

APPENDIX C

CITY PERMITS RESOLUTION

SAN DIEGUITO DRIVE IMPROVEMENTS PROJECT
RESOLUTION NO. 2024-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING DESIGN REVIEW PERMIT DRB24-004, LAND CONSERVATION PERMIT LC24-006, COASTAL DEVELOPMENT PERMIT CDP24-024, CONDITIONAL USE PERMIT CUP24-004, AND TREE REMOVAL PERMIT TRP24-012 TO IMPROVE SAN DIEGUITO DRIVE FROM A PRIVATE TO A PUBLIC ROAD, INCLUDING THE PERFORMANCE OF GRADING AND THE CONSTRUCTION OF A RETAINING WALL IN ORDER TO WIDEN THE STREET IN THE BLUFF, SLOPE, AND CANYON OVERLAY ZONE (BSC-OZ) AND LAGOON OVERLAY (LZ-OZ) BETWEEN RACETRACK VIEW DRIVE AND ORIBIA ROAD AND TO REMOVE FIVE TREES IN THE PUBLIC EASEMENT

WHEREAS, the City of Del Mar (as the permit "Applicant") filed an application for a Design Review (DRB) Permit, Land Conservation (LC) Permit, Coastal Development Permit (CDP), Conditional Use Permit (CUP), and Tree Removal Permit (TRP) for the improvement of San Dieguito Drive (the: "Project") which allows for a private road to be improved to become a City street accepted public road and requires the removal non-scenic mature five trees from the public easement, and

WHEREAS, the Project includes the grading and the construction of a retaining wall allowing for the widening of the road to meet minimum street required standards, pavement of the road, and creates a level surface condition for safer parking; and

WHEREAS, The Project is exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15301, Existing Facilities, exempts projects involving the "operation, repair, maintenance...or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Examples include existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety. Additionally, Section 15302, Replacement or Reconstruction, exempts projects that involve the "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced" (i.e., roadway replacement and storm drain improvements). Section 15304, Minor Alterations to Land, also applies as the areas disturbed by the proposed improvements would be restored with pavement, gravel (surface parking), and/or hydroseeded to minimize erosion. A total of five non-scenic mature trees would be removed along San Dieguito Drive. None of the environmental impact exceptions listed under CEQA Guidelines §15300.2 apply to the Project and no unusual circumstances are present that could lead to a significant environmental effect; and

WHEREAS, on August 13, 2024, the Planning Commission of the City of Del Mar recommended approval of CDP24-024 and CUP24-004; and

WHEREAS, on August 28, 2024, the Design Review Board of the City of Del Mar recommended approval of DRB24-004, LC24-006, and TRP24-012; and

WHEREAS, on October 7, 2024, the City Council of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements at which time all persons desiring to be heard were heard; and

WHEREAS, written and oral evidence was submitted and considered to include without limitation:

- a. Plans submitted by the applicant.
- b. Written information submitted with the application.
- c. Staff Report, dated October 7, 2024, which is incorporated by this reference as though fully set forth herein; and
- d. Additional information submitted during the hearing; and

WHEREAS, Section 23.08.070 of the Del Mar Municipal Code (DMMC) Design Review Ordinance ("DRO") states:

DMMC 23.08.070 Design Regulations. An application shall be approved unless the Design Review Board makes findings of fact based upon the information presented during the hearing that support one or more of the Regulatory Conclusions contained in this Chapter; and

WHEREAS, Section 23.33.040 of the DMMC provides that an application for a Land Conservation Permit shall be approved unless the Design Review Board makes one or more of the seven findings for denial set forth in the Code section cited herein; and

WHEREAS, Section 23.50.080(C)10. of the DMMC provides that an application for a Tree Removal Permit shall be approved if the tree(s) obstruct proposed improvements that cannot be reasonably designed to avoid the need for a tree removal; and

WHEREAS, the Coastal Development Permit Ordinance provides that a determination granting a Coastal Development Permit shall be supported by the findings set forth in DMMC Section 30.75.140; and

