

PlanIntern

From: Hershell Price <hershell.price@gmail.com>
Sent: Friday, February 1, 2019 4:02 PM
To: Shaun McMahon
Subject: Re: Follow up on NC/PC EIR

Thanks, Shaun,
Unless something gets in the way, we will be there. Thanks again for your positive friendly attitude today. It makes a difference.
Hershell

On Fri, Feb 1, 2019 at 3:51 PM Shaun McMahon <smcmahon@delmar.ca.us> wrote:

Hershell:

“

It was a pleasure speaking with you and Pam this afternoon on the phone, we appreciate your interest in the EIR pertaining to the NC and PC Zoning Amendment to allow residential use at a density of 20 dwelling units per acre. As we discussed, the scoping meeting for the EIR is February 21st, at 4:30PM here at City Hall, we hope to see you both there. If you want to provide any written correspondence, you can do so via mail or via my email address which you now have.

If you have any other questions in the interim, you have my number, don't hesitate to call.

Have a nice weekend,

Shaun D. McMahon

Management Analyst

City of Del Mar | Planning & Community Development

1050 Camino del Mar

Del Mar, CA 92014-2698

(858) 755-9313 ext. 1163

smcmahon@delmar.ca.us

PlanIntern

From: Shaun McMahon
Sent: Monday, February 4, 2019 3:51 PM
To: 'Chris Daniell'
Subject: RE: Evaluation of Residential Use in the North Commercial and Professional Commercial Zones

Chris:

Thank you for reaching out. We are currently evaluating ALL parcels within the North Commercial zone and Professional Commercial zone. You will also be receiving all future notices with regard to this project. If you have any more questions please let me know.

Thanks,

Shaun D. McMahon

Management Analyst
City of Del Mar | Planning & Community Development
(858) 755-9313 ext. 1163
smcmahon@delmar.ca.us

From: Chris Daniell <Chris@daytom.com>
Sent: Monday, February 4, 2019 3:36 PM
To: Shaun McMahon <smcmahon@delmar.ca.us>
Subject: Evaluation of Residential Use in the North Commercial and Professional Commercial Zones

Thanks for your correspondence as it pertains to the above mentioned evaluation. I represent the owner (Hinds Investments, L.P.) at 2002 Jimmy Durante Blvd. and would like to received additional information as well as understand if there are particular areas in the North Commercial Zone that are being contemplated.

Chris Daniell
Director of Asset Management
Daytom Enterprises, Inc.
Hinds Investments, L.P.
505 Lomas Santa Fe Dr., Suite 170
Solana Beach, CA 92075
(858) 481-1756
www.Daytom.com

PlanIntern

From: Alice McNally <alimcnally8@gmail.com>
Sent: Wednesday, February 13, 2019 4:47 PM
To: Shaun McMahon
Cc: David Druker; Dwight Worden; Terry Gaasterland; Sherryl Parks-Private; Ellie Haviland
Subject: Feb 11 Profession Commercial & North Commercial Zoning Code Amendment
ZA18-002

My first thought is the SCHOOLS: With more housing, come more children.

TRAFFIC: With more housing, come more cars, pollution, and need for parking.

WATER: Brings increased household use and irrigation & further bluff damage. We must designate drought tolerant landscapes.

TREES: Do not relax the tree ordinance, which leads to deforestation. Del Mar is not Del Mar without our trees!

PUBLIC TRANSPORTION: We basically have NONE. We need train, trolly, shuttle service & CNG school buses! These are essential to combat Climate change.

I am sure these are all under consideration, but I want it on the record.

Let's Make Del Mar Cleaner and Greener!

Alice McNally
1332 Stratford Ct
858-342-3244

PlanIntern

From: Shaun McMahon
Sent: Wednesday, February 20, 2019 9:11 AM
To: 'Paul Donahue'
Cc: marina donahue
Subject: RE: Zoning Amendment

Paul and Marina:

Thank you very much for reaching out, I will absolutely add this correspondence to my folder. We are sorry you can't make it tomorrow, however there will be plenty of additional opportunities to attend public hearings on this item. The reason why the City chose to include evaluating the PF zone in this particular PEIR is due to an economies of scale in that adding in the PF zone to the analysis did not cost the City any additional money. This equates to a future savings of roughly \$150,000 for the City. But, as you stated, there is no plans for a zone code amendment to that zone, nor any redevelopment projects proposed in the PF or NC zones. Another important aspect to consider is that none of the development standards are proposed to be changed under this code amendment (i.e. FAR, Lot coverage, setbacks).

Lastly, the project is required to comply with our Certified Housing Element, which is monitored by the State. If the City does not meet its affordable housing obligations in each housing cycle, various negative impacts can arise, including but not limited to:

1. Requirement for additional affordable units, levied as a penalty by the State;
2. Decreased competitiveness when applying for state and local grant funds; and
3. New State legislation that can mandate action and enforcement.

Happy to continue a conversation with you both on the topic, or even schedule an in-person meeting when you are available. If you want to chat more via phone, my desk line is 858-375-9518.

Look forward to meeting you,

Shaun D. McMahon
Management Analyst
City of Del Mar | Planning & Community Development
(858) 755-9313 ext. 1163
smcmahon@delmar.ca.us

-----Original Message-----

From: Paul Donahue <paul_donahue@mac.com>
Sent: Wednesday, February 20, 2019 8:49 AM
To: Shaun McMahon <smcmahon@delmar.ca.us>
Cc: marina donahue <pjdj@comcast.net>
Subject: Zoning Amendment

Shaun -

I thoroughly read the public document dated Feb. 13 regarding ZA18-002, PEIR and NOP. Per the public notice, I am writing you with my serious concerns about the city's proposed zoning amendments. As I will be unable to make tomorrow's meeting at Town Hall I wanted to get these to you in email.

Simply put, Del Mar does not need more residential units in the Village. Increasing the density of our area will only further add to automobile congestion, further strain the parking situation, contribute to the continued degradation of our environment (from litter to water consumption to cliff erosion from taxed drainage and human irrigation) and fundamentally change all that makes our community so special. As someone who recently bought at the top of the market and invested in renovating my new home, I am highly focused on preserving what I feel makes the area special. The proposed plan destroys value in my view.

I appreciate that there is no specific development or redevelopment project as part of the zoning modification. And I get that the PF zones are just subject to environmental reviews (to address potential future changes!). But why are we spending time and money on these efforts if we don't EXPECT a development/redevelopment project in the NC and PC zones and furthermore why spend the money and time on the environmental study of the PF zones if we don't expect changing these zones in the future?

I GREATLY appreciate the difficulty in complying with State mandated Housing directives. But changing zoning is like changing the rules of a game (or "moving the goalposts" to use a cliché) — and that simply isn't fair. If this is an involuntary exercise that is a response to a proclamation from Sacramento, then just come out and say that. But it doesn't seem like that is the case here. While I don't mean to overreact — and I know our elected and unelected officials representing Del Mar are in a tough spot -- I expect to join and contribute my resources (time and money) with the many others in the community who share the view that this isn't fair or right.

Thank you for openly soliciting input Shaun (I'm sure your work email has been entertaining to read since the Feb. 13 posting!!) and very sorry I could not attend in person tomorrow.

Sincerely,

Paul Donahue
155 15th Street
#11
Del Mar, CA 92014

PlanIntern

From: Lucy Eskeland <nleskeland@gmail.com>
Sent: Sunday, March 10, 2019 11:00 PM
To: Shaun McMahon
Subject: Del Mar City planning meeting regarding re-zoning North Commercial area of Del Mar

This letter is a response to the city's intent to re-zone North Commercial area of Del Mar to allow High-Density Residential Development.

We are concerned that the city is even considering it as a possibility! Is the city aware that the street that abuts this zone consists of narrow one lane thoroughfares? The traffic ramification of this would be horrendous! Even worse than the traffic on route 101 in the Coastal Beach Zone area where traffic is always backed up there during rush hour and during the North County Fair and other popular events at the fairground. Another issue is parking. Where would all the residents and their families park their cars? There is no sufficient space for that.

This northern Del Mar zone is designed as commercial in the general plan. We are aware that the area has been difficult in attracting businesses, most likely due to skyrocketing leases (that's how we lost the Gym in Del Mar). But a high-density housing is not the answer.

If the issue is affordable housing, then the State of California, 22nd District Agricultural Association should consider giving some of its space on the city's land to allow for affordable housing. There is ample space on the west side of the fairgrounds, and it would be easier to add lanes on Via de La Valle than the narrow section of Jimmy Durante Blvd south of the fairgrounds.

We urge the city council and planners to respect the essence of Del Mar residents' General Plan that the city's character should stay rural and small.

Thank you,

Steve and Lucy Eskeland
2015 Seaview Ave

Roger and Sheila Arnold
2105 Balboa Ave

Donna Shaw
1973 Seaview Ave

Sharyn Daly
2150 Balboa Ave

--

DISCLAIMER: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please immediately contact the sender if you have received this message in error.

To City Of Del Mar

Attention: Shawn McMahon

Re: Environmental Impact Report of the North County Community Plan and Zoning for North Commercial and Business Zone

March 12, 2019

Submitted by:

Tracy Martinez

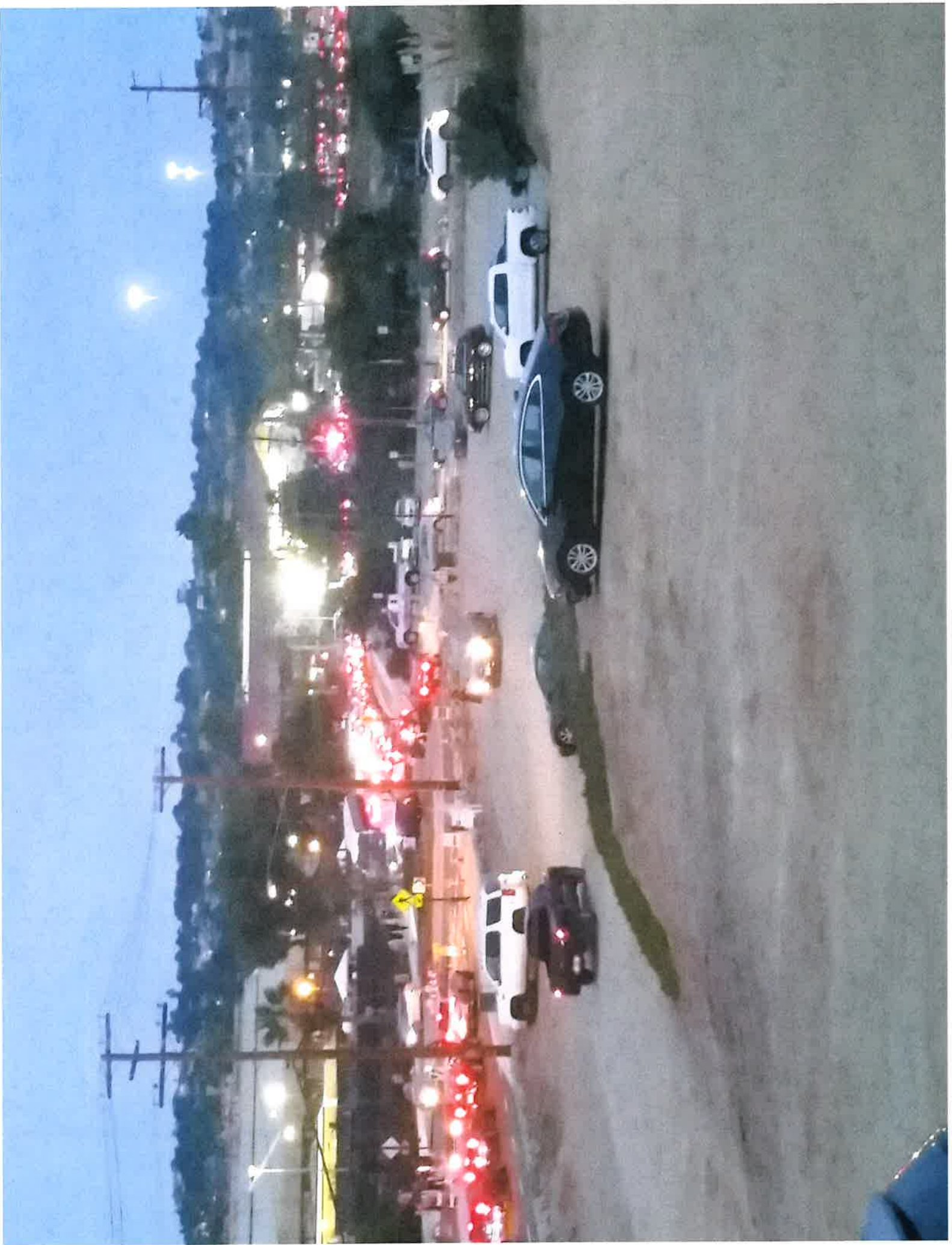
2152 David Way

The following are concerns that I have regarding the proposed re-zoning of the NC commercial and business areas to high density (20 units per acre) housing. Total of approximately 15.2 acres.

