Draft Program Environmental Impact Report for the Professional Commercial and North Commercial Zoning Code Amendment (ZA18-002) Del Mar, California SCH #2019029058

Prepared for
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List of Abbreviated Terms

°F	degrees Fahrenheit
2050 RTP/SCS	2050 Regional Transportation Plan/Sustainable Communities Strategy
AB	Assembly Bill
ADT	average daily trips
ADW	asphaltic demolition waste
APN	assessor parcel number
BAU	business as usual
BMP	best management practice
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
CAP	climate action plan
CAPCOA	California Air Pollution Control Officer's Association
CARB	California Air Resources Board
CBC	California Building Code
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEC	California Energy Commission
CED	California Energy Demand
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
City	City of Del Mar
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CO	carbon monoxide
CPUC	California Public Utilities Commission
CRHR	California Register of Historic Resources
CUP	Conditional Use Permit
CWA	Clean Water Act
dB(A)	A-weighted decibel
DEH	Department of Environmental Health
DMMC	Del Mar Municipal Code
DPM	diesel particulate matter
DRB	Design Review Board
DTSC	Department of Toxic Substance Control
du/ac	Dwelling unit per acre

EO	Executive Order
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GHG	greenhouse gas
HAZMIT	Hazard Mitigation Plan
HCD	State Department of Housing and Community Development
HCM	Highway Capacity Manual
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
in/sec	inch per second
LCPA	Local Coastal Program Amendment
L_{eq}	hourly equivalent sound level
LCP	Local Coastal Program
LLG	Linscott, Law & Greenspan, Engineers
L_{max}	maximum sound level
LOS	level of service
LTPP	Long-Term Procurement Plan
LUP	Land Use Plan
LUST	Leaking Underground Storage Tank
MM	mitigation measure
mph	miles per hour
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MSCP	San Diego Multiple Species Conservation Program
MW	megawatt
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NC	North Commercial
NCTD	North County Transit District
NO_2	nitrogen dioxide
NOP	Notice of Preparation
NOx	oxides of nitrogen
NRHP	National Register of Historic Places
O_3	Ozone
OSHA	Occupational Safety and Health Administration
PC	Professional Commercial
PEIR	program environmental impact report
PF	Public Facilities
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulates 2.5 microns or less in diameter
ppm	parts per million
PPV	peak particle velocity
program	Professional Commercial and North Commercial Zoning Code Amendment
PV	photovoltaic
RAQS	Regional Air Quality Strategy
RCP	reinforced concrete pipe
RES	Regional Energy Strategy
RHNA	Regional Housing Needs Assessment

ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCH	State Clearinghouse
SCIC	South Coastal Information Center
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego County Air Pollution Control District
SDG&E	San Diego Gas & Electric
SIP	State Implementation Plan
SO_2	sulfur dioxide
SOx	oxides of sulfur
TCM	Transportation Control Measure
TCM	Transportation Control Measure
TIA	Transportation Impact Analysis
U.S. EPA	United States Environmental Protection Agency
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VHFHZ	Very High Fire Hazard Severity Zones
WUI	Wildland Urban Interface

Executive Summary

S.1 Synopsis

This summary provides a brief synopsis of: (1) the Professional Commercial and North Commercial Zoning Code Amendment (program; proposed program)[1]; (2) the results of the environmental analysis contained within this Program Environmental Impact Report (PEIR), (3) the alternatives that were considered, and (4) the major issues to be resolved by decision-makers. This summary does not contain the extensive background and analysis found in the document. Therefore, the reader should review the entire document to fully understand the program and its environmental consequences.

The proposed program consists of a Community Plan Amendment (GPA 19-002), Zoning Code Amendment (ZA18-002), and a Local Coastal Program Amendment (LCPA 19-001) to amend the provisions of the North Commercial (NC) and Professional Commercial (PC) zones to allow residential development at a density of 20 dwelling units per acre (du/ac) for future projects that include an affordable housing component, or otherwise comply with City current housing mitigation requirements, pursuant to the adopted Housing Element (City of Del Mar 2013). The program does not include any specific development or redevelopment projects as part of the zone code amendment.

Additionally, the PEIR analyzes 12 parcels designated as Public Facilities (PF) zone (excluding Shores Park) for a potential future zoning code amendment to allow for similar affordable housing residential development within these parcels. Since the PF zone is not intended to be modified at this time, the Community Plan Amendment, Zoning Code Amendment, and Local Coastal Program Amendment does not include this zone.

S.1.1 Location and Setting

The program area consists of 32 individual parcels located throughout the City of Del Mar (City) within the PC, NC, and PF zones. The NC zone comprises 16 legal lots of varying size measuring a combined 680,000 square feet (15.6 acres), with street frontage and property access from Jimmy Durante Boulevard or San Dieguito Drive. The associated parcel numbers within the NC zone are: 299-071-02, -06, and -07; 299-100-27, -28, -29, -30, -32, -33, -34, -35, -36, -47, -48, -49, and -50. The PC zone comprises four legal lots of varying size measuring a combined 55,000 square feet (1.25 acres), with street frontage and property access from either Camino Del Mar, 8th Street or 9th Street in the downtown corridor. The associated parcel numbers within the PC zone are 300-200-24; 300-222-31, -32, and -33.

[1]The analysis of the proposed program also includes the Public Facilities (PF) zone; however, amendments to the Zoning Ordinance affecting the PF zone are not part of proposed program. The analysis includes the PF zone in the event future amendments are considered.

In addition, this document includes an environmental analysis of the potential addition of affordable housing within 12 parcels in the PF zone. Four of the parcels (300-093-15, -16, -17, and -18) comprise lands developed with and utilized for the City Civic Center. Two of the parcels (300-020-06 and -07) comprise lands developed with and utilized for the Del Mar Library. A single parcel (299-310-02) is developed with and utilized by the United States Postal Service post office. The remaining five parcels (299-260-45; 300-243-10; 300-272-07; 300-243-10; and 299-030-12) comprise other City-owned properties.

The Shores Park parcels, although also zoned PF, were not included in the analysis based upon direction of the City Council.

S.1.2 Project Overview

A detailed description of the proposed program is contained in Chapter 3.0, Project Description. An overview is provided below.

The proposed program includes a General Plan Amendment, Zoning Code Amendment, and Local Coastal Program Amendment to implement the City's certified Housing Element by adding multiple-dwelling unit residential in the existing NC and PC zones as an allowed use (up to a maximum density of 20 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 existing zoning setbacks, floor area ratio, lot coverage, and height limits that currently apply within the respective zones would still apply. The program does not include any physical development or construction component. The program, if approved, would result in the implementation of required Housing Element Programs 2-E and 2-F and would meet the objectives identified in Section 3.2. Future development of qualifying projects would be subject to discretionary permit review and approval consistent with the Del Mar Municipal Code (DMMC), which means that any residential or mixed-use development project pursued as a result of the amendments would be required to meet affordable housing requirements consistent with DMMC Chapter 24.21 (Dedication: Affordable Housing Mitigation).

It is noted that the Watermark properties which are located within the NC zone are currently being processed privately under a separate development application. If this application is not approved, the Watermark sites would be subject to the zoning changes identified herein. For details of the Watermark project, see the City's website at https://www.delmar.ca.us.

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 development or development potential is included as part of the proposed program.

S.1.3 Project Objectives

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15124(b), objectives have been developed to frame and support the purpose of the program, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this PEIR, and ultimately aid decision-makers in consideration of the potential environmental effects and the preparation of the Findings and Overriding Considerations, if necessary. The following are the primary objectives of the proposed program:

- 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.

- Ensure the community's land use designations for NC and PC can accommodate the potential for future construction of housing units.

- Minimize potential land use compatibility conflicts associated with the proposed change to existing land use designations and zoning.

- Increase the City's overall housing capacity and capability to accommodate housing as required per the certified Housing Element for the 2013-2021 housing cycle.

- 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.

- The City of Del Mar certified Housing Element can be viewed at: http://www.delmar.ca.us/DocumentCenter/View/257/Housing-Element---2013---2021?bidId=.

S.1.4 Discretionary Actions

In order to meet state housing requirements and implement the actions required to meet the aforementioned Housing Element programs and objectives, the City is proposing to allow residential density at a maximum of 20 du/acre in the NC and PC zones. To accomplish this, the proposed program requires the following discretionary actions on the part of the City Council:

1. General Plan Amendment (Community Plan Amendment)
2. Zoning Code Amendment
3. Local Coastal Program Amendment

All of these actions are covered by this PEIR.

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Table S-1, located at the end of this section, summarizes the results of the environmental analysis completed for the program. As summarized in Table S-1 and discussed in Chapter 4.0 (Environmental Analysis), 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 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), cumulative impacts would be less than significant for all environmental issues.

S.3 Issues Raised by the Public

As identified in the Notice of Preparation and scoping process, public comments focus primarily on whether the proposed program would result in increased traffic.

S.4 Issues to be Resolved by the Decision-Making Body

The City Council will need to determine whether the potential impacts of the proposed program have been adequately disclosed and whether mitigation measures would be feasible for reducing or avoiding impacts. Further, the City Council will also need to make a determination of whether the alternatives proposed would be preferable as a means of lessening or avoiding impacts identified for the program while meeting the identified objectives.

S.5 Project Alternatives

CEQA Guidelines mandate that the EIR analyze a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant effects. These alternatives allow informed decision making and public participation. The alternatives fully evaluated in Chapter 7 include the No Project (No Development/Existing Condition) Alternative, Lower Density Alternative; and Half Commercial-Half Residential Alternative.

S.5.1 No Program (No Development/Existing Condition) Alternative

The No Project (No Development/Existing Condition) Alternative is required by CEQA to be included in the PEIR to illustrate the existing on-site uses compared to the environmental

effects of the proposed program. The No Project Alternative would involve the continued commercial zoning with no provision for residential uses as a primary use. As a result of the No Project Alternative, no new residential units would be constructed within the program sites.

Implementation of the No Project (Existing Zoning) Alternative would result in the same potentially significant impacts compared to the program (see Table 7-1), with the exception of traffic generation which would be greater. The No Project (Existing Zoning) Alternative would not meet most of the program objectives. This alternative would not result in any of the following: implement Housing Element Programs 2-E and 2-F; ensure the accommodation of future housing units; increase City's overall housing capacity; or potentially implement Housing Element Program 2-H.

S.5.2 Lower Residential Density Alternative

The Lower Density Program Alternative is included to compare lower allowable residential density within the program sites compared to the proposed program density of 20 du/acre. Specifically, this alternative would allow 261 fewer residential dwelling units compared to the proposed program.

Implementation of the Lower Density Alternative would result in the same potentially significant impacts compared to the proposed program (see Table 8-1), with the exception of traffic generation which would be greater. The Lower Density Alternative would meet some of the program objectives relating to the accommodation of future housing and increase general housing capacity throughout the City. This alternative would not result in the implementation of Housing Element Programs 2-E and 2-F, which provides for future residential capacity up to 20 du/ac in the NC and PC Zones; nor would it assist in the future implementation of Housing Element Program 2-H, which provides for the future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park).

S.5.3 Half Commercial Development Alternative

The Half Commercial Development Alternative is included to address the scenario where development within the program sites would be allowed to develop at a ratio of 50 percent residential/50 percent commercial. Buildout under the Half Commercial Development Alternative would result in less residential dwelling units compared to the proposed program.

Implementation of the Half Commercial- Half Residential Alternative would result in the same potentially significant impacts compared to the proposed program (see Table 8-1), with the exception of traffic generation which would be greater. The Half Commercial-Half Residential Alternative would meet some of the program objectives relating to the accommodation of future housing and increase general housing capacity throughout the City. This alternative would not result in the implementation of Housing Element Programs 2-E and 2-F, which provide for future residential capacity up to 20 du/ac in the NC and PC Zones, nor would it assist in the future implementation of Housing Element Program 2-H, which provides for the future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park).

Table S-1 Summary of Significant Environmental Analysis Results			
Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level after Mitigation
LAND USE			
Threshold LU-1: Consistency with Applicable Plans, Policies, and Regulations	Less than significant impact	No mitigation is required.	Less than significant
AESTHETICS			
Threshold Aes-1: Scenic Vistas	**Impacts Aes-1 through Aes-5**: Direct impacts associated with changes in view as depicted in the simulated Key Views would be potentially significant.	**MM-Aes-1**: Future development within the NC, PC, and PF zones would undergo review by the Design Review Board, which requires future projects to comply with existing scenic resource and development regulations identified within the DMMC, the City's Design Guidelines, and the Community Plan.	Less than significant
Threshold Aes-2: Scenic Resources	Less than significant impact	No mitigation is required.	Less than significant
Threshold Aes-3: Visual Character and Conflicts with Scenic Quality Regulations	**Impact Aes-6**: Direct impacts resulting from changes in visual character and non-conformance with scenic quality regulations would be potentially significant.	Future projects within the NC, PC, and PF zones would be required to implement mitigation measure **MM-Aes-1**.	Less than significant
Threshold Aes-4: Light and Glare	**Impact Aes-6:** Direct impacts resulting from light and glare from new development would be potentially significant.	Future projects within the NC, PC, and PF zones would be required to implement mitigation measure **MM-Aes-1**	Less than significant
CULTURAL RESOURCES			
Threshold Cul-1: Historical Resources	Less than significant impact	No mitigation is required.	Less than significant
Threshold Cul-2: Archaeological Resources	**Impact Cul-1:** Direct impacts to unknown archaeological resources within parcel 299-071-02 would be potentially significant.	**MM-Cul-1**: A qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcels 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.	Less than significant
Threshold Cul-3: Human Remains	**Impact Cul-2**: Direct impacts to human remains within parcel 299-071-02 would be potentially significant.	Future projects within parcel 299-071-02 would be required to implement mitigation measure **MM-Cul-1**.	Less than significant
TRAFFIC			
Threshold Traf-1: Circulation System	Less than significant impact	No mitigation is required.	Less than significant

Table S-1 Summary of Significant Environmental Analysis Results			
Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level after Mitigation
AIR QUALITY			
Threshold Air-1: Air Quality Plan Consistency	Less than significant impact	No mitigation is required.	Less than significant
Threshold Air-2: Increase of Criteria Pollutant	Less than significant impact	No mitigation is required.	Less than significant
Threshold Air-3: Sensitive Receptors	Less than significant impact	No mitigation is required.	Less than significant
Threshold Air-4: Other Emissions	Less than significant impact	No mitigation is required.	Less than significant
GREENHOUSE GAS EMISSIONS			
Threshold GHG-1: GHG Emissions	Less than significant impact	No mitigation is required.	Less than significant
Threshold GHG-2: GHG Plans, Policies, and Regulations Consistency	Less than significant impact	No mitigation is required.	Less than significant
NOISE			
Threshold Nos-1: Exceedance of Noise Standard	**Impact Nos-1**: Noise impacts associated with exterior noise standard compatibility within the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07) and 2010 Jimmy Durante Boulevard (APN 299-071-06) would be potentially significant	**MM-Nos-1**: Prior to the issuance of building permits for residential development proposed in the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07) and 2010 Jimmy Durante Boulevard (APN 299-071-06), a noise analysis shall be submitted demonstrating the exterior noise levels at any exterior use areas do not exceed 65 CNEL.	Less than significant
	Impact Nos-2: Noise impacts associated with exterior noise standard compatibility within the PF zone at 2809 28th Street (APN 299-030-12) would be potentially significant.	Future projects within parcel 299-030-12 would be required to implement mitigation measure MM-Nos-1.	Less than significant
Threshold Nos-2: Vibration	Less than significant impact	No mitigation is required.	Less than significant
Threshold Nos-3: Ambient Noise Levels	Less than significant impact	No mitigation is required.	Less than significant
HAZARDS AND HAZARDOUS MATERIALS			
Threshold Haz-1: Upset and Accident Conditions	Less than significant impact	No mitigation is required.	Less than significant
Threshold Haz-2: Hazardous Materials Site	Less than significant impact	No mitigation is required.	Less than significant

Table S-1 Summary of Significant Environmental Analysis Results			
Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level after Mitigation
BIOLOGICAL RESOURCES			
Threshold Bio-1: Special-Status Species	**Impact Bio-1**: Direct impacts to sensitive habitat and wildlife within parcels 299-071-02 and 299-100-33 in the NC zone would be potentially significant.	**MM-Bio-1:** Future development applications for projects within parcels 299-071-02 and 299-100-33 in the NC zone, 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.	Less than significant
	Impact Bio-2: Indirect impacts to sensitive species residing in vegetation adjacent to development areas throughout the NC zone would be potentially significant.	**MM-Bio-2**: 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 following measures would be required: **Before Construction:** • A qualified biologist shall attend the pre-construction meeting to discuss biological resource issues of the project and identify measures to avoid impacts to sensitive species during construction. • A qualified biologist shall conduct surveys to determine if active nests are present in the impact area or within the relevant number of distance as dictated by rules set for breeds identified. If active nests are found, a no-activity buffer zone shall be established at the discretion of the qualified biologist in consultation with the City, until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. If active nests of any sensitive avian species for which a noise threshold has been established (i.e., coastal California gnatcatcher, least Bell's vireo, etc.) then a noise study shall be conducted to determine the anticipated construction noise levels and attenuation measures to be implemented to reduce noise levels at the nest to below the threshold. If no nests are found, no mitigation will be needed. **During Construction:** • On the first day of construction, a qualified biologist shall attend the on-site meeting and conduct training for	Less than significant

Table S-1 Summary of Significant Environmental Analysis Results			
Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level after Mitigation
		contractors and construction personnel, including explaining the purpose for protecting biological resources and any avoidance measures that should be implemented during project construction. • A qualified biologist shall monitor construction activities full time during vegetation clearing and grubbing, and weekly thereafter to direct crews on avoidance measures. The biological monitor shall verify the following: o Any installed construction fencing or silt fencing shall remain intact, and movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within the defined project footprint. o Equipment maintenance, staging, and fuel dispensing areas shall be situated such that runoff from these areas remains outside of the lake basins or any other areas of sensitive habitat. o All trash (including, but not limited to, food scraps, wrappers, and beverage containers) shall be removed from work sites or completely secured in a wildlife-proof container at the end of each workday. **After Construction:** • The biological monitor shall provide a letter to the City describing monitoring activities and any biological issues identified.	
Threshold Bio-2: Riparian Habitat	**Impact Bio-3**: Direct impacts to riparian/ wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant.	Future projects within parcels 299-071-02 and 299-100-33 would be required to implement mitigation measures **MM-Bio-1** and **MM-Bio-2**.	Less than significant

Table S-1 Summary of Significant Environmental Analysis Results			
Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level after Mitigation
Threshold Bio-3: Federal Wetlands	**Impact Bio-4**: Direct impacts to federal wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant.	**MM-Bio-3:** Future development applications for projects within parcels 299-071-02 and 299-100-33 shall be required to submit site-specific wetland delineation reports to identify the precise locations of riparian habitat (including jurisdictional waters) and assess project specific impacts. **MM-Bio-4**: Permanent and temporary impacts to wetland and riparian habitat shall be mitigated in accordance with federal and state requirements.	Less than significant
Threshold Bio-4: Migratory Birds	**Impact Bio-5**: Direct impacts to vegetation used as nesting and/or foraging habitat by bird species are protected under the MBTA and would be potentially significant.	Future projects throughout the program area would be required to implement mitigation measure **MM-Bio-2**.	Less than significant
GEOLOGY AND SOILS			
Threshold Pal-1: Paleontological Resources	**Impact Pal-1:** Direct impacts to discovered paleontological resources throughout the program area would be potentially significant.	**MM-Pal-1**: A qualified paleontological monitor shall be on-site during grading of future projects within the program area. The monitor would have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan would be implemented to mitigate the discovery. Excavation would include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.	Less than significant

1

Chapter 1
Introduction

This Program Environmental Impact Report (PEIR) (State Clearinghouse [SCH] Number 2019029058) has been prepared to address potential environmental effects associated with the proposed Zoning Code Amendment program (program). The program consists of a Community Plan Amendment, Zoning Code Amendment, and a Local Coastal Program Amendment to amend the provisions of the North Commercial (NC) and Professional Commercial (PC) zones to allow residential development at a density of 20 dwelling units per acre (du/ac) for projects that include an affordable housing component. The program does not include any specific development or redevelopment projects as part of the zone code amendment. Additionally, the PEIR analyzes 12 parcels (excluding Shores Park) within the Public Facilities (PF) zone for a potential future zoning code amendment to allow for residential development within these parcels. However, no Community Plan Amendment, Zoning Code Amendment, or Local Coastal Program Amendment would be processed as part of the program for the PF zoned parcels.

A detailed description of the program, including a brief history and the required discretionary approvals, is provided in Chapter 3.0, Description of the Proposed Program, of this PEIR.

1.1 Purpose and Legal Authority

1.1.1 Purpose

In accordance with state law, the purpose of this PEIR is to identify the significant effects on the environment of the program, to identify alternatives to the program, and to indicate the manner in which those significant effects can be mitigated or avoided.

1.1.2 Legal Authority

This PEIR has been prepared by the City of Del Mar (City), as Lead Agency, in compliance with the criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

1.1.2.1 Lead Agency

The City is the Lead Agency for the program, pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving a program. As Lead Agency, the City Planning and Community Development Department conducted a preliminary review of the program and determined that a PEIR was required in accordance with CEQA. This Initial Study is included as Appendix A to the PEIR. The analysis and findings in this PEIR reflect the independent, impartial conclusions of the City.

1.1.2.2 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by responsible and trustee agencies. A Responsible Agency, defined pursuant to CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency that have discretionary approval authority over one or more actions involved with program implementation. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a program that are held in trust for the people of the state of California. There are no designated responsible or trustee agencies for this program.

1.2 Environmental Document, Scope, Organization, and Content

1.2.1 Type of Environmental Impact Report

This document is a Program Environmental Impact Report, as defined in Section 15168 of the CEQA Guidelines. A PEIR is prepared for a series of actions that are characterized as one large project through reasons of geography, similar rules or regulations, or where individual activities will occur under the same regulatory process with similar environmental impacts that can be mitigated in similar ways. Because the program includes policies and actions that will apply to future development proposals within the City, and this PEIR includes a mitigation framework that would be implemented by future projects, a program approach is appropriate.

In accordance with CEQA Guidelines Section 15168, this PEIR may serve as the environmental document for subsequent activities or implementing actions, including future development of public and private projects within the NC and PC zones, provided it contemplates and adequately analyzes the potential environmental impacts of those subsequent projects. If, in examining future actions for development within the program area, the City finds no new effects could occur or no new mitigation measures would be required other than those analyzed and/or required in this PEIR, the City can approve the activity as being within the scope covered by this PEIR and no new environmental documentation would be required. If additional analysis is required, it can be streamlined by tiering from this PEIR pursuant to

CEQA Guidelines Sections 15152, 15153, 15168, and 15183 (e.g., through preparation of a Mitigated Negative Declaration, Addendum, or Supplemental or Subsequent EIR).

1.2.2 PEIR Scope

The scope of analysis for this PEIR was determined by the City as a result of an initial study and completion of the CEQA Guidelines Appendix G Initial Study Checklist, consideration of agency and public comments received in response to the Notice of Preparation (NOP) circulated February 13, 2019 through March 15, 2019, and a public scoping meeting held on February 21, 2019. The Initial Study Checklist, NOP, and letters received during the 30-day scoping period are included in Appendix A of this PEIR.

Through these scoping activities, the program was determined to have the potential to result in the following significant environmental impacts:

- Land Use
- Aesthetics
- Cultural Resources
- Biological Resources
- Traffic
- Air Quality
- Greenhouse Gas Emissions
- Hazards
- Utilities/Service Systems
- Geology and Soils
- Public Services
- Hydrology/Water Quality
- Recreation
- Noise
- Energy

1.2.3 PEIR Organization and Content

1.2.3.1 Organization and Content

The PEIR has been organized in accordance with the most recent CEQA Guidelines. A brief summary of the organization and content of this PEIR is provided below:

- **Executive Summary** provides a brief description of the program, identification of areas of controversy, a summary of the PEIR analysis, as well as a summary table identifying significant impacts, proposed mitigation measures, and impact level after mitigation. A summary of the alternatives and a comparison of the potential impacts of the alternatives with those of the program are also included.

- **Chapter 1.0, Introduction** contains an overview of the legal authority, purpose, and intended uses of the PEIR, as well as its scope and organization. It also provides a discussion of the CEQA environmental review process, including those formal opportunities for public involvement.

- **Chapter 2.0, Environmental Setting** provides a description of the regional and local setting including existing physical characteristics, land use, public infrastructure and services, and relationship to relevant plans and ordinances.

- **Chapter 3.0, Description of Proposed Program** provides a detailed description of the program, including background on its development, its main objectives, and key features. The discretionary actions required to implement the program are also described.

- **Chapter 4.0, Environmental Analysis** contains an evaluation of potential impacts for the environmental issues identified in the PEIR scope. Each issue evaluation includes discussion of the existing conditions, including the existing regulatory framework, identification of the thresholds and methodology for determining the significance of impacts, an assessment of potential impacts, and an evaluation of the significance of the impacts. Also analyzed are potential cumulative impacts, where those impacts of the program in combination with other planned and future development in the project vicinity, could result in negative effects on the environment. Where analysis demonstrates that potentially significant impacts – either direct or indirect, project or cumulative – could occur, a recommended mitigation framework is provided and a conclusion regarding the significance of the impact after implementation of measures consistent with the framework is stated.

- **Chapter 5.0, Growth Inducement** discusses the growth inducement associated with the potential for the program to induce economic or population growth, either directly or indirectly, is also evaluated.

- **Chapter 6.0, Effects Found Not to be Significant** identifies all of the issues determined in the scoping and preliminary environmental review process that would have no impact or a less than significant impact based on CEQA criteria, and briefly summarizes the basis for these determinations.

- **Chapter 7.0, Other CEQA Considerations** This section includes a discussion of significant unavoidable impacts of the program, as well as any significant irreversible environmental changes that would result from implementation of the program pursuant to CEQA Guidelines Section 15126.2(b) and (c).

- **Chapter 8.0, Program Alternatives** provides a description and comparative analysis of alternatives to the program, including a No Program (No Development/Existing Condition) Alternative and a Reduced Project Alternative.

- **Chapter 9.0, References Cited** lists all of the reference materials cited in the PEIR.

- **Chapter 10.0, Individuals and Agencies Consulted and List of Preparers** identifies all of the individuals and agencies consulted, as well as all of the agencies, organizations, and individuals responsible for the preparation of the PEIR.

1.2.3.2 Technical Appendices

Technical appendices, used as a basis for much of the detailed environmental analysis, have been summarized in the PEIR, and are printed under separate cover as part of the PEIR. The technical appendices are available for review at the City Planning and Community Development Department, located at 1050 Camino Del Mar, Del Mar, California 92014 as well as on the City website.

1.2.3.3 Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this PEIR has referenced several technical studies and reports. Information from these documents has been briefly summarized in this PEIR, and the relationship to this PEIR described. These documents are included in Chapter 8.0, References Cited, and are hereby incorporated by reference. They are available for review at the City Planning and Community Development Department located at 1050 Camino Del Mar, Del Mar, California 92014, or online at the City website.

1.3 Program EIR Process

The PEIR review and certification process occurs in two basic stages. The first stage is the Draft PEIR, which offers agencies and the public a formal opportunity to comment on the document. The second stage is the Final PEIR, which would be certified by the City Council in conjunction with approving the program.

1.3.1 Draft Program EIR

The Draft Program EIR is distributed for review to the public and interested and affected agencies for the purpose of providing comments "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 program might be avoided or mitigated" (Section 15204, CEQA Guidelines).

In accordance with Sections 15085 and 15087(a)(1) of the CEQA Guidelines and the City's CEQA Supplemental Regulations, a Notice of Completion is filed with the State Office of Planning and Research and a Notice of Availability of the Draft PEIR is issued in a newspaper of general circulation in the area upon completion of the Draft PEIR.

The Draft PEIR and all related technical studies are available for review during the public review period at the offices of the City, located at 1050 Camino Del Mar, Del Mar, California 92014. Copies of the Draft Program EIR are also available at the following public location:

Del Mar Branch Library
1309 Camino Del Mar
Del Mar, California 92014

The Draft PEIR and technical appendices can be viewed on the City's website at:

http://www.delmar.ca.us/751/NCPC-Zoning-Amendment

1.3.2 Final PEIR

Following public review of the Draft PEIR, the City will provide written responses to comments per CEQA Guidelines Section 15088 and will consider all comments in making its decision to certify the Final PEIR. Responses to the comments received during public review; Findings of Fact; and a Statement of Overriding Considerations (if applicable) for any impacts identified in the Draft PEIR as significant and unmitigable, will be prepared and compiled as part of the Final PEIR.

The culmination of this process is a public hearing where the City Council will determine whether to certify the Final PEIR as being complete and in accordance with CEQA. The Final PEIR will be available for public review at least 14 days before the decision-making body makes a final determination, in order to provide commenters the opportunity to review the written responses to the PEIR comment letters.

2

Chapter 2
Environmental Setting

2.1 Regional Setting

The program area consists of 32 individual parcels located throughout the 2.4-square-mile City of Del Mar (City) within San Diego County, in southern California, approximately 30 miles north of the United States/Mexico border. A regional location reference map is provided in Figure 2-1. The 32 individual parcels are located throughout the City within the North Commercial (NC), Professional Commercial (PC), and Public Facility (PF) zones. An aerial photograph of the program areas within the context of the City is shown on Figure 2-2 and a USGS map of the program area is shown in Figure 2-3.

The City is located roughly 18 miles north of downtown San Diego; it is the smallest and least populous city in the San Diego region. The jurisdictions that surround Del Mar include Solana Beach to the north and San Diego to the east and south. To the west of the City lies the Pacific Ocean.

2.2 Planning Context

Development in the City is guided by the Community Plan (which serves as the City's General Plan) and the certified Local Coastal Program's (LCP) Land Use Plan (LUP) for Del Mar. The Community Plan provides citywide and area-specific goals and policies, which are implemented by the regulations of the Del Mar Municipal Code. The LCP is a compilation of goals, policies, and recommendations to ensure that all land use and development activities in the City will be in conformance with the policies of the California Coastal Act of 1976. The LUP is implemented by the regulations of the LCP Implementing Ordinances. The proposed program does not include any changes to applicable development standards, other than density, or design review standards.

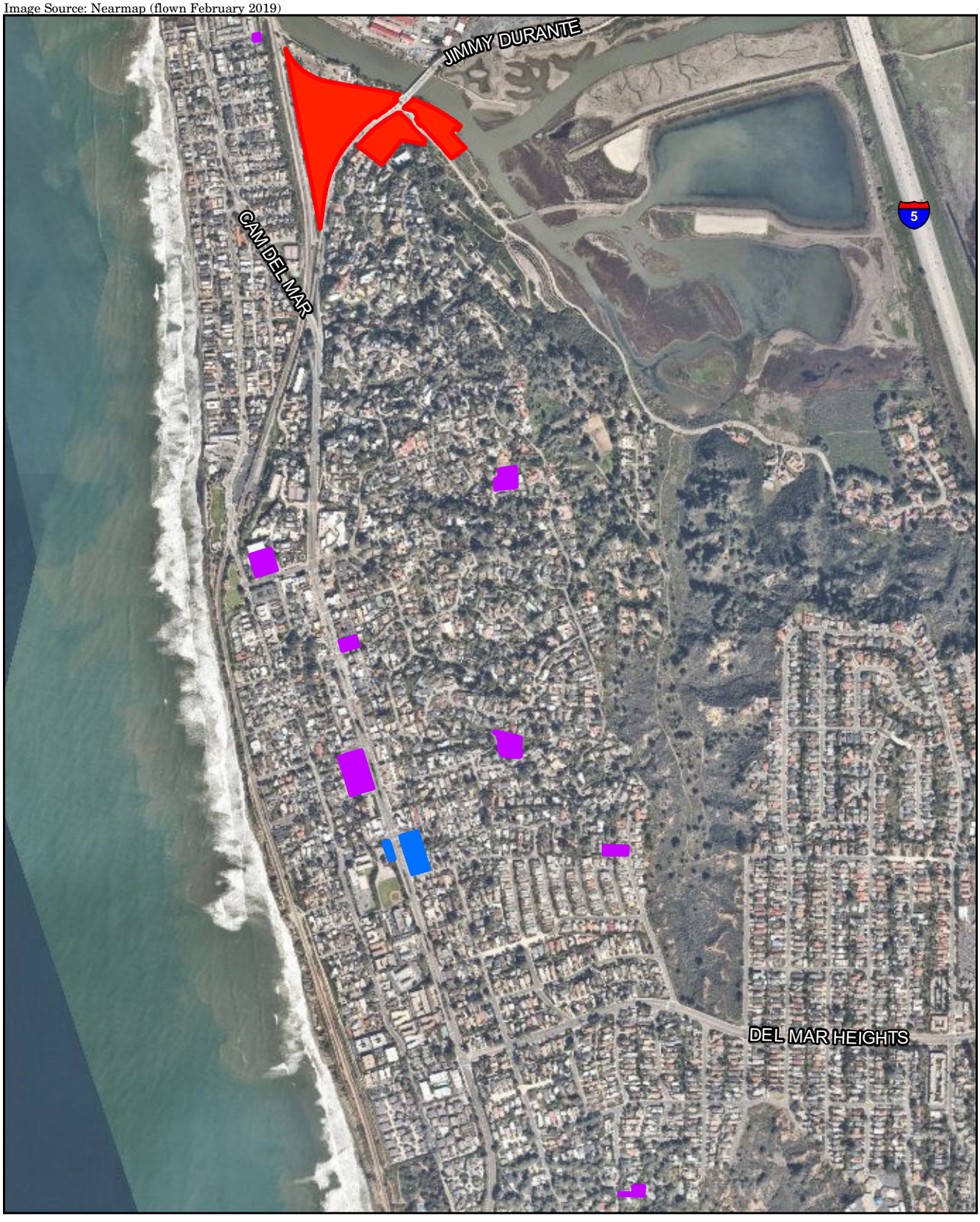


FIGURE 2-1
Regional Location

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Image Source: Nearmap (flown February 2019)



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

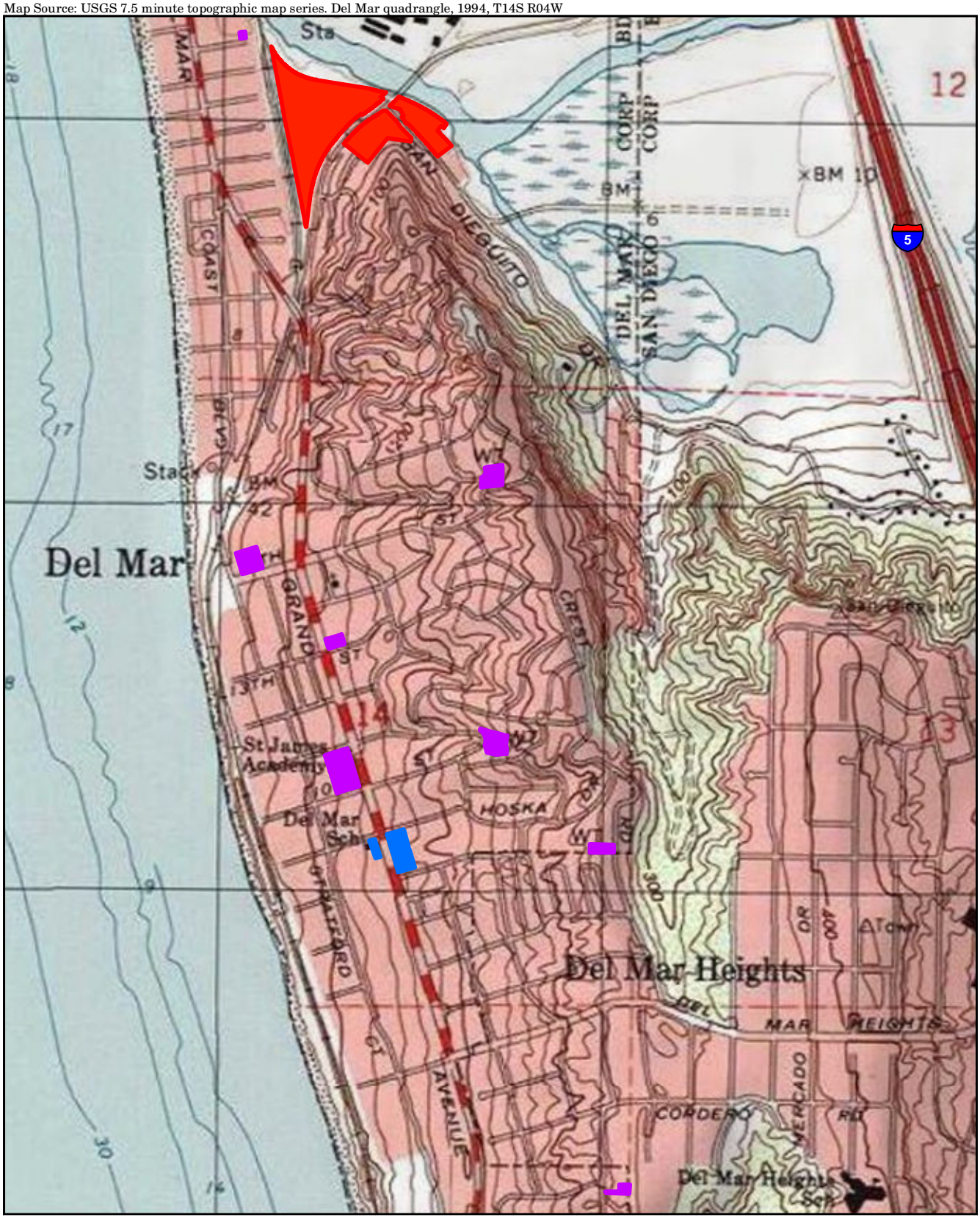
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FIGURE 2-2
Program Location on Aerial Photograph

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Map Source: USGS 7.5 minute topographic map series. Del Mar quadrangle, 1994, T14S R04W



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North Commercial (NC) Zone

Professional Commercial (PC) Zone

Public Facilities (PF) Zone

FIGURE 2-3

Program Location on USGS Map

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2.3 Land Cover/Vegetation

2.3.1 North Commercial Zone

The parcels that comprise the program areas within the NC zone are primarily developed with commercial and service uses, such as office space, personal services, retail, etc. A few of the parcels are owned by North County Transit District (NCTD) and are undeveloped rights-of-ways with a portion used for public parking. Other portions of the NCTD properties support sensitive habitat including wetland vegetation. The NC parcels located south of the Jimmy Durante Boulevard/San Dieguito Drive intersection consists of a graded, dirt parking lot and are vacant. The remaining lots contain existing development with ornamental landscaping scattered throughout each parcel.

2.3.2 Professional Commercial and Public Facility Zones

The PC and PF zones contain existing development, consisting of various commercial/offices uses, as well as public facilities (i.e., Del Mar City Hall, Library, post office, and City water tanks). Vegetation within these parcels consists of ornamental landscaping.

2.4 Climate and Air Quality

The San Diego region has a Mediterranean climate that is characterized by warm, dry summers and mild, wet winters. An average of 10 inches of rain falls each year from November to early April, while the remainder of the year is typically dry. Clear skies predominate for much of the year in the City due to a semi-permanent high-pressure cell located over the Pacific Ocean. This high-pressure cell also drives the dominant onshore circulation and helps to create subsidence and radiation temperature inversions. Subsidence inversions occur during the warmer months when descending air associated with the high-pressure cell comes in contact with cool marine air. Radiation inversions typically occur on winter nights when air near the ground cools by radiation and the air aloft remains warm.

The City lies within the San Diego Air Basin, as identified by the California Air Resources Board (CARB). The region's climate and air circulation patterns, combined with heavy traffic and urbanized land uses, contribute to its classification by CARB as a non-attainment air basin. Air quality in the basin violates state and federal air quality standards for ozone and particulates.

2.5 Geology and Landform

The Del Mar area is situated in the coastal foothill section of the Coastal Plain Geomorphic Province. This encompasses the coastal area that extends from north of Los Angeles to the southern tip of Baja California. Based on published geologic maps, no active or potentially

active faults cross beneath the program areas. The nearest active fault, the Rose Canyon Fault, is located approximately two miles east of the City. Historically, the Rose Canyon Fault has exhibited low seismicity with respect to earthquakes in excess of magnitude 5.0 or greater. Earthquakes on the Rose Canyon Fault having a maximum magnitude of 7.2 are considered representative of the potential for seismic ground shaking within the program area.

2.5.1 North Commercial Zone

Most of the parcels within the NC zone are relatively flat, with edges pitching moderately in proximity to the San Dieguito Lagoon. A number of these sites are located within the City's Bluff, Slope, and Canyon Overlay Zone; Lagoon Overlay Zone; and/or Floodplain Overlay Zone (see Figures 2-4a through 2.4-c). A topographic map of the parcels within the NC zone is shown in Figure 2-5.

2.5.2 Professional Commercial and Public Facility Zones

The program areas within the PC and PF zones are relatively flat, with minor slopes from east to west, as is typical in the City's coastal slopes, pitching west towards the Pacific Ocean. A topographic map of the parcels within the PC and PF zones are shown in Figure 2-6. A few of the parcels within the PF zone are located within the City's Wildland Urban Interface Overlay (Figure 2-7).

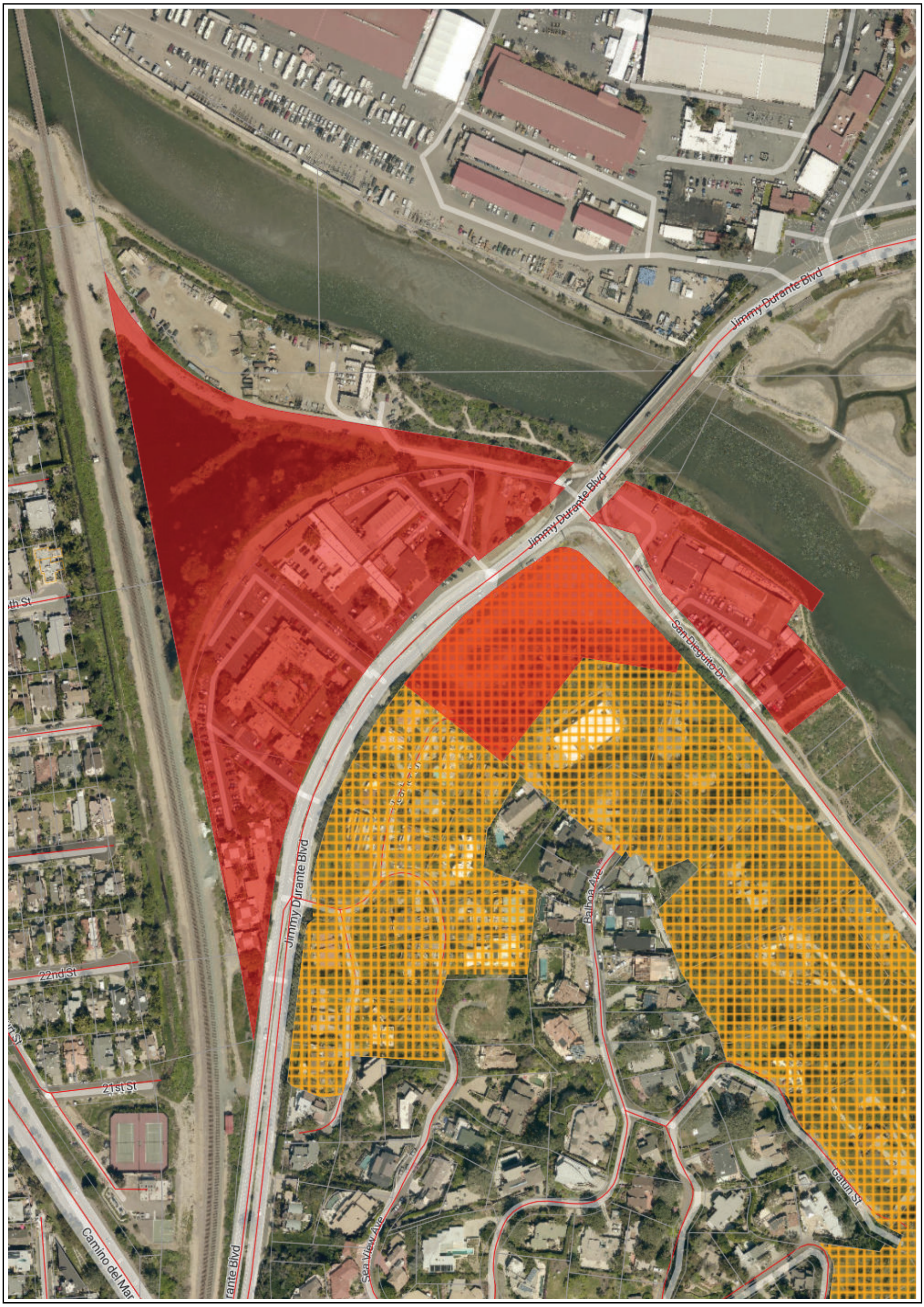
2.6 Hydrology and Water Quality

The programs area lies within the Rancho Santa Fe Hydrologic Subarea, of the Solana Beach Hydrologic Area, of the San Dieguito Hydrologic Unit and San Dieguito River watershed. This watershed encompasses a 346-square-mile area that extends from its headwaters at Vulcan Mountain, north of Julian, to its ocean outlet at the San Dieguito Lagoon.

