idyllic setting could be easily placed and be a win-win for the City, it's seniors and the community without compromising the desired open space vision.
2. **Jimmy Durante and Via de la Valle right of way area** - funded by a developer / revenue split with Fairgrounds potential for a minimum of 10 units
3. **Water Tower on Crest** - needs to be assessed for potential replacement – if decommissioned and tank removed from this lot there is a potential for up to 10 units. If not removed there is some open space behind tank but topography is not known. This was assessed in 2014 for sale and we recommend that it be used for affordable housing stock production.

Low Priority - for the 7th Housing Cycle these could be the medium priorities

1. **Maintenance Yard** – most of the property is in use today as maintenance yard and office and the City would have to find alternative site to be able to utilize. The property borders the lagoon and it is in a flood plain. Potential for 10 to 15 units built on stilts.
2. **Develop units over Fairgrounds offices** - would require significant investment and development or partnership with developer to build. Includes re-building the fairground offices and conference room in addition to the new units. Potential for 10 -12 units on the second level.
3. **Develop units over Fire Station** – would require significant investment and development or partnership with developer to build. Includes re-building space for fire department as well as their personnel living quarters. Potential for 2-4 units on second level.
4. **Second Homes in Del Mar** – The City has long been considered a desirable beachside community in which to live. This is a credit to our village feel and our livable climate. This has historically led to many homes and condominiums being owned by out of town residents who use them for short periods of time throughout the year. There is not an accurate number of second homes (that we are aware of) however they should be acknowledged as a potential source of additional housing stock. There are many examples of how other cities have addressed this situation when the need for housing availability for residents became critical. (<https://sf.curbed.com/2020/3/9/21171856/chiu-mid-tax-mayors-sf-oakland-san-jose-bay-area>, <https://www.sfchronicle.com/business/networth/article/Oakland-s-vacant-property-tax-takes-effect-13563273.php>, https://vancouver.ca/home-property-development/empty-homes-tax.aspx?utm_campaign=EHT&utm_medium=Vanity&utm_source=EHT_Vanity#redirect).

We firmly believe that this does not need to be addressed in this housing cycle as there are many other creative ways to address meeting our RHNA goals.

5. **Pump Station by tennis courts** (would require the City to give up the basketball and tennis courts which are regularly used by the community) potential for 4 to 6 units but there are concerns over environmental odors.

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Extremely Low – ideas to continue to assess for each successive housing cycle

1. **Shores Park** – citizen donations paid for a portion of this park and changing usage plan to add affordable housing on current open space is not desired by donors.
2. **Practice Track at Fairgrounds** – used today by fairgrounds for exercising horses.
3. **City Hall 11th Street northeast edge of property** – daily utilization by residents and visitors as meeting or relaxing space and utilized today for community events as well as open space.
4. **CDM/Border Avenue west of the Brigantine** – land profile makes it expensive to develop and there is limited space to build
5. **Lay down lot at the fairgrounds** – this is a high use area today (just past the intersection of Via de la Valle and Jimmy Durante) for the track, fair and horse shows for truck and trailer access, maneuvering and storage. Potential units unknown.

Excluded from Consideration – functional, high use City Properties

1. City Hall - new construction and building is fully utilized today
2. Library - historic home that is fully utilized today
3. Power House Park – a historic venue fully utilized today
4. Post Office – a necessary function, re-location would be challenging
5. Most City street easements and street ends due to ownership questions and buildability concerns.

B. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)

We reviewed the City's current ADU policies and programs and gathered information on the State of California's new law which went into effect on January 1, 2020. We also discussed the current programs and policies and new ideas with Shaun McMahon and our Council Liaisons and attended the City's Planning Commission to listen to the ADU/JADU presentation.

ADUs and JADUs are present in our City today even in areas where they are not officially allowed by the City. The State of California's new laws on ADUs/JADUs, effective January 1, 2020, will offer residents additional options for having these units on their property. Under the new State law, the City will need to amend their current regulations and the City is currently undertaking that process. The new State law and the changes in Del Mar regulations will assist the City in meeting their RHNA allocation for the 6th Housing Cycle. This will allow the City to add upwards of 1,000 plus units to the City's housing stock over the coming years by bringing current units out of the shadows and legalizing them as well as the production of new units.

In addition to the changes in laws and regulations, there are numerous ADU/JADU policies and programs to consider as High Priority Options for the 6th Housing Cycle:

1. **Put an amnesty program in place** so that all existing ADUs and Jr ADUs, in all areas (zones) of the City, are recognized and counted. Understand clearly what the benefits are to the City for putting this program in place and develop the program to include such things as incentives on building code inspection requirements. We recommend that the City ask the State HCD to allow ADUs/JADUs to count towards the City RHNA allocation if the City does an annual survey of rents and maintains the records for affordability. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

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- Under new California Law, the City must update their current ADU/JADU Policies to be in line with the State of California requirements under their new 2020 Law for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). We recommend that the City take this opportunity to incorporate the 2018 Law allowing use of existing building codes to bring existing units into compliance (HSC Section 17958.12 Ch. 1010, Sec. 1, (SB 1226) which was effective January 1, 2019).
 - Put an amnesty program in place and require that every property owner who has an ADU or JADU work with the City to register and receive a building permit for their unit(s) from the City. Apply financial penalty if the unit is not registered within two years of the program roll-out.
 - Designate a City staff position to gather and track data on an annual basis to identify those units that would fit our affordable housing grid.
2. **Implement and communicate the recent change in California Law** that were effective January 1, 2020 to all homeowners to encourage them to build ADUs or JADUs. Develop a full program of communication and incentives for existing homeowners. The program which may include such things as; free plans, free plan review, expedited approval, fee waivers and also explore if tax incentives are possible. We recommend that the leasing of these units be tracked by the City to see how many of them will qualify for the affordable housing allocation. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.
- Update zoning language in all zones to support ADUs/JADUs in accordance with State Law.
 - Program and communication plan should encourage building new ADUs/JADUs in both Residential and Commercial Zones including (Downtown Commercial, North Commercial in accordance with State Law.
 - If residents take advantage of fee waiver programs, put in place a requirement that they rent within the affordable guidelines for a period of 5 years. If they do not want to follow these guidelines for the stated period of time the City can charge the resident back the previously waived fees.
3. **As noted in items 1 and 2, designate a City Staff position to request and track rental leases** or administer an annual survey for ADU rentals to see which qualify for the affordable housing categories. This will allow us to get credit with HUD for the affordable housing allocation. NO other use would be permitted from the collection of such leases or data.
4. **Expand the current ADU pilot program** to allow one additional ADU or JADU in R1 zoned areas in exchange for 500 square feet additional FAR to the main structure as long as the ADU/JADU is used for affordable housing and is deed restricted for an agreed upon period of time. Assess current program and see if changes need to be made and determine if a buyout program would be appropriate. The amount of the buyout needs to be significant enough to fund additional housing stock. This will help to ensure our goal of long-term preservation of housing stock.
5. **Create a Tiny Home Program** to allow Tiny Homes to be used in the City of Del Mar in multiple zoning districts (R1, R2 City Utility Zone). The City of San Diego Planning

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Commission recently recommended approval of new code allowing Tiny Homes in San Diego, to be considered by the City Council for approval. Link to SD City staff report: https://www.sandiego.gov/sites/default/files/dsd_pc_20-017_movable_tiny_houses.pdf
We recommend the City of Del Mar use this proposed law as a template for the City of Del Mar to create their own law to allow residents to use a Tiny Home on their property for an ADU or JADU as appropriate.

6. **Develop and launch a Student ADU Rental Program** to encourage year-round student rentals. Design and develop a program with SIO, UCSD and Mira Costa College for students as long as HCD will allow them to count towards the City's RHNA housing goal. Approval of HCD required for this creative approach.

PRESERVATION OF EXISTING HOUSING STOCK

Del Mar is a small City with extremely limited open land for development. As a part of any City's evolution and growth, existing older homes are torn down to make way for new homes as part of the building cycle. The concept of preservation of housing stock usually focuses on keeping affordable housing units. In the case of Del Mar, the concept can be broken down into five components with different tactics or programs to address each of them:

1. **Preservation of affordable housing** – since the 1990s Del Mar has had very little affordable housing. As an expensive beach community, it is difficult to imagine rents on homes ever being considered affordable however ADUs and JADU's are one area that the City can focus on for affordability.
2. **Missionization of the City** can be curtailed if the City follows the Current City Plan and does not allow developers or residents to deplete housing stock by allowing single large homes on properties where multiple homes are currently located. The current mitigation requirements are not significant enough to discourage this activity today. We recommend the city look to significantly increase the current buy-out fees so they are sufficient to fund new housing stock.
3. **Support for Seniors** – provide necessary services for older residents to allow them to remain in their homes as they age thus forestalling the sale of their property and the potential for it to be torn down to make way for a larger home. In addition, is it important to also create housing for seniors to allow them to remain in the City when they can no longer safely live in their home. This is a great opportunity for DMCC to include if and when their facility is rebuilt.
4. **Short Term Rentals (STRs)** - We acknowledge that in this last housing cycle the number of STRs in the City may have increased in number resulting in the loss of housing stock. However, it is hard to assess this issue given no accurate number of STRs is available (that we are aware of) and there are unresolved issues being discussed by the City Council and Staff. Therefore, we believe that it is not appropriate for us to assess and make recommendations until the on-going issues in the City are resolved.

THE HISTORIC HOME FROM 10TH STREET

A 100-year-old original Del Mar house circa Jacob Taylor's time at 119 10th St, referred to as the Dunham House, is being donated to the Del Mar Historical Society. This re-furbished 28x28 foot home has been beautifully re-done but must be moved or torn down to make way for a new



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home to be built. The owner of the property has offered to pay his tear down cost towards the expenses of moving this historic home.

Until a final place for this historic home is found, we suggest that it be stored on a temporary space. The home has been donated to the Del Mar Historical Society and would be an ideal home for either affordable housing or for offices for one of Del Mar's Community Service Organizations.

We were asked to assess potential options for the use of the home as affordable housing as part of our work for the Task Force. We have listed below several temporary and long term solutions for the house's placement.

Temporary Placement

- Behind DMCC
- Parking Lot by the Brewery off Jimmy Durante Blvd
- 28th street lot on North side *
- Public Works Yard
- 10th street Water Tank parcel *

Final Place for the Historic Home

- 28th street lot on North side *
- Tiny Homes Community at the Surf & Turf RV Park (Caretakers cottage)
- 10th street by the existing Water Tank as an affordable housing unit *
- Part of Shores Park Redevelopment Project on 9th street lot - for use as non-profit or affordable housing unit
- Placed in one of the City's other parks for use as offices for one of Del Mar's Community Service Organizations or used for events to generate revenue for the City's affordable housing fund.

**We were notified in early June that these locations will present challenges for moving the house and may require the home to be disassembled and reassembled if selected for use.*

AFFORDABLE HOUSING PROGRAM FINANCES

Past work and outcomes have shown that it is challenging to add affordable housing units in Del Mar. The cost of the land and the scarcity of vacant land are just a few of the issues. The cost of programs *however* does not need to stop the City from considering them. There are several ways to finance programs that have worked in the past for the City as well as have worked for other cities in the country:

- State and Federal housing grants
- public/private partnerships through fundraising or matching grants
- developer financing with an income sharing to the City
- public fundraising
- City sponsored projects using:
 - existing housing funds
 - fee income designated for affordable housing projects
 - annual contribution to the affordable housing fund by the City Council
 - sale of underutilized City property
 - re-purposing City property

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preserve existing housing stock and assist the existing population at all economic levels within their Community.

Based on the State of California's calculations for the next eight year housing cycle (2021 to 2029), the City of Del Mar must meet a regional allocation of 163 affordable housing units plus a carry-over of 40 to 46 units as penalty (final number to be determined by HUD) from the current housing element because the city did not complete the rezoning of north commercial as stated in the document. Therefore, the total allocation of units will be approximately 203 TO 209.

With our work to date on this Task Force, specifically this sub-committee, we feel that the City has many creative ways, documented in this report, with which to meet these goals and that it can be done while adhering to the spirit of our current Community Plan and by dispersing units throughout the City. This will still allow us to meet the State Legal requirements of AB 1397, (which requires the City to identify those vacant lots that qualify to rezone for increased density at 20 units per acre to meet the goal of 51 units of the total number from the vacant lot rezoning). Council should be mindful not to rezone more than the necessary 51 units for Low and Very Low-Income Affordable Housing units in this cycle since the State may have a larger number mandated in future housing elements and the City needs to have the ability to accommodate these future mandates.

While there is an effort underway to create housing stock through zoning changes, the ideas to produce units put forth in this report would not require zoning changes (except to the Zuni Property as noted and identified vacant lots to produce the required 51 Low Income to Very Low Income units required under AB 1397). Further, our ideas would only require an update to zoning language in all zones to support ADUs /JADUs in accordance with State law to produce the remaining 152 to 158 units.

By obtaining feedback from our residents and spending time with them on the potential solutions, we feel that sufficient housing units can be added to our community while not creating a contentious environment. Achieving our goals and hitting our numbers however, will take political will on behalf of our City Council and will involve some heavy lifting by the City Staff as well as the involvement and support of the community.

We have appreciated the opportunity to work on this Task Force and to get a chance, as a part of this sub-committee, to dig deeply into these important issues for the City and its residents. We want to acknowledge the support we have been given and thank those that took their time to help us understand the current landscape as well as the history of housing in Del Mar. We look forward to your thoughts and feedback on our findings and stand ready to engage with residents, City Staff and City Council as necessary to support the City of Del Mar through this next eight year cycle.

Respectfully submitted,

Jas Grewal, Karen Lare & Tracy Martinez

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Response to Comment Letter M1 - J. Grewal, T. Martinez, J. Kawaski, and K. Lare

Letter M1 J. Grewal, T. Martinez, J. Kawaski, and K. Lare

July 06, 2020

Response M1-1: Comments regarding the 6th Cycle Housing Element Update (HEU) Draft PEIR are noted and are responded to individually below.

Response M1-2: Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary. The City acknowledges receipt of the Report from Housing Production and Preservation Sub-Committee, dated June 15, 2020, which was attached to the comment letter provided herein.

Response M1-3: Site availability was chosen in collaboration with the Task Force and the City's consultants based on sensitivity to historic land use patterns, high land and housing costs, and scarcity of vacant land. As shown on Draft PEIR Figure 3-1, Candidate Housing Sites, candidate housing sites were identified in areas throughout the City, including sites on vacant parcels, infill development in existing residential and commercial areas, development of accessory dwelling units (ADUs), and development on City-owned parcels and State-owned 22nd DAA Del Mar Fairgrounds property. Ultimately candidate sites were located throughout all areas of the City and included a total of five different focus areas. In addition, the City implemented an online Community Survey that took place from March 16 to April 20, 2020. The Survey was designed to gather feedback and preferences for a variety of topics related to housing production, candidate housing sites, impediments to housing production, and community assistance programs.

Response M1-4: The Draft PEIR evaluated the potential for future development of 209 DUs throughout the City as facilitated by the HEU, including housing to accommodate the City's allocated low-income housing need at 104 candidate housing sites. The candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and to reduce the potential for adverse impacts to the environment. Recommendations by the Task Force were considered in the selection of candidate sites for consideration in the HEU and the Draft EIR. The HEU would further reduce impacts associated with future development by placing housing near public transportation and recreation opportunities away from environmentally sensitive resources.

All nine High Priority recommendations (ten including ADUs) from the Ad-Hoc Citizens' Task Force Preservation and Production Subcommittee Report were analyzed in the Draft PEIR at the program-level. The nine priorities consist of five City properties, three Fairgrounds properties, and the CC zone. For additional background information regarding the HEU process, refer to the Draft PEIR and the HEU FAQ section on the City's website.¹

Response M1-5: No specific comments on the contents of the 6th Cycle Housing Element Update (HEU) are provided within this comment. Pursuant to State CEQA Guidelines §15088(a), a lead agency is only

¹ <https://www.delmar.ca.us/DocumentCenter/View/7020/Housing-Element-FAQ-Revised-8102020?bidId=>

required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary.

Response M1-6: The City is required by State Housing law to meet the RHNA allocation as part of the periodic process of updating local General Plan Housing Element. The City is a member city of the San Diego Association of Governments (SANDAG), which allocates to the San Diego County cities and unincorporated areas their fair share of the total RHNA housing needed for each income category. The purpose of the Draft PEIR was to evaluate the potentially significant, adverse, and beneficial environmental impacts resulting from the HEU. The evaluation included impacts of future housing development on candidate housing sites, this as market conditions allow and at the discretion of the individual property owners. Please note that the City is not required to build housing but provide for the opportunities to facilitate future housing. Refer to Section 3.0, *Project Description*, for more information.

Response M1-7: Please see responses G3-3, G3-4, and G3-6.

Response M1-8: The comment has been noted.

Response M1-9: No specific comments on the contents of the 6th Cycle Housing Element Update (HEU) are provided within this comment. Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary.

Comment Letter G1 - Annie Duval

Comment Letter G1

Joseph Smith

From: Joseph Smith
Sent: Monday, August 3, 2020 10:40 AM
To: Candyce Burnett
Cc: Garcia, Rita; Barquist, Dave; Chen, Nick
Subject: FW: 6th Cycle Housing Element Update

Importance: High

Candyce, comment letter below on the 6th Cycle Draft Program EIR. Please confirm receipt, thanks.

Joseph D. Smith, AICP | Director
City of Del Mar | Planning & Community Development
1050 Camino del Mar
Del Mar, CA 92014
☎ 858.704.3642 | 📠 858.755.2794 | ✉ jsmith@delmar.ca.us



From: Annie Duval <annieduval2012@gmail.com>
Sent: Sunday, August 02, 2020 9:29 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: 6th Cycle Housing Element Update

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.

City Planners,
I am commenting specifically on the EIR for the 6th Cycle Housing Element Update. Specifically, lots 98-A, 98-B, 98-C and 99 could pose serious danger to residents and have detrimental impact on the land at the south end of Stratford Court .

- Stratford Court is a dead end street therefore does not have pass through in case of emergency. Exiting the south end of Stratford Court at 4th Street can be a serious road block in case of emergency. The stoplight at Camino del Mar and 4th Street does not allow for the quick passage of traffic in case of emergency exit from Stratford Court.
- Fire engines have a very difficult time entering Stratford Court due to the very narrow passages around the guard house and center gardens within and leading into Del Mar Woods condominiums. This was the case when there was a fire in one of the condominiums in Del Mar Woods which eventually completely burned.
- There is SERIOUS erosion on the bluffs already impacting structures and the train tracks. The cliffs are eroding at a rapid pace and I fear more building will cause



more erosion with water drainage, digging and other impactful construction for large structures.

- Large construction trucks, cement trucks, lumber delivery trucks, etc., are already causing great damage to the street as a result of the small amount of construction that has already occurred at the south end, south of 4th Street and I can only imagine the continued damage to Stratford Court if more and larger trucks are allowed to pass to the end of the street and there is no through way. This heavy equipment could also cause further disruption to the earth beneath.
- The south end of Stratford Court already houses 126 units at Del Mar Woods with each condo having 2 automobiles; as well the gated community to the south on the east side of Stratford Court has approximately 15 homes with each home having 2 (or more) autos. Los Arboles has an underground garage which exits onto Stratford Court, too, adding more traffic attempting to get through the stop sign at Stratford Court and 4th Street. This amount of traffic is already clogging Stratford Court on busy weekdays.

Please consider the above environmental impact on the land as you consider more construction at the south end of Stratford Court.

Thank you very much.
Annie Duval

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Annie Duval
858-212-8732

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Response to Comment Letter G1 - Annie Duval

Letter G1 **Annie Duval**

August 31, 2020

Response G1-1: Comments regarding the 6th Cycle Housing Element Update (HEU) Draft PEIR are noted and are responded to individually below.

Response G1-2: The access along Stratford Court during emergencies, the traffic signals at Camino del Mar and 4th Street are equipped with emergency vehicle traffic light preemption system so that emergency response vehicles can efficiently move through the signalized intersection. Additionally, Stratford Court was designed in accordance with DMMC §10.04.070 – 503 Fire Apparatus Access Roads. DMMC §10.04.070 sets forth a Fire Code regulation that requires compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets minimum standards for road dimension, design, grades, and other fire safety features. Finally, more stringent California Building Code (CBC) standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages.

Future housing development facilitated by the HEU would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access, which would prevent impairment of the City's emergency response or emergency evacuation plans. Future development projects also would be required to adhere to all State and local requirements for avoiding construction and operations impacts related to design and incompatible uses, per DMMC §10.04.070 – 503 Fire Apparatus Access Roads.

Response G1-3: The HEU does not propose future development within the Del Mar Woods Condominiums. Future housing development facilitated by the HEU would be subject to discretionary permits and would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access. Future development would also be required to adhere to all State and local requirements for avoiding construction and operations impacts related to design and incompatible uses, per DMMC §10.04.070 – 503 Fire Apparatus Access Roads.

Response G1-4: Future housing development facilitated by the HEU would be subject to the City's adopted Local Coastal Program (LCP) Land Use Plan, adopted October 2018, which addresses flood management, minimization of bluff erosion, and long-term resiliency in consideration of projected sea level rise. Future development would be subject to DMCC Chapter 30.55, Coastal Bluff Overlay Zone, which includes regulations pertaining to development in the Coastal Bluff Overlay Zone as well as protection of the coastal bluffs. For example, DMCC §30.55.80, Setbacks from Coastal Bluffs requires the following;

- A. A minimum 40-foot setback shall be provided between proposed development (including supporting structures and foundations) and a coastal bluff edge.
- B. No grading shall be allowed within 40 feet of the coastal bluff edge, except as necessary to control surface runoff. Grading or construction activities (on the face of the coastal bluff) shall only be permitted if approved as part of a Shoreline Protection Permit or Setback Seawall Permit.

- C. At-grade accessory structures that do not require foundations (such as fences, windscreens, and benches) may be set back a minimum of ten feet from a coastal bluff edge if constructed using lightweight materials and without the use of grading and/or continuous foundation components.

In addition, discretionary permits and future CEQA evaluation will be required prior to approval of future housing development facilitated by the HEU. Refer to DPEIR, Section 4.7, *Geology and Soils*, for more information regarding potential soil erosion impacts and DMCC Chapter 30.55, Coastal Bluff Overlay Zone for specific regulations pertaining to development in the Coastal Bluff Overlay Zone.

Response G1-5: Future housing development facilitated by the HEU would be subject to DMCC Chapter 23.05, Construction Permits, which requires the issuance of building and construction permits for all housing development projects in the City. These permits are reviewed by the applicable City departments. The purpose of this Chapter 23.05 is to establish a review process for construction plans before erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, using, occupying or maintaining of any building or structure within the City. The intent is to determine compliance with applicable codes and other regulations to safeguard public health, safety, and welfare.