- 1) Disproportionate: This proposal could result in over 304 home units which would account for approximately 608 residents (this would be a conservative estimate with only two residents per home. The 2017, the official number of Del Mar residents was 4,363. **This proposal would create 12% of the total Del Mar population in 1.3% of the total land in Del Mar.** These are conservative estimates with only two people per home unit. **Currently, there are 3.8 residents per acre and this proposal would create 40 residents per acre all in the north part of town.**
- 2) Safety: Traffic congestions is real. I deal with severe congestion approximately 2 1/2 months a year. The congestion is so dense that I am concerned that if there were an urgent need for an emergency police response, fire truck or God forbid a cardiac arrest which all could be fatal to the residents needing the help. Humans can die or have irreversible brain damage if left without oxygen for 6 to 10 minutes. Please note that the fire department moves it trucks out of this area due to congestion at various times. (See attached traffic

congestion photo during the fair). This proposal would conservatively add over 600 cars in 15.2 acres just from the residents not counting service cars for this proposed development.

- 3) Quality of Life: Traffic can get so dense that I have had difficulty getting home. On two occasions last year it took me over one- and one-half hours to get from Lomas Santa Fe Country Club home. On several other occasions it took 40 minutes to get from Vons on Lomas Santa Fe. I have to get up at 6am on a weekends to get any shopping or errands done to avoid delays in traffic in and out of my home. I don't have friends or family visit due to the traffic. My husband often stays away from home if he is covering the ER as a surgeon because he can't get out of our street. Should he have to get a hotel room when he is on call? Are you considering the fair, races and Kaboo car counts?
- 4) Aesthetics: This would completely be aborting the community plan in just one area. This zone change would put the burden of high-density development in only one part of town and therefore effect only one neighborhood. Our home values would plummet. This change would have a significant impact on our neighborhood aesthetics, and environmental concerns with an increase in cars, exhaust, service vehicles, lawn mowers, noise, safety, quality of life.



PlanIntern

From: Joseph Potocki <jpotocki@bph-law.com>
Sent: Tuesday, March 12, 2019 11:51 AM
To: Shaun McMahon
Cc: David Druker
Subject: North Commercial possible zoning change

Mr. McMahon

I write regarding the North Commercial Zone(NCZ) and topic of possibly rezoning the area to allow for higher density. We oppose such a change. If the City is seriously considering rezoning the area than it should be put to a vote of the City residents. I am quite confident that such a vote would result in a rejection of the attempt to rezone this area.

We own and reside at the 244 26th St Del Mar since 1998, and are greatly concerned about the tremendous negative impact that will occur if this area is rezoned. Traffic/ access in the area is already a problem. Allowing higher density will serve to increase the problem and negatively impact safety as well as access by emergency personnel and residents. Higher density will increase the number of people in the area and the increased pedestrian and vehicle traffic will result in further congestions and strain on the environment, city infrastructure/ roadways and the surrounding environment.

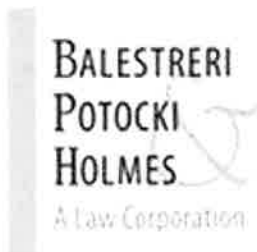
The foregoing will become even more acute if the a Hotel is constructed on the North part of town across from the Brigantine.


In addition allowing higher density, is contrary to the character of the surrounding area and the is not consistent with development guidelines of the City of Del Mar.

There are other viable solutions to the need for affordable housing. Rezoning the NCZ is not one of them.

Thank you.

Regards,



Joseph P. Potocki, Esq. | Shareholder | T: (619) 686-1930 | F: (619) 497-1052 |  www.linkedin.com/in/jpotocki
Balestreri Potocki & Holmes | 401 "B" Street, Suite 1470 San Diego, CA 92101 | www.BPH-Law.com

 Please consider the environment before printing this e-mail.

The information contained in this e-mail message and any accompanying documents is subject to the attorney-client privilege and/or the attorney work product rule and is confidential business information intended only for the use of the individual or entity named above. The information herein may also be protected by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. If the reader of this message is not the intended recipient or representative of the recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by phone or by replying to this e mail and immediately delete this message from your system.

PlanIntern

From: Barbara <bfmyers@gmail.com>
Sent: Tuesday, March 12, 2019 7:07 PM
To: Shaun McMahan
Subject: Proposed zoning change

As Del Mar residents for more than 30 years, we are shocked at the current proposal to re-zone commercial and business areas into high density. When we did some remodeling, we went through all of the requirements necessary and satisfied the ordinances so that we would be compliant with the Del Mar ways. We were told the reason for all of this was to protect the character of Del Mar and maintain the smallness that exists. The proposal to re-zone to 20 units per acre doesn't comply with anything we have tried to protect in our city for all of these years. As the fair and racing seasons increase in length we find ourselves at risk due to traffic issues that prevent us from getting to and from our own property and even more frightening is that if we needed emergency vehicles they could not get to us, due to the massive increase in traffic and lack of available space for large vehicle access. It seems unfair that we would be prevented from emergency care in these situations. On a regular basis as density has increased all over San Diego we face traffic most of the year, but from June to September, we cannot get home in a timely manner.

If the zoning is changed, what will prevent private property owners from changing their zoning and creating high density residential units as well? There seems to be little prohibition of that and it would be grossly unfair to prevent it. How will our roads be able to handle any additional traffic since currently, roads are bumper to bumper regularly during the high summer season? What is the plan to help residents have access to our own properties? The safety factor is most important to all of us and has not been addressed for those of us in the north end of the city.

The character of Del Mar has been protected until now, but with developments with such high density we will lose all of that. What is the point of the design review board if we allow the high density to prevail? All we have protected will be lost and we will be even more congested. All of these issues will completely change the city we live in and not in the right way. Don't trade our safety by proceeding with this.

Sincerely,
Barbara & Doug Myers
2143 Heather Lane

Sent from my iPad

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-6075
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

March 13, 2019

11-SD-5
PM 36.272

Professional Commercial and North Commercial Zoning Code Amendment (ZIA18-0092)

NOP/SCH#2019029058

Mr. Shaun McMahon
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Dear Mr. McMahon:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Professional Commercial and North Commercial Zoning Code Amendment (ZIA18-0092) located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

- Please include ramp intersections at I-5/Ville De La Valle. The geographic area examined in the TIS should also include, at a minimum, all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacity.

Mr. Shaun McMahon
March 13, 2019
Page 2

- In addition, the TIS could also consider implementing vehicles miles traveled (VMT) analysis into their modeling projections.
- Any increase in goods movement operations and its impacts to State highway facilities should be addressed in the TIS.
- The data used in the TIS should not be more than 2 years old.
- Please provide Synchro Version 10 files.
- Early coordination is recommended.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in TIS/TIA. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Right-of-Way

Any work performed within Caltrans' right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to Kimberly.dodson@dot.ca.gov.

Sincerely,



MELINA PEREIRA, Acting Branch Chief
Local Development and Intergovernmental Review Branch

James Lennon

March 13, 2019

Shaun McMahon
City of Del Mar Management Analyst
858-755-9313 EXT 1163
smcmahon@delmar.ca.us

Mr. McMahon,

I was unpleasantly surprised to learn that the City has decided to sponsor a significant change to the underlying existing zoning at and around, the intersection of Jimmy Durante and San Dieguito. Anyone that spends 5 minutes in Del Mar during the Fair will tell you that traffic is TERRIBLE. The recent inclusion of the round-a-bout has made traffic even worse, if that's possible. During the fair, it is not uncommon to have a 45 minute wait to get from downtown Del Mar to the round a-bout (which is how I get to my house every single day). It also requires me to spend 45 minutes to get a loaf of bread at Gelsons, normally a 7 minute drive. And I want to point out that its not just during for a few hours a day (rush hour), but it's all day and into the night. This can't be news to you, or the staff at City Hall, which both puzzles and concerns me why the staff would propose increasing traffic at that intersection.

I was in a fairly serious traffic accident that was a direct result of congestion within several hundred feet of the round-a-bout. I was driving home in the 'bypass' lane around the southern edge of fair grounds. Cars were lined up waiting to get into the fair parking. The line of cars went back to the off-ramp of the freeway. Suddenly a white truck pulled out of line attempting to make a U-turn, he wasn't the devil, just tired of waiting to park. I stomped on the brakes and started to slide towards him. I realized I was going to hit him and thought to myself that "this is how I'm going to die, not cancer, or a heart attack" and I hit the truck and everything went black for a second. My car had \$15,000 in

858-829-9421
PHONE

1435 ORIBIA ROAD, DEL MAR, CA 92014
ADDRESS

JLENNON100@MAC.COM
EMAIL

damage and I was taken to the ED. That accident would not have happened if traffic was not crowded and now, the city wants to increase the traffic congestion.

The Fire Department relocates during the Fair because they are concerned about the ability to timely access residents in the event of an emergency. If they're worried about protecting public safety because of having to fight through too much traffic, what does that tell you about adding traffic. It is readily obvious to the casual observer, that traffic now is horrendous and the thought of increasing it is completely and totally unacceptable. Further, I have lived in Del Mar for 15 years and thankfully there has never been a fire or medical emergency near my house, but if there was one during the Fair, the only access is through fully congested streets that would be even more congested if this proposal is enacted. I also understand that a form of EIR has been completed has no traffic study of the specific intersection in question, but data from other communities was substituted for this part of Del Mar. I mean really, does anybody truly believe that a residential neighborhood in La Mesa is in any way comparable to Del Mar during the Fair? Del Mar Fair traffic is saturated for 10 to 15 hours a day and I doubt that SADAG pasteurized, synthesized traffic data is in any way comparable. Before this EIR is approved a real traffic study must be done.

Lastly, so far I have only discussed the congestion due to the Fair, but the fair grounds are state owned and they allow the race track to operate which in recent years has increased the months of operation, without asking my permission, or performing any form of traffic report. It is completely possible and is consistent with the financial objectives of the State to more fully utilize the fair grounds for whatever purposes they choose and that of course, would add to the traffic burden at the subject intersection.

In Summary:

1. The City is proposing to add as much as 15% to the population of Del Mar directly connected to the intersection of San Dieguito and Jimmy Durante. which would certainly increase traffic significantly. However, the City has not done a real traffic study to determine what that impact might be. And I want to point out, that the fastest growing cities in the United States grow at a rate of about 1 - 1.5% a year. A 10 or 15% growth rate is a huge increase by any measure.

2. That intersection is already so fully saturated with traffic for 10 to 15 hours a day, every day, that the Fire Department relocates to another site during the fair to avoid excessive traffic delays.
3. The State of California is in complete control of the fair grounds and may choose at its discretion to increase the utilization of their property at any time, thus increasing traffic at the round-a-bout.
4. I personally am impacted by the excessive traffic around the Fair grounds and have been in a serious traffic accident as a direct result of traffic congestion and the proposed increase in traffic would only serve to increase the underlying cause of the accident I was in.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James Lennon". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

James Lennon

PlanIntern

From: Julie Korsmeyer <jkwinner526@gmail.com>
Sent: Wednesday, March 13, 2019 2:56 PM
To: Shaun McMahan
Subject: North Commercial Zone PEIR

Follow Up Flag: Follow up
Flag Status: Flagged

To City Del Mar City Planners:

I have lived at 1230 Oribia Road for 33 years. During that time I have watched the traffic situation around the Fair Grounds worsen every year. As of now, during the fair and sometimes during other events including the Race SeasonS, it is often completely grid-locked. As you may know, San Dieguito Road is our only egress. If we have an emergency or a fire, it is our only way out. Already, the fire trucks are relocated during the fair because of the impossibility of them being able to respond anywhere in Del Mar in a timely manner. And now we are faced with the specter of a dramatic increase in density in the area (20 units per acre) around our only escape route . What are you thinking?

I am wondering if this has to do with your dilemma of finding affordable housing and if so, I am amazed at your lack of vision. Are you really willing to sacrifice the safety and well-being of a portion of your citizenry to this misguided proposal? All of my neighbors, up and down San Dieguito Road and Oribia Road are outraged by your lack of understanding and consideration of our plight here. I know this because we recently had a full neighborhood meeting where anger and disbelief were expressed. I dare say no-one is expressly against the need for affordable housing, however I would love to hear our elected representatives come up with some truly innovative plans that would have the support of all Del Martians.

Please do not take this PEIR at face value. This is a unique area with unique problems that do not fit the cookie-cutter calculations of SANDAG. We not only have the fair, but we have a very sensitive wetland that is already under stress from traffic noise, fair and driving range lighting. We are also now anticipating the Watermark development which may significantly impact the the traffic circle intersection.