2.6.1 North Commercial Zone

The NC zone is located directly adjacent to the San Dieguito Lagoon, and a portion of this zone is located within a designated floodway, per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Numbers 06073C1307G and 06073C1309G. The San Dieguito Lagoon is identified as a 303(d) Impaired Water Body for indicator bacteria, total dissolved solids, nitrogen, phosphorus, and toxicity (State Water Quality Control Board [SWRQB] 2017). However, there are no permanent surface waters or streams that exist within the NC zone.

Map Source: City of Del Mar



BSC Overlay

North Commercial (NC) Zone

Overlap of BSC & NC Zone

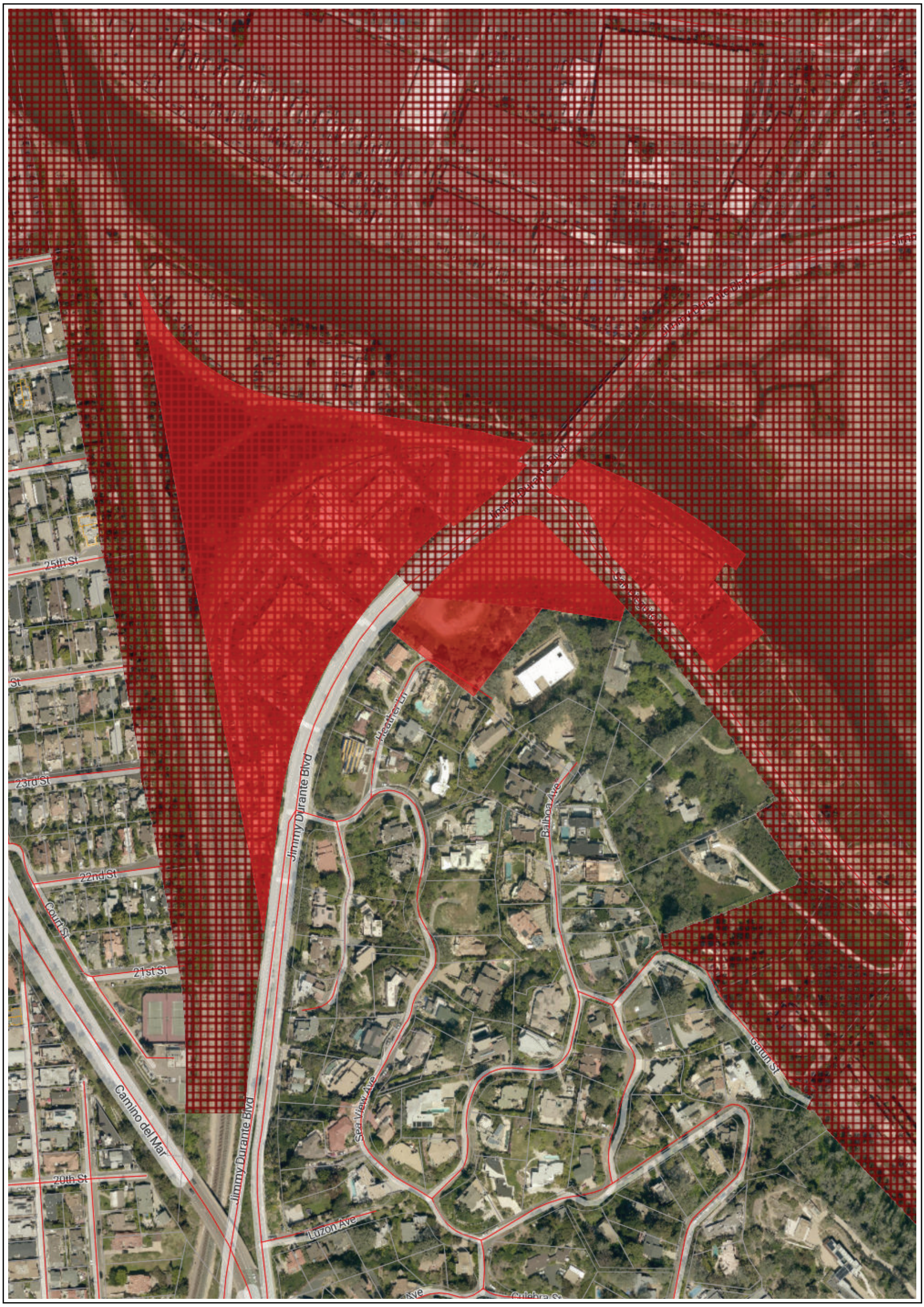
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FIGURE 2-4a
North Commercial Zone:
Bluff, Slope, and Canyon Overlay Zone

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Map Source: City of Del Mar



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Lagoon Overlay Zone

North Commercial (NC) Zone

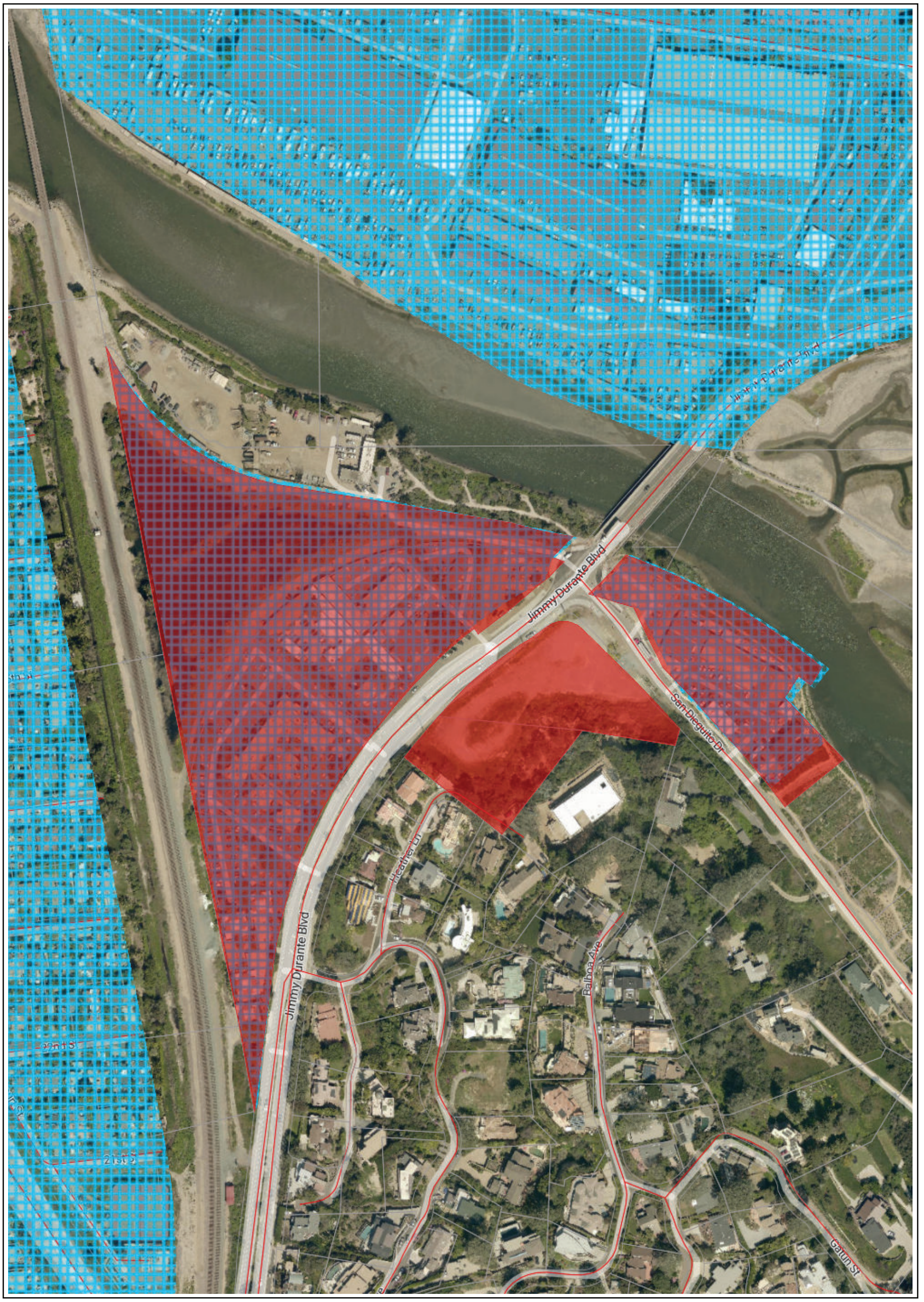
Overlap of Lagoon & NC Zone

FIGURE 2-4b
North Commercial Zone:
Lagoon Overlay Zone

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Map Source: City of Del Mar



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Floodplain Overlay Zone

North Commercial (NC) Zone

Overlap of Floodplain & NC Zone

FIGURE 2-4c
North Commercial Zone:
Floodplain Overlay Zone

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Image Source: Nearmap (flown February 2019)



FIGURE 2-5

Topographic Map of North Commercial Zone

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Image Source: Nearmap (flown February 2019)



FIGURE 2-6

Topographic Map of Professional Commercial and Public Facility Zones

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Map Source: City of Del Mar

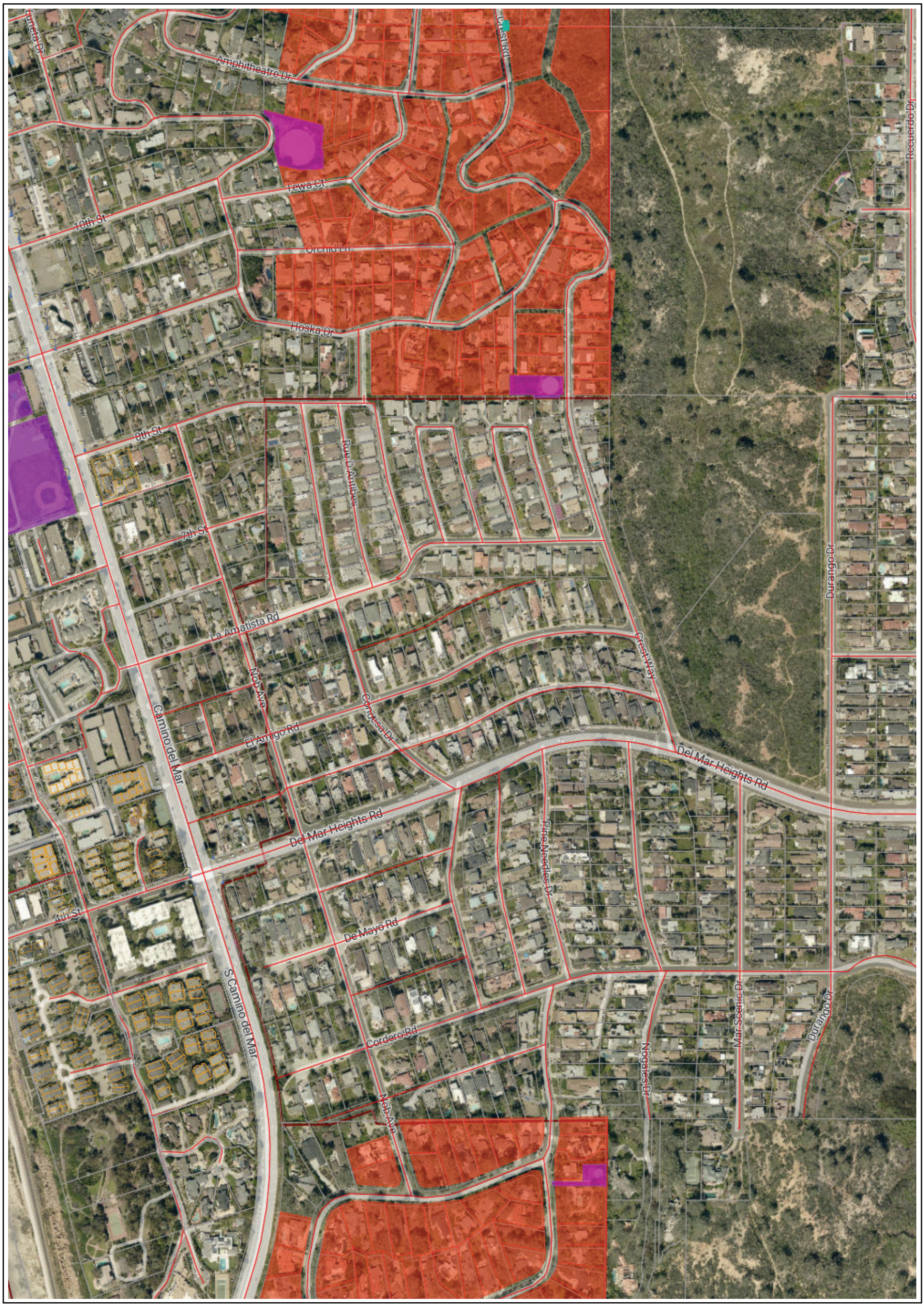


FIGURE 2-7
Public Facility Zone:
Wildland Urban Interface Overlay

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2.6.2 Professional Commercial and Public Facility Zones

The PC and PF zones are located (approximately) between 0.75 and 1.5 miles south of the San Dieguito Lagoon. No natural surface waters or streams exist within the PC or PF zones. Runoff from the parcels within these zones generally flows to the municipal drainage system along adjacent roadways and Camino Del Mar, then ultimately to the Pacific Ocean. The Pacific Ocean shoreline is classified as an impaired waterbody due to excess bacteria and other pollutants. As is typical with urban settings, bacteria are the priority pollutants generated in the program areas. Groundwater quality within the alluvial aquifer that underlies the program areas is also generally poor and has been intruded by seawater and water from surrounding marine sedimentary rocks.

2.7 Public Infrastructure and Services

Because the parcels contain existing development and/or are adjacent to existing development, infrastructure including roads and water, sewer, energy, and telecommunications facilities exists. Camino Del Mar, Jimmy Durante Boulevard, San Dieguito Drive, 13th and 15th streets are frontage roads and are the primary arterials that provide access to the parcels included in the program areas.

The water, sewer, and fire services are provided to the sites by the City; police protection for the City is provided through a contract with the County Sheriff's Department.

3

Chapter 3
Description of Proposed Program

3.1 Program Purpose

The purpose of the proposed program is to implement Del Mar's Housing Element Programs (2-E and 2-F) that require processing of a Zone Code Amendment and Community Plan Amendment to increase the City's housing capacity per the certified Housing Element adopted in 2013 (City Council Resolution No. 2013-27) for the current housing cycle (2013-2021). These actions involve analysis of the potential to add housing up to a density of 20 units per acre as an allowed use in relevant zones and to amend the zoning and planned land use designations as follows:

- Program 2-E: Within 24 months of City Council adoption of the Housing Element, the City of Del Mar (City) will amend the provisions of the North Commercial (NC) zone to allow residential development at a density of 20 dwelling units per acre (du/ac) for projects that include an affordable housing component.
- Program 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.
- Program 2-H: The City will conduct an analysis of governmental-owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations but with a required affordable housing component for any residential proposal and with a prohibition on siting residential uses in parks or open space areas.

3.2 Proposed Program Objectives

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15124(b), objectives have been developed to frame and support the purpose of the proposed program, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this Program Environmental Impact Report (PEIR), and ultimately aid decision-makers in consideration of the potential environmental effects and the preparation

of the Findings and Overriding Considerations, if necessary. The following are the primary objectives of the proposed program:

- 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.
- Ensure the community's land use designations for NC and PC can accommodate the potential for future construction of housing units.
- Minimize potential land use compatibility conflicts associated with the proposed change to existing land use designations and zoning.
- 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.
- 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.

3.3 Description of the Proposed 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 by adding multiple-dwelling unit residential in the existing NC and PC zones as an allowed use (up to a maximum density of 20 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 existing zoning setbacks, floor area ratio, lot coverage, and height limits that currently apply within the respective zones would still apply. The program does not include any physical development or construction component. The program would result in the implementation of required Housing Element Programs 2-E and 2-F and would meet the objectives identified above (see Section 3.2). Future development that qualifies under the proposed program would be subject to discretionary review and approval consistent with the Del Mar Municipal Code (DMMC), which means that any residential or mixed-use development project pursued as a result of the amendments would be required to meet affordable housing requirements consistent with DMMC Chapter 24.21 (Dedication: Affordable Housing Mitigation).

It is noted that the Watermark properties which are located within the NC Zone are currently being processed privately under a separate development review. If this application is not approved, the Watermark sites would be subject to the zoning changes identified herein. For details of the Watermark project, see https://www.delmar.ca.us.

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 development or development potential is included in the program.

3.3.1 Program Areas/Location

The program area consists of 32 individual parcels located throughout the city within the PC, NC, and PF zones. The regional location of the program areas is shown in Figure 2-1. An aerial photograph of the program area is shown on Figure 2-2.

3.3.2 North Commercial (NC)

The NC zone comprises 16 legal lots of varying size measuring a combined 680,000 square feet (15.6 acres), with street frontage and property access from Jimmy Durante Boulevard or San Dieguito Drive. The associated parcel numbers within the NC zone are: 299-071-02, -06, and -07; 299-100-27, -28, -29, -30, -32, -33, -34, -35, -36, -47, -48, -49, and -50. The locations of the NC zoned parcels are shown in Figure 3-1.

The Del Mar Community Plan land use designation for NC currently is intended to allow activities that provide a service to the community. The proposed plan amendment would allow for residential in addition to the existing range of commercial and light industrial uses allowed.

Portions of the NC zone are located within the Floodplain Overlay Zone, the Bluff, Slope, and Canyon Overlay Zone, and the Lagoon Overlay Zone. Of the 16 legal lots within the NC zone, there are eight vacant parcels under various public or private ownerships. The private properties that are developed contain various office and commercial uses. Existing buildings are of various ages and conditions.

The North County Transit District (NCTD) owns two of the parcels and has rights-of-way from former railroad spurs. A portion of the NCTD properties are currently used as public parking. The remaining NCTD owned areas are constrained by wetlands.

The NC zone is surrounded by the Floodway Zone (FW – San Dieguito River) to the north and east; Very Low Density Residential (R1-40) to the east; Low Density Residential (R1-10) to the south; and Medium Density Mixed Residential (RM-East) and the Railroad Right-of-Way (RR zone) to the west.

Based on current height, floor area ratio, and lot coverage regulations, maximum residential buildout within the NC zone in accordance with the proposed amendment could total not more than 227 residential units.

Image Source: Nearmap (flown September 2018)



North Commercial (NC) Zone

RECON

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FIGURE 3-1

North Commercial (NC) Zone

3.3.3 Professional Commercial (PC)

The PC zone comprises four legal lots of varying size measuring a combined 55,000 square feet (1.25 acres), with street frontage and property access from either Camino Del Mar, 8th Street or 9th Street in the downtown corridor. The associated parcel numbers within the PC zone are: 300-200-24; 300-222-31, -32, and -33. The locations of the PC zoned parcels are shown in Figure 3-2.

The Del Mar Community Plan land use for designation for PC currently is intended to allow commercial office uses. The proposed plan amendment would allow for residential in addition to the existing commercial office uses allowed.

All properties within the PC zone are currently developed with office buildings of various ages and conditions. The PC zone is surrounded by Medium Density Mixed Residential (RM-Central) and Low Density Residential (R1-10) to the east; Public Facilities (PF-Shores Park) to the west; and Central Commercial (CC) to the north.

Based on current height, floor area ratio, and lot coverage regulations, maximum residential buildout within the PC zone in accordance with the proposed amendment could total not more than 26 residential units.

3.3.4 Public Facilities (PF)

The program includes the potential for a future addition of affordable housing within 12 parcels in the PF zone, (excluding the Shores Park parcels from the analysis). Four of the parcels (300-093-15, -16, -17, and -18) comprise lands developed with and utilized for the City of Del Mar Civic Center. Two of the parcels (300-020-06 and -07) comprise lands developed with and utilized for the Del Mar Library. One parcel (299-310-02) is developed with and utilized by the United States Postal Service post office. The remaining five parcels (299-260-45; 300-243-10; 300-272-07; 300-243-10; and 299-030-12) comprise other City-owned properties. The remaining five parcels (299-260-45; 300-243-10; 300-272-07; 300-243-10; and 299-030-12) comprise other City-owned properties. The locations of the PF zoned parcels are shown in Figure 3-3.

Based on existing height, floor area ratio, and lot coverage regulations applicable to the PF zone, up to 93 dwelling units total could be developed on the 12 analyzed parcels if the DMMC is amended to allow residential development up to a maximum density of 20 dwelling units per acre.

3.4 Discretionary Actions

In order to meet state housing requirements and implement the actions required to meet the aforementioned Housing Element programs and objectives, the City is proposing to allow residential density as an additionally allowed primary use at a maximum of 20 du/acre in the NC and PC zones. To accomplish this, a General Plan Amendment (Community Plan Amendment), Zoning Code Amendment, and Local Coastal Program Amendment are required discretionary actions that are covered by this PEIR.

Image Source: Nearmap (flown September 2018)



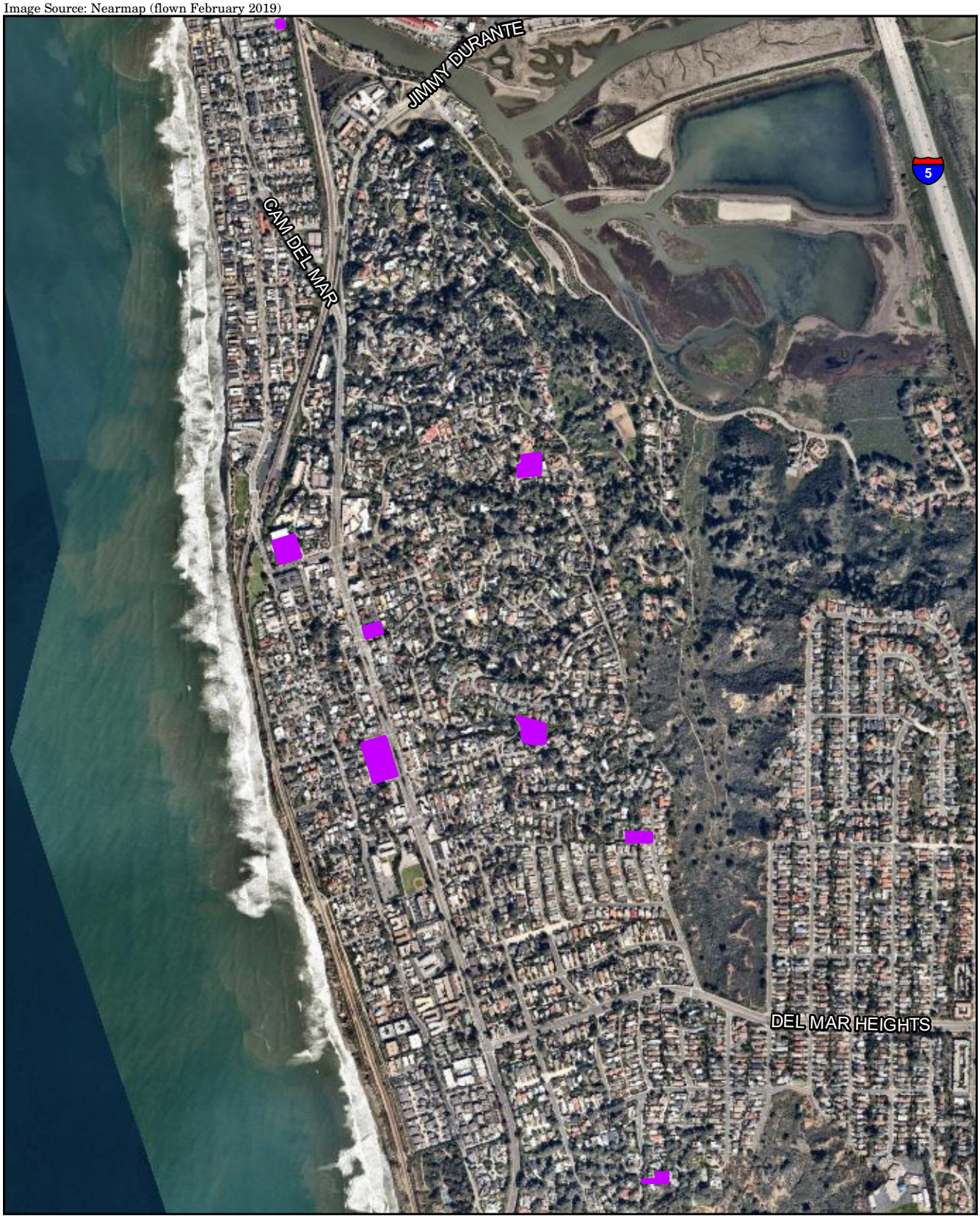
Professional Commercial (PC) Zone

FIGURE 3-2
Professional Commercial (PC) Zone

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Image Source: Nearmap (flown February 2019)



Public Facilities (PF) Zone

FIGURE 3-3

Public Facility (PF) Zone (Does not include Shores Park Parcels)

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3.4.1 Community Plan Amendment

The program area includes all property within the NC and PC zones which are currently designated within the City's Community Plan for commercial use. In order for future multiple-dwelling unit residential development to occur within these areas, the existing NC and PC land use designations would be amended to add residential as an allowed use. Current uses would be maintained.

The following plan amendment language is proposed for the NC and PC land use designations. This language will appear in the Community Plan Community Development Section: Description of Land Use Categories.

Professional Commercial

This land use category is intended to allow offices, professional buildings, and ~~professional buildings~~ residential (0-20 dwelling units per net acre) uses to be located in the southern end of the commercial district, as an orderly transition between the retail and commercial service uses in the village center and the medium and low density residential land use areas located to the south.

North Commercial

This land use classification is intended to allow ~~commercial and professional~~ activities that provide a service to the community, including a range of commercial, light industrial, and residential (0-20 dwelling units per net acre) uses. Development should be of low intensity and profile, offering substantial open space.

3.4.2 Zoning Code Amendment

The program area relating to the zoning code amendment includes all property within the PC and NC zones. Multiple dwelling unit residential development is not currently allowed within these zones. In order for future multiple dwelling unit residential development to occur within the NC and PC zones, DMMC Chapters 30.24 and 30.25 would be amended to add multiple-dwelling unit residential up to 20 du/ac as an additionally allowed use. Additional clarifying and formatting edits relating to allowed uses in the NC and PC zones are included to address inconsistencies.

The following language is proposed for the DMMC relating to the NC and PC zones:

Chapter 30.24 - NORTH COMMERCIAL ZONE (NC)

30.24.010 - Purpose.

The NC Zone serves as a northerly gateway to the community south of the San Dieguito River and Lagoon. The NC Zone is designed to allow ~~commercial~~ activities that provide a service to the community, including a range of commercial and light industrial uses, and residential where compatible with adjacent land uses. Development in the NC Zone shall be of low intensity and profile, offering a lively open air ~~commercial~~ environment with substantial open space.

30.24.020 - Boundaries. [No change]

30.24.030 - Allowable Uses.

The following uses are allowable in the NC Zone:

A. Commercial uses provided that:

1. ~~the~~ The use does not involve the sale of alcohol for on-site consumption between the hours of 11:00 p.m. and 6:00 a.m. and further provided that the use does not involve the provision of goods, food or beverages, or services in a drive-in or drive-thru manner:

~~A.~~2. The retailing of goods, foods and beverages, the dispensing of services and light manufacturing from the following:

[No change to listed uses]

~~B.~~ 3. Outdoor display areas located on the exterior of a structure housing a retail sales operation, where goods or commodities otherwise available for sale in the associated retail sales operation are displayed but not sold; provided all of the following requirements are met:

~~1.~~a. The outdoor display area is located entirely on the same lot as the associated retail sales operation;

~~2.~~b. The area devoted to outdoor display does not encroach upon required parking or access areas;

~~3.~~c. The outdoor display area is contiguous and not more than four feet in width measured from a point perpendicular to the exterior wall of the adjacent structure housing the associated retail sale operation and not more than ten feet in length measured along the exterior wall of the adjacent structure housing the associated retail sale operation; and

~~4.~~d. The display of goods or commodities and placement of display structures is limited to the hours of operation of the associated retail sales operation.

~~C.~~ B. Any principal use permitted in the CC Zone (excludes those uses which, under CC Zone provisions, would require a conditional use permit).

C. Multiple dwelling unit residential up to a density of 20 dwelling units per acre.

D. Emergency shelters pursuant to Section 30.24.035.

~~E. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.~~

E. Short-term rental of a dwelling unit

~~E.~~F. Any similar enterprise or business which conforms to the description and purpose of the NC Zone, and is not detrimental to the welfare of the community.

30.24.035 - Standards for Emergency Shelters. [No change]

30.24.040 - Accessory Uses. [No change]

30.24.045 - Conditionally Allowed Uses: Conditional Use Permit. [No change]

30.24.050 - Parking Requirement. [No change]

30.24.070 - Development Standards.

In the NC Zone, the following development standards shall apply:

A. ~~*Reserved.*~~ *Density*: Up to a maximum of 20 dwelling units per acre

B. *Lot Dimensions.*

1. Minimum lot size: 6,000 square feet.
2. Minimum street frontage: 35 feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 90 feet.

C. *Construction Standards.*

1. Setbacks: None, except that no development shall be located closer than 25 feet from a floodway zone, and that a minimum ten-foot wide landscaped setback shall be required on any NC zoned property along any common boundary or residentially zoned property.
2. Height: 26 feet.
3. Floor area ratio: 30 percent.
4. Maximum lot coverage: 40 percent.

Chapter 30.25 - PROFESSIONAL COMMERCIAL ZONE (PC)

30.25.010 - Purpose.

The PC Zone is designed to allow office and residential use within the village center in a manner that will not detract from the area's predominantly retail character. Office and professional uses should be geographically concentrated so as to minimize retail parking problems, disruption of pedestrian-oriented shops, and to soften the transition from retail to medium and low density residential at the south end of the village center.

30.25.020 - Boundaries. [No change]

30.25.030 - Allowable Uses.

The following uses are allowable in the PC Zone:

A. Offices, professional, medical, and dental.

B. Banks and financial institutions, exclusive of drive-thru facilities.

C. Parking lots and parking garages.

D. Multiple dwelling unit residential up to a density of 20 dwelling units per acre.

~~D.~~E. ~~One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.~~

E. Short-term rental of a dwelling unit

~~E.~~ F. Any similar enterprise or business which conforms to the description and purpose of the PC Zone, and is not detrimental to the welfare of the community.

30.25.040 - Accessory Uses. [No change]

30.25.050 - Parking Requirements. [No change]

30.25.070 - Development Standards.

A. ~~*Reserved.*~~ *Density*: Up to a maximum of 20 dwelling units per acre

B. *Lot Dimensions.*

1. Minimum lot size: 6,000 square feet.
2. Minimum street frontage: 35 feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 90 feet.

C. *Construction Standards.*

1. Setbacks: None, except that a minimum ten-foot wide landscape setback shall be required on PC zoned property along any common boundary of residentially zoned property.
2. Height: 26 feet, except all structures fronting on the west side of Camino del Mar shall not exceed fourteen feet in height above the curb level adjacent to the site on Camino del Mar.
3. Floor area ratio: 60 percent.
4. Maximum lot coverage: 75 percent.

As shown in the above proposed changes to the DMMC, existing development regulations including existing height regulations, floor area ratio, and lot coverage allowances would remain the same. These development regulations would not be changed as part of the program. As development regulations would not change, the program would not affect the currently allowable bulk and height of structures; rather, it would only allow residential as an additional allowable land use in these areas. Future development proposals could include development or redevelopment of mixed-use projects, commercial only projects or residential only projects.

3.4.3 Local Coastal Plan Amendment

The City's certified Local Coastal Program (LCP) ensures that all land use and development activities within the City would be in conformance with the California Coastal Act. An amendment to Del Mar's certified LCP Land Use Plan (LUP) is required to update existing land use development policies to better incorporate and address the City's housing-related goals. DMMC Chapters 30.24 and 30.25 are also a part of the City's certified LCP. Therefore, the proposed amendments to the NC and PC land use designations and zones and associated LUP policies would require a Local Coastal Program Amendment (LCPA) subject to certification by the California Coastal Commission. The process for required certification review and approval by the California Coastal Commission would follow any local approval action by the City Council.

The existing LUP land use development goals include the following:

> Goal II-A: Preserve and enhance Del Mar's small town atmosphere with its harmonious blending of architecture, landscape and natural landforms in proximity to a beautiful shoreline.
>
> Goal II-B: Focus major retail and office activity into an economically viable, pedestrian-oriented area that serves the needs of both residents and visitors.
>
> Goal II-C: Preserve the economic integrity of the community.

The existing LUP policies are proposed to be amended as follows:

> Add a new Policy II-4: Increase the City's overall housing capacity and capability to accommodate housing units in commercial zones while minimizing potential land use compatibility conflicts and assuring priority for coastal-dependent and coastal related development.
>
> Amend Policy II-8: Retain a pedestrian-oriented downtown which groups <u>housing and</u> retail services with facilities for civic and community activities.

3.4.4 Anticipated Future Discretionary Actions

After adoption of the program, the following future discretionary actions would be required for implementation:

- Design Review Permits for all future development proposals pursuant to DMMC Chapter 23.08.
- Conditional Use Permit approval pursuant to DMMC Chapter 30.74, as required for proposed development in overlay zones where applicable pursuant to DMMC Chapter 30.29 (Floodway Zone), DMMC Chapter 30.52 (Bluff, Slope, and Canyon Overlay Zone) and DMMC Chapter 30.53 (Lagoon Overlay Zone).
- Floodplain Development Permit approval pursuant to DMMC Chapter 30.56 (Floodplain Overlay Zone).
- Coastal Development Permit approval pursuant to DMMC Chapter 30.75 (Coastal Development Permits).

3.5 Cumulative Project List

According to CEQA Guidelines Section 15130, an EIR is required to discuss cumulative impacts of a project or program. The cumulative impact analysis may be conducted and presented by either of two methods: (1) a list of past, present, and probable activities producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or related planning document or in a prior environmental document that has been adopted or certified that describes or evaluates regional or area-wide conditions contributing to the cumulative impact (see CEQA Guidelines Section 15130(b)). Table 3-1 provides a list of the cumulative projects.

Table 3-1
Cumulative Projects

APN	Permit Number	Project Type	Environmental Document	Acreage
N/A	EA19-001	Trail Extension	MND (anticipated)	N/A
299-192-24, 299-261-14, 299-261-42, 299-261-43, 299-200-62, 299-261-63, 299-200-64, 299-200-65	TTM18-004	Subdivision	MND (anticipated)	18.11
299-100-47 299-100-48	SP14-001	Specific Plan	EIR	2.6
298-241-29 298-241-34 298-241-35 298-241-36 298-241-06 299-030-15	SP17-001	Specific Plan	EIR	16.2
N/A	N/A	SCOUP	MND (anticipated)	N/A
299-030-15	TPM17-001	Subdivision	MND	4.08
299-232-08 299-232-09	SSP17-001, EA18-004, CDP18-019	Seawall	Addendum to previously-certified PEIR	1.05
N/A	SPP18-001, EA19-001, Coastal Development Permit with CCC	Seawall	Supplemental Environmental Document to Addendum PEIR	N/A
298-241-29 298-241-34 298-241-35 298-241-36 298-241-06	TTM18-003	Subdivision	MND	5.7

APN = assessor parcel number; CCC = California Coastal Commission; SCOUP = Sand Compatibility and Opportunistic Use Program; MND = mitigated negative declaration; EIR = Environmental Impact Report; PEIR = Program Environmental Impact Report

This PEIR discusses potential cumulative impacts based on the evaluation of past, present, and probable activities. All subchapters throughout Chapter 4.0 contain an individual discussion of cumulative impacts, complete with the identification of an issue-appropriate cumulative program area.

4

Chapter 4
Environmental Analysis

The following sections analyze the potential environmental impacts that may occur as a result of the proposed program. The environmental issues subject to detailed analysis in the following sections include those that were identified through preliminary program review as potentially significant.

Ten environmental issues are addressed in the following sections in accordance with the CEQA Guidelines and Statutes. Each issue analysis section is formatted to include a summary of existing conditions with the regulatory context, the criteria for the determination of impact significance, evaluation of potential impacts, mitigation measures (if any), and conclusion of significance after mitigation for impacts identified as requiring mitigation. The seven sections are included in the following order:

4.1 Land Use
4.2 Aesthetics
4.3 Cultural Resources
4.4 Transportation/Traffic
4.5 Air Quality
4.6 Greenhouse Gas Emissions
4.7 Noise
4.8 Hazards and Hazardous Materials
4.9 Biological Resources
4.10 Geology and Soils/Paleontological Resources
4.11 Energy

Cumulative Analysis

Section 15130(a) of the CEQA Guidelines requires a discussion of cumulative impacts of a project "when the project's incremental effect is cumulatively considerable." Cumulatively considerable, as defined in Section 15065(a)(3), "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Section 15130(a)(1) states ". . . a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR." According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative effects "need not provide as great detail as is

provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness . . . ."

According to Section 15130(b)(1) of the CEQA Guidelines, the discussion of cumulative effects is to be based on either (A) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency, or (B) a summary of projections contained in an adopted plan or related planning document that describes or evaluates conditions contributing to the cumulative effect. The cumulative analysis herein used the list method (see Table 3-4).

4.1 Land Use

This section addresses the consistency of the proposed program with the adopted City of Del Mar (City) Community Plan (Community Plan), Del Mar Municipal Code (DMMC; including ordinances and zoning), and Local Coastal Program (LCP). For a brief discussion of the land use issue 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).

4.1.1 Existing Conditions

The program area consists of 32 parcels within the City, 16 of which are located within the North Commercial (NC) zone, 4 within the Professional Commercial (PC) zone, and 12 are within the Public Facilities (PF) zone.

4.1.1.1 North Commercial Zone

Existing development within the NC zone consists of undeveloped parcels, commercial buildings and associated parking areas, sensitive habitat/wetlands/riverpath, and unpaved parking lots. Thirteen of these parcels are located within the Floodplain Overlay Zone, 15 of the parcels are located within the Lagoon Overlay Zone, and 2 parcels are located within the Bluff, Slope, Canyon Overlay Zone. A number of these designations overlap; therefore, some parcels could be within multiple overlay zones. Land uses surrounding the NC zone consist of single-family residential in the south and east of the zone, and to the west across the North County Transit District (NCTD) railway tracks. The City Public Works Department yard and office (zoned FW – Floodway) is located adjacent to the NCTD parcels, between these parcels and the lagoon on the west side of Jimmy Durante Boulevard. The San Dieguito Lagoon lies to the north of this zone.

4.1.1.2 Professional Commercial Zone

Existing development within the PC zone consists of commercial and professional office buildings fronting Camino Del Mar. The three parcels with frontage along the east side of Camino Del Mar consist of two, two-story buildings and two parking lots. The fourth parcel, located on the west side of Camino Del Mar, contains a one-story office building with tuck-under parking. Surrounding land uses to the south and east and northeast of the parcels located to the east of Camino Del Mar consists of single- and multi-family residential homes. To the north of these parcels lies a two-story commercial/office building (CC-Central Commercial Zone). Surrounding land uses associated with the PC parcel located to the west of Camino Del Mar consist of the Winston School of San Diego and Del Mar Shores Park to

the west and south (PF-Public Facilities Zone), and commercial/office buildings to the north.

4.1.1.3 Public Facilities Zone

Existing development within the PF zone under consideration consists of the Del Mar Library, Del Mar City Hall, United States Post Office, and City-owned properties with water tanks. Surrounding land uses to the Del Mar Library consists of single-family residential to the west, and commercial/office uses to the north, south, and west across Camino Del Mar. Surrounding land uses to City Hall consists of commercial/office uses to the north and east across Camino Del Mar, single-family residential to the west, and commercial uses to the south. The water tanks are primarily located within residential communities, screened by ornamental landscaping and setbacks from the streets.

4.1.2 Regulatory Framework

Development of the program areas is governed by several regulatory documents, including the City Community Plan, DMMC which includes City ordinances and zoning regulations, and the LCP Land Use Plan (LUP) and implementing ordinances. In addition to these regulatory authorities, there are several other local and regional plans and studies that provide guidance for land use and development in and around the program areas. Relevant plans and ordinances are described below.

4.1.2.1 State

a. California Assembly Bill 1233

Assembly Bill 1233 (AB) 1233 was signed into law on October 5, 2005. The bill states that a jurisdiction that fails to provide an adequate number of sites to meet the housing need allocated by the regional council of government during the prior planning period must rezone/upzone a sufficient number of sites to reconcile the shortfall within one year of the new housing element cycle.

During the 2003–2012 cycle, all units constructed in the City were in the above-moderate income level. The housing need allocated to the City by the San Diego Association of Governments (SANDAG) during this period was 25 units, 6 very low income, 4 low income, 5 moderate income, and 10 above moderate income units. The City is required by AB 1233 to address the deficit of very low, low, and moderate income housing in the 2013–2021 Housing Element cycle.

4.1.2.2 Local

a. Regional Comprehensive Plan

The SANDAG Regional Comprehensive Plan (RCP) serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional

decisions can be made that move the region toward a sustainable future. The RCP is a planning document that encourages local jurisdictions to address the San Diego region's housing, economic, transportation, environmental, and overall quality of life needs. The RCP provides a baseline by which to measure future performance. SANDAG is required to monitor the progress of the RCP using the following annual indicators: urban form and transportation, housing, healthy environments, economic prosperity, public facilities, and borders (SANDAG 2004).

The RCP encourages cities and the County to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. Basic principles of the RCP include mix compatible uses and to create a range of housing opportunities and choices.

b. 2050 Regional Transportation Plan/Sustainable Communities Strategy

The 2050 Regional Transportation Plan/Sustainable Communities Strategy (2050 RTP/SCS; SANDAG 2011) is a 25-year, long-range transportation plan that focuses on improving the balance between land use transportation systems throughout the entire region. The 2050 RTP/SCS includes a SCS that integrates land use planning, housing development, and transportation planning. The SCS also addresses how the transportation system is developed in such a way that the region reduces per capita greenhouse gas emissions to state-mandated levels. The SCS includes a land use pattern that accommodates the region's future employment and housing needs and protects sensitive habitats and resource areas.

c. Regional Housing Needs Assessment

As discussed briefly in Chapter 3.0, Description of Proposed Program, California Government Code Section 65584 requires California councils of government to produce Regional Housing Needs Assessments (RHNA) on an 8-year cycle. SANDAG completed the final draft of the 2010–2020 RHNA for the San Diego area in October 2011. The RHNA allocates the regional responsibility from the total regional housing need determined by the State Department of Housing and Community Development to each city or county within the region. The SANDAG 2010–2020 RHNA allocates a responsibility to provide 61 total additional dwelling units, including 4 units appropriate for extremely-low income residents, 3 very-low income, 5 low income, 15 moderate income, and 34 above-moderate income within the City. The City also incurred a 15-unit penalty from the previous Housing Element Cycle; therefore, the City's total RHNA obligations are 7 extremely-low and very-low income, 15 low income, 20 moderate income, and 34 above-moderate income.

d. Del Mar Community Plan

The Community Plan, first adopted in 1976, and last amended in 1985, identifies recommendations for the protection and preservation of the environment and addresses the 10 planning topics as required by state law: land use, open space, circulation, housing,

seismic safety, scenic highways, safety, noise, conservation, and recreation (City of Del Mar 1985). A separate Housing Element was approved for the 2013 to 2021 period by the City Council on May 20, 2013; and certified by the California Department of Housing and Community Development on June 6, 2013 (City of Del Mar 2013).

The Community Plan has an overarching goal to "preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single-family residential character, a picturesque and rugged site, and a beautiful beach." There are six goals that serve as the plan's basic framework to guide future development in the City. These goals encourage the preservation of the community character, economic integrity, and public participation in City planning.

The Community Plan goals have associated objectives and policies. Specific recommendations are provided for different geographic areas of the City. These geographic areas, 10 in all, are referred to as districts. The parcels within the NC zone are located in both the Valley and North Hills districts. The parcels within the PC zone are located in both the North Hills and South Beach Districts. The parcels within the PF zone are located in the Village Center District. The Housing Element specifically set forth the City's goals, policies, and programs to address Del Mar's identified housing needs. The overall housing goals for the City aim to conserve and improve the community's existing affordable housing stock, to encourage and support the development of a wide range of housing opportunities for households with a variety of lower income levels, and to promote equal and fair housing opportunities.

The Housing Resources Chapter of the Housing Element includes an inventory of potential sites within the City for future residential development pursuant to those goals and the housing needs identified in the RHNA. Subsection 2, Areas with Potential to Accommodate Additional Residential Units, states that the City would pursue a zone code amendment allowing residential development at a density of 20 dwelling units or greater with the inclusion of affordable housing.

e. Del Mar Municipal Code

The City of Del Mar Zoning Ordinance (Zoning Ordinance; Title 30 of the DMMC [City of Del Mar 2017a]) serves as the primary implementation tool of the Community Plan. Whereas the Community Plan is a policy document and sets forth direction for development decisions, the Zoning Ordinance is a regulatory document that establishes specific standards for the use and development of all properties in the City. The Zoning Ordinance regulates development intensity using a variety of methods, such as setting limits on building setbacks, yard landscaping standards, and building heights. The Zoning Ordinance also indicates which land uses are permitted in the various zones.

The parcel associated with the program area located within the NC, PC, and PF zones (DMMC Chapters 30.24, 30.25, and 30.31). All development within the NC, PC, and PF zones are required to obtain a Design Review Board (DRB) Permit and undergo discretionary design review prior to approval. As part of the DRB review process, proposals are evaluated by the DRB for consistency with the provisions of the Community Plan,

zoning regulations, and applicable design review standards found in the Design Review Ordinance. The DRB's review involves an evaluation of a structure's placement and size, the materials and colors to be used, and in the case of a new structure, the type and extent of the landscaping proposed. It also involves an evaluation of the program's compatibility with surrounding development and traffic circulation on abutting streets.

f. Del Mar Affordable Housing Mitigation

DMMC Chapter 24.21 explains the City's obligation to provide opportunities for housing for a wide range of income levels under state law. Affordable housing requirements are identified in DMMC Chapter 24.21.030, Table B, and shown below in Table 4.1-1.

