



City of Del Mar Staff Report

PLANNING COMMISSION
STAFF REPORT
December 3, 2019

APPLICATION: ZA18-002, LCPA19-001, GPA19-002

REQUEST: Review the Draft Program Environmental Impact Report (PEIR) for the proposed Zoning Amendments to the North Commercial (NC) and Professional Commercial (PC) zones.

NOTE: No action will be taken by the Planning Commission on either the environmental document (PEIR) or the Zoning Code Amendment during the hearing. In accordance with the City of Del Mar CEQA Supplemental Regulations, the purpose of the item is to receive comments regarding the Draft Program Environmental Impact Report. A formal Planning Commission recommendation hearing for the project will occur at a future date.

APPLICANT: City of Del Mar (Per Housing Element Programs 2-E and 2-F)

STAFF CONTACTS: Amanda Lee, Principal Planner
Shaun McMahon, Management Analyst

LOCATION AND ASSESSOR PARCEL NUMBERS: The program area consists of 32 individual parcels located throughout the city within the Professional Commercial (PC), North Commercial (NC), and Public Facility (PF) zones. The following APNs are included in the analysis: 299-071-02, -06, -07; 299-100-27, -28, -29, -30, -32, -33, -34, -35, -36, -47, -48, -49, -50; 300-200-24; 300-223-31, -32, -33; 300-093-15, -16, -17, -18; 300-020-06, -07; 299-260-45; 300-243-10; 300-272-07; 300-243-10; and 299-030-12

ZONES: North Commercial (NC), Professional Commercial (PC), Public Facilities (PF)

OVERLAY ZONES: Coastal Zone, Lagoon, Floodplain, Historic Preservation, Bluff Slope and Canyon, Wildland Urban Interface

ENVIRONMENTAL STATUS: A Draft Program Environmental Impact Report (PEIR – SCH No. 2019029058) has been prepared for the proposed North Commercial and Professional Commercial Zoning Amendment (ZA18-002, GPA19-002, LCPA19-001) and is being circulated for a 45-day public review period which will close at 4:00 p.m. on Friday, January 3, 2020. The City is soliciting comments on the environmental analysis contained within the Draft PEIR pursuant to Section 15204 of the California Environmental Quality Act (CEQA) Guidelines. The Draft PEIR is available for review digitally at the following link: <http://www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1299> and is also available in hard copy at both City Hall and the Del Mar Library. The associated appendices can be viewed here: <http://www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1300>.

BACKGROUND:

The City’s certified Housing Element (5th Cycle, 2013-2021) includes goals and implementation strategies, referred to as Housing Programs, to promote and accommodate housing for all segments of the community, including lower-income households. The current certified Housing Element (Programs 2-E and 2-F – Exhibit A) requires the City to amend the NC and PC zones to allow residential use up to a density of 20 dwelling units per acre (du/ac) for projects with an affordable housing component. This density is identified in the certified Housing Element as a density feasible to support affordable housing, per the State of California. The entire certified Housing Element (PDF) is available for review here: <http://www.delmar.ca.us/DocumentCenter/View/257>.

The Project proposes a Zoning Code Amendment (ZA18-002) and Local Coastal Program Amendment (LCPA19-001) to implement the City’s certified Housing Element as mentioned above 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 commercial land use categories to allow residential and commercial as land uses. The existing setbacks, floor area ratio, lot coverage, and height limits that currently apply to the NC and PC zones will still apply.

PROGRAM:

The City has released 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 Exhibit 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 proposed 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 would 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 a level of 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*.

MITIGATION FRAMEWORK	
MM-Aes-1 (Page 4.2-12)	Future development within the NC, PC, and PF zones would undergo 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.

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

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.

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*.

MITIGATION FRAMEWORK	
MM-Cul-1 (Page 4.3-13)	A qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcel 299-071-02. The monitors would have the authority to stop and/or divert grading, trenching, or excavating if an archaeological resource is encountered. The qualified archaeologist, and Native American monitor if the discovery is prehistoric, shall evaluate the significance of the discovery. If it is significant, a data recovery program would be implemented in order to mitigate impacts to the resource.

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 are expected be the same as existing buildout conditions or to improve with fewer average daily trips under the proposed 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*.

MITIGATION FRAMEWORK	
MM-Nos-1 (Page 4.7-18)	Prior to the issuance of building permits for residential development proposed in the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07), 2010 Jimmy Durante Boulevard (APN 299-071-06), and in the PF zone at 2809 28th Street (APN 299-030-12) a noise analysis shall be submitted demonstrating the exterior noise levels at any exterior use areas do not exceed 65 CNEL.

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*.

MITIGATION FRAMEWORK	
MM-Bio-1 (Page 4.9-11)	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. The biological survey shall include identification of temporary and permanent impacts to sensitive habitat and include mitigation measures in accordance with federal, state, and City requirements.
MM-Bio-2 (Page 4.9-11,12)	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. If vegetation clearing must begin during the breeding season, the framework provides for specific measures that must be followed.