For specific concerns regarding potholes/street repair, submit a public works request to the city at: <https://www.delmar.ca.us/forms.aspx?FID=94>

Response G1-6: The City adopted local CEQA Guidelines on June 1, 2020 to address potential transportation impacts related to vehicle miles traveled (VMT) instead of the previous level of service (LOS) metrics. VMT measures how much actual auto travel (additional miles driven) a proposed project would create on the environment. Future housing development on the candidate housing sites facilitated by the HEU would be required to adhere to all state and local requirements for avoiding significant impacts related to VMT. Any TDM measures required for mitigation would be required to comply with the policies of the City's Community Plan, Local Coastal Program, CEQA Guidelines for Transportation Impact Analysis, and Complete Streets Policy to improve, complete, and enhance the City's transit, walkway, and bikeway networks and facilitate use of these systems, as applicable. The Draft PEIR provides a programmatic analysis of potential VMT impacts pursuant to CEQA and SB743, based on available information.

With regards to the amount of traffic on Stratford Court, all future projects within lots 98-A, 98-B, 98-C and 99 would be required to reduce their average VMT per resident by at least 15 percent to mitigate CEQA transportation impacts. This can occur through the implementation of local Transportation Demand Management (TDM) strategies that includes increased transit accessibility and traffic calming measures. Furthermore, all future development projects are subject to environmental review in which the City would analyze any localized transportation impacts that could result from future development.

Response G1-7: The commenters considerations have been noted.

Comment Letter G2 - Jan McMillan

Comment Letter G2

From: [Joseph Smith](#)
To: [Burrett, Carolyn](#)
Cc: [Garcia, Rita](#); [Amanda Lee](#); [Shaun McMahon](#)
Subject: Fwd: Comment on Draft Program EIR Housing Element
Date: Monday, August 31, 2020 10:33:51 AM

DEIR comment

From: Joseph Smith <jsmith@delmar.ca.us>
Sent: Monday, August 31, 2020 10:33:10 AM
To: Jan McMillan <janmcmillan@sbcglobal.net>
Subject: Re: Comment on Draft Program EIR Housing Element

Received, thanks Jan

From: Jan McMillan <janmcmillan@sbcglobal.net>
Sent: Monday, August 31, 2020 10:32:09 AM
To: Joseph Smith <jsmith@delmar.ca.us>
Subject: Comment on Draft Program EIR Housing Element

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.

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August 31, 2020

Joseph D. Smith, AICP, Director
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Dear Mr. Smith:

Thank you for the opportunity to comment on the draft program EIR for the Housing Element required by the state of California (PEIR). My comment is in fact a question:

2

Is the increased density proposed for the city's North Commercial Zone compatible with existing plans created by the San Dieguito River Valley Joint Powers Authority, of which Del Mar is a founding and still very active member?

3

Since the 1970s or earlier, Del Mar has been a leader in the effort to keep all development in that area, whether residential or commercial, quiet and low key, given its proximity to the San Dieguito River and Lagoon. Thanks to the efforts of many, a walkable pathway beginning in the North Commercial Zone west of Jimmy Durante Road picks up again on the east side of the road, where it connects to public land next to the river and will ultimately reach Crest Canyon. Great care must be given to preserve this quiet, walkable environment, whatever housing is built. (For background information on design details, please refer to the San Dieguito River Valley Concept Plan, Landscape Area A.)

4

Respectfully,
Jan McMillan
janmcmillan@sbcglobal.net

Response to Comment Letter G2 - Jan McMillan

Letter G2 **Jan McMillan**

August 31, 2020

Response G2-1: No specific comments on the contents of the 6th Cycle Housing Element Update (HEU) DPEIR are provided within this comment. Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary.

Response G2-2: No specific comments on the contents of the 6th Cycle HEU DPEIR are provided within this comment. Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary.

Response G2-3: As described in the DPEIR, Chapter 4.11, Land Use Planning, The North Bluff focus area is located within the City's Bluff, Slope, and Canyon Overlay Zone (BSC Overlay zone) and the Coastal Bluff Overlay Zone (CB Overlay Zone). The BSC Overlay zone requires a 14-foot height limit and regulations to minimize bluff erosion and sedimentation. Residential development within the BSC Overlay zone requires discretionary permits including a Coastal Development Permit (CDP) and a Conditional Use Permit (CUP). The CB Overlay Zone substantially limits development in accordance with the Coastal Act and Local Coastal Program (LCP), which require a coastal bluff setback and prohibit shoreline protection, devices for new development and would require a CUP and CDP prior to development. The CDP acts as a regulatory mechanism to implement the City's Local Coastal Program (LCP), while the CUP is required to ensure compatibility with the surrounding land uses. Any development proposed in the North Hills District, including the North Commercial (NC) area shall be carefully reviewed for its consistency with the provisions of Chapters III and VI of the City's LCP regarding the minimizing of hazards and the preservation of sensitive lands. Because much of the northern section of this district also lies within the plan area of the San Dieguito River Valley Regional Open Space Park, all development proposals shall be reviewed for their consistency with the provisions of the San Dieguito River Valley Regional Open Space Park Plan.

Development in the North Bluff Focus Area is guided by DMCC Chapter 30.52, Bluff, Slope and Canyon Overlay Zone (BSC-OZ). The BSC Overlay Zone is designed to protect the health, safety, and general welfare, and to control the development of properties within the designated zone in order to preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the zone. The overlay zone is also intended to protect downstream resources from the adverse impacts of erosion and sedimentation. The unique landforms within the zone provide visual relief and diversity within the City, and they define and separate neighborhoods, enhance the overall quality of Del Mar's local coastal environment, and preserve the economic integrity of this visitor-oriented community.

From the San Dieguito River Park Concept Plan (Revised 2002. pp. 38),² special design considerations for Del Mar Coastal Lagoon Landscape Unit A includes measures to preserve the characteristics within the Del Mar Coastal Lagoon landscape unit and recommends the following site-specific design recommendations

² (<http://www.sdrp.org/wordpress/wp-content/uploads/SDRP-Concept-Plan.pdf> (accessed September 5, 2020).

should be considered when reviewing public and private development proposals within this portion of the FPA:

- The sweeping open space views within this landscape should be protected.
- Future development should be compatible with the open space character of the lagoon area in terms of both visual compatibility and intensity of use.
- View opportunities of the lagoon and ocean from trails and existing circulation routes should be preserved and, where appropriate, enhanced.
- All uses adjacent to the San Dieguito Lagoon, including uses on Fairgrounds property and the City of Del Mar maintenance yard, should be screened from view through the installation of landscaping, and an adequate buffer, including fencing if necessary, should be provided between development and sensitive resources in order to reduce adverse impacts associated with noise, lighting, stray pets, and intensive human activity.

Response G2-4: Comment regarding the San Dieguito River Valley Concept Plan, Landscape Area A is noted. Future housing development facilitated by the HEU would be subject to discretionary permits and would occur as market conditions allow and at the discretion of the individual property owners. DMCC Chapter 30.75, Coastal Development Permits, include regulations for protecting public scenic views and coastal resources, including public beach, coastal bluffs, shoreline parks, public trails and preserves, as well as the sensitive biological resources and other protected natural resources. DMCC §9.20.040, Sound Level Limits, regulates noise within the City based on zoning including the Open Space Overlay zone, where the applicable one-hour average sound level is limited to 50 decibels between the hours of 7 a.m. to 10 p.m. and 40 decibels between the hours of 10 p.m. and 7 a.m. In addition, any future development within the North Commercial Zone would undergo individual CEQA evaluation and design review prior to the approval of development facilitated by the HEU to determine whether an additional environmental document must be prepared to mitigate any potential impacts to scenic and recreational resources.

Comment Letter G3 - Laura DeMarco

Comment Letter G3

Joseph Smith

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Monday, August 31, 2020 5:01 PM
To: Joseph Smith
Subject: PEIR Comments

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 see photos that demonstrate the high wildfire risk to the adjacent NC zone and the lack of emergency lanes for evacuation along San Dieguito Rd and JDM Blvd.



San Dieguito Rd.

1
2
3



San Dieguito Rd. toward JDM

4



Narrow single lane in Roundabout

5



Narrow single lane at San Dieguito Road onto JDM

6



Trees and brush that stretch from high wildfire risk Crest Canyon to NC zone

7



Trees and brush above NC zone

8



Fire lane in adjacent David Way to Seaview Avenue

9

The EIR should use fire models that demonstrate the true risk during Santa Ana conditions. In addition, the City has not yet completed its evacuation planning which would expose the dangers of narrowing all evacuation roads out of DM (excluding DMH) to one lane with no emergency lane access for large fire engines and evacuees.

10

Response to Comment Letter G3 - Laura DeMarco

Letter G3 Laura DeMarco

August 31, 2020

Response G3-1: No specific comments on the contents of the 6th Cycle Housing Element Update (HEU) Draft PEIR are provided within this comment. Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues, and thus no further response is necessary.

Response G3-2: Pursuant to State CEQA Guidelines §15088(a), a lead agency is only required to evaluate and respond to comments raised on environmental issues. The comment is providing an explanation on the provided photos and appears to be concerned with the lack of emergency lanes for evacuation along San Dieguito Road and Jimmy Durante Boulevard, located within high wildfire risk NC zone. The Draft PEIR addresses the Project's potential impacts on wildland-urban interface areas that are prone to wildfire in Section 4.20, *Wildfire*. Future development would be required to offset wildfire exposure pursuant to the 2019 California Building Code, Chapter 7A, California Code of Regulations (CCR) Title 24, Part 9 (2019 California Fire Code) which regulates construction and maintenance of buildings, 2019 California Fire Code, Chapter 49, which establishes the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises.

Response G3-3 through G3-9: The photos within these comments serve as visual representations of the commenter's concern in comment G3-2. No further response is warranted. See Response G3-2.

Response G3-10: As described in Draft PEIR Chapter 4.20, *Wildfire*, the City has adopted and implemented programs to reduce and prevent risks associated with wildfire including DMMC §2.52.020 (Emergency Plan), DMMC Chapter 10.04 (Fire Code), and DMMC Chapter 23.12 (Uniform Codes for Construction Building Code). Future development facilitated by the HEU would be subject to discretionary permits and required to meet the mandatory requirements related to the prevention of wildfire impacts. DMMC §10.04.070 – 503 Fire Apparatus Access Roads, requires compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Additionally, CBC standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages. Future development on candidate housing sites would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access.

All future development on candidate housing sites would be subject to discretionary permits and required to comply with the regulations described above to maintain adequate availability of emergency services during an emergency response or an emergency evacuation which would prevent impairment of adopted emergency response plan or emergency evacuation plan.

3.0 DRAFT PEIR ERRATA



3.0 DRAFT EIR ERRATA

In accordance with CEQA Guidelines §§15132 and 15088.5(b), this section of the Final PEIR provides additional information that provide clarification, amplification and/or insignificant modifications presented in the Draft PEIR. Changes to the HUE Draft PEIR are noted below. The changes to the Draft PEIR do not affect the overall conclusions of the environmental document, and instead represent changes to the Draft PEIR as needed as a result of public and responsible agency comments on the Draft PEIR. These clarifications and corrections do not warrant Draft PEIR recirculation pursuant to CEQA Guidelines §15088.5. As set forth further below and elaborated upon in the respective Response to Comments, none of the Errata below reflect a new significant environmental impact, a “substantial increase” in the severity of an environmental impact for which mitigation is not be adopted to reduce the impact to a level of insignificance, or a new feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen significant environmental impacts but is not adopted, nor do the Errata reflect a “inadequate” or “conclusory” Draft PEIR.

Changes in this Errata Section are listed by chapter, page, and (where appropriate) by paragraph. Added or modified text is shown with double underline (example) while deleted text is shown with strikethrough (~~example~~).

ENTIRE DOCUMENT

The 6th Cycle Housing Element Update Program EIR (proposed Project) no longer includes candidate site 97 as potential locations for future housing locations. Therefore, the proposed Project would include a total of 103 candidate housing sites, instead of the previously stated 104 candidate housing sites. This change is applied to all instances of “104” candidate sites throughout the document. Due to the numerous instances of this correction, the individual revisions of this will not be shown here. Individual site numbering has not been affected.

SECTION 1.0 EXECUTIVE SUMMARY

Page 1-3, Section 1.4 “Project Description Summary”, second full paragraph, second to last sentence.

“The City’s list of potential HEU action programs are summarized here and further described in PEIR **Appendix 2 9-2, Potential 6th Cycle Housing Element Update Action Programs.**”

Page 1-4, Section 1.4 “Project Description Summary”, first full paragraph, first sentence.

“...Coastal Program amendments may be required to implement programs identified on the list of potential HEU action programs; see **Appendix 2 9-2**, and ancillary amendments...”

Page 1-5, Section 1.4 “Project Description Summary”, second full paragraph, second sentence.

“...See PEIR **Appendix 2 9-2** for additional details on the list of potential HEU action programs...”

Page 1-6, Section 1.5 “Areas of Controversy”, first bullet.

“Potential conflicts with ~~of~~ short-term rentals in residential neighborhoods.”

Page 1-6, Section 1.6, Subsection “Alternative 3: No North Bluff Housing (Site 1)”, final sentence.

“This alternative assumes development of 209 DUs throughout ~~104~~ 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately ~~330~~ 328 acres.”

Page 1-13, Section 1.8, Summary of Environmental Impacts and Mitigation Measures, Table 1-1: Summary of Significant Impacts and Proposed Mitigation Measures, Resource Impact Section 4.5, Cultural Resources, Issues CUL-3, box 3

“MM Cul- ~~2~~ 3”

SECTION 3.0 PROJECT DESCRIPTION

Page 3-10, Section 3.5, Subsection “Candidate Housing Sites Inventory”, last sentence.

“...see **Table 3-6 ~~3-5~~, Candidate Housing Sites Inventory**, and **Figure 3-1: Candidate Housing Sites.**”

Page 3-10, Section 3.5, Subsection “Candidate Housing Sites Inventory”, new last sentence.

Note: due to mapping constraints Figure 3-1 does not include labels for every candidate housing site. Table 3-5 specifically lists these unlabeled candidate sites along with their parcel information and addresses.

Page 3-11, modified Figure 3-1: Candidate Housing Sites, modified to removed site 97 from the Figure.

See attached modified Figure 3-1: Candidate Housing Sites.

Page 3-12, modified Figure 3-2: Focus Areas, modified to remove site 97 from the Figure.

See attached modified Figure 3-2: Focus Areas.

Page 3-13, Section 3.5, Subsection “Candidate Housing Sites Inventory”, above first paragraph.

This Errata makes edits that clarify, amplify or make insignificant modifications to the Project Description, but does not add significant new information to the PEIR. The following table has been added to clarify the following sites are included in Table 3-6 as labeled in this Errata and are included in the Candidate Housing sites analysis in the Draft PEIR but due to limited mapping area were not identified in the original Figure 3-1 and Figure 3-2.

Table 3-5, Candidate Housing Sites Without Labels

<u>Site</u>	<u>Assessor’s Parcel Number</u>	<u>Acres</u>	<u>Address</u>
<u>24</u>	<u>3000122900</u>	<u>0.07</u>	<u>207 15th St</u>
<u>25</u>	<u>3000123000</u>	<u>0.07</u>	<u>211 15th St</u>
<u>26</u>	<u>3000120200</u>	<u>0.07</u>	<u>215 15th St</u>
<u>29</u>	<u>3000123100</u>	<u>0.16</u>	<u>1424 Camino del Mar</u>
<u>31</u>	<u>3000122500</u>	<u>0.08</u>	<u>1412 Camino del Mar</u>
<u>33</u>	<u>3000122300</u>	<u>0.08</u>	<u>Camino del Mar</u>
<u>35</u>	<u>3000122100</u>	<u>0.08</u>	<u>Camino del Mar</u>
<u>37</u>	<u>3000121900</u>	<u>0.08</u>	<u>1340 Camino del Mar</u>
<u>39</u>	<u>3000121700</u>	<u>0.08</u>	<u>1328 Camino del Mar</u>
<u>41</u>	<u>3000123300</u>	<u>0.08</u>	<u>1312 Camino del Mar</u>

Site	Assessor's Parcel Number	Acres	Address
<u>43</u>	<u>3000121300</u>	<u>0.14</u>	<u>1302 Camino del Mar</u>
<u>45</u>	<u>3000740900</u>	<u>0.14</u>	<u>1234 Camino del Mar</u>
<u>47</u>	<u>3000740700</u>	<u>0.14</u>	<u>1212 Camino del Mar</u>
<u>49</u>	<u>3000921600</u>	<u>0.20</u>	<u>243 12th St</u>
<u>51</u>	<u>3000920600</u>	<u>0.09</u>	<u>1140 Camino del Mar</u>
<u>53</u>	<u>3000921300</u>	<u>0.31</u>	<u>1110 Camino del Mar</u>
<u>58</u>	<u>3001721300</u>	<u>0.22</u>	<u>10th St</u>
<u>67</u>	<u>3000300400</u>	<u>0.25</u>	<u>1401 Camino del Mar</u>
<u>69</u>	<u>3000200200</u>	<u>0.09</u>	<u>317 14th St</u>
<u>71</u>	<u>3000200400</u>	<u>0.19</u>	<u>1327 Camino del Mar</u>
<u>73</u>	<u>3000750100</u>	<u>0.14</u>	<u>1247 Camino del Mar</u>
<u>75</u>	<u>3000750400</u>	<u>0.14</u>	<u>1229 Camino del Mar</u>
<u>82</u>	<u>3004011000</u>	<u>0.11</u>	<u>1101 Camino del Mar</u>
<u>84</u>	<u>3004102700</u>	<u>0.07</u>	<u>Camino del Mar</u>

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", first paragraph, first sentence.

"Table 3-6 3-5 includes a parcel-specific listing of candidate housing sites that are available to accommodate..."

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", second paragraph, first sentence.

"Table 3-6 3-5 includes residentially-zoned sites, mixed-use development within the North Commercial and Professional Commercial zones..."

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", Table 3-5, title and rows 73 and 114.

Table 3-5 3-6, Candidate Housing Sites Inventory

Site	Assessor's Parcel Number	Acres	Address
1-A	2982413400	2.46	Border Ave
1-B	2982412900	0.63	Camino del Mar
1-C	2982413500	1.21	Border Ave
1-D	2982413600	1.25	Camino del Mar
1-E	2982410600	2.02	Border Ave
1-F	2982410700	4.82	929 Border Ave
2-A	2984210900	3.78	2260 Jimmy Durante Blvd
2-B	2984210800	10.02	2260 Jimmy Durante Blvd
2-C	2982601500	4.94	2260 Jimmy Durante Blvd
2-D	2982603500	12.24	2260 Jimmy Durante Blvd
2-E	2982710300	10.79	2260 Jimmy Durante Blvd
2-F	2990302200	154.96	2260 Jimmy Durante Blvd
2-G	2990300500	21.47	2260 Jimmy Durante Blvd
2-H	2990420300	48.16	15555 Jimmy Durante Blvd
3	2990201000	1.14	2940 Sandy Ln

Site	Assessor's Parcel Number	Acres	Address
4	2990204600	0.71	2920 Camino del Mar
5	2990204700	0.71	2902 Ocean Front
6	2990212000	0.31	2810 Camino del Mar
7	2990301200	0.06	28th St
8-A	2991002900	0.58	2132 Jimmy Durante Blvd
8-B	2991002800	0.50	2126 Jimmy Durante Blvd
8-C	2991002700	0.90	2120 Jimmy Durante Blvd
8-D	2990710600	2.13	2010 Jimmy Durante Blvd
8-E	2990710700	1.38	2002 Jimmy Durante Blvd
9-A	2991004800	1.54	Jimmy Durante Blvd
9-B	2991004700	1.10	Jimmy Durante Blvd
10	2990726300	0.57	2069 Seaview Ave
11	2991330100	1.06	201 Court St
12	2991421100	0.29	1935 Santa Fe Ave
13	2991421300	0.35	1923 Santa Fe Ave
14	2991861400	0.50	Seaview Ave
15	2992320700	0.20	Coast Blvd
16	2992006300	2.14	San Dieguito Dr
17	2992006400	6.95	2100 Gatun St
18	2992006500	5.53	690 Serpentine Dr
19	2992007100	3.91	1810 San Dieguito Dr
20	2992003000	2.79	Oribia Rd
21	2992604500	0.63	Zuni Dr (Water Tank)
22	2992805500	0.46	410 15th St
23	3000122800	0.07	201 15th St
24	3000122900	0.07	207 15th St
25	3000123000	0.07	211 15th St
26	3000120200	0.07	215 15th St
27	3000120300	0.14	221 15th St
28	3000120400	0.22	1438 Camino del Mar
29	3000123100	0.16	1424 Camino del Mar
30	3000122600	0.08	1414 Camino del Mar
31	3000122500	0.08	1412 Camino del Mar
32	3000122400	0.08	1404 Camino del Mar
33	3000122300	0.08	Camino del Mar
34	3000122200	0.08	Camino del Mar
35	3000122100	0.08	Camino del Mar
36	3000122000	0.08	1342 Camino del Mar
37	3000121900	0.08	1340 Camino del Mar
38	3000121800	0.08	1330 Camino del Mar
39	3000121700	0.08	1328 Camino del Mar
40	3000123400	0.08	Camino del Mar
41	3000123300	0.08	1312 Camino del Mar

Site	Assessor's Parcel Number	Acres	Address
42	3000121400	0.08	1310 Camino del Mar
43	3000121300	0.14	1302 Camino del Mar
44	3000741000	0.20	Camino del Mar
45	3000740900	0.14	1234 Camino del Mar
46	3000740800	0.14	1226 Camino del Mar
47	3000740700	0.14	1212 Camino del Mar
48	3000740600	0.19	1202 Camino del Mar
49	3000921600	0.20	243 12th St
50	3000921500	0.09	Camino del Mar
51	3000920600	0.09	1140 Camino del Mar
52	3000920700	0.16	1130 Camino del Mar
53	3000921300	0.31	1110 Camino del Mar
54	3000921400	0.22	1104 Camino del Mar
55	3000931700	0.10 0.09	10th St
56	3000931500	0.10	Camino del Mar
57	3001720400	0.20	944 Caminodel Mar
58	3001721300	0.22	10th St
59	3001721400	0.22	10th St
60	3001720900	0.20	240 9th St
61	3001721700	0.35	910 Camino del Mar
63	3002002200	0.19	9th St
64	3002002300	0.19	9th St
65	3000308700	1.26	334 14th St
66	3000308300	0.44	1431 Camino del Mar
67	3000300400	0.25	1401 Camino del Mar
68	3000200100	0.17	1349 Camino del Mar
69	3000200200	0.09	317 14th St
70	3000200300	0.19	1335 Camino del Mar
71	3000200400	0.19	1327 Camino del Mar
72	3000200500	0.19	Camino del Mar
73	3000750100	0.14	1247 Camino del Mar
74	3000750900	0.19	1237 Camino del Mar
75	3000750400	0.14	1229 Camino del Mar
76	3000750500	0.19	1219 Camino del Mar
77	3000750600	0.45	1201 Camino del Mar
78	3003910800	0.24	1230 Luneta Dr
79	3004011500	0.30	1135 Camino del Mar
80	3004010300	0.24	1125 Camino del Mar
81	3004010900	0.12	1105 Camino del Mar
82	3004011000	0.11	1101 Camino del Mar
83	3004102600	0.51	1047 Camino del Mar
84	3004102700	0.07	Camino del Mar
85	3004102800	0.16	Camino del Mar

Site	Assessor's Parcel Number	Acres	Address
86	3004102900	0.42	1011 Camino del Mar
87	3002213400	0.39	300 9th St
88	3002212300	0.20	318 9th St
89	3002223100	0.55	853 Camino del Mar
90	3000910400	0.18	119 12th St
91	3000912100	0.37	140 11th St
92	3000941900	0.20	10th St
93	3001740200	0.18	9th St
94	3002431000	0.77	Highland Ave (Water Tank)
95	3002720700	0.32	Crest Rd. (Water Tank)
96	3001821001	0.18	132 6th St
97	3001821002	0.18	132 6th St
98-A	3003211400	2.14	Stratford Ct
98-B	3010100100	1.00	Stratford Ct
98-C	3010100200	1.80	Stratford Ct
99	3010103100	1.27	111 Stratford Ct
100	3010254200	0.20	Pine Needles Dr (Water Tank)
101	3010243500	1.22	445 Hidden Pines Ln
102	3010243200	0.88	Hidden Pines Ln
103	3010241600	0.75	294 Torrey Pines Ter
104	3010321100	0.38	155 Carmel Valley Rd
105	3010320500	0.17	Carmel Valley Rd

Page 3-17, Section 3.5, Subsection “Focus Areas”, third bullet on the page.