I love living in Del Mar and consider it a privilege to be able to express my views to our city government. I consider this proposal the biggest threat to my and my neighbors quality of life since I moved here in 1986.

Julie Korsmeyer
1230 Oribia Road
Del Mar

PlanIntern

From: Georgia Dutro <dgeorgia9@yahoo.com>
Sent: Wednesday, March 13, 2019 3:15 PM
To: Shaun McMahon
Subject: ZA18-002

Follow Up Flag: Follow up
Flag Status: Flagged

I'm concerned in the NC area that the traffic will, most every day, be what we now see during rush hour when the freeway is backed up or during big events at the fairgrounds. It takes a long time for me to get out or in to my street at such times. Plus the emergency vehicle response is severely lengthened. This is frightening.

I'm also worried about the environmental impacts such high density would have on the lagoon. More lights, noise and pollution in an area we are already very concerned about.

It seems that a very tiny area of Del Mar would have a very high percentage of the housing units - all using the same road in and out.

Do I trust that the future City officials would stop egregious development when actual proposals are made by developers? No.

Georgia Dutro
2127 Heather Ln
Del Mar

PlanIntern

From: Josie Miller <josieandjohn@gmail.com>
Sent: Wednesday, March 13, 2019 7:32 PM
To: Shaun McMahon
Subject: RE: Proposed Zoning Changes, Del Mar North Commercial & Business Zone

We've owned and lived on Heather Lane since 1983, enjoying the quaint village even with the changes that have come slowly over the years. What has increased drastically is the summer and race season traffic. The traffic as it is now is barely tolerable, I fear the delays in emergency services not reaching me or my family when urgently needed. How can this not be a consideration when planning future developments? Are we not worth this consideration as other parts of Del Mar I'm sure are? Emergency vehicles already leave our area during high congestion.

Please protect the character of Del Mar. These proposed zoning changes with such high density will change and negatively impact our community.

*Josie Miller McMahon
John J. McMahon
2147 Heather Lane*

PlanIntern

From: wade walker <wadewalker555@gmail.com>
Sent: Wednesday, March 13, 2019 10:18 PM
To: Shaun McMahan
Subject: PEIR for NC District, Del Mar

Dear Mr. McMahan,

My wife and I live in Crest Canyon (1440 Oribia Rd) and are writing to express our dismay over the PEIR for the proposed rezoning of the NC District of Del Mar to 20 multi-dwelling residential units per acre. We have lived at this location for more than 30 years and have witnessed the ever increasing traffic congestion at the intersection of Jimmy Durante and San Dieguito Road. During the summer not one of the 60 households living east of the roundabout leaves home without being mindful of the potential traffic he/she is likely to encounter at Jimmy Durante. We have only one way out. The horse races and especially the fair continue expanding their seasons and their crowds. Several times I have been delayed over an hour just getting from my house to the freeway (1.5 miles). This traffic issue does not just affect our neighborhood. It is well known that Del Mar restaurants and businesses from the Plaza to Flower Hill suffer substantial summer declines because people are unwilling to endure the traffic. More ominously, the summer traffic jams on Jimmy Durante expose all 60 households east of the traffic circle to the risk of being unreachable by fire and ambulance services or the ability to evacuate in an emergency.

I am amazed therefore that these substantial traffic issues have been glossed over in the PEIR by using traffic count statistics imported from SANDAG "similar sites". These numbers do not reflect our reality. Simply put, there is no similar site where large traffic surges are dumped on congested roadways for months on end.

You are laying the groundwork that will let future councils routinely approve a massive increase in density. Please do not let this happen! I think we all love the small town character of Del Mar with its exposed bluffs and ocean views. The NC District is a highlight in this regard in that it is at the confluence of the San Dieguito River Valley which has just been beautifully restored, and the Crest Canyon wildlife corridor. Please consider the damage this change will cause to the beauty as well as the ecosystem of Del Mar.

Thank you,

Wade Walker
Becky Walker
1440 Oribia Road

RECEIVED
MAR 14 2019
City of Del Mar
Planning Department

March 14, 2019

Shaun McMahon
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: Professional Commercial and North Commercial Zoning Code Amendments

Dear Shaun:

This letter provides program and EIR scope inputs on the above-referenced zoning code amendment from the undersigned collaboration of property owners in the NC and PC Zones.

As property owners in the NC and PC Zones, we are vital stakeholders who will be subject to any zoning code amendments affecting those zones that are adopted by the City of Del Mar. We appreciate the challenge the City faces in balancing community character concerns with the need for increased densities in order to fulfill the goals of the Housing Element. Our intention is to proactively support the City's efforts to modify these zones in order to achieve more market rate and affordable housing opportunities within Del Mar. We also recognize that the process for evaluating such changes in land use involves substantial costs in staff resources and consultant time for the EIR preparation. Therefore, we believe it is important to enact a zoning amendment that will support your goal of promoting the construction of new housing units. Our concern is that focusing only on adding residential as an approved use (without concurrently addressing development standards) will result in an EIR that may be insufficient to address the effects of the proposed zoning code amendments. (See, City of Del Mar Community Plan Housing Element, p.46, stating: "In addition, the City will review its development codes to establish appropriate development standards for facilitating higher density residential development.")

Without modifications to the development standards, it is unlikely that the currently proposed zoning amendment will be sufficient to incentivize the actual construction of new residential units. Additionally, converting market rate commercial space to affordable residential space is a substantial reduction in value and will serve as a disincentive to building residential units. The goal of promoting constructed affordable units requires incentives, not disincentives. Furthermore, the removal of location-specific constraints cannot be accomplished without consideration of modifications to the development standards.

We encourage you to take a comprehensive approach to the zoning code amendment process by determining appropriate development standards as part of the project scope that specifically address known constraints and physical challenges. Below are some suggestions for standards to be considered. The City could study additional options as part of the EIR process. Regardless, we feel incorporating such standards and parameters for future development is critical to completing an EIR that can properly address the effects of the proposed amendment. Our recommendations are as follows:

1. Add residential as a permitted use "by-right" without a CUP requirement in the NC and PC Zones. Any residential use shall require that 20% of the market-rate units be set aside for affordable housing. The minimum size of an affordable unit shall be 400 square feet with no additional requirements for sizes of units.
2. Allow a project to be 100% commercial or 100% residential or any mix of commercial and residential uses.
3. Evaluate the potential of increasing FAR allocated for NC commercial to be consistent with the existing PC zone of 0.60 and allow for additional residential FAR up to 1.0 for a mixed use project or 100% residential project. This should be applicable in both the NC and PC Zones.
4. Consider increasing lot coverage for mixed use and 100% residential projects to 0.90 in both the NC and PC Zones.
5. Allow properties within the 100 Year Flood Plain in the NC Zone to measure maximum height limits from two feet above the base flood elevation, or elevation 20, when existing grade is below elevation 20.
6. Evaluate the potential for increasing height above two stories and 26 feet high in appropriate locations.
7. Evaluate parking requirements including the potential for on-street parking within the public right of way to support on-site parking requirements.

Adopting zoning code amendments which include the above recommendations will provide significant and meaningful incentives to produce affordable and market rate housing units pursuant to the goals and programs of the Housing Element. For reference, we have included an evaluation of development standards on similarly zoned sites in neighboring cities and Del Mar which are as follows:

Neighboring City Commercial & Mixed Use Zones

- Solana Beach FAR: 1.20 ("C" Zone)
- Encinitas FAR: 1.0 ("GC/VSC" Zones)

Current Del Mar Zone with Highest Density

- Del Mar RM West Zone: FAR 0.45 @ 17.6 units/acre, Lot Coverage: 0.60

Proposed New City of Del Mar NC and PC Zones


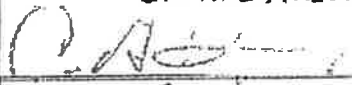
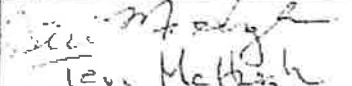
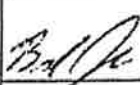
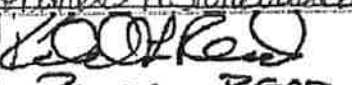
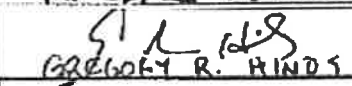

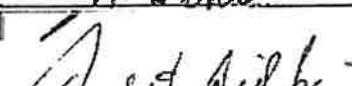
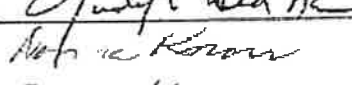
- Del Mar Proposed NC Zone: FAR 0.30 @ 20 units/acre, Lot Coverage: 0.40
COMMENT: FAR is significantly below neighboring cities and significantly below existing Del Mar RM West Zone at only 17.6 units/acre.
- Del Mar Proposed PC Zone: FAR 0.60 @ 20 units/acre, Lot Coverage: 0.75
COMMENT: PC Zone is currently built out, FAR increase will be necessary to obtain housing units.

Shaun McMahon
 March 14, 2019
 Page 3

We urge you to revise the project details to be evaluated by the EIR in order to analyze the data correctly the first time, and provide meaningful input to the City Council in making decisions regarding this proposal.

Respectfully,

c: City Council
 Planning Commission

Name/Signature	Ownership Name	Property APN or Address
 Charles A. Dunn	Watermark IM, LP	299-100-47 299-100-48
	Del Mar Bldg Group LLC	300-222-31-00
 Levi Matheis	2201 Del Mar LLC	299-100-34-00 2201 San Diego Dr
 BRAD JOHNSON	Harbor Associates	299-071-06-00 2010 Jimmy Durante Del Mar
Pamela Stonebreaker Pamela K Stonebreaker	Pamela K Stonebreaker TRUST	299-100-29-00 2137 Jimmy Durante Blvd, Del Mar 92014
 RANDAL READ	READ FAMILY LLC	299-100-28-00 2126 Jimmy Durante
 GREGORY R. HINDS	HINDS INVESTMENTS L.P.	299-071-07-00 2002 Jimmy Durante
 H. Seibel	W404w LLC 300-222-33-00	207-823 Camino Del Mar
 Oceans Blvd	Oceans Blvd	322 8th St. Del Mar Ca. 300-222-32-00
 DONNA KNORR	DONNA M KNORR 1992 TRUST	2120 Jimmy Durante Blvd DEL MAR CA 92014 299-100-27-00

PlanIntern

From: Dixie Welsh <dixiecruise@yahoo.com>
Sent: Thursday, March 14, 2019 1:03 PM
To: Shaun McMahon; David Druker-Private
Subject: ZA18-002

Dear Shaun and Dave,

I oppose changing zoning in NC,PC or PF zones in Del Mar ZA18-002. This Project is straight out of United Nations Agenda 21, which cites that the affluence of Americans is the major hindrance to sustainable development, and needs to be corrected. Lowering the standard of living in America, so that poorer countries can have more.

It distresses me that Del Mar is a member of I.C.L.E.I. (International Council for Environmental Initiatives) a non-governmental organization tasked with carrying out U.N. Agenda 21. Sustainable development is a global plan implemented locally by I.C.L.E.I. Costs for implementation are paid for by taxpayers. Agencies outside the United States should not set policies for Del Mar.

This Project will negatively affect public services like fire, emergency medical. Traffic is already gridlocked in this area summer & fall seasons. I oppose amending the Del Mar Community Plan.

Thank you for your kind attention,
Mary D. Welsh

PlanIntern

From: ACWmd@lapbypass.com
Sent: Thursday, March 14, 2019 1:10 PM
To: Shaun McMahan
Subject: Letter of concern
Attachments: Letter to Del Mar Mar 19.doc

Shaun,

Attached is my letter of concern regarding the City's proposal to allow high density housing on the parcel in the north end of town.

Respectfully,

Alan Wittgrove MD

MEDICAL CONCERNS WILL NOT BE ADDRESSED BY EMAIL. CALL THE OFFICE.

Alan C. Wittgrove, MD, FASMBS, FACS

Past President ASMBS

Medical Director

Wittgrove Bariatric Center

12865 Pointe Del Mar Way, Suite 130

Del Mar, CA 92014

858-350-4700

www.lapbypass.com

Confidentiality Notice

This e-mail and any files transmitted with it may contain privileged and confidential information and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail or any of its attachment(s) is strictly prohibited.

If you have received this e-mail in error, please immediately notify the sending individual or entity by e-mail and permanently delete the original e-mail and attachment(s) from your computer system. Thank you for your cooperation.

