

RESOLUTION NO. 2020-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT AND THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE IN THE CITY OF DEL MAR, CALIFORNIA

WHEREAS, the proposed program is an update to the City of Del Mar's existing Housing Element as required by State Housing law for the 6<sup>th</sup> Cycle planning period covering April 2021 through April 2029 (Program) that would require an amendment to the City's Community Plan (General Plan); and

WHEREAS, the Program analyzed includes a listing of potential candidate housing sites and various Housing Programs that, once implemented, are intended to facilitate a greater range of economically and socially diversified options for future housing in the City to accommodate the City's assigned Regional Housing Needs Assessment (RHNA) during the 6<sup>th</sup> Cycle planning period; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), and the City's Supplemental CEQA Regulations (local CEQA Guidelines), the City as lead agency prepared a Draft Program Environmental Impact Report (PEIR) (State Clearinghouse SCH No. 2020029064) dated July 2020 for the Program (proposed Project), which includes a Mitigation, Monitoring, and Reporting Program (MMRP); and

WHEREAS, the Draft PEIR was prepared in accordance with CEQA at a "program-level", as defined in CEQA Guidelines Section 15168, because the proposed Project pursuant to CEQA constitutes a "program" consisting of a series of actions that can be characterized as one large project and is subject to the provisions of CEQA Guidelines Section 15168(a)(1-4); and

WHEREAS, the City found, based upon the threshold criteria for significance presented in the Draft PEIR, that all potentially significant environmental effects of the proposed Project can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the proposed Project; and

WHEREAS, the Draft PEIR analyzes information that was known and available at the time of preparation and that would otherwise not be too speculative to analyze at a "project-level" analysis, because there are no proposed development applications, project level details, or development plans associated with the proposed program-level action,

and the Draft PEIR discloses potential impacts of the proposed Project, and identifies a mitigation framework that will apply to future housing development; and

WHEREAS, the Draft PEIR was made available for a 60-day public review and comment period that began on July 2, 2020 and concluded on August 31, 2020; and

WHEREAS, the City received comments and letters concerning the Draft PEIR from the public and one public agency and, pursuant to CEQA Guidelines Section 15088, the City has prepared written responses to all comments received on the Draft EIR during the public comment period which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft PEIR do not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore recirculation of the Draft PEIR is not required; and

WHEREAS, the City has prepared a Final PEIR dated September 2020 pursuant to CEQA Guidelines Section 15089 which contains the information required by CEQA Guidelines Section 15132, including the Draft PEIR and the revisions and additions thereto, technical appendices, public comments and the City's responses to public comments on the Draft PEIR, and an Errata; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091 and 15097, the City has prepared Findings of Fact and an MMRP; and

WHEREAS, implementation of the Program and future housing development will require additional environmental analysis pursuant to CEQA, unless the future actions are found to be sufficiently covered within the scope of the Final PEIR pursuant to CEQA Guidelines Section 15168(c); and

WHEREAS, on September 15, 2020, the Planning Commission unanimously recommended certification of the PEIR, adoption of the MMRP, and approval of the proposed Project; and

WHEREAS, a notice of public hearing was posted and published, and a mailed notice was provided by September 24, 2020, informing the public of this matter and the scheduled City Council public hearing on October 5, 2020; and

WHEREAS, all materials with regard to the proposed Project were made available to the City Council for its review and consideration of the proposed Project, including, but not limited to, the following:

1. The Draft PEIR and appendices, dated July 2020;
2. The Final PEIR and appendices, dated September 2020;

3. The proposed Findings of Fact, dated September 2020;
4. The proposed MMRP, dated September 2020;
5. The Agenda Report and supplemental information, dated October 2020;
6. All documents and records prepared by the City and other interested parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby certify the Final PEIR (SCH No. 2020029064) and adopt the Findings of Fact and MMRP as follows:

1. The City Council finds the facts recited above are true and further finds that this City Council has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The City Council finds and determines that the applicable provisions of CEQA, its implementing State Guidelines, and local City Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.
3. The City Council finds and determines that: (a) the Final PEIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and local City Guidelines for implementation thereof; (b) the Final PEIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final PEIR prior to approving the proposed Project; (c) the Final PEIR reflects the City Council's independent judgment and analysis, and, therefore, the Final PEIR is hereby declared to be certified in relation to the subject of this Resolution.
4. The City Council finds and determines that the proposed Project is approved despite the existence of certain significant environmental effects identified in the Final PEIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 to be mitigated to a level of Less Than Significant with mitigation, the City Council hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.
5. That upon a review of the whole record before the City Council there is no substantial evidence that the proposed Project will result in unavoidable significant impacts on the environment, and a Statement of Overriding Considerations is not necessary pursuant to CEQA Guidelines Section 15093.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program (MMRP), which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final PEIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the proposed Project.
7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the City Council shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.
8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the City of Del Mar Planning and Community Development Department, 1050 Camino del Mar, Del Mar, CA 92014.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 5th day of October, 2020.



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Ellie Haviland, Mayor  
City of Del Mar

APPROVED AS TO FORM:



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Leslie E. Devaney, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2020-51, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5th day of October, 2020, by the following vote:

AYES: Mayor Haviland, Council Members Parks and Worden

NOES: Deputy Mayor Gaasterland, Council Member Druker

ABSENT: None

ABSTAIN: None



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Ashley Jones, Administrative Services  
Director/City Clerk  
City of Del Mar

# City of Del Mar 6th Cycle Housing Element Update

Findings of Fact  
September 2020



Prepared By  
**Kimley»Horn**



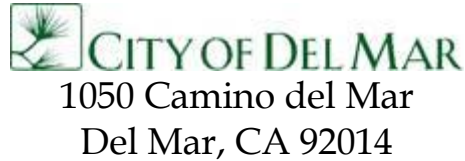
*Findings of Fact*

**Del Mar 6th Cycle Housing Element Update**

**2021-2029 Housing Element Update**

(SCH # 2020029064)

*Findings by:*



*Prepared by:*

Kimley-Horn and Associates, Inc.  
3880 Lemon Street, Suite 420  
Riverside, CA 92501

September 2020

## 1.0 INTRODUCTION

### 1.1 Findings of Fact

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. Pursuant to CEQA Guidelines Section 15091(a), No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR [referred to in these Findings as “Finding 1”].
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency [referred to in these Findings as “Finding 2”].
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR [referred to in these Findings as “Finding 3”].

Having received, reviewed and considered the Final Program Environmental Impact Report for the Del Mar 6<sup>th</sup> Cycle Housing Element Update, SCH # 2020029064; as well as all other information in the record of proceedings on this matter, the following Findings Regarding the CEQA Documents for the Del Mar 6<sup>th</sup> Cycle Housing Element Update project (HEU) are hereby adopted by the City of Del Mar (City).

### 1.2 Document Format

These Findings have been categorized into the following sections:

- 1) Section 1.0 provides an introduction to these Findings.
- 2) Section 2.0 provides a summary of the Project and overview of other discretionary actions required for the Project, and a statement of Project objectives.
- 3) Section 3.0 provides a summary of those activities that have preceded the consideration of the Findings for the Project as part of the environmental review process, and a summary of public participation in the environmental review for the Project.
- 4) Section 4.0 sets forth findings regarding those potentially significant environmental impacts identified in the CEQA Documents which the City has determined to be less than significant with the implementation of Project design features.
- 5) Section 5.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the CEQA Documents which the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures included in the MMRP for the Project.
- 6) Section 6.0 sets forth findings regarding growth inducing impacts.
- 7) Section 7.0 sets forth findings regarding alternatives to the Project.

- 8) Section 8.0 contains findings regarding the Mitigation, Monitoring and Reporting Program (MMRP) for the Project.
- 9) Section 9.0 contains other relevant findings adopted by the City with respect to the Project.

The Findings set forth in each section herein are supported by findings and facts identified in the administrative record of the Project.

### **1.3 Custodian and Location of Records**

The documents and other materials that constitute the administrative record for the City's actions regarding the Project are located at the City of Del Mar Planning and Community Development Department, 1050 Camino del Mar, Del Mar, Ca 92014. The City is the custodian of the administrative record for the Project.

## **2.0 PROJECT SUMMARY**

### **2.1 Project Description/Location**

The City of Del Mar Housing Element is a required element within the Del Mar Community Plan (the City's General Plan) pursuant to State law. In compliance with California Government Code §65583, the Housing Element identifies, analyzes, and makes adequate provision for the existing and projected housing needs of all the City's economic segments.

The HEU will represent a comprehensive update to the City's last adopted Housing Element (i.e., the 5<sup>th</sup> Cycle).<sup>1</sup> The HEU will include goals, policies, and implementation programs for the 6<sup>th</sup> Cycle. It will also include revisions to goals, policies, and modified or continuing implementation programs carried over from the existing 5<sup>th</sup> Cycle Housing Element for completion in the first year of the 6<sup>th</sup> Cycle. The HEU, which integrates/updates supporting socioeconomic, demographic, and household data, is specifically intended to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation of 163 dwelling units (DUs).

This PEIR evaluates future development of 209 DUs throughout the City as facilitated by the HEU. The 209 DUs includes the 163 DUs needed to meet the City's 6<sup>th</sup> Cycle RHNA allocation and the 46 estimated carryover DUs from the 5<sup>th</sup> Cycle RHNA allocation. The potential impacts of future housing development facilitated by the HEU are being evaluated for potential location on 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 340 acres. A portion of the future housing development facilitated by the HEU is also expected to include Accessory Dwelling Units (ADUs), which are allowed by State law and the City's Municipal Code on sites throughout the community anywhere that residential is an allowed use.

The City is generally classified as a small suburban community situated within the greater San Diego metropolitan region. As a coastal community with high land values and limited land resources, the City has developed into a mostly built-out community with little available developable land. The City is located north of Torrey Pines State Beach, directly south of the City of Solana Beach, and generally west of the City of San Diego. The City's projected housing need for the 6<sup>th</sup> Cycle RHNA planning period (2021-2029), as assigned by

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<sup>1</sup> San Diego Association of Governments Website, *Regional Housing Needs Assessment Plan Sixth Housing Element Cycle Planning for Housing in the San Diego Region 2021-2029*, [http://www.sandag.org/uploads/publicationid/publicationid\\_1661\\_14392.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1661_14392.pdf), Accessed May 26, 2020.

the San Diego Association of Governments (SANDAG) in accordance with State law, is 163 DUs. The City's RHNA is broken down into the following income levels:

- 37 Very Low Income (including Extremely Low Income)
- 64 Low Income
- 31 Moderate Income
- 31 Above Moderate Income

The candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse environmental impacts. The HEU's intent is to reduce impacts by placing housing near public transportation and recreation opportunities and away from environmentally sensitive resources. Based on past and current trends, the City anticipates growth in the existing residentially-zoned areas to meet the moderate and above moderate-income need through development of new units and ADUs. Within the existing residential neighborhoods, moderate-income and above-moderate income units can be accommodated on residentially-zoned sites. Additional units, including smaller more affordable options, can be accommodated through development of ADUs and similar small housing options (i.e., tiny homes and modular homes) throughout the community. Based on housing trends to date, it is unlikely that the City will be able to accommodate its RHNA allocation for lower-income housing, which is 101 DUs, including 37 very-low income DUs and 64 low-income DUs, within existing residential neighborhoods based on the existing regulatory context. To meet the City's very-low and low-income RHNA need, the City has identified vacant residential parcels and non-vacant parcels currently zoned for non-residential uses. The non-residential parcels are located primarily within the North Commercial (NC), Professional Commercial (PC), and Community Commercial (CC) zones, and on the 22<sup>nd</sup> District Agricultural Association (22<sup>nd</sup> DAA) State-owned Fairgrounds. Planning and zoning amendments for the PC zone are currently underway as part of a 5<sup>th</sup> Cycle Housing Element implementation program to facilitate the development of affordable housing in this commercial zone.

The HEU, in addition to narrowing down from the list of candidate sites to a list of "adequate sites" that will accommodate the RHNA allocation (163 DUs) and the 5<sup>th</sup> Cycle estimated carryover units (46 DUs), will contain a list of HEU action programs, which is a collection of action-oriented strategies that are intended to increase available housing capacity. Therefore, to comply with State law, the City has identified various action program strategies to accommodate the lower-income RHNA units, including amendments to existing land use designations and zoning and identification of vacant, residentially-zoned parcels in an inventory of candidate housing sites. Some of the action programs will occur on sites that are identified in the PEIR as candidate housing sites. The City's list of potential HEU action programs are summarized as:

- PRIORITY: Complete Processing of Amendments to North Commercial (NC) Zone – 5<sup>th</sup> Cycle Program 2-E (carryover program)
- PRIORITY: Complete Processing of Amendments to Professional Commercial (PC) Zone – 5<sup>th</sup> Cycle Program 2-F (already in process)
- PRIORITY: Process Amendments to the Central Commercial (CC) Zone

- PRIORITY: Extend and enhance the City’s Existing Accessory Dwelling Unit (ADU) Incentive Pilot Program and Consider Whether to Offer Additional Incentives (i.e., ADU concierge program; and permit-ready program that is already in process)
- PRIORITY: Pursue a Tiered Program of Actions that Would Involve Securing Partnership Agreements, Developer Participation Agreements, and Execution of Development Agreements to Develop Housing at the 22<sup>nd</sup> DAA State-owned Fairgrounds
- PRIORITY: Establish an ADU Amnesty Program
- PRIORITY: Establish a Streamlining/Incentive Program Available to Projects Proposing Affordable Units
- Update and Promote the City’s Density Bonus Ordinance to Comply with State Law
- Explore Whether to Create an Affordable Housing Overlay Zone
- Explore Whether to Establish a Residential Opportunity Infill Program
- Rezone Program to Produce Affordable Units on Vacant Land

The City’s list of potential action programs includes vacant sites on the North Bluff and South Stratford because they are required to be considered with the HEU due to existing regulatory impediments. Per Assembly Bill (AB) 1397, sites must be vacant, must meet the minimum size requirements (between 0.5 acre and 10 acres in size), and must be able to be served by utilities. Sites designated to meet the very-low and low-income need must allow development at the assigned default density, which for the City is 20 DU/AC.<sup>2</sup> The City does not currently have any zones that can accommodate this density. Currently, the City’s highest densities are in the Medium Density Single-Mixed Residential-East and West zones (RM-East and RM-West) at 17.6 DU/AC. The associated candidate housing sites identified above pursuant to AB 1397 are located in the Very Low-Density Residential zone (R1-40) and Modified Low-Density Residential zone (R1-14).

To comply with AB 1397, the City must specify the number of units that can realistically be accommodated on each candidate housing site; and identify whether the site is adequate to accommodate lower-income housing in accordance with existing regulations or if future implementation actions are needed. Recognizing that not all candidate housing sites will ultimately be included in the HEU, the 103 candidate housing sites in the PEIR account for a 30 percent buffer (49 DUs), which is intended to serve as a sites contingency that may be considered after HEU certification to address future “no net loss,” if it becomes necessary to identify a replacement site during the 6<sup>th</sup> Cycle (2021-2029). See discussion of AB 1233 below for additional details.

AB 1233 states that if a jurisdiction fails to provide adequate sites in the prior planning period, which in the City’s case is the 5<sup>th</sup> Cycle covering 2013-2021, the jurisdiction must also include HEU action programs (i.e., zone code amendments or rezones) to accommodate the shortfall within one year of the new cycle’s commencement. The City’s no net loss housing obligation per AB 1233 is referred to as the 5<sup>th</sup> Cycle “carryover” housing program, which is required to be addressed in addition to the 6<sup>th</sup> Cycle RHNA. The City’s estimated “carryover” is 46 DUs from the 5<sup>th</sup> Cycle Housing Element.

The City’s RHNA allocation for the 6<sup>th</sup> Cycle HEU and estimated carryover from the 5<sup>th</sup> Cycle is 209 DUs. In addition, for the purpose of the analysis in this PEIR, the City planned for additional units as a buffer

<sup>2</sup> Note this is per acre and not per parcel. One acre equals 43,560 square feet.

and planned contingency if necessary to address Senate Bill (SB) 330 and SB 166 requirements of the “no net loss” provisions if it becomes necessary to identify a replacement site during the HEU. The City has factored in a 30 percent buffer into this PEIR’s candidate housing sites analysis, which means that an additional 49 DUs (30 percent of the 163 RHNA units) have been considered in the sites inventory. Therefore, the candidate housing sites analysis in this PEIR considered a total of 258 units (163 RHNA units + estimated 46-unit carryover from the 5<sup>th</sup> Cycle Housing Element + 49-unit buffer), but the Final HEU will only incorporate capacity no higher than 209 DUs needed for RHNA and the 5<sup>th</sup> Cycle carryover.

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

## **2.2 Discretionary Actions**

The HEU would need to be adopted by the Del Mar City Council as it constitutes an amendment to the City’s Community (General) Plan. On September 15, 2020, the City’s Planning Commission provided a unanimous recommendation on the proposed 6<sup>th</sup> Cycle HEU and Community Plan Amendment.

## **2.3 Statement of Objectives**

The HEU has the following goals:

**OVERALL GOAL:** Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

- **Goal #1:** Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community.
- **Goal #2:** Prioritize Production of Accessory Dwelling Units (ADUs).
- **Goal #3:** Vigorously Pursue Housing Opportunities on 22nd District Agricultural Association Property (Del Mar Fairgrounds).
- **Goal #4:** Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs.
- **Goal #5:** Improve and Preserve the Community’s Existing Housing Stock.
- **Goal #6:** Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.
- **Goal #7:** Promote Housing Resources and Assistance Opportunities.

### 3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On February 19, 2020, a Notice of Preparation (NOP) was distributed by the City of Del Mar for the Project. The State of California Clearinghouse issued a project number for the project, SCH # 2020029064.

In accordance with CEQA Guidelines Section 15082, the NOP was circulated to interested agencies, groups, and individuals for a period of 30 days, during which comments were solicited and received, pertaining to environmental issues/topics that the Draft PEIR should evaluate. These NOP responses were considered in the preparation of the Draft PEIR, which upon release, was made available to all Responsible/Trustee Agencies and interested groups and individuals, as required under CEQA Guidelines Sections 15105 and 15087.