“Public Facilities and City-Owned Property Focus Area: Includes ~~five~~ ten sites (Sites 7, 11, 21, 55, 56, 63, 64, ~~and~~ 94, 95, and 100) located throughout the City...”

SECTION 4.1 AESTHETICS

Page 4.1-5, modified Figure 4.1-1: City of Del Mar Overlay Zones, modified to removed site 97 from the Figure.

See attached modified Figure 4.1-1: City of Del Mar Overlay Zones.

SECTION 4.2 AGRICULTURE AND FORESTRY RESOURCES

Page 4.2-2, modified Figure 4.2-1: Farmland Mapping and Monitoring Program Designations, modified to removed site 97 from the Figure.

See attached modified Figure 4.2-1: Farmland Mapping and Monitoring Program Designations.

SECTION 4.3 AIR QUALITY

Page 4.3-10, modified Figure 4.3-1: Sensitive Receptors, modified to removed site 97 from the Figure and delete the extra word “~~Source~~”.

See attached modified Figure 4.3-1: Sensitive Receptors.

SECTION 4.4 BIOLOGICAL RESOURCES

Page 4.4-8, Section 4.4.1, Subsection “Southern Chaparral”, 5th paragraph, last sentence.

“Developed land is identified at candidate housing sites 1-A through 1-F, 2-B through 2-H, 3 through 7, 8-A through 8-E, 11, 12 through 15, 17 through 19, 21 through ~~96 97~~, 98-A through 98-C, 100, 101, and 103.”

Page 4.4-4, modified Figure 4.4-3: Existing Vegetation, modified to removed site 97 from the Figure and correct the Figure number from “4.4-3” to 4.4-2”.

See attached modified Figure 4.4-2: Existing Vegetation

Page 4.4-7, modified Figure 4.4-4: Wetlands, modified to removed site 97 from the Figure and correct the Figure number from “4.4-4” to 4.4-3”.

See attached modified Figure 4.4-3: Wetlands

SECTION 4.5 CULTURAL RESOURCES

Page 4.5-6, modified Figure 4.5-1: Historic Places and Overlay, modified to removed site 97 from the Figure.

See attached modified Figure 4.5-1: Historic Places and Overlay

SECTION 4.7 GEOLOGY AND SOILS

Page 4.7-3, modified Figure 4.7-1: HEU Program Area Soils, modified to removed site 97 from the Figure.

See attached modified Figure 4.7-1: HEU Program Area Soils

Page 4.7-8, modified Figure 4.7-3: Liquefaction Potential, modified to removed site 97 from the Figure.

See attached modified Figure 4.7-3: Liquefaction Potential

Page 4.7-10, modified Figure 4.7-4: Land Slide Potential, modified to removed site 97 from the Figure.

See attached modified Figure 4.7-4: Land Slide Potential

Page 4.7-13, modified Figure 4.7-5: Coastal Bluff Overlay and Floodplain Overlay Zones, modified to removed site 97 from the Figure.

See attached modified Figure 4.7-5: Coastal Bluff Overlay and Floodplain Overlay Zones

SECTION 4.9 HAZARDS AND HAZARDOUS MATERIALS

Page 4.9-5, modified Figure 4.9-1: Hazardous Sites, modified to removed site 97 from the Figure.

See attached modified Figure 4.9-1: Hazardous Sites

Page 4.9-5, modified Figure 4.9-1: Hazardous Sites, modified to removed site 97 from the Figure.

See attached modified Figure 4.9-1: Hazardous Sites

SECTION 4.10 HYDROLOGY AND WATER QUALITY

Page 4.10-1, Section 4.10.1, Subsection “Watershed and Drainage Conditions”, second paragraph, last sentence.

“Candidate housing Sites 1 through ~~96~~ 97 are located in the San Dieguito HU and Solana Beach HA.”

Page 4.10-2, modified Figure 4.10-1: Hydrologic Areas, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-1: Hydrologic Areas

Page 4.10-4, modified Figure 4.10-2: Water Quality Sensitive Areas, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-2: Water Quality Sensitive Areas

Page 4.10-5, modified Figure 4.10-3: Topography, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-3: Topography

Page 4.10-6, modified Figure 4.10-4: Runoff Potential, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-4: Runoff Potential

Page 4.10-7, modified Figure 4.10-5: Drainage Basins and Stormwater System, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-5: Drainage Basins and Stormwater System

Page 4.10-11, modified Figure 4.10-6: Floodplains and Tsunami Inundation Areas, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-6: Floodplains and Tsunami Inundation Areas

Page 4.10-13, modified Figure 4.10-7: Dam Failure Inundation, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-7: Dam Failure Inundation

Page 4.10-16, modified Figure 4.10-8: San Dieguito Creek Groundwater Basin, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-8: San Dieguito Creek Groundwater Basin

Page 4.10-18, modified Figure 4.10-9: Watersheds, modified to removed site 97 from the Figure.

See attached modified Figure 4.10-9: Watersheds

SECTION 4.11 LAND USE AND PLANNING

Page 4.11-2, Section 4.11.1, first bullet on the page.

“Public Facilities and City-Owned Property Focus Area: Includes ~~five~~ ten sites (Sites 7, 11, 21, 55, 56, 63, 64, ~~and~~ 94, 95, and 100) located throughout the City, including vacant sites and sites with existing water towers/water tanks, recreation, or other public facilities.”

Page 4.11-4, modified Figure 4.11-1: Candidate Housing Sites, modified to removed site 97 from the Figure.

See attached modified Figure 4.11-1: Candidate Housing Sites

Page 4.11-6, modified Figure 4.11-2: Candidate Housing Sites Zoning Map, modified to removed site 97 from the Figure.

See attached modified Figure 4.11-2: Candidate Housing Sites Zoning Map

SECTION 4.13 NOISE AND VIBRATION

Page 4.13-3, Section 4.13.1, Subsection “Noise Sensitive Receptors”, fourth paragraph, first sentence.

“Higher density areas such as those associated with candidate housing sites located in the downtown core, which generally include Sites 22 through 89 and Sites 90 through 96 ~~97~~, currently have louder ambient noise...”

SECTION 4.16 RECREATION

Page 4.16-5, modified Figure 4.16-1: Recreational Sites, modified to removed site 97 from the Figure.

See attached modified Figure 4.16-1: Recreational Sites

SECTION 4.17 TRANSPORTATION

Page 4.17-4, Section 4.17-1, Subsection “Pedestrian Facilities”, first paragraph, first sentence.

“**Jimmy Durante Boulevard:** Sidewalks are provided ~~on~~ along most of the west side of Jimmy Durante”

Page 4.17-4, Section 4.17-1, Subsection “Roadway Network”, first paragraph, last sentence.

“Parking is prohibited on both sides of the road and no bus stops or curbside parking is ~~is~~ provided.”

Page 4.17-5, modified Figure 4.17-2: Bicycle Network, modified to removed site 97 from the Figure.

See attached modified Figure 4.17-2: Bicycle Network

SECTION 4.20 WILDFIRES

Page 4.20-3, modified Figure 4.20-1: Fire Hazard Severity Zones, modified to removed site 97 from the Figure.

See attached modified Figure 4.20-1: Fire Hazard Severity Zones

SECTION 6.0 ALTERNATIVES TO THE PROPOSED PROJECT

Page 6-16, Section 6.6.3, Subsection “Description of Alternative”, last sentence.

This alternative assumes development of 209 DUs throughout ~~104~~ 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately ~~340~~ 328 acres.

APPENDIX 3 – TRAFFIC

LOS Discussion- Table 4.14-3 Summary of Intersections Operation Existing Plus Project Conditions

“Table 4.14-3 is modified for the PM Peak Hour to remove the ~~Without~~ and replace with With Project”

This Errata makes edits that clarify, amplify or make insignificant modifications to the Appendix, but does not add significant new information to the PEIR. Modification of the table does not alter the conclusions of the Traffic Impact Analysis (TIA) or conclusions of the PEIR. This was an error when creating the table from the TIA for the purposes of the LOS Summary Discussion.

Table 4.14-3 Summary of Intersection Operation Existing Plus Project Conditions

Int #	Intersection	AM Peak Hour						PM Peak Hour					
		Without Project		With Project		Change Delay	Sig Change Impact ?	Without Project		Without Project		Change Delay	Sig Impact ?
		Delay	LOS	Delay	LOS			Delay	LOS	Delay	LOS		
	Camino del Mar at Via de la Valle	34.3	C	34.6	C	0.3	No	35.1	D	34.6	C	-0.5	No
2	Jimmy Durante Blvd at Via de la Valle	36.4	D	36.4	D	0.0	No	37.7	D	37.5	D	-0.2	No
3	I-5 SB Ramps at Via de la Valle	13.0	B	13.0	B	0.0	No	15.3	B	15.4	B	0.1	No
4	I-5 NB Ramps at Via de la Valle	24.5	C	24.6	C	0.1	No	22.4	C	22.8	C	0.4	No
5	Jimmy Durante Blvd at San Dieguito Dr.	5.0	A	5.0	A	0.0	No	6.9	A	6.9	A	0.0	No
6	Camino del Mar at Del Mar Heights Rd	36.9	D	38.1	D	1.2	No	34.6	C	35.8	D	1.2	No
7	Camino del Mar at 9th St	10.1	B	10.0	A	-0.1	No	6.3	A	6.4	A	0.1	No
8	Camino del Mar at 15th St	23.8	C	24.1	C	0.3	No	25.3	C	26.1	C	0.8	No

Notes:
 Bold values indicate intersections operating at an unacceptable Level of Service
 Delay values for unsignalized intersections represent the average vehicle delay on the worst (highest delay) intersection approach.



Figure 3-1 Candidate Housing Sites

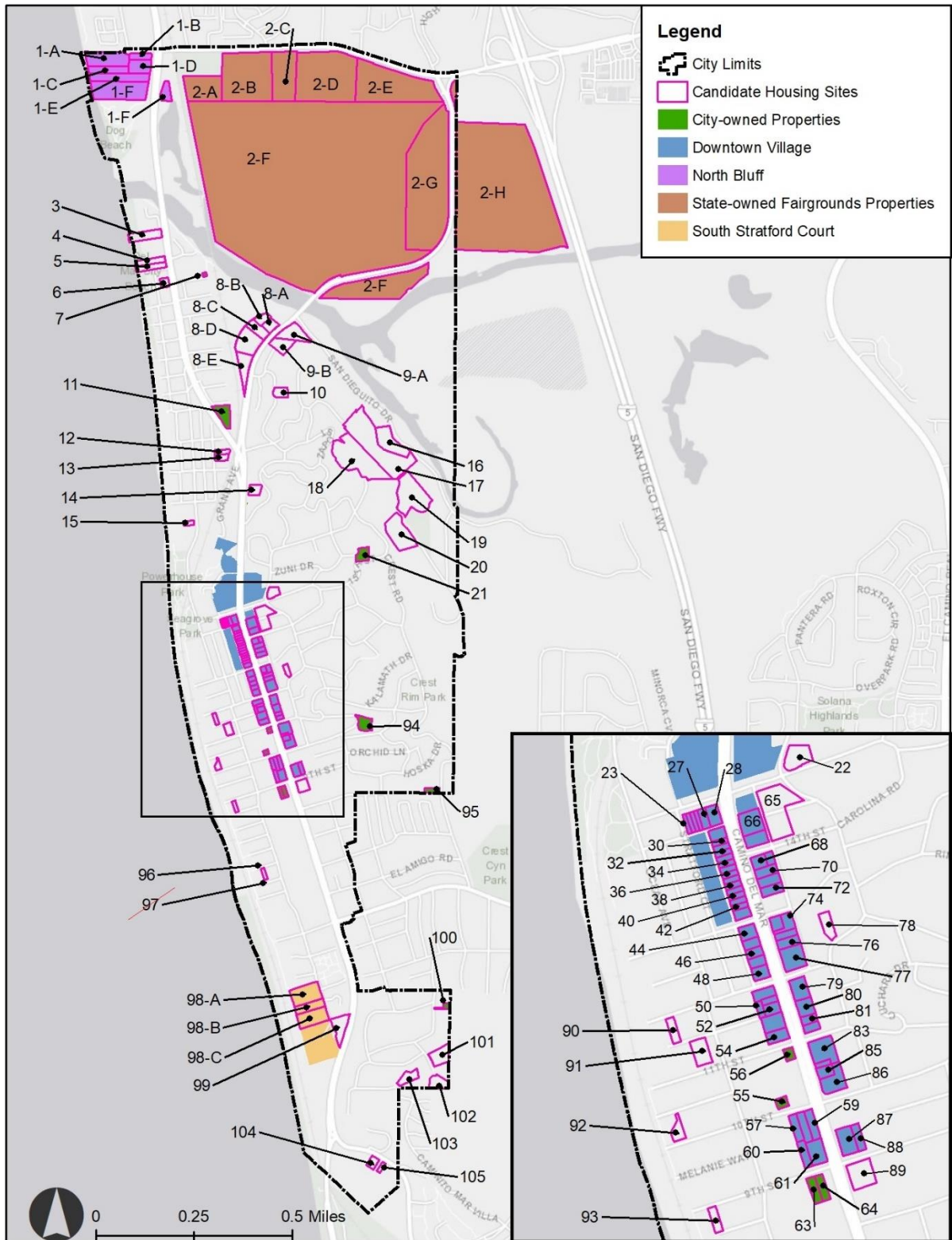
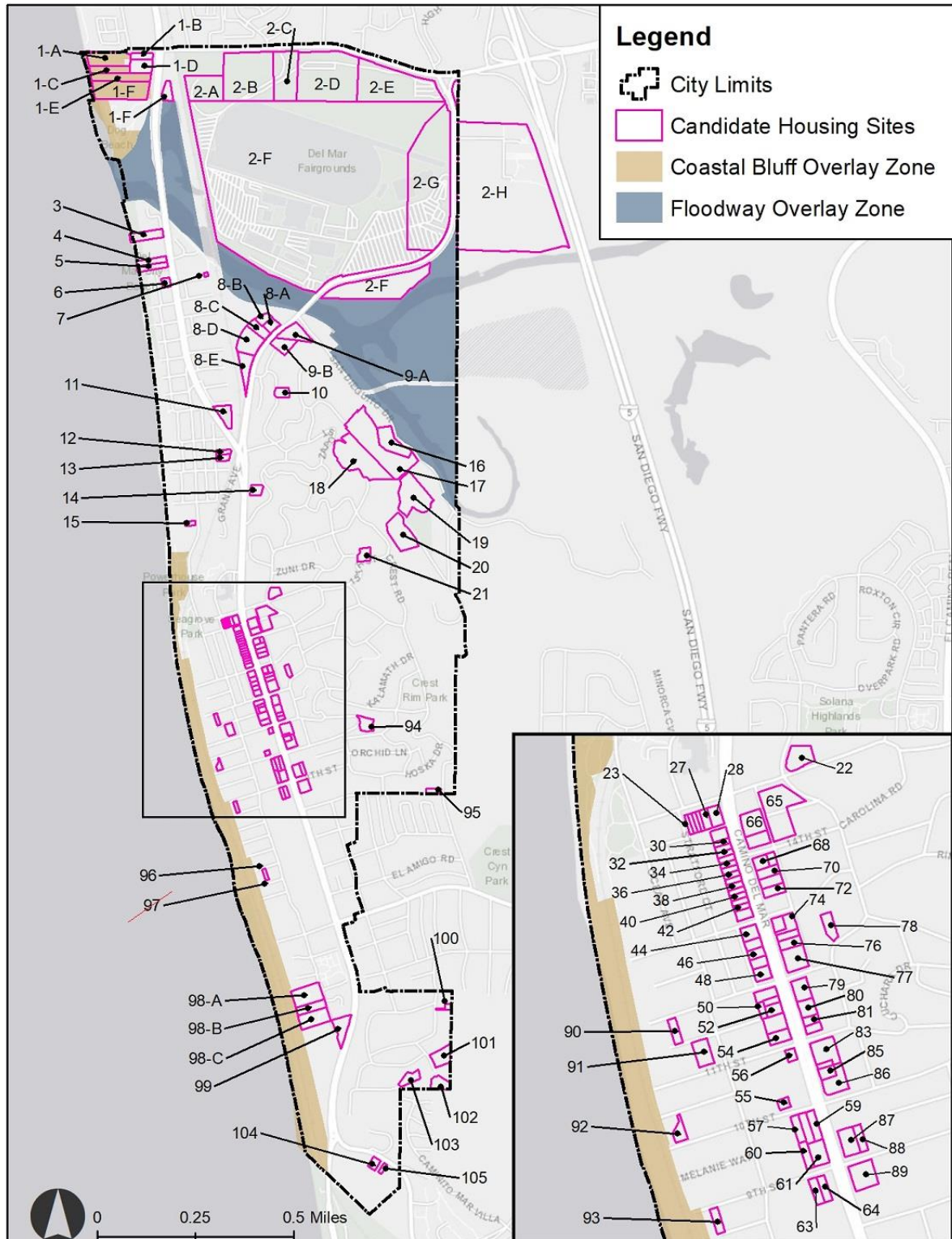
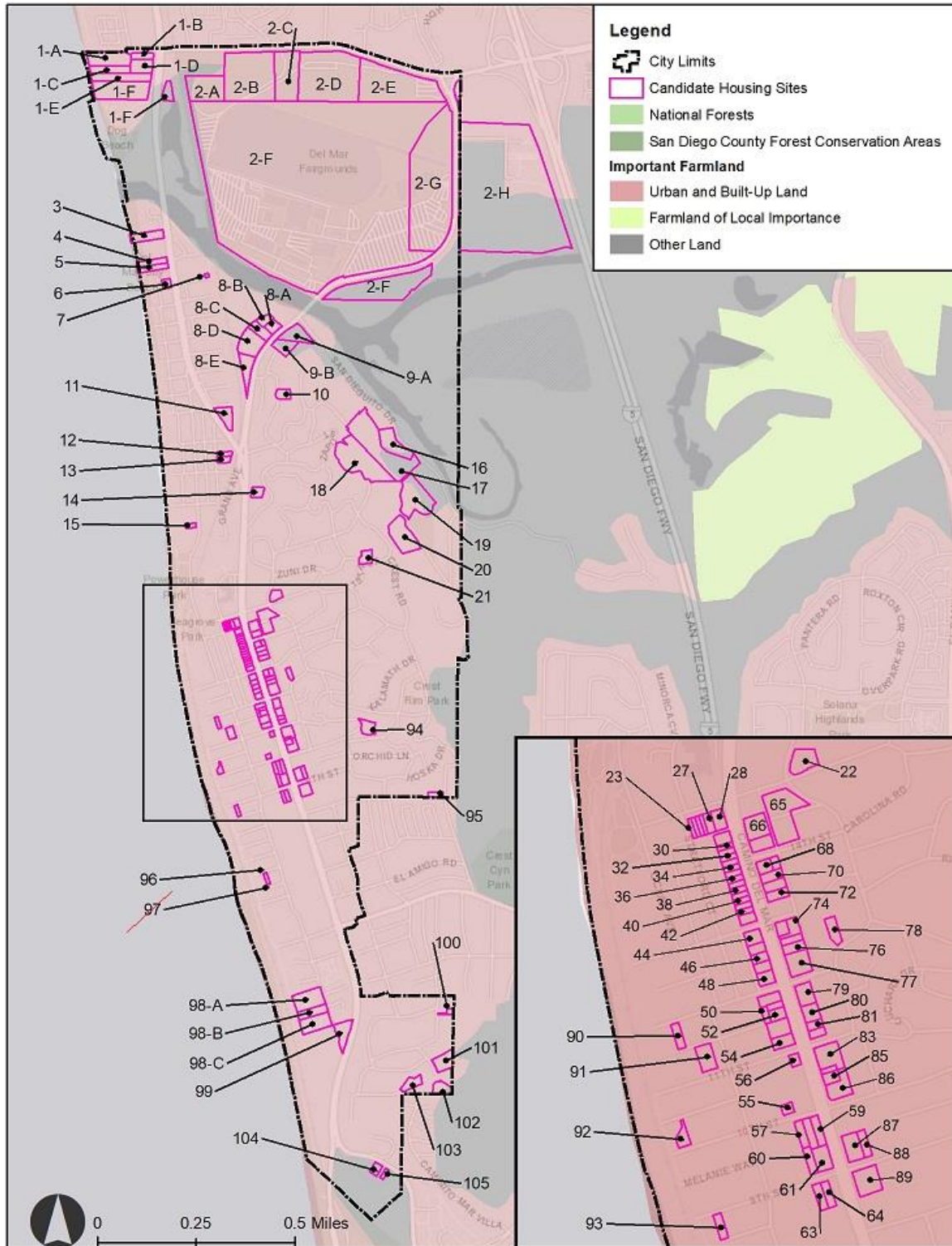