WITTGROVE BARIATRIC CENTER

Alan C. Wittgrove, MD, F.A.C.S.
Medical Director

12865 Pointe Del Mar Way
Suite 130
Del Mar, CA 92014
Phone: 858.350.4700

FAX: 858.350.4710

Dear Shaun

12 March 2019

I am writing this letter to voice some of my observations which I think should be considered as the city of Del Mar looks toward increasing population density in the north end of the city. It is my understanding that the city intends to change the zoning of a 15.2-acre parcel of land at the north entrance to Del Mar off Jimmy Durante Blvd. This zoning change would allow a density of 20 "living units" or "homes" per acre of land. To add that density to that area of the city is irresponsible, in my opinion as a physician.

I am a surgeon and I practice at Scripps Memorial hospital. As a surgeon, I at times, need to respond to emergencies at the hospital. It is well known that at various times of the year, the fair, racing season, etc., the traffic in that section of the city is at a literal standstill. I have had times where I needed to be away from my home because I knew I wouldn't be able to respond to the hospital fast enough if I parked at home, off David Way! It is much the same as the Fire Department needing to re-locate their equipment away from that section of town during those same dates because they know they would not be able to respond to an emergency either.

Just in our quality of life, adding this density of traffic would have an impact. It has literally taken me 1 ½ hour to go from Vons in Encinitas to my home at 2152 David Way, during the high traffic times. What if there is an emergency on David Way? What if the traffic was at that high density most of the time?

As it stands, high traffic times at the fairgrounds (the fair and race season) accounts for about 20% of the year, 10 weeks. The fairgrounds are increasing the percentage of days we have that high-density traffic pattern almost on a daily basis by increasing the number of events, Kaboo and other concerts.... And the increased traffic is not just from the activity at the fairgrounds. Traffic in Del Mar will clearly increase as One Paseo comes on line as well. As a physician who has, for years, dealt with emergency situations, what is a disaster waiting to happen? Place an additional 12% of the population of Del Mar in 1.3% of the land of Del Mar, AND to place that population in the direct path of that high-density traffic pattern; that is a disaster waiting to happen!

Respectfully,



Alan C. Wittgrove, M.D., F.A.C.S. 2152 David Way Del Mar, Ca. 92014

PlanIntern

From: Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Thursday, March 14, 2019 8:14 PM
To: Shaun McMahon; Beth Westburg; Wade Walker; Tracy Martinez; Aaron Goldberg; Arnold Wiesel; Annette Wiesel; Hershell Price; PAMELA SLATER-PRICE; Everett DeLano
Subject: Del Mar PEIR for NC Zone...
Attachments: CCF11132017_0003 (1).pdf; Hamilton Bio_Watermark Del Mar DEIR Review_11-13-17.pdf

From: Del Mar Hillside Community Association (neighborhoods of David Way, Heather Ln., Christie Ln., San Dieguito Rd., Oribia Rd, etc...)
Arnold Wiesel, President
2139 Heather Ln.
Del Mar, Ca 92014

TO: Mr. Shaun McMahon, The City of Del Mar and all others concerned,

Changing Del Mar's NC Zone (inclusive of ALL such located properties) from Commercial to 20 units per acre of multi-dwelling residential, might not be conceivable nor allowable. Reason being, the property on the southeast corner of Jimmy Durante Blvd. and San Dieguito Rd., otherwise known as the Watermark Property, has been revealed to be a biological resource. Hence, potentially restricted from development as proposed by this PEIR. **See Biology Report attached below with Attorney's Letter.**

If this PEIR addresses all environmental issues the same as for all properties alike herein located, that would be over broad, over inclusive and fail to recognize essential differences among certain properties in the NC Zone. Hence, different impacts are not being considered nor recognized within this PEIR document. Therefore, without properly recognizing and studying land differences, as with Watermark, certain unique properties within this NC Zone will have been excluded from this PEIR. Consequently this PEIR is not applicable, not relevant, and should fail on its face.

CEQA law mandates these type Draft EIR's for the protection and benefit of the environment and the people. Half baked PEIR's are fundamentally illegal. A PEIR is not an opportunity to spin bias or oversight. PEIR's are a legal responsibility mandated under CEQA designed to expose and display the real environment and potential impacts.

Please be reminded that this situation concerning Watermark has been on record with the City of Del Mar since November 2017.

In lieu of the above, we call for the rejection of this entire PEIR on its face. This PEIR fails to disclosure and explain the environment and

environmental impacts, as to at least the Watermark property, which are part and parcel of all properties included in this NC Zone.

Respectfully,
Arnold Wiesel



DELANO & DELANO

November 13, 2017

VIA E-MAIL

Planning and Community Development
City of Del Mar
2010 Jimmy Durante Blvd., Suite 120
Del Mar, CA 92014

Re: Watermark Del Mar Specific Plan Draft EIR

Dear City of Del Mar:

This letter is submitted on behalf of Del Mar Hillside Community Association in connection with the proposed Watermark project ("Project") and Draft EIR ("DEIR").

I. Introduction

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712. An EIR is "aptly described as the 'heart of CEQA'"; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 392.

II. The DEIR's Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze land use, aesthetic, and community character impacts.

- The DEIR notes there are existing views from Heather Lane, but fails to provide any pictures demonstrating these views. DEIR at 4.1-10.
- The Project is likely to substantially affect views from locations along Heather Lane and the DEIR fails to adequately analyze impacts to these views. For example, the DEIR claims views of San Dieguito Lagoon are blocked by

EVERETT L. DELANO III
Admitted in California and Colorado

M. DARE DELANO
Admitted in California and New York

104 W. Grand Avenue, Suite C
Esccondido, CA 92025

(760) 741-1200 :: Office
(760) 741-1212 :: Fax

vegetation. DEIR at 4.1-10. This is inaccurate, as the attached photo, taken from the end of Heather Lane, demonstrates.

- The DEIR fails to analyze impacts to views from the street of the bluffs. The attached photo, taken from the corner of Jimmy Durante Blvd and San Dieguito Drive, demonstrates the existing view conditions.
- The DEIR notes the “City of Del Mar places very high importance on the preservation of scenic views from both public areas and private residential properties.” DEIR at 4.1-19. Yet it fails to provide adequate analysis of the Project’s potential to impact such views. *Id.* at 4.1-20.
- The DEIR acknowledges the City’s Design Review Ordinance (DRO), but fails to discuss its requirements or provide relevant analysis. DEIR at 4.1-14.
- Among other things, the Project will:
 - create an unreasonable invasion of the privacy of neighboring properties, Muni. Code § 23.08.072(D);
 - “locate structures so as to unreasonably, adversely impact upon outdoor areas on adjacent properties.” Muni. Code § 23.08.072(J);
 - cause an adverse effect on traffic conditions on abutting streets, Muni. Code § 23.08.074(B);
 - lead to grading and vegetation changes that will unreasonably, adversely impact neighboring developed areas, Muni. Code § 23.08.076(B);
 - not minimize the disruption of existing natural features, Muni. Code § 23.08.076(C);
 - unreasonably disrupt the existing natural topography and vegetation, Muni. Code § 23.08.076(F);
 - block significant public coastal views, Muni. Code § 23.08.077(A);
 - be out of scale with other structures in the neighborhood, Muni. Code § 23.08.077(C);
 - not be harmonious with or functionally compatible with the surrounding neighborhood, Muni. Code § 23.08.077(D);
 - adversely affect the lighting and noise quality of the local neighborhood, Muni. Code § 23.08.077(F); and
 - unreasonably encroach upon primary scenic views of neighboring property, Muni. Code § 23.08.077(H).
- The DEIR also fails to consider impacts to hikers and visitors along the lagoon and neighboring trails.
- The DEIR briefly mentions there are many applicable requirements in the city’s municipal code. *See e.g.*, DEIR at 4.9-9 & 10. But it fails to provide analysis of the Project’s inconsistency with many of these requirements. *Id.* at 4.9-14.
- Among other things, the Project is inconsistent with the following:
 - Bluff, Slope and Canyon Overlay Zone requirements, including limitations on construction, grading and other encroachments on steep slopes, limitations on runoff, and limitations on height and view impacts. Muni. Code §§ 30.52.060 & 080.

- Lagoon Overlay Zone requirements, including limitations on the types of uses allowed in wetland buffer areas, requirements for the extent of wetland buffers, limitations on grading and erosion, and requirements for the retention of native vegetation. Muni. Code §§ 30.53.090, 100, 140 & 160.
- Floodplain Overlay Zone requirements, including limitations on construction in the floodplain. Muni. Code § 30.55.060.
- Conditional Use Permit requirements, including inconsistencies with required findings. Muni. Code § 30.74.020.
- Coastal Development Permit requirements, including inconsistencies with required findings. Muni. Code § 30.75.140.

The DEIR fails to adequately analyze impacts to soils and geology.

- The DEIR acknowledges potential liquefaction and soils instability. DEIR at 4.5-15 & 16. Yet it inappropriately defers analysis and mitigation. *Id.* at 4.5-18. CEQA requires an agency to prepare adequate analysis and mitigation prior to approval of a project. In *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, the court observed: “Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.” *Id.* at 92 (citations omitted).

The DEIR fails to adequately analyze impacts to air quality.

- The Project could have concurrent operational and construction emissions, yet the DEIR fails to analyze their combined emissions.

The DEIR fails to adequately analyze impacts to biological resources.

- The Project will negatively impact on-site habitat, water courses, and other biological resources. The analysis fails to adequately account for existing biological resources. See the attached comments from biologist Robb Hamilton, incorporated by reference.
- Reports prepared for the prior project on the same site revealed biological resources that are not identified in the DEIR. Some of these reports are attached and incorporated by reference.
- The DEIR claims a wetland buffer of less than 100 feet can be approved with concurrence from California Fish and Wildlife, but no evidence of such concurrence is provided. DEIR at 4.3-20.
- The DEIR mischaracterizes on-site resources, claiming the footprints of both options “are limited to areas of the site that have been previously graded and

disturbed.” DEIR at 4.3-21. In fact, the Project would disturb important biological resources.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR relies primarily upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
- The DEIR averages construction emissions over the life of the Project. DEIR at 4.6-24. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- On April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030” The DEIR does not address compliance with Executive Order B-30-15.

The DEIR fails to adequately analyze noise impacts.

- The DEIR acknowledges potentially significant impacts, but the proposed noise mitigation is insufficient. See *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”).

The DEIR fails to adequately analyze traffic impacts.

- The DEIR acknowledges the obligations to improve transit. DEIR at 4.12-1 – 2. However, the DEIR fails to address transit requirements.

The DEIR fails to adequately analyze impacts to waters and drainages.

- The DEIR acknowledges General Plan policies emphasizing the importance of protecting and restoring natural drainage systems. DEIR at 4.8-8 – 10. Yet the DEIR fails to discuss the Project in relation to these standards and requirements.
- The DEIR fails to adequately discuss and analyze existing water courses on and near the Project Site, as the comments of Robb Hamilton note.

The DEIR fails to adequately analyze water supply impacts.

- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted). The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR’s Discussion of Alternatives is Deficient

The DEIR fails to adequately analyze alternatives.

- CEQA requires that an EIR “produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 51. “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404. The DEIR fails to comply.
 - CEQA’s “substantive mandate” requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134. “[T]he Legislature has [] declared it to be the policy of the state ‘that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects’” *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597 – 98 (citations omitted). The City should adopt a reduced density alternative, even if it would not meet the Project objectives fully. Such an alternative would more appropriately respect the existing community, as well as the land use requirements found in the Municipal Code.

- The Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

IV. The Need to Recirculate

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion

For the foregoing reasons, Del Mar Hillside Community Association urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.

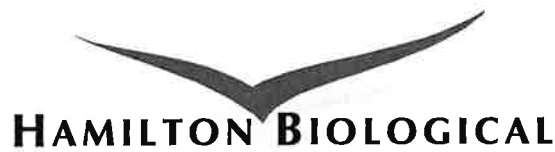
Sincerely,



Everett DeLano

Enclosures:

1. Photo taken from the end of Heather Lane on November 6, 2017;
2. Photo taken from the corner of Jimmy Durante Blvd and San Dieguito Drive on November 6, 2017;
3. Letter from Robert Hamilton to Everett DeLano (November 13, 2017);
4. Biological Resources Survey Letter Report, Riverview Office Development Project (January 30, 2006);
5. Biological Resources Report, Jefferson Property (June 28, 2004);
6. Biological Resources Report, Del Mar Office Project (May 5, 2000).



November 13, 2017

Everett DeLano
DeLano & DeLano
220 W. Grand Ave.
Escondido, CA 92025

**SUBJECT: ANALYSIS OF BIOLOGICAL RESOURCE ISSUES
DRAFT EIR FOR THE PROPOSED
WATERMARK DEL MAR SPECIFIC PLAN PROJECT**

Dear Mr. DeLano,

At your request, Hamilton Biological, Inc., has reviewed the Draft EIR (DEIR) for the Watermark Del Mar Specific Plan project, located in the City of Del Mar, San Diego County, California. Specifically, Robert Hamilton, President of Hamilton Biological, Inc., reviewed and analyzed DEIR Section 4.3 (Biological Resources), Section 7.3.3 (Cumulative Impacts, Biological Resources), and Section 8 (Alternatives), and DEIR Appendix D (Biological Technical Report and Jurisdictional Delineation by Cummings and Associates, dated June 5, 2017).