WHEREAS, the Conditional Use Permit Ordinance provides that a determination granting a Conditional Use Permit shall be supported by the findings set forth in DMMC Section 30.74.020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that based upon the project plans and substantial evidence presented at the public hearing on October 7, 2024, including written and oral testimony, and staff reports, and

in accordance with DMMC Section 23.08.070, the City Council of the City of Del Mar finds that the project, as conditioned, will not be detrimental to the Community based on the Regulatory Conclusions Sections contained in DMMC Chapter 23.08 (Design Review). Additionally, the City Council previously approved the design materials for proposed retaining walls included in the project design.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar that based upon the project plans and substantial evidence presented at the public hearing on October 7, 2024, including written and oral testimony, and staff reports, and in accordance with DMMC Section 23.33.020, the City Council finds that the Project will not be detrimental to the Community based on its conformance with DMMC Chapter 23.33 (Land Conservation).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar that based upon the project plans and substantial evidence presented at the public hearing on October 7, 2024, including written and oral testimony, and staff reports, and in accordance with DMMC Section 23.50.080(C).10, the City Council finds that the Tree Removal Permit be approved in that the trees are obstructing the proposed improvements that cannot be reasonably designed to avoid the need for tree removal.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, that Conditional Use Permit CUP24-004 be approved based on the following findings:

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

The application to improve the street is permitted within the 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 in such vicinity and zone in which the property is located.**

The improvement to San Dieguito Drive will improve vehicular safety and convenience and will improve emergency vehicle access to properties located on San Dieguito Drive and Oribia Road.

- 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 such facilities and streets.**

The proposed San Dieguito Drive improvement project will improve a deteriorated private street in a manner that will allow it, once improved, qualify it into the City's public street system resulting in improved public access. The minor widening of the street will also improve public safety. The street will continue to serve the community, including residents of San Dieguito Drive and Oribia Road.

- 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 City Council on appeal, are properly provided to be compatible and harmonious with nearby uses.**

The San Dieguito Drive Improvement Project is designed to public street standards for the rural road classification, which includes minor widening of the paved surface (up to three feet (3') in some areas) and improved drainage capacity and it has been designed to minimize disturbance of existing grades and vegetation in order to retain the rural nature of the neighborhood.

- 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.**

This Conditional Use Permit request is consistent with the City's Community Plan in that the improvement of the road will facilitate the movement of traffic in a safe and uncongested manner consistent with a pedestrian-oriented community. These upgrades are consistent with the Transportation Objective and Policy B. The improvement of the road will allow improved vehicular parking on San Dieguito Drive while also providing safer and greater public access by providing an even paved surface.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, that the approval of Coastal Development Permit CDP24-024 be based on the following findings:

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

A public street is a permitted use within the Bluff, Slope, and Canyon and Lagoon Overlay Zones.

- 2. That the proposal meets the criteria of the applicable chapters of this Title (Title 30-Zoning).**

The proposed project, as designed and conditioned, meets the criteria of the applicable chapters of the Del Mar Zoning Code, specifically: 30.52 (Bluff, Slope,

and Canyon Overlay Zone); 30.53 (Lagoon Overlay Zone); 30.74 (Conditional Use Permits); and 30.75 (Coastal Development Permits).

- 3. That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP).**

The Coastal Development Permit, as conditioned, is consistent with the certified City of Del Mar Local Coastal Program ("LCP"). The entire project site is located within a special overlay zone identified in the LCP, the Bluff, Slope, and Canyon Overlay Zone. No part of the improvements is within steep slopes or steep slope setbacks consistent with the requirements of this overlay zone.

A portion of the project is located in the Lagoon Overlay Zone but is not located within a protected wetland; the wetland is not impacted from the Project because it is buffered by a perpendicular street, Racetrack View Drive, and includes improvements that more effectively manages the collection of stormwater runoff thereby preventing runoff to the Lagoon.

- 4. That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title (Title 30-Zoning). and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The Project is consistent with and implements the applicable requirements for provision of public access contained in the Del Mar Zoning Code and in the public access and public recreation policies of Chapter 3 of the California Coastal Act. The Project improves access to parking and walkability of San Dieguito Drive for pedestrians to be able to walk to the nearby lagoon and canyon trails.

- 5. That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

The Project is not located along the shoreline.