Figure 3-2: Focus Areas



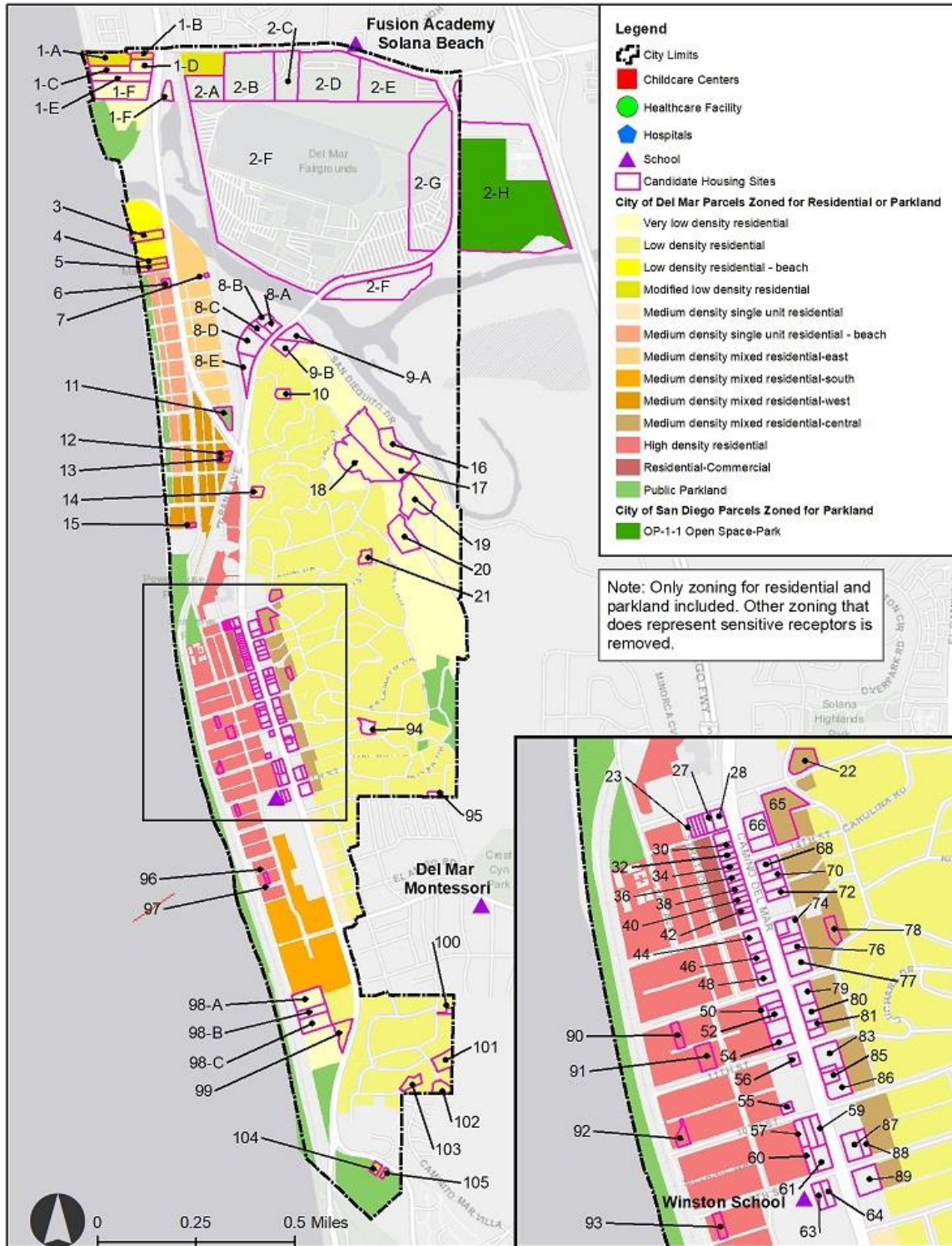
Source: City of Del Mar, 2020

Figure 4.1-1 City of Del Mar Overlay Zones



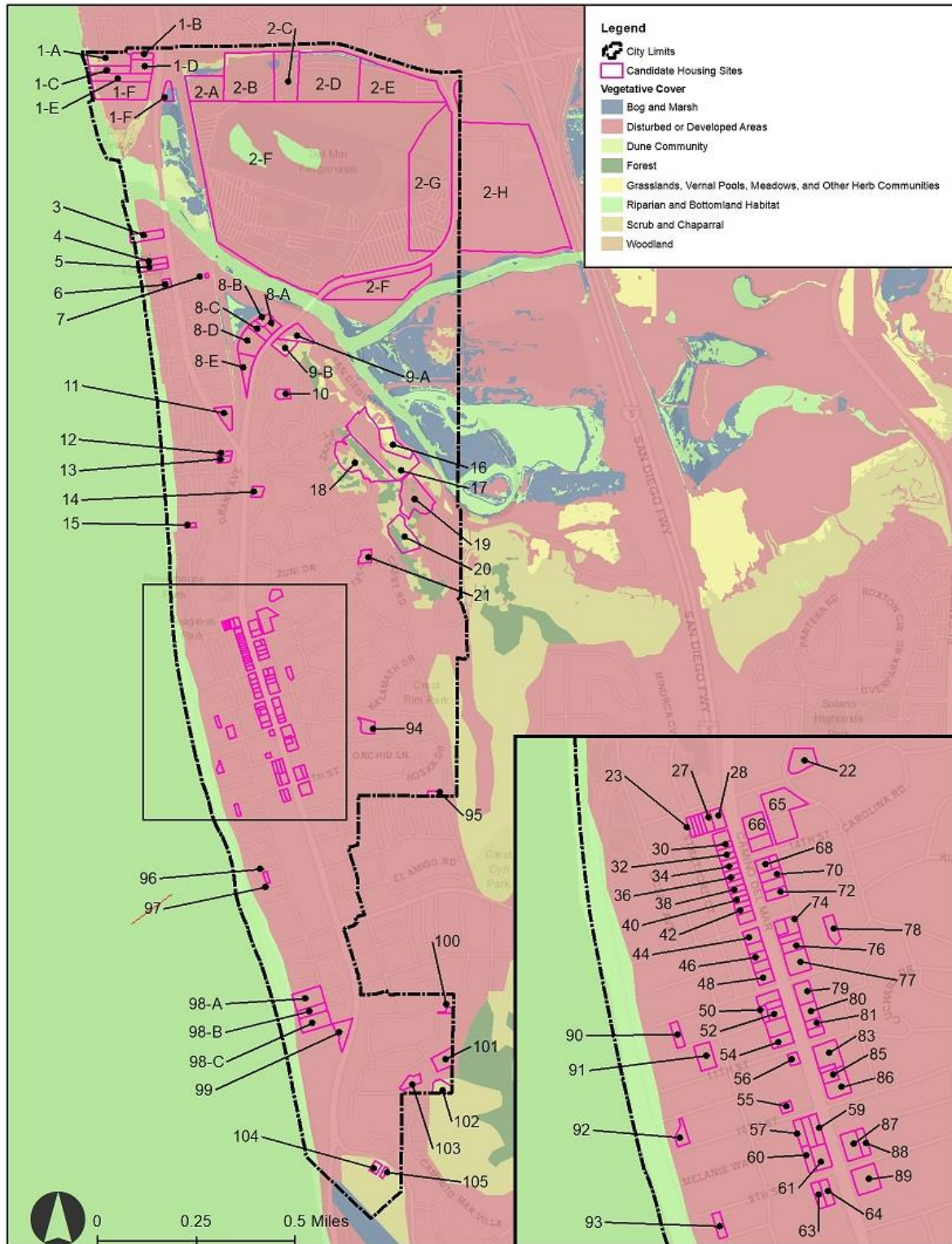
Source: California Department of Conservation, 2020

Figure 4.2-1: Farmland Mapping and Monitoring Program Designations



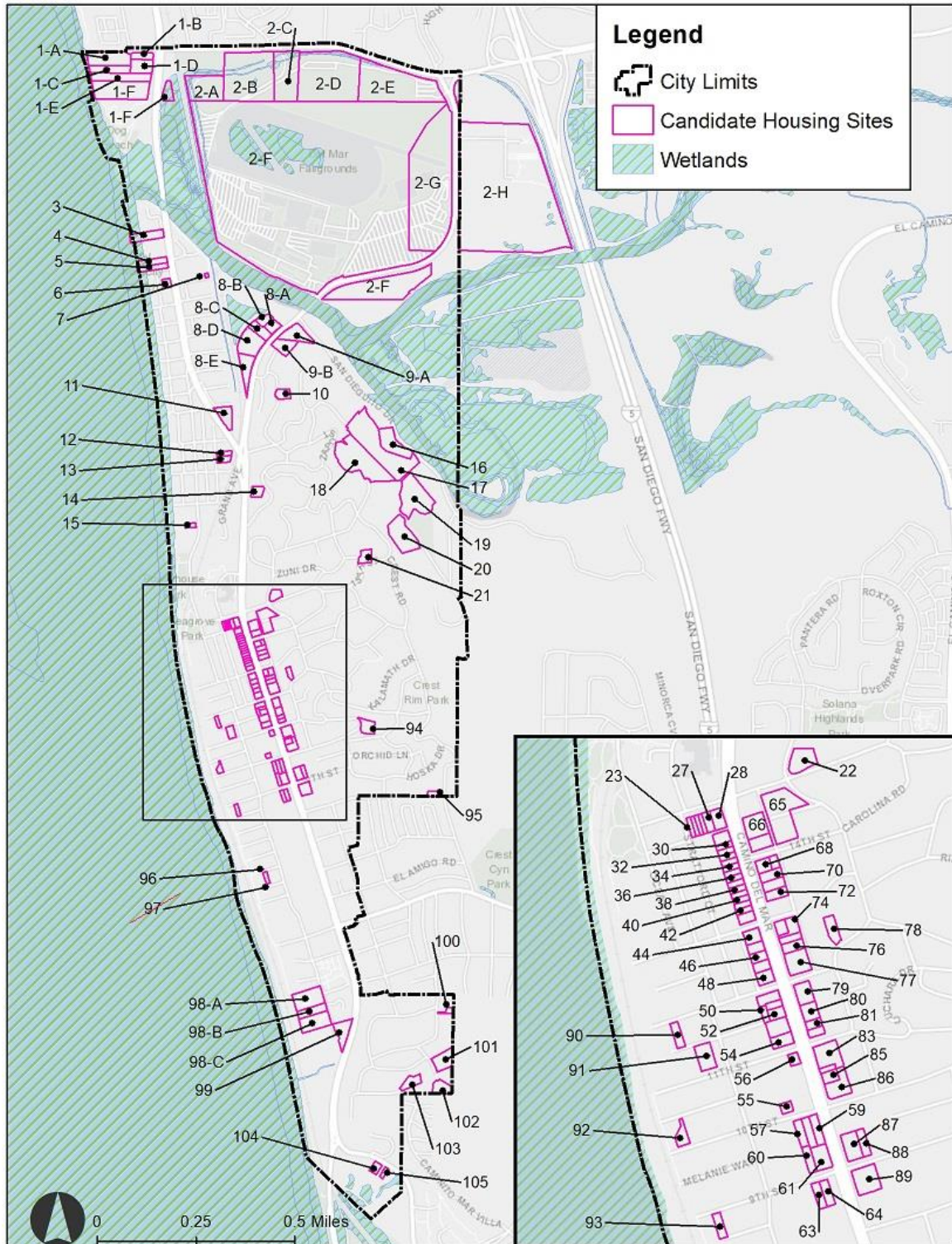
Source: ~~Source:~~ California Department of Education (2020); California Health and Human Services Agency (2020); California Department of Social Services (2020); City of Del Mar (2020)

Figure 4.3-1: Sensitive Receptors



Source: County of San Diego Planning and Development Services, 2017

Figure 4.4-3.4.2: Existing Vegetation



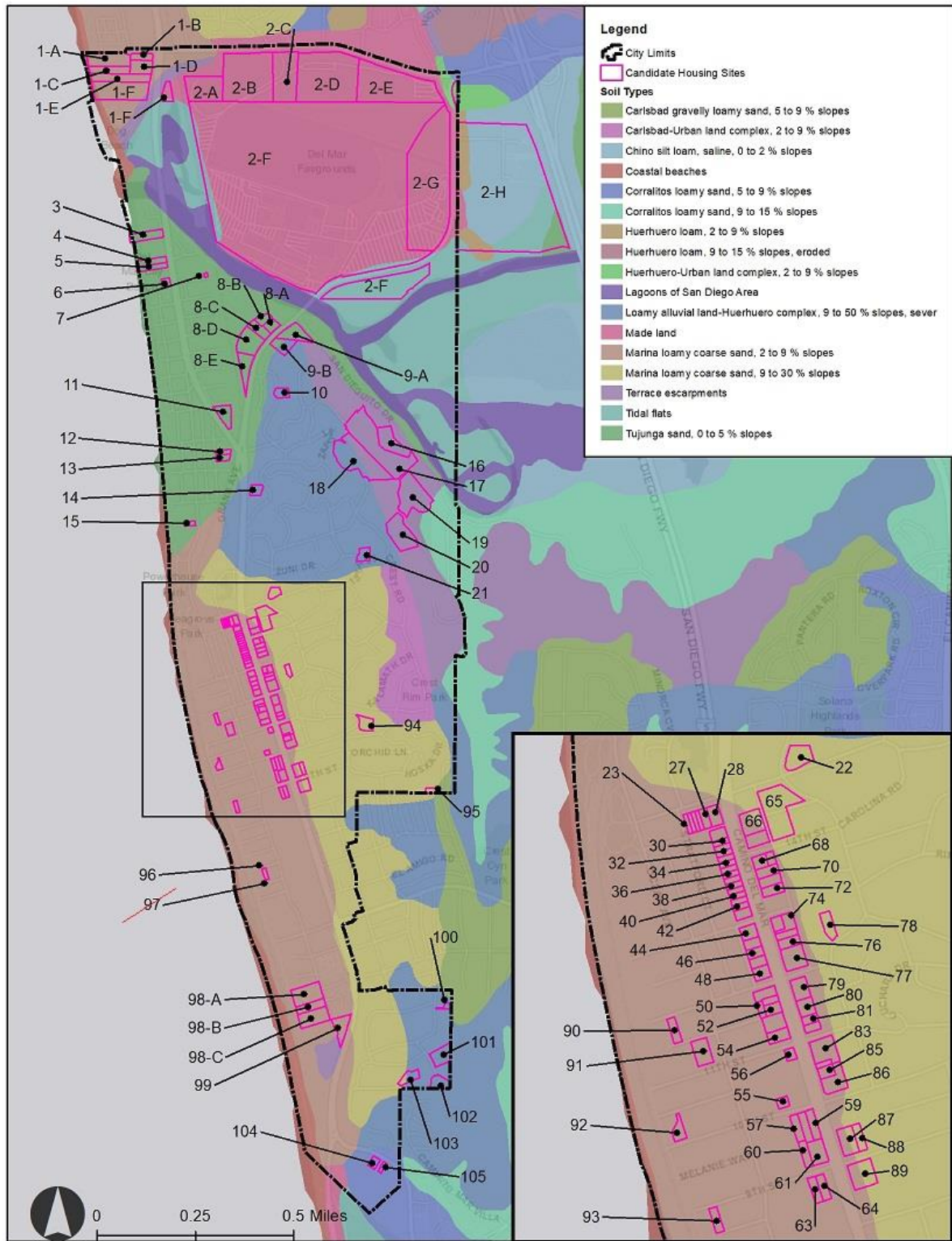
Source: U.S. Fish and Wildlife Services, USGS, San GIS, 2019

Figure 4.4-4.4.3: Wetlands



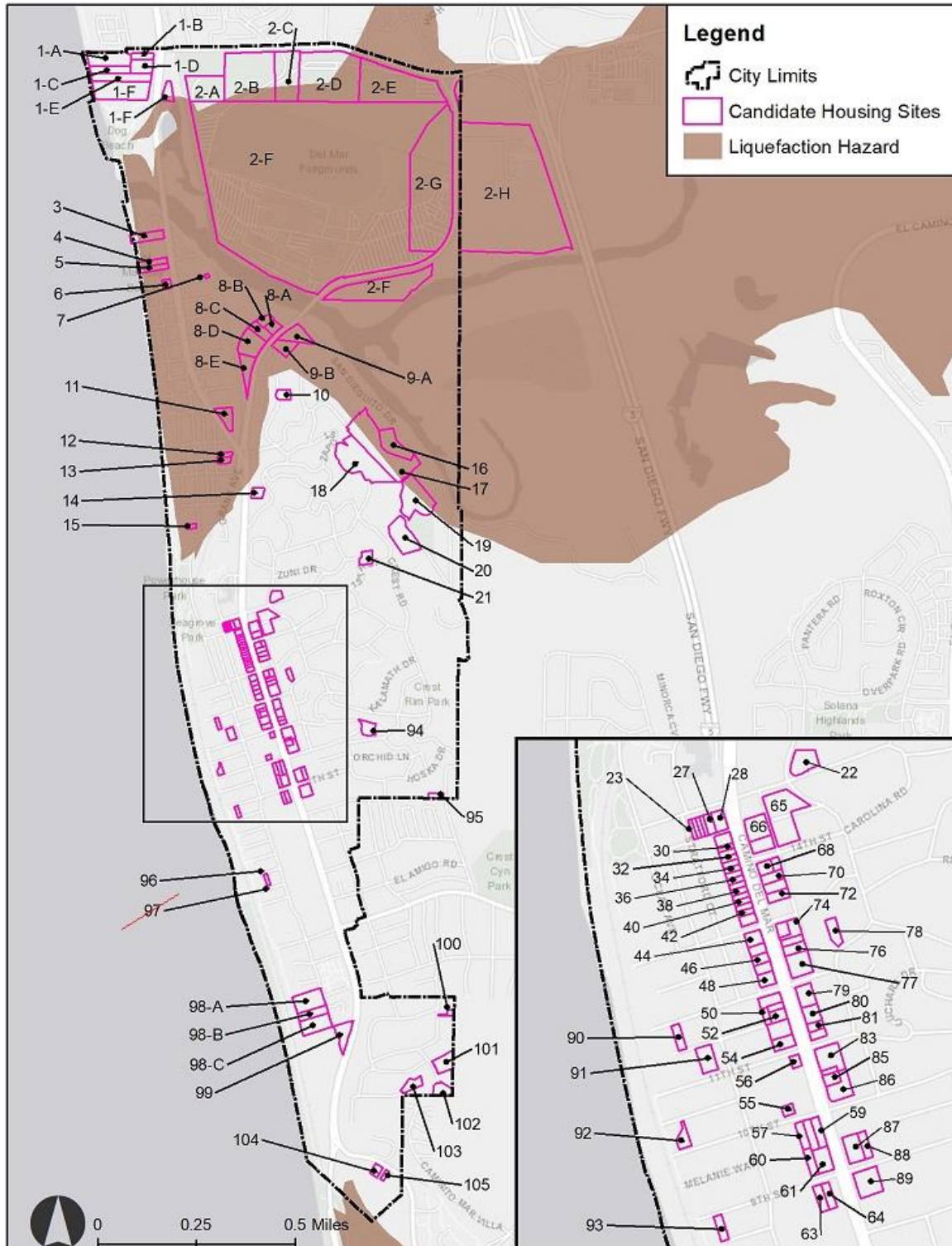
Source: City of Del Mar 2020

Figure 4.5-1: Historic Places and Overlay



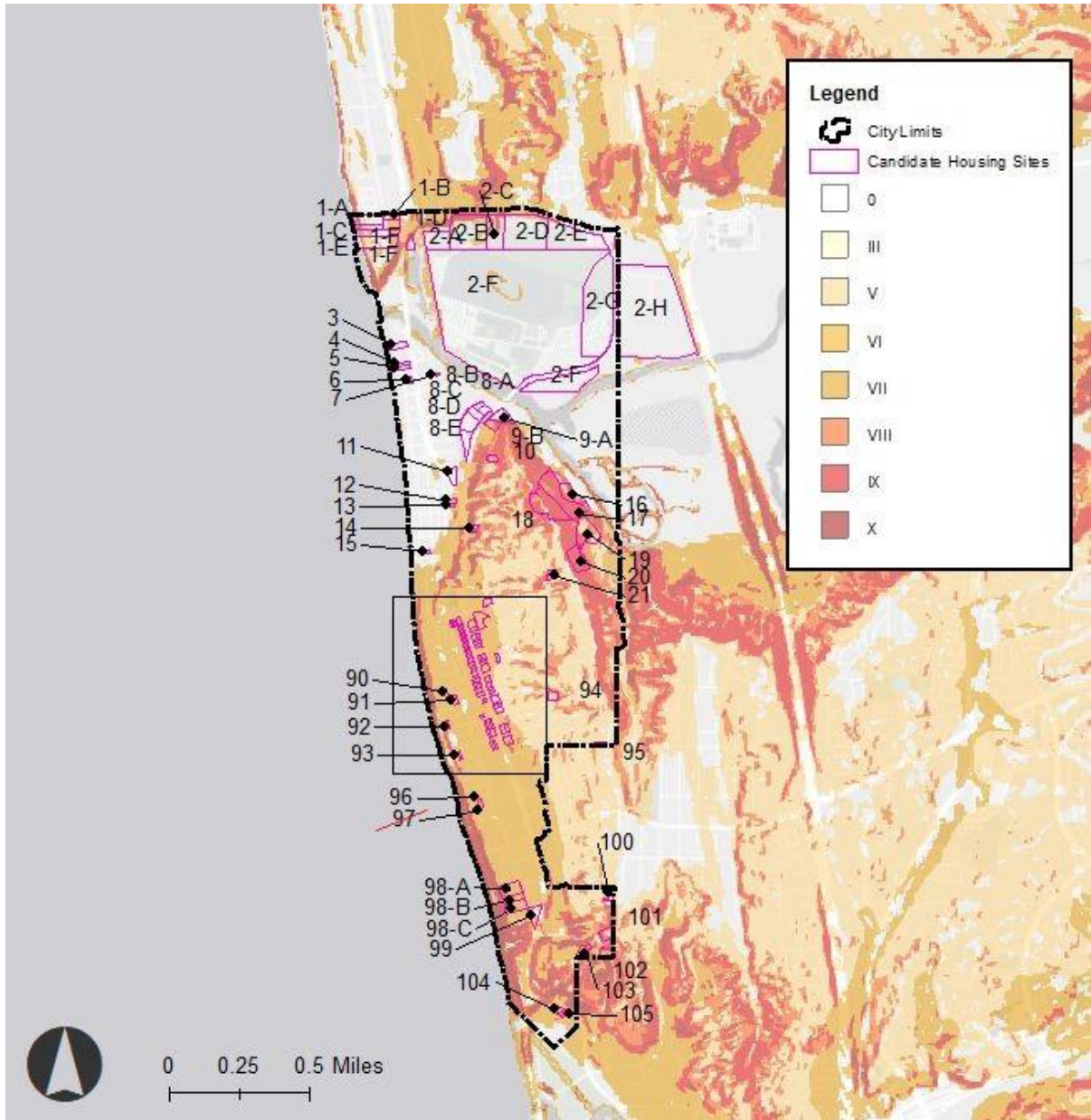
Source: Department of Agriculture and Natural Resources Conservation Services, 2011