Hamilton Biological is a consultancy specializing in field reconnaissance, regulatory compliance, preparing CEQA documentation, and providing third-party review of CEQA documentation. This review has the following purposes:

- To identify any areas in which the CEQA document reaches conclusions not supported by adequate field work and/or thorough review of the scientific literature.
- To identify and discuss any biological impact analyses not treated in a manner consistent with CEQA, its guidelines, or relevant precedents.
- To recommend changes to impact analyses, project design, mitigation measures, and/or resource management practices to avoid or minimize to the maximum extent practicable potentially significant impacts to biological resources, as required under CEQA or other relevant resource-protection regulations.

HAMILTON BIOLOGICAL'S REVIEW PROCESS

To provide context for my evaluation of the current DEIR, I reviewed the relevant portions of the 2017 DEIR and its technical appendices, plus the following technical reports, prepared for various development projects proposed for this project site:

Merkel & Associates, Inc. 2000. Biological Resources Report, Del Mar Office Project.
Report dated May 5, 2000, prepared for Ocean Properties Development, San Diego, CA.

Merkel & Associates, Inc. 2004. Biological Resources Report, Jefferson Property. Report dated June 28, 2004, prepared for Batter Kay and Associates, Del Mar, CA.

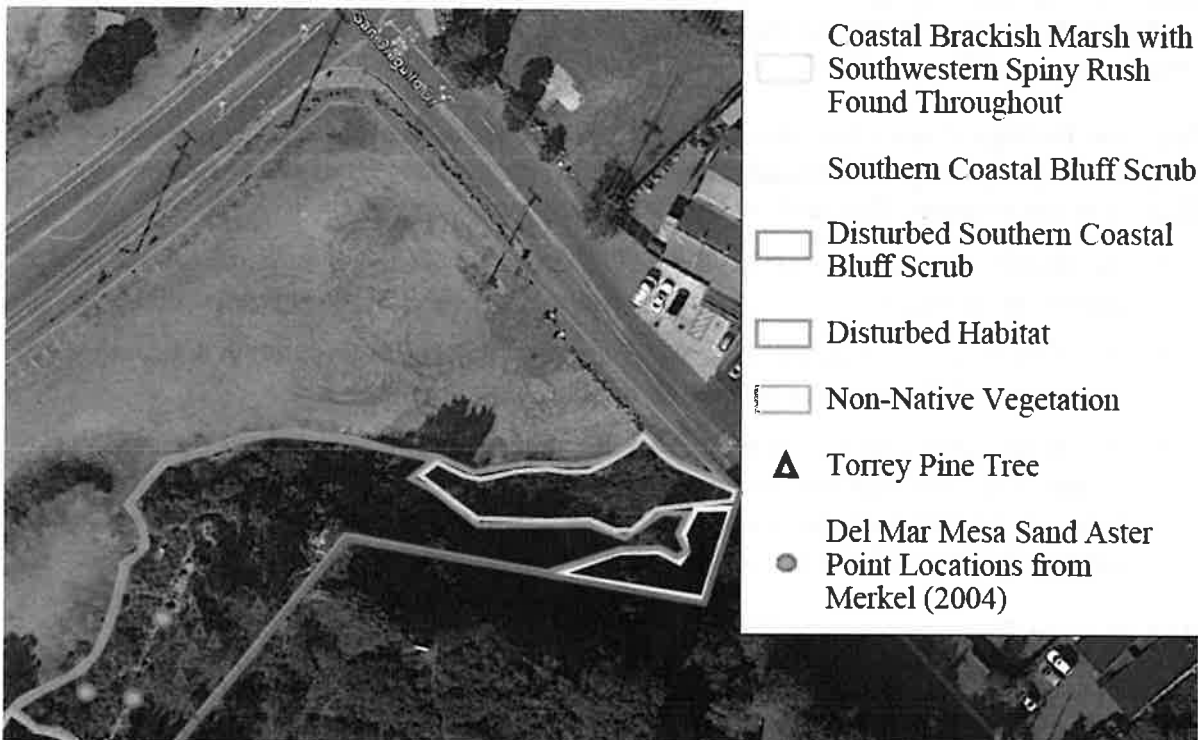
Dudek. 2006. Biological Resources Survey Letter, Riverside Office Development Project, City of Del Mar, California. Report dated January 30, 2006, prepared for Gatzke, Dillon & Balance, Carlsbad, CA.

Cummings & Associates. 2014. Wetland Delineation for the Over APNs 299-100-47 and 299-100-48, City of Del Mar, California. Report dated October 21, 2014, prepared for Watermark DM, L.P., Del Mar, CA. (This

In order to view the current conditions, I visited the project site and neighboring areas for 1.5 hours on November 7, 2017.

IMPROPER AND INADEQUATE DELINEATION OF WETLANDS

Several jurisdictional delineations have been conducted on the project site. The DEIR utilizes a delineation completed by Cummings and Associates (2014). Figure 4 from that report shows a very limited area of jurisdictional wetland in the eastern part of the site:



Reproduction of part of Figure 4 from Cummings and Associates (2014). The area of jurisdictional wetland (i.e., coastal brackish marsh) is limited to the vegetated area outlined in pale blue.

The wetland jurisdiction by Cummings & Associates (2014) updated an earlier unspecified delineation from 2004 – apparently Merkel and Associates (2004). Merkel and Associates' 2004 delineation, and the update by Cummings & Associates (2014) employed "routine on-site determination methods" (Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS). In order for "routine on-site determination methods" to be used in a given area, the relevant vegetation, soils, and hydrological indicators must be present and visible. In areas where "positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology could not be found due to effects of recent human activities or natural events," the Corps' "Atypical Situation" methodology should be applied (Environmental Laboratory 1987, p. 73).

In this case, because the wetland delineator failed to detect wetland indicators in the flat area adjacent to the on-site marsh, the delineator has assumed that this area fails to satisfy wetland criteria. But that area is flat due to extensive human modification and ongoing disturbance, actions that have removed or obscured the relevant wetland indicators, site-specific factors that should have led the delineator to employ Atypical Situation methodology.

Several of the Wetland Determination Data Forms that Cummings & Associates completed on the site in 2012 and 2014 include the following information in the "summary of findings":

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			
Remarks: - drought conditions - source of water unknown - soil at edge of wetland vege has been amended with gravel fill					

The excerpt shown above, from data sheet A-6, shows that the spot in question was delineated as wetland, but that "soil at edge of wetland vege[tation] has been amended with gravel fill." The gravel-amended soils outside of the area delineated as wetland should not be considered appropriate for a "routine" delineation.

Apart from this critical error in the methodology used, the EIR preparer took a risk in not updating the wetland delineation in 2017. Most of the wetland data points were collected in 2012, and only one data point was updated in 2014. As shown above, the data sheets state that the site was delineated under "drought conditions," when the groundwater table may have temporarily dropped. In cases where drought conditions have affected the normal hydrology, and where the soils have been altered and vegetation removed adjacent to the delineated wetland area, there is no way of discerning, through such indirect indicators as soils or vegetation, the actual limits of the area that would satisfy the criteria of a jurisdictional wetland under non-drought circumstances.

During the field visit on November 7, 2017, the most direct and irrefutable wetland indicator – saturation of the upper 12 inches of the soil profile – was clearly visible well outside of the delineated wetland area. Limited areas also supported wetland-indicator plants. See photos 1-6, below:



Photo 1. Facing east toward San Dieguito Drive on 11-7-17. The dark-colored soil shown ranged from moist to muddy.



Photo 2. Close-up view of muddy and moist soil in the area shown in Photo 1, taken on 11-7-17.



Photo 3. Facing north-east toward San Dieguito Drive on 11-7-17. The dark-colored soil shown ranged from moist to muddy.



Photo 4. Standing water and *Salicornia pacifica*, an obligate wetland indicator plant, at the eastern edge of the project site, along San Dieguito Drive, on 11-7-17.

[THIS AREA INTENTIONALLY BLANK]



Photo 5. *Jaumea carnosa* and *Distichlis spicata*, both wetland indicators, growing at the eastern edge of the project site, along San Dieguito Drive, on 11-7-17. Note also dark-colored soil in background.

Photo 6. Close-up view of *Jaumea carnosa* and *Distichlis spicata* in the area shown in Photo 5, taken on 11-7-17.



The wettest areas shown in these photos, as well as the areas vegetated with predominantly wetland-indicator plants, appear to satisfy the California Coastal Commission's one-parameter wetland definition.

During the field visit on November 7, 2017, I used an aerial-based GPS unit to map the approximate northerly limit of standing water, muddy soil, and wetland indicator plants in the northeast part of the project site. See Figure 1, below.

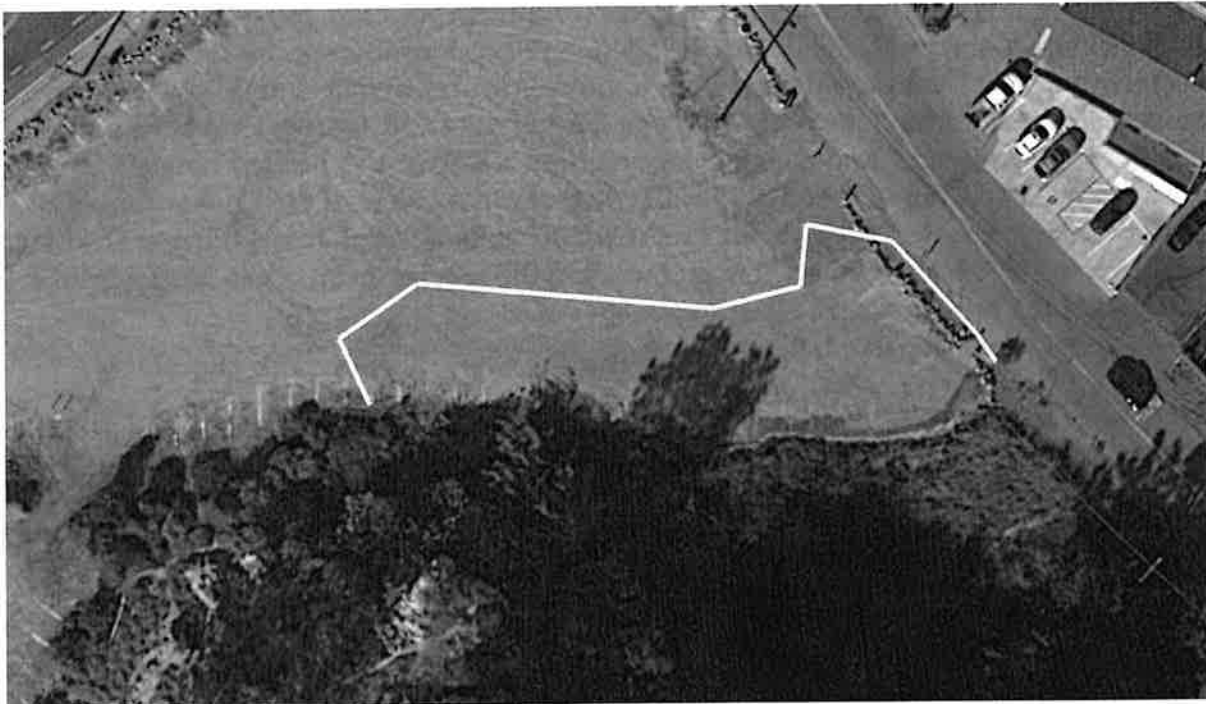


Figure 1. The yellow line shows the approximate northern limit of muddy or moist soil, and wetland indicator plants, observed during the field visit on November 7, 2017.

Given that no appreciable precipitation fell locally for at least several weeks prior to the field visit on November 7, 2017 (<http://w2.weather.gov/climate/index.php?wfo=sgx>), the areas of moist soil apparently represent a high groundwater table.

To determine the actual extent of wetlands— i.e., areas where the root zone remains saturated for at least 15 straight days per year — in areas that have been substantially altered by human activities, a qualified wetland delineator will typically install an array of shallow monitoring wells (i.e., perforated PVC pipes). The wells are monitored for the duration of a normal (non-drought) rainy season to map out the area that satisfies the wetland hydrology criterion under normal, or near-normal, environmental conditions. Without such a direct observation of wetland hydrology, there may be no way to reliably delineate the wetlands on this site, where both soils and vegetation indicators have been substantially altered or obscured.

Because it relies upon an inadequate wetland delineation, the DEIR contains inadequate evidence to support its conclusions about the extent of the wetlands and potential impacts to wetland resources. The available evidence suggests that wetland conditions extend well beyond the delineated area shown in the DEIR.