The State-mandated public review of the Draft PEIR began on July 2, 2020 and concluded August 31, 2020 (60 days). The Final PEIR includes a Response to Comments package, which presents all written comments received during the public review period of the Draft PEIR and includes responses to these comments and associated changes made to the PEIR.

The PEIR includes any exhibits or appendices thereto, the list of persons, organizations and public agencies which commented on the PEIR, the comments which were received by the City regarding the PEIR, and the City's written responses to significant environmental comments raised in the public review and comment process, all of which are incorporated herein and made a part hereof by reference. Pursuant to State CEQA Guidelines Section 15084, the PEIR has been reviewed and analyzed by the City of Del Mar as the lead agency with respect to the HEU and the PEIR. The following findings for the HEU and each fact in support of a finding are thus based upon substantial evidence in the record.

### 4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS DETERMINED TO HAVE NO IMPACTS OR BE LESS THAN SIGNIFICANT

The City finds, based upon the analysis presented in Section 4.0 of the Draft PEIR, dated July 2020, as amended by the Final PEIR, dated September 2020, that the following environmental effects of the project either have no impact or are less than significant, and, therefore, no mitigation measures are required. The City hereby finds that existing regulatory requirements, policies, and/or project conditions have been identified and incorporated into the project which avoid or substantially lessen the potentially significant effect on the environment to a less than significant level.

#### 4.1 Aesthetics

**4.1.1 Impact AES-1: Less Than Significant Impact.** The HEU's candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse impacts to the environment. Additionally, future housing developments facilitated by the HEU would be required to adhere to all State and local requirements for avoiding violation of standards during construction and operations. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not significantly affect scenic vistas. Potential aesthetic impacts to scenic views are considered less than significant. Consequently, no mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.1-14 through 4.1-16.

**4.1.2 Impact AES-2: No Impact.** There are no scenic highways in the HEU area. Additionally, any future housing development facilitated by the HEU would be required to be evaluated for potential impacts to historic resources and adhere to all State, and local requirements for avoiding violation of standards during construction and operations. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not affect scenic resources. Potential aesthetic impacts to scenic resources are considered less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.1-16 through 4.1-17.

**4.1.3 Impact AES-3: Less Than Significant Impact.** All future housing development on the candidate housing sites in the City would be reviewed to confirm compliance with all applicable requirements to protect and enhance the City’s visual character and public views, including the City’s Community Plan, Local Coastal Program (LCP), Municipal Code, and Design Review process including compatibility with surrounding land uses. Appropriate landscaping, setbacks, height, building articulation, and other design features would be required. Future housing developments facilitated by the HEU would also be required to adhere to all State and local requirements for avoiding impacts to visual character and public views standards. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

Existing City policies would minimize aesthetic impacts. The City hereby finds that the HEU would not significantly affect the visual character of the Candidate Sites and other sites in the City. Potential visual character impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.1-17 through 4.1-18.

**4.1.4 Impact AES-4: Less Than Significant Impact.** Future housing development facilitated by the HEU would be required to comply with all applicable requirements related to light and glare, including those that require that outdoor lighting be directed downward and shielded away from surrounding properties and public rights-of-way. Lighting associated with future housing development on the candidate housing sites would also be required to be consistent with other development within the City to maintain a consistent visual character throughout the City. To minimize glare, future project applicants may be required to install glass with low reflectivity. To minimize glare associated with rooftop solar panels, panels could be installed flat, treated with anti-reflective coatings, and manufactured from modern glass technology. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the existing City and State regulations would reduce light and glare impacts. Potential light and glare impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.1-18 through 4.1-19.

## 4.2 Agriculture and Forestry

**4.2.1 Impact AG-1: No Impact.** There are no properties within or near the candidate housing sites designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Consequently, any future housing development on the candidate housing sites in accordance with the HEU would not impact agricultural resources by conversion to a non-agricultural usage. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.2-5 through 4.2-6.

**4.2.2 Impact AG-2: No Impact.** According to the California Department of Conservation (DOC) and San Diego County (County), the HEU Program area, including the Fairgrounds, contains no designated agricultural preserves, and therefore, no lands under a Williamson Act contract. While there are no existing agricultural uses on the Fairgrounds, such as row crops or livestock husbandry, the Fairgrounds does promote agriculture through exhibits and demonstrations. However, none of these activities involve any permanent agricultural uses. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. Consequently, no mitigation measures are required since no impact would occur.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.2-6.

**4.2.3 Impact AG-3: No Impact.** None of the candidate housing sites, including the Fairgrounds, are designated or zoned for forestry uses, nor are they adjacent to any zoning for forest land or timberland. Future housing development facilitated by the HEU would allow for residential development on vacant and developed sites that are zoned for residential development and sites zoned for non-residential development that would be amended through prospective discretionary actions to allow future residential development. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.2-6.

**4.2.4 Impact AG-4: No Impact.** The HEU candidate housing sites, including the Fairgrounds, are all located within a developed area that is designated primarily for residential uses. Because there is no

designated forest property within the City or at the State-owned Fairgrounds, future housing development facilitated by the HEU would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural or forestry uses would result in no impact. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.2-6 through 4.2-7.

**4.2.5 Impact AG-5: No Impact.** The candidate housing sites are designated as Urban and Built-Up Lands or Other Land by the DOC. No farmlands or forest land exists within the City. Future housing development facilitated by the HEU would occur only on properties designated and zoned for residential use. No impact would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural or forestry uses would result in no impact. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.2-7.

## 4.3 Air Quality

**4.3.1 Impact AQ-1: Less Than Significant.** The population increase within the City from development of the HEU candidate housing sites would be modest compared to the City’s overall population and the County and would be less than assumed and evaluated in the Community Plan. This increased density supports the San Diego Air Pollution Control District’s (SDAPCD’s) strategies for encouraging increased development diversity by increasing residential units in the commercial and residential land uses zones. The City’s goal is to gain certification of the HEU; therefore, it must comply with applicable housing laws and policies imposed at the Federal, State, regional, and local levels. As a result, it is unlikely that future housing development facilitated by the HEU would interfere with SDAPCD goals for improving air quality in the San Diego Air Basin (SDAB) or conflict with or obstruct implementation of applicable air quality plans. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds, and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.3-19 through 4.3-21.

**4.3.2 Impact AQ-2: Less than Significant Impact.** The HEU does not propose any development. Future housing development facilitated by the HEU would be subject to discretionary permits and would

occur as market conditions allow and at the discretion of the individual property owners. In analyzing cumulative impacts for future housing development facilitated by the HEU, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Any future development on candidate housing sites would require further evaluation under this criterion to demonstrate that both daily construction emissions and operations would not exceed SDAPCD's significance thresholds for any criteria air pollutant. Any future development on candidate housing sites would also be required to adhere to all Federal, State, and local requirements for minimizing construction and operational pollutant emissions. Considering these requirements, future development on candidate housing sites facilitated by the HEU would not result in a cumulatively considerable net increase of any criteria pollutant for which the SDAB is in nonattainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.3-21 through 4.3-23.

**4.3.3 Impact AQ-3: Less than Significant Impact.** Future development on candidate housing sites would be required to adhere to all Federal, State, and local requirements for minimizing construction and operational pollutant emissions, including SDAPCD's Rule 50 related to the discharge of any single source emissions; Rule 51 related to nuisance discharges of air contaminants; Rule 55 related to fugitive dust emissions; Rule 67.0.01 related to architectural coatings; and the Community Plan, which includes policies related to improving air quality within the City. Considering these requirements, future development on candidate housing sites would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.3-22 through 4.3-25.

**4.3.4 Impact AQ-4: Less than Significant Impact.** Odors produced during construction would be temporary and generally would occur at magnitudes that would not affect substantial numbers of people. Future development on candidate housing sites facilitated by the HEU would result in new housing and would not result in the creation of a land use that is commonly associated with odors. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not result in emissions that would exceed acceptable quantities or thresholds. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.3-25.

## 4.4 Energy

**4.4.1 Impact E-1: Less than Significant Impact.** There are no known conditions within any of the candidate housing sites that would require nonstandard equipment or construction practices that would be less energy-efficient than at comparable construction sites in the region or the state. During construction, some incidental energy conservation would occur through compliance with State requirements for construction. The HEU’s facilitation of opportunities for access to alternative transportation modes would help reduce vehicle trips and automobile reliance, thereby reducing the transportation energy demand associated with the HEU. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that implementation of the HEU would not result in energy usage that would exceed acceptable quantities or thresholds within the City or region. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.6-12 through 4.6-18.

**4.4.2 Impact E-2: Less than Significant Impact.** Future housing development facilitated by the HEU would also be required to comply with the policies included in the City’s Community Plan and Climate Action Plan aimed at reducing energy consumption. Future housing development facilitated by the HEU would also be required to obtain permits and comply with Federal, State, and local regulations aimed at reducing energy consumption, including the City’s recently adopted Vehicular Miles Traveled (VMT) thresholds. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that implementation of the HEU would not result in energy usage that would exceed acceptable quantities or thresholds within the City or region. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.6-18 through 4.6-19.