Figure 4.7-1: HEU Program Area Soils



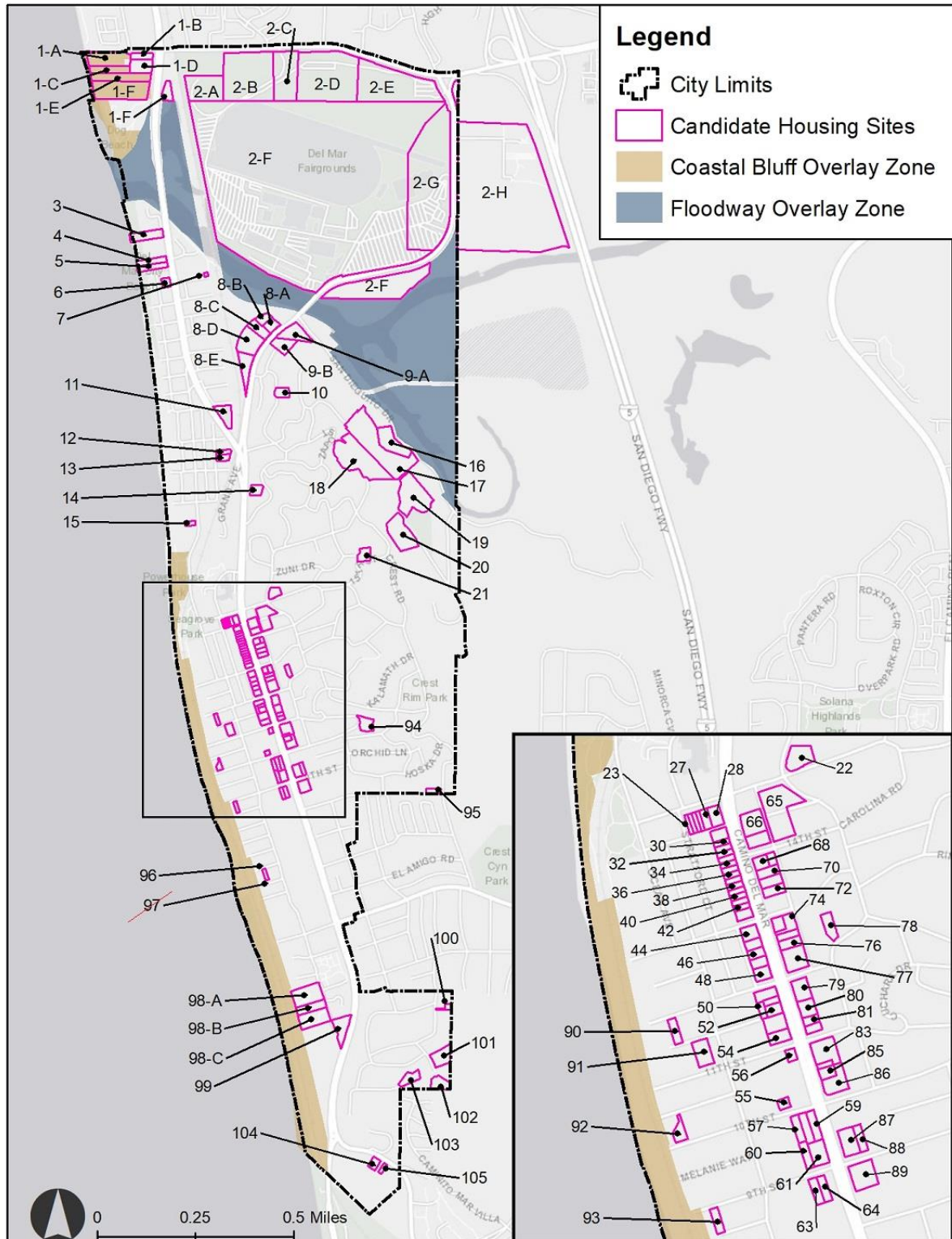
Source: County of San Diego, 2017

Figure 4.7-3: Liquefaction Potential



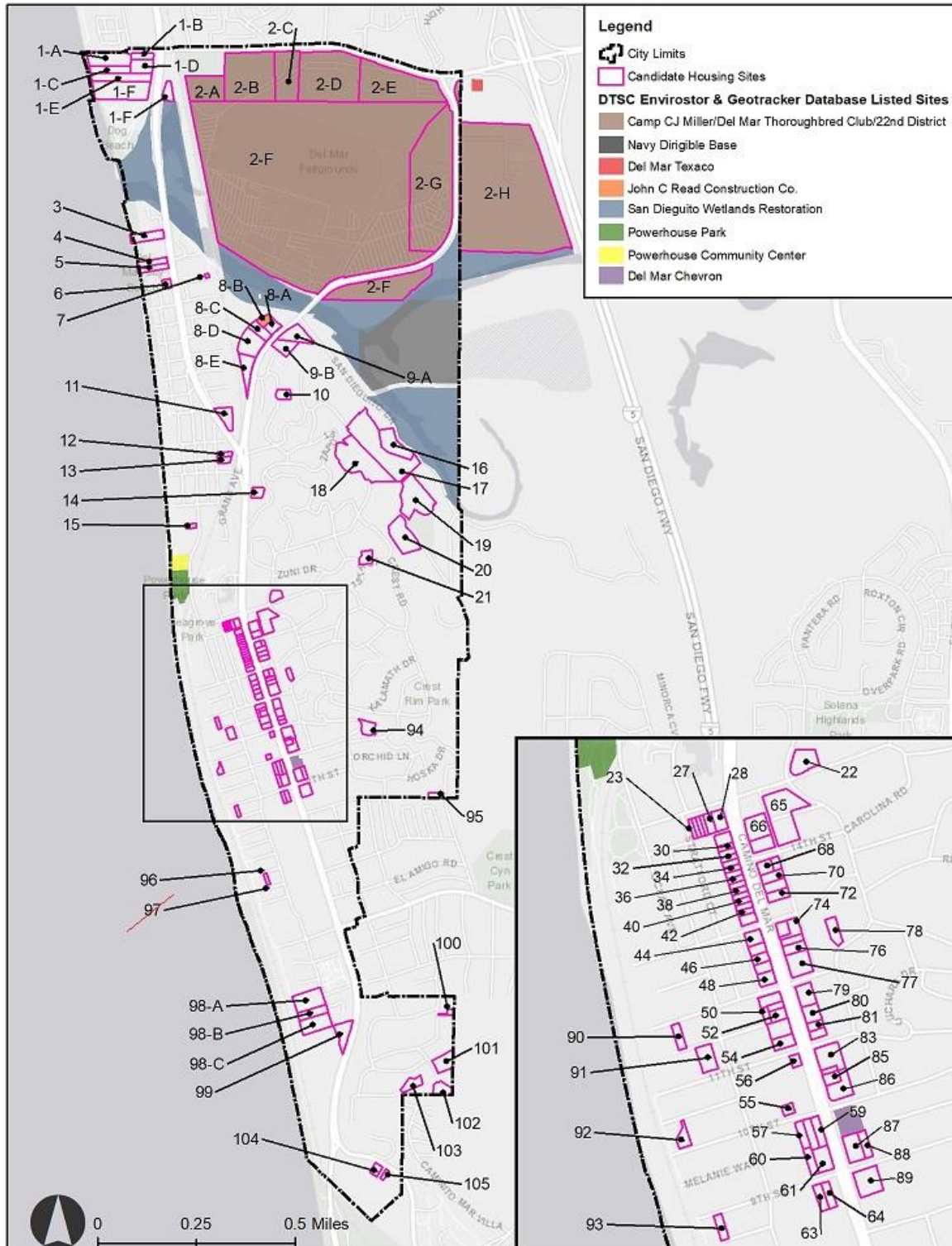
Source: California Geologic Survey, 2018

Figure: 4.7-4: Land Slide Potential



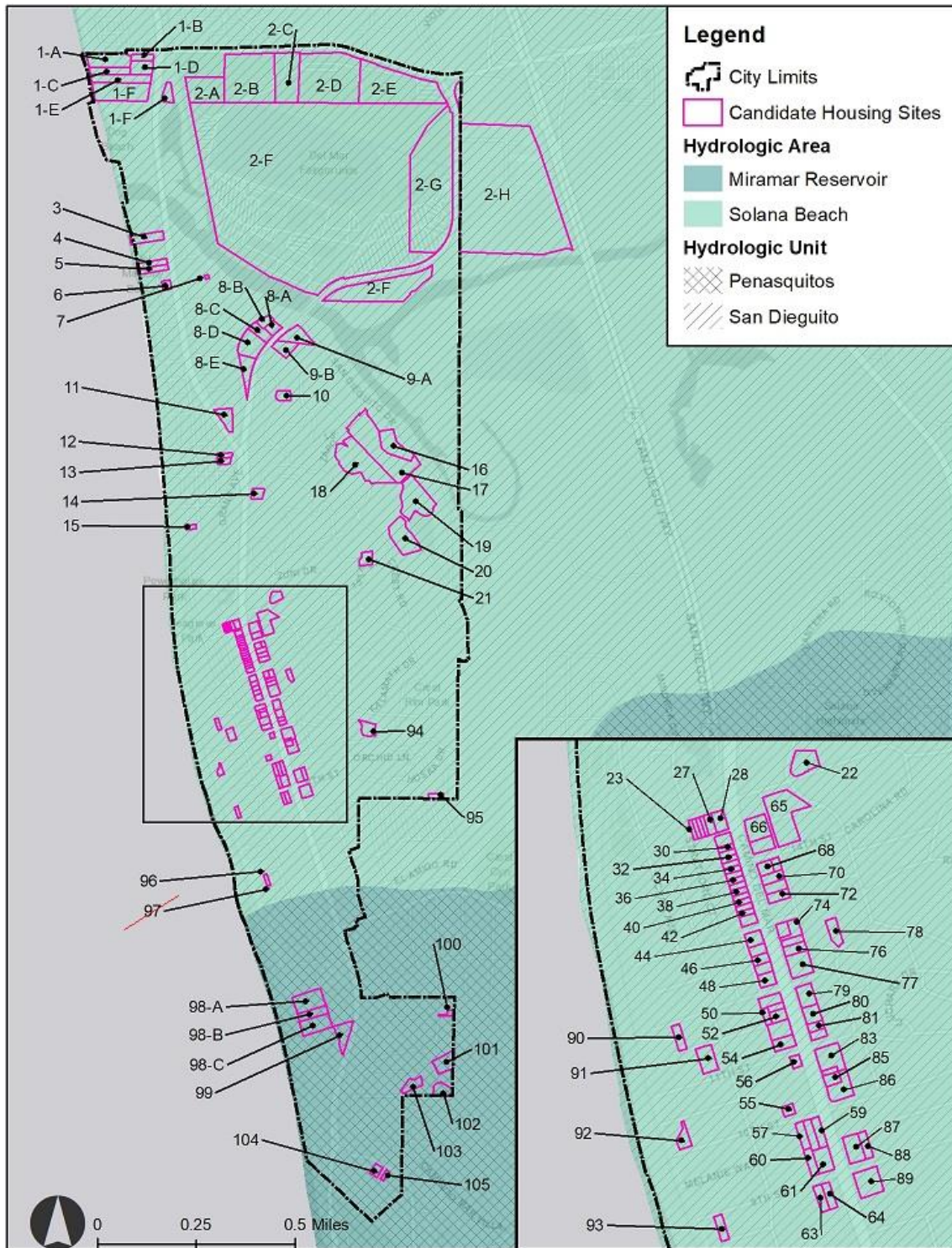
Source: City of Del Mar, 2020

Figure 4.7-5: Coastal Bluff Overlay and Floodplain Overlay Zones



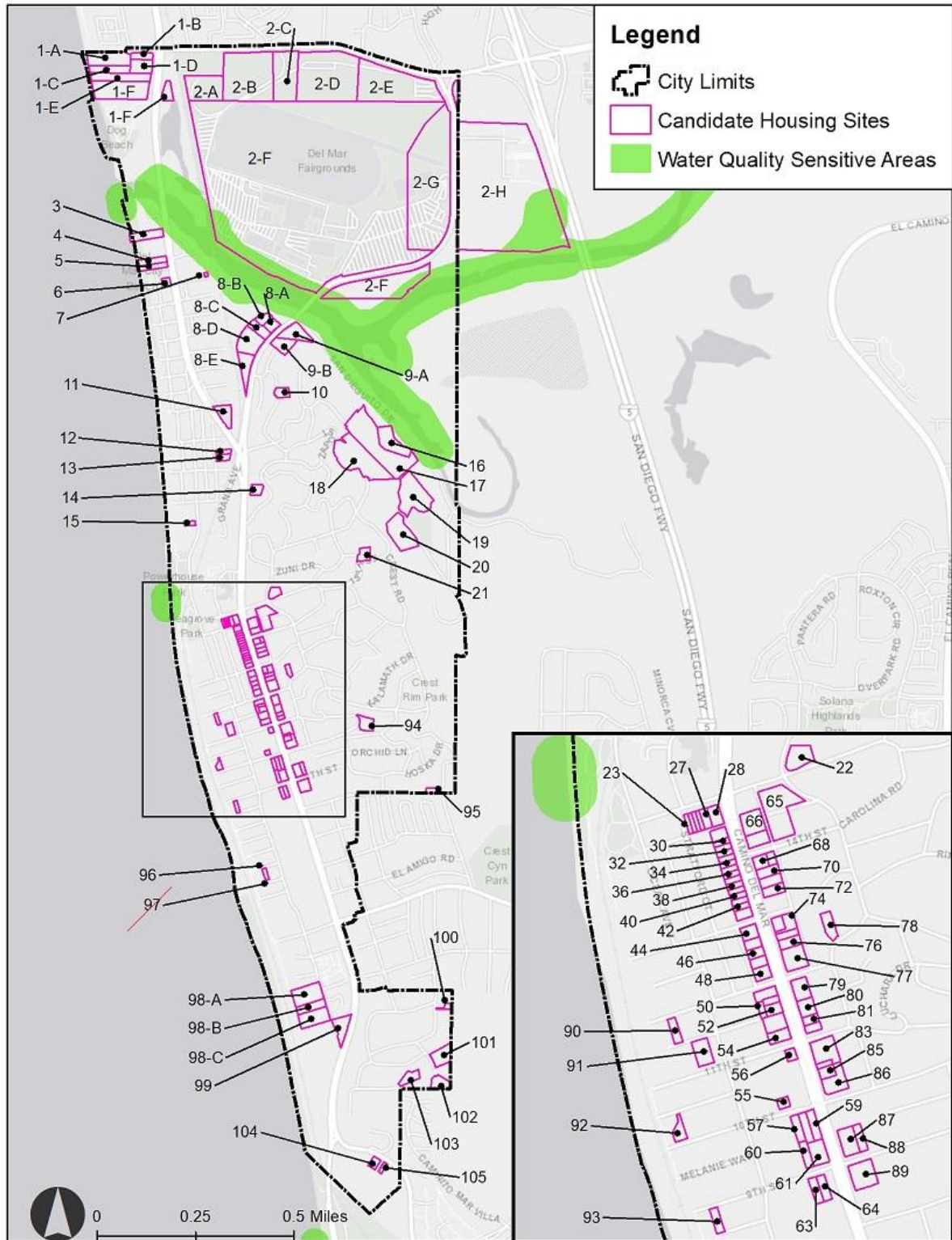
Source: EnviroStor Database and Geotracker Database Listed Sites

Figure: 4.9-1: Hazardous Sites



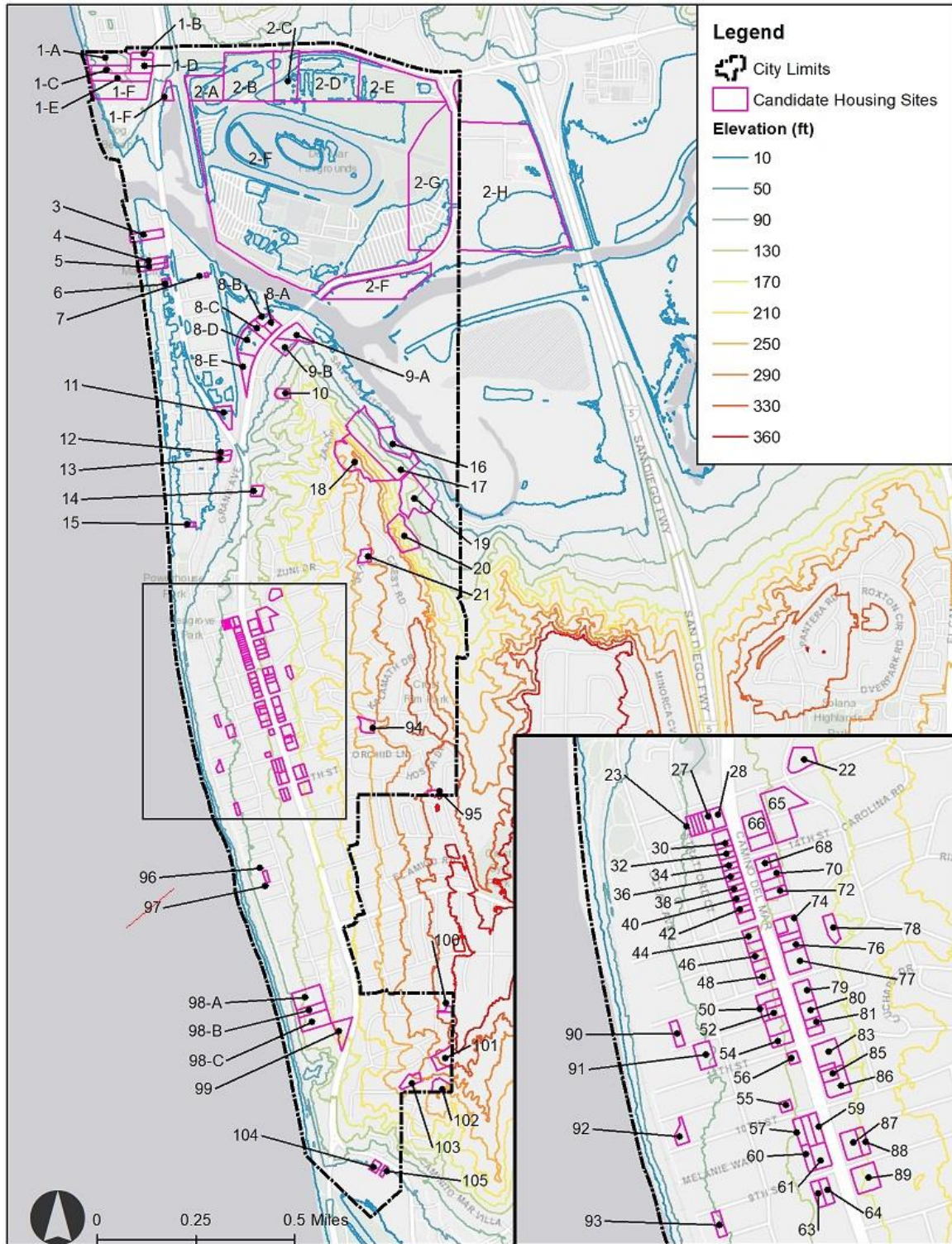
Source: State Water Resources Control Board, California Department of Water Resources, California Department of Forestry and Fire Protection, California Teale GIS Solutions Group, California Department of Fish and Game, 2004

Figure 4.10-1: Hydrologic Areas



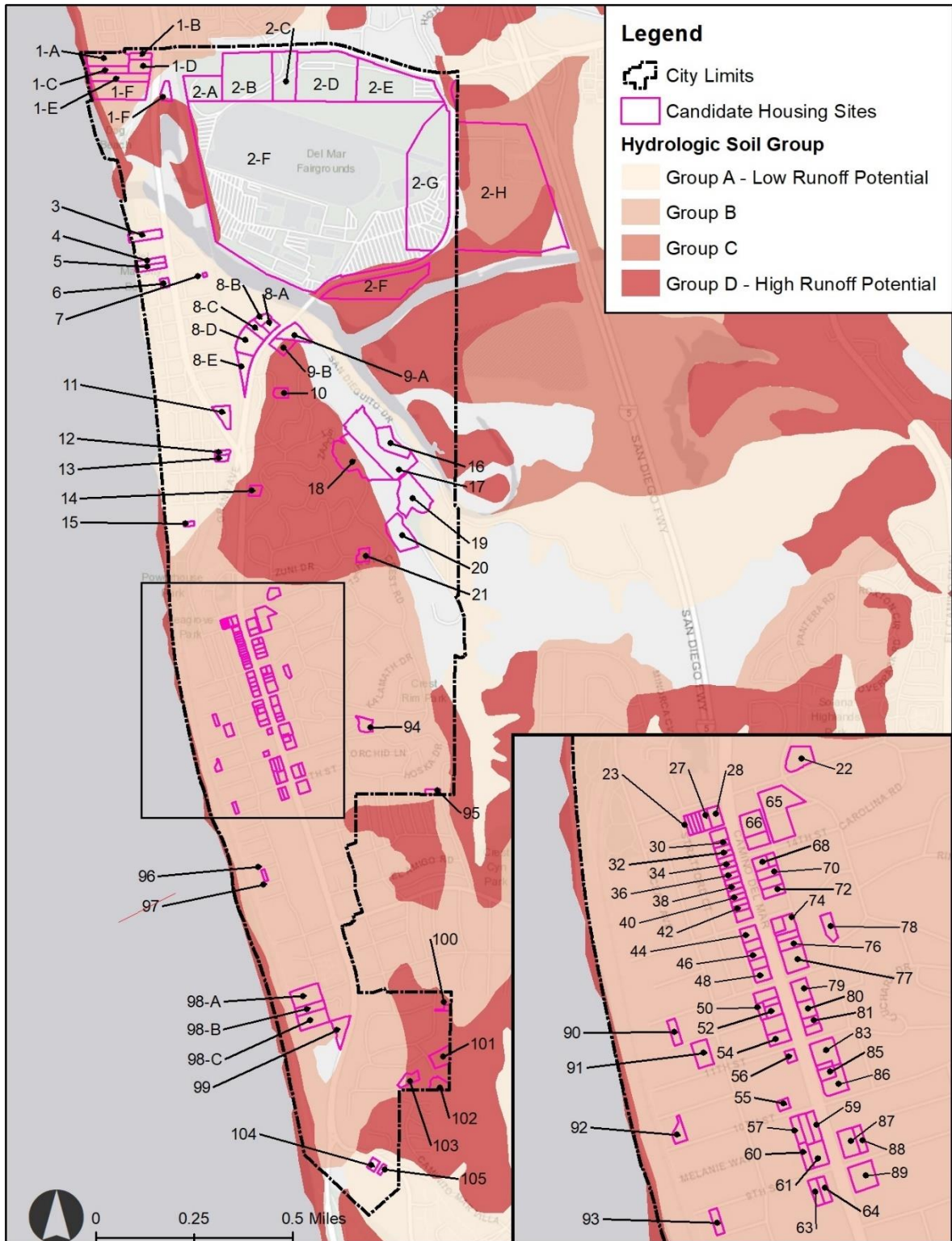
Source: County of San Diego Land Use and Environment Group, 2019