- 6. That the proposal is consistent with and implements the provisions of public view protection Policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

The Project is consistent with and implements the provisions of public view protection policies of the City of Del Mar Local Coastal Program, including those

of the LCP Land Use Plan. With exception to a low retaining wall, the Project is designed to be primarily at-grade and therefore will not impact any public views.

- 7. That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

The roadway is not located directly within a wetland resource, is existing, provides the only access to existing homes, and does not adversely impact wetland resources.

AND BE IT FURTHER RESOLVED by the City Council of the City of Del Mar that the approval of DRB24-004, LC24-006, TRP24-012, CUP24-004, and CDP24-024 shall be subject to the following conditions:

GENERAL CONDITIONS

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

G-1 [Business License]

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff.

G-3 [Development Authorization Limited to Plan Set]

This permit is granted based on submitted plans dated June 26, 2024, and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-5 [Requirement for Building Permits]

Prior to commencement of work, the applicant or agent shall obtain all required Building Permits.

G-6 [Construction and Demolition Waste Recycling Requirement]

Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65% of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted. All work

associated with the project shall be done in conformance with the City of Del Mar's Mandatory Recycling Ordinance (No. 590).

G-7 [Code Compliance]

Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

G-11 [Plan for Construction-Phase Impacts]

Prior to issuance of Building Permits or commencement of project implementation (whichever comes first), the applicant shall provide a plan for construction-phase parking and equipment/materials storage for the project. The plan must include the following:

- a. Identification of project material storage location;
- b. Identification of project equipment storage location;
- c. A construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries.
- d. Location of any temporary sanitary facilities;
- e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
- f. Map displaying any/all haul routes; and
- g. Contact information (phone number and Email) for the on-site supervisor(s);

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Parking Enforcement and Public Works Departments. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-13 [Permit Expiration]

This permit shall expire three years from the date of approval unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

G-16 [Compliance with City Noise Regulations]

The applicant and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

G-17 [Dig Alert]

Prior to excavation or trenching, the applicant shall call Underground Service Alert of Southern California (Dig Alert- 1-800-227-2600) for a mark out of service utilities.

G-18 [Rules for Construction-related Signage]

All construction-related signage posted at the project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the project review process.

All construction related signage, including City required signs, shall be removed prior to final approval of the project.

Engineering Conditions

These conditions shall be incorporated into the Plan Set or added to the Project Specifications.

E-1 The Plan shall be in compliance with applicable National Pollutant Discharge Elimination System (NPDES) stormwater requirements and shall incorporate the use of "Best Management Practices" (BMPs) to control runoff or discharge onto the City rights-of-way and to avoid run-off onto adjacent properties.

In addition to the considerations listed above, the Plan shall also address/incorporate the following:

E-1A A topographical map indicating right-of-way lines, topographic features and existing and/or proposed utilities prepared by a Registered Civil Engineer or a Licensed Land Surveyor. Said map shall include two-foot contour lines and/or sufficient spot elevations to clearly represent existing and proposed topographical features. Survey shall extend the width of the right-of-way, within limits of work;

E-1B The location of all existing or proposed easements which extend past the right-of-way, which are to be used for the roadway improvements;

E-1C The inclusion of a traffic control plan for any phased work within the right-of-way, shall be submitted to the Public Works Department prior to commencement of work;

E-1D The proposed retaining walls shall be designed and constructed completely within the public right-of-way and easement. No portion of the wall or footing shall extend across the right-of-way line onto private property, unless there is an easement. The limits of the footing of the proposed retaining walls shall be depicted on the plan set. The applicant shall provide a plan and profile view of the proposed retaining wall that will depict top of wall and top of footing elevations;

E-1E Retaining wall sub-drains will not discharge onto City streets, as they contribute to nuisance water. Sub-drains shall discharge on soil, within the right-of-way, to allow percolation back into the soil;

E-1F Roadway improvements shall be per County of San Diego Regional Standard Drawings. Any distressed pavement within, or adjacent to, the saw-cut limits shall be removed and replaced to the satisfaction of the City Engineer at no additional cost to the City.

E-1G The methods for providing temporary erosion control during the construction phase of the project, complete with the inclusion of standard improvement plan and erosion control notes on the plan set;

E-1H The applicant shall stabilize all slopes per City approved method; and

E-1I Following construction completion, the project designer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project designer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan.