Table 4.1-1
Affordable Housing Mitigation Requirements for New Condominium, Stock Cooperatives, and Community Apartment Units

Total Number of New Units	Affordable Housing Mitigation Requirement
2-5 units	Option of either: 1. Affordable Housing Unit Set-aside of one of the new units for rental at below market rate to a low-income households; or 2. Payment of an In-lieu Housing Mitigation Fee for each new unit.
6-9 units	Affordable Housing Unit Set-aside of one of the new units for rental at a below market rate to a low-income household.
10-19 units	Affordable Unit Set-aside of 20 percent of the new units for rental at below market rates to low-income households, with a further requirement that one of the set-aside units be reserved for rental at a below market rate to a very low-income household.
SOURCE: City of Del Mar Municipal Code (City of Del Mar 2017a).	

g. Local Coastal Program

All properties within the City are located within the coastal zone as defined in the California Coastal Act of 1976 (Coastal Act) and are subject to the provisions of the certified LCP. The City's LCP is composed of the LCP, LUP, and implementing ordinances, including associated maps and exhibits, which have been certified by the California Coastal Commission (CCC) as being consistent with and meeting the requirements of the Coastal Act.

The primary goal of the LUP is to ensure that all land use and development activities in the City will be in conformance with the policies of the Coastal Act, as amended. The LUP for the City is a compilation of the goals, policies, and recommendations identified in the Community Plan, various policy reports, the San Dieguito Lagoon Enhancement Program, as well as other goals and policies adopted by the City Council to guide future development within the City. The LUP addresses shoreline goals and policies, beach and coastal bluff regulations, runoff and erosion control, flood hazards, and coastal access. It includes several general land use development goals and policies that are relevant to the proposed program, including to maintain the existing small-scale, low-intensity character of the community, to protect and preserve public views to the ocean and other significant natural resources, to minimize disturbance of natural topography and vegetation, to retain a pedestrian-oriented

downtown, and to establish a comprehensive circulation and parking plan for the Camino Del Mar area. The LUP is implemented by the regulations of the LCP Implementing Ordinances.

The LCP implementing ordinances were certified by the CCC and adopted into the DMMC in 2001. The implementing ordinances are contained in the City's Zoning Ordinance (DMMC Title 30) and address the following coastal issues (the associated Zoning Ordinance chapter is shown in parentheses):

- Floodway Zone (DMMC Chapter 30.29)
- Beach Overlay Zone (DMMC Chapter 30.50)
- Setback Seawall Permits (DMMC Chapter 30.51)
- Bluff, Slope and Canyon Overlay Zone (DMMC Chapter 30.52)
- Lagoon Overlay Zone (DMMC Chapter 30.53)
- Coastal Bluff Overlay Zone (DMMC Chapter 30.55)
- Floodplain Overlay Zone (DMMC Chapter 30.56)
- Public Access (DMMC Chapter 30.61)

The program area, specifically the parcels within the NC zone, is located within the Floodplain Overlay Zone, Lagoon Overlay Zone, and Bluff, Slope and Canyon Overlay Zone.

h. City of Del Mar Climate Action Plan

The City's Sustainability Advisory Board developed a multi-faceted climate action plan and updated the City's GHG Inventory. The Climate Action Plan (CAP) sets targets for reducing GHG emissions by 2020 and 2035, identifies strategies to meet the targets, formulates a plan for implementation, and discusses ways the City needs to adapt to the effects of climate change already occurring or anticipated to occur. The CAP integrates the City's past and current efforts with future efforts to grow and thrive sustainably.

4.1.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to land use would be significant if the program would:

Threshold LU-1 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.1.4 Methodology

Land use impacts are assessed based on the physical effects related to land use compatibility and consistency with adopted plans and regulations. As indicated in the CEQA Guidelines, inconsistency or conflict with a plan does not by itself constitute a significant environmental impact. The plan or policy inconsistency would have to result in or relate to a significant environmental impact in order to be considered significant pursuant to CEQA.

The analysis in this section is based on information obtained through site visits, aerial photographs, mapping, and a review of adopted plans and regulations. Visual simulations of potential development within the program areas were prepared. The program's compliance with existing development regulations, including land use, height, setback, and other development regulations is discussed below, while a detailed assessment of visual related impacts is included in Section 4.2.

Through these means, the program was evaluated for consistency with applicable plans and regulations, and the established goals and regulations for land use, conservation, and development within the City.

4.1.5 Consistency with Applicable Plans, Policies, and Regulations

4.1.5.1 Impact Analysis

Threshold LU-1 states that land use impacts would be significant if the program were to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The program would amend the Zoning Ordinance to allow residential development within the NC and PC zones at a density of up to 20 du/acre. The program would require a Community Plan Amendment and LCP Amendment to reflect the changes and ensure consistency across all applicable documents. A detailed evaluation of the program's consistency with the City's relevant goals and policies is presented in Table 4.1-2.

Overall, the program would implement the City's Housing Element goals. Specifically, as discussed in Chapter 3.0, Description of Proposed Program, the program would implement action items 2-E and 2-F of the Housing Element by adding multiple-dwelling unit residential (maximum 20 du/ac) as an allowed primary use to the current mix of uses in the existing NC and PC zones. The program is consistent with the Community Plan's objective to encourage and facilitate provision of lower cost housing for low and moderate income households. Additionally, the program would allow the City to meet state housing allocation targets, as opposed to building requirements; these allocation targets are goals for each community to accommodate housing opportunities through appropriate planning policies and land use regulations. Allocation targets are intended to assure that adequate sites and zoning are made available to address anticipated housing demand during the planning period (City of Del Mar 2013). Through the allowance of a maximum of 20 du/acre the City has accounted for, and planned to meet its RHNA obligations. The zoning amendment would also assist in meeting AB 1233 requirements relating to the provision of low income housing. Therefore, as detailed in Table 4.1-2, through implementation of Housing Element objectives, the City would meet state and local housing requirements, without conflicting with any applicable land use policy or regulation. Impacts associated with land use policy consistency would be less than significant.

The program would also be consistent with state regulations associated with sustainable communities and housing requirements. As required by Senate Bill 375, the higher density allowance would improve the integration of pedestrian and transportation planning thereby assisting in the achievement of greenhouse gas emission reduction targets. The allowance for residential uses within already established areas also conforms to the goals and greenhouse gas reduction policies central to the SANDAG RCP and 2050 RTC/SCS plans, including planning for a mix of compatible uses and the creation of a range of housing opportunities. Therefore, the program would not conflict with regional long range planning documents.

4.1.5.2 Significance of Impacts

Impacts related to scenic resources would be less than significant.

4.1.5.3 Mitigation Framework

No mitigation measures are required.

4.1.6 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area related to land use is the City limits, which would include all anticipated growth under the Community Plan. Significant adverse cumulative land use impacts would result from projects that contribute to development that is inconsistent with applicable plans or incompatible with existing or planned uses or planned addition of incompatible uses. Any cumulative projects that propose amendments to the Community Plan or Zoning Ordinance would be required to show that proposed uses would be consistent with applicable policies. The discretionary review process and long-term planning at the City would ensure that all development projects within the City's jurisdiction show consistency with the Community Plan and all other applicable plans for the area. Therefore, a significant cumulative impact to conflict with land use plans, policies, and ordinances would not result. Cumulative project impacts related to land use and planning would be less than significant.

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Table 4.1-2 Land Use Policy Consistency Analysis – Community Plan	
Community Plan Goals & Policies	Consistency Analysis
Community Development Element	
Goal #3 - Preserve and enhance Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline.	
Objective A: Maintain a low density residential character and allow only one and two story low mass intensity development in residential areas. *Policy 3.A.3: Limit excessive scale and bulk by establishing a maximum floor area to lot ratio in multiple family neighborhoods.*	The proposed program would amend the City's Zoning Ordinance to allow for residential development within the NC and PC zones; however, all other development regulations pertaining to these zones would not change. Any future development within these two zones would be required to comply with existing floor area to lot ratios, as identified within the Zoning Ordinance. In addition, although no changes to the zoning code related to the PF zone are proposed at this time, if, in the future, development were to occur within this zone, the development would also be required to comply with existing development regulations pertaining to floor area ratio. The program would be consistent with this policy by maintaining the community character of the zones through implementation of existing development regulations relating to floor area to lot ratio.
Policy 3.A.4: Limit building height to two stories in all residential areas, prohibit three story facades, and encourage single story development in areas where two-story construction would be disruptive to neighborhood character and scale of development.	The program would amend the City's Zoning Ordinance to allow for residential development within the NC and PC zones; however, all other development regulations pertaining to these zones would not change. Any future development within these two zones would be required to comply with existing height limits, as identified within the Zoning Ordinance. In addition, although no changes to the zoning code related to the PF zone are proposed at this time, if, in the future, development were to occur within this zone, the development would also be required to comply with existing development regulations pertaining to height limits. The program would be consistent with this policy by maintaining the community character of the zones through implementation of existing development regulations relating to height limitations.
Objective B: Insure that future development, whether commercial or residential, does not detract from high quality vistas and terrain, either by blocking views or disturbing natural topography, mature trees, or native growth. *Policy 3.B.1: Strengthen height controls to protect scenic vistas from both private and public areas. Construction in areas of view sensitivity should require design approval to insure protection, in an equitable manner, of the right to view scenic vistas from both near and far.*	The program would amend the City's Zoning Ordinance to allow for residential development within the NC and PC zones; however, all other development regulations pertaining to these zones would not change. Any future development within these two zones would be required to comply with existing regulations associated with the preservation of scenic vistas and view corridors. Specifically, future development projects that qualify under the proposed program would be subject to the City's design review process to ensure that the character of the City and community is maintained. Future development within the program area would be required to comply with all existing environmental protection regulations as well as undergo review by the Design Review Board (DRB), thereby ensuring that future projects would be consistent with this policy. The proposed program would be consistent with this policy by ensuring that future projects comply with the DRB process to ensure preservation of scenic vistas.

Table 4.1-2 Land Use Policy Consistency Analysis – Community Plan	
Community Plan Goals & Policies	Consistency Analysis
Objective D: Insure adequate housing for diverse age and socio-economic groups within the community. *Policy 3.D.1: Protect existing moderate cost housing from unnecessary redevelopment to more expensive housing by maintaining strict floor area to lot area limitations.*	The program would be consistent with this objective because the Zoning Ordinance amendment would encourage and facilitate multi-family development within the NC and PC zones that could accommodate a variety of product types within a range of prices, including lower cost housing for low and moderate income households. Additionally, the program would retain development regulations pertaining to these zones would not change and future development would be required to adhere to existing floor area ratio regulations to protect all levels of housing.
Objective E: Encourage and facilitate provision of lower cost housing for low and moderate income households.	The program would be consistent with this objective because the program would encourage and facilitate multi-family development that would accommodate a variety of product types within a range of prices, including lower cost housing for low and moderate income households. Additionally, future projects implemented under the program would be required to implement the Affordable Housing Mitigation requirements, thereby providing affordable housing units pursuant to City standards.
Objective F: Protect and enhance human scale, warmth, charm, interest, texture, pedestrian involvement and landscaping. *Policy 3.F.1: Encourage harmonious development which is in scale with the character of existing development.*	The program would be consistent with this objective because future development would be required to adhere to development regulations relating to the size, bulk and scale pursuant to existing development regulations. Additional regulations including landscape design would also be required. All future projects implemented under the program would go through the City's DRB process to ensure that the community's character and quality is maintained.
Objective G: Apply watershed protection activities to all new development and redevelopment proposals during the planning, project review, and permitting processes.	The program would be consistent with this objective because future development would be required to adhere to the City's watershed protection regulations, including preparation of stormwater quality management plan and drainage studies, as required, to address water quality, sedimentation, storm water runoff, etc.

Table 4.1-2 Land Use Policy Consistency Analysis – Community Plan	
Community Plan Goals & Policies	Consistency Analysis
Housing Element	
Goal 1: Conserve and improve the community's existing affordable housing stock *Policy 1.1: Continue to preserve any affordable housing units that exist within the City*	The program would amend the City's Zoning Ordinance to allow for residential development within the NC and PC zones. These zones currently support commercial uses. Therefore, the program is consistent with this goal/policy because the proposed amendment would not affect existing residential stock. Additionally, if future amendments occur within the PF zone, this would result in new residential uses, without effecting any existing homes.
Goal: Encourage and support the development of a wide range of housing opportunities for households with a variety of lower income levels. *Policy 2.1 Provide a variety of residential development opportunities to fulfill the City's share of regional housing needs, including single-family residences, townhomes, condominiums, apartments, mixed residential/commercial projects and second-dwelling units on properties otherwise zoned for single-family use.* *Policy 2.2: Encourage and support the construction of housing for all segments of the community, including those with special needs.*	The program would amend the City's Zoning Ordinance to allow for residential development within the NC and PC zones; however, all other development regulations pertaining to these zones would not change. Additionally, the program does not include any development proposals, but rather seeks to amend the Zoning Ordinance to allow for future development. The amendments would encourage and facilitate multi-family development that would accommodate a variety of product types within a range of prices, including lower cost housing for low and moderate income households. The program is consistent with this goal/policies because it specifically implements Housing Element Objectives 2-E and 2-F to fulfill the City's regional housing share. Additionally, future projects implemented under the program would be required to implement the Affordable Housing Mitigation requirements, thereby providing affordable housing units pursuant to City standards.

4.2 Aesthetics

This section addresses the visual aspects of the program and compatibility with existing land use regulations and policies in terms of view quality and neighborhood visual character. The analysis completed in this section is based on site visits, photographs of surrounding views, review of recent City of Del Mar (City) projects, and building massing visual simulations of buildout under the proposed zoning amendments prepared by Spurlock Landscape Architects.

4.2.1 Existing Conditions

4.2.1.1 Environmental Setting

a. Topography and Landform

The program area consists of 32 parcels located throughout the City, in various locations ranging from the downtown area to the edges of the San Dieguito Lagoon (see Figures 3-1, 3-2, and 3-3).

North Commercial Zone

The parcels located near the lagoon, within the North Commercial (NC) zone, are relatively flat. Two of the parcels located east of Jimmy Durante Boulevard contain steep slopes (less than 25 percent) that are within the Bluff, Slope, and Canyon Overlay Zone. These two parcels are vacant and contain an existing dirt parking lot. The NC zone parcels east of Jimmy Durante Boulevard and north of San Dieguito Drive contain existing commercial and office space, as well as a gravel parking lot. The NC parcels located west of Jimmy Durante Boulevard consist of office and commercial buildings, ranging in height from one to two stories. The North County Transit District (NCTD) parcel, located northwest of the commercial development, is vacant and contains existing railroad right-of-way. This parcel contains wetland vegetation and site within the Floodplain and Lagoon Overlay Zones.

Professional Commercial Zone

The Professional Commercial (PC) zone parcels, located along Camino Del Mar, south of the downtown commercial core of the City, contain existing office development. The facilities located to the east of Camino Del Mar contain both one- and two-story office buildings, with a paved parking lot located in the rear of the north building and in the front of the south building. These parcels are located within a west-facing hillside that slopes downward in the direction of the Pacific Ocean. The PC zoned parcel located to the west of Camino Del Mar contains a one-story office building over parking.

Existing landscaping within the northern PC parcel includes various ornamental trees and landscaping along the western property line at Camino Del Mar, directly in front of the northernmost building. The southern parcel contains two buildings, with a one-story building and parking lot fronting Camino Del Mar and a two-story building located directly behind this building to the east. There is no ornamental landscaping along the parcel frontage with Camino Del Mar; however, there is ornamental landscaping located between the two buildings. The PC zoned parcel located to the west of Camino Del Mar contains a one-story office building with ornamental landscaping along the frontage with Camino Del Mar.

Public Facilities Zone

The Public Facilities (PF) zoned parcels associated with the Del Mar City Hall contains the existing City Hall facilities, along with ornamental landscaping scattered throughout the site. The four parcels which comprise the City Hall site are located on a west-sloping face towards the Pacific Ocean, and contains a one-story building with underground and surface parking to the west of the buildings. The PF zoned parcel associated with the Del Mar Library contains a two-story building that sits atop a graded lot. The parcel frontage along Camino Del Mar contains ornamental landscaping as well as an approximately four-foot retaining wall. The PF zoned parcel associated with the U.S. Postal Service office contains a one-story building with paved surface parking lot along the north, east, and west sides of the building. Ornamental landscaping within the parcel is located along the parcel's frontage with 15th Street.

The additional City properties that comprise the PF zoned parcels are graded and disturbed. Four of the five parcels contain water tanks and the fifth is currently used as construction material and/or trash/recycling storage.

b. Community Character

The City has an eclectic style of architecture, landscape, parking areas, and streetscapes. Camino Del Mar is the visually prominent road through the City. It is comprised of two travel lanes in both directions with bike lanes and either parallel or angled parking along much of its curb line. In most locations, the north- and southbound lanes are divided by landscaped medians with mature trees and a variety of smaller shrubs and groundcover. The pedestrian walkways adjacent to Camino Del Mar have variable widths due to a variety of building setbacks. Jimmy Durante Boulevard provides access from the downtown area to points north and east, including Interstate 5 (I-5) and the Del Mar Fairgrounds.

North Commercial Zone

The NC zone at the north end of the City is more suburban in character with wider setbacks, larger parking lots, and superblock development. The character of the buildings are mixed industrial and office without any known unique or historical properties.

Professional Commercial

The PC zone is located in the downtown area and includes properties that are older and tend to have more unique and mixed character architecturally. The properties tend to be a bit more

urban in character with smaller setbacks, less parking, and are much more walkable and integrated into the neighborhood and block grid.

c. Scenic Resources

Scenic resources are designated in the Community Plan and include the Pacific Ocean, beaches, bluffs, trees, and historic properties. None of the City-designated coastal scenic resources are located within any of the parcels that comprise the program area (NC and PC zones); however, the program area does offer views of scenic resources as discussed further below.

North Commercial Zone

Scenic resources within the NC zone includes coastal, wetland vegetation, Torrey pines, and the San Dieguito Lagoon.

Professional Commercial Zone

There is a diverse collection of trees in the program area, including mature eucalyptus and Torrey pines along Camino Del Mar. The Torrey pine is indigenous to this region and has become a symbolic tree for the City. The Community Plan considers Torrey pines as significant visual resources. The City's Tree Ordinance and associated manual consider all trees within the City as significant scenic resources. There are no designated state scenic highways with views of the program area, but the Community Plan designates Camino Del Mar as a scenic roadway since it provides views of scenic resources.

Public Facilities Zone

One property within the PF zone, the Del Mar Library, is within the Historic Preservation Overlay District.

d. Scenic Views

The City places a high importance on the preservation of scenic views from private residences, and public views, including public rights-of-way. As stated in the Del Mar Municipal Code (DMMC) Section 23.51.010 C, "Scenic Views, whether of the Pacific Ocean, nearby lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, produce a variety of significant and tangible benefits for residents, property owners and visitors." Scenic views from parking areas and from the existing buildings to the San Dieguito Lagoon, Pacific Ocean, beaches and bluffs across the viewshed of the lagoon are available throughout the NC, PC, and PF zones.

Private Residential Views

According to DMMC Section 23.08.040, Design Review, primary scenic view from private residences means "a view of the ocean, the community, lagoons, canyons or other scenic vistas from the primary living area of a residence." Primary living area is defined as "that portion of a

residence determined [...] to be the main gathering and entertainment room used by residents and guests of the residence." A residence may only be limited to one primary living area (oftentimes a living room, dining room, or great room), which in no case shall be a bedroom, bathroom, storage area, stairwell, or hallway. As defined by DMMC Chapter 23.08.040, primary scenic views are limited to residential properties exclusively and do not apply to commercial properties.

Public Views

Public views are areas where the public has unrestricted view access to scenic resources. This can include roadways and sidewalks, parks, trails and pathways, and public properties where security is not a significant concern (e.g., no fencing or restricted access). The program area is composed of mostly privately owned parcels; however, public properties within the PF zone include the library, post office, City Hall sites, and City-owned properties with existing water tanks.

e. Existing Views

A series of photographs were taken at key locations throughout the program area which would exemplify the existing visual condition. The selected key views are shown on Figure 4.2-1.

North Commercial Zone

Key View #NC1 (Figure 4.2-2 View 1 Before) is the view from the east side of Camino Del Mar bridge over Jimmy Durante Boulevard and the railroad tracks, facing northeast. As shown, this view primarily includes views of the coaster tracks and homes along the southern slope of the surrounding hills. There is mature vegetation, utility poles and trees to the east along Jimmy Durante Boulevard.

Key View #NC2 (Figure 4.2-3 View 2 Before) is the view from the south side of the Jimmy Durante Boulevard bridge over San Dieguito lagoon facing southwest. As shown, this view includes roadway, mature trees, and utility poles.

Professional Commercial Zone

Key View #PC1 (Figure 4.2-4 View 1 Before) is the view from the north side of the Camino Del Mar and 9th Street intersection facing south. As shown, this view primarily includes the roadway corridor, lined with existing commercial structures on the east side of Camino Del Mar. Additional commercial buildings on the west are obscured by existing trees and mature vegetation.

Key View #PC2 (Figure 4.2-5 View 2 Before) is the view from the west side of the southeast corner of 15th Street and Stratford Court facing northwest. As shown, this view primarily includes the front building of the post office, landscaping, and utility poles.

Public Facilities (PF) Zone

Although no change to the existing PF zone development is included as part of the program, the Program Environmental Impact Report (PEIR) analyzes the potential for future development of affordable housing (maximum 20 dwelling units per acre [du/ac]) within the PF zone (excluding Shores Park) per Housing Element Program 2-H. Therefore, the Post Office was included in the collection of locations where potential visual change could result. Key View #PF1 (Figure 4.2-6 View 1 Before) is the view from the west side of the Camino Del Mar and 8th Street intersection facing northeast. As shown, this view primarily includes a commercial building with a front facing parking lot, light poles, and utility lines.

Figures 4.2-7 through 4.2-11 depict the current condition of parcels 299-260-45; 300-243-10; 300-272-07; 300-243-10, and 299-030-12, respectively, within the PF zone. As shown, these parcels are disturbed, supporting ornamental landscaping and City water tanks.

4.2.2 Existing Regulatory Framework

4.2.2.1 State Scenic Highway Program

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. There are no designated or eligible scenic highways in the area listed in the California Scenic Highway Program in the proposed program area.

4.2.2.2 California Coastal Act

Under the California Coastal Act of 1976, scenic and visual qualities of coastal areas are considered and protected as a visual resource. It states that permitted development should be sited and designed to protect public views to and along the ocean and scenic coastal areas. The act also requires minimizing the alteration of natural landforms, to assure that they are visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The City implements the goals and policies in the Local Coastal Plan (LCP) and various policy reports adopted by the City Council to guide future development within Del Mar. Aesthetic components of the LCP relevant to the program include development of a community and administrative center with attractive walkways and landscaped court and open spaces, pedestrian-oriented streetscapes, and architectural style which retains a small-town character and preserves public ocean views and public access to the coastline.

4.2.2.3 Del Mar Community Plan

The Del Mar Community Plan (1976, amended 1985) is the General Plan of the City and includes goals and policies that address aesthetics. The overall goal is to "[p]reserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single-family residential character, a picturesque and rugged site, and a beautiful beach." Other goals applicable to aesthetics include minimizing the impact of vehicles on the

character of the City and preserving and enhancing the "special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline." As identified in the Community Plan, Camino Del Mar is a scenic roadway and views of the Pacific Ocean and other visual resources such as bluffs and trees are to be protected.

4.2.2.4 Scenic View Protection Ordinance

DMMC Chapter 23.51 provides for protection of trees, scenic views, and sunlight that contribute to the character of the City and benefit to residents. This chapter is informally known as the Scenic View Protection Ordinance and gives residents the right to restore scenic views or sunlight that existed at the time they purchased or occupied the residence or in the last 10 years, whichever is shorter. A scenic view is defined as "a view of the ocean, lagoons, canyons, the community and its landscapes and urban forest character, or other scenic vistas, from the Primary Living Area of a residence." Primary Living Areas are defined as the "[single] portion of a residence from which a Scenic View is observed most often by the occupants and guests at the residence." Under this ordinance, vegetation and trees must be properly maintained within 300 feet of residential properties to preserve scenic views and sunlight. The DMMC has established a procedure to resolve conflicts regarding protected trees, scenic views, and sunlight rights.

4.2.2.5 Tree Ordinance

The Tree Ordinance (Section 23.50 of the DMMC) provides for the orderly protection of trees, including the following measures:

> In the interest of the public health, safety and welfare, as well as general aesthetics of the community and the importance of the ecology of the area, the City of Del Mar finds it necessary to encourage conservation of trees and the application of management techniques to create a healthy, diverse urban forest, including but not limited to pruning, thinning, trimming, shaping, and selective planting and removal of trees and vegetation within the City of Del Mar on private as well as public property. [Ord. 749]
>
> The species Torrey Pine, the species Monterey Cypress, and all species of trees located within the Central Commercial zone and the environmentally sensitive Open Space Overlay zone are of particular significance to the City and should therefore be protected to conserve the environmental qualities of the City.

DMMC Chapter 23.50.020 extends the Protected Tree definition to any species of tree within a public right-of-way, on public or City-owned property, or planted as a result of required mitigation for the removal of another Protected Tree(s).

To further enforce this protection, the City prepared a Public Tree Policy Manual in 2004. This manual directs tree preservation in order to preserve the community's unique, village-like atmosphere, which is distinguished by its community forest. Tree species of particular concern

include Torrey pines and Monterey cypress, although the manual indicates all trees within the Village area are considered significant. A Tree Removal Permit is required to remove a Protected Tree, except in certain situations outlined in the DMMC Chapter 23.50.050. In the case of public trees, a separate Encroachment Permit from the City is also required (this statement does not apply to the City or its contractors). Implemented through the Design Review process, protected trees to remain are also required to be protected during construction to prevent tree loss.

4.2.2.6 Design Review Ordinance

The DMMC Design Review (Section 23.08 of DMMC Title 23; also known as Design Review Ordinance) requires all new construction or major remodeling projects to obtain a Design Review Board (DRB) permit. The purpose of the DRB permit is to "to achieve and protect a residential, seaside community which is both beautiful and pleasant in character, by fostering and encouraging good design which encompasses the use of harmonious materials and colors, compatible proportional relationships and appropriate use of landscaping, and to protect the citizens of the City of Del Mar."

The DRB permit process includes several evaluation components, including many related to aesthetics. Overall, the evaluation components provide the following guidance:

- Minimize the disruption of existing natural features such as trees and other vegetation, natural ground forms, and view. This includes blending proposed grading with existing topography.
- Include landscaping that matches existing landscaping in the area and compliments and visually softens buildings.
- Unattractive features shall be screened from view.
- Minimize blockage impacts to public and private coastal views and retain scenic resources.
- Development shall be similar in scale and design (including style, materials, or colors) relative to the surrounding neighborhood; however, similar or identical building façades shall be avoided on adjacent parcels.
- Design lighting to reduce adverse impacts to the local neighborhood and be architecturally integrated.
- Views and designs shall be considered in all elevations.

The Design Review section of the Regulatory Conclusions (Section 23.08.077) does not allow projects where "design unreasonably blocks significant public coastal views" or "unreasonably encroaches upon primary scenic views of neighboring property." As the above information is only a summary of relevant evaluation components, review of the full text of the Design Review Ordinance is required for complete information. As a part of the Design Review aesthetics

analysis, story poles are be required to indicate the proposed alignment and massing of a development.

The Design Review Board has the authority to impose conditions on projects to protect and enhance the health, safety, and welfare of the surrounding area, and to ensure that projects fully meet the criteria as set forth in DMMC Chapter 23.08. As stated in Section 23.08.100, conditions shall be reasonably related to the project.

4.2.2.7 DMMC Designated Overlay Zones

The DMMC designates special zoning districts, called overlay zones, which identify special regulatory provisions in addition to those applicable to the base zone. The overlay zones provide regulatory protection associated with a specific resource or guide development within a special area. Portions of the NC zone are located with the City's Floodplain Overlay Zone, the Bluff, Slope, and Canyon Overlay Zone, and the Lagoon Overlay Zone. One site in the PF zone is designated within the Historic Preservation Overlay Zone.

a. Floodplain Overlay Zone (DMMC Chapter 30.56)

This overlay zone is composed of those properties located within the 100-year floodplains of the San Dieguito River and the Los Peñasquitos Lagoon which have been identified by the Federal Insurance Administration as being subject to periodic inundation due to flooding. The purpose of the regulations is to promote the public health, safety and general welfare by ensuring that new development is appropriately sited and constructed so as to avoid hazards to those who will occupy the development, and to avoid damage or hazards to the surrounding area. The regulations are also intended to ensure that development within the Floodplain Overlay Zone will not obstruct flood flow, will be designed to reduce the need for construction of flood control facilities, and to minimize the cost of flood insurance to Del Mar residents (DMMC Chapter 30.56.010).

Development within the Floodplain Overlay Zone would require approval of a Floodplain Development Permit as detailed in DMMC Chapter 30.56.050.

b. Bluff, Slope, and Canyon Overlay Zone

The Bluff, Slope, and Canyon Overlay Zone is designed to protect and to control the development of properties within the designated zone in order to preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the zone. The Bluff, Slope, and Canyon Overlay Zone also protects downstream resources from the adverse impacts of erosion and sedimentation. The unique landforms within the zone provide visual relief and diversity within the City, and they define and separate neighborhoods, and enhance the overall quality of Del Mar's local coastal environment (DMMC Chapter 30.52.010).

Development within the Bluff, Slope, and Canyon Overlay Zone requires approval of a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) in accordance with DMMC Chapters 30.74 and 30.75, respectively. The additional layer of development review within the BSC-OZ ensures the preservation of resources within the zone.

c. Lagoon Overlay Zone

This overlay zone is composed of properties which are located directly in, or in proximity to, the Los Peñasquitos and San Dieguito lagoons. The purpose of the Lagoon Overlay Zone is to protect the wetland resources of these lagoon areas and their sensitive upland habitats by requiring that all development activities taking place in the zone are designed and implemented in a manner that is consistent with wetland habitat protection and enhancement (DMMC Chapter 30.53.010).

Development within the Lagoon Overlay Zone requires approval of a CUP and CDP as a means to preserve the City's wetlands and sensitive biological resources.

d. Historic Preservation Overlay Zone

The Historic Preservation Overlay Zone protects the architectural and historic integrity of certain historically significant properties located within the city. Within the PF zone, the Del Mar Library has the Historic Preservation Overlay Zone designation. Development within the Historic Preservation Overlay Zone would require approval by the Design Review Board in accordance with the regulations set out in DMMC Chapter 30.58.060.

4.2.2.8 Other DMMC Regulations

Other DMMC regulations indirectly regulate aesthetic impacts. Supplemental DMMC zoning regulations in Section 30.86 pertain to undergrounding utilities; fences; screening of unsightly uses including garbage storage space; rooftop structures (chimneys and vents); yard landscaping; and yard projections. The zoning code provides height and density restrictions. Building height is limited to 26 feet, except for structures fronting on the west side of Camino Del Mar, which are not to exceed a height of 14 feet from the curb elevation. Currently, 70 percent of the structures on the west side of Camino Del Mar are nonconforming in that they already exceed this 14-foot building height restriction.

4.2.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to aesthetics would be significant if the program would:

Threshold Aes-1 Have a substantial adverse effect on a scenic vista;

Threshold Aes-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

Threshold Aes-3 Substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or

Threshold Aes-4 Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

4.2.4 Methodology

The analysis completed in this section is based on site visits, photographs of surrounding views and building massing visual simulations of buildout under the proposed zoning amendments prepared by Spurlock Landscape Architects. An analysis was completed to show the view from each key view location under two conditions: (1) existing conditions and (2) proposed buildout under the Zoning Ordinance Amendment (program). These scenarios were depicted using visual building massing models superimposed over the existing views to represent simulations of potential development. 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.

4.2.5 Scenic Vistas

Threshold Aes-1 states that implementation of the program would cause a significant aesthetic impact if it would result in a substantial adverse change on a scenic vista. A change would be considered substantial and adverse if the majority of an existing scenic view was blocked.

4.2.5.1 Impact Analysis

Major views within the program area include public views toward the ocean on public property, along the 10th and 11th street corridors, and views from Camino Del Mar, which is designated as a scenic road by the Community Plan for its view of the ocean. Also, the City protects scenic views from the Primary Living Area of a residence per the Design Review Ordinance and Scenic View Protection Ordinance, and scenic views from public property such as the existing City Hall and public streets.

Implementation of the Zoning Ordinance amendments would not affect allowable height, floor area ratio, or any other site design standard within the program areas. The height of structures and the ultimate height of proposed landscaping are primary factors that have the potential to affect views toward the Pacific Ocean. Future development/redevelopment would be required to comply with DMMC Chapter 30.31.060 which requires that the design, scale, height, bulk, coverage, and exterior appearance of all structures shall be in harmony with neighborhood character and development on nearby lots; and that consideration shall include the preservation of privacy on neighboring residential properties; and the proposed program's potential impact on the preservation of views to the ocean from both public properties and rights-of-way, and also private residential properties.

North Commercial Zone

Key View #NC1 looks east into the NC zone. Visual simulations were prepared to show both full redevelopment potential and view of only new development potential. As illustrated in

Figure 4.2-2 After-Only New Development, because the yellow buildings at the center of the view are built out pursuant to DMMC development regulations, only changes to the buildings further down Jimmy Durante Boulevard could occur. Any development within the farthest north lot would be unlikely due to biological constraints; however, if development did occur within the parcel it would be blocked from view. As illustrated in the Figure 4.2-2 After-All Redevelopment, the new bulk of the buildings would be visible throughout Key View #NC1. Compared to the existing condition, the potential structures would be larger in bulk and scale than currently constructed; however, no more so than allowed under existing development regulations. Nonetheless, at this program level of analysis, potential impacts to views from Key View #NC1 would be potentially significant due to uncertainty of actual development programs (Impact Aes-1).

Key View #NC2 looks west into the NC zone. As illustrated in Figure 4.2-3 After, buildout of the parcels in view would result in an increase in the visibility of structures within the key viewing area. Compared to the existing condition, the potential structures would be larger in bulk and scale than currently constructed; however, no more so than allowed under existing development regulations. Nonetheless, at this program level of analysis, potential impacts to views from Key View #NC2 would be potentially significant due to uncertainty of actual development programs (Impact Aes-2).

Professional Commercial Zone

Key View #PC1 looks south down Camino Del Mar at the intersection of 9th Street. Visual simulations were prepared to show both full redevelopment potential and additional development of the parcels to full development potential under existing regulations. As illustrated in Figure 4.2-4 After-Only New Development, buildout of the further parcel on the east side of Camino Del Mar with only new development would have changes to its current visibility because additional development potential could pull this building closer to the sidewalk, while the closer building could construct additional building space at the corner. Structures on the west side of Camino Del Mar would remain hidden from view. As illustrated in Figure 4.2-4 After-All Redevelopment, compared to the existing condition, the potential structures would be larger in bulk and scale than currently constructed; however, no more so than allowed under existing development regulations. Overall, while changes to the view potential from Key View #PC1 would remain similar to the existing view, at this program level of analysis without development plans to depict specific architectural and design details impacts to views from this location would be potentially significant due to uncertainty of actual development projects (Impact Aes-3).

Key View #PC2 looks north up Camino Del Mar at the intersection of 8th Street. As above, visual simulations were prepared to show both full redevelopment potential and view of only new development potential. As illustrated in Figure 4.2-5 After-Only New Development, buildout of the parcel in view would result in increased bulk at the front end of the building, if constructed beyond the existing parking lot. Redevelopment of the entire site is shown in Figure 4.2-5 After-All Redevelopment. As depicted, under either scenario, this structure would become more visible compared to the existing condition; however, no more so than allowed under existing development regulations. Nonetheless, at this program level of analysis,

potential impacts to views from Key View #PC2 would be potentially significant due to uncertainty of actual development projects (Impact Aes-4).

Public Facilities Zone

Key View #PF1 looks northwest at the southeast intersection of 15th Street and Stratford Court. This position gives a wide view of the post office site. As illustrated in Figure 4.2-6 After, buildout of the post office site would result in increased bulk at the back portion of the building, if constructed beyond the existing structure. This structure would become more visible compared to the existing condition; however, no more so than allowed under existing development regulations. Nonetheless, at this program level of analysis, potential impacts to views from Key View #PF1 would be potentially significant due to uncertainty of actual development projects (Impact Aes-5).

While additional visual simulations were not created for each individual parcel within the PF zone, at this level of analysis, without the benefit of development plans, should these parcels be added to the program redevelopment would likewise result in potentially significant visual impacts (Impact Aes-6).

4.2.5.2 Significance of Impacts

The following impact has been identified:

- **Impacts Aes-1 through Aes-5**: Direct impacts associated with changes in view as depicted in the simulated Key Views would be potentially significant.

- **Impact Aes-6:** Direct impacts associated with redevelopment of parcels within the PF zone would be potentially significant.

4.2.5.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Aes-1: 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.

4.2.5.4 Significance after Mitigation

Future projects within the NC, PC, and PF zones would be required to implement mitigation measures MM-Aes-1 to ensure that any development projects occurring within the program area would comply with applicable scenic quality regulations. The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with scenic views to a level of less than significant.

4.2.6 Scenic Resources

Threshold Aes-2 indicates that the program would have a significant aesthetic impact if its implementation would damage scenic resources within a state scenic highway. As discussed under the existing conditions, no scenic highways exist in the proposed program vicinity. Camino Del Mar is designated as a scenic roadway by the Community Plan. The DMMC and Community Plan identify scenic resources to be protected. These scenic resources include the Pacific Ocean, bluffs, trees, and historic landmark properties.

4.2.6.1 Impact Analysis

The program, as currently defined to include only the NC and PC zones, would have no direct effect on scenic resources, including the Pacific Ocean, bluffs, or historic landmark properties. Future development could occur within the NC and PC zones introducing new development along Camino Del Mar and within views of the Pacific Ocean; however, no more so than allowed under existing development regulations. Should the PF zone be added to the program, the library site is located within the Historic Resource Overlay Zone. Any future development within this parcel would be required to comply with the regulations contained within DMMC Chapter 30.58 (Historic Preservation Overlay Zone), thereby ensuring any impacts to this historical resource would be less than significant.

Future development could include removal of planted ornamental trees within the program area. All species of trees are protected by the Tree Ordinance (DMMC Chapter 23.50), which requires that for each tree removed, trees shall be replaced at a rate and species determined appropriate by the City in accordance with the Tree Mitigation Replacement Scale (DMMC Chapter 23.50.090). Therefore, future development within the program area would be required to replace all removed ornamental trees in accordance with the DMMC. The impact associated with tree removal would be less than significant.

4.2.6.2 Significance of Impacts

Impacts related to scenic resources would be less than significant.

4.2.6.3 Mitigation Framework

No mitigation measures are required.

4.2.7 Visual Character and Conflicts with Scenic Quality Regulations

According to Threshold Aes-3, the program would result in a significant impact if, in non-urbanized areas, it would substantially degrade the existing visual character or quality of public views of the site and its surroundings; or, if the program is in an urbanized area, the program would conflict with applicable zoning and other regulations governing scenic quality.

4.2.7.1 Impact Analysis

The program area is located within an urbanized area. The City is built-out with a mix of residential, commercial, and office land uses. The program area is surrounded by existing development and is not located within a non-urbanized area. As discussed under 4.2.4.1, compared to the existing condition, potential future buildout of structures could be larger in bulk and scale than currently constructed; however, no more so than allowed under existing development regulations. Nonetheless, at this program level of analysis, potential impacts to visual character and scenic quality regulations would be potentially significant due to uncertainty of actual development projects (Impact Aes-6).

4.2.7.2 Significance of Impacts

The following impact has been identified:

- **Impact Aes-6**: Direct impacts resulting from changes in visual character and non-conformance with scenic quality regulations would be potentially significant.

4.2.7.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Aes-1: 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.

4.2.7.4 Significance after Mitigation

Future projects within the NC, PC, and PF zones would be required to implement mitigation measures MM-Aes-1 to ensure that any development projects occurring within the program area would comply with applicable scenic quality regulations. The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with scenic views to a level of less than significant.

4.2.8 Light and Glare

According to Threshold Aes-4, the proposed program would have a significant aesthetic impact if it would result in a new source of substantial light or glare that would adversely affect day or nighttime views.

4.2.8.1 Impact Analysis

Future development occurring within the program area would be required to comply with applicable lighting regulations including glazing and locations of exterior lighting. Nonetheless, at this program level of analysis, potential impacts from light and glare would be potentially

significant due to uncertainty of actual development plans with specifics relating to lighting speculations for indoor and outdoor lighting design (Impact Aes-8).

4.2.8.2 Significance of Impacts

The following impact has been identified:

- **Impact Aes-8**: Direct impacts resulting from potential lighting design that could affect light and glare would be potentially significant.

4.2.8.3 Mitigation Framework

Future projects within the NC, PC, and PF zones would be required to implement mitigation measure MM-Aes-1 to ensure that any development projects occurring within the program area would comply with applicable scenic quality regulations. The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with scenic views to a level of less than significant.

4.2.9 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area for aesthetics is the project viewshed or the area within which the viewer is most likely to observe both the individual future program and surrounding land uses. The program has been reviewed for potential cumulative impacts related to each of the thresholds.

With respect to Threshold Aes-1, a cumulative impact to scenic views could result when multiple projects throughout the viewshed result in a significant blockage of scenic views. However, all cumulative projects would be required to comply with the DMMC maximum height allowances as measured by the three methodologies in DMMC Chapter 30.04.080. Additionally, the future projects under the program and cumulative projects would be subject to design review, which would include a review of potential impacts to scenic views and would require projects to be designed to minimize unreasonable blockages of views to the maximum extent practicable. Therefore, a significant cumulative impact to scenic views would not occur.

Regarding Threshold AES-2, the program would have a less than significant impact to scenic resources. Requirements within the DMMC would apply to other cumulative projects, which would ensure that cumulative impacts related to scenic resources would not occur. Therefore, a significant cumulative impact to scenic resources would not occur.

Regarding Threshold AES-3, similar to the program, other cumulative projects would be required to comply with the DMMC requirement that all proposed designs must be "appropriately scaled with other structures in the neighborhood" (23.08.077, C) and must be "in harmony with neighborhood character" in terms of design, scale, bulk, coverage and exterior

appearance (30.31.060). Therefore, with compliance with applicable regulations and City policies, cumulative impacts related to visual character would be less than significant.

Regarding Threshold AES-4, a less than significant light and glare impact was identified for the program. All cumulative projects would be required to comply with glazing and exterior lighting requirements in the City's Zoning Ordinance and the Design Review Ordinance that prohibits projects that "adversely affect the lighting of the local neighborhood." Therefore, cumulative impacts would be less than significant.