Figure 4.10-2: Water Quality Sensitive Areas



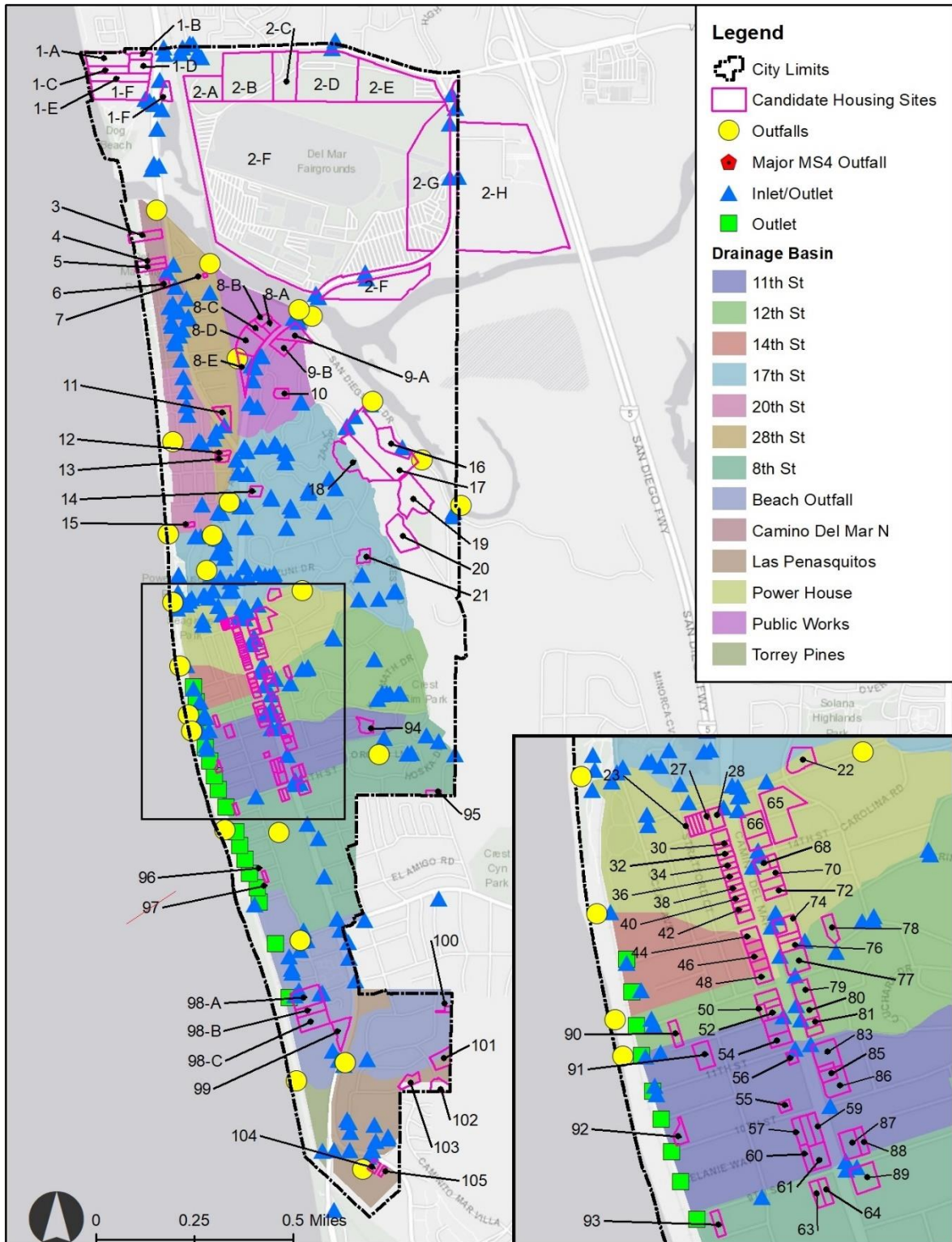
Source: SanGIS, Photo Science, 2015

Figure 4.10-3: Topography



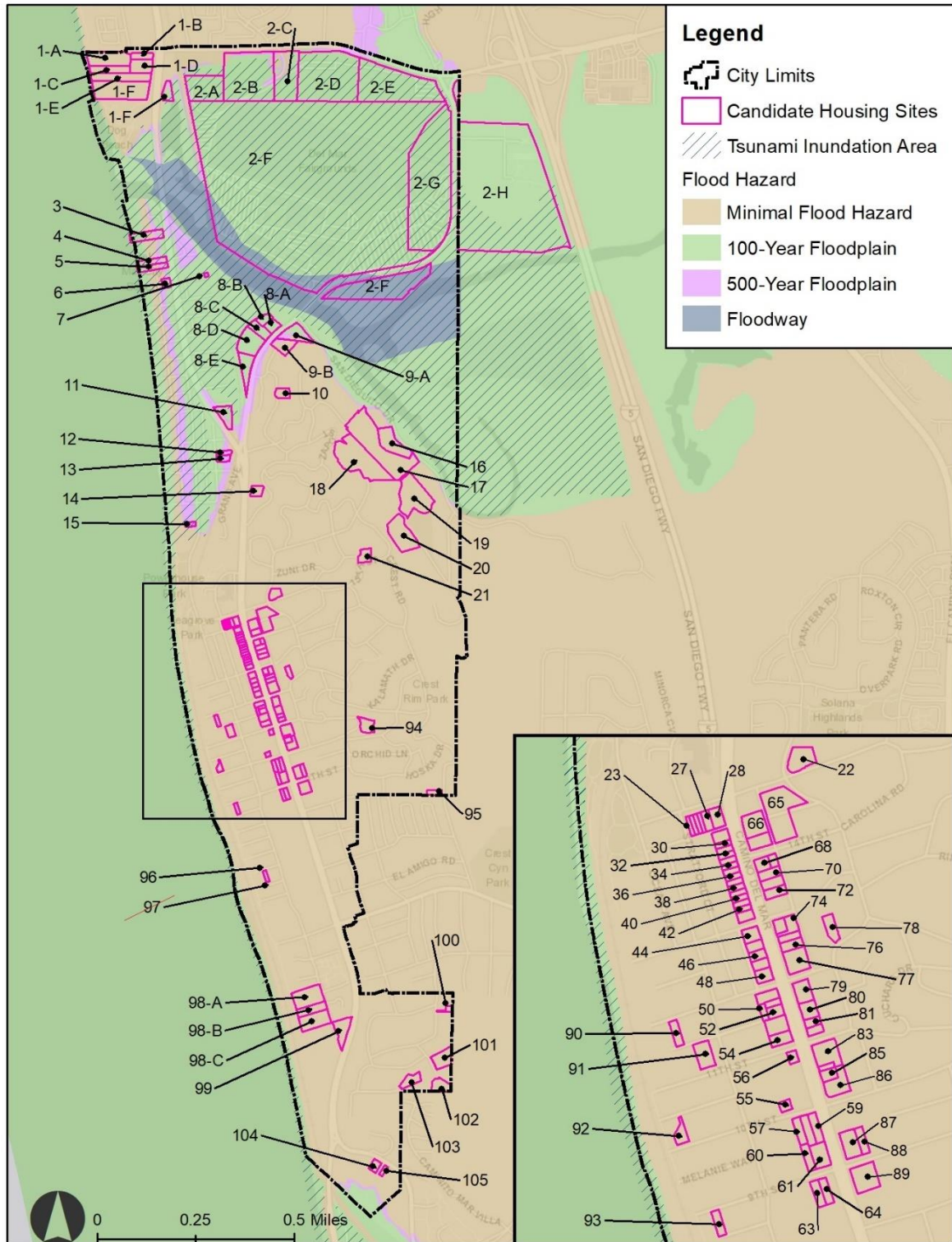
Source: U.S. Department of Agriculture, Natural Resources Conservation Service, 2015

Figure: 4.10-4: Runoff Potential



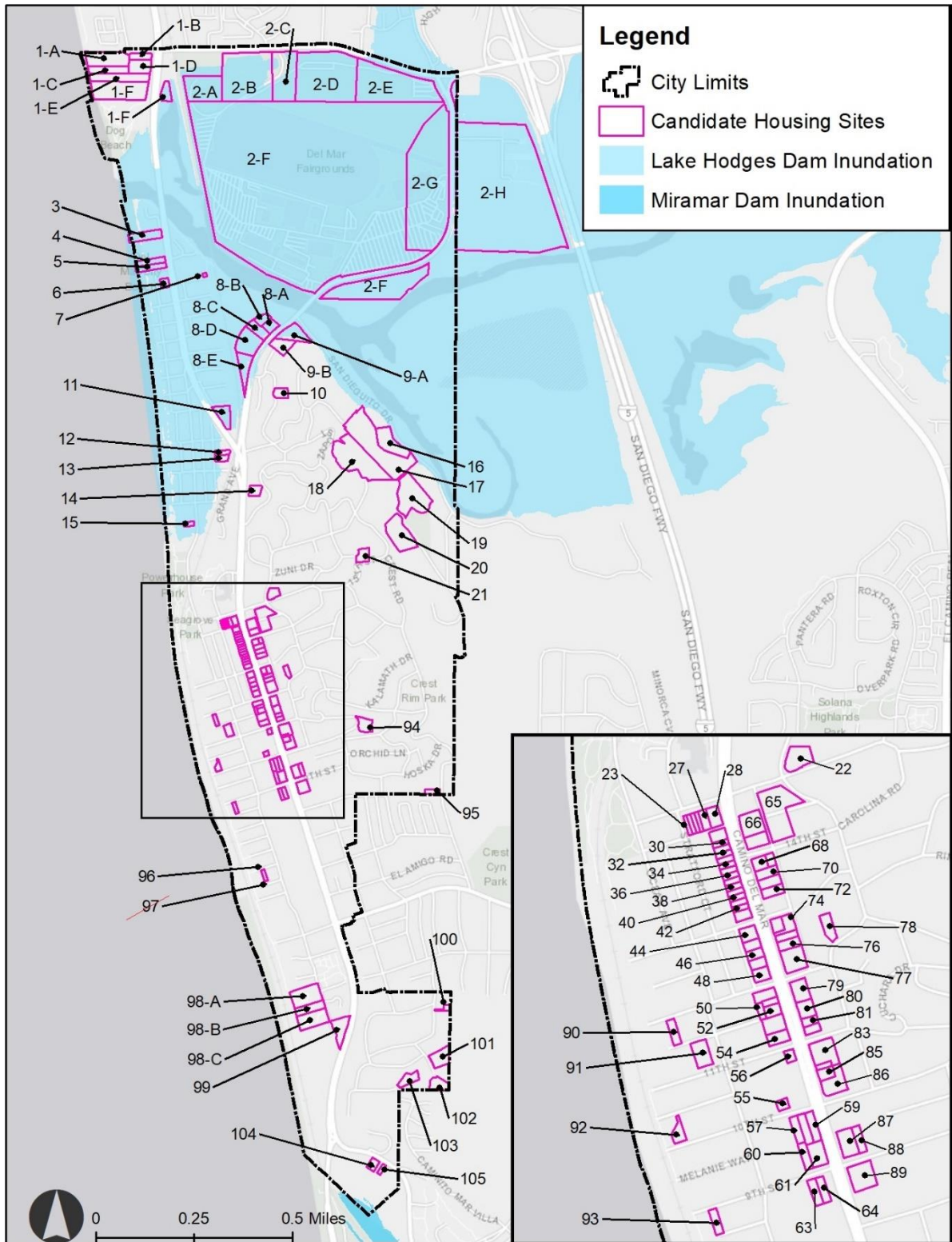
Source: City of Del Mar, 2019

Figure 4.10-5: Drainage Basins and Stormwater System



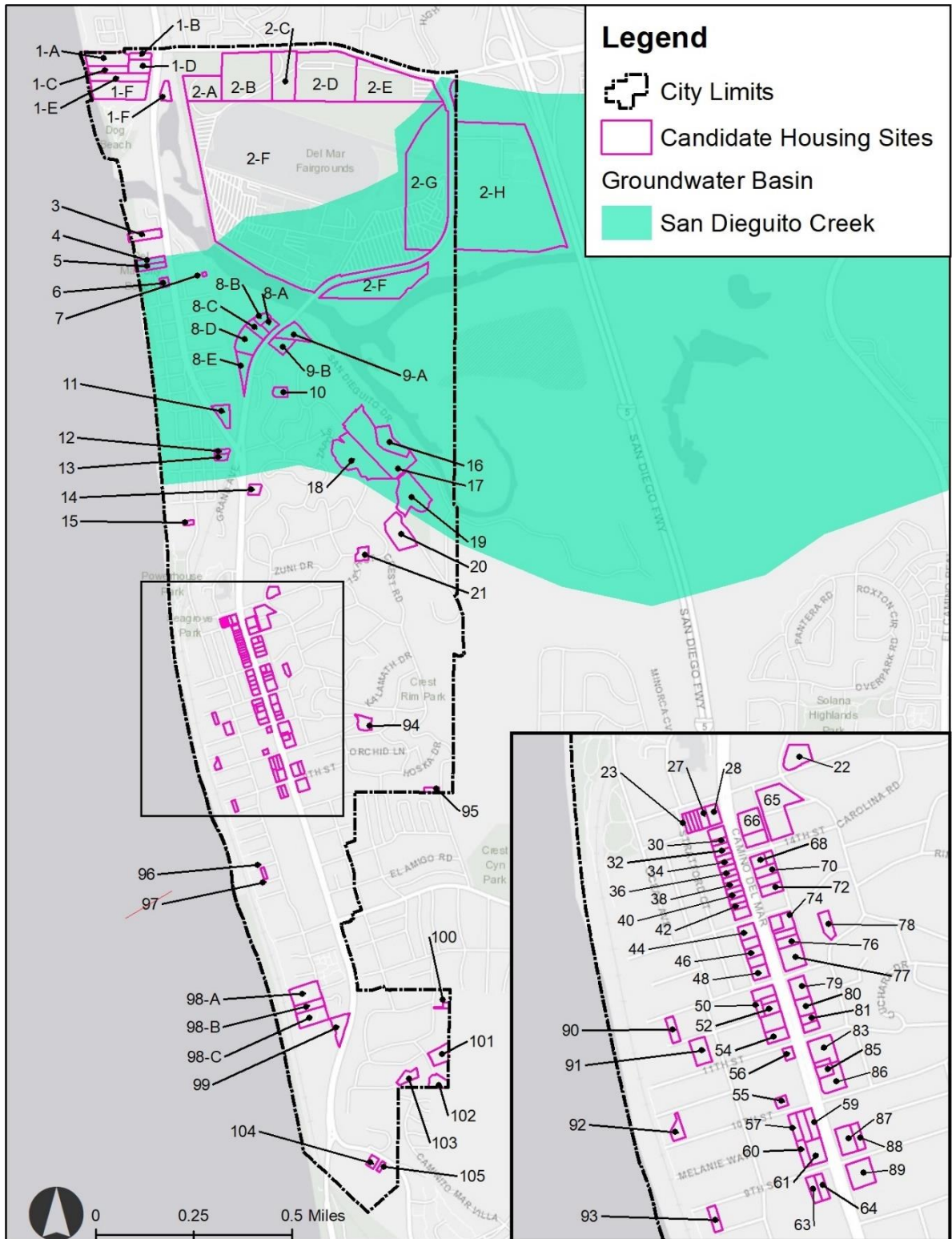
Source: California Emergency Management Agency; University of Southern California; California Geological Survey, 2009; San GIS; FEMA; County of San Diego Department of Public Works, 2019

Figure 4.10-6: Floodplains and Tsunami Inundation Areas



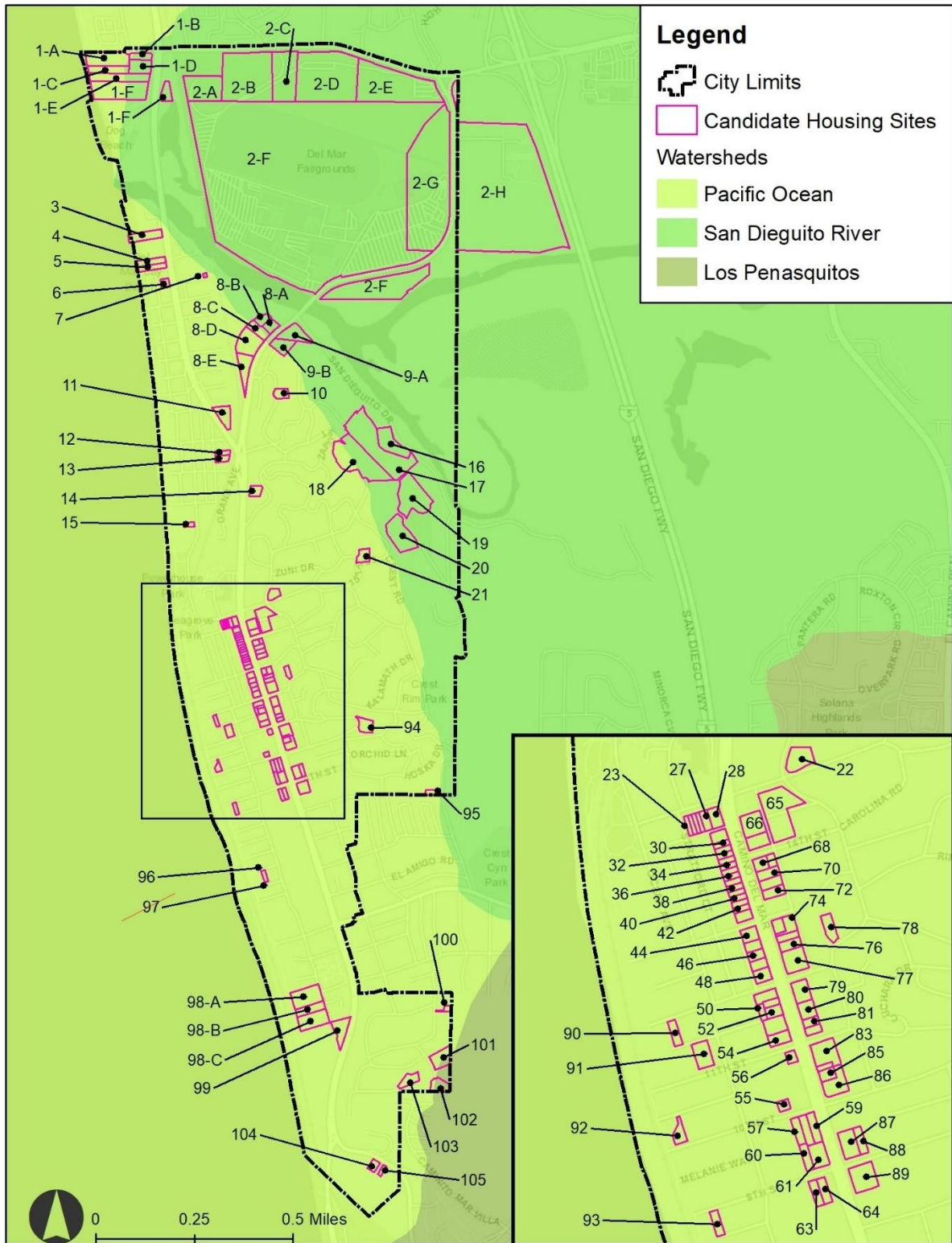
Source: Ca Department of Water Resources, Division of Safety of Dams, 2019

Figure 4.10-7: Dam Failure Inundation



Source: SanGIS, 2015

Figure 4.10-8: San Dieguito Creek Groundwater Basin



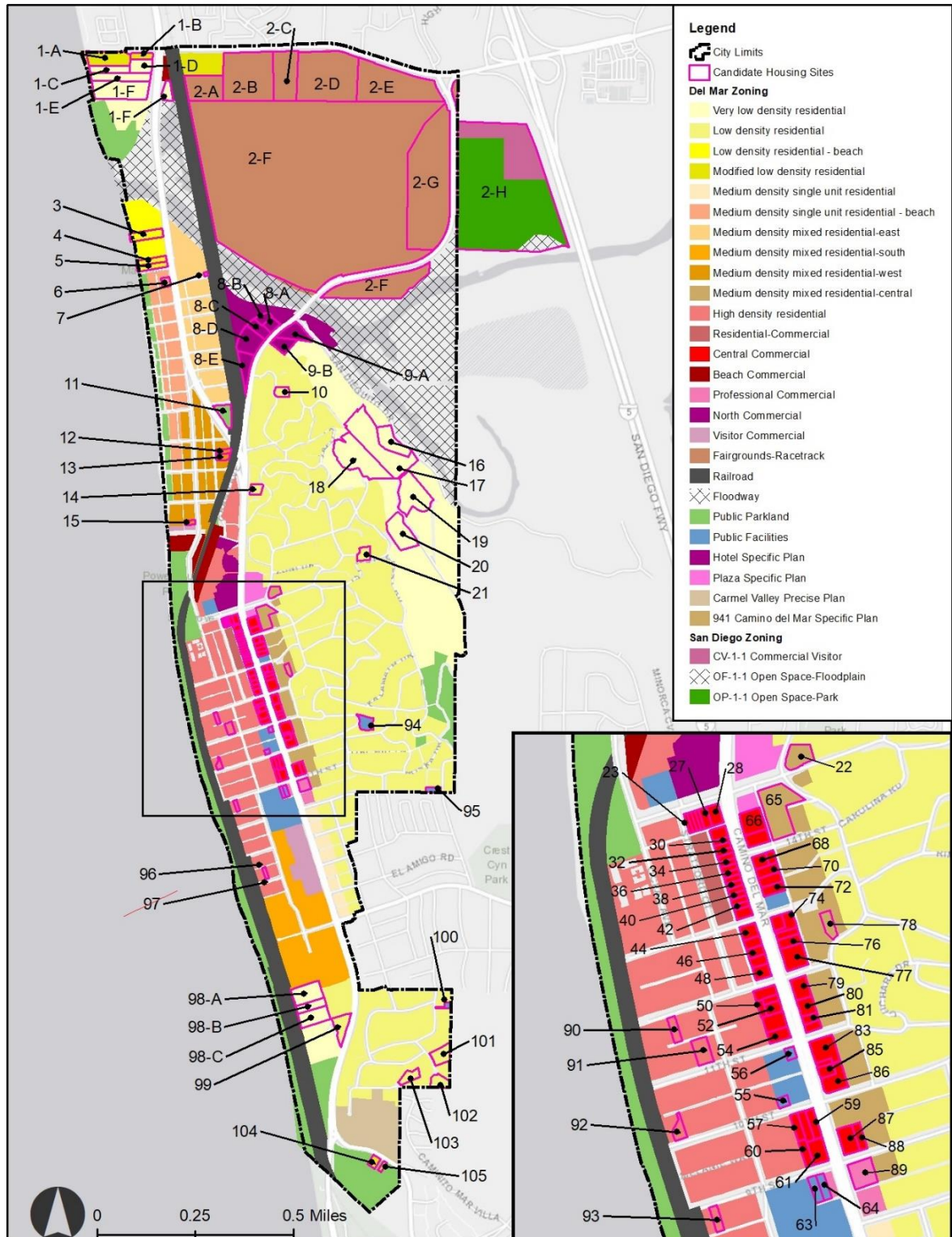
Source: USGS National Hydrography Database, 2016