E-2 Cuts into hillsides shall require the applicant to obtain a Land Conservation (LC) permit, pursuant to the provisions of the Del Mar Municipal Code (DMMC).

E-3 Prior to project commencement the applicant shall record any easement that is required on private property for the installation of the utility. The easement document shall be prepared to the satisfaction of the Planning and Community Development Director.

E-4 Should any retaining walls need to be designed by a California Licensed Structural Engineer, the applicant shall provide a Geotechnical Report for the project providing the required soil parameters needed to design the proposed retaining walls. The Report shall be prepared, signed and sealed by a Certified Engineering Geologist and a Geotechnical Engineer or Registered Civil Engineer. This Report shall be subject to review and approval by the City Engineer, City Building Department, and if deemed necessary, a third-party with expertise in geotechnical issues. The report required herein shall:

E-4A Evaluate existing site constraints;

E-4B Evaluate potential effect of proposed construction on nearby slopes, sensitive topographic features and neighboring properties;

E-4C Evaluate any mitigation measures if necessary;

E-4D Evaluate recommendations for any special construction methods as necessary; and

E-4E Provide recommendations for back-cuts for the construction of retaining walls. These recommendations shall include a time limit that the back-cuts can remain in place without either creating a stable backfill or completing construction of the approved retaining walls.

E-5 The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Department of Public Works and the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.

E-6 The applicant shall restrict hours of work for the use of heavy equipment during grading and improvements between the hours of 7:30AM to 5:00PM, this includes the warmup of equipment. Saturday, Sunday and City holiday work is prohibited.

E-7 All construction activities undertaken shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code, these standard conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) City's Municipal Code regulations; 2) City's General Plan; 3) Standard Conditions.

E-8 Pedestrian access along all public streets in the project area shall be maintained at all times unless material is being delivered to the site.

E-9 Any special or unique surfaces shall be restored in-kind. For example, cobblestone gutters shall be restored in-kind. Permittees are required to salvage as much of the existing materials as possible for reuse in the restoration and shall supply any new material with substantially similar characteristics as required for proper restoration.

E-10 The Permittee shall warrant that any backfill, pavement restoration, or other work performed in the Right-of-Way will be free from all defects due to faulty materials or quality of work for a period of one (1) year after the date the work was inspected and approved by the City. Upon failure of the pavement restoration within the one (1) year warranty period, the Permittee shall repair or remove and replace all such backfill, Pavement restoration, or other work, together with any other Pavement areas directly affected by that removal or replacement, without any expense to the City.

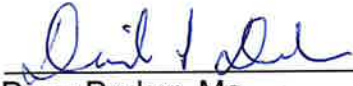
E-11 Construction Start Notification Letters shall be received by all addresses at least two Days before commencing the work and must include the project limits, general scope of work, construction start and end dates, and name of contractor if other than the Applicant.

E-12 When the permitted work will affect residents' access to their property or will disrupt utility services, written notices must be hand delivered by means of door hangers to each residence, as well as to the Public Works Department. The Work Area and Schedule must be included on the notice and all notices delivered at least five (5) business days in advance of commencing work.

E-13 All construction work shall be performed and conducted in coordination with the City's Fire Department so as to minimize the interference with access to the fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants. Accessways provided by Contractor leading to fire hydrants shall be kept free of all obstructions at all times.

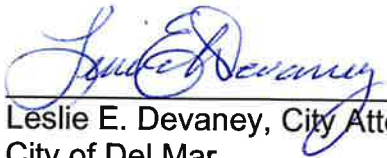
E-14 The Contractor performing work in the right-of-way shall cleanup the work area daily, including the removal of debris and any excess construction material. There shall be no spoil material stockpiling within the right-of-way upon completion of the workday. Dusty conditions shall be controlled daily by appropriate methods such as sweeping when warranted or as directed by the City Engineer.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 7th day of October, 2024



Dave Druker, Mayor
City of Del Mar

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Sarah Krietor, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2024-49, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 7th day of October 2024 by the following vote:

AYES:	Mayor Druker, Deputy Mayor Gaasterland, Councilmember Martinez
NOES:	Councilmember Quirk
RECUSE:	None
ABSENT:	None
ABSTAIN:	None



Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar