

F19b

MEMORANDUM

TO: Commissioners and
Interested Parties

July 6, 2010

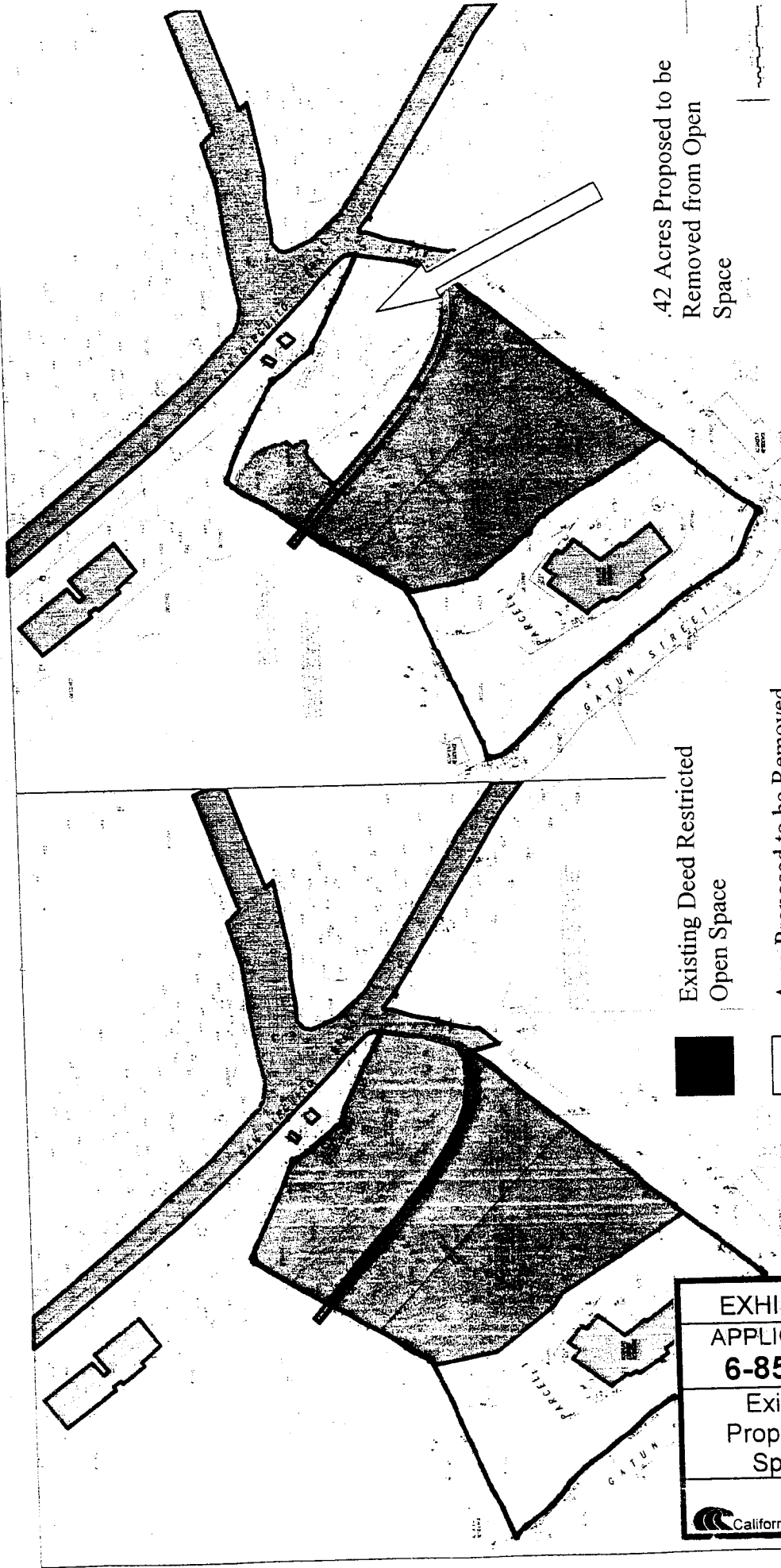
FROM: Sherilyn Sarb, Deputy Director
San Diego District

SUBJECT: **Addendum to Commission Meeting for Friday, July 9, 2010
San Diego District**

<u>AGENDA ITEM</u>	<u>APPLICANT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>LCP Matters</u> F17a DMR-MAJ-1-09	City of Del Mar	Letter of Comment	1 - 2
<u>PERMIT AMENDMENTS</u> F19b 6-85-283-A	Andrews	Revised & Add'l Exhibits Ex Parte Communications Response from applicant Letter in Support of Staff Recommendation	3 - 6 7 - 10 11 - 16 17 - 18

OPEN SPACE EASEMENT - EXISTING

AMENDMENT REQUEST



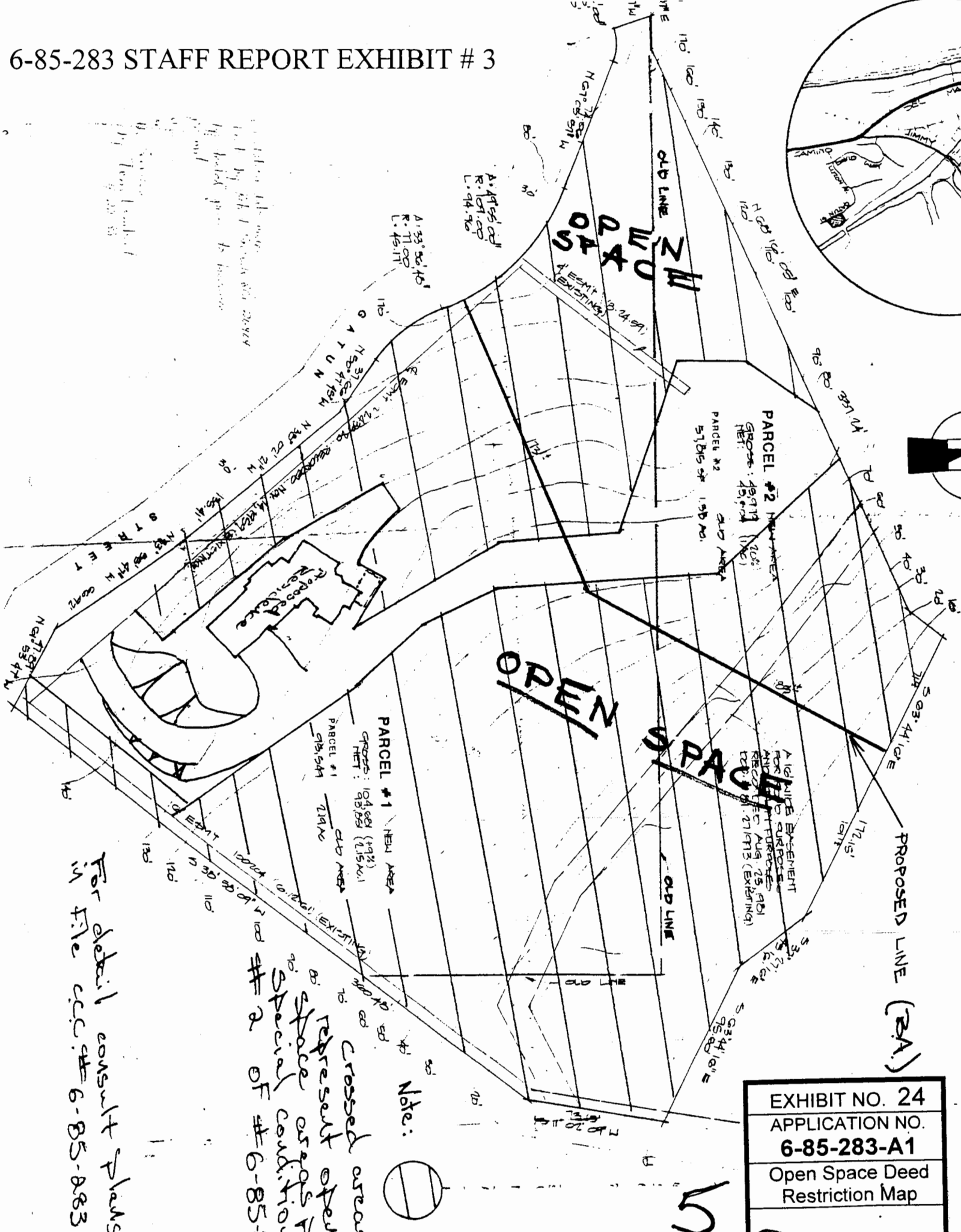
.42 Acres Proposed to be
Removed from Open
Space

Existing Deed Restricted
Open Space

Area Proposed to be Removed
from Open Space Deed
Restriction

EXHIBIT NO. 2
APPLICATION NO.
6-85-283-A1
Existing and Proposed Open Space Map
California Coastal Commission

6-85-283 STAFF REPORT EXHIBIT # 3



For detail consult plans
in file cc: # 6-85-283

Note:
Circled areas
represent open
space areas per
special condition
2 of # 6-85-283

EXHIBIT NO. 24
APPLICATION NO.
6-85-283-A1
Open Space Deed Restriction Map
California Coastal Commission

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

F196

Name or description of the project: Agenda Item F.19

Permit No. 6-85-283-A (Andrews, Del Mar)

Time/Date of communication: Thursday, July 1, 2010, 9:30 am

Location of communication: 7727 Herschel Ave, La Jolla

Person(s) initiating communication: Dave Grubb, ^{ADK} Gabriel Selmer for Sierra Club North County Coastal Group.

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

The proposed amendment to Coastal Development Permit 6-85-283 involves modifications to deed restricted open space areas established by Special Condition #2.

Staff is recommending denial. We support the staff recommendation. The deed restriction was mitigation for the original approval, and should not be removed.

Date: July 1, 2010

Signature on file

Patrick Kruer

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JUL 01 2010

California Commission
San Diego Coast District

EX-PARTE Comm.

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**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: F19b Permit No. 6-85-283-A
(Andrews, Del Mar)

Date and time of receipt of communication: 6/29/10, 3:30 pm

Location of communication: Board of Supervisor's Offices, Santa
Cruz, California

Type of communication: in person meeting

Person(s) initiating communication: Sarah Damron
Grant Weseman

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

They agree with the staff recommendation. The restrictions are a part of the original permit and the proposed lot adjustments are adjacent to the lagoon, are on steep slopes and are in the 100 year flood plain. The amendment should not be allowed.

Date: 6/29/10 Signature of Commissioner: Signature on file

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

JUL 01 2010
California
San Diego Coast District

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**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:
(For messages sent to a Commissioner by mail or
facsimile or received as a telephone or other
message, date time of receipt should be indicated.)

June 29, 2010, 1:30pm

Location of communication:
(For communications sent by mail or facsimile, or
received as a telephone or other message, indicate
the means of transmission.)

Commissioner Neely's Eureka Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

F19b. ~~Permit No. 6-85-283-A (Andrews, Del Mar)~~ Request by
Phillip & Kathleen Andrews to amend open-space easement to
allow lot-split, at property between Gatun Street and San
Dieguito Drive, Del Mar, San Diego County. (MA-SD)

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

This amended open space easement will be precedent setting for the future in other requests.

Signature on file

Date: June 29, 2010


Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

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JUN 29 2010
California
San Diego Coast District
Commissioner
9

F196

From: Pamela Slater-Price [mailto:_____]

Sent: Wednesday, June 30, 2010 1:14 PM

To: Sara Wan

Subject: Re: Del Mar agenda item – 6-85-283-A (Andrews)

I am adamantly against this lot split and I will submit a detailed letter to all commissioners to that effect and the reasons for opposition.

10

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JUL 6 1 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Phil and Kathy Andrews
2081 Gatun St.
Del Mar, CA 92014
kaandrews@ucsd.edu
858-344-4791 (cell)

July 1, 2010

Melissa Ahrens
California Coastal Commission
7575 Metropolitan Dr., Ste 103
San Diego, CA 92108-4402
mahrens@coastal.ca.gov

F19b

RE: Application 6-85-283-A1, CCC 7/8/10 Agenda Item # F19b

Dear Ms. Ahrens:

As regards the requested documents for the amendment materials due tomorrow, no new materials are being submitted but please recall the details of the previously submitted materials and also the videotape as provided to CCC from the City of Del Mar in order to verify the statements below. Please include this letter with the amendment materials to be submitted tomorrow for inclusion with the amended Staff Report along with confirmation today of inclusion in the amended Staff Report so that the need for an Ex Parte Communication may be obviated.

DEED RESTRICTION AMENDMENT DETAILS

At the request of San Diego Board of Supervisors Pam Slater-Price's husband, City of Del Mar Planning Commission member Herschel Price, the video tape of the April 13th City of Del Mar Planning Commission meeting was to be required viewing for the CCC Planning staff and to be given to CCC by City of Del Mar. On the videotape of the City of Del Mar Planning Commission meeting on April 13th, City of Del Mar Planning Director Adam Birnbaum related that he had written the original 1985 Staff Report for the 1985 Deed Restriction when he was employed at the California Coastal Commission as a California Coastal Commission Planner. Director Adam Birnbaum's first-hand knowledge of project provided that the details that while the Deed Restriction is irrevocable, the Deed Restriction is written to be amended for future development with the intent to protect only natural steep slopes and natural vegetation. Adam Birnbaum further related that the Open Space area designated on the Deed Restriction only included the man-made disturbed/road easement/scraped/ice plant covered area for convenience and not because of the Open Space easement intent to protect natural habitat on steep slopes. (The convenience of including this man-made ice plant covered disturbed area saved ground surveying and biological survey expenses.) The 1985 Deed Restriction's Special Conditions Future Development condition clearly provides for amendment to the Deed Restriction at a future date. Adam Birnbaum clearly informed the DMCC Commissioners at the April 13, 2010 meeting that the Deed Restriction is amendable for future development without being revoked.

DMCC Commission members asked Adam Birnbaum what future develop for this area was planned in 1985 and Mr. Birnbaum could not recall if the Owner Donald Reichert had plans for development prior to his death in 1987. One indication in the records supporting that there was an intent for development was the driveway agreement written between John Gilles (who has driveway easement rights across the property to an R1-40 zoned lot) and Donald Reichert specifying roadway costs across the property to be maintained between John Gilles and Donald Reichert with a future split between 3 owners on driveway access upkeep indicating that indeed Donald Reichert did have plans for a house on this location.

In early 2008, California Coastal Commission Staff Planner Ellen Lirely configured the amended release area for future development of single-family home on the site to expose the man-made disturbed ice plant covered area aligning the new configuration to the other (south) side of the Gilles easement roadway after careful review of the 1985 Deed Restriction, the original CCC file, and historical photos. CCC Planner Lirely determined that:

- 1) The property had always been privately owned and had never been publicly-owned land,

Response From Applicant

- 2) Did not restrict public access,
- 3) No native habitat was removed between 1985-present on the scraped man-made ice plant covered areas,
- 4) That the brown grass covering these areas in the historical photographs did not represent a valuable native habitat area at any during these historical photos,
- 5) That the replacement of the non-native pickleweed with native plants would be welcomed by the CCC, and
- 6) With the buildable area on the flat ice plant covered area staying away from the natural native habitat on steep slopes was within the intent of the 1985 Deed Restriction's Future Development plans.

CCC Planner Ellen Lirely worked closely with City of Del Mar Planner Jean Crutchfield to ensure that while Del Mar had obtained its own LCP in 1993 that both the 1985 Deed Restriction issued under the CCC and the new CDP permit to be issued through Del Mar's LCP were coordinated. Just before CCC Planner Ellen Lirely's retirement in August, 2009, the condition's of no brush modification and Calif. Fish&Game concurrence for reduction of 50' wetland buffer were specified. Both of the these CCC conditions have been met as documented by City of Del Mar Fire Department's letter of 5/17/10. [CCC Staff Report, Exhibit #16]

The Andrews Lot Split project has conformed to Del Mar City Code originally with the reduced wetland buffer through Fish and Game concurrence and then revised after the April 13th City of Del Mar Planning Commission meeting and the May 21st San Dieguito River Valley JPA meeting to a configuration for the project of no encroachment into steep slopes, no encroachment into wetland buffer. No water runoff and correction/solution of the current erosion difficulties related to the Gilles easement road through Best Management Practices continues without need for revision.

In August, 2009, after submission of TPM, CDP, CUP, and EA application materials to the San Dieguito Lagoon Committee prior to their monthly meeting followed with a full presentation of the Andrews Lot Split at their well-attended August meeting, the San Dieguito Lagoon Committee Chair Dawn Rawls concluded the meeting with a summation statement that the Lagoon Committee did not oppose the Andrews Lot Split but would require input on the landscaping and house design at a later date. At the August, 2009 meeting, the Lagoon Committee had no objection to looking at a house but rather the Lagoon Committee wanted to have input and some control over the design of the house.

AMENDED AREA RELEASE DETAILS

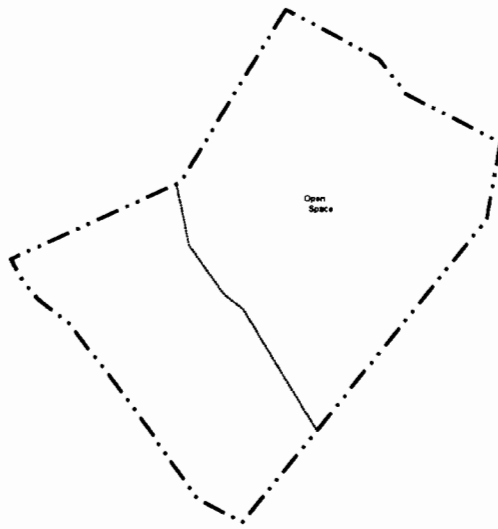
Although allowed by DMMC code, since the April 13th Planning Commission meeting the project has been reconfigured to have no encroachment into steep slopes and wetland buffer.

The 0.42 acres of amended release is comprised of 0.10 acres roadway, 0.20 acres pickleweed/ice plant, and 0.12 acres of flat buildable area. No native habitat is within the amended release area which is covered with pickleweed. The amended release area fully respects the intent of the Open Space Deed restriction to protect natural native habitat and steep slopes. While the 0.10 acres of roadway cannot be revegetated, the 0.20 acres of pickleweed can be replanted to native plants in addition to the committed 0.10 acres of wetland buffer area for relandscaping for a total 0.30 acres of land returned from pickleweed to native plants on the project site. The project is conditioned so that no non-native plants will be allowed on the property and all relandscaping must have City of Del Mar Lagoon Committee approval. The result of these conditions will enhance the area going from pickleweed to native plants and provide the environmental protection necessary for the lagoon from non-native plant invasion [Figure 1].

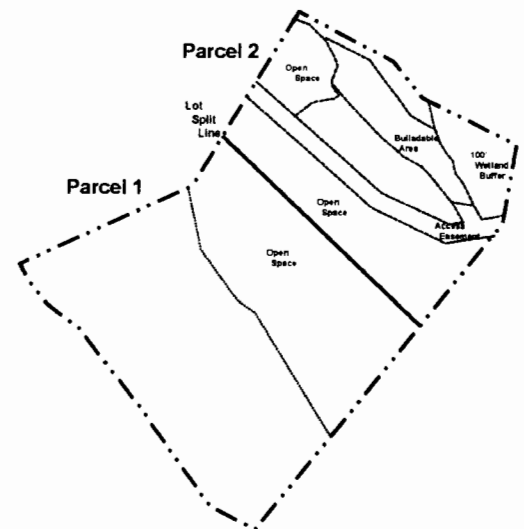
FIGURE 1. Man-Made Disturbed/Ice Plant Covered Area (ft²)

AREAS

Existing



Amended



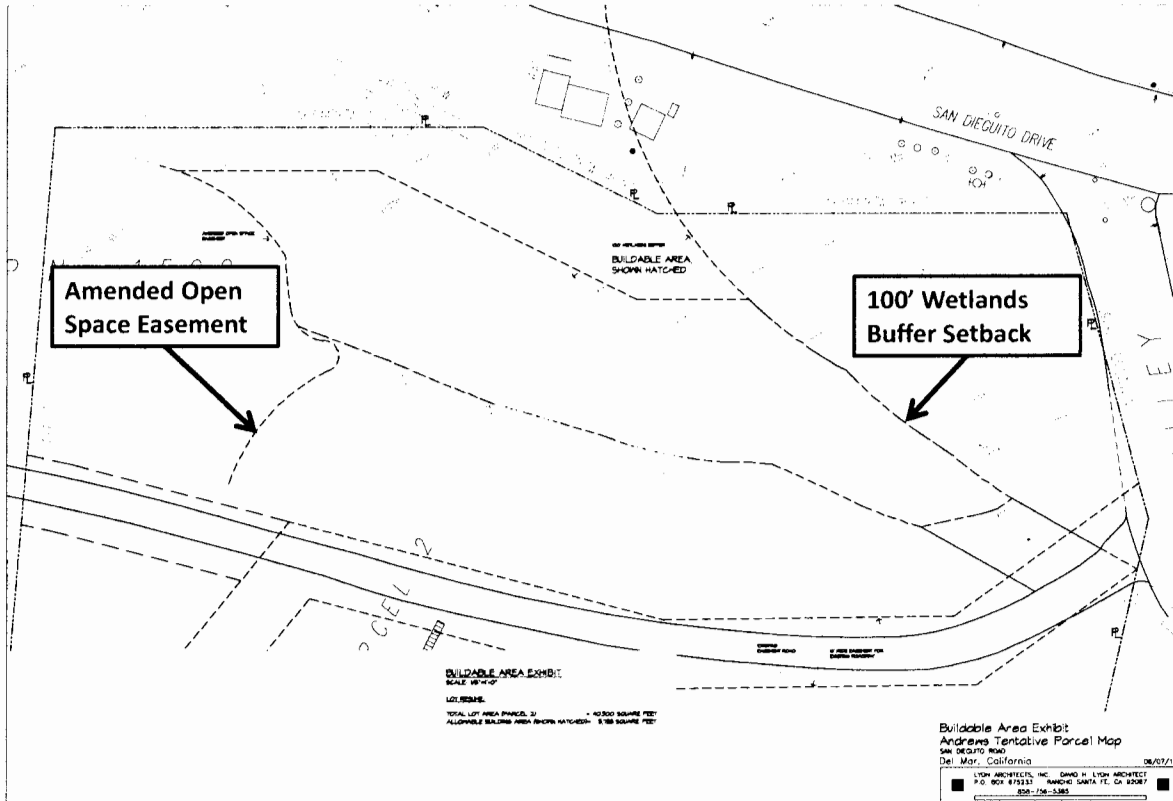
**AREA
(ft²)**

	EXISTING				AMENDED							
	Native Habitat	Man-Made Disturbed and Ice Plant Covered (PARCEL 2)		TOTAL EXISTING OPEN SPACE	Open Space/Wetland Buffer			Man-Made Disturbed and Ice Plant Covered (PARCEL 2 Outside Wetland Buffer)			TOTAL AMENDED OPEN SPACE RETAINED	TOTAL AMENDED OPEN SPACE RELEASED (COMPOSED ENTIRELY OF MAN-MADE DISTURBED AND ICE PLANT COVERED AREA)
		Inside 100' Wetland Buffer	Outside 100' Wetland Buffer		Open Space	100' Wetland Buffer	TOTAL	Buildable	Not Buildable	TOTAL		
PARCEL 1	25,082	-	-	25,082	25,082	-	25,082	-	-	-	25,082	0
PARCEL 2	17,613	4,500	18,387	40,500	17,613	4,500	22,113	5,735	12,652	18,387	22,113	18,387
PARCEL 1+2	42,695	4,500	18,387	65,582	42,695	4,500	47,195	-	-	-	47,195	18,387

The result of discussions and meetings with City of Del Mar Planning Commission, Planning Department, and Lagoon Committee; San Dieguito River Valley Joint Powers Authority; California Department of Fish & Game; San Dieguito River Valley Conservancy; and California Coastal Commission Staff have resulted in the configuration of ~0.3 acres relandscaping from existing pickleweed to native plants on the property itself. Additional attachment of public good as requested by City of Del Mar Planning Commission member Hershel Price has been done through working with the SDRVC who has suggested a 3-acre native habitat restoration project in the lagoon. Previously suggested public good by the Calif. Fish & Game staff to prevent public access into the wetland area was to have the project provide ~1 mile of fencing along San Dieguito Rd. starting at the Grand Ave. bridge parking lot and continuing east along San Dieguito Rd. This fence's goal was to terminate the current public and domestic animal access into the wetland buffer and this fence may be the most effective public good for the project [Figure 2].

FIGURE 2. No Encroachment (Change made after 4/13/10 City of Del Mar Planning Commission meeting)

**NO ENCROACHMENT INTO 100' WETLAND BUFFER
NO ENCROACHMENT INTO AMENDED OPEN SPACE EASEMENT**



LOCAL COASTAL PROGRAM (LCP), TPM, CUP, CDP, EA, AND CEQA COMPLIANCE

City of Del Mar Planning Commission Staff of April 13, 2010 Staff Report found the TPM, CUP, and CDP applications as conditioned consistent with DMMC Zoning Code (R1-40 Zone; Lagoon Overlay Zone; and Bluff, Slope, and Canyon Overlay Zone) and policies and goals of the Del Mar Community Plan [CCC Staff Report Exhibit #13, page 16, 4/13/10 Staff Report, page 16].

The CEQA application was determined to *not* have a significant effect with the mitigated negative declaration [CCC Staff Report, page 106, 4/13/10 Staff Report p. 15].

City of Del Mar Lagoon Committee in August, 2009 did not object to any view corridor issues with a house in the R1-40 zoned area.

The ICF, Jones & Stokes; Dudek; and Fish&Game showed no impact from the project as configured.

The San Dieguito River Valley Joint Powers Authority (SDRVJPA) does not affect private property rights of properties included in the view shed and does not object to the project nor does it object to any view corridor issues.

From public viewing points, the proposed house does not block views to the lagoon or of native habitat or natural land forms.

No fill will be used on the project.

The City of Del Mar Fire Department letter wording was reviewed and written by CCC Director Lee McEachern and now that wording is not sufficient?

At what point does the Staff report denial make sense? A house is consistent with R1-40 viewshed as allowed in the LCP code. The ICF and Dudek biological reports and Fish&Game environmental review all show that San Dieguito Roadway and human/domestic animal use at the Grand Ave. bridge and inside of the wetlands cause so much environmental impact to the area wetlands and lagoon that the project of a house across the roadway has no affect on the lagoon. San Dieguito Rd. occupies the majority of the first 50' of wetland buffer and actually provides an environmental barrier between the property and the lagoon.

CCC Staff report of 6/23/10 recommends denial of the application citing nonconformance with Local Coastal Program (LCP) and non-compliance with California Environmental Quality Act (CEQA) but yet City of Del Mar finds the project consistent with Local Coastal Program and compliant with the California Environmental Quality Act (CEQA). [6/23/10 Staff Report, pages 1 and 3] The CCC granted City of Del Mar its own LCP in 1993 based on the competency of the City of Del Mar in this area. CCC Staff Planner Ellen Lirely and previous CCC Staff Planner Adam Birnbaum worked on this project from its initiation in 2008 with Ms. Lirely until her retirement in 8/09 and Mr. Birnbaum to present in order to provide conformance of the project to code. These two people represent seasoned years of experience with CCC Planning. The house has always been consistent with the viewshed code for the R1-40 zoning in the area. All of the environmental aspects have been taken care of through careful planning and environmental reports as attached to the project.

Years of careful, thoughtful preparation and consultation has configured a private property development in consultation with CCC, City of Del Mar Planning Department, California Fish & Game, SDRVJPA, CDM Lagoon Committee, SDRV Conservancy, and City of Del Mar Fire Department.

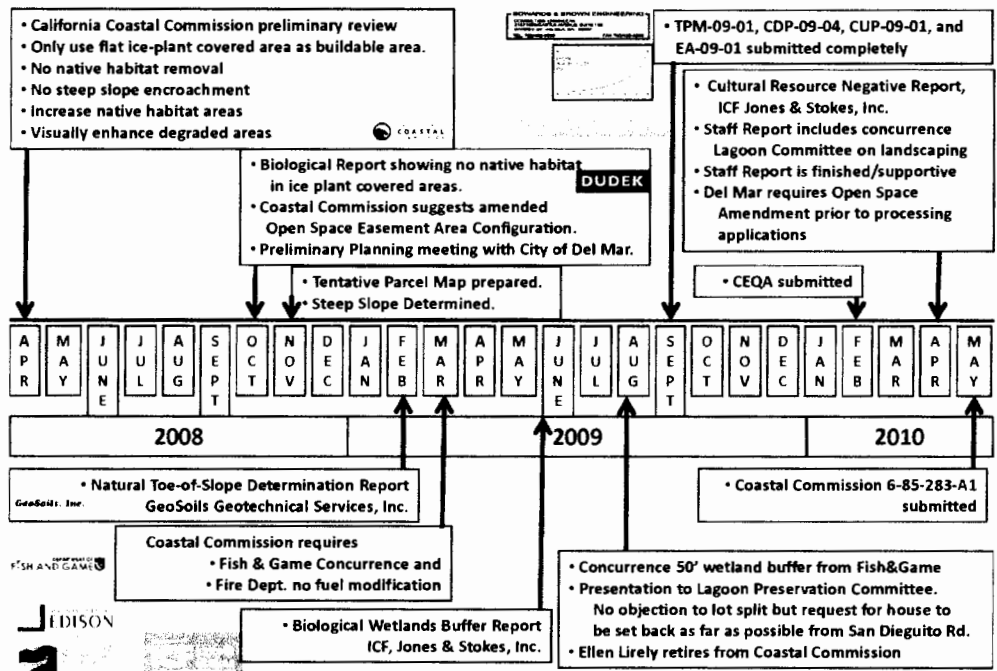
Will this project now be denied because a house because it can be seen?

Sincerely,

Signature on file _____

Kathy Andrews

CAREFUL PLANNING





F19b

PAM SLATER-PRICE

CHAIRWOMAN

SUPERVISOR, THIRD DISTRICT

SAN DIEGO COUNTY BOARD OF SUPERVISORS

Serving the communities

July 1, 2010

of ...

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Carmel Mountain

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Del Mar

Del Mar Heights

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Rancho Bernardo

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Sabre Springs

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Torrey Hills

Torrey Pines

Chair Bonnie Neely and Coastal Commissioners
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

RECEIVED

JUL 01 2010

California Coastal Commission
San Diego Coast District

RE: Coastal Development Permit No. 6-85-282

Dear Chair Neely and Coastal Commissioners:

I am writing to request that you deny the amendment to Coastal Development Permit No. 6-85-282 on the parcel located at 2081 Gatun Street in Del Mar. Although the parcel address is Gatun Street, the new parcel would take access from San Dieguito Drive. The amendment to the permit will require revocation of an open space deed restriction.

In short, the first home was built predicated on dedicated open space of the remaining property. Now that the homeowners have built their home, they want to withdraw the open space.

Page 2 of the Deed Restriction states: "VIII. WHEREAS, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and . . . "Irrevocable means nonreversible, irreversible, or incapable of being revoked. Why are you even considering modifying or amending the permit to allow for construction of another residential unit within the open space easement?"

Exhibit B, Special Conditions attached to the Deed Restriction states: "All other development proposals for the site (including construction of a residence on parcel #2) shall require review and approval under a separate coastal development permit or an amendment to this permit." This Special Condition contradicts the primary Deed Restriction.

Since the original permit was granted in 1985, many circumstances in the vicinity of the parcel proposed for a lot split have changed. First and foremost, Southern California Edison has recently completed its \$86 million restoration of the San Dieguito Lagoon. We

County Administration Center • 1600 Pacific Highway, Room 335 • San Diego, CA 92101-2470
(619) 531-5533 • Toll Free (800) 852-7334
Email: pam.slater@sdcounty.ca.gov

LETTER IN SUPPORT
OF STAFF REC.

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17

need to preserve the 100-foot wetlands buffer not reduce it to protect the newly restored lagoon.

The proposed lot is directly across the street from the recently renovated San Dieguito River Park's Grand Avenue Bridge overlook. This overlook is one of the primary accessible public viewing areas for the restored lagoon. The edge effects of construction on the lower level of the Andrews' parcel would have an impact on the wildlife surrounding the overlook as well as visual impacts to overlook visitors. We need to preserve the open space easement buffer for wildlife and visitors.

The area around the lagoon has become more urbanized and we must preserve the buffer to protect the remaining open lands immediately surrounding the San Dieguito River and Lagoon. The lagoon and river serve as a resting area on the Pacific Flyway for migratory birds and as a fish rookery for our state's important fishing industry.

Additionally, the Andrews' parcel requires variances for a number of issues, including, but not limited to, steep slopes, wetlands buffer, vegetation/habitat, and flood plain. This is not the correct place for construction of another residential unit. We need to maintain the buffer between the lagoon and river and the surrounding urban area.

I concur with the Coastal Commission staff's recommendation of denial. The Coastal Commission staff has done an excellent job in outlining the reasons that the proposed request is inconsistent with the Local Coastal Program pertaining to preservation of environmentally sensitive resources and public views.

Thank you for considering my concerns and my request that you deny any amendment or modification to the coastal development permit and deed restriction for the Andrews' parcel.

Sincerely,

Signature on file - Price

PAM SLATER-PRICE
Chairwoman
San Diego County Board of Supervisors
District 3
PSP/sk

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



F19b

Filed: 4/29/10
49th Day: 6/17/2010
180th Day: 10/26/2010
Staff: MA-SD
Staff Report: 6/23/10
Hearing Date: 7/7-9/10

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-85-283-A1

Applicant: Philip and Kathleen Andrews

Original

Description: Boundary adjustment to two existing lots in Del Mar and construction of a two-story, 3,078 sq. ft. single family residence with attached garage and seepage pit on proposed parcel #1.

Proposed

Amendment: Revise Special Condition #2 to amend deed restricted open space area to allow for future lot split and additional residential development.

Site: 2081 Gatun Street, Del Mar, San Diego County. APN 299-192-13

STAFF NOTES:

This amendment seeks authorization for a modification of Special Condition #2 of Coastal Development Permit 6-85-283, which mandated that 1.5 acres of the subject site be deed restricted as open space area. Proposed modification of Special Condition #2 would entail removal of .42 acres from the existing deed restricted open space. Approval of the amendment, as proposed, would allow for a future subdivision of the existing 2.43 acre lot into 1.5 and .93 acre parcels, with the implication of future residential development on the .93 acre parcel. The subject site is adjacent to the coastal waters and wetlands of the San Dieguito Lagoon and is within the Bluffs, Slopes and Canyon Overlay Zone, the Lagoon Overlay Zone and the 100 year floodplain as identified in the Del Mar LCP.

Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission deny the proposed amendment request as it is inconsistent with the provisions of the certified Local Coastal Program (LCP) pertaining to preservation of environmentally sensitive resources and public views. The City of Del Mar's LCP includes development regulations for sites that contain steep hillsides and are

in close proximity to wetland areas. These regulations require that proposed development avoid encroachment into sensitive lands and existing public views, and limit potential impacts to downstream resources. In this particular case, the site contains steep slopes and is adjacent to sensitive wetland habitat, and reasonable use of the property has already been achieved. The subject site contains a relatively flat pad where an existing single family residence is located and then slopes down to the north and into the San Dieguito Lagoon basin. The proposed amendment involves removal of .42 acres from deed restricted open space, which could encourage the applicant to seek future development of this sensitive area adjacent to the San Dieguito Lagoon and at the base of a steep inland hillside. In fact, the applicant has a CDP application pending at the City to subdivide the project site into two separate residential parcels. The application at the City is on hold pending the outcome of this review.

The Commission included Special Condition #2 in its original approval with the intent of protecting sensitive natural resources on the subject site and in the adjacent wetlands. The Del Mar LCP explicitly states that the open space character of the San Dieguito Lagoon and surrounding upland habitat should be maintained and that wetland and steep hillsides should be preserved in their natural state. The proposed amendment is inconsistent with these provisions of the LCP because it seeks to remove open space protection for a significant portion of undeveloped land adjacent to steep hillsides, wetland habitat, and within the 100 year floodplain. Approval of this amendment request, as proposed, would therefore be inconsistent with the LCP and staff is recommending that the Commission deny the proposed request.

STANDARD OF REVIEW: Certified City of Del Mar Local Coastal Program (LCP)

Substantive File Documents: 5/26/10 Letter from the San Dieguito River Valley Joint Powers Authority Board of directors, 5/17/10 Letter from the Del Mar Fire Department, 5/7/10 letter from RBF consulting, 9/28/09 letter from Sowards and Brown engineering, 4/26/10 letter from Dawn Rawls- Chair of the San Dieguito Lagoon Committee, 5/3/10 letter from Friends of the San Dieguito River Valley, 5/6/10 letter from Pam Slater-Price, 4/13/10 City of Del Mar Planning Commission Staff Report, 6/4/09 GeoSoils Summary Report of Geotechnical Investigation of Native (Natural) Toe of Slope Location, 6/3/09 ICF Jones & Stokes Biological Report Addressing Buffer Setback for Fish and Game Commission, 4/13/10 Andrews Lot Split Presentation Report by RJS Planning and Land Solutions, Inc., 5/10/10 Amendment Request Presentation Report by Phil and Kathy Andrews, 4/13/10 City of Del Mar Planning Commission Presentation Report, , 85-395905 Deed Restriction for 2081 Gatun Street, 4/8/10 ICF international Negative Cultural Resources Survey Report, 10/23/08 DUDEK Biological Report Addressing Open Space Easement for Coastal Commission. 6/9/09 Sowards and Brown Engineering Project Plans (including natural toe of slope map, Andrews Building envelope, Andrews Project Composite- TPM application, Tentative Parcel Map, Building Envelope and Veg Map Overlays- and natural grade map), 7/13/09 Tentative Parcel Map Application, 9/28/09 Sowards

and Brown Engineering Best Management Practices Letter, 10/5/09 RJS Planning and Land Solutions, Inc. letter, FEMA map of Del Mar, Power Point from Kathy Andrews depicting the Del Mar Floodway, September, 2000 San Dieguito Wetland Restoration Project Final Environmental Impact Report, 7/17/09 Fish and Game Concurrence document, City of Del Mar Zoning Ordinance, 5/3/02 Grant Deed, Preliminary Title Report, email correspondence between The California Coastal Commission, San Diego Office, and Kathy Andrews, 6/10/09 letter from Phil and Kathy Andrews, 4/15/10 letter from Phil and Kathy Andrews, 6/7/10 letter from Kathy and Philip Andrews

I. PRELIMINARY STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve proposed amendment to Coastal Development Permit No. 6-85-282 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a NO vote. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT AMENDMENT:

The Commission hereby denies the proposed amendment to the coastal development permit on the grounds that the development as amended will not conform with the provisions of the certified local coastal program. Approval of the amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description. The proposed amendment to Coastal Development Permit 6-85-283 involves modifications to deed restricted open spaces areas established by Special Condition #2. The subject 2.43 acre property is located on a steep northeast facing hillside upland from the San Dieguito Lagoon on the south side of San Dieguito Road, just east of Grand Avenue in the city of Del Mar. Steep slopes with grades in excess of 25% exists on 56% of the project site and are primarily vegetated with Southern Mixed Chaparral Habitat.

CDP 6-85-283 approved construction of a two-story 3,078 sq. ft. structure located on the level hilltop portion of the site and required the remainder of the vegetated downward

sloping property to be deed restricted as open space area. The intent of the open space restriction was to protect sensitive native habitat, preserve the sloping hillsides in their natural condition and maintain scenic landscapes in the lagoon viewshed. This amendment seeks approval to revise the open space deed restricted area to remove the lower portion of the site from open space in order to facilitate a future lot split and construction of another residential unit on the site. (It should be noted that neither the lot split nor the residential construction is the subject of this review, but would be reviewed by the City of Del Mar under separate coastal development permits should this amendment be approved).

Approximately 1.5 acres of the 2.43 acre site is currently in deed restricted open space. With the proposed amendment, .42 acres will be removed from open space. Unlike the majority of the designated open space that is steeply sloping and densely vegetated with native habitat, the portion proposed to be removed from open space is dominated by non-native ice plant and is a low-lying, relatively level area. However, this portion of the restricted open space area is in close proximity to the San Dieguito Lagoon (across San Dieguito Road) at the base of a steep hillside and is subject to the development regulations of the 100 year floodplain, the Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone as well all regulations contained in the Del Mar Local Coastal Plan.

2. Development History. The original permit for the subject site (CDP 6-85-283) was approved by the Coastal Commission on June 26, 1985 and involved a lot line adjustment and construction of a single family residence on a vacant 3.4 acre property. The property contained a steeply sloping hillside with dense clusters of Southern Mixed Chaparral that served as vital upland habitat for the adjacent lagoon. The existing lot line for the property ran east to west and separated the property into two uneven lots, only one of which contained a level, previously unvegetated site capable of supporting future development. As potential development of the vacant property was constrained by the existing topography and native habitat, modifications to the lot line were necessary to establish building sites on each lot that could support residential development. CDP 6-85-283 authorized a lot line adjustment which created a 2.43 acre lot (Parcel 1) and a 1 acre lot (Parcel 2) and established future building envelopes on each lot that would involve minimal encroachment into steep hillsides and native habitat areas. The two new lots and corresponding future building sites created by the lot line adjustment were consistent with the regulations of Del Mar's R-1-40 zone, which allowed for one residential structure per acre, and were situated at the top of the bluff along the line of existing development.

CDP 6-85-283 also permitted construction of a two-story 3,078 sq. ft. single family residence within the approved building envelope on Parcel 1, which was subsequently constructed and still exists on the subject site. Parcel 2 was later sold and developed under the approval of a separate CDP. While CDP 6-85-283 addressed both Parcel 1 and 2, this amendment request involves only Parcel 1 of the original 3.4 acre property. As the Commission wanted to retain the maximum amount of native habitat and natural topography on the property, Special Condition #2 was included in the original permit to

require that the remainder of the property not allocated as buildable area be designated deed restricted open space as follows:

Special Condition #2

Prior to the transmittal of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchase of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of existing vegetation or the erection of structures of any type unless approved by the California Coastal Commission or its successors in interest on that area shown on exhibit #3 of the staff report. The recording document shall include legal descriptions of both the applicant's entire parcel and the restricted area to protect steep slopes and vegetation, and shall be in a form and content acceptable to the Executive Director.

As such, 1.5 acres of Parcel 1 are currently deed restricted as open space.

The City of Del Mar has a certified LCP and issues coastal development permits for its jurisdiction. While the project site is located within the City of Del Mar's CDP permit jurisdiction, the project is being reviewed by the Commission as an amendment to a previously issued coastal development permit approved by the commission (ref. CDP 6-85-283). Thus, the standard of review is the certified Del Mar LCP.

3. Environmentally Sensitive Resources. This amendment proposes to modify deed restricted open space to allow for future development and lot subdivision on a property located directly upland of the San Dieguito Lagoon. The subject site is predominated by steep slopes and is within the Bluffs, Slopes and Canyon Overlay Zone of the Del Mar LCP. The lower part of the property, proposed for future development and situated directly below the steep slopes and within 100 feet of wetlands, is subject to periodic flooding and is within the 100 year flood plain and the Lagoon Overlay Zone of the Del Mar LCP. Both of these overlay zones, as identified and defined by the Del Mar LCP, contain regulations to prevent development from impacting the upland habitat and downstream resources of the San Dieguito Lagoon. Other regulations included in the Del Mar LCP mandate the protection of sensitive resources in this area of the City of Del Mar and identify the ecological importance of the subject site. The proposed amendment and any future development on the subject site that the applicant could seek to undertake after approval of this amendment would potentially impact sensitive downstream resources and upland habitat. The following policies and provisions of the Del Mar LCP are applicable to the proposed amendment and state:

Chapter II Land use Development, A. Background

"The City of Del Mar is unique in that it is surrounded on all sides by significant natural landforms and resources. The most notable is the Pacific Ocean to the West. San Dieguito Lagoon, and its associated floodplain and upland hillside areas wrap around much of the cities northern and eastern boundaries. This includes the area of

Crest Canyon, which serves as a major drainage course within the watershed of San Dieguito Lagoon”.

“It is also important to note that the preservation of the City’s natural resources is of paramount concern to Del Mar. It is, therefore, the City’s position that where there is a conflict between policies in this Land Use Plan, that the most restrictive, in terms of natural resource protection, shall apply”.

Chapter II Land use Development, Goal II-A, Policy II-2

Insure that future development, whether commercial or residential, retains the aesthetic quality of the community by protecting and preserving public views to the ocean and other significant natural resources; and by minimizing the disturbance of natural topography and vegetation.

Chapter III Hazard Control, A. Background, 3. Flooding

Much of the San Dieguito River Valley is within the 100-year floodplain as designated on the Federal Insurance Rate Program Maps prepared by the Federal Insurance management Agency. The river floodway and floodplain extend over previously developed and undeveloped land. The Floodway regulations of this Land Use Plan prohibit the placement of fill or the development of permanent structures within the Floodway Zone where the hazards of flooding are the greatest. Other policies regulate that development which is allowed in flood-prone areas.

Chapter III Hazard Control, A. Background, 4. Runoff and Slope Erosion

The policies of the Bluff, Slope and Canyon Overlay Zone (refer to Chapter VI) as well as other policies of this Land Use Plan serve to minimize the hazards of erosion and the sedimentation of downstream resources. The steep sloping hillsides and exposed sandstone escarpments within the City are natural elements which contribute to its character and beauty. The application of the policies of this Land Use Plan are also intended to preserve these visual resources. Further, many of the steep hillside areas lie adjacent and contiguous to the wetlands of San Dieguito and Los Penasquitos Lagoons. As such, they provide necessary upland habitat and wildlife corridors for the various species which inhabit the lagoon areas.

Chapter III Hazard Control, B. Policy III-1

“Protect Open Space Areas as shown on the Del Mar Environmental Management Plan (see Appendix D) through the implementation of the policies of chapters II and VI of this Land Use Plan...”

Chapter III-Hazard Control, B. Policy III-3

Control the development of properties within the Bluff, Slope and Canyon (BSC) Overlay Zone to protect the health, safety, and general welfare and to preserve the scenic sandstone bluffs, related canyons, steep slopes, and their downstream resources. The regulations of the BSC Overlay Zone are cited in Chapter IV of this Land Use Plan.

Chapter V-Recreational Opportunities, A. Background

The San Dieguito Lagoon is a natural wetland of statewide importance. The recent enhancement of portions of the lagoon was planned and constructed through the joint efforts of the City, the California department of fish and game, and the state coastal conservancy. Much of the lagoon and river floodplain also lie within the focused planning area of the proposed San Dieguito River Valley Regional Open Space Park.

Chapter IV-Sensitive Lands, A. Steep Slopes-General Background

The topography of Del Mar contains numerous steep sloping areas where natural grades approach or exceed 25%. Such slopes normally contain either native, drought tolerant or only sparse vegetation. They are often highly erodible. In the six-month period between October and March, the total precipitation averages 9.5 inches along the San Diego Coast. However, once in a period of fifty years, on average, the rainfall in a single 24-hour period may reach 4.5 inches. This intense rainfall, coupled with the particular geological conditions of the area and the runoff from previously developed areas, creates the potential for erosion of soils. These factors present a danger to development and sensitive resources located “downstream”.

Chapter IV-Sensitive Lands, B. Steep slope preservation, Goals and Policies, Policy VI-

1

Preserve and protect sensitive slopes and associated bluff and canyon areas and, their downstream resources through the application of the following Bluff, Slope and Canyon Overlay Zone Regulations

Chapter IV Sensitive Lands, B. Bluff, slope and Canyon Overlay Zone Regulations

A. Purpose

The BSC Overlay Zone is designed to protect the health/safety and general welfare and to control the development of properties within the designated zone in order to preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the zone. The overlay zone is also intended to protect downstream resources from the adverse impacts of erosion and sedimentation. These unique landforms provide visual relief and diversity within the City, and they define and separate neighborhoods and communities physically, thereby enhancing the overall quality of Del Mar’s coastal environment.

Chapter IV Sensitive Lands, D. Wetland Preservation- Goals and Policies, Policy VI-

3

Ensure the protection of the wetlands of Los Penasquitos Lagoon and San Dieguito Lagoon and their sensitive upland habitat by requiring that all development activities taking place in lagoon and upland areas, designated on the Lagoon Overlay Zone Map (Figure VI-B), conform to the wetland preservation regulations of this chapter. In addition, the City shall implement the Bluff, Slope and Canyon Overlay Zone regulations of this Land Use Plan to protect sensitive wetland habitat from the impacts of upland development which lies outside of the Lagoon Overlay Zone but within the watershed of the San Dieguito and Los Penasquitos Lagoons.

Chapter IV Sensitive Lands, D. Wetland Preservation Regulations 5. Provision of Wetland Buffers

a. To protect wetland areas, all new construction projects which are located on property which includes or lies in proximity to wetland habitat, as shown in Figure VI-B, shall include the provision of a continuous wetland buffer. The buffer shall be 100-feet in width with permitted uses in the wetland buffer limited to those cited in Wetland Regulations #3 of this chapter. The buffer shall be measured landward from the boundary of wetlands as delineated pursuant to the requirements of this chapter.

Lagoon Overlay Zone 30.53.010 Purpose

This Overlay zone is composed of properties which are located directly in, or in proximity to, the Los Penasquitos and San Dieguito Lagoons. The purpose of this Lagoon Overlay is to protect the wetland resources of these areas and their sensitive upland habitats by requiring that all development activities taking place in the zone are designed and implemented in a manner that is consistent with wetland habitat protection and enhancement.

Lagoon Overlay Zone 30.53.030 Definitions, A.1.

“Wetland Buffer” shall mean lands which provide a buffer between human development activity and wetland areas and which serve to protect the environmental and functional habitat values of the wetland, and/or lands which are integrally important in supporting the full range of the wetland and adjacent upland biological community through their function as upland transitional habitat.

Bluffs, Slopes, and Canyon Overlay Zone 30.52.010 Purpose, A.

The BSC Overlay Zone is designed to protect the health, safety, and general welfare, and to control the development of properties within the designated zone in order to preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the zone. The overlay zone is also intended to protect downstream resources from the adverse impacts of erosion and sedimentation. The unique landforms within the zone provide visual relief and diversity within the City, and they define and separate neighborhoods, enhance the overall quality of Del Mar’s local coastal environment, and preserve the economic integrity of the visitor-oriented community. [Ord. 722]

Bluffs, Slopes and Canyon Overlay Zone 30.52.60 Development Review, A.1.b.

For purpose of this section, “Substantial steep slopes”, shall mean: any areas of slopes with a gradient of 25 percent or greater on a site where the total elevation differential within such slope areas themselves is 20 feet or more, or where such slopes on a site adjoin contiguous slopes of 25 percent grade or greater on adjoining property and together involve an elevation differential of 20 feet or more. “Substantial steep slopes” shall include smaller isolated pockets of area with less than 25 percent grade when surrounded by contiguous “substantial steep slopes” located either entirely or partially on site.

Bluffs, Slopes and Canyon Overlay Zone 30.52.60 Development Review, A.1.c.

For the purposes of this section, “encroachment” shall constitute any activity which involves grading, construction, placement of structures or materials, paving or other operation which would render the area incapable of supporting native vegetation or being used as wildlife habitat. “Encroachment” shall also include the removal of native vegetation.

San Dieguito Lagoon Land Use Regulations ‘THE NEED’

“Erosion from development of the watershed is a threat to the coastal lagoon that can ultimately negate all of the public investments in the tidal wetlands through sedimentation”.

Introduction; Land use controls

Design criteria and development controls should be applied to a buffer area surrounding the lagoon to protect the ecological reserve from the impacts of activities taking place in adjacent areas. These controls should focus on water quality and sedimentation problems which may result from development activities, and the visual impact of structures and landscaping in the lagoon view shed.

Protection Standards for the Ecological Reserve

c. Development [in the buffer area] shall avoid any alterations of natural formations; Restoration of the natural site shall be encouraged.

All activities and development taking place in the Buffer Area shall conform to these further standards:

e. minimize the disruption of existing natural features such as trees, and other vegetation, natural ground forms, and view;

Open Space Objectives and Policies:

F. 3. Control the impact of private development on areas designated as having open space sensitivities.

H.11. Minimize or prevent development in hazard and resource area with the following characteristics: flood potential; wetlands; riparian corridors and areas with a greater than 25% slope.

a. Wetland Preservation.

The proposed amendment involves the revision of deed restricted open space area to allow for future subdivision of a property and residential development within the Lagoon Overlay zone, the 100 year floodplain and in close proximity to sensitive wetland resources. While no wetlands exist on the project site, the property comprises sensitive upland habitat and contributes to the ecological function of the San Dieguito Lagoon. The area proposed to be removed from open space supports a fairly homogenous cover of non-native iceplant and is a relatively level portion of the property, however it is located

directly below steep slopes vegetated with native southern mixed chaparral habitat and in close proximity to coastal salt marsh habitat associated with San Dieguito Lagoon. The applicant has indicated that if this request is granted and the open space is revised, any development proposed on the future building site would observe the 100 ft. buffer setback from wetland areas, as required by the Del Mar LCP Lagoon Overlay Zone regulations. However, as the undeveloped .42 acre area is in such close proximity to sensitive wetland resources, is subject to periodic flooding, and is located directly below steep slopes, any development on this portion of the site, even beyond the 100 foot buffer from wetland areas, would have potential impacts on sensitive downstream resources, inconsistent with the LCP.

b. Buffers.

The Del Mar LCP regulations for the Lagoon Overlay Zone require a minimum 100 foot buffer area between wetlands and proposed development; however, existing undeveloped lands extending beyond the required 100 foot buffer and surrounding the San Dieguito Lagoon, such as the subject site, help to maintain the ecological health of the lagoon and provide a significant “wetland buffer” area. As defined by the Del Mar LCP, a “wetland buffer” incorporates properties that “...provide a buffer between human development activity and wetland areas and which serve to protect the environmental and functional habitat values of the wetland...”. The currently vegetated and undeveloped .42 acre area proposed to be removed from deed restricted open space provides transitional upland habitat from the adjoining lagoon salt marsh and lagoon wetlands and functions as a buffer area between uphill residential development and sensitive downstream wetlands.

In the original approval of CDP 6-85-283, the Commission was concerned with protection of the downstream habitat and elevated hillsides of the San Dieguito Lagoon watershed which is why it included Special Condition #2, which required an open space deed restriction to preserve the majority of the property in its natural state. The findings supporting issuance of CDP 6-85-283 state that “Special Condition #2 of the permit reflects the Commission’s concerns with protecting the maximum amount of the steep sloping hillside in its natural state”. The 1.5 acres of deed restricted area on the subject site currently consists of undeveloped, steeply sloping hillsides vegetated with native sensitive southern mixed chaparral habitat that function as a part of the San Dieguito Lagoon drainage basin and watershed. As such, any further residential development on the proposed .42 acre area could potentially impact the adjacent downstream resources of San Dieguito Lagoon, and would not be consistent with the policies of the Del Mar LCP which mandate that wetland habitat protection and enhancement take precedence when reviewing potential development within the Lagoon Overlay Zone.

As stated in the Del Mar LCP San Dieguito Lagoon Resource Enhancement Program (SDLREP), preservation of open space areas within the Lagoon Overlay Zone serves to limit the threat of erosion and sedimentation to downstream resources. The subject .42 acre area is therefore appropriately reserved for open space, consistent with LCP policies. Thus, the amendment, as proposed, would be inconsistent with the LCP, and removal of the open space restriction in this area, could also encourage the applicant to continue to

pursue her proposal for future residential development of the area, which is upland from sensitive wetland resources and is protected in the LCP. Although such residential development is not before the Commission at this time, it is difficult to imagine that any proposed development in this area could be found consistent with the goals and policies of the Del Mar LCP or the intent of Special Condition #2 of CDP 6-85-283.

The proposed amendment would allow the applicant to apply for future residential development on this .42 acre site immediately adjacent to substantial steep slopes and adjoining the wetlands and coastal waters of the San Dieguito lagoon. Such development would require a CDP and is not before the Commission at this time. It is unlikely, though, that such development could be approved, as the Del Mar LCP includes provisions to protect a large ecological “buffer area” in its San Dieguito Lagoon Resource Enhancement Program that extends beyond 100 feet from wetland areas. The subject property is considered by the Del Mar LCP (SDLREP) to be part of a vital “Buffer Area” where specific development restrictions apply. This area, as identified in the Del Mar LCP, incorporates the steeply sloping upland regions of the San Dieguito Lagoon watershed and includes the subject property in the parameters of its “Buffer Area” map. In the findings section of the CDP 6-85-283 staff report it states that the placement of building sites along the bluff top portion of the property in alignment with the existing line of development would “allow for a greater buffer area between wetlands and residential development”. This assessment is consistent with the goals and objectives of the Del Mar LCP, which emphasize the need to enhance and protect the downstream San Dieguito Lagoon resources and surrounding bluffs and hillsides.

This amendment request proposes to remove from open space a .42 acre portion of the site that is part of an important LCP-designated “buffer area” between blufftop residential development and the sensitive downstream resources of the San Dieguito Lagoon. Thus, this area is most appropriately preserved as open space, and the proposed amendment is inconsistent with the LCP. In addition, the amendment is being sought in an effort to pave the way for a future proposal to subdivide the property for residential construction situated directly below substantial slopes and adjacent to the wetlands and coastal waters of the San Dieguito Lagoon. Residential encroachment into vital upland buffer areas on property that has already been allowed to achieve reasonable development would not be consistent with the goals and regulations of the Del Mar LCP.

c. San Dieguito Lagoon Restoration.

As stated in the Del Mar LCP (Recreational Opportunities chapter), a comprehensive restoration effort was completed through the joint efforts of the City, the California department of fish and game, and the state coastal conservancy. This restoration program helped San Dieguito Lagoon restore some of its natural tidal flow and revitalized native flora and fauna habitats. Additionally, the San Dieguito Lagoon Restoration Project was approved by the Commission in 2005 (ref. CDP #6-04-088). This plan for 150 acres of the San Dieguito lagoon involves an expansion and reinstatement of upland and wetland native habitat areas and will extend to regions of the lagoon near the subject property and within 500 feet of the area proposed to be removed from open space.

In the IFC and Jones biological report submitted by the applicant, a Belding Savannah Sparrow, which is classified as an endangered species, was identified in Coastal Salt Marsh habitat that lies within 100 feet of the subject property. While the Coastal Salt Marsh habitat adjacent to the subject site was not identified in the IFC and Jones biological report as a vital nesting or foraging site for Belding Savannah Sparrows, the restoration efforts currently taking place throughout the lagoon could help this wetland habitat to support increased populations of native wildlife.

As stated in the Del Mar LCP, (San Dieguito Lagoon Resource Enhancement Program Appendix B), development within the San Dieguito Lagoon and surrounding upland habitat regions should avoid altering natural landforms and restoration of areas to native habitat should be encouraged. The regulations of the Bluffs, Slopes, and Canyon Overlay zone of the Del Mar LCP reiterate the importance of protecting downstream resources from the impacts of upland development. Removal of .42 acres of deed restricted open space on the subject property would not be consistent with these LCP provisions designed to avoid alteration or natural landforms and protection of downstream resources. In addition, if CDP 6-85-283 is amended to permit removal of .42 acres from open space, the applicant could be encouraged to seek future residential development on the site, even though this would allow development to extend closer to wetlands and outside of the established line of development. As such, the proposed amendment and potential attempt to develop this area in the future could set a precedent for development in close proximity to the wetland habitat and open space areas of the San Dieguito lagoon. Such development would be inconsistent with the policies of the Del Mar LCP.

d. Floodplain Development.

As stated above, the Del Mar LCP (Del Mar Community Plan Open Space Objectives, Appendix D) seeks to minimize and restrict residential development in areas with flooding hazards and open space sensitivities. The .42 acre portion of the subject site proposed to be removed from deed restricted open space to accommodate future residential development is located within the 100 year floodplain of the San Dieguito River, which has been identified by the Federal Emergency Insurance Administration (FEMA) as being subject to periodic inundation due to flooding. Any potential residential construction proposed on the .42 acre area would be subject to comprehensive requirements that aim to avoid hazards to occupants of the structure and prevent damage or hazards to the surrounding area. As this .42 acre area currently exists as a vegetated open space area directly below steeply sloping erodible cliffs, modification of open space deed restriction could allow for potential development within an identified flood hazard zone and an area with open space sensitivities. Removal of open space area protection would also make these sensitive upland and downstream resources more vulnerable to the impacts of potential future development and would not be consistent with the goals and objectives of the Del Mar LCP Land Use Plan, which seek to prevent possible threats to the ecological integrity of downstream lagoon resources, restrict development on sites with flood potential and preserve open space areas.

Additionally, as the subject property has been identified within the 100 year floodplain, removal of open space protection to create the opportunity for residential development on the proposed .42 acre area could require future filling of the floodplain to prevent structural damage from periodic inundation and future sea level rise. While such residential development is not before the Commission at this time, removal of the open space restriction could encourage the applicant to continue to pursue such development, despite the fact that the Del Mar LCP includes provisions for the protection and retention of floodplain areas, and any fill of the floodplain to accommodate future residential development on the subject site would be considered an incremental fill of the floodplain that is inconsistent with the above cited provisions of the certified LCP. Thus, even if the Commission approved this amendment, future residential development on this site would not be consistent with the provisions of the LCP related to development on floodplains.

e. Southern Mixed Chaparral Habitat.

The subject 2.43 acre lot is comprised of steep slopes vegetated with southern Mixed Chaparral, upland from the San Dieguito Lagoon and within the Bluff, Slope and Canyon Overlay Zone identified in the Del Mar LCP. As stated in the policies of the Del Mar LCP, the steep sloping undeveloped regions of the San Dieguito Lagoon, including the 1.5 acre open space area on the subject site, function as vital upland habitat for the San Dieguito Lagoon and provide a transitional buffer area between hilltop residential development and sensitive downstream wetland resources. Removal of open space protection on the subject site could open up the potential for future residential development and place these upland southern mixed chaparral habitat areas, as well as sensitive downstream resources, at risk.

The existing single family residence on the subject 2.43 acre site was conditioned by CDP 6-85-283 to minimize encroachment into vegetated steep slope areas and to limit the project's impact on hillside drainage patterns and downstream resources. In order to protect the integrity of downstream resources and prevent additional encroachment in the environmentally sensitive resource areas of the site, the Commission approved Special Condition #2, placing 1.5 acres of the 2.43 acre parcel into deed restricted open space. The .42 acre are proposed to be removed from open space contains some steep vegetated slopes, as well as a 5,735 sq. ft. flatter area where the applicant has indicated she would attempt to develop if this amendment request is approved. While this .42 acre site is dominated by non-native iceplant, it is directly adjacent to native southern mixed chaparral habitat.

The entire 1.5 acre open space protected area is predominately vegetated by native Southern Mixed Chaparral, which serves as vital upland habitat for the San Dieguito Lagoon watershed, but is also an ecological community adapted and prone to periodic fires. If a portion of open space deed restriction is removed on the subject site it would provide the applicant with the opportunity to pursue future development adjacent to fire prone chaparral on steep slopes. Any future development the applicant could propose on the site would have to meet fire safety standards including necessary fuel modification requirements. The applicant has submitted a letter dated 5/17/2010 from the City of Del

Mar Fire Department stating that “the Open Space deed restricted area of native habitat will never be required to have brush clearance/fuel modifications even if developed with a single-family residence”. While this letter states that no brush clearance is currently required for the subject site, the Commission is still concerned that removal of open space deed restriction could open up the potential for future development on the subject site and necessitate the need for removal of native habitat in open space areas to comply with fuel modification requirements. The Del Mar Fire Department has the power to rescind their determination at any time in the future and would be able to require that native habitat in the open space areas be cleared and/or thinned to help reduce the potential that any future residential development on the proposed .42 acre area is threatened by fire. Any removal of native vegetation on the subject site would be considered an encroachment, pursuant to the policies of the Del Mar LCP, and would place steep slope areas on the subject site at risk of increased erosion. Removal of open space protection would create the opportunity for future development on the subject site, and could potentially necessitate brush management in sensitive southern mixed chaparral habitats and steep slope areas of the subject site. As such, approval of this amendment request would not be consistent with the policies of the Del Mar LCP which seek to limit encroachment into environmentally sensitive resources.

The existing 2.43 acre site contains steep slopes and sensitive native chaparral and is located in close proximity to wetland habitats associated with the San Dieguito Lagoon. When the Commission reviewed a proposed development project on the subject property in CDP 6-85-283, the significance of these sensitive habitats was recognized and an open space deed restriction on the sloping areas of the subject site nearest to the San Dieguito Lagoon was required by Special Condition #2. A single family residence was also approved, with conditions to ensure that its construction would involve minimal impact on and encroachment into environmentally sensitive resource areas. Additionally, as CDP 6-85-283 allowed for the development of an existing 3,095 sq. ft. single family residence on the subject site, the owners of the subject site have already achieved reasonable use of their property.

The area of the subject site where the open space restriction is proposed to be removed is subject to various hazards due to the presence of fire prone chaparral habitat in the open space areas and its location within the 100 year floodplain. To avoid structural damage from these hazards, future residential construction on the .42 acre open space area would require filling of the floodplain and potential removal of native vegetation for fire safety. These actions would constitute encroachment into environmentally sensitive resources and would not be consistent with the Del Mar LCP provisions. Approval of this amendment request to lift an open space deed restriction would facilitate an attempt to develop a portion of the subject site with an additional single family residence in close proximity to the San Dieguito lagoon and steep slopes that would likely impact sensitive upland habitat, steep slope areas, and sensitive wetland resources. Creating the opportunity for the applicant to apply for future residential development on the subject site and allowing for impacts to environmentally sensitive resources would not be consistent with the policies of the Del Mar LCP, which mandate that protection and

preservation of steep slopes and wetland areas take precedence over proposed residential development, especially on properties that already contain an established residence.

4. Protection of Public Views. The following polices and provisions of the City's LCP are applicable to the proposed development, and state:

Chapter IV Coastal Access, Goal IV-C:

Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of property

Chapter IV Coastal Access, Policy IV-26

Retain and enhance the views of San Dieguito Lagoon along Jimmy Durante Boulevard and San Dieguito Drive through the application of scenic view easements and related view preservation restrictions for any development proposals located along the sides of such roadways within scenic view corridors.

Chapter VI Sensitive Lands, D. Wetland Preservation- Goals and Policies, Wetland Preservation Regulations, Policy VI-6

The viewsheds of the San Dieguito and Los Penasquitos Lagoon shall be preserved and protected through the application of the following criteria into the design of new and redevelopment projects within the viewshed areas of the San Dieguito and Los Penasquitos Lagoon, respectively.

- a. Compatibility of design with the existing and desired character of the surrounding area
- b. Recognition of views, climate and the natural outside activities in the design of exterior `spaces;
- c. design of buildings to be subservient to the terrain, and;
- d. consideration of views from the lagoon and the surrounding roadways in the landscape and structure design.

Bluffs, Slopes and Canyon Overlay Zone 30.52.080 Design Review

A. In order to preserve view sheds and the open space appearance of the area from a distance, structures shall be designed to be subservient to the natural landforms on the site. In addition, no structure shall exceed a height of 14 feet as measured pursuant to the provisions of this code, unless the design review board finds that scenic views sheds and open space area will be less affected by higher structures.

C. No primary scenic views or scenic views from public streets, roads, or pedestrian trails shall be obstructed, unless the design review board finds that there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that the bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

I. Retain and enhance natural benefits within the San Dieguito River floodway and Lagoon habitat.

A significant portion of the existing 1.5 acres of deed restricted open space area on the subject site is located within the San Dieguito Lagoon viewshed. Visible from the I-5 freeway, public walking paths, public lagoon viewing points, and multiple public roads, the subject property is a highly scenic site.

The Del Mar LCP (Del Mar Community Plan Open Space Objectives, Appendix D) considers the subject site to be part of an identified “Buffer Area” for which it includes specific goals and development restrictions. These restrictions include preserving the lagoon viewshed and scenic vistas from unreasonable encroachment. As stated in the Del Mar LCP Bluffs, Slopes, and Canyon Overlay zone regulations, no scenic views or scenic vistas from public streets, roads, or pedestrian trails shall be encroached upon by development unless no alternative siting of the proposed structure exists that would eliminate or significantly reduce the encroachment. Approval of this amendment request would encourage the applicant to seek approval for future residential development on an identified 5,735 sq. ft. building envelope, thereby infringing upon existing public views of the San Dieguito viewshed. Since the subject property is constricted by existing steep slopes and open space deed restricted areas, no alternative sitting for future residential development exists that would eliminate or significantly reduce intrusions into the existing San Dieguito Lagoon viewshed. Currently, the subject area is required to remain in open space, which is fully consistent with LCP policies. If such restriction were removed, and the applicant were to seek future residential development on the site, such development could not be found consistent with the public view protection provisions of the LCP cited above. As such, approval of this amendment request would not be consistent with the regulations of the Del Mar LCP which seek to protect public views of the scenic San Dieguito Lagoon region.

Additionally, removal of open space protection would allow the applicant to pursue future development on the subject site and within the 100 year floodplain. Any proposed development on the subject site would need to comply with the 100 year floodplain regulations, which require any structure built to be elevated 9 feet above the existing grade, thereby increasing its visibility from off-site public areas. As stated, the subject site is visible from many public areas in Del Mar, including Jimmy Durante Blvd., San Dieguito Drive, I-5 and trails in and around the Lagoon and contributes a scenic visual quality to the San Dieguito Lagoon Viewshed. Approval of this amendment would remove a portion of the open space restriction that currently preserves these viewsheds, as required by the LCP, leaving open the possibility for a future request to develop the area with an elevated residence that would intrude into the scenic viewshed. Approval of such an amendment would not be consistent with the above cited provisions of the certified Del Mar LCP.

5. Public Access. The following public access Chapter 3 policies are most applicable to the proposed development and state, in part:

Chapter IV-Coastal Access, B. Goals and Policies, Goal IV-A

Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. ...

The site is located between the sea (San Dieguito Lagoon) and the first public road, which is I-5 in this location. The San Dieguito Lagoon open space system begins just north of San Dieguito Road, with native uplands just north of the road sloping down to wetlands moving north towards the San Dieguito River.

The Grand Avenue Bridge public lagoon viewing site lies adjacent to the subject property, however, there are no pedestrian walking trails, public parking or beach access sites located within the parameters of the subject site. As such, this proposed amendment would not impact or obstruct public access to any existing pedestrian trails or lagoon viewing points. Therefore, the Commission finds that the subject amendment request to CDP 6-85-283 is consistent with the applicable Coastal Act polices cited above.

6. Local Coastal Planning. The City of Del Mar has a certified LCP and has been issuing coastal development permits for its areas of jurisdiction since 1993. The subject site is zoned and designated for residential use in the certified LCP. The existing single family residence on the subject site is consistent with that zone and designation. However, the subject site contains steep slopes and is adjacent to the San Dieguito Lagoon, making it subject to the regulations of the Del Mar LUP's Bluffs, Slopes, and Canyon Overlay Zone as well as the Lagoon overlay zone. The proposed modification to

a deed restricted open space area could suggest that the Commission would consider future development in this area. As described in greater detail above, it is unlikely that any such development could be found consistent with the Bluffs, Slopes, and Canyon Overlay Zone or the Lagoon overlay zone or the provisions contained in other components of the Del Mar LCP relative to protection of environmentally sensitive resources and maintenance of surrounding public lagoon vistas. Therefore, approval of the proposed amendment could prejudice the ability of the City of Del Mar to continue to consistently implement its certified LCP, as it could encourage the City to approve development in this location that is inconsistent with the LCP. The amendment is therefore denied.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the amendment were approved. Accordingly, the Commission's denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

Even if CEQA did apply, Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As discussed above, the proposed removal of deed restricted open space to accommodate future residential development is inconsistent with the policies of the certified Del Mar LCP. The proposed amendment would not only pose risks to the integrity of the surrounding environmentally sensitive areas, if development in the area that would no longer be restricted were ever approved through a future CDP, it would result in a reduction of public views in the scenic San Dieguito Lagoon region. In addition, there are feasible alternatives to the proposed amendment available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Additional Exhibits are available online at www.coastal.ca.gov , July 2010 Meeting Agenda, 6-85-283-A1, Item F.19.a., (Exhibit #4-23):

4. Fish and Game Consurrence for 50' wetland buffer
5. ICF Biological Report
6. Dudek Biological Report
7. GeoSoils Geotechnical Report
8. ICF Archeological Report
9. Best Management Practices
10. Steep slope exhibit
11. JPA letter
12. CEQA report
13. City of Del Mar Staff Report
14. City of Del Mar Applications
15. City of Del Mar corrections to Flood Way
16. Letter from City of Del Mar Fire Department
17. e-mail correspondence
18. Building Exhibit with driveway located outside of 100' wetland buffer
19. Andrews' correspondence letters
20. Del Mar Planning Commission Presentation
21. Andrews presentation to CCC staff
22. Deed Restriction for Subject Site
23. Andrews Del Mar Presentation

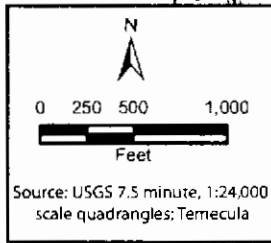
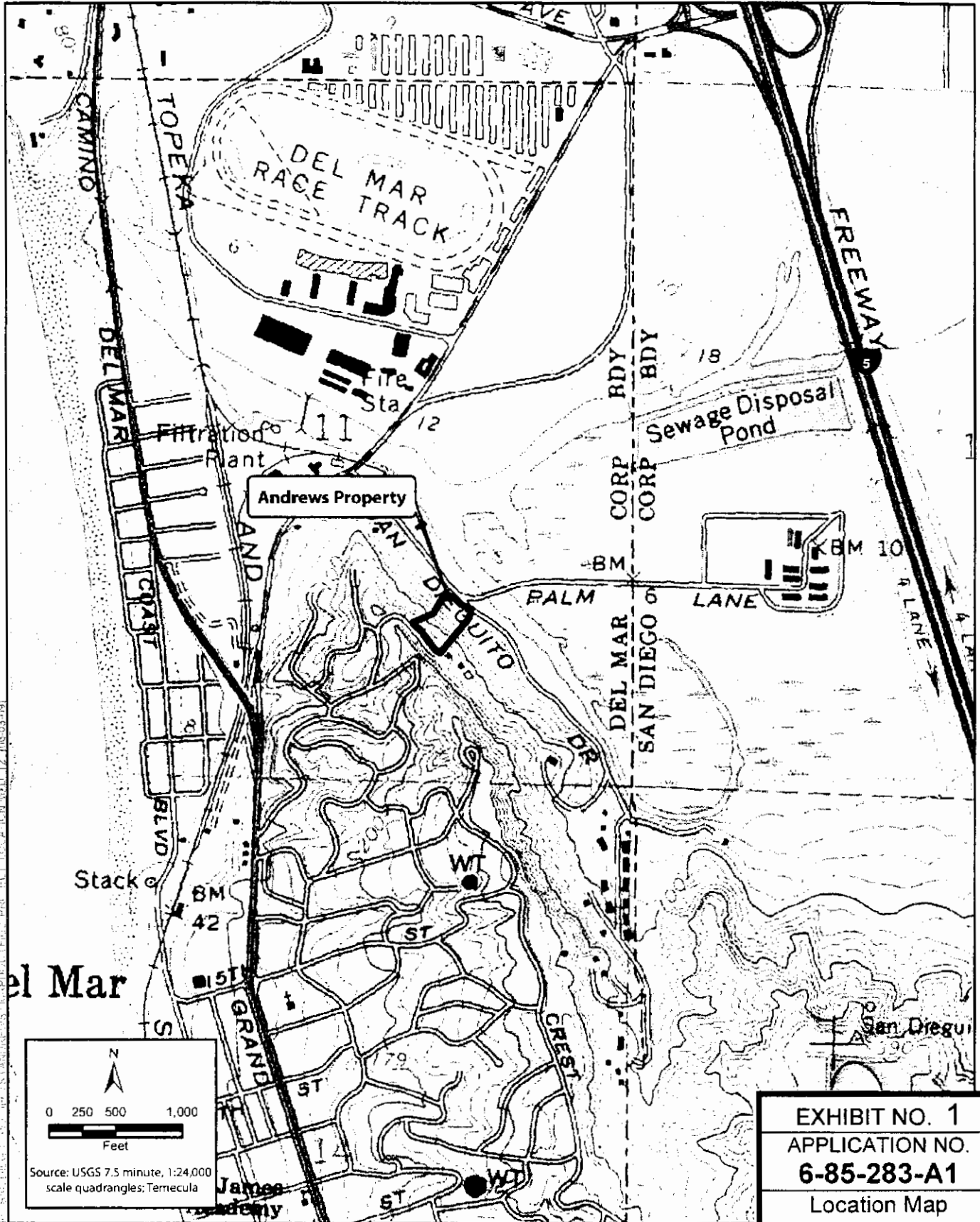


EXHIBIT NO. 1
APPLICATION NO.
6-85-283-A1
Location Map



**OPEN SPACE EASEMENT --
EXISTING**

AMENDMENT REQUEST

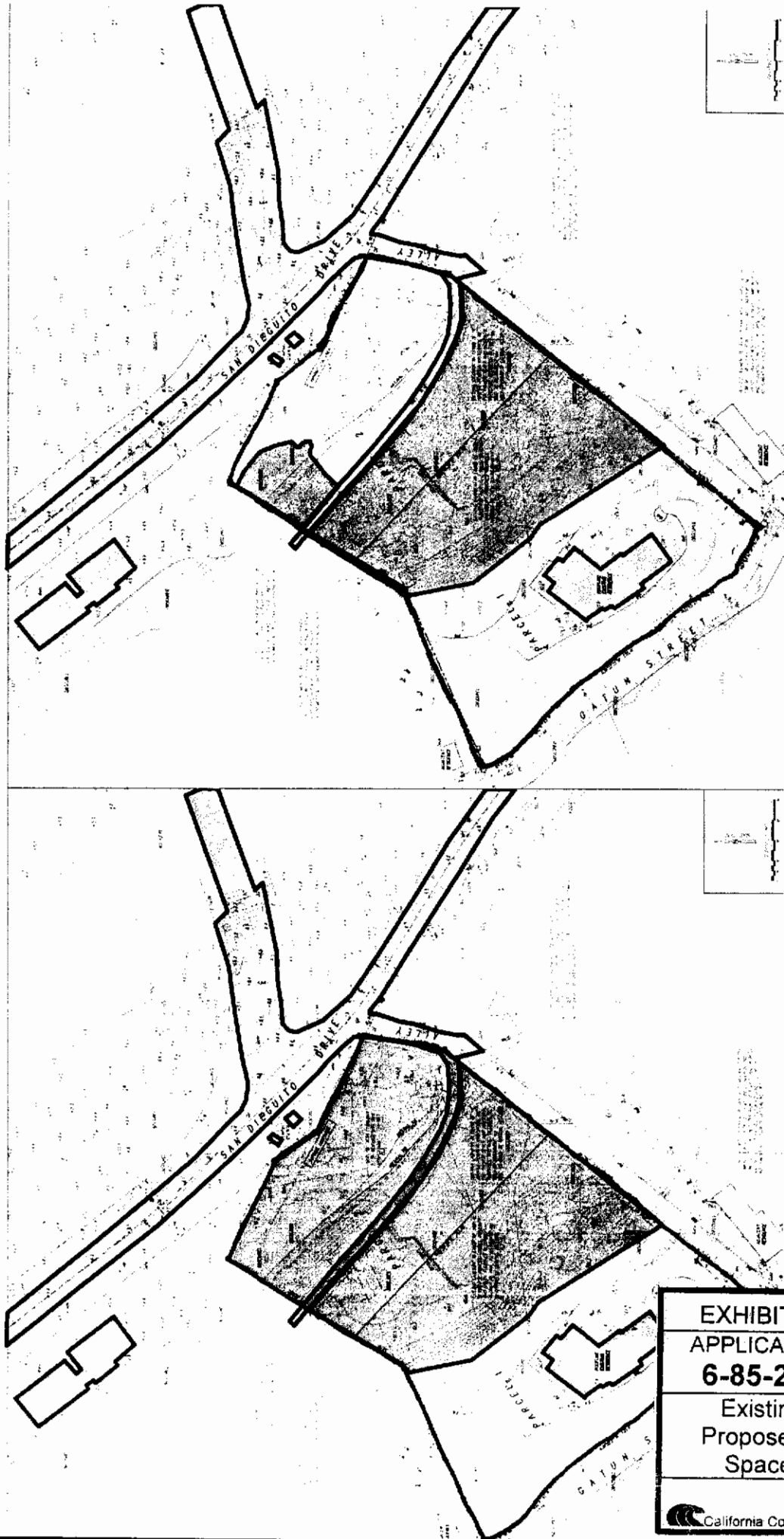
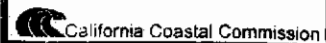


EXHIBIT NO. 2
APPLICATION NO.
6-85-283-A1
Existing and
Proposed Open
Space Map





FSDRV.org

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Friends of the
San Dieguito River Valley

P.O. Box 973 Del Mar California 92014

May 3, 2010

Lee Mc Eachern
District Regulatory Supervisor
California Coastal Commission
San Diego District
7575 Metropolitan Dr Ste 103
San Diego CA 92108-2370

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Del Mar

Dear Mr Mc Eachern

Re : Andrews parcel, this is a request for denial of revocation of deed restriction at
2081 Gatun St. Del Mar

The Friends of the San Dieguito River Valley is an incorporated non-profit organization founded in 1986 as an advocate for the creation and maintenance of the San Dieguito River Park.

It is with great concern that we have become aware of a request to the California Coastal Commission to amend a deed restriction on a parcel at 2081 Gatun St in Del Mar by the Andrews, owners of the property. The property is situated directly across the street from the Old Grand Avenue Bridge, within the San Dieguito River Park and on a channel of the San Dieguito River in the recently restored lagoon area..

The Friends have been the lead agency for the preservation of the Old Grand Avenue Bridge and it's development as a primary observation platform for the birds, fish and wildlife that can be viewed at the site.

It is only in maintaining the deed restrictions imposed on the adjoining properties that a suitable buffer zone can be maintained between the urbanized property developments and the protected lagoon environment..

We are requesting that you deny an amendment to the irrevocable deed restriction on this parcel.

Sincerely yours,

Ja Signature on file *u/e*

Jacqueline M. Winterer, President

EXHIBIT NO. 3
APPLICATION NO.
6-85-283-A1
Letters of Opposition
Page 1 of 5
California Coastal Commission



WJA

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APR 30 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

From: Dawn Rawls
Chair, San Dieguito Lagoon Committee
1087 Klish Way
Del Mar, CA 92014
dawnrawls@roadrunner.com

To: Lee McEachern, District Regulatory Supervisor
California Coastal Commission
San Diego Coast District
7575 Metropolitan Dr, Ste 103
San Diego, CA 92108-4402

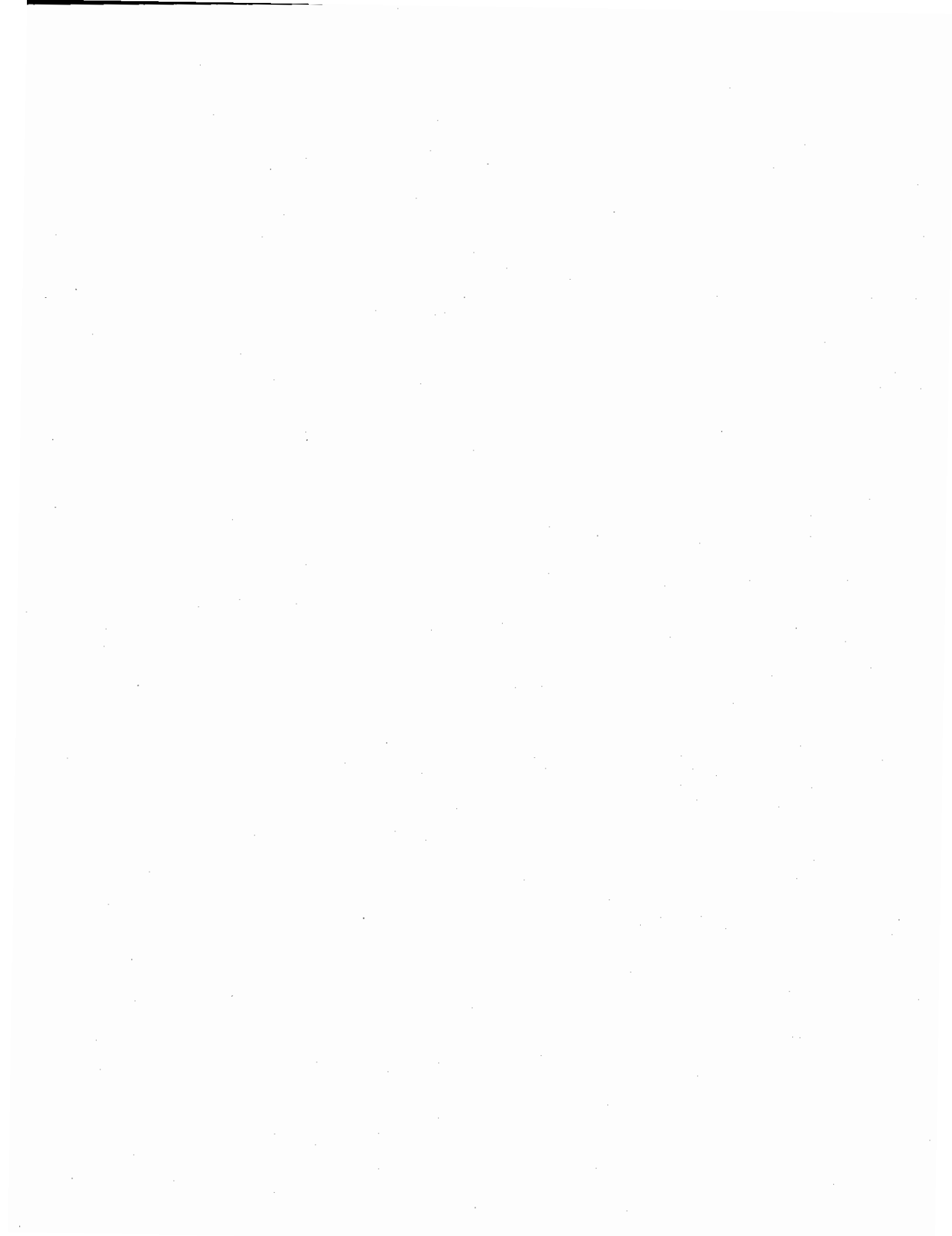
Date: April 26, 2010

Re: Deed restriction on Andrews parcel at 2081 Gatun St Del Mar, CA

It has come to the attention of the Lagoon Committee that the Andrews are asking the Coastal Commission to amend an irrevocable deed restriction on their parcel at 2081 Gatun St in Del Mar. This irrevocable restriction preserves the northeastern/lower portion of that parcel as open space and was agreed upon in 1985 as a condition for building the current structure on the upper portion of the parcel.

The Lagoon Committee requests that the Coastal Commission retain the original, irrevocable open space restriction, rather than granting any amendment. Our reasons are as follows:

1. The restriction is irrevocable and should therefore be irrevocable.
2. The original intent was to preserve the slopes above San Dieguito Dr and the San Dieguito River and Lagoon; this need still exists.
3. The Del Mar Community Plan and Local Coastal Program (LCP) have designated this area along San Dieguito Dr as part of the Bluff, Slope and Canyon Overlay Zone "intended to protect downstream resources from the adverse impacts of erosion and sedimentation. The unique landforms within the zone provide visual relief and diversity within the City, and they define and separate neighborhoods, enhance the overall quality of Del Mar's local coastal environment, and preserve the economic integrity of our visitor-oriented community." (Ordinance 722) This is an implementing ordinance for both Del Mar's Community Plan and LCP; additionally, this ordinance is cited in the San Dieguito River Park Concept Plan, Appendix B, p. 3, as a regulation relevant to the Park plan.
4. Since the original deed restriction of 1985, the San Dieguito River Park has been established and the San Dieguito Lagoon has been restored. The Lagoon's large new tidal pond is fed by the river as it flows past the Grand Avenue Bridge on San Dieguito Dr. This is a sensitive and critical habitat requiring a buffer of surrounding open space.



5. The parcel in question is just across the street from the recently renovated Grand Avenue Bridge, part of the San Dieguito River Park. The Grand Avenue Bridge overlook is one of the primary, accessible public viewing areas for the restored Lagoon and would sustain severe visual impacts if construction occurred on the lower portion of this parcel, which lies within the Focused Planning Area of the River Park.


6. The above points lead to the conclusion that this area along San Dieguito Dr needs **more**, not less, protection than it did in 1985, and the irrevocable deed restriction should not be amended.

Thank you for considering these points.

Please advise me of the Coastal Commission's progress on resolving this issue, especially with respect to input we can make to staff and whether the issue will be heard before the Commissioners in public hearing. I'll be out of town during much of May, but can be reached by email: dawnrawls@roadrunner.com

Thank you for your consideration of the above comments.

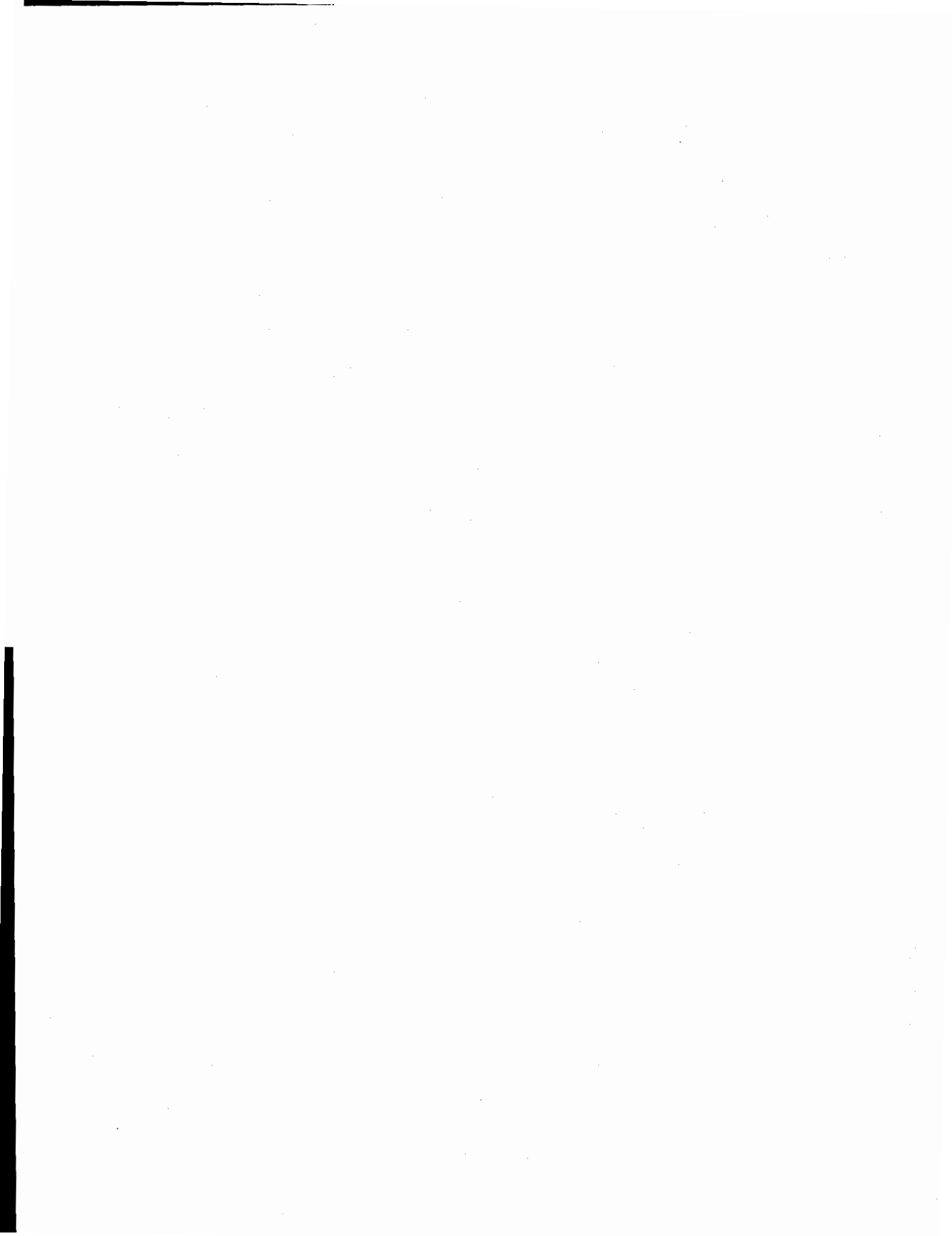
Sincerely

Signature on file 

Dawn S. Rawls

Copy by email:

Del Mar City Planning Department
Del Mar City Council
Del Mar County Supervisor Pam Slater-Price



CJM



PAM SLATER-PRICE
CHAIRWOMAN
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

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Serving the communities

May 6, 2010

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Solana Beach

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Torrey Hills

Torrey Pines

Lee McEachern, District Regulatory Supervisor
California Coastal Commission
San Diego Cost District
7575 Metropolitan Drive, Ste. 103
San Diego, CA 92108-4402

RE: Deed Restriction on Andrews Parcel at 2081 Gatun St., Del Mar, CA

Dear Mr. McEachern:

I am writing to oppose the Andrews' request for revocation of the open space deed restriction on the parcel located at 2081 Gatun Street in Del Mar. Although the parcel address is Gatun Street, the new parcel would take access from San Dieguito Drive.

Page 2 of the Deed Restriction states: "VIII. WHEREAS, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and . . . " *Irrevocable* means nonreversible, irreversible, or incapable of being revoked. Why are you even considering modifying or amending the permit to allow for construction of another residential unit within the open space easement?

Exhibit B, Special Conditions attached to the Deed Restriction states: "All other development proposals for the site (including construction of a residence on parcel #2) shall require review and approval under a separate coastal development permit or an amendment to this permit." This Special Condition contradicts the primary Deed Restriction.

Since the original permit was granted in 1985, many circumstances in the vicinity of the parcel proposed for a lot split have changed. First and foremost, Southern California Edison has recently completed its \$86 million restoration of the San Dieguito Lagoon. We need to preserve the 100-foot wetlands buffer not reduce it to protect the newly restored lagoon.

The proposed lot is directly across the street from the recently renovated San Dieguito River Park's Grand Avenue Bridge overlook. This overlook is one of the primary

accessible public viewing areas for the restored lagoon. The edge effects of construction on the lower level of the Andrews' parcel would have an impact on the wildlife surrounding the overlook as well as visual impacts to overlook visitors. We need to preserve the open space easement buffer for wildlife and visitors.

The area around the lagoon has become more urbanized and we must preserve the buffer to protect the remaining open lands immediately surrounding the San Dieguito River and Lagoon. The lagoon and river serve as a resting area on the Pacific Flyway for migratory birds and as a fish rookery for our state's important fishing industry.

Additionally, the Andrews' parcel requires variances for a number of issues, including, but not limited to, steep slopes, wetlands buffer, vegetation/habitat, and flood plain. This is not the correct place for construction of another residential unit. We need to maintain the buffer between the lagoon and river and the surrounding urban area.

Thank you for considering my concerns and my request that you deny any amendment or modification to the coastal development permit and deed restriction for the Andrews' parcel.

Sincerely,

Signature on file *Signature on file*

PAM SLATER-PRICE
Chairwoman
San Diego County Board of Supervisors
District 3
PSP/sk



FISH & GAME CONCURRENCE DOCUMENT

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

From: Paul Schlitt [mailto:PSchlitt@dfg.ca.gov]
Sent: Monday, August 17, 2009 8:23 AM
To: Jean Crutchfield
Cc: Tim Dillingham
Subject: Re: Andrews proposed lot split, 2081 Gatun (and San DieguitoRd)

Jean,

In regards to your inquiry on the Department of Fish and Game (Department) position concerning Ms. Kathleen Andrews request for a reduction of the wetland buffer for the development proposal at 2081 Gatun Street, Del Mar, CA, this email shall serve as notification to that affect.

I conducted a site visit on March 25, 2009 with Ms. Andrews, Mr. Bob Scott, and Mr. Randy Brown to review the development proposal. Upon the conclusion of that field visit, I requested Ms. Andrews provided to the Department a supplemental biological assessment that evaluated the proposed buffer reduction (requesting reduction to 50 feet) on the northeastern portion of the subject property adjacent to San Dieguito Lagoon. I have since reviewed the report that was prepared by ICF Jones&Stokes (entitled, Biological Report Addressing Wetlands Buffer Setback for Fish and Game Commission, dated June 3, 2009) and do not object to their biological conclusions/findings. Additionally, I have discussed the proposed buffer reduction with the Department's area manger of San Dieguito Ecological Reserve, to inquire as to their specific concerns with the development proposal. The Department has determined as a condition of the reduction in the wetland buffer that the following measure should be required for the Andrews' project: (1) permanent protective fencing shall be installed along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be direct away or adequately shielded from adjacent sensitive habitat; and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's storm water management regulations.

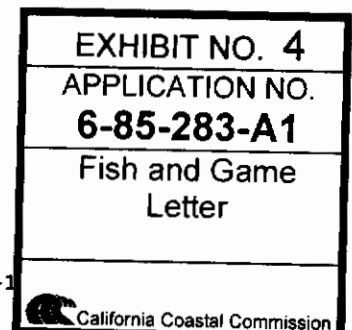
Based on the above conditions for which Ms Andrews' has agreed, the Department does not have objection for the proposal to reduce the wetland buffer from 100 feet to 50 feet.

I hope this has satisfactorily addresses your concerns. Should you have additional question please feel free to contact me.

Regards,
Paul Schlitt

Staff Environmental Scientist
CA Dept. of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
Phone (858) 637-5510
Fax (858) 467-4299
pschlitt@dfg.ca.gov

On the first, second, and third Friday of each month I will be out of the office on furlough leave pursuant to Governor's Executive Order S-16-08 and S-1






**Biological Report
Addressing
Wetlands Buffer Setback
for Fish and Game Commission**

**Andrews' Subdivision
2081 Gatun St., Del Mar, CA 92014**



**Erin Schorr, Senior Biologist
Doug Allen, Senior Biologist**

JUNE 3, 2009

EXHIBIT NO. 5
APPLICATION NO. 6-85-283-A1
ICF Biological Report
Page 1 of 30
 California Coastal Commission

June 3, 2009

Ms. Kathy Andrews
2081 Gatun Street
Del Mar, California 92014

Subject: Summary of Findings for the Reduction of Wetland Buffer for the Andrews' Property, City of Del Mar, California

Dear Ms. Andrews:

This report describes the results of a biological assessment conducted by ICF Jones & Stokes to analyze a proposed wetland buffer reduction for the property located at 2081 Gatun Street in the City of Del Mar, California. The property is located in the City of Del Mar's Lagoon Overlay Zone which specifies a new construction buffer double that of the 50-foot minimum buffer required for any modifications made to existing structures. The buffer requirement for new construction can be reduced to a 50-foot minimum with California Department of Fish and Game's concurrence, if there are findings as listed in DMCC Section 30.53.100(b).

This report focuses on the northeastern portion of the subject property adjacent to San Dieguito Drive and the San Dieguito Lagoon. A discussion of the survey methods and the existing conditions (both within the northeastern portion of the subject property and the adjacent portion of the San Dieguito Lagoon) as well as a justification for a reduced wetland buffer are outlined in this report. In addition, a map showing the existing vegetation communities, the extent of the wetlands (as defined by DMMC Section 3.53.030), and the proposed 50-foot buffer from the identified wetlands is provided.

Project Location, Description, and Environmental Setting

The approximately 2.4-acre property is located at 2081 Gatun Street (APN 299-192-22) in the City of Del Mar (City), California (Figure 1; Figures provided as Attachment 1). The map location is within Section 11, Township 14 South, Range 4 West on the Del Mar U.G. Geological Survey 7.5 minute quadrangle (Figure 2). The property's northeastern boundary is across San Dieguito Drive from the San Dieguito Lagoon and lies within the City's Lagoon Overlay Zone.

The property occurs on a steep northeast-facing slope that extends from Gatun Street northeast to San Dieguito Drive and the San Dieguito Lagoon and floodplain. An existing residence occurs on the southwestern portion of the property adjacent to Gatun Street; the residence is accessed via Gatun Street. A 100-foot buffer from the wetlands associated with San Dieguito Lagoon would hamper development on the northeastern portion of the subject property. Therefore, the property owner is requesting a wetland buffer reduction to 50 feet to provide a buildable area for a potential future single-family residence. Per City regulations, any development in this area

Ms. Kathy Andrews
June 3, 2009
Page 2

would be required to provide a 20-foot-wide front yard setback, in the northeast portion adjacent to the intersection of San Dieguito Drive and Grand Avenue, as well as a 10-foot-wide side yard setback.

Surrounding land uses include large lots with single-family homes to the southeast, southwest, and northwest. San Dieguito Drive is between the northeastern portion of the property and the San Dieguito Lagoon. A pump station along with mailboxes/trash pick-up for one property and easement access for three properties is immediately adjacent to the subject property on the southwest side of the Lagoon across San Dieguito Road. Additionally, to the west of the Lagoon there is a six-car dirt parking area/staging area which services the Grand Avenue nature observation platform. The road access for the parking lot/staging area and viewing platform is from the intersection of San Dieguito Drive and Grand Avenue directly opposite the subject property (Figure 3). Traffic through San Dieguito Drive at the Grand Avenue intersection is generated from approximately 54 homes, whose sole ingress/egress is through this intersection. The roadway is within 50 feet of the wetlands for approximately 0.7 mile east of the intersection servicing these homes. In addition, industrial uses occur within 50 feet of the lagoon for approximately 0.2 mile in the westerly direction up to the intersection of San Dieguito Drive with Jimmy Durante Drive.

Survey Methods

ICF Jones & Stokes biologist Doug Allen conducted a general biological survey of the site on May 20, 2009 between the hours of 10:15 a.m. and 12:15 p.m. Weather conditions experienced during the survey consisted of air temperature of 72 degrees Fahrenheit, clear skies, and 2-3 mile per hour winds. The study area included the northeast portion of the property adjacent to San Dieguito Drive and Grand Avenue and an approximately 200 foot buffer, which included the wetland vegetation associated with San Dieguito Lagoon located immediately adjacent to San Dieguito Road (Figure 3). The biological survey was conducted on foot. During the survey, vegetation communities occurring within the study area were mapped onto an aerial photograph and/or orthotopographical; special focus was placed on accurate mapping of the limits of all wetlands within the survey area. All plant and wildlife species detected were recorded (Attachments 2 and 3) and observations of wildlife usage were noted. Plant species were identified in the field or later in the laboratory with the aid of voucher specimens. Wildlife species were identified in the field by direct visual observation with the aid of binoculars or indirectly by detection of calls, tracks, burrows, or scat. Photographs of the survey area were also taken (Attachment 4).

Survey Results

Vegetation Communities

The following vegetation communities occur within the survey area: southern coastal salt marsh, southern mixed chaparral, non-native vegetation, disturbed habitat, and developed land (Figure 3). The vegetation cover in the northeastern portion of the property is consistent with that mapped by Dudek in 2008 (Dudek 2008). The potential future buildable area in the northeastern portion of the subject property supports 100% cover of the non-native ice plant (hottentot fig; *Carpobrotus* sp.) with San Dieguito Drive, a paved two lane road, a pump station, and the dirt parking area/staging area of the nature observation platform occurring adjacent to the northeast. No wetlands or wetland vegetation occur within the subject property; the coastal salt marsh vegetation within the survey area occurs east of the parking/staging area for the San Dieguito Ecological Reserve and north of San Dieguito Drive.

Wildlife

Wildlife observed or detected during the survey included northern mockingbird (*Mimus polyglottos*), mallard (*Anas platyrhynchos*), cliff swallow (*Petrochelidon pyrrhonota*), raccoon (*Procyon lotor*), and domestic dog (*Canis lupus familiaris*). The cliff swallows were nesting under the viewing platform. One savannah sparrow (*Passerculus sandwichensis beldingi*), a state-listed endangered species, was briefly observed foraging in the coastal salt marsh east of the viewing platform parking/staging area.

Analysis

Based on the biological survey and a review of existing available data for the surrounding areas, a reduction in the wetland buffer to 50 feet is appropriate for the subject property and would not adversely affect the functions and values of the San Dieguito Lagoon. The rationale for this determination and information in support of the findings that must be made pursuant to DMMC Section 30.53.100(b) are provided below.

Habitat Quality

The coastal salt marsh area located within 100-feet of the subject property is located adjacent to San Dieguito Drive and the dirt parking/staging area (Figure 3) and is unfenced. It is at the upper limits of the required hydrology, shows signs of stress (desiccation), and supports non-native plants including but not limited to wild radish (*Raphanus sativus*), short pod mustard (*Hirschfeldia incana*), and brome grasses (*Bromus madritensis* ssp. *rubens*, and *B. tectorum*). In addition, there are well-established foot paths in this area and signs of human (footprints) and domestic dog use (tracks and scat) were observed during the survey. Furthermore, wildlife usage

observed during the field survey was low and was limited primarily to birds species; one Belding's savannah sparrow was observed briefly foraging in this area but its primary use area was determined to be the more pristine salt marsh area east of this area and across a patch of open water (approximately 200 feet from the subject property). The area was not observed to support nesting avian species during the field survey and does not offer protection for ground nesting birds. In addition, previous avian surveys conducted within the reserve did not identify the area within the reserve located adjacent to the subject property as an area of high avian use, either for nesting or foraging (See Attachment 5 for supplemental information regarding avian surveys previously conducted within the reserve). Due to these factors, this area of the salt marsh is considered to be of low wildlife habitat quality.

Traffic and Noise Issues

The San Dieguito Lagoon is bordered by San Dieguito Drive and Racetrack View Drive, which occur immediately adjacent to or within 50-feet of the lagoon/wetlands for approximately 3,700 feet. Fairground event noise (i.e., rock concerts) along with nighttime lighting, while intermittent, can be substantial. San Dieguito Drive currently provides the only ingress and egress for approximately 54 homes (See Attachment 6). In addition, the pump station along with mailboxes/trash pick-up for one property and easement access for three properties occurs immediately adjacent to the subject property (along the southwest side of San Dieguito Road). The traffic and noise related impacts of an additional single-family residence along approximately 30 feet of wetlands adjacent to San Dieguito Drive would be a negligible influence (and as noted above, this area likely does not support nesting avian species that could be affected by noise from an additional single-family dwelling). See Attachment 7 for supplemental information regarding noise surveys conducted at the Grand Avenue viewing area adjacent to the subject property.

Potential Impacts and Recommended Design Features/Mitigation Measures

Potential future development on the northeastern portion of the subject property could result in indirect impacts to the lagoon resulting from:

1. Increased lighting;
2. Domestic pets; and
3. Invasion of non-native, invasive species.

The property owner proposes that the following items be required for any future development on the northeastern portion of the subject property in order to minimize/mitigate potential impacts:

1. All outside lighting would be downcast and directed away from and/or shielded from the lagoon and surrounding wetland area.
2. The new development property would be fenced along the property line with a pet-proof fence approved by the City and CDFG.
3. The new development property would be landscaped using only native, non-invasive plant species known to occur within the project area and approved by the City and CDFG (including wetland transitional species where appropriate).

Conclusions

Development of a single-family residence and implementation of the measures listed above would not result in adverse impacts to the existing wetland area or the lagoon. Based on the existing biological conditions of the subject property and surrounding area, the impact of a single-family dwelling at this location is negligible in comparison to existing usage inside of the 50-foot buffer. A reduction of the 100-foot buffer to a 50-foot buffer would be adequate to protect the resources of the adjacent wetland.

If you have questions regarding the analysis or conclusions presented herein, please contact us at (858) 578-8964.

Sincerely,

Signature on file

Doug Allen
Senior Biologist

Signature on file

Erin Schorr
Senior Biologist

Attachments

Attachment 1 - Figures

Figure 1—Regional Location

Figure 2—Project Location

Figure 3—Biological Resources and Proposed Buffer Reduction

Attachment 2 - Vascular Plant Species List

Attachment 3 - Wildlife Species Detected

Ms. Kathy Andrews
June 3, 2009
Page 6

Attachment 4 - Site Photographs

Attachment 5 - Supplemental Avian Survey Information

Attachment 6 - Supplemental Traffic Information

Attachment 7 - Supplemental Noise Information

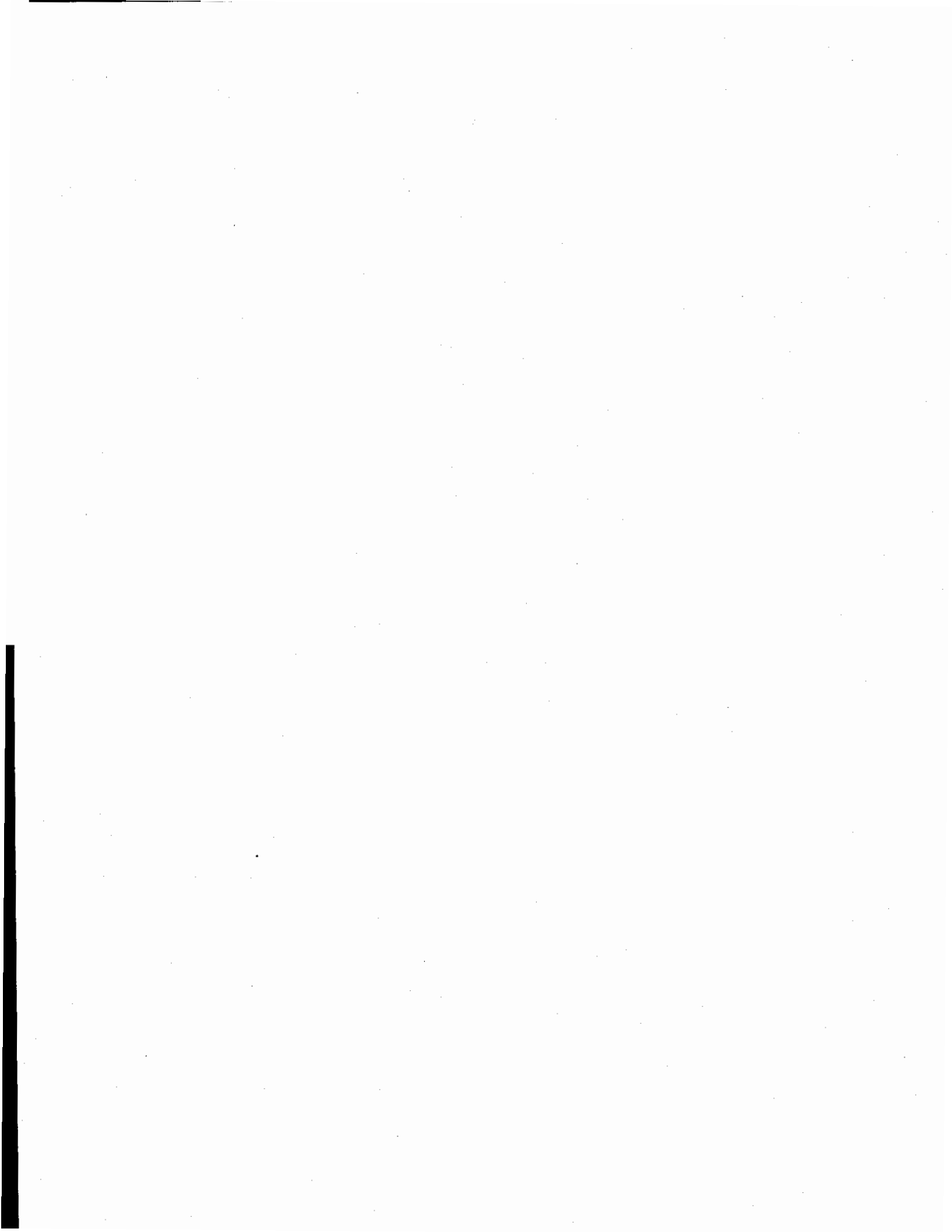
References

Dudek. 2008. Summary of Findings for Biological Survey of Andrews Property 2081 Gatun Street Project, City of Del Mar, California. October 23, 2008. Project #6174-01



ATTACHMENT 1

FIGURES



K:\SAN DIEGO\PROJECTS\ANDREWS\MAPDOC\FIG1_REGIONALVICINITY.MXD_TZ_106-07-08

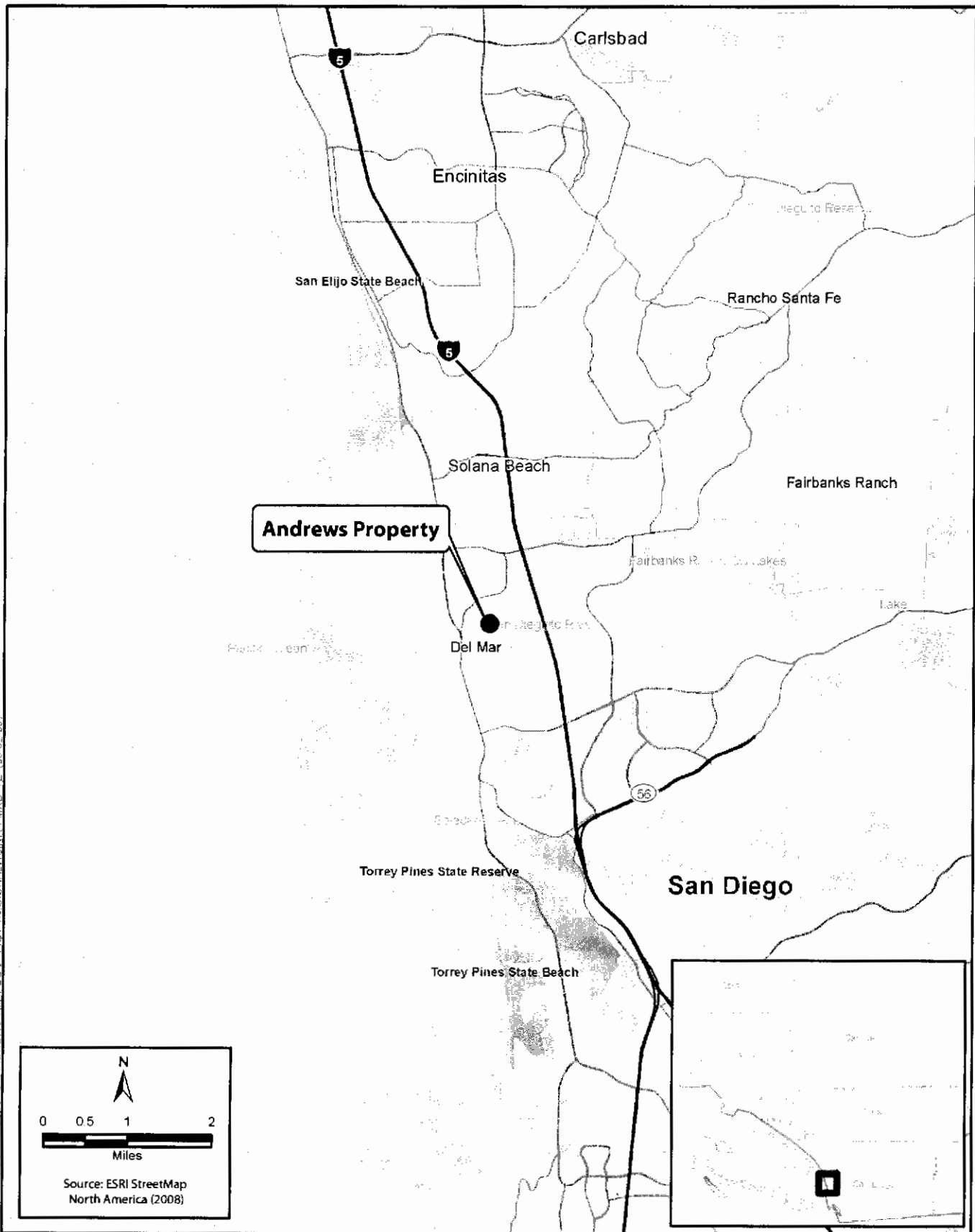
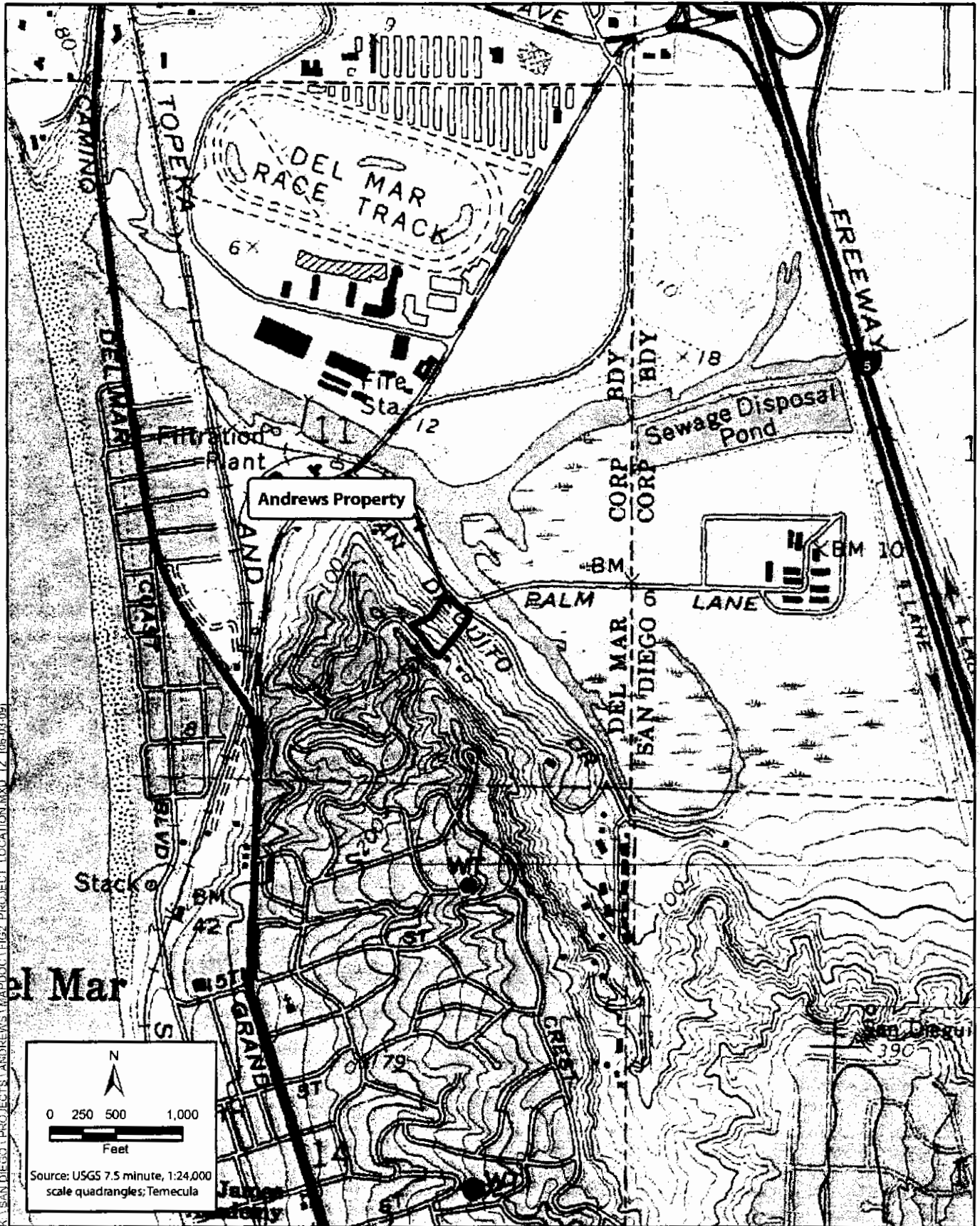


Figure 1
Regional Vicinity Map
Andrews Project



K:\SAN DIEGO\PROJECTS\ANDREWS\MAPDOC\FIG2.PRC\LECT.LOCATION.MXD.TZ (08.01.09)

Figure 2
Survey Area
Andrews Property





Figure 3
Biological Resources and Proposed Buffer Reduction
Andrews Property

ATTACHMENT 2
VASCULAR PLANT SPECIES LIST



Attachment 2. Vascular Plant Species List

Scientific Name	Common Name	Special Status
ANGIOSPERMS: MONOCOTS		
Poaceae — Grass Family		
<i>*Avena barbata</i>	Slender Wild Oat	
<i>*Bromus madritensis ssp. rubens</i>	Foxtail Chess, Red Brome	
<i>*Bromus tectorum</i>	Cheat Grass, Downy Brome	
<i>Distichlis spicata</i>	Saltgrass	
<i>*Phalaris aquatica</i>	Harding Grass	
<i>*Polypogon monspeliensis</i>	Annual Beard Grass	
ANGIOSPERMS: EUDICOTS		
Aizoaceae — Fig-Marigold Family		
<i>*Carpobrotus edulis</i>	Hottentot-Fig	
<i>*Mesembryanthemum crystallinum</i>	Crystalline Iceplant	
Amaranthaceae - Amaranth Family		
<i>Atriplex lentiformis</i>	Big Saltbush	
<i>Sarcocornia pacifica</i>	Pacific Pickleweed	
Anacardiaceae - Sumac or Cashew Family		
<i>Rhus integrifolia</i>	Lemonadeberry	
Apocynaceae — Dogbane Family		
<i>*Nerium oleander</i>	Oleander	
Asteraceae — Sunflower Family		
<i>Artemisia californica</i>	Coastal Sagebrush	
<i>*Chrysanthemum coronarium</i>	Garland/Crown Daisy	
<i>*Coryza bonariensis</i>	Flax-leaf Fleabane	
<i>Encelia californica</i>	California Encelia	
<i>Heterotheca grandiflora</i>	Telegraph Weed	
<i>*Hypochaeris glabra</i>	Smooth Cat's Ear	
<i>Jaumea carnosa</i>	Salty Susan, Fleshy Jaumea	
<i>*Lactuca serriola</i>	Prickly Lettuce	
Brassicaceae — Mustard Family		
<i>*Hirschfeldia incana</i>	Short-pod Mustard	
<i>*Raphanus sativus</i>	Wild Radish	
Fabaceae - Legume Family		
<i>Lotus scoparius var. scoparius</i>	Coastal Deerweed	
Frankeniaceae — Frankenia Family		
<i>Frankenia salina</i>	Alkali-Heath	



Scientific Name	Common Name	Special Status
Polygonaceae — Buckwheat Family		
<i>*Rumex crispus</i>	Curly Dock	
Scrophulariae — Figwort Family		
<i>*Myoporum laetum</i>	Ngaio, Mousehole Tree	

Legend

*=Non-native species

Special Status:

Federal

FE - listed as endangered under the federal Endangered Species Act.

FT - listed as threatened under the federal Endangered Species Act.

State

SE - listed as endangered under the California Endangered Species Act.

ST - listed as threatened under California Endangered Species Act.

SR - listed as rare under California Native Plant Protection Act..

CNPS List - California Native Plant Society

1B - Rare, threatened or endangered in California and elsewhere

2 - Rare, threatened or endangered in California but more common elsewhere

3 - May be rare but more research needed to determine true status

4 - Limited distribution and are uncommon but not presently rare or endangered

ATTACHMENT 3
WILDLIFE SPECIES DETECTED

Attachment 3. Wildlife Species Detected

Scientific Name	Common Name	Special Status
VERTEBRATES		
Birds		
<i>Anas platyrhynchos</i>	Mallard	
<i>Empidonax difficilis</i>	Pacific-slope Flycatcher	
<i>Sayornis nigricans</i>	Black Phoebe	
<i>Petrochelidon pyrrhonota</i>	Cliff Swallow	
<i>Mimus polyglottos</i>	Northern Mockingbird	
<i>Passerculus sandwichensis beldingi</i>	Belding's Savannah Sparrow	SE
Mammals		
* <i>Canis familiaris</i>	Domestic Dog	

Legend

*= Non-native or invasive species

Special Status:

Federal:

FE = Endangered

FT = Threatened

State:

SE = Endangered

ST = Threatened

CSC = Species of Special Concern

FPS = California Fully Protected Species

ATTACHMENT 4
SITE PHOTOGRAPHS

SITE PHOTOGRAPHS

Andrews Property

Del Mar, California



Photo 1: San Dieguito Drive, looking west from northeast portion of property



Photo 2: San Dieguito Drive and Grand Ave viewing area, looking northeast from northeastern portion of the property



Photo 3: Salt marsh area, looking southwest toward the property across San Dieguito Drive.

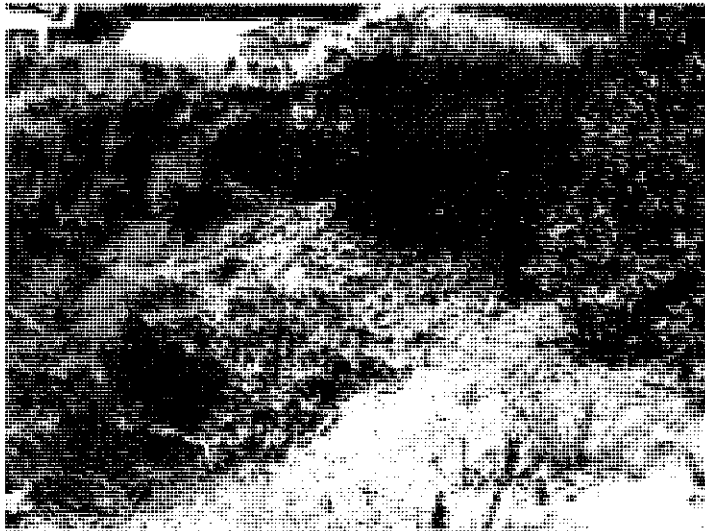


Photo 4: Close up of salt marsh (lower left) and upland vegetation on road bed.



Photo 5: Northeastern portion of property, looking northwest



Photo 6: Northeastern portion of property showing trash pick and mail box area.

ATTACHMENT 5
SUPPLEMENTAL AVIAN
SURVEY INFORMATION

SOUTHERN CALIFORNIA EDISON BIRD FIELD NOTES NEXT TO GRAND AVE. VIEWING PLATFORM

(3/24/08)

SAN DIEGUITO WETLANDS
Daily Survey/Monitoring Report

Date	24 March 2008		Name of On-site Biologist:	Ken Reiland	
Time on site	8:00 - 10:00		Field Meeting:	Present/Not Present	
Activity (circle one):	Monitoring	Survey	Pre-construction	Construction	Scientific Spectes
Purpose (circle one):	Limits of Work				
Survey/Monitoring Activity 1:	I surveyed for Redwing's savannah sparrows on the north side of the San Diego River east of Emerson 5 (area 3). A few were at a curve in the river contains disturbed silt bank, potentially suitable for the same endangered Redwing's savannah sparrow. I surveyed for Redwing's savannah sparrows in this location in order to determine if this was an appropriate location to place one permanent nest-monitoring station. I started on the eastern portion of the curve, and walked slowly along the edge of the river west. I stopped frequently to observe birds with binoculars and to listen for singing males. I looked for breeding behavior including but not limited to physical and vocal displays and carrying food or nest material to a nest site.				
Survey/Monitoring Activity 2:	I visited the area west of Interstate 5 (area 2A) to survey for sensitive birds. I focused my survey on the Redwing's savannah sparrow habitat adjacent to the Jenson south of WI, as well as nesting sites NS15 and NS12. I started near the Crest Canyon trail and walked north and east to NS15. I turned west at the southwest corner of WI and walked along the southern edge of WI to NS12. I returned following the same path. I walked slowly and observed all birds with binoculars. If a sensitive bird was detected, I took notes on its behavior and location in a field notebook with notes corresponding to a map of the area. I looked for breeding behaviors of any bird, including but not limited to, physical and vocal displays and carrying food or nest material to a nest site.				
Additional Notes & Observations:	I found no new nests during both sensitive bird surveys.				
Weather:	Cloud cover:	Temp (°F):	Wind speed/dir:	Precipitation:	Phase of Moon:
Start:	0%	64	0-3 mph	0	
End:	0%	71 R	0-3 mph	0	
Contact Names:	Organizational/Affiliation:				
1.	1.				
2.	2.				
Observation/Instruction Topics:					

Initials of On-Site Biologist

* Construction Monitoring - Biological Assessment - Wetland Monitoring
10660 Scripps Ranch Boulevard, Suite 206 San Diego, CA 92131
Phone: 619-231-0741 Fax: 619-564-9236 E-mail: sds@sdca.com
Web Site: sds@sdca.com

Varanus Monitoring Services

SAN DIEGUITO WETLANDS
Daily Survey/Monitoring Report

Date	10 Sept 2008		Name of On-site Biologist:	Kasey Strong	
Time on site	07:50 - 10:30		Field Meeting:	Present/Not Present	
Activity (circle one):	Monitoring	Survey	Pre-construction	Construction	Scientific Spectes
Purpose (circle one):	Limits of Work				
Monitoring Activity 1:	Construction Monitoring Area 3				
Monitoring Activity 2:	Construction Monitoring Area 2A				
Additional Notes & Observations:	I began a nest and gleaning was occurring within the critical portion of the northern edge of W4 and the southern portion of W16. Workers are not working even-shed material from these areas to DS12. As I walked along the edge of H8A I noticed by several birds that were looking within Marston's beak which was observed along the edge of San Diego River. The small amount of beaked feet was contained within the beak. I quickly tripped the cap of an angle to stop the siren hole. I then notified the fills of the situation (see Pre-construction Report).				
Additional Notes & Observations:	I focused my survey on the wetland areas W4 and W16, as well as along the edge of H8A. I surveyed from the perimeter of both wetland areas and along the top of H8A and looked for signs of breeding/nesting activity.				
Weather:	Cloud cover:	Temp (°F):	Wind speed/dir:	Precipitation:	Phase of Moon:
Start:	85%	70.5	0-5 mph	None	
End:	5%	71.7	3-5 mph	None	
Contact Name:	Organizational/Affiliation:				
1. Tom Ellis	E. Marston				
Observation/Instruction Topics:					
1.	I noticed a lot of the situation with the heating gas unit and the quickly attended to it, moving the fan can to proper storage and cleaning up the spilled gas. I also mentioned to Joe that the Stacker flooting containment barrier at the viewing platform had held good, but that it could be better and more likely to stay in its current position if stakes were installed to hold it out further and prevent the silt from pushing it under the platform again.				

Initials of On-Site Biologist

* Construction Monitoring - Biological Assessment - Wetland Monitoring
10660 Scripps Ranch Boulevard, Suite 206 San Diego, CA 92131
Phone: 619-231-0741 Fax: 619-564-9236 E-mail: sds@sdca.com
Web Site: sds@sdca.com

SOUTHERN CALIFORNIA EDISON BIRD FIELD NOTES NEXT TO GRAND AVE. VIEWING PLATFORM
(9/24/08)

Varanus Monitoring Services

SAN DIEGO WETLANDS
Daily Survey/Monitoring Report



Date: 24 Sept 2008
Time on site: 08:30 - 10:25
Name of On-site Biologist: Kory Nappach

Activity (check one): Monitoring Survey Field Marking Preservation/Restoration
Purpose (check one): Limits of Work Pre-construction Construction Sensitive Species None
Monitoring Activity: 1

Construction Monitoring: Area 2A

Construction Monitoring: Area 2A
I was allowed construction work at the viewing platform (formerly the Grand Avenue Bridge) located just off of San Diego Ave. Live screws to be on hand. It appeared as though no new work had been performed since my last visit on 9/17/08. No markers were on site when I arrived.

Additional Notes & Observations:
Construction Monitoring: All work was within work limits for both Area 1 and for the viewing platform in Area 2A.

Weather	Cloud cover (%)	Temp (°F)	Wind speed/dir.	Precipitation
Start	100%	68.1	0.3 mph	None
End	77.3	77.3	3.5 mph	None

Contact Names:
1. Ben Ruhn
Organization/Institution:
1. Alvarado

Discussion/Instruction Topics:
1. I was allowed to walk Bill Flinn and see the current and future activities within Area 2. The screws used for rail drive have for some of the activities including the W/16 6 channel opening scheduled for the end of October and Area 2 planting and hydroseeding activities scheduled for around December or January depending on weather.

Initials of On-Site Biologist

Construction Monitoring • Biological Assessment • Mitigation Monitoring
10609 Scripps Ranch Boulevard, Suite 200, San Diego, CA 92131
Phone: 858-231-9241 Fax: 858-566-8226 E-mail: richard@calbiowatch.com
Web Site: www.calbiowatch.com

(1/9/09)

Varanus Monitoring Services

SAN DIEGO WETLANDS
Daily Survey/Monitoring Report



Date: 09 Jan 2009
Time on site: 08:30 - 10:30 am
Name of On-site Biologist: Alisa Zych

Activity (check one): Monitoring Survey Field Marking Preservation/Restoration
Purpose (check one): Limits of Work Pre-construction Construction Sensitive Species None
Monitoring Activity: 1

Construction Monitoring: Area 1 (north of river)

Construction Monitoring: Area 2A
I monitored construction activity within TR32 and W16. One loader was pushing dirt and equipping the berm just east of the construction trailer. I monitored wandering birds within the W16/W17 riparian.

Construction Monitoring: Area 2A
I monitored recent activity within two blocks of Area 2A. One restoration crew was planting vegetation within W2A and W2B, just south of the river. I also visited the viewing platform (formerly Grand Avenue Bridge). No construction activity was occurring today for the viewing platform.

Additional Notes & Observations:
Construction Monitoring: All work was within work limits for Area 1, Area 2A, and Area 2B. The upcoming platform opening ceremony will be at the end of January.

Weather	Cloud cover (%)	Temp (°F)	Wind speed/dir.	Precipitation
Start	100%	60.2	0 mph	None
End	64.5	64.5	0.2 mph	None

Contact Names:
1. 1
Organization/Institution:
1. 1

Discussion/Instruction Topics:
1. 1
2. 1

Initials of On-Site Biologist

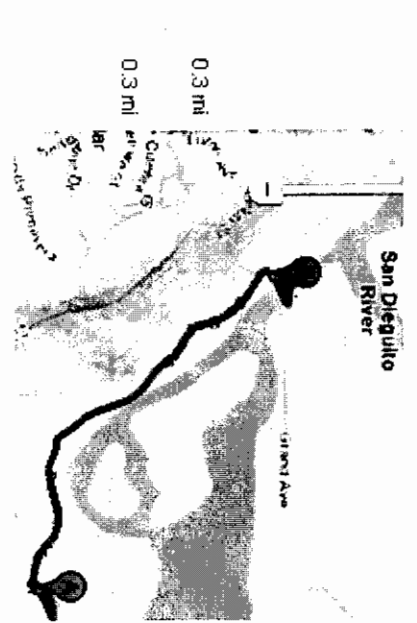
Construction Monitoring • Biological Assessment • Mitigation Monitoring
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Phone: 858-231-9241 Fax: 858-566-8226 E-mail: richard@calbiowatch.com
Web Site: www.calbiowatch.com

ATTACHMENT 6
SUPPLEMENTAL TRAFFIC
INFORMATION

Driving directions to San Dieguito Dr 0.7 mi – about 1 min

- 1. Head west on Racetrack View Dr toward San Dieguito Dr
- 2. Slight right at San Dieguito Dr

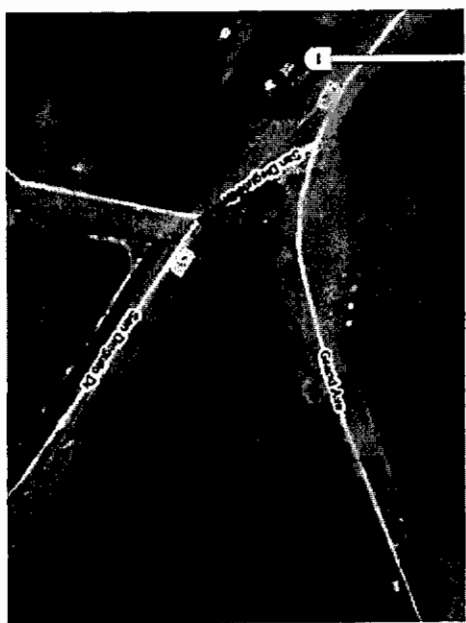
Source: Mapbox



Driving directions to San Dieguito Dr 30 ft

- 1. Head northwest on San Dieguito Dr toward Grand Ave
- 2. San Dieguito Dr

Source: Mapbox



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009, Tele Atlas

NOISE:

Noise levels as recorded on the parking lot site in 2005 show an ambient noise level of 57 decibels with large overall contributions from I-5 freeway and traffic noise from San Dieguito Rd. for people accessing the 54 houses past this point on San Dieguito Rd. Intermittent noise is contributed by the Fairgrounds at levels far exceeding these decibel ranges.

BIRDS:

Bird habitat field reports from March 2008 through January 2009 shows no bird activity of significance in this section next to the view platform and the road (reports courtesy of Southern California Edison's biologist Mikhail Ogawa).

OVERALL EFFECTS

INDUSTRIAL ACTIVITY ENCROACHMENT (0.2 MILES LENGTH) INSIDE OF THE 50' WETLAND BUFFER:

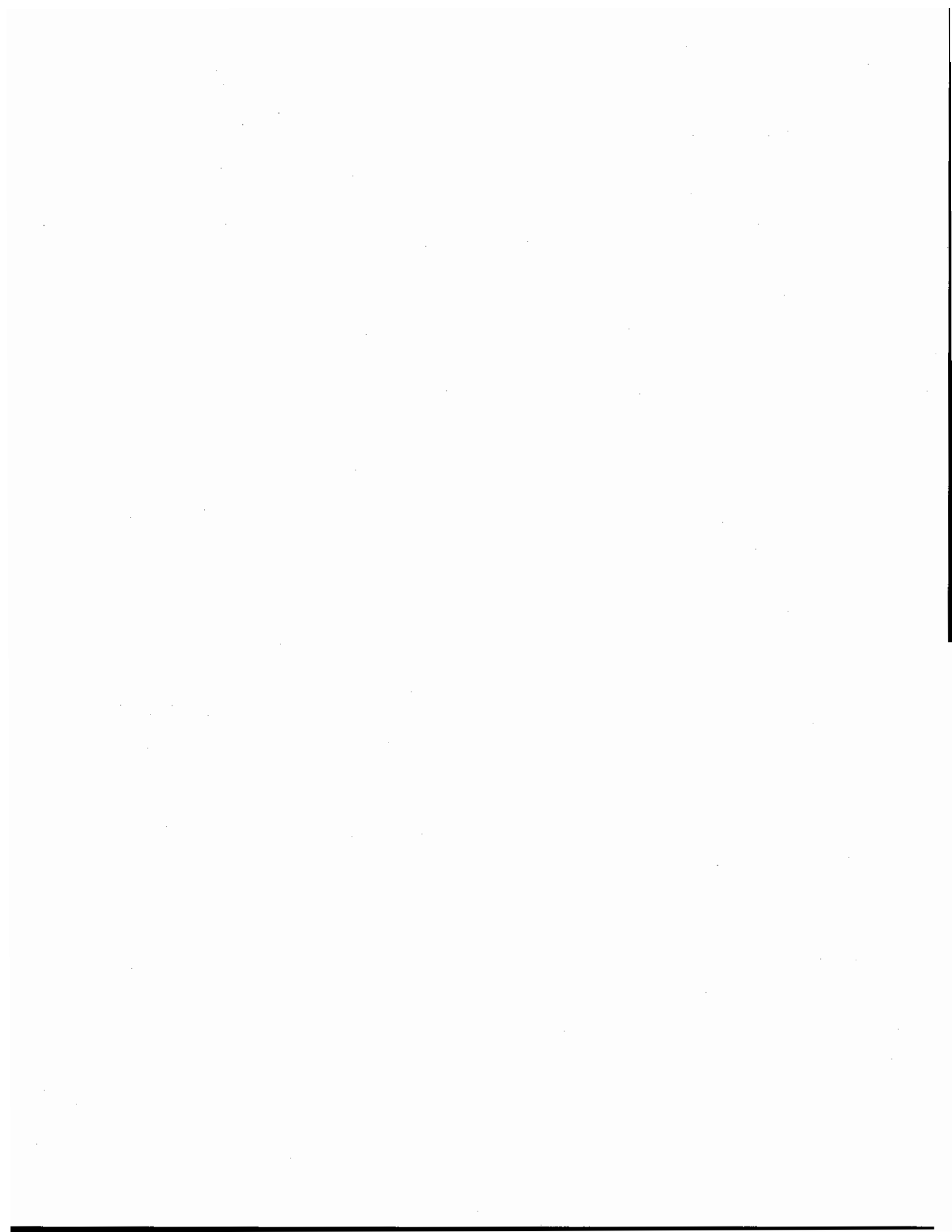
Of the 1.0 miles (~5280') length encroached along the wetlands by either industrial activity or roadway starting at Jimmy Durante Dr. only 0.1 miles (~528') are not encroached by industrial activity or roadway within 50' of the wetlands.

ROADWAY ENCROACHMENT (0.7 MILES LENGTH) INSIDE OF 50' WETLAND BUFFER:

Roadway encroachment by San Dieguito Rd. and Racetrack View Dr. are inside of 50' of the wetland for ~0.7 miles or ~3700 ft from the bridge to the beginning of the Racetrack View development. Of this length, ~30' or <1% is under scrutiny as to the impact of a single family home addition. The impact of a single family home along <1% of the length of the road within 50' of the wetlands is negligible in comparison to the impact of the road as currently servicing as sole ingress and egress for 54 homes off of San Dieguito Dr. and Racetrack View Rd. past the subject property.

IMMEDIATE SURROUNDINGS

A closer look at the immediate surroundings to the 30' linear stretch in question reveal adjacent to this the newly constructed 6-car parking lot that services the new Grand Ave. Bridge viewing platform. The pumping station and snake lady wall was been in place for many years. So this very thin and long stretch of wetlands is capped with a parking lot, public viewing area, sole access road way, pumping station, Snake Lady wall with noise from the freeway, vehicular traffic on San Dieguito Rd., lights from the cars and Fairgrounds. A single family home with 20' front yard setback is outside of the 50' wetlands setback and with mitigating effects of fencing and downward lighting will not significantly impact or change the existing environmental conditions at the site.



ATTACHMENT 7
SUPPLEMENTAL NOISE INFORMATION

NOISE LEVELS AT GRAND AVE. VIEWING AREA, EIR, volume 2

Existing ambient level noise already higher than contributions of single family home. Existing levels already above code for both Del Mar and San Diego County.

3.14 Noise

Table 3.14-5. Short-Term Ambient Noise Levels

Site Locations of 10-Minute Spot Measurements	L ₉ (dBA)	L _{max} (dBA)	L(1) (dBA)	L(10) (dBA)	L(50) (dBA)	L(90) (dBA)
S1 – Approximately 200 feet from San Dieguito River and 980 yards from I-5 at 10:15 A.M.	35	57	57	56	55	54
S-1 – Approximately 200 feet from San Dieguito River and 980 yards from I-5 at 5:07 P.M.	51	53	53	52	51	47
S-2 – Approximately 200 feet from San Dieguito River and 720 yards from I-5 at 5:07 P.M.	56	–	–	–	–	–
S-3 – 330 feet south of San Andres Access Road south of shopping center at 4:45 P.M.	61	67	67	64	61	59

3.14 Noise

Table 3.14-4 Applicable Limits in the City of Del Mar

Land Use Zone	Time of Day	One-Hour Average Sound Level (dB)
Residential/Open Space Overlay	7 A.M. to 10 P.M. 10 P.M. to 7 A.M.	50 40
Commercial	7 A.M. to 10 P.M. 10 P.M. to 7 A.M.	60 50
Railroad Right-of-Way	7 A.M. to 10 P.M. 10 P.M. to 7 A.M.	60 55

Table 3.14-3 Applicable Limits in the City of San Diego

Land Use Zone	Time of Day	One-Hour Average Sound Level (dB)
Residential (R-1)	7 A.M. to 7 P.M. 7 P.M. to 10 P.M. 10 P.M. to 7 A.M.	50 45 40
Residential (R-2)	7 A.M. to 7 P.M. 7 P.M. to 10 P.M. 10 P.M. to 7 A.M.	55 50 45
R-3, R-4, and all other Residential	7 A.M. to 7 P.M. 7 P.M. to 10 P.M. 10 P.M. to 7 A.M.	60 55 50
All Commercial	7 A.M. to 7 P.M. 7 P.M. to 10 P.M. 10 P.M. to 7 A.M.	65 60 60
Manufacturing/Industrial	Any time	75

NOISE LEVELS AT RESIDENTIAL RACETRACK VIEW NEIGHBORHOOD, EIR, volume 2
 Existing ambient noise level already higher than contributions of single family home.
 Existing levels already above code for both Del Mar and San Diego County.

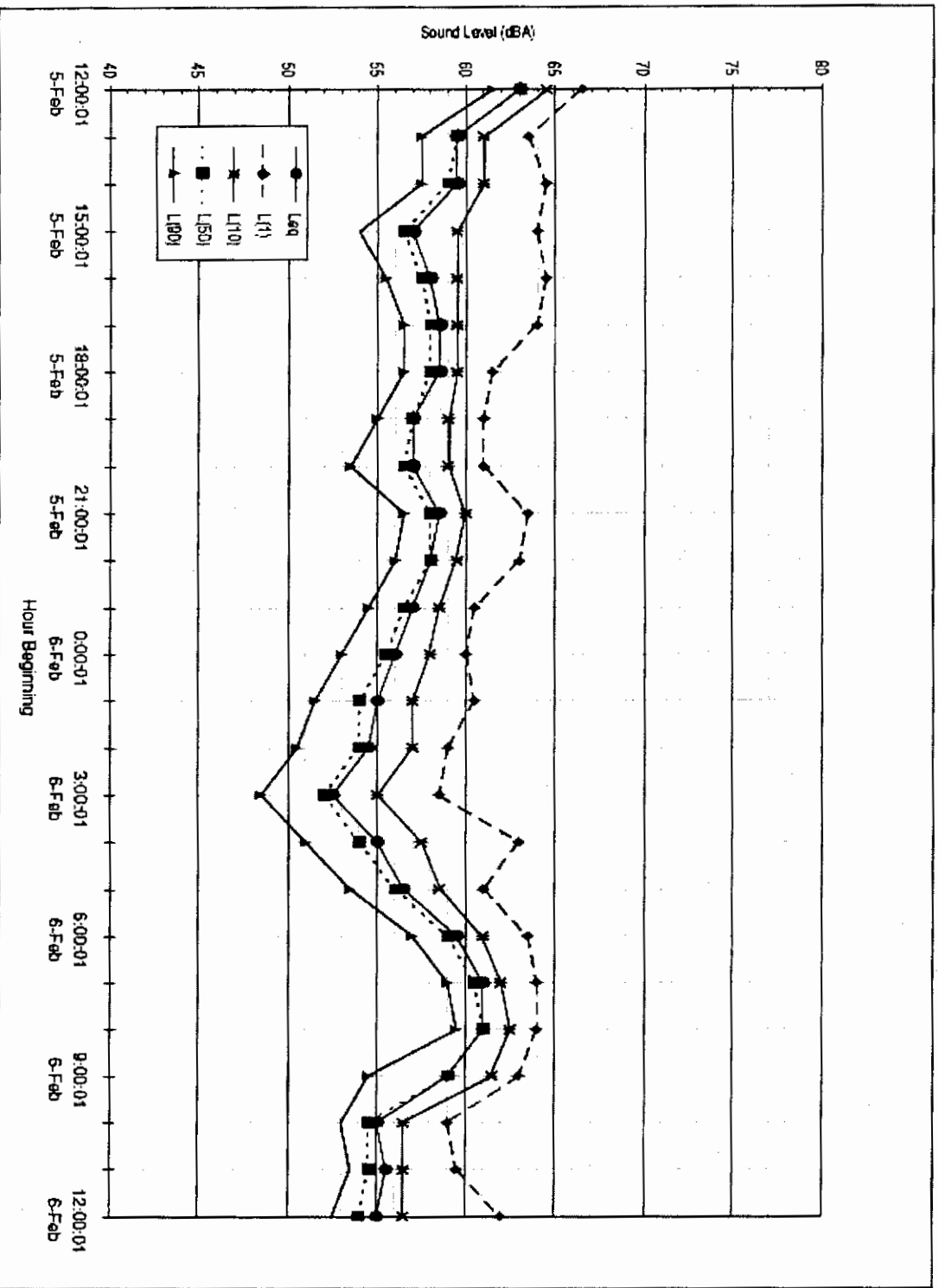


Figure 3.14-3. Noise Levels at Site **IT-2** Residential Area South of the Project Area and West of I-5



Table 3.14-2 Typical Sound Levels
Measured in the Environment and Industry

At a Given Distance From Noise Source	A-Weighted Sound Level in Databse	Noise Environments	Subjective Impression
Civil Defense Siren (100')	130		Pain Threshold
Jet Takeoff (200')	120	Rock Music Concert	
Diesel Pile Driver (100')	100	Boiler Room Printing Press Plant	Very Loud
Freight Cars (50')	90	In Kitchen With Garbage Disposal Running	
Pneumatic Drill (50')	80	Data Processing Center	Moderately Loud
Freeway (100')	70	Department Store	
Vacuum Cleaner (10')	60	Private Business Office	Quiet
Light Traffic (100')	50	Quiet Bedroom	
Large Transformer (200')	40	Recording Studio	
Soft Whisper (5')	30		
	20		
	10		
	0		Threshold of Hearing

SOUND MONITORING SITES. S-1 AT GRAND AVE. VIEWING SITE (EIR Vol. 2)

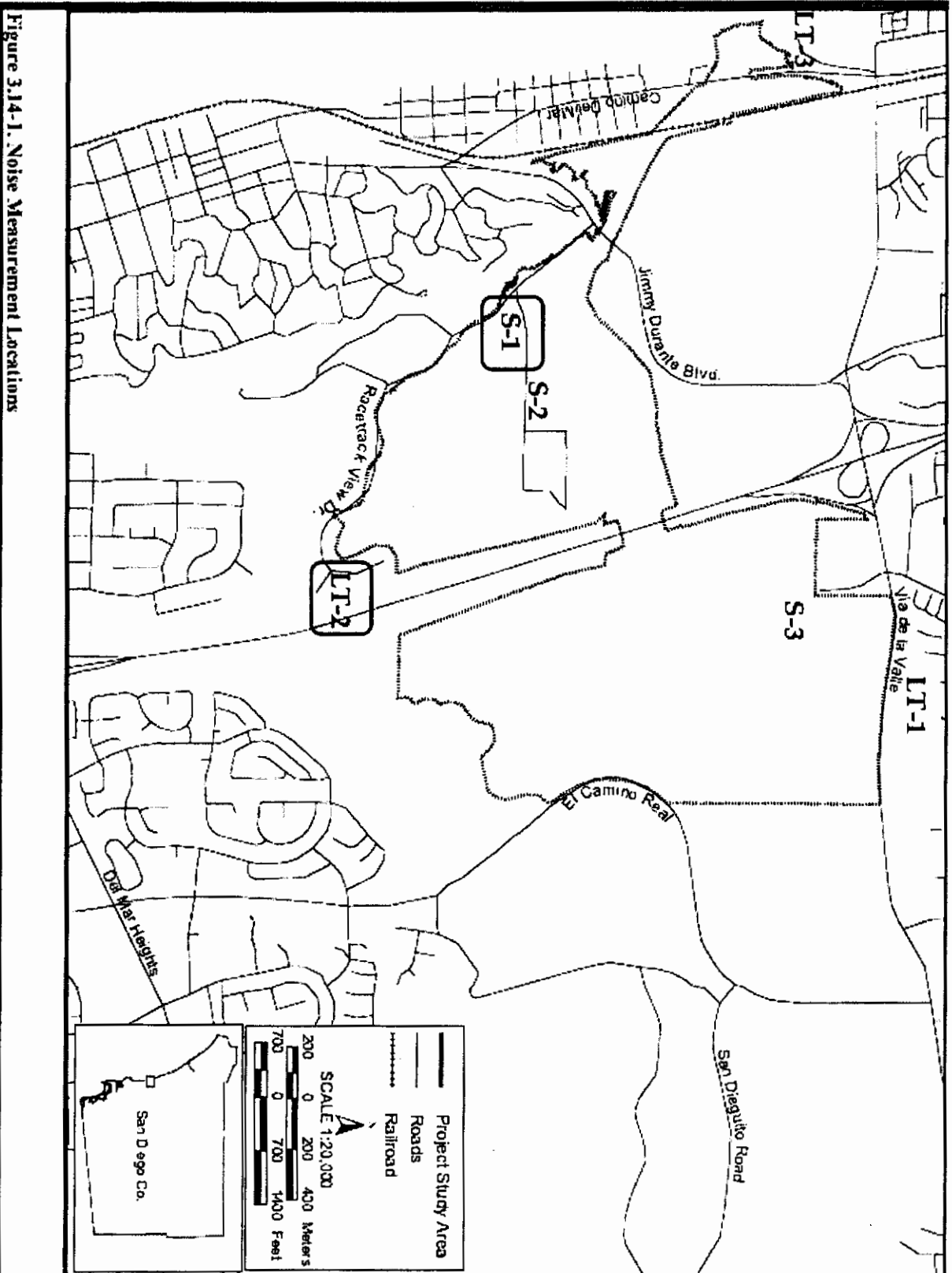


Figure 3.14-1. Noise Measurement Locations


**Biological Report
Addressing
Open Space Easement
for Coastal Commission**

**Andrews' Subdivision
2081 Gatun St., Del Mar, CA 92014**

DUDEK

Jeff Priest, Project Manager/Wildlife Biologist

OCTOBER 23, 2008

EXHIBIT NO. 6
APPLICATION NO. 6-85-283-A1
DUDEK Biological Report
Page 1 of 9
 California Coastal Commission

DUDEK

MAIN OFFICE
405 THORN LITTLE
ENGINEERS, CALIFORNIA 92024
T 760 942 5142 F 950 450 1818 F 760 632 6500

October 23, 2008

6174-01

Ms. Kathy Andrews
2081 Gatun Street
Del Mar, California 92014

Re: *Summary of Findings for Biological Survey of Andrews Property 2081 Gatun Street Project, City of Del Mar, California*

Dear Ms. Andrews:

This report describes the results of a biological assessment conducted by Dudek for the approximately 2.4 acre property located at 2081 Gatun Street, City of Del Mar, San Diego County, California. The purpose of the assessment was to document existing vegetation conditions on site. The project proposes a lot subdivision of the approximately 2.4 acre site. This report discusses survey methods, vegetation communities and provides a map of existing vegetation conditions on site.

PROJECT LOCATION

The proposed project is located at 2081 Gatun Street (APN 299-192-22) in the City of Del Mar, California (*Figure 1*). The project area is located within the SE $\frac{1}{4}$ of Section 11, Township 14 South, and Range 4 West on the Del Mar U.S. Geological Survey 7.5 minute quadrangle (S.B.B.M.) (*Figure 2*).

METHODS

Dudek biologist Jeff Priest conducted a biological assessment of the property between the hours of 1350 and 1500 on August 29, 2008. Environmental conditions included 90% cloud cover, winds ranging from 1 to 2 miles per hour and a temperature of approximately 75 degrees Fahrenheit. The entire site was walked on foot and vegetation communities were mapped in the field directly onto an aerial photo base (Digital Globe 2007). Plant community classifications follow Holland (1986).

Dudek Geographic Information Systems (GIS) specialist Mark McGinnis digitized the mapped vegetation communities into a GIS coverage using ArcGIS software.

RESULTS

Site Description

The 2.4-acre property occurs on a steep northeast-facing slope that extends from Gatun Street northeast to San Dieguito Drive and the floodplain of the San Dieguito River. The property is bordered by single-family homes to the southeast, southwest, and northwest; and by San Dieguito Drive to the northeast. The San Dieguito Lagoon is present approximately 170 feet to the northeast, on the opposite side of San Dieguito Drive. Elevations on site range from approximately 200 to 40 feet above mean sea level. Most of the undeveloped portions of the site are moderately to densely vegetated.

Soils

One land cover and 1 soil type are mapped on the property: terrace escarpments (TeF) and Tujunga sand (TuB; 0-5% slopes). Terrace escarpments consist of steep to very steep escarpments and escarpment-like landscapes. They occur on nearly even fronts of terraces or alluvial fans. Escarpment-like landscapes occur between narrow flood plains and adjoining uplands, and the very steep sides of drainage ways that are entrenching into fairly level uplands. The Tujunga series consists of very deep excessively drained sands derived from granitic alluvium. These soils are on alluvial fans and flood plains with slopes of 0-5% (Boman 19783).

Vegetation Communities and Land Covers

A single native vegetation community, including disturbed forms, is present on site: southern mixed chaparral and disturbed southern mixed chaparral. Four additional non-native land covers also are present on site: developed land, developed/ornamental landscaping, disturbed habitat, and non-native ice plant. Additional mapping was provided within a 100-foot buffer surrounding the site, including two additional vegetation categories identified off site: southern coastal salt marsh and ornamental. The area of each community or land cover is provided in *Table 2*, their distribution within the site and the 100-foot buffer is shown in *Figure 3* and the characteristics of vegetation on site are discussed below.

TABLE 2

Acreeages of Plant Communities and Land Covers – Andrews Property Gatun Street

Vegetation Type/ Land Cover	Acreeage
Southern mixed chaparral (SMX)	0.78
Southern mixed chaparral- disturbed (dSMX)	0.08
Ice Plant	0.53
Developed	0.03
Developed / Ornamental	0.94
Disturbed habitat	0.06
TOTAL	2.42

Southern Mixed Chaparral and Disturbed SMX

Southern mixed chaparral (Holland Code 37120) is a drought- and fire-adapted community of woody shrubs from 5 to 10 feet tall that often forms dense, impenetrable stands. It develops primarily on mesic north-facing slopes and in canyons and is characterized by crown- or stump-sprouting species that regenerate following fire. This association typically contains toyon (*Hetermeles arbutifolia*), lemonade berry (*Rhus integrifolia*), chamise (*Adenostoma fasciculatum*), mission manzanita (*Xylococcus bicolor*), wild lilac (*Ceanothus* spp.), California scrub oak (*Quercus berberidifolia*), and laurel sumac (*Malosma laurina*).

Southern mixed chaparral is the only native habitat type on site and occurs as two disjunct patches within the north-central and northern portions of the site. Due to its high-density cover, there is little or no understory in this community, except for in openings which support scattered tree tobacco (*Nicotiana glauca*) and ice plant (hottentot fig; *Carpobrotus* sp.). The dominant species in the southern mixed chaparral on site are lemonade berry and toyon. A disturbed form of southern mixed chaparral occurs at the western corner of the property, adjacent to Gatun Street. This area has a lower percent cover of lemonade berry with an understory of non-native grasses and ice plant.

Ice Plant

Ice plant is not a vegetation community identified by Holland, none the less, it is a distinct community that occurs where ice plant (non-native hottentot fig) dominates 100% of the ground cover. The closest category Holland provides is 11000 Non-Native Vegetation. This land cover occurs within the area identified for the proposed development associated with the lot subdivision. Impacts to this land cover would require no mitigation and would result in no impacts to any sensitive plants, animals, or vegetation communities.

Ms. Kathy Andrews

Re: *Biological Assessment Letter Report for 2081 Gatun Street, Del Mar, California*

Developed and Developed / Ornamental

The majority of the site is dominated by developed land (Holland Code 12000) or developed / ornamental landscaping (Holland codes 12000 for developed and 11000 for non-native vegetation). These areas support the existing home structure, paved areas and associated non-native landscaping surrounding the home in the southwestern half of the property. Common landscaping species include jacaranda tree (*Jacaranda mimosifolia*), pine tree (*Pinus* sp.), ice plant, and fig tree (*Ficus* sp.).

Disturbed Habitat

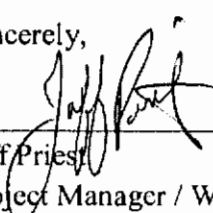
Disturbed habitat (Holland Code 11300) was mapped where a gravel road occurs along the easement providing access for the neighboring property to the northwest. This area is a permanent feature that supports no vegetation and consists of highly compacted soil covered with gravel.

CONCLUSION

The purpose of this study was to provide vegetation mapping and a discussion of existing conditions for the Andrew's Property at 2081 Gatun Street as part of a proposed lot subdivision. The proposed development area of the subdivided lot supports 100% coverage of non-native ice plant (hottentot fig; *Carpobrotus* sp.). Development of this area would result in no impacts to any sensitive plants, wildlife or vegetation communities, and would not require mitigation.

If you have any questions regarding the contents of this report, please call me at (760) 479-4287.

Sincerely,



Jeff Priest
Project Manager / Wildlife Biologist

Att: *Figures 1-3*

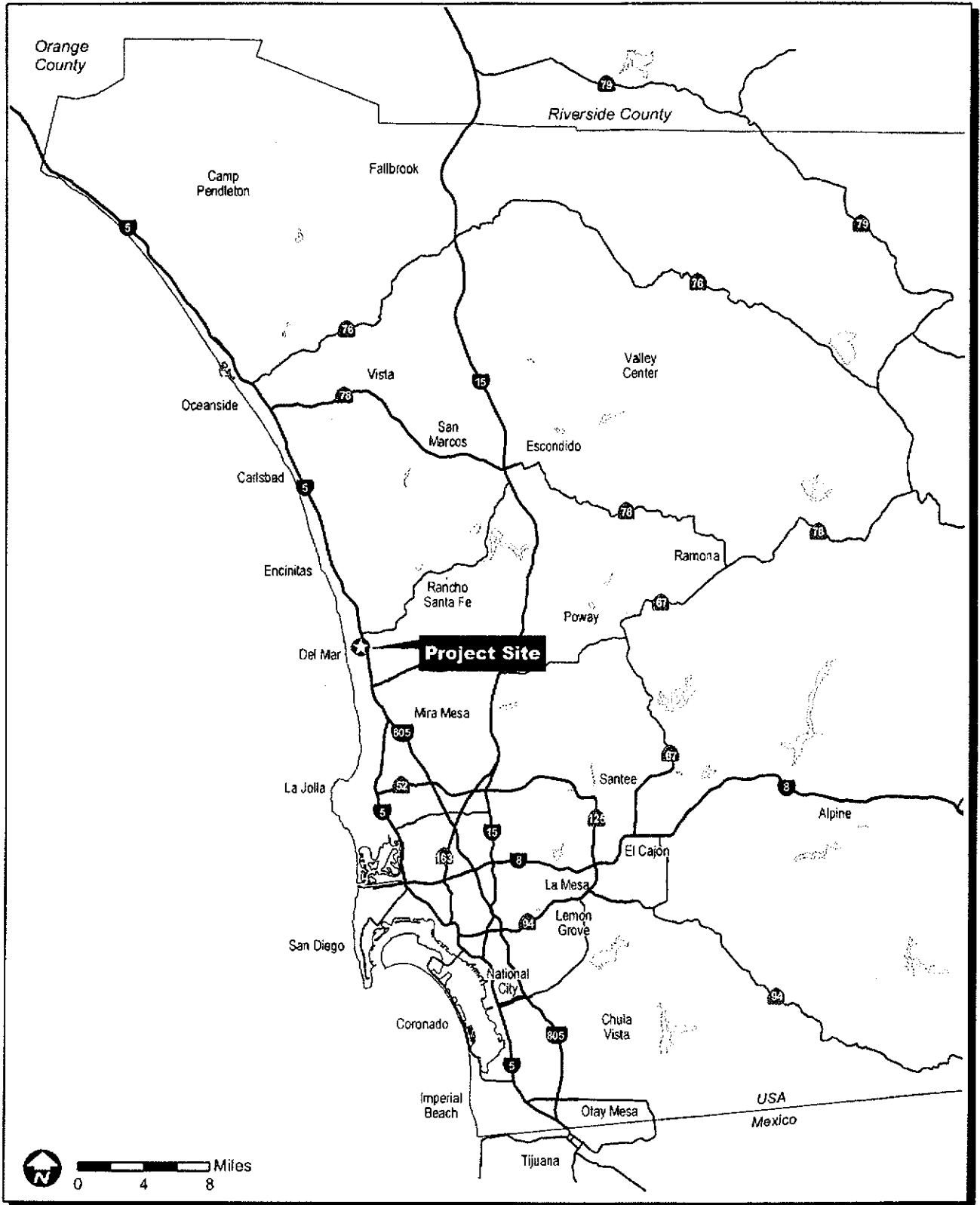
Ms. Kathy Andrews

Re: *Biological Assessment Letter Report for 2081 Gatun Street, Del Mar, California*

REFERENCES CITED

Bowman, R.H. 1973. *Soil Survey, San Diego Area, California*. Part 1. Washington: Soil Conservation Service, United States Department of the Agriculture.

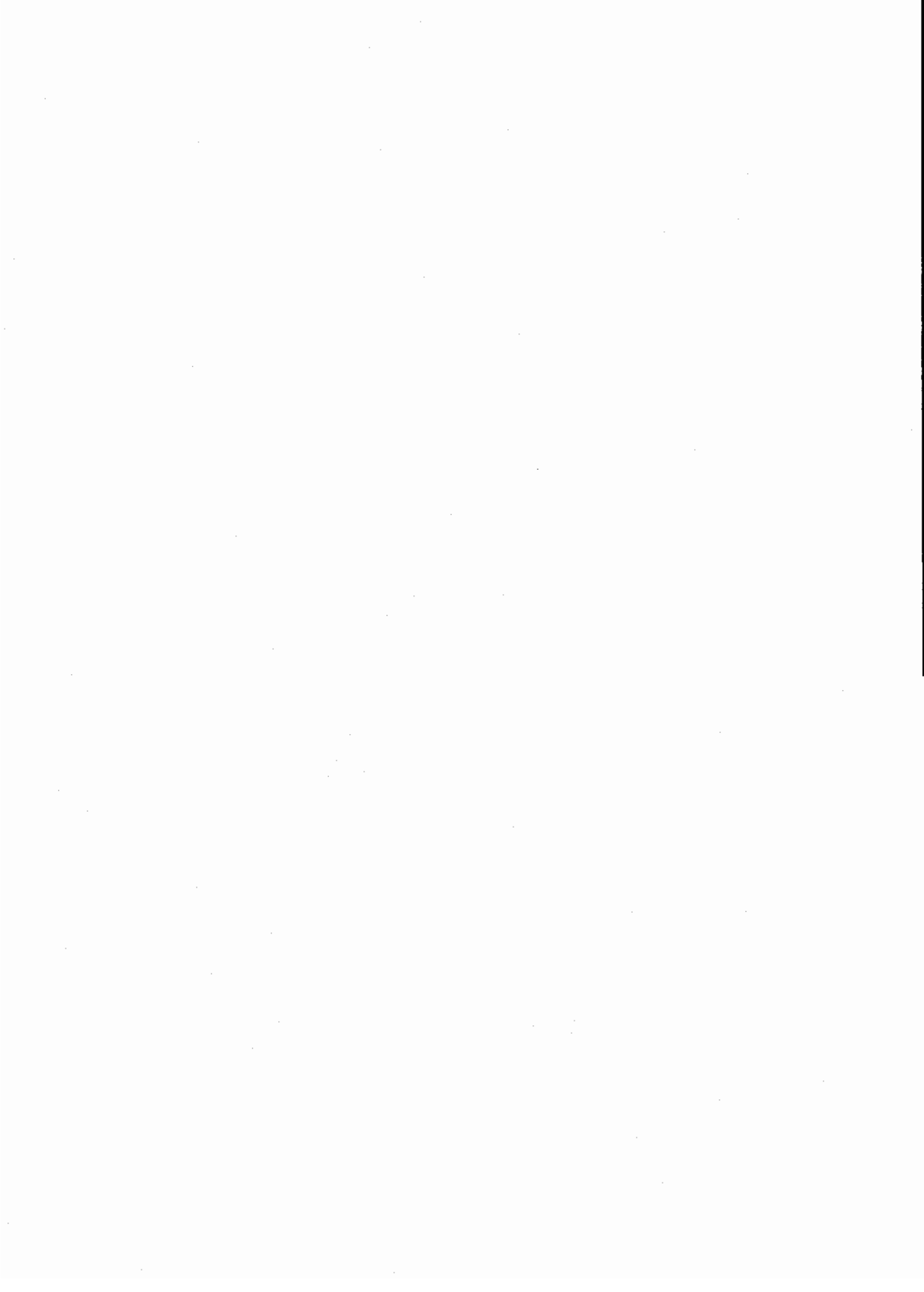
Holland, R.F. 1986. *Preliminary descriptions of the terrestrial natural communities of California*. State of California: The Resources Agency, Department of Fish and Game.

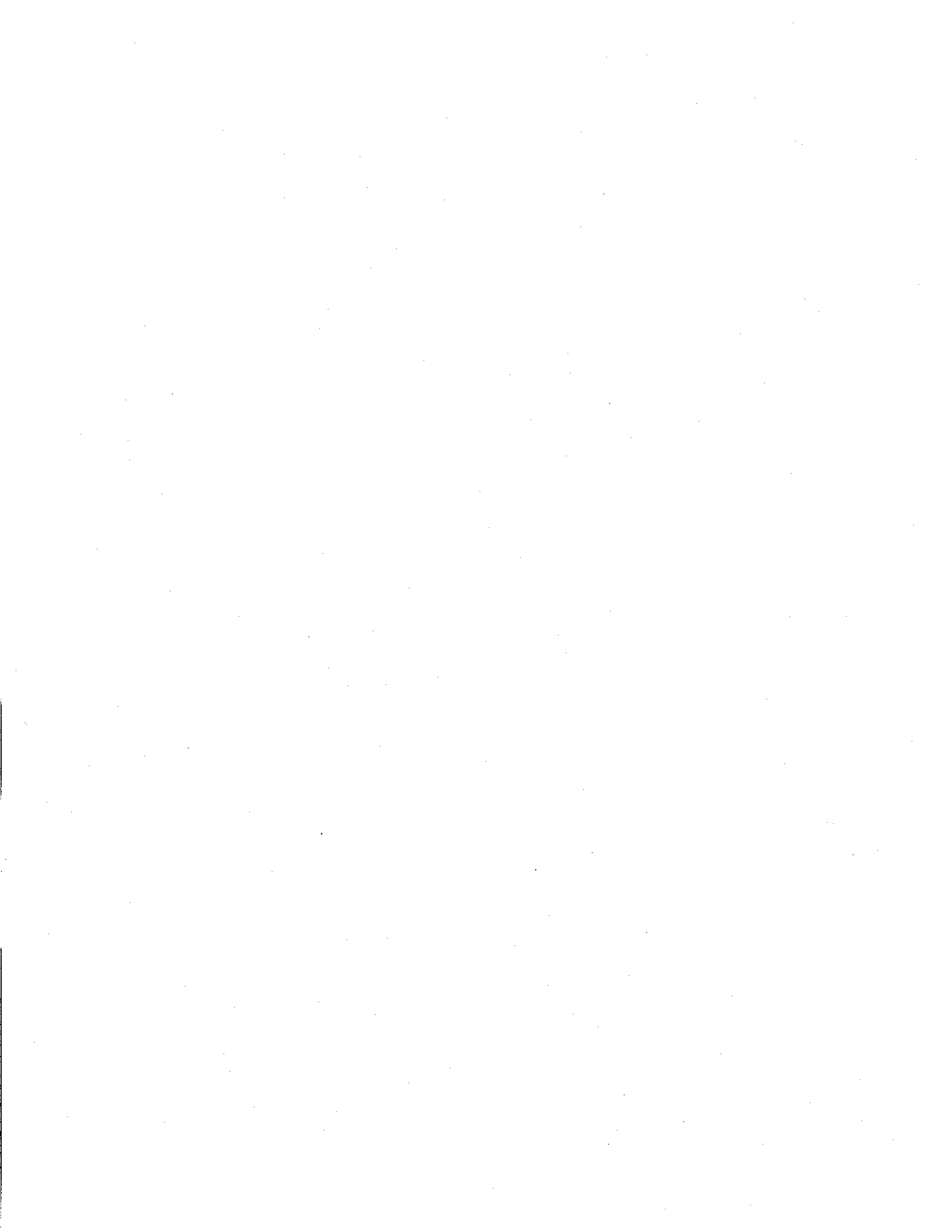


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Andrews Property 2081 Gatun Street - Biological Assessment
Regional Map

FIGURE
1







Andrews Property 2081 Gatun Street - Biological Assessment
Vegetation Map

FIGURE
3




**SUMMARY REPORT OF GEOTECHNICAL INVESTIGATION
OF NATIVE (NATURAL) TOE OF SLOPE LOCATION
AT 2081 GATUN STREET, DEL MAR
SAN DIEGO COUNTY, CALIFORNIA**

FOR

**MS. KATHY ANDREWS
C/O LYON ARCHITECTS INC.
P.O. BOX 675233
RANCHO SANTA FE, CALIFORNIA 92067**

W.O. 5840.1-A-SC JUNE 4, 2009

EXHIBIT NO. 7
APPLICATION NO. 6-85-283-A1
GeoSoils Geotechnical Report
Page 1 of 26
 California Coastal Commission



Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760) 438-3155 • FAX (760) 931-0915 • www.geosoilsinc.com

June 4, 2009

W.O. 5840.1-A-SC

Ms. Kathy Andrews
c/o Lyon Architects Inc.
P.O. Box 675233
Rancho Santa Fe, California 92067

Attention: Mr. David Lyon

Subject: Summary Report of Geotechnical Investigation, Evaluation of Original Natural Toe of Slope Location at 2081 Gatun Street, APN 299-192-22, Del Mar, San Diego County, California

Dear Mr. Lyon:

In accordance with your request, GeoSoils, Inc. (GSI) has prepared this summary report regarding the geotechnical investigation to evaluate the location of the original natural toe of slope at the subject site. The purpose of this summary is to present GSI's professional opinion on the location of the natural toe of slope prior to the modification (grading) of the subject site. The scope of services provided for this report included a review of published and unpublished documents and historic aerial photos for the project area (see Appendix A), geologic field reconnaissance mapping, the excavation of three hand auger borings and six backhoe test pits (see Appendix B and Plate 1), surveying (by others) of the original toe of slope, preparation of two representative geologic cross sections (see Plate 2), evaluation of natural toe of slope location, and preparation of this report and compliments.

SITE RECONNAISSANCE, AERIAL PHOTO REVIEW, AND FIELD EXPLORATION

General

The subject property is irregular shaped property occupying the northeast portion of 2081 Gatun Street, on the west side of San Dieguito Drive, in the Del Mar area of San Diego County, California. The northeasterly portion of the property (adjacent to San Dieguito Drive) is presently vacant except for a shipping container and an existing easement for ingress and egress to San Dieguito Drive (see Plate 1). Vegetation on the site predominantly consists of brush and iceplant.

Air Photo Review

Based on a historic aerial review of available photo's (see Appendix C), the following summary is provided:

PHOTO YEAR	DESCRIPTION
1953	Site is relatively undeveloped. A trail is noted along the approximate alignment of the existing road and appears overgrown and not in use, or little use. Grand Street Bridge completed. Some improvement of San Dieguito Drive noted west of the Grand Street Bridge.
1974	Site is relatively undeveloped. Trail still present, appears overgrown and little used.
1990/1991	Site is relatively undeveloped. Trail appears improved (widened) for vehicle traffic to a construction site located at the top of the hill to the west.

Summary

It appears that a foot trail was present sometime before 1953, and located along the approximate alignment of the existing road. This trail appears to have persisted through 1974. Between 1974 and 1990/91, the trail appears to have been incrementally improved by widening to accommodate vehicle traffic and provide access to a construction area/building pad that is visible on the 1990/91 photo. Some minor modification of the slope below the trail/road appears to have occurred prior to 1953, most likely for foot traffic.

Observed As-Built Geologic Conditions

Field exploration, consisting of three hand auger borings and six test pits, was performed near the toe of the slope and near the easement driveway by a geologist from our office. Logs of the borings are presented in Appendix B. The approximate locations of the excavations are shown on Plate 1 (Geotechnical Map). Based on the nature of the observed geologic conditions, a review of site plans, reports, etc., the following observations are noted:

- Undocumented artificial fill was observed in the borings and test pits. This undocumented artificial fill was observation to be non-uniform in nature. Bedrock clasts (i.e., Delmar Formation), plastic debris, and organic material were present within the undocumented artificial fill. Furthermore, the observed contact between the undocumented artificial fill and underlying Delmar Formation was not gradational, but an abrupt contact (see Site Photos Plates D-1 through D-3, Appendix D).

- The natural slope gradient to the west of the property line was observed to be steeply sloping (on the order of 1 ½:1 [horizontal : vertical {h:v}]). Within the subject property, the slope appears to be moderately to gently inclined (on the order of 2:1 to 4:1 [h:v]). It appears that soil material has been excavated offsite to the west, and pushed down natural gradients, producing a flatter slope gradient to the east (see Site Photos Plate D-4, Appendix D).
- The observed contact between the undocumented artificial fill and bedrock was surveyed by Sowards & Brown Engineering (S&B). The surveyed contact points were plotted on a 10-scale topographic map (S&B, 2009; see Plate 1).
- A review of the topographic map (S&B, 2009) above the easement driveway indicates non-uniform contours, which are in contrast to the uniform topographic contours below the easement driveway. These uniform topographic contours below the easement driveway are indicative of a modified (graded) slope conditions.
- Utilizing the map provided (S&B, 2009), two geologic cross-sections (see Plate 2) were drawn and are indicated on Plate 1.
- Based on a review of an unpublished Owen Geotechnical report ([OG], 1987) topographic and geotechnical map of the adjoining property to the east, it appears that the natural toe of slope was near the ± 18 to ±20 Mean Sea Level (MSL) contour line, as shown on the 1974 flown topography map included in OG's investigation. This map corroborates GSI's current study.

CONCLUSIONS

Based on our review, and observations made during GSI's field investigations, the existing toe of slope is not the actual original natural (native) toe of slope. The native slope was generally around an elevation of ± 18 to ±20 feet MSL, prior to being modified to its current conditions. In addition, the surveyed points of the contact between the undocumented artificial fill and bedrock have been plotted on the constructed geologic cross-section. Based on the cross-sections (see Plate 2), the projection of the up-gradient slope angle correlates with the location of the surveyed points, corroborating the original location of the native toe of slope, prior to the modified current condition, and matches other geotechnical data on the adjoining property. The general location of the original native toe of slope is indicated on the inclosed Plate 1.

LIMITATIONS

The conclusions and recommendations presented herein are professional opinions. These opinions have been derived in accordance with current standards of practice, and no warranty, either express or implied, is given. Standards of practice are subject to change with time. GSI assumes no responsibility or liability for work or testing performed by others, or their inaction; or work performed when GSI is not requested to be onsite, to evaluate if our recommendations have been properly implemented. Should you have any questions, please contact this office.

Respectfully submitted,

GeoSoils, Inc.

Signature on file

John P. Franklin
Engineering Geologist, CEG 9340



Signature on file

David W. Skelly
Civil Engineer, RCE 47857



BEV/JPF/DWS/jh

Attachments: Appendix A - References
Appendix B - Boring and Test Pit Logs
Appendix C - Historic Aerial Photographs
Appendix D - Site Photographs
Plate 1 - Geotechnical Map
Plate 2 - Geologic Cross-Sections

Distribution: (4) Addressee
(1) Ms. Kathy Andrews



APPENDIX A

REFERENCES

APPENDIX A

REFERENCES

Owen Geotechnical, 1987, Geotechnical investigation, portions of Arden Heights, San Diego County, Del Mar, California, Project No. 709.1.1, dated December 21.

Sowards & Brown Engineering, 2009, 10-scale topographic site map, 2081 Gatun Street, Del Mar, California, Job No. 08-052, dated February 3.

Track Info Services, LLC, 1990-1991, Historical Aerial Photo, Site: 2081 Gatun St, Del Mar, CA 92014, Job No. 5840.

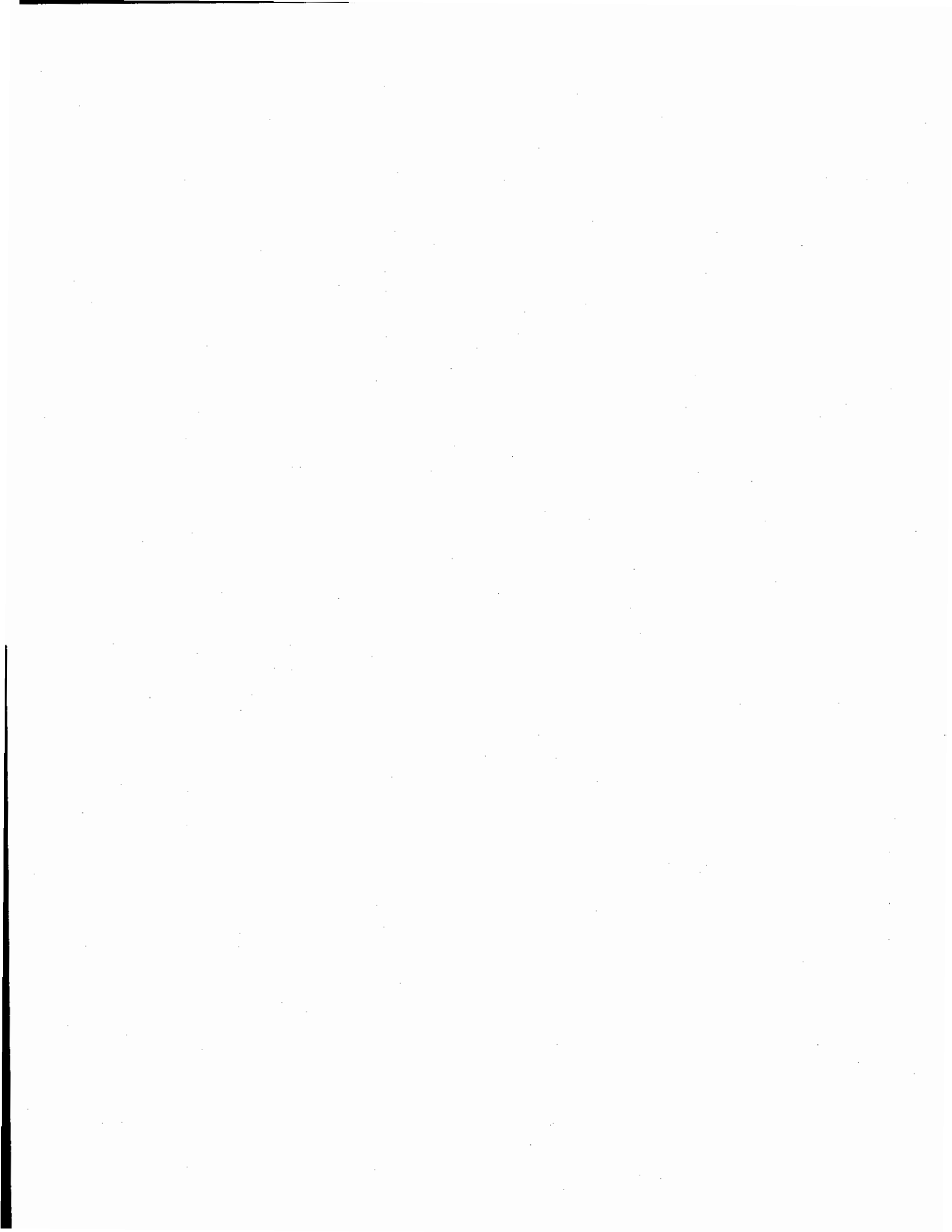
_____, 1974, Historical Aerial Photo, Site: 2081 Gatun St, Del Mar, CA 92014, Job No. 5840.

_____, 1953, Historical Aerial Photo, Site: 2081 Gatun St, Del Mar, CA 92014, Job No. 5840.



APPENDIX B

BORING AND TEST PIT LOGS



UNIFIED SOIL CLASSIFICATION SYSTEM					CONSISTENCY OR RELATIVE DENSITY						
Major Divisions			Group Symbols	Typical Names	CRITERIA						
Coarse-Grained Soils More than 50% retained on No. 200 sieve	Gravels 50% or more of coarse fraction retained on No. 4 sieve	Clean Gravels	GW	Well-graded gravels and gravel-sand mixtures, little or no fines	<u>Standard Penetration Test</u> Penetration Resistance N (blows/ft) Relative Density <hr/> 0 - 4 Very loose 4 - 10 Loose 10 - 30 Medium 30 - 50 Dense > 50 Very dense						
			GP	Poorly graded gravels and gravel-sand mixtures, little or no fines							
		Gravel with	GM	Silty gravels gravel-sand-silt mixtures							
			GC	Clayey gravels, gravel-sand-clay mixtures							
	Sands more than 50% of coarse fraction passes No. 4 sieve	Clean Sands	SW	Well-graded sands and gravelly sands, little or no fines							
			SP	Poorly graded sands and gravelly sands, little or no fines							
		Sands with Fines	SM	Silty sands, sand-silt mixtures							
			SC	Clayey sands, sand-clay mixtures							
			Fine-Grained Soils 50% or more passes No. 200 sieve					<u>Standard Penetration Test</u> Penetration Resistance N (blows/ft) Consistency Unconfined Compressive Strength (tons/ft ²) <hr/> <2 Very Soft <0.25 2 - 4 Soft 0.25 - .050 4 - 8 Medium 0.50 - 1.00 8 - 15 Stiff 1.00 - 2.00 15 - 30 Very Stiff 2.00 - 4.00 >30 Hard >4.00			
			Sils and Clays Liquid limit 50% or less	ML							Inorganic silts, very fine sands, rock flour, silty or clayey fine sands
CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays										
OL	Organic silts and organic silty clays of low plasticity										
Sils and Clays Liquid limit greater than 50%	MH	Inorganic silts, micaceous or diatomaceous fine sands or silts, elastic silts									
	CH	Inorganic clays of high plasticity, fat clays									
	OH	Organic clays of medium to high plasticity									
Highly Organic Soils			PT	Peat, mucle, and other highly organic soils							
			3"	3/4"	#4	#10	#40	#200 U.S. Standard Sieve			
Unified Soil Classification	Cobbles	Gravel		Sand			Silt or Clay				
		coarse	fine	coarse	medium	fine					
<u>MOISTURE CONDITIONS</u>			<u>MATERIAL QUANTITY</u>			<u>OTHER SYMBOLS</u>					
Dry	Absence of moisture; dusty, dry to the touch		trace	0 - 5 %		C	Core Sample				
Slightly Moist	Below optimum moisture content for compaction		few	5 - 10 %		S	SPT Sample				
Moist	Near optimum moisture content		little	10 - 25 %		B	Bulk Sample				
Very Moist	Above optimum moisture content		some	25 - 45 %		▼	Groundwater				
Wet	Visible free water; below water table					Qp	Pocket Penetrometer				
BASIC LOG FORMAT:											
Group name, Group symbol, (grain size), color, moisture, consistency or relative density. Additional comments; odor, presence of roots, mica, gypsum, coarse grained particles, etc.											
EXAMPLE:											
Sand (SP), fine to medium grained, brown, moist, loose, trace silt, little fine gravel, few cobbles up to 4" in size, some hair roots and rootlets.											





W.O. 5840.1-A-SC
 Andrews
 Logged By: BEV/RGC
 January 27, 2009

LOG OF EXPLORATORY TEST PITS

TEST PIT NO.	ELEV.	DEPTH (ft.)	GROUP SYMBOL	SAMPLE DEPTH (ft.)	MOISTURE (%)	FIELD DRY DENSITY (pcf)	DESCRIPTION
1		0-4	SM				<p>UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, brown, moist, loose to medium dense; fine grained, minor roots and rootlets.</p> <p>DELMAR FORMATION: SILTY SANDSTONE, tan, moist, medium dense; fine to medium grained, friable, abrupt contact between undocumented artificial fill and Delmar Formation.</p>
		4-6	SM				
<p>Total Depth = 6' No Groundwater/Caving Encountered Backfilled 1-27-2009</p>							
2		0-6	SM				<p>UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, dark brown, moist, loose; roots and rootlets, fine grained, minor organic matter.</p> <p>DELMAR FORMATION: SILTY SANDSTONE, light brown to tan, moist, loose to medium dense; fine to medium grained, abrupt contact between undocumented artificial fill and Delmar Formation.</p>
		6-10	SM				
<p>Total Depth = 10' No Groundwater/Caving Encountered Backfilled 1-27-2009</p>							





W.O. 5840.1-A-SC
 Andrews
 Logged By: BEV/RGC
 January 27, 2009

LOG OF EXPLORATORY TEST PITS

TEST PIT NO.	ELEV.	DEPTH (ft.)	GROUP SYMBOL	SAMPLE DEPTH (ft.)	MOISTURE (%)	FIELD DRY DENSITY (pcf)	DESCRIPTION
3		0-7	SM				UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, brown, moist, loose; roots and rootlets, fine to medium grained, bedrock clasts and minor organics.
		7-10	SM				
Total Depth = 10' No Groundwater/Caving Encountered Backfilled 1-27-2009							
4		0-7	SM				UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, brown, moist, loose; roots and rootlets, fine to medium grained, bedrock clasts, minor organics.
		7-10	SM				
Total Depth = 10' No Groundwater/Caving Encountered Backfilled 1-27-2009							



W.O. 5840.1-A-SC
 Andrews
 Logged By: BEV/RGC
 January 27, 2009

LOG OF EXPLORATORY TEST PITS

TEST PIT NO.	ELEV.	DEPTH (ft.)	GROUP SYMBOL	SAMPLE DEPTH (ft.)	MOISTURE (%)	FIELD DRY DENSITY (pcf)	DESCRIPTION
5		0-7	SM				UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, brown, moist, loose; roots and rootlets, fine to medium grained, bedrock clasts, minor organics.
		7-10	SM				DELMAR FORMATION: SILTY SANDSTONE, light brown to tan, moist, medium dense; fine to medium grained, organics at abrupt contact between undocumented artificial fill and Delmar Formation.
Total Depth = 10' No Groundwater/Caving Encountered Backfilled 1-27-2009							
6		0-7	SM				UNDOCUMENTED ARTIFICIAL FILL: SILTY SAND, brown, moist, loose; roots and rootlets, fine to medium grained, bedrock clasts, organics.
		7-11	SM				DELMAR FORMATION: SILTY SANDSTONE, light brown to tan, moist, medium dense; fine to medium grained, friable, abrupt contract between undocumented artificial fill and Delmar Formation, and organics between contact.
Total Depth = 11' No Groundwater/Caving Encountered Backfilled 1-27-2009							

PROJECT: ANDREWS
2081 Gatun Street, Del Mar


BORING B-1 SHEET 1 OF 1


DATE EXCAVATED 1-27-09 LOGGED BY: BEV


Depth (ft.)	Sample			USCS Symbol	Dry Unit Wt. (pcf)	Moisture (%)	Saturation (%)	Description of Material
	Bulk	Undisturbed	Blows/ft.					
1				SM				<p>UNDOCUMENTED ARTIFICIAL FILL: @ 0-2' SILTY SAND, brown, moist, loose; fine grained, minor roots and rootlets.</p>
2				SM				
3								<p>DELMAR FORMATION: @ 2-4' SILTY SANDSTONE, tan to light brown, moist, medium dense; friable.</p>
4								
5								<p>Total Depth = 4' No Groundwater Encountered Backfilled 1-27-2009</p>
6								
7								
8								
9								

SAMPLE METHOD: Hand Auger

Approx. Elevation: 16' MSL

 Standard Penetration Test

 Undisturbed, Ring Sample

 Groundwater



GeoSoils, Inc.

BORING LOG

W.O. 5840.1-A-SC

PROJECT: ANDREWS
2081 Gatun Street, Del Mar

BORING B-2 SHEET 1 OF 1


DATE EXCAVATED 1-27-09 LOGGED BY: BEV


Depth (ft.)	Sample			USCS Symbol	Dry Unit Wt. (pcf)	Moisture (%)	Saturation (%)	Description of Material
	Bulk	Undisturbed	Blows/ft.					
1				SM				<p>UNDOCUMENTED ARTIFICIAL FILL: @ 0-5' SILTY SAND, brown, moist, loose; minor roots and rootlets, bedrock clasts.</p>
2								
3								
4								
5				SM				
6								<p>DELMAR FORMATION: @ 5-6' SILTY SANDSTONE, light brown, moist, medium dense; friable, fine to medium grained.</p>
7								<p>Total Depth = 6' No Groundwater Encountered Backfilled 1-27-2009</p>
8								
9								

SAMPLE METHOD: Hand Auger

Approx. Elevation: 28' MSL

 Standard Penetration Test

 Groundwater

 Undisturbed, Ring Sample

GeoSoils, Inc.

BORING LOG




W.O. 5840.1-A-SC

PROJECT: ANDREWS
2081 Gatun Street, Del Mar

BORING B-3 SHEET 1 OF 1

DATE EXCAVATED 1-27-09 LOGGED BY: BEV

Depth (ft.)	Sample			USCS Symbol	Dry Unit Wt. (pcf)	Moisture (%)	Saturation (%)	Description of Material
	Bulk	Undisturbed	Blows/ft.					
1				SM				<p>UNDOCUMENTED ARTIFICIAL FILL: @ 0-3' SILTY SAND, dark brown, moist, loose; minor roots and rootlets, fine grained.</p>
2								
3				SM				<p>DELMAR FORMATION: @ 3-5' SILTY SANDSTONE, light brown, moist, medium dense; fine to medium grained.</p>
4								
5								<p>Total Depth = 5' No Groundwater Encountered Backfilled 1-27-2009</p>
6								
7								
8								
9								

SAMPLE METHOD: Hand Auger
Approx. Elevation: 35' MSL
 Standard Penetration Test
 Undisturbed, Ring Sample
 Groundwater

APPENDIX C

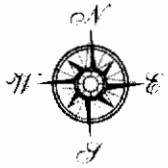
HISTORIC AERIAL PHOTOGRAPHS

Track Info Services, LLC

Historical Aerial Photo

Site: 2081 Gatun St, Del Mar, CA 92014

Photo Year: 1953



Job Number: 5840

Original Scale of Photo: 1:20,000

Approximate Scale of This Image: 1 in equals 375 ft

Coverage Area Approximately 1/4 Mile Radius From Subject Site



Copyright: Track Info Services, LLC



Track Info Services, LLC

Historical Aerial Photo

Site: 2081 Gatun St, Del Mar, CA 92014

Photo Year: 1974



Job Number: 5840

Original Scale of Photo: 1:36,000

Approximate Scale of This Image: 1 in equals 375 ft

Coverage Area Approximately 1/4 Mile Radius From Subject Site



Copyright: Track Info Services, LLC

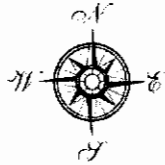


Track Info Services, LLC

Historical Aerial Photo

Site: 2081 Gatun St, Del Mar, CA 92014

Photo Year: 1990-1991



Job Number: 5840

Original Scale of Photo: 1:36,000

Approximate Scale of This Image: 1 in equals 375 ft

Coverage Area Approximately 1/4 Mile Radius From Subject Site

 ≈ 375 ft

Copyright: Track Info Services, LLC

APPENDIX D

SITE PHOTOGRAPHS



1. Southeast view of Test Pit #3; note abrupt contact between upper undocumented artificial fill and native bedrock belonging to Tertiary-age Delmar Formation



2. South view Test Pit #5; note abrupt contact between upper undocumented artificial fill and native bedrock belonging to Tertiary-age Delmar Formation



SITE PHOTOGRAPHS

Plate D-1

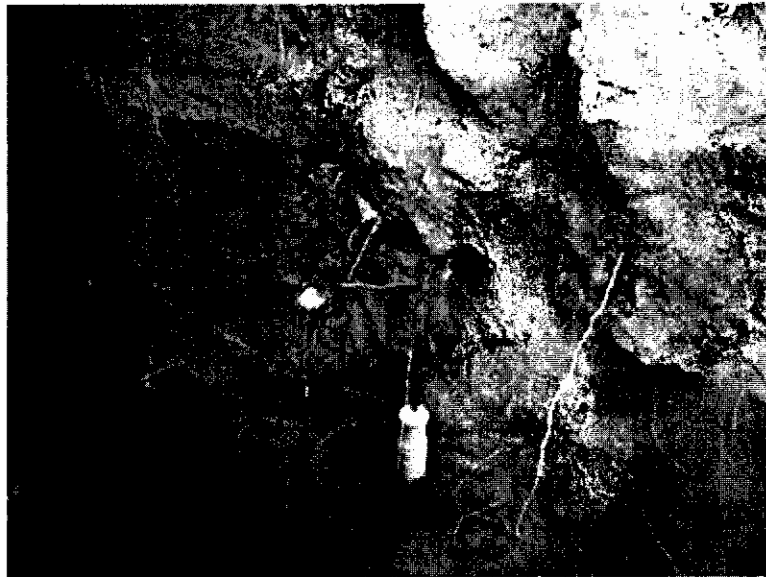
DATE 6/09

W.O. NO. 5840.1-A-SC

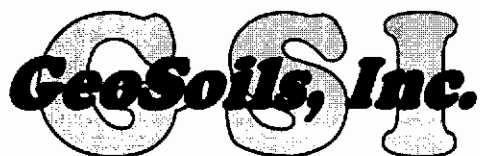
Geotechnical · Geologic · Coastal · Environmental



3. South view of bedrock clast in fill, and roots and rootlets located in Test Pit # 4.



4. Southwest view of man made plastic material (indicative of artificial fill). Note abrupt contact (shading contrast) located in lower left corner of photo (bedrock).



SITE PHOTOGRAPHS

Plate D-2

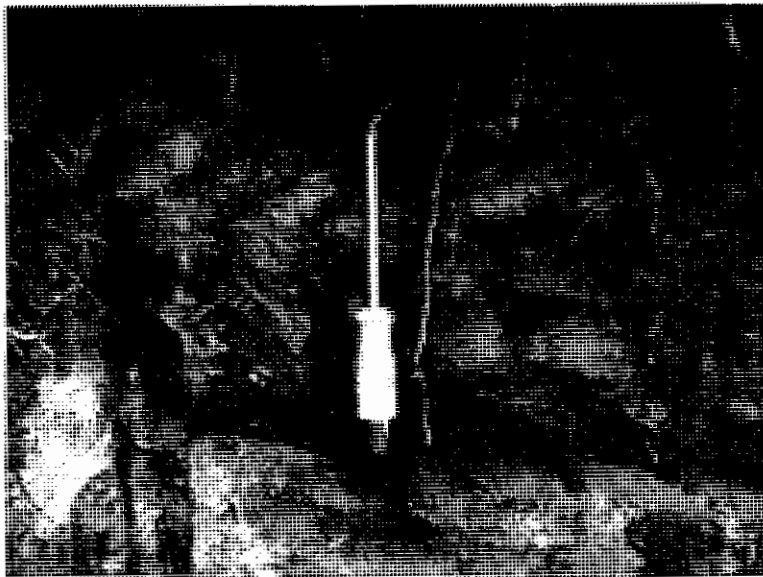
DATE 6/09

W.O. NO. 5840.1-A-SC

Geotechnical · Geologic · Coastal · Environmental



5. South view of bedrock clasts in fill, and roots and rootlets located in Test Pit #5.



6. South view of abrupt contact located in Test Pit #4.



SITE PHOTOGRAPHS

Plate D-3

DATE 6/09

W.O. NO. 5840.1-A-SC

Geotechnical · Geologic · Coastal · Environmental



7. West view of slope gradient. Note steep angle of slope, photo taken looking in the westward direction.



8. East view of slope gradient. Note slope angle is not as steep as westward looking direction. Photo taken in same location as above, only in eastward direction.



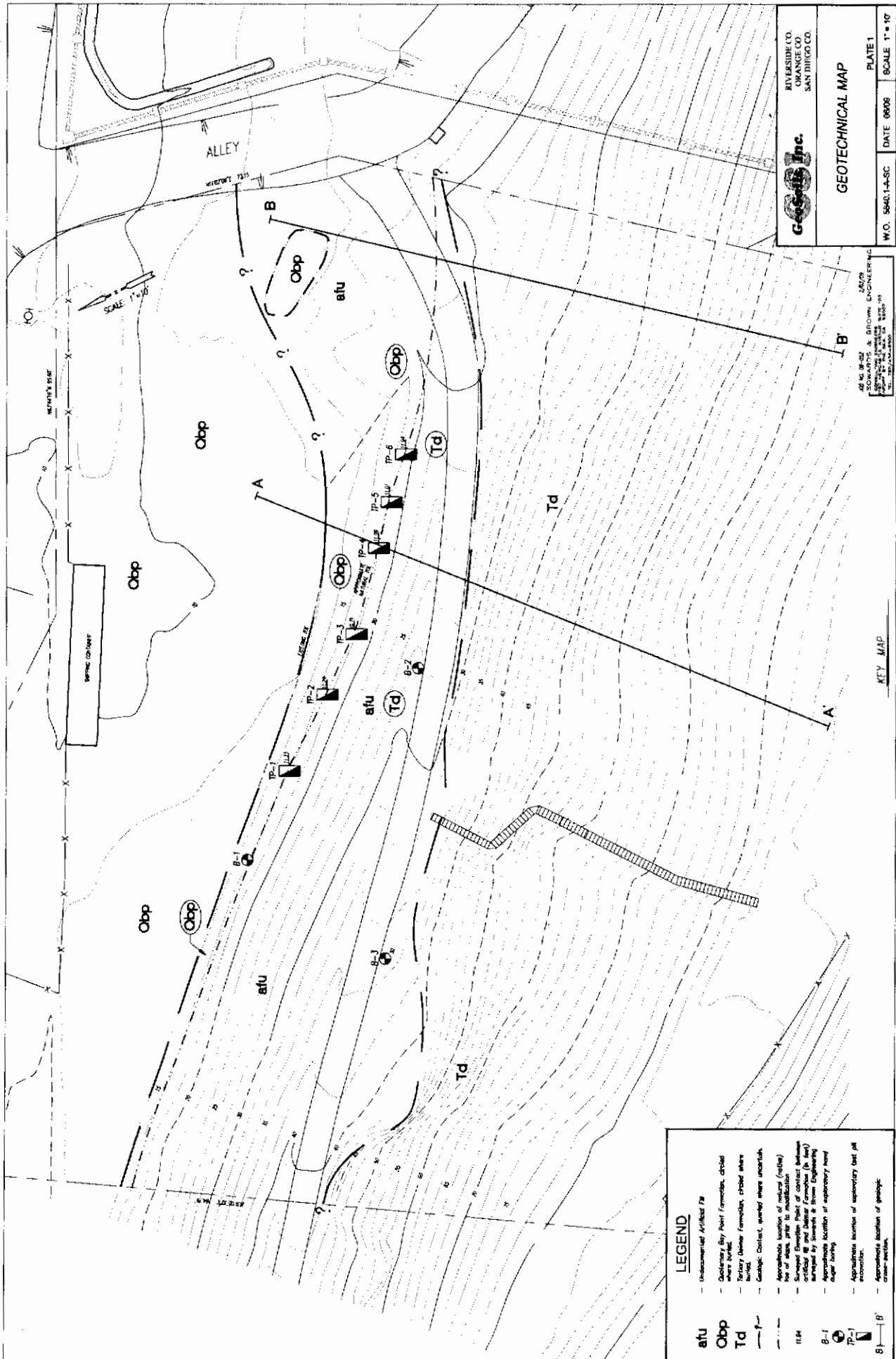
SITE PHOTOGRAPHS

Plate D-4

DATE 6/09

W.O. NO. 5840.1-A-SC

Geotechnical · Geologic · Coastal · Environmental



GeoSoils Inc.
 RIVERSIDE CO.
 ORANGE CO.
 SAN DIEGO CO.

GEOTECHNICAL MAP
 PLATE 1
 DATE 08/08
 SCALE 1" = 10'

JAVIER
 L. M. JAVIER & SIBONGA ENGINEERING
 2000 S. MOUNTAIN VIEW BLVD. SUITE 100
 SAN ANTONIO, TEXAS 78202
 TEL: 214-343-8800

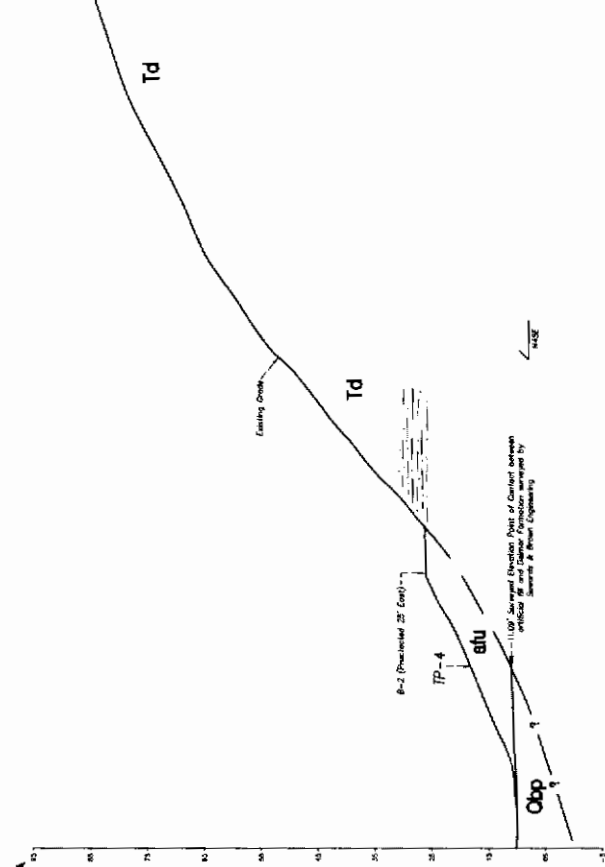
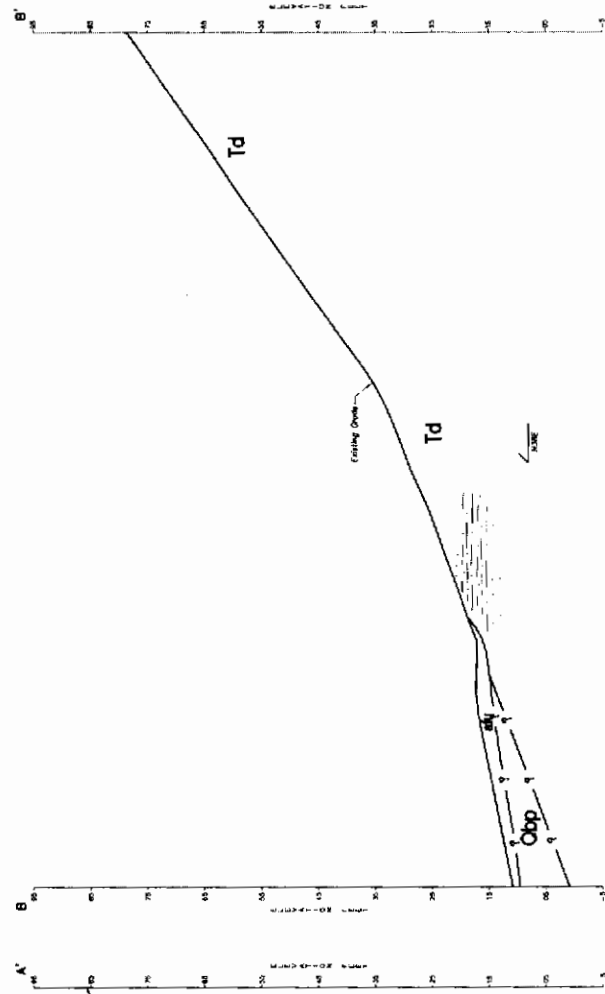
LEGEND

- atu Undersaturated Alluvial Fill
- Obp Ogishian Bay Point Formation, circled where borings
- Td Tertiary Diabase Formation, circled where borings
- - - - - Geologic Contact, queried areas uncertain
- - - - - Approximate location of natural (existing) line of slope, prior to modification
- - - - - Surveyed Elevation (Point of Contact between existing and former Formation (N.A. Not Applicable) by location of former Engineering Survey Station)
- - - - - Approximate location of exploratory borehole
- - - - - Approximate location of exploratory test pit location
- - - - - Approximate location of geologic cross-section

IP-1
 B-1
 IP-2
 B-2
 IP-3
 IP-4
 IP-5
 IP-6

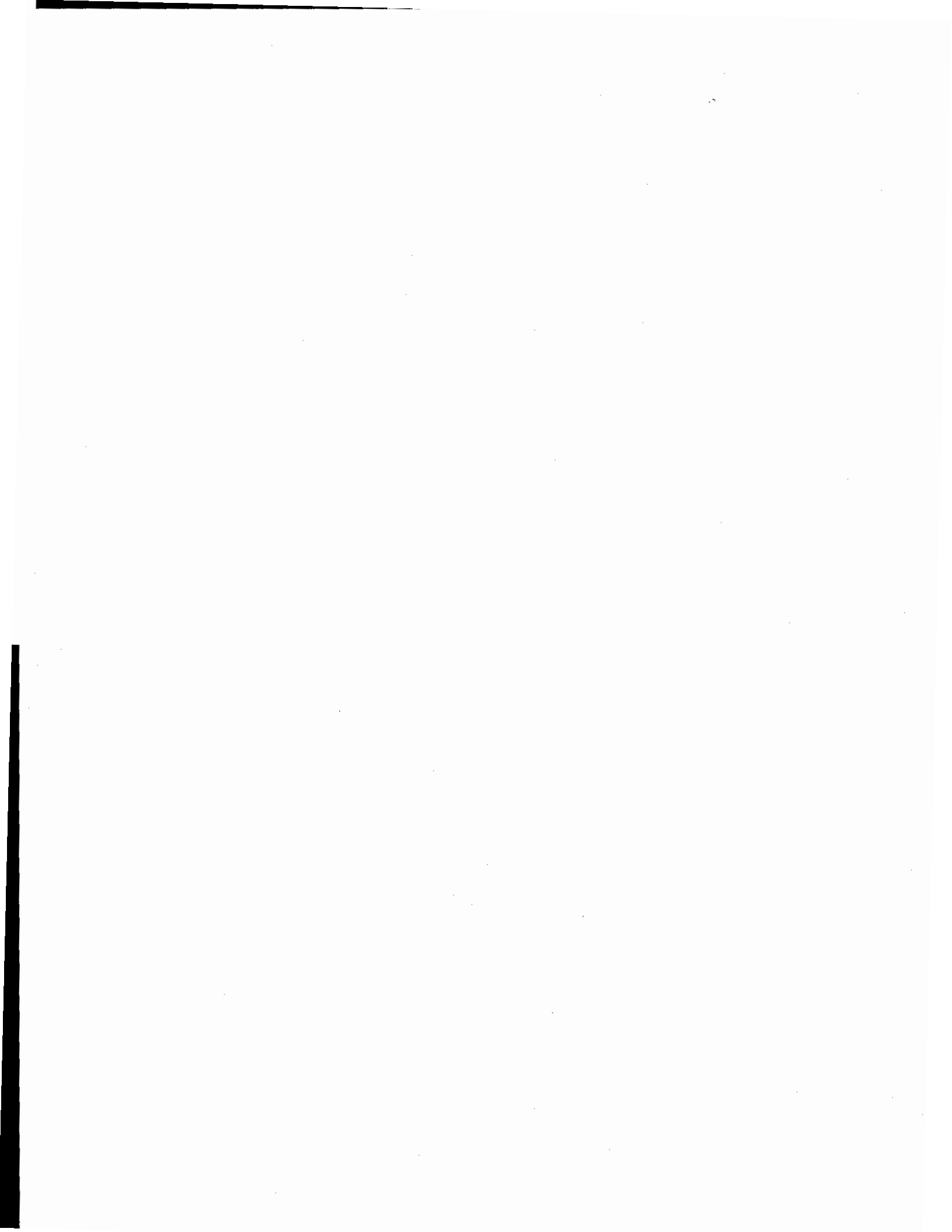
KEY MAP





LEGEND

Obp	Unconsolidated Artificial Fill
Obp	Artificially Filled and Colloidal
Td	Artificially Filled and Colloidal
Td	Artificially Filled
---	Geologic Contact, Quarter where uncertain
---	Approximate location of natural fault (center)
---	Approximate location of subsurface fault (center)





April 8, 2010

Ms. Kathy Andrews
2081 Gatun Street
Del Mar, California 92014

Negative Cultural Resources Survey Report for the Proposed Lot Split of the Andrews' Property, City of Del Mar, California

Dear Ms. Andrews:

This report describes the results of a cultural resources assessment conducted by ICF International to analyze a proposed lot split for the property located at 2081 Gatun Street in the City of Del Mar, California (City). Current project plans propose subdivision of the existing property and construction of a single-family residence on the new parcel adjacent to San Dieguito Drive. The property falls within zoning areas that require review and approval of a Conditional Use Permit. The efforts reported herein provide the cultural resources documentation necessary for this review process.

A cultural resources inventory of the subject property, including a records search, literature review, correspondence with the Native American Heritage Commission (NAHC), and a pedestrian survey, were conducted as part of this study. This report focuses on the northern portion of the subject property adjacent and to the south of San Dieguito Drive and the San Dieguito lagoon, and particularly the flat floodplain area north of a steep bluff. This area comprises the majority of the parcel that will be split from the existing property, and it is this area that will be subject to future development.

Project Location

The approximately 2.4-acre property is located at 2081 Gatun Street (APN 299-192-22) in the City of Del Mar, California (Figure 1). The parcel lies within Section 11, Township 14 South, Range 4 West on the Del Mar USGS 7.5 minute quadrangle (Figure 2).

The entire property extends from Gatun Street on the bluff top, and continues northeast down a steep northeast-facing slope to the San Dieguito lagoon floodplain and San Dieguito Drive. San Dieguito lagoon lies across the street to the northeast. An existing residence occurs on the southwestern portion of the property adjacent to Gatun Street; the residence is accessed via Gatun Street. The proposed project intends to subdivide the northeastern section of the property, comprising the portion on the San Dieguito floodplain and the lower half of the bluff slope. Per City regulations, any development in this area would be required to provide a 20-foot-wide front yard setback in the northeast portion adjacent to the intersection of San Dieguito Drive and Grand Avenue and a 10-foot-wide side yard setback. Current development plans call for construction of a residence on the floodplain area southwest of San Dieguito Drive.

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Surrounding land uses include large lots with single-family homes to the southeast, southwest, and northwest. A pump station along with mailboxes/trash pick-up for one property and easement access for three properties lies immediately adjacent to the subject property on the southwest side of the lagoon across San Dieguito Road. Another easement runs along the southern boundary of the proposed new parcel. It consists of a dirt road that provides access to properties atop the bluff. It transects the bluff face, proceeding from an alley at the level of the floodplain at the northeastern boundary of the property and continuing northwesterly to a higher elevation. To the west of the lagoon there is a six-car dirt parking area/staging area that services the Grand Avenue nature observation platform. The road access for the parking lot/staging area and viewing platform is from the intersection of San Dieguito Drive and Grand Avenue directly opposite the subject property.

Environmental Setting

The Andrews' property lies in the coastal plain of San Diego County. The climate is classified as semi-arid and cool with annual temperatures ranging from an average low of approximately 44° in January to an average high of roughly 75-80° in July. Average annual rainfall varies from 9 to 16 inches per year. The property is characterized by loamy to silty sediments that have accumulated due to alluvial deposition and the erosion of sandstones, mudstones, and siltstones from the steep slope. Most of the project area is covered by a dense growth of ice plant and scrub vegetation.

Cultural Setting

Prehistoric Background. The archaeological record within the San Diego County region provides evidence of three generally recognized temporal periods: Paleoindian, Archaic and Late Prehistoric. The Paleoindian Period, dating from 12,000 to 8,000 B.P., is typified by artifact assemblages of the San Dieguito complex (Rogers 1966). The type site of this complex, the Harris site, is located along San Dieguito creek in the vicinity of the project property (Warren et al. 1998). San Dieguito material culture is represented almost completely by flaked lithic tools such as scrapers, scraper planes, choppers, and large projectile points. This group is hypothesized to have been a band level, generalized hunter-gatherer society subsisting on a variety of as yet unspecified plant and animal resources. The San Dieguito occupied the inland and coastal areas of the San Diego region during a climatic period of somewhat cooler and moister conditions than presently exist, though the climate was becoming warmer and drier during Paleoindian times. During the Paleoindian period, sea levels were lower than at present, and the coast would have been further to the west of the project parcel during this time. The absence of a milling technology differentiates the Paleoindian period from the later periods.

Representative complexes of the Archaic Period (referred to as La Jolla in the project area) may have existed as early as 9,000 B.P. Although the Archaic lifeway is generally considered to be a generalized hunter-gatherer culture, they differed from the San Dieguito in two distinguishing criteria. Their gathering activities predominated with emphasis upon shellfish and seed collecting, and they possessed an advanced groundstone technology employing portable milling slabs (Warren 1964). Occupation was heaviest along the coast and major drainage systems extending inland. Sea levels continued to rise during the first half of the Archaic period, turning alluvial canyons into flooded estuaries. With sea level rise, alluvial aggradation would have buried many low-lying archaeological sites in the project area. Changing subsistence practices in the coastal areas of San Diego County during the Archaic period reflect, in part, this change in the local environment and the

Kathy Andrews

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attendant change in available resources (Byrd and Raab 2007; Pigniolo 2005). During times of resource depression, as during periods of high silt load in the estuaries, local groups may have shifted their focus to more productive habitats, like the San Diego River and San Diego Bay to the south.

Around 2,000 B.P., Yuman-speaking people from the eastern Colorado River region began migrating into southern California, representing what is called the Late Prehistoric Period. The Late Prehistoric Period in San Diego County is recognized archaeologically by smaller projectile points, the replacement of flexed inhumations with cremation, the introduction of ceramics, and an emphasis on inland plant food collection and processing, especially acorns (True 1966). Inland semi-sedentary villages were established along major water courses, and montane areas were seasonally occupied to exploit acorns and piñon nuts, resulting in permanent milling features on bedrock outcrops. Mortars for acorn processing increased in frequency relative to seed grinding basins. Shellfish continued to provide an important food resource in more coastal areas, including areas like the San Dieguito lagoon (Rogers 1945; True 1970).

Ethnographic Background. The Kumeyaay (also known as Diegueño) of southern San Diego County are the direct descendants of the early Yuman hunter-gatherers. The Kumeyaay were organized into patrilineal, patrilocal lineages that claimed prescribed territories, but did not own the resources except for some minor plants and eagle eyries (Luomala 1976; Spier 1923). All of the lineages occupied procurement ranges that required a certain level of residential mobility. In the mountains, some of the larger groups occupied a few large residential bases that would be occupied biannually, such as those occupied in Cuyamaca in the summer and fall, and in Guatay or Descanso during the rest of the year (Almstedt 1982; Rensch 1975). A variety of subsistence items were harvested due to the great variability of resources within their environment. Acorns were a prime staple, but other storable resources such as seeds from grasses, manzanita, sage, sunflowers, lemonade berry, chia and other plants were also used along with various wild greens and fruits. Deer, small game and birds were hunted and fish and marine foods were collected. The material culture included ceramics, basketry, flaked lithic and groundstone tools, arrow shaft straighteners, stone, bone, and shell ornaments, and shamanic paraphernalia. Ceramics were commonly produced along with basketry for storage containers and cooking containers.

Historical Background. Kumeyaay culture and society remained stable until the advent of missionization and displacement by Hispanic populations during the eighteenth century. The effects of missionization, along with the introduction of European diseases, greatly reduced the native population of southern California and forced them to move further inland to avoid contact. By the early 1820s California was under Mexico's rule. The establishment of ranchos along major water courses under the Mexican land grant program further disrupted the way of life of the native inhabitants; some became wage laborers on the ranchos while others moved even further inland to less inviting areas.

The Mexican-American War of 1846-47 resulted in the Treaty of Guadalupe-Hidalgo that transferred a vast portion of northwestern Mexico, including California, to the United States. Shortly after, gold was discovered at Sutter's Mill setting off the gold rush of 1849 followed by California's admission to the Union in 1850. The dramatic changes enveloping northern California were not mirrored in southern California until the 1880s when a transcontinental railroad connection was established to the



San Diego region, spurring what historian Glenn Dumke called “The Boom of the Eighties in Southern California” (1963).

Entrepreneurs Theodore M. Loop and “Colonel” Jacob Taylor formed a partnership that bought roughly 338 acres from homesteader Enoch Talbert for \$1,000 in the summer of 1885. They immediately had the land surveyed and officially established the town of Del Mar. Following the standard business model of the day, they first constructed a hotel-resort next to the ocean and near the railroad station; here visitors could enjoy luxurious surroundings while deciding on the lot they would purchase. Unfortunately the “boom” turned “bust” in the late 1880s and in 1889 the hotel burned to the ground.

The community survived the economic stagnation of the 1890s and by 1910 celebrated the opening of an elegant new Hotel Del Mar, an immediate attraction for many of the silent film stars of Hollywood. This new “boom” period continued through the 1920s and saw the addition of many new attractions including a pier, bath house, pool, and golf course. However, the stock market crash of October 1929 initiated the Great Depression across America, although it had somewhat less effect in Del Mar than in other parts of the country. In 1933 “Colonel” Ed Fletcher, one of the most important developers in San Diego county history, recommended a 184-acre site in the San Dieguito Valley as the ideal setting for the county fairgrounds. Funding from the Works Progress Administration made the Del Mar Fair a reality when it opened on October 8, 1936. By July 3, 1937 a mile-long oval racetrack opened under the leadership of Bing Crosby and Pat O’Brien, marking another significant milestone in the history of Del Mar.

Following the end of Second World War, the Del Mar Fair and racetrack resumed operations to an ever-increasing San Diego county population. The period from the 1950s through the 1980s was characterized by expansion and infilling of residential and commercial developments within Del Mar (incorporated in 1959).

Study Methods

On March 12, 2010, ICF International requested a site records and literature search of the California Historical Resource Information System database at the South Coastal Information Center (SCIC), San Diego State University. This search was performed to identify known cultural resources in the project area and to assess the likelihood that cultural resources might be present on the project property. The records search covered the project property and a one-mile buffer. In addition, a request to review the Sacred Land File was sent to the Native American Heritage Commission (NAHC) in Sacramento on March 15, 2010. As of April 8, 2010, no response has been received and consultation is ongoing. Once a response is received, the information will be provided in an addendum to this letter report.

Following these pre-field efforts, ICF International archaeologists Michael Bever and Karolina Chmiel conducted a visual examination and pedestrian archaeological survey of the property on March 16, 2010. The study area included proposed new parcel, which consists of the northeast portion of the existing property, adjacent to San Dieguito Drive and Grand Avenue and extending southwest to the dirt easement road that transects the bluff face.

Study Results

The results of the records search indicate that at least 41 studies have been conducted since 1959 within one mile of the project property (Table 1). Six previous studies (Caltrans 1994a; Rosen 1994; Berryman and Woodman 2000; USFWS 2000; Hector and Brewster 2002; Zepeda-Herman and Price 2009) were conducted adjacent to the project parcel, with four of them being very broad-scale overviews rather than smaller, more intensive investigations. An additional broad-scale study (Gallegos 1988) appears to have included the current study area.

The site records search lists 25 previously recorded resources within one mile of the project property: 20 prehistoric and 5 historic (Table 2). No cultural resources are recorded in the project area. All the prehistoric resources were recorded prior to 1991; the historic resources were recorded between 1998 and 2001. One site, CA-SDI-192, was recorded prior to 1960 within one-quarter mile of the study area (north of Balboa Ave.). Unfortunately, nothing more than a sketch map locating the resource was created, but this site is presumed to have been prehistoric in age. Many of the prehistoric sites were recorded as small, ephemeral shellfish processing sites, and are predominantly located along the bluff tops south of San Dieguito lagoon. The area is now largely developed and it is presumed that many of these sites have been destroyed.

The pedestrian survey encountered generally poor ground visibility (less than 5%) due to the widespread presence of non-native ice plant (hottentot fig; *Carpobrotus* sp.). Nevertheless, all exposed ground surfaces were examined, including a disturbed area adjacent to the alleyway. No prehistoric or historical cultural resources were observed. Modern disturbances to the ground surface were noted, including those related to the construction of San Dieguito Drive and the alley that runs adjacent to the property. Figure 3 shows overview photographs of the property at the time of the survey.

Conclusions and Recommendations

A records search and pedestrian survey of the project property did not identify any cultural resources. However, 25 cultural resources, mostly prehistoric archaeological sites, are recorded in the immediate vicinity of the property. Further, the broader San Dieguito Creek region contains several hundred known prehistoric archaeological sites, including smaller resource procurement and processing sites as well as substantial village and burial sites (Byrd and Raab 2007). Estuarine environments like that of San Dieguito lagoon are known to have been key focal points for human habitation throughout prehistory. These estuarine environments show a complex history of natural burial and landscape evolution, related in large part to fluctuation in sea level. At times they were broad valleys with permanent rivers, at other times, like today, they were broad estuaries, at other times they were largely filled with silt, while at other times they may be been submerged during at least one period of higher sea level. Recent archaeological research along San Dieguito Creek and in similar settings of coastal southern California shows that deeply buried sites are common in these settings, even in areas currently on the floodplain of the creeks (Altschul et al. 2007; Koerper 2002). These sites often show long occupation histories that span much of the Holocene Epoch (i.e., the last 10,000 years). For these reasons, the project area must be considered sensitive for buried cultural resources.



Due to development restrictions, however, which relate to the proximity of the parcel to San Dieguito lagoon, the property spilt and subsequent construction of the proposed single-family residence, as designed, will involve minimal excavation into native sediments. Because of this situation, the following mitigation measures are recommended:

1. If cultural resources are identified during construction-related activities, including grubbing, grading, or other construction operations, work in the immediate vicinity of the find (within 100 feet) shall be halted or redirected until a qualified archeologist can evaluate the significance of the discovery. Archaeological finds may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire affected rock, as well as historical resources such as glass, metal, wood, brick, or structural remnants. If the project archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include testing/evaluation or data recovery excavation.
2. In the unlikely event that human remains are discovered or recognized during grubbing, grading, or construction, State law requires there to be no further excavation or disturbance of the immediate location until the County coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are determined by the coroner to be of Native American origin, the coroner will notify the NAHC, which will then identify a most likely descendant (MLD). The MLD will make a recommendation to the landowner as to the means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as stipulated in Public Resources Code 5097.98. Upon discovery of human remains, the landowner shall ensure that the immediate vicinity is not damaged or disturbed until specific conditions are met through discussions with the descendants regarding their preferences for treatment (PRC 5097.98 as amended).

Implementation of these mitigation measures would reduce any cultural resources impacts to less-than-significant levels. However, should project plans change to include more extensive ground disturbance, the recommendations offered here would need to be reassessed.

If you have questions regarding the studies or conclusions presented herein, please contact me at (858)578-8964.

Sincerely,

Signature on file

Michael R. Bever, Ph.D., RPA
Southern California Archaeology Team Manager

Attachments

Figure 1. Regional Vicinity Map

Figure 2. Survey Area



Figure 3. Site Photographs

Table 1. Cultural Resource Studies within One Mile of the Project Property

Table 2. Known Cultural Resources within One Mile of the Project Property

Appendix A. Native American Heritage Commission Correspondence

References

Almstedt, Ruth F.

- 1982 Kumeyaay and 'Iipay. In *APS/SDG&E Interconnection Native American Cultural Resources*, edited by Clyde M. Woods, pp. 6-20. Wirth Associates, Inc., San Diego.

Altschul, J.H., J.G. Douglas, R. Ciolek-Torrello, S. Van galder, B.R. VargasK.L. Hull, D.R. Grenda, J. Homburg, M. Palacios-Fest, S. Shelley, A. Keller, and D. Maxwell

- 2007 Life at the Nexus of the Wetlands and Coastal Prairie, West Los Angeles. *Proceedings of the Society for California Archaeology* 20:34-42.

Byrd, B.F., and L.M. Raab

- 2007 Prehistory of the Southern Bight: Models for a New Millennium. In *California Prehistory: Colonization, Culture, and Complexity*, edited by T. L. Jones and K. A. Klar, pp. 215-228. Altamira Press, New York.

Dumke, Glenn S.

- 1963 *The Boom of the Eighties in Southern California*. Huntington Library, San Marino (originally printed in 1944).

Koerper, H.C., R.D. Mason, and M.L. Peterson

- 2002 Complexity, Demography, and Change in Late Holocene Orange County. In *Catalysts to Complexity: Late Holocene Societies of the California Coast*, edited by J. M. Erlandson and T. L. Jones, pp. 63-81. Perspectives in California Archaeology, Vol. 6. Cotsen Institute of Archaeology, University of California, Los Angeles.

Luomala, Katherine

- 1976 Flexibility in Sib Affiliation among the Diegueño. In *Native Californians: A Theoretical Retrospective*, edited by L. J. Bean, and T. C. Blackburn, pp. 245-270. Ballena Press, Socorro, New Mexico.

Pigniolo, A.R.

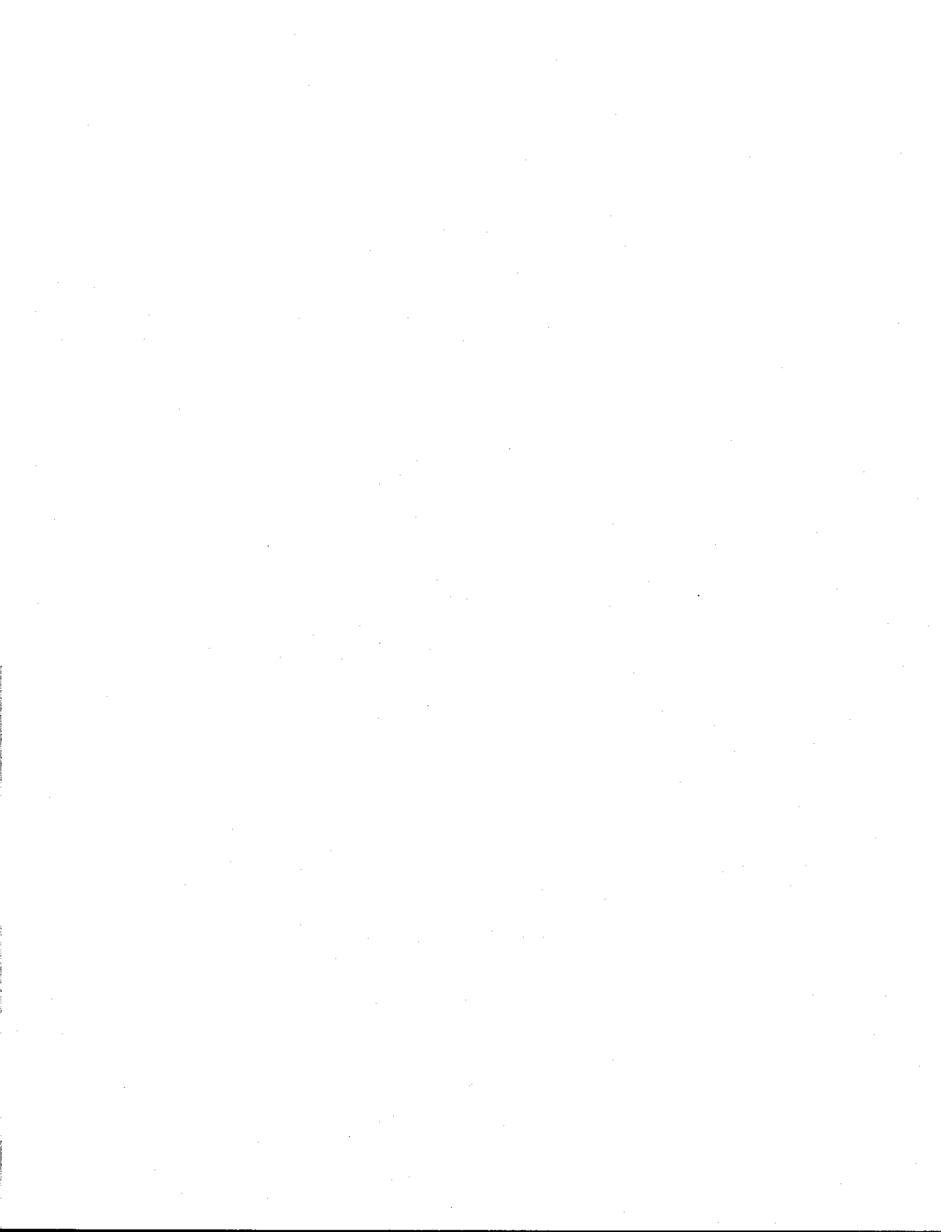
- 2005 Subsistence, Settlement, and Environmental Change at San Diego Bay. *Proceedings of the Society for California Archaeology* 18:255-259.

Rensch, Hero E.

- 1975 *The Indian Place Names of Rancho Cuyamaca*. Acoma Books, Ramona, California.

Rogers, Malcolm J.

- 1945 An Outline of Yuman Prehistory. *Southwestern Journal of Anthropology*, 1(2):157-198.



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1966 *Ancient Hunters of the Far West*. Union-Tribune Publishing, San Diego.

Spier, Leslie

1923 Southern Diegueño Customs. *University of California Publications in American Archaeology and Ethnology* 20:292-358.

True, D.L.

1966 *Archaeological Differentiation of Shoshonean and Yuman Speaking Groups in Southern California*. Unpublished Ph.D. dissertation, Department of Anthropology, University of California, Los Angeles.

1970 *Investigation of a Late Prehistoric Complex in Cuyamaca Rancho State Park, San Diego County, California*. Archaeological Survey Monograph, Department of Anthropology, University of California, Los Angeles.

Warren, Claude N.

1964 *Cultural Change and Continuity on the San Diego Coast*. Unpublished Ph.D. dissertation, Department of Anthropology, University of California, Los Angeles.

1998 Paleoindian and Early Archaic Periods. In *Prehistoric and Historic Archaeology of Metropolitan San Diego: A Historic Properties Background Study*. Metropolitan Wastewater Department, San Diego.

K:\SAN_DIEGO\PROJECTS\ANDREWS\MAPDOC\FIG1 REGIONAL VICINITY.MXD, 17-06-02-09

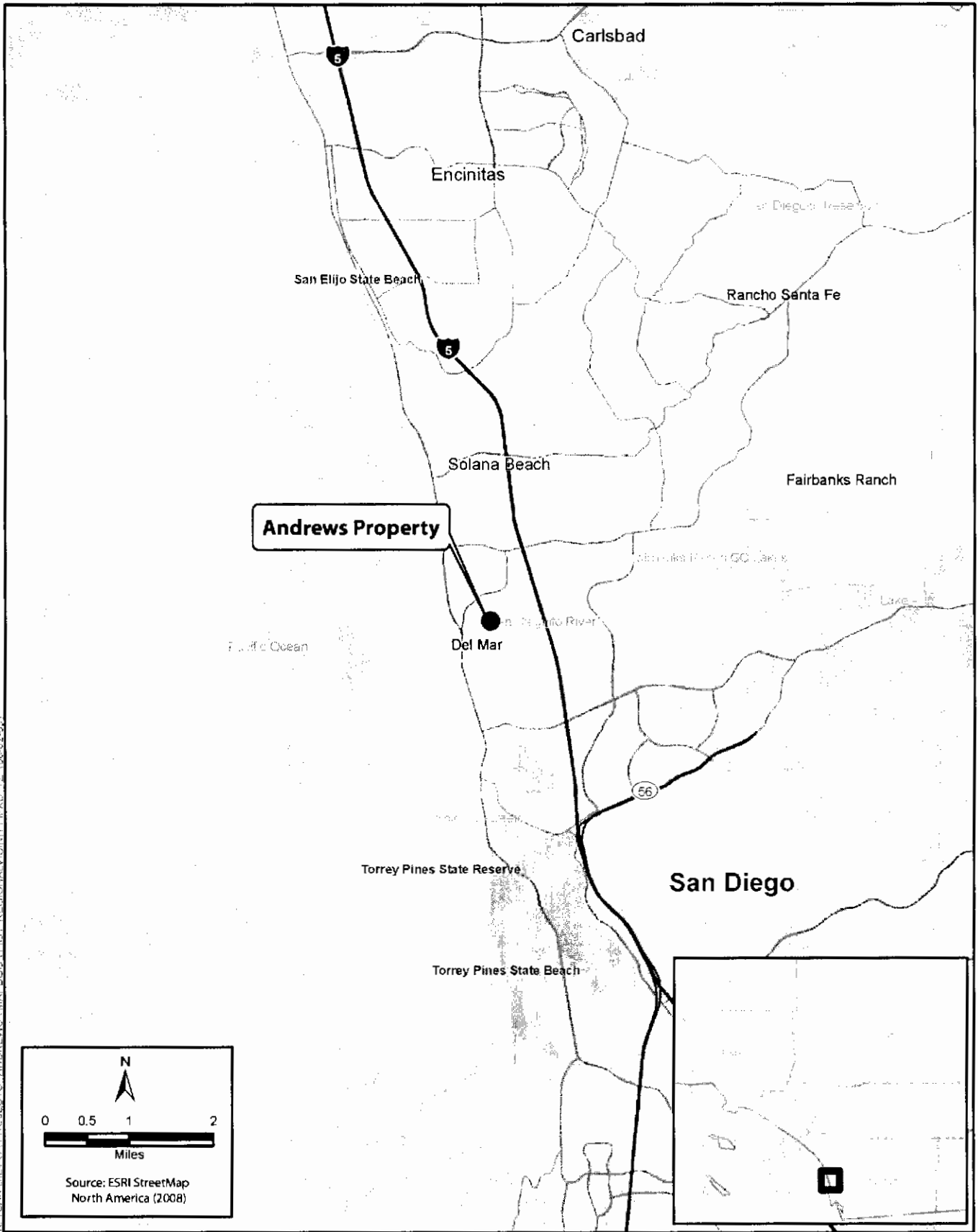
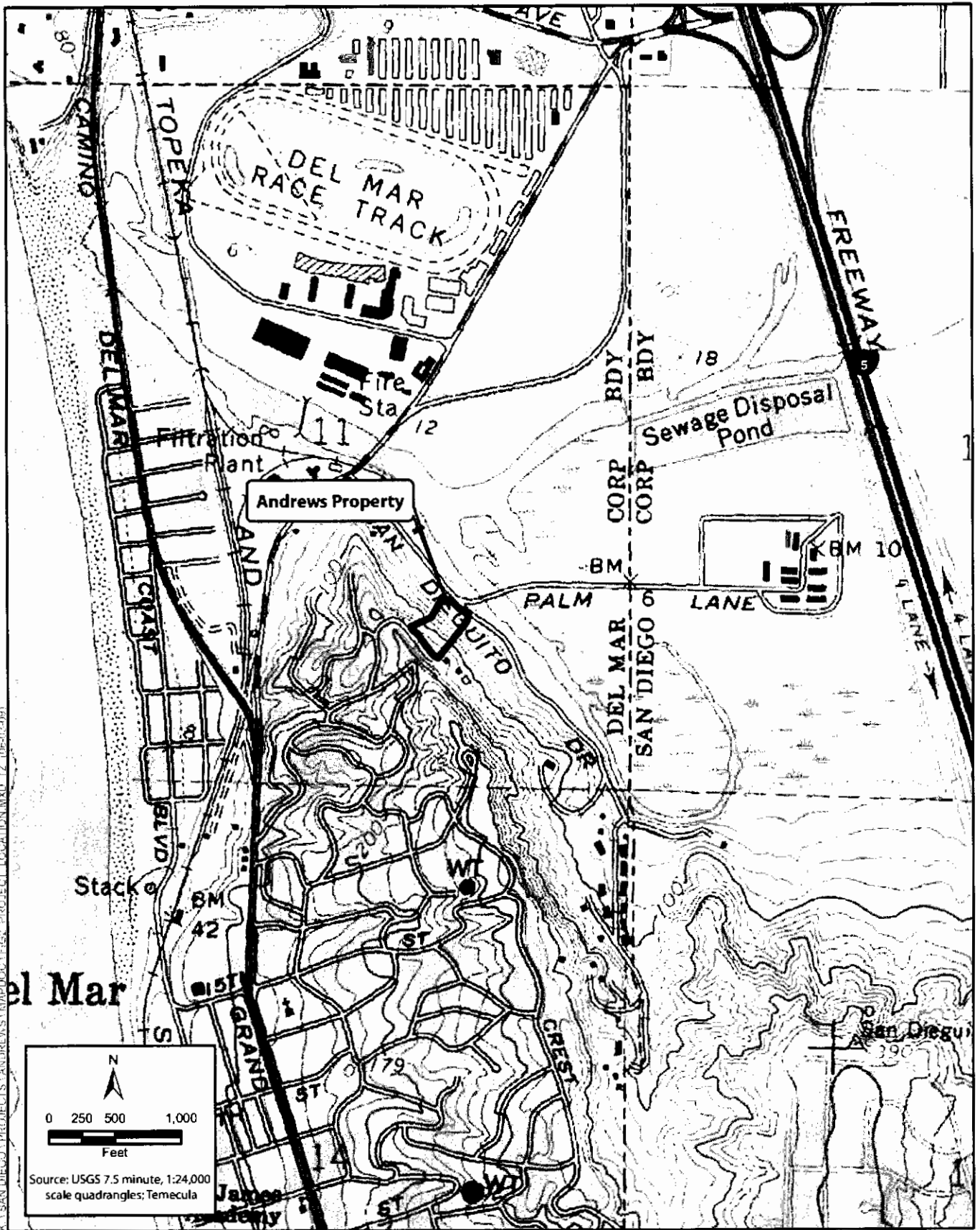


Figure 1
Regional Vicinity Map
Andrews Project



K:\SAN DIEGO\PROJECTS\ANDREWS\MAPDOC\FIG2 PROJECT LOCATION.MXD T2_08-01-09

Figure 2
Survey Area
Andrews Property



Overview of parcel, showing San Dieguito Drive and lagoon in background. View to east.



Exposure of native sediments at northeastern edge of parcel. View to west.

Figure 3. Site Photographs

Table 1. Cultural Resource Studies within One Mile of the Project Property

NADB#	Year	Author	Report Title
1127109	1959	Warren, C. N.	<i>Test Excavations at the Del Mar Site (SDI-191)</i>
1121242	1975	Kaldenberg, Russell L.	<i>An Archaeological Survey Report on "The Point"</i>
1124207	1977	WESTEC	<i>Archaeological/Historical Survey of the Stratford Inn Garage</i>
1130610	1980	Braciszewski, Bruce, and Bob Nelson	<i>National Register of Historic Places Inventory Nomination Form for the Del Mar North Bluffs Preserve, the Site of Del Mar Man</i>
1124236	1981	APEC	<i>Environmental Impact Report for San Dieguito River Study Draft Conceptual Master Plan</i>
1124968	1982	RECON	<i>Draft EIR for the Mickellar Joseph Development</i>
1122845	1985	Leach, Larry L.	<i>Cultural Resource Survey Report: Proposed Access to Del Mar Fairground Parking Area on the West Side of I-15</i>
1121441	1986	Smith, Brian F.	<i>A Report of an Archaeological Sampling Program at Site W-36 (SDI-10238), La Vida Del Mar Project, Solana Beach, California, P-85-55-EAD Log #85-13-17</i>
1121864	1987	Hector, Susan	<i>Archaeological Investigations on the Calle Cristobal Assessment District and Genstar Assessment District Parcel 16, City of San Diego</i>
1121667	1988	Wade, Sue A.	<i>Archaeological Test Excavations at SDM-W-36, City of Solana Beach, California</i>
1120672	1988	Gallegos, D., R. Phillips, and A. Pignolo	<i>A Cultural Resource Overview for the San Dieguito River Valley, San Diego, California</i>
1121851	1989	Hector, Susan	<i>Cultural Resource Survey Report of the San Diego Commuter Rail Project</i>
112249	1990	Eighmey, James	<i>The Stallions Crossing Project: Cultural Resource Significance Testing at SDI-7290, SDI-7293, SDI-7298, SDI-10118, SDI-10535</i>
1129145	1991	Gallegos, Dennis and Carolyn Kyle	<i>Cultural Resource Survey Report, San Diego Bikeways Project, San Diego, California</i>
1126427	1993	Eighmey, James	<i>The Village and the Ranch at Stallions Crossing: Cultural Resources Survey and Testing at SDI-5957, SDI-7287, SDI-7290, SDI-7291, SDI-7293, SDI-7298, SDI-7300, SDI-10118, SDI-10535</i>
1122958	1994a	Caltrans	<i>Negative Archaeological Survey Report, First Addendum, 11-SD-5 P.M., R35.2 189161</i>
1122959	1994b	Caltrans	<i>Negative Archaeological Survey Report, First Addendum, 11-SD-5 P.M., R35.2 189616</i>
1126645	1994	Rosen, Martin	<i>Negative Archaeological Survey, Grand Avenue & Old Del Mar Airport</i>
1123338	1995	Rosen, Martin, and Karen Crafts	<i>Negative Archaeological Survey Report, Second Addendum, 11-SD-5 P.M., R35.2 189161</i>
1127724	1995	Caltrans	<i>Negative Archaeological Survey Report, 11-SD-5 P.M. R35.2</i>
1126426	1996	City of San Diego	<i>DEIR Ranch at Stallions Crossing</i>
1123549	1997	Kirkish, Alex N., and Brian F. Smith	<i>Results of a Data Recovery Program at Site SDI-7979, The Whittier-Der Mar Project at Border Avenue, Del Mar, California</i>
1124177	2000	Berryman, Judy, and Craig Woodman	<i>Archaeological Investigations for the San Dieguito Wetland Restoration Project EIR/EIS</i>
1126444	2000	USFWS & SDRPJA	<i>Environmental Impact Report/Environmental Impact Statement for the San Dieguito Wetlands Restoration Project</i>
1125518	2001	Gilmer, Joanne	<i>Results of Cultural Resource Survey for the Dumka Property</i>
1124658	2002	City of San Diego	<i>Formation of Underground Utility Districts: Proposed Mitigation Negative Declaration</i>
1127417	2002	Pignolo, Andrew & Dustin Kay	<i>Cultural Resources Monitoring Report for 1.6 Acre Revegetation Project within the San Dieguito River Valley Regional Park, San Diego, California, LDR No. 41-0207</i>
1127842	2002	Ni Ghabhlain, Sinead	<i>Significance Evaluation of the Del Mar Bluffs Spillway (P-37-024195)</i>
1128425	2002	Rosen, Martin D.	<i>Historic Property Survey Report, Interstate 5 Northbound Auxiliary Lane Project, 11-SD-5 KP R56.0/R57.5 PM, R334.81/R35.7</i>

NADB#	Year	Author	Report Title
1129361	2002	Byrd, Brian F., and Collin O'Neill	<i>Archaeological Survey Report for the Phase I Archaeological Survey along Interstate 5, San Diego County, California</i>
1130550	2002	May, Vonn Marie	<i>National Register of Historic Places Registration Form for the Canfield-Wright House</i>
1131623	2002	Hector, Susan M., and Alice Brewster	<i>San Dieguito River Valley Inventory of Archaeological Resources</i>
1129329	2004	PBS&J	<i>EIR for the Gad and Schroeder Residences Project</i>
1129331	2004	Crawford, Kathleen	<i>Historical Assessment of the Residence at 351 13th Street</i>
1129362	2004	Laylander, Don, and Mark Becker	<i>Archaeological Testing at Twelve Prehistoric Sites (SDI-603, -628, -4553, -6831, -6882, -10965, -12670, -13484, -15678, -15679, -15680) on the Central San Diego Coast, San Diego County, California</i>
1130415	2006	Fulton, Phil	<i>Cultural Resources Assessment, Del Mar Fairgrounds Project, Cities of Del Mar and San Diego, San Diego County, California</i>
1130885	2007	Mattingly, Scott A.	<i>Archaeological and Geospatial Investigations of Fire-altered Rock Features at Torrey Pines State Reserve, San Diego, California</i>
1131218	2007	Price, Harry J.	<i>Results of Cultural Resource Survey for the Racetrack View Drive Property (City of San Diego Project No. 99387)</i>
1131761	2007	Dominici, Deb	<i>Historic Property Survey Report, I-5 North Coast Widening Project</i>
1131783	2008	Laylander, Don, and Linda Akyuz	<i>Archaeological Survey for the I-5 North Coast Corridor Project, Biological Mitigation Parcels, San Diego County, California</i>
1132117	2009	Zepeda-Herrman, Carmen, and Harry Price	<i>Results of the Archaeological Monitoring Program for the San Dieguito Wetlands Restoration Project, San Diego County, California</i>

Bold studies included the project property; shaded studies are adjacent to property
APEC = American Pacific Environmental Consultants; USFWS & SDRPJA = U.S. Fish & Wildlife and San Dieguito River Park Joint Authority

Table 2. Known Cultural Resources within One Mile of the Project Property

Trinomial Primary		Resource Description	Age
CA-SDI-	P-37-		
191	-	Archaic terrace campsite of dispersed lithic and shell scatter; cobble hearths; metates	P
192	-	(no description given)	P
193	-	(no description given)	P
7290	-	Archaic sparse lithic scatter (flaked and ground stone) with some shell	P
7293	-	Archaic shell scatter with some lithic artifacts	P
7296	-	Archaic shell scatter with lithic artifacts	P
7297	-	Eroded shell (from bluff above; SDI-7300)	P
7298	-	Eroded shell (from bluff above; SDI-7300)	P
7299	-	Isolated mano, eroded from bluff above (SDI-7300)	P
7300	-	Archaic terrace campsite with flaked and ground stone and shell	P
7979	-	Archaic shell midden with numerous artifacts and bone	P
8591	-	Two small lithic scatters (chopper at south loci; core and flake at north loci)	P
10238	-	Early Archaic habitation site; dense shell and many artifacts and bone	P
10940	-	Archaic habitation site with extensive midden, artifacts and burials	P
12120	-	Small shell and artifact scatter	P
12121	-	Small shell and artifact scatter	P
14795	-	Shell midden	P
15065	-	Remains of 1940s Naval Dirigible Facility	H
17389	-	Early Archaic deflated shell midden with fire-cracked rock	P
-	014785	Isolated volcanic flake	P
-	014786	Isolated volcanic flake & shell fragment	P
-	024194	Structures (retaining walls, culverts, etc.) associated with 1910 AT&S railroad	H
-	024195	Retaining wall associated with 1910 AT&S railroad	H
-	024196	Retaining wall associated with 1910 AT&S railroad	H
-	024197	Foundations of wooden foot bridge and gazebo, associated with AT&S railroad	H

Age: P = prehistoric; H = historic

Appendix A. Native American Heritage Commission Correspondence

Pending



March 15, 2010

Mr. Dave Singleton
Native American Heritage Commission
915 Capitol Mall
Room 364
Sacramento, California 95814

Re: Cultural Resources Inventory for a proposed Lot Split for the Andrews' Property,
City of Del Mar, California

Dear Mr. Singleton:

This letter is a request for review of the Sacred Lands File for the 2.4-acre project area described below. Any information you can provide is appreciated. Names and addresses you provide for appropriate Native American Tribes and other knowledgeable Tribal members will be contacted.

ICF International is conducting a cultural resources inventory for the property owner at 2081 Gatun Street in the City of Del Mar, California (see enclosed location map). The property's northeastern boundary is across San Dieguito Drive from the San Dieguito Lagoon and lies within the City's Lagoon Overlay Zone. The owner intends to split the property into two separate parcels.

The project area lies within a portion of Section 11 of Township 14 South, Range 4 West, San Bernardino Base and Meridian as depicted on the Del Mar, California 7.5 minute USGS quadrangle (scale 1:24,000).

If you have any questions please feel free to contact me by telephone at (858) 578-8964 or e-mail at mbever@icfi.com. Our fax number is (858) 578-0573.

Thank you.

Signature on file

Michael R. Bever, Ph.D., RPA
Southern California Archaeology Team Manager

Encl. Project Location map

September 28, 2009

PROJECT SUMMARY

The project consists of construction of a single family residence in conformance with the "Building Parameter Exhibit" associated with this application. The living areas of the residence will be at or above the base flood elevation creating an opportunity for a gravel infiltration trench under the footprint of the residence. In addition, this development will provide a porous driveway, biofiltration swales, and an infiltration trench between the development and roadway.

BEST MANAGEMENT PRACTICES (BMPs)

Minimizing a development's effects on water quality and the environment can be most effectively achieved by using a combination of BMPs which include Site Design/LID, Source Control, and Treatment Control measures. These design and control measures employ a multi-level strategy. The strategy consists of: 1) reducing or eliminating post-project runoff; 2) controlling sources of pollutants; and 3) treating storm water runoff before discharging it to receiving waters.

A. Site Design/LID BMPs

The most effective means of avoiding or reducing water quality and hydrologic impacts is through incorporation of measures into the project design. These measures should be taken into consideration early in the planning of a project as they can affect the overall design of a project.

The design of the proposed project has considered and incorporated site design concepts as described below.

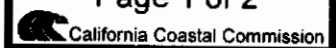
1. Majority of the site remains undisturbed with conservation of natural areas in open space easement deed restriction.
2. Driveway to be designed with porous pavement or open-jointed paving products.
3. Project to include planter areas to minimize Directly Connected Impervious Areas to the maximum extent practicable.
4. Project to incorporate native drought-tolerant plants and drip irrigation system.
5. Biofiltration swales to be provided with site design to allow low flow infiltration through flow-based design.
6. Roof drains are to be discharged on-site and outlet to infiltration trench.
7. Hardscape areas shall drain to adjacent landscaping to allow infiltration on-site.
8. Storm water is directed into vegetated swales for infiltration before sheet flowing into the receiving waters.

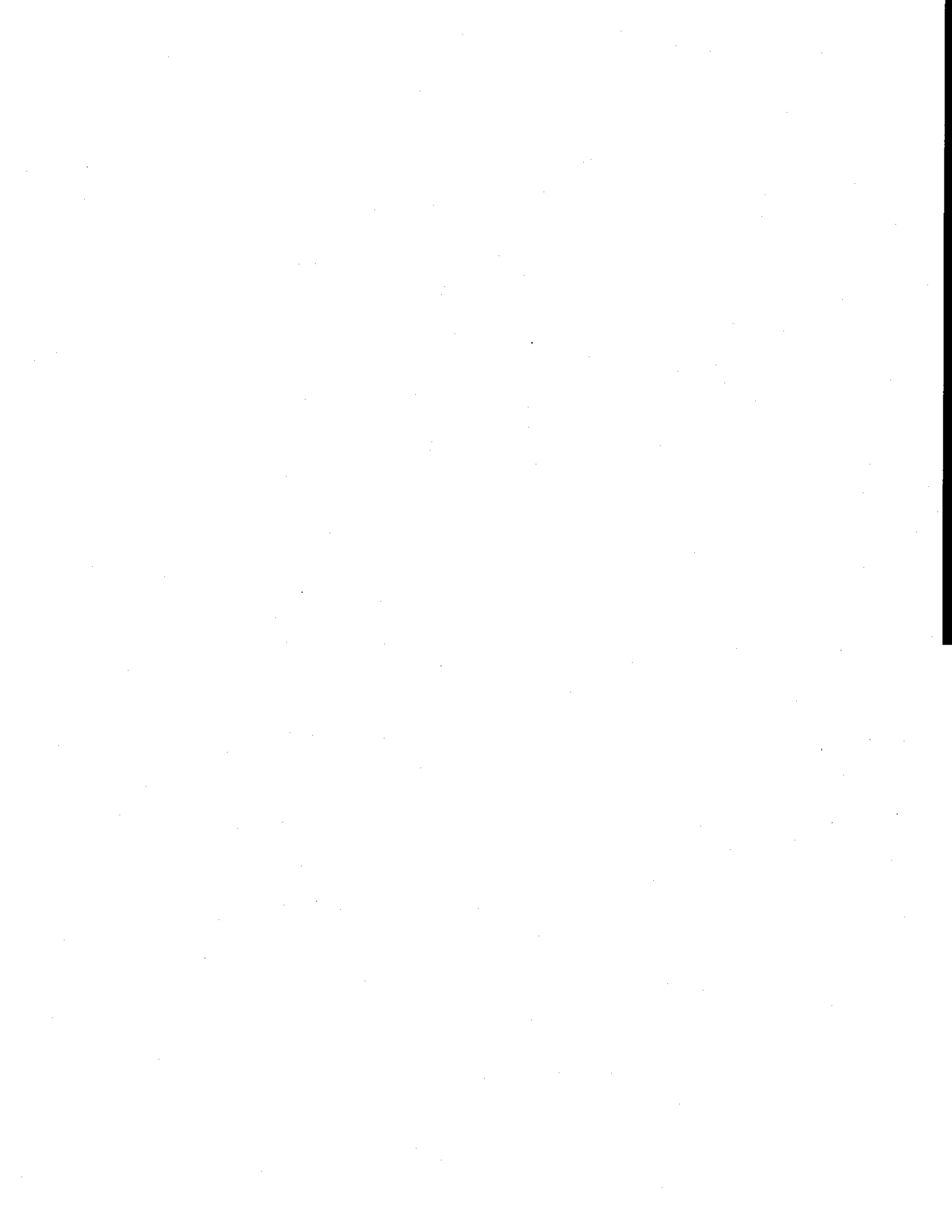
2187 NEWCASTLE AVENUE • SUITE 103 • CARDIFF BY THE SEA
(760) 436-8500 • FAX (760) 436-8603

EXHIBIT NO. 9
APPLICATION NO.
6-85-283-A1

Best Management
Practices

Page 1 of 2





B. Source Control BMPs

Source Control BMPs are measures focusing on reducing or eliminating post-project runoff and controlling sources of pollutants. Source Control BMPs must be included in all projects and can be represented in structural measures such as landscape, irrigation, signage considerations, materials, and design of areas; and non-structure measures such as requirements, cleaning, education, and maintenance.

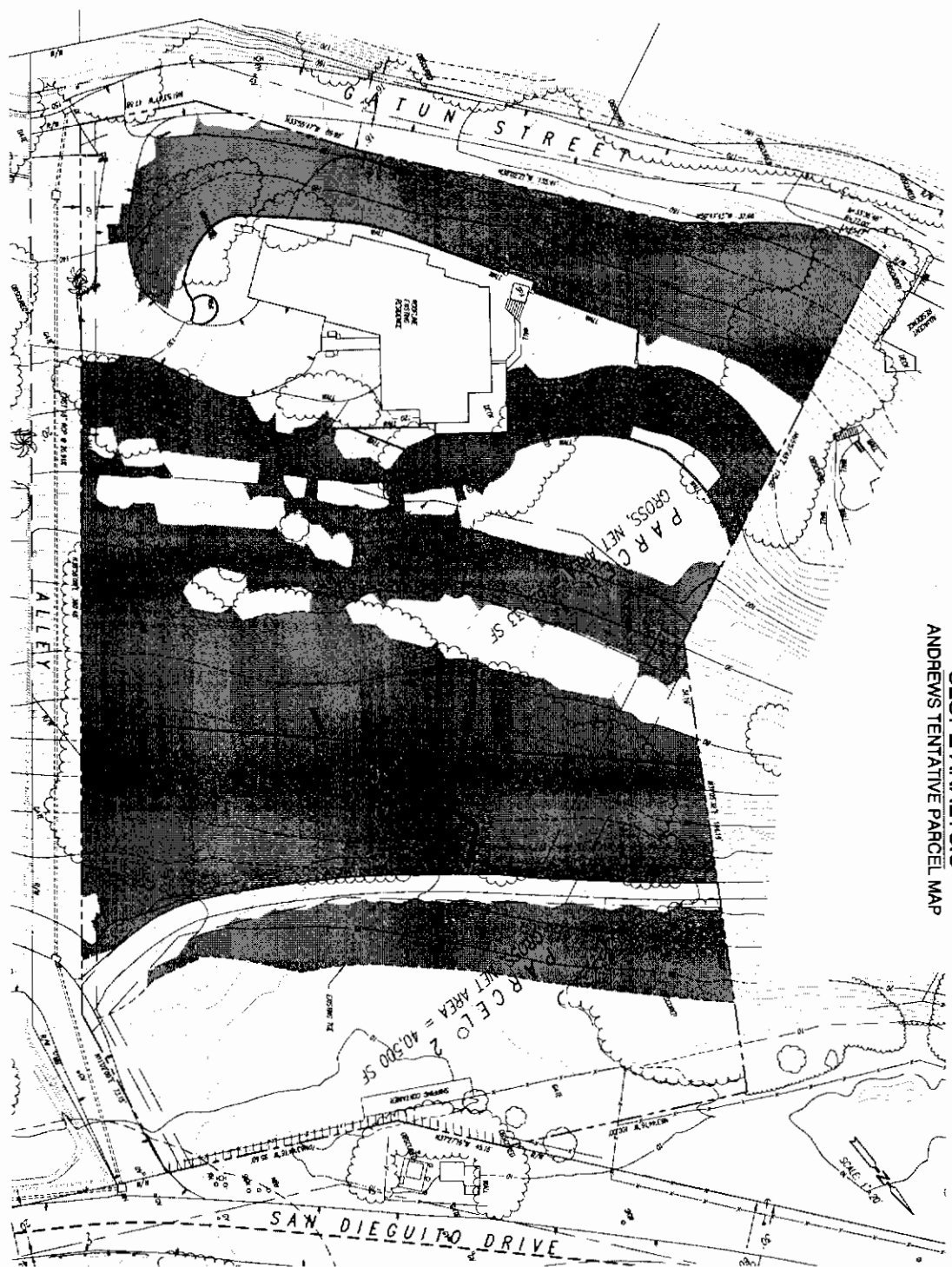
1. Practical informational materials are provided to owner to increase the public's understanding of stormwater quality, sources of pollutants, and what they can do to reduce pollutants in stormwater to include pamphlets available from the City.
2. Specific practices are followed and ongoing maintenance is conducted to minimize erosion and over-irrigation, conserve water, and reduce pesticide (Integrated Pest Management) and fertilizer applications.
3. All BMP inspection activities and maintenance activities shall be conducted annually by October 1st.
4. Trash management and litter control procedures are specified to include trash storage areas which are covered beyond limits of storage areas to prevent introduction of trash and debris to site runoff.
5. Project plans to be provided to include application methods to minimize irrigation water discharged into stormwater drainage systems.

C. Treatment Control BMPs

Treatment control BMPs utilize treatment mechanisms to remove pollutants that have entered stormwater runoff and consist of public domain BMPs.

1. A rock filled infiltration trench to be provided which receives roof water with no outlet and stores it until it infiltrates into the underlying soil. It is effective at removing most pollutants.
2. A long narrow rock filled infiltration trench with no outlet receives water and stores it until it infiltrates into the underlying soil. It is effective at removing most pollutants.
3. Open, shallow vegetated biofilter swale channels that collect and slowly convey runoff through the property. Filters runoff through vegetation, subsoil matrix, and/or underlying soils; traps pollutants, promotes infiltration and reduces flow velocity.





SLOPE ANALYSIS
ANDREWS TENTATIVE PARCEL MAP

	0 - 25%	25% +	TOTAL
AREA (SF)	x	x	x
PARCEL 1	261,500 SF	39,817 SF	59 x 96,317 SF
PARCEL 2	13,036 SF	20,390 SF	32 x 33,426 SF
TOTAL	480,537 SF	60,207 SF	54 x 540,744 SF

EXHIBIT NO. 10
APPLICATION NO.
6-85-283-A1
Steep Slope Exhibit



OWNER: HARP AND KATHLEEN MARSH
1431 W. 10TH ST.
SAN DIEGO, CA 92101

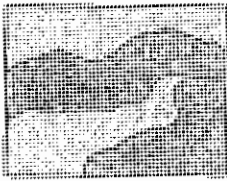
LEGAL DESCRIPTION: PARCEL 2 OF PARCEL MAP NO. 10411
289-142-21

ASSIGNOR PARCEL NO.: 289-142-21

SCALE OF PRODUCTION: 1" = 20' (VERTICAL SCALE IS NOT TO SCALE)

DATE: 10/20/05

HOWARD S. BROWN, LICENSED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA, LICENSE NO. 52748, MECHANICAL
1000 W. 10TH ST., SUITE 100, SAN DIEGO, CA 92101
TEL: 619-594-1111 FAX: 619-594-1112



San Dieguito River Valley
 Regional Open Space Park
 14103 Highland Valley Road
 Escondido, CA 92025
 (858) 674-2270 Fax (858) 674-2280
 www.sdrp.org

**JOINT POWERS AUTHORITY
 BOARD OF DIRECTORS**

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Becky Bartling, Ex Officio
 22nd District Agricultural Assoc.

Dick Bobertz
 Executive Director

May 26, 2010

Lee McEachern
 California Coastal Commission
 7575 Metropolitan Drive, Ste 103
 San Diego, CA 92108

**Subject: Andrews Amendment Request
 #6-85-283-A1; APN 299-192-22**

Dear Mr. McEachern:

At their meeting of May 21, 2010 the JPA Board of Directors considered the issues concerning the Andrews Amendment Request to remove a portion of the open space deed restriction to build a single-family home on a second parcel. The JPA is concerned about the loss of open space on the site and that the structure will be visible from the newly restored Grand Avenue Bridge Lagoon Overlook. Although we prefer that the site remain in open space, the JPA feels that conditions proposed by the City of Del Mar and the applicant will adequately protect the nearby wetlands.


Therefore, the JPA does not object to removing a portion of the open space deed restriction provided that a 100-foot wide wetland buffer is maintained along the northeastern side of the property and that the construction plan be reviewed by the City's design review board specifically with the intent of minimizing visual impacts to the Grand Avenue Lagoon Overlook. No development or disturbance of any kind should be allowed within the wetland buffer and the JPA supports the City of Del Mar's proposed condition that the applicant replace all non-native vegetation within the buffer area with native species appropriate for the area. In addition, the applicant should be encouraged to replace the remaining ice plant on the slope with native vegetation. The JPA understands that the decision to remove any or all of the open space deed restriction rests with the Coastal Commission (at a public hearing).

It is our understanding based on information presented by the project applicant that they will accommodate a 100-foot buffer; however, they are proposing a driveway within the buffer area. The JPA Board does not support the driveway encroachment into the buffer area because room exists elsewhere on the property for such a driveway.

Please do not hesitate to contact me or our Environmental Planner Shawna Anderson if you have any questions concerning the JPA's position. We thank you again for considering our input.

Signature on file

Dick Bobertz
 Executive Director

EXHIBIT NO. 11
APPLICATION NO. 6-85-283-A1
JPA Letter
 California Coastal Commission



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- Land Use & Planning Transportation/Circulation Public Services
- Population & Housing Biological Resources Utilities & Service Systems
- Geological Problems Energy & Mineral Resources Aesthetics
- Water Hazards Cultural Resources
- Air Quality Noise Recreation
- Mandatory Findings of Significance

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effect that remains to be addressed.

Signature _____ Date _____

Printed Name _____ Title _____

EXHIBIT NO. 12
APPLICATION NO. 6-85-283-A1
CEQA Report
Page 1 of 18
California Coastal Commission

APR 13

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EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVII. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix I of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Del Mar's requirements.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers' information, a list of applicable standard conditions identified in the discussions has been provided as Figure-4

SAMPLE QUESTION:

<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<p><i>Would the proposal result in or expose people to potential impacts involving:</i></p> <p><i>Landslides or Mudflows? (Sources: 1, 6)</i></p> <p><i>Discussion: The attached source list explains that 1 is the Del Mar Community Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING.

Would the Proposal:

- a) Conflict with general plan designation or zoning?
(Sources: 1,2)

Discussion: The proposed project is consistent with the City of Del Mar Community Plan land use designation because a single-family residence is an allowed use in the City's R1-40 Zone. No impact would occur.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?
(Sources: 1, 2, 3, 4)

Discussion: The proposed project is consistent with environmental plans or policies adopted by agencies with jurisdiction over the project, including the City of Del Mar Community Plan, Local Coastal Program and Municipal Code. Also approval of a reduced wetlands buffer of 50-feet is required from the City of Del Mar and California Department of Fish and Game, as part of the Conditional Use Permit application of the project. The applicant has received the concurrence from CDFG for the proposed project with mitigation measures. It is not anticipated that permits from US Fish & Wildlife Service or US Army Corps of Engineers would be required. The proposed project site contains a deed restriction for an Open Space Easement and requires authorization from the California Coastal Commission prior to Final action on the proposed subdivision project. The following mitigation shall be included in the subdivision project:

Land Use - 1 Prior to Final Parcel Map approval, the applicant shall receive written authorization from the California Coastal Commission to amend the limits of the Open Space Easement, or waiver of such requirements to allow the proposed subdivision project to be implemented, as necessary.

- c) Be incompatible with existing land uses in the vicinity?
(Sources: 1, 2)

Discussion: The proposed project would be compatible with the existing land uses in the vicinity of the project site, which include other single-family residential uses in the City's R1-40 Zone and adjacent R1-10 Zone. No impact would occur.

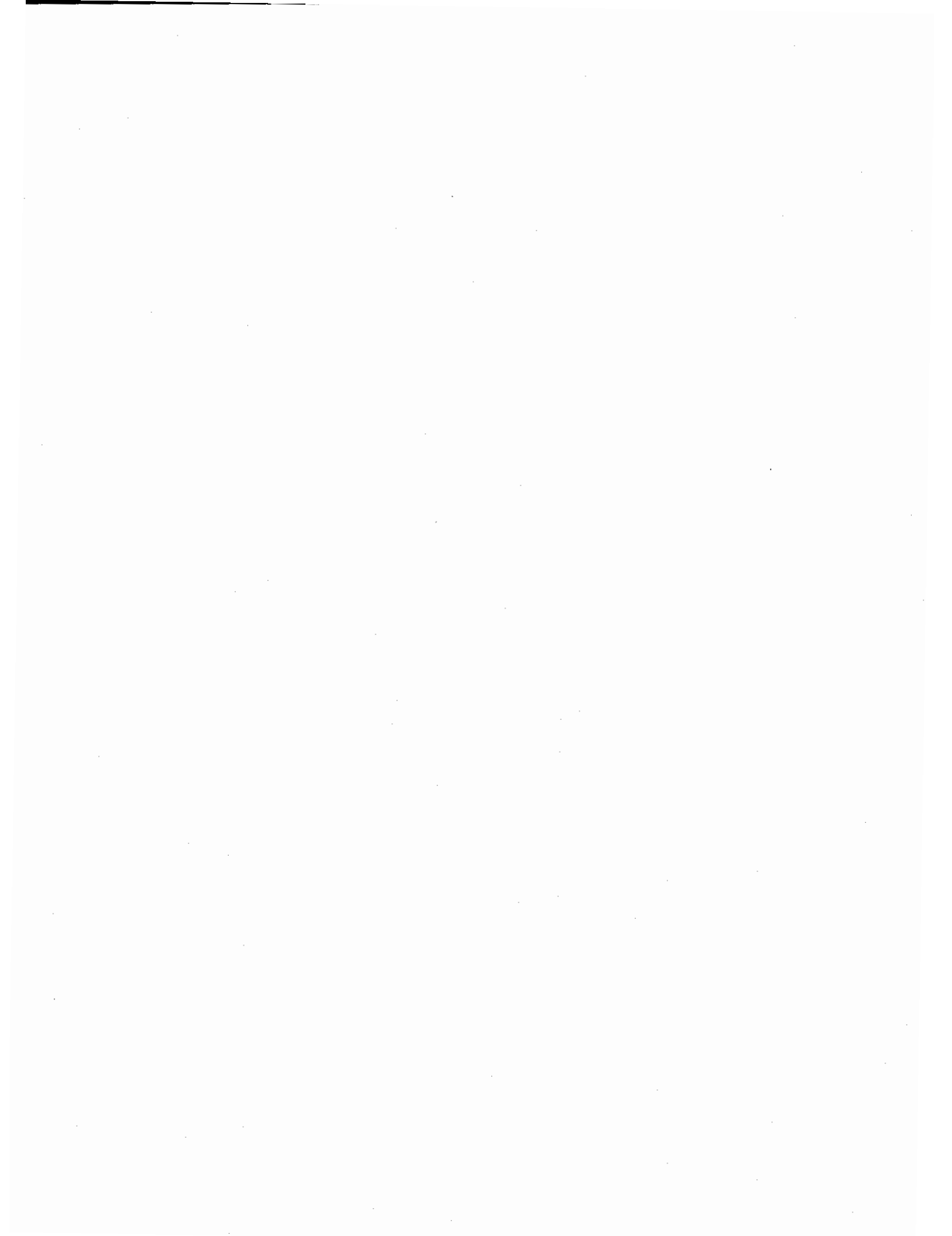
- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?
(Sources: 1, 2)

Discussion: The proposed project would not affect agricultural resources or operations since there are none in the area. No impact would occur.

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?
(Sources: 1, 2)

Discussion: The proposed project would be located on an existing lot developed with a single-family residence in the City's R1-40 Zone and would not disrupt or divide the physical arrangement of an established community. No impact would occur.

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. POPULATION AND HOUSING.

Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Sources: 1, 2)

Discussion: The proposed project and any future development of a single-family residence would not have the potential to cumulatively exceed official regional or local population projections. No impact would occur.

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (Sources: 1, 2)

Discussion: The proposed project would not induce substantial growth either directly or indirectly, the existing residence is located in an area with existing infrastructure. Any future development of a single-family residence would be serviced by the extension of the infrastructure currently in place. No impact would occur.

- c) Displace existing housing, especially affordable housing? (Sources: 1, 2)

Discussion: The proposed project would subdivide an existing single-family lot into two separate single-family parcels. Therefore, the project would not displace existing housing, especially affordable housing. No impact would occur.

III. GEOLOGIC PROBLEMS.

Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture? (Sources: 1, 2)

Discussion: There are no mapped faults on the project site or in the immediate project area. Therefore, the proposed project would not result in or expose people to potential impacts of fault rupture. No impact would occur.

- b) Seismic ground shaking? (Sources: 1, 2)

Discussion: The proposed project site would be subject to potential groundshaking associated with earthquakes that may occur in the region. This impact is considered to be less than significant because any future development project would be built in accordance with the Uniform Building Code which would ensure that required structural integrity of any future building would be met given the earthquake level anticipated in the project area.

- c) Seismic ground failure, including liquefaction? (Sources: 1, 2)

Discussion: The proposed project site is underlain by geologic formations and soils which may be prone to seismic ground failure, including liquefaction. This impact is considered to be less than significant because any future development project of a single-family residence would be built in accordance with the Uniform Building Code which would minimize and/or prevent damage related to seismic ground failure, including liquefaction.

- d) Seiche, tsunami, or volcanic hazard?

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Sources: 1,2)

Discussion: The proposed project site is not located within the immediate vicinity of the shoreline, and would not be affected by a tsunami. The project site is located near San Dieguito River, however, the lagoon is not identified as having a high risk for seiche. In addition, the project site is not located near a volcano and would not be subject to a volcanic hazard. Therefore, no impact would occur.

e) Landslides or Mudflows?

(Sources: 1, 2)

Discussion: The proposed project would not be subject to hazards from landslides or mudflows because although the proposed project is located on a property containing steep slopes, any future development of a single-family residence would be located outside of the steep slope areas due to the Open Space Easement and Zoning restrictions applicable for the property to protect native slopes and associated resources found within them. Development would be restricted on the relatively flat portion of the proposed Parcel 2. Therefore, no impact would occur.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

(Sources: 1, 2)

Discussion: The proposed project does not include development, however any future development of the proposed Parcel 2 may include excavation, grading and fill operations which would have the potential to result in erosion, changes in topography or unstable soil conditions. However, development permits for would require the submittal of detailed drainage and grading plans as conditions of approval to ensure that no significant impacts would occur from changes in topography or create unstable soil conditions. The project would be constructed in accordance with the Uniform Building Code to prevent damage related to erosion and/or expansive materials. Therefore, this impact is considered to be less than significant.

g) Subsidence of the land?

(Sources: 1, 2)

Discussion: See III.f above. Any future development of Parcel 2 would be constructed in accordance with the Uniform Building code and any necessary soils and/or geotechnical reports will be submitted prior to the issuance of building permits. Therefore, impacts would be less than significant.

h) Expansive soils?

(Sources: 1, 2)

Discussion: See III.f above. Any future development of Parcel 2 would be constructed in accordance with the Uniform Building code to prevent damage related to expansive soils. In addition, any necessary soils and/or geotechnical reports would be submitted prior to the issuance of building permits. Therefore, impacts would be less than significant.

i) Unique geologic or physical features?

(Sources: 1, 2)

Discussion: The proposed project site does not contain any unique geologic or physical features. Therefore, no impact would occur.

IV. WATER.

Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Sources: 1, 6)

Discussion: The proposed project and any future development of the new parcel would be required to incorporate Low Impact Development (LID) methods and Best Management Practices for Construction and Post-Construction, as part of the Clean Water review of the project for compliance with the City's Standard Urban Stormwater Management Plan. Also, any future development project would require the submittal of detailed drainage and grading plans as conditions of approval, which would ensure that drainage effects associated with the project would result in a less than significant impact.

- b) Exposure of people or property to water related hazards such as flooding?
(Sources: 1, 2, 7)

Discussion: The eastern portion of the project site is located within a 100-year flood hazard area. Any future development project occurring on the easterly portion of the lot would include raising the elevation of all habitable areas of the proposed residence to a base flood elevation of 19 feet above MSL. Therefore, the proposed project would not expose people or property to water-related hazards such as flooding. Impacts would be less than significant.

- c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?
(Sources: 1, 6)

Discussion: Any future development project would have the potential to impact discharge into surface waters or other alteration of surface water quality during construction and operation. However, compliance with the City's Standard Urban Stormwater Management Plan (SUSMP), which requires the implementation of construction and permanent BMPs to reduce adverse impacts to water quality, would ensure that the proposed project would not result in discharges to surface waters or other alterations of surface water quality. In addition, a Storm Water Management Plan (SWMP) would be prepared and implemented to control storm water discharges from operation of the project site. Impacts would be less than significant.

- d) Changes in the amount of surface water in any water body?
(Sources: 1,6)

Discussion: Any future development project may result in an increase in impervious surfaces onsite, which would increase runoff from the project site to its nearest receiving water, San Dieguito River. However, the project's compliance with the City's SUSMP would result in implementation of construction and post-construction BMPs which would reduce the rate and amount of runoff discharging from the site. A Storm Water Management Plan (SWMP) would be prepared and implemented to control storm water discharges from operation of the project site. The net increase in runoff from the project site would not result in a measurable increase in the amount of surface water in the San Dieguito River. Therefore, impacts would be less than significant.

- e) Changes in currents, or the course or direction of water movement?
(Sources: 1)

Discussion: The nearest receiving water to the proposed project site is San Dieguito River. The proposed project site located west of the San Dieguito River and any future development would not change the current, course or direction of water movement in San Dieguito River or Lagoon. No impact would occur.

- f) Change in the quantity of ground waters, either through direct

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not result in a substantial change in the quantity of ground waters because there are no known aquifers or groundwater supplies in the vicinity of the proposed project. No impact would occur.

g) Altered direction or rate of flow of groundwater?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not utilize or otherwise affect groundwater resources which may alter direction or rate of flow of groundwater. No impact would occur.

h) Impacts to groundwater quality?
(Sources: 1,6)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Due to the low baseline elevation of the project site, the any future development project would have the potential to impact groundwater water quality if groundwater dewatering were to occur during site excavation and grading activities. The project would require preparation and implementation of a Storm Water Mitigation Plan (SWMP) during construction, in conformance with the City's SUSMP, which would ensure that groundwater dewatering activities would not impact water quality. No impacts to groundwater quality would occur during operation of the proposed project. Therefore, impacts would be less than significant.

i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The proposed project would not utilize or otherwise affect groundwater resources which may cause a substantial reduction in the amount of groundwater otherwise available for public water supplies. No impact would occur.

V. AIR QUALITY.

Would the proposal:

a) Violate any air quality standard or contribute to an existing or projected air quality violation?
(Sources: 1,2)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The proposed project and any future development of a single-family residence would not violate any air quality standard or contribute to an existing or projected air quality violation either during construction or operation due to the small size of the project. No impact would occur.

b) Expose sensitive receptors to pollutants?
(Sources: 1,2)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The proposed project and any future development of a single-family residence would not generate any pollutants other than those typical single-family residential uses. Therefore the proposed project would not expose sensitive receptors to pollutants. No impact would occur.

c) Alter air movement, moisture, or temperature?
(Sources: 1, 2)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project and any future development of a single-family residence would not alter air movement, moisture, or temperature. No impact would occur.

- d) Create objectionable odors?
(Sources: 1,2)

Discussion: The proposed project and any future development of a single-family residence would not create objectionable odors. No impact would occur.

VI. TRANSPORTATION/CIRCULATION.

Would the proposal result in:

- a) Increased vehicle trips or traffic congestion?
(Sources: 1, 2)

Discussion: The proposed project and any future development of a single-family residence would minimally increase traffic and vehicle trips along San Dieguito Drive. Less than significant impact would occur.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
(Sources: 1, 2, 4)

Discussion: The proposed project and any future development of a single-family residence may create hazards to safety from design features, specifically as it relates to vehicular access to/from San Dieguito Drive, unless mitigated. It has been determined by the City's Traffic Engineer with concurrence with the City's Public Works Department, that existing site conditions, location and surroundings could create hazards if vehicular access of any future development on Parcel 2 were located on San Dieguito Drive. Factors which contributed to these hazards are: the proximity of the City's sewer pump station with associated gates and screening vegetation to the project site and alley; two residential properties currently take access to/from San Dieguito via the alley; and the speed and amount of traffic on San Dieguito Drive. These factors contribute to sight distance and safety considerations to restrict access from San Dieguito Drive and would be included as mitigation on the proposed subdivision project.

Traffic - 1 Prior to Final Parcel Map approval, the applicant shall include a notation on the Parcel Map to reference relinquishment of vehicular access rights from San Dieguito Drive.

It should be noted that any future development of a single-family residence would require separate discretionary City review, to include review of the new entrance/exit driveway via the alley.

- c) Inadequate emergency access or inadequate access to nearby uses?
(Sources: 1)

Discussion: The proposed project and any future development of a single-family residence would not cause the closure of any lanes on San Dieguito Drive during or after construction. Adequate access would be maintained to the site and adjacent properties at all times. Therefore, the project would not result in inadequate emergency access or inadequate access to nearby uses. No impact would occur.

- d) Insufficient parking capacity on-site or off-site?
(Sources: 1, 2)



ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project and any future development of a single-family residence would comply with the City's parking requirements and parking design standards. No offsite parking would be impacted by the proposed project. Therefore, no impact would occur.

- e) Hazards or barriers for pedestrians or bicyclists?
(Sources: 1)

Discussion: The proposed project would not affect any existing bicycle lanes or facilities located in the vicinity of the project site. Therefore, no impact associated with hazards or barriers for pedestrians or bicyclists would occur.

- f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
(Sources: 1)

Discussion: The proposed project would not conflict with adopted policies supporting alternative transportation. The site would be accessible to pedestrians and bicyclists. No impact would occur.

- g) Rail, waterborne or air traffic impacts?
(Sources: 1)

Discussion: The proposed project site is not located adjacent to any rail, waterborne or air traffic facilities and would not result in impacts to rail, waterborne or air traffic. Therefore, no impact would occur.

VII. BIOLOGICAL RESOURCES.

Would the proposal result in impacts to:

- a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?
(Sources: 1, 2, 3, 4, 8)

Discussion: The following discussion is based on information presented in the *Biological Report Addressing Wetlands Buffer Setback for Fish and Game* (prepared by ICF Jones & Stokes, June 3, 2009), included as Reference 8. The report was prepared for the purposes of analyzing the site and adjacent wetlands for a City Conditional Use Permit (CUP) request of a reduced wetlands buffer of 50-feet. Biological field investigations were conducted May 2009, and included survey of the subject property and the following adjacent vegetation communities which includes southern coastal salt march, southern mixed chaparral, non-native vegetation, disturbed habitat, and developed land. Wildlife observation was also included in the survey and noted in the report. The report concluded that a request for a reduced wetlands buffer of 50-feet would be appropriate for the subject property, based on the existing uses and developments in the surrounding area, and recommends that mitigation be included to address impacts of future single-family residential development for the subject site to protect resources of the adjacent wetlands. The City's review of the CUP would also include recommendations to address mitigation of any potential adverse impact with the reduced 50-foot wetlands buffer. The applicant has received the concurrence of the California Department of Fish and Game's for the project, as proposed with mitigation measures. This impact would be mitigated to below a level of significance through the following mitigation measure:

Biology - 1 Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map the limits of the 50-foot wetlands buffer. A deed restriction shall be recorded against Parcel 2 to ensure that wetland buffer areas to be retained in their natural state shall be subject to conditions to ensure the future protection of the designated area from encroachment, disturbance, or degradation, and shall serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property, which shall include: 1) requirements for installation of permanent

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat; and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations.

It should be noted that the subject lot is located within the City's Lagoon Overlay Zone and that any future development of Parcel 2 would require Design Review and a separate CUP review. Standard conditions for any development within the Lagoon Overlay Zone would include mitigation to protect wetlands resources. Such conditions would include requiring the submittal and review of detailed lighting plan, fencing, drainage/erosion control plans, BMP plan, and landscape/irrigation plans for the protection of adjacent wetland resources.

- b) Locally designated species (e.g., heritage trees)?
(Sources: 1, 2)

Discussion: The proposed project site contains Torrey Pines and native plants, which will remain and be enhanced in an undisturbed portion of the site. No impact would occur.

- c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?
(Sources: 1, 2, 3, 4, 8)

Discussion: See VII.a. above. Therefore, impacts would be mitigated to below a level of significance.

- d) Wetland habitat (e.g., marsh, riparian and vernal pool)?
(Sources: 1, 2, 3, 4, 8)

Discussion: See VII.a. above. Therefore, impacts would be mitigated to below a level of significance.

- e) Wildlife dispersal or migration corridors?
(Sources: 1)

Discussion: The proposed project would not impact wildlife dispersal or migration corridors since the project is located in an urban area with no migration corridors located onsite. No impact would occur.

VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- a) Conflict with adopted energy conservation plans?
(Sources: 1)

Discussion: The proposed project would not conflict with adopted energy conservation plans because there are none in place for the project area. No impact would occur.

- b) Use non-renewable resource in a wasteful and inefficient manner?
(Sources: 1)

Discussion: The proposed project would conform with the City's standards pertaining to energy conservation and would not result in the use of non-renewable resources in a wasteful or inefficient manner. No impact would occur.

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State because no mineral resources have been identified on the project site. No impact would occur.

IX. HAZARDS.

Would the proposal involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not involve the risk of accidental explosion an/or release of hazardous substances other than those associated with normal single-family residential development. The project would be required to meet the standard set forth in the Del Mar Municipal Code (DMMC) Chapter 11.30 regarding storm water management and discharge control. No impact would occur.

b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not interfere with an emergency response plan or emergency evacuation plan because it would not alter any existing transportation routes utilized by emergency response vehicles. Therefore, no impact would occur.

c) The creation of any health hazard or potential hazards? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not create any health hazard or potential hazards other than those typically associated with single-family residential development. No impact would occur.

d) Increased fire hazard in areas with flammable brush, grass, or trees? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project site includes native and non-native vegetation. Any future development of Parcel 2 would require the review of Building Plans by the Building Department and Fire Department to comply with building/life safely standards. In addition, the proposed project would be required to meet the Del Mar Fire Department's requirements for emergency egress and access. Therefore, impacts would be less than significant.

X. NOISE.

Would the proposal result in:

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Increases in existing noise levels?
(Sources: 1, 2)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project and any future development of a single-family residence would potentially increase existing noise levels during construction activities through the use of standard construction equipment. However, in conformance with the Del Mar Municipal Code Chapter 9.20 (Noise Regulations), construction is limited to the hours of 7 AM – 7 PM, Monday – Friday and Saturday from 9 AM – 7 PM. Compliance with this code section would ensure that construction noise impacts would be less than significant.

- b) Exposure of people to severe noise levels?
(Sources: 1, 2)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project and any future development of a single-family residence would not expose people to severe noise levels because the project would be subject to the provisions and noise level standards of DMMC Chapter 9.20 (Noise Regulations). Project operation would not result in the exposure of people to severe noise levels. Project construction activities would have the potential result in temporary and infrequent severe noise levels typical of any residential development. However, conformance with the City's Noise Regulations would ensure that these impacts would be less than significant.

XI. PUBLIC SERVICES.

Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- a) Fire protection?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Any future development project would require fire protection to service any new residence constructed on the project site. The future development would require installation of an automatic fire sprinkler system. However, it is not anticipated that the project would reduce Del Mar Fire Department response times or require the construction of new Fire Department facilities or the addition of Fire Department staff members, which would create a significant physical effect on the environment. Impacts would be less than significant.

- b) Police Protection?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project would require police protection to serve the new buildings and development on the project site. However, it is not anticipated that the project would reduce San Diego County Sheriff Department response times or require the construction of new Sheriff Department facilities or the addition of Sheriff Department staff members, which would create a significant physical effect on the environment. Impacts would be less than significant.

- c) Schools?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project is would not result in a need for new or altered school facilities. No impact would occur.

- d) Maintenance of public facilities, including roads?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project would not result in an unusual demand for the maintenance of public facilities. Therefore, impacts would be less than significant.

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ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e) Other governmental services?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not result in a need for new or physically altered governmental services because all necessary governmental services are currently available to serve the project. No impact would occur.

XII. UTILITIES AND SERVICE SYSTEMS.

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would require the extension of electrical power and natural gas facilities to serve the project site. The project area is currently served with electrical and natural gas service by SDG&E. These facilities are currently located in utilities easements within or adjacent to San Dieguito Drive. Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use, it is anticipated that existing electrical and natural gas facilities in the area would be adequate to serve the proposed project. Therefore, no impact would occur.

- b) Communication systems?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would require the extension of communications systems to serve the project site. Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use, it is anticipated that existing communications facilities in the area would be adequate to serve the proposed project. No impact would occur.

- c) Local or regional water treatment or distribution facilities?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use, it is anticipated that existing water treatment and distribution facilities in the area would be adequate to serve the proposed project. No impact would occur.

- d) Sewer or septic tanks?
(Sources: 1, 2, 4)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project would require the extension of sewer facilities to serve any future development of Parcel 2. Existing sewer pipelines are currently located adjacent to the project site within utilities easements on San Dieguito Drive. The existing residence is presently served by septic system, however DMMC 22.20 requires that any residence be serviced by public sewer if the public system is located within 100-feet of the property. The subdivision project shall include the following mitigation to address the DMMC requirement:

Utilities – 1 Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map, private sewer easement located on Parcel 2 in favor of Parcel 1.

- e) Storm water drainage?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would be designed to retain and treat storm water runoff prior to discharging from the site, consistent with the City's SUSMP requirements. Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use, it is anticipated that existing storm water drainage facilities in the area would be adequate to serve the proposed project. Therefore, no impact would occur.

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ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) Solid waste disposal?
(Sources: 1)

Discussion: The proposed project would require solid waste disposal services typical of a residential development. The site owner would be responsible for contracting with a certified waste disposal company to haul waste. Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use, it is anticipated that existing solid waste disposal facilities in the area would be adequate to serve the proposed project. No impact would occur.

- g) Local or regional water supplies?
(Sources: 1, 2)

Discussion: The proposed project would require water supplies to serve the project site. Water demand for the project site would be typical of a single-family residential development. Because the project is consistent with the Del Mar Community Plan with respect to zoning and land use and would comply with DMMC Chapter 21 (Water Supply), it is anticipated that existing water supplies in the area would be adequate to serve the proposed project. No impact would occur.

XIII. AESTHETICS.

Would the proposal:

- a) Affect a scenic vista or scenic highway?
(Sources: 1, 2)

(Sources:

Discussion: The proposed project would not affect a scenic vista or scenic highway, since none are located within the viewshed of the project site. Although no development is proposed for the lot split, any future development would be consistent with the Del Mar Municipal Code (DMMC) and would be reviewed and approved by the City of Del Mar Design Review Board (DRB). Therefore, no impact to a scenic vista or scenic highway would occur.

- b) Have a demonstrable negative aesthetic effect?
(Sources: 1, 2)

Discussion: Although no development is proposed for the lot split, any future development of a single-family residence would be consistent with the DMMC and would be reviewed and approved by the City's DRB. Therefore, the project would not result in a demonstrable negative aesthetic effect. No impact would occur.

- c) Create light or glare?
(Sources: 1, 2)

Discussion: Although no development is proposed for the lot split, any future development project would incorporate outdoor lighting into its design in conformance with the DMMC and City of Del Mar Design Review Board. DMMC Chapter 23 (Design Review) requires that exterior lighting be functional, subtle and architecturally integrated into the building's style, materials, or colors. Conformance with the policies and regulations listed above would ensure that the project would not create light or glare. In addition, any future development would require a CUP, which would require lighting shall be shielded and/or directed away from wetland habitats within the wetland buffer. No impact would occur.

XIV. CULTURAL RESOURCES.

Would the proposal:

- a) Disturb paleontological resources?
(Sources: 1)

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ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project site has been previously disturbed and is considered to have a low probability for encountering paleontological resources. Therefore, impacts would be less than significant.

- b) Disturb archaeological resources?
(Sources: 1)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: The surrounding area is identified in the Environmental Management Element of the Del Mar Community Plan as having high sensitivity for prehistoric and historic archaeological resources. Although the property has been previously disturbed, there remains the possibility for subsurface resources onsite. The mitigation measures would be included for any future development of a single-family residence on Parcel 2 to address potential unearthing of archaeological resources as a result of construction-related activity.

Cultural – 1 In the event that archeological resources are accidentally discovered or unearthed during project subsurface activities, all earth disturbing work shall be temporarily suspended or redirected until a certified archeologist has identified and evaluated the nature and significance of the find, in compliance with CEQA Guidelines §15064.5(f). If the artifact that is accidentally discovered or unearthed is of Native American origin, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources will be consulted for identification and evaluation purposes. CEQA Guidelines provide for reference to agreements with the Native American Heritage Commission that assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. After the find has been appropriately mitigated, work in the area may resume.

- c) Affect historical resources?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project site does not contain any historical resources, as defined in CEQA §21084.1. Therefore, no impact would occur.

- d) Have the potential to cause a physical change, which would affect unique ethnic cultural values?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: No cultural resources are known to exist on the project site. Therefore, the proposed project would not cause a physical change, which would affect a unique ethnic cultural value. No impact would occur.

- e) Restrict existing religious or sacred uses within the potential impact area?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: No known existing religious or sacred uses exist on the project site. Therefore, the proposed project would not restrict existing religious or sacred uses within the potential impact area. No impact would occur.

XV. RECREATION.

Would the proposal:

- a) Increase the demand for neighborhood or regional parks or other recreational facilities?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project and any future development of a single-family residence would not increase the demand for neighborhood or regional parks or recreational facilities. No impact would occur.

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ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b) Affect existing recreational opportunities?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not affect existing or proposed recreational opportunities in the City of Del Mar or the San Dieguito Lagoon. Therefore, no impact would occur.

XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history. No impact would occur.

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project is consistent with the Del Mar Community Plan with respect to land use and intensity of development and would not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals. No impact would occur.

- c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project does not have significant impacts that are individually limited but cumulatively considerable. No impact would occur.

- d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?
(Sources: 1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. No impact would occur.

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MITIGATION MEASURES

This Initial Study was prepared to: 1) assess the potential environmental effects associated with the project; 2) determine the appropriate level of review under the California Environmental Quality Act (CEQA) and; 3) determine the measures that would be required to mitigate any adverse environmental impacts associated with the project. The mitigation measures identified in this Initial Study have been prepared based on input presented by the applicants and their representatives and through review of information previously supplied to the City as part of the discretionary applications for the subdivision project.

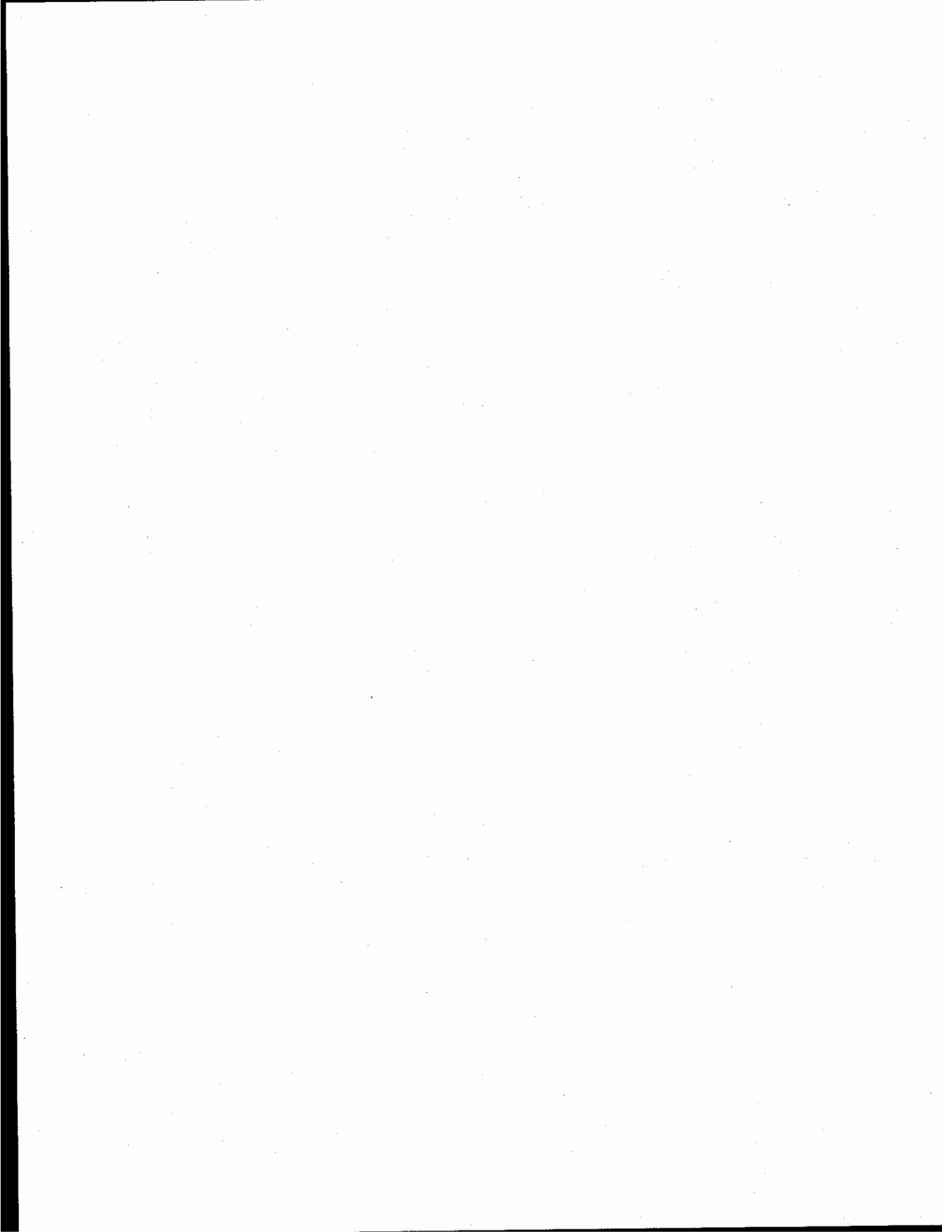
There is (initial) concurrence between the project applicant and the City of Del Mar on the mitigation measures suggested herein. There may be minor modifications to the mitigation measures that occur during project implementation. Provided these modifications occur with the prior approval of the City of Del Mar and that they are indeed, minor in nature, they would fulfill the intent of the original mitigation measure(s), and would, therefore, serve as a "functionally equivalent" measures.

As indicated in the attached Environmental checklist form, the project and its various component parts, may have the potential to:

- Conflict with applicable environmental plans/policies adopted by agencies with jurisdiction over the project, specifically the Open Space Easement deed restriction on the property;
- Create hazards to safety from design features, from location of vehicular access on San Dieguito Drive;
- Potentially indirectly affect wetland habitat;
- Result in the need for new sewer systems; and
- Potentially affect archaeological resources.

Based on the project's potential to have a significant effect on the environment, as mentioned above, the following mitigation measures shall be incorporated into the Andrews Lot Split project, which consists of the minor subdivision of one 2.42 acres lot into two separate parcels, to reduce the level of significance of environmental impact.

1. **Land Use - I** Prior to Final Parcel Map approval, the applicant shall receive written authorization from the California Coastal Commission to amend the limits of the Open Space Easement, or waiver of such requirements to allow the proposed subdivision project to be implemented, as necessary.
2. **Traffic - I** Prior to Final Parcel Map approval, the applicant shall include a notation on the Parcel Map to reference relinquishment of vehicular access rights from San Dieguito Drive.
3. **Biological - I** Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map the limits of the 50-foot wetlands buffer. A deed restriction shall be recorded against Parcel 2 to ensure that wetland buffer areas to be retained in their natural state shall be subject to conditions to ensure the future protection of the designated area from encroachment, disturbance, or degradation, and shall serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property, which shall include: 1) requirements for installation of permanent fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat;



and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations.

4. **Utilities - 1** Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map, private sewer easement located on Parcel 2 in favor of Parcel 1, to allow for the opportunity of any future connection of sewer facilities into San Dieguito Road.
5. **Cultural - 1** In the event that archeological resources are accidentally discovered or unearthed during project subsurface activities, all earth disturbing work shall be temporarily suspended or redirected until a certified archeologist has identified and evaluated the nature and significance of the find, in compliance with CEQA Guidelines §15064.5(f). If the artifact that is accidentally discovered or unearthed is of Native American origin, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources will be consulted for identification and evaluation purposes. CEQA Guidelines provide for reference to agreements with the Native American Heritage Commission that assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. After the find has been appropriately mitigated, work in the area may resume.



EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). Earlier documents prepared and utilized in this analysis are:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Del Mar Community Plan	City of Del Mar Department of Planning & Community Development 1050 Camino del Mar Del Mar, Ca 92014
2	City of Del Mar Zoning and Sub-division Ordinance	“
3	City of Del Mar's Local Coastal Plan & Implementing Ordinance	“
4	Andrews Tentative Parcel Map, prepared by Sowards and Brown Engineering (9-28-09)	“
5	Andrews Slope Analysis, prepared by Sowards and Brown Engineering (9-29-09)	“
6	Andrews, Conceptual Best Mangement Practices Location Map, prepared by Sowards and Brown Engineering (9-28-09)	“
7	Andrews, Building Parameters Exhibit, prepared by Lyon Architects, Inc. (10-05-09)	“
8	Biological Report Addressing Wetlands Buffer Setback for Fish and Game Commission, prepared by ICF Jones & Stokes (June 3, 2009)	“
9	Biological Report Addressing Open Space Easement for Coastal Commission, prepared by Dudek (October 23, 2008)	“
10	Geotechnical Investigation of Natural Toe-of-slope Report, prepared by GSI GeoSoils, Inc. (June 10, 2009)	“
11	California Department of Fish and Game, concurrence email, (August 17, 2009)	“

PROJECT FIGURES

Figure 1	Project Vicinity Map
Figure 2	Proposed Tentative Parcel Map
Figure 3	List of Standard City Condition of Approval for Discretionary Project

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City of Del Mar



PLANNING COMMISSION
STAFF REPORT
APRIL 13, 2010

APPLICATIONS: TPM 09-01, CDP-09-01, and CUP-09-01

REQUEST: A request for approval of a Tentative Parcel Map, Coastal Development Permit, and Conditional Use Permit to subdivide one 2.4 acre lot into two separate parcels. The property is currently developed with a single-family residence and associated improvements. No other development is proposed with the subdivision project at this time.

OWNER / APPLICANT: Philip and Kathleen Andrews

REPRESENTATIVE: Bob Scott, AICP, RJS Planning and Land Use Solutions

SITE LOCATION: 2081 Gatun Street

ASSESSOR PARCEL NUMBER: 299-192-22

COMMUNITY PLAN DESIGNATION: Very Low Density Residential

ZONE: R1-40

OVERLAY ZONES: Bluff, Slope & Canyon Overlay Zone and Lagoon Overlay Zone

ENVIRONMENTAL REVIEW:

The proposed subdivision is subject to review under the California Environmental Quality Act (CEQA). Based on an Initial Study and Determination, staff has prepared a Draft Mitigated Negative Declaration (MND). Pursuant to State Law, the MND was sent to the State Clearinghouse for distribution to appropriate public agencies and a 30-day review period. The review period ended on April 9, 2010. Details of the environmental review will be discussed in a latter section of this report.

Explanation of review process for the requested applications and CEQA document

This project is a bit unusual in that it involves three separate but related applications and two separate City reviewing bodies for those applications. First, there is an application for a subdivision of property. The City Council is the issuing authority for subdivisions but relies on a recommendation from the Planning Commission. The standards of review for a subdivision application are described in a separate section of this report.

Second, there is an application for a Conditional Use Permit due to the site's location within the Bluff, Slope and Canyon and Lagoon Overlay Zones and the fact that the applicant is requesting

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authorization to allow future development to be sited in portions of otherwise required setbacks. In particular, the applicant is requesting authorization for future development to occur based on a 50-foot-wide setback from the wetlands of the San Dieguito Lagoon where the Lagoon Overlay Zone. The CUP process allows a reduction of the buffer width, rather than the 100-foot wide setback called for the specified findings). The applicant is also requesting authorization to allow development in a portion of the 10-foot-wide steep-slope setback required under the Bluff, Slope and Canyon Overlay Zone (BSC) standards. As with the wetland setback width described above, the BSC regulations allow a reduced slope setback width if certain findings can be made. The Planning Commission usually serves as the final issuing authority on a CUP, unless its decision is appealed to the City Council. A more detailed description of the requested encroachments and the applicable standards of review are also contained in a separate section of this report.

A fourth related action for the project is the associated California Environmental Quality Act document that has been prepared for the overall project. The City's CEQA guidelines call for a project's CEQA document, in this case, a Mitigated Negative Declaration (MND), to be subject to certification by the highest City body that reviews an application. In this case, the highest reviewing body would be the City Council as part of its review of the subdivision application.

The review processing issue is further complicated because CEQA regulations do not allow approval of one portion of a project prior to the certification of the CEQA document that addresses each of the various components of the project. As a result, the Planning Commission could not take action on the requested CUP until after the City Council reviews the Mitigated Negative Declaration as part of its review of the subdivision application.

Because of these separate but related review requirements, and because of the timing constraints they create, staff is recommending that the Planning Commission make a recommendation on the subdivision and also make a recommendation on the submitted CUP application. That would allow for a single review hearing by the City Council on the three related applications and on the associated environmental document. Absent this suggested process the applicant would be "bounced" back and forth through Planning Commission and City Council reviews.

The third application for the project is a Coastal Development Permit (CDP). The City Council is the issuing authority using standards of review contained in the City's Local Coastal Program.

PROPERTY DESCRIPTION:

The project site is located at 2081 Gatun Street, and is located between Gatun Street to the west and San Dieguito Road to the east (refer to Exhibit "A"). The property is 2.4 acres in area and is currently developed with a two-story single family residence on the upper (west) portion of the lot (refer to applicant's proposed *Tentative Parcel Map*). Access to the residence is via Gatun Street. The downhill (east) portion of the lot can be accessed via San Dieguito Drive. A shipping container occupies the lower portion of the lot.



A 20-foot-wide public alley is located along the southern boundary of the property. However, due to the steep slopes in this area, only the lower (easterly) portion of the alley, approximately 80-linear feet, is improved and accessible from San Dieguito Drive. The adjacent property to the south (Gillies) gains access via this alley. A private road easement is also located on the lower eastern portion of the site with an improved road servicing the property two lots to the north by way of the alley.

An Open Space Easement covers approximately two-thirds of the easterly portion of the property. It was required in the 1970's by the California Coastal Commission as a condition of development for the existing residence. The deed restriction language prohibits subdivision, development, grading activities or landscaping other than native vegetation, without authorization from the Coastal Commission. The proposed subdivision would require separate authorization from the California Coastal Commission to amend the limits of the Open Space Easement prior to finalizing the subdivision project. The Coastal Commission staff has indicated it will support an amendment if the project is approved by the City.

The project site contains a 6-foot wide SDG&E easement along the southerly portion of the lot. A private sewer easement is located just west of the private road easement. The City of Del Mar pump station abuts the property on San Dieguito Drive.

Surrounding uses are single-family residential with commercial uses located farther north along the east side of San Dieguito Drive. The project site is located directly west of the Grand Avenue Bridge and parking lot for the San Dieguito Lagoon Ecological Reserve.

Site Topography:

Based on the applicant's *Slope Analysis* (refer to applicant's plans), prepared by Sowards and Brown Engineering, steep slopes (with grades in excess of 25%) comprise approximately 56% of the project site. The site's topography can be generally described as being moderately to steeply sloping, except for the existing building pad located on the uphill side along Gatun Street and a relatively flat undeveloped area on the downhill side along San Dieguito Drive. The elevation of the lower pad area is 10 feet above Mean Sea Level (MSL) (along San Dieguito Drive) and ranges from roughly 150-feet to 160-feet above MSL along the Gatun Street side.

The applicant has submitted a *Geotechnical Investigation Report* (refer to Exhibit "B"), prepared by GeoSoils Inc. The report contains conclusions based on a variety of published and unpublished documents, historic aerial photographs, geologic field reconnaissance mapping, excavation tests and surveying. The report indicates that previous grading activities occurred within the sloped areas located east of the private road. What appears to be a uniformly steep slope is in fact a manufactured slope. The Report also concludes that the "natural" toe of slope is located west of the alignment of the existing toe of slope. The applicant's *Natural Grade Exhibits* (refer to applicant's plans) depicts the comparison of the location of "natural" versus manufactured "existing" slopes as viewed on site plan and cross sections.



Sensitive Habitat:

As part of the CUP application submittal, the applicant has submitted two different *Biological Reports* prepared by Dudek and IFC Jones and Stokes, respectively (refer to Exhibit "C" and "D"). While both reports analyzed the types of biological resources onsite and offsite, the Dudek report primarily focused its biological assessment to address the applicant's CUP request for encroachment within setbacks for [disturbed] steep slope areas. The IFC Jones and Stokes Report primarily assessed biology to address the applicant's request for a reduced wetlands buffer.

Both reports show existence of Southern Mixed Chaparral, a native habitat type, in two distinct patches within the north-central and northern portions of the site. Other vegetation onsite is non-native, mainly Iceplant (Hottentog Fig) located on the eastern undeveloped portion of the site and ornamental vegetation located on the western developed portion of the site.

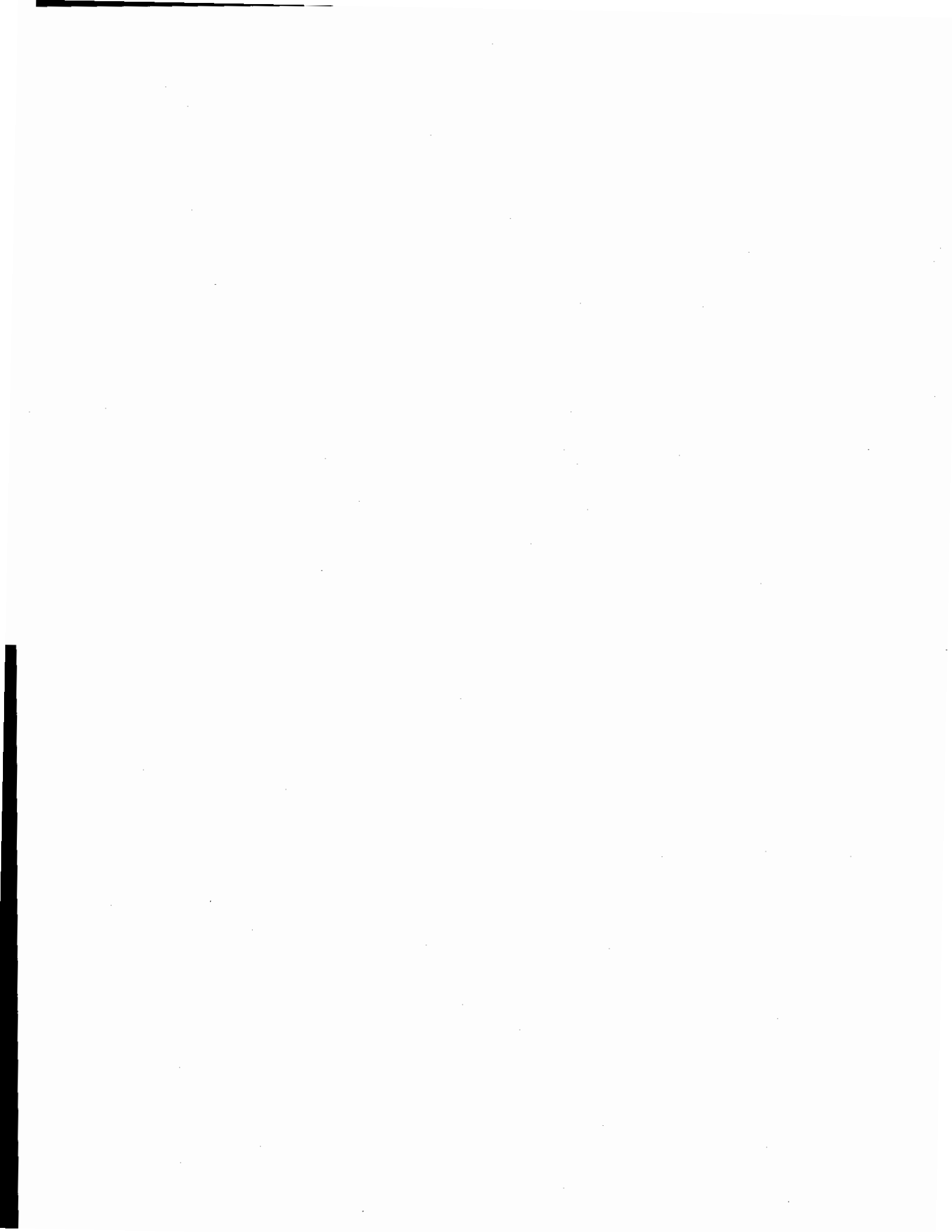
Southern Coastal Salt Marsh area is also identified in both reports as being located east of the parking/staging area for the San Dieguito Ecological Reserve. The IFC Jones and Stokes Report determined that this marsh area is considered to be an area of low wildlife habitat quality. The area is currently unfenced, with the upper limits of the marsh area supporting mainly non-native plants. In addition, based on the existing development conditions, combined with traffic and noise issues in the immediate area, the report concludes that the area is not included in avian surveys as one being of high avian use, either for nesting or foraging activities. It should be noted that no wetlands areas are identified onsite.

COMMUNITY PLAN AND ZONING DESIGNATIONS:

The Community Plan designates the R1-40 Zone for Very Low Density Residential Development at a density of 0-1 unit per acre. The Community Plan states that, "This land use category is intended to allow single-family development that preserves an open character on land within areas that include steep slopes, bluffs, and/or canyons."

The project site is located within the Bluff, Slope and Canyon (BSC) Overlay Zone, which is intended to "preserve and protect the sandstone bluffs, canyons, and steep slopes that bring diversity to Del Mar's natural environment."

The project site is also located within the Lagoon Overlay Zone. The Lagoon Overlay Zone is composed of properties which are located directly in, or in proximity to the Los Penasquitos and San Dieguito Lagoons. The purpose of the Lagoon Overlay Zone is "to protect the wetland resources of these lagoon areas and their sensitive upland habitats by requiring that all development activities taking place in the zone are designed and implemented in a manner that is consistent with wetland habitat protection and enhancement."



While the property is not mapped with the Floodplain Overlay Zone, the eastern portion of the lot is located within the 100-year floodplain of the San Dieguito River, which has been identified by the Federal Insurance Administration as being subject to periodic inundation due to flooding. The purpose of the floodplain regulations is "to promote the public health, safety and general welfare by ensuring that new development is appropriately sited and constructed so as to avoid hazards to those who will occupy the development; and to avoid damage or hazards to the surrounding area. Requirements for development projects within the 100-floodplain require that all habitable areas be elevated above the Base Flood Elevation, in the case of the subject site, 19 feet MSL.

ANALYSIS:

Project Description/ Application Requests:

The project applications include a Tentative Parcel Map, Conditional Use Permit, and a Coastal Development Permit to subdivide a 2.4 acre lot into two separate parcels. The CUP application includes a request for a reduced wetlands buffer of 50-feet and reduced setbacks from the bottom of steep slope areas. The overall project review also includes environment documentation. Each component part of the project will be discussed separately, along with the appropriate applicable code requirements and required findings for approval.

Applicant's identification of potential and allowable future building area

This project is unusual in that the only development requested at this time is the subdivision of the 2.4 acre property into two separate lots. However, as part of the City's review of the application for subdivision, the City needs to be assured that, if a portion of the overall property is to be subdivided off into a separate lot, the new lot will include an appropriate buildable area for siting the type of development that is allowed under the zoning designation for the property. The intent here is to ensure that the City would not be approving a subdivision that would create a lot that cannot reasonably accommodate the residential development allowed by the underlying R1-40 zoning designation and by the underlying Lagoon and Bluff, Slope and Canyon Overlay Zones.

For this reason, staff required the applicant to prepare an exhibit showing a potential building area for the future siting of a single family home and associated amenities on the new lot to be created by the subdivision proposal. That exhibit is included in the project planset and is labeled *Building Parameters Exhibit*, prepared by Lyon Architects. It shows the boundaries of the proposed lot with possible siting locations for structures and related amenities. The exhibit is not for entitlement purposes. Rather, it is included to demonstrate to the reviewing bodies for the subdivision application (the Planning Commission and City Council) that the newly subdivided lot could accommodate development consistent with City regulations.

Approval of the project would not grant authorization to build the structures and other amenities shown on the exhibit. Actual construction proposals will instead require separate review under the applicable City's processes (Design Review, etc).



As part of the CUP application, the applicant is seeking authorization to establish a general buildable area on the new lot for siting of future development. As requested in the CUP, that general building area would include some reduction of the otherwise-equied wetland and steep slope setbacks referenced earlier. If the requested authorizations for those reduced setbacks are approved, the limits of the buildable area of the lot would be noted on the subdivision map. But the subdivision map would also include a condition and indication that the portions of the wetlands and steep slope setbacks for which encroachment is not authorized would be protected by an open space deed restriction.

If the subdivision is approved with the buildable areas noted, the applicant or a subsequent property owner could then proceed with the separate applications required for construction on the lot. They would be bound by the building area limitations noted on the map and in the conditions of approval of the subdivision. Future proposals would also be bound by any other City requirements such as property line setbacks and permit requirements. They would not, however, be required to gain separate authorization for encroachment into a reduced wetland or steep-slope setback that is authorized with the subject subdivision and CUP applications.

Tentative Parcel Map

The applicant is requesting approval of a Tentative Parcel Map (TPM) to subdivide the property into two separate parcels. The subdivision would result in two lots: the westerly Parcel #1 and the easterly Parcel #2. The proposed size of the lots would be 65,133 square-feet and 40,500 square-feet, respectively.

Section 24.12.030 of the Subdivision Ordinance requires that lots proposed as part of a subdivision application meet the (minimum) lot dimension standards identified in the underlying Zone, in this case, the R1-40 Zone. The newly proposed parcel boundaries have been proposed to meet the size and design requirements of the R1-40 Zone. Section 30.10.070 of the DMMC code sets forth the development standards for subdivisions in the R1-40 Zone. The applicants are proposing to subdivide the existing lot into two new parcels. Both new parcels would conform to the requirements design and dimension of the R1-40 zoning district as shown in the table below:

Design Standard	R1-40 Zone	West Lot (Parcel 1)	East Lot (Parcel 2)
Min. Lot Size	40,000 sq. ft.	65,133 sq. ft.	40,500 sq. ft.
Min. Street Frontage	20 feet	333 feet	240 feet
Min. Lot Width	75 feet	275 feet	260 feet
Min. Lot Depth	100 feet	230 feet	160 feet

FINDINGS FOR TPM:

Although specific findings for the approval of a TPM are not called out in the Subdivision Ordinance, the following findings are generally used in the approval of a TPM.



1. The proposed map is consistent with the Del Mar General Plan in that the proposed residential use and density of development are permitted under the Plan requirements.
2. The design and improvement of the proposed subdivision are consistent with the Del Mar General Plan in that the design provides sufficient lot area and street access for proper development.
3. The site is physically suitable for the type of development in that the lot is capable of supporting the proposed residential development in the R1-40 Zone.
4. The site is physically suitable for the proposed density of development in that the project is within the standards specified in the Del Mar Zoning Ordinance.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
7. The design of the subdivision and the type of improvements will not conflict with any easements acquired by the public at large and which are recorded or established by judgment of a court of competent jurisdiction.
8. The proposed map meets the requirements of the Subdivision Map Act and the Del Mar Subdivision Ordinance, and has been approved by the City Engineer as being consistent with those requirements.
9. All provisions of the Del Mar Municipal Code pertaining to subdivisions are met.

The proposed TPM has been reviewed by the Engineering, Public Works, Fire and Planning Departments for Subdivision Ordinance requirements. Pursuant to these reviews, a variety of conditions have been suggested to ensure the project's consistency with the provisions of the Zoning Code and with the policies and goals of the Del Mar Community Plan. The City Engineer has also suggested a number of conditions to be attached to any approval of the Map.

One such condition addresses traffic safety issues related to future development of Parcel 2 with vehicular access from San Dieguito Drive. Here the Engineering and Public Works Departments determined that; due to the location of the City's sewer pump station with associated gates and screening vegetation obstructing visibility onto San Dieguito Drive; proximity of the alley with two residential properties currently taking access; and the speed and amount of traffic on San Dieguito Drive, allowing future vehicular access from San Dieguito Drive would create traffic safety issues.



Therefore, a condition has been included to require the applicant to relinquish vehicular access rights from San Dieguito Drive. Future development would instead utilize the alley for vehicular access.

CONDITIONAL USE PERMIT:

The proposal is subject to the receipt of a Conditional Use Permit (CUP). The CUP requirement is triggered by the [proposed future] construction within slope-setback areas (the slopes are disturbed in this case) as provided in the Bluff, Slope and Canyon Overlay Zone and to provide a reduced buffer adjacent to the wetland area as provided in the Lagoon Overlay Zone.

Bluff, Slope and Canyon Overlay Zone (BSC-OZ):

As mentioned, the BSC-OZ calls for a CUP to be obtained in cases where development within the BSC-OZ will involve encroachment into "substantial steep slope" areas or within the slope setbacks called for in DMMC Chapter 30.52. In reviewing such CUP applications, the Planning Commission shall analyze the appropriateness of development on or in proximity to slope areas, as well as the development's potential impacts on drainage patterns and downstream resources.

The standards of review for a CUP within the Bluff, Slope and Canyon Overlay Zone (BSC-OZ) are found within Section 30.52.060. Subsection A states:

Construction or grading of any kind within twenty feet of the top and ten feet of the bottom of substantial slopes exceeding twenty five percent, or the construction of a structure which overhangs such slope or setback, shall be prohibited. Encroachments within the areas above shall be allowed only when the Planning Commission finds that there is no feasible alternative siting which eliminates or substantially reduces the need for such construction or grading, and it is found that the amount of encroachment into steep slope areas associated with the proposed structure has been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

The project site is located within the BSC-OZ. The BSC-OZ is intended to protect the valuable resources of bluffs and related canyons and steep slopes as well as protect downstream resources from the adverse impacts of erosion and sedimentation. The applicant has submitted a slope analysis of the site which depicts areas of substantial steep slopes, both natural and disturbed. The site contains numerous areas of steep slopes in excess of a 25% grade, specifically along the eastern portion of the property.

As stated above, for a slope to qualify as a "substantial steep slope", the slope must be: 1) 25% grade or more and 2) have a grade elevation differential of 20 feet or more. Approximately 56% of the entire project site meets these criteria and are, therefore, classified as "substantial steep slopes". As described earlier in this report, except for the developed areas in the western portion of the property and the undeveloped flat pad in the eastern portion of the property, the remaining areas consist of substantial steep slopes, as defined by the BSC-OZ. Sensitive habitat, Southern Mixed



Chaparral, exists in the north-central portion of the lot. The applicant is not proposing to encroach upon any of these *natural* substantial slopes or into the required twenty-foot buffer at the top of slope.

There is an area onsite that, by definition, meets the criteria for "substantial steep slopes" on the property, but which has previously been *disturbed* and contains no natural resources. The provisions of the BSO-OZ do not distinguish between *natural* or *disturbed* slopes. The area in question is located east of the private road. While this area does have certain areas which meet the substantial slope criteria, the area was clearly disturbed by previous grading, as concluded in the applicant's *Geotechnical Investigation Report*. It is staff's opinion that this area does not represent a valuable resource since it has been previously disturbed and is vegetated with non-native Iceplant as identified in the applicant's *Biological Report* (Dudek). Based on these factor's it is staff's opinion this limited area does not warrant development setback preservation under the Bluff, Slope and Canyon Overlay Zone language. The applicant's *Building Parameters Exhibit* depicts less than the minimum 10-foot setback at the toe of this slope. Staff recommends that the finding be made to allow for the disturbance within this area, again based on the fact that this slope is *disturbed*, and does not contain the type of valuable resources found in the steep slopes along the north-central portions of the site. If the requested authorizations for those reduced setbacks are approved, staff recommends that the limits of the buildable area of the lot be noted on the subdivision map. The subdivision map would also include a condition and indication that the portions of the wetlands and steep slope setbacks for which encroachment is not authorized would be memorialized by an open space deed restriction.

Again, as part of the review, Commissioners should discuss the appropriateness of the proposed encroachments and consideration of whether there are feasible siting alternatives which would reduce or eliminate the need for the encroachment in the *disturbed* steep slope area.

Lagoon Overlay Zone (L-OZ):

This Overlay Zone was incorporated into the Zoning Ordinance as a part of the Implementing Ordinances to the City's Local Coastal Program which gives authority to the City to authorize Coastal Development Permits. This overlay zone is intended to protect the wetland resources of the San Dieguito and the Los Penasquitos Lagoon, and their sensitive upland habitats. The site's location in the L-OZ triggers a requirement for a CUP. In reviewing such CUP applications, the Planning Commission is to analyze a proposal to determine if any impact is proposed within a wetland area; the appropriateness of any requested reduction of a wetland buffer; and the retention of wetland areas in open space easements with appropriate mitigation measures.

The standards of review for a CUP within the Lagoon Overlay Zone (LOZ) are found within Section 30.53.100. Subsection B states:



A wetland buffer of less than 100-feet in width shall be allowed only with the concurrence of the California Department of Fish and Game and when the Planning Commission makes the following findings:

1. *That the physical characteristics of the site, such as the size and dimensions of the property are adequate to protect the resources of the adjacent wetlands, based on site-specific factors.*
 - a. *When making such a finding, the Planning Commission shall, in consultation with the California Department of Fish and Game, consider site-specific factors such as the type and size of the development proposed; mitigation measures provided (such as planting of vegetation or construction of fencing); elevation differentials which may exist between the proposed development and wetland areas; and other similar factors which will serve to contribute to the purposes of a wetland buffer area.*
 - b. *When making a finding regarding the use of a buffer of less than 100-feet in width, the Planning Commission shall consider and defer to any recommendations provided by the representatives of the California Department of Fish and Game.*

The Planning Commission should review the proposal and determine if a 50-foot buffer is adequate for the protection of the wetland area on-site.

The project site does not include any wetland areas. However, the applicant is requesting that a CUP be authorized to allow a 50% or 50-foot reduction of the otherwise required 100-foot buffer for the project's potential buildable area, as depicted in the *Building Parameters Exhibit*. A *Biological Resource Report* (IFC Jones and Stokes) was prepared for the site and adjacent wetlands and the applicant also consulted with the California Department of Fish and Game staff. Based on information from both sources, it was determined that any potential future development of a single-family residence observing a 50-foot setback would not adversely affect the existing wetland area. This determination was based on the low habitat quality of the wetlands, and on factors such as existing development, traffic, and noise already existing in the area.

Planning staff received a letter by email supporting a reduced wetland buffer reduction from the California Department of Fish and Game (Attachment "E"). In the letter, the agency states that they have reviewed the Biological Report and do not object to its biological conclusions and findings and also do not object to the wetland buffer reduction, to 50-feet. The agency goes on to state that certain conditions of approval should be in place to protect the wetland area. These include: 1) installation of permanent protective fencing requirements for installation of permanent fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) a requirement that all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, not include exotic plant species that may be invasive to native habitats; 3) a requirement

that all outside lighting be directed away or adequately shielded from adjacent sensitive habitat; and 4) a requirement that all construction and post-construction water quality best management practices shall be located within the development footprint (with no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations. The CDF&G requested conditions are included in staff's suggested conditions to ensure the wetland and buffer area is protected. In addition, a condition has also been included to place the wetland and associated buffer in an open space easement deed restriction.

Conditional Use Permit Findings:

Pursuant to Chapter 30.60. of the DMMC, each determination granting a Conditional Use Permit for the allowance to construct within substantial steep slopes (disturbed in this case) within the Bluff, Slope and Canyon Overlay Zone and to allow a wetland buffer zone reduction within the Lagoon Overlay Zone shall be supported by the findings shown below in **bold face**. Below each of the required findings, staff has provided draft text that may be used by the Commission in its consideration of the project application.

- 1. That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.**

Proposed finding: The [future] development of a single-family residence with associated amenities is allowed by right in the R1-40 Zone, Bluff, Slope and Canyon Overlay Zone, and the Lagoon Overlay Zone.

- 2. That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements on such vicinity and zone in which the property is located.**

Proposed finding: The established character of the surrounding neighborhood is one of single-family residences located within the R1-40 Very Low Density Residential Zone, Lagoon Overlay, and Bluff, Slope and Canyon Overlay Zone. The project has been reviewed to ensure that it would not adversely affect the natural resources found in the Lagoon and BSC Overlay Zones. The applicant's proposal for Building Parameters includes that any future residence to be located outside of any *natural* "substantial steep slope" areas containing sensitive habitat of Southern Mixed Chaparral and outside of the identified Southern Coastal Salt Marsh area located off-site. Conditions have been included to ensure that any future development of Parcel 2 would protect Lagoon and BSC resources, by including deed restrictions on the property. Also, vehicular access would be relinquished from San Dieguito Drive for any future development, this to address traffic safety issues. A single-family residence would be consistent with the permitted uses allowed within R1-40 Zone. In addition, any future development of Parcel 2 would require Design Review and all other applicable permits to



ensure that the type and quality of development will be compatible with the surrounding environment.

3. **That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on the streets.**

Proposed finding: The proposed residential use is properly located within the community. Any future development of a single-family residence would be an allowed use within the R1-40 Zone. As conditioned, this minor subdivision project involving the lot split of a 2.4 acre lot into two separate parcels would not place an undue burden upon public streets, or public facilities.

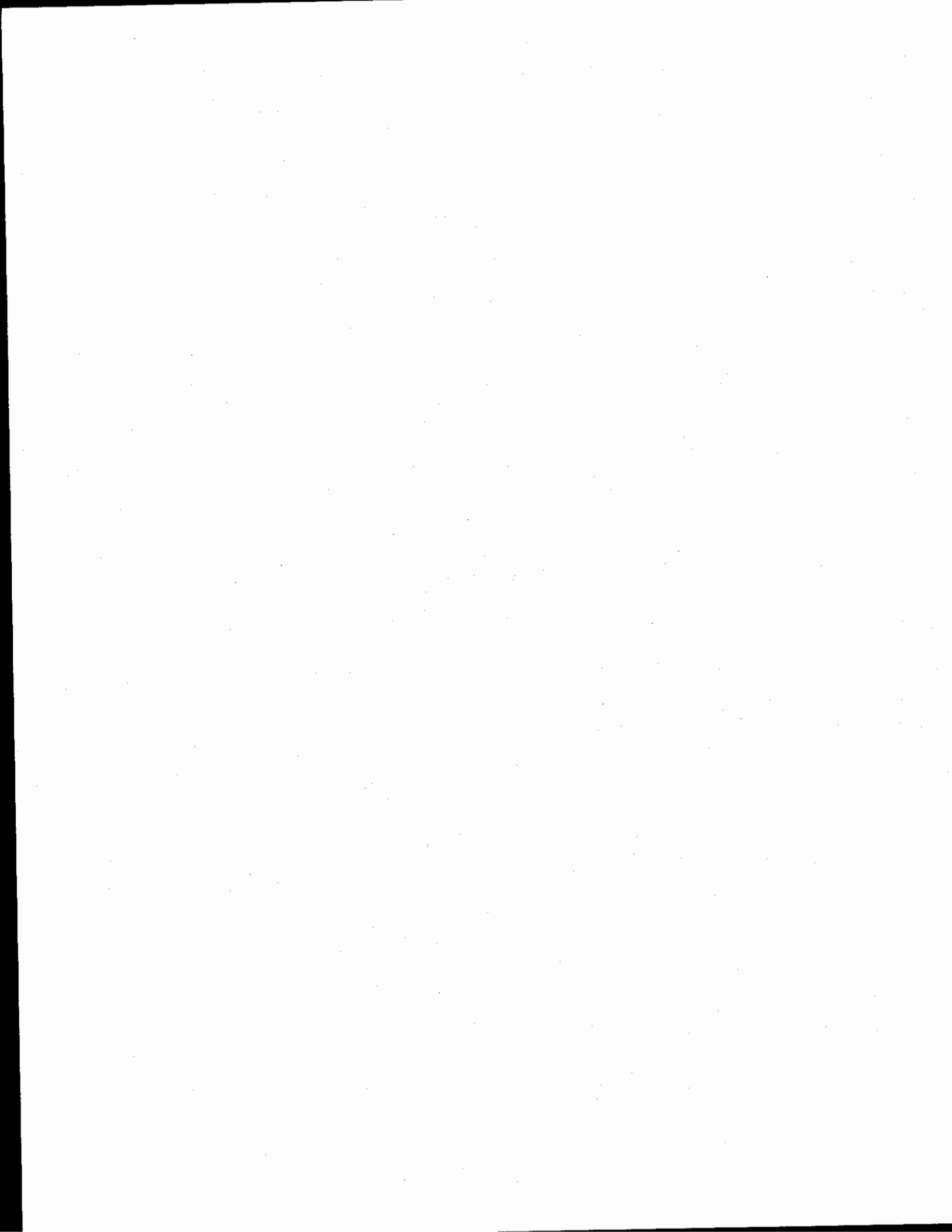
4. **That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as are required by this chapter or as are needed, in the opinion of the Planning Commission, or the City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

Proposed finding: The requirements of the R1-40 Zone call for a minimum lot size of 40,000 square feet in area. Both Parcels 1 and 2 would result in at least the 40,000 square feet minimum lot size required for the R1-40 Zone. The project can maintain the required setback areas of the R1-40 Zone, while maintaining and protecting *natural* sensitive biological areas onsite and adjacent to the project site. Conditions have been included in the approval of the project to protect those areas in deed restriction.

5. **That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.**

Proposed Finding: This Conditional Use Permit request involves a proposal to subdivide a 2.4 acre lot into two separate parcels within the R1-40, Lagoon and Bluff, Slope and Canyon Overlay Zones. Also, part of the CUP request is an allowance for encroachment within the minimum 10-foot setback of "substantial steep slope" area, as defined in the BSC-OZ. While the area of encroachment involves an area that meets the technical definition of a substantial steep slope, the area is, in fact, a *disturbed* slope without substantial value to the overall resource. Furthermore, the project has been designed to provide adequate setbacks for the (natural) slopes that do exist along the north-central portion of the property.

In addition, the project has been designed, so as to not disturb the wetlands in the area, all of which are located on separate properties area off-site. The applicant has requested a 50-foot reduction of the required 100-foot wetland buffer. The buffer reduction request has been reviewed and determined to be acceptable by the California Department of Fish and Game staff



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provided appropriate measures are attached to insure the protection of the adjacent wetland habitat. The recommendation from Fish and Game is based on factors such as: the wetland is of low habitat quality, is located within an already developed area with traffic and noise impacts and does not provide an area of high avian use, either for nesting or foraging. A suggested condition would require the applicants to place the protected slope areas and the wetland buffer into an open space deed restriction.

With the design components proposed, and as conditioned, the project will be in conformance with the Community Plan, and all Plans that are currently in effect to implement said Community Plan.

COASTAL DEVELOPMENT PERMIT:

The project site is located within the California Coastal Zone and, therefore, requires the receipt of a Coastal Development Permit (CDP). With the recent certification of the City of Del Mar's Local Coastal Program, (LCP) the City has gained authority for the review and issuance of CDP's for most development projects in Del Mar.

The applicant has submitted the necessary materials and the CDP application has been grouped together with the associated CUP and TPM permits for review by the Commission. The standards of review for the CDP application are the regulatory ordinances found in the LCP Implementing Ordinances, the entirety of which have been distributed to Board members under separate cover.

Staff has reviewed the application for its consistency with the applicable provisions of the LCP, specifically the resource protection, avoidance of hazards and public access standards. In addition the CDP has been reviewed with regard to the Bluff, Slope and Canyon Overlay Zone and the Lagoon Overlay Zone. In regard to the public access standards, the project is located between the sea and the first public roadway. As such, the development is subject to review under the public access standards of Chapter 30.61 of the LCP Implementing Ordinances (and the corresponding chapter of the Zoning Code.) The regulatory standards of that chapter require that any decision on the requested Coastal Development Permit include a specific finding(s) as to why the requested permit should or should not be conditioned to require the provision of public access opportunities to and/or along the shoreline, opportunities in the form of public access easements, installation of access improvements, or both.

In the subject case, staff is recommending that a finding can be made to grant the permit without a requirement for public access improvements or dedications. That recommendation is based on the fact that the public already has access and viewing to the Lagoon from the Grand Avenue Bridge viewing area.

As mentioned previously in the report, the CDP has been reviewed for consistency with the standards of the Lagoon Overlay Zone, specifically the protection of the wetland area and the associated buffer. As recommended by the California Department of Fish and Game, the



requested reduced buffer zone is appropriate since the impact of a single family residence would be negligible in comparison to existing usage inside of the buffer area. Additionally, the natural substantial steep slopes located along the north-central portion of the property will not be encroached upon and will remain as natural slopes which contain Southern Coastal Chaparral habitat. As discussed in previous section of this report, several conditions have been included to protect these areas on-site and adjacent wetland.

The project, as conditioned, has been found by staff to meet all of the applicable regulations. Staff is, therefore, recommending conditional approval of the CDP. Staff is also recommending that the required findings of approval can be made to the effect that: the proposed use is consistent with the uses allowed for the underlying zone; and that the proposed development meets the criteria and is consistent with the provisions of the certified Local Coastal Program, including those provisions regarding preservation of public views and, again, provision of public access opportunities, where appropriate.

In accordance with the procedural regulations of the certified LCP, the City's action on the Coastal Development Permit will be reported to the California Coastal Commission's Executive Director.

The project is located in a Coastal Development Permit appeals area. The City's action on the CDP application is, therefore, appealable to the California Coastal Commission. Information on the process of appealing an action to the Coastal Commission can be gained by talking with Coastal Commission or City staff. It should be noted that an appeal of a City action on a CDP must be an appeal of the City's final action on the permit application, meaning that any internal City appeal process must be exhausted before the action may be deemed final and, thereby, subject to Coastal Commission appeal.

CORRESPONDENCE:

The Planning Department has received written correspondence from the Del Mar San Dieguito Lagoon Committee (refer to Exhibit "F"). The Committee requests that the Planning Commission require the applicants to provide a full 100-foot width setback from the wetlands and suggest several reasons for adherence to the 100-foot setback.

The applicant, Kathy Andrews, has also submitted correspondence (refer to Exhibit "G"). She expresses that the request for reduced wetlands buffer is supported by findings and recommendations cited in the Biological Report prepared by IFC Jones and Stokes and complies with the provisions in the Lagoon Overlay Zone to allow for a reduced buffer. She also states that the Department of Fish and Game has expressed concurrence with those findings and do not object to the request for a 50-foot wetlands buffer, and that the 50-foot buffer along with appropriate mitigation measure would provide protection of wetlands resources.



ENVIRONMENTAL REVIEW:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study and Draft Mitigated Negative Declaration (MND) have been prepared for this project (refer to Exhibit "H"). The Initial Study was prepared to: 1) assess the potential environmental effects associated with the project; 2) determine the appropriate level of review under the California Environmental Quality Act (CEQA) and; 3) determine the measures that would be required to mitigate any adverse environmental impacts associated with the project. The mitigation measures identified in the Initial Study have been prepared based on input presented by the applicants and their representatives, responsible public agencies, and through review of information previously supplied to the City as part of the discretionary applications for the subdivision project.

As indicated in the Initial Study checklist form, the project and its various component parts, may have the potential to:

- Conflict with applicable environmental plans/policies adopted by agencies with jurisdiction over the project, specifically the previous Coastal Commission Open Space Easement deed restriction on the property;
- Create hazards to safety from design features, that include vehicular access on San Dieguito Drive;
- Potentially have indirectly impacts on wetland habitat;
- Result in the need for new sewer systems; and
- Potentially affect archaeological resources.

It should be noted that mere inclusion on the list of identified potential impact categories does not mean the project *would* ultimately result in those impacts. The potential impacts listed in the above categories, were accompanied by mitigation measures that will be required in an effort to reduce said impacts to a less than significant level. The following mitigation measures are:

1. **Land Use - 1** Prior to Final Parcel Map approval, the applicant shall receive written authorization from the California Coastal Commission to amend the limits of the Open Space Easement, or waiver of such requirements to allow the proposed subdivision project to be implemented.
2. **Traffic - 1** Prior to Final Parcel Map approval, the applicant shall include a notation on the Parcel Map to reference relinquishment of vehicular access rights from San Dieguito Drive.
3. **Biological - 1** Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map the limits of the 50-foot wetlands buffer. A deed restriction shall be recorded against Parcel 2 to ensure that wetland buffer areas to be retained in their natural state shall be subject to conditions to ensure the future protection of the designated area from encroachment, disturbance, or degradation, and shall serve notice to the property



owner, subsequent owners or interested parties of the restrictions in effect on such property, these include: 1) requirements for installation of permanent fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) a limitation that all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) a requirement that all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat; and 4) and a requirement that all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations.

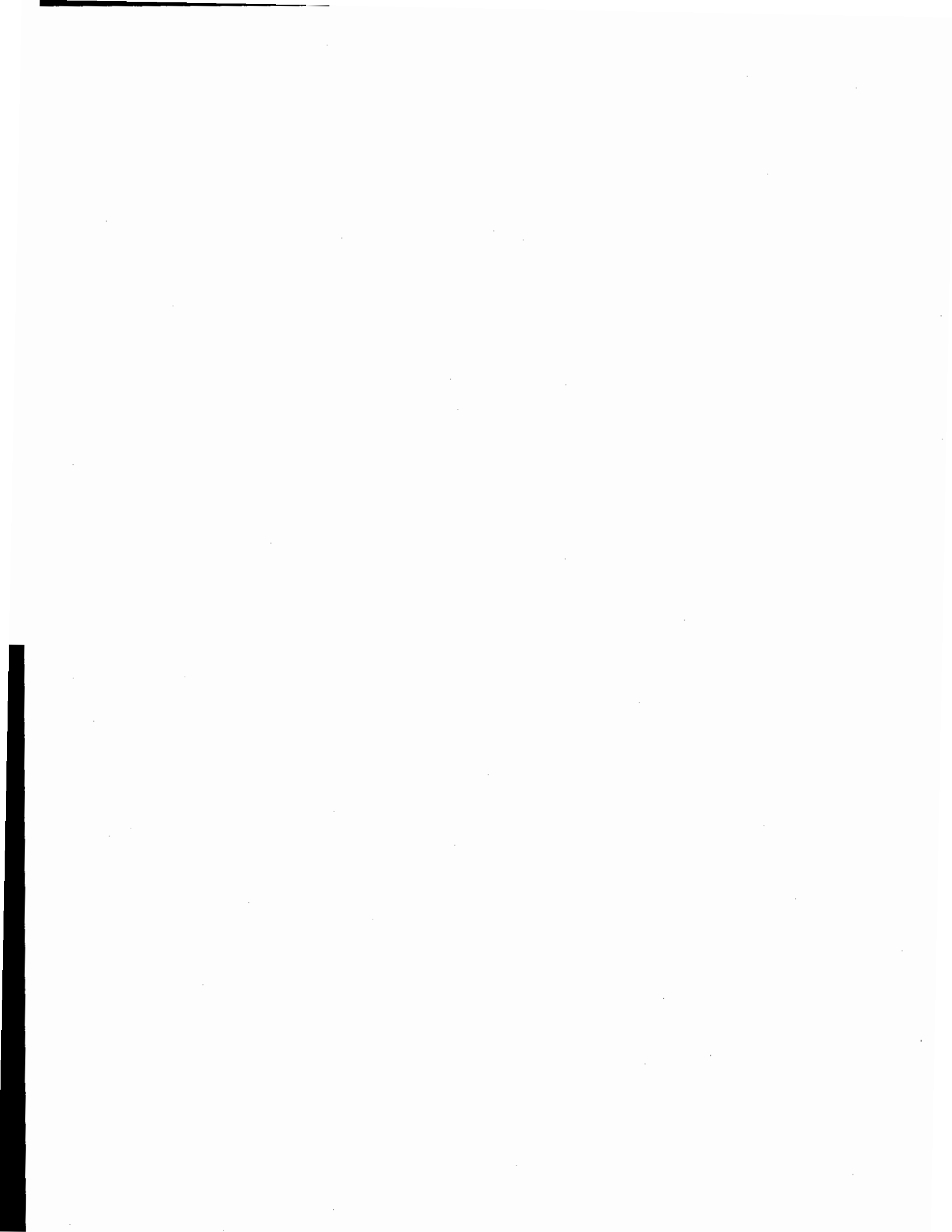
4. *Utilities - 1* Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map, private sewer easement located on Parcel 2 in favor of Parcel 1, to allow for the opportunity of any future connection of sewer facilities into San Dieguito Road.
5. *Cultural - 1* In the event that archeological resources are accidentally discovered or unearthed during project subsurface activities, all earth disturbing work shall be temporarily suspended or redirected until a certified archeologist has identified and evaluated the nature and significance of the find, in compliance with CEQA Guidelines §15064.5(f). If the artifact that is accidentally discovered or unearthed is of Native American origin, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources will be consulted for identification and evaluation purposes. CEQA Guidelines provide for reference to agreements with the Native American Heritage Commission that assures the appropriate and dignified treatment of Native American human remains and any associated grave liens. After the find has been appropriately mitigated, work in the area may resume.

There is concurrence between the project applicant and the City of Del Mar on the mitigation measures suggested in the Initial Study. The mitigation measures will be included in the conditions of any project approval.

The commenting period for the Draft MND ends April 9, 2010. As of the writing of this report, no written correspondence has been received for the project.

CONCLUSION / RECOMMENDATION:

Staff recommends that the Planning Commission review the project relative to the applicable Municipal Code sections and required findings as mentioned in this report. In staff's review of the project and all technical documents submitted by the applicant, the proposed project appears to be consistent with the provisions of the Subdivision Ordinance of the DMMC, R1-40 Zone, Lagoon Overlay Zone and Bluff, Slope, and Canyon Overlay Zone. Based on these factors, staff recommends that requested Tentative Parcel Map (TPM-09-01), Conditional Use Permit (CUP-

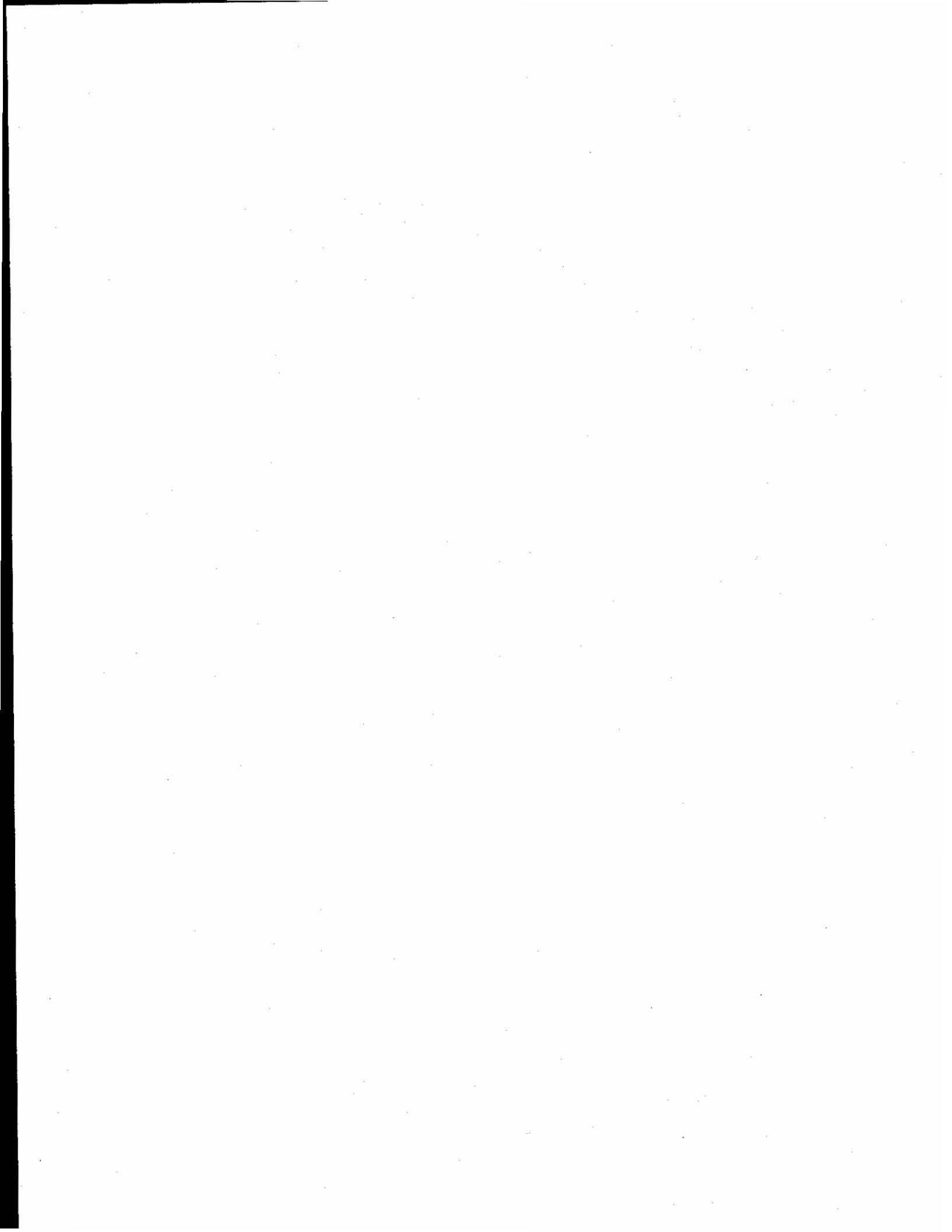


09-01), and Coastal Development Permit (CDP-09-01) be forwarded to and conditionally approved by the City Council. Each of the suggested conditions has been attached to ensure the project's consistency with required Mitigation Measures of the Draft MND, the provisions of the Zoning Code and with the policies and goals of the Del Mar Community Plan.

[Note: The conditions listed below may have gaps in lettering or numbering. These gaps are intentional.]

Engineering Conditions

- A. Prior to recordation of the final parcel map, provide the City with a letter from each public utility holding easements within the proposed subdivision stating that they have received from the subdivider a copy of the proposed Final Parcel Map and that they object or do not object to the filing of the map without their signature.
- B. Prior to recordation of the final parcel map, pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Community Development.
- C. Prior to recordation of the final parcel map, obtain a permit or exemption from the California Coastal Commission for all parcels, which lay in whole or in part within the permit area of the coastal zone as defined in the California Coastal Act of 1976.
- D. At the time of recordation of the Parcel Map, the name of the person(s) authorizing the map and whose name(s) appears on the map as the person (s) who requested the map, shall be the name of the owner(s) of the subject property and shall be the same party or parties as shown on the Tentative Parcel Map unless the Director of Planning has approved the substitution of a successor-in-interest to such party or parties.
- E. Submit a Parcel Map, which complies with the most current provisions of the Subdivision Map Act and the City of Del Mar Municipal Code Title 24 Subdivision Ordinance.
- F. Prior to the approval of the Parcel Map by the City Engineer, provide the City Engineer with a title report, copies of sufficient documentation to verify lot legality and current ownership, and a subdivision guarantee from a qualified title insurance company. The guarantee shall have a minimum \$1,000 liability coverage and in a form acceptable to the Planning Director and City Engineer.
- G. Tentative Parcel Map Number at the top of the map should be changed to correspond with the application number, TPM-09-01.



- H. The date of preparation should be updated as needed on the map.
- I. Tentative Parcel Map 09-01 shall expire twenty-four (24) months after its approval or conditional approval by the City Council. Upon application received at a meeting of the City Council at least sixty (60) days prior to the expiration of TPM-09-01, the City Council may extend the time of expiration for a period not to exceed three (3) years from the date of approval of TPM-09-01.

Local Coastal Program:

LCP-2 [Coastal Development Permit Appealable]

This project is located within the Coastal Appeal Zone. The City's action on the requested Coastal Development Permit application may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.75 of the City of Del Mar Municipal Code.

Public Works Conditions:

- PW-1 Prior to Final Map approval, the applicant shall dedicate to the City ---- feet from roadway on Gatun Street.
- PW-2 Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map, private sewer easement located on Parcel 2 in favor of Parcel 1, to allow for the opportunity of any future connection of sewer facilities into San Dieguito Road.

Transportation/Circulation Condition:

TRA-1 [Access Rights Relinquished from San Dieguito Drive]

Prior to the Final Parcel Map approval, the applicant shall include a notation on the Parcel Map to reference relinquishment of vehicular access rights from San Dieguito Drive.

Biological Resource Condition:

BIO-1 [Wetland Buffer]

Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map the limits of the 50-foot wetlands buffer. A deed restriction shall be recorded against Parcel 2 to ensure that wetland buffer areas to be retained in their natural state shall be subject to conditions to ensure the future protection of the designated area from encroachment, disturbance, or degradation, and shall serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property, which shall include: 1) requirements for installation of permanent fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include



exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat; and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations.

Cultural Resource Condition:

CUL-1 In the event that archeological resources are accidentally discovered or unearthed during project subsurface activities, all earth disturbing work shall be temporarily suspended or redirected until a certified archeologist has identified and evaluated the nature and significance of the find, in compliance with CEQA Guidelines §15064.5(f). If the artifact that is accidentally discovered or unearthed is of Native American origin, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources will be consulted for identification and evaluation purposes. CEQA Guidelines provide for reference to agreements with the Native American Heritage Commission that assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. After the find has been appropriately mitigated, work in the area may resume.

Special Conditions:

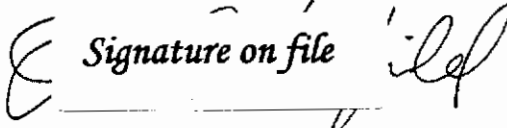
- SP-1 Prior to Final Map approval, the applicant shall depict on the Map the limits of the approved building envelope to be located on Parcel 2. A deed restriction shall be recorded to protect areas located within the remaining portions of substantial steep slope areas to retain such areas in their natural or existing state to ensure the protection of the designated area from future encroachment, disturbance or degradation and shall serve notice to the property owner, subsequent owners, or interested parties of the restriction in effect on such property.
- SP-2 No authorization for development is granted with approval of the TPM-09-01, CUP-09-01, CDP-09-01. The applicant shall obtain all necessary approvals for any future development, whether or not, related to the aforementioned applications.
- SP-3 Prior to Final Parcel Map approval, the applicant shall receive written authorization from the California Coastal Commission to amend the limits of the Open Space Easement and deed restriction, or waiver of such requirements to allow the proposed subdivision project to be implemented.
- SP-4 [Statement of accuracy/agreement regarding third-party lawsuits]
Prior to the approval of the Final Map, the applicant shall submit a statement regarding the accuracy of submitted plans/materials and agreeing to hold the City of Del Mar harmless



Planning Commission Staff Report
TPM-09-01, CDP-09-01, CUP-09-01
Andrews Lot Split
April 13, 2010

from third-party lawsuits filed challenging the City's approval of this permit. The agreement shall also include a commitment to defend the City of Del Mar from any third-party lawsuits filed challenging the City's approval of this permit. The form and content of the statement and agreement required herein shall be subject to the review and approval of the Planning and Community Development Director.

Respectfully submitted,

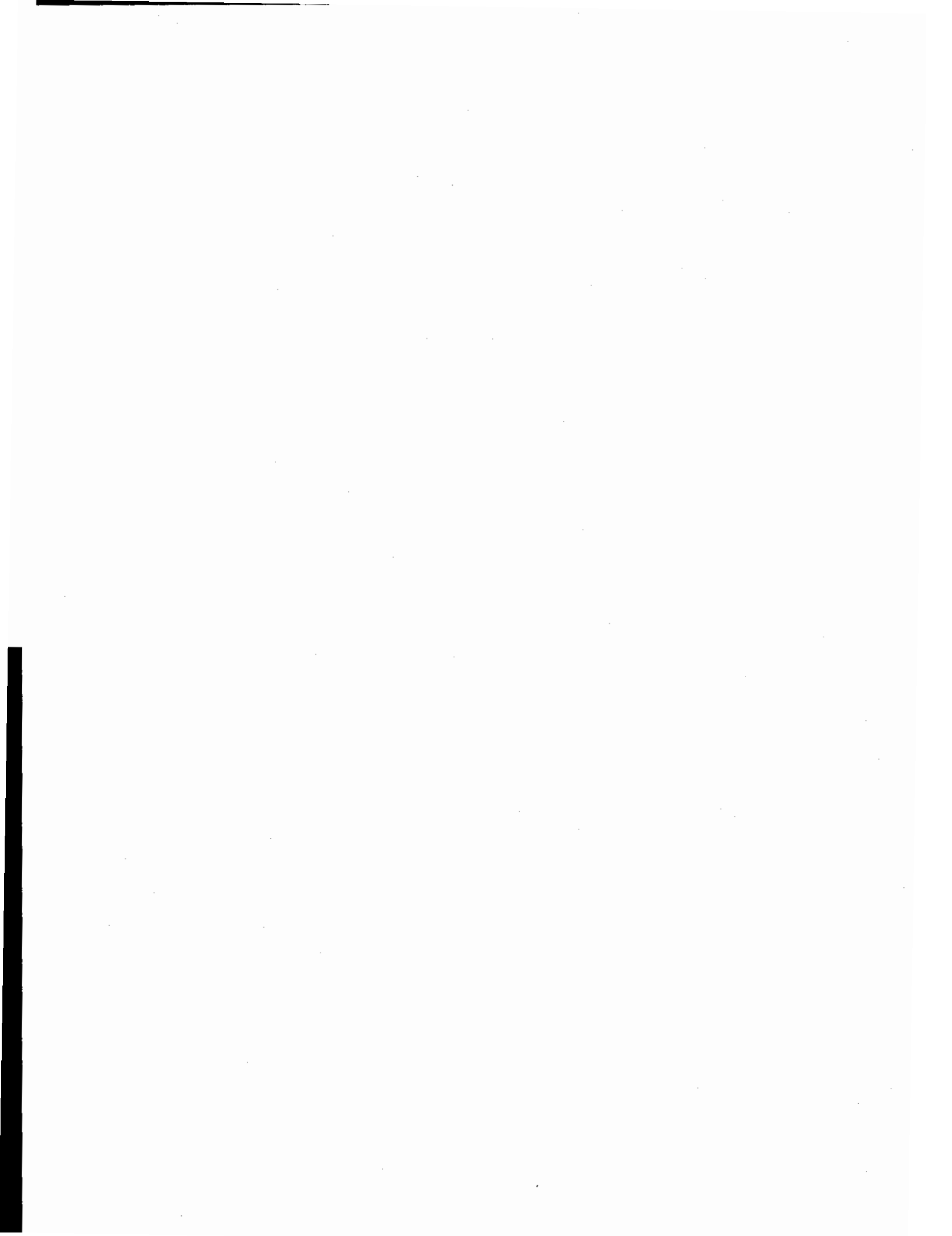
 *Signature on file*

Jean Crutchfield
Associate Planner

Exhibits:

- Exhibit A – Site Aerial Photo
- Exhibit B – Applicant's Geotechnical Report, GeoSoils Inc.
- Exhibit C – Applicant's Biological Report, Dudek
- Exhibit D – Applicant's Biological Report, IFC Jones and Stokes
- Exhibit E – CA Department of Fish and Game email
- Exhibit F – Lagoon Committee Letter
- Exhibit G – Applicant's Letter
- Exhibit H – Initial Study and Draft MND

Other project materials not included in "Exhibits" but which are referenced in this report, are too large in size to reproduce to be included in the staff report, but are available for review at City Hall, Planning Department, 1050 Camino del Mar during normal business hours. For more information please call the Planning Department at 858-755-9313.





FOR PLANNING DEPARTMENT USE ONLY

EA - 09 - 01
Date Submitted: 7-10-09 By: JYC
Fee: Planning: \$ 2,875
Receipt # _____
Related Cases: TPM-09-01 / CUP-09-01
Other Required Reviews: FE / COA

RECEIVED

**Environmental Assessment -
APPLICATION**
PLEASE FILL IN COMPLETELY

JUL 13 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Date Filed: 7/10/2009 File Number: TPM-09-01 / CUP-09-01

GENERAL INFORMATION

- Name and address of developer or project sponsor:
PHILIP L. & KATHLEEN A. ANDREWS
2081 GATUN ST., DEL MAR, CA 92014
- Address of project: 2081 GATUN ST., DEL MAR, CA 92014
Assessor's Block and Lot Number(s): 299-192-22
- Name, address, and telephone number of person to be contacted concerning this project: _____
BOB SCOTT, AICP, LEED AP
RIS PLANNING + LAND USE SOLUTIONS, INC.
3375 CEDROS AV. # F, SOLANA BEACH, CA 92075
- Indicate number of permit application for the project to which this form pertains: _____
TPM-09-01 / CUP-09-01
- List and describe any other related permits and other public approvals required for this project, including those required by City, Regional, State, and Federal agencies:
CA. DEPT. OF FISH & GAME, CA. COASTAL COMMISSION
- Existing zoning district: R1.40 (VERY LOW DENSITY RES.)
BSC / FP / LAGDON OVERLAY ZONES
- Proposed use of site (project for which this form is filed): _____
PROPOSED 2-LOT SUBDIVISION.

EXHIBIT NO. 14
APPLICATION NO.
6-85-283-A1
City of Del Mar
Applications
Page 1 of 8
California Coastal Commission

***Submitted plans and other documents should follow format for related perm

PROJECT DESCRIPTION

8. Site Size: PARCEL 1: 65,133 S.F. PARCEL 2: 40,500 S.F.
9. Square footage: N/A
10. Number of floors of construction: N/A
11. Amount of off-street parking provided: N/A
12. Attach plans: _____
13. Proposed scheduling: DISCRETIONARY APPROVALS ANTICIPATED
IN 2009.
14. Associated project: N/A
15. Anticipated incremental development: PROPOSED SINGLE-FAMILY
RESIDENCE (NOT CURRENTLY PROPOSED BY
APPLICANT).
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected: N/A (SEE #15 ABOVE)
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities: N/A
18. If industrial, indicate type, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project: N/A
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project: N/A



20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required: CUP REQUIRED B/C PROPERTY IS LOCATED W/IN BSC & LAGOON OVERLAY ZONES.

Are the following items applicable to the project or its effects?
 Discuss below all items checked yes (attach additional sheets as necessary).

	Yes	No
21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.	—	X
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	—	X
23. Change in pattern, scale or character of general area of project.	—	X
24. Significant amounts of solid waste or litter.	—	X
25. Change in dust, ash, smoke, fumes or odors in vicinity.	—	X
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	—	X
27. Substantial change in existing noise or vibration levels in the vicinity.	—	X
28. Site on filled land or on slope of 10 percent or more.	—	X
29. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	—	X
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	—	X
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	—	X
32. Relationship to a larger project or series of projects.	—	X

ENVIRONMENTAL SETTING

33. Describe the project site, as it exists before the project; including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photos of the site.

PROJECT SITE IS 105,633 (2.4 AC.) AND IS SITUATED BETWEEN GATUN ST. AND SANDIEGUITO DRIVE. SITE CONTAINS STEEP SLOPES AND NATURAL VEGETATION OVER THE CENTER PORTION. AN EXISTING RESIDENCE IS SITUATED AT THE UPPER MOST PORTION OF THE LOT W/ ACCESS TAKEN OFF GATUN ST. A FLAT PAD IS SITUATED ON THE LOWER PORTION OFF THE LOT OFF SANDIEGUITO DR. AN ACCESS ROAD BISECTS THE LOT

34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photos of the vicinity.

PROPERTY IS SURROUNDED BY RESIDENTIAL DEVELOPMENT ON THE ± EAST, WEST, & SOUTH SIDES. THE SANDIEGUITO LAGOON IS LOCATED ± 170 FEET NORTH (NNE) OF THE SITE. WETLAND HABITAT IS LOCATED ± 50 FEET ENE OF THE SITE. STEEP SLOPE AREAS ARE LOCATED SOUTH, EAST, & WEST. SURROUNDING RESIDENTIAL DEVELOPMENT IS LOW & VERY LOW DENSITY (1-4 UN/AC.)

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

7/10/2009
Date

Signature on file _____



FOR PLANNING DEPARTMENT USE ONLY

CDP - _____ - _____

Date Submitted: _____ By: CDP-08-01 Submitted 6/11/09

Fee: Planning: \$ _____

Receipt # _____

Related Cases: _____

Other Required Reviews: _____

RECEIVED

JUL 13 2009

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Coastal Development Permit - APPLICATION

PLEASE FILL IN COMPLETELY

Applicant: PHILIP L. & KATHLEEN A. ANDREWS

Address: 2081 GATUN ST. DEL MAR, CA 92014

Name of Property Owner: (SAME)

(if other than applicant)

Address: _____

Phone: 858/344-4791

Signature: kaandrews@ucsd.edu

Phone: _____

Signature: _____

(authorizing applicant to submit application)

Applicant Representative: Bob Scott, AICP

Name of Engineer: _____

RJS PLANNING + LAND USE SOLUTIONS

Address: 337 S. CEDROS AV #F SOLANA BEACH, CA 92075

Address: _____

Phone: 858/350-3455

Phone: _____

Signature: [Signature]

Signature: _____

Property Information:

Location or Address: 2081 GATUN ST. DEL MAR, CA 92014

Assessor's Parcel Number (s): 299-192-22

Zoning: R1-40

Lot Size: PARCEL 1: 65,133 sq ft PARCEL 2: 40,500 sq ft

Overlay Zone: BSC/LAGOON/FP

General Plan Designation: VERY LOW DENSITY-RES.

Brief Description of Project: _____

PROPOSED 2-LOT SUBDIVISION

***Submitted plans and other documents should follow format for related permit applications. Updated 2/15/2002





FOR PLANNING DEPARTMENT USE ONLY

TPM - _____ - _____
Date Submitted: _____ By: TPM-09-01 Applied 6/11/09 KAA
Fee: Planning: \$ _____ Engineering: \$ _____
EngDeposit #: _____
Receipt #: _____
Related Cases: _____

Map: _____

Vesting

RECEIVED

Tentative Parcel Map
APPLICATION
PLEASE FILL IN COMPLETELY

JUL 13 2009

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Applicant: PHILIP L. & KATHLEEN A. ANDREWS

Name of Property Owner: (SAME)
(if other than applicant)

Address: 2081 GATUN ST.
DELMAR, CA 92014

Address: _____

Phone: 858/344-4711

Phone: _____

Email: kaandrews@ucsd.edu
(optional)

Email: _____
(optional)

Signature: Kathleen Ann Andrews 6/3/09
Philip L. Andrews 6/6/09

Signature: _____
(authorizing applicant to submit application)

Applicant' Representative: BOB SCOTT, AICP
RJS PLANNING + LAND USE SOLUTIONS, INC.

Name of Engineer: RANDY BROWN, PCE
SOWARDS & BROWN ENG, INC.

Address: 337 S. CEDROS AV, #F
SOLANA BEACH, CA 92075

Address: 2187 NEWCASTLE AV, STE J.
CARDIFF, CA 92007

Phone: 858/350-3455

Phone: 760/436-8500

Email: rjsplanning@gmail.com
(optional)

Email: _____
(optional)

Signature: Signature on file

Signature: _____

***Submitted plans and other documents should follow format for related permit applications.

Site Information:

Location or Address: 2081 GATUN ST

Subdivision Name: ANDREWS TPM Total Acreage: 2.425

Total Number of Lots: 2 Gross: PARCEL 1: 65,133~~sq~~ PARCEL 2: 40,500~~sq~~

Total Number of Dwelling Units: 1 (Existing) Net: PARCEL 1: 65,133~~sq~~ PARCEL 2: 40,500~~sq~~

Density (units/gross acre): PARCEL 1: 1 unit/acre. PARCEL 2: 1/UN/acre.

Assessor Parcel Number(s): 299-192-22

Zoning: R1-40

Overlay Zone: BSC-02 / LAGOON 02 / FP-02

General Plan Designation: VERY LOW DENSITY RESIDENTIAL

Brief Description of Project: PROPOSED 2-LOT SUBDIVISION.



Engineering Data Questioner for DRB / LC / TPM Applications:
(To be filled out by applicant or applicant's representative)

(A) Impervious surfaces in square feet (total excluding area of roof(s), pool(s) or spa(s)).

Existing Ø S.F.
Proposed Ø S.F.
Net Change Ø S.F. Increase / Decrease (circle one)

(B) Excavation (Cut and Fill) (N/A)

	<u>Volume in cubic yards</u>		<u>Max depth in feet</u>
Cut	<u>Ø</u> C.Y.		<u>Ø</u> Ft.
Fill	<u>Ø</u> C.Y.		<u>Ø</u> Ft.

(C) Roof surface area in square feet (N/A)

Existing Ø S.F.
Proposed Ø S.F.
Net Change Ø S.F. Increase / Decrease (circle one)

(D) Modified vehicular access (driveways)

Yes No (circle one)

(E) Proposed subterranean improvements greater than 2-feet in depth within 5-feet of property line (basements, footings, pools, spas etc.)

Yes No (circle one)

(F) Proposed improvements within 10-feet measured from the top of an existing bluff top or top-of-slope

Yes No (circle one)

(G) Proposed impact on existing drainage courses (redirecting, blocking etc.)

Yes No (circle one)

(H) Known geological or soils issues or sensitivities (sliding, faulting, erosion etc.)

Yes No (circle one)

SOWARDS AND BROWN ENGINEERING

September 28, 2009

Jean Crutchfield
City of Del Mar
1050 Camino Del Mar
Del Mar CA 92014

Re: Andrews Tentative Parcel Map Floodway Designation Clarification

Dear Jean:

We are clarifying the floodway designation as reflected on Parcel Map No. 14241 in conjunction with the above referenced application.

The floodway designation shown on the 1986 Parcel Map is incorrect as discussed with City Engineering Staff. Panel 1309 of the Flood Insurance Rate Map does not show the subject property in the floodway area.

Feel free to call if you have any questions after reviewing this letter.

Sincerely,

Signature on file

Randy R. Brown
RCE 36190

cc: Tamara O'Neal

08052.ltr



2187 NEWCASTLE AVENUE • SUITE 103 • CARDIFF BY THE SEA, CA
(760) 436-8500 • FAX (760) 436-8603


EXHIBIT NO. 15

APPLICATION NO.

6-85-283-A1

City of Del Mar
Corrections to
Floodway

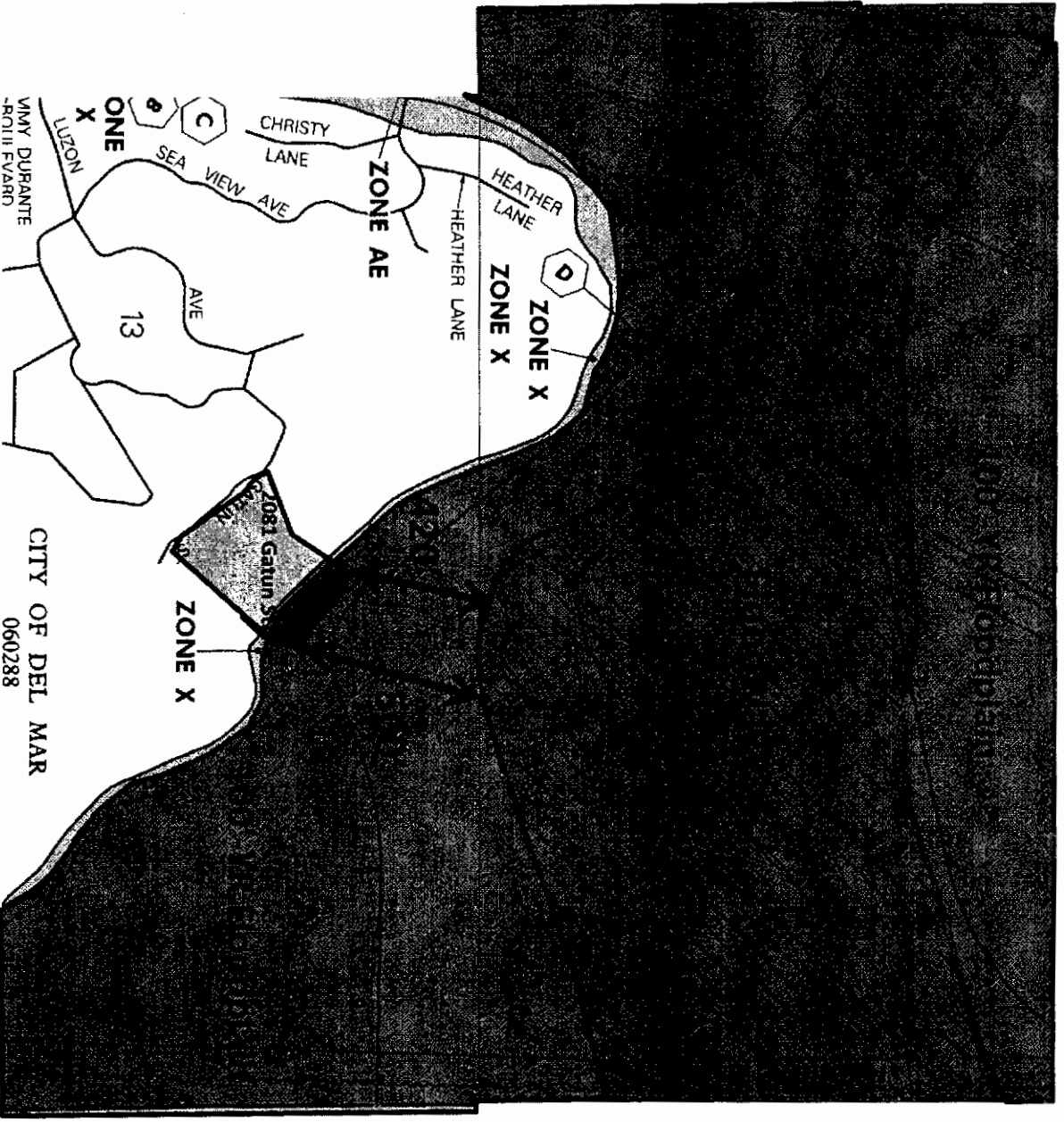
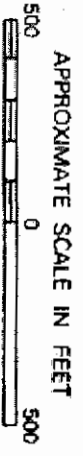
Page 1 of 2

 California Coastal Commission

2081 Gatun St. is
420-500' away from Floodway.



Property is in the 100-yr Floodplain
Property is not in the Floodway.



WIMY DURANTE
-ROLL EWARD
CITY OF DEL MAR
060288



Figure 4. City of Del Mar Fire Department No Brush Clearance/Fuel Modification Letter

City of Del Mar Fire Department

2200 Jimmy Durante Blvd. • Del Mar, California 92014
TEL: (858) 755-1522 • FAX: (858) 259-2749

Patrick O'Neil
Captain 8 Shift
Del Mar Fire Department
2200 Jimmy Durante Blvd.
Del Mar, CA 92014
Station: 858-755-1522
FAX: 858-259-2749
poneil@delmar.ca.us

May 17, 2010

Melissa Ahrens
California Coastal Commission
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-4402
Voice: 619-767-2370
FAX: 619-767-2384
mahrens@coastal.ca.gov

re: Andrews Lot Split, no brush clearance of native habitat

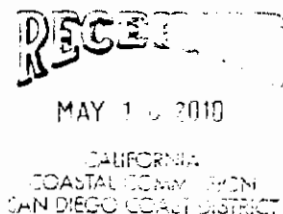
Dear Ms. Ahrens:

The City of Del Mar Fire Department has assessed the property located at 2081 Gatun St. (APN 299-192-22) has determined that 1) the property is not in the Wildlife Urban Interface zone and 2) the Open Space deed restricted area native habitat will never be required to have brush clearance/fuel modification even if developed with a single-family residence as depicted on the Building Parameters Exhibit site plan by Dave Lyon of Lyon Architects as amended on May 17, 2010 to include 10' building area setback from toe-of-slope.

Sincerely,

Signature on file

Patrick O'Neil



RECEIVED

Kathy Andrews

JUL 14 2009

From: Kathy Andrews [kaandrews@ucsd.edu]
Sent: Friday, July 10, 2009 11:51 PM
To: 'Ellen Lirley'
Cc: 'Bob Scott'; Andrews, Kathieen
Subject: RE: Thanks. RE: Preliminary meeting possible, please? FW: Andrews
Project Composite Overview.
Attachments: 20090610_B_05_BIOLOGICAL_WETLANDS_BUFFER_REPORT_ICF.pdf;
20090610_A_02_TENTATIVE_PARCEL_MAP.pdf; 20090610_C_03
_BIOLOGICAL
OPEN_SPACE_EASEMENT_AMENDMENT_REPORT_DUDEK.pdf

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ellen:

Thanks for reviewing the project. As the project composite .pdf file wasn't of sufficient resolution to help, as a way of providing more useful information about the project attached are the biological reports from ICF, Jones & Stokes addressing the 50' wetland buffer and from Dudek addressing the property itself. (The TPM and aerial photos at high resolution are too large to send by e-mail as each is about 35 MB or so.)

The project is a lot split going from one lot of ~2.43 acres to two lots of ~1.5 acres and ~0.93 acres.

On June 10th, TPM-09-01, CUP-09-01, and CDP-09-01 were filed with City of Del Mar. Today Bob and I met with Jean Crutchfield to go over the initial feedback comments and also to initiate a Environmental Assesment application.


Prior to filing with the City of Del Mar on June 10th, we had met with Del Mar Fire Department and they are content with the existing layout without requiring brush clearance into the open space easement area. Fuel modification will not extend into sensitive habitat. Also, the property while near to it, is not part of the urban/wildland interface. The fire department looked at the layout of the building envelope in reference to its surroundings with San Dieguito Rd., the alley, the utility easement road surrounding the building envelope along with the proposed amended open space easement being uphill from the building site and is content that this is a defensible space without having to go into the open space easement for fire code. The Fire department is requiring that any building will have fire proof material and design as part of the structure and approved landscaping.

As regards the reduction to 50' wetland setback, we have met with Fish and Game's field biologist Paul Schlitt to address Fish and Game's concerns as detailed in the ICF, Jones & Stokes biological report (attached). Because of the major influence is from San Dieguito Rd. itself within the 50' buffer zone between the wetlands and the proposed building envelope, Fish and Game preliminarily is amenable to support a 50' buffer rather than 100' buffer. The California Environmental Quality Act application will be the formal addressing of the buffer recommendation.

Jean Crutchfield is having the 50' buffer addressed formally through an Environmental Assessment application #EA-09-01 which was filed today and through a Fish and Game CEQA (California Environmental Quality Act) which will be filed with Fish and Game on Monday as they were on furlough today. In addition to the Dudek and ICF, Jones & Stokes biology reports, a water drainage plan for the property, formalized fire department review, and sewage connections are being detailed to complete the Environmental Assessment application.

Bob Scott is arranging a meeting with the Lagoon Restoration Committee so that we can go over their concerns and find out what the committee would like to see on this project. Only native habitat

1

EXHIBIT NO. 17
APPLICATION NO.
6-85-283-A1
Email Correspondence
Page 1 of 9
 California Coastal Commission

transitional upland species will be used on the project. No non-native species will be incorporated in the project. The Fire Department is requesting that the plantings be well separated and in accordance with their guidelines.

Thank you for the details in your e-mail. We will make sure that all of these points are brought up and addressed in the Environmental Assessment application.

Thanks,
Kathy

From: Ellen Lirley [mailto:elirley@coastal.ca.gov]
Sent: Friday, July 10, 2009 3:30 PM
To: Andrews, Kathleen
Cc: Jean Crutchfield
Subject: RE: Thanks. RE: Preliminary meeting possible, please? FW: Andrews Project Composite Overview.

Hi Kathy – I did meet with my supervisor and we reviewed the documents together, although we found them very hard to read due to scale. We have two concerns with the proposed construction, and then some questions regarding the subdivision itself. Construction concerns center on the wetland buffer and on brush management. A wetlands buffer adjacent to salt marsh is typically 100 feet, not 50 feet. There is a provision in the certified Local Coastal Program to reduce the buffer to not less than 50 feet, but the U.S. Department of Fish and Wildlife and the California Department of Fish and Game must agree that a lesser buffer is adequate in this instance.

With regard to brush management/fuel modification, state law, and most local jurisdictions, now require a total of 100 feet of managed area for properties on the urban/wildland interface, such as yours. Typically 30 to 35 feet (known as Zone 1), is cleared and planted with fire-resistant, drought-tolerant, permanently-irrigated vegetation closest to the home. The outer 65 to 70 feet (known as Zone 2) generally retains native vegetation, but thins and prunes it significantly to reduce fuel load. I did not find anything in the certified LCP addressing brush management, but it is probably addressed in other City planning documents. The Commission's typical concern is that, for new development, the development should be planned in such a way that fuel modification does not extend into sensitive habitat areas.

For the subdivision, I apologize that I do not remember all of our prior phone conversation in this regard. Is the current property comprised of one or two legal lots? I don't remember if this is a new subdivision or a lot reconfiguration. If two legal lots currently exist, the Commission would be less concerned about reducing the wetland buffer below 100 feet in width, since there would be a legal right to construct on the second legal lot. However, if the current property consists of only one legal lot, we would take the position that the property owner has no automatic right to a subdivision, and that, if a buildable legal lot cannot be configured without lessening a required buffer, and/or brush management for permitted structures cannot avoid sensitive habitats in order to build on a second legal lot, then no second legal lot should be created.

We do not feel a meeting is necessary at this time. Please just keep us in the loop as you proceed through the City permit review process. If you or the City have any immediate questions, please call or email me at your convenience. Thanks - Ellen

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

From: Kathy Andrews [mailto:kaandrews@ucsd.edu]
Sent: Tuesday, July 07, 2009 9:47 AM
To: Ellen Lirley
Cc: 'Bob Scott'; 'Kathleen Andrews'
Subject: Thanks. RE: Preliminary meeting possible, please? FW: Andrews Project Composite Overview.

From: Ellen Lirley [mailto:elirley@coastal.ca.gov]
Sent: Tuesday, July 07, 2009 9:43 AM
To: Andrews, Kathleen
Subject: RE: Preliminary meeting possible, please? FW: Andrews Project Composite Overview.

Hi Kathy – thanks for sending this material to me; I took a long weekend, so I'm just now reading this. Let me review your plans with my supervisor before setting a meeting, as he would need to be involved in any meeting. I am retiring the end of August, so I won't be the one reviewing this when it comes to us as a potential appeal. I will get back to you ASAP – hopefully today, but definitely by tomorrow.

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

From: Kathy Andrews [mailto:kaandrews@ucsd.edu]
Sent: Thursday, July 02, 2009 2:44 PM
To: Ellen Lirley
Cc: 'Bob Scott'; 'Kathleen Andrews'
Subject: Preliminary meeting possible, please? FW: Andrews Project Composite Overview.

Ellen:

Would it be possible for me and Bob Scott to meet with you, please?

We would like to do a preliminary meeting to make sure that the procedures and concerns of Coastal Commission are addressed.

Thanks,
Kathy

From: Kathy Andrews [mailto:kaandrews@ucsd.edu]
Sent: Tuesday, June 30, 2009 8:56 PM
To: Ellen Lirely; Jean Crutchfield
Cc: Andrews, Kathleen
Subject: Andrews Project Composite Overview.

Ellen:

After much elapsed time, the project has taken shape and application has been made to City of Del Mar with Jean Crutchfield handling the application. I believe that Jean will be getting in touch with you shortly about the project.

Ever since talking with you, I have been very mindful of the request to have composite overlays available for the project and as such have produced the attached 20090630_ANDREWS_PROJECT_COMPOSITE.pdf.

File conversion difficulties exist between TPM file formats and the veg map file formats which have prevented Sowards and Brown Engineering in conjunction with Lyon Architects and ICF, Jones&Stokes Biologists from being able to produce a completely accurate matching set of overlays. Everyone has tried really hard but it can't be done. Attached is the best I can do working from the images of the individual files. Hopefully, the composites will provide a reasonably accurate generalized overview of the project in terms relationships between TPM, building envelope, and veg map.

Jean has all of the official documents.

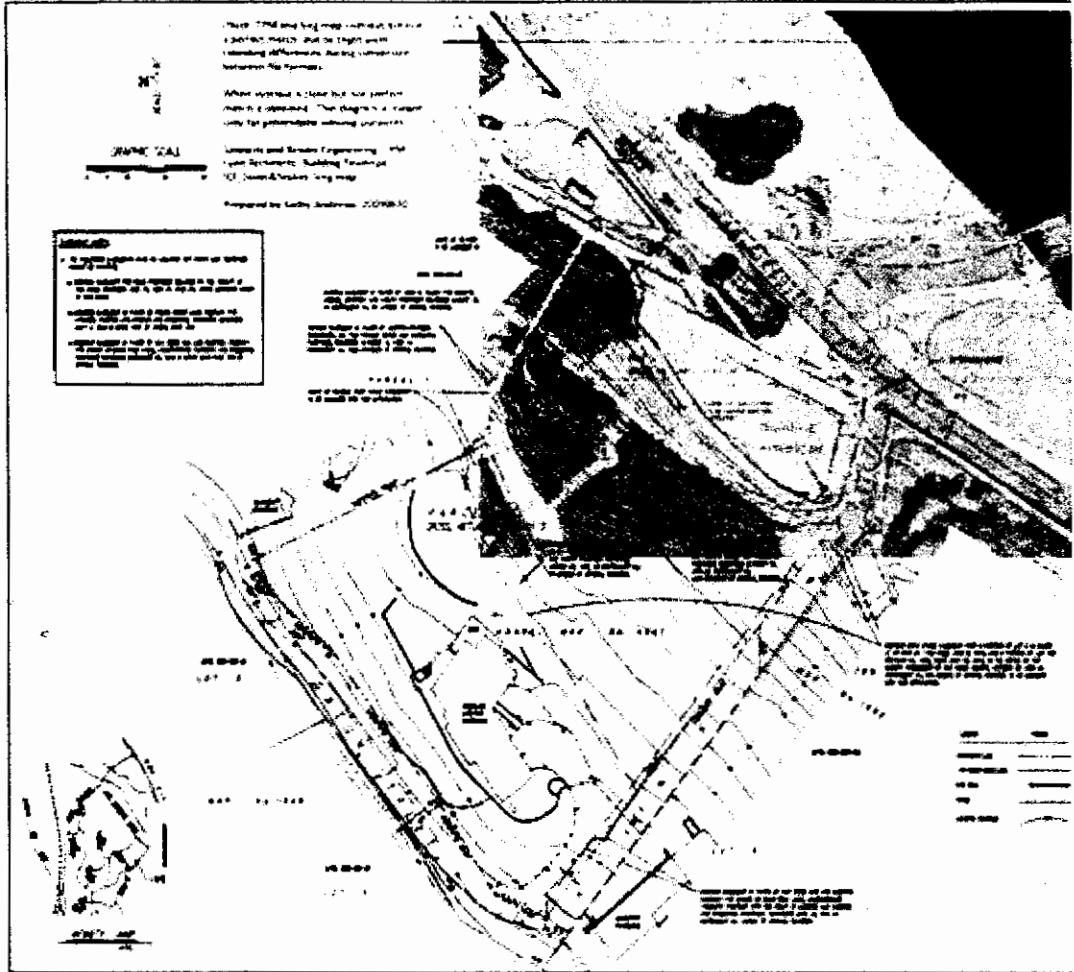
Please let me know if there are any further questions.

Thanks,
Kathy

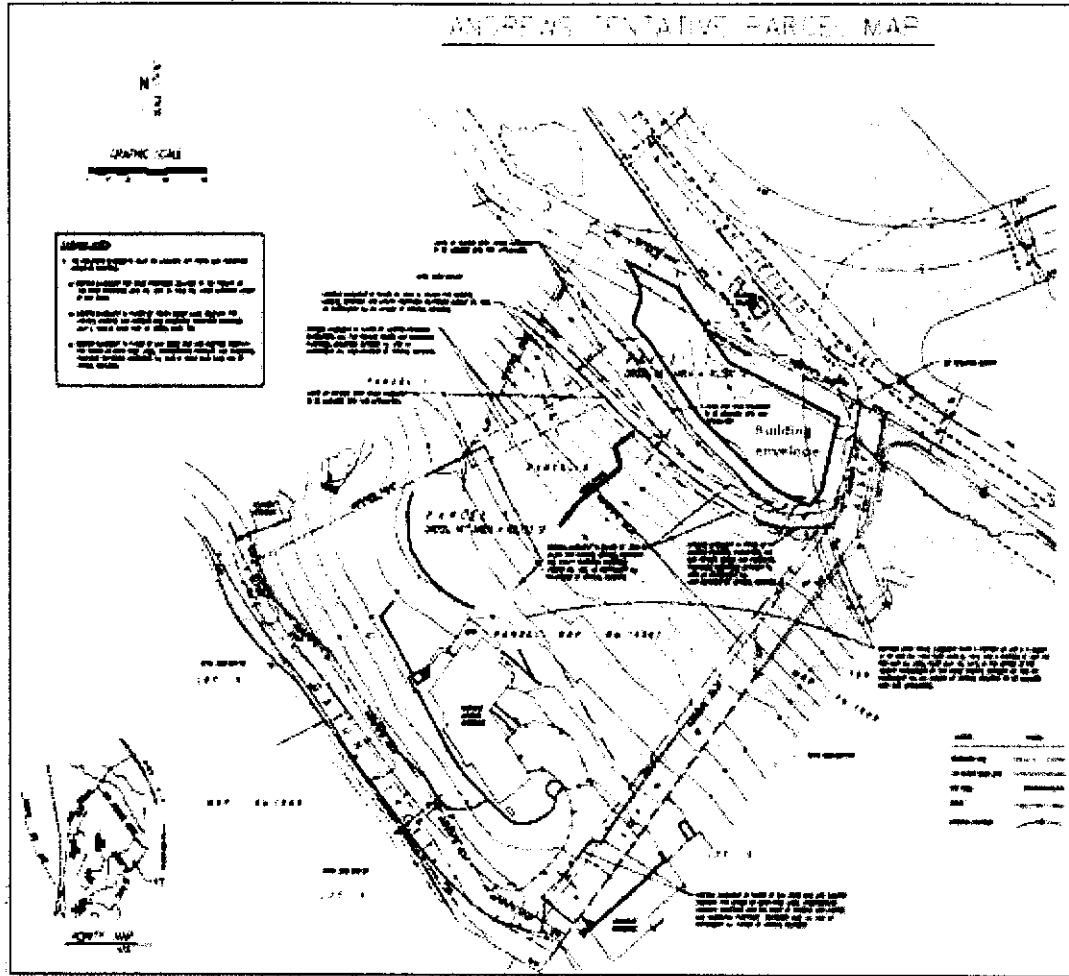
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Kathy Andrews
Palsson Lab Manager, UCSD
PFBH/EBU3a, RM. 409
9500 Gilman Dr.
La Jolla, CA 92093-0412
858-822-0028 (lab)
858-344-4791 (cell)
858-822-3120 (FAX)
<http://systemsbiology.ucsd.edu>
2081 Gatun St., Del Mar, CA 92014 (home)

Andrews Project Composite (TPM, Building Envelope, and Veg Map Overlays)

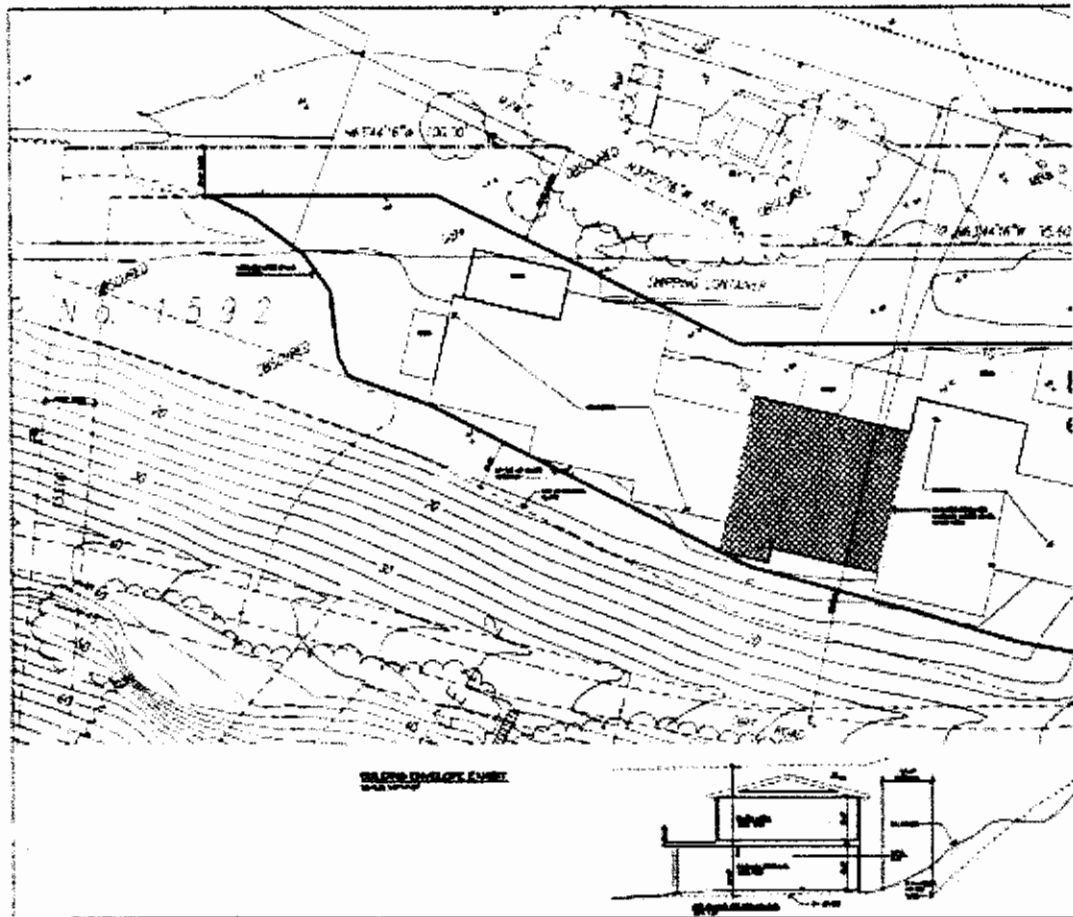


Andrews Project Composite (TPM and Building Envelope Overlays)





Andrews Project - Building Envelope Exhibit



Ellen Lirley

From: Bob Scott [rjsplanning@gmail.com]
Sent: Thursday, August 20, 2009 10:31 AM
To: Ellen Lirley
Cc: 'Jean Crutchfield'; 'Adam Birnbaum'; kaandrews@ucsd.edu
Subject: FW: Andrews proposed lot split, 2081 Gatun (and San DieguitoRd)

Fyi.

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

From: Jean Crutchfield [mailto:jcrutchfield@delmar.ca.us]
Sent: Wednesday, August 19, 2009 5:48 PM
To: Bob Scott
Subject: FW: Andrews proposed lot split, 2081 Gatun (and San DieguitoRd)

Bob, FYI below.

Jean Crutchfield
Associate Planner
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014
tel (858) 755-9313
fax (858) 755-2794
www.delmar.ca.us

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

From: Paul Schlitt [mailto:PSchlitt@dfg.ca.gov]
Sent: Monday, August 17, 2009 8:23 AM
To: Jean Crutchfield
Cc: Tim Dillingham
Subject: Re: Andrews proposed lot split, 2081 Gatun (and San DieguitoRd)

Jean,
In regards to your inquiry on the Department of Fish and Game (Department) position concerning Ms. Kathleen Andrews request for a reduction of the wetland buffer for the development proposal at 2081 Gatun Street, Del Mar, CA, this email shall serve as notification to that affect.

I conducted a site visit on March 25, 2009 with Ms. Andrews, Mr. Bob Scott, and Mr. Randy Brown to review the development proposal. Upon the conclusion of that field visit, I requested Ms. Andrews provided to the Department a supplemental biological assessment that evaluated the proposed buffer reduction (requesting reduction to 50 feet) on the northeastern portion of the subject property adjacent to San Dieguito Lagoon. I have since reviewed the report that was prepared by ICF Jones&Stokes (entitled, Biological Report Addressing Wetlands Buffer Setback for Fish and Game Commission, dated June 3, 2009) and do not object to their biological conclusions/findings. Additionally, I have discussed the proposed buffer reduction with the Department's area manger of San Dieguito Ecological Reserve, to inquire as to their specific concerns with the development proposal. The Department has determined as a condition of the reduction in the wetland buffer that the following measure should be required for the Andrews' project: (1) permanent protective fencing shall be installed along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be direct away or adequately shielded from adjacent sensitive habitat; and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's storm water management regulations.

Based on the above conditions for which Ms Andrews' has agreed, the Department does not have objection for the proposal to reduce the wetland buffer from 100 feet to 50 feet.

I hope this has satisfactorily addresses your concerns. Should you have additional question please feel free to contact me.

Regards,

Paul Schlitt
Staff Environmental Scientist
CA Dept. of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

Phone (858) 637-5510
Fax (858) 467-4299
pschlitt@dfg.ca.gov

On the first, second, and third Friday of each month I will be out of the office on furlough leave pursuant to Governor's Executive Order S-16-08 and S-13-09.



**Figure 1. Driveway Located Outside of 100' Wetland Buffer
 No Encroachment into 100' Wetland Buffer
 No Encroachment into amended Open Space Easement**

**NO ENCROACHMENT INTO 100' WETLAND BUFFER
 NO ENCROACHMENT INTO AMENDED OPEN SPACE EASEMENT**

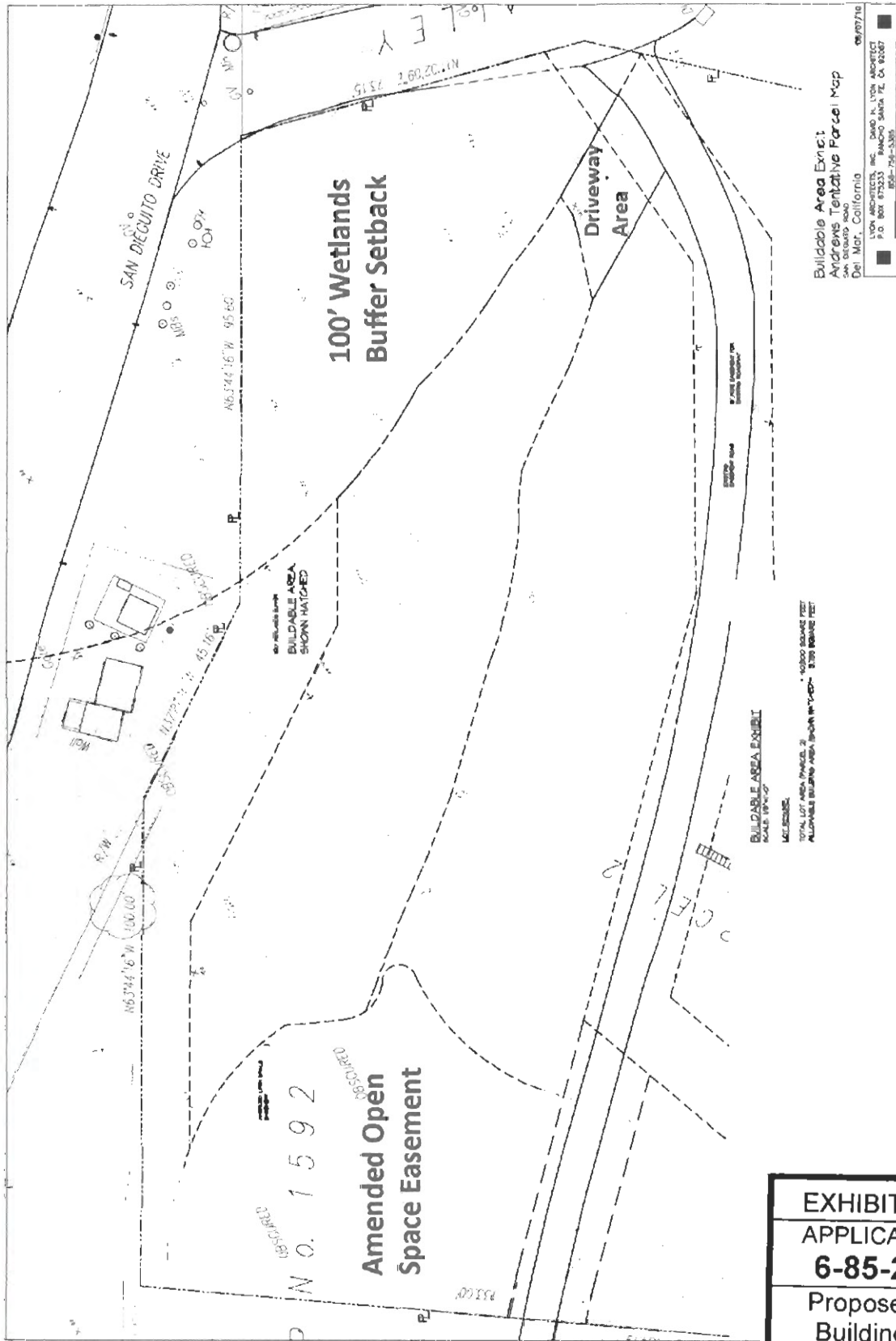
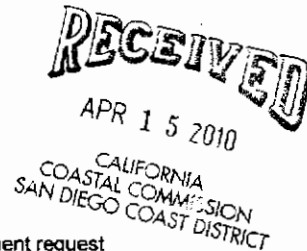


EXHIBIT NO. 18
APPLICATION NO.
6-85-283-A1
Proposed Future Building Exhibit
California Coastal Commission

Phil and Kathy Andrews
2081 Gatun St.
Del Mar, CA 92014
858-344-4791 (cell)
kaandrews@ucsd.edu
property owners APN 299-192-22

April 15, 2010

Lee McEachern
District Regulatory Supervisor
California Coastal Commission
San Diego Coast District
7575 Metropolitan Dr., Ste. 103
San Diego, Ca 92108-4402
619-767-2370
619-767-2384 FAX
lmceachern@coastal.ca.gov



Re: Native Habitat on Steep Slopes Deed Restriction #85-395905 Amendment request

Dear Mr. McEachern:

Thank you for taking over from Ms. Lirley, the application process for the Andrews Lot Split in the City of Del Mar.

The two Coastal Commission conditions as requested by Ms. Lirley in August, 2009 have been met. Specifically,

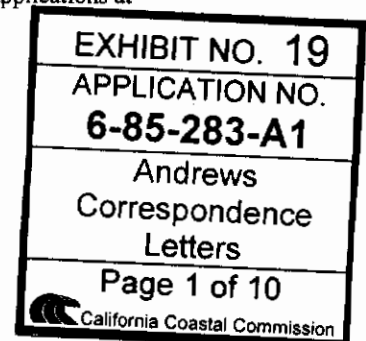
- 1) Fish and Game concurrence for reduced wetland buffer
- 2) Native habitat does not require any fuel modification by
City of Del Mar Fire Department

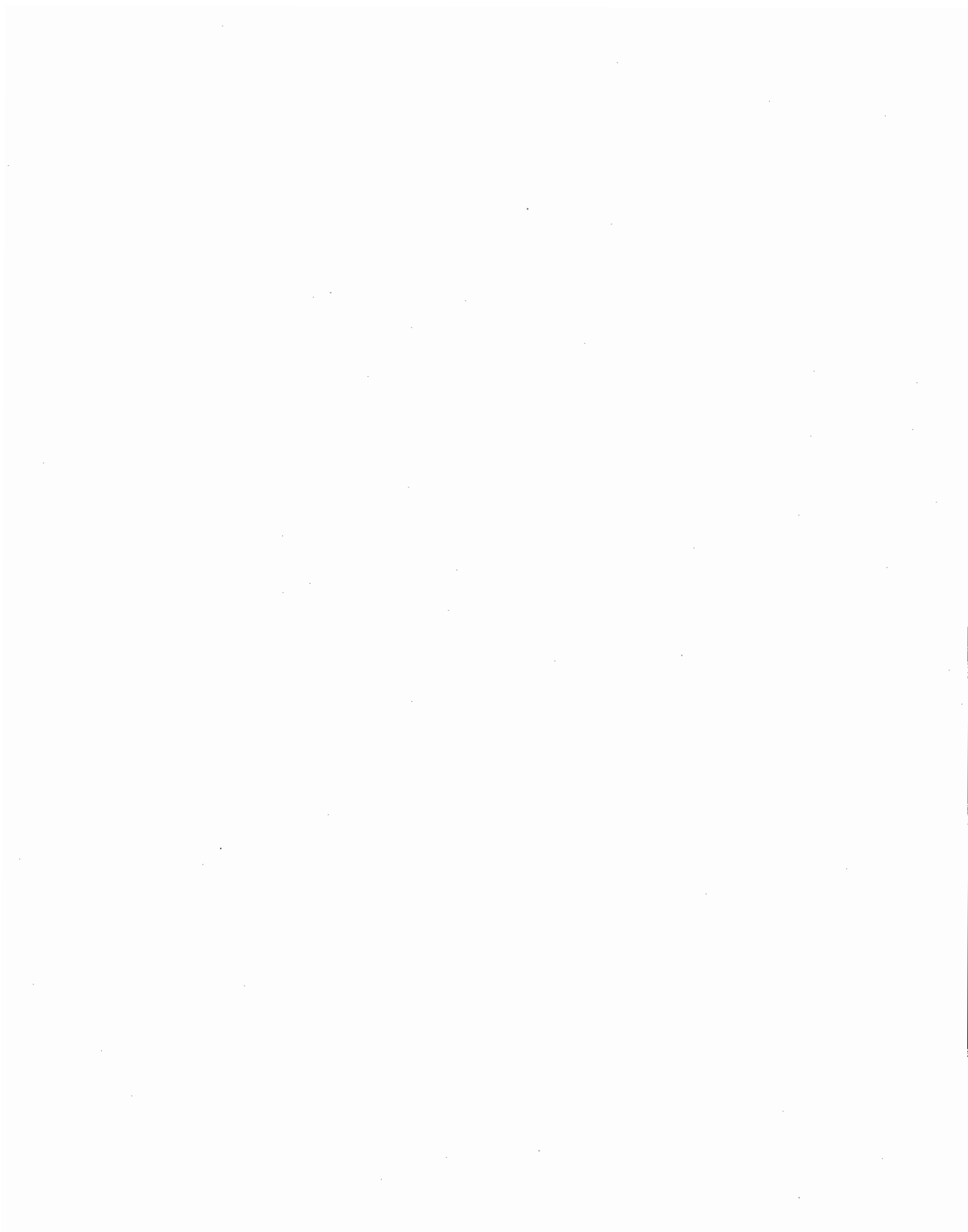
The amendment is configured according to Ms. Lirley's configuration where native habitat on steep slope and native habitat on the north-west corner of the property continue as is with only amended exposure of the ice plant covered area in the north-east corner of the lot on level and man-made disturbed areas.

Since last August, additional project deed restrictions have been added which provide for:

- 1) San Dieguito Lagoon Committee concurrence for all new landscaping which is to be done only with native habitat plants in non-steep slope and non-open space easement areas, i.e., only to be done in flat ice-plant covered areas.
- 2) Building Parameters area entirely outside of steep slopes
- 3) Best Management Practices, i.e., no water runoff into the lagoon; Downward Lighting, Landscaping, and Fencing per Calif. Dept. of Fish & Game

Consultation between City of Del Mar, Ms. Lirley, and the Andrews settled into the concept that Coastal Commission would amend the Native Habitat on Steep Slopes Deed Restriction #85-595905 after processing of TPM-09-01, CDP-09-01, CUP-09-01, and EA-09-01 at the city level. The Del Mar Planning Commission requires amendment prior to hearing of the applications at city level.





Ms. Lirley's directions from August 20, 2009 a few days before her retirement indicate:

“ . . . Permit is issued only through City of Del Mar, with our involvement only through the appeal process, *unless any old permits of ours have to be modified, such as any open space deed restriction documents, etc. . .* “

I apologize for not correctly following Ms. Lirley's direction. I would like to remedy the oversight by now requesting a formal amendment.

Sincerely,

Signature on file _____

Kathleen Andrews

Attached:

Concurrence Fish & Game
Deed Restriction # 85-395905 (recorded 10/23/1985)
City of Del Mar Staff Report
City of Del Mar Staff Presentation
Andrews Lot Split Presentation
ICF Jones&Stokes, Wetlands Biological Report
Dudek, Subject Property Biological Report
GeoSoils, Geotechnical Natural and Man-Made Steep Slope Report
ICF Jones&Stokes, Cultural Resources Survey Report

Project Group Contact Info:

Project Manager: Bob Scott, 858-692-8832, rjsplanning@gmail.com
Engineer: Randy Brown, 760-436-8500 x202, rbrown@sowardsandbrown.com
Architect: Dave Lyon, 858-756-5385, dlyonarch@roadrunner.com
ICF Jones&Stokes Senior Biologist: Erin Schorr, 858-478-8964 x330, eschorr@icfi.com
ICF Jones&Stokes Senior Biologist: Doug Allen, dallen@icfi.com
ICF Jones&Stokes Manager Archeologist: Michael Bevers, mbevers@icfi.com

Phil and Kathy Andrews
2081 Gatun St.
Del Mar, CA 92014
kaandrews@ucsd.edu
858-344-4791 (cell)

June 3, 2010

Lee McEachern
California Coastal Commission
7575 Metropolitan Dr., Ste 103
San Diego, CA 92108-4402
lmceachern@coastal.ca.gov

RE: JPA 5/21 Board meeting/letter follow up

Dear Mr. McEachern:

JPA Board's intent was to let the Andrews Lot Split proceed. The JPA Board's intent was not to stop the Andrews Lot Split by providing objection to the CCC of the driveway within the buffer. Unfortunately, incorrect information presented by SDRVJPA staff in response to City of Escondido Representative Olga Diaz's questions at the meeting provided the basis for Dick Bobertz's May 26th letter to the CCC which stated: "The JPA Board does not support the driveway encroachment into the buffer area because room exists elsewhere on the property for such a driveway."

The Board's motion was to remove opposition the lot split and the motion was seconded. Prior to voting, Olga Diaz posed the question to SDRVJPA Staff Planner Shawna Anderson of whether or not compensation area for the driveway was available and, if so, to incorporate that requirement into the motion. Unfortunately, the staff response (not audible to the audience) appears to have been an incorrect "No" answer. After this answer, Olga Diaz followed up with a second question asking if the driveway could be placed outside of the buffer. Unfortunately, the staff response (not audible to the audience) appears to have been an incorrect "Yes" answer. The correct information is that there is compensation area for the driveway and that the driveway can be located outside of a Fish&Game-approved 50' buffer but the driveway cannot be located outside of a 100' buffer. It should be noted here that the house will be located completely outside of the 100' buffer.

Olga Diaz's Question	Staff Response	Correct Response
Driveway compensation area available?	No	Yes
Can driveway be relocated outside of buffer?	Yes	No

In order to have the CCC correctly informed about the inaccuracy of information provided at the Board meeting and the resultant JPA Board letter to the CCC which does not represent the JPA Board's intent, I requested Melissa Ahren's and Shawna Anderson consult together on this point so that the CCC is fully and correctly informed. I will present the correct information to the JPA Board as a public comment at the next meeting with a request to be added as an agenda item for the subsequent meeting so that a formal correction may be done. The JPA Board did not intend that the project be stopped by their decision about the driveway but rather that compensation area for the driveway be provided and the project go forward. I request that the CCC allow time for this mistake to be corrected. At no time did Shawna Anderson intend to provide incorrect information but rather just did not have a full grasp of all of the details of the project coupled with inadequate time to thoroughly go over input from City of Del Mar Planner Jean Crutchfield immediately preceding the JPA board meeting.

Compensation area for the driveway is shown in the figure below with compensation area in the side and front yard of ~3X the driveway area. If the San Dieguito Road shoulder can be included with permission from the City of Del Mar then this compensation area would be increased to about ~6X the driveway area. Additionally, the buffer area of ~4,500 ft² is being re-landscaped also from ice plant to native habitat. The Public Good aspect will also enhance the project by providing help for the San Dieguito Lagoon under the SDRV Conservancy's direction.

Driveway Area Compensation for Andrews Lot Split

To compensate for ~600 ft² permeable paver driveway and to contribute to the Public Good, re-landscaping of ~2000 ft² side and front yard setback outside of the buffer.



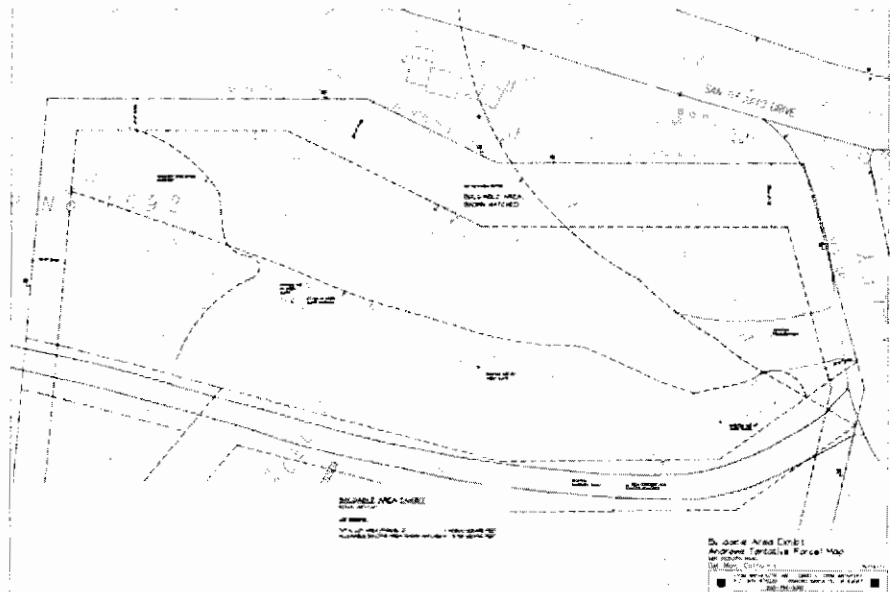
Please let me know if any further documentation is needed to establish that 1) the JPA Board did not want to have the project stopped due to the objection of a driveway in the buffer and 2) that a rehearing at the JPA Board meeting will provide the correct information on which to base JPA Board recommendations to the California Coastal Commission.

More information about the progress for the Public good aspect of the project will be submitted in a second letter shortly as details become available tomorrow from San Diego River Valley Conservancy Director Craig Adams.

Sincerely,

Signature on file

Kathy Andrews



Phil and Kathy Andrews
2081 Gatun St.
Del Mar, CA 92014
kandrews@acsd.edu
858-344-4791 (cell)

June 7, 2010

Lee McEachern
California Coastal Commission
7575 Metropolitan Dr., Ste 103
San Diego, CA 92108-4402
lmceachern@coastal.ca.gov

RE: Update Summary Letter

JPA 5/21 Board meeting/Wetland Buffer update/results
Future Development and Open Space Deed Restriction Special Section CDP 6-85-283 compliance
City of Del Mar Fire Department No Brush Modification Letter
Andrews Lot Split Public Good collaboration with SDRV Conservancy update

Dear Mr. McEachern:

San Dieguito River Valley Regional Open Space Park Executive Director Dick Bobertz's May 25th letter on behalf of the San Dieguito River Valley Joint Powers Authority Board removed objection to the Andrews Lot Split and specified the driveway be relocated outside the 100' buffer. The driveway is now relocated outside the 100' wetland buffer (Fig. 1, Lyon Architects building Parameters Exhibit, 6/7/10 revision on following page and also on attached 2'x3' white board). Incorporation of the JPA's input has resulted with the CCC Amendment Application CDP-85-283-A1 configured with *no encroachment into the 100' wetlands buffer and no encroachment into the Open Space Easement amended area.*

As per CDP-85-283 Deed Restriction SPECIAL CONDITIONS - 1. Future Development Section that "All other development proposals for the site. . . shall require review and approval under. . . an amendment to this permit", CDP-85-283-A1 Amendment is to amend the Open Space Easement over the utilities easement road and the ice-plant covered man-made disturbed area north of the utilities easement road not including any of the northwest corner's native habitat area (Figs. 2 and 3).

As per CDP-85-283 Deed Restriction SPECIAL CONDITIONS - 2. Open Space Deed Restriction Section there will be "no alteration of landforms, removal of existing vegetation or erection of any structures" in the amended Open Space Easement area and the recording document for the Andrews Lot Split "shall include legal descriptions of both the applicant's entire parcel and the restricted area to protect steep slopes and vegetation, and shall be in a form and content acceptable to the Executive Director" (Fig. 4, City of Del Mar Fire Department Letter of No brush/fuel modification in amended Open Space Easement area).

In addition to the Public Good from the Andrews Lot Split of ~8,000 ft² native plant re-landscaping of ice plant covered area, the Public Good aspect as raised by the City of Del Mar Planning Commission Member Hershell Price has some very exciting news. On Friday, June 4th, the San Dieguito River Valley Conservancy Executive Director Craig Adams identified three very good really neat projects within the scope and scale appropriate for the Andrews Lot Split. Mr. Adams related that while the SDRVC had a major event over the weekend to make sure that the CCC knew that:

- 1) the Conservancy is continuing to refine and further evaluate lagoon-related restoration options in the vicinity of the Andrews Lot Split and
- 2) to convey the Conservancy's willingness/availability to work with the Coastal Commission staff to further refine/detail one or more of the restoration options.

Preliminary cost estimates are ~\$15-20K for materials and volunteer labor. The Andrews are pledging \$20K to be provided directly to the Conservancy as collaborated with the Andrews Lot Split. The Andrews will provide their own

volunteer labor in conjunction with the Conservancies volunteers' labor necessary to complete the restoration. A legally-binding signed pledge between the Andrews and the SDRV Conservancy will be available shortly after feedback from the CCC is incorporated into the pledge.

Of the three projects identified by the SDRVC on Friday, the island area (pink outlined) appears to be the area with the best viability for long-term restoration success due to the naturally-limited human/domesticated animal access and at the moment is the lead candidate. Information is contained in the following pages which the SDRVC wished to have shared with the CCC showing the restoration areas lagoon locations in relationship to the Grand Ave. Bridge, highlighted areas of restoration, and matching reclamation work descriptions (Figs. S-7).

Sincerely,

Signature on file

Kathy Andrews-----

Figure 4. SDRVC/Andrews Lot Split Public Good Restoration Collaboration Project: Restoration Area Locations Relative to Grand Ave. Bridge

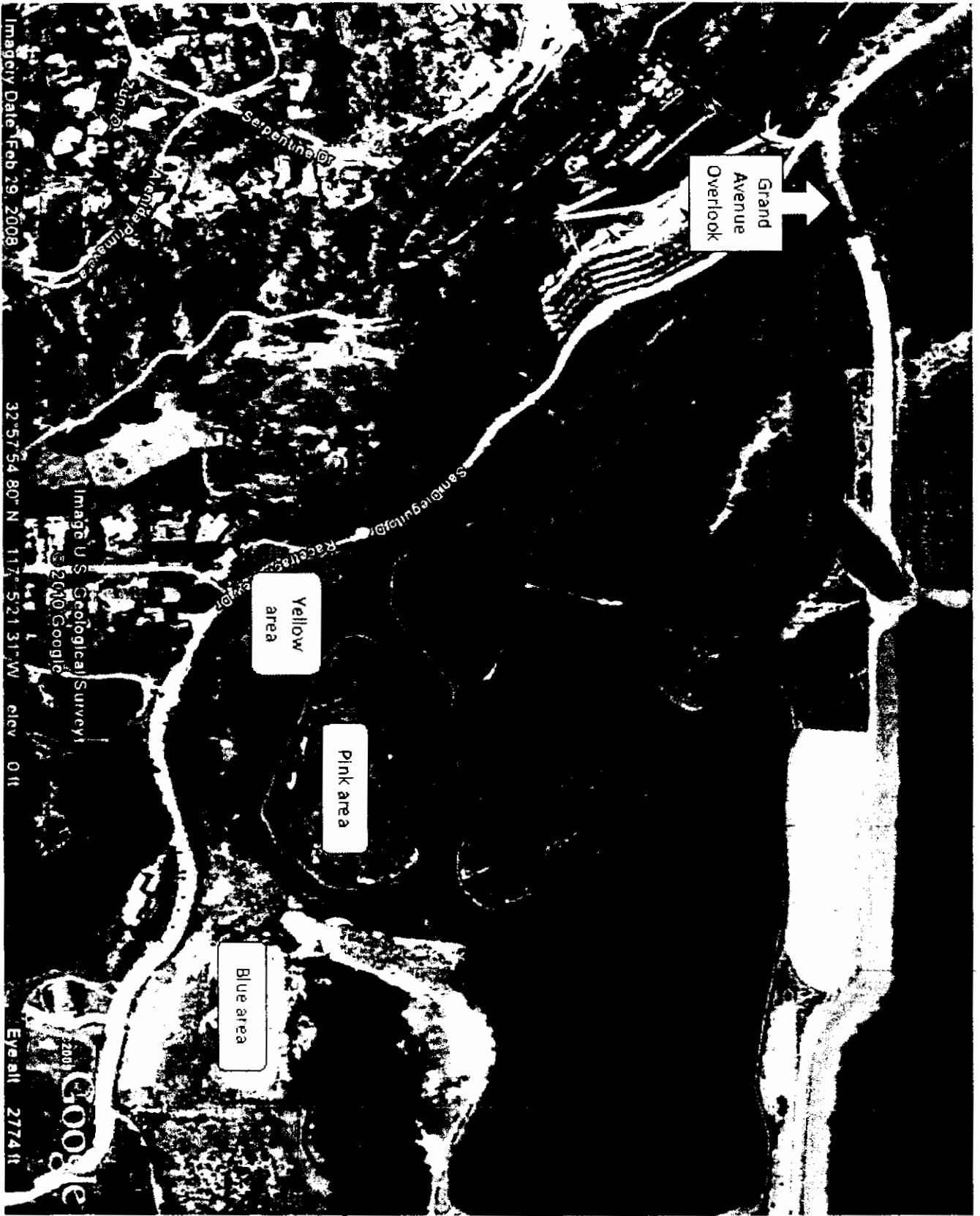
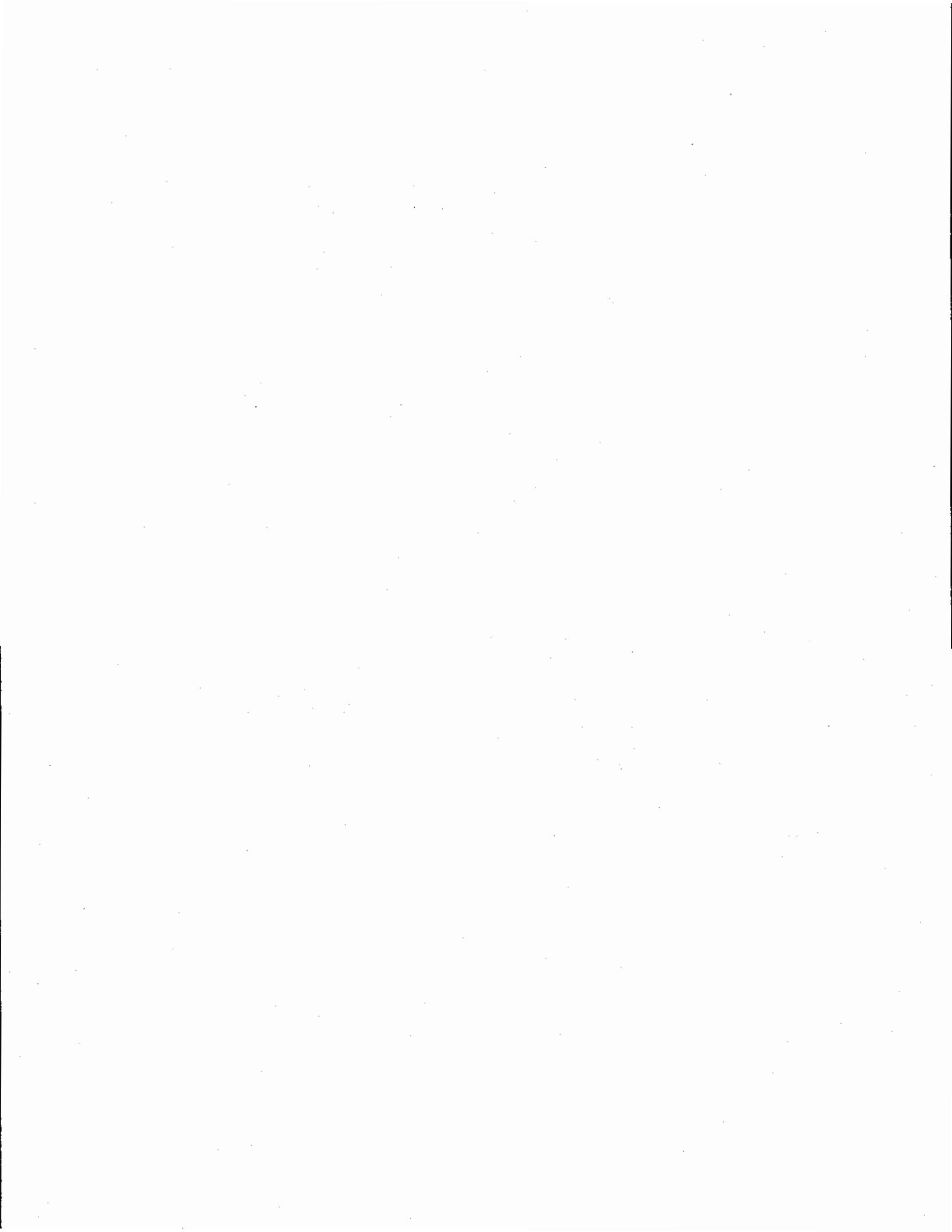


Figure 5. SDRVC/Andrews Lot Split Public Good Restoration Collaboration Project:
High Lighted Restoration Areas



San Diego Ecological Preserve



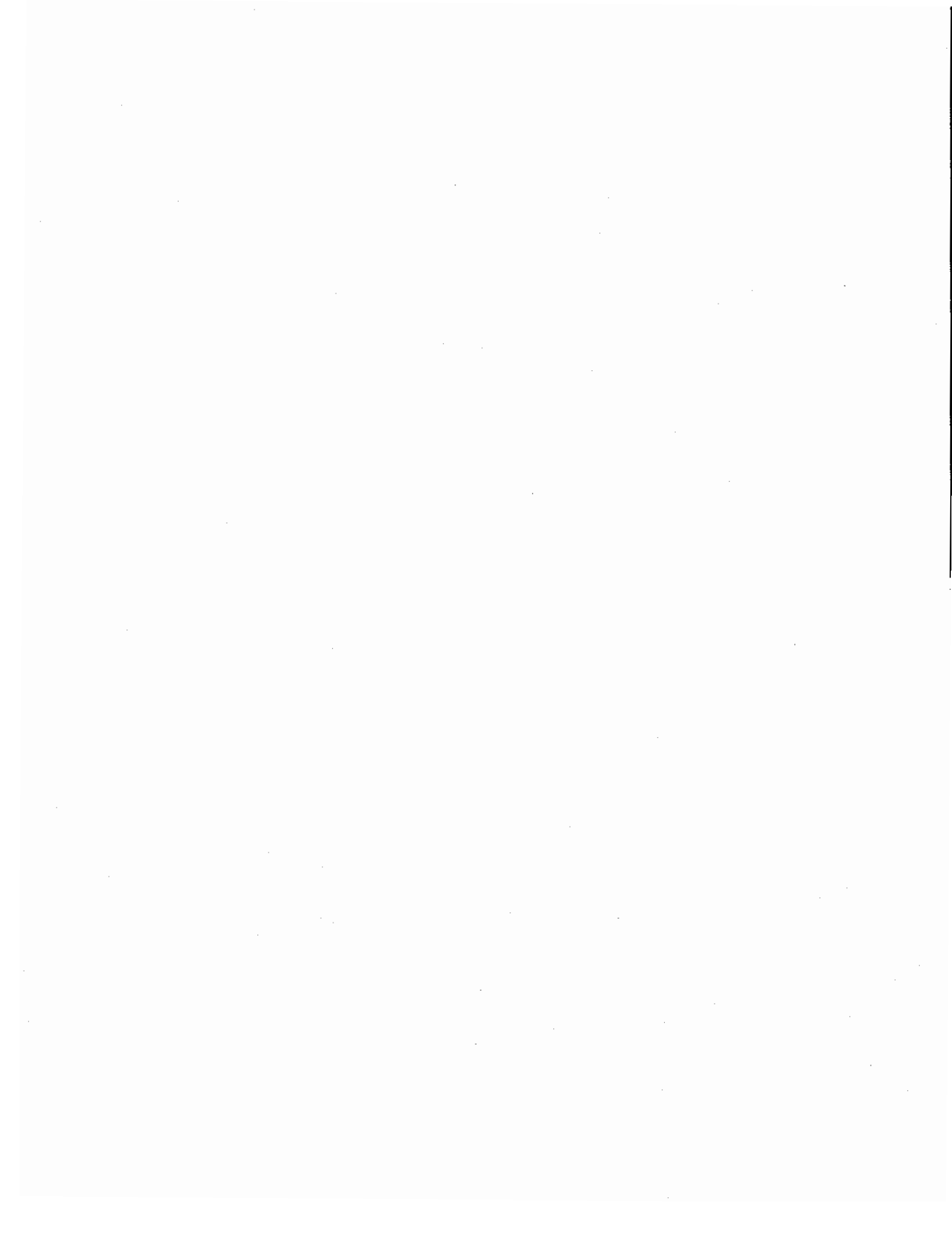
**Figure 6. SDRVC/Andrews Lot Split Public Good Restoration Collaboration Project:
High Lighted Areas' Work Descriptions**

Important note: The Ecological Preserve is managed by the Dept. of Fish & Game; any restoration work depends on permission by the Department.

Yellow Area: Disturbed upland/transitional on steep slope (~1-1.5 acres). Work would consist of removing invasive, non-native trees, shrubs, ground cover and annuals by manual and/or chemical means. Treated biomass would be removed by hand and disposed of off-site. Revegetation could be accomplished by planting containers and seeding with or without temporary gravity-fed irrigation. Suggested mix: coastal sage scrub perennials and annuals.

Pink Area: Disturbed salt marsh (~3 acres). Work would consist of removing invasive, non-native trees, shrubs and annuals by manual and possibly chemical means. Treated biomass would be removed by hand and disposed of off-site. Revegetation could occur passively with consistent weed control. Revegetation could be accelerated by planting containers but without irrigation. Access is only possible by boat. Suggested mix: salt marsh spp.

Blue Area: Disturbed upland/transitional; highly alkaline soil (~4 acres). Work would consist of removing invasive, non-native species by manual and/or chemical means. Treated biomass would be removed by hand. Due to salinity, importing topsoil may be required. Revegetation could be accomplished by planting containers and seeding with or without temporary gravity-fed irrigation. Suggested mix: coastal sage scrub perennials and annuals that can tolerate highly alkaline soil.



Phil and Kathy Andrews
2081 Gatun St.
Del Mar, CA 92014
858-344-4791 (cell)
kaandrews@ucsd.edu
property owners APN 299-192-22

June 10, 2009

Jean Crutchfield
Associate Planner, City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
858-755-9313
jcrutchfield@delmar.ca.us

Ellen Lirley
San Diego Coast District Office
California Coastal Commission
7575 Metropolitan Dr., Ste 103
San Diego, CA 92108-4402
619-767-2370
elirley@coastal.ca.gov

Dear Ms. Crutchfield and Ms. Lirley:

Please consider our request for Del Mar City Planning Department's and California Coastal Commission's concurrence for open space easement amendment for property located at 2081 Gatun St., Del Mar, CA 92014 (APN 299-192-22).

Dudek's biological report details the basis for this request.

Please feel free to contact us for further information as regards the project.

Sincerely,

Kathleen Andrews

Project Group Contact Info:

Project Manager: Bob Scott, 858-692-8832, rjsplanning@gmail.com

Engineer: Randy Brown, 760-436-8500 x202, rbrown@sowardsandbrown.com

Architect: Dave Lyon, 858-756-5385, dlyonarch@roadrunner.com

Attached:

Biological report (Dudek)

***City of Del Mar
Planning Commission
April 13, 2010***

**Applications: TPM-09-01, CUP-09-01, CDP-09-01
Environmental Review: Initial Study and Draft MND
Applicant/Owner: Philip and Kathleen Andrews
Site Location: 2081 Gatun Street**

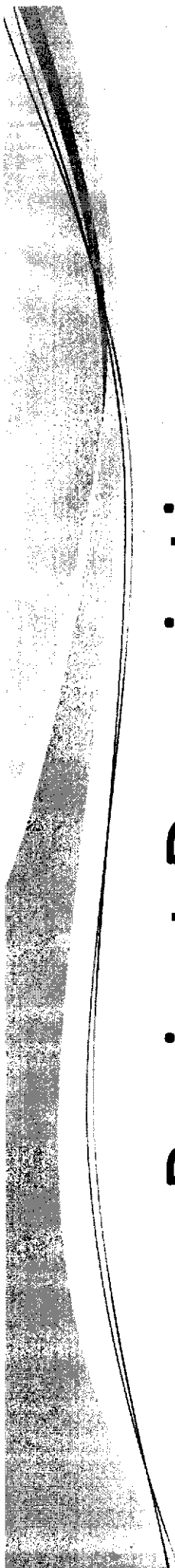
EXHIBIT NO. 20

APPLICATION NO.

6-85-283-A1

**Presentation to Del
Mar Planning
Commission**

Page 1 of 18



Project Description

- Tentative Parcel Map
 - Lot Split
- Conditional Use Permit
 - Encroachment within steep slope setbacks of BSC-OZ
 - Reduced Wetlands Buffer of 50-feet in LOZ
- Coastal Development Permit
- Environmental Review
- Other Agency Review: Coastal Commission

Site and Surroundings



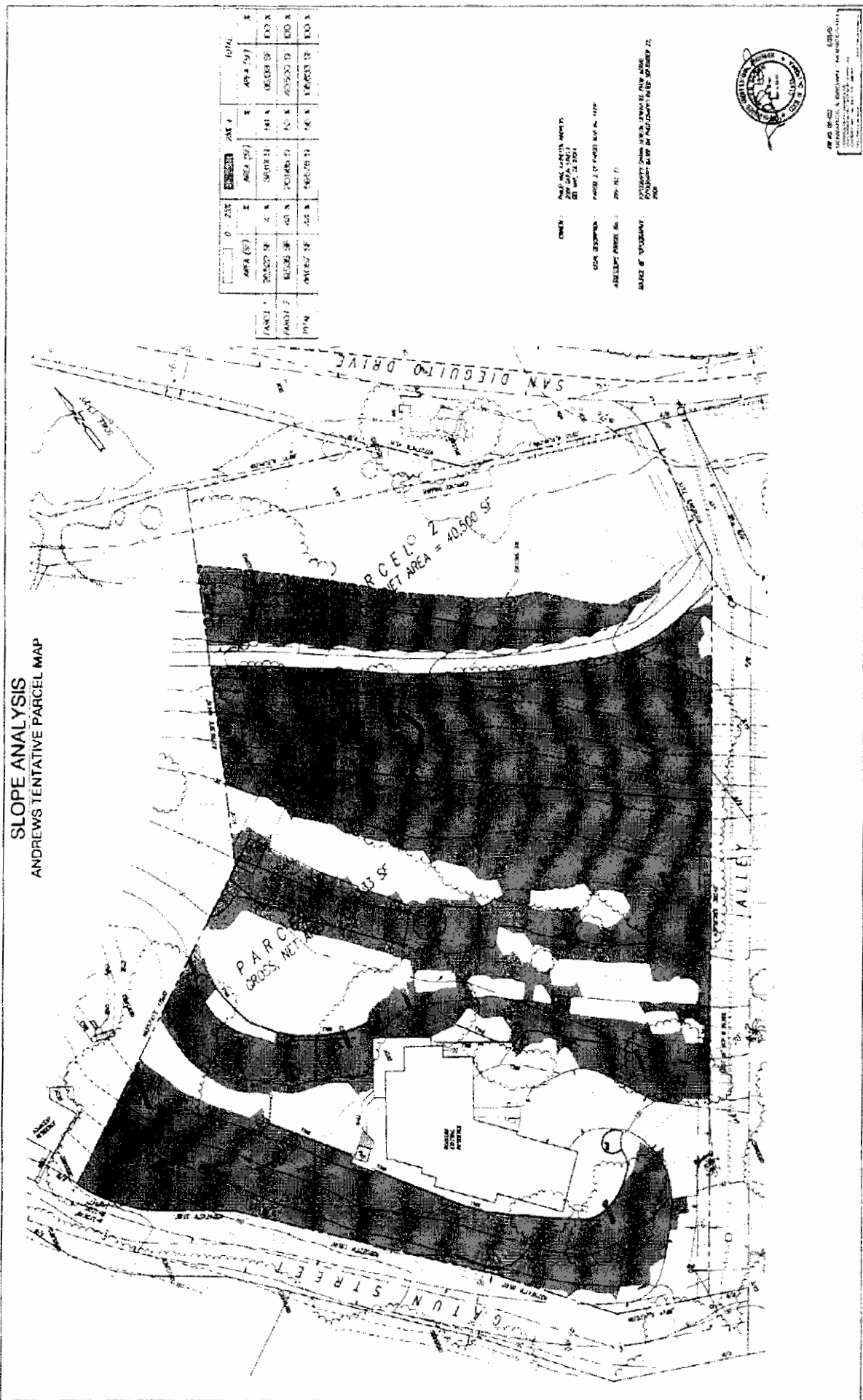
- R1-40 Zone
- Lagoon Overlay Zone
- Bluff, Slope, Canyon Overlay Zone
- 100-year Floodplain
- Gatun and San Dieguito Dr.
- 2.4 acre lot
- Existing SFR
- Surrounding uses are SFR
- City pump station
- Public alley
- Grand Avenue Bridge
- San Dieguito Lagoon

Detailed Site Description

- Private Road Easement
- Coastal Commission Deed Restriction
- SDG&E easement
- Private sewer easement




Site Topography/Slope Analysis









Project's Consistency with Regulatory Provisions

- Tentative Parcel Map
DMMC 24.12
- Bluff, Slope, and Canyon Overlay
DMMC 30.52
- Lagoon Overlay Zone
DMMC 30.53
- Conditional Use Permit
DMMC 30.60



Tentative Parcel Map

Design Standard	RI-40 Zone	West Lot (Parcel 1)	East Lot (Parcel 2)
Min. Lot Size	40,000 sq. ft.	65,133 sq. ft.	40,500 sq. ft.
Min. Street Frontage	20 feet	333 feet	240 feet
Min. Lot Width	75 feet	275 feet	260 feet
Min. Lot Depth	100 feet	230 feet	160 feet

- **Recommended Condition:**

Relinquish Vehicular Access from San Dieguito Road



Bluff, Slope and Canyon OZ

- **DMMC 30.52.060-A**

Construction or grading of any kind within twenty feet of the top and ten feet of the bottom of substantial slopes exceeding twenty five percent, or the construction of a structure which overhangs such slope or setback, shall be prohibited. Encroachments within the areas above shall be allowed only when the Planning Commission finds that there is no feasible alternative siting which eliminates or substantially reduces the need for such construction or grading, and it is found that the amount of encroachment into steep slope areas associated with the proposed structure has been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

- **“Substantial Steep Slope”**
- **“Natural” vs. “Disturbed” slopes**

- **Recommended Condition:**

Deed Restriction to protect steep slopes and natural resources



Lagoon Overlay Zone

- **DMMC 30.53.100**
- *A wetland buffer of less than 100-feet in width shall be allowed only with the concurrence of the California Department of Fish and Game and when the Planning Commission makes the following findings:*
- *That the physical characteristics of the site, such as the size and dimensions of the property are adequate to protect the resources of the adjacent wetlands, based on site-specific factors.*
- *When making such a finding, the Planning Commission shall, in consultation with the California Department of Fish and Game, consider site-specific factors such as the type and size of the development proposed; mitigation measures provided (such as planting of vegetation or construction of fencing); elevation differentials which may exist between the proposed development and wetland areas; and other similar factors which will serve to contribute to the purposes of a wetland buffer area.*
- *When making a finding regarding the use of a buffer of less than 100-feet in width, the Planning Commission shall consider and defer to any recommendations provided by the representatives of the California Department of Fish and Game.*



Lagoon Overlay Zone (cont.)

- Identified Wetlands
- “Site Specific Factors”
- “Mitigation Measures”
- **Recommended Condition:**
 1. Deed Restriction for wetlands buffer
 2. Mitigation Measures, per CA Fish & Game letter
 - Modified Condition BIO-1





Lagoon Overlay Zone (cont.)

Recommended Condition (Modified)

- **BIO-1 [Wetland Buffer] (Modified Section in BOLD PRINT)**

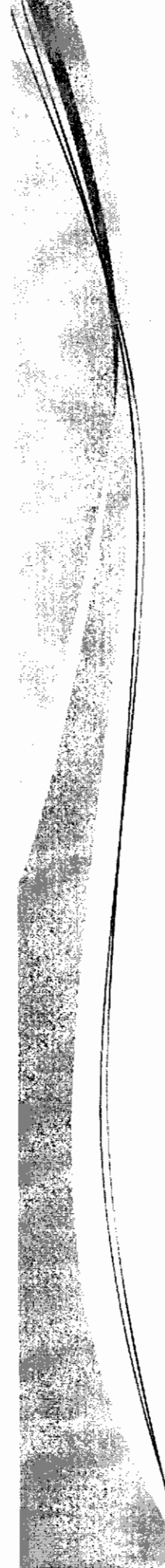
Prior to Final Parcel Map approval, the applicant shall depict and note on the Parcel Map the limits of the 50-foot wetlands buffer. A deed restriction shall be recorded against Parcel 2 to ensure that wetland buffer areas to be retained in their natural state shall be subject to conditions to ensure the future protection of the designated area from encroachment, disturbance, or degradation, and shall serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property, which shall include: 1) requirements for installation of permanent fencing along the entire property frontage to deter pet entrance into off-site sensitive habitat; 2) all subsequent landscaping planting for the entire non-substantial steep slope areas (as defined in the DMMC) and Open Space Easement areas, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; 3) all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat; and 4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's stormwater management regulations. **Implementation of any Landscape Plan shall be allowed only with the concurrence of the Del Mar San Dieguito Lagoon Advisory Committee.**



Conditional Use Permit

DMMC 30.60

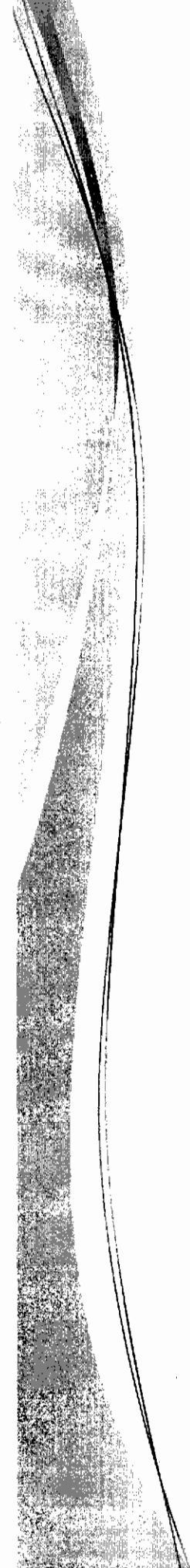
1. That the use for which the Conditional Use Permit is applied for is permitted within the zone in which the property is located.
2. That the granting of such Conditional Use Permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements on such vicinity and zone in which the property is located.
3. That the proposed use is properly located in relation to the community as a whole and to other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on the streets.
4. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as are required by this chapter or as are needed, in the opinion of the Planning Commission, or the City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.
5. That the granting of such Conditional Use Permit will not be contrary to the adopted Community Plan, including its goals, objectives, or policies, or to the objectives of any ordinance, regulation, or plan in effect to implement said Community Plan.



Coastal Development Permit

DMMC 30.61

- Located within Coastal Commission's appeals area
- LCP Implementing Ordinances
- Public access standards
- Protection of wetland areas



Environmental Review

- CEQA requirements
- Initial Study/ Draft Mitigation Negative Declaration
- 30-day public review period ended April 9, 2010
- MND Findings
- Mitigation Measures
- Note: No development proposed for subdivision project, however the environmental review analyzed “future development of a single-family residence” and its potential adverse effects on environment.



Correspondence

- Del Mar San Dieguito Lagoon Committee
- Applicant's Letter





Staff Recommendation

That the Planning Commission review the project's consistency relative to the regulatory provisions of the following:

- Subdivision Ordinance
- Bluff, Slope, and Canyon Overlay
- Lagoon Overlay Zone
- Conditional Use Permit

Amendment Request

6-85-283-A1

EXHIBIT NO. 21
APPLICATION NO. 6-85-283-A1
Presentation to CCC Staff
Page 1 of 34
 California Coastal Commission

**Phil and Kathy Andrews, Owners
2081 Gatun St., Del Mar, CA 92014
May 10, 2010**

ELIGIBILITY

FOR OPEN SPACE EASEMENT AMENDMENT

• PAST REQUIREMENTS FULFILLED

- No native habitat removed from 1985-present
- No grading done from 1985-present
- No native habitat in flat ice-plant covered area over last century
- Land always privately owned, never publically owned last century

• FUTURE REQUIREMENTS WHICH WILL BE FULFILLED

- No steep slope encroachment
- No native habitat will ever be removed
(Flat, ice-plant covered area only to be used)
- No native habitat fuel modification will ever be done
- Ice plant re-landscaping with native habitat
- Increased native habitat area
- Visual compatibility with surrounding area
- Enhancement of visually degraded area with native habitat

REQUIREMENTS FOR OPEN SPACE EASEMENT AMENDMENT

- **CONFORMANCE WITH COASTAL COMMISSION ACT OF 1976**

(Public Resources Code 30001.d and 30251)

- Careful Planning
- Minimize alteration of natural land forms
- Visually compatible with surrounding area
- Restore/enhance visual quality of degraded areas

- **CONFORMANCE WITH SITE SPECIFIC 1985 DEED RESTRICTION**

(Permit 6-85-283, Record # 85-395905 Special Conditions)

- Future Development
- Open Space Deed Restriction
- Runoff and Erosion Control



COASTAL COMMISSION ACT OF 1976 – PUBLIC RESOURCES CODE 30001.d and 30251

- **Developments carefully planned**
- **Minimize alteration of natural land forms**
- **Visually compatible with surrounding area**
- **Restore/enhance visual quality**

30000. This division shall be known and may be cited as the California Coastal Act of 1976.

30001. The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

CAREFUL PLANNING

- California Coastal Commission preliminary review
- Only use flat ice-plant covered area as buildable area.
- No native habitat removal
- No steep slope encroachment
- Increase native habitat areas
- Visually enhance degraded areas



- Biological Report showing no native habitat in ice plant covered areas.
- Coastal Commission suggests amended Open Space Easement Area Configuration.
- Preliminary Planning meeting with City of Del Mar.

FORWARD & BROWN ENGINEERING
 3127 HUNTINGTON AVENUE SUITE 100
 DEL MAR, CALIFORNIA 92015
 TEL: 760.321.8800 FAX: 760.321.8800

IVON MOYNIHAN INC.
 10000 DEL MAR BLVD
 DEL MAR, CA 92015
 TEL: 760.321.8800 FAX: 760.321.8800



DUDEK

- TPM-09-01, CDP-09-04, CUP-09-01, and EA-09-01 submitted completely

- Cultural Resource Negative Report, ICF Jones & Stokes, Inc.
- Staff Report includes concurrence Lagoon Committee on landscaping
- Staff Report is finished/supportive
- Del Mar requires Open Space Amendment prior to processing applications

• CEQA submitted

A P R	M A Y	J U N	J U L	A U G	S E P	O C T	N O V	D E C	J A N	F E B	M A R	A P R	M A Y	J U N	J U L	A U G	S E P	O C T	N O V	D E C	J A N	F E B	M A R	A P R	M A Y
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2008

2009

2010

- Natural Toe-of-Slope Determination Report GeoSoils Geotechnical Services, Inc.

- Coastal Commission requires
- Fish & Game Concurrence and
- Fire Dept. no fuel modification

- Coastal Commission 6-85-283-A1 submitted

- Concurrence 50' wetland buffer from Fish&Game
- Presentation to Lagoon Preservation Committee.
- No objection to lot split but request for house to be set back as far as possible from San Dieguito Rd.
- Ellen Lirely retires from Coastal Commission

DEPARTMENT OF FISH AND GAME

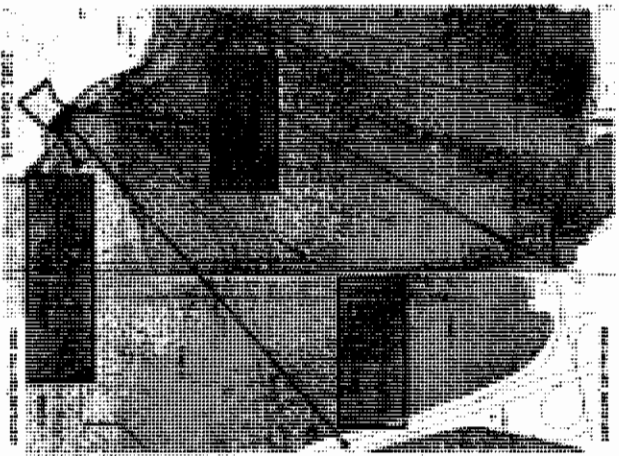
SOUTH CAROLINA
EDISON
 GEOTECHNICAL SERVICES

Del Mar, CA
 Paul J. L. Stewart
 Anthony J. M.



- Biological Wetlands Buffer Report ICF, Jones & Stokes, Inc.

VISUALLY COMPATIBLE WITH SURROUNDING AREA





SITE SPECIFIC 1985 DEED RESTRICTION

(Permit 6-85-283, Record # 85-395905)

SPECIAL CONDITIONS:

1. Future Development.

... All other development proposals for the site ... shall require review and approval under a separate coastal development permit or an amendment to this permit.

6-85-283-A3 is not a development amendment proposal but rather is an amendment proposal to amend flat ice plant covered land from the open space easement. A separate new CDP will be filed for development of the site at a later date.
2. Open Space Deed Restriction.

... The restriction shall prohibit any alteration of landforms, removal of existing vegetation or the erection of structures of any type unless approved by the California Coastal Commission ... to protect steep slopes and vegetation ...

 - No steep slopes will be encroached.
 - No native habitat will be removed.
 - No fuel modification of native habitat will be done now or in future.
 - No landforms shall be altered.
 - No grading shall be done.
 - No non-native habitat will be used in re-landscaping.
 - Native habitat area will be increased.
 - Ice Plant removed will be re-landscaped with native habitat landscaping only with the
City of Del Mar's Lagoon Preservation Committee
concurrency.
3. Runoff and Erosion Control. Prior to transmittal of the permit, the applicant shall submit for the review and written approval of the Executive director, plans and supporting documentation, which incorporate the following:
 - a. A runoff control plan designed by a licensed engineer ... Best Management Practices by Sowards and Brown Engineering, Inc.
 - b. All cut and fill slopes and other graded areas shall be landscaped prior to Oct 1 ...
 - c. No cut/fill of slopes. No grading.
 - d. Grading activity is prohibited between Oct 1 and April 1 each year.
No grading.
 - e. Said plans shall indicate temporary and emergency erosion control measures to control soil movement to the satisfaction of the Executive Director, to be implemented during the construction period and prior to the permanent establishment of slope plantings.
Best Management Practices provide for no soil erosion and no water run off.

The applicant shall be responsible for continual and adequate maintenance of the approved erosion control devices.
Deed Restriction provides applicant to be responsible for maintenance of Best Management Practices.

SUPPLEMENTAL MATERIALS

OPEN SPACE EASEMENT AMENDMENT REQUEST FOR CALIFORNIA COASTAL COMMISSION 6-85-283-A3

Phil and Kathy Andrews
2081 Genun St
Del Mar, CA 92014
658-344-4791 (cell)
kandrews@coastal.ca.gov
Property owners APN 289-182-22
April 15, 2010

Lee McEachern
District Regulatory Supervisor
California Coastal Commission
San Diego Coastal District
7575 Metropolitan Dr., Ste 103
San Diego, CA 92108-4402
618-767-2370
618-767-2384 FAX
lmceachern@coastal.ca.gov

Re: Native Habitat on Sheep Slopes Deed Restriction #85-395905 Amendment request

Dear Mr. McEachern:

Thank you for taking over from Ms. Lirley; the application process for the Andrews Lot Split in the City of Del Mar.

The two Coastal Commission conditions as requested by Ms. Lirley in August, 2009 have been met. Specifically:

- 1) Fish and Game concurrence for reduced wetland buffer
- 2) Native habitat does not require any fuel modification by City of Del Mar Fire Department

The amendment is configured according to Ms. Lirley's configuration where native habitat on steep slope and native habitat on the north-west corner of the property continue as is with only amended exposure of the lot plant covered area in the north-east corner of the lot on level and man-made disturbed areas.

Since last August, additional project deed restrictions have been added which provide for:

- 1) San Dieguito League Committee concurrence for all new landscaping which is to be done only with native habitat plants in non-sloped and non-open space easement areas, i.e., only to be done in flat-ice-plant covered areas.
- 2) Building Parameters area entirely outside of steep slopes
- 3) Best Management Practices, i.e., no water runoff into the lagoon; Downward Lighting; Landscaping; and Fencing per Calif. Dept. of Fish & Game

Consultation between City of Del Mar, Ms. Lirley, and the Andrews settled into the concept that Coastal Commission would amend the Native Habitat on Sheep Slopes Deed Restriction #85-395905 after processing of TRM-09-01, (TRP-09-01), (TRP-09-01), and EA-09-01 at the city level. The Del Mar Planning Commission requires amendment prior to hearing of the applications at city level.

Ms. Lirley's directions from August 20, 2009 a few days before her retirement indicate:

... Permit is issued only through City of Del Mar, with our involvement only through the appeal process, unless any old permits of ours have to be modified, such as any open space deed restriction documents, etc. . . ."

I apologize for not correctly following Ms. Lirley's direction. I would like to remedy the oversight by now requesting a formal amendment.

Sincerely,



Kathleen Andrews

Attached:

- Concurrence Fish & Game
- Deed Restriction # 85-395905 (recorded 10/23/1985)
- City of Del Mar Staff Report
- City of Del Mar Staff Presentation
- Andrews Lot Split Presentation
- ICT: Jones & Stokes, Wetlands Biological Report
- Doudek, Subject Property, Biological Report
- Geosolk, Geotechnical Natural and Man-Made Steep Slope Report
- ICT: Jones & Stokes, Cultural Resources Survey Report

Project Group Contact Info:

- Project Manager:* Bob Scott, 858-692-8832, bjsplanning@gmail.com
- Engineer:* Randy Brown, 760-436-8500 x202, rbrown@stovansbrown.com
- Architect:* Dave Lyon, 858-756-5385, dlyonarch@rosadanner.com
- ICF: Jones & Stokes Senior Biologist:* Erin Schott, 858-478-8964 x330, eschott@icf.com
- ICF: Jones & Stokes Senior Biologist:* Doug Allen, dallen@icf.com
- ICF: Jones & Stokes Manager: Archeologist:* Michael Hever, mhever@icf.com

OPEN SPACE EASEMENT AMENDMENT REQUEST FOR CALIFORNIA COASTAL COMMISSION 6-85-283-A1

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT:

Handwritten: 1st Split

LOCATION:

2081 Lantana St.

Del Mar CA 92014

APPLICANT:

Kathy Linderos

APPLICATION NUMBER:

6-85-283-A1

DATE NOTICE POSTED:

4/27/12

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.



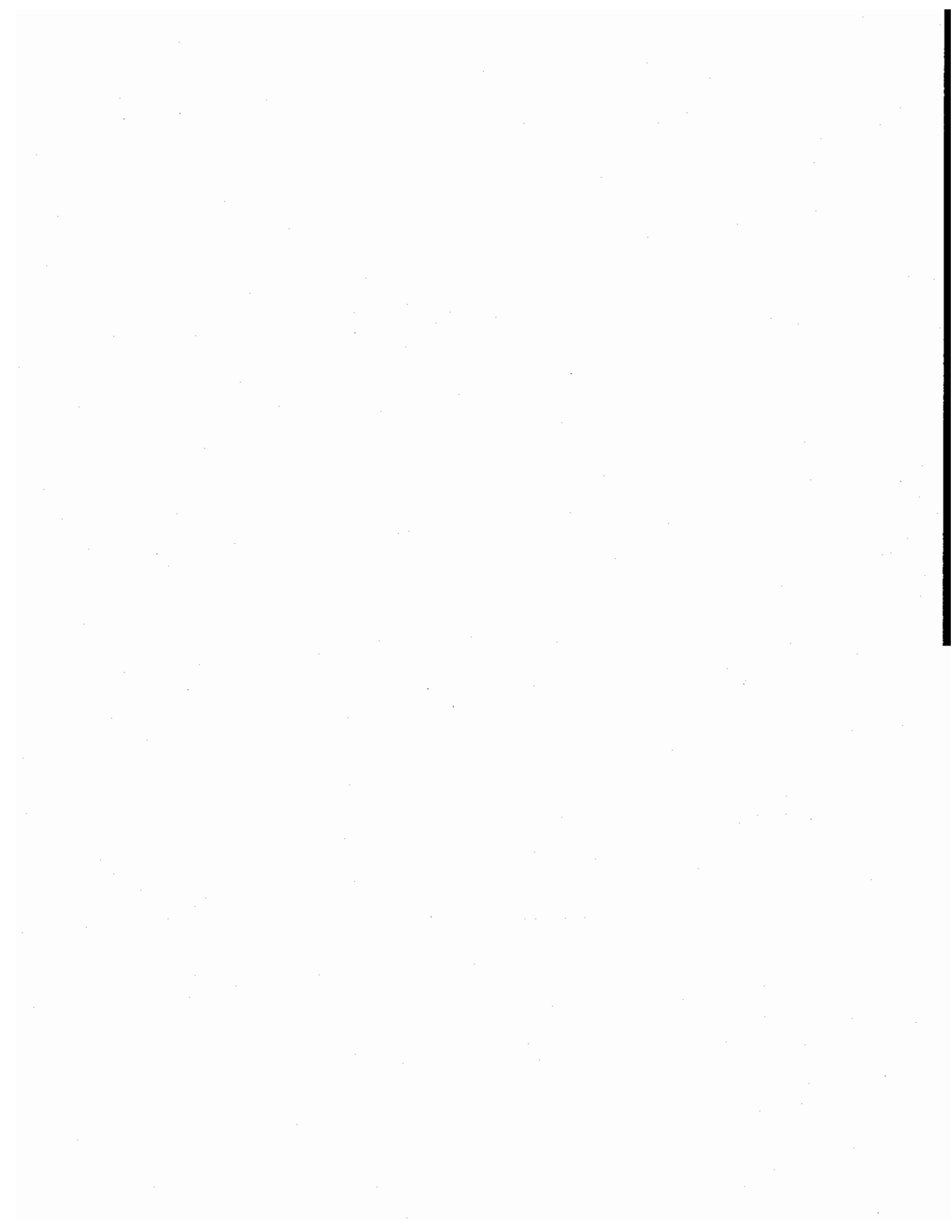
CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA OFFICE
1574 METROPOLITAN DRIVE, SUITE 100
SAN DIEGO, CA 92108-4421

(619) 767-2370



CALIFORNIA
COASTAL
COMMISSION



FISH & GAME REDUCED BUFFER CONCURRENCE



FISH & GAME CONCURRENCE DOCUMENT

-----Original Message-----
From: Paul Schlitt [mailto:pschlitt@dfg.ca.gov]
Sent: Monday, August 17, 2009 8:23 AM
To: Jean Crutchfield
CC: Tim Dillingham
Subject: Re: Andrews proposed lot split, 2081 Gatun (and San DieguitoRd)

Jean,
In regards to your inquiry on the Department of Fish and Game (Department) position concerning Ms. Kathleen Andrews request for a reduction of the wetland buffer for the development proposal at 2081 Gatun Street, Del Mar, CA, this email shall serve as notification to that affect.

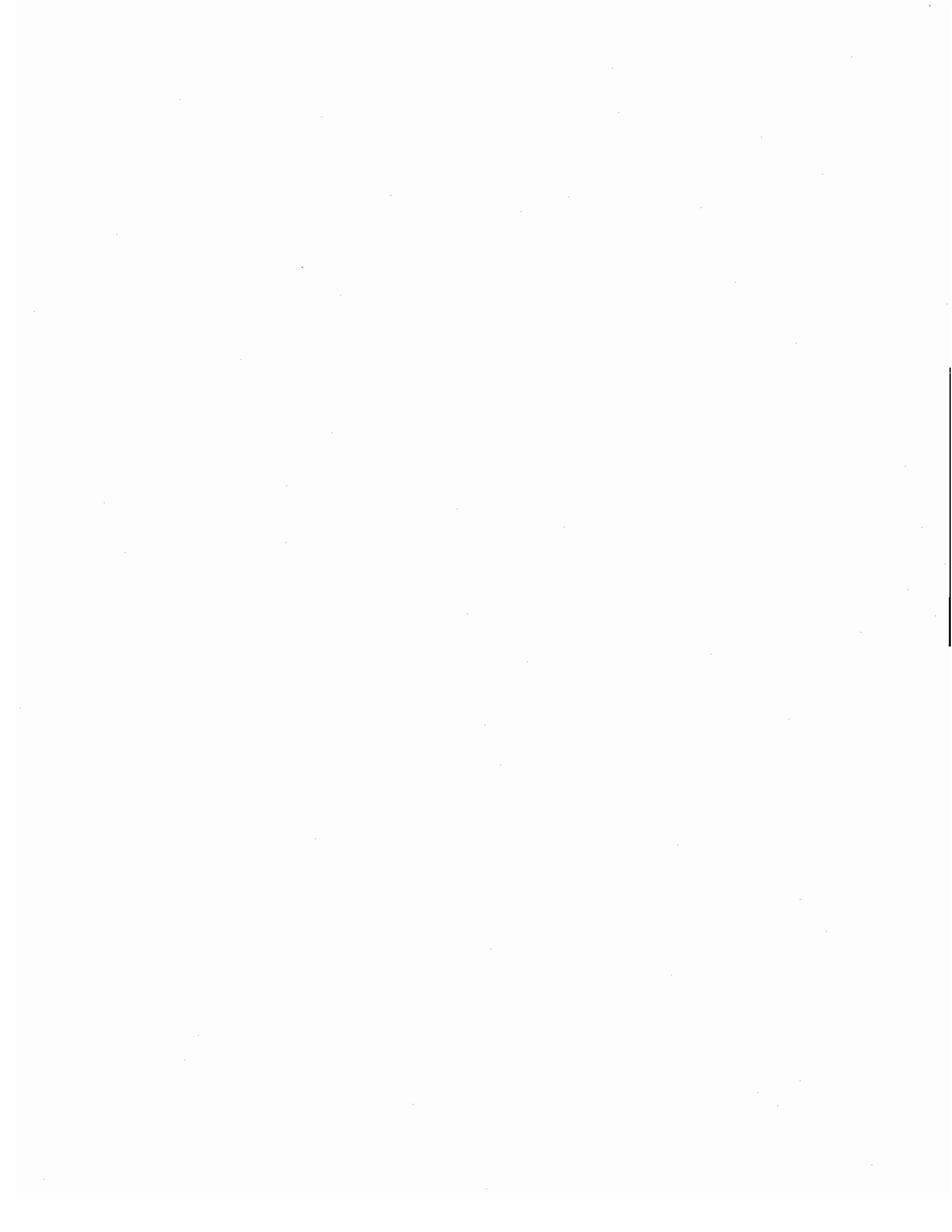
I conducted a site visit on March 25, 2009 with Ms. Andrews, Mr. Bob Scott, and Mr. Randy Brown to review the development proposal. Upon the conclusion of that field visit, I requested Ms. Andrews provided to the Department a supplemental biological assessment that evaluated the proposed buffer reduction (requesting reduction to 50 feet) on the northeastern portion of the subject property adjacent to San Dieguito Lagoon. I have since reviewed the report that was prepared by ICF JonesStokes (entitled, Biological Report Addressing Wetlands Buffer Setback for Fish and Game Commission, dated June 3, 2009) and do not object to their biological conclusions/findings. Additionally, I have discussed the proposed buffer reduction with the Department's area manager of San Dieguito Ecological Reserve, to inquire as to their specific concerns with the development proposal. The Department has determined as a condition of the reduction in the wetland buffer that the following measure should be required for the Andrews' project: (1) permanent protective fencing shall be installed along the entire property frontage to deter pet entrance into off-site sensitive habitat; (2) all subsequent landscaping planting, especially landscaping adjacent to sensitive habitat, shall not include exotic plant species that may be invasive to native habitats; (3) all outside lighting shall be directed away or adequately shielded from adjacent sensitive habitat; and (4) all construction and post-construction water quality best management practices shall be located within the development footprint (including no allowance for surface water discharges to off-site sensitive habitat) and implemented in accordance with the City of Del Mar's storm water management regulations.

Based on the above conditions for which Ms. Andrews' has agreed, the Department does not have objection for the proposal to reduce the wetland buffer from 100 feet to 50 feet.

I hope this has satisfactorily addresses your concerns. Should you have additional question please feel free to contact me.

Regards,
Paul Schlitt

Staff Environmental Scientist
CA Dept. of Fish and Game
South Coast Region
4440 Viewridge Avenue
San Diego, CA 92123
Phone (858) 637-5510
Fax (858) 467-4299
pschlitt@dfg.ca.gov
On the first, second, and third Friday of each month I will be out of the office on furlough leave pursuant to Governor's Executive Order S-16-08 and S-13-09.



CITY OF DEL MAR FIRE DEPT. NO BRUSH CLEARANCE LETTER

City of Del Mar Fire Department
201 Jimmy Durante Blvd • Del Mar, California 92014
Tel: (619) 739-1520 • Fax: (619) 256-2749

Patrick O'Neil
Captain B Shift
Del Mar Fire Department
2100 Jimmy Durante Blvd
Del Mar, CA 92014
Station: 858-744-1522
Fax: 858-759-2749
pneil@delmarca.us

April 27, 2010

Melissa Ahrens
California Coastal Commission
7775 Karpavichan Dr., Suite 103
San Diego, CA 92108-4402
Phone: 619-767-2470
Fax: 619-767-7284
www.ccc.ca.gov

Re: Andrews Lot Split, no brush clearance of sensitive habitat

Dear Ms. Ahrens:

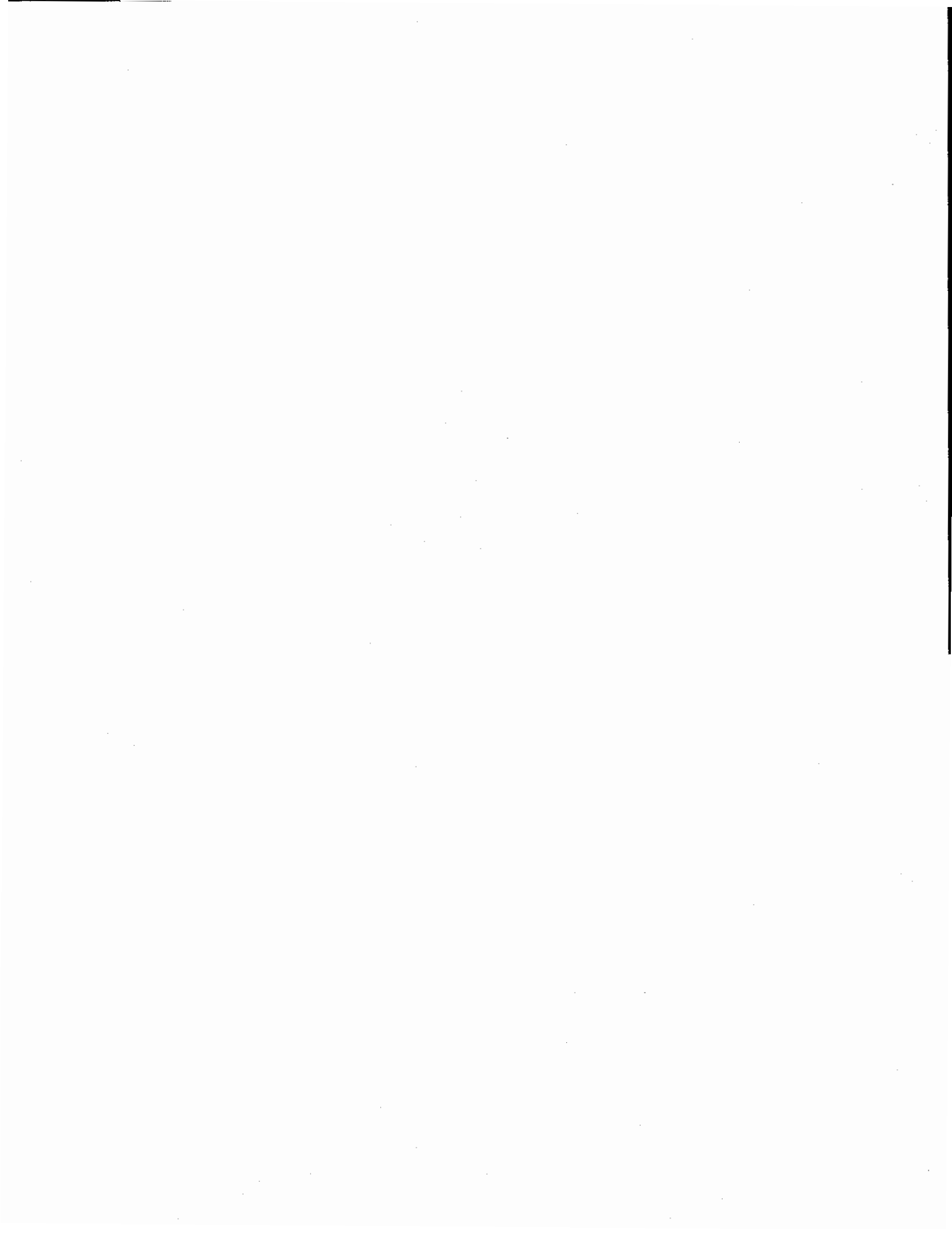
The City of Del Mar Fire Department has assessed the property located at 2081 Gatun St. (APN 209-192-22) has determined that no brush clearance/fuel modification will be required into sensitive habitat as regards Andrews Lot Split (TPM-09-01, CUP-09-01, CDP-09-04).

Please call me if you have any questions.

Sincerely,



Patrick O'Neil



SOWARDS & BROWN ENGINEERING NO STEEP SLOPE ENCROACHMENT LETTER

Robert J. Scott, AICP, LEED AP
RIS PLANNING + LAND USE SOLUTIONS, Inc.
177 So. Cedros Avenue, Suite F, Solana Beach, CA 92075
Tel: 858.350.5455
Email: rj@risplanning.com

October 5, 2009

Ms. Jean Crutchfield
Associate Planner
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

RE: CUP-09-01 (Andrews) - Slope Setback Encroachment Request

Dear Ms. Crutchfield:

Conditional Use Permit application CUP-09-01 includes a "Building Parameters" exhibit intended to represent the three-dimensional envelope in which a [future] residence might one day be situated on the site. No physical development is part of the application only a setback encroachment. The "Building Parameters" exhibit allows for an encroachment into the 10-foot existing toe-of-slope setback pursuant to DMAMC Section 30.52.060 based on the following reasons:

1. DMAMC Section 30.52.060-A-1-d allows up to a 10% steep slope encroachment for our property. No encroachment is shown or proposed into steep slopes, merely relief to encroach into the slope setback.
2. No natural slopes or sensitive habitat will be affected by this request. The slope in question is a disturbed, man-made slope with non-native ice plant (see submitted Geotechnical Investigation by Geosolls, Inc. dated June 4, 2009);
3. On August 19, 2009, the San Dieguito Lagoon Advisory Committee suggested that the future building envelope be pushed back off San Dieguito Drive as far as possible to minimize the visual effect on the Lagoon. The proposed placement complies with the San Dieguito Lagoon Advisory Committee's request.

In summary, the intent is to create a lot that is suitable for its location adjacent to the San Dieguito Lagoon. As such, the "Building Parameters" exhibit denotes sensible site planning to ensure that the project is sensitive to its surrounding environment by allowing any future residence to be sited as far as possible off San Dieguito Drive. Further substantiation of the request is from the geotechnical investigation performed by Geosolls, Inc. reflecting that the fill slope in question is a disturbed, man-made slope containing non-native (ice plant) vegetation. For the reasons noted above, the request for encroach into the 10' setback is both reasonable and appropriate to allow future development to encroach into slope setbacks. Thank you for your consideration of our request.

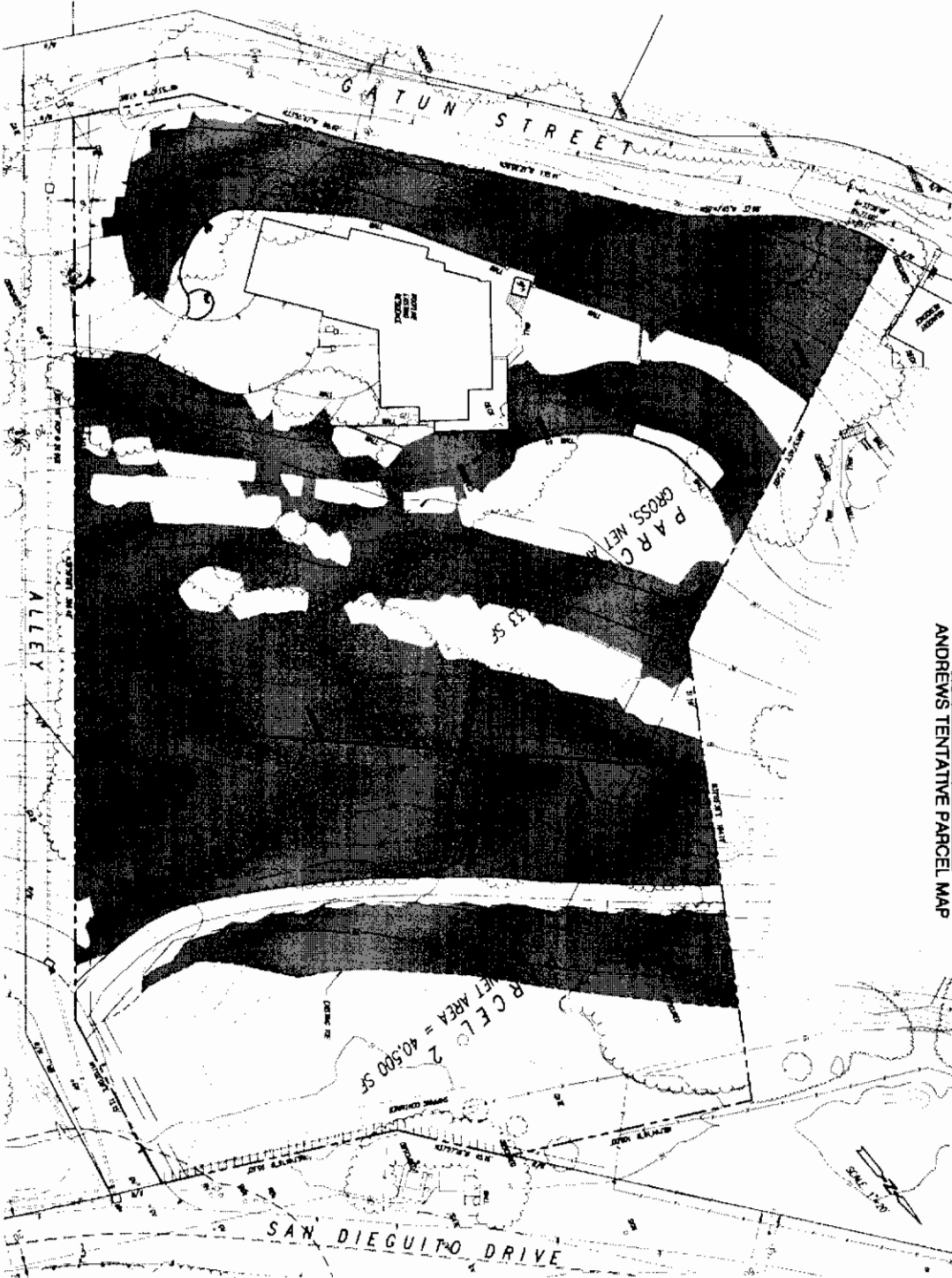
Signature on file

Robert J. Scott, AICP, LEED AP
RIS Planning + Land Use Solutions, Inc.



STEEP SLOPE DETERMINATION NATURAL AND MAN-MADE TOE-OF-SLOPE

SLOPE ANALYSIS
ANDREWS TENTATIVE PARCEL MAP



AREA (SF)	0 - 25%	25% +	TOTAL
PARCEL 1	28,502 SF	41 X	28,502 SF
PARCEL 2	8,536 SF	44 X	20,869 SF
TOTAL	44 X	58,371 SF	50 X

DATE: 10/15/01
 DRAWN BY: J. ANDREWS
 CHECKED BY: J. ANDREWS
 APPROVED: J. ANDREWS
 SCALE: AS SHOWN
 PROJECT: ANDREWS TENTATIVE PARCEL MAP



10/15/01
 J. ANDREWS
 PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 10111
 STATE OF CALIFORNIA



PROPERTY NOT IN FLOODWAY

CITY OF DEL MAR ENGINEERING DEPT. AND SOWARDS AND BROWN ENGINEERING



MAY 7, 2010

Melissa Ahrens
California Coastal Commission
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108 4402
Voice: 619 767 2370
FAX: 619 767 2384
melissa@coastal.ca.gov

re: Floodway Designation over Andrews Property (TPM-09-01)

Dear Ms. Ahrens:

The City of Del Mar Engineering Department has assessed the property located at 2081 Gatum St. (APN 299-192-22) and determined that the property is not in the regulatory Floodway, but rather in the 100-yr Floodplain. The erroneous "100-yr Floodway" designation on the 1986 Parcel Map 14241 will be removed in conjunction with TPM-09-01.

Signature on file

Richard Lucera, PE, CFM
Development Review Manager
City of Del Mar

SOWARDS AND BROWN ENGINEERING

September 29, 2009

Jean Crutchfield
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Re: Andrews Tentative Parcel Map Floodway Designation Clarification

Dear Jean:

We are clarifying the floodway designation as reflected on Parcel Map No. 14241 in conjunction with the above referenced application.

The floodway designation shown on the 1986 Parcel Map is incorrect as discussed with City Engineering Staff. Panel 1309 of the Flood Insurance Rate Map does not show the subject property in the floodway area.

Feel free to call if you have any questions after reviewing this letter.

Signature on file

Randy R. Brown
RCE 36190

CC: Tamara O'Neal

090521r



2167 NEWCASTLE AVENUE • SUITE 103 • CARDIFF BY THE SEA, CA 92007
(760) 436-8500 • FAX (760) 436-8603

PLANNING ■ DESIGN ■ CONSTRUCTION

10000 Wilshire Blvd., Suite 1000, Beverly Hills, CA 90210
Tel: (310) 270-0800 Fax: (310) 270-0801 www.sowardsandbrown.com

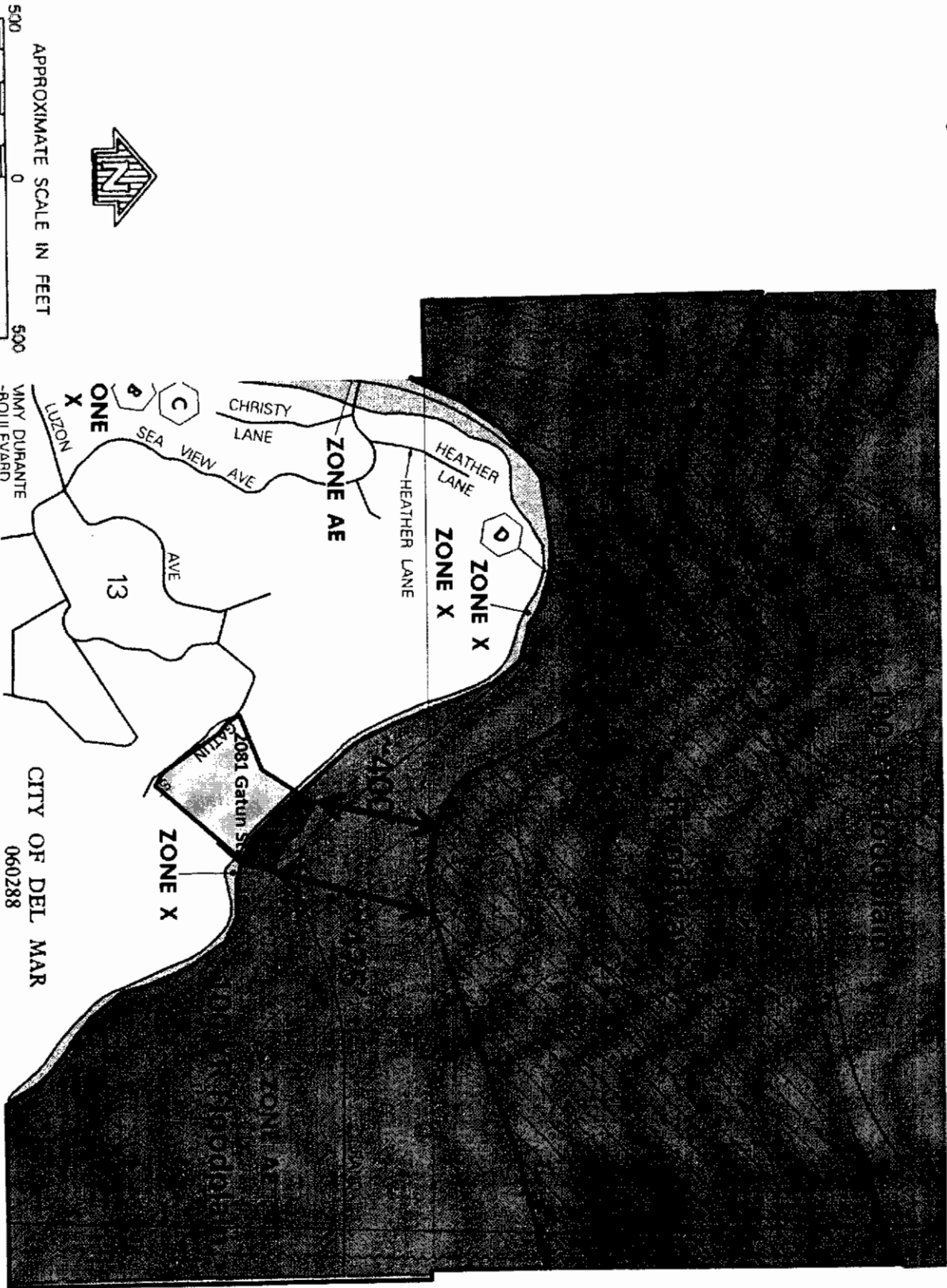


PROPERTY NOT IN FLOODWAY EXHIBIT

FLOODWAY >400' AWAY FROM PROPERTY

Property is not in Floodway

Property is in the 100-yr Floodplain



APPROXIMATE SCALE IN FEET

WAVY DURANTE
-RONILLI EVARD

CITY OF DEL MAR
060288



BEST MANAGEMENT PRACTICES

September 28, 2009

September 28, 2009
Page Two

PROJECT SUMMARY

The project consists of construction of a single family residence in conformance with the Building Parameter Exhibit associated with this application. The living areas of the residence will be at or above the base flood elevation creating an opportunity for a gravel infiltration trench under the footprint of the residence. In addition, this development will provide a porous driveway, bifiltration swales, and an infiltration trench between the development and roadway.

BEST MANAGEMENT PRACTICES (BMPs)

Minimizing a development's effects on water quality and the environment can be most effectively achieved by using a combination of BMPs which include Site Design/LID, Source Control, and Treatment Control measures. These design and control measures employ a multi-level strategy. The strategy consists of: 1) reducing or eliminating post-project runoff, 2) controlling sources of pollutants, and 3) treating storm water runoff before discharging it to receiving waters.

A. Site Design/LID BMPs

The most effective means of avoiding or reducing water quality and hydrologic impacts is through incorporation of measures into the project design. These measures should be taken into consideration early in the planning of a project as they can affect the overall design of a project.

The design of the proposed project has considered and incorporated site design concepts as described below.

1. Majority of the site remains undisturbed with conservation of natural areas in open space easement deed restriction.
2. Driveway to be designed with porous pavement or open-jointed paving products.
3. Project to include planter areas to minimize Directly Connected Impervious Areas to the maximum extent practicable.
4. Project to incorporate native drought-tolerant plants and drip irrigation system.
5. Bifiltration swales to be provided with site design to allow low flow infiltration through low-based design.
6. Roof drains are to be discharged on-site and outlet to infiltration trench.
7. Hardscape areas shall drain to adjacent landscaping to allow infiltration on-site.
8. Storm water is directed into vegetated swales for infiltration before sheet flowing into the receiving waters.

2187 NEWCASTLE AVENUE • SUITE 103 • CARLIFF BY THE SEA, CA 92007
(760) 436-9500 • FAX (760) 436-8603

B. Source Control BMPs

Source Control BMPs are measures focusing on reducing or eliminating post-project runoff and controlling sources of pollutants. Source Control BMPs must be included in all projects and can be represented in structural measures such as landscape irrigation, signage considerations, materials, and design of areas, and non-structure measures such as requirements, cleaning, education, and maintenance.

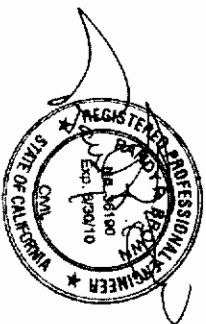
1. Practical informational materials are provided to owner to increase the public's understanding of stormwater quality, sources of pollutants, and what they can do to reduce pollutants in stormwater to include pamphlets available from the City.
2. Specific practices are followed and ongoing maintenance is conducted to minimize erosion and over-irrigation, conserve water, and reduce pesticide (integrated Pest Management) and fertilizer applications.
3. All BMP inspection activities and maintenance activities shall be conducted annually by October 1st.
4. Trash management and litter control procedures are specified to include trash storage areas which are covered beyond limits of storage areas to prevent introduction of trash and debris to site runoff.
5. Project plans to be provided to include application methods to minimize irrigation water discharged into stormwater drainage systems.

C. Treatment Control BMPs

Treatment control BMPs utilize treatment mechanisms to remove pollutants that have entered stormwater runoff and consist of public domain BMPs.

1. A rock filled infiltration trench to be provided which receives roof water with no outlet and stores it until it infiltrates into the underlying soil. It is effective at removing most pollutants.
2. A long narrow, rock filled infiltration trench with no outlet receives water and stores it until it infiltrates into the underlying soil. It is effective at removing most pollutants.
3. Open, shallow vegetated baffle swale channels that collect and slowly convey runoff through the property. Filters runoff through vegetation, subsoil matrix, and/or underlying soils, traps pollutants, promotes infiltration and reduces flow velocity.

06152BMP™





Conditional Approval Staff Report -

Del Mar City Planner Jean Crutchfield

City of Del Mar



PLANNING COMMISSION
STAFF REPORT
APRIL 13, 2010

APPLICATIONS: TPM 09-01, CDP-09-01, and CLP-09-01

REQUEST: A request for approval of a Tentative Parcel Map, Coastal Development Permit, and Conditional Use Permit to subdivide one 2.4 acre lot into two separate parcels. The property is currently developed with a single-family residence and associated improvements. No other development is proposed with the subdivision project at this time.

OWNER/APPLICANT: Philip and Kathleen Andrews

REPRESENTATIVE: Bob Scott, AICP, RJS Planning and Land Use Solutions

SITE LOCATION: 2081 Gattin Street

ASSESSOR PARCEL NUMBER: 299-192-22

COMMUNITY PLAN DESIGNATION: Very Low Density Residential

ZONE: R1-40

OVERLAY ZONES: Bluff, Slope & Canyon Overlay Zone and Lagoon Overlay Zone

ENVIRONMENTAL REVIEW:

The proposed subdivision is subject to review under the California Environmental Quality Act (CEQA). Based on an Initial Study and Determination, staff has prepared a Draft Mitigated Negative Declaration (MND). Pursuant to State Law, the MND was sent to the State Clearinghouse for distribution to appropriate public agencies and a 30-day review period. The review period ended on April 9, 2010. Details of the environmental review will be discussed in a later section of this report.

Explanation of review process for the requested applications and CEQA document

This project is a bit unusual in that it involves three separate but related applications and two separate City reviewing bodies for those applications. First, there is an application for a subdivision of property. The City Council is the issuing authority for subdivisions but relies on a recommendation from the Planning Commission. The standards of review for a subdivision application are described in a separate section of this report.

Second, there is an application for a Conditional Use Permit due to the site's location within the Bluff, Slope and Canyon and Lagoon Overlay Zones and the fact that the applicant is requesting

APR 15 2010 ITEM 1



Negative Cultural Resources Survey Report -

Archeologist Michael Bevers/ICF Jones & Stokes



April 8, 2010

Ms. Kally Andrews
2081 Gattin Street
Del Mar, California 92014

Negative Cultural Resources Survey Report for the Proposed Lot Split of the Andrews Property, City of Del Mar, California

Dear Ms. Andrews:

This report describes the results of a cultural resources assessment conducted by ICF International to analyze a proposed lot split for the property located at 2081 Gattin Street in the City of Del Mar, California (City). Current project plans propose subdivision of the existing property and construction of a single-family residence on the new parcel adjacent to San Diego Drive. The property falls within zoning areas that require review and approval of a Conditional Use Permit. The efforts reported herein provide the cultural resources documentation necessary for this review process.

A cultural resources inventory of the subject property, including a records search, literature review, correspondence with the Native American Heritage Commission (NAHC), and a pedestrian survey, were conducted as part of this study. This report focuses on the northern portion of the subject property adjacent and to the south of San Diego Drive and the San Diego lagoon, and particularly the flat floodplain area north of a steep bluff. This area comprises the majority of the parcel that will be split from the existing property, and it is this area that will be subject to future development.

Project Location

The approximately 2.4-acre property is located at 2081 Gattin Street (APN 299-192-22) in the City of Del Mar, California (Figure 1). The parcel lies within Section 11, Township 14 South, Range 4 West on the Del Mar USGS 7.5 minute quadrangle (Figure 2).

The entire property extends from Gattin Street on the bluff top, and continues northeast down a steep northeast-facing slope to the San Diego lagoon floodplain and San Diego Drive. San Diego lagoon lies across the street to the northeast. An existing residence occurs on the southwestern portion of the property adjacent to Gattin Street; the residence is accessed via Gattin Street. The proposed project intends to subdivide the northeastern section of the property, comprising the portion on the San Diego floodplain and the lower half of the bluff slope. Per City regulations, any development in this area would be required to provide a 20-foot-wide front yard setback in the northeast portion adjacent to the intersection of San Diego Drive and Grand Avenue, as well as a 10-foot-wide side yard setback. Current development plans call for construction of a residence within the floodplain area southwest of San Diego Drive.



REPORTS

Open Space Biological Report

for California Coastal Commission –
Wildlife Biologist Jeff Priest/Dudek and Associates

Biological Report
Addressing
Open Space Easement
for Coastal Commission

Andrew's' Subdivision
2081 Gatum St., Del Mar, CA 92014



Jeff Priest, Project Manager/Wildlife Biologist

OCTOBER 23, 2008



Andrew's' Subdivision, 2081 Gatum Street, Biological Assessment
Vegetation Map 3

Wetlands Buffer Biological Report

for Fish and Game Commission -
Senior Biologists Doug Allen and Erin Schorr/ICF
Jones & Stokes

Biological Report
Addressing
Wetlands Buffer Setback
for Fish and Game Commission

Andrew's' Subdivision
2081 Gatum St., Del Mar, CA 92014



Erin Schorr, Senior Biologist
Doug Allen, Senior Biologist



Andrew's' Subdivision, 2081 Gatum Street, Biological Assessment
Wetlands Buffer Setback 3

REPORTS

Natural Toe-of-Slope Determination –

John Franklin, Engineering Geologist and
David Skelly, Civil Engineer / GeoSoils Geotechnical Services

SUMMARY REPORT OF GEOTECHNICAL INVESTIGATION
OF NATIVE (NATURAL) TOE OF SLOPE LOCATION
AT 2081 GATUN STREET, DEL MAR
SAN DIEGO COUNTY, CALIFORNIA

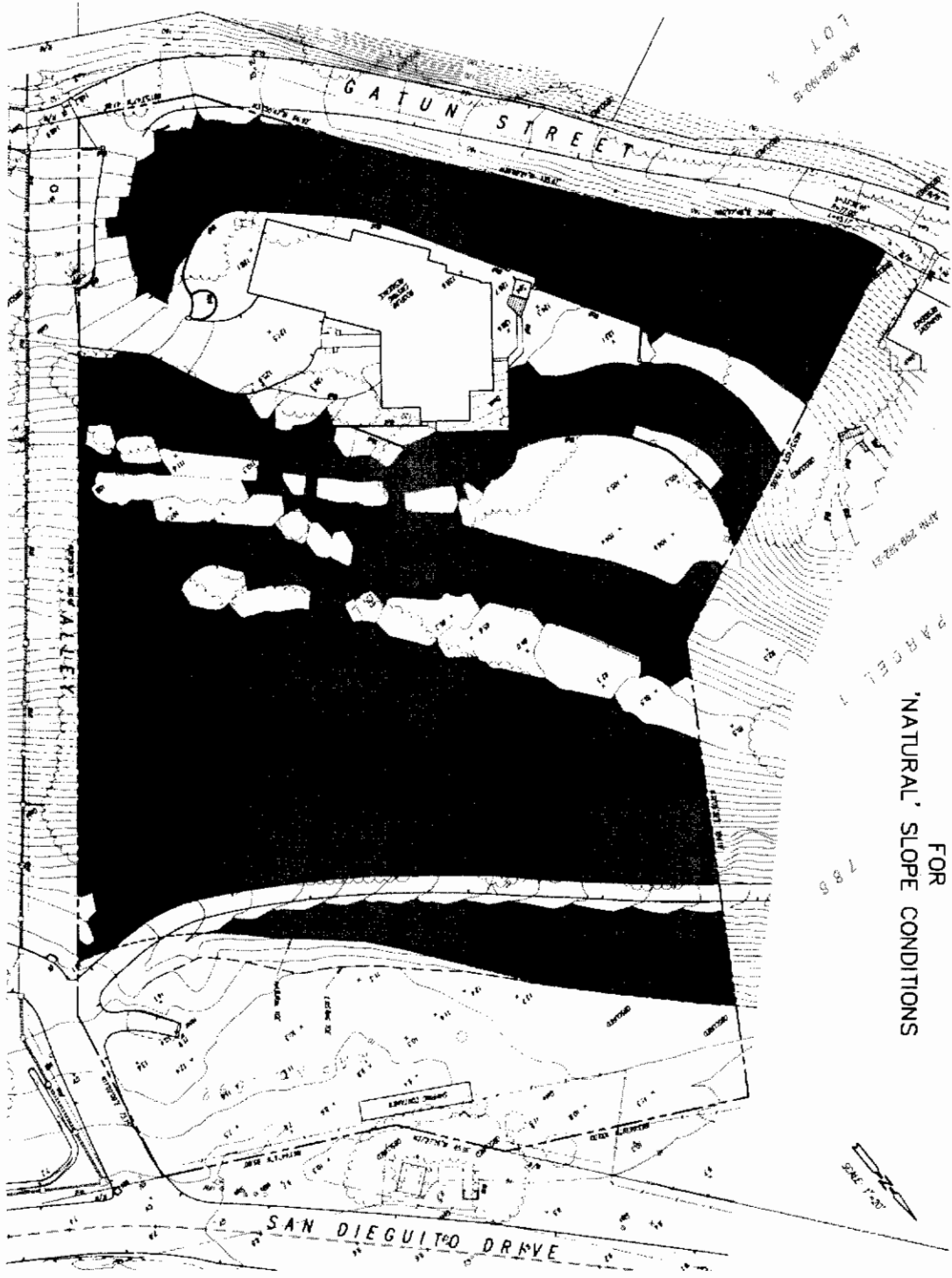
FOR

MS. KATHY ANDREWS
C/O LYON ARCHITECTS INC.
P.O. BOX 675233
RANCHO SANTA FE, CALIFORNIA 92067
W. O. 5840 1-A-SC JUNE 4, 2009

GeoSoils, Inc.

NATURAL TOE-OF-SLOPE DETERMINATION

ANDREWS SLOPE ANALYSIS
FOR
'NATURAL' SLOPE CONDITIONS



SLOPE ANALYSIS DATA TABLE

AREA OF SLOPES ON - 25%	47266 SF	108 ACRES
AREA OF SLOPES 25% +	68328 SF	154 ACRES
TOTAL AREA	115594 SF	262 ACRES

OWNER: PAUL AND KATHLEEN ANDREWS
LEGAL DESCRIPTION: PARCEL 2 OF PARCEL MAP NO. 1000
ASSESSORS PARCEL NO.: 200-00-21
SOURCE OF TOPOGRAPHY: TOPOGRAPHY SHOWN HEREON DERIVED FROM AERIAL TOPOGRAPHY REVISION BY TOPOGRAHY DATED 08/15/88



PAUL AND KATHLEEN ANDREWS
 REGISTERED PROFESSIONAL ENGINEERS
 1000 GATUN STREET
 SAN DIEGO, CALIFORNIA 92108
 (619) 591-1000



NATURAL GRADE EXHIBIT (sheet 1 of 2)

ANDREWS NATURAL GRADE EXHIBIT

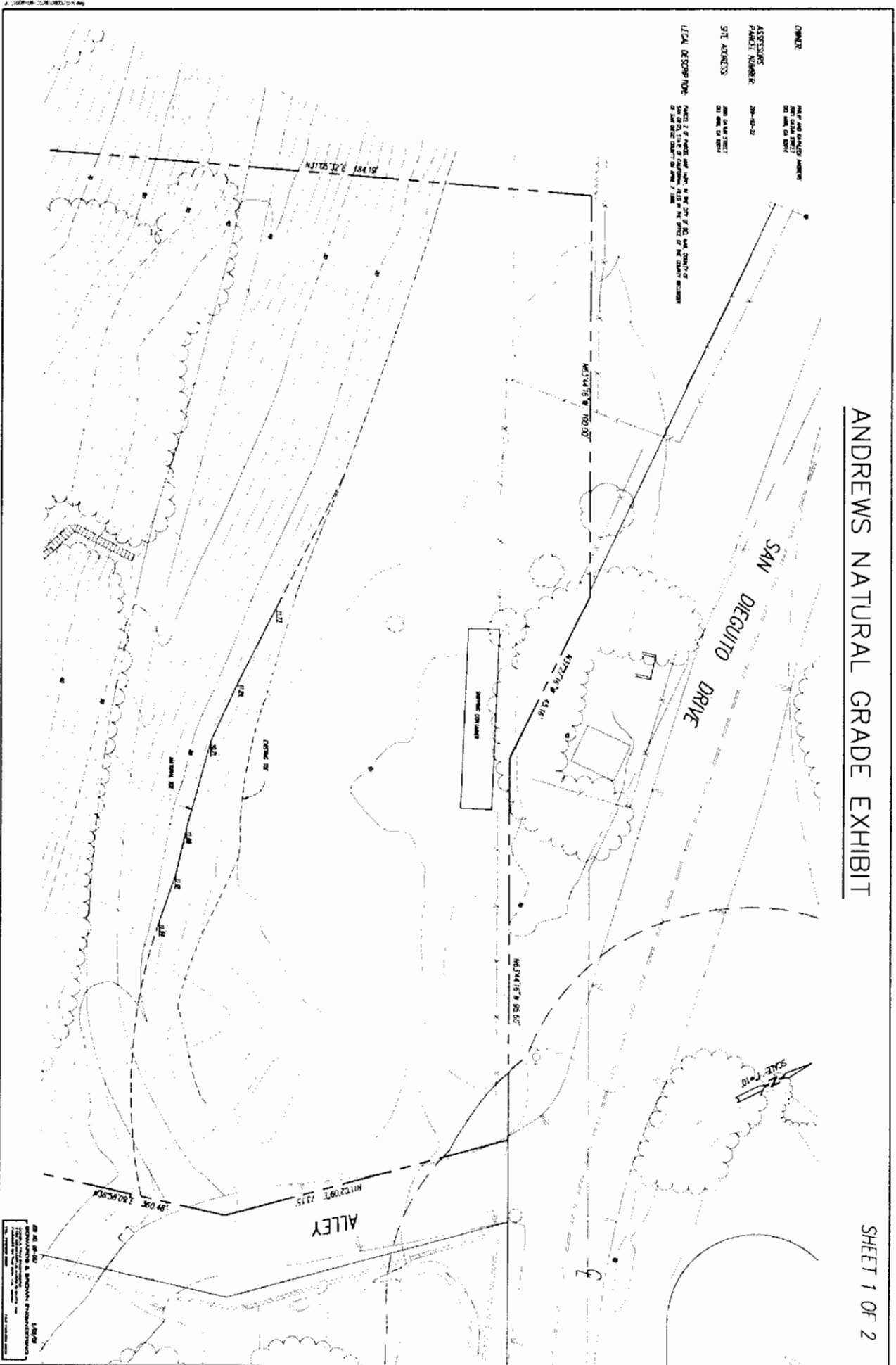
SHEET 1 OF 2

OWNER: PAUL AND SANDRA ANDREWS
2001 CALIFORNIA STREET
SAN DIEGO, CA 92108

ASSESSOR'S
PARCEL NUMBER: 200-01-02

SITE ADDRESS: 2001 CALIFORNIA STREET
SAN DIEGO, CA 92108

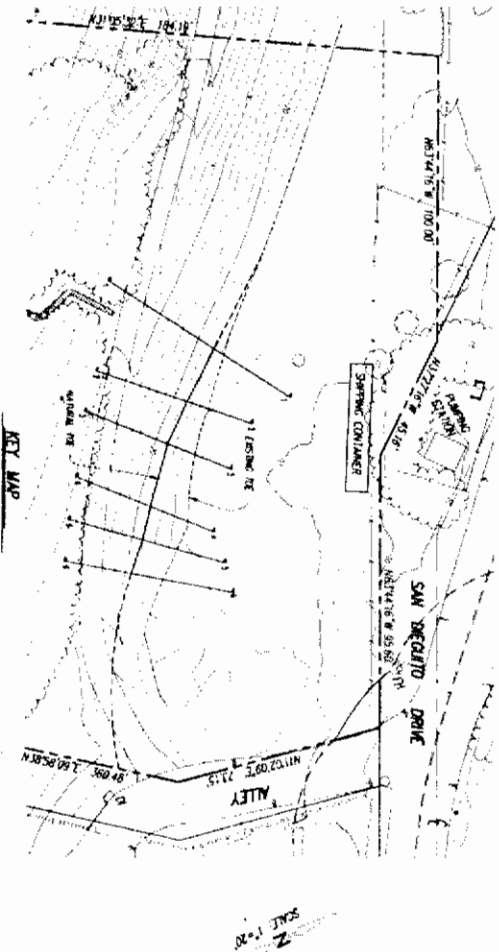
LICAL DEVELOPMENT: PARCELS 2 & 3 PARTS OF LOT 10 IN THE CITY OF SAN DIEGO COUNTY OF SAN DIEGO STATE OF CALIFORNIA, AS SHOWN ON THE OFFICIAL MAP OF THE COUNTY RECORDS OF SAN DIEGO COUNTY, BOOK 7, PAGE 1000.



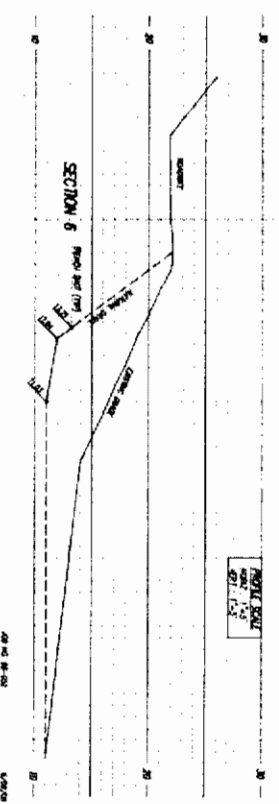
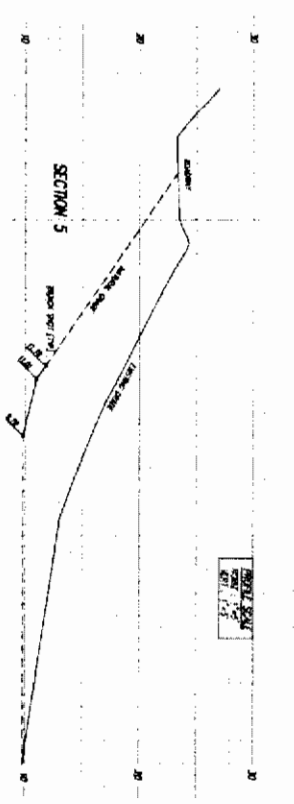
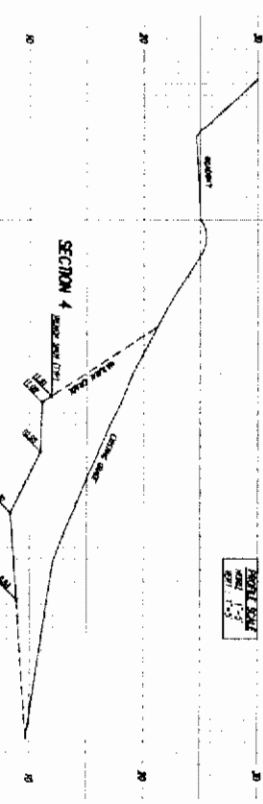
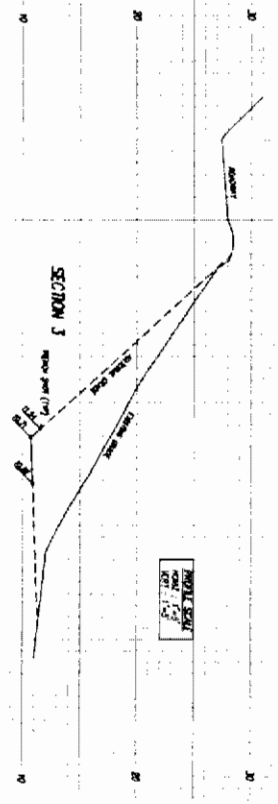
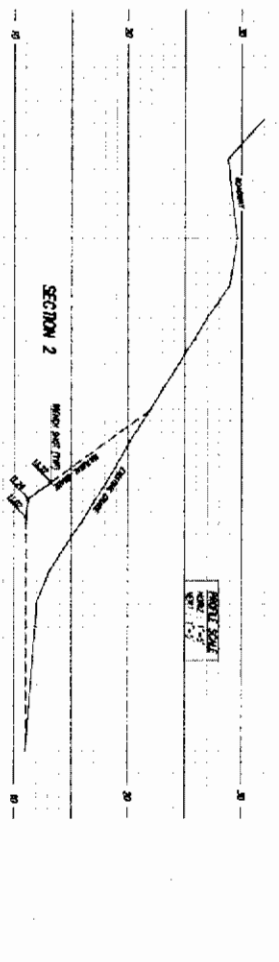
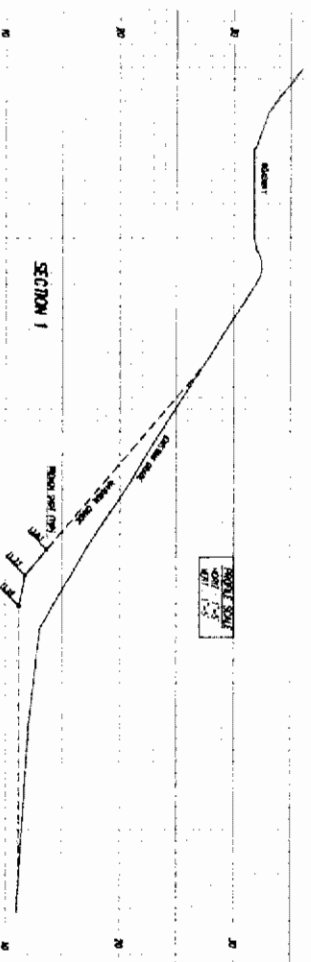
DATE: 08/10/00
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: 1" = 10'
PROJECT: ANDREWS NATURAL GRADE EXHIBIT

NATURAL GRADE EXHIBIT (sheet 2 of 2)

ANDREWS NATURAL GRADE EXHIBIT



SHEET 2 OF 2



DATE: 8-18-20
 PROJECT: ANDREWS NATURAL GRADE EXHIBIT
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

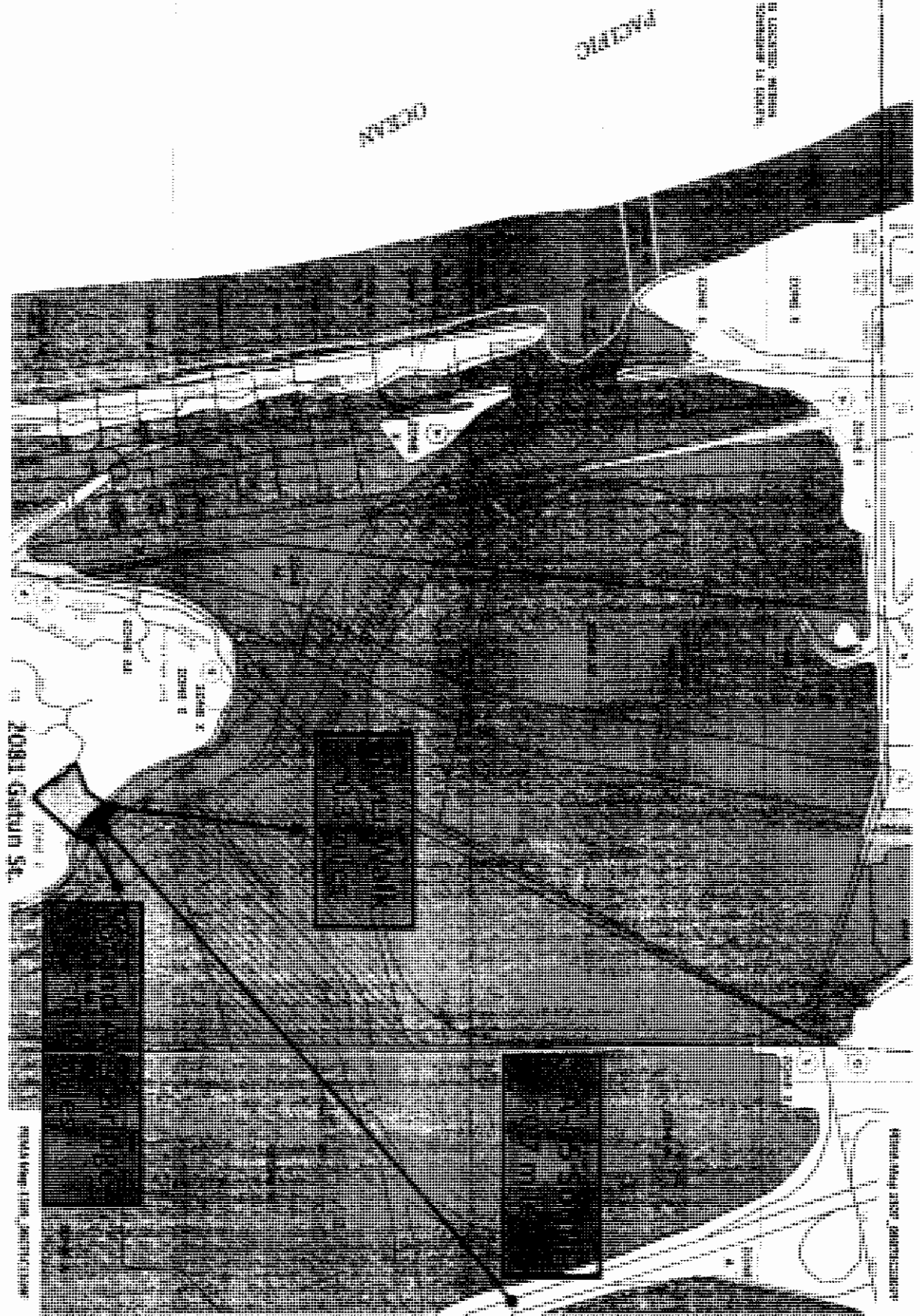
PROJECT TIMELINE (DETAILED)

DATE	NAME	RESULT	DETAILS
200804	Ellen Lively, Planner Calif. Coastal Comm.	Initiate Preliminary Internal Review of 85-395905 and review historical photos, land ownership, and land use	Flat, ice-plant covered area to come out of Open Space Easement. No building proposed on steep slopes or native habitat areas.
200810	Jeff Priest, Biologist Dudek, Inc.	Biological Report Addressing Open Space Easement for Coastal Commission	Neg map of property shows no native habitat in flat ice-plant covered area
200810	Ellen Lively, Planner Calif. Coastal Comm.	Final Preliminary Review and suggest amending Open Space Area to other side of Gillies easement road, keeping native habitat area in northwest corner, and amending to expose ice-plant covered area outside of the Open Space Easement.	Project feasible based on past usage and current biology as assessed by Dudek.
200810	Jean Crutchfield, Planner City of Del Mar Planning Dept.	Preliminary meeting with Bob Scott, Randy Brown, Dave Lyon, and Kathy Andrews to go over project	TPM, CDP, CUP, and EA needed for the project.
200811	Randy Brown, Civil Engineer Sowards and Brown Engineering	Tentative Parcel Map prepared. Steep Slope Determined.	Some steep slope appears to be man-made rather than natural downhill from Gillies easement road.
200902	John Franklin, Engineering Geologist David Skelly, Civil Engineer Geosols Geotechnical Services, Inc.	Natural and Man-made Toe-of-Slope Determination	Confirmation that man-made slope under ice plant. Location of natural toe-of-slope identified.
200903	Ellen Lively, Planner Calif. Coastal Comm.	Fish&Game Concurrence for 50' buffer along with Fire Dept. no fuel modification of native habitat required for Open Space Amendment to occur.	
200904-06	Erlin Schorr, Senior Biologist Doug Allen, Senior Biologist ICF, Jones & Stokes, Inc.	Biological Report Addressing Wetlands Buffer Setback for Fish and Game Commission	Site conditions support 50' buffer
200908	Paul Schlitt Calif. Fish & Game Commission	50' Wetland Buffer concurrence	Concurrence given to Jean Crutchfield of City of Del Mar Planning Dept.
200908	Dawn Rawls, President and members City of Del Mar Lagoon Preservation Committee	Project presented to the Committee and request made for Committee's expertise and input on future re-landscaping of ice-plant	Native habitat replanting of ice plant, house setback as far as possible, and no objection to lot split. Committee would have input later on house design.
200908	Ellen Lively, Planner Calif. Coastal Comm.	Retirement from Coastal Commission.	
200909	Jean Crutchfield, Planner City of Del Mar Planning Dept.	TPM-09-01, CDP-09-04, CUP-09-01, and EA-09-01 submitted	
201002	Jean Crutchfield, Planner City of Del Mar Planning Dept.	CEQA submitted	
201004	Michael Bevers, Archeologist ICF, Jones & Stokes, Inc.	Negative Cultural Resources Survey Report	If artifacts are found during project, all work will stop and an archeologist will process the site.
201004	Dawn Rawls, President City of Del Mar Lagoon Preservation Committee	Wording added to Staff Report for Concurrence of Lagoon Preservation Committee for all landscaping.	
201004	Jean Crutchfield, Planner City of Del Mar Planning Dept.	Staff Report finished.	Support of the project
201004	Planning Commission Meeting City of Del Mar Planning Commission	Open Space must be amended prior to Planning Commission hearing application.	Go to Coastal Commission for formalized amendment to Open Space. Item continued off calendar.
201004	Lee McEachern, District Regulatory Supervisor	Application for Amendment of Open Space Deed Restriction	
201005	Melissa Ahrens, Planner California Coastal Commission	Review of materials	
201005	Lee McEachern, Melissa Ahrens California Coastal Commission	Meeting with Kathy Andrews, Owner, to go over materials and application 6-85-283-A1 details.	

VISUAL COMPATIBILITY - VIEW LOCATIONS

CITY OF SOLANA BEACH
CITY OF DEL MAR

NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN
TOWNSHIP 13 SOUTH, RANGE 4 WEST AND
RANGE 4 WEST.



COASTAL COMMISSION DEED RESTRICTION

6-85-283 (Recorded 85-395905)

RECORDING REQUESTED BY AND RETURN TO: **982**
 STATE OF CALIFORNIA
 CALIFORNIA COASTAL COMMISSION/SAN DIEGO DISTRICT
 8154 MISSION GARDEN ROAD, STE. 220
 SAN DIEGO, CA 92120

DEED RESTRICTION
 DONALD E. REICHERT

Heretofore referred to as Owner(s), is the record owner of the following real property:

Lot 'C' in Block 37 of Arden Heights No. 4, in the city of Del Mar, County of San Diego, State of California according to map Liberated No. 1343 together with a portion of Zang St. and Lot 186 of Arden Heights No. 4 as described in Exhibit 'A' hereinafter referred to as the subject property; and

II. WHEREAS, the California Coastal Commission is acting on behalf of the People of the State of California; and

III. WHEREAS, the subject property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code (hereinafter referred to as the California Coastal Act); and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the Owner applied to the California Coastal Commission for a coastal development permit for the development on the subject property described above; and

V. WHEREAS, coastal development permit No. 6-85-283 was granted on June 28, 1985 by the California Coastal Commission; and

VI. WHEREAS, coastal development permit No. 6-85-283 was subject to the terms and conditions including but not limited to the following condition:
85-395905

RECORDING IN
 SAN DIEGO COUNTY
 85 OCT 23 PM 2 12
 VERA L. LYLE

OF 10-	
BY 8-	
TO 14	
DATE 1-	

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

SPECIAL CONDITIONS:

1. **Debris Accumulation.** This permit is for a boundary adjustment, and construction of a single family residence on parcel 81 with access improvements and a vertical seepage pit. All other development proposals for the site (including construction of a residence or parcel 87) shall require review and approval under a separate coastal development permit or amendment to this permit.

2. **Open Space Deed Dedication.** Prior to the finalization of the coastal development permit, the applicant shall record a restrictive covenant on the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any transferee, shall prohibit any portion of the parcel property. The restriction shall prohibit any alteration of landform, removal of existing vegetation or Coastal Commission of its successor in interest on that area shown on Exhibit 83 of the staff report to the recording document shall include legal descriptions of both the applicant's entire parcel and the restricted area to protect steep slopes and shall be in a form and content acceptable to the Executive Director.

3. **Staff and Action Control.** Prior to transmission of the permit, the applicant shall submit for the review and written approval of the Executive Director, plans and supporting documentation, which incorporate the following:

a. A runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics indicating appropriate on-site retention methods to assure that drainage and runoff are controlled so as not to exceed, at any time, the peak rates associated with the property in its undeveloped state. Calculations shall be based on a 10 year, 4 hour return.

b. All cut and fill slopes and other graded areas shall be landscaped prior to October 1, 1986. Temporary or permanent landscape materials, such as mulch, shall be maintained and shall be replanted if not established by December 1.

c. Grading activity is prohibited between October 1 and April 1 of each year.

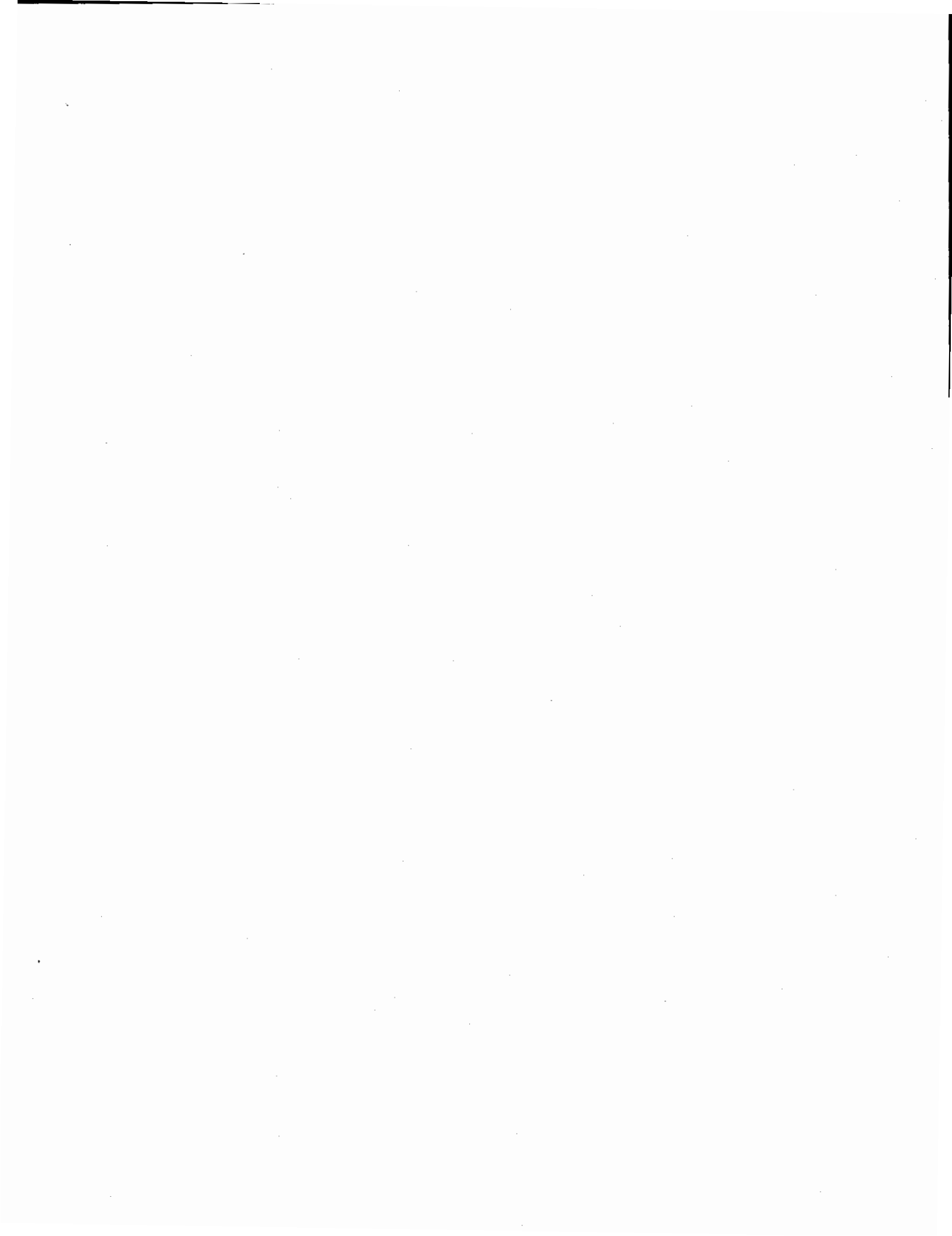
d. Said plans shall indicate temporary and emergency erosion control measures to control soil movement to the satisfaction of the Executive Director, to be implemented during the construction period and prior to the permanent establishment of slope plantings. Said measures shall include, but not be limited to, diking, desilting basins, revegetation, etc., to be installed when rainfall occurs but in no case later than October 1.

e. The applicant shall be responsible for continual and periodic maintenance of the approved erosion control devices.

(0798)

Exhibit 'B'

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



EIR RESOURCES FOR ICF WETLAND BUFFER REPORT

VOLUME I
FINAL

Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for the San Dieguito Wetland Restoration Project



September 2000
SCIR 99061010

VOLUME II
FINAL

Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for the San Dieguito Wetland Restoration Project



September 2000
SCIR 99061010



U.S. Fish &
Wildlife Service
(USFWS)



San Dieguito River
Park Joint Powers
Authority (JPA)

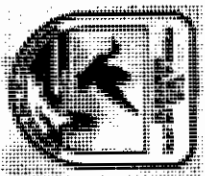


U.S. Fish &
Wildlife Service
(USFWS)



San Dieguito River
Park Joint Powers
Authority (JPA)

EIR RESOURCES FOR ICF WETLAND BUFFER REPORT



SAN DIEGO WETLAND RESTORATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT

CONCLUSIONS

PROJECT:

The San Diego Wetland Restoration Project involves the development, design, and ultimate implementation of a comprehensive coastal restoration plan for the western end of the San Diego River Valley, San Diego County, California. The project includes restoration of tidal wetlands, creation of nesting areas for threatened and endangered birds, re-establishment of historic uplands, enhancement and expansion of freshwater and seasonal coastal wetland areas, and a public access and interpretation component. Essential to the project is the restoration of the lagoon's tidal functions, to be accomplished by maintaining the inlet channel in an open configuration in perpetuity. In accordance with the adopted San Diego River Park Concept Plan, a Park Master Plan for the project area has also been prepared to address the various elements of the project.

BACKGROUND:

The Draft EIR/EIS for the San Diego Wetland Restoration project was distributed for public review in January 2000. Numerous agencies, organizations, and individuals provided substantive and constructive comments. The responses to these comments are provided in the final section of this volume of the Final EIR/EIS. As a result of the comments received, revisions have been made to the previously distributed document. These revisions were necessary to clarify the discussions already provided in the draft. No new significant impacts were identified. The bulk of the revisions, which have been underlined to assist the reader, can be found in Chapter 2 and sections 4.2, 4.4, 4.8, and 4.10. Additional minor revisions, also underlined, were made throughout the text to address specific public comments.

As a result of input from the City of Del Mar, one mitigation measure presented in section 4.1 regarding the provision of access from the beach to Camino Del Mar has been reevaluated. It appears that through coordination with the City of Del Mar, the provision of a pedestrian pathway along the south side of the inlet channel is technically feasible. SCE has agreed to design and construct this pathway, in accordance with the City of Del Mar's development and engineering standards. Construction of this pathway would mitigate impacts related to access across the beach. Please refer to Volume II, section 4.1.1.2 of Final EIR/EIS for a complete discussion of this issue.

EXECUTIVE SUMMARY

INTRODUCTION

The San Diego River Valley Regional Open Space Park Joint Powers Authority (JPA) and the U.S. Department of the Interior, Fish and Wildlife Service (USFWS) have determined that the San Diego Wetland Restoration Project is subject to both the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and the adopted local CEQA guidelines for the JPA, the City of Del Mar, and the City of San Diego. The need for numerous state and local permits makes the project subject to CEQA, while compliance with NEPA is required where there is federal involvement in a project. In this case, NEPA would apply to the future issuance of a 404 Permit from the U.S. Army Corps of Engineers, as well as to the future granting of federal funds for various aspects of project implementation. To address the requirements of both CEQA and NEPA, the JPA and USFWS have prepared this joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Diego Wetland Restoration Project. Because NEPA and CEQA are somewhat different with regard to procedural and content requirements, the document has been prepared to comply with whichever requirements are more stringent. The JPA is the lead agency for compliance with CEQA, while USFWS is the lead federal agency for compliance with NEPA. In accordance with both CEQA and NEPA, the lead agencies have the responsibility for the scope, content, and legal adequacy of the document. Therefore, all aspects of the EIR/EIS scope and process are being coordinated between the two agencies.

This joint EIR/EIS is an informational document intended to inform both the decision makers and the public of the potentially significant environmental effects associated with the design, construction, and long-term maintenance of a coastal wetland restoration project at the San Diego Lagoon. The EIR/EIS also addresses potential impacts associated with the implementation of a park master plan for the lagoon area that is proposed by the JPA. Approval of this park master plan will establish the planning framework for the overall restoration and interpretation of the westernmost portion of the San Diego River Valley. In addition to tidal wetland restoration, the plan addresses upland and non-tidal wetland restoration, public access and trails, interpretation features including a visitor center, and the potential future uses of designated disposal sites intended to receive excavated/dredged materials generated from proposed tidal restoration activities.

The proposal to restore the coastal wetlands and upland areas surrounding the San Diego Lagoon, as well as the public access and interpretation components of the project, are part of the vision for the larger San Diego River Valley Regional Open Space Park. This open space park planning effort extends from Volcan Mountain near Julian westward along the San Diego River drainage to the ocean at Del Mar. The proposals for coastal wetland and upland restoration near the lagoon, the Coast to Crest Trail, and other trail and interpretive concepts were adopted as part of the San Diego River Park Concept Plan (San Diego River Park JPA 1994a), by the JPA in 1994. In association with the processing of the Park Concept Plan, the JPA also prepared and certified the San Diego River Park Concept Plan Program EIR (San Diego River Park JPA 1994b). This Program EIR is incorporated by reference into the current EIR/EIS.

RECORDING REQUESTED BY AND RETURN TO: **982**
STATE OF CALIFORNIA
CALIFORNIA COASTAL COMMISSION/SAN DIEGO DISTRICT
6154 MISSION GORGE ROAD, STE. 220
SAN DIEGO, CA 92120

DEED RESTRICTION

I. WHEREAS, DONALD E. REICHERT
_____, hereinafter referred to

as Owner(s), is the record owner of the following real property:

Lot 'C' in block 37 of Arden Heights No. 4, in the city of Del Mar,
county of San Diego, state of California according to map thereof
No. 1343 together with a portion of Zapo St. and lot 786 of Arden
Heights No. 6 as described in Exhibit "A".
hereinafter referred to as the subject property; and

II. WHEREAS, the California Coastal Commission is acting on
behalf of the People of the State of California; and

III. WHEREAS, the subject property is located within the coastal
zone as defined in Section 30103 of the California Public Resources Code
(hereinafter referred to as the California Coastal Act); and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the
Owner applied to the California Coastal Commission for a coastal
development permit for the development on the subject property described
above; and

V. WHEREAS, coastal development permit No. 6-85-283 was
granted on June 28, 1985 by the California Coastal Commission;
and

VI. WHEREAS, coastal development permit No. 6-85-283 was
subject to the terms and conditions including but not limited to the
following condition:

85-395905

SEE PAGE 2

//

//

RECORDED IN
OFFICIAL RECORDS
OF SAN DIEGO COUNTY
1985 OCT 23 PM 2:12
VERA L. LYLE
COUNTY RECORDER

RF	10
AR	8
TLR	
MG	1

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 6-72)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

EXHIBIT NO. 22
APPLICATION NO.
6-85-283-A1
Deed Restriction For
Subject Site
Page 1 of 10
California Coastal Commission

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EXHIBIT B SPECIAL CONDITION No 2

VII. WHEREAS, the Commission found that but for the imposition of the above condition the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and

IX. WHEREAS, Owner has elected to comply with the condition imposed by Permit No. 6-85-283 so as to enable Owner to undertake the development authorized by the permit.

NOW, THEREFORE, in consideration of the granting of Permit No. 6-85-283 to the Owner by the California Coastal Commission, the Owner hereby irrevocably covenants with the California Coastal Commission that there be and hereby is created the following restrictions on the use and enjoyment

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

1 of said subject property, to be attached to and become a part of the deed
 2 to the property. The undersigned Owner, for himself/herself and for
 3 his/her heirs, assigns, and successors in interest, covenants and agrees
 4 that: No alteration of landforms, removal of existing vegetation
 5 or the erection of structures of any type shall occur unless
 6 approved by The California Coastal Commission or its successors
 7 in interest on that area described in Exhibit 'C'.

8
 9
 10
 11 Said deed restriction shall remain in full force and effect during the
 12 period that said permit, or any modification or amendment thereof, remains
 13 effective, and during the period that the development authorized by said
 14 permit, or any modification of said development, remains in existence in or
 15 upon any part of, and thereby confers benefit upon, the subject property
 16 described herein, and to that extent, said deed restriction is hereby
 17 deemed and agreed by Owners to be a covenant running with the land, and
 18 shall bind Owners and all his/her assigns or successors in interest.

19 //
 20 //
 21 //
 22 //
 23 //
 24 //
 25 //
 26 //
 27 //

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

1 Owner agrees to record this Deed Restriction in the Recorder's office
2 for the County of San Diego as soon as possible after
3 the date of its execution.

4 DATED: 7-25-

Signature on file

5 _____
6 OWNER

7 DONALD E. REICHERT
8 TYPE OR PRINT NAME OF ABOVE

9 _____
10 OWNER

11 _____
12 TYPE OR PRINT NAME OF ABOVE

13 NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons
14 signing on behalf of a corporation, partnership, trust, etc., please use
15 the correct notary jurat (acknowledgment) as explained in your Notary
16 Public Law Book.

17 State of California, County of San Diego, ss
18 On this 25th day of July, in the year 1985,
19 before me Sonia Martel, a Notary Public, personally
20 appeared Donald E. Reichert *****,
21 personally known to me (or proved to me on the basis of satisfactory
22 evidence) to be the person whose name is subscribed to this instrument, and
23 acknowledged that he/she executed it.



Signature on file

24 _____
25 NOTARY PUBLIC IN AND FOR SAID COUNTY AND
26 STATE

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

1 This is to certify that the deed restriction set forth above is hereby
2 acknowledged by the undersigned officer on behalf of the California Coastal
3 Commission pursuant to authority conferred by the California Coastal
4 Commission when it granted Coastal Development Permit No. 6-85-283
5 on June 28, 1985 and the California Coastal Commission consents to
6 recordation thereof by its duly authorized officer.

7 Dated: Aug. 23, 1985

Signature on file

Assistant District Director
California Coastal Commission

11 STATE OF California
12 COUNTY OF San Diego }^{ss}

Signature on file

13 On August 23, 1985, before me _____

14 a Notary Public, personally appeared Signature on file y known to

15 me to be (or proved to me on the basis of satisfactory evidence) to be the

16 person who executed this instrument as the Asst. Dist. Director,
17 TITLE

17 and authorized representative of the California Coastal Commission and

18 acknowledged to me that the California Coastal Commission executed it.

19 WITNESS my hand and official seal.
20



Signature on file

23 _____
24 Notary Public in and for San Diego County and State

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



EXHIBIT "A"

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT "C" IN BLOCK 37 OF ARDEN'S HEIGHTS NO. 4, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1343, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY ON JUNE 8, 1911, TOGETHER WITH THAT PORTION OF THE EASTERLY HALF OF THE VACATED PORTION OF ZAPO STREET ADJOINING SAID LOT "C" ON THE WEST, SAID VACATED PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF ZAPO STREET AS SHOWN ON MAP NO. 1343 OF ARDEN'S HEIGHTS NO. 4, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, LYING NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT "A", BLOCK 38 OF SAID SUBDIVISION; THENCE ALONG THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID BLOCK "A", NORTH $43^{\circ}13'00''$ EAST 1.99 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 26.50 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $70^{\circ}04'00''$ A DISTANCE OF 32.41 FEET TO THE SOUTHERLY TERMINUS OF THAT CERTAIN WESTERLY QUADRY LINE OF LOT "C", BLOCK 37 OF SAID SUBDIVISION HAVING A BEARING OF SOUTH $17^{\circ}37'00''$ EAST AND A LENGTH OF 22.5 FEET.

PARCEL 2:

LOTS 786 AND 787 OF ARDEN HEIGHTS NO. 5, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 18, 1913, TOGETHER WITH THAT PORTION OF THE SOUTHWESTERLY ONE-HALF OF SAN DIEGUITO DRIVE LYING NORTHEASTERLY OF AND ADJOINING SAID LOTS 786 AND 787; AS SAID SAN DIEGUITO DRIVE WAS VACATED AND CLOSED TO PUBLIC USE BY AN ORDER OF THE BOARD OF SUPERVISORS OF SAID SAN DIEGO COUNTY, A CERTIFIED COPY OF WHICH WAS RECORDED ON JULY 4, 1956 AS DOCUMENT NO. 79663.

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

SPECIAL CONDITIONS:

988

1. Future Development. This permit is for a boundary adjustment and construction of a single family residence on parcel #1 with access improvements and a vertical seepage pit only. All other development proposals for the site (including construction of a residence on parcel #2) shall require review and approval under a separate coastal development permit or an amendment to this permit.

2. Open Space Deed Restriction. Prior to the transmittal of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchase of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of existing vegetation or the erection of structures of any type unless approved by the California Coastal Commission or its successors in interest on that area shown on Exhibit #3 of the staff report. The recording document shall include legal descriptions of both the applicant's entire parcel and the restricted area to protect steep slopes and vegetation, and shall be in a form and content acceptable to the Executive Director.

3. Runoff and Erosion Control. Prior to transmittal of the permit, the applicant shall submit for the review and written approval of the Executive Director, plans and supporting documentation, which incorporate the following:

- a. A runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics indicating appropriate on-site retention methods to assure that drainage and runoff are controlled so as not to exceed, at any time, the peak rate associated with the property in its undeveloped state. Calculations shall be based on a 10 year, 6 hour rainstorm.
- b. All cut and fill slopes and other graded areas shall be landscaped prior to October 1 with temporary or permanent landscape materials. Such planting shall be maintained and shall be replanted if not established by December 1.
- c. Grading activity is prohibited between October 1 and April 1 of each year.
- d. Said plans shall indicate temporary and emergency erosion control measures to control soil movement to the satisfaction of the Executive Director, to be implemented during the construction period and prior to the permanent establishment of slope plantings. Said measures shall include, but not be limited to, diking, desilting basins, sandbagging, etc., to be installed when rainfall occurs but in no case later than October 1.
- e. The applicant shall be responsible for continual and adequate maintenance of the approved erosion control devices.

(0798A)

EXHIBIT 'B'

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

Engineer's Description

Open Space Easement:

A portion of Lot C in Block 37 of ARDEN HEIGHTS unit No. 4, Map No. 1343, and a portion of Lot 786 of ARDEN HEIGHTS unit No.6, Map No. 1592, City of Del Mar, County of San Diego, State of California, more particularly described as follows:

Beginning at the Southeast corner of said Lot C; thence, South 38° 58' 09" West, 146.14 feet; thence, North 32° 05' 14" West, 133.86 feet; thence, North 52° 00' 25" West, 17.20 feet; thence, North 37° 37' 34" West, 60.60 feet; thence, North 11° 19' 35" West, 174.45 feet; thence, North 63° 01' 19" West, 58.74 feet to the North line of said lot 786; thence, easterly along said North line of Lot 786, North 68° 16' 05" East, 105.98 feet; thence, North 39° 19' 59" East, 20.53 feet to the west boundary line of San Dieguito Road; thence, southerly along said boundary line, South 63° 44' 16" East, 172.15 feet; thence, South 37° 27' 16" East, 45.16 feet; thence, South 63° 44' 16" East, 95.60 feet; thence, leaving said road boundary, South 11° 02' 09" West, 73.15 feet; thence, South 38° 58' 09" West, 104.37 feet to the point of beginning.

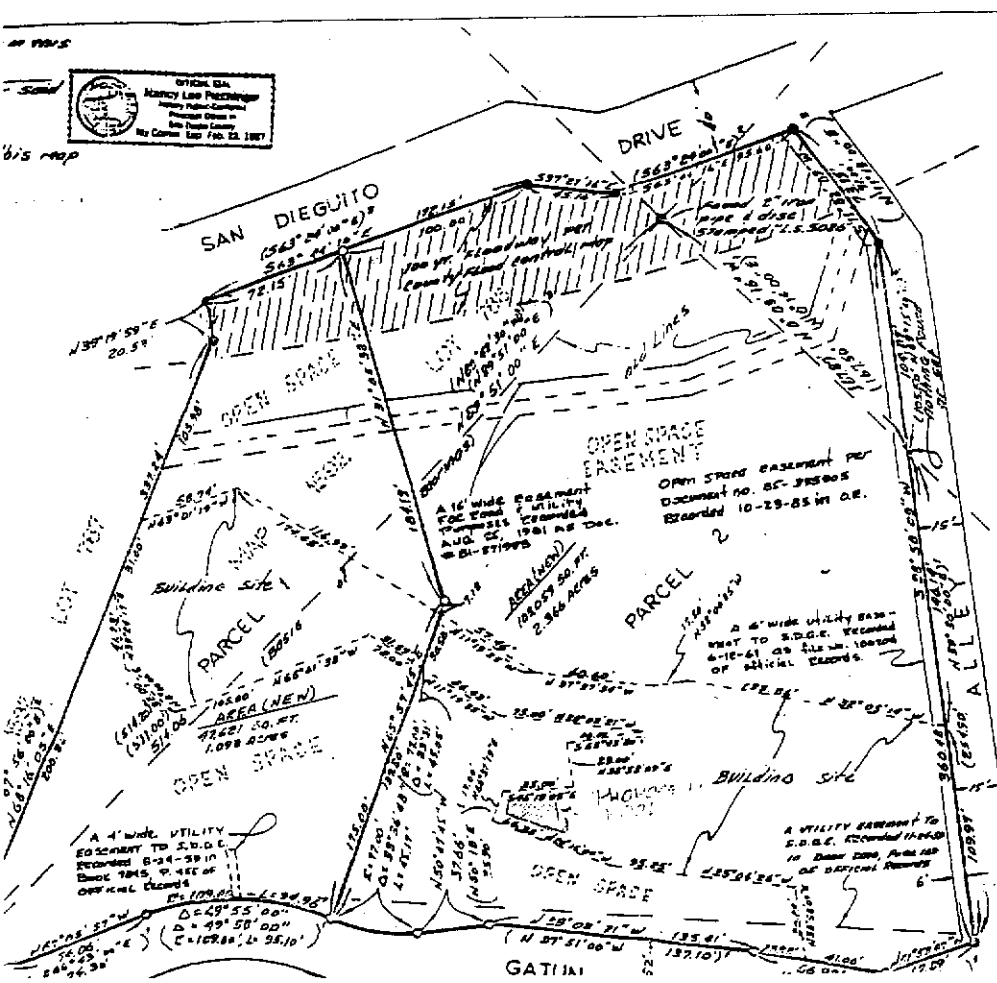
SPECIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



015 MAP



015 MAP



- indicates 3/4" x 1/8" STEEL PIN; OR MARKED "L.S. 4187"
- () indicates RECORD VALUE PER MAP NO. 1343
- (*) indicates RECORD VALUE PER MAP NO. 1558

PARCEL MAP GUARANTEE:
 A PARCEL MAP GUARANTEE HAS BEEN ISSUED BY FIRST AMERICAN TITLE INSURANCE CO. ON JULY 30, 1985 AS ORDER NO. 905674-L.

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS MAP IS A PORTION OF THE SOUTH LINE OF LOT 206, MAP NO. 1578, L.S. N 89° 31' 00" E. I, LISA STRECKOWSKI, PLANNING DIRECTOR FOR THE CITY OF SAN DIEGO, HEREBY GUARANTEE THIS IS TRUE. Lisa Streckowski DATE: 4/4/86 LISA STRECKOWSKI, PLANNING DIRECTOR

I, John A. Powell, CITY ENGINEER, FOR THE CITY OF SAN DIEGO, HEREBY GUARANTEE THAT THE MAP AND PLANS SUBMITTED FOR THIS PARCEL MAP IS TRUE AND CORRECT AND THAT THE CITY OF SAN DIEGO HAS REVIEWED AND APPROVED THE PARCEL MAP AND PLANS IN ACCORDANCE WITH CHAPTER 24 OF THE SUBDIVISION ACT, CITY OF SAN DIEGO. MUNICIPAL CODE HAS BEEN COMPLIED WITH.

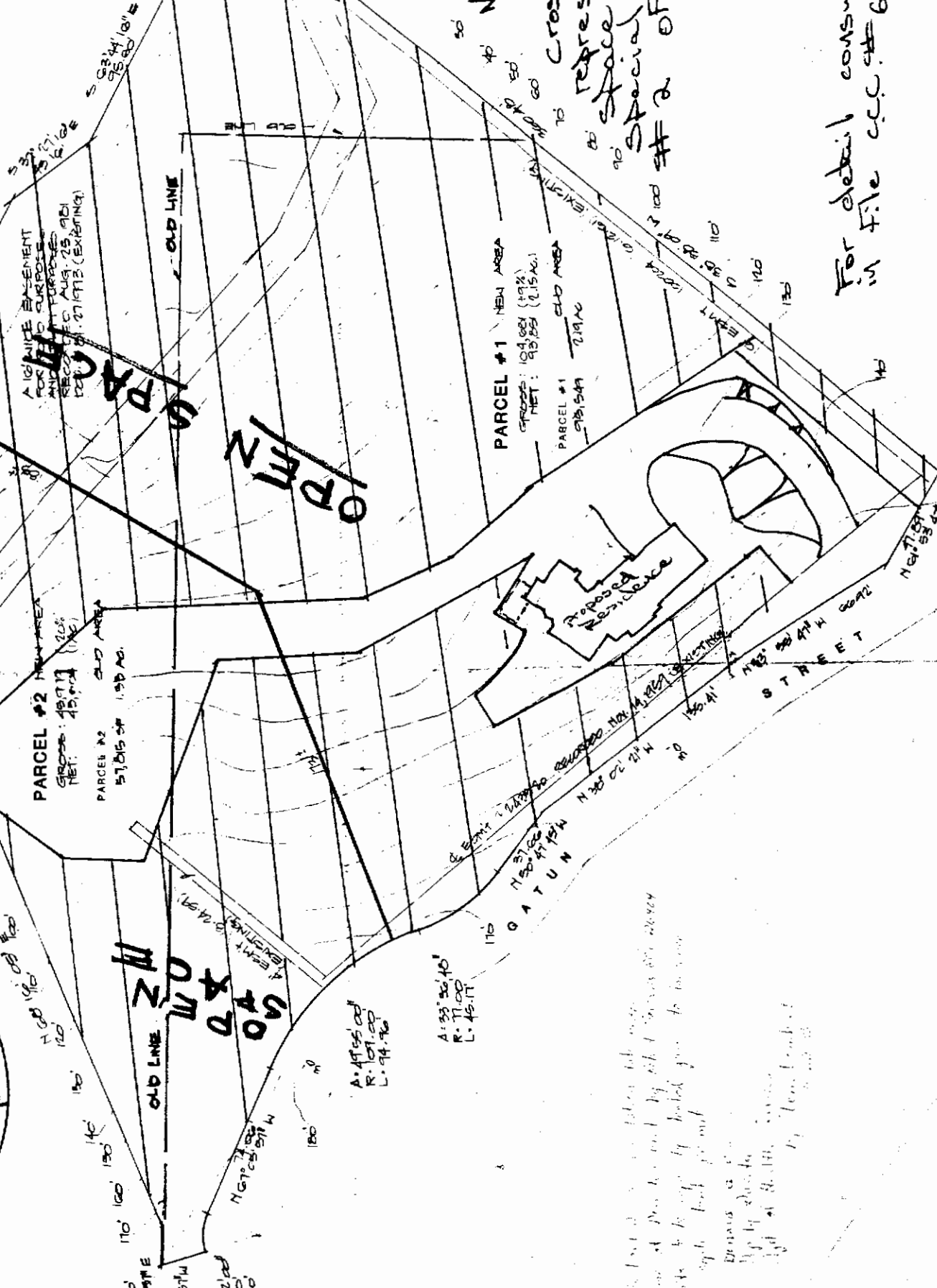
4/4/86 DATE: John A. Powell CITY ENGINEER

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM RECENT DATA IN COMPLIANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ACT BY THE REQUEST OF THE CLIENT ON 8-29-85. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY AGREES WITH EXISTING CONDITIONS.

10-2-85 DATE: Richard A. Sweeney RICHARD A. SWEENEY, COUNTY CLERK

FILED 86-133719
 FILED THIS 7TH DAY OF APRIL 1986 AT 1:37 PM
 IN BOOK OF PARCEL MAPS AT PAGE 11741
 AT THE REQUEST OF Richard A. Sweeney
 VERA L. DYER COUNTY CLERK
 FEE \$700.00
 BY: James N. ... DEPUTY COUNTY CLERK

PROPOSED LINE (2A)



Note:

Crossed areas represent open space areas for special condition #2 of #6-85-283

For detail consult plans in file ccc # 6-85-283


Survey of ...
 Done by ...
 Date ...

Andrews Lot Split

TPM-09-01 / CUP-09-01 / CDP-09-01

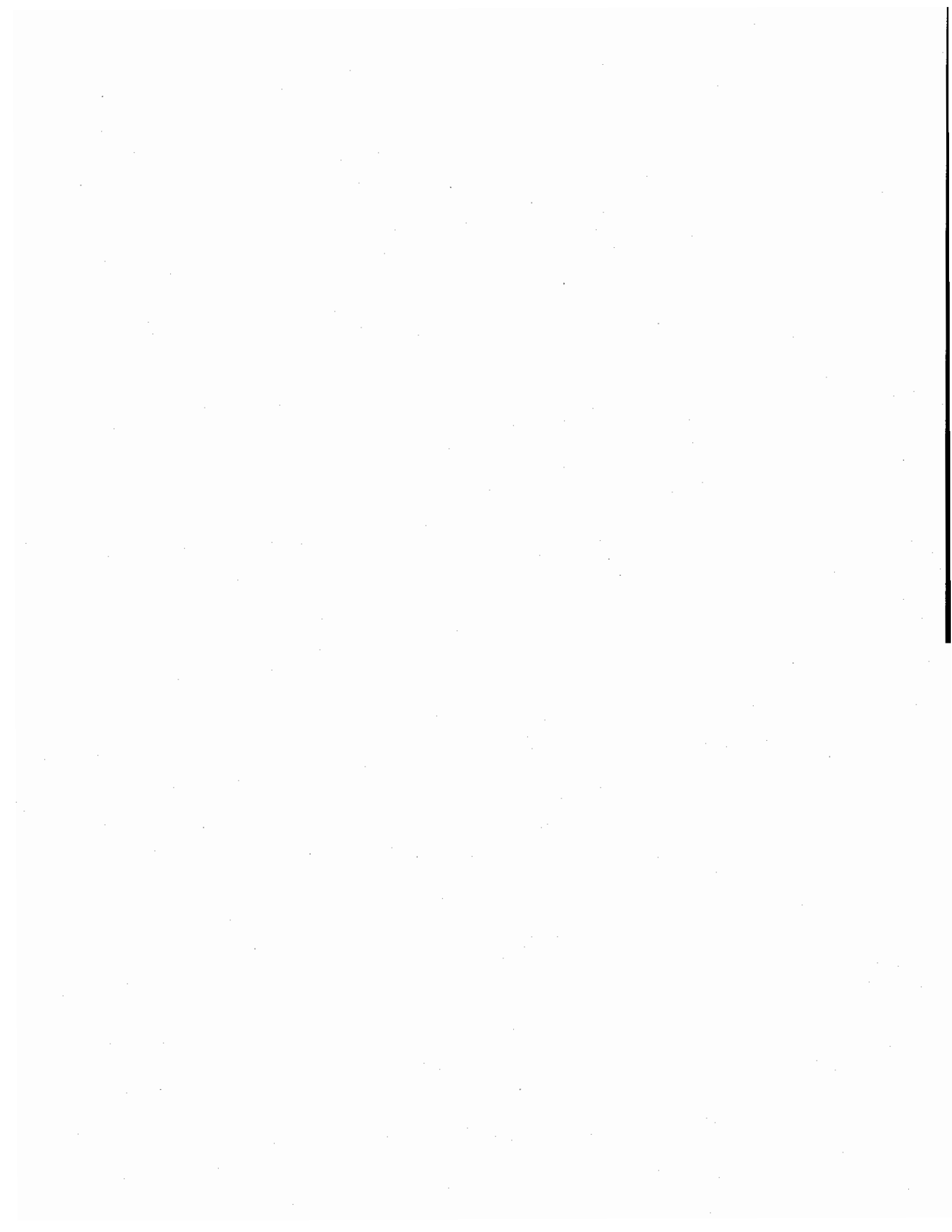
Bob Scott, AICP, LEED AP
Project Planner / Land Use Manager
RJS Planning and Land Solutions, Inc.

April 13, 2010

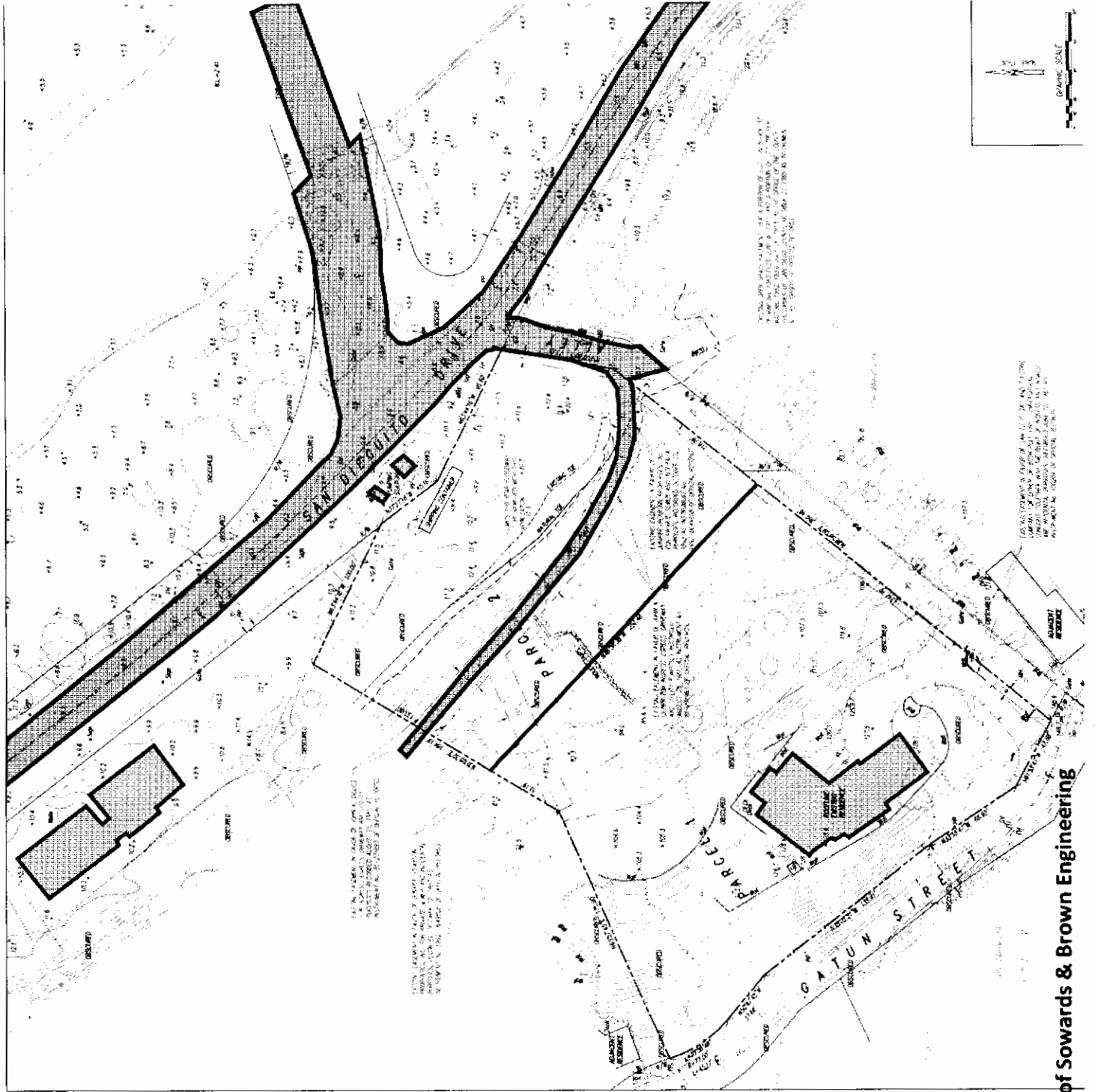
EXHIBIT NO. 23
APPLICATION NO. 6-85-283-A1
Andrews Del Mar Presentation
Page 1 of 19
 California Coastal Commission

PROJECT OBJECTIVES

- **Lot Split (with a look toward the future)**
 - **Responsibility to environmental considerations**
 - **Desire to vest future building parameters**

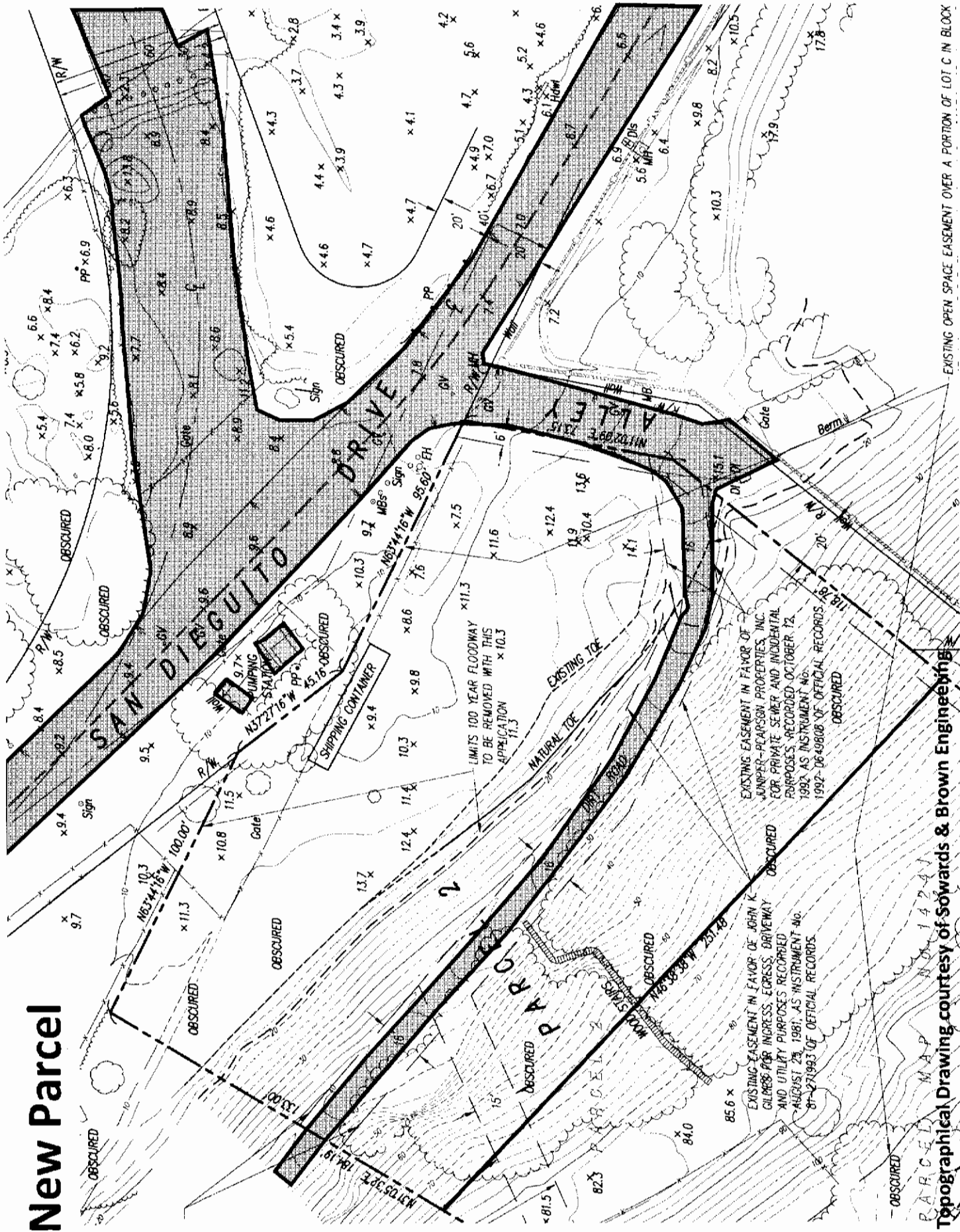


TPM-09-01



Topographical Drawing courtesy of Sowards & Brown Engineering

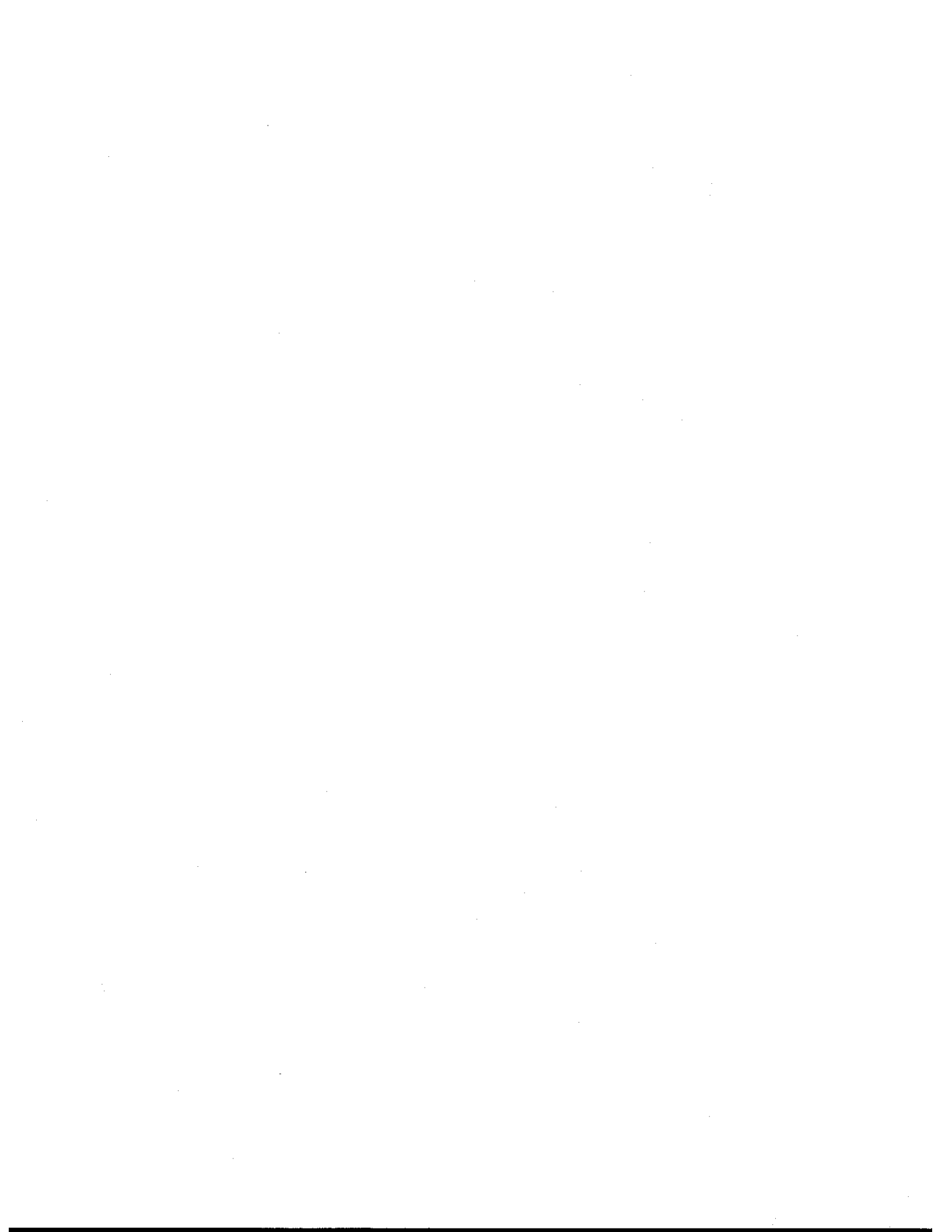
New Parcel



EXISTING OPEN SPACE EASEMENT OVER A PORTION OF LOT C IN BLOCK

Topographical Drawing courtesy of Sowards & Brown Engineering

PARCEL MAP NO. 14741





BLUFF, SLOPE, and CANYON OVERLAY ZONE CONSIDERATIONS

- Existing (lower) slope manmade and disturbed with non-native vegetation (ice-plant)
- No Encroachment proposed into any Steep Slopes
- Deed Restrictions will prohibit any (future) steep slope encroachments
- Deed Restrictions protect (upper) slope and native plants in perpetuity



LAGOON OVERLAY ZONE REGULATIONS

Provision of Wetland Buffers (DMMC Sec. 30.53.100-B)

- **A buffer of less than 100 feet in width allowed only with concurrence of CA Dept of Fish and Game and with site-specific factors:**
 - **Type and size of Project**
 - **Mitigation Measures provided**
 - **Elevation differentials**
 - **Need for upland transitional habitat**
 - **Other similar factors**

- **The Planning Commission shall defer to any recommendations by the CA Dept of Fish and Game**

LAGOON OVERLAY ZONE

50' Wetlands Buffer - Factors

- **Horizontal separation/disconnect between wetland and site**
- **Road, GAB Parking, City Pump Station, human activity within wetland buffer**
- **6-ft. Vertical separation between wetland and site**
- **Deed Restrictions / Mitigation Measures will ensure future wetland protection: 1) fencing; 2) vegetating the site with suitable native landscaping; 3) lighting; and 4) stormwater BMPs**

LAGOON OVERLAY ZONE

CA Fish and Game Concurrence

ICF Jones & Stokes (Focused) Biological Report – Conclusions (June 3, 2009)

- 50-ft. buffer would adversely affect the functions and values of the San Dieguito Lagoon.
- Development of a single-family residence and implementation of mitigation measures (fencing, lighting, landscaping, BMPs) would not result in adverse impacts to the existing wetland or lagoon.
- A reduction of the 100-ft buffer to a 50-ft buffer would be adequate to protect the adjacent wetland resources.

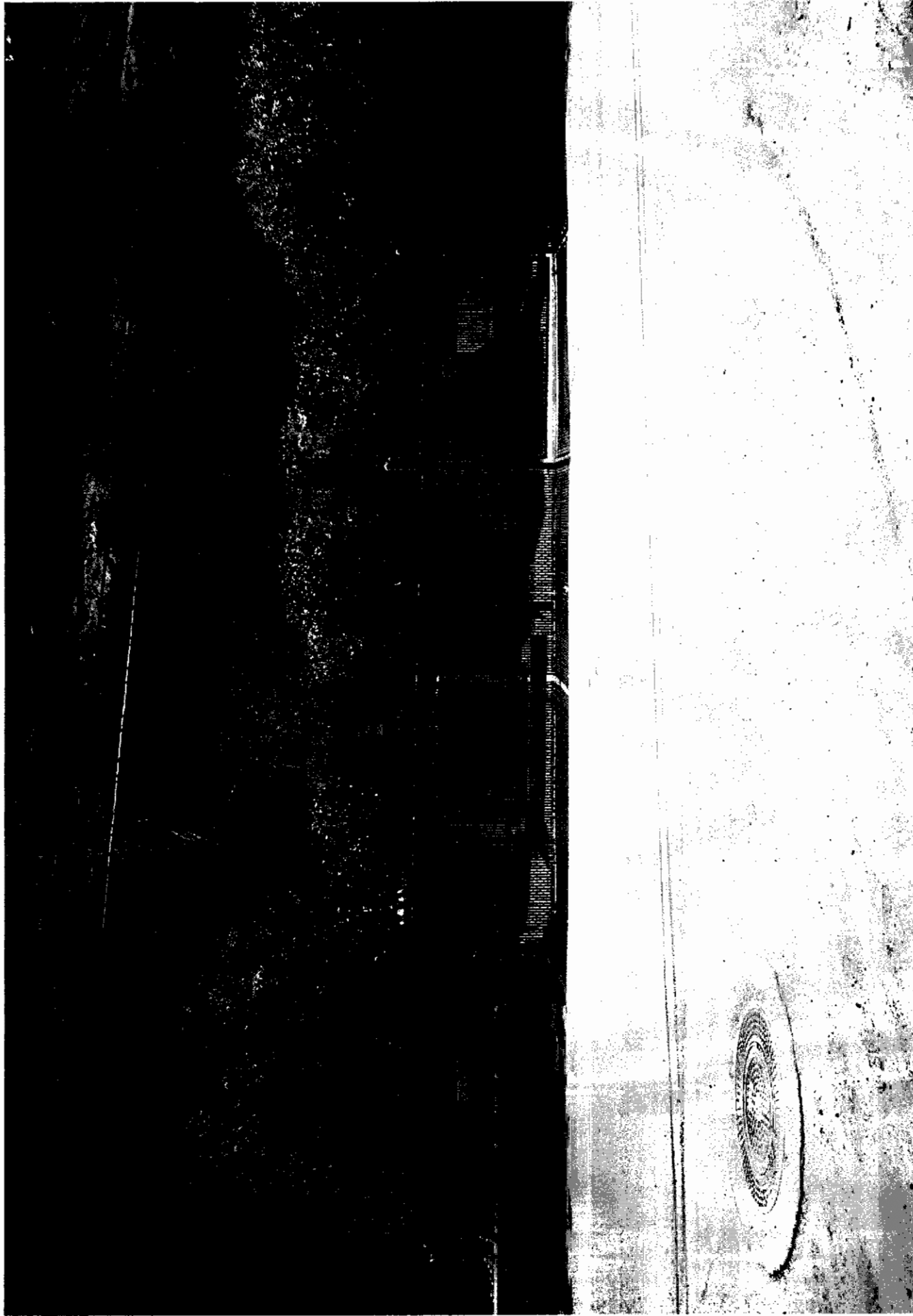
CA Fish and Game Concurrence (August 17, 2009)

- No objections to ICF biological findings/conclusions.
- Based on conditions (mitigations measures), the Department does not have objection to the proposal to reduce the wetland buffer to 50 feet.

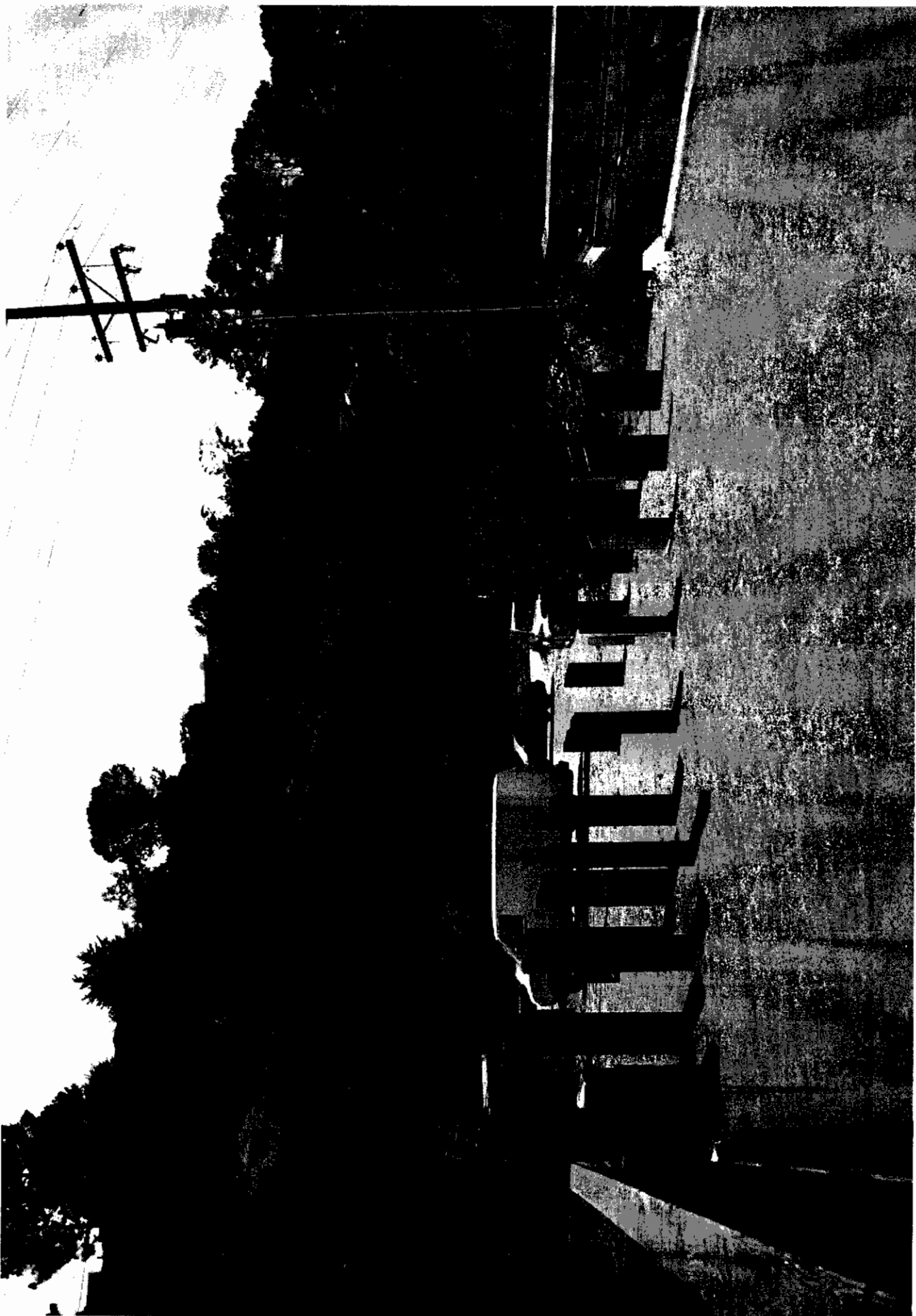
Wetlands Buffer (San Dieguito Rd.)



Wetlands Buffer (City Pump Station)



Wetlands Buffer (Grand Ave. Overlook parking lot)



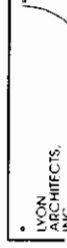
CONCLUSIONS

- Findings of Fact can be made to grant TPM, CUP, and CDP applications.
- Diligent efforts have been made to balance steep slope and wetland buffer considerations.
- Deed restrictions and mitigation measures will vest a buildable area to ensure that any future project provides adequate environmental resource protections.

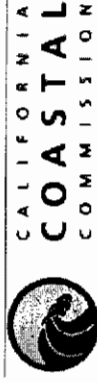
ACKNOWLEDGEMENTS

- Project Manager Bob Scott/RJS Planning and Land Use Solutions
- Engineer Randy Brown/Sowards and Brown Engineering
- Architect Dave Lyon/Lyon Architects
- Field Biologist Paul Schlitt/California Department of Fish and Game
- Senior Biologists Doug Allen and Erin Schorr/ICF Jones & Stokes
- Archeologist Michael Bevers/ICF Jones & Stokes
- Wildlife Biologist Jeff Priest/Dudek and Associates
- Engineering Biologist John Franklin and
Civil Engineer David Skelly/GeoSoils Geotechnical Services
- President Dawn Rawls/San Dieguito Lagoon Preservation Comm.
- SDG&E/San Dieguito River Park Joint Powers Authority
- Ellen Lirely/California Coastal Commission
- City of Del Mar Staff

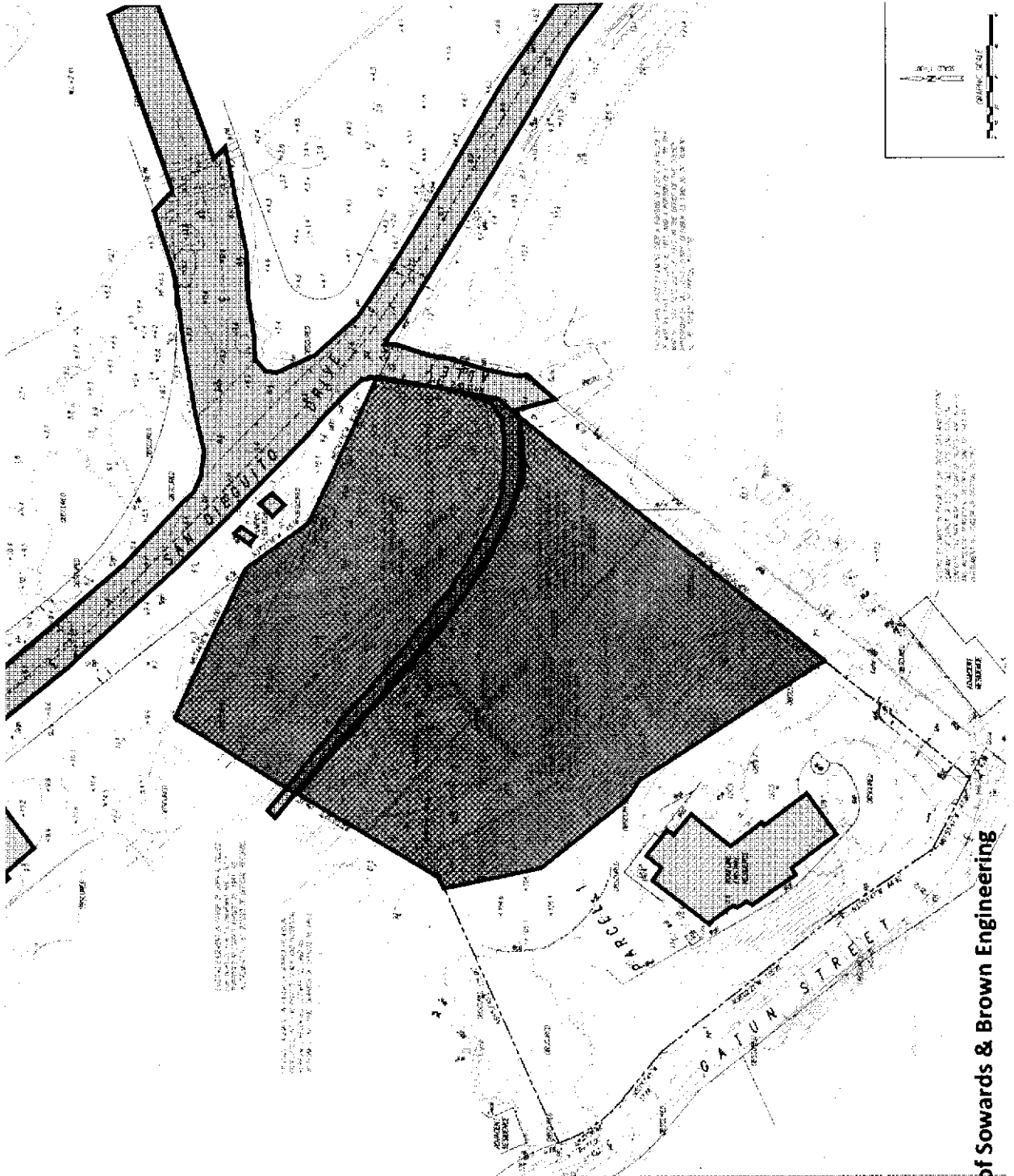
SOWARDS & BROWN ENGINEERING
CONSULTING ENGINEERS
5187 NEWCASTLE AVENUE, SUITE 103
CARMEL BY THE SEA, CA, 95007
TEL. 760/438-8500 FAX 760/438-8503



DEPARTMENT OF
FISH AND GAME

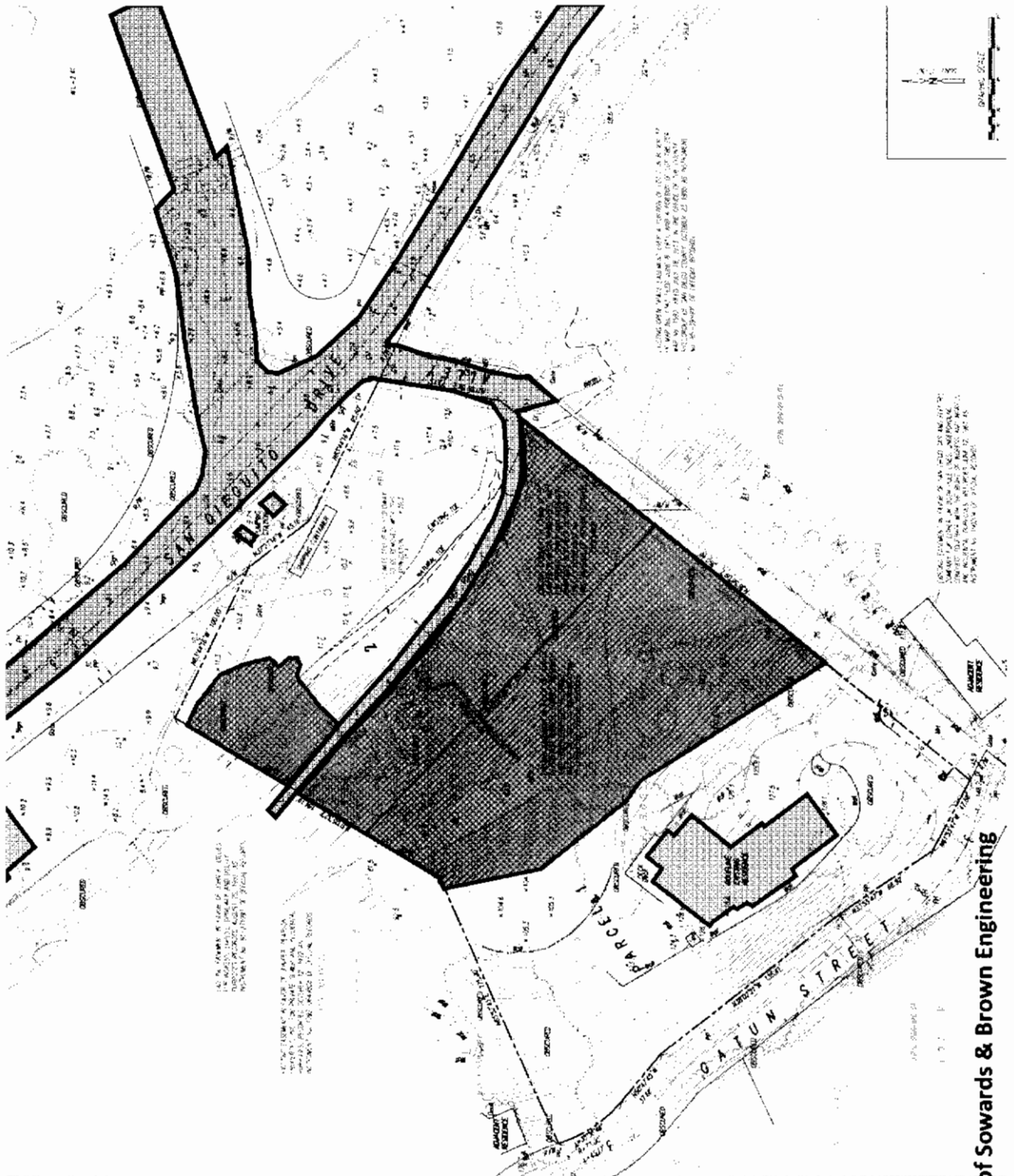


OPEN SPACE EASEMENT EXISTING





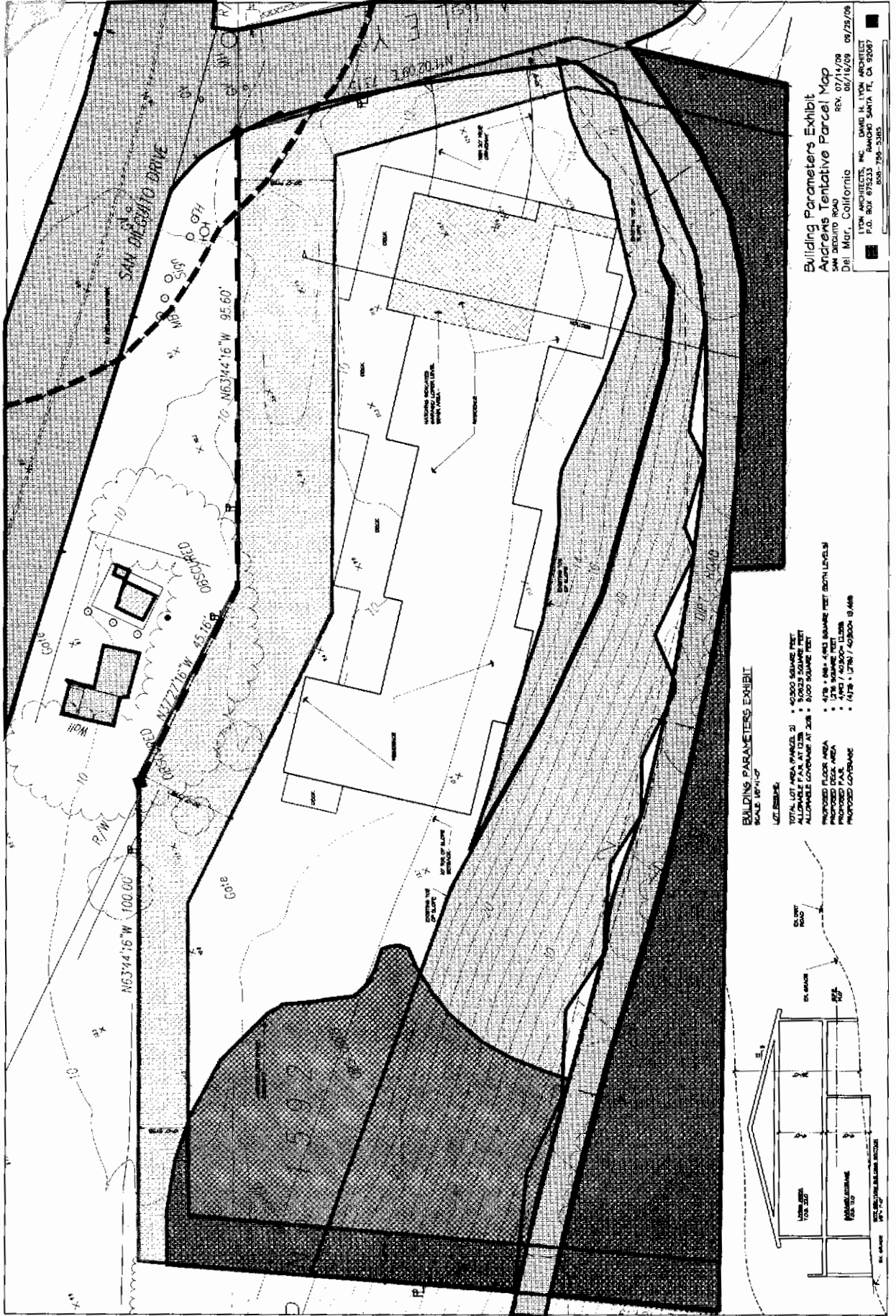
OPEN SPACE EASEMENT PROPOSED



Topographical Drawing courtesy of Sowards & Brown Engineering

Building Parameters Exhibit – REFERENCE ONLY

(Lyon Architects)

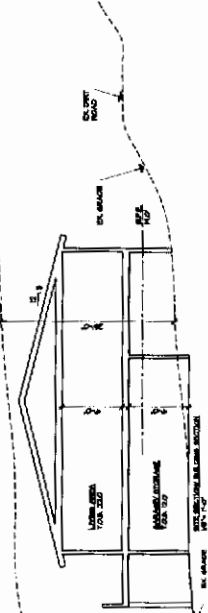


BUILDING PARAMETERS EXHIBIT

SCALE 1/8" = 1'-0"

LOT 28/28A

- TOTAL LOT AREA PARCELS 21 : 40,500 SQUARE FEET
- TOTAL LOT AREA PARCELS 28 : 8,100 SQUARE FEET
- ALLOWABLE COVERAGE AT 20% : 8,100 SQUARE FEET
- PROPOSED COVER AREA : 1,578 + 888 + 488 SQUARE FEET (BOTH LEVELS)
- PROPOSED P.A.S. AREA : 4,793 / 40,500'
- PROPOSED COVERAGE : 147% + 178% / 40,500' ± 488



Building Parameters Exhibit
Andrews Tentative Parcel Map
 San Jacinto Road
 Del Mar, California
 REV. 07/14/09
 06/16/09 09/29/09
 LYON ARCHITECTS, INC. DAVID H. LYON ARCHITECT
 1000 S. GARDEN ST. SANTA FE, CA 90067
 951-754-3345