Figure 4.10-9: Watersheds



Source: Chapter 3, Project Description

Figure 4.11-1: Candidate Housing Sites



Source: City of Del Mar Zoning Map, City of San Diego Zoning Map

Figure 4.11-2: Candidate Housing Sites Zoning Map

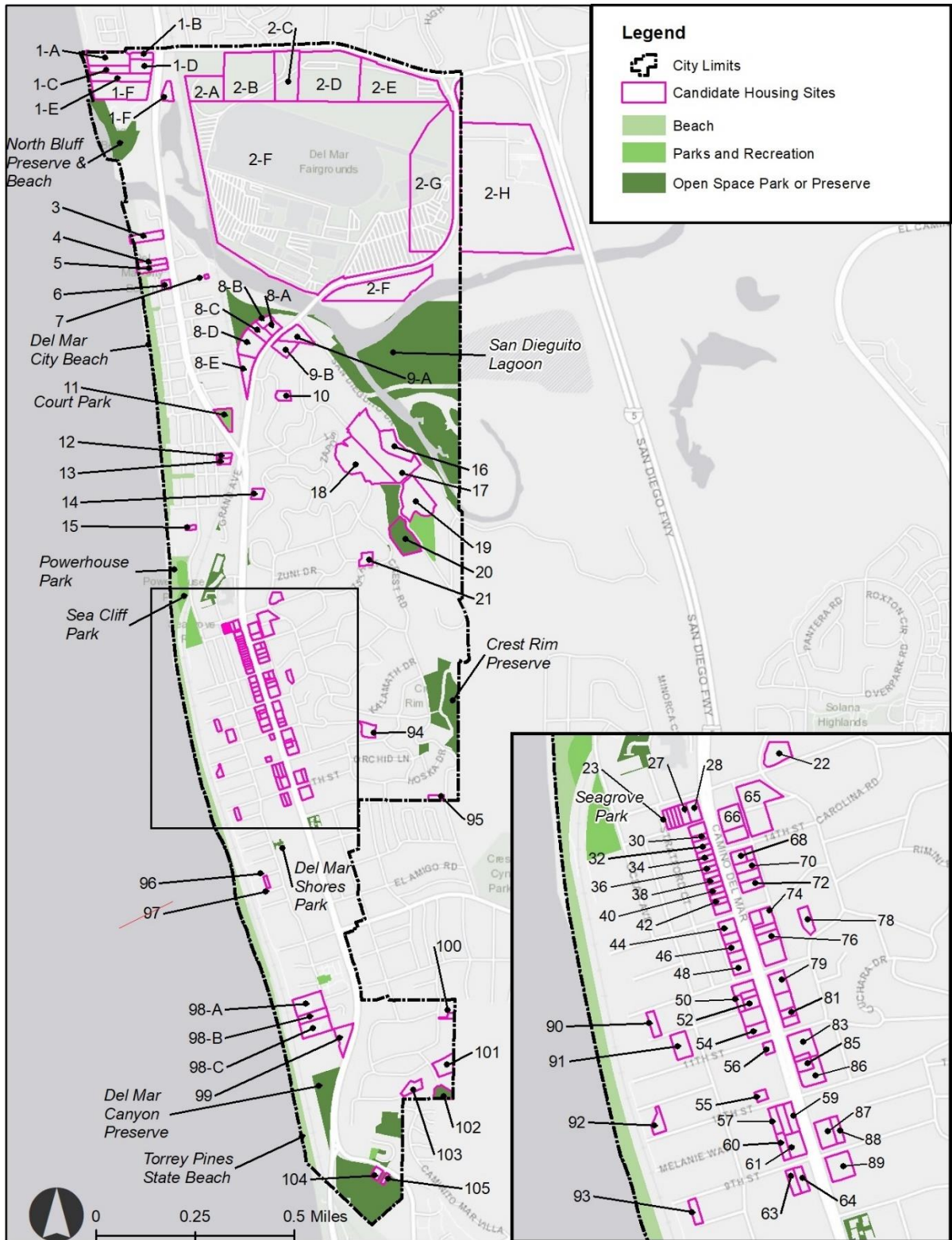
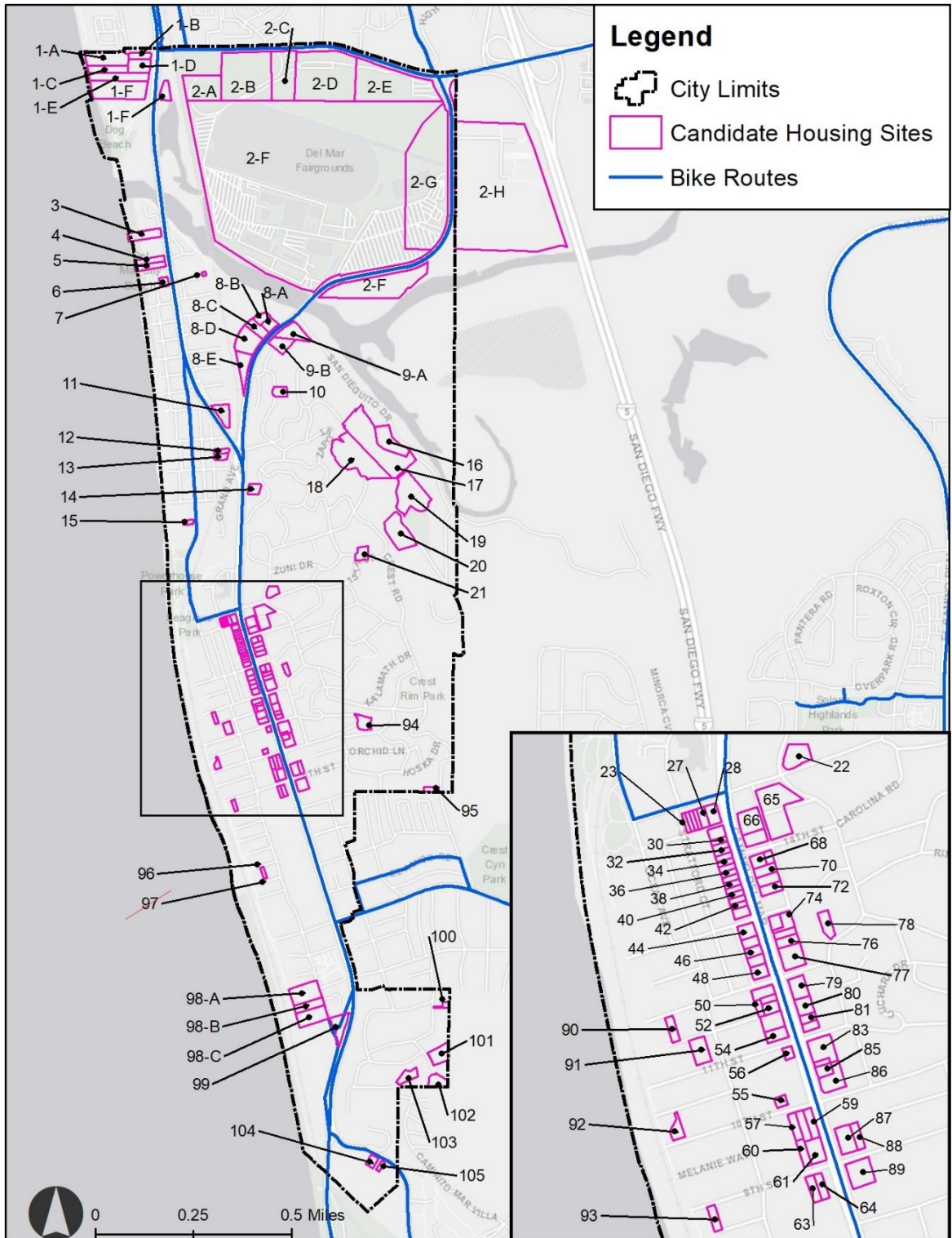
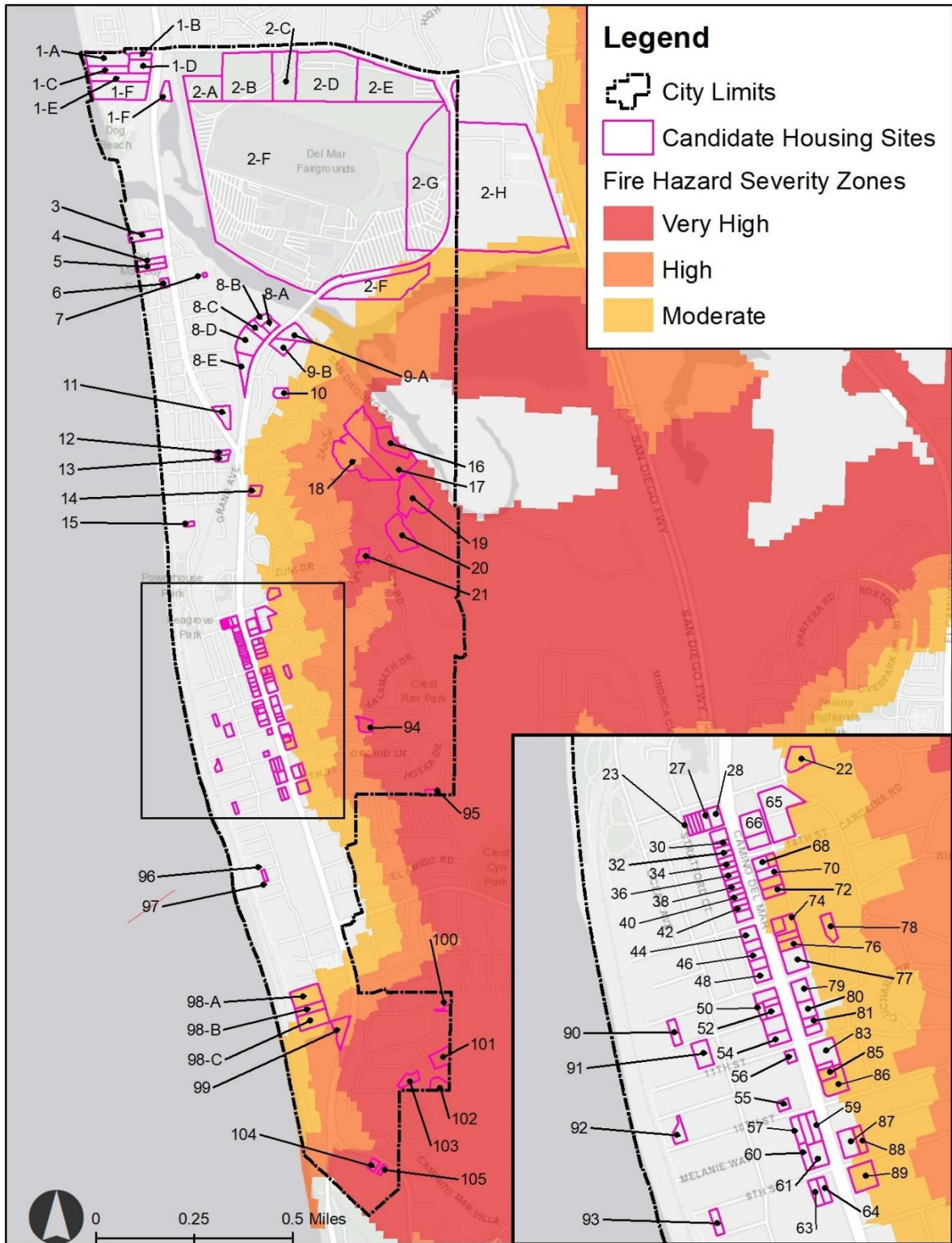


Figure 4.16-1: Recreational Sites



Source: SANDGAG, 2018

Figure 4.17-2: Bicycle Network



Source: Cal FIRE, 2015

Figure 4.20-1: Fire Hazard Severity Zones

4.0 MITIGATION MONITORING AND REPORTING PROGRAM





Del Mar 6th Cycle Housing Element Update

Mitigation Monitoring and Reporting Program

September 2020

Lead Agency:

City of Del Mar

1050 Camino del Mar
Del Mar, California 92014
Joseph D. Smith, AICP, Director
(858) 755-9313

Consultant:

Kimley-Horn and Associates

1050 Lemon Street, Suite 420
Riverside, California 92501

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the Del Mar 6th Cycle Housing Element Update Program Environmental Impact Report (PEIR). The Del Mar 6th Cycle Housing Element Update MMRP has been prepared in conformance with Public Resources Code §21081.6 and City of Del Mar (City) monitoring requirements. Specifically, Public Resources Code §21081.6 states:

- (a) *When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:*
- (1) *The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.*
 - (2) *The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.*

State CEQA Guidelines §15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Del Mar is the Lead Agency for the Del Mar 6th Cycle Housing Element Update and is therefore responsible for ensuring MMRP implementation. The MMRP has been drafted to meet Public Resources Code §21081.6 requirements as a fully enforceable monitoring program.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the City is the lead agency and would be the responsible party for implementing the mitigation and may assign responsibility for implementation or monitoring to appropriate designees such as a construction manager or third-party monitor. However, as the lead agency, the City remains responsible for ensuring that implementation

of the mitigation measures occurs in accordance with this Program. In some cases, the City is required to secure permits or approvals from third-party agencies in order to implement a mitigation measure. In these cases, the City is responsible for verifying that such permits or approvals have been obtained in accordance with the conditions stipulated in the mitigation measure. The City’s existing planning, engineering, operations, and procurement review and inspection processes will be used as the basic foundation for the Program procedures and will also serve to provide the documentation for the reporting program.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The numbering system in the table corresponds with the PEIR’s numbering system. The MMRP table “Verification” column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City of Del Mar will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be kept on file at the City of Del Mar Planning and Community Development Department.

DEFINITIONS

The following list provides definitions for acronyms used in the mitigation monitoring and reporting program.

<i>Acronyms/Abbreviation</i>	<i>Description</i>
AAI.....	All Appropriate Inquiry
BIO	Biological Resources
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CUL.....	Cultural Resources
dBA.....	Weighted Decibels
DMMC.....	Del Mar Municipal Code
HUE	Housing Element Update
ESA	Environmental Site Assessment
NOI	Noise
REC.....	Recognized Environmental Conditions
RWQCB	Regional Water Quality Control Board
SDG&E.....	San Diego Gas & Electric
SDRWQCB	San Diego Regional Water Quality Control Board
USACE	United States Army Corps of Engineers
USFWS.....	United States Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

DEL MAR 6TH CYCLE HOUSING ELEMENT UPDATE MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
BIOLOGICAL RESOURCES					
<p>MM – BIO-1: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:</p> <p>Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites 1-A, 1-C, 1-E, 1-F, 2-A through 2-F, 3, 4, 5, 9-A, 9-B, 16, 17, 18, 19, 20, 102, 104, 105 to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.</p>	Pre-Construction (prior to issuance of any permit)	Pre-Construction Biological Resources Survey Biological Resources Report	Planning and Community Development Manager		
<p>MM – BIO-2: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following mitigation framework:</p>	Prior To Issuance of a Permit for Grading or Vegetation Removal	Biological Resources Survey	Planning and Community Development Manager		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
<p>Prior to issuance of a permit for grading or vegetation removal, future housing development of candidate housing sites 1-A, 1-C, 1-F, 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 3, 4, and 5 facilitated by the HEU, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site-specific biological resources survey. As required by DMMC 30.53 (Lagoon Overlay Zone), any potential jurisdictional waters identified on-site during the general biological resources survey, would require the preparation of a jurisdictional wetlands delineation of the housing site by the applicant and shall be conducted following the methods outlined in the USACE's 1987 <i>Wetlands Delineation Manual</i> and the <i>Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region</i>. The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by Coastal Commission and the RWQCB.</p>		<p>Jurisdictional Wetlands Delineation</p> <p>Riparian Habitat Limits Delineation</p> <p>Special Aquatic Sites Delineation</p>	<p>Army Corps of Engineers</p> <p>CDFW</p> <p>Coastal Commission and RWQCB</p>		
<p>MM – BIO-3: Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement.</p> <p>In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).</p>	<p>Pre-Construction (if ground disturbance occurs within bird breeding season (January through July for raptors and February through August for other avian species))</p> <p>Pre-Construction (if active nests are found during nesting season (January through July for raptors and February through August for other avian species))</p>	<p>Pre-Construction Nesting Bird Survey</p> <p>Active Nest Buffer</p>	<p>Planning and Community Development Manager</p> <p>Qualified Biologist</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
CULTURAL RESOURCES					
<p>MM – CUL- 1: Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:</p> <p>For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.</p>	Pre-Construction	Historical Resource Report	Qualified Historian Planning and Community Development Manager		
<p>MM – CUL-2: Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework:</p> <p>Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.</p>	Pre-Construction (prior to issuance of permits) Pre-Construction (prior to issuance of permits)	Archaeological Survey Archeological Resource Report	Qualified Archaeologist Planning and Community Development Manager		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
<p>MM – CUL-3: Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework:</p> <p>In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.</p>	<p>During Construction Phases Involving Ground-Disturbing Activities (i.e., pavement removal, Pot-Holing/ Auguring, Grubbing, Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching)</p>	<p>Tribal Monitor/ Consultant Agreement</p> <p>Construction Site Monitoring & Completion of Daily Monitoring Logs</p>	<p>Planning and Community Development Manager</p>		
GEOLOGY AND SOILS					
<p>MM – GEO-1: Paleontological Monitoring and Compliance Program.</p> <p>For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall:</p> <p>a. <u>Retain a Qualified Project Paleontologist.</u> Prior to ground disturbing activities, the Applicant shall retain a qualified Project Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources.</p> <p>b. <u>Paleontological Monitoring and Compliance Program.</u> After design of the housing development has been finalized to determine the precise extent and location of ground disturbing activities, and prior to ground disturbing activities, the Project Paleontologist shall prepare a Paleontological Monitoring and Compliance Program to be implemented during the ground disturbing activities. The Program shall be prepared in accordance with the</p>	<p>Prior to Ground Disturbance</p> <p>Prior to Ground Disturbance</p> <p>During Construction Phases Involving Ground-Disturbing Activities (i.e., pavement removal, Pot-Holing/ Auguring, Grubbing, Tree Removals, Boring,</p>	<p>Paleontological Monitoring and Compliance Program</p> <p>WEAP</p> <p>Construction Site Monitoring</p> <p>Final Paleontological Monitoring and Compliance Report</p>	<p>Qualified Project Paleontologist</p> <p>Planning and Community Development Manager</p> <p>Project Paleontologist</p> <p>Planning and Community</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
<p>standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground disturbing activities, the Program shall be provided to the City of Del Mar.</p> <p>Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full-time by a qualified paleontological monitor during initial ground disturbing activities.</p> <p>The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist.</p> <p>The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.</p> <p>c. <u>Paleontological Worker Environmental Awareness Program (WEAP)</u>. Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend.</p> <p>d. <u>Fossil Discovery</u>. In the event of a fossil discovery by construction personnel, all work in the find’s immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity, these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically</p>	<p>Grading, Excavation, Drilling, and Trenching)</p> <p>Post Ground Disturbance</p>		<p>Development Manager</p> <p>Planning and Community Development Manager</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
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<p>significant, the qualified paleontologist shall complete the following conditions:</p> <p>i. <u>Salvage of Fossils</u>. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</p> <p>ii. <u>Preparation and Curation of Recovered Fossils</u>. Once salvaged, the City shall ensure that significant fossils are identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the San Diego County Natural History Museum), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Project Paleontologist. Field collection and preparation of fossil specimens shall be performed by the Project Paleontologist with further preparation as needed by an accredited museum repository institution at the time of curation.</p> <p>e. <u>Final Paleontological Monitoring and Compliance Report</u>. Upon completion of ground disturbing activities (and curation of fossils, if necessary) the Project Paleontologist shall prepare a Final Paleontological Monitoring and Compliance Report outlining the results of the Paleontological Monitoring and Compliance Program. The report shall be provided to the City of Del Mar and shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.</p>					

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
				DATE	INITIALS
HAZARDS AND HAZARDOUS MATERIALS					
<p>MM – HAZ-1: Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527-13 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.</p>	<p>Prior to Demolition, Grading or Building Permit Issuance</p> <p>Or Prior to Land Acquisition, Demolition or Construction</p>	<p>Phase I ESA</p> <p>Phase II ESA</p>	<p>Qualified Hazardous Materials Environmental Professional</p>		
<p>MM – HAZ-2: If the applicant or applicant’s contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant’s contractor shall:</p> <ol style="list-style-type: none"> 1. Immediately cease work in the suspected contaminant’s vicinity, remove workers and the public from the area, and secure the area; 2. Notify the applicant’s Environmental Professional and immediately implement proper remedial activities as recommended; 3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area; 4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. 	<p>During Construction</p>	<p>Implement Recommended Remedial Activities and Measures to Secure Area</p>	<p>Environmental Professional City Engineer and Planning and Community Development Director</p>		
NOISE AND VIBRATION					
<p>MM – NOI-1: To reduce construction-related noise impacts, where construction activities would exceed the standards established in DMMC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to</p>	<p>Pre-Construction and during</p>	<p>Noise Reduction Program</p>	<p>Planning and Community</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
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<p>implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:</p> <ul style="list-style-type: none"> ▪ Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible. ▪ Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. <p>Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.</p>	<p>construction activities</p>		<p>Development Director</p>		
<p>MM – NOI-2: Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning and Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:</p> <ul style="list-style-type: none"> ▪ A procedure to the public for notifying the City’s Code Compliance Officer and Sheriff’s Department (during regular construction hours and off-hours); ▪ A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor’s telephone numbers (during regular construction hours and off-hours); and 	<p>Prior to Demolition, Grading or Building Permit Approval and Construction</p>	<p>Create a list of measures to respond to and track complaints</p>	<p>Planning and Community Development Director</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
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<ul style="list-style-type: none"> A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 					
<p>MM – NOI-3: To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:</p> <ul style="list-style-type: none"> The applicant shall submit to the Planning and Community Development Department the preexisting condition of all vibration-sensitive land uses within a 50-foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant. Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold. 	<p>Prior to Building Permit Approval Prior to and During Construction Activities (i.e., Demolition, Grading)</p>	<p>Preconstruction Survey</p>	<p>Planning and Community Development Director</p>		
TRIBAL CULTURAL RESOURCES					
<p>MM – TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Planning and Community Development Director to the discovery of resources. If the resources</p>	<p>Prior to any Ground Disturbance During Construction Phases Involving Ground-Disturbing</p>	<p>Tribal Monitor/ Consultant Agreement Construction Site Monitoring & Completion of</p>	<p>Planning and Community Development Director</p>		

MITIGATION MEASURES (MMS)	IMPLEMENTATION TIMING	MONITORING/ REPORTING METHODS	RESPONSIBLE FOR APPROVAL/ MONITORING	VERIFICATION	
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<p>are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning and Community Development Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines §15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources.</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code §§21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non- profit institution with a research interest in the materials, such as the San Diego Archeological Center. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Del Mar Historical Society for educational purposes.</p>	<p>Activities (i.e., pavement removal, Pot-Holing/ Auguring, Grubbing, Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching)</p>	<p>Daily Monitoring Logs</p>			

APPENDICES



Section 5.0

Final PEIR Appendices

Section 5.1

City Council Minutes from July 6, 2020



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JULY 6, 2020 – VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council 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 City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Mayor Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks, and Dwight Worden

PLEDGE OF ALLEGIANCE

Deputy Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

The following individual(s) spoke during Public Oral Communications:

Carla Hayes – Expressed concern about proposal to house homeless individuals at the Fairgrounds.