## 4.5 Geology and Soils

**4.5.1 Impact GEO-1: Less Than Significant Impact.** In general, all future housing development facilitated by the HEU must demonstrate conformance with seismic design guidelines and requirements contained in the City’s Uniform Codes for Construction Building and requirements would be confirmed through the design review and building plan review processes. Future housing developments facilitated by the HEU would be subject to permit approval and required to adhere to all Federal, State, and local requirements for avoiding and minimizing seismic-related impacts (i.e., strong seismic shaking or ground failure including liquefaction and

landslides), including the City's Uniform Codes for Construction Building Code. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of existing California Building Code requirements along with the City's Uniform Codes for Construction Building Code, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.7-22 through 4.7-24.

**4.5.2 Impact GEO-2: Less Than Significant Impact.** Future housing development facilitated by the HEU would be subject to permits and required to adhere to all Federal, State, and local requirements for avoiding and minimizing impacts concerning soil erosion or loss of topsoil, including Grading Plans and Soils Engineering Reports. Short-term construction-related erosion would be addressed through compliance with the National Pollutant Discharge Elimination System (NPDES) program, which requires implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) intended to reduce soil erosion. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City's Uniform Codes for Construction Building and NPDES, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.7-24.

**4.5.3 Impact GEO-3: Less Than Significant Impact.** The City protects the sandstone bluffs through various policies and regulations, including those within the Community Plan, LCP, and DMMC. The City also has policies and regulations in place to protect the public health, safety, and general welfare; preserve scenic sandstone bluffs, related canyons, steep slopes, and their downstream resources; and to ensure that proposed development is located a sufficient distance from the bluff edge (top of the slope) and from the bluff toe (bottom of the slope) for protected sandstone bluffs, including coastal bluffs. Future housing developments facilitated by the HEU would be subject to permits and required to adhere to all Federal, State, and local requirements for avoiding and minimizing impacts caused by unstable geological units or soils, including coastal bluffs. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City's Uniform Codes for Construction Building Code and policies regarding slopes, bluffs, and canyons, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.7-24 through 4.7-25.

**4.5.4 Impact GEO-4: Less Than Significant Impact.** Future housing development would be subject to permits and required to adhere to all Federal, State, and local requirements, including the City's Uniform Codes for Construction Building Code, and the City's Grading Ordinance, which would require

a Grading Plan and Soils Engineering Report before issuance of grading permits. The Soils Engineering Report would confirm site-specific soil composition and assign an EI rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City’s Uniform Codes for Construction Building Code, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.7-25.

**4.5.5 Impact GEO-5: No Impact.** All future housing development facilitated by the HEU would be in areas served by the City’s sanitary sewer system and would therefore not use septic tanks or other alternative wastewater disposal systems.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that because sanitary services would be presently available in all candidate areas affected by the HEU, no impact would occur. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.7-26.

## 4.6 Greenhouse Gas Emissions

**4.6.1 Impact GHG-1: Less Than Significant.** Future housing development would be subject to permits and required to meet the mandatory energy requirements of the California Green Building Standards Code (CALGreen) and the Energy Code (Title 24, Part 6 of the California Code of Regulations) in effect at the time of development. The City requires new development that is not screened out to include mitigation to demonstrate that Project VMT would be at least 15 percent below the citywide baseline VMT. Mitigation options include transportation demand management strategies consistent with the City’s Community Plan and LCP including mitigation commitments to improve, complete, and enhance the City’s planned walkway and bikeway networks and implement the City’s Climate Action Plan. Less VMT results in less Greenhouse Gases (GHGs). Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant greenhouse gas impacts. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.8-13 through 4.8-15

**4.6.2 Impact GHG-2: Less Than Significant.** The HEU, and future development facilitated by the HEU, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Measures outlined within the Climate Action Plan would not be directly applicable development on candidate housing sites because they are intended to

be implemented by the City. As a result, future housing development facilitated by the HEU would not conflict with the City's Climate Action Plan. Future development facilitated by the HEU would be consistent with San Diego Association of Governments' (SANDAG's) Regional Plan. This is because the proposed HEU is consistent with strategies included in the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) including: focusing housing and job growth in areas that are already developed; accommodating the City's fair share to avoid pushing new development into the undeveloped eastern portions of the County maintaining designated open space within the City; creating great places for everyone to live, work, and play; supporting energy programs that promote sustainability; and addressing the housing needs of all economic segments of the population. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant greenhouse gas impacts. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.8-15 through 4.8-17

## 4.7 Hazards and Hazardous Materials

**4.7.1 Impact HAZ-3: Less than Significant Impact.** Any future housing development facilitated by the HEU would need to adhere to mandatory requirements and regulations related to the emissions or handling of hazardous materials, substances, or wastes near schools to reduce the potential for impacts to schools. Adherence to California Hazardous Waste Control Law, California Health and Safety Code, and Resource Conservation and Recovery Act (RCRA) regulations would reduce potential impacts associated with the accidental release of hazardous materials. As a result, future housing development facilitated by the HEU would not conflict with any State or local plan aimed at preventing emissions or handling of hazardous materials near schools. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.9-16

**4.7.2 Impact HAZ-5: No Impact.** The City is not within two miles of an airport. The closest airports to the City are McClellan-Palomar Airport (approximately 13 miles north of the City) and the Marine Corps Air Station Miramar (approximately 7 miles south of the City). The City is not located within the airport influence areas of the McClellan-Palomar Airport or the Marine Corps Air Station (MCAS) Miramar Airport and is not subject to noise, safety, or aircraft overflight impacts from operations at these airports. No impacts would occur.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.9-17

**4.7.3 Impact HAZ-6: Less than Significant Impact.** Given the scope and location of the future housing development facilitated by the HEU, the HEU is not anticipated to impair implementation of, or physically conflict with, the County’s Multi-Jurisdictional Hazard Mitigation Plan (MHMP) specific hazard mitigation goals, objectives, and related potential actions within the City. As a result, future housing development facilitated by the HEU would not conflict with any State, County, or local plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans. Given the size and area available at the Fairgrounds for evacuations, and availability of other large animal evacuation locations in the County, as coordinated by the County’s Office of Emergency Services (OES), the Red Cross, San Diego Humane Society and Animal Control, the HEU is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.9-18.

**4.7.4 Impact HAZ-7: No Impact.** Future housing development facilitated by the HEU would not directly or indirectly expose people or structures to a risk of loss, injury or death involving wildland fires. The candidate housing sites are located primarily in developed locations and not adjacent to any wildland areas. Where candidate sites are located on vacant land (i.e., within the North Bluff and South Stratford focus areas atop coastal bluffs along the City’s shoreline), these areas were included in the PEIR analysis to meet required State mandates for inclusion of vacant land of a certain size or to accommodate 5<sup>th</sup> Cycle Housing Element carryover programs. These candidate housing site locations are not adjacent to any wildland areas. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.9-18.

## **4.8 Hydrology and Water Quality**

**4.8.1 Impact HWQ-1: Less Than Significant Impact.** Future housing development facilitated by the HEU would be subject to discretionary permits and compliance with all current stormwater quality

standards and codes, including low-impact development and pollutant control best management practices (BMPs) in accordance with the City's adopted BMP Design Manual and compliance with the City's Stormwater Management and Discharge Control Ordinance. Future housing development facilitated by the HEU would also be required to comply with Federal Emergency Management Agency (FEMA) flood management regulations and requirements of the Clean Water Act (including NPDES), California's Porter Cologne Water Quality Control Act, the Water Quality Control Plan for the San Diego Basin, and City regulations. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the water quality effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.10-29 through 4.10-30.

**4.8.2 Impact HWQ-2: Less Than Significant Impact.** Future housing development facilitated by the HEU would be required to incorporate features that would reduce impervious area, as feasible, and promote water infiltration. Treatment control and hydromodification management facilities would promote retention and infiltration of stormwater. Redevelopment of developed sites requires compliance with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. Future housing development facilitated by the HEU would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the hydrology effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.10-30 through 4.10-31.

**4.8.3 Impact HWQ-3: Less Than Significant Impact.** Stormwater runoff from future housing development facilitated by the HEU would be collected within the existing stormwater conveyance system and runoff would ultimately be discharged into the Pacific Ocean. Stormwater drainage and system modifications and improvements associated future housing development facilitated by the HEU would be required to comply with all applicable regulations, including discharge rate controls, and be designed for a 100-year storm event. Future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the City's Stormwater Management and Discharge Control Ordinance. Impact would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.10-31 through 4.10-32.

**4.8.4 Impact HWQ-4: Less Than Significant Impact.** Any proposed development within the Floodway Overlay Zone would be required to comply with Floodplain Overlay Zone regulations, which ensures that new development is appropriately sited and constructed so as to avoid hazards to those who would occupy the development and to avoid damage or hazards to the surrounding area. The potential for seiche-related hazards impacting candidate housing sites is considered low because they are not near an enclosed or semi-enclosed body of water, including Lake Hodges, which is approximately ten miles northeast of the HEU area. Most candidate housing sites are located in low flood risk areas and are not expected to be impacted by projected lower levels of sea-level rise. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.10-32 through 4.10-33.

**4.8.5 Impact HWQ-4: Less Than Significant Impact.** Future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for avoiding and minimizing construction and operations impacts to prevent conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan, including the Basin Plan and the City’s Jurisdictional Runoff Management Plan (JRMP). Further, future housing development facilitated by the HEU would not prevent the City’s Clean Water Program from ensuring that Municipal Separate Storm Sewer System (MS4) Permit and Basin Plan requirements are met. As a result, future housing development facilitated by the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.10-33 through 4.10-34.

## **4.9 Land Use and Planning**

**4.9.1 Impact LU-1: Less Than Significant Impact.** Future housing development would occur in developed areas and in areas currently zoned for residential use; therefore, an increase in housing capacity

would be a consistent land use that would not physically divide the community. No change in development standards other than density is anticipated at this time. Based on existing City development standards and regulations, future housing development in commercial zones where facilitated by the HEU would not be of sufficient size or scale to divide the established community. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would be compatible with surrounding uses and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.11-18.

**4.9.2 Impact LU-2: Less than Significant Impact.** Future housing development facilitated by the HEU would be subject to discretionary permits and would need to comply with applicable Federal, State, and local laws and local policies and regulations consistent with the procedures applicable to new development.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the project is consistent with General Plan policies and other Federal, State, and local land use policies. Therefore, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.11-18 through 4.11-24.

## 4.10 Mineral Resources

**4.10.1 Impact MIN-1: Less than Significant Impact.** The City and surrounding area were investigated for potential mineral resources and the majority of the City is shown as Mineral Resource Zone-3 (MRZ-3), meaning that the value of the mineral resource deposits could not be evaluated. The remainder of the City from Via De Valle to Racetrack View Drive is classified as MRZ-1, meaning that no mineral resource deposits are present in that area. This portion includes the Del Mar Fairgrounds (Site 2). The potential of candidate housing sites within MRZ-3 regions to contain valuable mineral deposits is presently unknowable. The City is a built-up area and the majority of candidate housing sites are on sites less than two acres. Sites of this size are not feasible to mine. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the project does not include land that could otherwise pose value due to mineral resources. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.12-3.

**4.10.2 Impact MIN-2: Less than Significant Impact.** The City Community Plan does not address mineral resources. As noted in the evaluation of Issue MIN-1, the Del Mar Fairgrounds are classified as MRZ-1. Because the majority of the other candidate housing sites are less than two acres, sites of this size are not feasible to mine. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the project does not include land that could otherwise pose value due to mineral resources. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.12-3.

## 4.11 Noise and Vibration

**4.11.1 Impact NOI-3: Less Than Significant Impact.** None of the candidate housing sites are exposed to excessive noise from airports. There are no State-regulated “airport influence areas” related to airport-noise, airport-hazards, or aircraft overflight within the City.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not airport land use and noise thresholds and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.13-18 through 4.13-19.

## 4.12 Population and Housing

**4.12.1 Impact POP-1: Less Than Significant Impact.** The forecast population growth resulting from future housing development facilitated by the HEU is approximately ten percent over the City’s existing population. Including the forecast population growth resulting from future housing development facilitated by the HEU, the City’s population would be below the Community Plan’s forecast buildout population. Additionally, the City’s forecast population including future housing development facilitated by the HEU would be only slightly greater than SANDAG’s forecast population by 2035. Additionally, the future housing development facilitated by the HEU is intended to be dispersed throughout the community to create managed levels of growth in specific areas. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not create unplanned population growth and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.14-16 through 4.14-18.

**4.12.2 Impact POP-2: Less Than Significant Impact.** The California Relocation Assistance Act would assist any residents who would be displaced including assistance finding housing, moving cost assistance, and additional payments for certain other costs incurred which would minimize potential impacts from displacement. To minimize the potential for future housing displacement, the PEIR analyzed the potential for future housing development at a greater number of candidate sites than required by State law, in order to account for a 30 percent buffer. City compliance with SB 166 would also help to minimize the potential for future housing displacement. SB 166 prohibits a city or county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density below what was utilized by the HCD in determining compliance with the Housing Element

law, unless the City or county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the Housing Element. The inventory of candidate housing sites would be sufficient to accommodate the City's RHNA allocation, and all HEU actions would occur such that there is no net loss of residential unit capacity. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not lead to a great or substantial displacement of the City's residents and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.14-18 through page 4.14-19.

## 4.13 Public Services

**4.13.1 Impact PUB-1: Less Than Significant.** Any future housing development facilitated by the HEU would occur in urbanized locations near existing infrastructure (e.g., roads and utilities) and would be served by fire and other emergency responders currently providing service to these areas. Future housing development under the HEU would not create a need to expand their facility or staff. Additionally, given the City's buildout nature, future housing development under the HEU is not anticipated to create a need to expand fire protection facilities. The student population growth from future housing development facilitated by the HEU is anticipated to incrementally increase the demand for school facilities/services, therefore, any future housing development facilitated by the HEU would be subject to payment of school impact fees. It is also anticipated that the increased demand would not be substantial or such that it would warrant construction of a new library facility.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded fire or police protection facilities, school facilities, or library facilities would be needed. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.15-9 through 4.15-10.

## 4.14 Recreation

**4.14.1 Impact REC-1: Less Than Significant Impact.** Sufficient excess park and recreation land exists to meet the forecast demand that would be generated by future housing development facilitated by the HEU, which would also avoid the overuse of existing recreational facilities such that substantial physical deterioration would occur or be accelerated. With HEU implementation, which would facilitate development of 209 DUs, approximately 329 acres of excess park and recreation land would remain available in the City for future planning purposes. Any future housing development that involves the subdivision of land would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants pursuant to DMMC §24.25 (Subdivision Map Dedications for Parks and Recreation). Any fees contributed would be required to be used for either acquiring land or developing new or rehabilitating existing park and recreational facilities. Additionally, the HEU's candidate housing sites

are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and reduce the potential for adverse impacts on recreation amenities. Adherence to mandatory discretionary permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. For these reasons, the HEU and future housing development facilitated by the HEU would not result in substantial physical deterioration of existing neighborhood or regional parks. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded recreational facilities would be needed. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.16-10 through 4.16-11.

**4.14.2 Impacts REC-2 and REC-3: Less than Significant Impact.** Because the City's existing park and recreation land supply exceeds demand by approximately 336 acres (by 335.11 acres, if future housing development facilitated by the HEU occurs on Court Park), sufficient excess park and recreation land exists to meet the increased demand that may be generated by future housing development facilitated by the HEU. Therefore, the HEU would not result in an adverse physical effect on the environment concerning construction or expansion of recreational facilities. All future housing development facilitated by the HEU that involves the subdivision of land would be required to meet Community Plan Objective 7 requirements for providing open space and DMMC §24.25 (Subdivision Map Dedications for Parks and Recreation) requiring the dedication of land or payment of in lieu fees for park or recreation purposes for any proposed subdivisions. Adherence to mandatory discretionary permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded recreational facilities would be needed. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.16-11 through 4.16-12.

## **4.15 Transportation and Traffic**

**4.15.1 Impact TRAN-1: Less Than Significant.** Future housing development on the candidate housing sites facilitated by the HEU would be subject to discretionary permits and would be required to comply with all applicable City policies and requirements in the City's Community Plan, certified LCP, and DMMC. This includes policies and regulations required to maintain and enhance views and community character, improve public access and safety for people who walk and bike, and improve the transportation system, as applicable. Further, future housing development on the candidate housing sites would be required to adhere to all state requirements for consistency with transportation plans and Caltrans requirements. As a result, future housing development on the candidate housing sites facilitated by the HEU would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant impacts existing regional and local transportation plans and policies. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.17-16 and 4.11-17.

**4.15.2 Impact TRAN-2: Less Than Significant.** Candidate housing sites include properties that are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and aesthetics and reduce the potential for adverse impacts to the environment. As no development is proposed as part of the HEU, it cannot be definitively determined if any future housing development on the candidate housing sites facilitated by the HEU would cause a less than significant impact per the City’s adopted screening criteria or whether the future housing development on the candidate housing sites would generate a potentially significant level of VMT. Future housing development on the candidate housing sites facilitated by the HEU would be required to adhere to all state and local requirements for avoiding significant impacts related to VMT. Any transportation demand management (TDM) measures required for mitigation would be required to comply with the policies of the City’s Community Plan, LCP, CEQA Guidelines for Transportation Impact Analysis, and Complete Streets Policy to improve, complete, and enhance the City’s transit, walkway, and bikeway networks and facilitate use of these systems, as applicable. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that potential VMT impacts would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.17-17 through 4.17-18.

**4.15.3 Impact TRAN-3: Less Than Significant.** Future housing development on the candidate housing sites facilitated by the HEU would primarily use existing roadways that are connected and adjacent to candidate housing sites. Future housing development on the candidate housing sites with the potential to substantially increase transportation-related hazards would be subject to discretionary permits and CEQA evaluation. Future housing development on the candidate housing sites facilitated by the HEU would also be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all state and local requirements for avoiding construction and operations impacts related to design and incompatible uses. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that impacts due to roadway hazards would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.17-18 through 4.17-19.

**4.15.4 Impact TRAN-4: Less Than Significant Impact.** Future housing development on the candidate housing sites with the potential to impact emergency access would be subject to discretionary permits and CEQA evaluation. The potential for future housing development on the candidate housing sites to impact emergency access would be evaluated at the project-level when a development application is submitted. Future housing development on the candidate housing sites facilitated by the HEU would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all state and local requirements for safe access, including emergency access. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that impacts to emergency accessways would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.17-19 through 4.17-20.

## 4.16 Utilities and Service Systems

**4.16.1 Impact UTL-1: Less Than Significant Impact.** Future housing developments would be expected to connect to the City's domestic water supply system in adjacent areas and would provide infrastructure/pipelines that are adequately sized to accommodate its demands. Future housing developments would be expected to connect to existing wastewater infrastructure in adjacent areas. Future housing development would also not require construction of new storm water treatment and conveyance facilities, including on-site storm drains and water quality biofiltration basins. Any construction and operation effects to utilities and service systems from future housing development in accordance with the HEU would be subject to compliance with all Federal, State, and local requirements for minimizing construction and operational impacts to utilities, including water and wastewater system capacities, solid waste reduction goals, and supplies of electric power, natural gas, and telecommunications. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that impacts associated with the development or improvement of utility infrastructure would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.19-13 and 4.19-15.

**4.16.2 Impact UTL-2: Less Than Significant Impact.** Based on the County Water Authority's (SDCWA's) regional Urban Water Management Plan (UWMP) provides estimates of the water supply and water demand during historic year, normal year, dry-year, and member agency demand projected to year 2040. The UWMP that sufficient water supplies would be available to serve the future housing development accommodated through the HUE. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing water supplies and projected water supplies would be sufficient to serve the HEU. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.19-15 and 4.19-16.

**4.16.3 Impact UTL-3: Less Than Significant.** The City collection system conveys an annual average flow with excess capacity. Therefore, the City has adequate capacity to serve the project’s estimated demand for wastewater treatment, in addition to its existing commitments. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that impacts associated with an increase in solid waste would be less than significant. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.19-16.

**4.16.4 Impact UTL-4: Less Than Significant Impact.** Miramar Landfill in the City of San Diego is permitted to receive 8,000 tons per day; the HEU represents approximately 0.00001 percent of its capacity. In addition, the City is also required to monitor activities to identify those sending their organic material to the landfill and direct them towards proper organics diversion options pursuant to AB 1826. Implementation of the Zero Waste Plan with improved compaction method increases the remaining capacity of the landfill by 45 percent, while the Zero Waste Plan would result in less trash going into the landfill. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that landfills and haulers would be in compliance with applicable laws. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.19-16.

**4.16.5 Impact UTL-5: Less Than Significant Impact.** Future housing development facilitated by the HEU Program would be required to adhere to all Federal, State, and local management and reduction statutes related to solid waste, including the City’s Municipal Code and the City’s Climate Action Plan. Considering these requirements, the HEU Program would comply with Federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements would avoid or substantially lessen the effect on the environment to below a level of significance. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.19-18.

## **4.17 Wildfires**

**4.17.1 Impact WF-1: Less Than Significant Impact.** Future development facilitated by the HEU would not impair or physically interfere with an adopted emergency response or evacuation plan. The City and County Emergency Operations Plans guide the integration and coordination within other

governmental agencies that are required during an emergency to serve the existing and future public safety needs in the City. The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of Federal, State, regional, and city entities. Impacts would be less than significant.

**Finding** – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly affect existing emergency response or evacuation plans. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.20-9 through 4.20-11.

**4.17.2 Impact WF-2: Less Than Significant Impact.** Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for Wildland-Urban Interface Fire Areas (WUI), would require applicants to prepare a fire protection plan for any candidate sites located in the Very High Fire Hazard Severity Zones (VHFHSZs) or WUI. Adherence to state and local fire codes and the City Design Review process, are intended to reduce risks in conjunction with future development related to wildland fire. Project implementation also would not conflict with any state or local plan aimed at reducing impacts to wildlife from wildfires. As a result, HEU implementation would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

**Finding** – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly expose residents to increased wildfire risks or increased pollution concentrations. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.20-11 through 4.20-12.

**4.17.3 Impact WF-3: Less Than Significant Impact.** It is anticipated that future housing development facilitated by the HEU would be served by the extension of existing utility infrastructure located primarily in existing rights-of-way, because of the predominately developed nature of the City. Applicants would be required to offset wildfire exposure by complying with the wildfire protection building construction requirements contained in the 2019 California Building Codes, including the California Building Code, Chapter 7A, California Residential Code, §R327, and California Referenced Standards Code, Chapter 12-7A. Impacts would be less than significant.

**Finding** – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly affect infrastructure in a manner that would increase fire risk. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.20-12 through 4.20-13.

**4.17.4 Impact WF-4: Less Than Significant Impact.** Applicants for future housing development within the WUI would be required to submit a fire protection plan. Adherence to state and City codes, and

emergency and evacuation plans set by the City and the County of San Diego would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

**Finding** – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly expose residents to increased wildfire risks or increased pollution concentrations. No mitigation measures are required for this less than significant impact.

**Mitigation Measures** – No mitigation is required.

**Supportive Evidence** – Please refer to Draft PEIR page 4.20-13.

## 5.0 FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds, based upon the threshold criteria for significance presented in the Draft PEIR, that all potentially significant environmental effects of the HEU can be avoided or reduced to insignificance with feasible mitigation measures identified in the Draft PEIR and adopted by the City as conditions of project approval. No substantial evidence has been submitted to or identified by the City that indicates that the following impacts would, in fact, occur at levels that would necessitate a determination of significance.

CEQA Guidelines, Section 15126(b), requires a description of any significant environmental effects that cannot be avoided if the proposed project is implemented.

According to the environmental impact analysis presented in Section 4.0 of the Draft PEIR, no unavoidable significant adverse impacts would occur due to implementation of the proposed project. Therefore, any potential impacts associated with the HEU would be removed or reduced to a less than significant level due to project design features or proposed mitigation measures.

### 5.1 Biological Resources

**5.1.1 Impact BIO-1: Less Than Significant with Mitigation Applied.** Candidate housing sites 1-A, 1-C, 1-E, 1-F, 2-A, 2-F, 2-H, 9-A, 9-B, 16 through 20, and 102 either contain or are adjacent to undeveloped lands, and, therefore, could potentially support special status wildlife and plants. This is a thereby a potentially significant impact.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

**MM BIO-1.** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites 1-A, 1-C, 1-E, 1-F, 2-A through 2-F, 3, 4, 5, 9-A, 9-B, 16, 17, 18, 19, 20, 102, 104, 105 to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.4-17 through 4.4-19.

**5.1.2 Impact BIO-2: Less Than Significant with Mitigation Applied.** Sensitive vegetation communities which exist or have the potential to exist on undeveloped candidate housing sites include coastal sage scrub, southern maritime chaparral, grasslands and wetlands/riparian. Disturbance or removal of these vegetation communities if associated with future development on a site containing these resources could result in a significant impact.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

Please refer to mitigation measure MM BIO-1 above.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.4-19 through 4.4-20.

**5.1.3 Impact BIO-3: Less Than Significant with Mitigation Applied.** While the HEU does not specifically propose alteration of a known or potential jurisdictional wetland or other waters of the U.S. or State, it is possible that potential future housing development projects facilitated pursuant to the HEU could directly or indirectly impact jurisdictional waters or wetlands through activities such as vegetation removal and grading activities.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

**MM BIO-2.** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following mitigation framework:

Prior to issuance of a permit for grading or vegetation removal, future housing development of candidate housing sites 1-A, 1-C, 1-F, 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 3, 4, and 5 facilitated by the HEU, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site-specific biological resources survey. As required by DMMC 30.53 (Lagoon Overlay Zone), any potential jurisdictional waters identified on-site during the general biological resources survey, would require the preparation of a jurisdictional wetlands delineation of the housing site by the applicant and shall be conducted following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by Coastal Commission and the RWQCB.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.4-20 through 4.4-21.

**5.1.4 Impact BIO-4: Less Than Significant with Mitigation Applied.** Candidate housing sites 1-A, 1-C, 1-E, 1-F, 2-A, 2-F, 2-H, 9-A, 9-B, 16 through 20, and 102 either contain or are adjacent to undeveloped lands which could potentially support nesting birds. Several candidate housing sites, including sites 2-F, 16, and 17 are proximate to the San Dieguito River, which functions as a wildlife corridor from the San Dieguito River and Lagoon and associated connection to the Pacific Ocean.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measures is feasible and is made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Please refer to mitigation measure MM BIO-1 above.

**MM BIO-3.** Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or

adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**Supportive Evidence** – Please refer to Draft PEIR pages 4.4-21 through 4.4-22.

**5.1.5 Impact BIO-5: Less Than Significant with Mitigation Applied.** The City is not located within the boundary of the North or East planning areas, nor is the City located within the currently adopted South County Plan area. The City has initiated the creation of its own MSCP Subarea Plan; however, this plan has not been adopted by the City. In order to circumvent any potential impacts from future housing development, mitigation has been applied.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Please refer to mitigation measures MM BIO-1 and MM BIO-2 above.

## **5.2 Cultural Resources**

**5.2.1 Impact CUL-1: Potentially Significant Impact.** Any candidate housing site that is presently developed has the potential, however, to contain a historical structure(s) during implementation of the HEU. All candidate housing sites, except Sites 1-A through 1-E, 4, 9-A, 9-B, 10, 14, 16, 58, 59, 90, 92, and 93, are developed and therefore have the potential to contain a structure that would meet the criteria as a historical resource, as determined eligible by NRHP or the CRHR (50 years or greater) during HEU implementation.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

**MM CUL-1.** Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:

For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified

**Supportive Evidence** – Please refer to Draft PEIR pages 4.5-13 through 4.5-15.

**5.2.2 Impact CUL-2: Potentially Significant Direct.** Sites 9-B, 16, 17, 18, 20, 102, 104, and 105 appear to be either undeveloped or substantially underdeveloped. Additionally, a small portion of Site 2-F located within the center of the Fairgrounds is designated Riparian and Bottomland Habitat. Therefore, these areas have potential to contain archeological resources. Sites 2-A through 2-G are zoned Fairground-Racetrack. All of these sites have been previously disturbed. Site 2-H, which is located immediately east of the Fairgrounds in the City of San Diego is zoned as Open Space-Park and Commercial Visitor. As the history of this site is unknown, the site could have potential to contain archaeological resources.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

**MM CUL-2.** Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.5-15 through 4.5-17.

**5.2.3 Impact CUL-3: Potentially Significant Direct.** While the HEU does not specifically propose activities such as grading or construction, human remains could be uncovered during future grading activities. Thus, future construction of the candidate housing sites has the potential to disturb sacred human remains through grading, thereby resulting in a potentially significant impact.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

**MM CUL-3.** Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework:

In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.

**Supportive Evidence** – Please refer to Draft PEIR page 4.5-17.

## 5.3 Geology and Soils

**5.3.1 Impact GEO-6: Less Than Significant with Mitigation Applied.** The specific underlying geology is not known for any of the candidate housing sites at this level of programmatic analysis; however, the San Diego region has been designated a paleontological resource of high sensitivity. Therefore, there is a likelihood that earthwork activities associated with future housing development facilitated by the HEU would encounter a paleontological resource.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.7 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

**MM GEO-1. Paleontological Monitoring and Compliance Program.** For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall:

- a. Retain a Qualified Project Paleontologist. Prior to ground disturbing activities, the Applicant shall retain a qualified Project Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources.
- b. Paleontological Monitoring and Compliance Program. After design of the housing development has been finalized to determine the precise extent and location of ground disturbing activities, and prior to ground disturbing activities, the Project Paleontologist shall prepare a Paleontological Monitoring and Compliance Program to be implemented during the ground disturbing activities. The Program shall be prepared in accordance with the standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground disturbing activities, the Program shall be provided to the City of Del Mar.

Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full-time by a qualified paleontological monitor during initial ground disturbing activities.

The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist.

The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.

- c. Paleontological Worker Environmental Awareness Program (WEAP). Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend.
- d. Fossil Discovery. In the event of a fossil discovery by construction personnel, all work in the find's immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity, these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions:
  - i. Salvage of Fossils. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and

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

**Supportive Evidence** – Please refer to Draft PEIR pages 4.7-26 through 4.7-28.

## 5.4 Hazards and Hazardous Materials

**5.4.1 Impacts HAZ-1 and HAZ-2: Less Than Significant with Mitigation Applied.** Excavation and grading activities associated with future development could expose construction workers and the general public to unknown hazardous materials present in soil or groundwater, which would represent a significant impact.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.9 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts would be less than significant.

**MM HAZ-1.** Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527-13 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified

hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.

**MM HAZ-2.** If the applicant or applicant’s contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant’s contractor shall:

1. Immediately cease work in the suspected contaminant’s vicinity, remove workers and the public from the area, and secure the area;
2. Notify the applicant’s Environmental Professional and immediately implement proper remedial activities as recommended;
3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area;
4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.9-14 through 4.9-16.

**Impact HAZ-4: Less Than Significant with Mitigation Applied.** a regulatory review of the Department of Toxic Substances Control (DTSC), Envirostor, and State Water Resources Control Board (SWRCB) Geotracker websites identified 11 regulated facilities within the City. Several of these facilities are located on or adjacent to the candidate housing sites.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measures** – Based upon the analysis presented in Section 4.9 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Please refer to mitigation measures MM HAZ-1 and MM HAZ-2 above.

**Supportive Evidence** – Please refer to Draft EIR pages 4.9-16 through 4.9-17.

## **5.5 Noise**

**5.5.1 Impact NOI-2: Less Than Significant with Mitigation Applied.** Noise is also likely to occur from stationary operation-related sources, such as heating, ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, lawn maintenance equipment, and swimming pool pumps. Noise is also likely to occur from line sources, such as motor vehicle traffic. Future housing development facilitated by the HEU would result in increased traffic volumes on local city roadways, thereby increasing cumulative noise levels. implementation of mitigation measures would ensure no impact would occur to adjacent noise-sensitive receptors.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measure** – Based upon the analysis presented in Section 4.13 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

**MM NOI-1.** To reduce construction-related noise impacts, where construction activities would exceed the standards established in DMMC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction). Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.

**MM NOI-2:** Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning and Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

- A procedure to the public for notifying the City's Code Compliance Officer and Sheriff's Department (during regular construction hours and off-hours);
- A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and
- A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.13-12 through 4.13-16.

**5.5.2 Impact NOI-2: Less Than Significant with Mitigation Applied.** Construction activities associated with future development have the potential to generate low levels of groundborne vibration. To

lessen potential vibration-related impacts to adjacent sensitive uses, mitigation has been proposed requiring the preexisting condition of all buildings within a 50-foot radius of proposed construction activities that involve pile driving be evaluated during a preconstruction survey and that alternative methods be used.

**Finding** – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Mitigation Measure** – Based upon the analysis presented in Section 4.13 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

**MM NOI-3.** To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:

- The applicant shall submit to the Planning and Community Development Department the preexisting condition of all vibration-sensitive land uses within a 50-foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant.
- Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold.

**Supportive Evidence** – Please refer to Draft PEIR pages 4.13-16 through 4.13-18.

## 6.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the HEU could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

**Finding** – The City adopts CEQA Finding 1.

The City hereby finds that the HEU does not directly result in any significant growth-inducing impacts. The HEU involves the creation of opportunities for the expansion of the City’s housing stock which would lead to moderate population increases. However, this is required by State law as a measure intended to address the growing housing crisis in California.

**Supportive Evidence** – Please refer to Draft PEIR pages 5-4 through 5-7.

## 7.0 FINDINGS REGARDING PROJECT ALTERNATIVES

The following alternatives were addressed in the Draft PEIR:

- 1) No Project Alternative
- 2) 22nd District Fairgrounds (Candidate Housing Site 2) Alternative
- 3) No North Bluff Housing (Candidate Housing Site 1) Alternative

### 7.1 No Project Alternative

Description: The No Project Alternative is a required component of the environmental analysis of a project as dictated by State CEQA Guidelines §15126.6(e). This alternative assumes that the HEU project is not implemented and that no change from current conditions occurs. The No Project Alternative assumes that the 163 DUs required to meet the 6<sup>th</sup> Cycle RHNA allocation would not be developed. Selection of this Alternative is a scenario where the City would not update its Housing Element and would not meet the City's RHNA obligations required by State law. The No Project Alternative fails to meet the City's housing goals and the proposed project's stated objective to meet the applicable State law requirements and gain certification of an updated Housing Element.

**Finding** – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. This alternative would directly conflict with California Government Code §65583, which stipulates that a jurisdiction must assess its housing element every eight years and identify adequate sites for housing and provide for the existing and projected needs of all economic segments of the community.

**Supporting Evidence** – Please see Draft PEIR Section 6.6.1.

### 7.2 22<sup>nd</sup> District Agricultural Association Fairgrounds Alternative (Site 2)

**Description:** This alternative excludes all candidate housing sites except for the Fairgrounds site (i.e., Site 2). Site 2 includes nine parcels totaling 266.36 acres in the City's northwestern portion zoned Fairgrounds-Racetrack in the City's Municipal Code, as well as the Surf N Turf lot east of Jimmy Durante Boulevard, which is outside of the City's boundary and zoned Open Space – Park and Commercial Visitor in the City of San Diego. This alternative includes demolition of the existing 48-room grooms' dormitory and rebuilding the living quarters in the Backstretch Area, as well as development of additional housing, as needed to meet the City's 209 DU RHNA allocation. Thus, all housing development required to meet the City's RHNA allocation would occur within the State-owned Fairgrounds properties. Under this alternative, new housing would be developed as multiple family dwelling units in a more concentrated area than the project, which proposes to spread the candidate sites and housing throughout the City.

In order to pursue this Alternative as part of the HEU, the City will need to have agreements in place with the State to demonstrate the commitment to sufficiently develop the required number of units to meet the City's obligations per the 6<sup>th</sup> Cycle RHNA and 5<sup>th</sup> Cycle carryover units. In addition, the City will need to have agreements in place to show the details of the terms and must specify how any units produced on the Fairgrounds will be counted towards the RHNA allocation for each of the stakeholder jurisdictions. The Alternative will also need to specify a back-up plan, in case the development agreement and DU production do not occur within a specified timeframe determined by the State.