Map Source: Spurlock Landscape Architects

NORTH COMMERCIAL



PROFESSIONAL COMMERCIAL



PUBLIC FACILITIES



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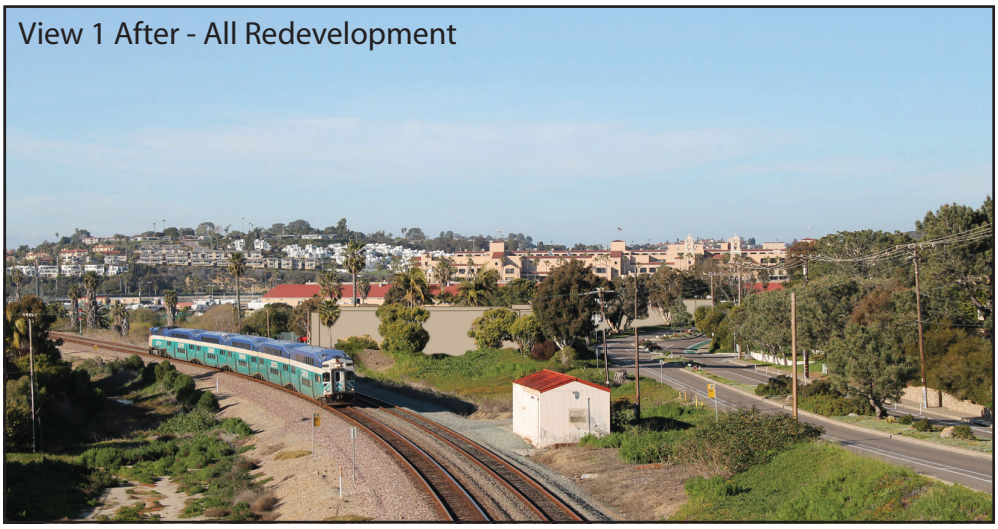
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FIGURE 4.2-1
View Simulation Key Views

Map Source: Spurlock Landscape Architects







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FIGURE 4.2-2
North Commercial Zone Key View #NC1
Viewing North

Map Source: Spurlock Landscape Architects





FIGURE 4.2-3
North Commercial Zone Key View #NC2
Viewing South

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Map Source: Spurlock Landscape Architects







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FIGURE 4.2-4
Professional Commercial Zone Key View #PC1
Viewing South

Map Source: Spurlock Landscape Architects







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FIGURE 4.2-5
Professional Commercial Zone Key View #PC2
Viewing Northeast

Map Source: Spurlock Landscape Architects



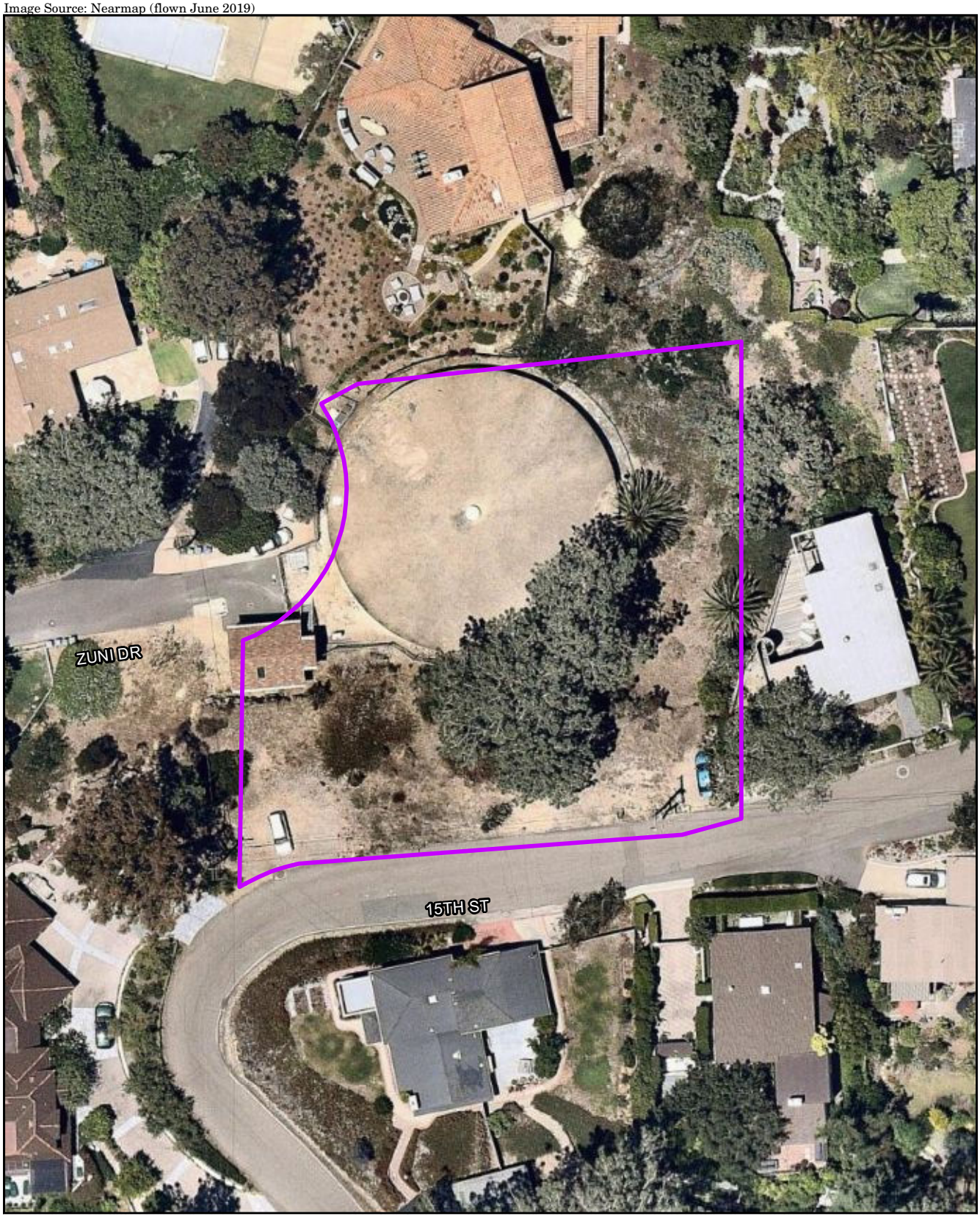


FIGURE 4.2-6
Public Facilities Zone Key View #PF1
Viewing Northwest

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Image Source: Nearmap (flown June 2019)



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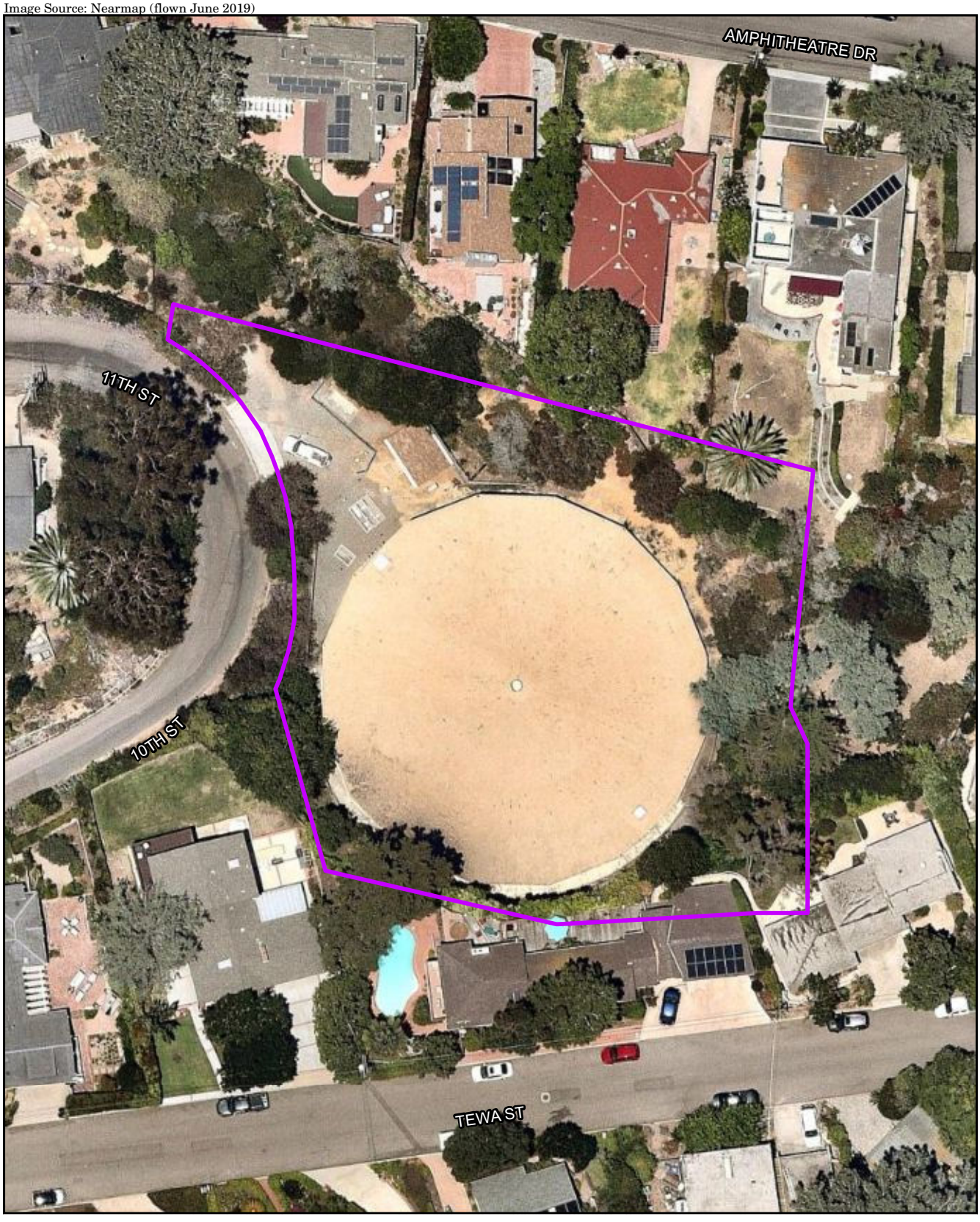
Public Facilities (PF) Zone

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FIGURE 4.2-7
PF Parcel 299-260-45

Image Source: Nearmap (flown June 2019)



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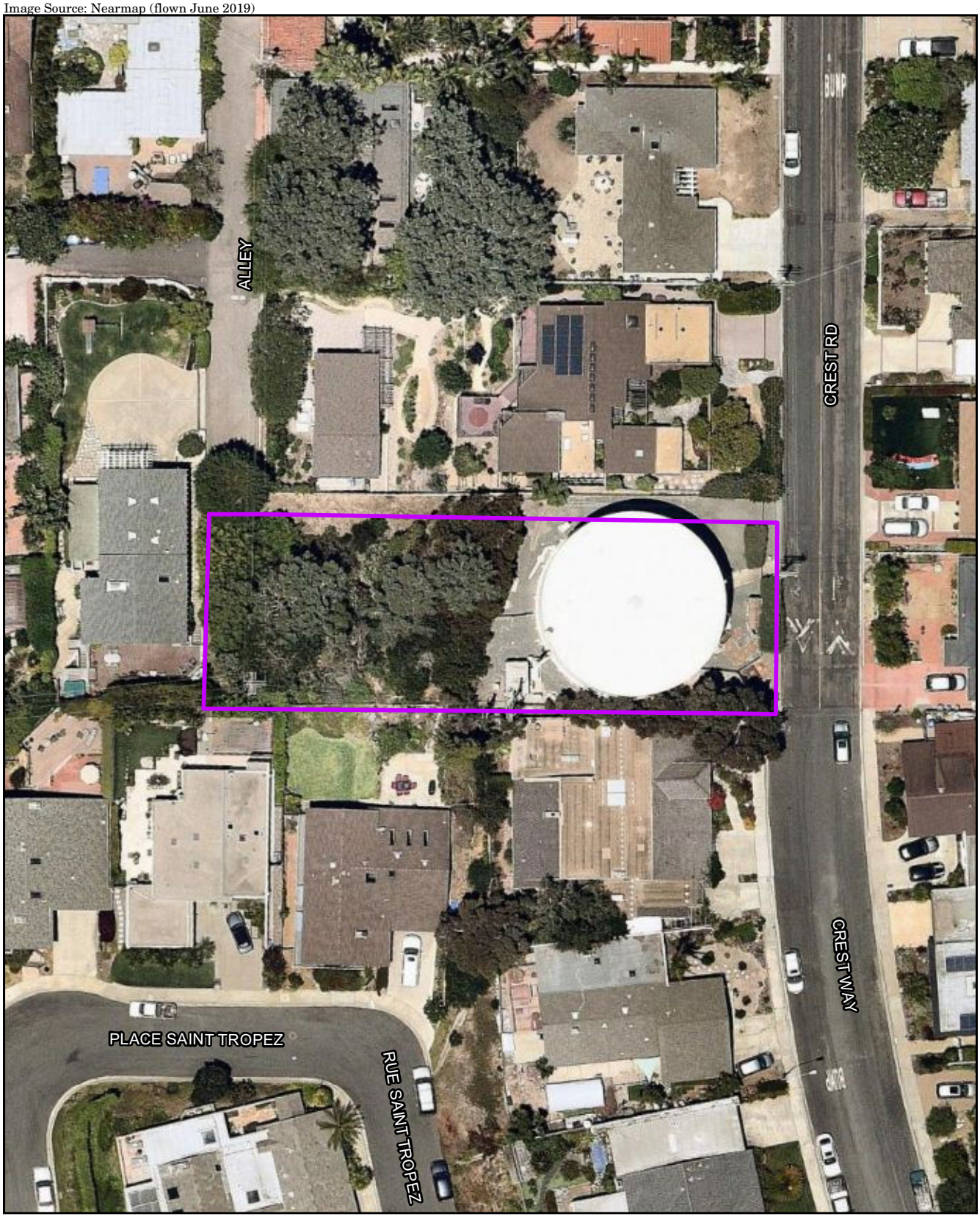
Public Facilities (PF) Zone

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FIGURE 4.2-8
PF Parcel 300-243-10

Image Source: Nearmap (flown June 2019)



Public Facilities (PF) Zone

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FIGURE 4.2-9
PF Parcel 300-272-07

Image Source: Nearmap (flown June 2019)



Public Facilities (PF) Zone

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FIGURE 4.2-10
PF Parcel 301-025-42

Image Source: Nearmap (flown June 2019)



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Public Facilities (PF) Zone

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FIGURE 4.2-11
PF Parcel 299-030-12

4.3 Cultural Resources

This section 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).

4.3.1 Existing Conditions

4.3.1.1 Cultural Setting

a. Prehistoric Period

The prehistoric cultural sequence in San Diego County is generally seen as comprising three basic periods: the Paleoindian, dated between about 11,500 and 8,500 years ago and the artifacts of the San Dieguito Complex; the Archaic, lasting from about 8,500 to 1,500 years ago (A.D. 500) and the cobble and core technology of the La Jollan Complex; and the Late Prehistoric, lasting from about 1,500 years ago to historic contact (i.e., A.D. 500 to 1769) and represented by the Cuyamaca Complex. This latest complex is marked by the appearance of ceramics, small arrow points, and cremation burial practices.

Near the coast and in the Peninsular Mountains, starting approximately 1,500 years ago, patterns began to emerge which suggest the ethnohistoric Kumeyaay. This period is characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversified and intensified during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, but effective technological innovations.

The late prehistoric archaeology of the San Diego coast and foothills is characterized by the Cuyamaca Complex. It is primarily known from the work of D. L. True at Cuyamaca Rancho State Park (True 1970). The Cuyamaca Complex is characterized by the presence of steatite arrowshaft straighteners, steatite pendants, steatite comales (heating stones), Tizon Brownware pottery, ceramic figurines reminiscent of Hohokam styles, ceramic "Yuman bow pipes," ceramic rattles, miniature pottery various cobble-based tools (e.g., scrapers, choppers, hammerstones), bone awls, manos and metates, mortars and pestles, and Desert side-notched (more common) and Cottonwood Series projectile points.

b. Ethnohistory

The Kumeyaay (also known as Kamia, Ipai, Tipai, and Diegueño) occupied the southern two-thirds of San Diego County. The Kumeyaay lived in semi-sedentary, politically autonomous villages or rancherias. A wide range of tools was made of locally available and imported materials. A simple shoulder-height bow was used for hunting. Numerous other flaked stone tools were made including scrapers, choppers, flake-based cutting tools, and biface knives. The Kumeyaay made fine baskets. These employed either coiled or twined construction. The Kumeyaay also made pottery, using the paddle-and-anvil technique. Most were a plain brown utility ware called Tizon Brownware, but some were decorated (Meighan 1954; May 1976, 1978).

c. Spanish/Mexican/American Periods

The Spanish Period (1769–1821) represented a time of European exploration and settlement. Military and naval forces along with a religious contingent founded the San Diego Presidio, the pueblo of San Diego, and the San Diego Mission in 1769 (Rolle 1998). Native American culture in the coastal strip of California rapidly deteriorated despite repeated attempts to revolt against the Spanish invaders (Cook 1976).

During the Mexican Period (1822–1848), the mission system was secularized by the Mexican government and these lands allowed for the dramatic expansion of the rancho system. The southern California economy became increasingly based on cattle ranching. The Mexican Period ended when Mexico signed the Treaty of Guadalupe Hidalgo on February 2, 1848, concluding the Mexican-American War (1846–1848; Rolle 1998). The great influx of Americans and Europeans resulting from the California Gold Rush in 1848-49 eliminated many remaining vestiges of Native American culture.

The American homestead system encouraged settlement beyond the coastal plain into areas where Native Americans had retreated to avoid the worst of Spanish and Mexican influences (Carrico 1987; Cook 1976). A rural community cultural pattern existed in San Diego County from approximately 1870 to 1930. These communities were composed of an aggregate of people who lived within well-defined geographic boundaries, on farmsteads tied together through a common school district, church, post office, and country store (Hector and Van Wormer 1986). In the post-World War II period, the economy shifted from ranching and agriculture to light manufacturing, the military, and tourism.

d. History of Del Mar

The first ranchers moved into the Del Mar area in the mid-1800s. The ranch of William S. Weed housed the post office for this area, and this region was known by the name of “Weed” until 1884. In 1883, the California Southern Railroad, later part of the Santa Fe system, ran its first passenger train through Del Mar. It originally ran down what is now known as Stratford Court, with the depot located between 9th and 10th streets.

In 1882, Colonel Jacob Taylor, the then owner of Rancho Los Peñasquitos, bought 338 acres for the town site (Starr 1986). Initially, 14 homes were constructed in an area now bounded by

Camino Del Mar, the Pacific Ocean, 9th Street, and 11th Street. The community was named Del Mar (Spanish for "of the sea") at this time. The nucleus of this initial development was the Casa del Mar, a hotel completed in 1886 at the northwest end of 10th Street overlooking the ocean. After 1887, the initial land boom ended. Fires broke out mysteriously, and the heavy rains of 1889 eroded the pathway to the beach, inundated the railroad tracks, and isolated Del Mar. In January 1890, three years after it had opened, Casa del Mar burned to the ground.

In 1905, the South Coast Land Company bought all of Colonel Taylor's land and then proceeded to move the center of town, from what is now 9th Street and Stratford Court, to 15th Street and Camino Del Mar. This was accomplished through the demolition of all of the remains of the original Casa del Mar and the construction of the Stratford Inn (later known as the Del Mar Inn or Hotel). Construction of the hotel set off a minor land boom in Del Mar, and within a few months property sales of more than $500,000 were recorded. It was at this time that the South Coast Land Company built the sewer system (in use until 1974), filled in the San Dieguito slough to make lots along what is now Coast Boulevard, and developed a golf course where the fairgrounds are now located. Subsequent to the construction of the Stratford Inn, the railroad tracks and depot were moved to near 17th Street and Coast Boulevard.

The South Coast Land Company planned a residential community of "distinctive class." Lots were intentionally irregular to assure each one had individuality and a view. The Company encouraged only those building designers who built in styles compatible with the Stratford Inn: English cottage style and shingled bungalow (Spanish Villas became popular on the hill in the 1920s). The Kockritz building, constructed in 1927 and now called the Stratford Square, is a fine example of a structure built to complement the Stratford Inn.

The first road from Del Mar to La Jolla was conceived, developed, and paid for by the South Coast Land Company and E. W. Scripps. This road provided Del Mar's only vehicular connection to San Diego until Highway 101 through Rose Canyon opened in 1931. As the San Diego region and the accompanying network of highways grew during the 1940s and 1950s, people gradually sought homes in small beach communities where they could find a pleasant residential environment and still commute to jobs in the City of San Diego. The City of Del Mar (City) area grew from 430 persons in 1938, to approximately 2,800 residents by 1958.

The Del Mar racetrack, next to the Pacific Ocean at the mouth of the San Dieguito River, is a well-known attraction. The racetrack began in 1936 as a proposition submitted by well-known actor Bing Crosby and William A. Quigley (Engstrand 1980). Both Bing Crosby and fellow actor Pat O'Brien loaned money to the project after expected funds from the 22nd District Agricultural Association ran out. The racetrack opened on July 3, 1937, with Crosby greeting the crowds (Engstrand 1980).

Studies were conducted in the late 1950s revolving around the feasibility of incorporating Del Mar as a separate city. The citizens voted to incorporate in 1959 by a narrow margin. In 1966, the current alignment for Interstate 5 was constructed, thereby allowing major north-south vehicular traffic to bypass Del Mar. The resulting decrease in traffic along Camino Del Mar created some vacancies in the business district, and the business community expressed concern as to its future.

4.3.1.2 Existing Resources

a. Record Search Results

An archaeological records search was conducted at the South Coastal Information Center (SCIC) in February 2019. The results showed three cultural resources recorded within the program boundaries: one prehistoric archaeological site and two historic structures. All are recorded within the North Commercial (NC) zone. CA-SDI-192/P-37-000192 is a prehistoric site mapped on parcels 299-100-47 and 299-100-48, and extending south outside of the program area. CA-SDI-192 was originally recorded by Treganza but there was no evidence of any cultural resources during a 2004 survey.[1] A 2016 survey by AECOM included a portion of the site, noting that the area was heavily developed and the entire site was most likely destroyed by that development.

One of the recorded historic period sites is P-37-036415. It is a portion of a San Diego Gas and Electric (SDG&E) power line that runs 75 miles north-south along the coast from San Juan Capistrano to San Diego. The line dates originally from the early 1900s. The poles are a combination of wood and metal replacements. Previous surveys indicated that P-37-036415 did not appear to be eligible for listing on the California Register of Historic Resources (CRHR) as a significant historical resource.

The second recorded historic period site is P-37-036422. This is a Utilitarian Industrial Style metal building at 2201 San Dieguito Drive constructed some time before1964. This building was previously evaluated and it was determined it did not meet the criteria for listing on the CRHR as a significant historical resource. The remaining buildings at the address were significantly less than 50 years old and were not evaluated for listing on the CRHR.

b. Existing Conditions on the Program Sites

The majority of the parcels in the program area are surrounded by development. Historic aerial photographs dating back to 1953 were reviewed to determine if currently undocumented structures over 50 years old are present on parcels within the program area.

North Commercial Zone

The majority of the NC zone is developed, but for four parcels that are currently undeveloped. All four parcels appear to have been graded to varying extent in the past. The areas to the west and south of the NC zone are developed. The San Dieguito Lagoon is adjacent to the NC zone to the north and east.

[1] A survey of the site was performed on September 17, 2004 in conjunction with the Watermark Del Mar Specific Plan EIR.

There are a number of structures located throughout the NC zone that may be over 50 years old. These structures are as follows:

- 2120 Jimmy Durante Boulevard: six single structures
- 2132 Jimmy Durante Boulevard: one structure
- 2148 Jimmy Durante Boulevard: two small adjoining buildings
- 2126 Jimmy Durante Boulevard: two adjoining buildings

The building located at 2201 San Dieguito Drive was previously evaluated and recorded as a historic period resource (P-37-036422) at the SCIC. (See description in Section 4.3.1.2(a), Records Search Results). It was determined the building did not meet the criteria for listing on the CRHR as a significant historical resource.

Professional Commercial Zone

All of the parcels in the Professional Commercial (PC) zone are occupied by buildings and associated parking lots. Based on review of aerial photographs, the PC zone has one structure that is over 50 years old and two that may be over 50 years old (built sometime between 1967 and 1980):

- 807 Camino Del Mar: one structure over 50 years old;
- 322 Camino Del Mar: one structure that may have been altered from original - possibly 50 years old;
- 853 Camino Del Mar: one structure - possibly 50 years old

Public Facilities Zone

Like the Public Facilities (PF) zone, all of the parcels in the PF zone are occupied by buildings and associated parking lots. In the PF zone there are two buildings that are over 50 years old.

- Del Mar Post Office building located at 122 15th Street
- Del Mar Public Library located at 1309 Camino Del Mar. The Del Mar Public Library is on the City's Historic Landmarks list

The buildings discussed are required under the California Environmental Quality Act (CEQA) guidelines to be evaluated at the time a specific project is proposed for the parcel they occupy to determine if they are significant historical resources, eligible for listing on the CRHR. In subsequent years, buildings and other structures on program parcels may reach 50 years of age. As projects are proposed in the future, additional structures may be required to be evaluated for eligibility for listing on the CRHR.

c. Del Mar Historic Landmarks

The City has designated two properties in the Village area as significant historic landmarks: the Stratford Square property and the Del Mar Library property. The Del Mar Library is within the Historic Preservation Overlay Zone, and is within the PF zone. The Stratford

Square property is not located within any of the parcels that are included within the program area.

d. Native American Heritage Commission Results

A letter was sent to the Native American Heritage Commission (NAHC) by RECON on February 11, 2019, requesting a search of their Sacred Lands File. A reply letter was received on February 15, 2019, stating the NAHC files failed to indicate the presence of Native American cultural resources in the immediate program area.

The City sent out contact letters pursuant to Assembly Bill (AB) 52 on February 15, 2019. These were sent to the listed individuals and groups. Refer to Appendix B for copies of the correspondence. To date, no responses were received.

4.3.2 Regulatory Framework

4.3.2.1 State Regulations

a. California Register of Historic Resources

Similar to the National Register of Historic Places (NRHP), the CRHR program, established in 1992, encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies resources for planning purposes; determines eligibility of state historic grant funding; and provides certain protections under CEQA. State criteria are those listed in CEQA and used to determine whether a historic resource qualifies for the CRHR.

CEQA was amended in 1992 to define "historical resources" as a resource listed in, or determined eligible for listing on, the California Register. A resource included in a local register of historical resources or identified as significant in a historical resource survey that meets certain requirements, and any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be significant. Some resources that do not meet these criteria may still be historically significant for the purposes of CEQA.

A resource may be listed in the CRHR if it is significant at the federal, state, or local level under one of more of the four criteria listed below.

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the U.S.
2. Is associated with the lives of persons important to the nation or to California's past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

CEQA Sections 15064.5 and 21083.2(g) define the criteria for determining the significance of historical resources. Archaeological resources are considered "historical resources" for the purposes of CEQA. Most archaeological sites which qualify for the CRHR do so under criterion 4 (i.e., research potential).

Since resources that are not listed or determined eligible for the state or local registers may still be historically significant, their significance shall be determined if they are affected by a project. The significance of a historical resource under criterion 4 rests on its ability to address important research questions.

b. California Public Resources Code

Section 5097 of the Public Resources Code specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the California NAHC. Section 5097.5 of the Code states the following:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state or any city, county, district, authority or public corporation, or any agency thereof. Consequently, the City is required to comply with Public Resource Code Section 5097.5 for its activities on publicly owned land such as those program parcels included within the PF zone.

Public Resources Code Section 5097.98 further defines the standards for the handling of Native American human remains. Public Resources Code Section 5097.993 sets requirements for the unlawful and malicious excavation, removal, destruction, injury, or defacing of a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the CRHR.

c. California State Health and Safety Code

Section 7052 of the California State Health and Safety Code makes the willful mutilation, disinterment, or removal of human remains a felony. In addition, California State Health and Safety Code Section 7050.5 requires that construction activities be stopped near discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

4.3.2.2 Local Regulations

a. Del Mar Municipal Code

Del Mar Municipal Code (DMMC) Section 30.58 designates the Historic Preservation Overlay Zone. The Historic Preservation Overlay Zone is designed to protect the architectural and historic integrity of certain historically significant properties located within the City. The Historic Preservation Overlay Zone is also intended to provide for the long-term continued preservation of such designated historic landmark properties by providing architectural control, as well as permitted uses more befitting the economic viability of the historic structures occupying said properties than may otherwise exist under the permitted use provisions of the underlying zone. The Historic Preservation Overlay Zone also provides the means to designate additional properties as historically significant.

Within the Historic Preservation Overlay Zone, no building, improvement, structure, or portion thereof shall be erected, constructed, demolished, relocated, converted, altered, or enlarged, nor shall any lot or premises be excavated or graded unless approved by the Design Review Board.

Following review and recommendation by the Planning Commission and public hearings, the City Council may designate any property within the corporate limits of the City to be a designated historic landmark property, provided specific findings are made that the designated property contains artifacts of archaeological or paleontological importance, or structures of historic significance.

Historic significance is defined by the DMMC to mean any structure and/or use of a property that:

- Possesses a unique architectural style typifying a period of California or Del Mar history;
- Is listed on a site or federal register of historic places;
- Marks or represents a specific historic event; or
- Typifies the historic character of a specific area of the City.

b. Native American Involvement

Native American involvement in the development review process is addressed by several federal and state laws. The most notable of these are the California Native American Graves Protection and Repatriation Act (2001) and the federal Native American Graves Protection and Repatriation Act (1990). These acts ensure that Native American human remains and cultural items be treated with respect and dignity.

At the state level, Senate Bill 18 (SB 18) requires local (City and County) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use

decisions at an early planning stage for the purpose of protecting or mitigating impacts to cultural places. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.).

In addition, Assembly Bill 52 requires local governments to take into account impacts to tribal cultural resources, broadening the applicability of tribal consultation defined in SB 18. For projects where an Environmental Impact Report is being prepared, and the Notice of Preparation (NOP) will be published after July 1, 2015, compliance with Public Resources Code Section 21084.2 is required. This regulation establishes that a "project with an effect that may cause an adverse change in the significance of a tribal cultural resources is a project that may have a significance effect on the environment." The bill requires lead agencies to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. If a project will result in an adverse effect to tribal cultural resources, the Lead Agency must consider measures to mitigate the impact.

4.3.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, impacts related to cultural and paleontological resources would be significant if the proposed program would:

Threshold Cul-1 Cause a substantial adverse change in the significance of a historical resource as defined in the Guidelines Section 15064.5;

Threshold Cul-2 Cause a substantial adverse change in the significance of an archaeological resource as defined in the Guidelines Section 15064.5; or

Threshold Cul-3 Disturb any human remains, including those interred outside of formal cemeteries.

As defined in the CEQA Guidelines, "substantial adverse change means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource is materially impaired." The CEQA Guidelines further define a historical resource to include a resource listed on, or formally determined eligible for, the following:

1. The CRHR, including contributors to California Register Historic Districts; or that meets the CEQA criteria for historical resources.

This criteria is elaborated in Section 4.3.1.3 above but generally includes any resource that:

- Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the U.S.

- Is associated with the lives of persons important to the nation or to California's past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

4.3.4 Methodology

A review of pertinent state and City regulations and consultation with Native American tribes was conducted for the program. A records search of the program parcels and surrounding area were conducted at the SCIC for information on previously recorded historic and prehistoric archaeological resources and listed structures. City staff and the Del Mar Historical Society were also contacted in order to identify the known inventory of listed and eligible or recorded historic and prehistoric sites and paleontological sensitivity of the area. In addition, historic aerial photographs dating back to 1953 were reviewed to determine if currently undocumented structures over 50 years old are present on parcels in the program area. In addition to the analysis under CEQA Guidelines Section 15064.5, the program's historical significance was evaluated under the DMMC, as detailed under Section 4.3.2.2(a). The evaluation of the potential for the program to cause a substantial adverse change in the significance of any historical, archaeological, or paleontological resources was based on CEQA Guidelines Section 15064.5.

4.3.5 Historical Resources

According to Threshold Cul-1, an impact would be significant if implementation of the program would cause a substantial adverse change in the significance of a historical resource, as defined in the CEQA Guidelines Section 15064.5.

4.3.5.1 Impact Analysis

a. Del Mar Library

The Del Mar Library has previously been evaluated and placed on the City's Historical Landmarks list. Additionally, the Del Mar Library is within the Historic Preservation Overlay Zone, and therefore, is subject to those specific DMMC regulations. Any demolition and/or removal of the Del Mar Library building would result in a substantial adverse change in the significance of a historical resource, as defined in the CEQA Guidelines Section 15064.5 and the DMMC. However, no demolition or redevelopment is proposed at this time.[2] Future

[2]At this time, the Zoning Ordinance Amendment is not applicable to the PF zone. This analysis is for informational purposes only should a subsequent DMMC amendment be processed to include the PF zoned properties.

development plans would be assessed on a project level and would be subject to subsequent CEQA review. Therefore, at this program level of analysis impacts would be less than significant.

b. Other Historic Sites

Previously identified resource P-37-036415 is a portion of a SDG&E power line that runs through multiple parcels within the NC zone. AECOM determined P-37-036415 did not appear to be eligible or listing on the CRHR as a significant historical resource (AECOM 2016a).

Previously identified resources P-37-036422 is a Utilitarian Industrial Style metal building located at 2201 San Dieguito Drive, within the NC zone. AECOM evaluated the building and determined it did not meet the criteria for listing on the CRHR as a significant historical resource (AECOM 2016b). The demolition of P-37-036415 or P-37-036422 would not result in a substantial adverse change in the significance of a historical resource, as defined in the CEQA Guidelines Section 15064.5 and the DMMC, and impacts would be less than significant.

4.3.5.2 Significance of Impacts

Impacts relating to historical resources would be less than significant.

4.3.5.3 Mitigation Framework

No mitigation measures are required.

4.3.6 Archaeological Resources

According to Threshold Cul-2, an impact to archaeological resources would be significant if implementation of the program causes a substantial adverse change in the significance of a prehistoric or historic period archaeological resource as defined in the CEQA Guidelines Section 15064.5.

4.3.6.1 Impact Analysis

a. North Commercial Zone

Most of the parcels within the program area have been disturbed in the past to some extent as part of the construction of currently existing buildings and parking lots, making the potential for surface archaeological deposits in these areas extremely low. As discussed above, several of the parcels within the NC zone are currently vacant but have been extensively graded in the past. However, one of the parcels in the NC zone (parcel 299-071-02) has been disturbed to a much lesser extent and the potential does exist for surface archaeological resources to exist on the parcel. See Figure 4.3-1 for locational identification of the parcel. Although no construction

Image Source: Nearmap (flown September 2018)



FIGURE 4.3-1

NC Zone: Location of Potential Resources

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is proposed at this time, future development has the potential to destroy subsurface prehistoric/historic archaeological resources through grading of the parcel. Impacts associated with future development within parcel 299-071-02 would be potentially significant (Impact Cul-1).

b. Professional Commercial and Public Facility Zones

The program sites within the PC and PF zones have all been previously graded and paved with most structures built out to maximum potential under DMMC design guidelines. Any surface and shallow subsurface archaeological deposits within the program sites have been destroyed or heavily disturbed as a result of the previous development of the property. Therefore, impacts to archaeological resources within the PC and PF zones would be less than significant.

4.3.6.2 Significance of Impacts

The following impact has been identified:

- **Impact Cul-1:** Direct impacts to unknown archaeological resources within the NC zone (parcel 299-071-02) would be potentially significant.

4.3.6.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Cul-1: A qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcels 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.

4.3.6.4 Significance after Mitigation

Future projects within parcel 299-071-02 would be required to implement mitigation measure MM-Cul-1 to ensure that archaeological resources discovered during grading/construction activities are identified and significance is determined. The inclusion of this mitigation measure, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with archaeological resources to a level of less than significant.

4.3.7 Human Remains

According to Threshold Cul-3**,** an impact would occur if the program would disturb any human remains, including those interred outside of formal cemeteries.

4.3.7.1 Impact Analysis

As discussed in the Initial Study (see Appendix A), 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 (parcel 299-071-02) due to its less disturbed state. Thus, future construction within the identified parcel within the NC zone has the potential to disturb sacred human remains through grading, representing a significant impact (Impact Cul-2).

4.3.7.2 Significance of Impacts

The following impact has been identified:

- **Impact Cul-2**: Direct impacts to human remains within parcel 299-071-02 would be potentially significant.

4.3.7.3 Mitigation Framework

Future projects within parcel 299-071-02 would be required to implement mitigation measure MM-Cul-1.

4.3.7.4 Significance after Mitigation

Future projects within parcel 299-071-02 would be required to implement mitigation measure MM-Cul-1 to ensure that human remains discovered during grading/construction activities are identified and significance is determined. The inclusion of this mitigation measure, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with archaeological resources to a level of less than significant.

4.3.8 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The program has been reviewed for potential cumulative impacts related to each of the thresholds. While future development of parcel 299-071-02 would result in a potentially significant impact to subsurface archaeological resources and human remains during grading that would be mitigated by mitigation measure MM-Cul-1, which requires archaeological monitoring and recovery if resources are found. Cumulative projects with the potential to uncover potentially buried resources would similarly be required to implement archaeological monitoring to avoid impacts to archaeological resources. Therefore, cumulative impacts would not be considered significant.

4.4 Transportation/Traffic

The following section summarizes the Traffic Impact Analysis (TIA) prepared for the City of Del Mar (City) Zoning Ordinance Amendment program (program). This section 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). The TIA prepared by Linscott, Law & Greenspan, Engineers (LLG) dated September 24, 2019 is included as Appendix C of this Program Environmental Impact Report (PEIR).

4.4.1 Existing Conditions

The following is a description of the roadways within the immediate vicinity of the program area:

Camino Del Mar, south and west of Jimmy Durante Boulevard, is a north-south facility and is generally constructed as a four-lane road with a raised/landscaped median in the downtown. Bike lanes are provided and curbside parking is intermittently allowed. Bus stops are provided and the posted speed limit is 40 miles per hour (mph) south of 9th Street and 25 mph between 9th Street and Plaza, then back to 40 mph at the Jimmy Durante Boulevard split. Traffic signals are provided at the intersections of Paseo de Las Flores (the northern Del Mar Plaza entrance), 15th Street, 9th Street, and 4th Street/Del Mar Heights Road. The intersections of Camino Del Mar at 13th Street and 11th Street are all-way-stop controlled. Pedestrian crosswalks with warning lights are provided at 14th Street and 12th Street.

Jimmy Durante Boulevard, south of the San Dieguito River, is a north-south facility and is constructed as a two-lane divided roadway with a posted speed limit of 40 mph. Jimmy Durante Boulevard provides bike lanes for the entire segment; however, no bus stops or curbside parking is provided.

San Dieguito Drive is an east-west facility and is constructed as a two-lane undivided roadway with no curb and gutter and no sidewalks. No bike lanes or bus stops are provided and curbside parking is not allowed. A posted speed limit was not observed. A roundabout has recently been installed at the intersection of Jimmy Durante Boulevard and San Dieguito Drive.

9th Street is an east-west facility and is constructed as a two-lane undivided roadway with incremental sidewalks. No bike lanes or bus stops are provided. Curbside parking is allowed. A posted speed limit was not observed.

10th Street is a two-lane local roadway that intersects with Camino Del Mar. This intersection is controlled by stop signs both eastbound and westbound on 10th Street. A raised median prohibits access across Camino Del Mar from 10th Street for both pedestrians and vehicles.

11th Street is a two-lane local roadway that intersects with Camino Del Mar at an all-way stop intersection. On-street parallel parking is available on both sides east of Camino Del Mar.

13th Street is an east-west facility and is constructed as a two-lane undivided roadway with no sidewalks. No bike lanes or bus stops are provided. Curbside parking is allowed. A posted speed limit was not observed.

15th Street is an east-west facility and is constructed as a two-lane undivided roadway with sidewalks on both sides of the roadway. No bike lanes or bus stops are provided. Angle parking is provided on both sides of the street. A posted speed limit was not observed.

28th Street is a two-lane local roadway that runs east-west off Camino Del Mar, ending in a cul-de-sac. Parallel parking is available on both sides of the street.

Crest Road is a two-lane local road that meanders through the eastern edge of the City, along Crest Canyon. It generally runs south of Avenida Primavera intersecting with Del Mar Heights Road.

Pine Needles Drive runs south of Del Mar Heights Road until it intersects with Ocean View Avenue and Hidden Pines Road, east of Camino Del Mar.

4.4.4.1 Existing Street Segments/Average Daily Traffic Volumes

The most recent available existing average daily traffic (ADT) volumes for roadways within the immediate vicinity of the program area were obtained from the City's website (see https://www.delmar.ca.us/155/Traffic-Counts). Table 4.4-1 summarizes the traffic volumes and the year of the count.

Table 4.4-1
Existing Street Segment Volumes – Typical Weekday

Street Segment	Count Date	ADT[1]
Camino Del Mar		
At Seaview Avenue	March 2019	19,140
El Amigo to La Amatista	March 2019	19,410
Carmel Valley Road to Del Mar Heights Road	February 2019	15,890
Jimmy Durante Boulevard		
At San Dieguito River Bridge	March 2018	11,680
15th Street		
Ocean Avenue to Stratford Court	March 2019	4,010
Stratford Court to Luneta Drive	March 2019	2,940
[1]ADT = average daily traffic volumes		

In addition, summer weekend ADT volumes for roadways within the immediate vicinity of the program area were obtained from other traffic studies conducted in the area. See Attachment 1 of Appendix C. The weekend ADT counts were conducted on the following days:

- Second Saturday of the San Diego County Fair (Saturday, June 10, 2017);
- Saturday between the end of the San Diego County Fair and the start of the horse racing season (Saturday, July 15, 2017);
- Saturday of Labor Day Weekend during the horse races (Saturday, September 2, 2017)
- Saturday of the Kaaboo Music Festival weekend (Saturday, September 16, 2017).

The weekend summer traffic volumes are summarized in Table 4.4-2.

Table 4.4-2
Existing Street Segment Volumes – Summer Weekend Counts

Street Segment	San Diego County Fair (June 10, 2017) ADT[1]	No Special Events (July 15, 2017) ADT[1]	Horse Races (Sept. 2, 2017) ADT[1]	Kaaboo Music Festival (Sept. 16, 2017) ADT[1]
Jimmy Durante Boulevard				
South of San Dieguito Drive	10,780	8,290	8,440	8,730
Camino Del Mar				
Jimmy Durante Boulevard to Del Mar Heights Road	22,420	24,280	22,970	24,230

[1]ADT = average daily traffic volumes

4.4.4.2 Existing Intersections: Interstate 5/Via de la Valle Interchange

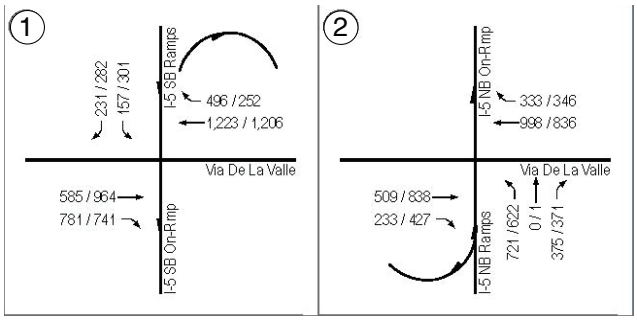
Based on comments received on the Notice of Preparation (NOP) and Initial Study prepared for the program, an analysis of the Interstate5 (I-5)/ Via de la Valle interchange was conducted for the following scenarios using traffic counts conducted in 2017 (see Attachment 1 of Appendix C for the Turn County Summary prepared for this interchange):

- Typical weekday
- Typical weekend day
- Weekday during the fair season
- Weekday during the horse race season
- Weekend day during the horse race season

Average vehicle delay under each of the scenarios was determined utilizing the methodology found in Chapter 18 of the Highway Capacity Manual (HCM) 6, with the assistance of the Synchro (version 10) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection level of service (LOS). The traffic volumes are shown in Figure 4.4-1.

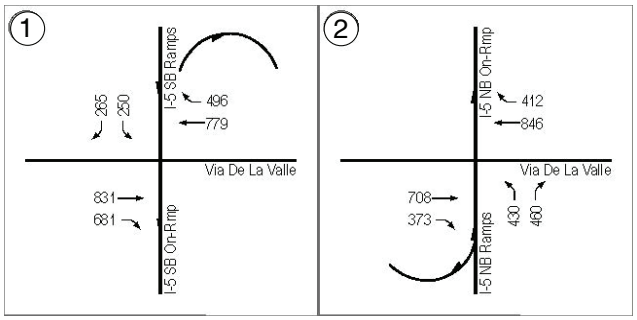
Source: Linscott, Law & Greenspan, Engineers

Typical Weekday



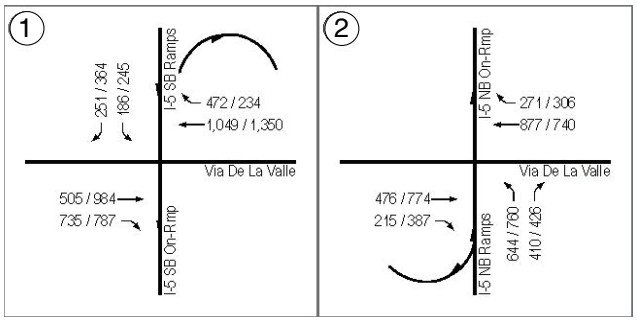
AM / PM — AM / PM Intersection Peak Hour Volumes

Typical Weekend



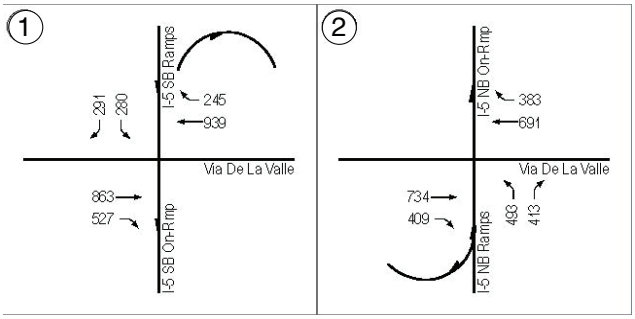
PM — PM Intersection Peak Hour Volumes

Weekday - During Fair



AM / PM — AM / PM Intersection Peak Hour Volumes

Weekday - During Races



PM — PM Intersection Peak Hour Volumes



FIGURE 4.4-1
Existing Traffic Volumes

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Table 4.4-3 summarizes the results of the analysis at the intersections of I-5 Southbound Ramps/Via de la Valle and I-5 Northbound Ramps/Via de la Valle. As shown in Table 4.4-3, the interchange intersections operate acceptably at LOS C or better under all scenarios.

Table 4.4-3
Existing Intersection Operations

Intersection[1]	Control Type	Peak Hour	Delay[2]	LOS[3]
Via de la Valle/ I-5 SB Ramps	Signal	Weekday AM	8.1	A
		Weekday PM	9.9	A
		Weekend PM	9.8	A
		Fair: Weekday AM	[4]	[4]
		Fair: Weekday PM	[4]	[4]
		Horse Races: Weekday PM	9.1	A
		Horse Races: Weekend PM	8.7	A
Via de la Valle/ I-5 NB Ramps	Signal	Weekday AM	24.2	C
		Weekday PM	27.0	C
		Weekend PM	24.8	C
		Fair: Weekday AM	[4]	[4]
		Fair: Weekday PM	[4]	[4]
		Horse Races: Weekday PM	25.8	C
		Horse Races: Weekend PM	24.8	C

[1]SB = southbound; NB = northbound
[2]Average delay expressed in seconds per vehicle
[3]LOS = level of service
[4]Intersections manually controlled at this time

SIGNALIZED

Delay	LOS
0.0 ≤ 10.0	A
10.1 to 20.0	B
20.1 to 35.0	C
35.1 to 55.0	D
55.1 to 80.0	E
≥ 80.1	F

To further clarify footnote 4 of Table 4.4-3, the interchange intersections are manually controlled and directed by certified traffic staff and the 22nd District Agricultural Association Parking Operations staff during the peak days/times of major events including the San Diego County Fair and the Del Mar horse races. Since the traffic signals are manually controlled at these times, HCM analyses of the intersections were not conducted. Manual control of the traffic signals allows for better traffic flow. This is achieved through the ability to switch the traffic signal control from manual to normal during slower days during the fair. The system allows for more control, ensuring improved traffic flow from all legs of the intersection.

4.4.4.3 Existing Trip Generation

Trip generation was calculated for both on-the-ground development and buildout under the designations contained within the existing zoning designations. Trip generation rates were obtained from the *(Not So) Brief Guide of Traffic Generators for the San Diego Region* published by the San Diego Association of Governments (SANDAG) in April 2002.

a. On-the-Ground Development

The trip generation calculations for the on-the-ground development are based on the land uses that are currently constructed and in operation on the subject parcels. Table 4.4-4 summarizes the trip generation calculations for the on-the-ground development. As shown in Table 4.4-4, the on-the-ground development is calculated to generate 4,849 ADT with a total of 463 trips during the AM peak hour (377 inbound/86 outbound trips) and 526 trips during PM peak hour (168 inbound/358 outbound trips).

b. Existing Zoning

The trip generation calculations for the existing zoning are based on SANDAG trip rates associated with the program parcels that fall within the zones proposed to be included in the rezone. The North Commercial (NC) zone allows for commercial uses that provide a service to the community. A wide variety of retail related land uses are allowed including restaurants. For the purposes of this trip generation comparison exercise, all parcels zoned NC were conservatively assumed to be specialty retail uses with a SANDAG trip rate of 40 ADT/1,000 square feet. This is a typical approach. A wide variety of retail related land uses are allowed to be developed in parcels in the NC zone, including restaurants. For the purposes of this trip generation comparison exercise, all parcels zoned NC were conservatively assumed to be specialty retail uses with a SANDAG trip rate of 40 ADT/1,000 square feet. Had a higher rate been used, such as the restaurant rate of 160 ADT/1,000 square feet, the existing zoning trip generation would have been calculated to be higher and, therefore, the delta between the existing zoning and the proposed zoning would be even greater.

The Professional Commercial (PC) zone allows for office uses including general office, medical, dental, banks, and financial. All parcels zoned PC were conservatively assumed to be general office uses with a SANDAG trip rate of 20 ADT/1,000 square feet. Included for analysis purposes only, the Public Facilities (PF) zone was assumed to be governmental uses with a SANDAG trip rate of 30 ADT/1,000 square feet. Table 4.4-5 summarizes the trip generation calculations for the existing zoning.

As shown in Table 4.4-5, the existing zoning allows for 7,289 ADT with a total of 336 trips during the AM peak hour (250 inbound/ 86 outbound trips) and 704 trips during PM peak hour (310 inbound/ 394 outbound trips).

4.4.4.4 Existing Parking Demand

The amount of required parking associated with the on-the-ground development and the existing zoning designations was calculated based on rates from the City of Del Mar Municipal Code.

a. On-the-Ground Development

The required parking calculations for the on-the-ground development are based on the land uses that are currently constructed and in operation on the subject parcels. Table 4.4-6 summarizes the required parking calculations for the on-the-ground development.

Table 4.4-4
On-the-Ground Development Trip Generation Calculations

APN	Land Use	Quantity	Daily Trip Ends (ADT)		AM Peak Hour					PM Peak Hour				
			Rate[1]	Volume	% of ADT	In:Out Split	Volume In	Volume Out	Volume Total	% of ADT	In:Out Split	Volume In	Volume Out	Volume Total
NC Zone														
299-071-02	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-50	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-49	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-30	Specialty Commercial	996 SF	40/KSF	40	3%	60:40	1	0	1	9%	50 : 50	2	2	4
299-100-28	Commercial Office	10,000 SF	20/KSF	200	14%	90:10	25	3	28	13%	20 : 80	5	21	26
299-100-29	Commercial Office	4,744 SF	20/KSF	95	14%	90:10	12	1	13	13%	20 : 80	2	10	12
299-100-27	Commercial Office	15,000 SF	20/KSF	300	14%	90:10	38	4	42	13%	20 : 80	8	31	39
299-071-06	Commercial Office	28,800 SF	20/KSF	576	14%	90:10	73	8	81	13%	20 : 80	15	60	75
299-071-07	Commercial Office	15,600 SF	20/KSF	312	14%	90:10	40	4	44	13%	20 : 80	8	33	41
299-100-48	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-47	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-32	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-33	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-100-34	Specialty Commercial	7,691 SF	40/KSF	308	3%	60:40	5	4	9	9%	50 : 50	14	14	28
	Restaurant	4,378 SF	160/KSF	700	8%	50:50	28	28	56	8%	60 : 40	34	22	56
	Auto Repair	3,310 SF	20/KSF	66	8%	70:30	4	1	5	11%	40 : 60	3	4	7
	Commercial Office	2,200 SF	20/KSF	44	14%	90:10	5	1	6	13%	20 : 80	1	5	6
	Storage	1,000 SF	2/KSF	2	6%	50:50	0	0	0	9%	50 : 50	0	0	0
299-100-35	Commercial Office	3,132 SF	20/KSF	63	14%	90:10	8	1	9	13%	20 : 80	2	6	8
299-100-36	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal				2,706			239	55	294			94	208	302
PC Zone														
300-200-24	Commercial Office	4,556 SF	20/KSF	91	14%	90:10	12	1	13	13%	20 : 80	2	10	12
300-222-31	Commercial Office	8,688 SF	20/KSF	174	14%	90:10	22	2	24	13%	20 : 80	5	18	23
300-222-32	Commercial Office	14,905 SF	20/KSF	298	14%	90:10	38	4	42	13%	20 : 80	8	31	39
300-222-33	Medical Office	7,085 SF	50/KSF	354	6%	80:20	17	4	21	11%	30 : 70	12	27	39
Subtotal				917			89	11	100			27	86	113
PF Zone														
300-093-15	Government (Civic Center)	11,894 SF	30/KSF	357	9%	90:10	29	3	32	12%	30 : 70	13	30	43
300-093-16	-	-	-	-	-	-	-	-	-	-	-	-	-	-
300-093-17	-	-	-	-	-	-	-	-	-	-	-	-	-	-
300-093-18	-	-	-	-	-	-	-	-	-	-	-	-	-	-
300-020-06	Library	4,795 SF	50/KSF	240	2%	70:30	4	1	5	10%	50 : 50	12	12	24
300-020-07	-	-	-	-	-	-	-	-	-	-	-	-	-	-
299-310-02	Post Office	7,000 SF	90/KSF	630	5%	50:50	16	16	32	7%	50 : 50	22	22	44

Table 4.4-4
On-the-Ground Development Trip Generation Calculations

APN	Land Use	Quantity	Daily Trip Ends (ADT)		AM Peak Hour					PM Peak Hour				
			Rate[1]	Volume	% of ADT	In:Out Split	Volume			% of ADT	In:Out Split	Volume		
							In	Out	Total			In	Out	Total
301-025-42														
299-260-45														
300-243-10														
300-272-07														
299-030-12														
Subtotal				1,227			49	20	69			47	64	111
TOTAL				**4,849**			**377**	**86**	**463**			**168**	**358**	**526**

[1]Rates based on SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002.

Table 4.4-5
Existing Zoning Trip Generation Calculations

Land Use	Quantity	Daily Trip Ends (ADT)		AM Peak Hour					PM Peak Hour				
				% of	In:Out	Volume			% of	In:Out	Volume		
		Rate[1]	Volume	ADT	Split	In	Out	Total	ADT	Split	In	Out	Total
NC Zone - Commercial[2]	147,554 SF	40/KSF	5,902	3%	60:40	106	71	177	9%	50:50	266	265	531
PC Zone - Office[3]	33,814 SF	20/KSF	676	14%	90:10	86	9	95	13%	20:80	18	70	88
PF Zone - Public Facilities[4]	23,689 SF	30/KSF	711	9%	90:10	58	6	64	12%	30:70	26	59	85
TOTAL			**7,289**			**250**	**86**	**336**			**310**	**394**	**704**

[1]Rates based on SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002.
[2]Specialty Retail / Strip Commercial uses assumed.
[3]Standard Commercial Office uses assumed.
[4]Government (Civic Center) uses assumed. "Buildable SF" not provided and therefore the "Existing Development SF" was assumed.

Table 4.4-6
On-the-Ground Development Parking Calculations

APN	Land Use	Quantity	Required Off-Street Parking Ratio[1]	Required Off-Street Parking
NC Zone				
299-071-02	-	-	-	
299-100-50	-	-	-	
299-100-49	-	-	-	
299-100-30	Specialty Commercial[2]	996 SF	1/300 SF	3
299-100-28	Commercial Office	10,000 SF	1/300 SF	33
299-100-29	Commercial Office	4,744 SF	1/300 SF	16
299-100-27	Commercial Office	15,000 SF	1/300 SF	50
299-071-06	Commercial Office	28,800 SF	1/300 SF	96
299-071-07	Commercial Office	15,600 SF	1/300 SF	52
299-100-48	-	-	-	-
299-100-47	-	-	-	-
299-100-32	-	-	-	-
299-100-33	-	-	-	-
299-100-34	Specialty Commercial[2]	7,691 SF	1/300 SF	26
	Restaurant[3]	4,378 SF	1/90 SF	53
	Auto Repair[4]	3,310 SF	1/500 SF	7
	Commercial Office	2,200 SF	1/300 SF	7
	Storage	1,000 SF	1/1,000 SF	1
299-100-35	Commercial Office	3,132 SF	1/300 SF	10
299-100-36	-	-	-	-
Required Parking Subtotal				354
PC Zone				
300-200-24	Commercial Office	4,556 SF	1/300 SF	15
300-222-31	Commercial Office	8,688 SF	1/300 SF	29
300-222-32	Commercial Office	14,905 SF	1/300 SF	50
300-222-33	Medical Office	7,085 SF	1/200 SF	35
Required Parking Subtotal				129
PF Zone				
300-093-15	Government (Civic Center)[5]	11,894 SF	1/300 SF	40
300-093-16	-	-		-
300-093-17	-	-		-
300-093-18	-	-		-
300-020-06	Library	4,795 SF	1/250 SF	19
300-020-07	-	-		-
299-310-02	Post Office	7,000 SF	1/300 SF	23
301-025-42				
299-260-45				
300-243-10				
300-272-07				
299-030-12				
Required Parking Subtotal				82
TOTAL				**565**

SF = square feet

[1]Rates from the City of Del Mar's Municipal Code.

[2]Parking requirement for Specialty Commercial land uses calculated using the "Other Sales that do not fit in a category listed above" rate.

[3]Parking requirement for Restaurant land uses is 1 space per 90 SF of GFA up to 4,000 SF and 1 space for each 45 SF of GFSA in excess of 4,000 SF.

[4]Per the Del Mar Municipal Code, the parking requirement for Auto Repair land uses is based on the number of service bays. Since the number of service bays is unknown, the parking requirement was calculated based on the "Industrial" land use rate.

[5]No rates provided for a Government (Civic Center) land use. The "Professional/Business Office" rate was used instead.

b. Existing Zoning

The required parking calculations for the land uses under the existing zoning designations are based on the general uses for which the parcels are currently zoned. Table 4.4-7 summarizes the required parking calculations for the existing zoning land uses.

Table 4.4-7
Existing Zoning Parking Calculations

Land Use	Quantity	Required Off-Street Parking Ratio[1]	Required Off-Street Parking
NC Zone – Commercial[2]	147,554 SF	1/300 SF	492
PC Zone – Office[3]	33,814 SF	1/300 SF	113
PF Zone – Public Facilities[4]	23,689 SF	1/300 SF	79
Total Required Parking			684

[1]Rates from the City of Del Mar's Municipal Code.
[2]Per the Municipal Code "In the NC Zone, off-street parking shall be provided for each use as set forth in this Code." For the purposes of this study, the "Other Sales that do not fit in a category listed above" rate was used.
[3]Per the Municipal Code "In the PC Zone, off-street parking shall be provided for each use as set forth in this Code." For the purposes of this study, the "Professional/Business Office" rate was used.
[4]The Del Mar Municipal Code does not provide specific direction on the parking requirement for this zone. For the purposes of this study, the "Professional/Business Office" and "Post Office" rates were used.

4.4.4.5 Pedestrian, Bicycle, and Transit Facilities

The Camino Del Mar corridor is active with pedestrian and bicycle activity. Sidewalks along Camino Del Mar are provided along both sides of Camino Del Mar throughout most of the length of the street and meander from along the curb of the street to between commercial buildings and angled parking spaces. Sidewalks are provided on the east side of Jimmy Durante Boulevard through the NC zone. Additionally, Class II bicycle lanes are provided along Camino Del Mar and Jimmy Durante Boulevard in both the northbound and southbound direction.

Trails and walking/hiking paths traverse the bank of the San Dieguito Lagoon, with new trail extensions being proposed.

North County Transit District (NCTD) operates the local transit service within the City. Transit stops are located along Camino Del Mar for the 101 bus line (30-minute headways).

4.4.2 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to transportation/traffic would be significant if the program would:

Threshold Traf-1 Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

4.4.3 Methodology

The basis of the traffic analysis is the comparison of trip generation associated with the on-the-ground development, buildout under the existing zoning designations, and buildout of land uses under the program. The analysis is based on the assumption that all parcels within the program areas would redevelop and residential uses at a maximum density of 20 dwelling units per acre would be constructed including the replacement of existing commercial/retail uses. Impacts are evaluated based on how traffic volumes would be affected by changes in trip generation associated with the program.

4.4.4 Circulation System

4.4.4.1 Impact Analysis

Threshold Traf-1 states that impacts would be significant if the program would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

a. Road Segments/Intersections

The number of trips associated with the program was calculated using the same method as described above, the *(Not So) Brief Guide of Traffic Generators for the San Diego Region* published by SANDAG (2002). The program would allow for residential land uses within the NC and PC zones; the PF zone is included for informational purposes should additional amendments to the zoning ordinance follow. For the purposes of trip generation comparison, the subject parcels were assumed to replace all of the existing land uses with only residential land uses, and would build out (where space provides) residential. The proposed zoning amendment would allow 20 dwelling units per acre, for a total of 305 dwelling units throughout all zones, the maximum that could be potentially allowed per the zoning code amendment. The conservative (higher) trip rate of 8 trips per dwelling unit for developments with 6 to 20 dwelling units per acre was used (more than 20 dwelling units per acre correlates to a rate of 6 trips per dwelling unit). As shown in Table 4.4-8, the program would be expected to generate 2,760 ADT with a total of 221 trips during the AM peak hour (44 inbound/177 outbound trips) and 276 trips during PM peak hour (193 inbound/83 outbound trips).

Compared to both the on-the-ground and existing zoning scenarios, the program would result in less 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). See Table 4.4-9 for a comparison of trip generation.

Table 4.4-8
Proposed Zoning Trip Generation Calculations

Land Use	Quantity	Daily Trip Ends (ADT)		AM Peak Hour					PM Peak Hour				
				% of	In:Out	Volume			% of	In:Out	Volume		
		Rate[1]	Volume	ADT	Split	In	Out	Total	ADT	Split	In	Out	Total
Residential[2]	345 DU[3]	8/DU	2,760	8%	20:80	44	177	221	10%	70:30	193	83	276
TOTAL			**2,760**			**44**	**177**	**221**			**194**	**83**	**276**

[1]Rates based on SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002.
[2]Multi-family 6-20 DU/Acre assumed.
[3]SAssuming all existing uses are replaced with residential.

Table 4.4-9 Trip Generation Comparison Summary	
Development/Zoning	ADT
On the Ground Development	4,849 ADT
Existing Zoning	7,289 ADT
Proposed Zoning	2,760 ADT

Based on the reduced trip generation associated with residential uses, it can be concluded that the proposed zoning would not significantly impact the surrounding area from a traffic perspective. Impacts at this program level, associated with the changes to the Zoning Ordinance, would be less than significant,

While this 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 result in less traffic than the buildout under the existing Zoning Ordinance and impacts would be less than significant.

b. Pedestrian, Bicycle and Transit Facilities

The program would not affect any existing alternative modes of transportation nor conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Program implementation would not interfere or conflict with implementation of planned transportation improvements in the area. Likewise, the program would be consistent with relevant Community Plan policies as detailed in Table 4.1-2.

c. Parking Demand

The proposed zoning will allow for residential land uses as an allowed use. Absent specific development plans, the number of bedrooms per unit is not known at this time. For the purposes of this analysis, and to evaluate a worse-case scenario, all units were assumed to be 2-bedroom or 3-bedroom units with a minimum parking requirement of 2 spaces per unit (minimum 1 space in a garage). Table 4.4-10 summarizes the required parking calculations for the proposed zoning land uses.

Table 4.4-10
Proposed Zoning Parking Calculations

Land Use	Quantity	Required Off-Street Parking Ratio[1]	Required Off-Street Parking
Residential[2]	345 DU	2/DU	690
Guest Parking[3]	-	¼ DU	87
Total Required Parking			**777**

[1]Rates from the City of Del Mar's Municipal Code.
[2]The number of bedrooms per unit is not known at this time. For the purposes of this study, all units were conservatively assumed to be 2-bedroom or 3-bedroom units with a minimum parking requirement of 2 spaces per unit (minimum 1 space in a garage). It is likely that a portion of the units may be developed as studios or 1-bedroom units a minimum one garage space per unit.
[3]In addition to the required off-street parking ratio, multi-family dwelling unit development shall provide one guest parking space per every four dwelling units.

Total parking required to serve the program as assumed herein[1] would be 777 parking spaces. As shown in Table 4.4-7 (existing zoning would require 684 parking spaces), implementation of the program would reduce the amount of required parking compared to what would be required under existing zoning requirements.

4.4.4.2 Significance of Impacts

Impacts related to traffic circulation would be less than significant.

4.4.4.3 Mitigation Framework

No mitigation measures are required.

4.4.5 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area related to traffic is the accumulation of traffic throughout the City that could occur under the Community Plan/Zoning Ordinance. As discussed above, implementation of the program would result in a reduction of trips based on trip generation rates associated with residential uses compared to commercial/retail uses. Therefore, the program would have a less than significant cumulative effect on traffic.

[1]The analysis assumes residential uses would replace all of the existing land uses. This is to maintain consistency with the trip generation analysis, which also assumed full residential buildout as that represents the worst case scenario for trip generation.

4.5 Air Quality

The following section summarizes the Air Quality Analysis prepared for the City of Del Mar (City) Zoning Ordinance Amendment (proposed program; program). This section provides a detailed analysis of those issues identified in the Initial Study (see Appendix A) as potentially significant. The Air Quality Analysis prepared by RECON Environmental, Inc. (RECON 2019a) is included as Appendix D of this Program Environmental Impact Report (PEIR).

4.5.1 Existing Conditions

4.5.1.1 Environmental Setting

a. Air Basin/Geographic Setting

The program is located in the City, within the San Diego Air Basin (SDAB) and adjacent to the Pacific Ocean. The eastern portion of the SDAB is surrounded by mountains to the north, east, and south. These mountains tend to restrict airflow and concentrate pollutants in the valleys and low-lying areas.

b. Climate

The program area, like the rest of San Diego County, has a Mediterranean climate characterized by warm, dry summers and mild winters. The mean annual temperature for the program area is 60 degrees Fahrenheit (°F). The average annual precipitation is 10 inches, falling primarily from November to April. Winter low temperatures in the program area average about 45°F and summer high temperatures average about 80°F. The average relative humidity is 71 percent and is based on the yearly average humidity at Lindbergh Field (Western Regional Climate Center 2019).

4.5.1.2 Existing Air Quality

Air quality is commonly expressed as the number of days per year in which air pollution levels exceed federal standards set by the U.S. Environmental Protection Agency (U.S. EPA) or state standards set by the California Air Resources Board (CARB). The San Diego Air Pollution Control District (SDAPCD) maintains 10 air quality monitoring stations located throughout the greater San Diego metropolitan region. Air pollutant concentrations and meteorological information are continuously recorded at these stations. The Del Mar–Mira Costa College monitoring station, located at 225 9th Street approximately 0.4 mile south of the program area, was the closest monitoring station to the program sites. This station was no longer in use after March 2017. The next closest station to the program site is the San Diego–Kearny Villa Road

monitoring station, located at 6125A Kearny Villa Road approximately 11 miles southeast of the program site. A summary of the measurements collected at the Del Mar–Mira Costa College and San Diego–Kearny Villa Road monitoring stations for the years 2013 through 2017 is included in Table 2 of the Air Quality Analysis.

a. Ozone

Nitrogen oxides and hydrocarbons (reactive organic gases [ROG]) are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone, which is the primary air pollution problem in the SDAB. Because sunlight plays such an important role in its formation, ozone pollution—or smog—is mainly a concern during the daytime in summer months. About half of smog-forming emissions come from automobiles. Population growth in San Diego has resulted in a large increase in the number of automobiles expelling ozone-forming pollutants while operating on area roadways. In addition, the occasional transport of smog-filled air from the South Coast Air Basin only adds to the SDAB's ozone problem. The SDAB is currently designated a federal and state non-attainment area for ozone (under the previously used national 8-hour standard), and is recommended as a non-attainment area for the revised (2008) national 8-hour standard of 0.075 parts per million (ppm).

Local agencies can control neither the source nor the transport of pollutants from outside the air basin. Therefore, the policy of the SDAPCD has been to control local sources to reduce locally produced emissions. Through its Transportation Control Measures (TCM), enhanced motor vehicle inspection and maintenance program overseen by the Bureau of Automotive Repair, and the clean-fuel vehicle program overseen by CARB, continuing reductions in ozone concentrations are anticipated. Specific actions taken by SDAPCD to reduce ozone levels in the SDAB are listed in Section 4.3.1 of the Air Quality Analysis.

b. Carbon Monoxide

The SDAB is classified as a state attainment area and as a federal maintenance area for carbon monoxide (CO). Until 2003, no violations of the state standard for CO had been recorded in the SDAB since 1991 and no violations of the national standard had been recorded in the SDAB since 1989. The violations that took place in 2003 were likely the result of massive wildfires that occurred throughout the county. No violations of CO under the NAAQS and CAAQS have occurred since 2003.

Small-scale, localized concentrations of CO above the state and national standards have the potential to occur at intersections with stagnation points such as those that occur on major highways and heavily traveled and congested roadways. Localized high concentrations of CO are referred to as "CO hot spots" and are a concern at congested intersections, where automobile engines burn fuel less efficiently and their exhaust contains more CO.

c. Particulate Matter

Particulate matter is a complex mixture of microscopic solid or liquid particles including chemicals, soot, and dust. Anthropogenic sources of direct particulate emissions include

crushing or grinding operations, dust stirred up by vehicle traffic, and combustion sources such as motor vehicles, power plants, wood burning, forest fires, agricultural burning and industrial processes. Additionally, indirect emissions may be formed when aerosols react with compounds found in the atmosphere. Health studies have shown a significant association between exposure to particulate matter. As its properties vary based on the size of suspended particles, particulate matter is generally categorized as PM_{10} or $PM_{2.5}$

PM_{10}

PM_{10}, occasionally referred to as "inhalable coarse particles" has an aerodynamic diameter of about one-seventh of the diameter of a human hair. High concentrations of PM_{10} are often found near roadways, construction, mining, or agricultural operations.

$PM_{2.5}$

$PM_{2.5}$, occasionally referred to as "inhalable fine particles" has an aerodynamic diameter of about one-thirtieth of the diameter of a human hair. $PM_{2.5}$ is the main cause of haze in many parts of the United States. Federal standards applicable to $PM_{2.5}$ were first adopted in 1997.

d. Other Criteria Pollutants

The national and state standards for nitrogen dioxide (NO_2), oxides of sulfur (SO_X), and the previous standard for lead are being met in the SDAB, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future. The SDAB is also in attainment of the state standards for vinyl chloride, hydrogen sulfides, sulfates, and visibility-reducing particulates.

4.5.1.3 Existing Area Source Emissions

Mobile source operational emissions are based on the trip rate and trip length for each land use type and size. The total trip generation associated with the on-the-ground land uses and the existing zoning are summarized in Tables 4.4-4 and 4.4-5. Area source emissions associated with the program include consumer products, natural gas used in space and water heating, architectural coatings, and landscaping equipment. Table 4.5-1 provides a summary of the on-the-ground operational emissions generated by the land uses within the program area subject to the Zoning Ordinance amendments. Table 4.5-2 summarizes the emissions generated by the existing zoning buildout scenario.

Table 4.5-1
Summary of Existing On-the-Ground Development
Year 2019 Operational Emissions
(pounds per day)

Source	Emissions					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area Sources	4	<1	<1	<1	<1	<1
Energy Sources	<1	1	1	<1	<1	<1
Mobile Sources	8	29	74	<1	15	4
Total	**12**	**30**	**75**	**<1**	**15**	**4**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

Table 4.5-2
Summary of Year 2035 Operational Emissions
(pounds per day)

Source	Emissions					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Existing On-the-Ground Development						
Area Sources	4	<1	<1	<1	<1	<1
Energy Sources	<1	1	1	<1	<1	<1
Mobile Sources	3	17	34	<1	15	4
Total	**7**	**18**	**35**	**<1**	**15**	**4**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*
Existing Zoning						
Area Sources	5	<1	<1	<1	<1	<1
Energy Sources	<1	<1	<1	<1	<1	<1
Mobile Sources	5	24	46	<1	19	5
Total	**10**	**24**	**46**	**<1**	**19**	**5**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

4.5.2 Regulatory Framework

The regulatory framework described below details the federal and state agencies that are in charge of monitoring and controlling mobile and stationary sources of air pollutants and what measures are currently being taken to achieve and maintain healthful air quality in the SDAB.

4.5.2.1 Federal

a. Clean Air Act of 1970

The federal Clean Air Act (CAA) was enacted in 1970 (and amended several times since) for the purpose of protecting and enhancing the quality of the nation's air resources. In 1971, the U.S. EPA developed National Ambient Air Quality Standards (NAAQS) for six pollutants of concern: ozone (O_3), CO, sulfur dioxide (SO_2), NO_2, lead, and PM_{10}. In 1997, the NAAQS were refined by replacing the 1-hour ozone standard with an 8-hour ozone standard and by adding a new standard for particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The current NAAQS are presented in Table 1 of the Air Quality Analysis (see Appendix D) and represent

the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect public health and welfare considering long-term exposure of the most sensitive groups in the general population (i.e., children, senior citizens, and people with breathing difficulties).

4.5.2.2 State

a. California Clean Air Act

The California CAA was signed into law in 1988 and CARB has generally set more stringent limits on the seven U.S. EPA regulated criteria pollutants as well as expanded the list of air pollutants regulated within California under the California Ambient Air Quality Standards (CAAQS). A comparison of the NAAQS and CAAQS is summarized in Table 1 of the Air Quality Analysis.

b. California Air Toxics Program

The public's exposure to toxic air contaminants (TACs) is a significant public health issue in California. Diesel-exhaust particulate matter emissions have been established as TACs. In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (Assembly Bill [AB] 1807: Health and Safety Code Sections 39650–39674). The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk.

c. Air Toxics "Hot Spots" Information and Assessment Act

The goals of the Air Toxics "Hot Spots" Act (AB 2588, 1987, Connelly Bill 1987) are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

d. State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that set forth the state's strategies for achieving ambient air quality standards. The SDAPCD is responsible for preparing and implementing the portion of the SIP applicable to the SDAB, known as the Regional Air Quality Strategy (RAQS). The SDAPCD adopts rules, regulations, and programs to attain state and federal air quality standards, and appropriates money (including permit fees) to achieve its objectives.

e. The California Environmental Quality Act

Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines requires discussion of any inconsistencies between the program and applicable general plans and regional plans, including the applicable air quality attainment or maintenance plan (or SIP).

4.5.2.3 Regional/Local

a. San Diego Air Pollution Control District

The SDAPCD is the agency that regulates air quality in the SDAB. As part of the RAQS, the SDAPCD developed Transportation Control Measures (TCMs) for the air quality plan prepared by the San Diego Association of Governments (SANDAG) in accordance with AB 2595 and adopted by SANDAG on March 27, 1992, as Resolution Number 92 49 and Addendum. The RAQS and TCM set forth the steps needed to accomplish attainment of NAAQS and CAAQS. The required triennial updates of the RAQS and corresponding TCM were adopted in 1995, 1998, 2001, 2004, 2009, and 2016.

The SDAPCD has also established a set of rules and regulations initially adopted on January 1, 1969, and periodically reviewed and updated. These rules and regulations are available for review on the agency's website.

4.5.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to air quality would be significant if the program would:

Threshold Air-1 Conflict with or obstruct implementation of the applicable air quality plan;

Threshold Air-2 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;

Threshold Air-3 Expose sensitive receptors to substantial pollutant concentrations; or

Threshold Air-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.5.4 Methodology

Air quality impacts were assessed using SDAPCD "trigger" levels for criteria pollutant emissions associated with new or modified stationary sources. The SDAPCD does not consider these trigger levels to represent adverse air quality impacts; rather, if these trigger levels are exceeded by stationary sources associated with a project, the SDAPCD requires an air quality analysis to determine if a significant air quality impact would occur. This analysis uses SDAPCD trigger levels shown in Table 4.5-3 as air quality impact screening levels.

Table 4.5-3
Air Quality Impact Analysis Trigger Levels

Pollutant	Emission Rate (pounds/hour)	Emission Rate (pounds/day)	Emission Rate (tons/year)
NO_X	25	250	40
SO_X	25	250	40
CO	100	550	100
PM_{10}	--	100	15
Lead	--	3.2	0.6
ROG	--	250	--
$PM_{2.5}$	--	67	10

SOURCE: SDAPCD, Rules 20.1, 20.2, 20.3 (SDAPCD 2016).
[1] ROG threshold based on federal General Conformity *de minimis* levels for ozone precursors.

This analysis relies on land use modeling and trip generation calculations as defined in Appendix C (Transportation Impact Analysis; LLG 2019; see also Tables 4.4-4 and 4.4-5). Overall, the analysis assumes that buildout under the proposed zoning ordinance amendment would result in residential uses replacing existing commercial/retail uses throughout the program areas.

Air quality emissions would result from construction and operational activities associated with future development under the proposed amendment. Construction and operation air emissions were calculated using California Emissions Estimator Model (CalEEMod) 2016.3.2 (California Air Pollution Control Officers Association [CAPCOA] 2017). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors.

Additional details relating to the modeling of construction and operation emissions, including output files, are found in Section 6.0 of the Air Quality Analysis.

4.5.5 Air Quality Plan Consistency

4.5.5.1 Impact Analysis

Threshold Air-1 states that implementation of the program would cause significant air quality impacts if it would conflict with or obstruct implementation of any applicable air quality plan.

The RAQS is the applicable regional air quality plan that sets forth the SDAPCD's strategies for achieving the NAAQS and CAAQS. The SDAB is designated non-attainment for the federal and state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the standards for ozone. The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in general plans and used by SANDAG in the development of the regional transportation plans and sustainable communities strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the general plan would not conflict with the RAQS.

The program would amend the City's zoning designations to allow for residential development as an additional allowed primary use. However, in general, residential uses generate fewer trips (and therefore less emissions) than commercial and retail development. As shown in Table 4.5-4, the replacement of existing uses with residential would not result in an increase in emissions over those that are accounted for in the RAQS. Thus, the program would not obstruct or conflict with implementation of the RAQS and impacts would be less than significant.

Table 4.5-4
Summary of Year 2035 Operational Emissions
(pounds per day)

Source	Emissions					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Proposed Zoning – All Residential						
Area Sources	10	<1	28	<1	<1	<1
Energy Sources	<1	1	<1	<1	<1	<1
Mobile Sources	2	10	23	<1	11	3
Total	**12**	**11**	**51**	**<1**	**11**	**3**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

While this 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 result in less emissions than the buildout under the existing Zoning Ordinance and impacts would be less than significant.

4.5.5.2 Significance of Impacts

Impacts related to consistency with air quality plans would be less than significant.

4.5.5.3 Mitigation Framework

No mitigation measures are required.

4.5.6 Increase of Criteria Pollutant

4.5.6.1 Impact Analysis

Threshold Air-2 states that implementation of the program would cause significant air quality impacts if it would result in a cumulatively considerable net increase of any criteria pollutant for which the program region is non-attainment under an applicable federal or state ambient air quality standard.

The region is classified as an attainment area for all criterion pollutants except ozone, PM_{10}, and $PM_{2.5}$. The SDAB is a non-attainment area for the 8-hour federal and state ozone standards. These pollutants are emitted during both construction and operation of projects implemented under the proposed program.

a. Construction Emissions

Table 4.5-5 shows the total projected construction maximum daily emission levels for each criteria pollutant. The construction emissions summarized in Table 4.5-5 are those that would occur when redeveloping the lots with all residential uses.

Table 4.5-5
Summary of Worst-case Construction Emissions
(pounds per day)

Construction	Emissions					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Demolition	4	45	25	<1	12	3
Site Preparation	4	42	22	<1	20	12
Grading	5	50	32	<1	11	6
Building Construction	3	24	25	<1	3	2
Paving	1	13	15	<1	1	1
Architectural Coatings	14	2	3	<1	01	<1
Maximum Daily Emissions	**14**	**50**	**32**	**<1**	**20**	**12**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

As shown in Table 4.5-5, maximum daily construction emissions associated with future projects implemented pursuant to the proposed program are projected to be less than the applicable thresholds for all criteria pollutants.

Future construction projects would implement standard dust control measures as required by SDAPCD rules and regulations (Rules 50, 51, 52, 54, and 55) for controlling emissions from fugitive dust and fumes. These measures include:

- Water the grading areas a minimum of twice daily to minimize fugitive dust.
- Provide sufficient erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Periodically sweep up dirt and debris spilled onto paved surfaces to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites of construction-related dirt.

Therefore, actual emission levels associated with future development would be less than shown in Table 4.5-5. Construction activity would not result in a cumulatively considerable net increase of any criteria pollutant. Construction emission impacts would be less than significant.

b. Operation Emissions

Long-term emissions of regional air pollutants occur from operational sources. As shown in Tables 4.5-2 and 4.5-4, buildout of the existing on-the-ground development, the existing zoning, and the proposed zoning would all result in operational emissions that are less than the

applicable regional emissions thresholds. Further, buildout of the program sites would result in emissions that would be less than those associated with buildout of the existing zoning. Therefore, the program would not result in a cumulatively considerable net increase in emissions of ozone, PM_{10}, or $PM_{2.5}$, and impacts would be less than significant.

4.5.6.2 Significance of Impacts

Impacts related to increasing a criteria pollutant would be less than significant.

4.5.6.3 Mitigation Framework

No mitigation measures are required.

4.5.7 Sensitive Receptors

Threshold Air-3 states that impacts related to air quality would be significant if the proposed program would expose sensitive receptors to substantial pollutant concentrations.

4.5.7.1 Impact Analysis

Sensitive receptors in the program area generally consist of residential uses and schools.

a. Diesel Particulate Matter

Construction of individual projects implemented under the proposed zoning amendment would result in short-term diesel exhaust emissions from on-site heavy-duty equipment. Generation of Diesel Particulate Matter (DPM) from construction projects typically occurs in a single area for a short period. No specific construction activity is proposed as a part of the program. Rather, the program would allow for individual lots to redevelop with a residential component. Individual construction activities would occur on a project-by-project basis, and would be relatively small scale and short in duration.

The dose to which the receptors are exposed is the primary factor used to determine health risk. Based on health risk assessment protocol set forth by the Office of Environmental Health Hazard Assessment, DPM generated by future project construction is not expected to create conditions of high health risk potential (see Air Quality Analysis Section 6.6(3) for a full discussion of calculating health risk). Additionally, with ongoing implementation of U.S. EPA and CARB requirements for cleaner fuels; off-road diesel engine retrofits; and new, low-emission diesel engine types, the DPM emissions of individual equipment would be substantially reduced over the years as the project construction continues. Therefore, future project construction would not expose sensitive receptors to substantial pollutant concentration. Impacts would be less than significant.

b. Carbon Monoxide Hotspots

Based on the Traffic Impact Analysis (see Appendix C), no signalized intersections in the study area currently operate at level of service (LOS) E or F, or experience more than 31,600 vehicles per hour (LLG 2019). Additionally, the program would result in a decrease in traffic compared to the existing condition. Therefore, the program is not anticipated to result in a CO hot spot.

4.5.7.2 Significance of Impacts

Impacts related to sensitive receptors would be less than significant.

4.5.7.3 Mitigation Framework

No mitigation measures are required.

4.5.8 Other Emissions

4.5.8.1 Impact Analysis

Threshold Air-4 states that the program would cause significant air quality impacts if it would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The program does not include heavy industrial or agricultural uses that are typically associated with odor complaints. During construction, diesel equipment may generate some nuisance odors. Sensitive receptors in the program area include residential and school uses; however, exposure to odors associated with future project construction would be short term and temporary in nature. The program would allow for the construction of additional residential uses. Residential uses do not typically include operational sources of objectionable odors. Therefore, the program is not expected to generate significant objectionable odors affecting a substantial number of people, and impacts would be less than significant.

4.5.8.2 Significance of Impacts

Impacts related to other emissions leading to odors would be less than significant.

4.5.8.3 Mitigation Framework

No mitigation measures are required.

4.5.9 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area for air quality is the SDAB. The program would be consistent with the RAQS and emissions would be consistent

with what was assumed in the air quality plan, which demonstrates it would not have the potential to contribute to a cumulatively considerable impact related to consistency with the air quality plan. Additionally, construction and operational emission associated with future projects implemented pursuant to the proposed program would be below applicable significance thresholds and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The program would not impact sensitive receptors through DPM or hot spots (carbon monoxide concentrations). The only odors that would be generated by the future projects would be construction odors related to diesel exhaust and equipment which are short term.

Overall, the program would not result in a cumulatively considerable contribution to air quality and cumulative impacts would be less than significant.

4.6 Greenhouse Gas Emissions

The following section summarizes the Greenhouse Gas (GHG) Analysis prepared for the City of Del Mar (City) Zoning Ordinance Amendment program (program). This section provides a detailed analysis of those issues identified in the Initial Study (see Appendix A) as potentially significant. The GHG Analysis prepared by RECON Environmental, Inc., (RECON 2019b) is included as Appendix E of this Program Environmental Impact Report (PEIR).

Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. While patterns of heating and cooling have occurred naturally throughout the earth's geological history, increased generation of carbon-based fuels have resulted in marked increase in the emissions of gases shown to influence the world's climate. These gases, termed "greenhouse" gases, influence the amount of heat trapped in the earth's atmosphere and causes an increase in the amount of heat trapped in the earth's atmosphere. This change in climate patterns and the increased emission of greenhouse gases in turn could have a significant effect on the environment. For a detailed discussion of global climate change including a list of the GHG of primary concern, see Section 1.0 of the GHG Analysis (see Appendix E).

4.6.1 Existing Conditions

4.6.1.1 State and Regional GHG Inventories

The California Air Resources Board (CARB) performs statewide GHG inventories to identify GHG emission levels associated with different sectors of economic activity. Emissions are quantified in million metric tons of carbon dioxide equivalent ($MMTCO_2E$). Table 2 of the GHG Analysis (see Appendix E) shows the estimated statewide GHG emissions for the years 1990, 2012, and 2016.

4.6.1.2 Del Mar GHG Inventories

A baseline year 2012 GHG emissions inventory was prepared as a part of preparation of the City's Climate Action Plan (CAP). The inventory was conducted using the International Council on Environmental Initiatives Cities for Climate Protection inventory methodology. Table 4.6-1 summarizes the inventory. As shown, the primary sources of GHG emissions in the City are transportation, energy use in commercial and industrial buildings, and energy use in residential buildings.

Table 4.6-1 City of Del Mar 2012 Community-wide GHG Emissions by Source		
Category	MT CO_2E	Percent of Total[1]
Residential Energy	11,518	20.6%
Commercial, Industrial, and Lighting Energy	8,066	14.4%
On-road Transportation (Internal)[2]	4,921	8.8%
On-road Transportation (External)[3]	27,003	48.3%
Waste	2,936	5.3%
Water	1,331	2.4%
Wastewater	81	0.3%
TOTAL	**55,855**	**100.0%**
SOURCE: City of Del Mar 2016. MT CO_2E = metric ton CO_2 equivalent [1]Percentage total may vary due to independent rounding. [2]Emission from miles within Del Mar boundary [3]Emissions from miles outside Del Mar boundary, trips starting or ending in Del Mar		

As shown in Table 4.6-1, and similar to both the state and regional emissions estimates, transportation comprised the largest source of GHG emissions.

4.6.1.3 Existing GHG Emissions

Current sources of GHG emissions associated with the program area (32 parcels) include vehicle traffic, energy use (electricity and natural gas), area sources (landscaping equipment), water use, and solid waste. Existing GHG emissions generated by the current on-the-ground uses were calculated using California Emissions Estimator Model (CalEEMod) Version 2016.3.2 (California Air Pollution Control Officers Association [CAPCOA] 2017). The results are summarized in Table 4.6-2.

Table 4.6-2 Existing (Year 2019) On-the-Ground GHG Emissions	
Emission Source	MT CO_2E
Vehicles	3,134
Energy Use	745
Area Sources	<1
Water Use	145
Solid Waste Disposal	125
TOTAL	**4,149**
MT CO_2E = metric tons of CO_2 equivalent	

4.6.2 Regulatory Framework

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national, and state levels with the aim of reducing GHG emissions. A detailed description of those key applicable federal and state programs and regulations concerning GHG emissions and climate change is presented in Section 3.2 of the GHG Analysis (see Appendix E). This PEIR section provides a brief overview of the applicable state goal setting actions and

building regulations and focuses on local and the City's regulations as they relate to greenhouse gas emissions, sustainability, and green building practices.

4.6.2.1 State Goals and Regulations

The State of California has adopted a number of plans and regulations aimed at identifying statewide and regional GHG emissions caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions.

a. Executive Order S-3-05

This Executive Order (EO) established the following GHG emission reduction targets for the State of California:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels; and
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This EO also directs the secretary of the California Environmental Protection Agency to oversee the efforts made to reach these targets, and to prepare biannual reports on the progress made toward meeting the targets and on the impacts to California related to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry. With regard to impacts, the report shall also prepare and report on mitigation and adaptation plans to combat the impacts. The first Climate Action Team Assessment Report was produced in March 2006, and has been updated every two years.

b. Executive Order B-30-15

This EO, issued on April 29, 2015, establishes an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. This EO also directed all state agencies with jurisdiction over GHG emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in EO S-3-05. Additionally, this EO directed CARB to update its Climate Change Scoping Plan to address the 2030 goal.

c. California Global Warming Solutions Act

In response to EO S-3-05, the California Legislature passed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and thereby enacted Sections 38500–38599 of the California Health and Safety Code. The heart of AB 32 is its requirement that CARB establish an emissions cap and adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. AB 32 also required CARB to adopt a plan by January 1, 2009 indicating how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

Approved in September 2016, Senate Bill (SB) 32 updates the California Global Warming Solutions Act of 2006 and enacts EO B-30-15. Under SB 32, the state would reduce its GHG

emissions to 40 percent below 1990 levels by 2030. In implementing the 40 percent reduction goal, CARB is required to prioritize emissions reductions to consider the social costs of the emissions of GHGs; where "social costs" is defined as "an estimate of the economic damages, including, but not limited to, changes in net agricultural productivity; impacts to public health; climate adaptation impacts, such as property damages from increased flood risk; and changes in energy system costs, per metric ton of greenhouse gas emission per year."

d. Climate Change Scoping Plan

As directed by the California Global Warming Solutions Act of 2006, in 2008, CARB adopted the Climate Change Scoping Plan: A Framework for Change (Scoping Plan), which identifies the main strategies California will implement to achieve the GHG reductions necessary to reduce forecasted business as usual (BAU) emissions in 2020 to the state's historic 1990 emissions level (CARB 2008). In November 2017, CARB released the 2017 Climate Change Scoping Plan Update, the Strategy for Achieving California's 2030 Greenhouse Gas Target (2017 Scoping Plan; CARB 2017). The 2017 Scoping Plan identifies state strategies for achieving the state's 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan Scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, Renewables Portfolio Standard (RPS), Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. Additionally, the 2017 Scoping Plan proposes new policies to address GHG emissions from natural and working lands

e. Regional Emissions Targets – Senate Bill 375

SB 375, the 2008 Sustainable Communities and Climate Protection Act, was signed into law in September 2008 and requires CARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan. The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and fair-share housing allocations under state housing law. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy or Alternative Planning Strategy to address GHG reduction targets from cars and light-duty trucks in the context of that MPO's Regional Transportation Plan. San Diego Association of Governments (SANDAG) is the San Diego region's MPO. In 2010, CARB set targets for the SANDAG region of a 7 percent reduction in GHG emissions per capita from automobiles and light-duty trucks compared to 2005 levels by 2020 and a 13 percent reduction by 2035. These targets are periodically reviewed and updated. CARB's currently proposed targets for the SANDAG region are a reduction of 15 percent by 2020 and 21 percent by 2035.

f. California Code of Regulations, Title 24 – California Building Code

The California Code of Regulations, Title 24, is referred to as the California Building Code, or CBC. It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency,

handicap accessibility, and so on. Of particular relevance to GHG reductions are the CBC's energy efficiency and green building standards. Details of these standards which are mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures are detailed in Section 3.2.2.7 of the GHG Analysis (see Appendix E).

4.6.2.2 Local Regulations

a. Climate Action Plan

On June 6, 2016, the City adopted a CAP which sets targets for reducing GHG emissions by 2020 and 2035 (City of Del Mar 2016). The CAP identifies strategies to meet the targets, formulates a plan for implementation, and discusses ways the City needs to adapt to the effects of climate change already occurring or anticipated to occur, such as sea level rise and water supply shortages. The CAP aims to reduce GHG emissions from baseline 2012 values by 15 percent by 2020, and 50 percent by 2035. The CAP also includes a renewable energy goal of 50 percent by 2020, and 100 percent by 2035.

b. Del Mar Solar Energy Ordinance

Chapter 23.20 of the Del Mar Municipal Code (DMMC) comprises the Del Mar Solar Energy Ordinance. The purpose of this ordinance is to decrease the City's dependence on non-renewable energy sources through encouraging solar energy systems for the heating and cooling of new building spaces such as those associated with future projects implemented pursuant to the proposed program. As stated in the ordinance "it is intended that the energy requirements from conventional sources for space heating [cooling, and ventilating] shall be reduced by sixty percent or more for each structure falling within purview of this Chapter." Essentially all conventional heating, ventilation, and air conditioning (HVAC) system needs are to be provided with an active, passive, or hybrid solar system as follows:

Space Heating: "All new structures proposed or required to be heated shall to be provided with an active, passive, or hybrid solar space heating system. The solar space heating system shall be considered acceptable if it is designed to minimize the use of conventional energy sources consistent with the stated intent of this Chapter. The City Council may, from time to time, adopt by resolution, solar space heating guidelines intended to assist in the implementation of this Section. Required solar space heating systems shall at minimum meet or exceed said guidelines adopted by the City Council, or shall consist of an alternative design, in which, in the opinion of the City, is sufficient to meet or exceed the stated intent of this Chapter" (DMMC Chapter 23.20.040).

Space Cooling: "The installation of conventional air refrigeration systems will be discouraged in all structures. Permits for conventional air refrigeration systems when proposed, shall be at the discretion of the Design Review Board, or City Council on appeal. This section shall not apply to rooms where air refrigerants are necessary, such as medical treatment rooms, treatment rooms or rooms designed for the storage, maintenance, or processing of temperature sensitive materials or equipment" (DMMC Chapter 23.20.040).

4.6.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to GHG emissions would be significant if the program would:

Threshold GHG-1 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or

Threshold GHG-2 Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

As stated in the CEQA Guidelines, these questions are "intended to encourage thoughtful assessment of impacts and do not necessarily represent thresholds of significance" (Title 14, Division 6, Chapter 3 Guidelines for Implementation of the CEQA, Appendix G, VII Greenhouse Gas Emissions). The CEQA Guidelines do, however, require lead agencies to ultimately adopt GHG thresholds of significance. When adopting these thresholds, a lead agency would be allowed to consider (1) thresholds of significance adopted or recommended by other public agencies, (2) thresholds recommended by experts, provided that the thresholds are supported by substantial evidence, and/or (3) develop their own significance threshold.

The City has not yet adopted a GHG threshold of significance for general use as part of its environmental review process. However, the City has been using a threshold analysis based on guidance from the CAPCOA report CEQA & Climate Change, dated January 2008 (CAPCOA 2008; Guidance Document). The Guidance Document introduces the concept of establishing thresholds based on GHG emission market capture rates. Following this approach, a lead agency defines an acceptable market capture rate and identifies the corresponding emissions level.

State GHG emissions reduction targets proposed and/or codified by EO S-3-05, AB 32, EO B-30-15, and SB 32 include achieving 1990 emission levels by 2020; 40 percent below 1990 levels by 2030; and 80 percent below 1990 levels by 2050. The most ambitious reduction target, 80 percent below 1990 levels, corresponds to a 90 percent reduction in statewide BAU emissions. Relying on the concept used in the Guidance Document, the City conservatively uses a net screening project-level threshold of 900 MT CO_2E annually when evaluating the significance of a project's GHG impacts. To summarize, following rationale presented in the Guidance Document, the City threshold is the aggregate emissions from all projects with individual annual emissions that are equal to or less than 900 MT CO_2E would not impede achievement of the state GHG emissions reduction targets codified by AB 32 (2006) and SB 32 (2016), and impacts under CEQA would, therefore, be less than cumulatively considerable.

4.6.4 Methodology

The program does not include any physical development or construction component. Rather, the program would allow for individual lots to redevelop with a residential

component. For the purposes of this analysis, GHG emissions associated with future development that could occur under the proposed amendments were calculated and compared to the GHG emissions associated with existing on-the-ground development to determine the net change in GHG emissions that could occur from the program.

For comparative purposes, GHG emissions were calculated for the existing on-the-ground development, the existing zoning, and the proposed zoning. Table 4.6-3 summarizes the land use assumptions used in the GHG modeling.

Table 4.6-3
Modeled Land Uses

Land Use	Amount (square feet or dwelling units for residential)	Daily Trips
Existing On-the-Ground Development		
Specialty Commercial	8,687	348
Commercial Office	107,625	2,153
Restaurant	4,378	700
Auto Repair	3,310	66
Storage	1,000	2
Medical Office	7,085	354
Government (Civic Center)	11,894	357
Library*	4,795	240
Post Office*	7,000	630
Other City Properties (including water tanks)	N/A	N/A
Total Trips		4,850
Existing Zoning		
Commercial Retail (Strip Mall)	147,554	5,902
Commercial Office	33,814	676
Public Facilities (Civic Center)	23,689	711
Total Trips		7,289
Proposed Zoning – All Residential		
Residential (6-20 du/acre)	345	2,760
Total Trips		2,760

SOURCE: LLG 2019.
*The library and post office were modeled as general commercial office uses in CalEEMod.

For a detailed discussion of the methodologies used to calculate GHG emissions for each GHG source (vehicles, energy use, area sources, water and wastewater use, solid waste disposal), see Section 4.2 of the GHG Analysis (see Appendix E). Based on the methodologies described therein, the primary sources of direct and indirect GHG emissions have been calculated.

4.6.5 GHG Emissions

4.6.5.1 Impact Analysis

Threshold GHG-1 states that GHG emissions impacts would be significant if the proposed program would generate GHGs that may have a significant impact on the environment.

Based on the methodologies outlined in Section 4.2 of the GHG Analysis (see Appendix E), the primary sources of direct and indirect GHG emissions have been calculated for buildout year 2035. Table 4.6-4 summarizes the estimated emissions.

Table 4.6-4
Year 2035 Annual GHG Emissions Estimates
(MT CO_2E)

Emission Source	Existing On-the-Ground Development	Existing Zoning		Proposed Zoning[1]	
		Total Emissions	Net Change Over On-the-Ground Development	Total Emissions	Net Change Over On-the-Ground Development
Vehicles	2,188	2,738	550	1,548	-640
Energy use	682	559	-122	390	-292
Area sources	<1	<1	<1	4	4
Water use	132	92	-40	96	-36
Solid waste disposal	125	162	37	80	-45
Construction (amortized over 30 years)	--	19	19	25	25
TOTAL	**3,126**	**3,570**	**444**	**2,143**	**-983**

NOTE: Totals may vary due to rounding.
[1]Proposed Zoning: Assumes all parcels within the program area would redevelop with residential uses replacing existing uses.

Compared to the existing on-the-ground emissions shown in Table 4.6-2, the lower emissions in Year 2035 are from cleaner vehicles and SDG&E's increased renewable energy. As shown in Table 4.6-4, the future projects implemented pursuant to the proposed program would result in a total of 2,143 MT CO_2E annually, which is a net decrease of -983 MT CO_2E over future GHG emissions associated with on-the-ground development. Additionally, 2,143 MT CO_2E represents a 48 percent decrease over existing 2019 emissions, a 31 percent decrease over year 2035 GHG emissions associated with on-the-ground development, and a 47 percent decrease over year 2035 GHG emissions associated with buildout of the existing zoning. Therefore, the program would result in an overall decrease in GHG emissions generated within the City. Because the program would not result in an increase in GHG emissions, the program would not generate GHG emissions that may have a significant impact on the environment. Impacts associated with GHG emissions would be less than significant.

While this buildout 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 result in less GHG emissions than the buildout under the existing Zoning Ordinance and impacts would be less than significant because overall

residential use emissions would be less than less than that associated with commercial/ office uses.

4.6.5.2 Significance of Impacts

Impacts related to traffic circulation would be less than significant.

4.6.5.3 Mitigation Framework

No mitigation measures are required.

4.6.6 GHG Plans, Policies, and Regulations Consistency

4.6.6.1 Impact Analysis

Threshold GHG-2 states that GHG emissions impacts would be significant if implementation of the program would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

a. Assembly Bill 32

The City has conservatively utilized the CAPCOA report CEQA & Climate Change (CAPCOA 2008) for significance criteria for evaluating individual projects. The 900 MT CO_2E criterion used to determine significance under CEQA was designed to set the emission threshold appropriate to exclude small development projects that would contribute a relatively small fraction of the cumulative statewide GHG emissions. These smaller projects were determined to not conflict with the AB 32 mandate for reducing GHG emission (CAPCOA 2008). As shown in Table 4.6-4, the program would result in an overall decrease in GHG emissions generated within the City. As the program would generate net emissions below the 900 MT CO_2E screening level, it would not conflict with the AB 32 mandate for reducing GHG emissions.

GHG emissions associated with future development would continue to decline through at least 2050 due to regulatory requirements that would increase the amount of renewable energy sources thereby decreasing GHG emissions associated with energy use. Given the reasonably anticipated decline in emissions, due to existing regulatory programs, GHG emissions would continue to decline in line with the GHG reductions needed to achieve the GHG emissions reduction goals.

b. City of Del Mar Climate Action Plan

The City's CAP identifies strategies to meet the targets, formulates a plan for implementation, and discusses ways the City needs to adapt to the effects of climate change already occurring or anticipated to occur, such as sea level rise and water supply shortages. The CAP's strategies are categorized into the following key focus areas: energy and

buildings, water and waste, transportation, and urban tree planting. Many of the measures included in the CAP are intended for the City to implement. The CAP's measures generally do not align with project-specific GHG reductions, but rather community-wide or City actions. A summary of the City's goals are provided in Section 6.0 of the GHG Analysis (see Appendix E).

While no project-specific development is included in the program, future development throughout the program areas would be required to show conformance with the overall goals of the CAP, including energy reduction measures associated with (1) energy and building, (2) water and waste, (3) transportation, and (4) urban tree planting.

Energy and Building

Future development would be required to comply with current Energy Code and CALGreen standards, which require energy-efficient measures including increased lighting efficiency and the installation of Energy Star appliances. Additionally, prior to the issuance of building permits, all future projects must demonstrate compliance with the current Energy Code through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. Additionally, future development would be required to implement the Del Mar Solar Energy Ordinance requiring all conventional HVAC systems to be provided with an active, passive, or hybrid solar system.

Water and Waste

Future development would include measures to reduce water consumption. As required by CALGreen, future development projects would reduce indoor water consumption by 20 percent and would implement outdoor water use reduction. Future development would also include measures to reduce solid waste. During construction, future projects would be required to divert construction waste per CALGreen requirements. Currently, a diversion of 65 percent is required; this could increase in future code updates. Once operational, the future development would implement a recycling program as required by the DMMC.

Transportation

Through the City's design review process, it would be ensured that projects would support the goals of reducing vehicle miles traveled in the City through pedestrian friendly design requirements. As discussed, the program would revise the zoning designations to allow for residential development as an additional primary use within the zones currently designated for commercial/retail uses. However, in general, residential uses generate fewer trips than commercial and retail development. As a result, the program (which assumes buildout of the parcels within the program areas at their full development potential as residential uses) would result in fewer trips than those generated in the existing condition and under buildout of the existing zoning.

Urban Tree Planting

Although the program would amend the Del Mar Zoning Code to allow for residential development within the North Commercial and Professional Commercial zones, all other development regulations pertaining to these zones would not change. Future development within the program area would be required to comply with all existing landscape regulations as well as undergo review by the Design Review Board to ensure that the City's regulations and the CAP requirements for trees are met.

Overall, the program would be consistent with the goals and strategies of the City's CAP. Additionally, as the program would generate net emissions below the 900 MT CO_2E screening level, it would not conflict with the AB 32 mandate for reducing GHG emissions. Impacts would be less than significant.

4.6.6.2 Significance of Impacts

Impacts related to GHG emissions would be less than significant.

4.6.6.3 Mitigation Framework

No mitigation measures are required.

4.6.7 Cumulative Impacts

Because it is believed that the increased GHG concentrations around the world are related to human activity and the collective of human actions taking place throughout the world, it is quintessentially a global or cumulative issue. Thus, the analysis provided in Section 4.6.6 provides a cumulative analysis and demonstrates that the proposed program would not make a considerable contribution to the global greenhouse gas cumulative impact. Cumulative impacts related to consistency with GHG plans, policies, and regulations would also be less than significant as the program would be consistent with applicable plans and policies and individual future projects would also be required to demonstrate compliance. Therefore, the program would not make a considerable contribution to the existing cumulative impact related to global climate change. Cumulative impacts would be less than significant.

4.7 Noise

This section evaluates potential noise impacts associated with the proposed City of Del Mar (City) Zoning Code Amendment program (program). This section provides a detailed analysis of those issues identified in the Initial Study (see Appendix A) as potentially significant. The Noise Analysis prepared by RECON Environmental, Inc. (RECON 2019c) is included as Appendix F of this Program Environmental Impact Report (PEIR). 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).

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 Appendix F). The noise descriptors used for the study are the equivalent noise level (L_{eq}) and the community noise equivalent level (CNEL). The L_{eq} is the equivalent steady-state noise level in a stated period of time that is calculated by averaging the acoustic energy over a time period. The CNEL is a 24-hour equivalent sound level. The CNEL calculation applies an additional 5 A-weighted decibels [dB(A)] penalty to noise occurring during evening hours, between 7:00 p.m. and 10:00 p.m., and a 10 dB(A) penalty is added to noise occurring during the night, between 10:00 p.m. and 7:00 a.m. These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night.

4.7.1 Existing Conditions

4.7.1.2 Existing Noise Levels

Existing noise levels in the vicinity of the program area were measured on May 8, 2019. The measurement locations were selected in order to get ambient noise levels from the main sources of noise within each zone.

a. North Commercial Zone

The locations where noise measurements were taken in the North Commercial (NC) zone are shown in Figure 4.7-1. Measurement location 2 was selected in order to obtain unobstructed free flow ambient noise measurements from vehicle traffic on Jimmy Durante Boulevard and San Dieguito. Measurement location 3 was selected in order to obtain unobstructed ambient noise measurements from train pass-bys. The results of the noise measurements are summarized in Table 4.7-1, and noise measurement data files are provided in Attachment 1 of the Noise Analysis (see Appendix F).

Image Source: Nearmap (flown February 2019)



FIGURE 4.7-1

North Commercial Zone Measurement Locations

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Table 4.7-1 Noise Measurements (NC Zone)				
Measurement	Location	Time	Noise Sources	L_{eq}
2	75 feet south of Jimmy Durante Boulevard and San Dieguito Road traffic circle	12:23 p.m.–12:38 p.m.	Vehicle traffic on Jimmy Durante Boulevard and San Dieguito Road	59.8
3	50 feet east of railroad tracks	12:48 p.m.–1:28 p.m.	Amtrak Pacific Surfliner and Coaster	61.5
NOTE: Noise measurement data are contained in Attachment 1 of Noise Analysis (Appendix F). L_{eq} = equivalent noise level				

As shown in Table 4.7-1, noise levels ranged from approximately 59.8 to 61.5 dB(A) L_{eq}. Noise sources included primarily vehicle traffic and train traffic. Because vehicle traffic was primary, traffic counts for Jimmy Durante Boulevard and San Dieguito Road Traffic Circle were collected. Vehicle traffic counts are summarized in Table 4.7-2.

Table 4.7-2 15-minute Traffic Counts (NC Zone)							
Measurement	Roadway	Direction	Autos	Medium Trucks	Heavy Trucks	Buses	Motorcycles
2	Jimmy Durante Boulevard and San Dieguito Road Traffic Circle		113	6	3	0	1

With respect to train noise, two Amtrak Pacific Surfliner trains and one Coaster were observed during the measurement period. Noise levels during the train pass-bys were 77.8 dB(A) maximum sound level (L_{max}) for the first Amtrak train, 79.8 dB(A) L_{max} for the second Amtrak train, and 82.2 dB(A) L_{max} for the Coaster.

b. Professional Commercial Zone

The location where noise measurements were taken in the Professional Commercial (PC) zone is shown in Figure 4.7-2. The measurement location was selected in order to get ambient measurements from Camino Del Mar. The results of the noise measurements are summarized in Table 4.7-3, and noise measurement data files are provided in Attachment 1 of the Noise Analysis (see Appendix F).

Table 4.7-3 Noise Measurements (PC Zone)				
Measurement	Location	Time	Noise Sources	L_{eq}
1	55 feet east of Camino Del Mar	11:39 a.m.–11:54 a.m.	Vehicle traffic on Camino Del Mar	66.9
NOTE: Noise measurement data are contained in Attachment 1 of Noise Analysis (Appendix F). L_{eq} = equivalent noise level				

Image Source: Nearmap (flown February 2019)



Measurement Location

Professional Commercial (PC) Zone

FIGURE 4.7-2

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Professional Commercial Zone Measurement Locations

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As shown in Table 4.7-3, noise levels were approximately 66.9 dB(A) L_{eq}. Noise sources included primarily vehicle traffic. Traffic counts for Camino Del Mar was collected. Vehicle traffic counts are summarized in Table 4.7-4.

Table 4.7-4
15-minute Traffic Counts (PC Zone)

Measurement	Roadway	Direction	Autos	Medium Trucks	Heavy Trucks	Buses	Motorcycles
1	Camino Del Mar	Southbound	144	4	0	1	1
		Northbound	167	1	4	0	1

c. Public Facility Zone

Existing noise levels are effectively similar in the PF zone as the PC zone because surrounding land uses and traffic patterns are similar.

4.7.2 Regulatory Framework

4.7.2.1 Del Mar Community Plan Transportation Noise Compatibility

The City's goals for transportation noise sources are published in the Community Plan Transportation Element, Noise Section (March 1976, incl. 1985 amendments). This section of the Community Plan identifies 65 CNEL as the maximum noise level compatible with residential land uses. The Community Plan has no transportation noise source requirements applicable to compatibility with commercial and retail uses.

4.7.2.2 Del Mar Municipal Code

a. Operational Noise Level Limits

Section 9.20.040 of the City's Municipal Code (DMMC) 9.20.040 identifies noise limits based on zoning and states that:

> A. Unless otherwise specified, it shall be unlawful for any person(s) to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table at any location in the City of Del Mar beyond the premises on which the noise is produced, as measured pursuant to the provisions of this Chapter. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person(s).

B. The noise limits specified in subsection (A) above shall be adjusted as follows to account for the effects of time and duration on the impact of noise levels:

1. Noise that is produced for no more than a cumulative period of 30 minutes in any hour may exceed the noise limit by 3 decibels.
2. Noise that is produced for no more than a cumulative period of 15 minutes in any hour may exceed the noise limit by 6 decibels.
3. Noise that is produced for no more than a cumulative period of 10 minutes in any hour may exceed the noise limit by 8 decibels.
4. Noise that is produced for no more than a cumulative period of 5 minutes in any hour may exceed the noise limit by 11 decibels.
5. Noise that is produced for no more than a cumulative period of 2 minutes in any hour may exceed the noise limit by 15 decibels.

C. For purposes of this chapter, the peak decibel reading for a noise with a fluctuating noise level (such as live or recorded music) shall be considered as the noise level for the entire cumulative period of noise. Likewise, the time between repetitive intermittent noises (such as banging, pounding, or hammering) shall be included in the cumulative of the noise.

D. If the measured ambient level exceeds the applicable limit noted above, the allowable one-hour average sound level shall be the ambient noise level.

E. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits of the two districts.

F. Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of this Chapter, measured at or beyond six (6) feet from the boundary of the easement upon which the equipment is located.

The applicable noise limits are summarized in Table 4.7-5.

Table 4.7-5
DMMC Section 9.20.040 Noise Level Limits

Property Receiving Noise	Time of Day	One-Hour Average Sound Level [dB(A)] Limit
R1-5 – Medium Density Single Family Residential R1-5B – Medium Density Single Family Residential – Beach R1-10 – Low Density Residential R1-10B – Low Density Residential – Beach R-2 – High Density Mixed Residential R1-14 – Modified Low Density Residential R1-40 – Very Low Density Residential RM-East – Medium Density Single-Mixed Residential – East RM-West – Medium Density Mixed Residential – West RM-Central – Medium Density Mixed Residential – Central RM-South – Medium Density Mixed Residential – South OS Overlay – Open Space Overlay Zone	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	50 40
NC – North Commercial Zone RC – Residential-Commercial Zone CC – Central Commercial Zone PC – Professional Commercial Zone BC – Beach Commercial Zone VC – Visitor Commercial Zone	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 50
RR – Railroad Right-of-Way Zone	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 55

b. Construction Noise Level Limits

Section 9.20.050 of the DMMC identifies construction noise level limits and states that:

> Any person who operates powered construction or landscape equipment and/or who erects, constructs, demolishes, excavates for, alters or repairs any building or structure within the City of Del Mar in such a manner as to cause noise to be received beyond the boundaries of the property on which the construction work is occurring shall comply with the following:
>
> A. No construction work shall be performed on Sundays or City holidays.
>
> B. No construction work shall be performed before 9:00 a.m. or after 7:00 p.m. on Saturday.
>
> C. No construction work shall be performed before 7:00 a.m. or after 7:00 p.m. on Monday through Friday.
>
> D. Construction activity shall not cause an hourly average sound level greater than 75 decibels on property zoned or used for residential purposes.
>
> E. Exception: A person may perform construction work on the person's own property, provided such construction activity is not carried on for profit or

livelihood, between the hours of 10:00 a.m. and 5:00 p.m. on Sundays and City holidays.

4.7.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to noise would be significant if the program would result in:

Threshold Nos-1 Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

Threshold Nos-2 Generation of excessive groundborne vibration or groundborne noise levels; or

Threshold Nos-3 A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

4.7.4 Methodology

4.7.4.1 Construction

No specific construction or development is proposed at this time but would occur when future development is proposed. Construction noise is generated by diesel-powered construction equipment used for site preparation and grading, removal of existing structures and pavement, loading, unloading, and placing materials and paving. Table 4 of the Noise Analysis (see Appendix F) summarizes typical construction equipment noise levels, showing that construction equipment would generate maximum noise levels between 70 and 95 dB(A) L_{max} at 50 feet from the source when in operation. Impacts are assessed in this analysis by identifying potential construction noise levels and buffer distances at which construction noise levels would be less than the noise levels identified in the DMMC (75 dB L_{eq} at residential uses).

4.7.4.2 Vehicle Traffic

Noise level predictions and contour mapping were developed using noise modeling software, SoundPlan Essential, version 4.1 (SoundPLAN; Navcon Engineering 2018). A detailed explanation of the modeling calculations is included in Section 4.2 of the Noise Analysis (see Appendix F). For the purpose of the future traffic noise compatibility analysis, the noisiest condition is represented as the maximum level of service (LOS) C traffic volume. This condition represents a condition where the maximum numbers of vehicles are using the roadway at the maximum speed. In addition to traffic volumes and speeds, traffic noise levels are calculated based the day, evening, and nighttime distribution of vehicle traffic and the vehicle classification mixes. Additional details of the noise level modeling, including

specific vehicle traffic parameters for the program area roadways is discussed in Section 4.2 of the Noise Analysis (see Appendix F, Table 5).

On-site traffic noise contours due to vehicle traffic and rail traffic were developed using the SoundPLAN program. Noise level contours were modeled at the first-floor level of each affect parcel. Noise levels were also modeled as specific receiver locations on each parcel. SoundPLAN data are contained in Attachment 2 of the Noise Analysis (see Appendix F).

4.7.4.3 Rail Traffic

Railway noise results from trolley travel, horns, emergency signaling devices, and stationary bells at grade crossings. Amtrak operates Pacific Surfliner passenger trains and the NCTD operates Coaster commuter trains along this rail corridor daily. The Burlington Northern Santa Fe Railway Company also operates freight trains along the corridor daily. Noise generated by the rail traffic was modeled using the SoundPLAN program. The number of daily pass-bys for commuter rail traffic was obtained from published Coaster and Amtrak schedules. The number of daytime, evening, and nighttime train pass-bys is summarized in Table 6 of the Noise Analysis (see Appendix F).

Coaster and Amtrak trains were modeled at a speed of 40 miles per hour with a train length of approximately 175 meters, which includes one 25-meter engine and six 25-meter cars. Freight trains were modeled as a speed of 40 miles per hour with a train length of approximately 550 meters, which includes two 25-meter engine and twenty 25-meter cars.

4.7.5 Exceedance of Noise Standards

4.7.5.1 Impact Analysis

Threshold Nos-1 states that implementation of the program would cause significant noise impacts if it would generate or expose persons to noise levels in excess of applicable standards.

a. Construction Noise

Although no specific construction or development is proposed at this time, construction noise impacts could occur as future development within the program area occurs. Due to the developed nature of the program area, there is a high likelihood that construction activities would take place adjacent to existing structures and that residential uses would be located in proximity to construction activities. Generally, construction noise would be short term and would include noise from activities such as site preparation, truck hauling of material, pouring of concrete, and the use of power tools. Noise would also be generated by construction equipment use, including earthmovers, material handlers, and portable generators, and could reach high noise levels for brief periods.

Based on the calculation of typical construction equipment noise levels (see Table 4 of the Noise Analysis; Appendix F) hourly average noise levels would be approximately 83 dB(A)

L_{eq} at 50 feet from the center of construction activity when assessing three pieces of common construction equipment working simultaneously. Noise levels would vary depending on the nature of the construction activities including the duration of specific activities, the equipment involved, the location of the sensitive receivers, and the presence of intervening barriers. Construction noise levels of 83 dB(A) L_{eq} at 50 feet would attenuate to 75 dB(A) L_{eq} at 120 feet. Therefore, significant impacts could occur if residential uses are located closer than 120 feet of construction activities.

The City regulates construction noise through Section 9.20.050 of the DMMC, which puts limits on the days of the week and hours of operation allowed for construction. Residential uses are located adjacent to the parcels within the program area. Therefore, the future projects could generate construction noise that would potentially exceed the DMMC hourly noise threshold of 75 dB(A) L_{eq} at residential properties. However, future construction within the program area would be required to comply with the DMMC and design review process to incorporate noise abatement measures as necessary to limit construction noise to 75 dB(A) L_{eq} or below at residences. Therefore, through regulatory compliance and with these processes in place, construction noise impacts associated with future development would be less than significant.

b. Vehicle and Rail Traffic Noise

Impacts associated with off-site noise generators (vehicles and rail) can result from noise levels on-site (either at exterior location or interior building space) reaching above allowable standards due to traffic and/or increased off-site noise due to future project generated traffic (i.e., increased trips on the roadways).

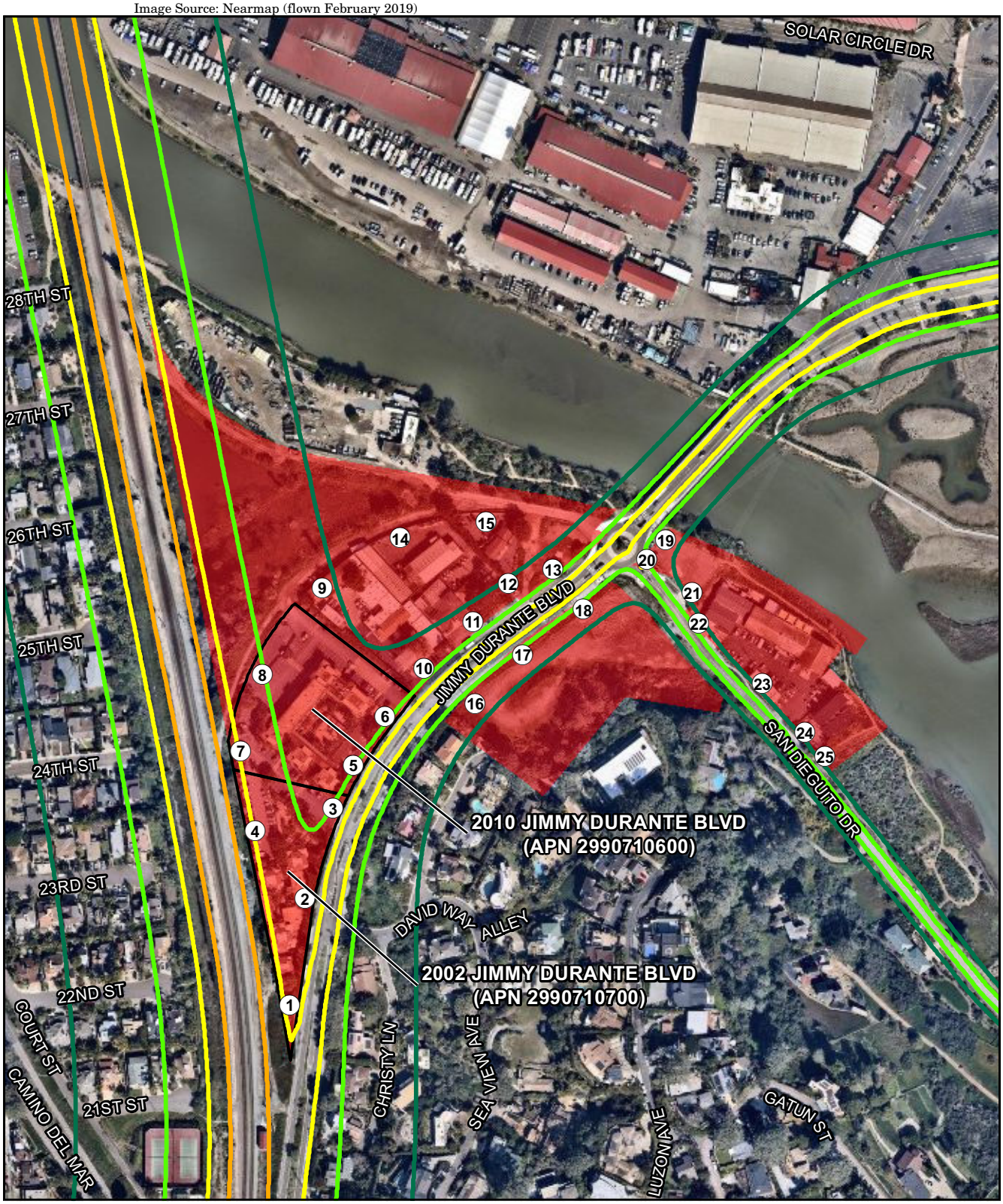
On-site Noise Compatibility: Exterior Noise

Noise levels were modeled as specific receiver locations on each parcel within the program area. Future exterior noise levels are summarized in Table 4.7-6.

North Commercial Zone

The locations of the noise measurement receivers placed in the NC zone and noise contours are shown in Figure 4.7-3. As shown in Figure 4.7-3 and Table 4.7-6, noise levels at southernmost parcel (2002 Jimmy Durante Boulevard, assessor parcel number (APN) 299-071-07, Receivers NC-1 through NC-4) would exceed 65 CNEL. This parcel is currently developed with commercial office and retail uses. Noise levels would also exceed 65 CNEL within the southwest portion, and the eastern edge of the adjacent parcel (2010 Jimmy Durante Boulevard, APN 299-071-06, Receivers NC-8 through NC-5) closest to the railroad tracks. This parcel is also developed with commercial office and retail uses. Noise levels are compatible with the current zoning for these parcels. However, should these parcels be redeveloped with residential uses, exterior noise levels closest to Jimmy Durante Boulevard and the railroad tracks could be incompatible with noise standards. To meet regulatory standards, future multi-family and mixed-use developments would be required to be designed such that proposed buildings shield exterior use areas from adjacent roadways and railroad tracks, thereby reducing exterior noise levels to 65 CNEL or less.

Image Source: Nearmap (flown February 2019)



NC Receivers

North Commercial (NC) Zone

Vehicle/Railroad Traffic

60 CNEL

65 CNEL

70 CNEL

75 CNEL

0 Feet 300

FIGURE 4.7-3

North Commercial Zone Noise Contours

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However, no development is proposed at this time; therefore, actual noise levels at exterior use areas cannot be determined. Therefore, at this program level of analysis noise impacts associated with exterior noise standard compatibility would be potentially significant (Impact Nos-1).

Table 4.7-6
Future Vehicle and Rail Traffic Noise Levels (CNEL)

Receiver	Noise Level
NC-1	**69**
NC-2	**67**
NC-3	65
NC-4	**70**
NC-5	65
NC-6	64
NC-7	**70**
NC-8	65
NC-9	61
NC-10	63
NC-11	62
NC-12	61
NC-13	63
NC-14	58
NC-15	57
NC-16	62
NC-17	63
NC-18	63
NC-19	62
NC-20	65
NC-21	59
NC-22	62
NC-23	58
NC-24	58
NC-25	58
PC-1	62
PC-2	62
PC-3	62
PC-4	62
PC-5	62
PC-6	62
PF-1	62
PF-2	62
PF-3	62
PF-4	62
PF-5	60
PF-6	61
PF-7	63
PF-8	67

CNEL = community noise equivalent level
Bold = Exceeds 65 CNEL

Professional Commercial Zone

Figure 4.7-4 shows the vehicle and rail traffic noise contours for the PC zone. As shown in Figure 4.7-4 and Table 4.7-6, noise levels at the PC zone would be 65 CNEL or less at all parcels. Therefore, exterior noise impacts to residential uses constructed within the PC zone would be less than significant.

Public Facilities Commercial Zone

Figures 4.7-5a and 4.7-5b show the vehicle and rail traffic noise contours for the PF zone. As shown in Figure 4.7-5a and Table 4.7-6, noise levels at the PF zone would be 65 CNEL or less at the City Hall (Receivers PF-1 through PF-3) and U.S. Postal Service (Receiver PF-4) parcels located adjacent to Camino Del Mar and the library parcel (Receivers PF-5 through PF-7) located adjacent to 15th Street and Coast Boulevard. Additionally, the four easternmost PF zone parcels are not located adjacent to any major roadways, and noise levels would be less than 65 CNEL. Therefore, exterior noise impacts to residential uses constructed all parcels within the PF zone except for the northern vacant City parcel (Receiver PF-8, 2809 28th Street, APN 299-030-12) would be less than significant.

The northernmost PF parcel (Receiver PF-8, 299-030-12) is located adjacent to the railroad tracks. Noise levels due to rail traffic would exceed 65 CNEL across most of the parcel. Should residential uses be constructed on this parcel, exterior noise levels closest to the railroad tracks would be incompatible, and noise impacts would be significant (Impact Nos-2).

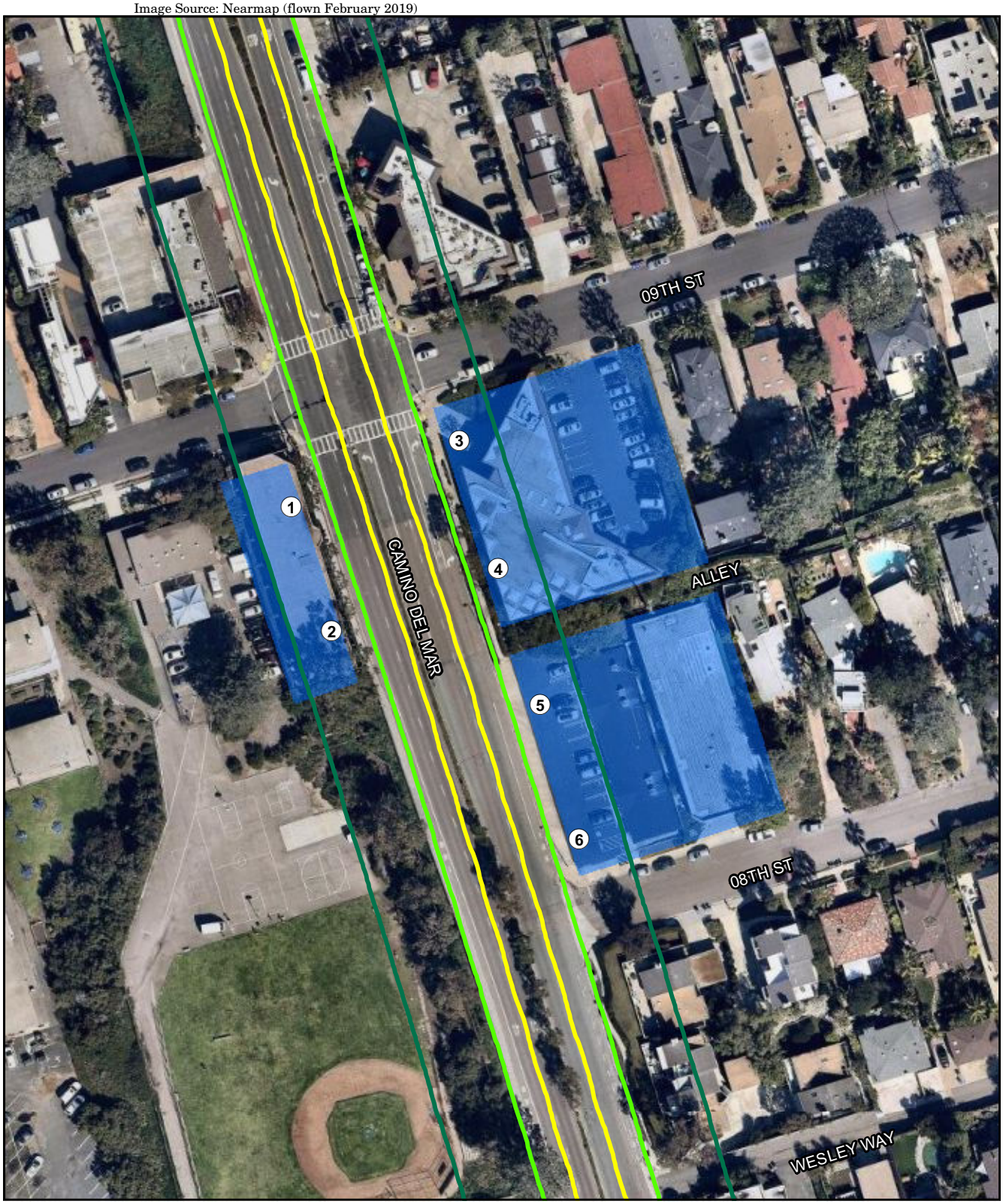
On-site Noise Compatibility: Interior Noise

Interior noise levels can be reduced through standard construction techniques. When windows are closed, standard construction techniques provide various exterior-to-interior noise level reductions depending on the type of structure and window. According to the Federal Highway Administration's (FHWA's) Highway Traffic Noise Analysis and Abatement Guidance, buildings with masonry façades and double glazed windows can be estimated to provide a noise level reduction of 35 dB, while light-frame structures with double glazed windows may provide noise level reductions of 25 dB (FHWA 2011). As shown in Table 4.7-6, exterior noise levels at all parcels throughout the program area would be 70 CNEL or less. Thus, with standard light-frame construction, interior noise levels would be reduced to 45 CNEL or less and would be compatible with City standards. Therefore, with standard construction techniques, interior noise levels at all affected parcels would be less than significant.

Off-site Vehicle Traffic Noise

Off-site vehicle traffic noise impacts would occur if a future project would increase vehicle traffic volumes on area roadways enough to results in a 3 dB or more increase in ambient noise levels. The program would allow for increased construction of residential uses throughout the program area, which generally generates less traffic than commercial office and retail uses. Table 4.7-7 summarizes the trip generation associated with the existing on-the-ground uses, the existing zoning, and the proposed zoning (assuming residential uses would replace the existing commercial/retail uses).

Image Source: Nearmap (flown February 2019)



PC Receivers

Professional Commercial (PC) Zone

Vehicle/Railroad Traffic

60 CNEL

65 CNEL

70 CNEL

75 CNEL

0 Feet 100

FIGURE 4.7-4

Professional Commercial Zone Noise Contours

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Image Source: Nearmap (flown February 2019)



PF Receivers

Public Facilities (PF) Zone

Vehicle/Railroad Traffic

60 CNEL

65 CNEL

70 CNEL

75 CNEL

0 Feet 600

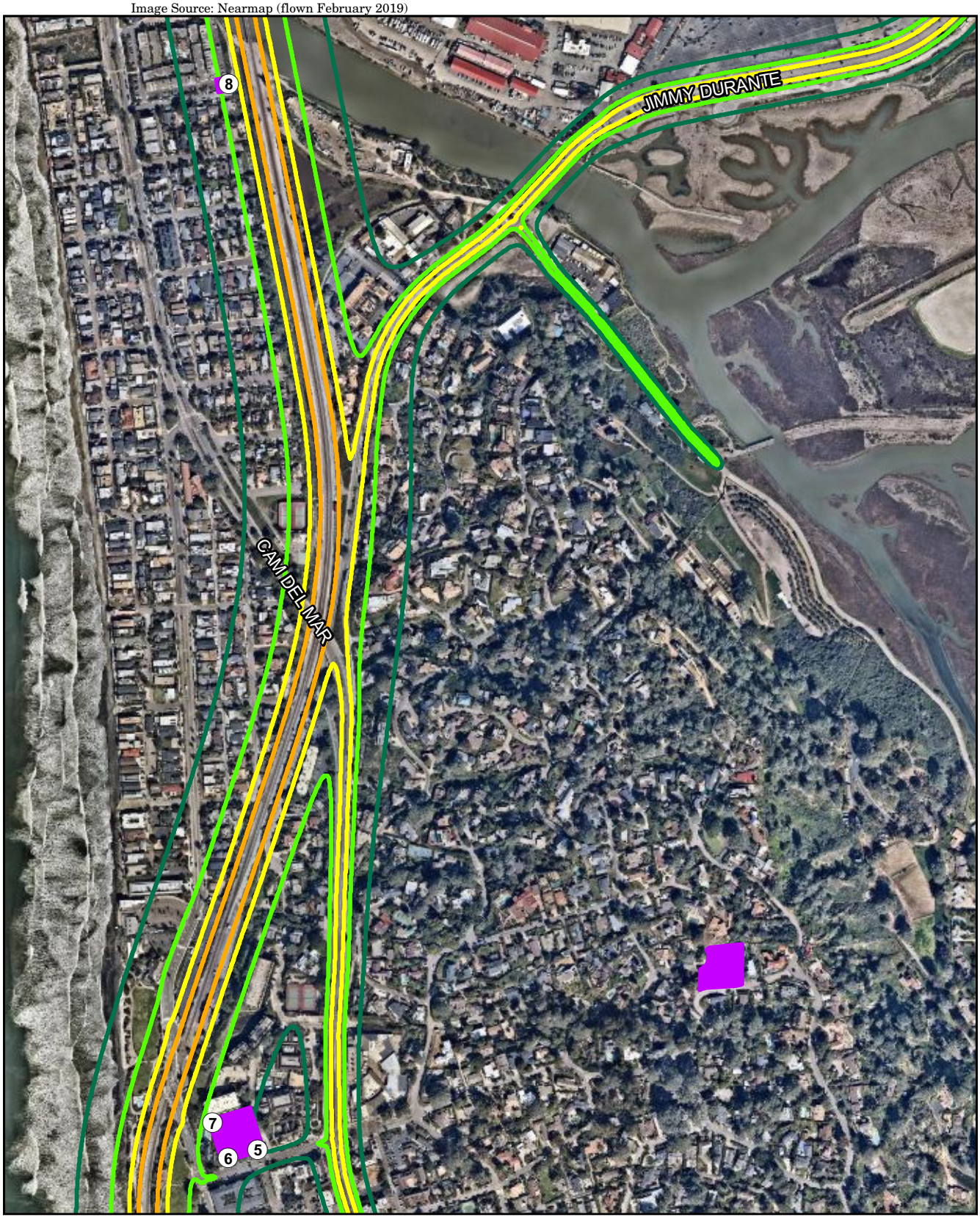
FIGURE 4.7-5a

Public Facilities Zone Noise Contours - South

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Image Source: Nearmap (flown February 2019)



PF Receivers

Public Facilities (PF) Zone

Vehicle/Railroad Traffic

60 CNEL

65 CNEL

70 CNEL

75 CNEL

0 Feet 600

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FIGURE 4.7-5b

Public Facilities Zone Noise Contours - North

Table 4.7-7 Trip Generation		
Land Use	Amount (square feet or dwelling units for residential)	Daily Trips
Existing On-the-Ground Development		
Specialty Commercial	8,687	348
Commercial Office	107,625	2,153
Restaurant	4,378	700
Auto Repair	3,310	66
Storage	1,000	2
Medical Office	7,085	354
Government (Civic Center)	11,894	357
Library	4,795	240
Post Office	7,000	630
Other City Properties (including water tanks)	N/A	
	Total Trips	**4,849**
Existing Zoning		
Commercial Retail (Strip Mall)	147,554	5,902
Commercial Office	33,814	676
Public Facilities (Civic Center)	23,689	711
	Total Trips	**7,289**
Proposed Zoning – All Residential		
Residential (6–20 du/acre)	345	2,760
	Total Trips	**2,760**
SOURCE: Linscott, Law & Greenspan, Engineers 2019 (Appendix C) du/acre = dwelling units per acre		

As shown, buildout of the program as analyzed herein would generate less traffic than both the existing on-the-ground development and the existing zoning. Therefore, it can be concluded that the program would not result in an increase in ambient noise levels on the program area roadway network. Off-site vehicle traffic noise increases would be less than significant.

While this analysis 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 result in less traffic than the buildout under the existing Zoning Ordinance and impacts would be less than significant.

c. On-site Generated Noise

Stationary sources of noise include activities associated with a given land use. Various land uses contain on-site stationary noise sources, including rooftop heating, ventilation, and air conditioning equipment; mechanical equipment; emergency electrical generators; parking lot activities; loading dock operations; and recreation activities. Stationary noise is considered a "point source" and attenuates over distance at a rate of 6 dB(A) for each doubling of distance. The exact location and nature of future stationary noise sources is not known at this time and can, therefore, not be calculated in this analysis.

Residential uses are generally not a significant stationary source of noise as they typically do not include large noise-generating mechanical equipment. However, the addition of

multiple-dwelling unit residential uses to the existing mix of allowed uses could result in the exposure of residential uses to the stationary noise sources listed above. Noise levels would have the potential to exceed the applicable Noise Ordinance limits. However, future development within the program area would be required to comply with all DMMC regulations as well as undergo review by the Design Review Board, thereby ensuring on-site generation noise levels would comply with applicable regulations. Therefore, through regulatory compliance and with these processes in place, impacts associated with stationary noise sources would be less than significant.

4.7.5.2 Significance of Impacts

The following impacts have been identified:

- **Impact Nos-1**: Noise impacts associated with exterior noise standard compatibility within the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07) and 2010 Jimmy Durante Boulevard (APN 299-071-06) would be potentially significant.

- **Impact Nos-2**: Noise impacts associated with exterior noise standard compatibility within the PF zone at 2809 28th Street (APN 299-030-12) would be potentially significant.

4.7.5.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Nos-1: 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.

4.7.5.4 Significance after Mitigation

Future development proposed in the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07) and 2010 Jimmy Durante Boulevard (APN 299-071-06) and within the PF Zone at 2809 28th Street (APN 299-030-12) would be required to implement mitigation measure MM-Nos-1 to ensure that exterior noise levels do not exceed allowable limits. The inclusion of this mitigation measure, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with exterior noise standard compatibility to a level of less than significant.

4.7.6 Vibration

4.7.6.1 Impact Analysis

Threshold Nos-2 states that impacts would be significant if the program would result in the generation of excessive groundborne vibration or groundborne noise levels.

a. Construction

Future development within the program area could use construction equipment during site excavation. This is the type of equipment that would have the greatest potential to generate vibrations. Vibration levels from these pieces of equipment would generate vibration levels with a peak particle velocity (PPV) ranging from 0.009 to 0.013 inch per second (in/sec) PPV at the nearest residence. Human reaction to vibration is dependent on the environment the receiver is in, as well as individual sensitivity. As example, vibration outdoors are rarely noticeable and generally are not considered annoying. Typically, humans must be inside a structure for vibrations to become noticeable and/or annoying.

Based on several federal studies the threshold of perception is 0.035 in/sec. PPV, with 0.24 in/sec PPV being a distinctly perceptible (Caltrans 2013). Neither cosmetic nor structural damage of buildings occurs at levels below 0.1 in/sec PPV. Construction vibration levels, even at a worst-case of 0.013 in/sec PPV, would be below levels of perception by the human ear; thus, groundborne vibration and noise impacts from construction would be less than significant.

b. Operation

While mechanical equipment may generate low levels of vibration in structures or mechanical systems, future residential development are unlikely to generate substantial sources of vibration. Therefore, groundborne vibration and noise impacts associated with the operation of the proposed program would be less than significant.

4.7.6.2 Significance of Impacts

Impacts related to vibration would be less than significant.

4.7.6.3 Mitigation Framework

No mitigation measures are required.

4.7.7 Ambient Noise Increase

4.7.7.1 Impact Analysis

Threshold Nos-3 states that an impact would be significant if the program would result in substantial permanent increase in ambient noise levels in the program vicinity above levels existing without the program.

a. Construction

As discussed in Section 4.7.5.1(a), construction noise levels associated with future development could exceed regulatory standards; however, future construction within the program area would be required to comply with the DMMC and design review process to incorporate noise abatement measures as necessary to limit construction noise to 75 dB(A) L_{eq} or below at residences. Therefore, through regulatory compliance and with these processes in place, construction noise impacts associated with future development would be less than significant.

b. Operation

As discussed in Section 4.7.5.1(c), future development within the program area could result in on-site noise levels that exceed the applicable Noise Ordinance limits. However, future development would be required to comply with all DMMC regulations as well as undergo review by the Design Review Board, thereby ensuring on-site generation noise levels would comply with applicable regulations. Therefore, through regulatory compliance and with these processes in place, impacts associated with stationary noise sources would be less than significant.

4.7.7.2 Significance of Impacts

Impacts related to increases in ambient noise levels would be less than significant.

4.7.7.3 Mitigation Framework

No mitigation measures are required.

4.7.8 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area related to noise is the program area. No specific construction activity is proposed as a part of the program. Rather, the program would allow for individual lots to redevelop with a residential component. Individual development projects would be required to implement mitigation measures similar to MM-Nos-1 to ensure that exterior noise limits are within allowable levels. Future individual projects would be required to demonstrate compliance with the DMMC requirements which would ensure a cumulative impact related would not occur. Thus, cumulative impacts related to compliance with noise standards are less than significant.

4.8 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous materials setting of the program and analyzes impacts related to hazards and hazardous materials. It also provides a detailed analysis of those issues identified in the Initial Study (see Appendix A) as potentially significant. For a brief discussion of issues related to hazards and hazardous materials 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. This section is based on the regulatory environment surrounding hazardous materials handling and storage, secondary source information provided by the City of Del Mar (City), and from database searches of public listings (GeoTracker and EnviroStor Databases) of hazardous material sites within the City.

4.8.1 Existing Conditions

4.8.1.1 Environmental Setting

a. Site Conditions

The program area consists of 32 parcels within the City. Sixteen of the parcels, located in the northern section of the City, adjacent to the San Dieguito Lagoon, are within the North Commercial (NC) zone. These parcels contain commercial and office land uses, as well as some vacant land containing gravel parking lots. Most of these parcels are relatively flat and have been subject to grading. A small portion of the NC zone (i.e., southern and southeastern portions) consists of a steep slope (bluff) and is heavily vegetated. The Professional Commercial (PC) zone, located within the downtown area of the City, consisting of four parcels, contains existing office and commercial development. The parcels are fully developed with buildings and paved parking lots. The Public Facility (PF) zone, consisting of 12 parcels, contains existing development (Del Mar City Hall, Del Mar Library, United States Postal Service post office, and City properties) and are fully built out.

b. Government Records Search

Based upon a review of the California Department of Toxic Substance Control (DTSC) EnviroStor database and State Water Resources Control Board GeoTracker Database, the NC zone contains two identified sites; one Leaking Underground Storage Tank (LUST) site and a Cleanup Program Site.

The LUST site, located at 2126 Jimmy Durante Boulevard (San Diego County Local Oversight Program – Case #H20144-001), contained gasoline as a potential contaminant of concern. The case was closed as of September 22, 1995.

The Cleanup Program Site, located in the parcel north of San Dieguito Drive, involved the San Dieguito Wetlands Restoration (San Diego County Local Oversight Program - Case #208049-002). Based on the GeoTracker Database information, on May 5, 2012, Southern California Edison Company was digging test holes to evaluate slope stability as part of the revetment project on the southwest bank of the San Dieguito River project. This project begins approximately 150 feet southeast of the Jimmy Durante Bridge and continues 550 feet to the southeast. In one of the test holes, they encountered a potential hydrocarbons release which resulted in staff of the San Diego County Department of Environmental Health (DEH) visiting the site on May 7, 2012. This case was opened so that DEH could provide oversight and review.

Subsequent investigation did not identify evidence of a hydrocarbon release. There was no visual observation of soil staining, or free-phase sheen on infiltrated groundwater in the test pit, and no characteristic odors of fuel hydrocarbon were detected. Observed in all excavations was the presence of asphaltic demolition wastes (ADWs). The origin of the ADW is likely from emergency river bank restoration efforts following severe flood erosion of the San Dieguito Riverbend bank in 1982. Approximately 170 tons of demolition wastes (cement and asphalt) have been recovered and sent for recycling during the construction of the revetment. This case was closed as of September 14, 2012.

c. Airport Hazards

The closest airport to the City and program area is McClellan–Palomar Airport, located at 2192 Palomar Airport Road in Carlsbad, California, more than 10 miles north of the City. The airport, owned and operated by the County of San Diego, is primarily used for private aviation, although there are regularly scheduled commercial flights to Los Angeles International Airport. The McClellan–Palomar Airport Land Use Compatibility Plan was prepared according to Federal Aviation Administration requirements and adopted by the County Regional Airport Authority, acting as the Airport Land Use Commission for the County of San Diego. The McClellan–Palomar Airport Land Use Compatibility Plan provides measures to minimize the public's exposure to excessive noise and safety hazards within areas around the airport, and identifies areas likely to be impacted by noise and flight activity created by aircraft operations at the airport. The program area is not located within the McClellan–Palomar Airport Safety Zone.

d. Fire Hazards

Calculation of threat from wildfire hazard is based on factors such as fuel loading (vegetation), topography, and climatic conditions, including wind, humidity, and temperature, as well as the proximity of structures and urban development to fire hazards. Wildland fire hazards are most pronounced in rural/urban interface areas, or where urban development is located close to open space areas where vegetation serves as fuel. Generally,

the periods of greatest risk for wildland fire is late summer and early fall, when vegetation is at its driest. Human activity, including residential and agricultural burning, careless disposal of cigarettes, campfires, and use of fireworks, can all trigger fires. Natural causes such as lightning strikes may also start fires.

The California Department of Forestry and Fire Prevention (CAL FIRE) identifies areas in California along the urban/wildland interface that are considered to be areas of acute fire hazard. The CAL FIRE Very High Fire Hazard Severity Zones (VHFHZ) Map defines fire hazard as a measure "based on the physical conditions that give a likelihood that an area will burn over a 30- to 50-year period without considering modifications such as fuel reduction." Rather than quantifying a range of fire hazard ranks, CAL FIRE identifies only areas of extreme fire hazard in areas served by local fire protection services; all other areas are labeled as "non-VHFHZ." The VHFHZ Map for Del Mar identifies the program area as non-VHFHZ. The nearest VHFHZ area is approximately 0.25 mile south and east of the proposed program site.

e. Emergency Response Plan

Emergency services in the City are provided by the City of Del Mar Fire Department and the San Diego County Sherriff's Department under contract with the City. Large-scale emergency management and disaster response are coordinated under the County of San Diego Emergency Operations Plan (County of San Diego 2014). The County Emergency Operations Plan identifies protocol for coordinating resources within the San Diego County Operations Area, which includes city jurisdictions within San Diego County and unincorporated areas

4.8.2 Existing Regulatory Framework

4.8.2.1 Federal

a. The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan. The National Contingency Plan provides guidelines and procedures to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the U.S. Environmental Protection Agency (U.S. EPA).

CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986 (U.S. EPA 2015).

4.8.2.2 State

a. California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) implements and enforces a statewide hazardous materials program that was established by Senate Bill 1802 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs for hazardous materials:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control, and Countermeasure Plans
- Hazardous Waste Generator and On-Site Hazardous Waste Treatment Programs
- California Uniform Fire Code, Hazardous Materials Management Plans, and Hazardous Material Inventory Statements

b. The Hazardous Materials Release Response Plans and Inventory law of 1985

This act, also known as the Business Plan Act, requires that any business that handles hazardous materials prepare a business plan that include details, including floor plans, of the facility and business conducted at the site, an inventory of hazardous materials that are handled or stored on the site, an emergency response plan, a training program in safety procedures and emergency response for new employees, and an annual refresher course in the same topics for all employees.

c. California Accidental Release Prevention Program

Similar to the Federal Risk Management Program, the California Accidental Release Prevention Program includes additional state requirements and an additional list of regulated substances and thresholds. The regulations of the program are contained in California Code of Regulations (CCR), Title 19, Division 2, Chapter 4.5. The intent of the California Accidental Release Prevention Program is to provide first responders with basic information to prevent or mitigate damage to public health, safety, and the environment from the release or threatened release of hazardous materials.

d. California Health and Safety Code

In California, the handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95 of the California Health and Safety Code. Under Sections 25500–25543.3, facilities handling hazardous materials are required to prepare a Hazardous Materials Business Plan. Hazardous Materials Business Plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state.

Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for Hazardous Materials Business Plans. Each business must prepare a Hazardous Materials Business Plan if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in disclosable quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic with a threshold limit value of 10 parts per million or less)
- Extremely hazardous substances in threshold-planning quantities

In addition, in the event that a facility stores quantities of specific acutely hazardous materials above the thresholds set forth by the California Health and Safety Code, facilities are also required to prepare a Risk Management Plan and California Accidental Release Plan. The Risk Management Plan and Accidental Release Plan provide information on the potential impact zone of a worst-case release, and require plans and programs designed to minimize the probability of a release and mitigate potential impacts.

e. Emergency Services Act

Under the Emergency Services Act, California developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an integral part of the plan, which is administered by the Governor's Office of Emergency Services. The Office of Emergency Services coordinates the responses of other agencies, including the U.S. EPA, California Highway Patrol, Regional Water Quality Control Board, air quality management districts, and County disaster response offices (OES 2015).

f. Hazardous Materials Worker Safety

California Occupational Safety and Health Administration (Cal/OSHA) and the federal OSHA are the agencies responsible for ensuring worker safety by developing and enforcing workplace safety regulations in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 337–340). The regulations specify requirements for employee training,

availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

4.8.2.3 Local

a. County of San Diego Department of Environmental Health

The Hazardous Materials Division of the Department of Environmental Health regulates hazardous waste and tiered permitting, underground storage tanks, aboveground petroleum storage and risk management plans, hazardous materials business plans and chemical inventory, risk management plans, and medical waste. The Hazardous Materials Division's goal is "to protect human health and the environment by ensuring that hazardous materials, hazardous waste, medical waste, and underground storage tanks are properly managed" (County of San Diego 2016).

b. San Diego County Multi-Jurisdictional Hazard Mitigation Plan

Long-term prevention, mitigation efforts, and risk-based preparedness for specific hazards within Del Mar are addressed as a part of the 2010 San Diego County Multi-Jurisdictional Hazard Mitigation Plan (HAZMIT), which was finalized in February 2010. The HAZMIT identifies specific risks for San Diego County, and provides methods to help minimize damage from natural and human-caused disasters. The final list of hazards profiled for San Diego County was determined to be wildfire/structure fire, flood, coastal storms/erosion/tsunami, earthquake/liquefaction, rain-induced landslide, dam failure, hazardous materials incidents, nuclear materials release, and terrorism. Currently, the City of Del Mar is in the process of updating its mitigation strategies and action programs within the HAZMIT. The County Office of Emergency Services is responsible for coordinating with local jurisdictions and participating agencies to monitor, evaluate, and update the HAZMIT, as necessary.

4.8.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to hazards and hazardous materials would be significant if the program would:

Threshold Haz-1 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or

Threshold Haz-2 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

4.8.4 Methodology

Potential impacts associated with hazards and hazardous wastes are assessed based on existing site conditions and records of previous on-site uses. The analysis in this section is based on information obtained through site visits, aerial photographs, government record search, and a review of adopted plans and regulations.

4.8.5 Upset and Accident Conditions

Threshold Haz-1 states that a significant impact would occur if the program creates a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

4.8.5.1 Impact Analysis

Although the program does not propose any specific development at this time, future development within the program area could result in construction activity within the program area. During future construction activity, construction equipment could use hazardous and/or flammable materials, including diesel fuel, gasoline, and other oils and lubricants. During construction of future development, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations governing construction activities, including the California Building Code and Title 23 (Building Construction) of the Del Mar Municipal Code.

Operation of future development within the program area would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents within the program area or any adjacent uses. Hazardous materials used during construction and operation of future development would be subject to applicable local, state, and federal regulations intended to minimize risk of hazards and hazardous materials release.

Although the program area contains two sites on Cortese list databases, these cases (as discussed under Section 4.8.1.1) have been closed; therefore, it is not expected that grading, excavation, or construction activities would result in the release of hazardous materials associated with contaminated soils or underground tanks. Therefore, the program would not result in conditions leading to any reasonably foreseeable upset or accident involving the release of hazardous materials. Impacts would be less than significant.

4.8.5.2 Significance of Impacts

Impacts related to accidental release of hazardous materials would be less than significant.

4.8.5.3 Mitigation Framework

No mitigation measures are required.

4.8.6 Hazardous Materials Site

Threshold Haz-2 states that a significant impact would occur if the program is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment

4.8.6.1 Impact Analysis

As discussed under Section 4.8.1.1, the NC zone contains two identified Cortese List sites; one Leaking Underground Storage Tank (LUST) site and a Cleanup Program Site. Although the program area contains two sites on Cortese list databases, these cases have been closed; therefore, it is not expected that grading, excavation, or construction activities would result in the release of hazardous materials associated with contaminated soils or underground tanks. Therefore, the program would not result in conditions leading to any reasonably foreseeable upset or accident involving the release of hazardous materials. Impacts would be less than significant.

4.8.6.2 Significance of Impacts

Impacts related to hazardous material sites would be less than significant.

4.8.6.3 Mitigation Framework

No mitigation measures are required.

4.8.7 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The cumulative study area related to hazardous materials is the City. Due to compliance with applicable hazardous materials regulations, a potential cumulative impact would not occur. Future development requiring construction equipment accessing the program area would use hazardous and/or flammable materials, including diesel fuel, gasoline, and other oils and lubricants; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations intended to minimize the risk of hazardous material release. Operation of future development within the program area would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials, which are also subject to existing state and federal regulations intended to minimize the risk of hazardous material release. The types and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents or any adjacent uses. Therefore, the program would not contribute considerably to a cumulative impact.

4.9 Biological Resources

This section addresses potential impacts associated with the program on biological 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 the biological 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).

4.9.1 Existing Conditions

4.9.1.1 Environmental Setting

As detailed in Section 3.3, Description of Proposed Program, the program area consists of 27 individual parcels located throughout the city of Del Mar (City) within the North Commercial (NC), Professional Commercial (PC), and Public Facility (PF) zones.

a. North Commercial (NC) Zone

The NC zone comprises 16 legal lots measuring a combined 60,000 square feet. These lots are located off Jimmy Durante or San Dieguito Boulevard (see Figure 3-3). Portions of the NC zone are located within the Floodplain Overlay Zone, the Bluff, Slope, and Canyon Overlay Zone, and the Lagoon Overlay Zone (see Figure 2-4). As shown on Figure 4.9-1, parcels within the NC zone support three vegetation communities: alkali marsh, coast goldenbush scrub, and open water. Disturbed and developed land are also mapped within the NC zone.

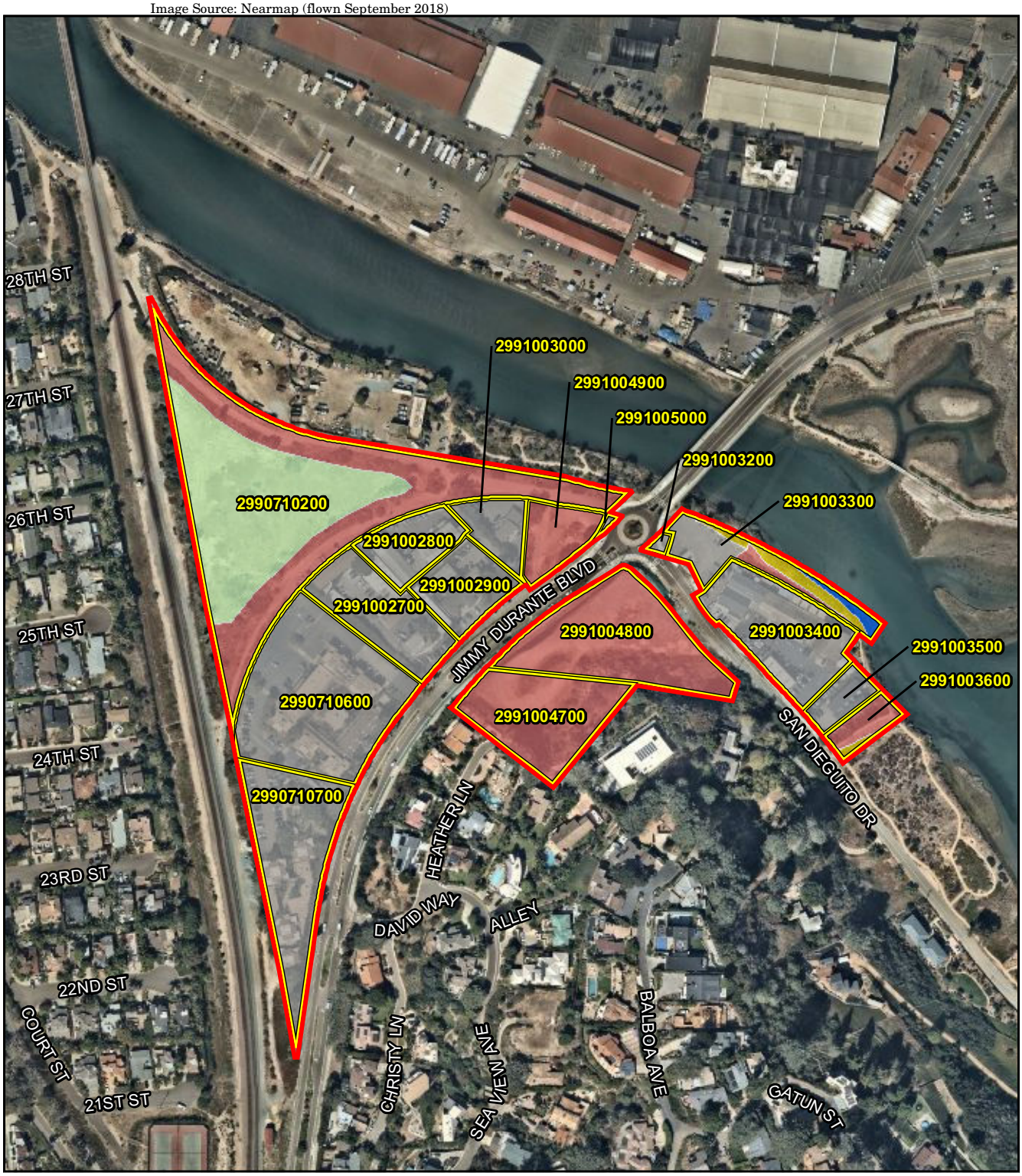
b. Professional Commercial (PC) Zone

The PC zone comprises four legal lots of varying size measuring a combined 55,000 square feet (1.25 acres), with street frontage and property access from either Camino Del Mar, 8th Street, or 9th Street in the downtown corridor. As shown on Figure 4.9-2, all of the parcels are mapped as developed land.

c. Public Facility (PF) Zone

The analysis of the PF zoned properties includes the 12 parcels which comprise the Del Mar Library (two lots), City Hall (four lots), the United States Postal Service lot, and five City-owned parcels. Similar to the parcels in the PC zone, all of the parcels within the PF zone are mapped as developed land (see Figure 4.9-2).

Image Source: Nearmap (flown September 2018)



North Commercial (NC) Zone

Parcel Boundary

Vegetation Communities

- Alkali Marsh
- Coast Goldenbush Scrub
- Developed Land
- Disturbed Land
- Open Water

0 Feet 300

RECON

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FIGURE 4.9-1

NC Zone Vegetation Map

Image Source: Nearmap (flown September 2018)



Professional Commercial (PC) Zone

Public Facilities (PF) Zone

Parcel Boundary

Vegetation Communities

Developed Land

Disturbed Land

0 Feet 1,200

FIGURE 4.9-2

PC and PF Zones Vegetation Map

RECON

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4.9.1.2 On-site Vegetation Communities and Land Cover Types

A site visit was conducted to the subject parcels on February 18, 2019 to verify the existing condition of these parcels. Three vegetation communities and two land cover types were identified. The following discussion represents a programmatic overview of the on-site communities. Additional vegetation communities could be supported within the parcels; however, at the time individual projects are brought forward, a project-specific biological reconnaissance would be required.

a. Alkali Marsh

Alkali marsh habitat occurs in a basin area on a portion of the northern most parcel in the NC zone. This wetland habitat supports scattered stands of cattail (*Typha latifolia*), alkali heath (*Frankenia salina*), and southern bulrush (*Schoenoplectus californicus*). A few black willow (*Salix gooddingii*) and patches of saltgrass (*Distichlis spicata*) occur around the margin of the marsh. The slopes around the perimeter of the basin are covered primarily in ornamental vegetation comprised of hottentot fig (*Carpobrotus edulis*), pampas grass (*Cortaderia* spp.), and palms (*Washintonia robusta; Phoenix dactylifera*).

b. Open Water

Open water habitat occurs on the southeastern parcel in the NC zone where the boundary overlaps a small portion of the San Dieguito River (see Figure 4.9-1).

c. Coast Goldenbush Scrub

Coast goldenbush scrub occurs along the banks of the San Dieguito River on a portion of the northeastern parcels in the NC zone (specifically between the river and San Dieguito Drive). This vegetation community is dominated by coast goldenbush (*Isocoma menzesii*). Other shrubs found as scattered individuals in this vegetation type include coastal sagebrush (*Artemisia californica*) and saltbush (*Atriplex lentiformis*).

d. Disturbed Land

Disturbed land is characterized as those areas where the native vegetation has been cleared due to past land use activities, but the land has not yet been developed (i.e., buildings, parking lots, etc.). This land cover type occurs on portions of the NC parcels where dirt roads and non-native plant species occur (see Figure 4.9-1). Open bare areas may also be present as cleared dirt lots or dirt roads or paths.

e. Developed Land

Developed land include those areas that have existing buildings, dwellings, or paved parking lots in both the NC zone parcels (see Figure 4.9-1) and the PC zone parcels (see Figure 4.9-2). These developed parcels lack native vegetation except where used in landscaping, and may have various ornamental plantings along the borders of the parcels.

4.9.1.3 Plant Species

No sensitive plant species were observed within the program area.

4.9.1.4 Wildlife Species

The program area contains ornamental and non-native trees that could provide nesting and foraging habitat for migratory birds and raptors.

4.9.1.5 Wetland/Jurisdictional Waters

As discussed under Section 4.9.1.2, On-site Vegetation Communities and Land Cover Types, two vegetation communities that occur within the NC zone are considered wetland habitat: alkali marsh and open water. These habitats are considered a sensitive resource by the City and resource agencies, including the federal U.S. Army Corps of Engineers (USACE), and state Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW).

4.9.1.6 Wildlife Corridors/Linkages

Wildlife movement corridors are defined as habitat linkages that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are considered sensitive by the U.S. Fish and Wildlife Service (USFWS), CDFW, and the City. Because the program area is bounded by suburban development, which restricts regional wildlife movement, none of the parcels would be considered a part of any regional habitat linkage or wildlife movement corridor.

4.9.2 Regulatory Framework

4.9.2.1 Federal Regulations

a. Endangered Species Act

The federal Endangered Species Act provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a "take" under the Endangered Species Act. Take of a federally listed threatened or endangered species is prohibited without a special permit. The Endangered Species Act allows for take of a threatened or endangered species incidental to development activities once a Habitat Conservation Plan (HCP) has been prepared to the satisfaction of the USFWS and an incidental take permit has been issued. The Endangered Species Act also allows for the take of threatened or endangered species after consultation has deemed that development activities will not jeopardize the continued existence of the species. The federal

Endangered Species Act also provides for a Section 7 consultation when a federal permit is required, such as a Clean Water Act (CWA) Section 404 permit.

"Critical Habitat" is a term within the federal Endangered Species Act designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as "an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species."

b. Section 404 Clean Water Act Regulations

The CWA provides wetland regulation at the federal level and is administered by the USACE. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

c. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 United States Code 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed at 50 Code of Federal Regulations (CFR) 10.13. The regulatory definition of "migratory bird" is broad and includes any mutation or hybrid of a listed species and any part, egg, or nest of such birds (50 CFR 10.12). Migratory birds are not necessarily federally listed endangered or threatened birds under the Endangered Species Act. The MBTA, which is enforced by USFWS, makes it unlawful "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird, or attempt such actions, except as permitted by regulation. The take, possession, import, export, transport, sale, purchase, barter, or offering of these activities is prohibited, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).

Pursuant to U.S. Department of the Interior Memorandum M-37050, the federal Migratory Bird Treaty Act is no longer interpreted to cover incidental take of migratory birds (U.S. Department of the Interior 2017). Therefore, impacts that are incidental to implementation of an otherwise lawful project would not be considered significant.

4.9.2.2 State Regulations

a. California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that biological resources be considered when assessing the environmental impacts that are the result of proposed actions. The lead agencies determine the scope of what is considered an impact and what constitutes an "adverse effect" on a biological resource.

b. California Fish and Game Code

The California Fish and Game Code (CFGC) regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. It includes the California Endangered Species Act, Streambed Alteration Agreement regulations, and California Native Plant Protection Act. CFGC Section 3503 states that "it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto," and Section 3503.5 states that "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird" unless authorized.

c. California Endangered Species Act

The California Endangered Species Act, similar to the federal Endangered Species Act, contains a process for listing of species and regulating potential impacts to listed species. State threatened and endangered species include both plants and wildlife but do not include invertebrates. The designation "rare species" applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the California Endangered Species Act. State threatened and endangered animal species are legally protected against "take." The California Endangered Species Act authorizes CDFW to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

d. California Native Plant Protection Act

Section 1900-1913 of the CFGC contains the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state.

e. Porter Cologne Act

The RWQCB not only regulates impacts to water quality in waters of the U.S. under Section 401 of the CWA, but also regulates the isolated waters that are impacted under the state Porter Cologne Act utilizing a Waste Discharge Requirement. Discharge of fill material into waters of the state not subject to the jurisdiction of the USACE pursuant to Section 404 of the CWA may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements or through waiver of waste discharge requirements, despite the lack of a clear regulatory imperative.

4.9.2.3 Local Regulations

a. City of Del Mar Community Plan

The Del Mar Community Plan sets forth a series of goals, objectives, and policies for the attainment of the community's collective vision of the City. Certain goals, objectives, and policies are related to environmental management and biological resources. Specifically, the Environmental Element of the Community Plan "identifies, evaluates, and makes recommendations leading to the preservation of natural resources, the protection of areas and people susceptible to seismic and flooding hazards, and the preservation and enhancement of open space within the community" (City of Del Mar 2017b).

b. City of Del Mar Local Coastal Program

The California Coastal Act requires each local jurisdiction along the length of California's coastline to prepare and submit for state certification a Local Coastal Plan (LCP) for that portion of its area located within a specified coastal zone. The City has an LCP that consists of two parts:

City of Del Mar Local Coastal Plan Land Use Plan

The City of Del Mar LCP Land Use Plan (LUP) was certified by the California Coastal Commission on March 18, 1993. The LUP is a compilation of the goals, policies, and recommendations identified in the Del Mar Community Plan; various policy reports; the San Dieguito Enhancement Programs; and other goals and policies adopted by the City Council to guide the future development of Del Mar. The LUP ensures that all land use and development activities within the City are in conformance with the policies of the California Coastal Act of 1976, as amended. The LCP LUP includes land use designations, allowed uses, and policies intended to preserve sensitive lands, and policies intended to ensure that the sensitive wetland and hillside habitat areas within the City are preserved.

City of Del Mar Local Coastal Plan Implementing Ordinances

The City of Del Mar Zoning Code (Title 30 – Zoning, Del Mar Municipal Code; DMMC) constitutes the Del Mar LCP Implementing Ordinances. The LCP Implementing Ordinances are intended to carry out and implement the provisions of the City of Del Mar's LCP LUP and applicable sections of the California Coastal Act that protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The LCP Implementing Ordinances include specific policies that address issues such as environmentally sensitive habitats, and is an applicable, adopted plan governing the program.

A portion of the program are is located in two overlay zones as outlined by the LCP LUP: the Lagoon Overlay Zone (DMMC Chapter 30.53) and the Bluff, Slope, Canyon Overlay Zone (DMMC Chapter 30.52). In addition, portions of the site area are located in the Floodplain Overlay Zone (DMMC Chapter 30.56). Future projects located in these overlay zones must take into consideration the biological constraints associated with the San Dieguito Lagoon, and

must demonstrate adherence to and compliance with the applicable provisions of these overlay zones designed to protect biological resources.

c. Del Mar Municipal Code Section 23.50

DMMC Chapter 23.50 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. A Tree Removal Permit, issued by either the Director of Planning and Community Development or the Design Review Board of the City, is required to cut down, remove, destroy, or move a protected tree. When approving removal of a protected tree and determining whether or not mitigation measures are necessary, the Director or Design Review Board considers factors associated with the species of removed tree, the removal site, the surrounding area and its existing vegetation, the health of the tree, and other factors.

4.9.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, updated in 2019, impacts related to biological resources would be significant if the program would:

Threshold Bio-1 Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;

Threshold Bio-2 Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS;

Threshold Bio-3 Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

Threshold Bio-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

4.9.4 Methodology

The evaluation for the potential for the program to have an impact on biological resources above the allowable threshold (i.e., significant impact), was based on a review of pertinent federal, state, and City regulations, as well as the review of proposed zoning ordinance changes. A site visit to the program area was conducted on February 18, 2019. Additionally, a

search of the California Natural Diversity Database (CNDDB) was conducted to find out what sensitive biological resources have been documented in the vicinity of the subject parcels.

4.9.5 Special-Status Species

Threshold Bio-1 states that a significant impact would occur if the program would have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species listed in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

4.9.5.1 Impact Analysis

No sensitive plant species were observed or are expected to occur within the program area within the PC and PF zones. Based on the site visit, two sensitive vegetation communities were identified within parcels 299-071-02 and 299-100-33 in the NC zone program area, alkali marsh and open water. These habitats are considered a type of wetland which is considered a sensitive resource by the City and resource agencies, including the federal USACE and state RWQCB and CDFW. At the project level, unavoidable impacts to wetlands would require permits from these federal and state agencies and mitigation that achieves a "no net loss" of aquatic resource. Additionally, due to the undeveloped nature of the program area parcels and its 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. However, because specific development projects are not known at this time, impacts at this program level of analysis would be potentially significant (Impact Bio-1).

Future development throughout the program area within the NC zone could also result in potentially significant indirect impacts to sensitive species residing in vegetation adjacent to development areas due to increased noise (construction and operational). Future projects would be required to adhere to all regulations related to design standards including setbacks from sensitive habitat. However, because specific development projects are not known at this time, impacts at this program level of analysis would be potentially significant (Impact Bio-2).

Additionally, DMMC Chapter 23.50 identifies the "species Torrey Pine, the species Monterey Cypress, and all species of trees located within the Central Commercial zone and the environmentally sensitive Open Space Overlay zone are of particular significance to the City, and should therefore be protected to conserve the environmental qualities of the City" (DMMC Chapter 23.50.010). Some parcels within the program area may support these species of trees. Future development consistent with the zoning amendment would be subject to discretionary permit review and would be required to show compliance with the DMMC, including all regulations associated with preservation of protected trees. Therefore, implementation of future regulatory requirements and compliance with established development standards

contained in the DMMC, would ensure that impacts to sensitive plant species would be less than significant.

4.9.5.2 Significance of Impacts

The following impacts have been identified:

- **Impact Bio-1**: Direct impacts to sensitive habitat and wildlife within parcels 299-071-02 and 299-100-33 in the NC zone would be potentially significant.

- **Impact Bio-2**: Indirect impacts to sensitive species residing in vegetation adjacent to development areas throughout the NC zone would be potentially significant.

4.9.5.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Bio-1: 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: 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 following measures would be required:

Before Construction:

- A qualified biologist shall attend the pre-construction meeting to discuss biological resource issues of the project and identify measures to avoid impacts to sensitive species during construction.
- A qualified biologist shall conduct surveys to determine if active nests are present in the impact area or within the relevant number of distance as dictated by rules set for breeds identified. If active nests are found, a no-activity buffer zone shall be established at the discretion of the qualified biologist in consultation with the City, until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. If active nests of any sensitive avian species for which a noise threshold has been established (i.e., coastal California gnatcatcher, least Bell's vireo, etc.) then a noise study shall be conducted to determine the anticipated construction noise levels and attenuation measures to be implemented to

reduce noise levels at the nest to below the threshold. If no nests are found, no mitigation will be needed.

During Construction:

- On the first day of construction, a qualified biologist shall attend the on-site meeting and conduct training for contractors and construction personnel, including explaining the purpose for protecting biological resources and any avoidance measures that should be implemented during project construction.
- A qualified biologist shall monitor construction activities full time during vegetation clearing and grubbing, and weekly thereafter to direct crews on avoidance measures. The biological monitor shall verify the following:
  - Any installed construction fencing or silt fencing shall remain intact, and movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within the defined project footprint.
  - Equipment maintenance, staging, and fuel dispensing areas shall be situated such that runoff from these areas remains outside of the lake basins or any other areas of sensitive habitat.
  - All trash (including, but not limited to, food scraps, wrappers, and beverage containers) shall be removed from work sites or completely secured in a wildlife-proof container at the end of each workday.

After Construction:

- The biological monitor shall provide a letter to the City describing monitoring activities and any biological issues identified.

4.9.5.4 Significance after Mitigation

Future projects within parcels 299-071-02 and 299-100-33 would be required to implement mitigation measures MM-Bio-1 to ensure that all on-site sensitive species would be identified and impacts mitigated at ratios consistent with federal and state guidelines. Additionally, implementation of MM-Bio-2 would ensure that nesting birds residing in habitat outside of impact areas are protected during their breeding season. The inclusion of these mitigation measures, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with sensitive species to a level of less than significant.

4.9.6 Riparian Habitat

Threshold Bio-2 states that a significant impact would occur if the program would have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.

4.9.6.1 Impact Analysis

As discussed above, alkali marsh habitat and open water habitat was identified within parcels 299-071-02 and 299-100-33 in the NC zone program area. Impacts would require adherence and potential permitting by the federal USACE, and/or state RWQCB and CDFW. Although the program does not include any physical development or construction component, future development within the NC zone could result in the direct disturbance of riparian/wetland habitat. 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. However, because specific development projects are not known at this time, impacts at this program level of analysis would be potentially significant (Impact Bio-3).

4.9.6.2 Significance of Impacts

The following impact has been identified:

- **Impact Bio-3**: Direct impacts to riparian/wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant.

4.9.6.3 Mitigation Framework

Future projects within parcels 299-071-02 and 299-100-33 would be required to implement mitigation measures MM-Bio-1 and MM-Bio-2.

4.9.6.4 Significance after Mitigation

Future projects within parcels 299-071-02 and 299-100-33 would be required to implement mitigation measures MM-Bio-1 and MM-Bio-2 to ensure that all on-site riparian habitat areas would be identified and impacts mitigated at ratios consistent with federal and state guidelines. The inclusion of these mitigation measures, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with riparian habitat to a level of less than significant.

4.9.7 Federal Wetlands

Threshold Bio-3 states that a significant impact would occur if the program would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

4.9.7.1 Impact Analysis

As discussed above, riparian habitat within parcels 299-071-02 and 299-100-33 in the NC zone would be federally protected and require specific mitigation and permitted through the USACE. An additional impact would be identified for potential impacts to federal wetland (Impact Bio-4).

4.9.7.2 Significance of Impacts

The following impact has been identified:

- **Impact Bio-4**: Direct impacts to federal wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant.

4.9.7.3 Mitigation Framework

The following mitigation framework shall apply to future projects, as necessary, as project-specific mitigation measures:

MM-Bio-3: Future development applications for projects within parcels 299-071-02 and 299-100-33 shall be required to submit site-specific wetland delineation reports to identify the precise locations of riparian habitat (including jurisdictional waters) and assess project specific impacts.

MM-Bio-4: Permanent and temporary impacts to wetland and riparian habitat shall be mitigated in accordance with federal and state requirements.

4.9.7.4 Significance after Mitigation

Future projects within parcels 299-071-02 and 299-100-33 would be required to implement mitigation measures MM-Bio-3 and MM-Bio-4 to ensure that all on-site federal wetland areas would be identified and impacts mitigated at ratios consistent with federal guidelines. The inclusion of this mitigation measure, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with riparian habitat to a level of less than significant.

4.9.8 Migratory Birds

Threshold Bio-4 states that a significant impact would occur if the program would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site.

4.9.8.1 Impact Analysis

Future development of the project area throughout the City has the potential to impact birds of prey which have acclimated to urban life and nest and forage in the local trees and shrubs. These bird species are protected under the MBTA. Although the MBTA is no longer interpreted to protect migratory birds and raptors from incidental take (U.S. Department of the Interior 2017), the state CFGC Sections 3503 and 3503.5 still provide these protections. If vegetation clearing would occur during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur. Therefore,

without specific project-level construction and development schedules, impacts at this program level of analysis would be potentially significant (Impact Bio-5).

4.9.8.2 Significance of Impacts

The following impact has been identified:

- **Impact Bio-5**: Direct impacts to vegetation used as nesting and/or foraging habitat by bird species are protected under the MBTA and would be potentially significant.

4.9.8.3 Mitigation Framework

Future projects throughout the program area would be required to implement mitigation measure MM-Bio-2.

4.9.8.4 Significance after Mitigation

Future projects within the NC zone would be required to implement mitigation measure MM-Bio-2, requiring pre-construction surveys, to ensure that impacts to species protected under the MBTA are avoided during their breeding season. The inclusion of this mitigation measure, as a condition of future project approvals, would serve to reduce potentially significant impacts associated with migratory birds to a level of less than significant.

4.9.9 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The program has been reviewed for potential cumulative impacts related to each of the thresholds. While future development of parcels within the NC zone could result in a potentially significant impacts to biological resources, these future project would be required to implement the mitigation framework identified below, ensuring that significant impacts would be reduced to less than significance. All other projects, within the cumulative project area, would likewise be required to adhere to federal, state and local regulatory requirements, as well as implement mitigation measures similar to the program. Through program design and project-specific mitigation measures, the all future projects would comply with local policies, ordinances, and adopted plans to ensure that impacts to biological resources are avoided, minimized, and mitigated according to guidelines established by these regulations. Therefore, cumulative impacts would not be considered significant.

4.10 Geology and Soils/Paleontological Resources

This section addresses potential impacts associated with paleontological resources. All other issues identified the Initial Study (see Appendix A) have been determined to be less than significant either at the time the Initial Study was prepared or as a result of subsequent analysis. For a brief discussion of those issues related to geology and soils 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.

4.10.1 Existing Conditions

Paleontological resources are found in deeper bedrock layers of sandstone, mudstone, or shale. The sensitivities for the geologic formations/units in San Diego are included in a report prepared for the San Diego Planning Commission on the Paleontological Resources of San Diego County (Deméré and Walsh 1993), and are categorized as high, moderate, low, marginal, and zero. Therefore, the San Diego region was assigned a paleontological resource sensitivity of high (Deméré and Walsh 1993). While a majority of the program area is entirely developed, there is a possibility of subsurface paleontological resources within undisturbed deposits within undeveloped portions of the program area, as well as under the existing development areas.

4.10.2 Regulatory Framework

4.10.2.1 State Regulations

a. California Public Resources Code

Section 5097 of the Public Resources Code specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the California Native American Heritage Commission. Section 5097.5 of the Code states the following:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state or any city, county, district, authority or public corporation, or any agency thereof. Consequently, the City is required to comply with Public Resource Code Section 5097.5 for its activities on publicly owned land such as the program site.

Public Resources Code Section 5097.98 further defines the standards for the handling of Native American human remains. Public Resources Code Section 5097.993 sets requirements for the unlawful and malicious excavation, removal, destruction, injury, or defacing of a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources.

4.10.2.2 Local Regulations

a. Del Mar Community Plan

The Del Mar Community Plan Environmental Management Element contains goals and objectives aimed at protecting cultural and archaeological resources. Goal 1, Objective K of the Environmental Management Element, requires "development in areas of archaeological significance to be reviewed by the City of Del Mar to insure that such uses do not result in a permanent destruction of any archaeological sites or cultural information."

4.10.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, updated in 2019, impacts related to cultural and paleontological resources would be significant if the program would:

Threshold Pal-1 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.10.4 Methodology

The analysis of potential paleontological resources was conducted through the determination of whether any parcel has the potential to contain such resources due to type of soils, paleontological resource sensitivity, and previous grading activity.

4.10.5 Paleontological Resources

4.10.5.2 Impact Analysis

The specific underlying geology of the program area is not known at this level of analysis; however, the San Diego region has been designated a paleontological resource sensitivity of high. This means that although a majority of the program area is graded and developed, there is a likelihood that future deeper excavation (i.e., underground parking) and construction within individual parcels could result in the disturbance of previously undiscovered paleontological resources. Therefore, impacts associated with the disturbance of subsurface paleontological resources would be potentially significant (Impact Pal-1).

4.10.5.3 Significance of Impacts

The following impact has been identified:

- **Impact Pal-1:** Direct impacts to discovered paleontological resources throughout the program area would be potentially significant.

4.10.5.4 Mitigation

MM-Pal-1: A qualified paleontological monitor shall be on-site during grading of future programs within the program area. The monitor would have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan would be implemented to mitigate the discovery. Excavation would include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.

4.10.5.5 Significance after Mitigation

With the implementation of mitigation measure MM-Pal-1, Impact Pal-1, associated with undiscovered paleontological resources, would be reduced to a level of less than significant.

4.10.6 Cumulative Impacts

A list of past, present, and reasonably foreseeable projects is provided in Table 3-4. This list is the basis for the cumulative impact discussion and was used to establish the cumulative study area in accordance with CEQA Guidelines. The program has been reviewed for potential cumulative impacts. While future development throughout the program area could result in a potentially significant impact to undiscovered paleontological resources that would be mitigated by mitigation measure MM-Pal-1, which requires paleontological monitoring and an excavation plan to salvage fossils, if discovered. Cumulative projects with the potential to uncover potentially buried resources would similarly be required to implement. Therefore, cumulative impacts would not be considered significant.

4.11 Energy

This section evaluates potential impacts related to energy conservation due to implementation of the proposed program. The energy conservation analysis consists of a summary of the existing conditions in the program areas, the energy regulatory framework, a discussion of the proposed program's potential impacts on energy resources, and identification of requirements of the proposed program that may reduce energy consumption.

4.11.1 Existing Conditions

San Diego Gas & Electric (SDG&E) currently provides natural gas and electricity transmission and distribution infrastructure in San Diego County. SDG&E is regulated by the California Public Utilities Commission (CPUC), which is responsible for making sure that California utilities' customers have safe and reliable utility service. The program's energy needs would be supplied through the various combinations of energy resources available within the program areas, and the analysis in this section takes into account the anticipated future SDG&E energy resource use patterns.

Senate Bill (SB) 1078 established the California Renewables Portfolio Standard (RPS) Program, which requires SDG&E and other statewide energy utility providers to achieve a 33 percent renewable energy mix by 2020. Table 4.11-1 summarizes the SDG&E power mix as of 2016. As shown, SDG&E used biomass, solar, and wind sources, and obtained 43 percent of its energy from renewable resources in 2016 (SDG&E 2018).

Table 4.11-1
SDG&E 2016 Power Mix

Energy Source	Power Mix (%)
Renewables	43
Biomass	1
Solar	21
Wind	21
Natural Gas and Unspecified	57
SOURCE: SDG&E 2018.	

SDG&E supplies customers with electricity generated both locally and outside of the utility's service territory, with local facilities currently capable of generating a total of approximately 3,100 megawatts (MW) of power.

4.11.2 Regulatory Setting

4.11.2.1 Federal Regulations

a. Federal Energy Policy and Conservation Act and Amendments

The Energy Policy and Conservation Act was enacted in 1975. It established a number of federal programs that play a key role in reducing energy use, most notably the Corporate Average Fuel Economy (CAFE) standards and the Energy Conservation Program for Consumer Products. The Energy Conservation Program for Consumer Products sets energy efficiency standards for certain types of appliances, including air conditioners, refrigerators, water heaters, clothes washers, and dishwashers.

b. Energy Independence and Security Act of 2007

The Energy Independence and Security Act was enacted in 2007 and contains four key titles to promote energy efficiency and renewable energy generation. Titles 1 and 2 increase the federal CAFE standards, promote renewable energy use in vehicles, and create incentive programs for hybrid vehicles. Title 3 strengthens energy efficiency standards for various appliances and light bulbs, including requiring the phasing out of outdated and inefficient incandescent light bulbs. Title 4 promotes energy efficiency in buildings by establishing several educational and incentive programs.

4.11.2.2 State Regulations

a. SB 1078 (Renewables Portfolio Standard Program)

The RPS program promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal has been accelerated and increased by Executive Orders S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California's 33 percent RPS goal. In September 2015, the California Legislature passed SB 350, which increases California's renewable energy mix goal to 50 percent by year 2030.

b. California Code of Regulations, Title 24 – California Building Code

The California Code of Regulations (CCR), Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to greenhouse gas (GHG) reductions are the CBC's energy efficiency and green building standards as outlined below.

Title 24, Part 6 – Energy Efficiency Standards

Title 24, Part 6 of the CCR is the California Energy Efficiency Standards for Residential and Nonresidential Buildings (also known as the California Energy Code [Energy Code]). This code, originally enacted in 1978 in response to legislative mandates, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy consumption. The Energy Code is updated periodically to incorporate and consider new energy efficiency technologies and methodologies as they become available, and incentives in the form of rebates and tax breaks are provided on a sliding scale for buildings achieving energy efficiency above the minimum standards.

The current version of the Energy Code, known as the 2016 Title 24, or the 2016 Energy Code, became effective January 1, 2017. The 2016 Energy Code provides mandatory energy efficiency measures as well as voluntary tiers for increased energy efficiency. The California Energy Commission (CEC), in conjunction with the CPUC, has adopted a goal that all new residential and commercial construction achieve zero net energy by 2020 and 2030, respectively. It is expected that achievement of the zero net energy goal will occur via revisions to the Title 24 standards.

The upcoming version of the Energy Code, known as the 2019 Energy Code, was adopted on May 9, 2018 and will take effect on January 1, 2020. The 2019 Energy Code includes provisions for smart residential photovoltaic (PV) systems, updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements. The 2019 Energy Code aims to reduce energy use in new homes by requiring that all new homes include individual or community solar PV systems or community shared battery storage system that achieves equivalent time-dependent value energy use reduction. Accounting for solar PV requirements, the CEC's preliminary estimates indicate that homes built consistent with the 2019 Energy Code will result in 53 percent less energy use than those built under the 2016 standards.

Title 24, Part 11 – California Green Building Standards Code

Title 24, Part 11 of the CCR is the California Green Building Standards Code (CALGreen). Beginning in 2011, CALGreen instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings, state-owned buildings, schools, and hospitals. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory requirements and may adopt CALGreen with amendments for stricter requirements. The City has adopted Tier I standards.

The mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;

- inspections of energy systems to ensure optimal working efficiency;
- low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- dedicated circuitry to facilitate installation of electric vehicle charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- installation of electric vehicle charging stations for at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

c. California Energy Plan

The CEC is responsible for preparing the California Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the fewest environmental and energy costs. To further this policy, the plan identifies a number of strategies, including providing assistance to public agencies and fleet operators.

4.11.2.3 Local Regulations

a. SANDAG 2009 San Diego Regional Energy Strategy

The Regional Energy Strategy (RES) establishes goals for the San Diego region to be more energy efficient, increase use of renewable energy sources, and enhance the region's energy infrastructure in order to meet the growing energy demand. The RES serves as an energy policy guide to support decision-making by the San Diego Association of Governments (SANDAG) and its member agencies as the region strives to meet the energy needs of a growing population, housing stock, and number of workers while maintaining and enhancing regional quality of life and economic stability.

b. SDG&E Long-Term Procurement Plan

As required by the CPUC, utility companies such as SDG&E, must prepare Long-Term Procurement Plans (LTPPs) to ensure that adequate energy supplies are available to maintain a reserve margin of 15 percent above the estimated energy demand. These plans outline future energy needs and how those needs can be met. In December 2006, SDG&E filed its LTPP with the CPUC, which included a 10-year energy resource plan that details its expected portfolio of energy resources over the period of 2007 through 2016. The projections included in the current LTPP were based on the CEC's California Energy Demand (CED) 2008-2018 Forecast, dated November 2007. The 2016-2026 CEC CED projections are now lower than what was anticipated in 2007.

c. City of Del Mar Community Plan (General Plan)

Policies contained in the Community Plan are applicable to energy use. Specifically, the Community Plan includes Objective/Policy L that focuses on the reduction of energy consumption and encouragement of material recycling. Measures to reduce energy would include use of energy-efficient systems and sustainable alternative energy use.

d. City of Del Mar Municipal Code

In November 2011, the City of Del Mar (City) formally adopted 2016 California Energy Code for the purpose of prescribing regulations associated with conservation measures applicable to building and construction standards (Del Mar Municipal Code (DMMC) Section 23.12.050).

4.11.3 Impact Significance Thresholds

Based on Appendix G of the CEQA Guidelines, as updated in 2019, impacts related to energy would be significant if the program would:

Threshold E-1 Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during program construction or operation; or

Threshold E-2 Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.11.4 Methodology

The evaluation for the potential for the program to have an impact on energy conservation was based on a review of regulations, and a determination of the applicability of the regulations to future projects within the program area.

4.11.5 Energy Resources

4.11.5.1 Impact Analysis

Threshold E-1 states that a significant impact would occur if the program resulted in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The analysis of energy resources requires a discussion of construction, transportation, and operational energy use.

a. Construction-Related Energy Consumption

Energy resources would be consumed during construction of future projects within the program area. Energy use would occur in two general categories: fuel use from vehicles used by workers commuting to and from the future construction sites, and fuel use by

vehicles and other equipment to conduct construction activities. At the program level, it is too speculative to quantify the construction-related energy consumption of future development, either in total or by fuel type. Although the exact details of the projects that could be constructed in accordance with the program are not known at this time, there are no known conditions within any of the program sites that would require nonstandard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, development implemented in accordance with the proposed program would not result in the use of excessive amounts of fuel or other forms of energy during the construction of future projects. Impacts would be less than significant.

b. Transportation Energy Use

Trips by individuals traveling to and from future development occurring within the program area are anticipated to occur in passenger vehicles or public transit. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas, and could potentially be fueled by electricity.

As discussed in Section 4.4, trip generation would be reduced under the proposed program compared to the existing zoning designations and therefore. The end result would be less energy use due to transportation and impacts would be less than significant.

b. Operational Energy Use

As future development is implemented in accordance with the proposed program, new or renovated buildings would use electricity and natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air conditioning needs, and natural gas use is highest when the weather is colder as a result of high heating demand. Future projects would be required to meet the mandatory energy requirements of CALGreen and the Energy Code (Title 24, Part 6 of the CCR) in effect at the time of issuance of a building permit. Adherence to the mandatory energy requirements would reduce any future operational impacts in regards to energy resources. There are no features of the proposed program that would support the use of wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant.

4.11.5.2 Significance of Impacts

Impacts related to energy use and conservation would be less than significant.

4.11.5.3 Mitigation Framework

No mitigation measures are required.

4.11.6 Conflicts with Plans or Policies

4.11.6.1 Impact Analysis

Threshold E-2 states that a significant impact would occur if the program conflicts with or obstructs a state or local plan for renewable energy or energy efficiency.

Future development implemented under the proposed program, at a minimum, would be required to meet the mandatory energy requirements of CALGreen and the Energy Code (Title 24, Part 6 of the CCR) in effect at the time of development and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. Adherence to mandatory energy requirements and regulations would help to meet targeted energy goals. The proposed program would not conflict with any state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

4.11.6.2 Significance of Impacts

Impacts related to consistency with plans or policies would be less than significant.

4.11.6.3 Mitigation Framework

No mitigation measures are required

4.11.7 Cumulative Impacts

Future projects resulting from implementation of the proposed program could contribute to cumulative impacts related to energy. However, all future development within the program area and in the entire City and region would be subject to existing building and energy code regulations in place at the time in which they are implemented. Other regulations that affect energy consumption described in Section 4.11.2 would continue to be implemented as well. The proposed program would not contribute to a cumulative impacts related to energy. Thus, cumulative impacts would be less than significant.

5

Chapter 5
Growth Inducement

5.1 Growth Inducement

CEQA Guidelines Section 15126.2(d) requires that an EIR:

> Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (for example, a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population might tax existing community services facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can directly or indirectly induce growth. Construction of new housing can accommodate existing or planned growth or could induce population growth depending on the housing market and the volume of new housing provided. A project that creates substantial new permanent employment opportunities could indirectly induce growth by stimulating the need for additional housing and services to support the new employment demand. It could also indirectly induce growth by removing infrastructure limitations or regulatory constraints on a required public service, such as roads or water service. The following discussion evaluates the potential for the program to induce growth.

5.1.1 Population and Housing Growth

The program would allow the addition of multiple-dwelling unit residential uses to the existing mix of allowed uses within the North Commercial (NC) and Professional Commercial (PC) zones and analyzes for the potential to modify uses within a number of parcels throughout the Public Facility (PF) zone. The program does not include any

physical development or construction component; it provides a framework for potential future development of residential uses within areas of the City zones previously zoned for such uses. The program includes a General Plan Amendment (Community Plan Amendment), Zoning Code Amendment, and Local Coastal Program Amendment necessary to meet state housing requirements. The program does not authorize any specific development proposal; however, it does authorize future development to occur within the program area at housing densities greater than what currently exists.

Based on the San Diego Association of Governments (SANDAG) Series 13: 2050 Regional Growth Forecast (SANDAG 2013), population in the City of Del Mar (City) is anticipated to grow to 4,732 persons by the year 2050. This is an approximate increase in population of 13 percent from last population counts by SANDAG in 2012. Total housing units are only expected to increase by 1 percent by the year 2050 (SANDAG 2013). Implementation of the program would not induce direct population and housing growth in the City because the program would accommodate growth that is already anticipated. The program would accommodate anticipated growth and meet housing demand projections, through implementation of the City's Housing Element Programs (see Chapter 3.0).

5.2 Removal of an Impediment to Growth

The program would provide for additional residences throughout the City, thereby increasing current population. However, regional and local plans anticipate population growth throughout the County of San Diego, including the City. Therefore, the program would be growth accommodating and consistent with SANDAG and City forecasting. The program would also be consistent with the City's Housing Element which likewise anticipated the need for additional residential growth. The program does not propose the construction or expansion of new housing, services, or other infrastructure development, rather, it provides a land use framework that would allow future residential development within the NC and PC zones (and potentially within the specific parcels in the PF zone). The program areas are already served by essential roads, utilities, and public services. Therefore, the program would not remove an impediment to growth, but would allow for future anticipated growth.

5.3 Foster Economic or Employment Growth

Implementation of the proposed zoning amendment program could result in a reduction of commercial and retail acreage within the City. Alternatively, the zones would only be able to buildout to the same degree of commercial and retail as currently allowed. Therefore, the program would not be considered growth inducing in regard to significant employment growth for the City. However, the addition of housing opportunities through increased residential densities within the NC and PC zones could generate economic growth for the City. Increasing the housing densities could provide a larger economic base to support the existing commercial and retails operations, thereby improving the economic conditions experienced by such operations. In addition, an increase in housing units would directly lead to an increase in the available tax base for the City.

5.4 Conclusion

Overall, the program would be growth accommodating as it provides a land use framework that allows for anticipated additional housing within the City. The proposed zoning amendment would not remove an impediment to growth; rather it would supplement the existing land use framework governing the area to allow for anticipated growth. The potential reduction in the overall commercial and retail space would not generate additional employment growth and the anticipated increase in residential units within the program area would help to foster economic growth within the City. Therefore, the program would not be considered a growth-inducing project.

6

Chapter 6
Effects Found Not to be Significant

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15128, this section briefly describes the environmental issue areas that were determined to be less than significant in the CEQA Initial Study Checklist and are, therefore, not discussed in detail in this Program Environmental Impact Report (PEIR). A complete copy of the Initial Study Checklist can be found as Appendix A to this PEIR.

6.1 Agriculture and Forestry Resources

All of the parcels that comprise the program area are designated as Urban and Built-Up Land by the State Farmland Mapping and Monitoring Program, and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Department of Conservation 2016). The program area is adjacent to a variety of developed land uses, including commercial and residential properties, as well as the San Dieguito River. Therefore, the program would not directly or indirectly affect any active agricultural operations. No parcel within the program area is zoned for agricultural use and there are no Williamson Act Contract lands in the program area. The program would, therefore, have no effect, either directly or cumulatively, on agricultural resources.

As previously mentioned, the program area is all located within urbanized areas. No parcel within the program area is zoned as forest land or timberland and does not include any forest land or timberland. Therefore, the program would have no impact, either directly or cumulatively, on forest land or timberland.

6.2 Biological Resources

The program was found to have no impact associated with or conflicting with local policies or with the provisions of an adopted conservation plan. Although the program does not authorize any specific development, future development consistent with the Zoning Ordinance amendment would be required to adhere to all City regulations including the City's Tree Ordinance (Del Mar Municipal Code [DMMC] Section 23.50) and associated Tree Protection Manual. Through regulatory compliance, impacts associated with conflicts to any local policies or ordinance protecting biological resources would be less than significant.

The San Diego Multiple Species Conservation Program (MSCP), adopted in 1997, is a comprehensive, habitat conservation planning program for the San Diego region, and currently consists of 11 planning subareas. However, no MSCP Subarea Plan or Draft Subarea Plan has been prepared for the City of Del Mar (City) at this time; nor does the City have any other approved local, regional, or state Habitat Conservation Plan. Therefore, the program would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and no impacts would occur.

Other potentially significant impacts associated with biological resources are discussed in Section 4.9.

6.3 Geology and Soils

Although the program does not propose any site-specific development at this time, future development would be required to comply with City and State regulations relating to erosion control and protection of water quality. Specifically, as required by the Regional Water Quality Control Board and City requirements, all development projects would implement erosion control measures during construction and operations as outlined in a site-specific water quality management plan. Compliance with such regulations would preclude significant erosion or loss of topsoil. Therefore, through regulatory compliance, erosion impacts would be less than significant.

In regards to septic tanks or alternative wastewater disposal systems, future development would be connected to the City's sewer system, and would not require a septic system or any other alternative wastewater disposal system. Therefore, no impact related to on-site wastewater disposal would occur.

The Initial Study prepared for the program identified potentially significant impacts could occur as a result of earthquake, seismic shaking, liquefaction, or landslide. After further evaluation, it is determined that these potential impacts would be less than significant. Ground surface rupture is unlikely to occur due to the absence of any known active or potentially active faults within the program area; lurching or cracking of the ground surface as a result of nearby or distant seismic events is also considered unlikely. The program area does have a potential for strong ground shaking, as is the case for much of southern California. The entre City site lies within a high earthquake shaking probability zone. The program does not include any site-specific development or redevelopment projects as part of the Zoning Ordinance amendment and future project compliance with the California Building Code would ensure impacts associated with a strong seismic event or seismic ground shaking would be less than significant. Further, the potential replacement of older buildings with new redeveloped residential structures built to more current seismic standards would increase the seismic safety.

Additionally, a majority of the parcels within the program area are currently developed. The fill deposits consist of loose silty sand with varying amounts of soft sandy soils which been previously graded. As a result, these areas include fill material which have a low expansion

potential. Future development would be required to comply with the DMMC and related California Building Code, which would require site-specific geotechnical investigations to be included as part of future project applications. Individual geotechnical investigations would provide specific direction and design measures to ensure that impacts related to soil expansion would be less than significant. Potentially significant impacts associated with unique paleontological resources are discussed in Section 4.10.

6.4 Hazards and Hazardous Materials

The program does not include any site-specific development or redevelopment projects as part of the zoning code modification, and no development is proposed at this time. However, future development occurring within the program area may require demolition of existing buildings that could result in the need to dispose of hazardous materials. Existing buildings could contain hazardous building materials such as asbestos containing materials, lead-containing surfaces including lead-based paint, and other toxic materials. The demolition of on-site buildings would require compliance with existing state regulations for contaminated materials containment and disposal. Compliance with these regulations would ensure that disposal of hazardous materials would not create a significant hazard to the public or the environment. Compliance with these regulations would ensure that potential release or exposure to hazardous materials would not occur, and impacts would be less than significant.

The program would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (CEQA Appendix G threshold). One school (Winston School; private; grades 4–12; 215 9th Street, Del Mar) is located within the Public Facilities (PF) zone and within one-quarter mile of the Professional Commercial (PC) zone. The only change to potential uses within the program areas would be to allow residential uses. Therefore, the zoning code modification would not result in the introduction of new or potentially hazardous emissions at close proximity to the school. No impact would occur.

The program area is not in the vicinity of a private airstrip or within two miles of a public airport. Therefore, the program would not result in a safety hazard for people residing or working in the program area and no impacts would occur.

The program would not result in changes in circulation or access that would interfere with or impair emergency response associated with potential hazards such as coastal storm/erosion, wildfire, landslide, earthquake, and tsunami and planned emergency responses to such hazards, as no development is proposed as part of the program. Future development would be required to comply with local regulations associated with adequate ingress/egress, fire protection, and emergency response. Therefore, through regulatory compliance, impacts associated with impairment or interference with an emergency response or evacuation plan would be less than significant.

With respect to whether the program would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, see Section 6.10, Wildfire, below.

Other potentially significant impacts associated with hazards and hazardous materials is discussed in Section 4.8.

6.5 Hydrology and Water Quality

Surface drainage throughout the program area is collected by City storm water facilities and discharged into the Pacific Ocean. The program does not include any site-specific development or redevelopment projects as part of the zoning code modification, and no development is proposed at this time. However, future development occurring within the program area could result in increased storm water discharge, violating water quality standards or waste discharge requirements. Future projects would be required to comply with City storm water and drainage regulations, including the City's Stormwater Control Ordinance (DMMC Chapter 11.30, et seq.) and the associated Stormwater Standards Manual requiring all runoff to be controlled and retained on-site. Therefore, through regulatory compliance, future development would not result in significant impacts to upstream or downstream properties. Impacts would be less than significant.

Future development could substantially alter existing drainage patterns, or increase impervious surfaces which could increase erosion, increase the rate or amount of surface runoff, or increase polluted storm water runoff. Consistent with City regulations, including the City's Stormwater Control Ordinance (DMMC Chapter 11.30, et seq.), all drainage improvements that are part of future development projects would be designed to accommodate a 100-year storm event, such that it would not result in an increase in flood hazards on surrounding properties, and would be designed so as to not exceed the capacity of the storm drain system. Furthermore, current regulations require more efficient and effective site design methods and construction techniques for addressing storm water management, including low impact development best management practices (BMPs) and treatment control BMPs, as necessary, that would manage, detain, and attenuate post-project runoff flows prior to discharge from the program area. Source control and treatment control BMPs would prevent erosion, siltation, and would ensure pollutants do not adversely affect water quality. As mandated in the existing state regulations, the existing peak flow rates would be maintained or reduced. Therefore, through regulatory compliance, impacts related to changes in drainage patterns would be less than significant.

Portions of the parcels within the NC zone are located within a Federal Emergency Management Agency (FEMA) designated flood zone, per FEMA Flood Insurance Rate Map Numbers 06073C1039G and 06073C1307G. Future development occurring within the program area could risk release of pollutants due to future project inundation in a flood hazard zone. However, future projects would be required to adhere to City regulations, including those applicable to Floodplain Overlay Zone (DMMC Chapter 30.56). Consistent with the DMMC, future development would require a floodplain development permit finding that development within the Floodplain Overlay Zone would not obstruct flood flow; would be designed to reduce the need for construction of flood control facilities that would be required if unregulated development were to occur; and to minimize the cost of flood insurance (DMMC Chapter 30.56.010). Therefore, through regulatory compliance, impacts related to flood hazards would be less than significant.

For the reasons stated above, the program would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, resulting in a less than significant impact.

The Initial Study prepared for the program identified potentially significant impacts could occur as a result of groundwater depletion. After further evaluation, it is determined that potential impacts would be less than significant. Groundwater quality within the program area is generally poor as it has been intruded by seawater and water from surrounding marine sedimentary rocks. However, dewatering could be required during excavation or construction of new residential development. This would be temporary and any dewatering necessary would require compliance with the RWQCB dewatering and water discharge requirements to avoid significant hydrology impacts. As such, impacts, both direct and cumulative, to groundwater quality or quantity would be less than significant.

6.6 Land Use and Planning

The PC and PF zones are built out and surrounded by existing development. The NC zone is primarily developed. The program does not include any site-specific development or redevelopment projects as part of the zoning code modification, and no development is proposed at this time. However, future development within these zones would be limited to redevelopment on established parcels or new construction within the few undeveloped lots. Pursuant to the proposed program, residential uses would be allowed within the NC and PC zones. The creation of additional housing within the limited program area would not physically divide an established community. No impact would occur.

Potentially significant impacts associated with consistency with land use plans and policies is discussed in Section 4.1.

6.7 Mineral Resources

The program area is comprised of developed or disturbed lands and there are no known mineral resources in the program area. Per the State of California Department of Conservation, Division of Mines and Geology, the program area is located within Mineral Resource Zone 1 (MRZ-1) and MRZ-3 in the Del Mar Quadrangle (California Department of Conservation 2011). MRZ-1 designated areas are where adequate information indicates that no significant mineral deposits are present, or where it is determined that little likelihood exists for their presence (California Department of Conservation 2011). MRZ-3 designated areas are areas containing mineral deposits the significance of which cannot be evaluated from available data. In addition, due to the fact that the program area is mostly already developed, extraction of any potential mineral resources on the subject property would be incompatible with surrounding uses and is not feasible. Therefore, the program would have no impact on mineral resources.

6.8 Noise

The program area is not in the vicinity of a private airstrip or within two miles of a public airport and would not expose people residing or working in the area to excessive noise levels. No impact associated with excessive noise exposure due to airports would occur.

Other potentially significant impacts associated with noise are discussed in Section 4.7.

6.9 Population and Housing

The program would implement mixed-use zoning districts that would allow for development of residential uses within the program area. Specifically, the proposed Zoning Ordinance amendment would implement action items 2E and 2F in the City's Certified Housing Element by adding multiple-dwelling unit residential as an allowed use within the existing NC and PC zones to the zoning code. The program would set the maximum allowed density range to 20 dwelling units per acre within these zones. These zoning changes would provide additional housing units within the City as identified in the Regional Housing Needs Assessment prepared by the San Diego Association of Governments. Therefore, the program would accommodate future growth anticipated for the City. Furthermore, the program would not result in the extension of any existing roads or expansion of existing infrastructure facilities that could induce growth. Therefore, the program would not induce substantial population growth, either directly or indirectly, and impacts would be less than significant.

The program would implement mixed-use zoning districts that would allow for development of residential structures where they are currently prohibited by existing zoning. Therefore, the program would not displace any existing people or housing. No impact would occur.

6.10 Wildfire

The program would not result in changes in circulation or access that would interfere with or impair emergency response or an evacuation plan. The program area is not located in or near a State Responsibility Area or a Local Responsibility Area Very High Fire Hazard Severity Zone, as shown on the California Department of Forestry and Fire Prevention (CAL FIRE) San Diego County Fire Hazard Severity Zone Map for Local Responsibility Areas (CAL FIRE 2007).

However, a number of PF parcels included as part of the program analysis are located within the City's Wildland Urban Interface (WUI) Overlay as shown on Figure 2-7. Therefore, there is no expectation of exacerbated wildfire risks. Additionally, the program does not include infrastructure improvements that may exacerbate fire risk. No impact would occur. The program does not include any site-specific development or redevelopment projects as part of the zoning code modification, and no development is proposed at this time. Future projects would be required to adhere to California Fire Code standards (DMMC Chapter 10.01.010), including providing adequate access, water supply and fire service features in new construction. Additionally, future development within the WUI Overlay would be required to meet the standard conditions of approval as identified in California Fire Code, as adopted by the City

(Fire Resistive Construction Requirements for Wildland/Urban Interface Areas). All future projects would be required to comply with City and state regulations relating to erosion control and protection of water quality, flooding, and slope stability. Therefore, through regulatory compliance, impacts associated with post-fire runoff or other such risk of exposure would be less than significant.

7

Chapter 7
Other CEQA Considerations

The California Environmental Quality Act (CEQA) Guidelines Section 15126.2(b) and (c) require that the significant unavoidable impacts of a project, as well as any significant irreversible environmental changes that would result from a project, be addressed in the Environmental Impact Report (EIR).

7.1 Significant Unavoidable Impacts

CEQA Guidelines Section 15126.2(b) requires an EIR to identify impacts from a project that would result in significant impacts, including those that cannot be mitigated to below a level of significance. Implementation of the mitigation identified throughout Chapter 4.0 (see also Table S-1) would reduce all potentially significant impacts to less than significant. There would be no significant unavoidable impacts associated with implementation of the program.

7.2 Significant Irreversible Impacts

In accordance with CEQA Guidelines Section 15126.2(c):

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The program would not, in itself, result in the loss of non-renewable resources because the program does not include any site-specific development or redevelopment projects, and no development is proposed at this time. Future development, however, occurring within the program area would require the irreversible consumption of natural resources including

lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term future date, would for practical purposes be considered permanently consumed. Buildout of new residential uses within the program area could result in a incremental increase in the consumption of resources such as water, fuels, and electricity during long-term operation and occupancy. Therefore, the program could add to the existing long-term use of fossil fuels and other nonrenewable resources, even with future project's conformance with required energy-efficient design features.

7.3 Energy Conservation

Title 24, Building Energy Standards for Residential Development, establishes energy budgets or maximum energy use levels. The standards of Title 24 supersede local regulations, and state requirements mandate Title 24 requirements through implementation by local jurisdictions. The City enforces state energy regulations for new residential construction, and local principles under "Sustainable Del Mar," which includes programs and actions that provide residents with energy conserving incentives, and guide the City's decisions in implementing development and living practices that meet the needs of the present while safeguarding and enhancing the future (City of Del Mar 2015). Additionally, future development would be required to follow the guidance included in the City's Climate Action Plan which requires sustainable development practices and design features including use of Tier 1 construction for all commercial development over a $150,000 valuation. See Section 4.6, Greenhouse Gas Emissions, and Section 4.11, Energy, for additional discussion.

8

Chapter 8
Program Alternatives

This section of the Program Environmental Impact Report (PEIR) presents alternatives to the Professional Commercial and North Commercial Zoning Code Amendment (program; proposed program). The discussion that follows is intended to focus on alternatives which are capable of avoiding or substantially lessening any potentially significant effects identified for the program.

As presented in Chapter 3.0, Description of Proposed Program, the primary program objectives prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15124(b) were developed to frame and support the purpose of the program and assist the City of Del Mar (City) in developing a reasonable range of alternatives to be evaluated in this PEIR. The following are the primary objectives of the proposed program:

- 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 dwelling units per acre (du/ac) in the North Commercial (NC) and Professional Commercial (PC) zones.

- Ensure the community's land use designations for NC and PC can accommodate the potential for future construction of housing units.

- Minimize potential land use compatibility conflicts associated with the proposed change to existing land use designations and zoning.

- Increase the City's overall housing capacity and capability to accommodate housing as required per the certified Housing Element for the 2013-2021 housing cycle (5th Housing Cycle).

- 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 Public Facility (PF) zone (excluding Shores Park) via future amendment to the Zoning Code and associated actions.

8.1 Scope and Purpose

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to the project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making. . . ."

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the purpose of an EIR's alternatives discussion is to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project.

However, an EIR need not consider alternatives that are infeasible. The selection of alternatives to be discussed in an EIR, are required to follow the "rule of reason." That is the EIR is required to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the program. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The "rule of reason" governing the range of alternatives specifies that an EIR should only discuss those alternatives necessary to foster meaningful public participation and informed decision making (CEQA Guidelines Section 15126.6(f)).

The CEQA Guidelines require the EIR to analyze a "No Project" Alternative. CEQA also requires that an EIR identify the environmentally superior alternative from among the evaluated alternatives. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section15126.6(e)(2)).

The proposed program would not result in any significant and unavoidable impacts. As discussed in the issues analysis contained within the sections of Chapter 4.0, Environmental Analysis, in this PEIR the proposed program would result in potentially significant impacts related to Aesthetics (scenic vistas, visual character and non-conformance with scenic quality regulations, and light and glare); Cultural Resources (archeological resources, and human remains); Noise (exceedance of noise standard); Geology and Soils/Paleontological (paleontological resources). All potentially significant impacts would be reduced to less than significant levels through adoption and implementation of identified mitigation measures.

In developing the alternatives to be addressed in this chapter, consideration was given regarding each alternative's ability to eliminate or substantially reduce potentially significant environmental impacts and meet the basic program objectives. The alternatives fully evaluated, beginning in Section 8.3, include the following:

- No Project (Buildout under Existing Zoning) Alternative;
- Lower Density Alternative; and
- Half Commercial-Half Residential Alternative.

These alternatives allow informed decision-making and public participation because there is enough variation amongst the alternatives to provide a reasonable range of options. Table 8-1 provides a general comparison of the proposed program and the alternatives and the comparative determinations (e.g., greater than, equal to, less than) of the significance of the environmental issues that would result if an alternative was adopted. CEQA requires the alternatives analysis to discuss those impacts determined to be significant. Proposed program traffic impacts were found to be less than significant; however, a comparative discussion of traffic is included herein.

Table 8-1
Comparison of Proposed Program and Alternatives Impacts Summary

Environmental Issue Area	Proposed Program	No Project (Existing Zoning) Alternative	Lower Density Alternative	Half Commercial-Half Residential Alternative
Aesthetics	Significant and mitigated (Scenic Vistas, Visual Character. Light and Glare)	Same	Same	Same
Cultural Resources	Significant and mitigated (Archaeological Resources)	Same	Same	Same
Transportation/Traffic	Less than Significant	More	More	More
Noise	Significant and mitigated (Exceedance of Noise Standard))	Less	Less	Less
Geology and Soils/ Paleontological Resources	Significant and mitigated (Paleontological Resources)	Same	Same	Same

8.2 No Project (Existing Zoning) Alternative

8.2.1 Description of the No Project Alternative

The No Project Alternative is required by CEQA to be included to illustrate the environmental effects of the existing on-site uses and structures compared to the environmental effects of the proposed program. The No Project Alternative would involve the continued existing Zoning Code allowances within the program sites. The program sites would therefore remain with their existing designations, with no allowance for residential or mixed use.

Under the No Project Alternative there would be no new development allowances for residential or mixed use within the program sites and implementation of required Housing Element Programs 2-E and 2-F would not occur.

8.2.2 Environmental Analysis of the No Project Alternative

Under the No Project Alterative the City would maintain existing zoning designations, and new residential uses would not be allowed within the NC, PC, and PF zones. A specific comparison of this scenario compared to the potentially significant impacts associated with proposed program follows.

8.2.2.1 Aesthetics

As discussed in Section 4.2.5.1, all future development with the program sites would be required to adhere to Del Mar Municipal Code (DMMC) Chapter 30.31.060, which requires that the design, scale, height, bulk, coverage, and exterior appearance of all structures be in harmony with neighborhood character. Although under the No Project Alternative, uses within the program sites would be limited to commercial, impacts associated with scenic views, visual character and non-conformance with scenic quality regulations, and light and glare would be potentially significant due to uncertainty of actual development plans. Like the proposed program, potential impacts associated with future development within the NC, PC, and PF zones would be mitigated through 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 (MM-Aes-1). The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with aesthetics to a level of less than significant. This is the same compared to the proposed program.

8.2.2.2 Cultural Resources

As discussed in Section 4.3.6.1, parcels within the NC zone have been disturbed to a much lesser extent and there is the potential for surface archaeological resources and/or human remains to exist within parcel 299-071-02. Although under the No Project Alternative, only commercial development would occur, any future development has the potential to destroy subsurface prehistoric/historic archaeological resources through grading of the parcel. Like the proposed program, potential impacts to archeological resources would be mitigated through the requirement for an on-site archaeological monitor and a Native American monitor during grading activities. The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with cultural resources to a level of less than significant. This is the same compared to the proposed program.

8.2.2.3 Traffic

As discussed in Section 4.4.4.1, buildout of residential uses within the program sites would generate less trips compared to the existing (and on-the ground development) scenarios. Therefore, under the proposed program, impacts to traffic circulation would be less than significant. As shown in Table 4.4.9, the proposed program would result in fewer trips than

existing zoning. While a specific impact analysis was not prepared to address potential impacts under buildout of the existing Zoning Ordinance, based on trip generation, impacts would be considered greater compared to the proposed program.

8.2.2.4 Noise

As discussed in Section 4.7.5.1, allowed residential uses located within the NC and PF zones could be within noise contours with levels above 65 Community Noise Equivalent Level (CNEL) (see Figures 4.7-3 and 4-7-5b). The No Project Alternative would not allow residential uses in these parcels and commercial uses would be compatible with the noise contours. Impacts associated with noise under this scenario would be less compared to the proposed program.

8.2.2.5 Geology and Soils/Paleontological

As discussed in Section 4.10.5.2, the San Diego region has been designated a paleontological resource sensitivity of high. Therefore, future new development or redevelopment within the program sites could result in the disturbance of previously undiscovered paleontological resources. Regardless of the type of use (residential versus commercial), impacts associated with the disturbance of subsurface paleontological resources would be potentially significant. Like the proposed program, potential impacts to paleontological resources would be mitigated through the requirement for an on-site paleontological monitor during grading activities. The inclusion of this mitigation measure, as conditions of future project approvals, would serve to reduce potentially significant impacts associated with paleontological resources to a level of less than significant. This is the same compared to the proposed program.

8.2.3 Rationale for Rejecting the No Project Alternative

Implementation of the No Project (Existing Zoning) Alternative would result in the same potentially significant impacts compared to the program (see Table 7-1), with the exception of traffic generation which would be greater. The No Project (Existing Zoning) Alternative would not meet most of the program objectives. This alternative would not result in any of the following: implement Housing Element Programs 2-E and 2-F; ensure the accommodation of future housing units; increase City's overall housing capacity; or potentially implement Housing Element Program 2-H. This alternative is, therefore, rejected pursuant to CEQA 15126.6. Although it would lessen significant impacts to noise compared to the program, it would result in greater traffic impacts and not attain most of the basic objectives of the program.

8.3 Lower Density Alternative

8.3.1 Description of the Lower Density Alternative

The Lower Density Alternative would add multiple-dwelling unit residential density (up to 10 du/acre) within the existing NC, PC and PF zones. Under this alternative a maximum of 174 dwelling unit could be constructed. This equates to 261 fewer residential dwelling units than could be allowed under the proposed program. Like the proposed program, this alternative 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 existing zoning setbacks, floor area ratio, lot coverage, and height limits that currently apply within the respective zones would still apply.

8.3.2 Environmental Analysis of the Lower Density Alternative

Under the Lower Density Alternative the City, the maximum allowable residential density would be less than the proposed program. A specific comparison of this scenario compared to the potentially significant impacts associated with proposed program follows.

8.3.2.1 Aesthetics

The proposed program would result in potentially significant impacts associated with scenic views, visual character and non-conformance with scenic quality regulations, and light and glare due to the uncertainty of development plans that may be submitted for City review. Like the proposed program, future development and/or redevelopment of the program sites under the Lower Density Alternative are unknown at this time. Therefore, at this program level, aesthetic related impacts would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Aes-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant impacts associated with Aesthetics to a level of less than significant. This is the same compared to the proposed program.

8.3.2.2 Cultural Resources

The proposed program would result in a potentially significant impact to archeological resources should development and/or redevelopment occur within parcel 299-071-02 (in the NC zone). Although lower residential density, compared to the proposed program, would occur under the Reduced Density Alternative, any future development has the potential to destroy subsurface prehistoric/historic archaeological resources through grading of the aforementioned parcel. Therefore, at this program level, impacts related to archeological resources would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Cul-1).

The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant impacts associated with Cultural Resources to a level of less than significant. This is the same compared to the proposed program.

8.3.2.3 Traffic

The proposed program would result in less than significant traffic impacts. The Reduced Density Alternative would result in lower allowable residential density within the program sites. Overall the trip generation associated with the Lower Density Alternative would be greater compared to the proposed program (built-out to full residential allowance) because commercial uses generated greater trips than residential uses. While a specific impact analysis was not prepared to address potential impacts under buildout of Reduced Density Alternative, based on trip generation, impacts would be considered greater compared to the proposed program.

8.3.2.4 Noise

The proposed program would result in a potentially significant noise impact to parcels allowing residential uses within the NC and PF zones that would be subjected to noise levels above 65 CNEL (see Figures 4.7-3 and 4.7-5b). Like the proposed program, the Reduced Density Alternative would result in potentially significant impacts should any future residential units be placed within areas with noise levels above 65 CNEL. Therefore, at this program level, noise impacts would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Nos-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant noise impacts to a level of less than significant. Overall, however, because of the lower density allowance under this alternative the number of residential units with the potential for noise impacts is fewer than the proposed program, impacts related to noise would be less compared to the proposed program.

8.3.2.4 Geology and Soils/Paleontological

The proposed program would result in a potentially significant impact to paleontological resources as a result of future new development and/or redevelopment within the program sites which uncovers previously undiscovered paleontological resources. Although including lower residential density compared to the proposed program, the Reduced Density Alternative would likewise result in potentially significant impacts if grading and excavation disturb subsurface paleontological resources. Therefore, at this program level, impacts to paleontological impacts would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Pal-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant noise impacts to a level of less than significant. This is the same compared to the proposed program.

8.3.3 Rationale for Rejecting the Lower Density Alternative

Implementation of the Lower Density Alternative would result in the same potentially significant impacts compared to the program (see Table 8-1), with the exception of traffic generation which would be greater. The Lower Density Alternative would meet some of the program objectives relating to the accommodation of future housing and increase general housing capacity throughout the City. This alternative would not result in the implementation of Housing Element Programs 2-E and 2-F which provides for future residential capacity up to 20 du/ac in the NC and PC zones, not would it assist in the future implementation of Housing Element Program 2-H which the opportunity for future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park). This alternative is, therefore, rejected pursuant to CEQA 15126.6. It would neither avoid nor substantially lessen significant impacts compared to the program, and it would not feasibly attain the most basic objectives of the proposed program.

8.4 Half Commercial-Half Residential Alternative

8.4.1 Description of Half Commercial-Half Residential Alternative

The Half Commercial-Half Residential Alternative would allow multiple-dwelling unit residential in the existing NC, PC, and PF zones up to a maximum density of based on a ratio of 50 percent buildable space within each program site. Like the proposed program, this alternative 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. Overall, this alternative would result in fewer residential units compared to the proposed program.

8.4.2 Environmental Analysis of the Half Commercial-Half Residential Alternative

Under the Half Commercial-Half Residential Alternative, a minimum of 50 percent of the buildable space would be required to be commercial uses (50 percent Floor to Area Ratio) within each of the program sites, with the remainder residential. This would result in a fewer dwelling units compared to the proposed program. A specific comparison of this scenario compared to the potentially significant impacts associated with proposed program follows.

8.4.2.1 Aesthetics

Like the proposed program, future development and/or redevelopment of the program sites under the Half Commercial-Half Residential Alternative are unknown at this time. Therefore,

at this program level, aesthetic related impacts would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Aes-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant impacts associated with Aesthetics to a level of less than significant. This is the same compared to the proposed program.

8.4.2.2 Cultural Resources

Although lower residential density, compared to the proposed program, would occur under the Half Commercial-Half Residential Alternative, development has the potential to destroy subsurface prehistoric/historic archaeological resources through grading of the aforementioned parcel. Therefore, at this program level, impacts related to archeological resources would be potentially significant. As with the proposed program, the Lower Density Alternative would implement the same mitigation measure recommended for the proposed program (MM-Cul-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant impacts associated with Cultural Resources to a level of less than significant. This is the same compared to the proposed program.

8.4.2.3 Traffic

Under the Half Commercial-Half Residential Alternative, overall the trip generation would be greater compared to the proposed program because commercial uses generate greater trips and this alternative would result in more commercial compared to the proposed program. While a specific impact analysis was not prepared to address potential impacts under buildout of the Half Commercial-Half Residential Alternative, based on trip generation, impacts would be considered greater compared to the proposed program.

8.4.2.4 Noise

Although the Half Commercial-Half Residential Alternative would include lower residential density compared to the proposed program, this alternative would likewise result in potentially significant impacts should any future residential units be located within areas with noise levels above 65 CNEL. Therefore, at this program level, noise impacts would be potentially significant. As with the proposed program, the Half Commercial-Half Residential Alternative would implement the same mitigation measure recommended for the proposed program (MM-Nos-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant noise impacts to a level of less than significant. Overall, however, because of the lower density allowance under this alternative the number of residential units with the potential for noise impacts is fewer than the proposed program, impacts related to noise would be less compared to the proposed program.

8.4.2.5 Geology and Soils/Paleontological

Although including lower residential density compared to the proposed program, the Half Commercial-Half Residential Alternative would likewise result in potentially significant impacts if grading and excavation disturb subsurface paleontological resources. Therefore, at this program level, impacts to paleontological impacts would be potentially significant. As with the proposed program, the Half Commercial-Half Residential Alternative would implement the same mitigation measure recommended for the proposed program (MM-Pal-1). The inclusion of this mitigation measure, as a condition of future project approvals should this alternative be selected, would serve to reduce potentially significant noise impacts to a level of less than significant. This is the same compared to the proposed program.

8.4.3 Rationale for Rejecting the Half Commercial-Half Residential Alternative

Implementation of the Half Commercial-Half Residential Alternative would result in the same potentially significant impacts compared to the program (see Table 8-1), with the exception of traffic generation which would be greater. The Half Commercial-Half Residential Alternative would meet some of the program objectives relating to the accommodation of future housing and increase general housing capacity throughout the City. This alternative would not result in the implementation of Housing Element Programs 2-E and 2-F which provides for future residential capacity up to 20 du/ac in the NC and PC zones. Additionally, this alternative would not assist in the future implementation of Housing Element Program 2-H which would provide the opportunity for future development of affordable housing (maximum 20 du/ac) within the PF zone (excluding Shores Park). This alternative is, therefore, rejected pursuant to CEQA 15126.6. It would neither avoid nor substantially lessen significant impacts compared to the program, and it would not feasibly attain the most basic objectives of the proposed program.

8.5 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires that an EIR identify the "environmentally superior" alternative based on the evaluation of the program and its alternatives. While the No Project (No Development) Alternative would avoid all of the impacts associated with the program, and therefore may be considered the environmentally superior alternative, pursuant to the CEQA Guidelines (Section 15126.6(e)(2)), due to the avoidance of significant impacts, if the No Project Alternative is determined to be the most environmentally superior program, then another alternative among the alternatives evaluated must be identified as the environmentally superior program. Therefore, the Reduced Density Project Alternative is identified as the environmentally superior alternative. Although traffic impacts would be greater compared to the proposed program, noise impacts associated with the placement of residential uses within areas greater than 65 CNEL would be less compared to the proposed program. All other impacts would be the same; however, as stated above this alterative would not meet the primary objectives of the proposed program.

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Chapter 9
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Chapter 10
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The following section includes a list of any persons and agencies consulted in the preparation of this EIR.

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