DEIR'S TREATMENT OF SENSITIVE PLANT SPECIES

Torrey Pine

The DEIR identifies a total of 13 Torrey Pines (*Pinus torreyana* ssp. *torreyana*) on the project site. The California Native Plant Society (CNPS) assigns this species Rank 1B.2, meaning that it is "rare or endangered in California and elsewhere" and "moderately threatened in California." As noted on Page 4.1-3 of the DEIR, Torrey Pine is "the rarest pine in North America," and naturally occurs only within a very limited range in coastal San Diego County that includes the project site. Review of the Consortium of California Herbaria web page shows that scientific collections of Torrey Pine in Del Mar date back to 1933, when Lyman Benson recorded the species on an ocean bluff within a half-mile of the project site. See (http://ucjeps.berkeley.edu/cgi-bin/new_detail.pl?accn_num=POM370044&YF=1):

Specimen number	POM370044
Determination	<i>Pinus torreyana</i> More information: Jepson Online Interchange
Collector, number, date	Lyman Benson, 4287, 4 2 1933
County	San Diego
Locality	US 101 Del Mar.
Elevation	30m
Habitat	Pacific Ocean watershed, upper Sonoran, sandy soil
Coordinates	32.96022 -117.26792 <small>BerkeleyMapper [or without layers, here]</small>
Datum	WGS84; ER = 805 m
Coordinate source	Google Earth
	<i>phenology</i> fertile
	<i>other</i>
Voucher information	<i>label</i> 9f152bc0-07b6-4371-ba1f-6a35b8b4189c <i>numbers</i> 100
Annotations and/or curatorial actions	: <i>Pinus torreyana</i> , Steve Boyd, 2002-02 current determination (uncorrected): <i>Pinus torreyana</i>
Notes	Ocean bluff.;

While acknowledging that they failed to determine whether this species was planted on and around the project site, or occurs there naturally, or some combination, the biologists of Merkel & Associates (2000) treated the trees on the project site as naturally occurring. Subsequent reports by Merkel & Associates (2004) and Dudek (2006) simply noted the species' presence and did not offer an opinion on the matter. At several points in the DEIR, the project biologists identify the Torrey Pines occurring on the site as a "sensitive species," rather than simply a landscaping element (see, for example, Pages 2-2, 4.3-5, 4.3-16).

Page 4.3-13 of the DEIR states:

Chapter 23.50 of the City of Del Mar's Municipal Code contains a number of codes regarding protected trees. The City of Del Mar Community Plan has as one of its major goals the preservation of natural vegetation, including tree species. The Tree Removal Ordinances identified in Chapter 23.50 identify protected trees, define acceptable reasons for removing

protected trees, and define when a Tree Removal Permit is required. **The Torrey Pine species is of particular significance to the City, and is therefore protected from removal without City authorization for just cause.** [emphasis added]

Page 4.1-4 states, "The Torrey pine is indigenous to this region and has become an iconic and protected tree by the City of Del Mar."

Despite the "particular significance" of this "iconic and protected tree" in the City of Del Mar, the DEIR's impact analysis writes off the 13 mature representatives of this rare species that exist on the project site:

According to the MSCP, the only naturally occurring population of Torrey Pines occurs at Torrey Pines State Preserve. As such, the Torrey Pines on-site are considered planted and are not naturally occurring.

The MSCP does not appear to provide a detailed analysis in support of its conclusion that Torrey Pines occur naturally only within Torrey Pines State Preserve, and other sources suggest that small numbers may naturally occur outside of the Preserve. For example, the IUCN Red List of Threatened Species provides the following analysis:

Urbanization is encroaching on the mainland population (ssp. *torreyana*) with the effect that trees outside the Torrey Pines State Park are still disappearing. There is also an acute risk of a major fire wiping out a large part of the population, a risk that is known to increase for various reasons where housing developments are near the population in a potentially fire-prone area. The present decline is probably slow, but ongoing in one of the two subspecies (mainland population). The actual area of occupancy is very small for the two subspecies combined, less than 1 km² and definitely less than 10 km². The population is severely fragmented (two subpopulations on an island and two on the mainland) and there is continuing decline. So although the island subspecies is listed as Vulnerable, the species as a whole qualifies for listing as Critically Endangered. If, the species in future is completely confined to the protected areas i.e. all plants outside of those areas have been lost, then the species status might well change to Vulnerable under criterion D2.

Regardless of whether the Torrey Pines on the project site are planted, they are mature, healthy specimens of a very rare tree species, growing in suitable coastal scrub habitat within the species' historical range. If the City is serious about preserving healthy examples of this "iconic and protected tree," the site plan should be revised to avoid the 13 Torrey Pines now proposed for removal or relocation.

Del Mar Mesa Sand Aster

The CNPS assigns this species Rank 1B.1, meaning that it is "rare or endangered in California and elsewhere" and "seriously threatened in California." This taxon is known from only a handful of sites between Point Loma and Encinitas, with most records in the Del Mar area (<http://www.calflora.org>). Rather than avoiding impacts to this extremely rare plant, the proposed project would remove all 40 plants known from the site and then attempt to relocate them "to a preserved area on site within the disturbed southern coastal bluff scrub or within the disturbed habitat to be enhanced to southern

coastal bluff scrub within the 50-foot wetland buffer.” Such translocation efforts have a spotty track record of long-term success, at best. Given the rarity of this plant, it would be preferable to avoid the existing plants and preserve them in place.

More importantly, an adequate CEQA document would acknowledge that the California Coastal Commission typically recognizes areas that support CNPS Rank 1B.1 plants as Environmentally Sensitive Habitat Area (ESHA). In a unanimous decision published earlier this year, the California Supreme Court held in *Banning Ranch Conservancy v. City of Newport Beach* that CEQA requires EIRs to identify potential ESHA and account for those areas in their analysis of project alternatives and mitigation measures. See:

<https://m.lw.com/thoughtLeadership/california-supreme-court-CEQA-requires-study-potential-impacts-ESHA>

The relevance is that, if the Coastal Commission were to conclude (as they normally do with regard to CNPS Rank 1B.1 plants) that areas supporting Del Mar Mesa Sand Aster satisfy ESHA criteria, Mitigation Measure MM-BIO-3 would be rendered inoperable. See *Bolsa Chica Land Trust v. Superior Court*:

. . . the language of section 30240 does not permit a process by which the habitat values of an ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects the area of an ESHA from uses which threaten the habitat values which exist in the ESHA. Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development. Rather, the terms of the statute protect habitat values by placing strict limits on the uses which may occur in an ESHA and by carefully controlling the manner uses in the area around the ESHA are developed.

Thus, were the Coastal Commission to identify as ESHA the on-site habitat of the Del Mar Mesa Sand Aster, no mechanism would be available under the Coastal Act to permit relocation of the 40 Del Mar Mesa Sand Aster plants to a more convenient location.

Since the DEIR fails to identify potential ESHA, in the form of disturbed coastal bluff scrub habitat occupied by the Del Mar Mesa Sand Aster, and does not account for that potential ESHA in its analysis of project alternatives and mitigation measures, the DEIR is deficient per the California Supreme Court’s unanimous published opinion in *Banning Ranch Conservancy v. City of Newport Beach*.

Cooper’s Rein Orchid

This plant is assigned CNPS Rank 4.2, referring to species of limited distribution in California that should be monitored regularly; moderately threatened in California. Cooper’s Rein Orchid was previously reported to occur on the project site (Merkel & Associates 2000, 2004; Dudek 2006), but the DEIR fails to mention it. What is the known and potential status of this sensitive species on the project site, and what steps, if any, are being taken to avoid potentially significant impacts to Cooper’s Rein Orchid?

SUMMARY AND CONCLUSION

As discussed herein, the DEIR for the Watermark Del Mar Specific Plan Project contains two major deficiencies:

1. The DEIR's wetland delineation was conducted during drought conditions using routine methods not appropriate for use in a disturbed area that lacks the field indicators (vegetation, soils, and hydrology). cursory examination of the site on November 7, 2017, showed that moist/muddy soil, standing water, and wetland indicator plant species occur well outside of the delineated jurisdictional wetland. In order to provide the required avoidance of wetlands, plus a minimum 50-foot buffer, a completely revised wetland delineation must be completed using appropriate "Atypical Situation" methodology.
2. The DEIR fails to identify potential ESHA, in the form of habitat for the Del Mar Mesa Sand Aster, a CNPS Rank 1B.1 plant, and does not account for that potential ESHA in its analysis of project alternatives and mitigation measures. The DEIR is, therefore, inconsistent with the California Supreme Court's direction to CEQA Lead Agencies in *Banning Ranch Conservancy v. City of Newport Beach*.

These flaws in the CEQA analysis are so fundamental that they cannot be adequately addressed through response to comments and minor project alterations. Additional field work, analysis, and site-appropriate project design and mitigation planning will be required. At that point, a revised DEIR should be recirculated for another round of public review.

I appreciate the opportunity to evaluate the CEQA documentation for this important project. Please call me at 562-477-2181 if you have questions or wish to further discuss any matters; you may send e-mail to robb@hamiltonbiological.com.

Sincerely,



Robert A. Hamilton, President
Hamilton Biological, Inc.
<http://hamiltonbiological.com>

attachment: Curriculum Vitae

cc: David Mayer & Marilyn Fluharty, California Dept. of Fish & Wildlife

Karl Schwing, Deborah Lee, Erin Prahler, Gabriel Buhr, Jonna Engel, Laurie Ko-
teen, Lauren Garske-Garcia, California Coastal Commission

PlanIntern

From: Bette Hayward <bbhayward@roadrunner.com>
Sent: Thursday, March 14, 2019 10:25 PM
To: Shaun McMahon
Subject: Rezoning of North Commercial Area

March 14, 2019

RE: PEIR - New zoning for the North Commercial Area

Dear Shaun McMahon,

I am deeply concerned about the new rulings you are putting into effect at the corner of my street.

My home is on one acre of property on San Dieguito Dr. When I go out in my yard and think of 20 apartments being built on an area of size of my lot, with probably 40 cars a day going to and from that one piece of property, and then imagine multiple pieces of property with the same amount of traffic, it horrifies me.

During the Fair season and the racing periods, I can hardly get out of my street. I often wait for 40 – 50 cars to go by, all slowed down with the tremendous extra volume of cars trying to go through the traffic circle.

When I visualize it with many more acres, all covered with 20 units and 40 cars each, I am just sickened at what is in store for us on our street.

I imagine this flood of cars will also be going through downtown Del Mar each day.

Please consider what this will do to us. There must be many other ways to accommodate the 65 or so units needed for low income housing without destroying our whole street.

Thank you for your concern about this.

Bette Hayward, 50 year Del Mar resident
1567 San Dieguito Dr.
bbhayward@roadrunner.com
858-755-8536

PlanIntern

From: Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Thursday, March 14, 2019 10:34 PM
To: Shaun McMahon; Tracy Martinez; Aaron Goldberg; Beth Westburg; Wade Walker; Annette Wiesel; PAMELA SLATER-PRICE; Hershell Price; Arnold Wiesel
Subject: Del Mar PEIR - TRAFFIC VS. HEALTH, SAFETY AND WELFARE...

From: Del Mar Hillside Community Association (neighborhoods of David Way, Heather Ln., Christie Ln., San Dieguito Rd., Oribia Rd, etc...)
Arnold Wiesel, President
2139 Heather Ln.
Del Mar, Ca 92014

To: Mr. Shaun McMahon, City of Del Mar, and all others concerned,

The City of Del Mar has caused a PEIR in attempt to clear the way to change our NC Zoning Laws to accommodate 20 units per acre of multi-dwelling residential. The consequences of such a development would increase Del Mar's population by 15% and cause them all to live, be squeezed into this small zone which amounts to only 2% of all Del Mar's land.

The City of Del Mar has had full knowledge about traffic behavior near the fair grounds during the summer fair seasons and special events where demand exceeds available capacity. Unfortunately, they have never dealt with these problems appropriately, and now we have severe network congestion and gridlock conditions. Our infrastructure is failing, parents can not get home to their children in a timely manner, emergency services can not reach people in need within a six minute window, doctors residing in Del Mar can not respond to emergency calls unless they stay in hotels outside of Del Mar during the summer season and special events. The anxiety and concern for ones own safety and safety for their loved ones is at risk all too often. We are a community realizing the worst can happen and there is nothing we can do about it...especially in the face of our City Government constantly slowing down traffic while creating more traffic, more congestion.

The City has been aware of the above as they chose to build a single lane roundabout next to the fair grounds for the explicit purpose of slowing traffic, which during the summer shuts down traffic.

Now, with PEIR in hand, our City intends to change the NC zoning laws to allow up to 20 units per acre of multi-dwelling residential in the area that surrounds the single lane roundabout next to the fair grounds. I am not making this up!

In the face of such egregious actions by our City, per above, our community need take refuge under CEQA Law. Accordingly, a PEIR as mandated by CEQA must expose the whole truth about specific environments and impacts. Queuing results and other information from SANDAG do little to expose what is really happening in this area. There are virtually no other areas like this with a State Fair, Horse Races, Special Events, etc., next to residential areas. Del Mar is unique in this respect. In other words, other town numbers are not relevant and do not offer insight.

The only way to best assess traffic in this area, is to make such assessments when and while traffic is most dysfunctional. When it takes more than hour to drive from downtown Del Mar to the roundabout area neighborhoods when it would otherwise take only 15 minutes to walk. During the summer Fair Season, Special events, Race Season, especially during times of gridlock.

A PEIR is not relevant if it does not deal with that which does exist.

Therefore, since the traffic problems as they do occur have not been simultaneously assessed, this PEIR as it is, is of no real value concerning traffic and/or traffic impacts.

Fundamentally, based upon actual real human experiences, sitting in traffic for over an hour when I could walk the same distance in 15 minutes puts my family at risk and their senses of security, peace, anticipation of others getting home before dark, etc., etc...

TO BE MOST CLEAR:

It seems there have not been relevant traffic assessments and/or studies made during gridlock which would have had to been made during the times of intolerable traffic and/or while gridlock was actually occurring during the summer.

Assessments during times of no traffic congestion or gridlock, at best would be deceptive and not representative. In fact, such assessments taken at times when problems are not occurring does not conform to the purposes under CEQA nor serve the community at risk.

Only relevant traffic studies made during worst times of intolerable traffic and/or gridlock would be relevant and honest assessments capable of exposing the actual reality and potential negative impacts. Otherwise the PEIR should be deemed worthless.

Changing the NC Zoning Laws to allow 20 units per acre of multi-dwelling residential will drastically increase traffic on top of an already intolerable situation which already includes gridlock. This is already a very bad existing and dangerous situation to the life, health, safety and welfare of all persons in this area.

We are scores of families who live through this situation yearly, our experiences leave no doubt.

We demand this PEIR be rejected for lack of appropriate assessments.

Respectfully,
Arnold Wiesel

PlanIntern

From: annette wiesel <awiesel1@yahoo.com>
Sent: Thursday, March 14, 2019 10:56 PM
To: Shaun McMahan
Subject: PIRE ZONING OF NORTH COMMERCIAL ZONE
Attachments: This year's fair traffic 'equivalent of a hundred-year flood' – The Coast News Group.pdf; KAABOO Del Mar sells out for first time in festival's history; - The San Diego Union-Tribune.pdf; SAN DIEGO FAIR HISTORICAL Daily-Attendance.pdf

To: Mr. Shaun McMahan, City of Del Mar, and all others concerned,

The PEIR for the amendment to the zoning of the North Commercial Zone in the City of Del Mar need consider the impact of the San Diego Fair Ground current and future activities specifically related to the traffic it produces. Any traffic study for the Del Mar North Commercial zone that does not take place to include the traffic during San Diego County Fair is insufficient due to the tremendous traffic gridlock to the Jimmy Durante San Dieguito roundabout intersection and all of Del Mar.

The goal of the Fair Board is to increase revenue by increasing activities that draw large groups of people. The 2019 San Diego Fair opens May 31 and runs through July 4. An increase of 3 days open and active from previous year. Average daily attendance 2016 and 2017 was 61,065 per day. During the 2018 San Diego fair the traffic was described as 'equivalent of a hundred-year flood'(see attachment #1), which will continue to grow and become a yearly flood.

During the 2018 fair I sat in my car for 2 hours trying to get to my home on Heather Lane in Del Mar driving south on Stevens avenue from Lomas Santa Fe with my spoiling groceries.

The Fair ground now has the sold out Kaaboo concert summer event which attracts 40,000 people (attachment #2), and has plans to convert the off track betting facility into a concert auditorium. Rightly so, the goal of the Fair Grounds is to continue growth in events with large attendance to increase revenue.

The residential area adjacent to the North Commercial zone has narrow roads and a single lane roundabout designed to slow traffic (as described by the City of Del Mar), This creates and compounds an unsafe situation on top of an already dangerous traffic and gridlock environment. Changing the NC zoning to hi-density residential could add 30% increase to Del Mar population on 2% of the city, which already has extreme traffic issues.

I am 63 years old. If I have a heart attack in my home during the San Diego Fair I will surely not survive as emergency response vehicles - which park at the south end of Del Mar during the Fair season will take too long trying to get thru traffic to save my life.

Please protect your citizens safety. Obtain a traffic study that takes into consideration the traffic during the San Diego County Fair, Kaboo, Horse Racing and other future Fair Ground events.

Annette Wiesel

2139 Heather Lane
Del Mar, CA 92014

This year's fair traffic 'equivalent of a hundred-year flood'

by Bianca Kaplanek

(<https://www.thecoastnews.com/this-years-fair-traffic-equivalent-of-a-hundred-year-flood/>),
July 24, 2018

(<https://www.thecoastnews.com/this-years-fair-traffic-equivalent-of-a-hundred-year-flood/>),
0

(<https://www.thecoastnews.com/this-years-fair-traffic-equivalent-of-a-hundred-year-flood/#comments>)



<

>

DEL MAR — If you attended the 2018 San Diego County Fair — or live near the Del Mar Fairgrounds where the event is held — and thought traffic was unusually bad this year, you're not alone.

“For river systems, the term hundred-year flood is generally expressed as flow rate rather than defining how often it occurs,” Solana Beach Councilwoman Jewel Edson said at a July 10 meeting. “A hundred-year flood refers to the severity of the flood.”

Consumer Cellular

**TALK, TEXT
& DATA**
AS LOW AS
\$20/MONTH

✓ Award-Winning Support ✓ Nation

Member Benefits **AARP** AARP members get special benefits

“During the final week of the fair the traffic experienced by our surrounding neighborhoods was the vehicular equivalent of a hundred-year flood,” she added. “The traffic management afforded by the fairgrounds was ineffective at best, and had a life-threatening emergency been experienced by a resident or visitor in one of the affected neighborhoods I’m not confident that the first responders could have reached them.”

“Something broke this year that has not broken in years,” Del Mar Councilman Dave Druker said after a presentation by fairgrounds officials at the July 16 meeting. “It was just horrible.”

“I just want to make sure that it doesn’t continue to break into the future,” he added. “You need to figure this out if it breaks again.”

Katie Mueller, fairgrounds deputy general manager, said a combination of factors caused a spike in traffic during the final week of the fair, which ended July 4.

Attendance ranged from 35,555 on opening day to 82,418 on closing day, with a daily average of 60,047. There were peaks and valleys throughout the 26-day run, with 32 percent of total attendance during the last seven days.

“A lot of those peaks occur at the end of the fair, which is very, very typical,” Mueller

said. “There’s an urgency to attend an event because it’s a limited period of time and people start to realize (they’ve) got to get to the fair because it’s almost over.”



ADVERTISEMENT

Ad Place your ad here. Click triangle to begin. ◀ ?

KAABOO Del Mar sells out for first time in festival's history; 30 performances to be live-streamed



The KAABOO Del Mar festival, which has sold out for the first time in the event's history, will be live-streamed this weekend. (Photo by)



By **George Varga**

3/14/2019

KAABOO Del Mar sells out for first time in festival's history; 30 performances to be live-streamed - The San Diego Union-Tribune

SEPTEMBER 13, 2018, 9:20 AM

KAABOO Del Mar, which kicks off its fourth annual edition Friday at the Del Mar Racetrack and adjacent fairgrounds, has sold out for the first time in the four-year-old event's history.

All one-day, two-day and three-day passes — including the top-price Ultimate Hang passes, which cost \$15,000 each — were sold as of Thursday morning.

No passes will be for sale at the box office, but KAABOO has partnered with the makers of a new app, FlipTix, to enable a limited number of attendees who leave the festival early to sell the remaining time left on their passes for others to buy and use.

KAABOO, which runs Friday through Sunday, is being headlined this year by Imagine Dragons, Robert Plant, Katy Perry and Foo Fighters.

No previous edition of the Del Mar festival has sold out, whether in advance or during the festival weekend.

“Reaching a full sell-out will be a major milestone for us at KAABOO,” said Jason Felts, the festival’s Chief Brand and Marketing Officer, in a statement released Thursday.

Just how many passes constitute a sell-out — and how many people will attend the event this weekend — remains unclear.

“KAABOO does not release attendance numbers,” a festival spokeswoman told the Union-Tribune Thursday morning, in response to an email query. “The festival kindly requests that hard numbers are not reported.”

Those unable to attend KAABOO in person this weekend will be able to watch and listen to 30 performances at the festival — free of charge — including those by Perry, Plant, Imagine Dragons, Halsey and Post Malone.

They will be live-streamed through Stingray Qello, KAABOO’s exclusive streaming partner for the festival. The streams can be viewed on smart phones, tablets, game consoles, media players and smart TVs.

george.varga@sduniontribune.com

Twitter @georgevarga

Copyright © 2019, The San Diego Union-Tribune

This article is related to: Del Mar

PlanIntern

From: Karla Hayward <appyrider@roadrunner.com>
Sent: Friday, March 15, 2019 12:56 AM
To: Shaun McMahan
Subject: PEIR for NC District, Del Mar

Follow Up Flag: Follow up
Flag Status: Flagged

Mar 13, 2019

FROM: Karla Hayward

TO: Shaun McMahan
City of Del Mar Management Analyst

Dear Mr. McMahan,

I am writing to express my concerns over the traffic and parking nightmare that would result from the re-zoning of the NC District of Del Mar to 20 units per acre, the actual traffic in this area has not been assessed accurately, the entire town is also in a protected coastal area. Del Mar is a highly popular vacation destination throughout the entire year, gridlocked traffic would make our area one to avoid. On a normal day cars are bumper-to-bumper on Hwy 101 during the AM and PM rush hour traffic, the larger intersections are becoming ones to avoid using back roads, and I am more often choosing to shop in areas with less traffic, a huge development would be unbearable. Jimmy Durante Blvd is a main cross-over route from Hwy 101 to Hwy 5, the proposed building on that route would make it unusable.

In addition to the daily traffic, in 2018 attendance at the San Diego County Fair totaled 1,565,933 which is 52,197 people per day, for an entire month. The Del Mar Racetrack's 5-week Summer season was attended by 18,201 people per day. During special races or fair entertainment days I often plan on staying home, I failed to do so on Saturday, Jun 30, 2018 and sat in my car for 1 hour and 15 min to cover 0.4 mile approaching the Via De La Valle and Jimmy Durante intersection.

My main concern however, is emergency vehicle access to San Dieguito Drive. In the past Jimmy Durante Blvd was wide enough to allow an ambulance or fire engine to squeeze through fair and racetrack traffic. The current road and roundabout confines cars to a narrow lane with over a dozen sign & light posts preventing emergency vehicles from circumventing traffic, the extreme congestion of the proposed development would basically cut Crest Canyon off from all emergency services year-round. This situation is especially important to me as my 89-yr-old mother has required several hospital visits for strokes in the past three years. It also crosses my mind each year that the lack of police access to my road during fairground events makes me more vulnerable in terms of crime and I change my habits and routines.

Please take the time to have an accurate "local" traffic and emergency services assessment performed, and take into account that a huge development would render this area a completely undesirable place to live, vacation or visit for any reason.

Thank you,

Karla Hayward
1567 San Dieguito Drive

PlanIntern

From: Leigh Ryan <leighryan@gmail.com>
Sent: Friday, March 15, 2019 11:57 AM
To: Shaun McMahon
Subject: EIR North County Community Plan and Zoning for North Commercial and Business Zone
Attachments: LPR Letter to City of Del Mar.pdf

Dear Mr. McMahon,

Attached please find my letter opposing the proposed re-zoning of the North Del Mar commercial and business zone. I will appreciate your taking my very serious concerns into consideration as the City considers this proposal.

Yours very truly,
Leigh P. Ryan

*Leigh P. Ryan
2134 David Way
Del Mar, CA 92014*

March 15, 2019

City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

Attention: Shawn McMahon

Re: PEIR: Environmental Impact Report of the North County Community Plan and Zoning
for North Commercial and Business Zone

Dear Mr. McMahon:

As one of the Del Mar residents who will be most directly impacted by the proposed re-zoning of the NC commercial and business areas to high density (20 units per acre) housing, I have several very serious concerns regarding the proposal, which would cover approximately 15.2 acres.

First of all, this proposal is completely disproportionate to the neighborhood. It could result in over 304 home units, which would account for over 600 residents based on a conservative estimate of only two residents per home. In 2017, the official number of Del Mar residents was 4,363. This proposal would allow, based on a conservative estimate, 12% of the total Del Mar population in 1.3% of the total land in Del Mar. Currently, there are 3.8 residents per acre and this proposal would create 40 residents per acre, all in the north part of town.