**Finding** – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The main constraint of this alternative is that the City does not have control over the State-owned Fairgrounds. In addition, the Fairgrounds Master Plan currently does not provide for multiple-family dwelling unit development as a planned or allowed use. Further, as a result of the coronavirus (COVID-19) pandemic, the State Fairgrounds and City are both experiencing significant budget constraints that may make a development partnership difficult to carry out unless additional development incentives are offered to encourage a private developer to enter into the development agreement and carry out the development portion of the project.

**Supporting Evidence** – Please see Draft PEIR Section 6.6.2.

### **7.3 No North Bluff Housing (Candidate Housing Site 1) Alternative**

**Description:** The No North Bluff Housing Alternative would exclude the North Bluff properties (Site 1) from the candidate housing sites inventory. The North Bluff properties are located at the City’s northwestern border and are bounded by the City of Solana Beach to the north, dog beach to the south, the Fairgrounds to the east, and the Pacific Ocean to the west. The No North Bluff Housing Alternative excludes approximately 12.39 acres of primarily vacant land with a development potential of 248 DUs (at a density of 20 unit/acre) that could meet the City’s low and very low-income housing needs. This alternative assumes development of 209 DUs throughout 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 340 acres.

**Finding** – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative environmentally inferior to the proposed Project. The main constraint of this alternative is that the Stratford Court South candidate sites would need to be included in the HEU to satisfy the State law requirement for inclusion of sites on vacant land to accommodate at least 50 percent of the required affordable units.

**Supporting Evidence** – Please see Draft PEIR Section 6.6.3.

## **8.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM**

Section 21081.6 of the Public Resources Code requires that when making findings required by Section 21081(a) of the Public Resources Code, the Lead Agency approving a project shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval, in order to ensure compliance with project implementation and to mitigate or avoid significant effects on the environment. The City hereby finds that:

- 1) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the HEU, and the mitigation measures therein are made a condition of project approval. The MMRP is incorporated herein by reference and is considered part of the record of proceedings for the HEU.
- 2) The MMRP designates responsibility for implementation and monitoring of proposed mitigation measures. The City’s Planning Director will serve as the overall MMRP coordinator and will be primarily responsible for ensuring that all mitigation measures are complied with.
- 3) The MMRP prepared for the HEU has been adopted concurrently with these Findings. The MMRP meets the requirements of Section 21021.6 of the Public Resources Code. The City will use the

MMRP to track compliance with mitigation measures. The MMRP will remain available for public review during the compliance period.

## 9.0 OTHER FINDINGS

The City hereby finds as follows:

- 1) The foregoing statements are true and correct;
- 2) The City is the “Lead Agency” for the Project evaluated in the CEQA Documents and independently reviewed and analyzed in the Draft PEIR and Final PEIR for the Project;
- 3) The Notice of Preparation of the Draft PEIR was circulated for public review. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency’s specific responsibilities;
- 4) The public review period for the Draft PEIR was for 60 days between July 2, 2020 and August 31, 2020. The Draft PEIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft PEIR were sent to the State Clearinghouse, and notices of availability of the Draft PEIR were published by the City. The Draft PEIR was available for review on the City’s website; however, due to the COVID-19 pandemic, public facilities which normally keep a copy of the City’s environmental documents (at Del Mar City Hall and the Del Mar Public Library) were closed to the public for the duration of the public review period.
- 5) The CEQA Documents were completed in compliance with CEQA;
- 6) The CEQA Documents reflect the City’s independent judgment;
- 7) The City evaluated comments on environmental issues received from persons who reviewed the Draft PEIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final PEIR provided adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft PEIR regarding adverse environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final PEIR.
- 8) The City finds that the CEQA Documents, as amended, provide objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the HEU. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;
- 9) The CEQA Documents evaluated the following impacts: (1) aesthetics; (2) agriculture and forestry; (3) air quality; (4) biological resources; (5) cultural resources; (6) energy; (7) geology and soils; (8) greenhouse gas emissions; (9) hazards and hazardous materials; (10) hydrology and water quality; (11) land use and planning; (12) mineral resources; (13) noise; (14) population and housing; (15) public services; (16) recreation; (17) transportation and circulation; (18) tribal cultural resources; (19) utilities and service systems; (20) wildfire. Additionally, the CEQA Documents considered, in separate sections, significant irreversible environmental changes and growth-

- inducing impacts of the HEU, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the HEU were identified in the CEQA Documents;
- 10) The MMRP includes all of the mitigation measures identified in the CEQA Documents and has been designed to ensure compliance during implementation of the HEU. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;
  - 11) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City's Planning and Community Development Director will serve as the MMRP Coordinator;
  - 12) In determining whether the HEU may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
  - 13) The impacts of the HEU have been analyzed to the extent feasible at the time of certification of the CEQA Documents;
  - 14) The City made no decisions related to approval of the HEU prior to the initial recommendation of certification of the CEQA Documents. The City also did not commit to a definite course of action with respect to the HEU prior to the initial consideration of the CEQA Documents.
  - 15) Copies of all the documents incorporated by reference in the CEQA Documents are and have been available upon request at all times at the offices of the City of Del Mar, the custodian of record for such documents or other materials;
  - 16) The responses to the comments on the Draft PEIR, which are contained in the Final PEIR, clarify and amplify the analysis in the Draft PEIR;
  - 17) Having reviewed the information contained in the CEQA Documents and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the HEU in the Final PEIR; and
  - 18) Having received, reviewed and considered all information and documents in the CEQA Documents, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

# EXHIBIT "B"



## Del Mar 6<sup>th</sup> Cycle Housing Element Update Mitigation Monitoring and Reporting Program

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September 2020

***Lead Agency:***

**City of Del Mar**

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## PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

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

*When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:*

*The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.*

*The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.*

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

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

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

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

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

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

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

**Acronyms/Abbreviation Description**

dBA	Noise
All Appropriate Inquiry	Recognized Environmental Conditions
Biological Resources	Regional Water Quality Control Board
California Department of Fish and Wildlife	San Diego Gas & Electric
California Environmental Quality Act	San Diego Regional Water Quality Control Board
Cultural Resources	United States Army Corps of Engineers
Weighted Decibels	United States Fish and Wildlife Service
Del Mar Municipal Code	Worker Environmental Awareness Program
Housing Element Update	
Environmental Site Assessment	

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

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

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

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

<p>standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground disturbing activities, the Program shall be provided to the City of Del Mar.</p> <p>Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full time by a qualified paleontological monitor during initial ground disturbing activities.</p> <p>The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist.</p> <p>The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.</p> <p>c. <u>Paleontological Worker Environmental Awareness Program (WEAP)</u>. Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend.</p> <p>d. <u>Fossil Discovery</u>. In the event of a fossil discovery by construction personnel, all work in the find's immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity, these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically</p>	<p>Grading, Excavation, Drilling, and Trenching)  Post Ground Disturbance</p>	<p>Development Manager  Planning and Community Development anager</p>	
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<p>significant, the qualified paleontologist shall complete the following conditions:</p> <ul style="list-style-type: none"> <li>i. <u>Salvage of Fossils</u>. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</li> <li>ii. <u>Preparation and Curation of Recovered Fossils</u>. Once salvaged, the City shall ensure that significant fossils are identified to the lowest possible taxonomic level, prepared to a curation ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the San Diego County Natural History Museum), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Project Paleontologist. Field collection and preparation of fossil specimens shall be performed by the Project Paleontologist with further preparation as needed by an accredited museum repository institution at the time of curation.</li> </ul>				

e. Final Paleontological Monitoring and Compliance Report. Upon completion of ground disturbing activities (and curation of fossils, if necessary) the Project Paleontologist shall prepare a Final Paleontological Monitoring and Compliance Report outlining the results of the Paleontological Monitoring and Compliance Program. The report shall be provided to the City of Del Mar and shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

<p>– Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527 13 or the Standards and Practices for All appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.</p>	<p>Prior to Demolition, Grading or Building Permit Issuance  Or Prior to Land Acquisition, Demolition or Construction</p>	<p>Phase I ESA  Phase II ESA</p>	<p>qualified hazardous materials Environmental Professional</p>		
<p>– If the applicant or applicant’s contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant’s contractor shall:  Immediately cease work in the suspected contaminant’s vicinity, remove workers and the public from the area, and secure the area;  Notify the applicant’s Environmental Professional and immediately implement proper remedial activities as recommended;  Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area;  The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.</p>	<p>During Construction</p>	<p>Implement Recommended Remedial Activities and Measures to Secure Area</p>	<p>Environmental Professional City Engineer and Planning and Community Development Director</p>		
<p>– To reduce construction related noise impacts, where construction activities would exceed the standards established in DMCC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to</p>	<p>Pre Construction and during</p>	<p>Noise Reduction Program</p>	<p>Planning and Community</p>		

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

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

<p>are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning and Community Development Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines §15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources.</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code §521083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non profit institution with a research interest in the materials, such as the San Diego Archeological Center. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Del Mar Historical Society for educational purposes</p>	<p>ctivities (i.e., pavement removal, Pot Holing Auguring, Tree Grubbing, Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching</p>	<p>Daily Monitoring Logs</p>		
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