CITY COUNCIL COMMENTS

Councilmember Worden thanked the community for their support and donations of "mask on" signage in the community. Deputy Mayor Gaasterland also thanked those in the community that donated mask signage to the City for placement throughout the community. Mayor Haviland spoke about the importance of wearing masks and social distancing and she asked the City Manager about getting feedback from the Sheriff's department regarding enforcing the health guidelines.

COMMUNITY ANNOUNCEMENTS

Councilmember Worden talked about a letter that was mailed to the Governor from he and Deputy Mayor Gaasterland along with members of the community regarding keeping the beaches open for active use only; items affecting Del Mar to be considered by the California Coastal Commission on August 6; and new protocols being rolled out by the San Diego County Sheriff's Department. Deputy Mayor Gaasterland talked about the purpose and intent of the letter that was sent to the Governor's Office. Councilmember Druker noted that the horse races will open on July 10, with no spectators.

REGIONAL ORGANIZATION REPORTS

Councilmember Parks reported on the Metro Wastewater JPA. Deputy Mayor Gaasterland reported on the North County Transit District. Councilmember Worden reported on the Fairgrounds Community Relations Committee and San Dieguito Riverpark Joint Powers Authority. Mayor Haviland reported on the Clean Energy Alliance and San Diego Association of Governments.

CITY MANAGER’S REPORT

City Manager Johnson reported on the upcoming November 2020 Election; activity in the community and at the beach over the July 4th weekend; information released by the County Health Officer making San Diego one of twenty counties in the State that will be operating under corrective actions over the next three weeks; letter from Governor Gavin Newsome requiring local jurisdictions to enforce the local health orders; mask signage in the community; Seagrove Park lighting improvements; thanked Zuni Drive resident volunteers who cleared vegetation and put down mulch in a public area between Luneta Drive and Camino Del Mar; and Library Sidewalk repairs.

CONSENT CALENDAR

Mayor Haviland called for items to be added or removed from the Consent Calendar, and Item 5 was pulled for additional discussion, and Item 8 was added to the Consent Calendar for consideration. Mayor Haviland opened Items 1-4 and item 8 to public comment, and there were no comments

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER PARKS TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 4 AND ITEM 8. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 1: APPROVAL OF MINUTES: JUNE 15, 2020 REGULAR AND SPECIAL MEETING; JUNE 17, 2020 ADJOURNED REGULAR MEETING (CLERK’S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JULY 6, 2020 (CLERK’S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK’S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: APPROVAL OF SIDE LETTER AGREEMENTS WITH THE DEL MAR FIREFIGHTERS ASSOCIATION AND DEL MAR CITY EMPLOYEES ASSOCIATION (CLERK’S FILE NO. 502-1)

Council approved side letter agreements with the Del Mar Firefighters Association and the Del Mar City Employees Association and authorized the City Manager to sign the agreements, on consent.

ITEM 5: RESOLUTION TO TEMPORARILY SUSPEND THE FILING OF NEW/MODIFIED TREES, SCENIC VIEWS, AND SUNLIGHT ORDINANCE APPLICATIONS (CLERK’S FILE NO. 306-1, 1403-7)

This item was pulled from the Consent Calendar for additional discussion. A presentation was provided by Planning & Community Development Director Smith.

Mayor Haviland opened the item to public comment and the following people spoke:

- 1) Shirli Weiss – Expressed opposition to the recommended action.
- 2) Karen Lare – Expressed opposition to the recommended action and read red dot letters from Jas Grewal and Tracy Martinez who were also opposed to the recommended action.
- 3) Laura DeMarco – Expressed opposition to the recommended action.

Mayor Haviland closed the item to public comment.

Council questions focused on whether this item could be suspended by resolution given that it was established by ordinance; whether staff considered streamlining or simplifying the process rather than suspending it; how many applications are in the pipeline now, and approximately how many are received each year; extent to which photos are used now as part of the review process; whether there is an opportunity to shift costs to the property owner who created the view blockage or to enforce a fine or penalty; and potential use of community volunteer mediators to resolve issues between neighbors prior to involving the City.

Council discussion focused on the possibility of increasing the Trees, Scenic Views, and Sunlight (TSVS) application fee to full cost recovery; primary issue being a lack of staff capacity due to workforce reductions in the Planning Department; encouraging neighbors to cooperate with each other and work things out on their own; concerns expressed by the community; use of volunteer mediators to resolve issues early on; interest in setting aside this issue for now and recognizing that there will be delays in the time to process TSVS applications; steps in the TSVS process; and concern about the impact to staff and financial resources relate to how the existing ordinance is written.

IT WAS MOVED BY MAYOR HAVILAND, SECONDED BY COUNCILMEMBER PARKS TO ADOPT A RESOLUTION TO TEMPORARILY SUSPEND THE FILING OF NEW/MODIFIED TREES, SCENIC VIEWS, AND SUNLIGHT ORDINANCE (TSVS) APPLICATIONS THROUGH JUNE 30, 2021. (VOTE 2-3)

Ayes: Mayor Haviland, and Council Member Parks; Noes: Deputy Mayor Gaasterland and Council Members Druker and Worden; Absent: 0; Abstain: 0. Motion Failed.

STANDING DISCUSSION ITEMS

ITEM 6: HOUSING (CLERK'S FILE NO. 303-1)

Planning & Community Development Director Smith provided an update on the SB2 Grant; the creation of floor plans for Accessory Dwelling Units that will be on the City's website at no cost; and an update on the number of Accessory Dwelling Unit (ADU) applications received since January 1, 2020.

PUBLIC HEARINGS

ITEM 7: APPROVAL OF THE CITY OF DEL MAR COMPREHENSIVE USER FEE SCHEDULE (CLERK'S FILE NO. 401-4, 401-9)

Council questions focused on whether or not the budget for fiscal year 2020-21 assumed an increase in fees, and what the basis is for staff recommending full cost recovery for planning fees.

Mayor Haviland opened the item to public comment and there were no speakers.

Council comments focused on use of public facilities by community non-profits; concern about full cost recovery for planning fees given the City's more onerous development review processes; feedback from the Finance Committee related to fee subsidies; need to recover the full cost of doing business; support for staff's recommendation; importance of including the Consumer Price Index (CPI) increase; potential for fees to be reduced or waived based on extreme hardship; the opportunity to revisit fee subsidies in the future as revenues recover.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO APPROVE INTRODUCTION OF THE PROPOSED ORDINANCE WITH AMENDMENTS PER RED DOT. (VOTE 4-1)

Ayes: Mayor Haviland, and Council Members Druker, Parks and Worden; Noes: Deputy Mayor Gaasterland; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER PARKS, SECONDED BY COUNCILMEMBER WORDEN TO ADOPT RESOLUTION 2020-39, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE CITY OF DEL MAR FEE SCHEDULE FOR PLANNING, PUBLIC WORKS, COMMUNITY SERVICES, ADMINISTRATION, AND FIRE PREVENTION SERVICES", WITH THE INCLUSION OF LANGUAGE APPROVING ANY RED DOT AMENDMENTS FROM STAFF AND CLARIFICATION OF DEL MAR NON-PROFITS BEING ADDED. (VOTE 3-2)

Ayes: Mayor Haviland, and Council Members Parks and Worden; Noes: Deputy Mayor Gaasterland and Councilmember Druker; Absent: 0; Abstain: 0.

ITEM 8: DRB19-022, 722 AMPHITHEATRE DR. (DUBREVILLE RESIDENCE) - TIE VOTE BY DESIGN REVIEW BOARD (CLERK'S FILE NO. 301-5)

The Mayor opened and closed the public hearing for this item, and the item was moved to the Consent Calendar for consideration. The City Council continued this item to July 20, 2020, on consent.

ITEM 9: INTRODUCTION OF AN ORDINANCE AMENDING SECTION 23.08.025 OF THE DEL MAR MUNICIPAL CODE REGARDING ADMINISTRATIVE DESIGN REVIEW PERMIT COMPONENTS AND NOTICING (CLERK'S FILE NO. 401-4, 401-9)

Planning & Community Development Director Smith and Principal Planner Matt Bator provided a presentation on this item.

Mayor Haviland opened the item to public comment and there were no speakers.

Council questions focused on a hypothetical application and what the design review process would be; processing of swimming pools; how written objections are factored into the approval process; clarification on list of items recommended for administrative design review (ADR) during the coming fiscal year; how issues related to noise and lighting will be addressed; and how "hot button" issues will be considered as part of the review process.

Council discussion focused on feedback received from Design Review Board members and concerns raised by members of the community about potential erosion of the City's design review process; suggestion to include a sunset in the ordinance for it to expire by June 30, 2021 and including a provision that items found not to be in compliance with the Design Review Guidelines should be sent to the Design Review Board (DRB) for consideration; consideration to add a subset of the items proposed for ADR to

the list, but not the entire list; want to ensure that the hard work of the community to establish and preserve the design review process.

It was the consensus of the Council for the Council Planning Subcommittee to work with staff to modify the recommendation and bring something back to the Council for consideration.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO CONTINUE THIS DISCUSSION AND FOR THE PLANNING SUBCOMMITTEE TO WORK WITH STAFF TO MODIFY THE RECOMMENDATION AND BRING SOMETHING BACK TO THE COUNCIL FOR CONSIDERATION AS SOON AS PRACTICABLE. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:45 to 8:00 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 10: 6TH CYCLE HOUSING ELEMENT UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT INFORMATIONAL SUMMARY (CLERK'S FILE NO. 303-1, 304-7)

A presentation was provided by Planning & Community Development Director Smith.

Mayor Haviland opened the item to public comment and the following people spoke:

- 1) Karen Lare – Read red dot letter into the record from Housing Task Force members.
- 2) Laura DeMarco – Expressed concern about the sites included in the Housing Element Draft Environmental Impact Report.

Mayor Haviland closed the item to public comment.

Council questions focused on clarification on the Housing Element (HE) Program Environmental Impact Report (PEIR) process; clarification on what the process is for carrying out the programs that are included in the approved Housing Element and applicable voting requirements; information included in the PEIR related to rezoning of the North Bluff; what drives the Housing Element process; the focus areas included in the PEIR and how areas outside of the City would be handled; the specific details about various sites included in the PEIR; Council voting requirements (i.e. 3/5 majority or 4/5 super majority) to change the Community Plan and/or zoning requirements; density requirements; and requirements in order to obtain State certification of the Housing Element.

Council discussion focused on support and need for affordable housing in the community; reality that there are no “easy” affordable housing sites in Del Mar; and what Council can do to support the process.

ITEM 11: RESOLUTIONS AMENDING THE USE OF MEASURE Q FUNDS AND SETTING PRIORITIES FOR THE USE OF INCREASED REVENUES DURING FISCAL YEAR 2020-21 (CLERK'S FILE NO. 202-3)

A presentation was provided by Administrative Services Director Jones.

Mayor Haviland opened the item to public comment and there were no speakers.

MOTION TO EXTEND THE MEETING: IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO EXTEND THE MEETING TO 10:15 P.M. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-40, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING RESOLUTION 2018-63 REGARDING THE USE OF MEASURE Q FUNDS." (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-41, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SETTING PRIORITIES FOR THE USE OF INCREASED REVENUES DURING FISCAL YEAR 2020-21." (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

There were no reports.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 9:59 p.m.



Ashley Jones, Administrative Services
Director/City Clerk

Section 5.2

Planning Commission Minutes from July 14, 2020



**CITY OF DEL MAR
PLANNING COMMISSION REGULAR MEETING
DRAFT (ACTION) MINUTES
July 14, 2020
Via Teleconference**

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 Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Chairperson Bakker called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Chair Ted Bakker, Vice Chair Philip Posner, and Commissioners John Farrell, Claire McGreal, and Don Countryman

Absent: None

Staff Present: Planning and Community Development Director Joseph Smith, Principal Planners Amanda Lee and Matt Bator, Associate Planner Jennifer Gavin, and Management Analyst Shaun McMahon

APPROVAL OF MINUTES

Motion by Vice Chair Posner, second by Commissioner Farrell to approve the meeting minutes for May 12, 2020. The minutes were approved (4-0-1). Commissioner McGreal recused herself from this item since she was not at the meeting.

UPDATE

Principal Planner Lee provided the following announcements:

1. As of July 7, 2020, the City is open to the public (remotely) Monday-Thursday 7:30am-5:30pm and will now be closed to the public on Fridays in response to the recent budget cuts. Also in light of the budget cuts, the Planning Department lost two staff members in the citywide reduction in force including Associate Planner Jean Crutchfield and Assistant Planner Afshin Atapour. City staff will still be working on Fridays while City Hall is closed to the public and will be dedicating the time to complete project reviews, staff reports, and other responsibilities.
2. Housing will continue to be a top priority planning program through 2020 and 2021. Additional information on the Housing Element Update will be shared as part of Item 2 on the agenda.

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

The Chair welcomed new Commissioner McGreal.

ITEMS NOT LISTED ON THE AGENDA (Oral Communications) - None

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Lee explained that this was the first Planning Commission meeting during the COVID pandemic where members of the public are able to register in advance to speak on any items on the agenda during the live teleconference meeting. The new process was tested at the City Council meeting on July 6, 2020. As has been done in the past, staff also posted and distributed all submitted red dot correspondence.

Principal Planner Lee also explained that there were three items on the agenda of which only Item 3 was eligible for consent.

CONSENT CALENDAR – Motion by Commissioner Countryman, second by Commissioner Farrell to approve Item 3 on consent was approved unanimously (5-0).

ITEM 3
CDP 20-005
EA 20-001
City of Del Mar
SCOUP

Location: City of Del Mar Shoreline between 15th Street and the northerly City Boundary, including the San Dieguito Lagoon river inlet

Applicant: City of Del Mar, Planning Department

Environmental Status: A Mitigated Negative Declaration (Environmental Assessment EA 20-001/ SCH # 2020040181) was prepared by the City as lead agency.

Contact Person: Amanda Lee, Principal Planner

Description: This item is a request for a recommendation from the Planning Commission to the City Council on the proposed Sand Compatibility Opportunistic Use Program (SCOUP) Coastal Development Permit and associated environmental document. The “SCOUP” is a special project that was prioritized by the City Council in 2019 to allow the City to replenish beach quality sand on the Del Mar beach as an adaptation measure to minimize the effects of flooding, erosion, and projected sea level rise.

NEW APPLICATION(S)

ITEM 1
TSVS 19-001
Restorative Action
Follow Up

Applicant: Harry and Ariadne Magoulas

Applicant's Address: 310 Del Mar Heights Road

Tree Owner: Nelly Mednansky

Site Address (Vegetation Location): 306 Del Mar Heights Road

Staff Contact: Jennifer Gavin, Associate Planner

Description: Per Resolution PC-2019-11, the Applicant is returning to the Planning Commission in accordance with the procedures in DMMC Section 23.51.080 for additional direction for how to best achieve consistency with the restorative action. Phase I of the restorative action was completed. The Applicant and Tree Owner have differing opinions about when or if Phase II action is needed.

Commissioner Bakker announced that he was again recusing from Item 1 because he lives within 300' of the subject properties, then excused himself from the meeting during Item 1.

Vice Chair Posner resumed the meeting by calling for Commissioner disclosures on Item 1.

Disclosures:

Vice Chair Posner stated he read all of the materials, spoke with the Tree Owner's son, spoke with the Applicant, and with Commissioner Farrell. Vice Chair Posner had been to the properties as part of the prior hearings but did not perform any site visits prior to this hearing due to restrictions related to the COVID pandemic.

Commissioner Countryman read all of the materials and had visited the sites as part of the prior hearings.

Commissioner McGreal was not on the Commission for the prior hearings, but stated she read through all of the materials for the previous hearings and the current hearing, studied the Trees, Scenic Views, and Sunlight Ordinance, and did not visit the sites but felt the photographs were adequate.

Commissioner Farrell read through the materials, walked outside near the properties but not onto the properties, and spoke to the Applicant's son and to the Applicant.

Associate Planner Gavin provided the staff presentation.

The Applicant, Harry Magoulias, reiterated their request that the Commission require the restorative action decided at the September hearing to reduce the vegetation to 1 inch above the patio wall.

The Tree Owner, Nelly Mednansky, stated that she completed the initial trimming required, had her landscapers perform maintenance on the trees, and submitted an arborist report as a part of step 2 of the restorative action outlined in Resolution PC-2019-11.

The following members of the public spoke in favor of the Applicant:

- Eugene Swiech, 314 Del Mar Heights Road
- Barb Davis, 755 Kalamath Drive
- John Wilson, 2703 Caminito Verdugo
- Shirli Weiss, 116 Spinnaker Ct.

Six comment letters submitted by the following were posted and distributed as red dot correspondence, and filed with the project:

- Eugene Swiech, 314 Del Mar Heights Road
- Barb Davis, 755 Kalamath Drive
- John Wilson, 2703 Caminito Verdugo
- Shirli Weiss, 116 Spinnaker Ct.
- Jon Finley, Eastpoint, Michigan
- Robert and Chrissy Fried, 910 Stratford Court

The Applicant, Harry Magoulias, and the Applicant's son, Konstantin Magoulias, submitted red dot correspondence with clarifying information regarding the Applicant's request.

The Tree Owner, Nelly Mednansky and the Tree Owner's son, Ladislav Mednansky, also submitted red dot correspondence providing clarifying information regarding the Tree Owner's request.

The Commissioners agreed that the previously adopted restorative action was to reduce the height of the Ficus trees to 1 inch above the patio wall. In order to further clarify the restorative action, the Commission identified the following clarifying details needed to be added to the Resolution:

- That the Ficus tree should measure no more than 6 feet-6 inches above the Applicant's grade when measured from the property line wall adjacent to the Ficus trees because that height above grade was equivalent to the height necessary to restore the view at 1 inch above the patio wall.
- That the Applicant and Tree Owner work together expeditiously to achieve the next step in the restorative action of reducing the height of the Ficus Tree to 6 feet 6 inches above the Applicant's grade no later than September 14, 2020. That a regular maintenance schedule should be specified for long term maintenance, including the right of the Applicant to pay for trimmings for the Ficus trees per the restorative action every 3 months (September 14, December 14, March 14, and June 14 or the next business day thereafter if landing on a weekend or holiday) in accordance with the Del Mar Municipal Code Chapter 23.51.

MOTION BY COMMISSIONER COUNTRYMAN, SECOND BY COMMISSIONER FARRELL TO ADOPT A RESOLUTION REPLACING THE PREVIOUSLY ADOPTED PLANNING COMMISSION RESOLUTION PC-2019-11 AS NECESSARY TO INCORPORATE CLARIFYING SUPPLEMENTAL DETAILS TO THE RESTORATIVE ACTION DECISION FOR TREES, SCENIC VIEWS, AND SUNLIGHT APPLICATION TVS19-001 PREVIOUSLY APPROVED ON SEPTEMBER 10, 2019, AND AMENDED ON JULY 14, 2020, TO FORMALLY SET A REGULAR TREE TRIMMING MAINTENANCE SCHEDULE AND IMPOSE A CONDITION OF APPROVAL TO ENSURE LONG-TERM VEGETATION MAINTENANCE AND IMPLEMENTATION CONSISTENT WITH THE FINAL RESTORATIVE ACTION DECISION RENDERED BY THE PLANNING COMMISSION ON JULY 14, 2020 (VOTE 4-0-1 CHAIR BAKKER RECUSED)

Ayes: Vice Chair Posner and Commissioners Farrell, McGreal, and Countryman
Noes: None
Absent: Chair Bakker (Recused)

ITEM 2
Summary of
Findings in 6th
Cycle Housing
Element Draft PEIR

Location: Citywide
Applicant: City of Del Mar, Planning Department
Environmental Status: The City of Del Mar as lead agency for the proposed 6th Cycle Housing Element and Program EIR pursuant to the California Environmental Quality Act (CEQA) prepared a Draft Program EIR.
Staff Contact: Shaun McMahon, Management Analyst
Description: This is an informational report to the Planning Commission. No formal action will be taken at this hearing. The purpose of this item is to update the Planning Commission and the public on the status of the 6th Cycle Housing Element Update, explain the CEQA environmental review process, summarize the findings of the draft environmental document, and outline the next steps. The City issued a Draft Program Environmental Impact Report (PEIR) for the 6th Cycle Housing Element Update project

and the document is being circulated for a 60-day public review period (July 2, 2020 – August 31, 2020). The City is soliciting comments on the environmental analysis contained within the Draft PEIR. No action will be taken on either the PEIR or the Housing Element during this meeting. A formal Planning Commission recommendation hearing and City Council certification and adoption hearings for the PEIR and associated Housing Element Update project will occur at a future date. The Planning Commission recommendation hearing is tentatively set for September 2020. The City Council will be the final decision maker on the PEIR and the Housing Element Update project.

Planning and Community Development Director, Joseph Smith, gave the staff presentation. Director Smith explained that this was an informational item only and that no direction was needed from the Planning Commission. Director Smith reported that the Draft Program Environmental Impact Report (PEIR) for the Housing Element Update had been released and that the public review period runs until August 31. The Draft Housing Element (separate document) is also underway and that both the PEIR and Draft Housing Element Update will return for review and recommendation by the Commission in September in preparation for Council review and decision in October.

Director Smith, Principal Planner Lee, and Management Analyst McMahon then took questions from the Commissioners. Principal Planner Lee clarified that programs related to amendments to the North Commercial (NC), Professional Commercial (PC), and Central Commercial Zones (CC) do not involve any change to the existing development standards of the zones, with the exception of allowing a density of 20 dwelling units per acre as necessary to increase residential capacity for new housing units as required per State law. In addition to increasing residential capacity, the City is also working on identifying programs to accommodate the City's assigned number of low income housing units as required per State law. Principal Planner Lee also clarified that the State Fairgrounds are a separate entity and, although the City does not retain land use control over the property, staff will be including programs in the Draft Housing Element Update that seek opportunities to provide new housing units on State Fairgrounds property.

ADJOURNMENT

Chair Bakker adjourned the meeting at 8:48 p.m.