CORRESPONDENCE:

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. All comments must be received prior to the end of the review period. Comments must also 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

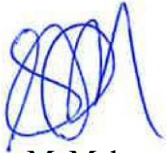
Via E-mail
 Shaun McMahon
smcmahon@delmar.ca.us

RECOMMENDATION:

This is an informational item. No formal action is requested of the Planning Commission. Staff requests that the Planning Commission receive public comments regarding the Draft PEIR. In accordance with the City's CEQA Supplemental Regulations, this informal review of the draft environmental document is occurring during the document's 45-day circulation and public comment period to help determine whether substantive revisions to the draft document are warranted in advance of preparation of the Final PEIR. Upon close of the circulation period, responses will be prepared to any written comments received, and the document will be revised accordingly.

The proposed program actions (ZA18-002, LCPA19-001, GPA19-002) and associated environmental document will be formally presented to the Planning Commission in a future noticed public hearing at which time the Planning Commission will be asked to provide a recommendation to the Del Mar City Council.

Respectfully submitted,



Shaun McMahon
Management Analyst

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

EXHIBIT 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.

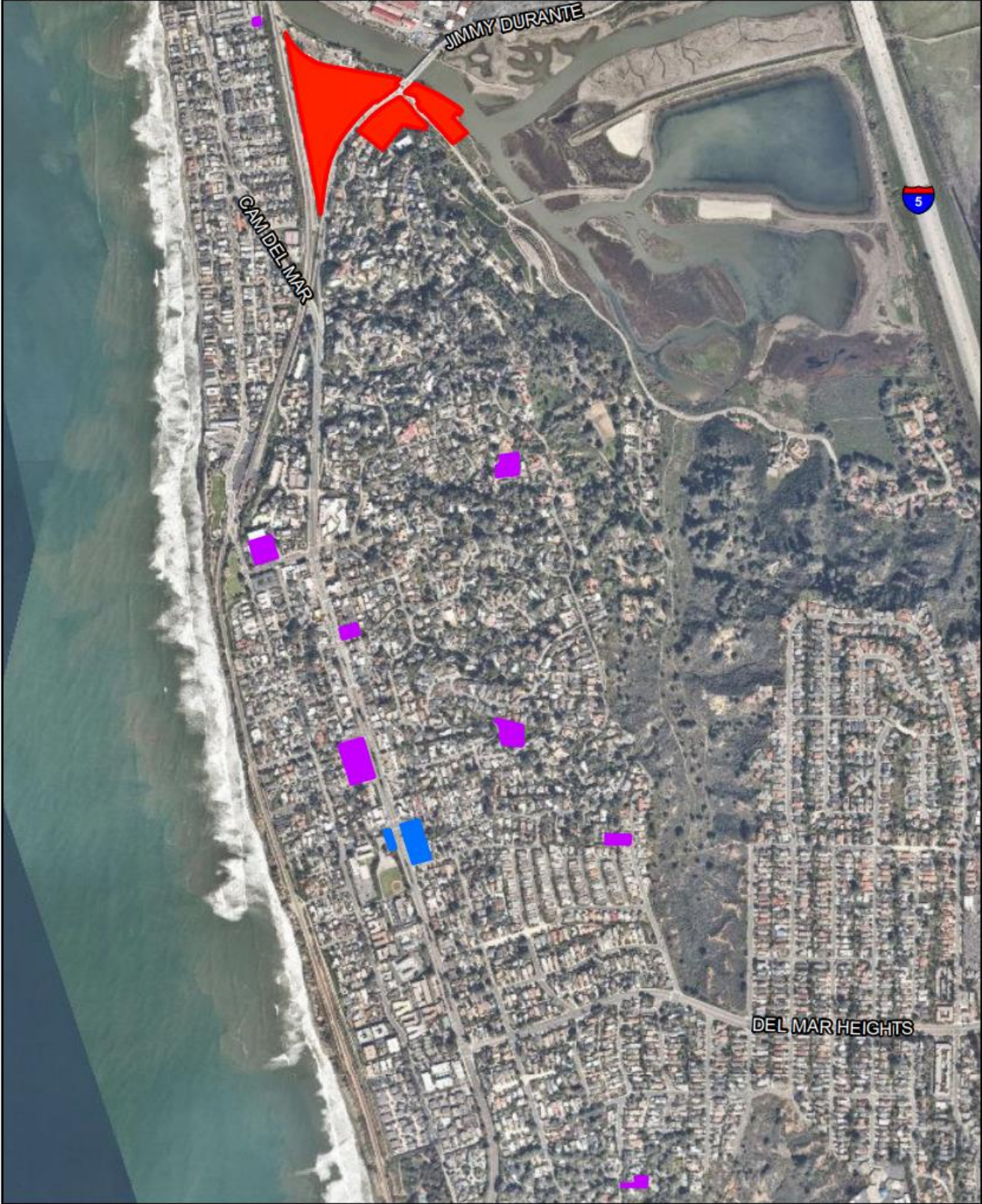
Excerpt from Page 88

The entire Housing Element can be viewed here:

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

EXHIBIT B – PROGRAM LOCATION

Image Source: Nearmap (flown February 2019)



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