Secondly, I have very serious safety concerns. The traffic congestion in the north end of Del Mar is already a major problem. We are already forced to live with severe congestion approximately 2-1/2 months a year, as well as certain additional weekends throughout the year, due to events at the Del Mar Fairgrounds. The congestion is so dense that, like most of us in that area of town, I am very concerned that if there were an urgent need for an emergency police response, fire truck or EMR vehicle, it would be impossible for the police, fire or EMR vehicle to arrive in time to provide the needed assistance. As evidence of the seriousness of this concern, please note that the fire department moves its trucks out of this area due to congestion at various times. The re-zoning proposal would add over 600 cars in 15.2 acres just from the residents, not counting service cars and trucks for this proposed development – a substantial increase to an already dangerous situation.

Our quality of life is already severely impacted by the existing congestion. During the Fair, the Del Mar races and other events at the Del Mar Fairgrounds, the traffic is often so dense that I have difficulty getting home or leaving home, and I am unable to invite family or friends to visit me. The dramatic increase in traffic that would result from this re-zoning proposal would make that situation even worse, and it would become a year-round problem, not just a seasonal one.

Finally, this proposal would abort the community plan in just one area. This zone change would put the burden of high-density development in only one part of town and therefore affect only one neighborhood. Our home values would plummet. This change would have a significant

negative impact on our neighborhood aesthetics and would severely increase environmental concerns due to the substantial increase in cars, service vehicles, exhaust and noise.

It is your civic responsibility to take into consideration the views of the residents who will be most directly impacted by this re-zoning proposal. Just so you have no doubt, like many of my neighbors, I am 100% opposed to the re-zoning proposal.

Yours very truly,

A handwritten signature in cursive script that reads "Leigh P. Ryan". The signature is written in black ink and is positioned below the typed name "Leigh P. Ryan".

PlanIntern

From: Beth Westburg <bethwestburg@yahoo.com>
Sent: Friday, March 15, 2019 3:04 PM
To: Shaun McMahan
Subject: Del Mar NC PEIR

Shaun,
I added something to my letter. It is highlighted.

Shaun,

We am writing this letter to you to let you know of our displeasure in the city of Del Mar's proposed zoning change in the North commercial zone. As a Del Mar city employee, you are well aware of the traffic issues that occur in the NC zone.

Plain and simple, if the zoning laws in what is now North Commercial are changed to 20 units per acre of multi-dwelling residential, our lives will be drastically changed forever. Not only very uncomfortable but also dangerous. As a resident, visitor, emergency service, or a parent trying to get home to their children...this change of zoning laws will change life in Del Mar forever. We do not want our lives to be filled with uncertainty, concerns about getting home, receiving emergency services, etc.

Traffic:

1. I don't understand how SANDAG's traffic projects represent the unique situation in Del Mar's NC zone. Please explain how SANDAG's projections represent our unique situation. This zone is unusual with a large event facility in this zone and my understanding is that SANDAG's projections represent average residential traffic. How many residential zones have a large event (Del Mar Fairgrounds) in their neighborhood? Do you believe that living next to a large event facility is the same as a purely residential neighborhood? If so, please elaborate. If not, please elaborate. Routes to our home are the same routes that the event attendees must use. There is no other route to our home except via Jimmy Durante.
2. We have spent many hours sitting in traffic on Jimmy Durante Blvd due to the large events held at the Fairgrounds. Unfortunately, we have been forced to travel during busy, high traffic, and bumper to bumper traffic to pick up my children at school and take them to afternoon activities. We have no choice. When it takes an hour to get from the I5 freeway to our house, that is ridiculous. Adding more density to this area will increase the traffic.
3. Can you explain why the Del Mar firefighters move their vehicles to the Winston school during high traffic times? How will they be able to get to my emergency when traffic is backed up for hours?
4. With the fire equipment so far away from Crest Canyon, what if there was a fire? How long would it take for the firefighters to arrive (now and projected)? Will the residents be

able to safely and quickly evacuate the area? What is the evacuation plan during heavy periods of traffic?

5. Why is the city slowing down traffic (roundabout) while at the same time creating more traffic?

6. Shaun, as a Del Mar city employee, you are well aware of the traffic issues that occur in the NC zone. Can you explain how this PEIR reflects accurate traffic figures? Have you sat in event traffic? Or does the city adjust their schedule during heavy traffic periods? Please elaborate on your traffic experiences, especially during periods of high traffic.

7. Lastly, the use of ride sharing services has recently increased the traffic. Instead of attendees driving to the sight and parking, we have the ride sharing services driving them to the event and then driving away. It doubles the amount of traffic on the already crowded streets. Is hte new ride sharing phenomenon reflected in SANDAG's traffic projections?

We would like the PEIR to accurately address the current traffic situation so we can have accurate information in which to make decisions. The traffic study in this PEIR should be based on the area's unique traffic issues and actual experiences, not the irrelevant SANDAG calculations that are not similar in any way.

Housing Values:

1. Our housing values are directly affected by the high density on Jimmy Durante. Already, we have seen appraisers drop the value of our houses due to Watermark.
2. Will crime increase in our canyon community?
3. What will increased usage of Crest Canyon do to our housing values?

Health, Safety and Welfare

1. We have always worried about the safety of our children. What would happen if our child was bit by a rattlesnake? How would we get out of the area in a timely manner? What if we have a heart attack? How long does it take for the rescue vehicles to get to my home from the Winston school during high traffic times?
2. Can you explain why the Del Mar firefighters move their vehicles to the Winston school during high traffic times? How will they be able to get to my medical emergency when traffic is backed up for hours? How long would it take for the firefighters to arrive at my home (now and projected)?
3. Currently, we have a large sinkhole in Crest Canyon? How will increased usage affect the landscape and stability of the canyon?
4. Event traffic and rush hour traffic cause a lot of anxiety and concern for the residents. Does the city care about the residents that live near the NC zone?

Other Questions:

1. How will sea-level rise affect this zone?
2. What are the consequences of increasing the housing stock by 15% on only 2% of Del Mar's land?

In lieu of the above and other issues, we call for the rejection of the entire PEIR. This PEIR is a sham and fails to disclose and explain the REAL impacts to our community. As a resident, it is my experience that the city does not care about the Crest Canyon community. This PEIR just validates the fact that the city does not care about the residents that live in Crest Canyon and near the NC zone.

We thought the purpose of a city is to protect its residents. This zone change does the exact opposite.

Thank you for taking the time to read and respond. We look forward to hearing your responses.

Beth and Reid Westburg

- -
 -
 -
 -
-

Beth Westburg
bethwestburg@yahoo.com
(619) 303-0080

On Friday, March 15, 2019, 2:50:43 PM PDT, Shaun McMahon <smcmahon@delmar.ca.us> wrote:

Thank you for your email. If you are submitting written comments as to the scope and content of the forthcoming Draft PEIR for the North Commercial (NC) and Professional Commercial (PC) Zoning Amendment, this email shall serve as a confirmation of its receipt.

The deadline for such submission is March 15, 2019 at 4:30 p.m. (PST).

Thanks,

Shaun D. McMahon

Management Analyst

City of Del Mar | Planning & Community Development

1050 Camino del Mar

Del Mar, CA 92014-2698

(858) 755-9313 ext. 1163

smcmahon@delmar.ca.us

PlanIntern

From: Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Friday, March 15, 2019 4:21 PM
To: Shaun McMahon; Arnold Wiesel; Tracy Martinez; Beth Westburg; Aaron Goldberg; Wade Walker; Hershell Price; Everett DeLano; Georgia / Dennis Shields; Barbara Myers; Josie McMahon; Terry TG. Gaasterland; tracymartinezrn@lapbypass.com; Annette Wiesel
Subject: Initial Study/Environmental Checklist....

RE: Initial Study/Environmental Checklist for the Professional Commercial and North Commercial Zoning Code Amendment (ZA18-002) Del Mar, California

From: Del Mar Hillside Community Association (neighborhoods of David Way, Heather Ln., Christie Ln., San Dieguito Rd., Oribia Rd, etc...)
Arnold Wiesel, President
2139 Heather Ln.
Del Mar, Ca 92014

TO: Mr. Shaun McMahon, City of Del Mar and all others concerned,

The following items on the check-off lists were either checked, not checked or checked incorrectly as to severity of potential impact(s):

4.4 Biological Resources

e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

Should be Potentially Significant Impact

Concern - Chapter 30.24 - North Commercial Zone (NC) / 30.24.010 Purpose

Based upon current law and community plan understanding, this policy need remain intact through any change or development process of this zone.

4.10 Hydrology and Water Quality

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Should be Potentially Significant Impact

The Watermark property on the Southeast corner of Jimmy Durante Blvd and San Dieguito Rd. has lagoon water as part of its biology rising above ground periodically. Hence, waste can be transferred into this water into lagoon and/or destroyed which would destroy a relevant aspect of that part of nature which need stay in tact.

4.11 Land Use and Planning

a. Physically divide an established community?

Should be Potentially Significant Impact

Impacts from the proposed zone change could cause a divide in that the neighborhood could be deprived and changed forever from the quality of quiet and dark nights. Residential living as it presently is would cease to be the life style assured to

date. Due to the foreseeable impacts, these residential neighborhoods and families will no longer live a calm night. Their lives and neighborhoods will be divided from those qualities enjoyed presently. The potential impacts will not only have the effects of dividing residential living from residential living it will severely impact residential living forever.

4.14 Population and Housing

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Should be Potentially Significant Impact

The growth that would come from changing the zoning in this area from commercial to 20 units per acre of multi-dwelling residential would transform this area unmercifully into a cluster of irreparable harm. Potentially, there would be an additional 15% increase in the entire population of Del Mar all squeezed into this small area of land which constitutes only 2% of all the land in Del Mar. The consequential additional traffic in addition to the summer fair season, horse racing events and special events already filled with infrastructure failure, traffic impeded to the point where it takes more than one hour to drive from downtown Del Mar to the roundabout in this area of concern when walking would only take 10 minutes. It becomes obvious, this is wrong and bad location to encumber that already becomes dysfunctionally encumbered by existing traffic every summer with gridlock.

4.17 Transportation

b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

d. Result in inadequate emergency access?

BOTH Should be Potentially Significant Impact

ALREADY there presently exists throughout every summer during the fair season and special events horribly long traffic delays and gridlock. Parents can not get home to their children, emergency services cannot respond within the prescribed 6 minutes to save lives, etc....Refer to explanations in 4.14 above for more relevant factors. The community at large, especially close to this zone are in peril. They are stressed as they are fully aware emergency services cannot respond in a timely manner. Our health, safety and welfare is in jeopardy now and will be far worse providing this PEIR does not represent the truth - SIGNIFICANT IMPACT!

4.20 Wildfire

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

BOTH Should be Potentially Significant Impact

The immediate neighborhoods of San Dieguito Rd, Heather Ln., Christie and David Way, are especially in danger of life and limb due to the inability for emergency services to respond due to traffic gridlock which not only exists now (summer time) but will be

much worse with the introduction on a massive amount of more people in this very small area which is centered by a single land roundabout designed to slow traffic.

ADDITIONALLY, 'LIGHT POLLUTION' HAS NOT BEEN INCLUDED WHICH SHOULD BE A CRITICAL CONCERN. PROPOSED LAND USE CHANGES ARE LOCATED CLOSE AND ADJACENT AND CONTIGUOUS TO EXISTING RESIDENTIAL HOMES AND NEIGHBORHOODS. THESE FAMILIES ENJOY QUIET PEACE AND DARK NIGHTS. THE PEIR IN RESPECT TO IMPACTS TO THE MANY WHO LIVE NEAR BY COULD BE NEGATIVELY IMPACTED FOREVER CHANGING. RESIDENTS SERENITY, LOW STRESS, RELAXATION, ETC., COULD BE DESTROYED FOREVER. POSSIBLE ALTERNATIVES CALL FOR STRICT ENFORCEMENT FOR DOWN LIGHTING, NO LIGHTING, ETC.... THIS FACT NEED BE CAREFULLY REVIEWED AS 'POTENTIALLY SIGNIFICANT IMPACTS'.

THE SAME NOTION AS JUST DESCRIBED ABOVE NEED BE CONSIDERED AS TO NOISE. PHYSIOLOGY IS SUCH THAT, RESIDENTS LIVING HIGHER THAN THE STREET LEVEL WILL BE SUBJECTED TO EVERY SOUND MUCH MORE AUDIBLY THAN PERSONS ON THE SIDE WALKS. THIS FACT NEED BE CAREFULLY REVIEWED AS 'POTENTIALLY SIGNIFICANT IMPACTS'.

Respectfully,
Arnold Wiesel