



City of Del Mar Staff Report

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner
Via Kristen Crane, Assistant City Manager
Prepared by Shaun McMahon, Management Analyst

DATE: December 2, 2019

SUBJECT: Update on the Draft Program Environmental Impact Report (PEIR) for Zoning Amendment ZA18-002 in the North Commercial (NC) and Professional Commercial (PC) Zones per Housing Element Programs 2-E and 2-F

REQUESTED ACTION/RECOMMENDATION:

Review the report, receive public testimony, and discuss as-needed.

Note: No action will be taken by the City Council on either the Program Environmental Impact Report or the Zoning Amendment during this City Council meeting. A formal Planning Commission recommendation hearing and City Council certification and adoption hearings for the PEIR and associated project will occur at a future date.

EXECUTIVE SUMMARY:

The Project proposes a Zoning Code Amendment (ZA18-002) and Local Coastal Program Amendment (LCPA19-001) to implement the City's certified Housing Element (Programs 2-E and 2-F – Attachment A) by allowing multiple-dwelling unit residential as an allowed use within the existing North Commercial (NC) and Professional Commercial (PC) zones. A General Plan Amendment (amending the Del Mar Community Plan – GPA19-002) will also be required to update the existing land use categories. The maximum density range would be set at 20 dwelling units per acre. The existing setbacks, floor area ratio, lot coverage, and height limits currently applicable to the NC and PC zones will still apply. In addition to analyzing the proposed amendments in the NC and PC zones, the PEIR also analyzes the potential for future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park) per Housing Element Program 2-H. However, no change to the existing PF zone or development standards is included in the program.

The City has issued a Draft PEIR and the document is being circulated for a 45-day review period which will close at 4:00 p.m. on Friday, January 3, 2020 (November 19, 2019 –

City Council Action:

January 3, 2020). The City is soliciting comments on the environmental analysis contained within the Draft PEIR. The Draft PEIR documents can be reviewed here:

Draft PEIR: <http://www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1299>
Appendices A-F: <http://www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1300>

In addition to the digital copies linked above, hard copies of the Draft PEIR documents are also available for review at City Hall and the Del Mar Library. To advise the public of the release of the PEIR, a mailed notice of availability was sent to all property owners within 300 feet of the program area, and all interested parties who have previously submitted letters to the City regarding this project. In addition to the mailed notice, a display ad was published in the Del Mar Times, a physical notice was published at City Hall, a story about the PEIR was published November 22 in the Del Mar Weekly, and the City's project webpage has been updated to reflect the latest updates. The project webpage can be viewed here: <https://www.delmar.ca.us/751/NCPC-Zoning-Amendment>

No formal action will be taken by the City Council at this hearing. The purpose of this item is to update the City Council and the public on the status of the NC and PC Zoning Amendments, explain the Draft PEIR review process, and outline next steps.

DISCUSSION/ANALYSIS:

The City has issued a Draft PEIR, and is soliciting comments pursuant to Section 15204 of the California Environmental Quality Act (CEQA) Guidelines. This section of the guidelines states that, in reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. The following identifies the program location, program description, and environmental issues further analyzed within the Draft PEIR.

Program Location:

The program area consists of 32 individual parcels located throughout the City within the Professional Commercial (PC), North Commercial (NC), and Public Facilities (PF) zones. The following parcels are included in the program area (map included as Attachment B):

	APN	Owner	Address
NC Zone			
1	299-071-02-00	NCTD	N/A
2	299-100-50-00	City of Del Mar	N/A
3	299-100-49-00	Marten, RT	2236 Jimmy Durante Blvd.
4	299-100-30-00	Matthews, Erin	2148 Jimmy Durante Blvd.
5	299-100-28-00	Read Family LLC	2126 Jimmy Durante Blvd.
6	299-100-29-00	Stonebreaker Trust	2132 Jimmy Durante Blvd.

7	299-100-27-00	Knorr, Donna Trust	2120 Jimmy Durante Blvd.
8	299-071-06-00	Bungalows LLC	2010 Jimmy Durante Blvd.
9	299-071-07-00	Westech Realty	2002 Jimmy Durante Blvd.
10	299-100-48-00	Watermark LP	N/A
11	299-100-47-00	Watermark LP	N/A
12	299-100-32-00	City of Del Mar	N/A
13	299-100-33-00	NCTD	N/A
14	299-100-34-00	2201 Del Mar LLC	2201 San Dieguito Drive
15	299-100-35-00	Scarab Group	2195 San Dieguito Drive
16	299-100-36-00	S.C. Edison	N/A
PC Zone			
1	300-200-24-00	Newberry, Douglas	832 Camino del Mar
2	300-222-31-00	D.M. Building Group LLC	853 Camino del Mar
3	300-222-32-00	Ocean 8 View LLC	322 8th Street
4	300-222-33-00	Wuotan LLC	807 Camino del Mar
PF Zone			
1	300-093-15-00	City of Del Mar	N/A
2	300-093-16-00	City of Del Mar	N/A
3	300-093-17-00	City of Del Mar	N/A
4	300-093-18-00	City of Del Mar	1050 Camino del Mar
5	300-020-06-00	City of Del Mar	1309 Camino del Mar
6	300-020-07-00	City of Del Mar	316 13th Street
7	299-310-02-00	City of Del Mar	122 15th Street
8	301-025-42-00	City of Del Mar	N/A
9	299-260-45-00	City of Del Mar	N/A
10	300-243-10-00	City of Del Mar	N/A
11	300-272-07-00	City of Del Mar	N/A
12	299-030-12-00	City of Del Mar	N/A

Description of Program:

The proposed program includes a General Plan Amendment, Zoning Code Amendment, and Local Coastal Program Amendment to implement the City's certified Housing Element (Programs 2-E and 2-F) by adding multiple-dwelling unit residential in the existing NC and PC zones as an allowed use (up to a maximum density of 20 dwelling units/acre (du/ac)). The addition of multiple-dwelling unit residential to the existing mix of allowed uses within the NC and PC zones would allow for properties to develop, or redevelop, with a mix of commercial and residential uses; or solely as multiple-dwelling unit residential, commercial development, or light-industrial development where allowed per the zoning code. The program does not include any physical development or

construction component. The program, if approved, would meet five key objectives identified below:

1. Implement Housing Element Programs 2-E and 2-F to provide the opportunity for future development of multiple-dwelling unit residential up to a maximum of 20 du/ac in the NC and PC zones. The City's Housing Element can be viewed here: <http://www.delmar.ca.us/DocumentCenter/View/257/Housing-Element---2013---2021?bidId=> ;
2. Ensure the community's land use designations for NC and PC can accommodate the potential for future construction of housing units;
3. Minimize potential land use compatibility conflicts associated with the proposed change to existing land use designations and zoning;
4. Increase the City's overall housing capacity and capability to accommodate housing as required per the certified Housing Element for the 2013-2012 housing cycle; and
5. Analyze potential environmental impacts per Housing Element Program 2-H to facilitate the opportunity for future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park) via future amendment to the Zoning Code and associated actions

It is noted that the Watermark properties which are in the NC Zone are currently being processed under a separate private development application that involves a specific plan zoning action. If the Watermark project zoning action is not approved, the Watermark sites would continue to be subject to the regulations of the NC Zone, and any amendments thereto, including the NC amendments described in this report if approved.

In addition to analyzing the proposed amendments, the PEIR also analyzes the potential for future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park) per Housing Element Program 2-H. However, no change to the existing PF zone boundary or development standards is included in the program.

Environmental Analysis:

The table below summarizes the results of the environmental analysis completed for the program. As shown, the proposed program could result in potentially significant impacts associated with the issues of aesthetics, cultural resources, biological resources, and noise. Mitigation measures would mitigate those potentially significant impacts to less than significant. The issue areas of land use, air quality, transportation/traffic, greenhouse gas emissions, noise, hazards, and geology and soils would result in less than significant impacts. The potential for cumulative impacts associated with each subject area was also

analyzed. As detailed throughout Chapter 4.0 (Environmental Analysis) of the Draft PEIR, cumulative impacts would be less than significant for all environmental issues.

STUDY AREA (Section of PEIR)	NC/PC PEIR – IMPACT DETERMINATION
Land Use (4.1)	<i>Less than Significant</i>
Aesthetics (4.2)	<i>Less than Significant with Mitigation</i>
Cultural Resources (4.3)	<i>Less than Significant with Mitigation</i>
Transportation / Traffic (4.4)	<i>Less than Significant</i>
Air Quality (4.5)	<i>Less than Significant</i>
Greenhouse Gas (4.6)	<i>Less than Significant</i>
Noise (4.7)	<i>Less than Significant with Mitigation</i>
Hazards and Hazardous Materials (4.8)	<i>Less than Significant</i>
Biological Resources (4.9)	<i>Less than Significant with Mitigation</i>
Geology and Soils (4.10)	<i>Less than Significant</i>
Energy (4.11)	<i>Less than Significant</i>

The following is a summary of all study areas determined to be potentially significant and the Transportation/Traffic area of the Draft PEIR. Although Transportation/Traffic impacts were determined to be less than significant, public comments received during the scoping process primarily focused on this study area. The comments received during the scoping process can be viewed here: <https://www.delmar.ca.us/DocumentCenter/View/5335/NOP-Comment-Letters---Complete-PDF>

Aesthetics (Section 4.2):

The Aesthetics section of the PEIR addresses the visual aspects of the program and compatibility with existing land use regulations and policies in terms of visual character. The analysis for this section was dependent on multiple resources including: site visits, photographs of surrounding views, review of recent City projects, and massing simulations¹ of a built out environment under the proposed zoning amendments (Draft PEIR Figures 4.2-1 to 4.2-6).

It was determined that the proposed program could have potentially significant impacts with regard to aesthetics due to changes in views associated with the redevelopment of the parcels within the program area. However, potential impacts would be addressed (mitigated) through the City’s existing development review process. Future development within the NC, PC, and PF zones would be subject to discretionary review by the Design Review Board, which requires projects to comply with existing scenic resource and development regulations identified within the DMMC, the City’s Design Guidelines, and the Community Plan. The inclusion of this mitigation measure would serve to reduce potentially significant impacts associated with scenic views to a level of *less than significant*.

¹ The visual simulations are not intended to represent actual development plans, which would include building articulations, architectural interest, window placement, and landscaping. The visual simulations simply show a massing model of allowable square footage based on existing development regulations.

Cultural Resources (Section 4.3):

This section of the PEIR addresses potential impacts associated with the program on cultural resources. It provides a detailed analysis of those issues identified in the Initial Study (see Appendix A) as potentially significant. For a brief discussion of those issues identified in the Initial Study in which the program would have a less than significant impact or no impact, refer to Chapter 6.0, Effects Found Not to be Significant.

It was determined that the proposed program could have potentially significant direct impacts to human remains and/or unknown archeological resources within the North Commercial (NC) zone. There are no known burial sites or cemeteries within the vicinity of the program area, therefore it is not expected that human remains would be disturbed as a result of implementation of the program. However, human remains could be uncovered during grading activities within the NC zone, particularly APN 299-071-02, due to its less disturbed state. To mitigate this potentially significant impact, a qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcel 299-071-02. Through this mitigation measure, the potentially significant impacts would be reduced to a level of *less than significant*.

Transportation / Traffic (Section 4.4):

Although the program was determined to have less than significant impacts in the area of Transportation and Traffic, the majority of the comments the City received through the scoping process voiced concerns over potential impacts in this study area. Therefore, the analysis of traffic was included in Chapter 4.4 to provide a detailed evaluation. As discussed in the traffic study, and summarized in the PEIR, build-out of the program parcels under the existing zoning would result in a total of 7,289 average daily trips (ADT). Buildout of the program parcels under the proposed zoning (assuming residential development/redevelopment) would result in a total of 2,760 average daily trips. This is due to the commercial/office/public facilities trip generation rate (40/30/20 trips per 1,000 square feet, respectively) being higher than the residential trip generation rate (8 trips per dwelling unit). Summer weekend ADT volumes during the San Diego County Fair, Labor Day Weekend, the Kaaboo Music Festival, and one additional Saturday (in-between the end of the Fair and the beginning of the horse racing season) were also included as a part of the traffic study (Table 4.4-2, Attachment 1 to Appendix C). The resulting conclusion of less than significant traffic impacts is applicable to all scenarios. Additionally, associated emergency response times will be the same as existing conditions or may improve under the proposed zoning amendments.

While the most extreme scenario envisions residential uses replacing existing commercial/retail, it is noted that any proportional reduction in commercial/retail, to accommodate residential uses, within the program area would also result in less traffic than the buildout under the existing zoning. Due to this, impacts are considered *less than significant* and no traffic related mitigation would be required.

Noise (Section 4.7):

The Noise section of the PEIR evaluates potential noise impacts associated with the proposed program and provides a detailed analysis of the associated issues. A detailed explanation of the fundamentals of noise, including measurement of sound, human perception and designation of noise levels and noise equivalency levels, are included in Section 1.2 of the Noise Analysis (see PEIR Appendix F). As discussed in PEIR Appendix F and summarized in the analysis in Section 4.7 of the PEIR, it was found that impacts related to exterior noise at 2002 Jimmy Durante Blvd. (APN 299-071-07), 2010 Jimmy Durante Blvd. (APN 299-071-06) in the NC Zone, and at APN 299-030-12 in the PF zone could be potentially significant because exterior noise levels associated with traffic and/or railroad could be incompatible with noise standards within these parcels. To mitigate these impacts, prior to the issuance of building permits for residential development at any of the parcels listed above, a noise analysis shall be submitted demonstrating the exterior noise levels at any exterior use areas do not exceed 65 CNEL (community noise exposure level). Through this mitigation measure, the potentially significant impacts would be reduced to a level of *less than significant*.

Biological Resources (Section 4.9):

This portion of the PEIR addresses any potential impacts on biological resources within the program area. The NC zone (16 parcels) supports three vegetation communities: alkali marsh, Coast Goldenbush Scrub, and open water. The parcels within the PC and PF zones are developed parcels and contain no biological resources or habitat. Developed parcels lack native vegetation except where used in landscaping, and may have various ornamental plantings along the borders of the parcels. No sensitive plant species were observed or are expected to occur in the program area within the PC and PF zones. Based on the site visit, sensitive vegetation communities were identified within the two parcels owned by the North County Transit District (NCTD) in the NC zone: 299-071-02 (alkali marsh) and 299-100-33 (open water, Coast Goldenbush Scrub); and the Southern California Edison owned parcel 299-100-36 (Coast Goldenbush Scrub). Alkali marsh and open water are considered a type of wetland, which is considered a sensitive resource by the City and resource agencies where existing policies and regulations apply to protect the wetlands.

Due to the undeveloped nature of the program area parcels and their proximity to the San Dieguito Lagoon, the NC zone may support additional sensitive habitats that were unable to be identified at the program level of review. Although the program does not include any physical development or construction component, future development within these parcels could result in the direct disturbance of sensitive plant and wildlife species. Future development, consistent with the zoning amendment, would be required to comply with all federal, state and local regulatory standards relating to preservation and mitigation of biological resources. Indirect impacts to sensitive species residing in vegetation adjacent to development areas throughout the NC zone could also occur due to construction noise associated with potential development. However, because specific development projects are not known at this time, impacts at this program level of analysis would be potentially

significant. To mitigate these potentially significant impacts, future development applications for projects within parcels 299-071-02 and 299-100-33, shall be required to submit site-specific biological surveys to delineate the precise location of sensitive habitat and assess project-specific impacts. Additionally, future development applications for projects throughout the NC zone would restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties. The inclusion of these mitigation measures, as conditions of future project approvals, would serve to reduce potentially significant impacts to a level of *less than significant*.

PRIOR CITY COUNCIL REVIEW:

On May 20, 2013, the City Council adopted the 2013-2021 Fifth Cycle Housing Element as part of the Del Mar Community Plan. On June 4, 2018, the City Council accepted the “22 in 5” Affordable Housing Plan and directed staff to pursue the high priority actions. On July 2, 2018, the City Council adopted the work program for the North Commercial and Professional Commercial Zone Code Amendment and allocated \$150,000 for CEQA compliance. At the July 1, 2019 City Council meeting, the City Council provided direction on the processing of ZA18-002 and the associated environmental review.

NEXT STEPS:

The following table outlines next steps related to Program 2-E and 2-F of the City’s Housing Element:

ACTION	PROJECTED TIME-FRAME
Public Review of Draft PEIR	Nov. 19, 2019 – Jan. 3, 2020
Planning Commission Discussion on Draft PEIR	December 3, 2019
Planning Commission Recommendation Hearing	Early 2020*
City Council Certification and Adoption	Spring 2020*
Submit LCPA to Coastal Commission	Spring 2020*
Report Status of Programs 2-E/F to HCD	April 2020

* Projected time-frames are estimates and will vary based on the amount of comments received during the public review period that must be incorporated into the Final PEIR. The public will be notified through a variety of methods once the dates of future hearings are set.

FISCAL IMPACT:

There is no direct fiscal impact associated with this item. The Adopted Fiscal Years 2017-2018 and 2018-2019 Operating and Capital Budget includes \$150,000 for the environmental review (CEQA) associated with the proposed Zoning Amendments.

ENVIRONMENTAL IMPACT:

The City has issued a Draft PEIR and the document is being circulated for a 45-day review which ends at 4:00 p.m. on Friday, January 3, 2020. At the discretion of the City Council, the public review period may be extended to January 21, 2020 to allow additional time for comment. Comments must be provided in writing to be to become part of the Draft PEIR

record of comments. Any written comments on the Draft PEIR can be sent via mail to the Planning Department or sent via email to the address below:

Via Mail
City of Del Mar
Attn: Shaun McMahon
1050 Camino del Mar
Del Mar, CA 92014

Via E-mail
Shaun McMahon
smcmahon@delmar.ca.us

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Implementation of the Housing Element and high priority “22 in 5” actions are City Council Priorities for the 2019-2020 fiscal year. This proposed Zoning Amendment is included in the City of Del Mar’s State-certified Housing Element as Program 2-E and 2-F.

ATTACHMENTS:

Attachment A – Housing Element Excerpt (Program 2-E and 2-F)
Attachment B – Program Area Map

Attachment A

City of Del Mar Certified Housing Element

- 2-E. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the North Commercial (NC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component.

- 2-F. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the Professional Commercial (PC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component.

Excerpt from Page 88

The entire Housing Element can be viewed here:

<http://www.delmar.ca.us/DocumentCenter/View/257/Housing-Element---2013---2021?bidId=>

ATTACHMENT B – PROGRAM LOCATION

Image Source: Nearmap (flown February 2019)



-  North Commercial (NC) Zone
-  Professional Commercial (PC) Zone
-  Public Facilities (PF) Zone

