

Table of Contents

9-23-2024 Regular Meeting Agenda	2
Item 2 - Draft Action Minutes Regular Meeting 9-9-2024	9
Item 3 - List of Demands	15
Item 5 - 2023 SHSP Award Approval - TICs & Rescue Equip Purchase	33
Item 6 - STR Ordinance Adoption	53
Item 7 - FY 2024 Holleman Foundation Grant	82
Item 8 - Finance Committee Appointment	84
Item 9 - Cal OES 130	92
Item 10 - IH and Condos Ordinances	100
Item 11 - ODS Ordinance Adoption	151
Item 12 -Measure Q Overview	243
Item XII-A,B,E,F,L,N,O; XIII-C,J,P- Council Liaison Reports	250



Del Mar City Council Meeting Agenda

City of Del Mar, Town Hall
1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Regular Meeting

Monday, September 23, 2024 at 4:30 PM

Dave Druker
Mayor

Terry Gaasterland
Deputy Mayor

Tracy Martinez
Council Member

Dan Quirk
Council Member

Dwight Worden
Council Member

Ashley Jones
City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Administrative Services
Manager/City Clerk

Public Participation/Comment: Members of the public can participate in City Council meetings in-person or via written comment (Red Dot). Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

In-Person Participation: Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

Written Comments: Members of the public can participate in the meeting by submitting a written red dot comment via email to cityclerk@delmar.ca.us. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

Remote Participation: Due to technical issues, remote participation will not be offered at this City Council meeting.

Viewing the Meeting and Access to Agenda Materials: Members of the public can watch the meeting live on the City's website at: <http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: <http://www.delmar.ca.us/AgendaCenter> and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

Assistance for Persons with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- I. CALL TO ORDER/ROLL CALL
- II. CITY ATTORNEY CLOSED SESSION REPORT
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

- V. COMMUNITY ANNOUNCEMENTS
- VI. CITY MANAGER'S REPORT
- VII. PRESENTATIONS
 - 1. **Appreciation for Outgoing Councilmember Dwight Worden**

TIME CERTAIN 7:00 PM - CAKE & REFRESHMENTS TO FOLLOW

Recommended Action: Present resolution of appreciation for outgoing Councilmember Worden and receive other proclamations and acknowledgments.

Reference: Clerk's File No. 401-1

- VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk.

2. Approval of Minutes: September 9, 2024 Regular Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

3. Ratification of List of Demands, dated September 23, 2024

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

5. Acceptance of 2023 State Homeland Security Program Grant Funds

Recommended Action: Staff recommends the City Council: 1) Accept \$6,352 in grant funds from the Fiscal Year 2023 State Homeland Security Program (SHSP) for the purchase of individual thermal imaging cameras and fire rescue equipment for the Del Mar Fire Department; and 2) Authorize the City Manager to execute the necessary grant documents.

Reference: Clerk's File No. 201-13

6. Adoption of an Ordinance to Establish Short-Term Rental Regulations

Recommended Action: Staff recommends that the City Council adopt the Short-Term Rental (STR) Regulations Ordinance (Attachment A) to amend the Title 30 (Zoning) in the Del Mar Municipal Code (DMMC) and the certified Local Coastal Program (LCP) by Zone Code Amendment (ZA24-004) and LCP Amendment (LCPA24-003) to establish STR regulations in a new DMMC Chapter 30.96.

Reference: Clerk's File No. 301-19, 401-4, 401-9

7. 2024 Roy & Marian Holleman Foundation Grant Application & Acceptance of a Separate Donation for Fire Station Equipment

Recommended Action: Staff recommends the City Council: 1) Approve submission of a grant application for \$10,000 to the Roy & Marian Holleman Foundation for Fire Station equipment; 2) Accept a separate donation of two refrigerators for the Fire Station; and 3) Authorize the City Manager to execute the required grant and donation documents and accept the grant funds, if awarded.

Reference: Clerk's File No. 201-13, 1202-5

8. Finance Committee Appointment

Recommended Action: The City Council Liaisons to the Finance Committee recommend that the City Council appoint Bret D'Vincent as a voting member to the Finance Committee to serve a full three-year term effective September 23, 2024, and ending on September 30, 2027.

Reference: Clerk's File No. 401-5

9. California Governor's Office of Emergency Services Designation of Applicant's Agent Resolution

Recommended Action: Staff recommends the City Council: 1) Adopt a Resolution (Attachment A) designating the City of Del Mar's authorized representatives (agents) to execute official documents with the California Governor's Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA); and 2) Authorize staff to complete the updated form (Cal OES 130) required by Cal OES to be executed by the governing body of the jurisdiction requesting reimbursement (Attachment B).

Reference: Clerk's File No. 1501-12, 1502-22

IX. PUBLIC HEARING

10. Continued from September 9, 2024 Council Meeting - Introduction of Ordinances to Repeal and Replace Del Mar Municipal Code Chapters 24.21 and 24.40 Relating to Inclusionary Housing and Condominium Conversion Regulations and Amend the Municipal Code and Local Coastal Program to Make Minor Corrections to the North Commercial and Professional Commercial Zones for Consistency With the Citywide Inclusionary Housing Regulations

Recommended Action: Staff recommends the City Council take the following actions to address City commitments in 6th Cycle Housing Element (2021-2029) Programs 4D and 4E relating to inclusionary housing and condominium (condo) conversion regulations, which will apply consistently citywide, including discretionary review as applicable: 1) Confirm the environmental determination that the proposed Ordinances are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common-sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment; 2) Introduce an Ordinance (Attachment A) to repeal and replace the DMMC regulations in Chapter 24.21 (Inclusionary Housing) and regulations in Chapter 24.40 (Condo Conversions) by amending the DMMC (A24-001 and A24-002) to implement Housing Element Programs 4D and 4E; and 3) Introduce an

Ordinance (Attachment B) to amend the Del Mar Municipal Code (DMMC) Section 30.24.070(A) North Commercial Zone Development Standards and Section 30.25.070(A) Professional Commercial Zone Development Standards in the City's Municipal Code and certified Local Coastal Program (LCP) by amending the Municipal Code (ZA24-005) and LCP (LCPA24-004) to make minor corrections for consistency with the citywide Inclusionary Housing regulations.

Reference: Clerk's File No. 303-1, 401-4, 401-9

X. COUNCIL MEETING RECESS

XI. CITY COUNCIL OTHER BUSINESS

11. Adoption of an Ordinance Establishing Multi-Unit and Mixed-Use Objective Design Standards for "By-Right" Housing Development Projects

Recommended Action: Staff recommends that the City Council adopt an Ordinance (Attachment A) to amend Del Mar Municipal Code (DMMC) Title 23 and establish a new Chapter 23.06 to approve and implement Multi-Unit and Mixed-Use Objective Design Standards for "by-right" housing development projects and implement Housing Element Program 6G.

Reference: Clerk's File No. 304-7, 401-4, 401-9

12. Measure Q Overview & Accomplishments to Date

Recommended Action: Mayor Dave Druker and Councilmember Dwight Worden recommend that the City Council discuss the background and history related to Measure Q, designated uses, accomplishments to date, and next steps.

Reference: Clerk's File No. 401-5

XII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

- A. 22nd District Agricultural Association Community Relations Committee (Martinez/Worden)
Recommended Action: Receive written report (Worden)
- B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
Recommended Action: Receive written report (Worden)
- C. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
- D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Druker)
- E. League of California Cities – San Diego Chapter (Martinez/Worden)
Recommended Action: Receive written report (Worden)
- F. League of California Cities – Coastal Cities Group (Worden)

- Recommended Action: Receive written report (Worden)
- G. North County Transit District (NCTD) (Martinez/Druker)
- H. Regional Solid Waste Association (Worden/Quirk)
- I. San Diego Association of Governments Board (SANDAG)
(Gaasterland/Martinez/Druker)
- J. SANDAG Borders Committee (Gaasterland)
- K. SANDAG Regional Planning Committee (Martinez)
- L. SANDAG Shoreline Preservation Working Group
(Worden/Gaasterland/Martinez)
- Recommended Action: Receive written report (Worden)
- M. SANDAG LOSSAN Executive Task Force (Druker/Gaasterland)
- N. San Diego Metropolitan Wastewater Commission/JPA (Worden/Quirk/Druker)
- Recommended Action: Receive written report (Worden)
- O. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee
(Worden/Quirk)
- Recommended Action: Receive written report (Worden)
- P. Other Regional Organization Reports

XIII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

- A. Arts Advisory Committee (Druker)
- B. Clean Water Rate Project
- C. Del Mar Community Connections (Martinez/Worden)
Recommended Action: Receive written report (Worden)
- D. Del Mar Village Association (Gaasterland/Martinez)
- E. Finance Committee (Druker/Worden)
- F. Housing Subcommittee (Gaasterland/Martinez)
- G. Human Resources Subcommittee (Druker/Worden)
- H. Legislative Subcommittee (Gaasterland/Martinez)
- I. Measure Q Citizen Oversight Committee (Gaasterland/Quirk)
- J. Parks and Recreation Committee (Martinez/Gaasterland)
Recommended Action: Receive written report (Martinez)
- K. Del Mar Railroad Committee (Druker/Gaasterland)
- L. Lagoon Committee (Quirk/Worden)
- M. Sea-Level Rise Adaptation Plan Implementation Subcommittee
(Gaasterland/Martinez)
- N. Shores Advisory Committee
- O. Sustainability Advisory Committee (Martinez/Worden)
- P. Traffic and Parking Advisory Committee (Quirk/Worden)
Recommended Action: Receive written report (Worden)
- Q. Undergrounding Project Advisory Committee (Druker/Gaasterland)
- R. Other Committee-Subcommittee Reports

XIV. UPCOMING AGENDA ITEMS

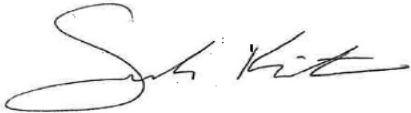
The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are

posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

October 7, 2024
Agreement for Investment Advisory Services
Contract with Redflex for Traffic Signal Enforcement Cameras
Bid Award for Hoska Alley Street and Storm Drain Improvements
Guiding Principles for TSVS Ordinance Update
Undergrounding Financing Analysis - NHA Advisors (Tentative)
San Dieguito Drive Permits (DRB, LC, TRP, CDP, CUP)
UUD X1A Permits (DRB, CDP, CUP), Task Order Amendment, Easements, and 1810 San Dieguito Drive Pole Exemption
City Council Interviews and Appointment
Amendments to Agreements for As-Needed Environmental Consulting

XV. CERTIFICATION

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 18th day of September, 2024 at approximately 5:45 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk

9/18/2024

Date



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 9, 2024
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar California 92014
And via teleconference
128 Ritchie Ave., Silver Spring, MD 20910**

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Mayor Druker called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

Present: Mayor Dave Druker; Deputy Mayor Terry Gaasterland; Councilmembers Tracy Martinez, Dan Quirk (arrived at 4:32 p.m.), and Dwight Worden

PLEDGE OF ALLEGIANCE

Deputy Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Mayor Druker opened public oral communication and Meg Harris spoke regarding the road conditions outside of Flower Hill shopping center in the City of San Diego. Mayor Druker closed public oral communications.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Councilmember Quirk provided comments on the fencing at Powerhouse Park and trash on the beach. City Manager Ashley Jones and Public Works Director Joe Bride provided a response. Mayor Druker cautioned Councilmember Quirk about communications with staff and raising concerns in an appropriate manner. Deputy Mayor Gaasterland reported on the importance of making a will. Councilmember Martinez reported on Mayor Druker's birthday.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 5 AND ITEM 7. (VOTE 5-0)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 1: APPROVAL OF MINUTES: AUGUST 26, 2024 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED SEPTEMBER 9, 2024 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: LICENSE AGREEMENT WITH SAINT PETER'S PARISH FOR PARKING METER MANAGEMENT, ENFORCEMENT AND REVENUE SHARING (CLERK'S FILE NO. 406-1, 905-4)

Council approved a Parking Management License Agreement with Saint Peter's Parish to reestablish a formal parking meter management, enforcement, and revenue share arrangement with the City; and authorized the City Manager to execute the License Agreement, on consent.

ITEM 5: SECOND READING AND ADOPTION OF AN ORDINANCE UPDATING THE CITY'S PURCHASING CODE (CLERK'S FILE NO. 201-9, 401-4, 401-9, 601-5)

Council adopted Ordinance 1009, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING TITLE 7 OF THE CITY OF DEL MAR MUNICIPAL CODE – EXPENDITURES", on consent.

PUBLIC HEARING

ITEM 6: CONTINUED TO SEPTEMBER 23, 2024 CITY COUNCIL MEETING - INTRODUCTION OF ORDINANCES TO REPEAL AND REPLACE DEL MAR MUNICIPAL CODE CHAPTERS 24.21 AND 24.40 RELATING TO INCLUSIONARY HOUSING AND CONDOMINIUM CONVERSION REGULATIONS AND AMEND THE ZONING CODE AND LOCAL COASTAL PROGRAM TO MAKE MINOR CORRECTIONS TO THE NORTH COMMERCIAL AND PROFESSIONAL COMMERCIAL ZONES FOR CONSISTENCY WITH THE CITYWIDE INCLUSIONARY HOUSING REGULATIONS (CLERK'S FILE NO. 303-1, 401-4, 401-9)

The item was continued date certain to September 23, 2024.

ITEM 7: RESOLUTION APPROVING TENTATIVE PARCEL MAP TPMC23-001 AND COASTAL DEVELOPMENT PERMIT CDP24-004

**APPLICANT/OWNER: DEAL DEL MAR LLC
ASSESSOR PARCEL NUMBERS (APN): 300-181-07-00
LOCATION: 730-750 STRATFORD COURT (CLERK'S FILE NO. 301-2)**

Mayor Druker opened the public comment. There were no public speakers for this item. Mayor Druker closed the public hearing. City Council adopted Resolution 2024-45 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING TENTATIVE PARCEL MAP (CONDOMINIUM) TPMC23-001 AND COASTAL DEVELOPMENT PERMIT CDP24-004 TO CONVERT AN EXISTING RESIDENTIAL DUPLEX (AS TWO DETACHED UNITS) TO CONDOMINIUM OWNERSHIP, ON LAND LOCATED WITHIN THE HIGH DENSITY RESIDENTIAL (R2) ZONING AND COASTAL OVERLAY DISTRICTS AT 730 AND 750 STRATFORD COURT, DEL MAR, CALIFORNIA (APN: 300-181-07-00)", on consent.

ITEM 8: INTRODUCTION OF ORDINANCE TO ESTABLISH SHORT TERM RENTAL REGULATIONS (CLERK'S FILE NO. 301-19, 401-4, 401-9)

A presentation was provided by Principal Planner Amanda Lee. Deputy City Attorney Wendy House and Planning and Community Development Director Karen Brindley were available to answer questions.

Mayor Druker opened the item to public comment and the following people spoke:

- 1) Laura DeMarco (time donations from Steve McDowell and Joe Andrew)
- 2) Don Instone
- 3) Nina Detrow
- 4) Kimberly Jackson
- 5) Dolores Davies Jamison
- 6) Gina Mattern
- 7) Brenda Sampiere
- 8) Shirli Weiss
- 9) Ken Assi
- 10) Lauren Ranes
- 11) Summer Rota

Mayor Druker closed the item to public comment.

Council questions and discussion focused on the proposed home inspection provisions of the ordinance; City's complaint-based enforcement procedures; regulations in place in the interim of City Council adoption of the Ordinance and California Coastal Commission certification; short-term rental cap and potential related regulatory revisions being considered by the City Council; rational for not prohibiting short-term rentals in the R1 Zone; proposed 10% short-term rental cap on condominiums and ability to revisit in the future if desired; primary residence requirement for new short-term rentals; relationship between the cap and primary residence requirement; definition of monthly rental for purposes of exemption from the STR regulations; desire for Council to receive data on complaints as part of the City's annual STR reporting; expectation that the City Council may need to review and adjust STR regulations in the future; and relationship between the primary residence requirement and the City's 6th Cycle Housing Element.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND AND SECONDED BY COUNCILMEMBER MARTINEZ TO REPLACE THE INSPECTION PROVISIONS IN THE PROPOSED ORDINANCE WITH A SELF-CERTIFICATION INSPECTION PROCESS AT THE TIME THE STR PERMIT IS ISSUED AND AT RENEWALS AND FOR STAFF TO INCLUDE DATA ON COMPLAINTS WHEN REPORTING ANNUALLY ON STR REGULATIONS. (VOTE 5-0)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND AND SECONDED BY COUNCILMEMBER WORDEN THAT THE 129 STR UNIT CAP BE AFFIRMED IN THE PROPOSED ORDINANCE. (VOTE 5-0)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

Council consensus was to introduce the ordinance with the amendment to the definition of monthly rental read into the record by Principal Planner Amanda Lee.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND TO REMOVE THE PRIMARY RESIDENT REQUIREMENT. DEPUTY MAYOR GAASTERLAND SUBSEQUENTLY WITHDREW HER MOTION.

IT WAS MOVED BY MAYOR DRUKER AND SECONDED BY COUNCILMEMBER WORDEN TO ACCEPT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ENVIRONMENTAL DETERMINATION. (VOTE 5-0)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN AND SECONDED BY MAYOR DRUKER TO INTRODUCE THE ORDINANCE WITH THE FOLLOWING MODIFICATIONS:

- 1) **RELATING TO THE CITYWIDE CAP, MODIFY PROPOSED SECTION 30.96.0050(B) TO READ AS FOLLOWS: B. THE MAXIMUM NUMBER OF STR PERMITS ISSUED BY THE CITY SHALL BE LIMITED TO 129 STRS, WHICH IS EQUIVALENT TO FIVE PERCENT (5%) OF THE TOTAL NUMBER OF DWELLING UNITS LOCATED IN THE CITY BASED ON THE 2020 UNITED STATES CENSUS DATA. ANY FUTURE INCREASE IN CAPACITY FOR NEW STRS SHALL BE SUBJECT TO PROCESSING AN AMENDMENT BY ORDINANCE SUBJECT TO APPROVAL BY THE CITY COUNCIL AND THE CALIFORNIA COASTAL COMMISSION.**
- 2) **RELATING TO EXEMPTIONS, MODIFY PROPOSED SECTION 30.96.025(A)(2)(A) IN THE EXPLANATION OF "RENTAL FOR ONE MONTH" TO REPLACE THE TERM "SAME" WITH THE TERM "PRIOR".**
- 3) **RELATING TO STR INSPECTION REQUIREMENT, DELETE PROPOSED SECTION 30.96.070(F)(3) IN THE OPERATING REQUIREMENTS AND MODIFY PROPOSED SECTION 30.96.040(E)(5) IN THE APPLICATION REQUIREMENTS TO READ AS FOLLOWS: E. STR RENTAL AGREEMENT AND SITE-SPECIFIC DETAILS 5. PRIOR TO THE ISSUANCE OR RENEWAL OF A STR PERMIT, OWNER SHALL COMPLETE AND SUBMIT, A SELF-CERTIFICATION INSPECTION FORM ON A FORM PROVIDED BY THE CITY AND SIGNED BY OWNER UNDER PENALTY OF PERJURY, ACKNOWLEDGING THAT THE STR AND PROPERTY COMPLY WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS OF THE STR RELATING TO LIFE SAFETY, INCLUDING THE PROVISIONS OF THIS CHAPTER. (VOTE 5-0)**

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:54 p.m. to 8:08 p.m.

CITY COUNCIL OTHER BUSINESS

**ITEM 9: JOINT RESOLUTION REGARDING THE LOSSAN RAIL REALIGNMENT PROJECT
(CLERK'S FILE NO. 1005-2)**

A presentation was provided by Mayor Druker and Councilmember Martinez. City Manager Jones provided comments on the drafting and legal review process for the joint resolution. Deputy City Attorney Ralph Hicks was available to answer questions and provided comments on the joint resolution related to the California Environmental Quality Act (CEQA).

Council questions focused on the conflict analysis provided by City Attorney Devaney related to the LOSSAN Rail Realignment Project; whether there was Council support for staff to follow up on request for Department of the Army Chief of the Railroads for National Defense Program Daniel Zedack to present at a future City Council meeting regarding military use of the rail corridor; and whether there was Council support for a future agenda item related to a proposed ballot measure to fund public transportation infrastructure projects known as Measure G.

Mayor Druker opened the item to public comment and the following people spoke:

- 1) Shirli Weiss (time donations from Mike Boyle and Jennifer Anderson)
- 2) Drew Cady
- 3) Mark Rittenbaum
- 4) Laura DeMarco

Mayor Druker closed the item to public comment.

Council discussion focused on public concerns about proposed language in Section 4 of the Joint Resolution; CEQA process related to the LOSSAN Rail Realignment Project and nexus to language included proposed Joint Resolution; time constraints and whether the other parties would be receptive to proposed changes to the resolution; whether anything in the resolution would compromise the City's ability to challenge the project or force the issuance of City permits in the future; aspirational nature of the joint resolution; summary of the San Diego Association of Government (SANDAG) Values Analysis process that is currently underway; and City Council support for staff to request a presentation from SANDAG or their third-party consultant on the Values Analysis process at a future Council meeting.

IT WAS MOVED BY MAYOR DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO ADOPT A JOINT RESOLUTION WITH THE CITIES OF DEL MAR, SOLANA BEACH, AND SAN DIEGO AND THE 22ND DISTRICT AGRICULTURAL ASSOCIATION (22ND DAA) REGARDING THE SAN DIEGO ASSOCIATION OF GOVERNMENT'S (SANDAG) LOSSAN RAIL REALIGNMENT PROJECT. (VOTE 4-1, WITH COUNCILMEMBER QUIRK OPPOSED)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez and Worden; Noes: Councilmember Quirk; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 10: OPTIONS FOR FILLING UPCOMING CITY COUNCILMEMBER VACANCY (CLERK'S FILE NO. 401-1)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Administrative Services Manager/City Clerk Sarah Krietor.

Council questions focused on the process and logistics of holding a special election or appointing someone to serve.

There were no public speakers for this agenda item.

Council discussion focused on cost of holding a special election; pros and cons of the Council appointing someone to serve the balance of Councilmember Worden's term of office due to his resignation from service; importance of minimizing the period-of-time the position is vacant to ensure Council can effectively do business; history related to filling prior Council vacancies; adding a section to the application form indicating the applicant's priorities while serving on the Council; and include an acknowledgement of minimum time commitment.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND AND SECONDED BY COUNCILMEMBER MARTINEZ TO PROCEED WITH AN APPOINTMENT PROCESS, OPENING SEPTEMBER 10, 2024, CLOSING THE APPLICATION PERIOD ON SEPTEMBER 27, 2024, AND HOLDING INTERVIEWS ON OCTOBER 7, 2024 (VOTE 3-1-1, WITH COUNCILMEMBER QUIRK OPPOSED AND COUNCILMEMBER WORDEN ABSTAINING.)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez Noes: Councilmember Quirk; Recuse: 0; Absent: 0; Abstain: Councilmember Worden.

City Council consensus was to direct the City Clerk to amend the application as discussed at the meeting.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on SANDAG Board of Directors; SANDAG Shoreline Preservation Working Group; and Clean Energy Alliance.

ADJOURNMENT

Mayor Druker adjourned the meeting at 9:48 p.m.

Sarah Krietor, Administrative Services Manager/
City Clerk



LIST OF DEMANDS
CITY OF DEL MAR
for
City Council Meeting
September 23, 2024

Vendor Payment Checks	\$ 158,513.15
Voids	(3,400.00)
Electronic Fund Transfers (EFT)	327,661.33
Electronic Wires	58,497.10
Total	<u>\$ 541,271.58</u>

Approved by:


Monica Molina
Finance Manager/Treasurer

Date:
9/17/2024

Approved by:

Dave Druker
Mayor

Date:

Attachments: Check Registers


Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6205	9/3/2024	cor22	CORVEL CORPORATION	1649716	7/31/2024	WC SERVICES JUL	185.00
	Voucher:	6205	1652202	7/31/2024	WC SERVICES JUL	185.00	
			1652203	7/31/2024	WC SERVICES JUL	37.00	407.00
6206	9/3/2024	del31	DELL MARKETING L.P.	10761001850	7/18/2024	COMPUTER HARDWARE	361.24
	Voucher:	6206					361.24
6207	9/3/2024	san56	SAN ELIJO JOINT POWERS,	05092024	5/9/2024	RECYCLED WATER RECON FY22	19,470.00
	Voucher:	6207					19,470.00
6208	9/3/2024	swc01	SWCA ENVIRONMENTAL CO	200655	8/15/2024	ENVIRONMENTAL STUDY	3,655.00
	Voucher:	6208					3,655.00
Sub total for EFT GENERAL ACCOUNT US BANK:							23,893.24

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
138684	9/3/2024	coa21	COAST NEWS GROUP	00153815	8/16/2024	AD - PUBLIC HEARING UG	337.50
	Voucher:	138684		00153816	8/16/2024	AD - PUBLIC HEARING	240.00
				00153880	8/16/2024	AD - PUBLIC HEARING	236.25
				00153813	8/16/2024	AD - PUBLIC HEARING	150.00
				00153812	8/16/2024	AD - PUBLIC HEARING	135.00
				00153814	8/16/2024	AD - PUBLIC HEARING TITLE 7	112.50
							1,211.25
138685	9/3/2024	gae03	GAETKE MEDICAL CORPOR.	506	6/22/2023	EMPLOYEE TESTING MAY	750.00
	Voucher:	138685					750.00
138686	9/3/2024	lie01	LIEBERT, CASSIDY WHITMO	267318	4/30/2024	LEGAL FEES APR	1,778.50
	Voucher:	138686					1,778.50
138687	9/3/2024	nov04	NOVAKOVIC, DANA	08152024	8/15/2024	APPLICATION REF DRB23-006	3,185.00
	Voucher:	138687					3,185.00
138688	9/3/2024	qua04	QUALITY CHEVROLET	214114	8/8/2024	NEW UTILITY TRUCK	44,235.31
	Voucher:	138688					44,235.31
138689	9/3/2024	ver03	VERIZON WIRELESS	872374736-00003	8/18/2024	TELEPHONE AUG	227.69
	Voucher:	138689		872374736-00003	7/18/2024	TELEPHONE JUL	227.67
				872374736-00004	8/18/2024	TELEPHONE AUG	226.49
				542070053-00002	8/20/2024	TELEPHONE AUG	167.56
							849.41
						Sub total for GENERAL ACCOUNT US BANK:	52,009.47

10 checks in this report.

 9/3/24

Grand Total All Checks: 75,902.71

VoidCKEP
09/09/24 3:02PM

Void Check Posting List
City of Del Mar

Document #: 879707 Void Date: 08/30/2024 Posting #: 33862 Group: eescalante
Check #: 138657 Bank code: gusbnk Check Date: 08/30/24
Vendor: dai03 DAILY DIRECT MAIL
Post into: 02/2025 Check amount: 215.00

Doc Source	Account Number	Description	Amount
disb	B 51.2110.0000	A/P-GENERAL	107.50 CR
disb	B 57.2110.0000	A/P GENERAL	107.50 CR
disb	S* B 57.1100.0000	CASH AND INVESTMENTS	107.50 DB
disb	S* B 51.1100.0000	CASH AND INVESTMENTS	107.50 DB
disb	S* B 72.1160.0000	UNION BANK - GENER	215.00 DB
disb	S* B 72.1100.0000	CASH AND INVESTMENTS	215.00 CR
Balance Sheet Totals:			
	430.00 DB	430.00 CR	Difference: 0.00

VoidCKEP
09/11/24 12:29PM

Void Check Posting List
City of Del Mar

Document #: 880127 Void Date: 09/03/2024 Posting #: 33888 Group: eescalante
Check #: 138687 Bank code: gusbnk Check Date: 09/03/24
Vendor: nov04 NOVAKOVIC, VLADIMIR
Post into: 03/2025 Check amount: 3,185.00

Doc Source	Account Number	Description	Amount
disb	B 01.2110.0000	A/P GENERAL	3,185.00 CR
disb	S* B 01.1100.0000	CASH AND INVESTMENTS	3,185.00 DB
disb	S* B 72.1160.0000	UNION BANK - GENER	3,185.00 DB
disb	S* B 72.1100.0000	CASH AND INVESTMENTS	3,185.00 CR
Balance Sheet Totals:		6,370.00 CR	Difference: 0.00

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6209	9/9/2024	mis07	107413 STATE ST BANK & Ben176950	9/6/2024	401A PLAN: PAYMENT	539.00	539.00
		Voucher: 6209					
6210	9/9/2024	mis08	303845 STATE ST BANK & Ben176942	9/6/2024	MISSION SQUARE 457B: PAYI	8,910.19	8,910.19
		Voucher: 6210					
6211	9/9/2024	mis09	803808 STATE ST BANK & Ben176952	9/6/2024	RETIREMENT HEALTH SAVIN	718.26	718.26
		Voucher: 6211					
6212	9/9/2024	uni21	DEL MAR CITY EMPLOYE Ben176944	9/6/2024	DMCEA DUES: PAYMENT	242.00	242.00
		Voucher: 6212					
6213	9/9/2024	nat15	NATIONAL BENEFIT SER\ Ben176948	9/6/2024	SEC. 125 FLEXIBLE SAVINGS	1,380.76	1,380.76
		Voucher: 6213					
6214	9/9/2024	par21	U.S. BANK PARS FFC 674i Ben176946	9/6/2024	PUBLIC AGENCY RETIREMEN	3,694.33	3,694.33
		Voucher: 6214					
Sub total for EFT GENERAL ACCOUNT US BANK:							15,484.54

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
4027	9/9/2024	irs01	IRS, UNITED STATES TRE	Ben176956	9/6/2024	FEDERAL TAX: PAYMENT	43,489.05	43,489.05
		Voucher: 4027						
4029	9/9/2024	edd01	EMPLOYMENT DEVELOPI	Ben176960	9/6/2024	STATE TAX: PAYMENT	12,499.92	12,499.92
		Voucher: 4029						
4030	9/9/2024	per02	PERS 457	Ben176962	9/6/2024	CALPERS 457 DEFERRED CC	2,272.70	2,272.70
		Voucher: 4030						
4031	9/9/2024	ida01	IDAHO STATE TAX COMM	Ben176964	9/6/2024	IDAHO STATE TAX COMMISSI	235.43	235.43
		Voucher: 4031						
Sub total for GENERAL ACCOUNT US BANK:							58,497.10	

Bank : gusbnk GENERAL ACCOUNT US BANK

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>
138690	9/9/2024	fra01 Voucher: 138690	FRANCHISE TAX BOARD, Ben176954	9/6/2024	FRANCHISE TAX BOARD: PAY	660.08	660.08
Sub total for GENERAL ACCOUNT US BANK:							660.08

11 checks in this report.

Grand Total All Checks:

74,641.72
Sumit 9-9-24

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
6215	9/11/2024	ace02	ACE UNIFORMS LLC	VS0119733	8/23/2024	UNIFORMS FIRE	1,458.59	1,458.59
	Voucher:	6215						
6216	9/11/2024	cha71	CHARTER COMM HOLDIN	18911280108142	8/14/2024	ETHERNET INTERSTATE/PEC	367.87	367.87
	Voucher:	6216						
6217	9/11/2024	phi01	CLEAN EARTH	72404182447	8/20/2024	HSHLD HAZ WASTE - JUL	191.48	
	Voucher:	6217		72404150532	7/17/2024	HSHLD HAZ WASTE - JUN	183.00	374.48
6218	9/11/2024	dai03	DAILY DIRECT MAIL	14614-14	9/10/2024	PW UUD 2 AND 25TH ST NOT	845.13	
	Voucher:	6218		14614-15	9/10/2024	UTILITY BILLS AUG	240.00	
				14614-5	3/13/2024	UTILITY BILLS MARCH	215.00	1,300.13
6219	9/11/2024	del14	DEL MAR VILLAGE ASSO	03	9/4/2024	DMVA AGREEMENT JULY	38,839.12	38,839.12
	Voucher:	6219						
6220	9/11/2024	dev02	DEVANEY PATE MORRIS	9613	8/21/2024	LEGAL FEES JULY	2,180.50	
	Voucher:	6220		9614	8/21/2024	LEGAL FEES JULY	1,907.50	
				9609	8/21/2024	LEGAL FEES JULY	1,891.00	
				9612	8/21/2024	LEGAL FEES JULY	1,321.50	
				9608	8/21/2024	LEGAL FEES JULY	1,139.50	
				9611	8/21/2024	LEGAL FEES JULY	594.00	
				9607	8/21/2024	LEGAL FEES JULY	101.00	
				9610	8/21/2024	CITY ATTORNEY JULY	49.00	9,184.00
6221	9/11/2024	dix01	DIXIELINE LUMBER CO	06-0567089	8/28/2024	PAINT SUPP PW	146.67	
	Voucher:	6221		06-0567500	8/30/2024	PAINT SUPP PW	92.20	
				06-0567169	8/29/2024	OPERATING SUPP PW	70.45	
				06-0566144	8/21/2024	MAINT/REPAIR SUPP PW	68.61	
				06-0566663	8/26/2024	OPERATING SUPP PW	53.14	
				06-0567836	9/4/2024	OPERATING SUPP PW	45.73	
				06-0567625	9/3/2024	OPERATING SUPP PW	36.37	
				06-0567360	8/30/2024	PAINT SUPP PW	33.10	
				06-0567992	9/5/2024	OPERATING SUPP PW	16.63	562.90
6222	9/11/2024	duk01	DUDEK & ASSOCIATES	202406332	8/19/2024	20TH ST LG TWR PROJ	5,500.00	5,500.00
	Voucher:	6222						
6223	9/11/2024	ips02	IPS GROUP INC	INV100976	8/31/2024	PRKG MTR FEES AUG	4,081.10	4,081.10
	Voucher:	6223						
6224	9/11/2024	ful01	KURT MORGAN	42691	8/9/2024	BOOKED CITATIONS	406.46	406.46
	Voucher:	6224						

Bank : eusbnk EFT GENERAL ACCOUNT US E (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6225	9/11/2024	man12	MANERI TRAFFIC CONTR 22246	8/27/2024	MAINT/REPAIR SUPP PW	870.00	
	Voucher:	6225	22245	8/27/2024	RAILROAD SIGNS	306.68	1,176.68
6226	9/11/2024	pru01	PRUDENTIAL OVERALL S 132271957	8/30/2024	UNIFORMS PW	171.22	171.22
	Voucher:	6226					
6227	9/11/2024	san56	SAN ELIJO JOINT POWEF 07012024	7/1/2024	OPERATIONS & MAINT 1Q	224,861.00	224,861.00
	Voucher:	6227					
Sub total for EFT GENERAL ACCOUNT US BANK:							288,283.55

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
138691	9/11/2024	ale04	ALESHIRE & WYNDER LLI 88934	8/23/2024	ATTORNEY SRVCS FY24	1,355.05	1,355.05
		Voucher: 138691					
138692	9/11/2024	azt02	AZTEC LANDSCAPING INC J1869	8/31/2024	JANITORIAL SRVCS CS AUG	8,044.80	
		Voucher: 138692	J1855	8/31/2024	JANITORIAL SRVCS CH AUG	2,564.00	
			J1856	8/31/2024	JANITORIAL SRVCS PW AUG	501.00	11,109.80
138693	9/11/2024	bal13	BALI CONSTRUCTION INC 05	8/28/2024	IMPROV PROJ #5	28,934.15	28,934.15
		Voucher: 138693					
138694	9/11/2024	ber20	BERTRAND, MEGAN 09092024	9/9/2024	PHCC REFUND DAMAGE DEF	800.00	800.00
		Voucher: 138694					
138695	9/11/2024	bou02	BOUND TREE MEDICAL L 85462070	8/23/2024	EMERGENCY SUPPLIES CS	142.49	142.49
		Voucher: 138695					
138696	9/11/2024	sol01	CITY OF SOLANA BEACH 09042024	9/4/2024	OFF TRACK - APR/JUN	4,170.63	4,170.63
		Voucher: 138696					
138697	9/11/2024	coa21	COAST NEWS GROUP 00153963	8/23/2024	AD - PUBLIC HEARING	348.75	
		Voucher: 138697	00154064	8/30/2024	AD - PUBLIC HEARING	202.50	
			00153885	8/16/2024	AD - PUBLIC HEARING	168.75	
			00153884	8/16/2024	AD-PUBLIC HEARING	165.00	
			00154066	8/30/2024	AD - ORDIN INTRO	52.50	
			00154065	8/30/2024	AD - ORDIN INTRO	45.00	982.50
138698	9/11/2024	coa10	COASTAL LIVESCAN SER 43345	8/31/2024	LIVESCAN SRVCS AUG	372.00	372.00
		Voucher: 138698					
138699	9/11/2024	cou32	COUNTY OF SAN DIEGO HIRT-2025-005	9/3/2024	HIRT MEMBERSHIP FY25	21,115.00	
		Voucher: 138699	UDC-2025-004	9/3/2024	UDC MEMBERSHIP FY25	792.39	21,907.39
138700	9/11/2024	dom07	DOMINICE, MARK 09092024	9/9/2024	PHCC REFUND DAMAGE DEF	800.00	800.00
		Voucher: 138700					
138701	9/11/2024	dun02	DUNN-EDWARDS PAINTS 2082A14419	8/23/2024	PAINT SUPP PW	57.04	57.04
		Voucher: 138701					
138702	9/11/2024	dyn02	DYNAMITE ELECTRIC BIK 2546	8/30/2024	ELECTRONIC BIKE MAINT	82.20	82.20
		Voucher: 138702					
138703	9/11/2024	gal02	GALLS LLC 028923455	8/29/2024	UNIFORMS CS	72.98	
		Voucher: 138703	028854803	8/22/2024	UNIFORMS CS	66.51	139.49
138704	9/11/2024	ats01	GARDA CL WEST LOCKB 10790633	9/1/2024	ARMORED SRVCS SEPT	695.87	695.87
		Voucher: 138704					
138705	9/11/2024	glo06	GLOBAL POWER GROUP 98109	8/27/2024	PW MAINT CH GENERATOR	1,231.00	1,231.00
		Voucher: 138705					

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
138706	9/11/2024	dar05	JEFFREY SCOTT ARVESC 09022024	9/2/2024	DEAD ANIMALS SRVCS AUG	550.00	550.00
		Voucher: 138706					
138707	9/11/2024	lou02	LOUNSBERY FERGUSON 304-02841-0000	2/20/2024	STRMWTR MANDATES	244.00	244.00
		Voucher: 138707					
138708	9/11/2024	mar11	MARSHALLS INDUSTRIAL 781145/1	8/30/2024	TOOLS PW	148.18	148.18
		Voucher: 138708					
138709	9/11/2024	mcr03	MCREYNOLDS, MAUREEI 09092024	9/9/2024	PHCC REFUND DAMAGE DEF	800.00	800.00
		Voucher: 138709					
138710	9/11/2024	con17	OCCUPATIONAL HEALTH 84143194	8/16/2024	EMPLOYEE TESTING AUG	162.00	162.00
		Voucher: 138710					
138711	9/11/2024	pac28	PACIFIC MOBILE STRUCT INV-00393992	9/10/2024	MOBILE OFFICE PW AUG	226.20	226.20
		Voucher: 138711					
138712	9/11/2024	ros16	ROSZTOCZY, EDWARD 08292024	8/29/2024	CDP FEE REFUND	3,185.00	3,185.00
		Voucher: 138712					
138713	9/11/2024	san107	SAN DIEGO DIVERS 2897	9/6/2024	SMALL TOOLS/EQUIP CS	93.74	
		Voucher: 138713	2878	9/4/2024	SCUBA EQUIP INSP	86.25	179.99
138714	9/11/2024	sdg02	SAN DIEGO GAS & ELECT 0066 5392 2766	9/5/2024	UTILITIES AUG	1,338.68	
		Voucher: 138714	0069 0908 1676	9/5/2024	UTILITIES AUG	403.78	
			0099 5222 5392	9/3/2024	UTILITIES AUG	16.27	1,758.73
138715	9/11/2024	san112	SAN DIEGO HUMANE SOC SEP-24	9/1/2024	ANIMAL SRVCS SEPT	4,255.00	4,255.00
		Voucher: 138715					
138716	9/11/2024	san20	SAN DIEGUITO RIVER PA 09042024	9/4/2024	OFF TRACK - APR/JUN	2,085.31	2,085.31
		Voucher: 138716					
138717	9/11/2024	sou02	SOUTHCOAST HEATING & 1399139	8/30/2024	HVAC SRVCS LIBRARY	240.00	240.00
		Voucher: 138717					
138718	9/11/2024	str30	STRATFORD GARDENS F 09092024	9/9/2024	EP24-065 APPEAL REFUND	1,150.00	1,150.00
		Voucher: 138718					
138719	9/11/2024	gaa02	TERRY GAASTERLAND 09092024	9/9/2024	EP24-065 APPEAL REFUND	440.00	440.00
		Voucher: 138719					
138720	9/11/2024	und01	UNDERGROUND SERVICE 820240225	9/1/2024	CONT SRVCS AUG	248.65	248.65
		Voucher: 138720					
138721	9/11/2024	ver03	VERIZON WIRELESS 872374736-0000	7/18/2024	TELEPHONE JULY	226.49	226.49
		Voucher: 138721					
138722	9/11/2024	vis07	VISTA PAINT CORPORATI 2024-592934-00	8/22/2024	PAINT SUPP PW	300.23	300.23
		Voucher: 138722					

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
138723	9/11/2024	wax02	WAXIE'S ENTERPRISES, I 82687411	8/26/2024	JANITORIAL SUPP PW	888.90	888.90
		Voucher: 138723					
138724	9/11/2024	wes29	WEST COAST ARBORIST: 216411	6/15/2024	TREE MAINT 6/1-6/15/18	12,590.31	12,590.31
		Voucher: 138724					
138725	9/11/2024	gan04	WILLIAM GANDER DM-RT2024090	9/1/2024	SOLAR MONITORING SEPT	200.00	200.00
		Voucher: 138725					
Sub total for GENERAL ACCOUNT US BANK:							102,658.60

48 checks in this report.

Grand Total All Checks:

390,942.15
Reviewed 9-11-24

390,942.15

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
138726	9/11/2024	nov04 Voucher: 138726	NOVAKOVIC, VLADIMIR	08152024	8/15/2024	APPLICATION REF DRB23-006	3,185.00	3,185.00
Sub total for GENERAL ACCOUNT US BANK:							3,185.00	

MG 9/11/24

1 checks in this report.

Grand Total All Checks: 3,185.00



City of Del Mar Agenda Report



TO: Honorable Mayor and City Council Members

FROM: Joshua Gordon, Fire Chief
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: Acceptance of 2023 State Homeland Security Program Grant Funds

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council: 1) Accept \$6,352 in grant funds from the Fiscal Year 2023 State Homeland Security Program (SHSP) for the purchase of individual thermal imaging cameras and fire rescue equipment for the Del Mar Fire Department; and 2) Authorize the City Manager to execute the necessary grant documents.

BACKGROUND:

The City of Del Mar is eligible for \$6,352 in Fiscal Year 2023 SHSP federal grant funds through the County of San Diego. Copies of the award letter (Attachment A) and approved grant allocation (Attachment B) are included with this report. SHSP grant funds can only be expended on equipment authorized by the Department of Homeland Security.

DISCUSSION/ANALYSIS:

Staff proposes that the SHSP grant funds be used toward the purchase of individual thermal imaging cameras and fire rescue equipment for the Del Mar Fire Department.

Thermal imaging cameras are one of the most important pieces of fire suppression equipment that a firefighter relies on in a hazardous environment and are a vital tool used to find unconscious victims or fallen firefighters in smoke filled rooms, pinpoint the source of fires, and detect structural dangers before they cause injury or death. They also allow responders to access important information and improve reconnaissance when responding to a variety of situations requiring night vision, forcible entry, and exposure to immediate dangerous environments.

The rescue chainsaw is one of the most used pieces of equipment in the fire service. The versatility in using wood or carbide chains allows the firefighter to cut through a variety of materials to gain access in forcible entry, cut debris blocking roadways, and cut through buildings roofing material to ventilate hazardous smoke and heat for safer interior working conditions. Rescue rope and pulley systems are key when conducting elevated rope lines, confined space entries, or cliff rescue operations. Flashlights also assist with rescue operations. They are equipped with both spot and flood LED for close-up, as well as

City Council Action:

distance illumination, giving a wide area light in the immediate work area and still penetrate darkness hundreds of yards away.

The grant funds are reimbursement-based, which requires the City to expend funds prior to requesting reimbursement from the County of San Diego. The deadline to expend funds and request reimbursement is May 31, 2025.

Grant recipients are required to adhere to the California Governor’s Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs, which outline policies and regulations pertaining to use of federal grant funds (Attachment C).

FISCAL IMPACT:

The fiscal impact associated with the recommended action is receipt of \$6,352 in SHSP grant funds, which will require the following budget adjustments to the Fiscal Year 2024-2025 Operating and Capital Budget:

Account Name	Account Number	Amount
Federal Grant (Revenue)	24.4600.4622	\$6,352
Small Tools & Equipment (Expenditure)	24.5781.2600	\$6,352
Net Budget Impact		\$0

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a “project” under the definition set forth in California Environmental Quality Action (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

ATTACHMENTS:

- Attachment A – FY 2023 County OES Award Letter to Jurisdictions
- Attachment B – FY 2023 SHSP Approved Grant Allocation
- Attachment C – California Governor’s Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs



County of San Diego Office of Emergency Services
 5580 Overland Ave., Suite 100
 San Diego, CA 92123 -1251
 Phone: (858) 565-3490 Fax: (858) 565-3499
 Email: oes@sdcounty.ca.gov



June 10, 2024

City of Del Mar
 505 S Vulcan Ave
 Encinitas, CA 92024

SUBJECT: NOTIFICATION OF FEDERAL FUNDING AWARD
 FY 2023 Homeland Security Grant Program (HSGP)
 Subaward #2023-0042, Cal OES ID #073-00000

The purpose of this letter is to notify you that the County of San Diego Office of Emergency Services has approved your **FY2023 SHSP** award in the amount of **\$6,352** as listed below:

Subrecipient Name:	City of Del Mar
Subrecipient UEI:	GTFRBLGTM747
Federal Award ID (FAIN)	EMW-2023-SS-00042
Subaward Period of Performance:	09/01/23 to 05/31/25
Subrecipient Award Amount:	\$6,352
Federal Award Project Description:	Implementation of homeland security management grant to support state, local, tribal and territorial efforts to prevent terrorism and other catastrophic events.
Federal Awarding Agency:	US Department of Homeland Security
CFDA Number:	97.067/Homeland Security Grant Program
Research & Development Award (Y/N):	No
Indirect Cost Rate:	N/A
Match Requirement:	N/A

This grant award is subject to all provisions of Uniform Guidance (2 CFR Part 200), which can be accessed at www.ecfr.gov. Non-federal entities that expend \$750,000 or more annually in Federal Awards must have a Single Audit performed each year. Please forward a copy of your most current Single Audit report to the contact below.

Subrecipients are to comply with all applicable federal, state, and local Environmental Planning and Historic Preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and Noncompetitive Procurement requests require additional approvals. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this Grant Subaward. Subrecipients are also required to obtain a Performance Bond prior to the purchase of any equipment item over \$250,000, including any Aviation or Watercraft financed with Homeland Security dollars. Performance Bonds must be submitted to the contact below no later than the time of reimbursement.

Please complete and return the attached OES Grant Management Assessment Questionnaire, 2023 Grant Assurances and Signature Authorization Form, current Procurement Policies and Salvage Guidelines. A hard copy of the Grant Assurances and Signature Authorization Forms must be mailed.



County of San Diego Office of Emergency Services
5580 Overland Ave., Suite 100
San Diego, CA 92123 -1251
Phone: (858) 565-3490 Fax: (858) 565-3499
Email: oes@sdcounty.ca.gov



Your performance period ends May 31, 2025. Please submit your reimbursement requests no later than June 30, 2025.

For further assistance, please contact Stephanie Han at (619) 708-1824, Stephanie.Han@sdcounty.ca.gov or Nancy Lopez at (619) 508-2013, Nancy.Lopez1@sdcounty.ca.gov.

Sincerely,

**Martin.Kurian@s
dcounty.ca.gov**

Digitally signed by
Martin.Kurian@sdcounty.ca.gov
Date: 2024.06.10 11:42:52
-07'00'

Martin Kurian, Departmental Budget Manager
County of San Diego, Office of Emergency Services

Attachments: OES Grant Management Assessment Questionnaire
2023 Grant Assurances
SHSP 2023 Approved FMFW

FY 2023 STATE HOMELAND SECURITY PROGRAM (SHSP) APPROVED UDC GRANT ALLOCATION

JURISDICTION	FY2022 Approved Formula with Award			FY2023 - APPROVED					
	CITIES	LE - 30% of FY22 Allocation	Non-LE Allocation	TOTAL	Sworn LE Personnel Figures (2022)	LE - 30% of FY23 Allocation	Non-LE Population (2022)	Non-LE Allocation	TOTAL
CARLSBAD	21,061	56,787	77,848	132	20,988	115,585	44,776	65,764	-15.52%
CHULA VISTA	43,877	128,053	171,930	280	44,520	276,785	100,248	144,768	-15.80%
CORONADO	7,339	15,024	22,363	46	7,314	22,277	12,666	19,980	-10.66%
DEL MAR	-	6,909	6,909	-	-	3,929	6,352	6,352	-8.06%
EL CAJON	19,625	51,290	70,915	123	19,557	105,638	41,353	60,910	-14.11%
ENCINITAS	-	32,928	32,928	-	-	61,515	26,169	26,169	-20.53%
ESCONDIDO	24,571	73,012	97,583	159	25,281	150,679	56,853	82,134	-15.83%
ESCONDIDO RINCON DEL DIABLO	-	6,289	6,289	-	-	-	4,626	4,626	-26.44%
IMPERIAL BEACH	-	17,453	17,453	-	-	26,243	14,031	14,031	-19.61%
LA MESA	11,169	31,713	42,882	70	11,130	60,472	25,810	36,940	-13.86%
LEMON GROVE	-	16,812	16,812	-	-	27,242	14,375	14,375	-14.50%
NATIONAL CITY	13,721	33,134	46,855	88	13,992	61,471	26,154	40,146	-14.32%
NATIONAL CITY - LINCOLN ACRES	-	723	723	-	-	-	534	534	-26.14%
OCEANSIDE	36,059	84,250	120,309	225	35,775	173,048	64,550	100,325	-16.61%
POWAY	-	26,941	26,941	-	-	48,759	21,779	21,779	-19.16%
SAN DIEGO	324,847	-	324,847	2,036	323,721	-	-	323,721	-0.35%
SAN MARCOS	-	48,178	48,178	-	-	93,585	37,205	37,205	-22.78%
SAN MARCOS FPD	-	6,566	6,566	-	-	-	4,946	4,946	-24.67%
SANTEE	-	30,467	30,467	-	-	59,015	25,309	25,309	-16.93%
SOLANA BEACH	-	11,200	11,200	-	-	12,812	9,409	9,409	-15.99%
VISTA	-	51,302	51,302	-	-	100,291	39,513	39,513	-22.98%
VISTA FPD	-	9,179	9,179	-	-	-	7,033	7,033	-23.38%
TOTAL CITIES	502,269	738,210	1,240,479	3,159	502,278	1,399,346	583,691	1,085,969	-12.46%
FIRE DISTRICTS/OTHER									
ALPINE FPD	-	12,274	12,274	-	-	15,550	10,351	10,351	-15.67%
DEER SPRINGS FPD	-	10,489	10,489	-	-	12,216	9,204	9,204	-12.25%
LAKESIDE FPD	-	33,621	33,621	-	-	63,251	26,766	26,766	-20.39%
NORTH COUNTY FPD	-	28,485	28,485	-	-	50,489	22,375	22,375	-21.45%
PORT OF SAN DIEGO	22,337	-	22,337	140	22,260	-	-	22,260	-0.34%
RANCHO SANTA FE FPD	-	20,338	20,338	-	-	35,103	17,080	17,080	-16.02%
SAN MIGUEL FPD	-	61,544	61,544	-	-	123,095	47,360	47,360	-23.05%
VALLEY CENTER FPD	-	12,338	12,338	-	-	15,904	10,473	10,473	-15.12%
TOTAL FIRE DISTRICTS/OTHER	22,337	179,090	201,427	140	22,260	315,608	143,609	165,869.00	-17.65%
2-1-1 SAN DIEGO CONTRACT		70,000	70,000				100,000	100,000	42.86%
AlertSanDiego			-				350,000	350,000	100.00%
COUNTY DEPTS									
UDC SHARE	0	102,357	102,357	-	-	-	102,357	102,357	0.00%
M&A (5%)	0	160,535	160,535	-	-	-	160,535	160,535	0.00%
HHSA-EMS	0	80,000	80,000	-	-	-	80,000	80,000	0.00%
OES	-	917,301	917,301	-	-	-	727,301	727,301	-20.71%
SHERIFF	438,607	-	438,607	2,759	438,676	-	-	438,676	0.02%
TOTAL COUNTY DEPTS	438,607	1,260,193	1,698,800	2,759	438,676	-	1,070,193	1,508,869	-11.18%
TOTAL ALLOCATIONS	963,213	2,247,493	3,210,706	6,058	963,213	1,714,954	2,247,493	3,210,706	0.00%

Notes:

*Personnel Cap: Each jurisdiction's allocation has a personnel cap of 50%.

*San Diego Sheriff includes: Unincorporated San Diego County and the contracted cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

The requirements outlined in these assurances apply to Applicant and any of its subrecipients.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to period of performance or terms and conditions, Applicants will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant acceptance of the changes to the subaward.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
- (d) The Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) The official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and §§ 7324-7328) which limit the political activities of employees whose principle employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (4)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
 - (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
 - (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
 - (k) Department of Homeland Security (DHS) policy to ensure the equal treatment of faith-based organizations, under which the Applicant must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
 - (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
 - (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: (1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; (2) subject to a cease-and-desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R., Part 200, Subpart F Audit Requirements.

9. Cooperation and Access to Records

The Applicant must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which provides that Applicant shall not submit a false claim for payment, reimbursement, or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating \$30,000 or more in federal funds,



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

13. Whistleblower Protections

The Applicant must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits the Applicant or its subrecipients from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires federal award subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

19. Use of Cellular Device While Driving is Prohibited

The Applicant is required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code §7920.000 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM (EMPG) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

The Applicant must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

The Applicant must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. If the Applicant collects PII, the Applicant is required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. The Applicant may refer to the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as a useful resource.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

24. Copyright

The Applicant must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of United States Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude the Applicant from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

The Applicant must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

The Applicant is required to be non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

The Applicant must comply with Preference for United States Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, the Applicant must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

30. Non-supplanting Requirement

If the Applicant receives federal financial assistance awards made under programs that prohibit supplanting by law, the Applicant must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, the Applicant is subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. The Applicant is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

If the Applicant receives federal financial assistance awards made under programs that provide emergency communication equipment and its related activities, the Applicant must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

The Applicant must comply with Executive Order 13224 and United States law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. The Applicant is legally responsible for ensuring compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Applicant must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

35. USA Patriot Act of 2001

The Applicant must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

36. Use of DHS Seal, Logo, and Flags

The Applicant must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

37. Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon the Applicant and flow down to any of its subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

38. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

The Applicant must comply with the "Build America, Buy America" Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act and Executive Order 14005. Applicants receiving a federal award subject to BABAA requirements may not use federal financial assistance funds for infrastructure projects unless:

- (a) All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (b) All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

(c) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The “Buy America” preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a “Buy America” preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Per section 70914(c) of BABAA, FEMA may waive the application of a “Buy America” preference under an infrastructure program in certain cases.

39. Advancing Effective, Accountable Policing and Criminal Justice Practice to Enhance Public Trust and Public Safety

The Applicant must comply with the requirements of section 12(c) of Executive Order 14074. The Applicant is also encouraged to adopt and enforce policies consistent with Executive Order 14074 to support safe and effective policing.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

IMPORTANT

The purpose of these assurances is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in these assurances. These assurances are binding on Applicant, its successors, transferees, assignees, etc. as well as any of its subrecipients. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Applicant may be ineligible for award of any future grants if Cal OES determines that the Applicant: (1) has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. Applicants are bound by DHS Security Standard Terms and Conditions 2023, Version 2, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Applicant: City of Del Mar

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: Ashley Jones

Title: City Manager Date: _____



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Amanda Lee, Principal Planner
Karen Brindley, Planning and Community Development Director
Wendy House, Assistant City Attorney
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: Adoption of an Ordinance to Establish Short-Term Rental Regulations

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council adopt the Short-Term Rental (STR) Regulations Ordinance (Attachment A) to amend the Title 30 (Zoning) in the Del Mar Municipal Code (DMMC) and the certified Local Coastal Program (LCP) by Zone Code Amendment (ZA24-004) and LCP Amendment (LCPA24-003) to establish STR regulations in a new DMMC Chapter 30.96.

DISCUSSION/ANALYSIS:

On September 9, 2024, the City Council took action to confirm the environmental determination and introduce the STR Regulations Ordinance/LCPA. The Ordinance accommodates “Existing STRs”, which are defined in the Ordinance as STRs operating in the City prior to adoption of the City’s STR Ordinance where the owner timely registered the STR with the City as of the date stated in the Ordinance, which is December 31, 2024. The Ordinance allows owners to keep their “Existing STR” operations and transfer the property title and STR Permit to their families for continued operations over time. New STRs will be limited to operations within a primary residence. All STRs will be required to comply with the STR permit, operation, and enforcement requirements.

As introduced, the Ordinance includes modifications relating to the topics of the citywide cap; the meaning of rentals for one month, which are exempt from the STR and Transient Occupancy Tax (TOT) regulations; and STR operator self-certification of compliance with life safety requirements, as further explained below and in Attachment B.

Citywide Cap

The City Council modified the “Permit Issuance” section (Section 30.96.050) in the Ordinance to set a hard cap at 129 STRs, which is equivalent to five percent (5%) of the total number of dwelling units located in the City based on the 2020 United States Census. The citywide cap includes the total number of Existing STRs and any new STRs where there is capacity under the citywide cap. Qualifying Existing STRs will be accommodated above the citywide cap. The code language as modified at the Ordinance introduction hearing expressly states that any future increase in capacity for new STRs (beyond the Ordinance cap of 129 STRs) shall be subject to processing an amendment by Ordinance subject to approval by the City Council and the California Coastal Commission (CCC).

Exemption of Rentals for One Month

The City Council modified the “Exemptions” section (Section 30.96.025) in the Ordinance to clarify the meaning of “rentals for a month” that are exempt from the Ordinance. As amended, the Ordinance states that the rental period for a month includes a rental period that starts at the beginning of a calendar month and goes through the end of the same calendar month, or a rental period that starts on a certain day within the calendar month and goes through the prior day of the subsequent calendar month.

Self-Certification of Compliance with Life Safety Requirements

The City Council deleted the proposed Section 30.96.070(F)(3) from the “Operating Requirements” section and modified the proposed Section 30.96.040(E)(5) “Application Requirements” in the Ordinance to clarify safety requirements relating to conducting an inspection of the STR and property. Specifically, the Ordinance requires that owners provide a self-certification inspection form with each STR permit or renewal application to self-certify compliance with life safety requirements.

The proposed Ordinance is consistent with the City Council’s Guiding Principles and Objectives established in 2023, the City’s certified Housing Element and certified Local Coastal Program, and prior City Council discussion and direction.

The Ordinance will implement the City’s Housing Element Program 5C commitment to preserve the community’s existing housing stock and reduce the vacancy rate in the City. It will also implement the City’s certified LCP. Measures in the Ordinance that balance the need to supplement local visitor accommodations through accommodation of regulated short-term rental use without sacrificing the City’s need to maintain its long-term housing stock include the citywide cap on STRs; accommodation of Existing STRs; prohibition of new STRs in apartments in residential zones; limitation of new STRs in condominium complexes to ten percent (10%); and limitation of new STRs to primary residences to ensure these units are able to be reported and counted as “occupied” dwelling units that support long-term housing capacity within the City.

The Ordinance provides for reasonable STR use without undue restrictions, accommodates Existing STRs currently operating in the City (without permits), and limits the concentration of new STRs with a citywide cap in a manner that is consistent with past California Coastal Commission (CCC) decisions on regulations of STRs in the Coastal Zone. Data collected by the City and its consultants demonstrates the City will have ample visitor accommodations in the City’s jurisdictional boundary and within a five-mile radius providing a ratio of more than one guest unit for each dwelling unit in Del Mar based on a total of 2,574 total dwelling units in the City of Del Mar (2020 US Census), compared to a record of 2,700-2,900 visitor accommodations total within five-miles including 400 hotel guest rooms in Del Mar; 1,979 hotel guest rooms in 13 hotels within five-miles; and STRs in Del Mar and within five-miles in the City of San Diego, City of Solana Beach, and County of San Diego, as shown below.

Location	Dwelling Units	Visitor Accommodations
City of Del Mar	2,574 total dwelling units (2020 US Census)	400 hotel guest rooms: <ul style="list-style-type: none"> • Best Western Premier • Del Mar Beach Hotel • Hotel Indigo

		<ul style="list-style-type: none"> • L'Auberge • Les Artistes • Secret Garden Inn • L'Auberge Vacation Villas • Wavecrest Resort <p>At least 129 STRs: Plus, Existing STRs accommodated above cap</p>
Additional Accommodations Within 5-miles in the Cities of San Diego and Solana Beach, and County of San Diego	-	<p>1,979 hotel guest rooms</p> <p>At least 200-400 STRs</p>

Prior City Council and Planning Commission review relating to the Ordinance includes:

- September 5, 2023 – City Council direction to establish a database of existing STRs in operation to inform the City of a reasonable baseline to use for future City Council determinations and understanding of the number of STRs to be accommodated. The City Council also voted unanimously to approve Guiding Principles and Objectives.
- October 2, 2023 – City Council direction on various policy items related to the desired regulatory approach. No formal action was taken.
- January 22, 2024 – City Council direction for staff to prepare draft regulations that accommodate Existing STRs until the property changes ownership, the STR permit is not renewed, or the permit is revoked due to non-compliance. (Vote 3-2)
- May 20, 2024 – City Council direction relating to the draft STR regulations. No formal action was taken.
- August 13, 2024 - Planning Commission unanimously recommended approval of the environmental determination under CEQA, and the Ordinance to the City Council with a recommendation to modify the definition of “short-term rental” to define STRs as less than one month and define what that means.
- August 26, 2024 - City Council consensus was to define STR as the rental of a dwelling unit, or any portion thereof for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less, unless otherwise exempted. The Council further directed staff to modify the definition of “long-term rental” and the “Purpose” section, and craft an “Exemptions” section under the STR Ordinance, consistent with the Council’s stated intent to expressly exempt rentals of a dwelling unit for terms of one month or longer. No formal action was taken.

Additional background can be accessed in the following link to the City Council Agenda Report for Item 8 on September 9, 2024:

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/09092024-3515>

Following City Council adoption of the Ordinance, the City will submit the Ordinance/LCPA to the CCC for certification in order for the Ordinance to become effective.

Currently, 123 Existing STRs have been registered. Owners should note the following actions must be taken in order to be accommodated as Existing STRs under the Ordinance:

- Owners must register their Existing STRs with the City by December 31, 2024; **and**
- Owners must apply for a STR Permit within 60 days of the Ordinance effective date, which will be the date the CCC takes action to grant final certification.

HOUSING IMPACT:

Adoption of the Ordinance will implement the City's 6th Cycle Housing Element. STRs involve commercial use of a dwelling unit, which has the potential to decrease the availability of housing options if left unregulated. Housing Element Program 5C commits the City to implement measures to reduce current vacancy rates with the intent to maintain dwelling units for long term housing. A unit is recorded as "vacant" when off-site owners report their units as unoccupied with no housing tenant. The proposed STR regulations include measures to maintain dwelling units for long term housing including a citywide cap on the total number of STRs; and require new STRs to be primary residences where the occupants live more than six (6) months per year.

FISCAL IMPACT: There is no fiscal action to be taken by the City Council for this agenda item.

ENVIRONMENTAL IMPACT: The Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) because CEQA only applies to projects with the potential for causing a significant effect on the environment. There is no change in baseline environmental conditions or potential to cause a significant effect on the environment. On April 17, 2024, the City's CEQA consultant, Interwest Group, completed an Initial Study evaluation, which concluded that no environmental factors would be potentially affected by the STR Regulations contemplated by the City Council. The subsequent revisions to the regulations also would not result in a change in baseline environmental conditions or potential to cause a significant effect on the environment. A Notice of Exemption will be filed following adoption by the City Council.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES: This is a Tier 1 City Council priority special project with the City Council adoption of the STR Regulations Ordinance to be completed by December 2024.

ATTACHMENTS:

- Attachment A – STR Regulations Ordinance
- Attachment B – Strikeout Underline Showing Modifications Introduced September 9, 2024

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (TITLE 30 ZONING CODE) TO ESTABLISH A NEW CHAPTER 30.96 SHORT TERM RENTAL REGULATIONS; AND AMENDING THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM ALL RELATING TO THE ESTABLISHMENT OF SHORT TERM RENTAL REGULATIONS AND PERMIT REQUIREMENTS AND IMPLEMENTATION OF THE 6TH CYCLE HOUSING ELEMENT PROGRAM 5C (PRESERVE THE CITY'S EXISTING HOUSING STOCK)

WHEREAS, the term short term rental (STR) means the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less, unless otherwise exempted as a rental for a term of at least one month or longer; and

WHEREAS, the purpose of this Ordinance is to create a new Del Mar Municipal Code Chapter 30.96 to establish short term rental regulations that provide a permitting process and reasonable standards regulating the use and operation of STRs with the intent to preserve long term housing; and

WHEREAS, preparation of the STR Regulations Ordinance has been a multi-year process, which has involved studies and consideration of how the availability of dwelling units in the community for short-term visitor use can supplement the availability of visitor accommodations and support visitor-serving uses without sacrificing the City's need to maintain its long-term housing stock; and

WHEREAS, the State legislature declared that "Housing is a statewide concern", that California faces a housing crisis, and that local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City of Del Mar and has an overall goal to "preserve and enhance the special character of Del Mar," this includes maintaining the "village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach" as well as preserving and enhancing "Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline"; and

WHEREAS, the City's certified Housing Element is one of many required components that is part of the Del Mar Community Plan consistent with State laws applicable to General Plans; and

WHEREAS, the certified Housing Element identifies programs and resources required for the preservation, improvement, and production of housing to meet the existing and projected needs of its population which requires the creation of additional affordable housing stock; and

WHEREAS, the proposed amendments to the Del Mar Municipal Code and Local Coastal Program (LCP) are required to implement the City's 6th Cycle Housing Element commitments identified in Program 5C (Preserve the City's Existing Housing Stock); and

WHEREAS, the City of Del Mar is located entirely within the "Coastal Zone" boundary and is therefore subject to compliance with the California Coastal Act, including the required submittal of all amendments to the City's certified LCP land use policies and zoning regulations for certification by the California Coastal Commission consistent with the Coastal Act; and

WHEREAS, City staff engaged in a multi-year public outreach process to encourage public participation for the formulation of guiding principles and objectives, draft regulations, and this Ordinance, which included articles posted on the City's website, multiple announcements made in the City's weekly updates, and multiple announcements made during public meetings including the Planning Commission and City Council meetings; and

WHEREAS, on September 5, 2023, the City Council provided direction to staff to establish a database of existing STRs in operation within the last ten (10) years to inform the City of a reasonable baseline to use for future City Council determinations of the number of existing STRs to be accommodated; and

WHEREAS, an online registry was established on the City of Del Mar website and beginning September 8, 2023, multiple newsflash articles were published and distributed in the City's weekly update and in all Agenda Reports to the City Council and Planning Commission relating to short term rentals from that date to the present to encourage existing STR owners seeking to continue their existing operations to add their properties to the database; and

WHEREAS, on January 22, 2024, the City Council provided policy direction to accommodate existing STRs under the new STR regulations where the existing STR owners timely register with the City and obtain a STR Permit to allow their existing STR operations to exist subject to compliance with the STR regulations, as applicable, until the property changes ownership, the STR Permit is not renewed, or the permit is revoked for non-compliance; and

WHEREAS, this STR Ordinance will accommodate existing STR owners operating in the City of Del Mar prior to adoption of the Ordinance where the owner timely registers the existing STR with the City by December 31, 2024;

WHEREAS, STR Permit applications for existing STRs must be submitted within sixty (60) days of the effective date of the Ordinance which will be the date the Coastal Commission grants final certification of the Ordinance; and

WHEREAS, the Notice of Availability and Notice of Planning Commission public hearing for the Amendments to the Community Plan, Zoning Ordinance, and LCP was posted in the Coast News on July 26, 2024, and individual mailed notices were sent to all interested parties who participated by submitting written correspondence, requested notification, and/or submitted speaker slips on the topic of short term rentals in the public meetings of the Planning Commission and City Council held between January 2023 through September 2024; and

WHEREAS, on August 13, 2024, the Planning Commission recommended approval of the CEQA determination and recommended the City Council adopt the amendments and modify the definition of short-term rentals to define STRs as less than one month and define what that means; and

WHEREAS, on August 23, 2024, the notice of City Council public hearing was published in the San Diego Union Tribune and mailed notices were sent to all interested parties including those who participated through the Planning Commission hearing on August 13, 2024; and

WHEREAS, as part of Item 17 on the August 26, 2024, City Council meeting, the City Council reviewed options for definitions of short-term rental, long-term rental, and exemptions for monthly rentals, and the Council expressed a desire to exempt rentals for a month from the STR regulations and the requirement to collect and remit Transient Occupancy Tax (TOT); and

WHEREAS, on September 9, 2024, the City Council held a duly noticed public hearing for introduction of the Ordinance; and

WHEREAS, as introduced by the City Council on September 9, 2024, modifications were made to the Ordinance relating to the topics of the citywide cap (Section 30.96.050(B)), exemption of rentals for one month from the STR regulations (Section 30.96.025(A)(2)(a)), and STR operator self-certification of compliance with life safety requirements (30.96.040(E)(5) and deletion of 30.06.070(F)(3)), as shown in the findings under Section Two, below; and

WHEREAS, adoption of this Ordinance will amend the Del Mar Municipal Code Title 30 (Zoning) and certified Local Coastal Program to establish short term rental regulations in a new Del Mar Municipal Code Chapter 30.96 and implement the 6th Cycle Housing Element Program 5C commitment for preservation of existing stock which is consistent with the California Coastal Commission policy guidance to limit new short term rentals to primary residences.

NOW THEREFORE, the City Council of the City of Del Mar does hereby ordain as follows:

SECTION ONE: The above stated Recitals are true and correct and are incorporated by reference into this action.

SECTION TWO: That a new Chapter 30.96 be added to the Del Mar Municipal Code and the City's Local Coastal Program as follows:

Chapter 30.96 – Short-Term Rentals

30.96.010 – Purpose

The purpose of this Chapter is to provide a permitting process and reasonable standards regulating the use and operation of Short-Term Rentals (STRs) for visitor lodging involving timeframes of thirty (30) consecutive days or less, with the intent to maintain long-term housing stock in the City of Del Mar; honor the existing policies in the Del Mar Community Plan; maintain the residential character of neighborhoods in residential zones; honor the tradition of vacation rentals during the summer, holiday, and horse-racing seasons; ensure protection of the public health, safety, and general welfare; ensure the City's natural resources will be preserved and protected; ensure STRs will not overburden public improvements, facilities, and services; minimize adverse impacts to adjacent private properties and the surrounding neighborhood; establish distribution and concentration of STRs throughout the community; establish enforcement protocols; and ensure the regulation of STRs is, at a minimum, revenue-neutral to the City. For purposes of this Chapter, long-term rentals (including rentals for a fixed-term or periodic tenancy and rentals for a month), and home exchanges are exempt from compliance with the provisions of this Chapter.

30.96.020 – Definitions

For purposes of Chapter 30.96, the following definitions shall apply:

Accessory Dwelling Unit (ADU) shall have the same meaning as in Section 30.04.010(C) of this Municipal Code.

Bedroom shall be defined as an enclosed space within a dwelling unit that is designed for or could be used for sleeping and has or is designed to have a door permitting complete closure and separation from the kitchen, living room, and hallway areas.

Designated Local Contact Person means the person designated by the Owner to be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of responding within thirty (30) minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR, and taking remedial action to resolve any such complaints.

Existing Short-Term Rental (Existing STR) means a STR operating in the City prior to adoption of the City's STR Ordinance where the Owner timely registered

the STR with the City as of the date stated in the Ordinance. A STR shall cease to be protected as an Existing STR upon any of the following: the transfer of ownership of the STR property, the STR Permit is not maintained in good standing, including a STR Permit that is not timely renewed prior to the permit expiration date, or the STR Permit is revoked due to non-compliance with any provision of this Chapter. A change in title that is processed in accordance with Section 30.96.030(G) shall not be considered a transfer of ownership that would terminate rights to an Existing STR. Unless otherwise expressly stated herein, an Existing STR is subject to all applicable provisions of this Chapter.

Home Exchange means an agreement between parties for exclusive use of each other's homes for dwelling, lodging, or sleeping purposes, for a set period of time, with no monetary exchange or other consideration exchanged between the parties.

Long-Term Rental means the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, subject to a rental agreement, for (i) a fixed-term (e.g., annual) or periodic tenancy (e.g., month-to-month), with a total rental period of more than thirty (30) consecutive calendar days; or (ii) a rental for a month as described in Section 30.96.025 of this Chapter.

Owner means the natural person(s) who is/are the owner(s) of record of the dwelling unit, at least one of whom occupies the dwelling unit at which the STR will operate as their Primary Residence, unless identified as an Existing STR by the City. All owner(s) of record of the dwelling unit are required to sign the STR Permit application and shall be held jointly and severally liable for any violation(s) of this Chapter. For purposes of this Chapter, "Owner" may also include:

(i) A personal trust or family trust whose beneficiaries consist solely of natural persons and the trustee(s) of such trust, so long as at least one beneficiary or trustee of the trust occupies the dwelling unit at which the STR will operate as their Primary Residence. If the dwelling unit is held in a personal or family trust, each trustee must sign the STR Permit application, and shall be held jointly and severally liable for any violation(s) of this Chapter; and

(ii) A limited liability company (LLC), limited partnership (LP), or limited liability partnership (LLP) owned by natural persons (not business entities), so long as at least one manager/member occupies the dwelling unit at which the STR will operate as their Primary Residence. Each manager/member of the LLC, LP, or LLP must sign the STR Permit application, and shall be held jointly and severally liable for any violation(s) of this Chapter.

Unless identified as an Existing STR by the City, the term "Owner" does not include a dwelling unit that is fully or partially owned as a timeshare, a

business trust, corporation, general partnership, or any other business entity other than a LLC, LP, or LLP.

Primary Residence means a dwelling unit owned and occupied as the Owner's principal place of residence, where the Owner lives more than six (6) months per year. For purposes of this Chapter, an Owner can only have one Primary Residence at any given time.

Short-Term Rental (STR) means, unless otherwise exempt under Section 30.96.025 of this Chapter, the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less. For purposes of this Chapter, Home Exchanges and Long-Term Rentals (each defined by this Chapter) are not considered STRs, and are expressly exempt from the requirements of this Chapter under Section 30.96.025.

30.96.025 – Exemptions

A. The following uses are exempt from the provisions of this Chapter:

1. Home Exchanges, as that term is defined in Section 30.96.020; and
2. Long-Term Rentals, as that term is defined in Section 30.96.020, to include (i) rentals for a fixed-term (e.g., annual) or periodic tenancy (e.g., month-to-month) totaling more than thirty (30) consecutive calendar days; and (ii) rentals for a month, as described below.

For purposes of this Section, a "rental for a month" must meet all of the following requirements to be considered exempt from the provisions of this Chapter:

- a. The rental of the dwelling unit, or portion thereof, is rented for a month. This includes a rental period that starts at the beginning of a calendar month and goes through the end of the same calendar month, or a rental period that starts on a certain day within the calendar month and goes through the priorday of the subsequent calendar month;
- b. The rental of the dwelling unit, or portion thereof, is reserved to the same renter for the entire rental period of a month; and
- c. Should the renter leave the dwelling unit, or the rented portion thereof, prior to the expiration of the monthly rental period, then the dwelling unit, or the rented portion thereof, shall not be re-rented for a new rental period prior to the expiration of the monthly rental period. If the dwelling unit, or the rented portion thereof, is re-rented prior to the expiration of the monthly rental period, then the rental of

the dwelling unit, or the rented portion thereof, is no longer exempt from the provisions of this Chapter and becomes subject to compliance with the requirements of this Chapter.

An Owner may choose to rent their dwelling unit, or portion thereof, both as a STR subject to compliance with this Chapter, and as a Long-Term Rental exempt from the provisions of this Chapter, so long as the Owner applies for and obtains a valid and current STR Permit issued by the City in accordance with the terms of this Chapter. During those rental periods in which the dwelling unit, or portion thereof, is rented as a STR and is not considered exempt under this Section, the Owner shall be subject to all requirements of this Chapter, including the requirement to collect and remit Transient Occupancy Tax to the City.

- B. In addition to an exemption from the provisions of this Chapter, the above uses under (A)(1) and (A)(2) of this Section are further exempt from the requirement to collect and remit Transient Occupancy Tax to the City in accordance with Chapter 3.12 of this Municipal Code.

30.96.030 – When a Short-Term Rental Permit is Required

- A. Any person or entity operating a STR in the City of Del Mar must have a valid STR Permit issued by the City pursuant to Section 30.96.050 of this Chapter. Notwithstanding Section 30.96.060(A) and (B), the following properties have existing entitlements for visitor accommodations that are subject to the requirement to collect and remit Transient Occupancy Tax under Chapter 3.12 of this Municipal Code, but are not subject to the requirement to obtain a STR Permit pursuant to this Chapter:
 - 1. Hotels in the Visitor Commercial Zone including the Best Western Premier (720 Camino del Mar), Del Mar Beach Hotel (1702 Coast Boulevard), Hotel Indigo (710 Camino del Mar), Hotel L’Auberge (1540 Camino del Mar), Les Artistes (944 Camino del Mar), and Secret Garden Inn (1140 Camino del Mar);
 - 2. L’Auberge Vacation Villas (1570 Camino del Mar) in the Hotel Specific Plan Zone; and
 - 3. Wavecrest Resort Timeshares (1400 Ocean Avenue) in the R2 Zone.
- B. A STR Permit will only be issued to the Owner of the dwelling unit.
- C. No person shall rent, offer to rent, or advertise a STR without a valid STR Permit.
- D. A STR Permit shall be valid for a period of two (2) years from the date of issuance, and must be timely renewed prior to the STR Permit expiration date every two (2) years thereafter to maintain a valid STR Permit for STR operations.

- E. The subletting of a STR is prohibited. Only an Owner with a valid STR Permit issued by the City is permitted to rent out a dwelling unit or portion thereof as a STR.
- F. A STR Permit shall not be transferred, sold or assigned to any other person or entity. Upon transfer of ownership of a dwelling unit at which an STR operates, the STR Permit shall automatically terminate and no STR may be operated at the dwelling unit until a new STR Permit is issued by the City.
- G. A new STR Permit is not required for changes in title to the dwelling unit resulting from inheritance or where an original Owner under the STR Permit remains an Owner under the new title. In such an event, notice of the change of title shall be provided to the City within thirty (30) days of such transfer.

30.96.040 – Application Requirements

An application for a STR Permit, or renewal thereof, shall be filed on a form provided by the City, shall be signed by the applicant(s) under penalty of perjury, and must include all of the following information, which shall be updated when there is any change to ensure that the City has current information on file at all times relating to the STR:

- A. Legal name, address, telephone number, and email address of each Owner and the address and Assessor’s Parcel Number (APN) of the STR.
 - 1. Each Owner of the dwelling unit is required to sign the STR Permit application and acknowledge that (i) all information contained in the STR Permit application is true and correct; (ii) each Owner and the Designated Local Contact Person have reviewed, understand and are familiar with the requirements of this Chapter; (iii) each Owner and the Designated Local Contact Person are responsible for ensuring compliance with this Chapter; (iv) failure to comply with this Chapter and all applicable provisions of the Del Mar Municipal Code may result in suspension and/or revocation of a STR Permit; and (v) each Owner may be held jointly and severally liable for any violation(s) of this Chapter.
 - 2. If the dwelling unit is held in a personal or family trust, the trustee(s) must sign the STR Permit application and must acknowledge the information is true and correct in accordance with Section 30.96.040(A)(1).
 - 3. If the dwelling unit Owner is a LLC, LP, LLP, or other form of business entity operating as an Existing STR, each manager/member of the entity must sign the STR Permit application and must acknowledge the information is true and correct in accordance with Section 30.96.040(A)(1).

4. Each Owner of a STR, or multiple Existing STRs, operating in the City shall disclose the name(s) and contact information for each person holding the legal, equitable, and/or beneficial interest of each of their respective STR ownership properties, as applicable.
 5. Except for Existing STRs, documentation that the STR will operate as a Primary Residence shall be demonstrated by providing proof of the Owner's STR address as follows:
 - a. Proof of address on at least two (2) of the following documents:
 - i. Federal and State tax returns
 - ii. Bank account
 - iii. Vehicle registration
 - iv. Driver's license
 - v. Voter registration
 - vi. Employment records
 - vii. Homeowner's tax exemption
 - b. If the Owner is a LLC, LP, LLP, or other form of business entity operating as an Existing STR, the Owner shall demonstrate proof of address by providing a current Certificate of Status, or similar documentation demonstrating the business entity is active and in good standing with the state of formation.
 6. Written consent from the homeowners' association (HOA), if applicable, or acknowledgement that there are no CC&Rs, private covenants, deed restrictions, or any other governing documents that prohibit or limit STR use of the dwelling unit.
- B. Commencing from the effective date of this Ordinance, the Owner of an Existing STR, which meets the definition of an Existing STR as defined in Section 30.96.020 of this Chapter, will be eligible to apply for a STR Permit. The Owner of an Existing STR must submit and have all STR Permit application requirements to the City within sixty (60) days following the effective date of this Chapter to be considered an Existing STR.
- C. Legal name, address, telephone number, and email address of the Designated Local Contact Person, if different from the Owner, and written consent from the Designated Local Contact Person to act as the responsible person designated by the Owner to be available twenty-four (24) hours a day, seven (7) days a week, for the purpose of responding within thirty (30) minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR and taking remedial action to resolve any such complaints.

- D. Owner shall provide a Deed or Title Report for the STR property to confirm ownership interest in the property.
- E. STR Rental Agreement and Site-Specific Details.
 - 1. Owner shall provide a copy of their standard STR rental agreement, which shall, at a minimum, include the following information: STR Permit number, STR address and information regarding the maximum STR occupancy, parking capacity, noise restrictions, trash, organics, and recycling disposal requirements, and rules and regulations that will be distributed to STR occupants and acknowledgment of receipt and review of the City's Good Neighbor Policy.
 - 2. Site plan and/or photos showing the number and location of designated off-street parking spaces for the exclusive use of the STR.
 - 3. Floor plan(s) showing the layout of the dwelling unit, including all bedrooms and bathrooms; and the location of fire extinguishers, smoke alarms, and carbon monoxide alarms.
 - 4. Acknowledgement that the STR Permit does not authorize STR lodging in non-dwelling units such as garages or vehicles (e.g., recreational vehicles, motor homes, travel trailers, truck campers, tent trailers), treehouses, tents and other temporary shelters.
 - 5. Prior to the issuance or renewal of a STR Permit, Owner shall complete and submit, a self-certification inspection form on a form provided by the City and signed by Owner under penalty of perjury, acknowledging that the STR and property comply with all applicable laws, rules and regulations of the STR relating to life safety, including the provisions of this Chapter.
- F. Evidence of property liability insurance in the amount of at least One Million Dollars (\$1,000,000), combined single limit, which insurance shall be maintained during the entire term of any STR Permit issued by the City. Evidence of insurance renewal must be provided to the City before expiration of the policy.
- G. Each Owner shall jointly and severally agree to indemnify, hold harmless, and defend the City and its officials, employees and agents from any and all liability, actions, claims, damages, costs, and expenses of any kind whatsoever, including reasonable attorneys' fees and costs, which may be asserted by any person or entity arising from or relating to the issuance of a STR Permit or operation of a STR.
- H. Any other information as the City Manager, or designee, deems reasonably necessary to administer this Chapter.

- I. Payment of STR Permit application fee or renewal fee, as applicable, for initial application or STR Permit renewal in accordance with the fee schedule established by the City Council, which may be amended from time-to-time.

30.96.050 – Permit Issuance

- A. STR Permits shall be issued on a first-come, first-served basis, except that an Existing STR Owner, which applies for a STR Permit in accordance with Section 30.96.040(B), shall be granted priority to obtain a STR Permit.
 1. Notwithstanding the permit issuance and locational requirements applicable to new STRs under Chapter 30.96, Existing STRs shall be accommodated as allowable uses in accordance with a valid STR Permit unless a termination of existing rights occurs upon any of the following: the transfer of ownership of the STR property, the STR Permit is not maintained in good standing, including a STR Permit that is not timely renewed prior to the date of STR Permit expiration, or the STR Permit is revoked due to non-compliance with any provision(s) of this Chapter. A change in title that is processed in accordance with Section 30.96.030(G) shall not be considered a transfer of ownership that would terminate rights to an Existing STR.
 2. Notwithstanding Sections 30.96.060(A)(3)(a), (A)(4) and (A)(5) of this Chapter, Existing STRs shall be accommodated as allowable uses with a valid STR Permit, regardless of whether the existing operations are non-conforming with respect to operation of more than one STR (on the same lot or separate lots), and/or whether the operations are not within a Primary Residence.
- B. The maximum number of STR Permits issued by the City shall be limited to 129 STRs, which is equivalent to five percent (5%) of the total number of dwelling units located in the City based on the 2020 United States Census data. Any future increase in capacity for new STRs shall be subject to processing an amendment by Ordinance subject to approval by the City Council and the California Coastal Commission.
 1. STR Permits for new STRs shall be restricted to one (1) per Owner and Existing STRs shall be restricted in accordance with Section 30.96.050(B)(3). Once the maximum allowable number of STR Permits has been issued by the City (including Existing STRs and new STRs), the Owner of any applications submitted that would exceed the cap identified in this Section shall be placed on a waitlist that will be established based on the order the applications are filed and applications will be processed in the order in which the applications are received.

2. Once a STR Permit becomes available for issuance, application submittals will be accepted by the City in the order appearing on the City's STR Permit waitlist. Person(s) listed on the City's STR Permit waitlist, who are contacted by the City to submit a STR Permit application, will have thirty (30) days from the date of notification by the City to submit a STR Permit application for consideration. If the person(s) contacted by the City do not submit a STR Permit application to the City within the required thirty (30) day period, that person(s) will be removed from the waitlist and the City will move on to notifying the next person appearing on the City's STR Permit waitlist.
 3. The Owner of an Existing STR may request a separate STR Permit for each Existing STR in operation by the Owner and registered with the City as of December 31, 2024 as stated in the STR Ordinance. If the number of Existing STRs exceeds the cap identified by this Section, then no additional STR Permits shall be issued by the City for new STRs until available capacity is reached within the cap through attrition (including, but not limited to, when existing rights are terminated for Existing STRs in accordance with Section 30.96.050(A)(1)).
- C. New STR Owners may not include a dwelling unit fully or partially owned as a timeshare, a business trust, corporation, limited partnership, general partnership, or other business entity other than a LLC, LP, or LLP.
- D. A STR Permit shall be issued by the City if the applicant meets the conditions and requirements of this Chapter 30.96.
- E. A STR Permit shall not be issued by the City if:
1. The maximum number of STR Permits issued by the City already meets or exceeds the Citywide cap on STRs or exceeds the maximum number of permits allowed per Owner as established by Section 30.96.050(B).
 2. The STR is a new STR, which is proposed in a prohibited location as set forth in Section 30.96.060 of this Chapter, or in a location that would exceed the neighborhood cap on STRs established by Section 30.96.060(A)(5).
 3. The Owner has a pending enforcement action by the City for any violation of the Del Mar Municipal Code relating to the operation of a STR, unless the approval is required to resolve the enforcement action.
- F. Following the issuance of a STR Permit, the City will provide written, mailed notice of the STR Permit approval to all property owners located within 300 feet of the STR. Such notice shall include the address of the STR, number of bedrooms available for rent, number of available on-site parking spaces, and contact information for the STR's Designated Local Contact Person.

- G. STR Permits may be suspended, revoked, or not renewed by the City in accordance with Section 30.96.080 of this Chapter.

30.96.060 – STR Locational Requirements

A. Residential Zones.

1. STRs may be permitted in the following residential zones:
 - a. Single dwelling unit zones

Very low Density Residential (R1-40)
Modified Low Density Residential (R1-14)
Low Density Residential (R1-10)
Low Density Residential-Beach (R1-10B)
Medium Density Single Family Residential (R1-5)
Medium Density Single Family Residential-Beach (R1-5B)
Carmel Valley Precise Plan (CVPP)
 - b. Multiple dwelling unit zones

Medium Density Single-Mixed Residential-East (RM-East)
Medium Density Mixed Residential-West (RM-West)
Medium Density Mixed Residential-Central (RM-Central)
Medium Density Mixed Residential-South (RM-South)
High Density Mixed Residential (R2)
2. New STRs that are not within a Primary Residence shall be prohibited.
3. STRs are a prohibited use within:
 - a. Multi-dwelling unit rental apartment development located in residential zones.
 - b. Any dwelling units that are subject to deed restrictions or affordable housing covenants that limit rental of the unit to housing for specific income-restricted households.
 - c. An Accessory Dwelling Unit located in residential zones.
 - d. Non-dwelling units including, but not limited to, garages or vehicles or temporary shelters such as tents.
4. Except for Existing STRs with a valid STR Permit, the maximum number of STRs per lot shall be restricted to:

- a. Maximum of one (1) STR per lot developed with one dwelling unit, including lots developed with one primary dwelling unit and ADU development.
 - b. Maximum of one (1) STR per Owner on a lot that is developed with two dwelling units, including lots developed with two primary dwelling units and ADU development.
 - c. Maximum of ten percent (10%) of the total primary dwelling units on a lot developed with multi-unit condominium development (three or more units). Lots with condominium development must provide documentation of written consent to operate a STR by the homeowner's association (HOA).
5. The total number of STRs permitted shall be further limited as follows to minimize the potential for overconcentration:
- a. A maximum of sixty percent (60%) of the total number of STRs may be located in the North Beach neighborhood, which includes the R1-5B, R1-10B, RM-East and RM-West zones.
 - b. A maximum of twenty-five percent (25%) of the total number of STRs may be located in the South Bluff neighborhood, which includes the R1-40, R2, RM-South, and RC zones.
 - c. A maximum of fifteen (15%) of the total number of STRs may be located in the Hills neighborhood, which includes the R1-5, R1-10, R1-14, R1-40, and RM-Central zones and the northerly R2 zone located north of 15th Street.

B. Commercial Zones.

1. STRs may be permitted within the following commercial zones:
Residential-Commercial (RC)
Central Commercial (CC)
North Commercial (NC)
Professional Commercial (PC)
Visitor Commercial (VC)
941 Camino del Mar Specific Plan (941SP)
2. STRs in commercial zones are subject to the requirements in Section 30.96.060(A)(2), (A)(4) and (A)(5) of this Chapter.

3. STR use is permitted in an Accessory Dwelling Unit (ADU) subject to the regulations in Chapter 30.91 of this Municipal Code, only where the ADU is used as a Primary Residence.
4. STRs are a prohibited use within:
 - a. The Beach Commercial (BC), Public Facilities (PF), Public Parkland (PP), Railroad Right-of-Way (RR), and Floodway zones.
 - b. Any dwelling units that are subject to deed restrictions or affordable housing covenants that limit rental of the unit to housing for specific income-restricted households.
 - c. Non-dwelling units including, but not limited to, garages or vehicles (e.g., recreational vehicles, motor homes, travel trailers, truck campers, tent trailers), treehouses, or temporary shelters such as tents.

30.96.070 – Operating Requirements

STRs shall comply with all of the following operating requirements:

- A. Owner shall ensure that STR occupants and guests comply with all federal, state, and local laws, rules, and regulations including local regulations specific to noise, trash disposal, parking, coastal resources, and disclosure, inclusive of the following:
 1. Noise Control.
 - a. It shall be unlawful and shall constitute a public nuisance for any Owner of a STR to cause, allow or permit the emission or transmission of any loud noise from any sound-making equipment or sound-amplifying device to occur or be maintained at a STR, which may include, but is not limited to, the following: yelling, screaming, shouting, or other disturbing noises which unreasonably interfere with the peace and quiet of the nearby residents or members of the public. Owner shall ensure that STR occupants and guests comply with the noise provisions set forth in Del Mar Municipal Code Chapter 9.20 (Noise Regulations). DMMC Section 9.20.090 specifies that any noise that is plainly audible at a distance of fifty (50) feet between the hours of 10:00 p.m. and 8:00 a.m. is considered a prima facie violation.
 - b. STRs are for overnight lodging. Hosting of weddings, receptions, corporate events, commercial functions, bachelor or bachelorette

parties, and any other similar events or gatherings that have the potential to cause a public nuisance are strictly prohibited.

- c. Guest hours at STRs shall be limited from 8:00 a.m. to 10:00 p.m. daily.
2. **Trash Disposal.** Trash, organic waste and recycling shall not be left or stored within public view, except in the appropriate container at a location that is designated for collection from 4:00 p.m. on the day prior to trash pick-up until up to 12:00 p.m. on the day following the day designated for pick-up. All trash and recycling shall be in approved receptacles pursuant to Del Mar Municipal Code Chapter 11.20 (Management of Solid Waste).
3. **Parking.** Owner shall limit the number of vehicles at the STR to the number designated in the STR Permit, which shall be determined by the City at the time of permit issuance based on the number of available on-site parking spaces. All garage, driveway, and designated on-site parking spaces shall be made available for the vehicles of STR occupants and guests. Vehicles shall not impede access to sidewalks and neighboring properties or driveways.
4. **Coastal Resource Protection.** The coastal resource protections in the California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240) and the City's certified Local Coastal Program are not to be superseded or lessened in any way through implementation of the Chapter 30.96 STR regulations. The Owner shall disclose if the property contains environmentally sensitive habitat areas, and shall identify STR operational requirements to avoid potential impacts to coastal resources.
5. **Disclosure of Site-Specific STR Requirements and Contact Information.**
 - a. The primary STR occupant listed on the STR rental application and present at the STR during the STR rental period must be at least twenty-five (25) years of age, provide the Owner with a telephone number, and shall be accessible to the Owner or Local Designated Contact Person by telephone at all times during the STR rental period.
 - b. **Interior Display of STR Permit.** Owner shall affix the valid STR Permit provided by the City, which shall include reference to the City's Good Neighbor Policy and Transient Occupancy Tax rate, for interior display on the inside of the main entry door of the STR.
 - c. **Exterior Display of STR Notice.** Owner shall affix a sign on the exterior of the STR during operation, at a minimum size of 8.5 inches

by 11 inches, identifying the STR Permit number, name and contact information for the Designated Local Contact Person, the maximum number of occupants and guests permitted at the STR, and the maximum number of vehicles allowed at the property. The notice shall be located on-site in plain view of the general public and/or common areas and shall be maintained in good condition.

- d. Signs advertising availability of the STR for rent are not permitted on the property.
- B. Minimum Night Stay. STRs shall have a minimum night stay of three (3) consecutive calendar nights.
- C. Overnight Occupancy. Owner shall limit overnight STR occupancy to a specific number of occupants, not to exceed two (2) persons per Bedroom plus two (2) additional persons per dwelling unit. All other applicable occupancy laws shall apply.
- D. Avoidance of Public Nuisance. Owner shall ensure that the STR occupants and/or guests do not create a public nuisance. Owner shall ensure that any unreasonable noise disturbances, unruly gatherings, disorderly conduct, or other violations are timely abated.
- E. Prompt Response to Complaints. Owner and/or the Designated Local Contact Person must be available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints. Complaints received from the City, the Sheriff's Department, or a resident must be addressed within thirty (30) minutes of receipt of the complaint. It is not intended that an Owner or Designated Local Contact Person act as a peace officer or place themselves in an at-risk situation. In follow up, Owner shall provide documentation to the City on what steps were taken to mitigate the issue. Failure to timely respond to complaints is grounds for enforcement as set forth in Section 39.96.080 of this Chapter.
- F. Safety Compliance.
 - 1. The STR property must meet basic life safety requirements, including but not limited to, maintaining operable smoke alarms and carbon monoxide alarms, fire extinguishers, and first aid kits.
 - 2. All Bedrooms within a STR shall meet all applicable California Building Code life safety requirements.
- G. Advertisements. All STR advertisements, including those posted on or by web- or application-based hosting platform or third-party booking vendor websites, must include the STR Permit number provided by the City.

- H. Record Keeping, Audit. STR Owner shall maintain records related to use and occupancy of the STR for the purpose of inspection and/or audit to demonstrate compliance with Chapter 30.96.
- I. Payment of Transient Occupancy Tax. Unless otherwise exempt under Section 30.96.025 of this Chapter, Owner shall comply with all provisions of Del Mar Municipal Code Chapter 3.12 concerning the collection and remittance of Transient Occupancy Tax (TOT) for STR rentals. The TOT calculation shall include cleaning fees, resort fees, and all other fees collected as part of the total rent charged for the STR. If the STR Owner uses a web- or application-based hosting platform or third-party booking vendor, the hosting platform or booking vendor shall be considered an agent of the STR Owner for purposes of collecting and remitting the TOT to the City.

30.96.080 – Enforcement

- A. It shall be unlawful for any person to fail to comply with any of the requirements of this Chapter or with any standards/conditions of a STR Permit, or to operate a STR within the jurisdiction of the City contrary to or in violation of any of the provisions of this Chapter, any applicable provisions of this Municipal Code, or any other applicable laws, rules, and regulations.
- B. Any person who violates any provision of this Chapter shall be subject to the fine amounts set forth in Government Code Section 36900(d), as that Section may be amended from time to time.
- C. Violations of this Chapter may be enforced by any method allowed in Del Mar Municipal Code Title 1 (General Provisions), Title 30 (Zoning Regulations), or any other applicable enforcement mechanism available to the City.
- D. Suspension or Revocation of STR Permit. In addition to any other remedy provided by this Chapter, a STR Permit may be suspended or revoked by the City Manager, or designee pursuant to this Section.
 - 1. The decision shall be based on at least one of the following grounds:
 - a. A material misrepresentation, false or misleading information was included on the application or renewal application for a STR Permit.
 - b. A violation of any applicable provision of the Del Mar Municipal Code or other applicable law relating to the operation of the STR.
 - c. An authorized official has given notification of existing health or safety violations on the STR property, or non-compliance with

applicable laws, rules or regulations relating to fire, building, health or safety on the STR property.

- d. An applicant or STR Permit holder is delinquent in the payment of any outstanding fees, assessments or taxes owed to the City related to any property located in the City that is owned by the applicant, including, but not limited to, Transient Occupancy Taxes (TOT).
2. If a STR Permit is revoked, the Owner shall not operate a STR at the property for a period of twelve (12) months from the date of such revocation; and no STR Permit that is revoked may be transferred to any other person or entity to operate a STR at the property during such period of revocation.
 3. The appeal procedures for the denial, suspension or revocation of a STR Permit are as follows:
 - a. A STR Permit applicant or STR Permit holder may request an administrative hearing to appeal the denial, suspension or revocation of a STR Permit by the City. The request for a hearing shall be submitted to the City Clerk within fifteen (15) days from the date the denial, suspension or revocation of the STR Permit is provided in writing.
 - b. The City Manager shall designate a fair and impartial administrative hearing officer to determine whether to uphold the City's decision to deny, suspend or revoke the STR Permit. Compensation for the hearing officer, if any, shall be paid by the City.
 - c. An administrative hearing shall be set for a date that is not sooner than thirty (30) days and not more than sixty (60) days from the date the request for the hearing is filed with the City, unless extended in writing by the City and the appellant. The appellant shall be notified of the time and place set for the hearing at least fifteen (15) days prior to the date of the hearing, unless the hearing date has been expedited.
 - d. The City and the appellant shall each submit all documents relating to the denial, suspension or revocation of the STR Permit that the respective party intends to discuss during the administrative hearing to the hearing officer and the other party at least seven (7) days in advance of the hearing date.
 - e. At the administrative hearing, the hearing officer shall only consider evidence that is relevant to determine whether the denial, suspension or revocation of a STR Permit is warranted. Courtroom

rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the hearing officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing officer in accordance with the fundamentals of due process. The hearing officer may limit the total length of the hearing to one (1) hour, at the hearing officer's discretion, and shall allow the appellant at least as much time to present its case as is allowed the City.

- f. The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the denial, suspension or revocation of the STR Permit. The appellant may be represented by counsel. The City's case shall be presented by a Code Enforcement Officer or by any other authorized agent of the City.
- g. The hearing officer may continue the hearing and request additional information from the City or the appellant prior to issuing a written decision.
- h. After considering all testimony and evidence submitted at the hearing, the hearing officer may announce a decision orally, but in any event, shall prepare a written decision. The decision shall be provided to the parties within ten (10) days of the hearing and shall either uphold the denial, suspension or revocation of the STR Permit or withdrawal the denial, suspension or revocation of the STR Permit. The decision shall briefly state the reason for the conclusion of the hearing officer. The City shall serve the decision on the appellant. The decision of the hearing officer shall be final and shall not be subject to further appeal to the City.
- i. The failure of the appellant to appear at the administrative hearing shall result in the hearing officer issuing a final decision to uphold the City's denial, suspension or revocation of the STR Permit and the appellant's exhaustion of administrative remedies.

SECTION THREE:

This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) because CEQA only applies to projects with the potential for causing a significant effect on the environment. There is no change in baseline environmental conditions or potential to cause a significant effect on the environment. On April 17, 2024, the City's CEQA consultant, Interwest Group, completed an Initial Study evaluation, which concluded that no environmental factors would be potentially affected by the STR Regulations contemplated by the City Council. The subsequent revisions to the regulations also would not result in a change in baseline environmental conditions or potential to cause a significant effect on the environment. A

Notice of Exemption will be prepared identifying that the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

SECTION FOUR:

This Ordinance establishes STR Regulations that will accommodate Existing STR owners operating in the City of Del Mar prior to adoption of the Ordinance where the STR owner timely registers the existing STR with the City by December 31, 2024, and submits a STR Permit application within sixty (60) days of the effective date of the Ordinance which will be the date the California Coastal Commission grants final certification of the Ordinance. Applications for all STRs will be accepted following the date this Ordinance takes effect. Permits for Existing STRs will be processed prior to applications for new STR Permits.

Prior to finalizing the Existing STR registry, the City will verify that the owner has provided proof of at least one of the approved documents listed on the City's voluntary registry webpage. This document should be provided to the City (and verified by the City) prior to the December 31, 2024 deadline.

The list of acceptable documents includes provision of at least ONE supporting document to demonstrate that the STR was in operation within the past ten years. Just one of the options below will suffice for supporting documentation:

1. Fully executed rental agreement that identifies the STR address; or
2. A City of Del Mar business license indicating the short-term rental business at the subject property; or
3. A federal or state income tax return specifying a STR business operation at the subject property. Please be sure to redact all sensitive personal information such as social security number; or
4. Printed or online advertising, or contracts, indicating actively advertised STR operations at the subject property; or
5. Other evidence of STR operations at the subject property within the past ten years may be submitted for consideration.

SECTION FIVE:

This Ordinance was introduced by the City Council on September 9, 2024.

SECTION SIX:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SEVEN:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION EIGHT:

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the California Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 23rd day of September 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 Ordinance No.____, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 23rd day of September, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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

Strikeout Underline Copy

This strikeout underline copy reflects the changes that were read into the record on September 9, 2024, as part of the Item 8 Introduction of the Short-Term Rental Regulations Ordinance. Below is a brief description and the strikeout underline modifications that were incorporated into the Ordinance as introduced:

Citywide cap

Description: Modifications incorporated to set a hard cap at 129 STRs, which is equivalent to five percent (5%) of the total number of dwelling units located in the City based on the 2020 United States Census. The citywide cap includes the total number of Existing STRs and new STRs citywide. Qualifying Existing STRs will be accommodated above the citywide cap. Requires that any future increase in capacity for new STRs (beyond the Ordinance cap of 129 STRs) shall be subject to processing an amendment by Ordinance subject to approval by the City Council and the California Coastal Commission.

30.96.050 – Permit Issuance

B. The maximum number of STR Permits issued by the City shall be limited to ~~not more than~~ 129 STRs, which is equivalent to five percent (5%) of the total number of dwelling units located in the City based on the ~~most current~~ 2020 United States Census data. Any future increase in capacity for new STRs shall be subject to processing an amendment by Ordinance subject to approval by the City Council and the California Coastal Commission.

Exemption of Rentals for One Month

Description: Modification incorporated to clarify the exemption from the STR Regulations provided for rentals of a dwelling unit for one month or longer.

30.96.025 – Exemptions

- A. The following uses are exempt from the provisions of this Chapter:
2. Long-Term Rentals, as that term is defined in Section 30.96.020, to include (i) rentals for a fixed-term (e.g., annual) or periodic tenancy (e.g., month-to-month) totaling more than thirty (30) consecutive calendar days; and (ii) rentals for a month, as described below.

For purposes of this Section, a “rental for a month” must meet all of the following requirements to be considered exempt from the provisions of this Chapter:

- a. The rental of the dwelling unit, or portion thereof, is rented for a month. This includes a rental period that starts at the beginning of a calendar month and goes through the end of the same calendar month, or a rental period that starts on a certain day within the calendar month and goes through the same **prior** day of the subsequent calendar month;

Self-Certification of Compliance with Life Safety Requirements

Description: Modifications incorporated to clarify the requirement for owners to provide a self-certification inspection form with each STR permit application to self-certify compliance with life safety requirements upon submittal of applications to the City for STR permits and permit renewal.

30.96.040 – Application Requirements

An application for a STR Permit, or renewal thereof, shall be filed on a form provided by the City, shall be signed by the applicant(s) under penalty of perjury, and must include all of the following information, which shall be updated when there is any change to ensure that the City has current information on file at all times relating to the STR:

- E. STR Rental Agreement and Site-Specific Details.
 - 5. ~~Authorization for the City to conduct an inspection of the STR for safety compliance in accordance with Section 30.96.070(F). The Owner shall allow the City to inspect the STR and property at any time prior to issuance of a STR Permit and/or during the operation of the STR for the purpose of making a reasonable inspection to observe and enforce compliance with applicable laws, rules and regulations of the STR, including the provisions of this Chapter. The City may, but is not required to, conduct an inspection of the STR and property pursuant to the requirements of this Section.~~ **Prior to the issuance or renewal of a STR Permit, Owner shall complete and submit, a self-**

certification inspection form on a form provided by the City and signed by Owner under penalty of perjury, acknowledging that the STR and property comply with all applicable laws, rules and regulations of the STR relating to life safety, including the provisions of this Chapter.

30.96.070 – Operating Requirements

F. Safety Compliance.

~~3. Owner shall permit the City to inspect the STR prior to the issuance of a STR Permit and/or for the purpose of making a reasonable inspection to observe and enforce compliance with the provisions of Chapter 30.96.~~



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Sarah Krietor, Administrative Services Manager
Monica Molina, Finance Manager/Treasurer
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: 2024 Roy & Marian Holleman Foundation Grant Application & Acceptance
of a Separate Donation for Fire Station Equipment

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council: 1) Approve submission of a grant application for \$10,000 to the Roy & Marian Holleman Foundation for Fire Station equipment; 2) Accept a separate donation of two refrigerators for the Fire Station; and 3) Authorize the City Manager to execute the required grant and donation documents and accept the grant funds, if awarded.

BACKGROUND:

The mission of the Roy and Marian Holleman Foundation (Foundation) is to provide financial grants and annual support to organizations that qualify as exempt under Section 501(c)(3) of the Internal Revenue Code. A special emphasis is given to those organizations whose mission focuses on education, animals, the environment, and human services.

Marian Holleman held the Del Mar Fire Department (Fire Department) in very high regard and the Foundation has generously provided much needed funding in the past in support of the Fire Department, including funding for the Fire Station kitchen remodel and station furniture. Based on Marian Holleman's relationship with the Fire Department, the City is identified by the Foundation as an organization that is eligible to submit grant-funding requests for Fire Department related purposes.

Annually, the Fire Department assesses their needs, identifies appropriate unfunded purchases, and applies to receive grant funds from the Foundation. This year the Fire Department also received an offer from a separate private donor to provide two new refrigerators for the Fire Station.

City Council Action:

DISCUSSION/ANALYSIS:

If authorized by the Council, the Fire Department will submit a grant request for \$10,000 to the Foundation before the September 30, 2024, deadline. Grant decisions are expected to be made by November 2024. Staff is also requesting Council's authorization to accept the funds if awarded, and to complete any required progress or final reports.

The proposed purchases include First Arriving equipment (e.g., monitor and rack) which is a first responder digital dashboard, a commercial grade treadmill, gym mats and rubber flooring, rubber weight and plates, an exercise bike, kitchen equipment, and office chairs. The approximate cost of the items to be purchased is as follows: gym equipment \$5,750; kitchen equipment \$1,750; office chairs \$2,000; and First Arrival equipment \$500.

The First Arriving system provides real time incident alerts to facilitate effective station communication and situational awareness. Gym, kitchen, and office equipment purchases will contribute to the overall health and fitness for duty of fire service employees who perform essential safety and first responder services for the City. Investing in wellness equipment and other modest station amenities improves morale, helps prevent workers' compensation injuries, and ensures fire employees remain response ready.

The City Council is also being asked to accept a separate donation from a member of the public for two Frigidaire French door refrigerators valued at \$4,000 combined. The refrigerators come with a one-year parts and labor warranty and are compatible with the existing fire station kitchen configuration. The current refrigerators have been at the station for over 15 years.

FISCAL IMPACT:

There is no fiscal impact to this item. If awarded, an amendment to the Operating and Capital Budget will be included in the Fiscal Year 2024-25 Mid-Year report.



City of Del Mar Agenda Report

TO: City Councilmembers

FROM: Mayor Dave Druker and Councilmember Dwight Worden, Council Liaisons to the Finance Committee
Prepared by Denise Galvan, Management Analyst

DATE: September 23, 2024

SUBJECT: Finance Committee Appointment

REQUESTED ACTION/RECOMMENDATION:

The City Council Liaisons to the Finance Committee recommend that the City Council appoint Bret D'Vincent as a voting member to the Finance Committee to serve a full three-year term effective September 23, 2024, and ending on September 30, 2027.

DISCUSSION/ANALYSIS:

The Finance Committee (Committee) serves as an advisory committee to the City Council and provides recommendations on City finances including updates to the City's operating and capital budgets, budget forecasts and trends in revenues, expenditures, project costs and cash flows; Annual Comprehensive Financial Report (ACFR); CalPERS Cost Sharing Pool Reports and the related annual contributions to the Pension Reserve Fund; City's Pension Reserve Policy; City's financial metrics; and other assignments from the Council, such as long-term planning, fee assessments, and sources of possible revenues. The Committee consists of seven members well versed in financial matters. At least eight of the Committee members must be residents of Del Mar.

There are currently two vacancies on the Committee due to the term expirations of Jas K Grewal and Laura Pierce on July 31, 2024. City staff advertised the vacancies, and one Citizen Interest Form was received during the recruitment period from Bret D'Vincent (Attachment A). The Council Liaisons to the Committee have reviewed the application and recommend that the City Council appoint Bret D'Vincent as a voting member for a full three-year term starting on September 23, 2024, and ending on September 30, 2027.

If the recommended appointment is approved by the City Council, the Committee will have one remaining vacancy. A copy of the current Committee roster is included as Attachment B for Council's reference.

ATTACHMENTS:

Attachment A – Citizen Interest Form
Attachment B – Finance Committee Roster

City Council Action:

DEL MAR CITIZEN INTEREST FORM

I. APPLICANT INFORMATION



D'vincent
Last Name

Bret
First Name

L.
Middle Initial

[Redacted]

Home Street Address*

Del Mar, CA
City, State

**Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

Business Street Address (if applicable)

City, State

[Redacted]

Home Phone Number

Business Phone Number

[Redacted]

E-mail Address

II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1st, 2nd choice, etc.):

Arts Advisory Committee

Parks and Recreation Committee

Design Review Board

Planning Commission

Finance Committee

Sustainability Advisory Committee

Lagoon Committee

Traffic and Parking Advisory Committee

Measure Q Citizen Oversight Committee

Undergrounding Project Advisory Committee

Other(s) (please indicate): _____

Qualifications for appointment and/or reasons for application (attach additional pages as needed):

I am good at seeing big picture and able to zoom in to specifics using data. I can leverage this skill to provide financial insights that could help the city and taxpayers. As a resident and taxpayer I'm passionate about maximizing ROI of tax dollars and other revenue.

Education:

Bachelors in Math and Economics

Relevant Experience (job or volunteer etc.):

In my career, I assess our revenue, expenses, and margins on a granular and wholistic level. I make pragmatic decisions based on facts.

Name all of the Del Mar Committees/Boards/Commissions that you now serve on:

None

Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:

Optional: Please list three Del Mar residents who can provide a reference:**

NAME	STREET NAME (no house number)	Phone Number
Katie Dubiel	Torrey Point Rd	
Cassie Evans	Stratford Ct.	
Mac McLoughlin	Gatun St.	

***Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

Residency

	Month	Year
I have been a resident of California since:	May	1981
I have been a resident of San Diego County since:	May	1981
I have been a resident of Del Mar since:	January	2019

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the [neighborhood map](#) to verify your neighborhood.

- | | |
|-----------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> North Bluff | <input type="checkbox"/> South Bluff |
| <input type="checkbox"/> North Beach | <input type="checkbox"/> South Hills |
| <input type="checkbox"/> South Beach | <input checked="" type="checkbox"/> North Hills |
| <input type="checkbox"/> Village Center | <input type="checkbox"/> Valley |

Are you a full-time or part-time resident of Del Mar? Full-time Part-time

Is Del Mar your primary place of residence? Yes No

Are you a registered voter in Del Mar? Yes No

III. COMMITTEE SPECIFIC QUESTIONS

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. Arts Advisory Committee

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

- Resident with an art background
- Resident without an art background
- Business Owner- Art related business
- Del Mar Foundation Representative
- Del Mar Village Association Representative
- Ex-Officio (non-voting) – with Art related expertise
- Other (please explain): _____

Describe your experience and skills as they relate to the world of community art and fine art.

Why in your opinion is public art valuable to the Del Mar community?

What is your public art philosophy?

2. Finance Committee

The Finance Committee is looking for applicants with financial expertise and background.

Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.

No experience related to public entities.
I ran a small business that generated \$94,000 in revenue and conducted/oversaw my P&L.

What aspects of the City's finances most interest you and why?

I'm passionate about balancing the city's spectacular character while maintaining a vibrant small town charm. Allocating finances properly is a key component to this delicate balance.

3. Measure Q Citizen Oversight Committee

Membership on the Measure Q Citizen Oversight Committee is set by category. Which membership category do you best fit in? (Select all that apply)

- Current (or within past 5 years) Finance Committee Member
- Business Community Member
- At-large Resident Member
- Other (please explain): _____

4. Traffic and Parking Advisory Committee

Which membership category do you best fit in? (Select all that apply)

- Business representative (can be a non-resident)
- Resident
- Other (please explain): _____

Do you have any special expertise or experience related to traffic and parking? If yes, please explain:

5. Parks and Recreation Committee

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.

What aspects of the City's parks and recreation most interest you and why?

6. Lagoon Committee

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

What aspect(s) of being on the Lagoon Committee most interest you and why?

7. Shores Advisory Committee

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

What aspects of being on the Shores Advisory Committee most interest you and why?

Please describe your vision for the future of Shores Park.

8. Sustainability Advisory Committee

The Sustainability Advisory Committee members are community leaders on environmental issues.

In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?

Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?

9. Undergrounding Project Advisory Committee

The Undergrounding Project Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

Is your utility service undergrounded? What involvement did you have, if any?

What aspects of being on the Utility Undergrounding Advisory Committee most interest you?

10. Design Review Board and/or Planning Commission

Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) Chapters 2.34 and 2.38. You will be able to provide more information at a City Council public meeting during an open interview process.

11. For All Committees: Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?

Thank you for your time and for reviewing my application.

IV. SIGNATURE AND ACKNOWLEDGEMENT

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the Council Liaisons to that Committee. The appointments are then placed on the consent calendar for consideration for approval by the full City Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the City's Conflict of Interest Code webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

Signature

8/30/24

Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email cityclerk@delmar.ca.us or call (858) 755-9313 and a staff member will get back to you promptly.

City of Del Mar

Finance Committee

Board Roster

Jeffrey G. Sturgis

3rd Term Nov 10, 2023 - May 30, 2025

Appointing Authority City Council

Laura S Demarco

1st Term May 02, 2022 - May 31, 2025

Appointing Authority City Council

Position Chair

Steven Allen Mcdowell

1st Term Aug 01, 2022 - Aug 31, 2025

Appointing Authority City Council

Michael Minter

1st Term Nov 14, 2022 - Nov 30, 2025

Appointing Authority City Council

Kenneth E Barrett

1st Term Sep 05, 2023 - Sep 30, 2026

Appointing Authority City Council

Vacancy

Appointing Authority City Council

Position Secretary

Vacancy

Appointing Authority City Council



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Kaitlyn Elliott-Norgrove, Special Projects & Programs Manager
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: California Governor's Office of Emergency Services Designation of Applicant's Agent Resolution

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council: 1) Adopt a Resolution (Attachment A) designating the City of Del Mar's authorized representatives (agents) to execute official documents with the California Governor's Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA); and 2) Authorize staff to complete the updated form (Cal OES 130) required by Cal OES to be executed by the governing body of the jurisdiction requesting reimbursement (Attachment B).

BACKGROUND:

During a declared State and/or Federal disaster, the City of Del Mar is eligible to obtain Federal financial assistance available under Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or State financial assistance under the California Disaster Assistance Act. The City's eligibility to receive reimbursements from FEMA and Cal OES requires that the City Council adopt a resolution designating agents for the signing of official documents.

DISCUSSION/ANALYSIS:

The attached resolution designates the City Manager, Assistant City Manager, Finance Manager/Treasurer, and Public Works Director as agents for the City of Del Mar for the purpose of signing official documents related to reimbursement by FEMA and Cal OES for disaster related expenses. A new resolution must be adopted and re-submitted to FEMA and Cal OES every three (3) years. In 2021, the City Council adopted Resolution 2021-44 designating representatives as agents for signing FEMA and Cal OES documents. The designated representatives are unchanged. In addition, a Cal OES Designation of Applicant's Agent Resolution for Non-State Agencies is also required of all applicants to be eligible to receive funding.

City Council Action:

FISCAL IMPACT:

There is no fiscal impact or action to be taken by the City Council related to this agenda item.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

ATTACHMENTS:

Attachment A – Resolution 2024-XX

Attachment B – Designation of Applicant's Agent Resolution for Non-State Agencies

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DESIGNATING REPRESENTATIVES TO EXECUTE APPLICATIONS TO THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE AND/OR STATE FINANCIAL ASSISTANCE IN THE EVENT OF A DECLARED DISASTER

WHEREAS, during declared state and federal disasters, the City of Del Mar may experience damage within the City and incur related expenses; and

WHEREAS, in order to receive reimbursement for disaster-related expenses, the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (Cal OES) require the City of Del Mar to adopt a resolution designating official representatives (agents) for purposes of signing official documents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that:

1. The above recitals are true and correct; and
2. The City Manager, Assistant City Manager, Finance Manager/Treasurer, and Public Works Director are hereby designated as agents for the City of Del Mar for the purpose of signing City of Del Mar documents related to reimbursement by FEMA and Cal OES for disaster-related expenses, and are hereby authorized to execute for and on behalf of the City of Del Mar, a public entity established under the laws of the State of California, this resolution and to file it with Cal OES for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 23rd day of September, 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-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 23rd day of September, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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



DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEL MAR
 (Governing Body) (Name of Applicant)

THAT CITY MANAGER, OR
 (Title of Authorized Agent)

ASSISTANT CITY MANAGER, OR
 (Title of Authorized Agent)

FINANCE MANAGER/TREASURE, OR PUBLIC WORKS DIRECTOR
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the CITY OF DEL MAR,
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the CITY OF DEL MAR,
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): _____

Passed and approved this 23 day of SEPTEMBER, 2024

DAVE DRUKER, MAYOR

(Name and Title of Governing Body Representative)

TERRY GAASTERLAND, DEPUTY MAYOR; DWIGHT WORDEN, COUNCILMEMBER

(Name and Title of Governing Body Representative)

DAN QUIRK, COUNCILMEMBER; TRACY MARTINEZ, COUNCILMEMBER

(Name and Title of Governing Body Representative)

CERTIFICATION

I, **SARAH KRIETOR**, duly appointed and **CITY CLERK** of

 (Name) (Title)

CITY OF DEL MAR, do hereby certify that the above is a true and

 (Name of Applicant)

correct copy of a resolution passed and approved by the **CITY COUNCIL**

 (Governing Body)

of the **CITY OF DEL MAR** on the 23 day of SEPTEMBER, 2024.

 (Name of Applicant)

CITY CLERK

(Signature)

(Title)



Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.



Checking Universal or Disaster-Specific Box: A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

Certification Section:

Name and Title: This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: Introduction of Ordinances to Repeal and Replace Del Mar Municipal Code Chapters 24.21 and 24.40 Relating to Inclusionary Housing and Condominium Conversion Regulations and Amend the Municipal Code and Local Coastal Program to Make Minor Corrections to the North Commercial and Professional Commercial Zones for Consistency With the Citywide Inclusionary Housing Regulations

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council take the following actions to address City commitments in 6th Cycle Housing Element (2021-2029) Programs 4D and 4E relating to inclusionary housing and condominium (condo) conversion regulations, which will apply consistently citywide, including discretionary review as applicable:

- 1) Confirm the environmental determination that the proposed Ordinances are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common-sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
- 2) Introduce an Ordinance (Attachment A) to repeal and replace the DMMC regulations in Chapter 24.21 (Inclusionary Housing) and regulations in Chapter 24.40 (Condo Conversions) by amending the DMMC (A24-001 and A24-002) to implement Housing Element Programs 4D and 4E; and
- 3) Introduce an Ordinance (Attachment B) to amend the Del Mar Municipal Code (DMMC) Section 30.24.070(A) North Commercial Zone Development Standards and Section 30.25.070(A) Professional Commercial Zone Development Standards in the City's Municipal Code and certified Local Coastal Program (LCP) by amending the Municipal Code (ZA24-005) and LCP (LCPA24-004) to make minor corrections for consistency with the citywide Inclusionary Housing regulations.

City Council Action:

BACKGROUND:

The requested actions are needed to implement 6th Cycle Housing Element Programs 4D and 4E relating to the topics of inclusionary housing and condo conversions. During the 6th Cycle Housing Element update process, a comment letter was submitted to the California Department of Housing and Community Development (HCD) by a law firm (Allen Matkins) expressing concern that the City’s existing inclusionary housing requirements act as a barrier to affordable housing development. This resulted in HCD requesting that the City commit to amending the existing inclusionary housing and condo conversion regulations to remove barriers to the development of affordable housing as part of the City’s 6th Cycle Housing Element. Refer to Attachment C for summaries of the proposed inclusionary housing and condo conversion amendments.

Following is background information relating to additional factors to be considered:

RHNA Progress: For the 6th Cycle Housing Element, the City’s total housing unit obligation is 175 units. The 175-unit allocation consists of 31 above-moderate; 31 moderate; and 113 lower income units. City permit approvals are on track to produce more housing by the end of the housing cycle in 2029 than the total 175 RHNA units assigned to Del Mar. The inclusionary housing regulations and condo conversion regulations will require lower income units when multi-unit development is proposed (i.e., density bonus projects and condominium maps), which will help fulfill the remaining obligation for lower income units as shown in Table 1:

Table 1. Status of the City of Del Mar’s RHNA Progress						
Income Level	6 th Cycle RHNA Obligation	6 th Cycle 2020-2024	941CDM / Watermark (building permits pending)	Total Units Approved	Remaining RHNA Obligation	Plans to Address per Certified Housing Element
Above Moderate	31 units	41 units	46 units	87 units	None (56 units above RHNA)	Multi-Unit Housing and ADUs
Moderate	31 units	64 units	-	64 units	None (33 units above RHNA)	ADUs
Low	76 units	-	8 units	8 units	68 units	Incentive Programs, Fairgrounds, City-owned Properties, Density Bonus Projects in Commercial zones (NC, PC, CC zones), SB 9 projects
Very Low/Extremely Low	37 units	-	4 units	4 units	33 units	
TOTAL	175 units	105 units	58 units	163 units	Only 12 units short of 175 total RHNA unit target by year 2029	

Household Income Levels: Tenants qualify for affordable housing units based on household income level. Currently, the Area Median Income (AMI) for the San Diego region, effective April 17, 2024, is \$119,500. The gross income range for a low-income household is 50-80% of AMI, 30-50% for very low income, and 15-30% for extremely low income. This means a one-person household qualifies as lower income with an income that does not exceed \$84,900. See Attachment D for the 2024 San Diego region AMI chart.

Condo Development - Potential Locations: The City has records of at least 65 subdivision maps processed since 1985 to create condos. Currently, the City has 17 multi-unit condo complexes with a combined total of 421 units and individual complexes that range in size between 5 units and 126 units. The remainder of the condo maps were processed for two-unit development condo ownership projects in the R2 and RM zones. Historically in Del Mar, condo conversions have only been processed for two-unit projects. The City has 10 existing apartment complexes with a combined total of 374 units and individual complexes that range between 12 and 97 units, which provide rental housing options. See Attachment E for location details.

State Density Bonus Law (DBL) and Affordable Housing Feasibility: See Attachment F for a summary of State DBL. For details on prior analysis of feasibility studies conducted in 2022 and 2023 to assess feasibility of affordable housing development under various site scenarios refer to the following links:

Housing Element Appendix E – Feasibility of Public Sites:

https://www.delmar.ca.us/DocumentCenter/View/8627/Appendix-E---Phase-I-Studies_FINAL

Housing Element Appendix I – Feasibility of Privately-Owned Sites:

https://www.delmar.ca.us/DocumentCenter/View/8628/Appendix-I---Phase-II-Studies_FINAL

Processing of the Ordinances has involved the following:

- Preparation of code amendment drafts that were posted on the City's web page for public review.
- Notification to the public of availability of draft amendments for public review and notice of the Planning Commission hearing was provided electronically through the City's weekly newsletter and formal public notice of the availability of drafts and the public hearing dates was posted at City Hall, published on the City website and in the newspaper, and mailed to interested persons.
- Completion of environmental analysis of the code amendments in accordance with the CEQA as necessary to demonstrate compliance with CEQA, the Coastal Act, and the City's certified Local Coastal Program.

- Recommendation by the Del Mar Planning Commission on July 9, 2024, in a noticed public hearing for adoption of the Ordinances as described below.
- Notification of the City Council public hearing was posted at City Hall, published on the City website and in the newspaper, and mailed to interested persons.

On July 9, 2024, the Planning Commission considered the proposed inclusionary housing and condo conversion code amendments. The Planning Commission took action to unanimously confirm the staff determination that the project is exempt from CEQA and recommended approval to the City Council of the proposed code amendments per the staff recommendation with one recommended modification to the inclusionary housing requirement to require 15% inclusionary housing for projects with 20 or fewer units and maintain the existing 20% inclusionary requirement for projects with more than 20 units.

As discussed with the Planning Commission, the staff recommendation accounts for project size and maximizes the number of affordable units. To ensure feasibility is maintained for housing sites in the Housing Element sites inventory (consistent with the feasibility analysis referenced above), the threshold for 15% inclusionary was slightly modified in the Ordinance to apply to projects with less than 30 units and maintain the existing 20% inclusionary requirement for projects with 30 units or more.

For additional information on Housing Element implementation, refer to the City's website: <https://www.delmar.ca.us/852/6th-Cycle-Housing-Element-Program-Implem>

DISCUSSION/ANALYSIS:

Inclusionary Housing

Inclusionary housing is a type of planning strategy imposed on residential development projects to produce affordable housing. The objective for these amendments is to modify the local inclusionary housing requirements to remove any impediments to the production of units to meet the City's 113 lower income unit RHNA and establish consistency with applicable State laws, including State Density Bonus Law (DBL).

The proposed regulations would repeal and replace the existing inclusionary housing requirements set forth in DMMC Chapter 24.21 (see Attachment A for the proposed Ordinance and compare to the existing regulations in the link below):

https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT24SU_CH24.21_DEAFHOMI

The proposed regulations identify the purpose, definitions, applicability, required mitigation and calculation methodology, and the required inclusionary housing agreement components and standards. The regulations also identify procedures for an applicant to request an exception to avoid a taking, enforcement procedures, and appeal procedures.

To ensure consistent citywide implementation, a set of companion amendments with minor corrections are also being processed to remove outdated references to inclusionary housing in the North Commercial Zone (DMMC Chapter 30.24) and Professional Commercial Zone (DMMC Chapter 30.25). See Attachment B for the Ordinance and strikeout-underline copy.

Currently, multi-unit housing development projects, including new condominiums and condo conversions, must set-aside at least one of the new units for rental at below market rate to a low-income household (projects with less than 10 units) or set-aside at least 20% of the new units for projects with 10 or more units. Existing DMMC Sections 24.21.025 and 24.21.030 provide alternative options for the developer to pay in-lieu fees or develop the affordable units off-site instead of constructing the affordable units on-site.

As proposed, multi-unit housing will require an affordable housing regulatory agreement and must provide a minimum 15% set-aside of lower income units. The existing alternative options for payment of in-lieu fees and off-site development would be removed, except for subdivision map projects that create new lots but do not propose units, which would still be required to pay one in-lieu fee per net-new lot that is created.

This meets the project objectives to reduce the inclusionary housing requirement for small sites (below existing 20% requirement) to improve project feasibility, achieve consistency with State DBL, and remove the in-lieu fee option to ensure lower income units are built on-site. The proposal is generally consistent with the 15% lower income inclusionary housing standard in the cities of Solana Beach, Encinitas, and Poway; and the City of Encinitas requirement to build lower income units on-site. A comparison between Del Mar’s existing and proposed inclusionary housing regulations is provided in Table 2.

	Existing	Proposed	Applicability
Mitigation for Multi-Unit Housing Development including New Condos	Requires set-aside of at least one unit for rental at below market rate to a low-income household (projects with less than 10 units) or set-aside at least 20% of the units for rental at specified lower income household rental rates (projects with 10 or more units).	Multi-unit projects (less than 30 net-new units) require 15% set-aside of lower income units (at least one unit). Large multi-unit projects (30 net-new units or more) require 20% set-aside of lower income units. Projects with 50 or more units must reserve at least 20% of inclusionary units	Applies to multi-unit projects with lower income housing component (i.e., RM, NC, PC, CC zones) ¹ . Accounts for project size and maximizes the number of required affordable units while maintaining feasibility in consideration of feasibility studies prepared by Stephen Dalton Architects

	Allows payment of in lieu fee (projects with 5 or fewer units).	for extremely low-income households. Eliminates the prior alternative compliance options for payment of in-lieu fees or off-site development.	and Keyser Marston Associates January 2023. Provides for creation of extremely low-income units in projects with 50 or more units.
Mitigation for Condo Conversions	Requires set-aside of at least one unit for rental at below market rate to a low-income household (projects with less than 10 units) or set-aside at least 20 percent of the units for rental at specified lower income household rental rates (projects with 10 or more units). Allows in-lieu fee (projects with 5 or fewer units); or donation of an equivalent off-site unit(s).	Requires two-unit condo conversions to provide one low-income unit on-site. Conversions with more than two units shall provide at least 15% inclusionary units for projects with less than 30 units and at least 20% for projects with 30 or more units.	Applies to conversions two-unit development or apartments in the RM ¹ /R2 ² zones. Apartment conversions are expected to be less likely based on project feasibility. Ensures at least one low income unit is produced on-site as mitigation. Allows owners to use on-site Accessory Dwelling Units (ADUs) to meet the inclusionary requirement.
Mitigation for Creation of New Lots	Requires payment of one in-lieu fee for each net-new lot created as part of the subdivision (currently \$27,350 per lot per the 2024-2025 fee schedule)	No change	Applies to proposed subdivisions to create new lots via Tentative Parcel Map (minor subdivision) or Tentative Map (major subdivision).

¹Medium Density Mixed Residential (RM); North Commercial (NC); Professional Commercial (PC); Central Commercial (CC) Zones; ²High Density Mixed Residential (R2) Zone

In accordance with State Density Bonus law (DBL), projects with five or more units are eligible to process a density bonus project application. To ensure consistency with the 2013 Napa court case standard, local jurisdictions must allow the same set of affordable units to fulfill both the State DBL and inclusionary housing requirements for the number of affordable units and level of affordability.

For implementation purposes, the number of affordable units required in a project per State DBL is calculated using the base zone density (pre-density bonus), but inclusionary housing mitigation is calculated based on the total net-new units in the project. The proposed inclusionary housing regulations are consistent with State DBL and the local Density Bonus Ordinance (DMMC Chapter 30.90) adopted by the City Council on May 6, 2024: <https://www.delmar.ca.us/DocumentCenter/View/9481/Ord-1007>

To account for project size and feasibility, staff recommends retaining the existing 20% inclusionary requirement for projects with 30 or more units and that a 15% inclusionary

requirement apply to projects with less than 30 units. The proposed approach would improve feasibility for the City’s smaller sites that are relied upon in the Housing Element sites inventory as adequate sites for lower income housing; and maintains the comparatively higher feasibility for larger sites that can develop projects with 30 or more units.

As shown in Table 3, at least five sites analyzed in the Housing Element have future potential for affordable housing projects with at least 30 units. The table identifies a maximum density bonus scenario for each site based on the existing NC Zone density of 20 du/ac and as applicable to potential future site capacity (North Bluff/South Stratford) if rezoned to allow 20 du/ac density:

Table 3. Sites With Future Potential for Affordable Housing (30 Units or More)			
APN/Address	Ownership	Gross Acreage/ Zone	Unit Potential for DBL Project if Zone Allows 20 du/ac Density
301-010-01 301-010-02 300-321-14 (Stratford Ct)	Torrey Pacific Group Staver	4.94 acres R1-40 zone	<u>Would require zone amendment:</u> <ul style="list-style-type: none"> • 99 units base density • 149 unit-DBL project with 30 lower income units to meet 20% inclusionary
929 Border Ave 298-241-06	Stensrud Lazier Holding Trust	5.42 acres R1-40	<u>Would require zone amendment:</u> <ul style="list-style-type: none"> • 109 units base density • 164 unit-DBL project with 33 lower income units to meet 20% inclusionary
298-241-29 298-241-34 298-241-35 298-241-36	Delfina Mar Development Whalen	5.54 acres R1-14 R1-40	<u>Would require zone amendment:</u> <ul style="list-style-type: none"> • 111 units base density • 167 unit-DBL project with 34 lower income units to meet 20% inclusionary
2002 Jimmy Durante Blvd ¹	Tradewinds Village Retail Hinds Investments LP	1.42 acres NC Zone	<ul style="list-style-type: none"> • 29 units base density • 44 unit-DBL project with 9 lower income units to meet 20% inclusionary
2010 Jimmy Durante Blvd ¹	Bungalows Del Mar LLC	2.12 acres NC Zone	<ul style="list-style-type: none"> • 43 units base density • 65 unit-DBL project with 13 lower income units to meet 20% inclusionary

¹As proposed, projects with 50 or more net-new dwelling units must provide 20% of the inclusionary units for occupancy by extremely low income (ELI) households. As such, the projects listed above would require at least 6 ELI out of 30 inclusionary (Staver), at least 7 ELI out of 33 inclusionary (Lazier), at least 7 ELI out of 34 inclusionary (Whalen), at least 2 ELI out of 9 inclusionary (2002 JDB), and at least 3 ELI out of 13 inclusionary (2010 JDB).

²The KMA economic analysis (January 2023) identifies that a 43-unit mixed use/mixed income project at 2010 Jimmy Durante Blvd could be highly feasible if the owner is allowed to keep existing office space and add residential, which is similar to a potential mixed use/mixed income scenario for 2002 Jimmy Durante Blvd.

Imposition of 20% inclusionary on smaller sites (less than 30 units or less than one acre) can significantly lower feasibility for production of lower income units. Per the KMA 2023 economic analysis, 20% inclusionary can cause low feasibility for smaller sites compared to moderate or high feasibility at 15% inclusionary. This is why 30-units is the proposed threshold because a 20-unit threshold for 20% inclusionary could impact feasibility of potential sites, including sites not in the Housing Element sites inventory and the following Housing Element sites:

- 2120 Jimmy Durante Blvd (.9 acre) - 18 units base density, 27 unit-DBL project
- 2148/2236 Jimmy Durante Blvd (.8 acre) - 16 units base density, 24 unit-DBL project

Condominium Conversions

Under California Civil Code §1351(f), a condo is “an estate in real property that consists of an undivided interest in common in a portion of real property coupled with a separate interest in a space called a unit”. Condo conversions are a type of subdivision that requires processing a subdivision map to convert rental units to individual ownership per the Subdivision Map Act and DMMC Chapter 24.40. The proposed regulations (Attachment A) would repeal and replace the existing condo conversion regulations in DMMC Chapter 24.40 - see link below: https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT24SU_CH24.40_COREPR

Condo conversions can adversely impact the availability of existing older rental housing stock, which is an important source of comparatively more affordable, lower rent housing in Del Mar. The existing condominium conversion regulations (DMMC Chapter 24.40) have not changed much over time, which has resulted in some inconsistencies between newer State laws and the local condo conversion regulations. The proposed amendments will help to modernize the City’s regulations and establish consistency with the citywide inclusionary housing requirement.

The proposed condo conversion regulations are consistent with the Subdivision Map Act, require disclosure of the existing property conditions to prospective buyers, and include measures to preserve existing rental units as necessary to meet Housing Element goals. Where a proposed change to condo ownership is appropriate, it requires dedication of units for lower income households on-site consistent with the inclusionary housing regulations.

The most significant change is that conversion of two rental units to condo ownership units will have to provide one unit on site that is income restricted for a low-income household for 55 years with no option to pay an in-lieu fee. The owner would be able to use an on-site Accessory Dwelling Unit (ADU) (existing or proposed) to meet that requirement. A new ADU would be processed through the City’s typical administrative ADU permit approval process.

Consistent with the State limitations on rent for income restricted units, owners would be required to rent low-income units to a household that earns no more than eighty percent (80%) of the area median income (AMI) with rent restricted to a maximum of thirty percent (30%) of the gross income for a low-income household based on current AMI.

Staff recommends the City Council introduce the proposed Ordinances to address the Housing Element commitments and continue to process condo map applications consistent with the citywide requirements for inclusionary housing and condo conversions, which is supported by the following findings:

1. Ensures that condominium conversion projects require discretionary approval of a subdivision map consistent with the Subdivision Map Act (State law) and the Del Mar Municipal Code. No applications requesting approval of a condominium conversion may be approved through a ministerial “by right” process.
2. Any income-restricted affordable units within proposed condo conversion projects must be retained and subject to the same income restrictions and affordability levels.
3. Ensures there is no net loss of housing stock and imposes mitigation on condominium conversion projects to ensure that at least one income-restricted affordable dwelling unit will be provided onsite within each project to minimize the potential effects of the change in ownership from rental units to ownership units.
4. Requires inclusionary housing mitigation as follows:
 - a. Condominium conversion projects that create no net-new units must set-aside at least one income-restricted low-income unit onsite.
 - b. Projects that create less than 30 net-new units must set-aside at least 15% of the net-new units for lower income households on-site as the project’s inclusionary units instead of the existing 20% requirement.
 - c. Projects that create 30 or more net-new units must set-aside at least 20% of the net-new units for lower income households on-site as project’s inclusionary units.
 - d. Projects that create 50 or more net-new units must reserve at least 20% of the inclusionary units for extremely low-income households.
 - e. Continues to require payment of one in-lieu fee for each net-new lot created as part of a subdivision.

HOUSING IMPACT: The proposed amendments would bring the DMMC into compliance with State law, remove potential impediments to the production of lower income units, remove options for in-lieu fees and off-site development, ensure lower income units including extremely low income units will be incorporated on-site in future projects with 50 or more units, and require findings for approval of condo conversions as a means to preserve existing older apartments that are not income-restricted and provide needed lower cost rental options.

FISCAL IMPACT: There is no fiscal action to be taken by the Council for this agenda item.

ENVIRONMENTAL IMPACT: The requested action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common-sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. There would be no change to the existing development potential and no change to the existing map and permit processes currently in place. The proposed Ordinances have been analyzed and it has been determined that they would not result in significant effects on the environment.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Implementation of the code amendment commitments in the City's 6th Cycle Housing Element is a Tier 1 (Highest) City Council priority work plan.

ATTACHMENTS:

- Attachment A – Ordinance Inclusionary Housing and Condo Conversion Regulations
- Attachment B – Ordinance to Amend NC and PC Zones with Minor Corrections
- Attachment C – Summaries of the Proposed Amendments
- Attachment D – 2024 AMI Chart for San Diego Region
- Attachment E – Locations of Potential Condominium Development
- Attachment F – Summary of State Density Bonus Law

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO REPEAL AND REPLACE THE DEL MAR MUNICIPAL CODE (DMMC) CHAPTER 24.21 INCLUSIONARY HOUSING REQUIREMENTS AND CHAPTER 24.40 CONDOMINIUM CONVERSION REGULATIONS TO IMPLEMENT THE 6TH CYCLE HOUSING ELEMENT PROGRAMS 4D AND 4E THROUGH MUNICIPAL CODE AMENDMENTS (A24-001 AND A24-002)

WHEREAS, the City of Del Mar is a charter city and State housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “housing is a statewide concern”, that California faces a housing crisis, and local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City and has an overall goal to “preserve and enhance the special character of Del Mar”, which includes maintaining the “village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach” as well as preserving and enhancing “Del Mar’s special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline”; and

WHEREAS, the City’s certified Housing Element is one of many required components that is part of the Del Mar Community Plan consistent with State laws applicable to General Plans; and

WHEREAS, the certified Housing Element identifies programs and resources required for the preservation, improvement, and production of housing to meet the existing and projected needs of its population which requires the creation of additional affordable housing stock at a range of income levels; and

WHEREAS, the certified Housing Element for the 6th Cycle (2021-2029) requires the City to accommodate a regional housing need allocation (RHNA) of 163 housing units, comprised of 37 very-low income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units, and an additional 12 low income unit “carryover” from the 5th Cycle planning period (2013-2021) for a total obligation of 175 units, including 113 lower income units as well as 100 additional opportunities for moderate income households, lower income households, and special needs households; and

WHEREAS, the City has made and continues to make progress toward its housing programs and housing production targets in its certified Housing Element and relies on the inclusionary housing regulations as a means to require dedication of lower income units that would not otherwise be produced through private development projects; and

WHEREAS, the City is required to implement Housing Element Programs 4D and 4E to update the City's inclusionary housing regulations and condominium (condo) conversion regulations to remove impediments to production of lower income housing in the existing code regulations; and

WHEREAS, the existing inclusionary housing regulations (DMMC Chapter 24.21) are being repealed and replaced to facilitate the production of housing including lower income units and remove impediments to the development of small projects with less than 30 dwelling units; and

WHEREAS, the inclusionary regulations require condo conversions to provide at least one lower income unit on-site and require multi-unit projects creating less than 30 net-new units to set-aside at least 15% of the net-new units for lower income households on-site as the project's inclusionary units instead of the existing 20% requirement; and

WHEREAS, the inclusionary regulations require multi-unit projects creating 30 or more net-new units to set-aside at least 20% of the net-new units for lower income households on-site as project's inclusionary units and require projects creating 50 or more net-new units to reserve at least 20% of the inclusionary units for extremely low-income households on-site; and

WHEREAS, the existing condo conversion regulations (DMMC Chapter 24.40) are being repealed and replaced to modernize the City's regulations to establish consistency with State law and the citywide inclusionary housing regulations; and

WHEREAS, ordinance provisions to modify the inclusionary housing threshold for development of net-new dwelling units and condo conversions that better account for project size and remove prior options to locate units off-site or pay an in-lieu fee are expected to remove potential impediments and result in production of lower income units to meet RHNA for the 6th Cycle and future housing cycles; and

WHEREAS, the Municipal Code Chapters 24.21 and 24.40 being amended are not a part of the City's certified Local Coastal Program (LCP), which means the Ordinance is not subject to certification by the Coastal Commission; and

WHEREAS, the City of Del Mar is located entirely within the "Coastal Zone" boundary and all proposed coastal development, including future multi-unit development and subdivisions subject to inclusionary housing, will be subject to permit review and processing in compliance with the City's certified LCP, which means there is no potential for a significant effect on the environment as a result of this Ordinance; and

WHEREAS, the Notice of Planning Commission public hearing was posted in the Coast News and at City Hall and mailed to interested persons on June 21, 2024; and

WHEREAS, on July 9, 2024, the Planning Commission unanimously recommended approval to the City Council with a recommended modification to ensure

the inclusionary housing regulations account for project size and maximize the number of affordable units developed; and

WHEREAS, on August 22, 2024, the notice of City Council public hearing was published in the Del Mar Times and mailed to interested persons; and

WHEREAS, consideration of the Ordinance in a noticed public hearing will satisfy a commitment in the settlement agreement for withdrawal of the Referendum against City Ordinance 973 related to allowable 20 dwelling unit per acre density in the North Commercial Zone; and

WHEREAS, adoption of this Ordinance will satisfy the City commitments set forth in the certified 6th Cycle Housing Element Programs 4D and 4E.

NOW THEREFORE, the City Council of the City of Del Mar, California hereby ordains as follows:

SECTION ONE: That the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares that the above stated Recitals and the following findings are true and correct and are incorporated by reference into this action:

1. This Ordinance ensures that condominium conversion projects require discretionary approval of a subdivision map consistent with the Subdivision Map Act (State law) and the Del Mar Municipal Code. No applications requesting approval of a condominium conversion may be approved through a ministerial “by right” process.
2. This Ordinance requires that any income-restricted affordable units within proposed condo conversion projects be retained and subject to the same income restrictions and affordability levels.
3. This Ordinance ensures there is no net loss of housing stock and imposes mitigation on condominium conversion projects to ensure that at least one income-restricted affordable dwelling unit will be provided onsite within each project to minimize the potential effects of the change in ownership from rental units to ownership units.
4. This Ordinance requires inclusionary housing mitigation as follows:
 - a. Condominium conversion projects that create no net-new units must set-aside at least one income-restricted low income unit onsite.
 - b. Projects that create less than 30 net-new units must set-aside at least 15% of the net-new units for lower income households on-site as the project’s inclusionary units instead of the existing 20% requirement.

- c. Projects that create 30 or more net-new units must set-aside at least 20% of the net-new units for lower income households on-site as project's inclusionary units.
 - d. Projects that create 50 or more net-new units must reserve at least 20% of the inclusionary units for extremely low-income households.
 - e. Continues to require payment of one in-lieu fee for each net-new lot created as part of a subdivision.
5. Prior to adoption of this Ordinance, processing of the Ordinance involved the following:
- a. Preparation of code amendment drafts that were posted on the City's web page for public review.
 - b. Notification to the public of availability of draft amendments for public review where public notice was provided electronically through the City's weekly newsletter and formal public notice of the availability of drafts and the public hearing dates was posted at City Hall, published in the newspaper, and mailed to interested persons.
 - c. Completion of environmental analysis of the code amendments in accordance with the California Environmental Quality Act (CEQA) and the California Coastal Act as necessary to demonstrate compliance with CEQA, the Coastal Act, and the City's certified Local Coastal Program.
 - d. Conduction of a noticed public hearing of the Del Mar Planning Commission on July 9, 2024, where the Planning Commission provided a recommendation to the City to adopt the amendments with specified revisions.
 - e. Conduction of a noticed public hearing to introduce the Ordinance during a meeting of the Del Mar City Council on September 9, 2024.

SECTION TWO: That existing DMMC Chapter 24.21 Inclusionary Housing Requirements shall be repealed and replaced in its entirety as follows:

Chapter 24.21 INCLUSIONARY HOUSING

24.21.010 Purpose and Intent.

Local governments have a responsibility to exercise their powers to facilitate the development of housing to adequately provide for the housing needs of all economic segments of the community, as stated in Government Code Section 65580. The City's Housing Element identifies that the City of Del Mar faces a shortage of affordable dwelling units and calls for the continued implementation of an inclusionary housing program as an affordable housing mitigation strategy to produce affordable housing at low-, very low-, and extremely low-income levels.

The purpose of this Chapter is to ensure that the limited remaining developable land in the City is utilized in a manner consistent with the City's housing policies and needs. The provisions of this Chapter advance a legitimate State interest by establishing standards and procedures to facilitate the development of housing that is affordable to a range of households with varying income levels. The intent of this Chapter is to materially reduce cost impacts and increase the financial feasibility of affordable housing production to ensure that the addition of affordable dwelling units is in proportion with the overall increase in new dwelling units, and that the same affordable dwelling units are counted towards both the inclusionary housing and density bonus law provisions under this Code, consistent with State law and case law authority.

24.21.020 Definitions.

For purposes of implementing the provisions of this Chapter, the following words and phrases shall have the meaning as assigned below.

Affordable housing shall mean housing for which the total housing cost paid by a qualifying household, including utilities, does not exceed a specified percentage of the local area median income (AMI), as published and periodically updated by the State of California Department of Housing and Community Development (HCD) in accordance with Section 50093 of the California Health and Safety Code. The following household income categories meet the State law criteria for lower income affordable housing:

1. Low-income household shall mean a lower income household whose gross income is in the range of 50 to 80 percent of AMI, adjusted for household size.
2. Very low-income household shall mean a lower income household whose gross income is in the range of 30 to 50 percent of AMI, adjusted for household size.
3. Extremely low-income household shall mean a lower income household whose gross income is in the range of 15 to 30 percent of AMI, adjusted for household size.

Household shall mean one person living alone or two or more persons sharing a dwelling unit.

Inclusionary unit shall mean a dwelling unit, offered for sale or rent, at affordable housing rates to low-, very low-, or extremely low-income households.

Market-rate unit shall mean a dwelling unit, offered for sale or rent, on the open market at the prevailing market rate.

Ownership unit shall mean a dwelling unit designed and intended to be sold.

Primary Residence means a dwelling unit owned and occupied as the owner's principal place of residence, where the owner lives more than six (6) months per year. For purposes of this Chapter, an owner can only have one primary residence at any given time.

Rental unit shall mean a dwelling unit designed and intended to be rented.

24.21.030 Applicability.

- A. This Chapter shall apply to residential development projects, where the dwelling units will be offered for sale or rent, resulting in:
 - 1. The development of two (2) or more dwelling units, including, but not limited to, mixed income projects, and mixed-use projects; or
 - 2. The conversion of two (2) or more dwelling units to condominiums in accordance with Chapter 24.40 of this Code.
- B. This Chapter shall apply to the creation of lots through a subdivision map.
- C. This Chapter shall not apply to the following:
 - 1. Projects that are not a residential development project or that do not include a residential development component.
 - 2. Projects for which the City enters into a development agreement in accordance with Government Code Sections 65864 et seq. before the effective date of this Chapter, provided that the project complies with the inclusionary requirements set forth in such development agreement or any preceding inclusionary housing ordinance in effect on the date the development agreement was executed.
 - 3. Construction, alteration, improvement, expansion, or extension of existing dwelling units, provided that the number of dwelling units is not increased,

except that this Chapter shall apply to the subdivision of land for the conversion of apartments to condominiums.

4. Reconstruction, restoration, or rebuilding of dwelling units to replace previously existing dwelling units on the same lot that were involuntarily damaged or destroyed within two (2) years prior to the application for a building permit for the new dwelling units, provided that the number of dwelling units is not increased.
5. Construction of accessory dwelling units in accordance with Chapter 30.91 of this Code.
6. Construction of homeless shelters, supportive housing, transitional housing, residential care facilities, and health care facilities.
7. Conversion of mobile home parks in accordance with Chapter 24.44 of this Code.

24.21.040 Required Mitigation and Calculation Methodology.

A. Inclusionary Units.

1. All residential development projects subject to this Chapter that result in the creation of net-new dwelling units shall reserve a portion of the units on-site as inclusionary units for occupancy by low-, very low-, or extremely low-income households as follows:
 - a. Projects with less than 30 net-new dwelling units shall provide at least fifteen percent (15%) of the dwelling units as inclusionary units for occupancy by low-, very low-, or extremely low-income households. The inclusionary housing calculation shall be taken from the total number of net-new units.
 - b. Projects with 30 net-new dwelling units or more shall provide at least twenty percent (20%) of the dwelling units as inclusionary units for occupancy by low-, very low-, or extremely low-income households. The inclusionary housing calculation shall be taken from the total number of net-new units.
 - c. Projects with 50 net-new units or more, shall comply with Section 24.21.040(A)(1)(b) for the total number of inclusionary units and at least twenty percent (20%) of the inclusionary units provided shall be reserved for occupancy by extremely low-income households.

2. Condominium conversion projects subject to this Chapter shall provide inclusionary units on-site for occupancy by low-, very low-, or extremely low-income households as follows:
 - a. Two-unit condominium conversion projects shall provide one low-income unit on-site.
 - b. Condominium conversion projects with more than two units shall provide at least fifteen percent (15%) of the dwelling units as inclusionary units for projects with less than 30 dwelling units and shall provide at least twenty percent (20%) of the dwelling units as inclusionary units for projects with 30 or more units. The inclusionary housing calculation shall be taken from the total number of converted units.
 - c. Accessory dwelling unit (ADU) development in accordance DMMC Chapter 30.91 (ADU Regulations) may be utilized to satisfy the inclusionary housing requirement.
 3. As a condition of approval of any Tentative Map or Tentative Parcel Map that proposes the creation of residential lots, the subdivider shall pay one in-lieu fee for each net-new lot to be created as part of the subdivision.
 - a. The rate of the in-lieu fee shall be as established or amended by Resolution of the City Council.
 - b. The condition shall specify that all in-lieu fees required by this Section are to be paid to the City prior to approval of the subdivision's Final Parcel Map at the rate of the in-lieu fee in existence at the time of payment.
 - c. Any in-lieu fees collected shall be deposited in the Del Mar Housing Assistance Fund, which is an existing housing trust fund that is administered in accordance with Section 24.21.080.
- B. Fractional Units. When calculating the number of inclusionary units, a number that results in a fraction of a whole number shall be rounded up to the nearest whole number.
- C. Compliance with Density Bonus Law.
1. An applicant that seeks to construct affordable housing to qualify for a density bonus in accordance with State law and Chapter 30.90 of this Code, may count those dwelling units that qualify for a density bonus towards satisfying the inclusionary housing requirements of this Chapter.

2. In such cases, the required affordable units for the density bonus project per DMMC Chapter 30.90 shall be calculated based on the number of units allowed pre-density bonus; and the total number of required inclusionary units shall be calculated based on the total number of net-new units proposed in the project, including the density bonus units.
 3. The lower income units used to qualify the project for a density bonus shall count towards satisfaction of the total number of required inclusionary units. Therefore, the total number of required inclusionary units minus the required number of lower income units for the density bonus project identifies the remaining number of inclusionary units that must be provided to satisfy the lower income inclusionary housing requirement for the project.
- D. No Alternative Means of Compliance. All qualifying residential development projects under Section 24.21.030(A) must comply with the inclusionary housing requirements of this Chapter. No alternative means of compliance may be provided to satisfy compliance with the inclusionary housing requirements of this Chapter.

24.21.050 Inclusionary Housing Plan and Agreement

- A. The applicant of a residential development project subject to this Chapter shall comply with the following requirements:
1. Inclusionary Housing Plan. The applicant shall submit an inclusionary housing plan, on a form approved by the City, detailing how the provisions of this Chapter will be implemented for the proposed residential development project. The inclusionary housing plan shall be processed concurrently with all other permits required for the residential development project and shall be subject to the approval of the Planning and Community Development Director, with the option of review and approval by the City Council. The inclusionary housing plan shall include, at a minimum, the following:
 - a. The location, tenure (ownership units or rental units), and size of the market-rate, commercial space and/or inclusionary units;
 - b. The basis for calculating the number of inclusionary units;
 - c. A floor or site plan depicting the location of the inclusionary units;
 - d. The household income categories to be accommodated by the residential development;

- e. A description of the mechanisms that will be used to ensure that the inclusionary units remain affordable for the required duration;
 - f. A schedule for production of the inclusionary units;
 - g. For phased development projects, a phasing plan that provides for the timely development of the number of inclusionary units proportionate to each proposed phase of the project and a schedule for completion;
 - h. Any proposed density bonus, concessions or incentives, waivers or modifications of development standards, reduced parking ratios, or other regulatory incentives requested in accordance with Chapter 30.09 of this Code; and
 - i. Any additional information or documentation that may be required by the City.
2. Inclusionary Housing Agreement. The applicant shall enter into an inclusionary housing agreement with the City, on a form approved by the City, to ensure that all requirements of this Chapter are satisfied.
- a. The inclusionary housing agreement shall include, at a minimum, the following:
 - i. A description of the residential development;
 - ii. The number of units approved for the residential development, including the number of ownership units or rental units, household income categories, and tenure of affordability of the inclusionary units (55 year minimum);
 - iii. The location, unit size(s) (square footage), and number of bedrooms of the inclusionary units;
 - iv. Where applicable, tenure and conditions governing the initial sale of the inclusionary units or establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining inclusionary units;
 - v. Documents identifying the rental restrictions, resale restrictions, and provisions for changes in title that will be used to secure the continued affordability of the inclusionary units for the required duration, including, but not limited to, deeds of trust, rights of first refusal, procedures for rent and sales price increases, required disclosure of deed restrictions

affecting the re-sale of for-sale units and the City's first right of refusal to buy the unit(s) to provide affordable housing or other documents; and

- vi. The standards and process that will be used to determine household income and certify qualifying households for the rental or ownership units within the project as applicable. This may include consideration of records such as tax returns and annual occupancy verification forms to demonstrate due diligence in verification of income.
- vii. A provision for annual monitoring to ensure implementation of the ongoing maintenance obligations.
- viii. Compliance with State and Federal laws;
- ix. Prohibition against discrimination;
- x. Indemnification of City;
- xi. City's right to inspect units and documents;
- xii. Remedies for applicant's breach of agreement; and
- xiii. Any additional information or documentation that may be required by the City.

- b. Following execution of the agreement by all parties, the completed agreement shall be recorded as a deed restriction on the property designated for the location of inclusionary units. The agreement shall run with the land and be binding on all future owners and successors in interest of the property.

B. City Approvals.

- 1. **Development Permit Approvals.** No Development Permit approval shall be issued until the applicant has submitted the inclusionary housing plan to the City. This shall include all Development Permits that are required to be issued for the project irrespective of whether the permit issuance is required through a discretionary or ministerial process.
- 2. **Map or Building Permit.** No tentative map, parcel map, final map shall be approved, or, where a map is not being processed, no building permit shall be issued unless the City has approved the inclusionary housing plan and the inclusionary housing agreement has been recorded against the property.

3. Certificate of Occupancy. No certificate of occupancy shall be issued unless the approved inclusionary housing plan has been fully implemented.

24.21.060 Standards for Inclusionary Units.

- A. Design. Inclusionary units constructed in accordance with this Chapter shall be:
 1. Reasonably dispersed throughout the residential development so as not to create a concentration of inclusionary units on one floor or to an area on a specific floor;
 2. Proportional, in terms of the number and size of bedrooms to the market-rate units in the residential development;
 3. Comparable, in terms of size, design, materials, finished quality, and appearance, to the market-rate units in the residential development, and be consistent with the City's design review objective standards. Interior finishes and amenities may differ from those provided in the market-rate units, but neither the workmanship nor the products may be of substandard or inferior quality; and
 4. Permitted the same access to common entrances, common areas, parking, amenities, and recreational facilities as the occupants of the market-rate units in the residential development.
- B. Timing of Construction. The inclusionary units shall be constructed concurrently with the market-rate units. If the City approves a phased project, a proportional share of the inclusionary units shall be constructed within each phase of the residential development project. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the inclusionary units and the market-rate units.
- C. Continued Affordability.
 1. Ownership Unit. Inclusionary ownership units shall remain restricted at an affordable sales price to the designated household income category at which the inclusionary ownership unit was first purchased. The unit shall remain restricted from the date of purchase/close of escrow for a period of at least fifty-five (55) years, unless a longer term is required in accordance with State law or financing requirements.
 - a. Transfer. Renewed restrictions will be entered into on each change of ownership, up to the fifty-five (55) year affordability term, upon transfer of an inclusionary ownership unit prior to the expiration of the 55-year affordability period.

2. No owner or lessee of an inclusionary unit shall lease or sublease, as applicable, an inclusionary unit without the prior written permission of the City.

E. General Prohibitions.

1. No person shall sell or rent an inclusionary unit at a price or rent in excess of the applicable affordable housing cost placed on the unit in accordance with this Chapter.
2. No person shall sell or rent an inclusionary unit to person(s) that do not meet the income restrictions under this Chapter.
3. No person shall provide false or materially incomplete information to the City or to a seller or lessor of an inclusionary unit to obtain occupancy of housing for which that person is not eligible.
4. No person shall sublease or rent an inclusionary unit for any use other than affordable housing. Use of an inclusionary unit as a short-term rental for dwelling, lodging, or sleeping purposes for 30 consecutive days or less is prohibited.

- F. No Conflict of Interest. Officials, employees, or consultants of the City, members of City boards and commissions, and the applicant shall comply with all applicable laws, regulations, and policies relating to conflicts of interest as to their eligibility to develop, construct, sell, rent, lease, occupy, or purchase an inclusionary unit.

24.21.070 Exception in Case of Hardship to Avoid a Taking.

- A. An applicant may request an exception to the requirements of this Chapter subject to approval by the City Council as necessary to avoid a taking.
- B. Any request for an exception pursuant to this Section shall be submitted to the City concurrently with the inclusionary housing plan and shall set forth in detail the factual and legal basis for the claim. The request shall be reviewed and considered in the same manner and at the same time as the inclusionary housing plan.
- C. The applicant shall bear the burden of presenting substantial evidence to the City supporting the request for an exception to avoid a taking. The City may assume each of the following, when applicable:
 1. The applicant will provide the most economical inclusionary units feasible, while still meeting the requirements of this Chapter; and

2. The applicant will benefit from the incentives of residential development as described in this Chapter and elsewhere in this Code.
- D. Notwithstanding any other provision of this Section, the City Council may grant an exception based upon a finding that applying the requirements of this Chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result.

24.21.080 Administration and Enforcement.

- A. Del Mar Housing Assistance Fund. The City Council may, by resolution, establish fees for the ongoing administration, monitoring and enforcement of this Chapter, which fees may be updated as necessary. Any fees collected by the City in accordance with this Chapter shall be deposited into the Del Mar Housing Assistance Fund, which is an existing housing trust fund. The City will continue to make these funds available for rental subsidy and/or other affordable housing-related programs such as the acquisition of land and construction of affordable units designated for low-, very low-, or extremely low-income households in the City and/or for costs and expenses related to administration of the housing trust fund.
- B. Required Compliance. Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any developer or owner from the requirements of this Chapter. No permit, license, map, or other approval or entitlement for a residential development project shall be issued, including, without limitation, a final inspection or certificate of occupancy, until all applicable requirements of this Chapter have been satisfied.
- C. Enforcement. The regulations of this Chapter, including the terms of any inclusionary housing agreement or document prepared to administer the affordability and eligibility requirements of an inclusionary unit, shall be enforced according to the provisions in Chapter 1.08 of this Code.
- D. Forfeiture.
1. Ownership Unit. If an inclusionary unit for sale is sold for an amount in excess of the resale price controls required by this Chapter, the buyer and seller shall be jointly and severally liable to the City for the entire purchase price of the unit. Recovered funds shall be deposited into the affordable housing trust fund. Notwithstanding the foregoing, upon written request for time to cure any violation given to the City by the buyer and/or seller, it shall be within the discretion of the City to allow the buyer and seller 180 days to cure any violation of the resale price controls.

2. Rental Unit. Any lessor who leases an inclusionary unit in violation of this Chapter shall be required to forfeit to the City all money so obtained. Recovered funds shall be deposited into the affordable housing trust fund.

E. Remedies Not Exclusive. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity including but not limited to, taking action to revoke, deny or suspend any permit issued to the residential development, including a building permit, certificate of occupancy, or discretionary approval.

24.21.090 Appeal Process.

An appeal by an applicant or interested person seeking City Council review of a determination made pursuant to this Chapter shall be filed in accordance with Chapter 1.12 of this Code.

24.21.100 Severability.

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provisions are voided, then those regulations shall either become void in their entirety, or, where the courts have determined that certain terms or provisions are void by operation of the law, then those terms and provisions shall have no force or effect.

SECTION THREE: That existing DMMC Chapter 24.40 (Conversion of Residential Property to Condominiums) shall be repealed and replaced in its entirety as follows:

Chapter 24.40 CONDOMINIUM CONVERSIONS

24.40.010 Purpose.

- A. The conversion of residential rental units to ownership housing through common interest subdivision projects can have an adverse impact on the supply and availability of rental housing and result in the displacement of residents, who may be required to move from Del Mar due to the lack of opportunities for affordable replacement housing within the community. The State has determined that providing affordable housing is a “Statewide” concern resulting in numerous legislative attempts to protect affordable housing and to increase available housing opportunities for households at all income levels.

Measures are needed to preserve the City’s existing supply of older dwelling units and apartments, which are an important source of comparatively more affordable, lower rent housing. When properly regulated, condominium conversions can create affordable housing units for lower income households through requirements for a portion of the units to be reserved as rent-restricted affordable units. In order to stem the loss of rental housing and maintain housing

opportunities for a range of income levels, including moderate-, low-, very low-, and extremely low-income households, the City finds it is necessary to reasonably regulate condominium conversions.

- B. The purpose of this Chapter is to establish criteria for the conversion of existing dwelling units to condominiums in common interest subdivision projects to:
1. Provide reasonable protection and mitigation for those persons renting dwelling units, who would be displaced by the conversion of such dwelling units to a condominium or similar form of ownership.
 2. Reduce the impact of such conversions by providing notification of the proposed conversion, disclosure of the physical conditions of the structure that is offered for purchase, an opportunity to purchase the unit, and adequate time and assistance for relocation where applicable.
 3. Ensure that converted housing achieves a high degree of appearance, quality, and safety, and is consistent with the goals of the City.
 4. Achieve the affordable housing goals set forth in the Housing Element component of the Del Mar Community Plan.

24.40.020 Applicability and Process for Approval.

- A. The proposed conversion of existing dwelling units to condominiums is subject to the procedures and requirements of the California Subdivision Map Act (Government Code §§66410 et seq., as those sections may be amended from time to time), including obtaining either:
1. A Tentative Map in accordance with Chapter 24.50 subject to Planning Commission recommendation and City Council approval and a Final Map in accordance with Chapter 24.54 subject to City Council approval for a major subdivision into five or more parcels; or
 2. A Tentative Parcel Map in accordance with Chapter 24.60 subject to Planning Commission recommendation and City Council approval and a Final Map in accordance with Chapter 24.54 subject to City Council approval or a Parcel Map Waiver in accordance with Chapter 24.64 subject to Planning Commission approval for a minor subdivision into four or fewer parcels.
- B. The provisions of this Chapter shall apply to the conversion of any existing units to a condominium, community apartment project, or other similar tenancy-in-common form of ownership.

24.40.030 Definitions

For purposes of implementing the provisions of this Chapter, the following words and phrases shall have the meaning assigned below:

Common interest subdivision shall mean a form of ownership in which the owner has exclusive ownership of a particular lot or unit combined with common ownership or beneficial use of certain areas and facilities that are owned jointly with other owners.

Community apartments shall mean a residential project that is a type of common interest subdivision with areas that are shared in common and where each apartment “tenant” has an ownership interest in the overall apartment complex in addition to having an exclusive right to occupancy of an apartment unit within the development. This definition applies only to community apartment projects of five or more units/interests that are processed in accordance with the Subdivision Map Act and this Chapter and does not apply to the leasing of traditional apartments where one entity owns the land and building(s) and rents out apartment units under leases where the tenant has the exclusive right to occupancy of an apartment but has no ownership interest in the property.

Condominium conversion shall mean a residential project that is a type of common interest subdivision with areas that are shared in common and where each condominium owner is entitled to exclusively occupy a unit within the development after conversion from a residential rental unit to an ownership unit in accordance with the Subdivision Map Act and this Chapter.

Tenancy-in-common shall mean an undivided form of ownership interest shared in common in accordance with the Subdivision Map Act and this Chapter.

24.40.040 Submittal Requirements and Disclosure of Submitted Reports.

In compliance with the procedures and requirements for obtaining either a Tentative Map or Tentative Parcel Map in accordance with Chapters 24.50 and 24.60, the subdivider shall provide the following submittal requirements:

- A. A complete application form and fees in accordance with the adopted City’s Fee Schedule to cover processing of the application and mailed notification to the occupant of each unit to be converted providing notice of the scheduled public hearings at which the application will be reviewed.
- B. The accompanying plat that depicts the lot lines and includes the provisions for permanent monumentation and other features deemed necessary by the City Engineer.
- C. The approved Coastal Development Permit, Design Review Board Permit, and other documentation where applicable to demonstrate that the proposed subdivision complies with the requirements established by the State and the City.

- D. A Physical Element Report to disclose the structural condition of all elements of the property including but not limited to foundations, electrical, plumbing, utilities, walls, frames, ceiling, windows, appliances, mechanical equipment, stone and brickwork, fireplaces, exterior lighting, recreational facilities, refuse/recycling/compost disposal facilities, sound transmission of each building, and parking facilities.
1. Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built or installed; the condition of each element; the approximate date upon which such element will require replacement and/or when said element was replaced; the approximate condition of each element; and the approximate date upon which said application for conversion was filed and accepted by the City.
 2. The report shall identify any known defect or unsafe elements and set forth the proposed corrective measures to be employed.
 3. The report shall identify for each element any variation of the physical condition from the current zoning code and building code in effect on the date of application.
- E. A Pest Control Report from a licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot.
- F. Within the Coastal Bluff Overlay Zone or Bluff, Slope, and Canyon Overlay Zone, a Geotechnical Report prepared by a licensed engineer to disclose any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous geotechnical reports or soils reports for the site and copies of said reports shall be submitted.
- G. A Paint Assessment Report by a licensed painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces and an estimate of the remaining life of the paint or similar stained design.
- H. A Roof Assessment Report by a licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs.
- I. A Common Area Assessment Report on the condition of the common area improvements, including landscaping, lighting, utilities and streets.

- J. A Water and Sewer Assessment Report that provides documentation proving that the existing water and sewer lateral sizes meet the building's needs without compromising flow capacity or compliance with public infrastructure standards.
- K. A statement of how the development meets the required findings for approval in Section 24.40.070, including an explanation of how the development complies with the required standards in Section 24.40.050, including any repairs or improvements the subdivider intends to make to demonstrate the project will achieve a high degree of appearance, quality, and safety.
- L. The covenants, conditions and restrictions (CC&Rs) and homeowners association (HOA) rules and regulations that would apply to all owners of condominium units within the project, which shall include, at a minimum: the conveyance of units; assignment of parking and storage areas; an agreement for common area maintenance; provision of common area access to the street frontage of the development; and an estimate of any initial assessment fees anticipated for such maintenance. The fee estimate shall identify the anticipated water and sewer fees.
- M. Specific information concerning the demographic and financial characteristics of the project (e.g., square footage and number of rooms in each unit; rental rate history; monthly vacancy rate; number of tenants and tenant households in the project; etc.)
- N. Any other information which, in the opinion of the Director, will assist in determining whether the proposed project will be consistent with the purposes of this Chapter.
- O. The final form of the required reports and documents identified above shall be subject to approval by the City. The reports in their accepted form shall remain on file with the Planning and Community Development Department for review by any interested persons.
- P. The subdivider shall provide prospective buyers with a copy of all final reports prior to executing any purchase agreement or other contract to purchase a unit in the project. The seller shall give the purchaser sufficient time to review said reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City, at the project site.

24.40.050 Standards for Condominium Conversions.

- A. All condominium conversions shall conform to the Municipal Code in effect at the time of Tentative Map approval, including, but not limited to, the provisions of Chapter 24.21 (Inclusionary Housing), except as otherwise provided in this Chapter.

1. Legal non-conforming structures, parking, and density may be maintained in accordance with Section 24.40.050(C).
 2. Any code violations must be corrected prior to the approval.
- B. Building Regulations. The project shall conform to the applicable provisions of the Building Codes in effect at the time of application submittal.
- C. Zoning Regulations. The project shall conform to the applicable standards of Del Mar Municipal Code Title 30 in effect at the time of application submittal except as herein provided. Legal nonconforming structures may be converted, including property that is nonconforming with the underlying zoning designation's maximum density development standards. However, to achieve a high degree of appearance, quality, and safety, the City may require abatement of any legal non-conformity if such abatement is determined to be reasonably feasible, financially or structurally.
- D. Fire Prevention
1. Smoke Detectors. Each dwelling unit shall be provided smoke detectors that comply with the latest California Building Code standards, which shall be mounted in each bedroom and outside each bedroom in the immediate vicinity of the bedrooms, and on each story of the dwelling unit.
 2. Carbon Monoxide Detectors. Carbon monoxide detectors shall be provided in dwelling units that contain a fuel-burning appliance or fuel-burning fireplace or an attached garage, which shall be located outside each bedroom or in the immediate vicinity of the bedrooms, on each level of the dwelling unit, and in each bedroom where a fuel-burning appliance of fireplace is located within the bedroom.
 3. Maintenance of Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection equipment shall be retained in an operable condition at all times and in compliance with applicable codes and standards.
- E. Sound Transmission.
1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment such as motors, compressors, pumps, and compactors which is determined by the Planning and Community Development Department to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Planning and Community Development Department.

2. Noise Standards. Each dwelling unit shall conform to all interior and exterior sound transmission standards of the California Building Code. In such cases where present standards cannot reasonably be met, the City Council may require the applicant to notify potential buyers of the noise deficiency currently existing within these units.
- F. Utility Metering. Each dwelling unit shall be separately metered for gas and electricity. A plan for equitable sharing of common area utilities shall be developed prior to final map approval and included in the covenants, conditions and restrictions (CC&Rs). In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the City Council.
- G. Water and Sewer. The condominium conversion shall comply with the following water and sewer requirements:
1. Water Laterals and Water Meters
 - a. The converted condominium structure may utilize a single water lateral for potable water supply.
 - b. The applicant's designer must verify and ensure that the existing water lateral pipe size has the adequate capacity to provide the necessary water flow to all proposed fixtures within the condominium conversion. If not, then an appropriately sized water lateral and meter shall be installed.
 - c. A separate water lateral and meter shall be required for landscape irrigation.
 2. Sewer Laterals
 - a. The converted condominium structure may use a single sewer lateral for sewage needs.
 - b. The applicant's designer must ensure that the sewer lateral has the capacity to effectively convey the effluent per the standard requirements specified by the Public Works Department.
- H. Private Storage Space. Each dwelling unit shall have a private storage space with a minimum volume of at least 200 cubic feet of enclosed weather-proofed and lockable private storage in addition to guest, linen, pantry, and clothes storage spaces customarily provided. Such space may be provided in any location approved by the Planning and Community Development Department but shall not be divided into two or more locations. In such cases where the subdivider can

demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the City Council.

- I. Laundry Facilities. A laundry area shall be provided in each unit. In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the City Council.
- J. Landscape Maintenance. All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality, especially following remodeling or construction efforts associated with conversion of the property to condominium ownership.
- K. Condition of Equipment and Appliances. The developer shall provide written certification to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided are in operable working condition as of the close of escrow. When the homeowners' association takes over management of the development, the developer shall provide written certification to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association is in operable working condition.

24.40.060 Tenant Notification, First Right of Refusal to Purchase Units, and Relocation Assistance.

- A. Applications for conversion of residential real property into a condominium project, a community apartment project, or a project with similar tenancy-in-common form of ownership shall comply with all of the findings set forth in Section 66427.1 of the Subdivision Map Act, as that section may be amended from time to time, and provisions in this Section relating to tenant notification, offers to tenants for first right of refusal to purchase a unit, and tenant relocation assistance.
- B. Tenant Notification
 - 1. The subdivider shall provide notice to prospective tenants in accordance with Sections 66452.17 and 66452.18 of the Subdivision Map Act, as those sections may be amended from time to time, and shall provide evidence of receipt of each tenant of the notices required herein.
 - 2. The subdivider shall post a notice of application on the property and provide a notice of application to the occupant of each unit to be converted.
 - 3. Mailed notice of any public hearing of the Planning Commission and/or City Council at which the application for the Final Map or Map Waiver will be reviewed shall be provided to the occupant of each unit to be converted.

C. Tenant First Right of Refusal to Purchase Converted Units

1. Prior to offering a converted dwelling unit for sale to the general public, the tenant(s) of a dwelling unit approved for condominium conversion shall be afforded the first right of refusal to purchase one of the converted dwelling units. The offer shall be provided to each tenant for a period of 90 calendar days from the date of issuance of the final City approval unless the tenant gives prior written notice of his or her intention not to exercise the right. The offer to tenants shall provide the same or more favorable terms and conditions than the dwelling unit will initially be offered to the general public.
2. If the number of displaced tenants desiring to purchase one of the converted units is greater than the number of units available, a lottery system shall be used to determine a priority ranking.

D. Tenant Relocation Assistance

1. As a condition of approval of any application for a condominium conversion, the subdivider shall provide a Tenant Relocation Payment to the tenants of the rental units who would be displaced as a result of the condominium conversion and who meet the criteria of either a "Qualified Tenant" or an "Eligible Tenant," as specified in this Section.

For purposes of Chapter 24.40, the following terms shall apply:

- a. Qualified Tenant shall mean a tenant who has resided in the rental unit to be converted for at least 90 days prior to date at which provision of a notice of intent of a condominium conversion is issued pursuant to the requirements of this Chapter and who, as of the date of the City's authorization of the condominium conversion, meets one or more of the following criteria:
 - i. Is 62 years of age or older;
 - ii. Has a disability, as defined by criteria set forth by the Social Security Administration (SSA); or
 - iii. Has one or more minor dependent children who has lived with the tenant for at least 300 days of the current or previous calendar year.
- b. Eligible Tenant shall mean a person, 18 years of age or older, who has resided at the property for at least 90 days prior to date at which provision of a notice of intent of a condominium conversion is issued pursuant to the requirements of this Chapter but who does not meet the criteria of a Qualified Tenant, as specified in this Section.

2. Rate of the Tenant Relocation Payment. All residents who reside within a unit being converted shall be entitled to relocation assistance in the amount of three months rent based on the Fair Market Rent for apartment size for the San Diego region as determined on an annual basis by the United States Department of Housing and Urban Development (HUD).
3. The payment of the Tenant Relocation Payment shall be paid as follows:
 - a. If the rental unit is occupied solely by a single Qualified or Eligible Tenant, they shall be paid the full amount of the Tenant Relocation Payment.
 - b. If a rental unit is occupied by two or more persons, each shall be paid a pro-rata share of the Tenant Relocation Fee based on their qualification as either a Qualified or Eligible Tenant.
4. The disbursement of Tenant Relocation Payments shall be paid by cashier's check, sent by registered mail a minimum of 60 days prior to the date at which the Qualified or Eligible Tenants are required to relocate from the premises.
5. A minimum of 20 calendar days prior to dispersing Tenant Relocation Payments, the Subdivider shall provide the Planning Director with a summary of the Tenant Relocation Payments to be made.

24.40.070 Required Findings for Approval.

The City Council shall not approve an application for conversion unless the City Council finds that:

- A. All provisions of this Chapter are met;
- B. The proposed conversion is consistent with the City of Del Mar Community Plan (General Plan), including the Housing Element and the certified Local Coastal Program;
- C. The proposed conversion will conform to the Municipal Code in effect at the time of Tentative Map approval except as otherwise provided in this Chapter;
- D. The overall design and physical condition of the conversion achieves a high degree of appearance, quality and safety; and
- E. The conversion would not result in displacement of lower income and moderate income households without the subdivider providing for adequate relocation compensation or mitigation.

24.40.080 Enforcement.

The regulations of this Chapter shall be enforced according to the provisions in Chapter 1.08.

24.40.090 Severability.

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provisions are voided, then those regulations shall either become void in their entirety, or, where the courts have determined that certain terms or provisions are void by operation of the law, then those terms and provisions shall have no force or effect.

SECTION FOUR:

Pursuant to the California Environmental Quality Act (CEQA), the proposed action is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common-sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The proposed code amendments have been analyzed and it has been determined that they would not result in significant effects on the environment.

SECTION FIVE:

This Ordinance was introduced by the City Council on September 23, 2024.

SECTION SIX:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SEVEN:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION EIGHT:

The Ordinance will take effect and be in force 30 days from the date that the City Council takes action to adopt the Ordinance.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on 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 Ordinance No.____, which has been published pursuant to law, and 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:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO AMEND DEL MAR MUNICIPAL CODE SECTIONS 30.24.070 AND 30.25.070 AMENDING THE DEL MAR ZONING CODE AND LOCAL COASTAL PROGRAM TO MAKE MINOR CORRECTIONS TO THE NORTH COMMERCIAL ZONE AND PROFESSIONAL COMMERCIAL ZONE DEVELOPMENT STANDARDS RELATING TO INCLUSIONARY HOUSING AS AMENED BY A SEPARATE ORDINANCE FOR IMPLEMENTATION OF 6TH CYCLE HOUSING ELEMENT PROGRAMS 4D (INCLUSIONARY HOUSING REGULATIONS) AND 4E (CONDOMINIMUM COVERSION REGULATIONS)

WHEREAS, the City of Del Mar is a charter city and State housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the City's certified Housing Element for the 6th Cycle (2021-2029) requires the City to implement Program 4D to update its local inclusionary housing requirements that require proposed multi-unit projects seeking to create two or more dwelling units or create two or more lots to provide affordable housing mitigation; and

WHEREAS, Housing Element Program 4E requires the City to update its condominium conversion requirements applicable to multi-unit projects seeking to convert rental housing units to ownership units, which are subject to affordable housing mitigation in accordance with the City's inclusionary housing regulations; and

WHEREAS, the City of Del Mar is located entirely within the "Coastal Zone" boundary and is therefore subject to full compliance with the California Coastal Act, which at the local level is implemented by the City's certified Local Coastal Program (LCP); and

WHEREAS, the City's existing inclusionary housing regulations are located in Del Mar Municipal Code (DMMC) Chapter 24.21 together with other subdivision-related regulations, including the condominium conversions regulations in DMMC Chapter 24.40, which are not a part of the City's certified Local Coastal Program (LCP); and

WHEREAS, the City's inclusionary housing regulations (DMMC Chapter 24.21) are being amended by a separate ordinance that does not amend the City's LCP and is therefore not subject to Coastal Commission certification action; and

WHEREAS, this ordinance is necessary to make minor corrections to Section 30.24.070 (North Commercial Zone) and Section 20.25.070 (Professional Commercial Zone) for consistency with the citywide inclusionary housing regulations; and

WHEREAS, the City effectively implements applicable State housing laws, which involves harmonization of the Coastal Act and the City's LCP policies and regulations with the State's housing laws to ensure protection of sensitive coastal habitats and resources,

public scenic coastal views, parking for public access to the shoreline, and public health and safety; and

WHEREAS, at the project level, multi-unit projects seeking to create two or more dwelling units or create two or more lots must provide inclusionary housing as affordable housing mitigation per DMMC Chapter 24.41 and are subject to processing of a Coastal Development Permit in accordance with the certified LCP, which ensures implementation consistent with the Coastal Act and the certified LCP;

WHEREAS, the Notice of Planning Commission public hearing/Notice of Availability for the proposed LCP amendment was posted in the Coast News and at City Hall and mailed to interested persons on June 21, 2024; and

WHEREAS, on July 9, 2024, the Planning Commission unanimously recommended approval to the City Council with a recommended modification to ensure the inclusionary housing regulations account for project size and maximize the number of affordable units developed; and

WHEREAS, on August 22, 2024, the notice of City Council public hearing was published in the Del Mar Times; and

WHEREAS, adoption of this Ordinance will ensure consistent citywide implementation of the City's inclusionary housing regulations and condominium conversion regulations and establish consistency between the certified LCP and the subdivision regulations in DMMC Chapters 24.21 and 24.40.

NOW THEREFORE, the City Council of the City of Del Mar, California hereby ordains as follows:

SECTION ONE: That the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares that the above stated Recitals are true and correct and are incorporated by reference into this action.

SECTION TWO: That the existing DMMC Section 30.24.070 North Commercial Zone development standards be amended as follows for consistency with the citywide inclusionary housing requirements in DMMC Chapter 24.21:

30.24.070 - Development Standards.

In the NC Zone, the following development standards apply:

- A. Density: Up to a maximum of 20 dwelling units per acre

All residential development or condominium conversions shall provide affordable housing in accordance with the City's inclusionary housing regulations under Chapter 24.21 of this Code.

[No changes to Sections B. (Lot Dimensions) through C. (Construction Standards).]

SECTION THREE: That the existing DMMC Section 30.25.070 Professional Commercial Zone development standards be amended as follows for consistency with the citywide inclusionary housing requirements in DMMC Chapter 24.21:

30.25.070 - Development Standards.

In the PC Zone, the following development standards apply:

- A. Density: Up to a maximum of 20 dwelling units per acre

All residential development or condominium conversions shall provide affordable housing in accordance with the City's inclusionary housing regulations under Chapter 24.21 of this Code.

[No changes to Section B Lot Dimensions through Section C. Construction Standards.]

SECTION FOUR:

Pursuant to the California Environmental Quality Act (CEQA), the proposed action is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common-sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The proposed code amendments have been analyzed and it has been determined that they would not result in significant effects on the environment.

SECTION FIVE:

This Ordinance was introduced by the City Council on September 23, 2024.

SECTION SIX:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SEVEN:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION EIGHT:

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on 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 Ordinance No.____, which has been published pursuant to law, and 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:

NOES:

ABSENT:

ABSTAIN:

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

Strikeout-Underline: Companion Amendments to Zoning Code and Local Coastal Program

DMMC Chapter 24.21 is not part of the City's certified Local Coastal Program (LCP). This companion set of amendments to DMMC Chapter 30.24 (North Commercial Zone) and Chapter 20.25 (Professional Commercial Zone) is needed and is limited only to the changes necessary to ensure consistent Citywide implementation of Inclusionary Housing.

North Commercial Zone:

30.24.070 - Development Standards.

In the NC Zone, the following development standards apply:

- A. Density: Up to a maximum of 20 dwelling units per acre
 - 1. ~~All residential development or condominium conversions shall provide affordable housing in accordance with the City's inclusionary housing regulations under Chapter 24.21 of this Code.~~
 - 2. ~~Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.~~

[No changes to Sections B. (Lot Dimensions) through C. (Construction Standards).]

Professional Commercial Zone:

30.25.070 - Development Standards.

In the PC Zone, the following development standards apply:

- A. Density: Up to a maximum of 20 dwelling units per acre
 - 1. ~~All residential development or condominium conversions shall provide affordable housing in accordance with the City's inclusionary housing regulations under Chapter 24.21 of this Code.~~
 - 2. ~~Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.~~

[No changes to Section B Lot Dimensions through Section C. Construction Standards.]

Matrix for Inclusionary Housing

	Code Section	Description
1	Purpose 24.21.010	Purpose is to produce lower income affordable housing consistent with housing needs identified in the Housing Element; ensure the affordable units are in proportion to overall increase in new units.
2	Definitions 24.21.020	Creates definitions for the following terms: Affordable Housing (including income categories), Household, Inclusionary Unit, Market Rate Unit, Ownership Unit, Primary Residence, and Rental Unit.
3	Applicability 24.21.030	Applies to residential development of two or more units; and to the creation of lots through a subdivision map. It does not apply to non-residential development, modifications to existing units with no increase in the number of units, replacement of involuntarily damaged or destroyed units within two years, ADUs, homeless shelters, supportive housing, transitional housing, residential care facilities, health care facilities, or conversion of mobile home parks.
4	Required Mitigation and Calculation Methodology 24.21.040	Requires development of two or more units to reserve at least 15% of the units as lower income units for projects with less than 30 units and to reserve 20% for projects with 30 or more units. The same set of affordable units count to meet inclusionary and State DBL requirements. For projects developing units there is no option to pay an in-lieu fee or to build the units off-site. The inclusionary housing calculation is rounded up to the nearest whole number. Existing in-lieu fees per Council-adopted 2024=2025 Fee Schedule: <ul style="list-style-type: none"> • In-Lieu fee for Subdivisions: \$27,350 per net-new lot created • In-lieu fee payment option (\$35 per sf of habitable area) for new Condos and Condo Conversions would be removed In lieu fees collected for creation of net-new lots will be deposited in Housing Assistance Fund for use to implement lower income units.
5	Inclusionary Housing Plan and Agreement 24.21.050	Applicant must submit plan for processing concurrently with all other permits for the project. Applicant must enter into agreement with the City and record as deed restriction on property to run with the land and be binding on future owners and successors of interest.
6	Standards 24.21.060	The affordable and market rate units must be constructed concurrently, must be comparable in terms of size, design, materials, quality, appearance, and must be dispersed throughout the project. Ownership and rental units must be affordable for 55 years. Owner must certify the income of the tenant or purchaser. Affordable units must be occupied as the principal residence of the tenant.
7	Exception to Avoid Taking 24.21.070	Provides a process to accommodate Owners who demonstrate economic hardship and a need for exception to avoid a taking.
8	Enforcement 24.21.080	Enforcement is consistent with DMMC Chapter 1.08.
9	Appeal Process 24.21.090	Provides for an appeal to City Council.
10	Severability 24.21.100	Identifies a severability clause in case certain terms or provisions become void by law or court decision.
11	NC and PC Zone Density 30.24.070 and 30.25.070	Removes provision in the existing Zoning Code and certified LCP that is in conflict with the proposed inclusionary housing regulations.

Matrix for Condo Conversions

	Proposed Code Section	Description
1	Purpose 24.40.010	The purpose is to regulate common interest subdivisions to preserve the City's existing supply of apartments because conversion to condos can adversely impact this source of more affordable units.
2	Applicability & Process for Approval 24.40.020	The Ordinance applies to the conversion of existing dwelling units to condos, community apartment projects, or tenancy in common form of ownership. Removes all code references to stock cooperatives.
3	Definitions 24.40.030	Added definitions for common interest subdivisions, community apartments, condominium conversions, and tenancy in common.
4	Submittal Requirements and Disclosure of Reports 24.40.040	Clarifies the requirement for disclosure of the physical condition of the units, structure, and property to potential buyers, which involves submittal of multiple reports and documents that must identify the deficiencies in the physical conditions and what must be improved.
5	Standards for Condo Conversions 24.40.050	All condo conversions must comply with the DMMC in effect at the time of TM approval, except as otherwise provided. Allows residential with legal non-conforming structure, non-conforming parking, and/or non-conforming density to be converted to condos. Must comply only with applicable provisions of Building Code in effect at time of application. Violations must be corrected prior to Final Map approval. Clarification of standards was added relating to fire protection, smoke/carbon monoxide detectors, sound transmission, utility meters, water/sewer laterals, irrigation meters, private storage space, laundry facilities, landscape maintenance, and the condition of equipment and appliances in each dwelling unit. Projects must conform as necessary to reasonably ensure the structure achieves a high degree of appearance, quality, and safety. Requires dedication of lower income inclusionary units consistent with prospective amendments to DMMC Chapter 24.21.
6	Notice to Tenants, First Right of Refusal to Purchase, and Tenant Relocation Assistance 24.40.060	Requires the subdivider to give notice to prospective tenants per SMA law; and provide notice of public hearings for the project. Tenants shall be afforded first right of refusal within 90 days of final approval for the tenant to purchase a unit prior to offering the unit for sale to the general public. Requires a relocation payment to qualifying tenants who would be displaced. The payment would be three months rent based on HUD's annual Fair Market Rent specific to the San Diego region for apartment size. Qualifying tenant must be 62 years of age, disabled, or have dependent children living in the unit at least 30 days per year. Eligible tenant must have resided at least 90 days prior to the date the notice of application for condo conversion is issued.
7	Findings for Approval 24.40.070	States the required findings for approval.
8	Enforcement 24.40.080	The regulations shall be enforced in accordance with Chapter 1.08.
9	Severability 24.40.090	Adds a severability section in case regulations, in whole or in part, are determined to be void.



Housing & Community Development Services

blank-white

Income Limits AMI Chart

San Diego County

Area Median Income (AMI) and Income Limits

2024 Area Median Income (AMI)
for San Diego County is

\$119,500

San Diego County Income Limits			
Effective April 17, 2024			
Family Size	30% of AMI Extremely Low Income	50% of AMI Very Low Income	80% of AMI Low Income
1	31,850	53,050	84,900
2	36,400	60,600	97,000
3	40,950	68,200	109,150
4	45,450	75,750	121,250
5	49,100	81,850	130,950
6	52,750	87,900	140,650
7	56,400	93,950	150,350
8	60,000	100,000	160,050

[FAQs](#)

[Housing Directory](#)

[Areas Served](#)

[Fair Housing](#)

[Forms](#)

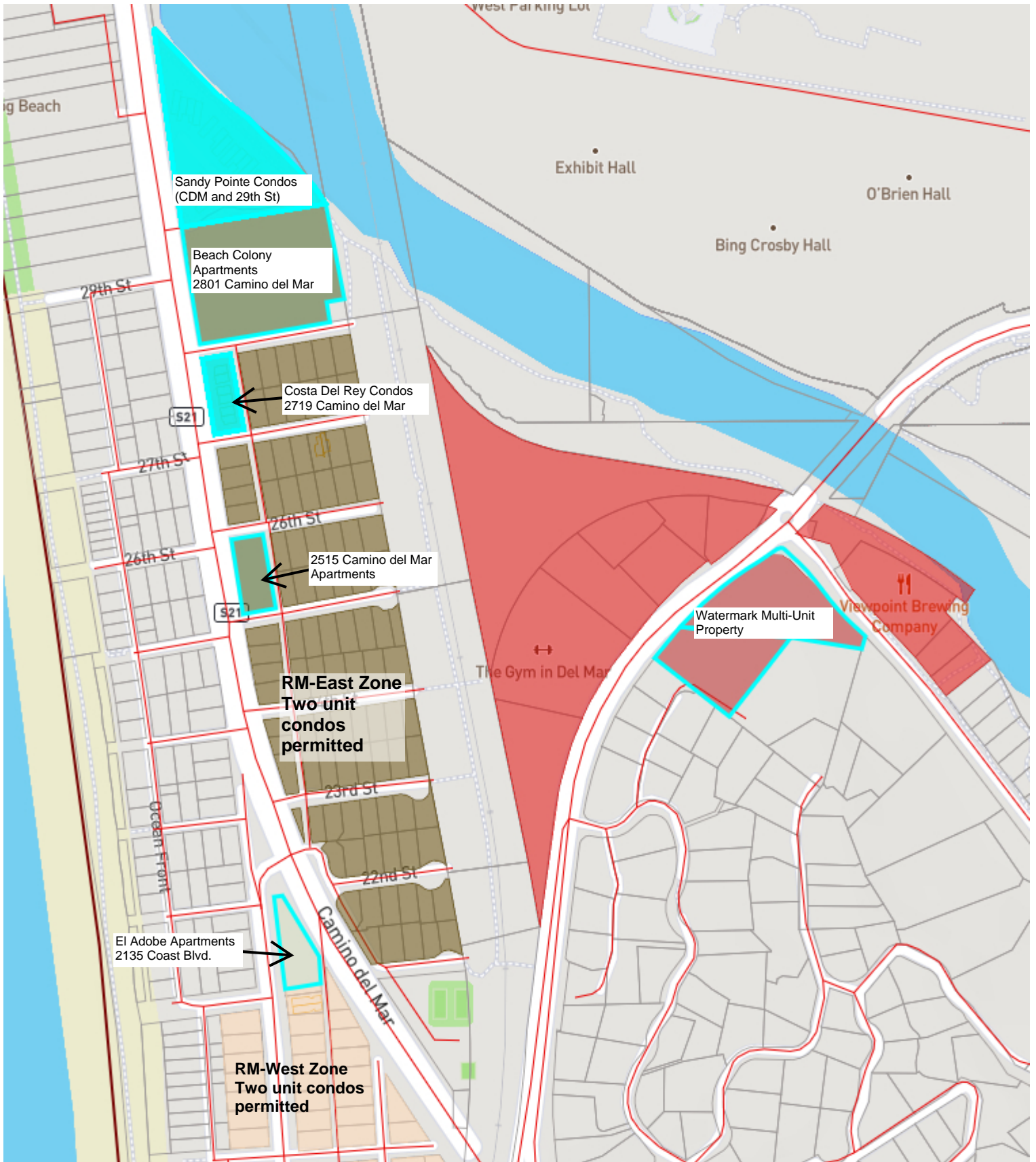
	Multi-Unit Condos in Residential Zones	# of Units	Zone
1	Del Mar Woods Condos	126	RM-South
2	212 4 th Street Condos	18	RM-South
3	424 Stratford Court Condos	38	RM-South
4	515 Stratford Court Condos	10	RM-South
5	519 Stratford Court Condos	18	RM-South
6	460 Camino del Mar Condos	18	RM-South
7	Sea Cliff Way Condos (Stratford Ct/Sea Cliff)	5	RM-South
8	155 15 th Street Condos	28	R2
9	1552 Camino del Mar Condos	24	R2
10	1558 Camino del Mar Condos	20	R2
11	1562 Camino del Mar Condos	36	R2
12	1844 Camino del Mar (Del Mar Villas Condos)	24	R2
13	1735 Coast Blvd Condos	5	RM-West
14	1757 Coast Blvd Condos	10	RM-West
15	1750 Ocean Front Condos	5	RM-West
16	Costa Del Rey Condos (2719 Camino del Mar)	16	RM-East
17	Sandy Pointe Condos (CDM and 29 th Street)	20	RM-East
		421 units total	

	Apartment Properties in Residential Zones	# of Units	Zone
1	Los Arboles Apartments (201 4 th Street)	97	RM-South
2	167 4 th Street Apartments	12	RM-South
3	425 Stratford Court Apartments	18	RM-South
4	510 Stratford Court Apartments	48	RM-South
5	703 Stratford Court Apartments	12	RM-South
6	Ocean Village Apartments (1425 Ocean Avenue)	22	R2
7	El Adobe Apartments (2135 Coast Blvd)	12	RM-West
8	2515 Camino del Mar Apartments	14	RM-East
9	Beach Colony Apartments (2801 Camino del Mar)	86	RM-East
		321 units total	

	Apartments in Commercial Zones	# of Units	Zone
1	Terraces at Del Mar Apartments (526 Camino del Mar)	53	VC
2	941 CDM Multi-Unit – building permit pending <i>Includes 2 deed-restricted affordable units</i>	8	941 CDM SP
3	Watermark Multi-Unit – building permit pending <i>Includes 10 deed-restricted affordable units</i>	50	NC
		111 units total	

Two-unit condominium ownership lots exist throughout the R2 zone and RM zones

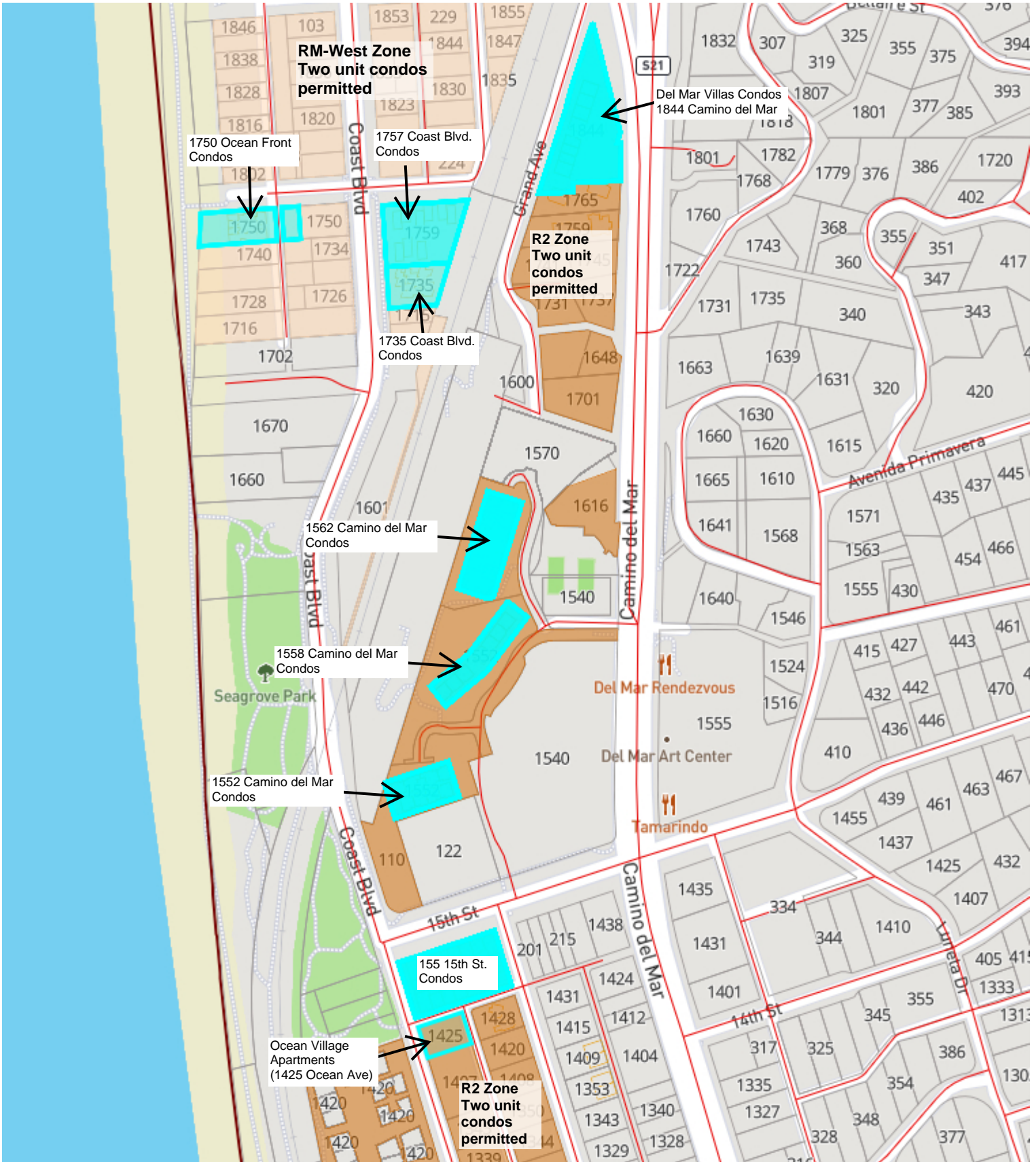
North Beach and North Commercial Zone Multi-Unit Properties



<p>1" = 425 ft</p>	<p> Multi-Unit Property</p>	<p> RM-East Zone</p> <p> RM-West Zone</p>	<p> North Commercial Zone</p>
--------------------	----------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

City Center Multi-Unit Properties



<p>1" = 344 ft</p>	<p> Multi-Unit Property</p>	<p> RM-West Zone</p> <p> R2 Zone</p>	
--------------------	----------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

South Stratford Multi-Unit Properties



<p>1" = 472 ft</p>	<p> Multi-Unit Property</p>	<p> R2 Zone</p> <p> RM-South Zone</p>	<p> RM-Central Zone</p> <p> Visitor Commercial Zone</p>
--------------------	----------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

SUMMARY OF DENSITY BONUS LAW

Background on State Density Bonus Law (DBL) - Government Code § 65915

Allows housing or mixed-use development at a density above maximum set in the General Plan (Del Mar Community Plan) and Zoning Code. In exchange for increased density, a certain number of the units must be income-restricted and reserved for very-low income, low-income, or moderate-income households. The Coastal Act and policies of the certified Local Coastal Program apply to DBL projects. DBL provides three types of benefits that qualifying applicants may request from the City to facilitate affordable housing development:

- 1) Incentives or concessions that provide project cost reductions;
- 2) Waivers and reductions of development standards that would physically preclude project development at the density permitted per DBL and with incentives granted per DBL; and
- 3) Reductions in parking requirements per Government Code § 65915(p).

Project Eligibility and Location

Any housing development that proposes five or more dwelling units and incorporates at least one of the housing-related requirements below is eligible for a density bonus:

Density Bonus awarded per Project Type per State Density Bonus Law	
Projects with 5% “Very Low Income”, 10% “Low Income”, or 20% “Moderate Income” rental units restricted for at least 55 years	20% density bonus
Projects with 10% “Very Low Income” units for transitional foster youth, disabled veterans, or homeless restricted at least 55 years	
Senior housing projects that limit age of tenants, not the income (Civil Code § 51.3 and 51.12)	
Projects with 15% “Very Low Income”, 24% “Low Income”, or 44% “Moderate Income” rental units restricted for at least 55 years	50% density bonus
Projects with 100% affordable units (excluding manager unit) with max 20% moderate units	
Projects that donate land (at least one acre) for very low-income (Gov Code § 65915(g))	15% to 35% density bonus
Projects that provide a child care facility (Gov Code §65915(h))	Equivalent square footage of child care facility for bonus units

Potential DBL project locations include the North Commercial and Professional Commercial Zones and will include the Central Commercial Zone (Ordinance pending per Housing Element).

Maximum Density Bonus

Opportunities for a project density bonus are set on a sliding scale based on percentage of units in the project that will be set aside as income-restricted; and number of units in specified household income categories (very low, low, or moderate). The maximum density bonus that can be awarded is 50% of the base units (pre-density bonus), which applies to projects that include at least 44% moderate-income units or 24% low-income units or 15% very low-income units. The density bonus calculation is based on the allowable density of the base zone. No additional density will be awarded beyond the 50% density bonus.

Incentives/Concessions and Determination of Economic Infeasibility

An applicant may request incentives/concessions to reduce costs to build a DBL project with affordable units. Incentives and concessions have the same meaning under DBL. Typically, development projects must comply with design standards and development regulations (i.e., height, floor area ratio, lot coverage, and setbacks). DBL allows projects to deviate from design standards and development regulations if the standard regulations would make the project economically infeasible to build. Requested incentives or concessions must result in identifiable and actual cost reductions for affordable housing development. An applicant shall provide reasonable documentation to explain how the request will reduce costs to build the project. The City may deny an incentive or concession if it finds it would be contrary to state or federal law, or would have a specific, adverse and unavoidable impact on public health, safety or on a listed historic property.

DBL allows up to five “incentives” to be requested based on the number of income-restricted units:

Income Category	% of Reserved Units				
Very Low	5%	10%	15%	16%	100% lower income (up to 20% moderate income)
Low	10%	17%	24%	N/A	
Moderate	10% for sale	20% for sale	30% for sale	45% for sale	
Senior	N/A	N/A	100%	N/A	N/A
Maximum Incentives	1	2	3	4	5

Waivers and Determination of Physical Infeasibility

A waiver is a reduction or modification of “development standards” and other regulations when those requirements would make project construction physically infeasible without waiver approval. “Development standards” includes a site or construction condition, including, but not limited to, height, setbacks, floor area, open space requirements or parking. The determination of physical infeasibility considers the density permitted per DBL and scenarios with project incentive(s) granted. There is no limit to the number of waivers an applicant can request. However, waiver requests must be accompanied by reasonable documentation that explains the request and visually demonstrates in exhibits that the existing development standard, if not waived or reduced, would physically preclude development of the project. The City may deny a waiver if it finds it would be contrary to state or federal law, or would have a specific, adverse and unavoidable impact on public health, safety or on a listed historic property.



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Matt Bator, AICP, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: September 23, 2024

SUBJECT: Adoption of an Ordinance Establishing Multi-Unit and Mixed-Use Objective Design Standards for “By-Right” Housing Development Projects

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance (Attachment A) to amend Del Mar Municipal Code (DMMC) Title 23 and establish a new Chapter 23.06 to approve and implement Multi-Unit and Mixed-Use Objective Design Standards for “by-right” housing development projects and implement Housing Element Program 6G.

DISCUSSION AND ANALYSIS:

On August 26, 2024, the City Council introduced an Ordinance to establish new Chapter 23.06 of the DMMC for approval and implementation of Multi-Unit and Mixed-Use Objective Design Standards (ODS) for “by-right” housing development projects. The Ordinance is required to implement the City’s 6th Cycle Housing Element (2021-2029) Program 6G, the creation of new ODS that provide “measurable and verifiable” criteria that can be applied to development projects where the City’s discretionary land use processes have been abrogated by recent changes to State housing law. The ODS are intended to apply to any lawfully entitled by-right/ministerially processed multi-unit and mixed-use housing development projects that include an affordable housing component.

Prior to and during the August 26, 2024, public hearing to introduce the ODS Ordinance, several questions were posed to staff and the City’s consultant (Ascent) by Councilmembers regarding the language of the draft Ordinance and specific standards and sections of the draft Objective Design Standards Manual. Staff’s responses resulted in several non-substantive edits and associated clarifications/clean-ups to the proposed Ordinance and ODS Manual. Those edits were discussed and read into the record while others, such as four (4) specific revisions to the ODS that were forwarded to the City Council from the Planning Commission for consideration, were included with the introduction of the Ordinance by reference.

City Council Action:

Below are brief summaries of the questions and issues raised by the City Council at the August 26, 2024, meeting and how each item has been addressed in the ODS Manual:

- ***Request to reference the City’s Community Plan in Sections A.2 and A.5 of the ODS Manual where other regulatory documents are cited.*** In response to the request, “Del Mar Community Plan” has been added to the respective sections of the Manual. See pages 4, 6, and 7 of Attachment B.
- ***Request to address height maximums for chimneys.*** The ODS Manual has been updated to indicate that fireplace chimneys may not exceed a height of three (3) feet above the lowest adjacent roof structure. See page 22 of Attachment B.
- ***Request to address visual massing and noise concerns that could result when multiple heating, ventilation, and air conditioning (HVAC) condensers are placed on the roof of a multi-story, multi-unit building.*** To address this issue, additional language has been added to the ODS Manual reaffirming that rooftop equipment cannot extend above the maximum allowed building height for the development and that all exterior mechanical equipment must comply with the maximum noise levels prescribed in DMMC Chapter 9.20 (Noise Regulations). See pages 23-24 of Attachment B.
- ***Concern with Standard C.6.11 (Lighting Design Standards), in that the proposed calculation could allow for adverse lighting impacts to adjacent properties.*** Upon further review of the issue, staff determined that C.6.11 is not needed, as other proposed standards would not allow for such lighting to be placed adjacent to common property boundaries. Therefore, C.6.11 has been removed from the ODS Manual.
- ***Request to clarify if there would be a size limit for roof eaves.*** The ODS Manual has been updated to indicate that all eaves, overhangs, and other architectural projections would be limited to projecting no more than two feet (2’) from the surface of the building. See page 20 of Attachment B.

Attachment B includes an itemized list of the edits made to the proposed ODS Manual that address City Council and Planning Commission concerns and recommendations, and a redline exhibit of those revised standards is also included within the attachment. A “clean” final version of the ODS Manual has been included as Attachment C.

FISCAL IMPACT:

There is no fiscal action to be taken by the Council related to this agenda item.

ENVIRONMENTAL IMPACT:

The 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020. The proposed amendments have been analyzed and it has been determined that they would not result in significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final PEIR. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary. Individual development projects will be analyzed for potential impacts on the environment pursuant to the CEQA Guidelines at the time of their application and processing.

HOUSING IMPACT:

Consistent with the City's adopted 6th Cycle Housing Element and State housing laws, the proposed action will create new ODS that will apply to proposed "by right" housing projects, as defined and required by State law.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Creation of objective design standards for multi-unit and mixed-use housing development projects is a Tier 1 priority City Council special project that is included in the City's Housing Element.

ATTACHMENTS:

- Attachment A – Ordinance to Create Multi-Unit and Mixed-Use Objective Design Standards for By-Right Housing Development Projects
- Attachment B – List of Edits and Redline Exhibit of ODS Revisions
- Attachment C – ODS Manual (Final Version)

ATTACHMENT A

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING NEW CHAPTER 23.06 TO THE CITY OF DEL MAR MUNICIPAL CODE, ESTABLISHING MULTI-UNIT AND MIXED-USE OBJECTIVE DESIGN STANDARDS FOR LAWFULLY REQUIRED “BY-RIGHT” HOUSING DEVELOPMENT

WHEREAS, the City of Del Mar is a charter city and certain constitutionally enacted State Housing laws apply to general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “Housing is a matter of statewide concern” considering that California faces a housing crisis, and that local jurisdictions were therefore mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City of Del Mar and has an overall goal to “preserve and enhance the special character of Del Mar,” this includes maintaining the “village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach” as well as preserving and enhancing “Del Mar’s special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline;” and

WHEREAS, the City’s certified Housing Element is one of many required components that is part of the Del Mar Community Plan which requires consistency with State laws applicable to General Plans; and

WHEREAS, the certified Housing Element identifies programs and resources required for the preservation, improvement, and production of housing to meet the existing and projected needs of its population and it requires the creation of additional affordable housing stock; and

WHEREAS, the certified Housing Element for the 6th Cycle years 2021-2029 requires the City to accommodate a Regional Housing Need Allocation (RHNA) of 163 housing units, comprised of 37 very-low income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units and an additional 12 low income unit “carryover” from the 5th Cycle planning period (2013-2021) for a total obligation of 175 units including 113 lower income units as well as 100 additional opportunities for moderate income households, lower income households, and special needs households; and

WHEREAS, the proposed amendment to the Del Mar Municipal Code (DMMC) is required per State law to implement the City’s 6th Cycle Housing Element commitment identified in Program 6G (Objective Design Standards) in order to maintain compliance with State law and avoid decertification of the Housing Element; and

WHEREAS, the City has made and continues to make progress toward its housing programs and housing production targets in its certified Housing Element; and

WHEREAS, adoption of this Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods and coastal resources; and

WHEREAS, a duly noticed special public workshop/joint meeting of the Design Review Board and Planning Commission was held on December 6, 2023, to initiate the creation of the Multi-Unit and Mixed-Use Objective Design Standards, at which time information regarding the Objective Design Standards creation process, timing/steps, and an overview of a public survey was provided and discussed; and

WHEREAS, the Design Review Board held a duly noticed public workshop to review the draft Multi-Unit and Mixed-Use Objective Design Standards Manual on March 19, 2024 that necessitated revisions that have sensed been incorporated into the Ordinance; and

WHEREAS, on April 24, 2024, the Design Review Board reviewed a revised (second) draft of the Multi-Unit and Mixed-Use Objective Design Standards Manual and recommended that the City Council approve the document; and

WHEREAS, on May 12, 2024, the Planning Commission held a duly noticed public hearing to review the proposed the Multi-Unit and Mixed-Use Objective Design Standards Manual and associated municipal code amendment, at which time the staff report was presented, public testimony was received, and the Planning Commission voted to recommend that the City Council adopt an Ordinance to implement the Multi-Unit and Mixed-Use Objective Design Standards for By-Right Housing Development; and

WHEREAS, the 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). These proposed amendments have been analyzed and it has been determined that this Ordinance would not result in significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final PEIR. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary. Individual development projects will be analyzed for potential impacts on the environment pursuant to the CEQA Guidelines at the time of their application and processing.

WHEREAS, on September 9, 2024, the City Council held a duly noticed public hearing for introduction of the Ordinance.

NOW THEREFORE, the City Council of the City of Del Mar does hereby ordain as follows:

SECTION ONE

That a new Chapter of the Municipal Code shall be added as follows:

Chapter 23.06 – MULTI-UNIT AND MIXED-USE RESIDENTIAL OBJECTIVE DESIGN REVIEW STANDARDS

23.06.010 - Purpose

- A. State Housing law requires streamlining of permit applications through an administrative process at the local level, including limitations that require objective design standards for certain classes of housing development.
- B. The purpose of this Chapter is to set forth the objective design standards that apply under the special circumstance where the City is precluded by State law from applying its typical discretionary design review criteria and permit approval processes identified in Chapter 23.08.
- C. The intent of this Ordinance is to facilitate the objective review and approval of eligible proposed housing development to implement the City of Del Mar Community Plan (General Plan) and Local Coastal Program (LCP) in a manner that harmonizes adopted local policies with State mandated housing laws.

23.06.020 – Applicability

Chapter 23.06 shall apply to proposed multi-unit residential and mixed-use development projects in circumstances where the City is precluded by State Law from otherwise applying the City’s standard discretionary design review criteria and permit approval processes as identified in DMMC Chapter 23.08.

23.07.030 – Process for Objective Design Review and Approval

Notwithstanding the standard discretionary design review permit process provisions in Chapter 23.08 of the Del Mar Municipal Code, the process for objective design review and approval in accordance with Chapter 23.06 shall be issued in accordance with an administrative level ministerial approval process where the proposed development is found to be consistent with standards indicated in Section 23.06.040 and is required by State housing laws.

23.07.040 – Standards for Objective Design Review Approval

Proposed development eligible pursuant to Section 23.06.020 shall be subject to consistency with the standards indicated in the “Multi-Unit and Mixed-Use Residential Objective Design Standards Manual” adopted by the City Council and on file with the City Clerk.

23.07.050 – Severability

Should any section, subsection, sentence, clause, or phrase of this Ordinance codified by this Chapter be held, for any reason, to be invalid or unconstitutional by the decision

of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance so codified by this Chapter.

SECTION TWO

The “Multi-Unit and Mixed-Use Residential Objective Design Standards Manual” provided as “Attachment B” of Del Mar City Council agenda report dated July 8, 2024, is adopted and may be updated and modified from time to time by resolution of the City Council upon review and recommendation of the Planning Commission.

SECTION THREE

This Ordinance was introduced by the City Council on August 26, 2024.

SECTION FOUR

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION FIVE

This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Del Mar, California, held on the 23rd day of September 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 Ordinance No._____, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 23rd day of September, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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

City of Del Mar

Multi-Unit and Mixed-Use Residential Objective Design Standards

HEARING DRAFT ~~May~~September 2024

Summary of Changes

Comment #	Comment Subject	Section Number of Changes	Old Section Number (if changed)
CC 1	Adding "Community Plan"	A.2	A.1
		A.4	A.3
		A.6	A.5
CC 2	Chimneys	C.4.6	
CC 3 / PC 4	Equipment Noise	C.6.6	
		C.6.7 (New)	
CC 4	Light Design Standards	Removed Section	C.6.11
		C.6.16	
CC 5	Eaves	C.1.12 (New)	
PC 1	Duplexes	B.1.4	
		B.1.4.a	
		B.1.4.b	
		B.1.8	
		B.8.9	
		B.8.1.a	
PC 2	Excluding Walkways from Calculation of Open Space	B.1.8.d	
PC 3	Roof decks	B.8.2.a	
		B.8.9.c	
		B.8.9.d	
		C.1.11	
		C.1.12 (New)	
		C.1.13.b (Removed)	C.1.12.b
	Definitions – Roof Deck (New)		
	Figures	Figure B-4	
		Figure B-12	
		Figure B-13	
		Figure B-14	

ACKNOWLEDGMENTS

City Council

Dave Druker, Mayor

Terry Gaasterland, Deputy Mayor

Tracy Martinez

Dan Quirk

Dwight Worden

Planning Commission

Philip Posner, Chair

Ted Bakker, Vice Chair

Jas Grewal, Commissioner

Claire McGreal, Commissioner

John Spelich, Commissioner

Design Review Board

John M. Goodkind

Greg Rothnem

Tina Thomas

Glenn Warren

Arlene Prater

Linda Judd

City Staff

Karen Brindley, Planning & Community
Development Director

Matt Bator, Principal Planner

Amanda Lee, Principal Planner

Adriana Jaramishian, Associate Planner

Ascent

Christine Babla, Principal

Matthew Gelbman, Project Manager

Angela Khermouch, Urban Designer

Veronica Alatorre, Urban Designer

A. Introduction ~~and Purpose~~

A.1 ~~Introduction and Purpose~~

The City of Del Mar Multi-Unit and Mixed-Use Residential Objective Design Standards (Standards) have been created with the intent of protecting the City’s unique residential seaside community character and village-like scale, enhancing the quality of design and development throughout the City, and considering the interests of neighboring property owners. The Standards establish regulations for by-right multi-unit residential, and residential mixed-use development, consistent with state law related to “objective design standards”. Objective design standards, as defined by Government Code Section 66300(a)(7), are standards that:

involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

Objective design standards are mandatory development requirements that are measurable and verifiable, as opposed to design guidelines that are intended to be flexible and subject to interpretation. Objective design standards are intended to provide the public, building and design professionals, and decision makers with objective criteria for development.

A.12. Relationship to Other City Documents

The Del Mar Community Plan focuses on preserving and enhancing Del Mar’s unique coastal village atmosphere by encouraging architecture that considers the aesthetic context of its location within the community, harmonizes with the existing neighborhood, and blends with the community’s unique and abundant natural assets. While the Design Review Ordinance (DRO) establishes design criteria for discretionary projects, the Multi-Unit and Mixed-Use Residential Objective Design Standards provide the design criteria for all by-right multi-family and residential mixed-use development in the City.

These tools, together with the Del Mar Municipal Code (DMMC) Title 30 - Zoning, [Del Mar Community Plan](#), Local Coastal Program (LCP), and other regulations, are intended to safeguard and implement the City’s vision, maintaining Del Mar’s low-density residential character and ensuring that future development—both residential and mixed-use—preserves scenic views, natural terrain, and the environment.

The Standards contained within this document are intended to implement the City of Del Mar's 6th Cycle Housing Element and support the goals, objectives, and policies included within the Del Mar Community Plan including those specifically referenced below.

GOAL 3: Preserve and enhance Del Mar's special residential character and small town atmosphere with its harmonious blend of buildings and landscape in proximity to a beautiful shoreline.

OBJECTIVES AND POLICIES:

- Ensure that future development, whether commercial or residential, does not detract from high quality vistas and terrain, either by blocking views or disturbing natural topography mature trees, or native growth.
- Ensure adequate housing for age diversity and socio-economic groups, while preserving existing housing for those groups within the community.
- Protect and enhance human scale, warmth, charm, interest, texture, pedestrian involvement, and landscaping.

GOAL 4: Focus major retail and office activity into an economically viable, pedestrian oriented and attractive area that serves the needs of both residents and visitors and is well integrated into the residential.

- Ensure that the downtown area is well integrated into the residential fabric of the community.

A.23. Document Organization

The Standards are organized in the following three sections:

- Section A, Introduction and Purpose establishes the purpose of the Standards, provides an overview of the document organization, describes the applicability and compliance with the Standards, outlines the process for administrative exceptions, and provides an interpretation of conflicts between standards in the City's multiple regulatory documents.
- Section B, Site Planning and Design provides criteria to ensure neighborhood compatibility, standards specific to the Floodplain Overlay Zone, requirements for the preservation of natural topography and grading design, the design of retaining walls and fencing, circulation and parking, and hardscape, landscape, vegetation, and open space.
- Section C, Building Design provides direction for the design of building form and massing, including facade design and articulation as well as roof design, residential unit design, building elements excluded from FAR, architectural features, materials and colors, utilitarian elements and screening and signage. Building Design standards are intended to ensure a minimum standard of design and construction quality in the development of new multi-unit residential and residential mixed-use projects in the City of Del Mar.
- Section D, Ground-Floor Design provides standards to regulate the design of ground-floor, including residential ground-floor, entry conditions, and the design of commercial ground-floor spaces and facades.

A.3-4. Applicability and Compliance

The Standards apply to multi-unit residential and mixed-use development projects that are eligible for by-right approval, including any projects on sites rezoned per Government Code Section 65584.3(h) and (i). The Standards apply citywide, however they shall not apply to a project if otherwise prohibited by State law.

In addition to the standards herein, all development shall comply with the standards of DMMC Title 30 - Zoning, Del Mar Community Plan, LCP, and any applicable specific plan, overlay, or other regulations. Eligible projects must comply with all standards unless an administrative exception is approved.

A.45. Administrative Exceptions

An applicant may request an administrative exception for up to three (3) standards contained herein.

1. Request for Administrative Exceptions: A request for an administrative exception(s) must be made in writing as part of the application for the proposed project. The written justification for an administrative exception(s) must identify each standard for which an administrative exception is requested, and how the request meets the findings listed below.
 - a. A standard shall include any numbered standard that does not include any lettered standards or sub-bullets. Or, where a numbered standard includes lettered standards and sub-bullets, each lettered standard, inclusive of sub-bullets, shall be considered an independent standard.
2. Required Findings for Exceptions: The Director, or designee, will consider a written request for an administrative exception(s) and make findings to approve or deny the request. An exception shall be granted only if all the following findings are made for each of the exceptions:
 - a. The proposed project meets the intent of the design standard under consideration, or a similar design standard is implemented in substitution.
 - b. Exceptions from numeric standards do not deviate more than five (5) percent from the standard.
 - c. Standard for which an exception is requested is not contained in Section D, Ground-Floor Design.
 - d. Standard for which an exception is requested is not contained in DMMC Title 30 - Zoning, Chapter 30.92 - Housing Element Implementation Overlay Zone, or another applicable regulation or ordinance.
3. Density Bonus: An administrative exception, approved through the process outlined in this section, is separate from any concession/incentive or waiver granted pursuant to Density Bonus Law (Government Code Section 65915 - 65918) and/or other applicable state laws.
 - a. If any concession/incentive and waiver granted through Density Bonus Law includes an applicable standard included in the Standards, it will be counted as one (1) of the three (3) administrative exceptions granted through this section.

4. Discretionary Review: Applicants may elect to pursue a discretionary review path that voluntarily removes the project from the by-right requirements and processes, including mandated review timelines and limit on number of meetings for projects that are seeking by-right approval through State law. Projects under discretionary review are subject to DMMC Chapter 23.08 - Design Review, and Section 3 of the Citywide Design Guidelines. Conformance with the Standards is not required as part of discretionary review, but is encouraged.

A.56. Conflicts

The City maintains multiple regulatory documents that contain objective design standards and other requirements that apply to by-right multi-unit residential and residential mixed-use development, including DMMC Title 30 - Zoning, **Del Mar Community Plan**, and the LCP, which are applicable to all development. In the case of a conflict between standards, the following shall apply:

- All development projects, including density bonus projects, are required to comply with the California Coastal Act and the City's LCP. Where a provision within these Standards differs from a standard contained within the LCP, the standard of the LCP shall prevail.
- Where a provision of these Standards differs from a requirement of DMMC Title 30 - Zoning, the provision in these Standards shall prevail, unless otherwise specified herein.
- Where the Chapter 30.92 - Housing Element Implementation Overlay Zone has been deemed applicable to a site through a hearing process by the City Council, both the standards in Chapter 30.92 - Housing Element Implementation Overlay Zone and these Standards shall apply. If a provision of these Standards differs from a requirement in the DMMC Chapter 30.92, the standards in DMMC Chapter 30.92 shall prevail, unless otherwise specified herein.
- Where a provision of these Standards differs from a standard contained within an applicable specific plan, the standard of the applicable specific plan shall prevail.

B. Site Planning and Design

The building placement, arrangement of activities and design of the site are significant factors in maintaining the unique character and scale of Del Mar’s existing neighborhoods. The Site Planning and Design section addresses the standards for the following topics:

- B.1 Neighborhood Compatibility
- B.2 Floodplain Overlay Zone
- B.3 Natural Topography and Grading
- B.4 Retaining Walls and Fencing
- B.5 Circulation and Parking
- B.6 Hardscape
- B.7 Landscape and Vegetation
- B.8 Open Space

B.1. Neighborhood Compatibility

Ensure that new multi-unit residential and mixed-use development reflects the scale and character of Del Mar’s existing neighborhoods.

SETBACKS

1. Front, side, and rear yard setbacks shall meet the minimum standards set in the DMMC Title 30 - Zoning.
2. For parcels that face Camino Del Mar, the following standards shall apply:
 - a. Along Camino Del Mar between Del Mar Heights Road/4th Street and 15th Street, the following shall be included:
 - A 10-foot minimum public sidewalk, measured perpendicularly from the existing curb line, ~~and~~
 - The 10-foot sidewalk shall include a 5-foot landscaping and furniture zone and a 5-foot continuous walkway.
 - b. Where there is no minimum front yard setback required, buildings may be built up to the property line.
 - c. Along Camino Del Mar, between 10th and 13th streets where “Town and Country” parking has been provided in the front yard setback, the existing setback shall be considered the minimum front yard setback.
3. A minimum of 60% of the building facing Camino Del Mar and any intersecting street (where the parcel faces two streets) shall meet the minimum front yard setback as shown in Figure B-1.
 - a. The remaining building frontage may be set back up to 20 feet to allow for one or more site features including:
 - Plazas

- Landscaping-
- Open space-
- Outdoor dining-
- Building entries
- Building articulation

Figure B-1: Camino Del Mar building frontage setback requirements.

4. For parcels located between two other parcels that have an existing **single dwelling unit or duplex**, the following front yard setback standards apply:
 - a. If the front yard setback dimension of the adjacent **single dwelling units or duplex** on each side are the same, the minimum front yard setback dimension of the proposed development shall match the adjacent properties.
 - b. If the front yard setback dimension of the adjacent **single dwelling units or duplex** on each side are not the same:
 - And the parcel is under 5,000 square feet, the minimum front yard setback shall be equal to the smaller dimension of the two front yard setbacks as shown in Figure B-2.
 - And the parcel is greater than or equal to 5,000 square feet, the minimum front yard setback shall be equal to the smaller of the two front yard setbacks for a minimum of 50% of the building frontage as shown in Figure B-3. The remainder of the building frontage in parcels over 5,000 square feet shall be permitted to meet the minimum front yard setback as defined in the DMMC Title 30 - Zoning.
 - c. The minimum front yard setback dimension for corner parcels shall match the smaller front yard setback of the adjacent parcels where they differ as shown in Figure B-4. Front yard setbacks shall apply to all facades facing a public street.

Figure B-2: Front yard setbacks adjacent to single dwelling units, for parcels less than 5,000 square feet.

Figure B-3: Front yard setbacks adjacent to single dwelling units, for parcels 5,000 square feet or more.

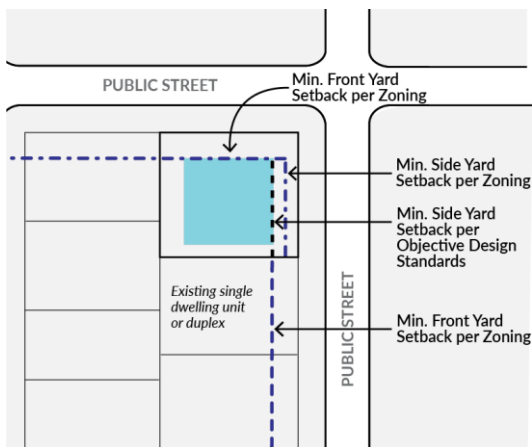
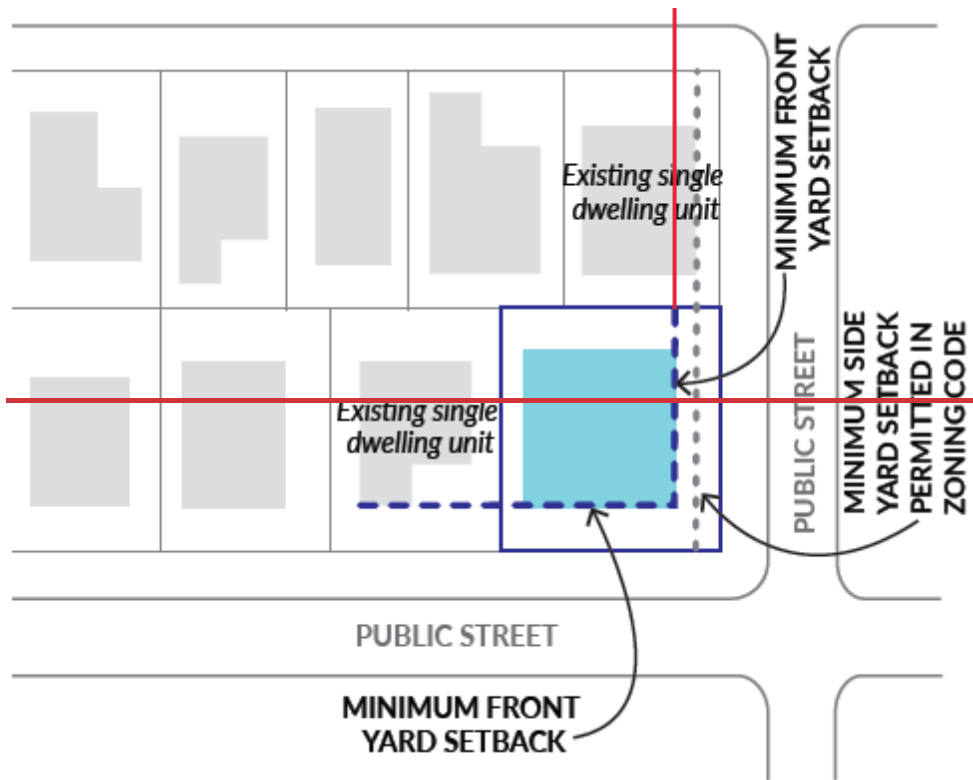


Figure B-4: Front yard setbacks adjacent to single dwelling units on a corner lot.

[Figure B-4 has been updated for clarity.]

5. The following encroachments into the front yard setback are permitted:
 - a. Weather protection elements, such as canopies and awnings, are permitted to encroach into the front yard setback or public sidewalk a maximum of 5 feet at a minimum of 8 feet above the ground. (See Figure B-5).
 - b. Covered porches, residential entry stoops, and patio areas may encroach into the front yard setback a maximum of 8 feet, except where a public utility easement is required. (See Figure B-6).
 - c. Upper floor balconies may encroach into the front yard setback a maximum of 6 feet. (See Figure B-6).

- d. Architectural features, such as eaves and bay windows, may project into the front yard setback a maximum of 2 feet provided the setback is not reduced to less than 5 feet (s. See Figure B-7).

Figure B-5: Permitted weather protection encroachments into the front yard setback.

Figure B-6: Permitted private open space and entry encroachments into the front yard setback.

Figure B-7: Permitted architectural feature encroachments into the front yard setback.

6. The following are permitted in the front yard setback:
 - a. Street trees.
 - b. Landscaping with a minimum 5-foot depth.
 - c. Seating and street furnishings, including Sidewalk-sidewalk Cafe-cafe spaces not to exceed a 15-foot depth; ~~or.~~
 - d. Publicly accessible plazas or open spaces.

UPPER FLOOR REDUCTION

7. All floors above the first floor of a building, not including a basement level, shall have a reduced floor area equal to a maximum of 75% of the first floor as shown in Figure B-8.

Figure B-8: Upper floor reduction requirement.

NEIGHBORHOOD TRANSITION STANDARDS

8. For parcels sharing a property line with parcels that have an existing single dwelling unit or duplex, provide a transition along the entire length of the shared property line using one of the following approaches:
 - a. A minimum 15-~~foot-foot~~-wide landscape area planted with landscape screening along the full length of the property line or fence line, and a minimum 10-foot stepback above the first floor of the building. ~~(s. See Figure B-9).~~
 - b. A minimum 5-foot-~~wide~~-wide landscaped area planted with landscape screening as described above, a minimum 10-foot-~~wide~~-wide driveway to access parking in the rear of the lot, and a minimum 10-foot stepback above the first floor of the building ~~(s. See Figure B-10); or.~~
 - c. A minimum 5-foot-~~wide~~-wide pedestrian walkway with 5-~~foot-foot~~-wide minimum landscaped area on both sides with landscaped screening provided in the landscaped area immediately adjacent to the property line, and a minimum 10-foot stepback above the first floor of the building ~~(s. See Figure B-11).~~
 - d. No outdoor decks ~~or,~~ balconies, or other covered or uncovered private or common open space shall be permitted in the required stepback.

Figure B-9: Landscaped neighborhood transition.

Figure B-10: Driveway neighborhood transition.

Figure B-11: Pedestrian walkway neighborhood transition.

B.2 Floodplain Overlay Zone

Structures located within the Floodplain Overlay Zone are subject to the regulations of DMMC Chapter 30.56 - Floodplain Overlay Zone, FEMA Floodplain Management Design Standards and Federal Regulations, in addition to the standards provided below.

FLOODPLAIN DESIGN STANDARDS

1. During review of applications for development, the City shall consider the best available science and State guidance on sea level rise projections (such as the *State of California Sea-Level Rise Guidance Document* developed by the California Ocean Protection Council), the status of associated adaptation measures (planned or implemented), and analysis of how those adaptation measures minimize projected flood risk.
2. Development shall be sited and designed, including elevation and floodproofing, to minimize flood damage and avoid flood hazards including those from the impacts of projected sea level rise and flooding over the anticipated lifetime of the proposed structure using the best available science on sea level projections and in consideration of applicable adaptation measures.
3. Where a property is required to elevate the finished floor height to address the base flood elevation within a designated floodplain, two or more of the following treatments shall be utilized along the exposed foundation area for the entire perimeter of the building:
 - a. Porches, stoops or patios integrated into the design of the ground-floor facing the public right-of-way or a common open space.
 - b. An attached garage used as a transitional element between the elevated first floor and ground plane; ~~and/or~~
 - c. Material cladding matching the cladding of the floors above and a minimum 5-foot ~~-wide~~ landscaped area immediately adjacent to the building face planted with native plant types.

B.3 Natural Topography and Grading

Promote the preservation of existing natural topography and vegetation within Del Mar.

NATURAL TOPOGRAPHY DESIGN STANDARDS

- 1. New development and building additions shall be integrated into the topography of the site through one of the following methods:
 - a. Screen foundations and underside of structures using two or more of the following methods:
 - Porches, stoops, or patios integrated into the design of the ground-floor facing the public right-of-way or a common open space.
 - An attached garage used as a transitional element between the elevated first floor and ground plane.
 - Material cladding matching the cladding of the floors above, and a minimum 5-foot ~~foot~~-wide landscaped area immediately adjacent to the building face, planted with native plant types.
 - b. Utilize existing building pad areas and follow existing grade contours for a minimum of 50% of the parcel.

- c. Locate structures on the lower 50% of a hillside lot.
- 2. Construction, grading, or other encroachment of any kind on substantial steep slopes (as defined in DMMC Section 30.52.060-A-1-b), or within 20 feet of the top or ten feet of the bottom of substantial steep slopes exceeding 25 percent grade, or the construction of structures which overhang such steep slopes or steep slope setbacks, shall ~~be~~ not be allowed.

GRADING SETBACKS

- 3. Cut and fill slopes shall be set back from the property line in accordance with this section. Grading setback dimensions are horizontal distances measured perpendicular to the property line ~~(s. See Figure B-12).~~
 - a. Top of Cut Slope. The top of cut slopes shall not be made nearer to a property line than one-fifth of the height (H) of the cut, with a minimum setback of two feet. The setback ~~height (H)~~ may need to be increased for any required interceptor drains.
 - b. Toe of Fill Slope. The toe of the fill slope shall not be made nearer to the property line than one-half the height of the slope, with a minimum setback of two feet.

Figure B-12: Top of cut slope and toe of fill slope dimensions.

GRADING DESIGN STANDARDS

- 4. The permitted grading of any site is based upon the percent of the existing slope, and shall comply with the following standards:
 - a. Minimize the visual impact of grading by locating 80% or more of the cut and fill surface area under the buildings; ~~and.~~
 - b. Hillside lot cuts shall be limited to the area required for the structure, and shall not be extended to create flat surfaces for yard and recreational areas.
- 5. Where cut and fill is visible, the following shall be provided:
 - a. Man-made contours shall continue the natural contours of the site, maintaining the existing slope within 10% of the measured slope where a structure is not being provided; ~~and.~~
 - b. A maximum 5% graded transition in grade shall be provided between buildings and adjacent properties or existing grades.

B.4 Retaining Walls and Fencing

Ensure that the use of retaining walls and fencing blend into the natural surroundings and topography of a site.

RETAINING WALLS AND FENCING DESIGN STANDARDS

- 1. Where a retaining wall is located at the property line, terraced walls conforming with the maximum height and setback line established by DMMC Section 30.86.090 - Fences/Retaining Walls, shall be provided.
- 2. All retaining walls, outside of the building footprint and running parallel to the building, shall be located a minimum of 6 feet from the exterior face of any building wall.
- 3. The ~~minimum~~ distance between two terraced retaining walls shall be, at a minimum, the average height of the two walls, as shown in Figure B-13.

Figure B-13: Diagram of retaining wall standards.

[Figure B-13 has been updated for clarity.]

4. Retaining walls, or a single rise of a terraced retaining wall, shall not exceed 4 feet in height, as shown in Figure B-513.
5. Where terraced retaining walls are used, planting pockets shall be integrated and planted with native plantings at terrace levels.
6. Retaining walls and planters shall be designed so that all visible faces are finished with stone or other materials that occur naturally in the environment. If block wall systems are proposed, they shall be clad with natural materials on all exposed faces.
 - a. Retaining wall finish materials in colors contrasting with the surrounding natural terrain, such as bright white walls shall not be permitted.
- 7. Retaining walls used to retain the natural grade for FAR exemption purposes are not permitted.
- 8. Perimeter fencing located on the upper 50% of a hillside lot shall be of a style that is 50% or more transparent to maximize views. Examples of permitted fencing types include split rail, picket, and post and cable. Translucent glass shall not count towards the 50% transparency.
9. Black vinyl-coated chain-link fencing is permitted if screened on all visible sides with planted screening. All other chain-link fencing is not permitted.

B.5 Circulation and Parking

Limit the visual, environmental and safety impacts of vehicle circulation, access, and parking.

CIRCULATION AND ACCESS DESIGN STANDARDS

1. Projects shall be designed to meet the minimum standards set in the DMMC Chapter 30.80 - Parking, and to satisfy the requirements and standards identified by the American Association of State Highway and Transportation Officials (AASHTO). The stricter requirement shall be used if there is a conflict between the DMMC and AASHTO requirements.
2. Parking, vehicular and fire truck access, and turnarounds shall be designed to the minimum dimensions required.
3. Where a parcel is adjacent to and accessible from an alley, all on-site parking including parking structures and surface parking shall be accessed from that alley.
4. Where a parcel has a secondary street frontage and no alley access, all on-site parking including parking structures and surface parking shall be accessed from the secondary street.
5. Where garage parking is proposed, private drive aisles used to access the garage shall be located along the sides of the property and/or at the rear of the property.
6. All driveways shall meet the following requirements:
 - a. Have a minimum width of 10 feet for one-way driveways and a 20-foot minimum width for two-way driveways.
 - b. Be constructed with a maximum grade of 15%; and
 - c. Have an unobstructed vertical clearance of 13.5 feet.
7. Curb-cuts shall not be sited in blind corners.
8. Vegetation planted within 3 feet of a driveway and driveway apron shall be a maximum of 30 inches high at maturity as shown in Figure B-14.

Figure B-14: Vegetation height planted adjacent to a driveway.

[Figure B-14 has been updated for clarity.]

9. Circular driveways are not permitted.
10. For parcels over 30,000 square feet, a maximum of one vehicle access point from the primary street frontage is permitted per 200 linear feet of street frontage.

SURFACE PARKING

11. Uncovered parking areas shall be located in the rear 50% of the lot.
12. Parking areas shall be separated from a building with both a ~~4-foot wide~~4-foot-wide minimum raised pedestrian sidewalk and an 8-~~foot-foot~~-wide minimum landscaped strip.
13. Provide a ~~4-foot wide~~4-foot-wide minimum landscaped buffer between parking areas and any public rights-of-way.
14. To prevent vehicle light intrusion into habitable residential spaces, surface parking areas that are within 15 feet of a residential unit shall be located within a garage, carport, or parking structure, or screened by fencing or dense landscaping with no transparency.
15. Open-sided parking coverings that contain solar collectors/panels shall not be calculated towards maximum allowed ~~Lot lot Coverage~~coverage.

PARKING STRUCTURES

16. Parking structures shall be located in one of the following:
 - a. Below-grade~~;~~
 - b. On the downhill side of a site, tucked under the main building level, with entrance(s) located behind active building uses and away from the primary and/or secondary street frontages~~;~~~~or~~
 - c. On the interior of the site screened from public view using at least one of the methods described below (see B.5.17).
17. Where parking structures are exposed to the public right-of-way, the visible facade of the parking structure shall be screened from public view using at least one of the following methods:
 - a. Wrap the parking structure on the ground-floor with a commercial, public, or residential use.
 - b. Screen the parking structure with landscaped screening and ornamental metal screens in a finish matching the architectural finishes of the building~~;~~~~or~~
 - c. Continue architectural details and materials from the adjacent floors into the visible exterior faces of the parking structure.

BICYCLE PARKING

18. Where secure or long-term bicycle parking has been provided, the following shall apply:
 - a. It shall be located so as to be accessible from a public sidewalk~~;~~
 - b. It shall be located on the ground-floor of the building or have elevator access if provided on an upper level~~;~~
 - c. Electronic door openers shall be installed on all doors used to access the bicycle parking;
 - d. Where bicycle parking is enclosed, the enclosure shall be consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building~~;~~~~and~~

- e. All access corridors and areas used to access the bicycle parking shall be lit with a minimum of 0.3 foot-candles, but no more than 0.5 foot-candles. In these access areas, automatic motion sensor lighting is permitted.

B.6 Hardscape

Promote the use of pervious materials that allow infiltration of stormwater, reduce runoff, and decrease the amount of pollutants that eventually flow into the Pacific Ocean.

HARDSCAPE DESIGN STANDARDS

- 1. In the front yard and street side yard setbacks, the following shall apply:
 - a. Impervious hardscape shall be limited to no more than 25% of the surface area.
 - b. Pervious hardscape shall be limited to no more than 25% of the surface area.
 - c. All remaining surface area shall be landscaped with planted material.
 - d. Compacted landscaped areas that can inhibit site drainage are not permitted.
- 2. All runoff from driveways, walkways, roofs, and/or patios on a parcel must be directed onto vegetated areas located on the parcel or drainage provided in the right-of-way. No runoff from the parcel shall be directed to drain onto adjacent parcels.

B.7 Landscape and Vegetation

Promote the retention of existing natural features and the use of water-conserving plant types appropriate for Del Mar.

LANDSCAPE AND VEGETATION DESIGN STANDARDS

1. A minimum ~~3-foot wide~~ 3-foot-wide landscaped area shall be provided in all areas where a building comes into contact with the ground plane and the area does not provide pedestrian access.
2. Existing trees and their root systems adjacent to the parcel shall be protected.
3. Trees protected by DMMC Chapter 23.50 - Trees, shall not be removed to provide excavated ~~building~~ buildings or amenity elements that extend more than 2 feet below the ground plane, such as basements or pools. All tree removal shall comply with DMMC Chapter 23.50 - Trees.
4. All new trees planted on site shall be trees identified in the City of Del Mar's Recommended Tree List.
5. Where natural and environmentally sensitive vegetation communities exist on site, such as Coastal Sage Scrub and Maritime Chaparral, they shall be incorporated into the site landscaping.
6. Only regionally native species shall be planted within steep slope setback areas and wetland buffer areas.
7. Invasive plant species, as identified by the California Invasive Plant Council, shall not be permitted.
8. Landscape screening, when utilized, shall be selected to provide a level of screening that would not block views for neighboring buildings, using one of the following: ~~One of the following shall be employed:~~
 - a. Provide dense, fast-growing shrubs or trees that reach a maximum of 6 feet in height at full maturity.
 - b. Trees identified in the City of Del Mar's Recommended Tree List.

9. Screening plants shall be dense and fast-growing evergreen species that buffer views in at least 75% of the intended area, within one year of planting. Grasses and deciduous plants shall not be used for screening purposes.
10. For screening purposes, any new trees shall be provided at a minimum 24-inch box size and any new shrubs should be provided at a minimum 5-gallon size.

B.8 Open Space

Provide access to open space for residents to enjoy the natural beauty of Del Mar at home.

COMMON OPEN SPACE DESIGN STANDARDS

1. Projects with 6 residential units or more, shall provide a minimum of 50 square feet of common outdoor open space per unit.
 - a. Walkways shall be excluded from the common outdoor open space calculation.
2. Common outdoor open space shall be located to meet the following requirements:
 - a. Common open space shall be provided at grade or podium level and Roof-level outd shall not be permitted on the uppermost roof-level.
 - b. Common open space shall be directly accessible from the public right-of-way.
 - c. Common open space shall be immediately adjacent to and visible from residential units and shall be accessible to all residents.
3. Common outdoor open space shall be designed to meet the following requirements:
 - a. Common open space shall measure a minimum of 25 feet in at least one direction.
 - b. A minimum of 20% of the open space area shall be planted with live planting, trees, ground cover and/or shrubs.
 - c. Seating options, such as seat walls, planter ledges, benches, and/or movable seating shall be provided.
 - d. Lighting to support evening and nighttime use shall be provided throughout the common open space. All lighting shall comply with the lighting design standards provided in C.6.
 - e. A minimum of 80% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted within the 80% open area.
4. Common outdoor open space shall incorporate at least two of the following residential amenities:
 - a. Tot lot/play structure/play area
 - b. Community garden
 - c. Shaded picnic area
 - d. Swimming pool
 - e. Outdoor games (bocce ball, chess tables, etc.)
 - f. Open lawn
 - g. Seating area with fixed and movable seats
 - h. Interactive public art or sculpture
5. Common outdoor open spaces shall be screened from view on all sides that face neighboring parcels with one of the following:
 - a. Residential or mixed-use buildings.
 - b. A 5-foot-wide 5-foot-wide area with landscaped screening.

- c. A maximum ~~6-foot high~~6-foot-high fencing finished in an earth tone color.
- 6. Outdoor speakers, televisions, or other permanent entertainment features shall not be permitted.

PRIVATE OPEN SPACE DESIGN STANDARDS

- 7. Private open space may consist of one or more of the following:
 - a. Balconies
 - b. Patios
 - c. Gardens
 - d. Porches/Stoops
- 8. Projects shall provide private outdoor open space as follows:
 - a. A minimum of 40 square feet per unit, for projects with 6 units or more.
 - b. A minimum of 100 square feet per unit, for projects with 5 units or less.
- 9. Private open space shall meet the minimum requirements:
 - a. Private open space shall be no less than 5 feet in any direction.
 - b. Private open space shall be designed to overlook common open space, public open space, paseos, or streets.
 - ~~c. Private open space roof decks on the uppermost roof level shall not be permitted on the uppermost roof level.~~
 - ~~e.d. For parcels sharing a property line with parcels that have an existing single dwelling unit or duplex, no outdoor decks, balconies, or other covered or uncovered private open space shall be permitted in the required stepback or in required stepbacks adjacent to a property line with parcels that have an existing single dwelling unit, shall not be permitted.~~
- 10. Private open space within 20 feet of a shared property line shall meet the following requirements:
 - a. It shall not be permitted above the ground-level and shall not be permitted in required stepbacks.
 - b. It shall include perimeter planters or planting areas with landscape screening ~~plantings~~.
- 11. Outdoor speakers, televisions, or other permanent entertainment features shall not be permitted.

C. Building Design

Multi-unit residential and mixed-use building design standards are intended to enhance neighborhood character, ensure quality design, and result in buildings designed with appropriate bulk and mass. The Building Design section addresses the standards for the following topics:

- C.1 Building Form and Massing
- C.2 Residential Units
- C.3 Building Elements Excluded from FAR
- C.4 Architectural Features
- C.5 Materials and Colors
- C.6 Utilitarian Elements and Screening
- C.7 Signage

C.1 Building Form and Massing

Minimize the visual impact on the site and surrounding neighborhood by blending the form, mass, and profile of individual buildings in a way that respects the natural terrain and neighborhood character.

BUILDING FORM AND MASSING DESIGN STANDARDS

1. Building height shall conform with the requirements of the DMMC₂ and other applicable requirements of the City of Del Mar Community Plan and Local Coastal Plan.
2. In residential uses, ceiling heights on any habitable building level shall not exceed 10 feet.
3. Where a daylit basement, with an exposed wall, is proposed, two or more of the following shall be provided along all street-facing facades:
 - a. Porches or stoops~~;~~
 - b. Material cladding matching the cladding of the floors above~~;~~ ~~and/or~~
 - c. A ~~5-foot-wide~~5-foot-wide landscaped area planted with plant types that at maturity reach the finished floor height.

FACADE ARTICULATION DESIGN STANDARDS

4. For parcels over 30,000 square feet, the length of any facade of a building shall be limited to 100 feet without a change in direction, defined as a minimum ~~25-foot-deep~~25-foot-deep change in facade direction.
5. A minimum ~~two-foot-deep~~two-foot-deep variation in wall plane is required at a minimum of every 25 linear feet. A change in depth using appliques, trim, or other surface material change shall not be permitted to meet this requirement.
6. The maximum length of blank walls without windows, doors, or material changes shall be 25 feet in any direction.

ROOF DESIGN STANDARDS

7. The surface area of the roof, in square feet, of any development shall not be more than 25% larger than the floor area of the habitable floor below.
8. On sites with an average slope of 25% or greater, gable roofs with ridgelines that run perpendicular to the slope shall not be permitted. Consider hip roofs or other roof forms to decrease the effective roof bulk.
9. Sloped roofs shall terminate in a ridge, hip, or valley.
10. Roofs longer than 40 feet in length shall incorporate one of the following:
 - a. A variation in roof form, or a minimum ~~two-foot-deep~~two-foot-deep variation in roof plane.
 - b. A variation in architectural elements such as parapets, varying cornices, chimneys, or reveals.
 - c. A variation in roof height of 18 inches or greater (as measured ~~from~~from the highest point of each roof line).
11. Where a flat roof has been provided, the following shall apply:
 - a. A parapet shall be provided around the entire perimeter of the flat roof.
 - b. Rooftop equipment shall be located a minimum of five feet away from any roof edge and parapet adjacent to a public right-of-way.
 - c. The interior side of parapet walls shall not be visible from a common open space or the public right-of-way.
 - d. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, details, or similar edge treatment.

12. Architectural projections (such as cornices, belt course, sills, eave projections, and awnings) without enclosing walls or screening may extend not more than two feet from the exterior wall.
- a. Eave projections may extend further to provide coverage for a balcony, deck, patio, or other private open space, and may cover the entirety of the private open space.

DOWNHILL FACADE DESIGN STANDARDS

- ~~12.13.~~ The following shall apply to the downhill facade of the building:
 - a. Gable roof ends shall not be permitted.
 - b. ~~Roof overhangs or cantilevers may project a maximum of two feet from the outermost face of the building directly below the roof or cantilever.~~
 - c. Overhanging decks, balconies, and terraces that project beyond the downhill facade are not permitted.

C.2 Residential Units

Provide standards for residential unit size and equity across unitsunit types.

RESIDENTIAL UNIT DESIGN STANDARDS

1. Maximum average size of dwelling units for a development site shall not exceed 1,000 square feet of "Bulk Floor Area" as defined and regulated in DMMC Chapter 30.72 - Bulk Floor Area Limitations. For the purposes of this requirement, attached dwelling units shall be measured to the center of shared building walls.

2. For development that includes both market-rate and affordable units, the following requirements apply:
 - a. Affordable units shall be dispersed throughout the development.
 - b. Affordable units shall be located proportionally throughout the floors of the building compared to any market-rate units.
 - c. Affordable units shall be located so as not to create a geographic concentration of affordable units in a single area, wing, or facade.
3. Externally and from all shared spaces, affordable units shall not be distinguishable from any market-rate units in the building and shall be architecturally equivalent.
4. Interior layouts, designs, materials, and finishes of affordable units shall be functionally equivalent to market rate units, but do not have to be identical.
5. Unit types for affordable units shall be proportional to market-rate units in the following ways:
 - a. The size in square feet of affordable units shall be equal to market-rate units with the same number of bedrooms.
 - b. Bedroom size in affordable units shall be equal in size to market-rate units with the same number of bedrooms.
6. Affordable units ~~shall~~ **must** share the same entrances, common areas, and amenities as market-rate units, including the same access to and enjoyment of common open space and facilities in the residential development.
7. Affordable units shall be provided the same size, type, and access to private open spaces as market-rate units.

C.3 Building Elements Excluded from FAR

Architectural features such as covered porches, loggias, and covered decks contribute to the mass and bulk of a building, even though they are currently excluded from the Bulk Floor Area Ratio (FAR) calculations. Ensure such building elements and proposed structures are in scale with the rest of the building and do not inadvertently contribute to the perception of bulk or block primary views.

BUILDING ELEMENTS EXCLUDED FROM FAR DESIGN STANDARDS

1. The total square footage of all covered porches, loggias, decks, and balconies, as well as other architectural design elements that are exempt from Bulk Floor Area calculations per DMMC Title 30 - Zoning, shall not exceed more than 10 percent of the lot's current maximum allowable Bulk Floor Area.
2. Uncovered patios or decks located at grade and uncovered decks located in a building stepback shall not count towards the limitations set above.

C.4 Architectural Features

Design with architectural features to provide visual interest and a similar quality of architectural detail as the surrounding neighborhood.

ARCHITECTURAL FEATURES DESIGN STANDARDS

1. Glazing may be used as a facade treatment on floors with residential uses for a maximum of 60% of any exterior building facade.

2. Where a building facade is located within 10 feet of a building facade on another property, one of the following screening techniques shall be utilized to provide privacy to the occupants:
 - a. Utilize non-transparent or translucent glazing such as frosted/patterned glass for windows and doors. Glass block and reflective glazing are not permitted.
 - b. Provide permanent wood or metal architectural screens or affixed louvers across the exterior face of windows and doors.
 - c. Utilize clerestory windows a minimum of 6 feet from the interior finished floor surface.
 - d. Provide landscaped screening utilizing mature or fast-growing plantings that screen a minimum of 75% of the width of the facing windows.
3. Garage doors shall be recessed back from the face of the garage, by a minimum of 6 inches to add shadow and visual interest.
4. Long access balconies and exterior corridors providing direct upper level unit access from the ground-floor are not permitted. The maximum length of an access balcony or exterior corridor that directly connects to the ground-floor shall be 10 feet.
5. Exterior stairways shall be constructed of smooth stucco, plaster, or wood, with accent trim of complementary colors. Freestanding open metal, prefabricated stairs are not permitted.
6. All fireplaces and chimneys exceeding 6-feet in height, whether affixed to a primary structure or provided as an accessory structure, shall not project into any required yard setback area. No chimney shall exceed the height of 3 feet above the lowest adjacent roof height.

C.5 Materials and Colors

Select materials and colors to complement the structure's surroundings and the natural landscape.

MATERIALS AND COLORS DESIGN STANDARDS

1. Use materials and colors to reduce the apparent bulk of a structure through one or more of the following strategies:
 - a. More than one primary material, but no more than three primary materials, shall be used on an elevation to aid in breaking up the vertical mass of a structure.
 - b. A change in material or a break in material using an architectural detail or feature shall occur every 25 feet in any direction.
 - c. Select natural earth tone colors for daylighted basement or retaining walls that blend with the surrounding topography and vegetation.
2. Material transitions shall comply with the following:
 - a. Material transitions along building facades shall occur on the inside corner of the plane change.
 - b. When material changes occur on the same plane, use trims, cornices or other architectural elements between the material change.
 - c. Material and color changes at the outside corners of structures are not permitted.
3. Accent and trim elements shall differ from the primary materials in texture, color, or material.
4. All exterior finish materials shall comply with the following:
 - a. Fluorescent, neon, and/or reflective colors and materials shall not be permitted.
 - b. Materials with an earth tone color in their natural state, such as brick, stone, or copper, shall not be painted.

5. The following exterior finish materials are not permitted:
 - a. Wood siding used for more than 50% of any facade
 - b. Shake shingle siding
 - c. Galvanized Steel
 - d. Plywood
 - e. Unfinished Lumber
 - f. Corrugated Fiberglass
 - g. Cultured Stone
 - h. Vinyl or Aluminum Siding
 - i. Reflective Materials
 - j. Concrete Block
 - k. Untextured or Unfinished Metal Siding

C.6 Utilitarian Elements and Screening

Establish criteria for the design, location, and concealing of utilitarian building features.

UTILITARIAN ELEMENTS AND SCREENING DESIGN STANDARDS

1. All new and existing utility service connections within the boundaries of the development site shall be placed underground.
2. Stand alone, ground-mounted mechanical or electrical equipment shall be located as follows:
 - a. Clustered and consolidated in a single area.
 - b. Located along the side yard or rear yard of a building.
 - c. Shall not be located within 25 feet of the primary street frontage, or the secondary street frontage.
3. Ground-mounted utilities shall be screened using one or more of the following elements:
 - a. Solid masonry or concrete walls.
 - b. Berms; and/or
 - c. Landscaping.
4. All screening elements shall comply with the minimum clearance required by the regulating utility.
5. Where screening walls are proposed, the material used shall match the material of the building or landscape planter immediately adjacent.
6. Where mechanical and electrical equipment is located on the roof said equipment shall not extend beyond the maximum allowable height limit and, it shall be located or screened so as to be out of view and inaudible from the public right-of-way, using the following techniques:
 - a. Where structurally feasible, sunken into the structure of the roof.
 - b. Located below the height of the adjacent roof or parapet line and toward the center of the roof so as not to be visible or audible from the public right-of-way; and/or,
 - c. Screened from view using an architectural material that matches the surrounding roof color or material and provides sound attenuation.
 - d. In addition, roof penetrations, such as stacks, vents, antennas, and other roof mounted equipment shall be consolidated in one location, and located so as not to be visible from

the public right-of-way. All flashing, sheet metal, vents, and pipe stacks shall be painted to match the adjacent roof or wall material.

7. Mechanical and electrical equipment shall comply with the standards of DMMC Chapter 9.20 – Noise Regulations so that it is inaudible from adjacent property and public right-of-way.

~~7.8.~~ Where utility equipment is located in a room within the building, the following shall apply:

- a. The utility room shall be located along a facade that does not face a public right-of-way.
- b. The interior of the utility room shall not be visible from the outside.
- c. The utility room shall not be located within 25 feet of any open space areas; ~~and~~.
- d. The exterior facade of the utility room shall be designed to blend in with the surrounding building and include the same quality finish materials.

~~8.9.~~ Trash container storage shall be located at the rear or interior side yard of a property, and screened using the following techniques:

- a. Trash and recycling enclosures shall be consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building.
- b. Trash storage areas shall be incorporated into the building design, located in garages, and/or screened with walls and landscaping.
- c. Trash storage areas shall be sized to accommodate all trash, recycling and organic waste generated by a building.
- d. All trash enclosures require a solid roof cover.
- e. All doors used to access trash enclosure areas shall be metal.
- f. Trash container storage and collection areas shall not obstruct required widths for emergency vehicle access.

~~9.10.~~ Utility service areas, such as electrical panels, shall be located in an enclosure consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building.

~~10.11.~~ Gutters, scuppers, or downspouts, where proposed on the exterior of a building, shall be of a material or color that matches the adjacent roof, wall, or trim material and/or color.

LIGHTING DESIGN STANDARDS

~~11. Light fixtures shall be located no closer to the property line than four times the mounting height of the fixture and shall not exceed the height of adjacent structures.~~

12. Light levels at a property line shall not exceed .05 foot-candles for all properties with residential uses.

13. All exterior lighting fixtures shall utilize “shut off” controls such as sensors, timers, motion detectors, or other similar controls.

14. Exterior light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.

- a. All areas for pedestrian and vehicular circulation, entrances, parking, and common recreational spaces shall incorporate lighting programmed with dusk to dawn lighting for safety and security.

15. The source of light (bulb) shall not be visible from adjacent properties or public rights-of-way (excluding natural gas lighting).

16. Allowed light sources (bulb types) for exterior lighting include:
 - ~~a.~~ **Metal Halide (MH)**
 - ~~b.~~a. Linear or Compact Fluorescent
 - ~~c.~~b. Induction Lighting
 - ~~d.~~c. Light Emitting Diode (LED)
 - ~~e.~~d. Incandescent lighting are permitted for exterior accent lighting, as allowed by Title 24 Lighting Standards.
17. All exterior lighting proposed, including both fixtures and sources, shall be certified Dark Sky Friendly by the Fixture Seal of Approval program of the International Dark-Sky Association, or be comparable in terms of fixtures that minimize glare, reduce light trespass, and do not pollute the night sky.
18. All exterior lighting shall have a maximum color temperature of 2700 degrees Kelvin.
19. Focused flood lighting may be allowed for security purposes but shall be mounted to be downward directed only, shall be located no higher than the first story, and shall utilize motion-sensor activation at all times.
20. Pole-mounted lights are not permitted unless they are screened from public view or shielded in a courtyard or complex.
21. The following lighting types are not permitted:
 - a. Accent lighting used only for highlighting architectural features (e.g. "wall washing").
 - b. Blinking, moving, or changing intensity of illumination, illumination of roofs, and internal illumination of awnings.
 - c. Light fixtures with an adjustable aiming angle that create skyglow and light trespass.
 - d. Colored lamps or filters.
22. Lighting provided to illuminate building signage shall comply with the following:
 - a. Signage and its associated lighting shall be located on the ground-floor of the building.;
 - b. Lighting shall be adjusted to confine light entirely on the sign.;
 - c. The light source (bulb) shall not be visible from an adjacent property or the public right-of-way.;
~~and~~
- d. Exposed conduits serving signage lighting is not permitted.

C.7 Signage

Provide an effective signage system that presents wayfinding information in a clear and logical sequence.

1. Where building directory signage has been provided it shall have a clear, unified design through use of the following:
 - a. A consistent material and color palette across all signage, designed with weather-resistant finishes.;
 - b. Utilize sans serif fonts and locate at the intersections of sidewalks, streets, or bike facilities.;
~~and~~
 - c. Signage shall conform with regulations set forth by the State and other regulating authorities and use international symbols.
2. Provide a unified sign program for multi-tenant ground-floor commercial business identification and incorporate the following:

- a. Design commercial storefronts with a building-mounted signage area, oriented to the customer public right-of-way.
- b. Orient business identification signs parallel to the street.
- c. Provide pedestrian signage that is perpendicular to commercial sidewalks.

D. Ground-Floor Design

The ground-floor design standards activate commercial street frontages and provide a comfortable pedestrian experience throughout the city. The Ground-Floor Design section addresses standards for the following topics:

D.1 Residential Ground-Floors

D.2 Commercial Ground-Floors

D.1 Residential Ground-Floors

Design the ground-floor of residential buildings to create active street frontages and provide a transition between the private and public realm.

RESIDENTIAL GROUND-FLOOR DESIGN STANDARDS

1. Any residential unit on the ground-floor shall have a individually recognizable entry by using two or more of the following techniques:
 - a. Weather protection element, such as an awning, canopy, or a recessed entry.
 - b. Individual stoop, elevated entry or entrance patio, terrace, or forecourt.
 - c. A minimum 3-foot change in facade depth from adjacent unit entries.
 - d. A change in materiality from adjacent unit entries.
2. In residential buildings, with a shared entrance, provide a single distinct entry by incorporating three or more of the following approaches:
 - a. Forecourt or small entry plaza adjoining the lobby space.
 - b. A recessed entry or a weather protection device such as a canopy, awning, or overhang.
 - c. A change in paving or landscaping leading to the entry.
 - d. A change of building material at the entry.
 - e. Entry lighting.
 - f. Entry signage.
3. Residential buildings, located adjacent to a primary or secondary street, shall include at least one pedestrian entrance directly accessible from the public sidewalk or right-of-way.
4. Any ground-floor residential entrances not located adjacent to a street shall be oriented to face one of the following:
 - a. Landscaped internal pedestrian walkway or paseo ~~or~~
 - b. A common open space such as a landscaped courtyard or plaza.
5. Where shared facilities have been provided in residential or mixed-use buildings, such as fitness centers, community rooms, office space or exhibition space, the following shall apply:
 - a. The facilities shall be located on the ground-floor of the building facing the primary or secondary street frontage ~~and~~
 - b. The ground-floor facade facing the street shall include transparent windows and doors for a minimum of 60% of the ground-floor facade.

6. Seat walls, planters, or fencing between a ground-floor residential unit and a right-of-way or public space shall be no greater than 3 feet tall.

D.2 Commercial Ground-Floors

Design ground-floor commercial spaces to create active street frontages and provide a vibrant retail environment.

COMMERCIAL GROUND-FLOOR DESIGN STANDARDS

1. The design of commercial ground-floor spaces shall include all of the following:
 - a. Retail bays shall be 25 to 35 feet in width, to allow multiple storefronts and tenants to occupy single or multiple bays.
 - b. At least one entrance at each retail bay shall be located along the primary street frontage.
 - c. A minimum depth of 55 feet for retail uses.
 - d. A maximum clear ceiling height of 12 feet. ~~(See Figure D-1).~~

Figure D-1: Clear ceiling height in ground-floor commercial spaces.

2. Where a commercial use is located adjacent to Camino Del Mar or Jimmy Durante Boulevard, the ground-floor facade facing the street shall include windows and doors for a minimum of 60% of the ground-floor facade.
 - a. Transparent or translucent glazing is required to meet this requirement. Opaque, reflective, or dark tinted glass that obstructs view of the interior of the building from the sidewalk are not permitted.
 - b. Each window in a storefront shall be no less than 3-feet-wide and 4-feet-high. Single-paned or multi-paned windows shall comply with this standard.
 - c. The inside area within 4 feet of the storefront must be at least 75% open to perpendicular views.
3. Ground-level commercial spaces shall have a ground-floor elevation that is level with the elevation of the adjacent sidewalk.
4. Commercial facades facing Camino Del Mar or Jimmy Durante Boulevard shall provide two or more of the following for every 25 feet in facade length:
 - a. An awning, canopy, or other shade structure extending a maximum of 5 feet in depth and 10 feet in length.
 - b. A change in exterior wall material.
 - c. Planter boxes located under each window extending the length of the window; ~~and/or.~~
 - d. Signage projecting perpendicularly from the building facade wall, or signage attached to a fixed canopy or awning.
5. Where publicly accessible open space has been provided adjacent to a commercial use, it shall be accessible from a public sidewalk.
6. Loading and service areas serving commercial uses shall be located in the rear 50% of the parcel.

Definitions

.05 Foot-candle – A unit of illuminance or light intensity. The name conveys the illuminance cast on a surface by one-candela source one foot away. Alternatively, it can be defined as the illuminance on a one-square foot surface of which there is a uniformly distributed flux of one lumen.

Blind Corner – An intersection of two streets, or a curve in a single street, where the road ahead is nearly or entirely obscured from a driver's vision.

Bulk Floor Area – The total horizontal area, expressed in square feet, of all floors below a roof having any portion of the floor's perimeter within the walls of a building, calculated from the outside face of those walls and where there is no wall, then from the floor area under the roof.

Cap – A cap is the top element in a division or structure.

Clerestory Window – A clerestory is a high section of a wall that contains windows that are located above eye level. Their purpose is to admit light and fresh air, while retaining privacy for occupants.

Cornice – The exterior trim at the meeting of a roof and wall, consisting of soffit, fascia and crown molding.

Cut and Fill – Cut is the material (soil, rock, etc.) that is excavated and either removed from a building site or relocated elsewhere on the site. Fill, the material (soil, rock, etc.) used to raise an existing grade, may come from elsewhere on the site or be imported from an off-site location. Both cut and fill are measured in cubic yards.

Daylit Basement – Also known as a walk-out basement within a house, a daylit basement is usually situated on a slope, so that part of the floor is above ground, with a doorway or window to the outside.

Earth Tone – Earth tones refer to a color scheme that draws from a color palette of browns, tans, warm grays and whites, greens, oranges, and other shades derived from nature, some reds, and some blues. The colors in an earth tone scheme are muted and flat, reflecting the natural hues found in dirt, moss, trees, rocks, and other earth forms.

Facade – The face or elevation of a building.

Flashing – Sheet metal or other material used to cover open joints of exterior construction on a roof, such as roof valley joints or roof parapet joints, to ensure they are waterproof.

Floor Area Ratio – The numerical value obtained by dividing the total "bulk floor area" of a structure or structures by the net area of the subject lot.

Fully Shielded – A light that is constructed so that light rays directly emitted by the fixture are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Gable End – When the ridge line of a gable-roofed house is perpendicular to the street, the roof is said to be a "gable-end roof." This refers to both the gable and the wall below it.

Gable Roof – A roof with two (2) slopes—front and rear—joining at a single ridge line parallel to the entrance facade.

Hardscape – Any impervious paved surface including concrete or asphalt.

Hillside Lot – A lot with an average slope of 25% or more.

Hip Roof – A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two (2) of the sides are trapezoidal in shape, while the remaining two (2) sides are triangular, and thus meet the ridge at its end-points.

Parapet – A low wall, located at the top of any sudden drop in elevation, such as at the top of a building's facade.

Paseo – A public place or path designed for walking; usually tree-lined, such as a promenade or avenue.

Primary Material – A material used to clad the exterior of a building as distinct from accent materials used in architectural details or features.

Primary Street Frontage – The frontage of a building facing the public right-of-way. Where a parcel shares a property line with two public right-of-ways, the primary street frontage refers to the frontage facing the street with the higher volume of traffic. Alleys shall not be considered a primary street.

Retail Bay – The area or space between structural supports in commercial architecture.

Right-of-Way – Type of easement granted or reserved over land for transportation purposes. This can be land designated for a road or highway, public footpath, rail transport, or a canal, as well as electrical transmission lines, and/or oil and gas pipelines.

Roof Deck – Common or private open space on the uppermost roof-level of a building.

Secondary Street Frontage - Where a parcel shares a property line with two public right-of-ways, the secondary street frontage refers to the frontage facing the street with the lower volume of traffic. Alleys shall not be considered a secondary street.

Setback – The area that defines a front, rear or side yard as required by the City's Zoning Code, between which line and the property line no building, structure, or portion thereof shall be permitted, erected, constructed, or placed unless specifically permitted by the City's Zoning Code.

Substantially Steep Slopes – A slope exceeding 25 percent with a vertical rise of 20 feet or more.

"Town and Country" Parking – A public/private parking design governed by the City of Del Mar Municipal Code where spaces are partially on private property and partially in the public right-of-way along a specified portion of Camino Del Mar.



Multi-Unit and Mixed-Use Residential Objective Design Standards

HEARING DRAFT September 2024



City of Del Mar

Multi-Unit and Mixed-Use Residential Objective Design Standards

HEARING DRAFT September 2024

ACKNOWLEDGMENTS

City Council

Dave Druker, Mayor

Terry Gaasterland, Deputy Mayor

Tracy Martinez

Dan Quirk

Dwight Worden

Planning Commission

Philip Posner, Chair

Ted Bakker, Vice Chair

Jas Grewal, Commissioner

Claire McGreal, Commissioner

John Spelich, Commissioner

Design Review Board

John M. Goodkind

Greg Rothnem

Tina Thomas

Glenn Warren

Arlene Prater

Linda Judd

City Staff

Karen Brindley, Planning & Community Development Director

Matt Bator, Principal Planner

Amanda Lee, Principal Planner

Adriana Jaramishian, Associate Planner

Ascent

Christine Babla, Principal

Matthew Gelbman, Project Manager

Angela Khermouch, Urban Designer

Veronica Alatorre, Urban Designer

THIS PAGE LEFT INTENTIONALLY BLANK

TABLE OF CONTENTS

A. INTRODUCTION	2	C. BUILDING DESIGN	28
A.1. Purpose.....	3	C.1. Building Form and Massing	29
A.2. Relationship to Other City Documents.....	3	C.2. Residential Units.....	32
A.3. Document Organization.....	4	C.3. Building Elements Excluded from FAR	33
A.4. Applicability and Compliance	5	C.4. Architectural Features	34
A.5. Administrative Exceptions	5	C.5. Materials and Colors.....	35
A.6. Conflicts	6	C.6. Utilitarian Elements and Screening.....	37
B. SITE PLANNING AND DESIGN	8	C.7. Signage	40
B.1. Neighborhood Compatibility	9	D. GROUND-FLOOR DESIGN	42
B.2. Floodplain Overlay Zone	15	D.1. Residential Ground-Floors	43
B.3. Natural Topography and Grading.....	16	D.2. Commercial Ground-Floors.....	45
B.4. Retaining Walls and Fencing.....	18	DEFINITIONS	47
B.5. Circulation and Parking.....	19		
B.6. Hardscape	22		
B.7. Landscape and Vegetation	23		
B.8. Open Space	25		

THIS PAGE LEFT INTENTIONALLY BLANK

A. Introduction



A.1. Purpose

The City of Del Mar Multi-Unit and Mixed-Use Residential Objective Design Standards (Standards) have been created with the intent of protecting the City’s unique residential seaside community character and village-like scale, enhancing the quality of design and development throughout the City, and considering the interests of neighboring property owners. The Standards establish regulations for by-right multi-unit residential, and residential mixed-use development, consistent with state law related to “objective design standards”. Objective design standards, as defined by Government Code Section 66300(a)(7), are standards that:

involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

Objective design standards are mandatory development requirements that are measurable and verifiable, as opposed to design guidelines that are intended to be flexible and subject to interpretation. Objective design standards are intended to provide the public, building and design professionals, and decision makers with objective criteria for development.

A.2. Relationship to Other City Documents

The Del Mar Community Plan focuses on preserving and enhancing Del Mar’s unique coastal village atmosphere by encouraging architecture that considers the aesthetic context of its location within the community, harmonizes with the existing neighborhood, and blends with the community’s unique and abundant natural assets. While the Design Review Ordinance (DRO) establishes design criteria for discretionary projects, the Multi-Unit and Mixed-Use Residential Objective Design Standards provide the design criteria for all by-right multi-family and residential mixed-use development in the City.

These tools, together with the Del Mar Municipal Code (DMMC) Title 30 - Zoning, Del Mar Community Plan, Local Coastal Program (LCP), and other regulations, are intended to safeguard and implement the City’s vision, maintaining Del Mar’s low-density residential character and ensuring that future development—both residential and mixed-use—preserves scenic views, natural terrain, and the environment.

The Standards contained within this document are intended to implement the City of Del Mar's 6th Cycle Housing Element and support the goals, objectives, and policies included within the Del Mar Community Plan including those specifically referenced below.

GOAL 3: Preserve and enhance Del Mar's special residential character and small town atmosphere with its harmonious blend of buildings and landscape in proximity to a beautiful shoreline.

OBJECTIVES AND POLICIES:

- Ensure that future development, whether commercial or residential, does not detract from high quality vistas and terrain, either by blocking views or disturbing natural topography mature trees, or native growth.
- Ensure adequate housing for age diversity and socio-economic groups, while preserving existing housing for those groups within the community.
- Protect and enhance human scale, warmth, charm, interest, texture, pedestrian involvement, and landscaping.

GOAL 4: Focus major retail and office activity into an economically viable, pedestrian oriented and attractive area that serves the needs of both residents and visitors and is well integrated into the residential.

- Ensure that the downtown area is well integrated into the residential fabric of the community.

A.3. Document Organization

The Standards are organized in the following three sections:

- **Section A, Introduction and Purpose** establishes the purpose of the Standards, provides an overview of the document organization, describes the applicability and compliance with the Standards, outlines the process for administrative exceptions, and provides an interpretation of conflicts between standards in the City's multiple regulatory documents.
- **Section B, Site Planning and Design** provides criteria to ensure neighborhood compatibility, standards specific to the Floodplain Overlay Zone, requirements for the preservation of natural topography and grading design, the design of retaining walls and fencing, circulation and parking, and hardscape, landscape, vegetation, and open space.
- **Section C, Building Design** provides direction for the design of building form and massing, including facade design and articulation as well as roof design, residential unit design, building elements excluded from FAR, architectural features, materials and colors, utilitarian elements and screening and signage. Building Design standards are intended to ensure a minimum standard of design and construction quality in the development of new multi-unit residential and residential mixed-use projects in the City of Del Mar.
- **Section D, Ground-Floor Design** provides standards to regulate the design of ground-floors, including residential ground-floors, entry conditions, and the design of commercial ground-floor spaces and facades.

A.4. Applicability and Compliance

The Standards apply to multi-unit residential and mixed-use development projects that are eligible for by-right approval, including any projects on sites rezoned per Government Code Section 65584.3(h) and (i). The Standards apply citywide, however they shall not apply to a project if otherwise prohibited by State law.

In addition to the standards herein, all development shall comply with the standards of DMMC Title 30 - Zoning, Del Mar Community Plan, LCP, and any applicable specific plan, overlay, or other regulations. Eligible projects must comply with all standards unless an administrative exception is approved.

A.5. Administrative Exceptions

An applicant may request an administrative exception for up to three (3) standards contained herein.

1. **Request for Administrative Exceptions:** A request for an administrative exception(s) must be made in writing as part of the application for the proposed project. The written justification for an administrative exception(s) must identify each standard for which an administrative exception is requested, and how the request meets the findings listed below.
 - a. A standard shall include any numbered standard that does not include any lettered standards or sub-bullets. Or, where a numbered standard includes lettered standards and sub-bullets, each lettered standard, inclusive of sub-bullets, shall be considered an independent standard.
2. **Required Findings for Exceptions:** The Director, or designee, will consider a written request for an administrative exception(s) and make findings to approve or deny the request. An exception shall be granted only if all the following findings are made for each of the exceptions:
 - a. The proposed project meets the intent of the design standard under consideration, or a similar design standard is implemented in substitution.
 - b. Exceptions from numeric standards do not deviate more than five (5) percent from the standard.
 - c. Standard for which an exception is requested is not contained in Section D, Ground-Floor Design.
 - d. Standard for which an exception is requested is not contained in DMMC Title 30 - Zoning, Chapter 30.92 - Housing Element Implementation Overlay Zone, or another applicable regulation or ordinance.

3. **Density Bonus:** An administrative exception, approved through the process outlined in this section, is separate from any concession/incentive or waiver granted pursuant to Density Bonus Law (Government Code Section 65915 - 65918) and/or other applicable state laws.
 - a. If any concession/incentive and waiver granted through Density Bonus Law includes an applicable standard included in the Standards, it will be counted as one (1) of the three (3) administrative exceptions granted through this section.
4. **Discretionary Review:** Applicants may elect to pursue a discretionary review path that voluntarily removes the project from the by-right requirements and processes, including mandated review timelines and limit on number of meetings for projects that are seeking by-right approval through State law. Projects under discretionary review are subject to DMMC Chapter 23.08 - Design Review, and Section 3 of the Citywide Design Guidelines. Conformance with the Standards is not required as part of discretionary review, but is encouraged.

A.6. Conflicts

The City maintains multiple regulatory documents that contain objective design standards and other requirements that apply to by-right multi-unit residential and residential mixed-use development, including DMMC Title 30 - Zoning, Del Mar Community Plan, and the LCP, which are applicable to all development. In the case of a conflict between standards, the following shall apply:

- All development projects, including density bonus projects, are required to comply with the California Coastal Act and the City's LCP. Where a provision within these Standards differs from a standard contained within the LCP, the standard of the LCP shall prevail.
- Where a provision of these Standards differs from a requirement of DMMC Title 30 - Zoning, the provision in these Standards shall prevail, unless otherwise specified herein.
- Where the Chapter 30.92 - Housing Element Implementation Overlay Zone has been deemed applicable to a site through a hearing process by the City Council, both the standards in Chapter 30.92 - Housing Element Implementation Overlay Zone and these Standards shall apply. If a provision of these Standards differs from a requirement in the DMMC Chapter 30.92, the standards in DMMC Chapter 30.92 shall prevail, unless otherwise specified herein.
- Where a provision of these Standards differs from a standard contained within an applicable specific plan, the standard of the applicable specific plan shall prevail.

THIS PAGE LEFT INTENTIONALLY BLANK

B. Site Planning and Design



B. Site Planning and Design

The building placement, arrangement of activities and design of the site are significant factors in maintaining the unique character and scale of Del Mar’s existing neighborhoods. The Site Planning and Design section addresses the standards for the following topics:

- B.1 Neighborhood Compatibility
- B.2 Floodplain Overlay Zone
- B.3 Natural Topography and Grading
- B.4 Retaining Walls and Fencing
- B.5 Circulation and Parking
- B.6 Hardscape
- B.7 Landscape and Vegetation
- B.8 Open Space

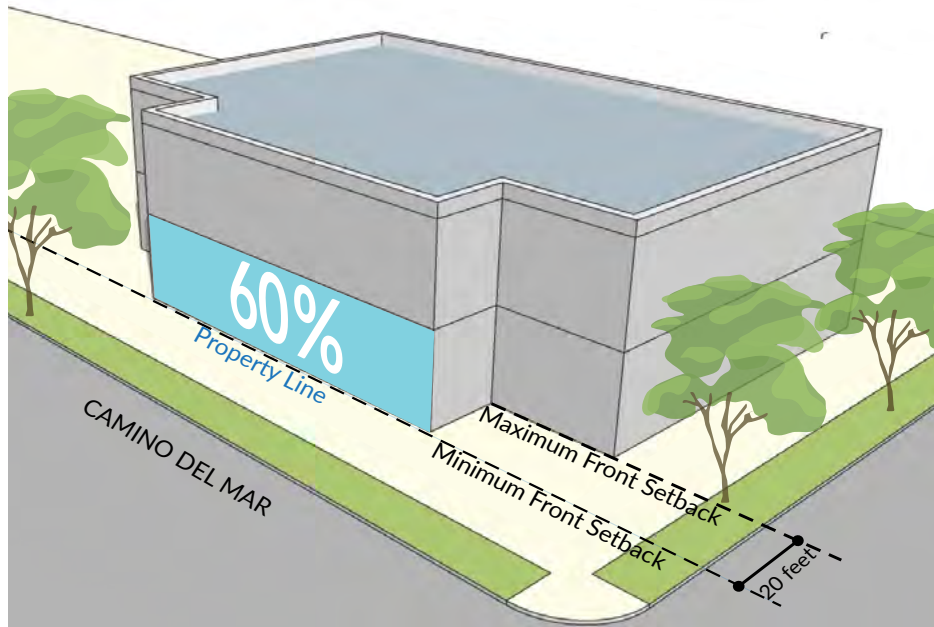


Figure B-1: Camino Del Mar building frontage setback requirements.

B.1. Neighborhood Compatibility

Ensure that new multi-unit residential and mixed-use development reflects the scale and character of Del Mar’s existing neighborhoods.

SETBACKS

1. Front, side, and rear yard setbacks shall meet the minimum standards set in the DMMC Title 30 - Zoning.
2. For parcels that face Camino Del Mar, the following standards shall apply:
 - a. Along Camino Del Mar between Del Mar Heights Road/4th Street and 15th Street, the following shall be included:
 - A 10-foot minimum public sidewalk, measured perpendicularly from the existing curb line.
 - The 10-foot sidewalk shall include a 5-foot landscaping and furniture zone and a 5-foot continuous walkway.
 - b. Where there is no minimum front yard setback required, buildings may be built up to the property line.
 - c. Along Camino Del Mar, between 10th and 13th streets where “Town and Country” parking has been provided in the front yard setback, the existing setback shall be considered the minimum front yard setback.
3. A minimum of 60% of the building facing Camino Del Mar and any intersecting street (where the parcel faces two streets) shall meet the minimum front yard setback as shown in Figure B-1.
 - a. The remaining building frontage may be set back up to 20 feet to allow for one or more site features including:
 - Plazas
 - Landscaping
 - Open space
 - Outdoor dining
 - Building entries
 - Building articulation

4. For parcels located between two other parcels that have an existing single dwelling unit or duplex, the following front yard setback standards apply:
 - a. If the front yard setback dimension of the adjacent single dwelling units or duplex on each side are the same, the minimum front yard setback dimension of the proposed development shall match the adjacent properties.
 - b. If the front yard setback dimension of the adjacent single dwelling units or duplex on each side are not the same:
 - And the parcel is under 5,000 square feet, the minimum front yard setback shall be equal to the smaller dimension of the two front yard setbacks as shown in Figure B-2.

- And the parcel is greater than or equal to 5,000 square feet, the minimum front yard setback shall be equal to the smaller of the two front yard setbacks for a minimum of 50% of the building frontage as shown in Figure B-3. The remainder of the building frontage in parcels over 5,000 square feet shall be permitted to meet the minimum front yard setback as defined in the DMMC Title 30 - Zoning.

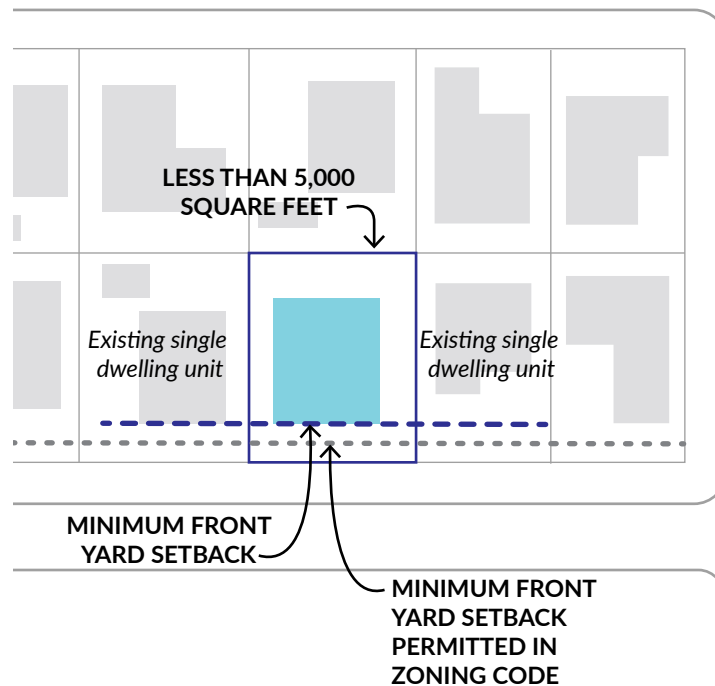


Figure B-2: Front yard setbacks adjacent to single dwelling units, for parcels less than 5,000 square feet.

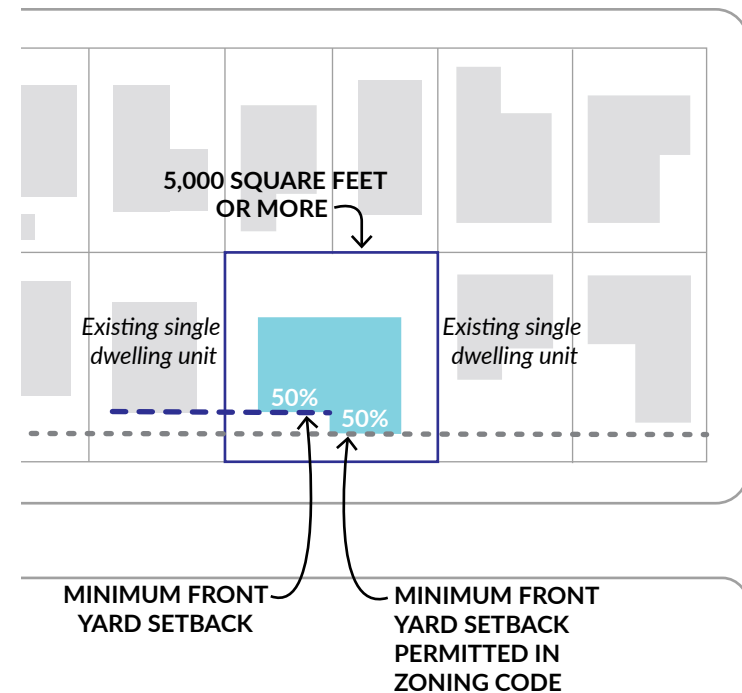


Figure B-3: Front yard setbacks adjacent to single dwelling units, for parcels 5,000 square feet or more.

- c. The minimum front yard setback dimension for corner parcels shall match the smaller front yard setback of the adjacent parcels where they differ as shown in Figure B-4. Front yard setbacks shall apply to all facades facing a public street.

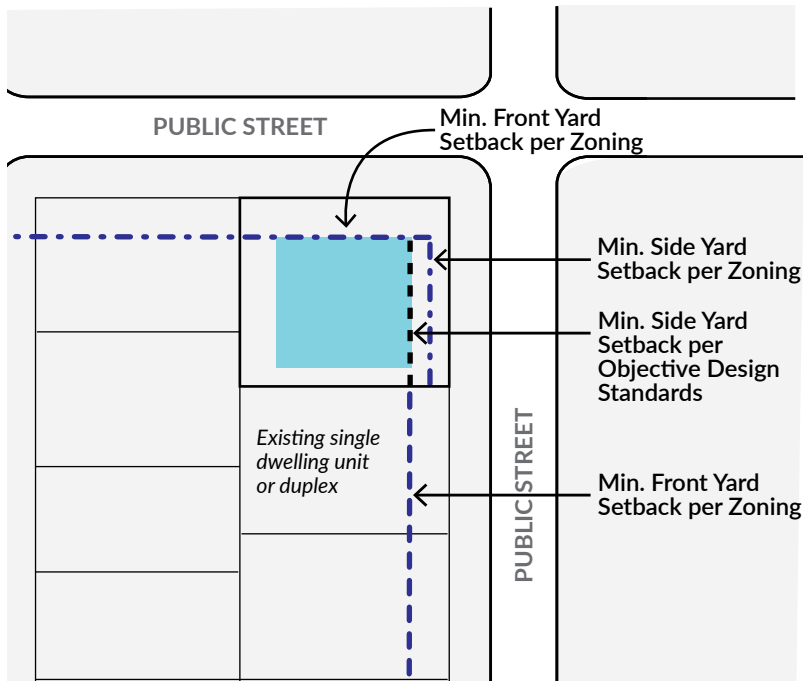


Figure B-4: Front yard setbacks adjacent to single dwelling units on a corner lot.

- 5. The following encroachments into the front yard setback are permitted:
 - a. Weather protection elements, such as canopies and awnings, are permitted to encroach into the front yard setback or public sidewalk a maximum of 5 feet at a minimum of 8 feet above the ground (see Figure B-5).

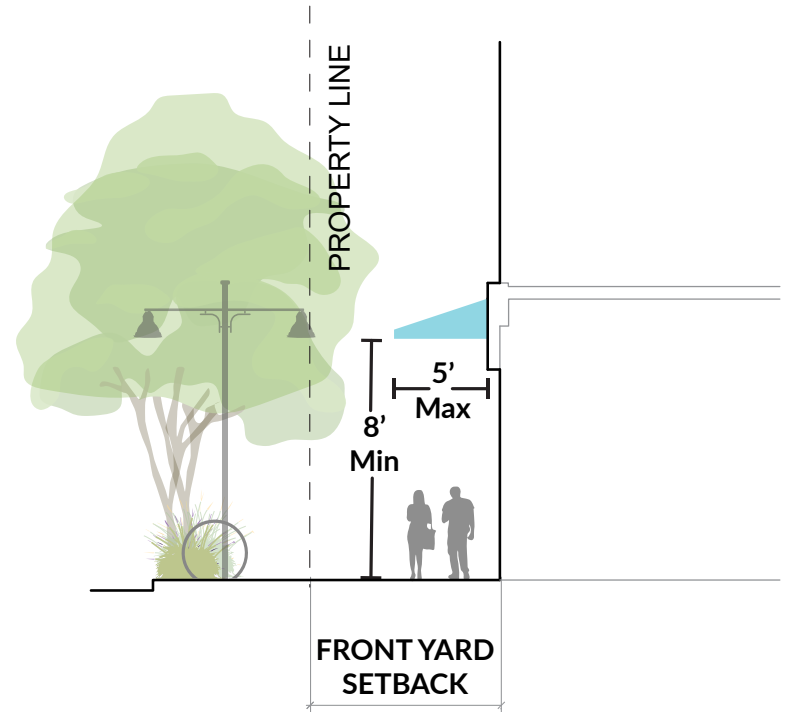


Figure B-5: Permitted weather protection encroachments into the front yard setback.

- b. Covered porches, residential entry stoops, and patio areas may encroach into the front yard setback a maximum of 8 feet, except where a public utility easement is required (see Figure B-6).
- c. Upper floor balconies may encroach into the front yard setback a maximum of 6 feet (see Figure B-6).

- d. Architectural features, such as eaves and bay windows, may project into the front yard setback a maximum of 2 feet provided the setback is not reduced to less than 5 feet (see Figure B-7).

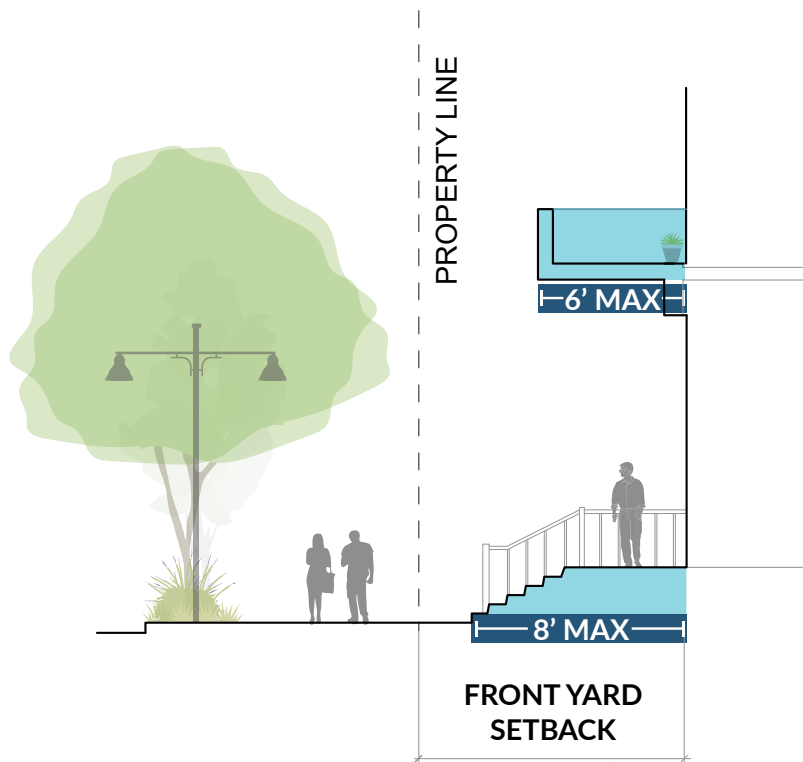


Figure B-6: Permitted private open space and entry encroachments into the front yard setback.

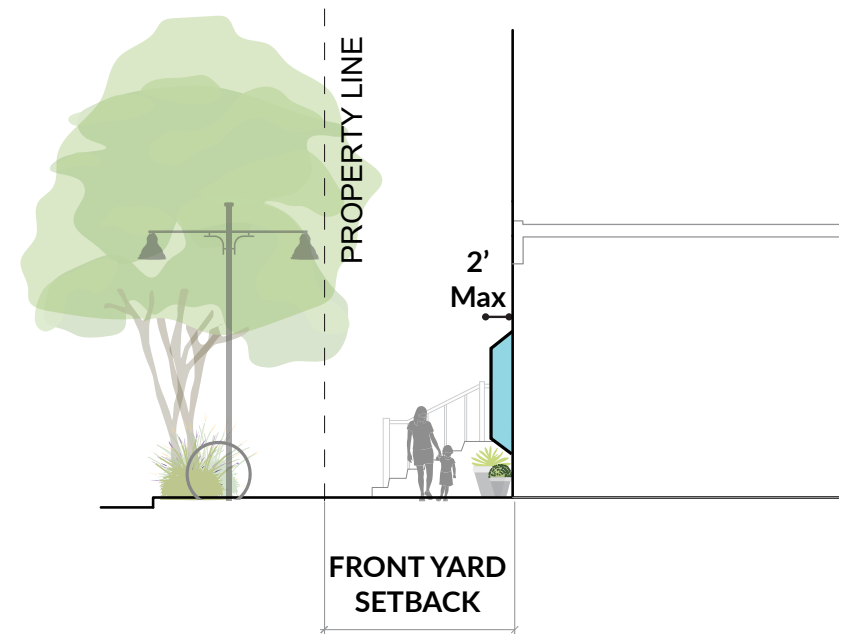


Figure B-7: Permitted architectural feature encroachments into the front yard setback.

6. The following are permitted in the front yard setback:
 - a. Street trees.
 - b. Landscaping with a minimum 5-foot depth.
 - c. Seating and street furnishings, including sidewalk cafe spaces not to exceed a 15-foot depth.
 - d. Publicly accessible plazas or open spaces.

UPPER FLOOR REDUCTION

7. All floors above the first floor of a building, not including a basement level, shall have a reduced floor area equal to a maximum of 75% of the first floor as shown in Figure B-8.

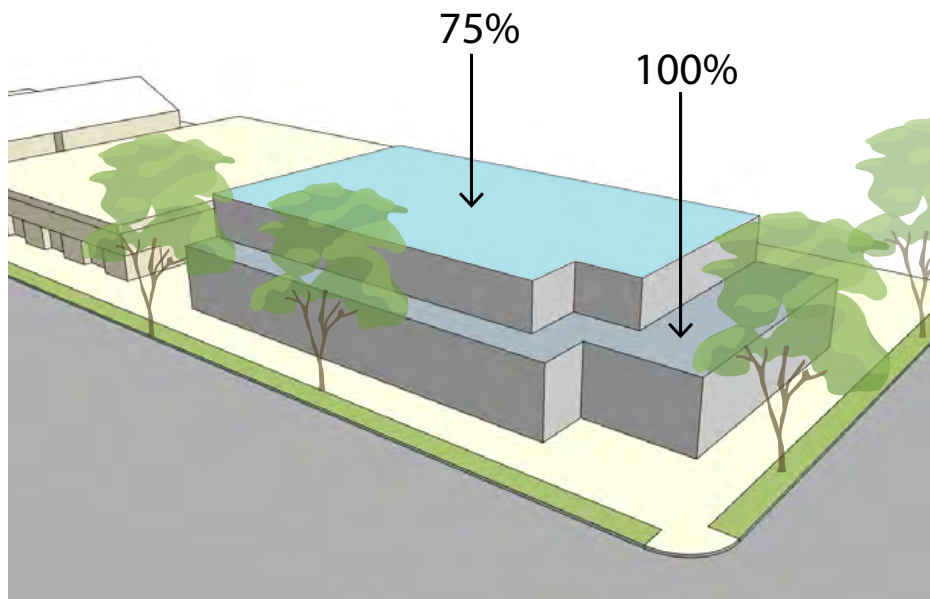


Figure B-8: Upper floor reduction requirement.

NEIGHBORHOOD TRANSITION STANDARDS

8. For parcels sharing a property line with parcels that have an existing single dwelling unit or duplex, provide a transition along the entire length of the shared property line using one of the following approaches:
 - a. A minimum 15-foot-wide landscape area planted with landscape screening along the full length of the property line or fence line, and a minimum 10-foot setback above the first floor of the building (see Figure B-9).

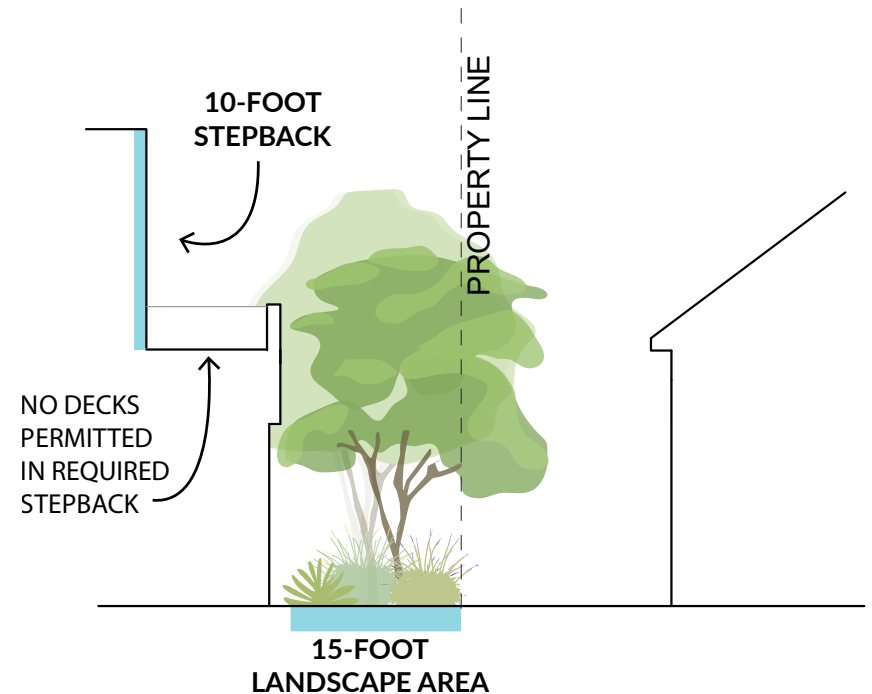


Figure B-9: Landscaped neighborhood transition.

- b. A minimum 5-foot-wide landscaped area planted with landscape screening as described above, a minimum 10-foot-wide driveway to access parking in the rear of the lot, and a minimum 10-foot stepback above the first floor of the building (see Figure B-10).

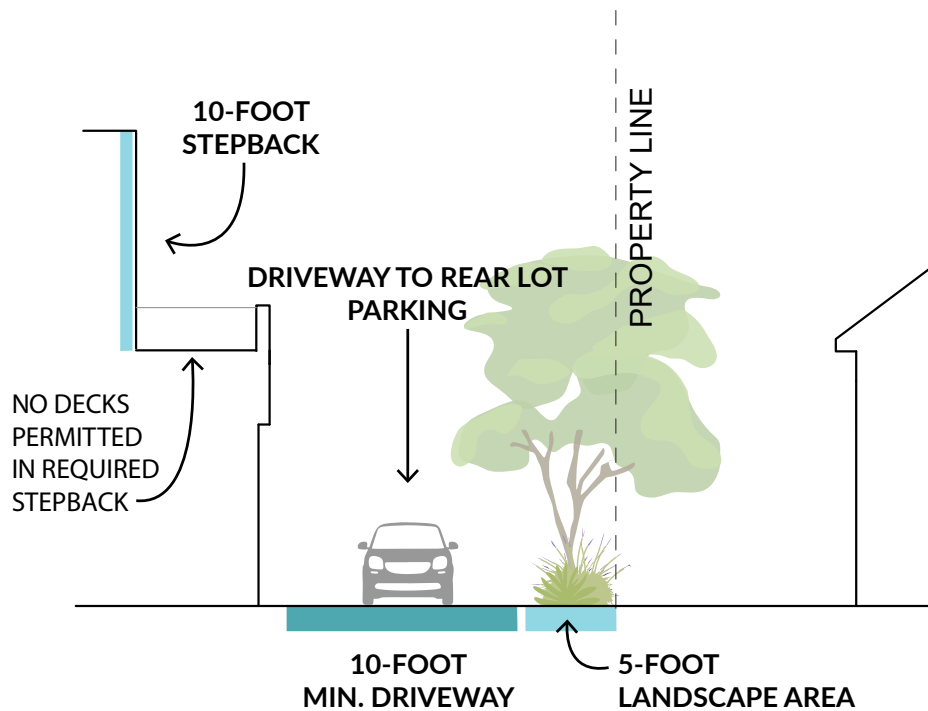


Figure B-10: Driveway neighborhood transition.

- c. A minimum 5-foot-wide pedestrian walkway with 5-foot-wide minimum landscaped area on both sides with landscaped screening provided in the landscaped area immediately adjacent to the property line, and a minimum 10-foot stepback above the first floor of the building (see Figure B-11).
- d. No outdoor decks, balconies, or other covered or uncovered private or common open space shall be permitted in the required stepback.

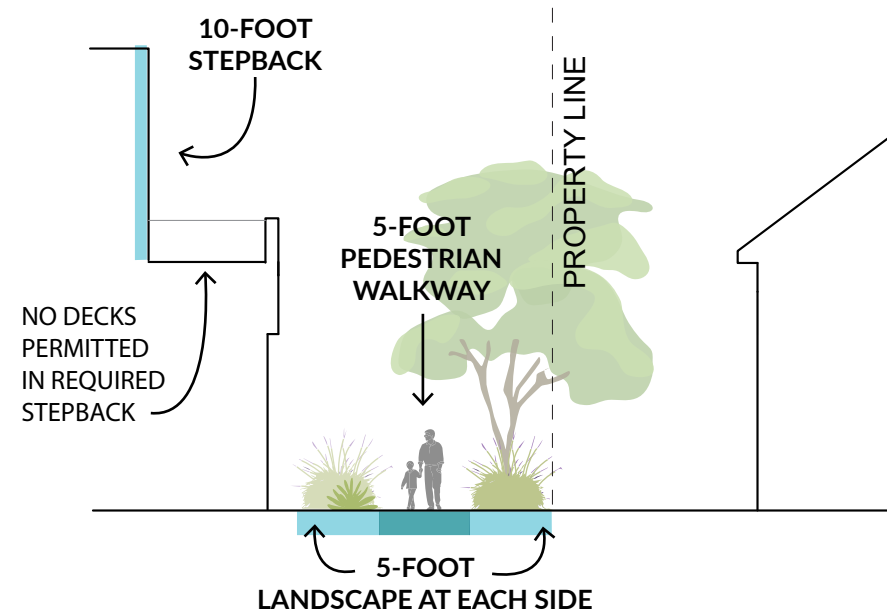


Figure B-11: Pedestrian walkway neighborhood transition.

B.2. Floodplain Overlay Zone

Structures located within the Floodplain Overlay Zone are subject to the regulations of DMMC Chapter 30.56 - Floodplain Overlay Zone, FEMA Floodplain Management Design Standards and Federal Regulations, in addition to the standards provided below.

FLOODPLAIN DESIGN STANDARDS

1. During review of applications for development, the City shall consider the best available science and State guidance on sea level rise projections (such as the *State of California Sea-Level Rise Guidance Document* developed by the California Ocean Protection Council), the status of associated adaptation measures (planned or implemented), and analysis of how those adaptation measures minimize projected flood risk.
2. Development shall be sited and designed, including elevation and floodproofing, to minimize flood damage and avoid flood hazards including those from the impacts of projected sea level rise and flooding over the anticipated lifetime of the proposed structure using the best available science on sea level projections and in consideration of applicable adaptation measures.

3. Where a property is required to elevate the finished floor height to address the base flood elevation within a designated floodplain, two or more of the following treatments shall be utilized along the exposed foundation area for the entire perimeter of the building:
 - a. Porches, stoops or patios integrated into the design of the ground-floor facing the public right-of-way or a common open space.
 - b. An attached garage used as a transitional element between the elevated first floor and ground plane.
 - c. Material cladding matching the cladding of the floors above and a minimum 5-foot-wide landscaped area immediately adjacent to the building face planted with native plant types.



An elevated ground-floor with a stoop, planting, and matching material cladding along the foundation area.

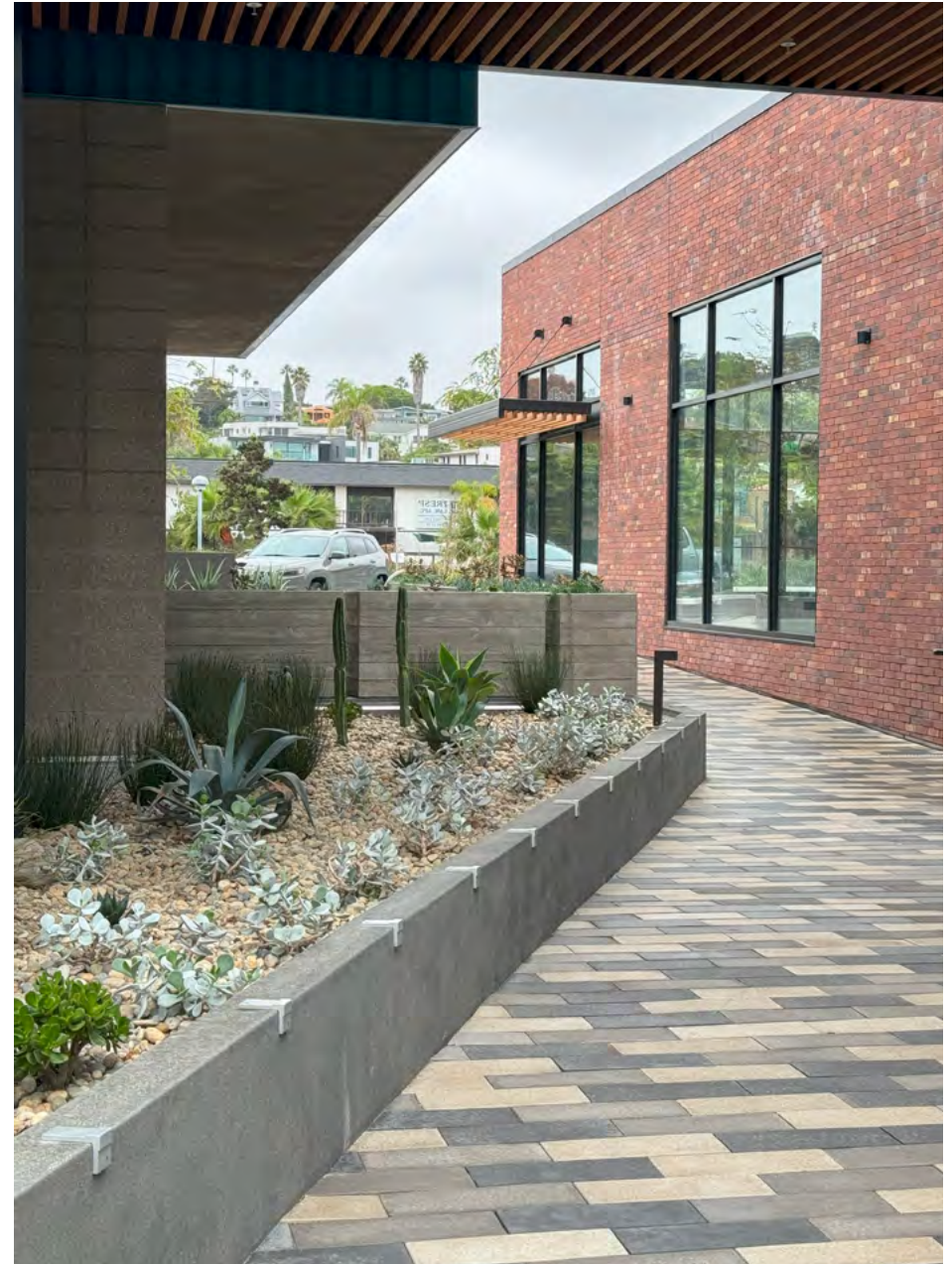
B.3. Natural Topography and Grading

Promote the preservation of existing natural topography and vegetation within Del Mar.

NATURAL TOPOGRAPHY DESIGN STANDARDS

- 1. New development and building additions shall be integrated into the topography of the site through one of the following methods:
 - a. Screen foundations and underside of structures using two or more of the following methods:
 - Porches, stoops, or patios integrated into the design of the ground-floor facing the public right-of-way or a common open space.
 - An attached garage used as a transitional element between the elevated first floor and ground plane.
 - Material cladding matching the cladding of the floors above, and a minimum 5-foot-wide landscaped area immediately adjacent to the building face, planted with native plant types.
 - b. Utilize existing building pad areas and follow existing grade contours for a minimum of 50% of the parcel.
 - c. Locate structures on the lower 50% of a hillside lot.
- 2. Construction, grading, or other encroachment of any kind on substantial steep slopes (as defined in DMMC Section 30.52.060-A-1-b), or within 20 feet of the top or ten feet of the bottom of substantial steep slopes exceeding 25 percent grade, or the construction of structures which overhang such steep slopes or steep slope setbacks, shall not be allowed.

- *Indicates standards that shall not apply to the North Beach (Beach Colony) neighborhood.*



A 5-foot wide landscaped area adjacent to building face planted with native plants.

GRADING SETBACKS

- 3. Cut and fill slopes shall be set back from the property line in accordance with this section. Grading setback dimensions are horizontal distances measured perpendicular to the property line (see Figure B-12).
 - a. Top of Cut Slope. The top of cut slopes shall not be made nearer to a property line than one-fifth of the height (H) of the cut, with a minimum setback of two feet. The setback may need to be increased for any required interceptor drains.
 - b. Toe of Fill Slope. The toe of the fill slope shall not be made nearer to the property line than one-half the height of the slope, with a minimum setback of two feet.

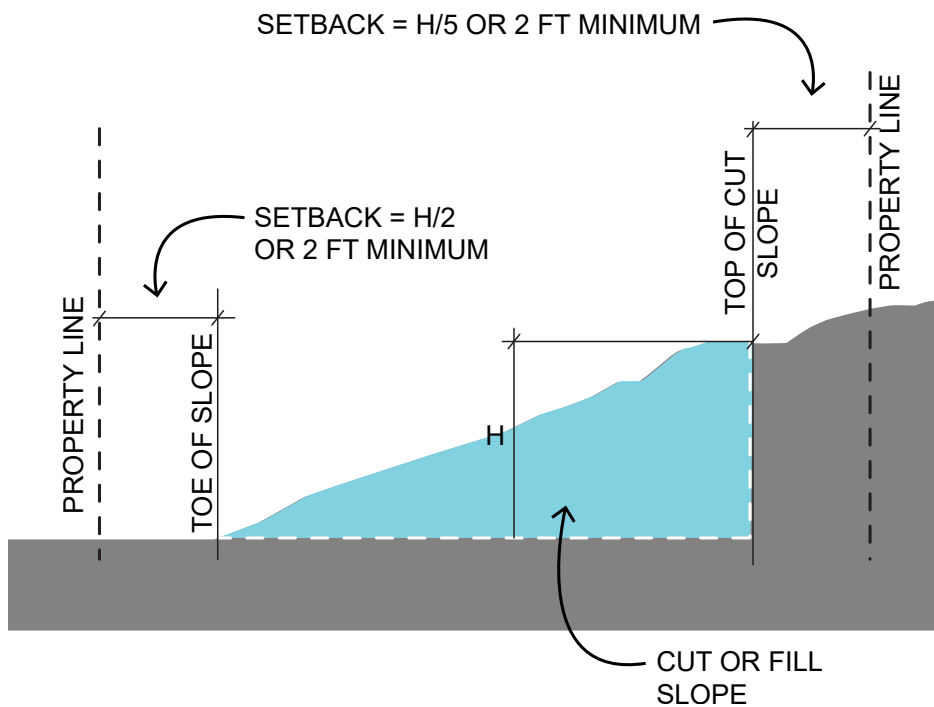


Figure B-12: Top of cut slope and toe of fill slope dimensions.

GRADING DESIGN STANDARDS

- 4. The permitted grading of any site is based upon the percent of the existing slope, and shall comply with the following standards:
 - a. Minimize the visual impact of grading by locating 80% or more of the cut and fill surface area under the buildings.
 - b. Hillside lot cuts shall be limited to the area required for the structure, and shall not be extended to create flat surfaces for yard and recreational areas.
- 5. Where cut and fill is visible, the following shall be provided:
 - a. Man-made contours shall continue the natural contours of the site, maintaining the existing slope within 10% of the measured slope where a structure is not being provided.
 - b. A maximum 5% graded transition in grade shall be provided between buildings and adjacent properties or existing grades.

• Indicates standards that shall not apply to the North Beach (Beach Colony) neighborhood.

B.4. Retaining Walls and Fencing

Ensure that the use of retaining walls and fencing blend into the natural surroundings and topography of a site.

RETAINING WALLS AND FENCING DESIGN STANDARDS

1. Where a retaining wall is located at the property line, terraced walls conforming with the maximum height and setback line established by DMMC Section 30.86.090 - Fences/Retaining Walls, shall be provided.
2. All retaining walls, outside of the building footprint and running parallel to the building, shall be located a minimum of 6 feet from the exterior face of any building wall.
3. The distance between two terraced retaining walls shall be, at a minimum, the average height of the two walls, as shown in Figure B-13.
4. Retaining walls, or a single rise of a terraced retaining wall, shall not exceed 4 feet in height, as shown in Figure B-13.
5. Where terraced retaining walls are used, planting pockets shall be integrated and planted with native plantings at terrace levels.

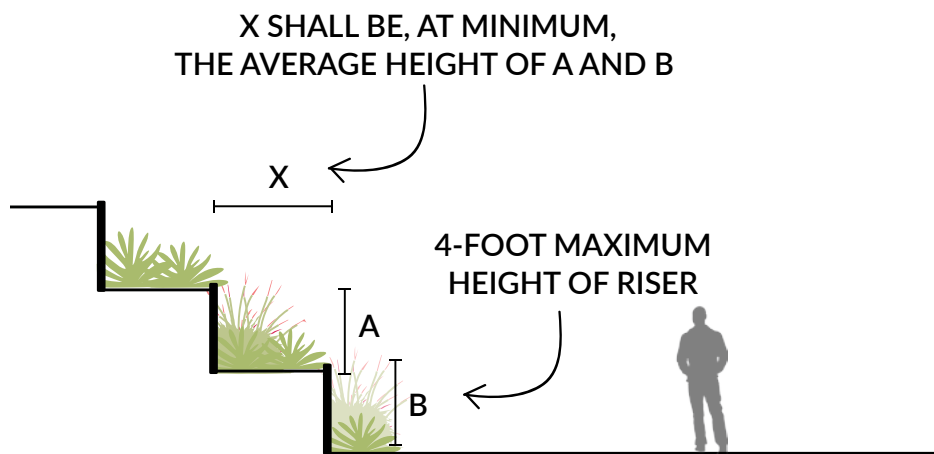


Figure B-13: Diagram of retaining wall standards.

6. Retaining walls and planters shall be designed so that all visible faces are finished with stone or other materials that occur naturally in the environment. If block wall systems are proposed, they shall be clad with natural materials on all exposed faces.
 - a. Retaining wall finish materials in colors contrasting with the surrounding natural terrain, such as bright white walls shall not be permitted.
7. Retaining walls used to retain the natural grade for FAR exemption purposes are not permitted.
8. Perimeter fencing located on the upper 50% of a hillside lot shall be of a style that is 50% or more transparent to maximize views. Examples of permitted fencing types include split rail, picket, and post and cable. Translucent glass shall not count towards the 50% transparency.
9. Black vinyl-coated chain-link fencing is permitted if screened on all visible sides with planted screening. All other chain-link fencing is not permitted.



Planting pockets integrated into the terraced retaining walls.

B.5. Circulation and Parking

Limit the visual, environmental and safety impacts of vehicle circulation, access, and parking.

CIRCULATION AND ACCESS DESIGN STANDARDS

1. Projects shall be designed to meet the minimum standards set in the DMMC Chapter 30.80 - Parking, and to satisfy the requirements and standards identified by the American Association of State Highway and Transportation Officials (AASHTO). The stricter requirement shall be used if there is a conflict between the DMMC and AASHTO requirements.
2. Parking, vehicular and fire truck access, and turnarounds shall be designed to the minimum dimensions required.
3. Where a parcel is adjacent to and accessible from an alley, all on-site parking including parking structures and surface parking shall be accessed from that alley.



Low planting adjacent to a driveway.

4. Where a parcel has a secondary street frontage and no alley access, all on-site parking including parking structures and surface parking shall be accessed from the secondary street.
5. Where garage parking is proposed, private drive aisles used to access the garage shall be located along the sides of the property and/or at the rear of the property.
6. All driveways shall meet the following requirements:
 - a. Have a minimum width of 10 feet for one-way driveways and a 20-foot minimum width for two-way driveways.
 - b. Be constructed with a maximum grade of 15%.
 - c. Have an unobstructed vertical clearance of 13.5 feet.
7. Curb-cuts shall not be sited in blind corners.
8. Vegetation planted within 3 feet of a driveway and driveway apron shall be a maximum of 30 inches high at maturity as shown in Figure B-14.

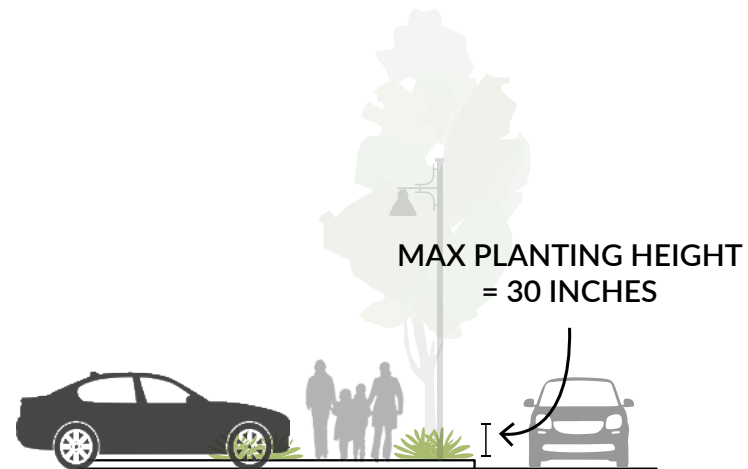


Figure B-14: Vegetation height planted adjacent to a driveway.

9. Circular driveways are not permitted.
10. For parcels over 30,000 square feet, a maximum of one vehicle access point from the primary street frontage is permitted per 200 linear feet of street frontage.

SURFACE PARKING

11. Uncovered parking areas shall be located in the rear 50% of the lot.
12. Parking areas shall be separated from a building with both a 4-foot-wide minimum raised pedestrian sidewalk and an 8-foot-wide minimum landscaped strip.
13. Provide a 4-foot-wide minimum landscaped buffer between parking areas and any public rights-of-way.
14. To prevent vehicle light intrusion into habitable residential spaces, surface parking areas that are within 15 feet of a residential unit shall be located within a garage, carport, or parking structure, or screened by fencing or dense landscaping with no transparency.
15. Open-sided parking coverings that contain solar collectors/panels shall not be calculated towards maximum allowed lot coverage.

PARKING STRUCTURES

16. Parking structures shall be located in one of the following:
 - a. Below-grade.
 - b. On the downhill side of a site, tucked under the main building level, with entrance(s) located behind active building uses and away from the primary and/or secondary street frontages.
 - c. On the interior of the site screened from public view using at least one of the methods described below (see B.5.17).



Parking structure with commercial spaces wrapping the ground-floor.



Parking access from an alley.

17. Where parking structures are exposed to the public right-of-way, the visible facade of the parking structure shall be screened from public view using at least one of the following methods:
- Wrap the parking structure on the ground-floor with a commercial, public, or residential use.
 - Screen the parking structure with landscaped screening and ornamental metal screens in a finish matching the architectural finishes of the building.
 - Continue architectural details and materials from the adjacent floors into the visible exterior faces of the parking structure.

BICYCLE PARKING

18. Where secure or long-term bicycle parking has been provided, the following shall apply:
- It shall be located so as to be accessible from a public sidewalk.
 - It shall be located on the ground-floor of the building or have elevator access if provided on an upper level.
 - Electronic door openers shall be installed on all doors used to access the bicycle parking.
 - Where bicycle parking is enclosed, the enclosure shall be consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building.
 - All access corridors and areas used to access the bicycle parking shall be lit with a minimum of 0.3 foot-candles, but no more than 0.5 foot-candles. In these access areas, automatic motion sensor lighting is permitted.



Uncovered parking at the rear of the parcel with landscaped screening.

B.6. Hardscape

Promote the use of pervious materials that allow infiltration of stormwater, reduce runoff, and decrease the amount of pollutants that eventually flow into the Pacific Ocean.

HARDSCAPE DESIGN STANDARDS

- 1. In the front yard and street side yard setbacks, the following shall apply:
 - a. Impervious hardscape shall be limited to no more than 25% of the surface area.
 - b. Pervious hardscape shall be limited to no more than 25% of the surface area.
 - c. All remaining surface area shall be landscaped with planted material.
 - d. Compacted landscaped areas that can inhibit site drainage are not permitted.
- 2. All runoff from driveways, walkways, roofs, and/or patios on a parcel must be directed onto vegetated areas located on the parcel or drainage provided in the right-of-way. No runoff from the parcel shall be directed to drain onto adjacent parcels.

- *Indicates standards that shall not apply to the North Beach (Beach Colony) neighborhood.*



Permeable paving at a parking garage entrance.



Public walkway paved with permeable pavers.

B.7. Landscape and Vegetation

Promote the retention of existing natural features and the use of water-conserving plant types appropriate for Del Mar.

LANDSCAPE AND VEGETATION DESIGN STANDARDS

1. A minimum 3-foot-wide landscaped area shall be provided in all areas where a building comes into contact with the ground plane and the area does not provide pedestrian access.
2. Existing trees and their root systems adjacent to the parcel shall be protected.
3. Trees protected by DMMC Chapter 23.50 - Trees, shall not be removed to provide excavated buildings or amenity elements that extend more than 2 feet below the ground plane, such as basements or pools. All tree removal shall comply with DMMC Chapter 23.50 - Trees.
4. All new trees planted on site shall be trees identified in the City of Del Mar's Recommended Tree List.
5. Where natural and environmentally sensitive vegetation communities exist on site, such as Coastal Sage Scrub and Maritime Chaparral, they shall be incorporated into the site landscaping.
6. Only regionally native species shall be planted within steep slope setback areas and wetland buffer areas.
7. Invasive plant species, as identified by the California Invasive Plant Council, shall not be permitted.



Examples of landscaped areas provided where building meets grade.

8. Landscape screening, when utilized, shall be selected to provide a level of screening that would not block views for neighboring buildings, using one of the following:
 - a. Provide dense, fast-growing shrubs or trees that reach a maximum of 6 feet in height at full maturity.
 - b. Trees identified in the City of Del Mar's Recommended Tree List.
9. Screening plants shall be dense and fast-growing evergreen species that buffer views in at least 75% of the intended area, within one year of planting. Grasses and deciduous plants shall not be used for screening purposes.
10. For screening purposes, any new trees shall be provided at a minimum 24-inch box size and any new shrubs should be provided at a minimum 5-gallon size.



Examples of landscape screening.

B.8. Open Space

Provide access to open space for residents to enjoy the natural beauty of Del Mar at home.

COMMON OPEN SPACE DESIGN STANDARDS

1. Projects with 6 residential units or more, shall provide a minimum of 50 square feet of common outdoor open space per unit.
 - a. Walkways shall be excluded from the common outdoor open space calculation.
2. Common outdoor open space shall be located to meet the following requirements:
 - a. Common open space shall be provided at grade or podium level and shall not be permitted on the uppermost roof-level.
 - b. Common open space shall be directly accessible from the public right-of-way.
 - c. Common open space shall be immediately adjacent to and visible from residential units and shall be accessible to all residents.
3. Common outdoor open space shall be designed to meet the following requirements:
 - a. Common open space shall measure a minimum of 25 feet in at least one direction.
 - b. A minimum of 20% of the open space area shall be planted with live planting, trees, ground cover and/or shrubs.
 - c. Seating options, such as seat walls, planter ledges, benches, and/or movable seating shall be provided.
 - d. Lighting to support evening and nighttime use shall be provided throughout the common open space. All lighting shall comply with the lighting design standards in C.6.
 - e. A minimum of 80% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted within the 80% open area.



Common open space open to the sky, visible and accessible from residential units.



Common open space at podium level with variety of seating and planting.

4. Common outdoor open space shall incorporate at least two of the following residential amenities:
 - a. Tot lot/play structure/play area
 - b. Community garden
 - c. Shaded picnic area
 - d. Swimming pool
 - e. Outdoor games (bocce ball, chess tables, etc.)
 - f. Open lawn
 - g. Seating area with fixed and movable seats
 - h. Interactive public art or sculpture
5. Common outdoor open spaces shall be screened from view on all sides that face neighboring parcels with one of the following:
 - a. Residential or mixed-use buildings.
 - b. A 5-foot-wide area with landscaped screening.
 - c. A maximum 6-foot-high fencing finished in an earth tone color.
6. Outdoor speakers, televisions, or other permanent entertainment features shall not be permitted.



Private open space shall be no less than 5 feet in any direction.

PRIVATE OPEN SPACE DESIGN STANDARDS

7. Private open space may consist of one or more of the following:
 - a. Balconies
 - b. Patios
 - c. Gardens
 - d. Porches/Stoops
8. Projects shall provide private outdoor open space as follows:
 - a. A minimum of 40 square feet per unit, for projects with 6 units or more.
 - b. A minimum of 100 square feet per unit for projects with 5 units or less.
9. Private open space shall meet the minimum requirements:
 - a. Private open space shall be no less than 5 feet in any direction.
 - b. Private open space shall be designed to overlook common open space, public open space, paseos, or streets.
 - c. Private open space shall not be permitted on the uppermost roof level.
 - d. For parcels sharing a property line with parcels that have an existing single dwelling unit or duplex, no outdoor decks, balconies, or other covered or uncovered private open space shall be permitted in the required setback.
10. Private open space within 20 feet of a shared property line shall meet the following requirements:
 - a. It shall not be permitted above the ground-level and shall not be permitted in required setbacks.
 - b. It shall include perimeter planters or planting areas with landscape screening.
11. Outdoor speakers, televisions, or other permanent entertainment features shall not be permitted.

THIS PAGE LEFT INTENTIONALLY BLANK

C. Building Design



C. Building Design

Multi-unit residential and mixed-use building design standards are intended to enhance neighborhood character, ensure quality design, and result in buildings designed with appropriate bulk and mass. The Building Design section addresses the standards for the following topics:

- C.1 Building Form and Massing
- C.2 Residential Units
- C.3 Building Elements Excluded from FAR
- C.4 Architectural Features
- C.5 Materials and Colors
- C.6 Utilitarian Elements and Screening
- C.7 Signage

C.1. Building Form and Massing

Minimize the visual impact on the site and surrounding neighborhood by blending the form, mass, and profile of individual buildings in a way that respects the natural terrain and neighborhood character.

BUILDING FORM AND MASSING DESIGN STANDARDS

1. Building height shall conform with the requirements of the DMMC, and other applicable requirements of the City of Del Mar Community Plan and Local Coastal Plan.
2. In residential uses, ceiling heights on any habitable building level shall not exceed 10 feet.
3. Where a daylit basement, with an exposed wall, is proposed, two or more of the following shall be provided along all street-facing facades:
 - a. Porches or stoops.
 - b. Material cladding matching the cladding of the floors above.
 - c. A 5-foot-wide landscaped area planted with plant types that at maturity reach the finished floor height.

FACADE ARTICULATION DESIGN STANDARDS

4. For parcels over 30,000 square feet, the length of any facade of a building shall be limited to 100 feet without a change in direction, defined as a minimum 25-foot-deep change in facade direction.
5. A minimum two-foot-deep variation in wall plane is required at a minimum of every 25 linear feet. A change in depth using appliques, trim, or other surface material change shall not be permitted to meet this requirement.
6. The maximum length of blank walls without windows, doors, or material changes shall be 25 feet in any direction.

ROOF DESIGN STANDARDS

7. The surface area of the roof, in square feet, of any development shall not be more than 25% larger than the floor area of the habitable floor below.
8. On sites with an average slope of 25% or greater, gable roofs with ridgelines that run perpendicular to the slope shall not be permitted. Consider hip roofs or other roof forms to decrease the effective roof bulk.
9. Sloped roofs shall terminate in a ridge, hip, or valley.
10. Roofs longer than 40 feet in length shall incorporate one of the following:
 - a. A variation in roof form, or a minimum two-foot-deep variation in roof plane.
 - b. A variation in architectural elements such as parapets, varying cornices, chimneys, or reveals.
 - c. A variation in roof height of 18 inches or greater (as measured from the highest point of each roof line).



Variation in wall plane at the ground floor.



A variation in roof plane.

BUILDING DESIGN

11. Where a flat roof has been provided, the following shall apply:
 - a. A parapet shall be provided around the entire perimeter of the flat roof.
 - b. Rooftop equipment shall be located a minimum of five feet away from any roof edge and parapet adjacent to a public right-of-way.
 - c. The interior side of parapet walls shall not be visible from a common open space or the public right-of-way.
 - d. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, details, or similar edge treatment.
12. Architectural projections (such as cornices, belt course, sills, eave projections, and awnings) without enclosing walls or screening may extend not more than two feet from the exterior wall.
 - a. Eave projections may extend further to provide coverage for a balcony, deck, patio, or other private open space, and may cover the entirety of the private open space.

DOWNHILL FACADE DESIGN STANDARDS

- 13. The following shall apply to the downhill facade of the building:
 - a. Gable roof ends shall not be permitted.
 - b. Overhanging decks, balconies, and terraces that project beyond the downhill facade are not permitted.

- *Indicates standards that shall not apply to the North Beach (Beach Colony) neighborhood.*



The maximum length of blank walls is 25 feet in any direction.



An example of a roof overhang.

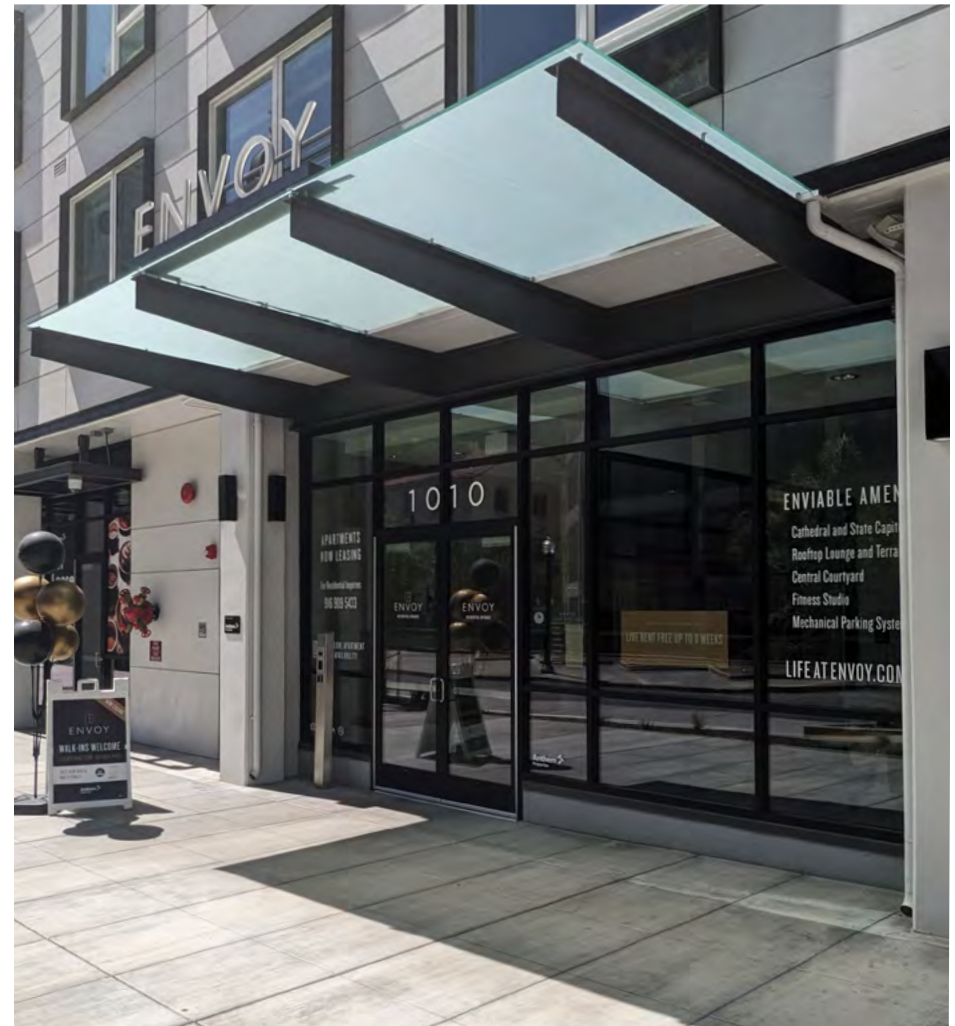
C.2. Residential Units

Provide standards for residential unit size and equity across units types.

RESIDENTIAL UNIT DESIGN STANDARDS

1. Maximum average size of dwelling units for a development site shall not exceed 1,000 square feet of "Bulk Floor Area" as defined and regulated in DMMC Chapter 30.72 - Bulk Floor Area Limitations. For the purposes of this requirement, attached dwelling units shall be measured to the center of shared building walls.
2. For development that includes both market-rate and affordable units, the following requirements apply:
 - a. Affordable units shall be dispersed throughout the development.
 - b. Affordable units shall be located proportionally throughout the floors of the building compared to any market-rate units.
 - c. Affordable units shall be located so as not to create a geographic concentration of affordable units in a single area, wing, or facade.
3. Externally and from all shared spaces, affordable units shall not be distinguishable from any market-rate units in the building and shall be architecturally equivalent.
4. Interior layouts, designs, materials, and finishes of affordable units shall be functionally equivalent to market rate units, but do not have to be identical.
5. Unit types for affordable units shall be proportional to market-rate units in the following ways:
 - a. The size in square feet of affordable units shall be equal to market-rate units with the same number of bedrooms.
 - b. Bedroom size in affordable units shall be equal in size to market-rate units with the same number of bedrooms.

6. Affordable units shall share the same entrances, common areas, and amenities as market-rate units, including the same access to and enjoyment of common open space and facilities in the residential development.
7. Affordable units shall be provided the same size, type, and access to private open spaces as market-rate units.



A shared entrance for all units of a housing development.

C.3. Building Elements Excluded from FAR

Architectural features such as covered porches, loggias, and covered decks contribute to the mass and bulk of a building, even though they are currently excluded from the Bulk Floor Area Ratio (FAR) calculations. Ensure such building elements and proposed structures are in scale with the rest of the building and do not inadvertently contribute to the perception of bulk or block primary views.

BUILDING ELEMENTS EXCLUDED FROM FAR DESIGN STANDARDS

1. The total square footage of all covered porches, loggias, decks, and balconies, as well as other architectural design elements that are exempt from Bulk Floor Area calculations per DMMC Title 30 - Zoning, shall not exceed more than 10 percent of the lot's current maximum allowable Bulk Floor Area.
2. Uncovered patios or decks located at grade and uncovered decks located in a building stepback shall not count towards the limitations set above.



The square footage of all covered porches and balconies on a parcel shall be limited based on a parcel's Bulk Floor Area.



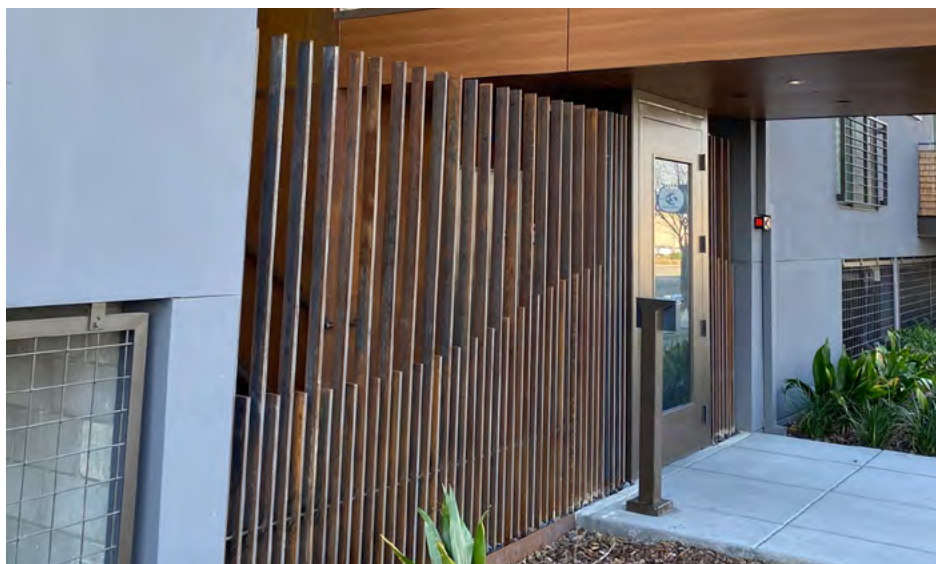
Limit the size of decks so they do not extend the full length of a facade, contributing to building bulk.

C.4. Architectural Features

Design with architectural features to provide visual interest and a similar quality of architectural detail as the surrounding neighborhood.

ARCHITECTURAL FEATURES DESIGN STANDARDS

1. Glazing may be used as a facade treatment on floors with residential uses for a maximum of 60% of any exterior building facade.
2. Where a building facade is located within 10 feet of a building facade on another property, one of the following screening techniques shall be utilized to provide privacy to the occupants:
 - a. Utilize non-transparent or translucent glazing such as frosted/patterned glass for windows and doors. Glass block and reflective glazing are not permitted.
 - b. Provide permanent wood or metal architectural screens or affixed louvers across the exterior face of windows and doors.
 - c. Utilize clerestory windows a minimum of 6 feet from the interior finished floor surface.
 - d. Provide landscaped screening utilizing mature or fast-growing plantings that screen a minimum of 75% of the width of the facing windows.
3. Garage doors shall be recessed back from the face of the garage, by a minimum of 6 inches to add shadow and visual interest.
4. Long access balconies and exterior corridors providing direct upper level unit access from the ground-floor are not permitted. The maximum length of an access balcony or exterior corridor that directly connects to the ground-floor shall be 10 feet.
5. Exterior stairways shall be constructed of smooth stucco, plaster, or wood, with accent trim of complementary colors. Freestanding open metal, prefabricated stairs are not permitted.
6. All fireplaces and chimneys exceeding 6-feet in height, whether affixed to a primary structure or provided as an accessory structure, shall not project into any required yard setback area. No chimney shall exceed the height of 3 feet above the lowest adjacent roof height.



Exterior wood louvers as privacy screen.



Recess garage doors to add shadow.

C.5. Materials and Colors

Select materials and colors to complement the structure's surroundings and the natural landscape.

MATERIALS AND COLORS DESIGN STANDARDS

1. Use materials and colors to reduce the apparent bulk of a structure through one or more of the following strategies:
 - a. More than one primary material, but no more than three primary materials, shall be used on an elevation to aid in breaking up the vertical mass of a structure.
 - b. A change in material or a break in material using an architectural detail or feature shall occur every 25 feet in any direction.
 - c. Select natural earth tone colors for daylighted basement or retaining walls that blend with the surrounding topography and vegetation.
2. Material transitions shall comply with the following:
 - a. Material transitions along building facades shall occur on the inside corner of the plane change.
 - b. When material changes occur on the same plane, use trims, cornices or other architectural elements between the material change.
 - c. Material and color changes at the outside corners of structures are not permitted.
3. Accent and trim elements shall differ from the primary materials in texture, color, or material.
4. All exterior finish materials shall comply with the following:
 - a. Fluorescent, neon, and/or reflective colors and materials shall not be permitted.
 - b. Materials with an earth tone color in their natural state, such as brick, stone, or copper, shall not be painted.

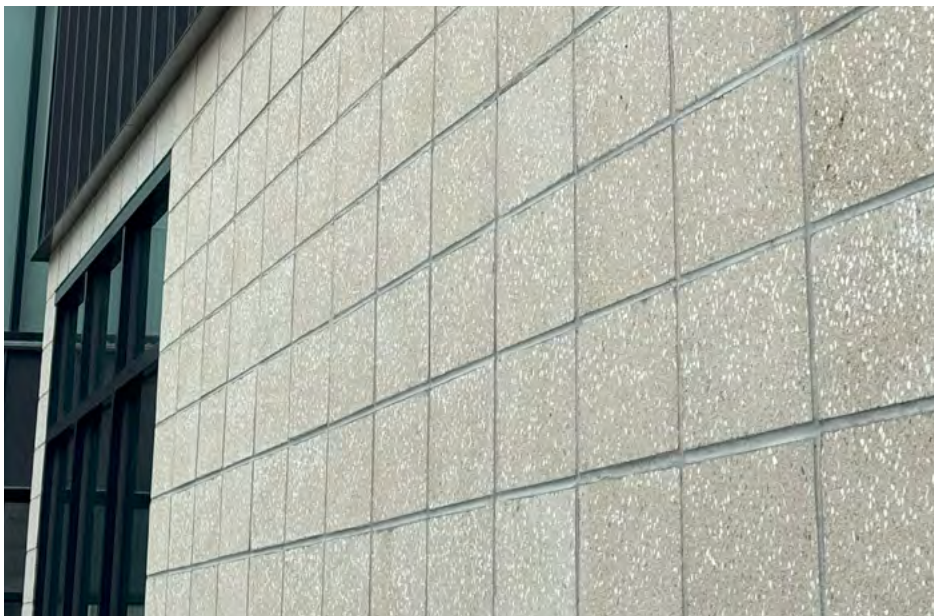


Three primary materials used to break up architectural mass.



Material change occurring at the inside corner of the plane change.

5. The following exterior finish materials are not permitted:
 - a. Wood siding used for more than 50% of any facade
 - b. Shake shingle siding
 - c. Galvanized Steel
 - d. Plywood
 - e. Unfinished Lumber
 - f. Corrugated Fiberglass
 - g. Cultured Stone
 - h. Vinyl or Aluminum Siding
 - i. Reflective Materials
 - j. Concrete Block
 - k. Untextured or Unfinished Metal Siding



Concrete block used as an exterior finish material shall not be permitted.

C.6. Utilitarian Elements and Screening

Establish criteria for the design, location, and concealing of utilitarian building features.

UTILITARIAN ELEMENTS AND SCREENING DESIGN STANDARDS

1. All new and existing utility service connections within the boundaries of the development site shall be placed underground.
2. Stand alone, ground-mounted mechanical or electrical equipment shall be located as follows:
 - a. Clustered and consolidated in a single area.
 - b. Located along the side yard or rear yard of a building.
 - c. Shall not be located within 25 feet of the primary street frontage, or the secondary street frontage.
3. Ground-mounted utilities shall be screened using one or more of the following elements:
 - a. Solid masonry or concrete walls
 - b. Berms
 - c. Landscaping
4. All screening elements shall comply with the minimum clearance required by the regulating utility.
5. Where screening walls are proposed, the material used shall match the material of the building or landscape planter immediately adjacent.
6. Where mechanical and electrical equipment is located on the roof, said equipment shall not extend beyond the maximum allowable height limit and, shall be located or screened so as to be out of view from the public right-of-way, using the following techniques:
 - a. Where structurally feasible, sunken into the structure of the roof.
 - b. Located below the height of the adjacent roof or parapet line and toward the center of the roof so as not to be visible or audible from the public right-of-way.



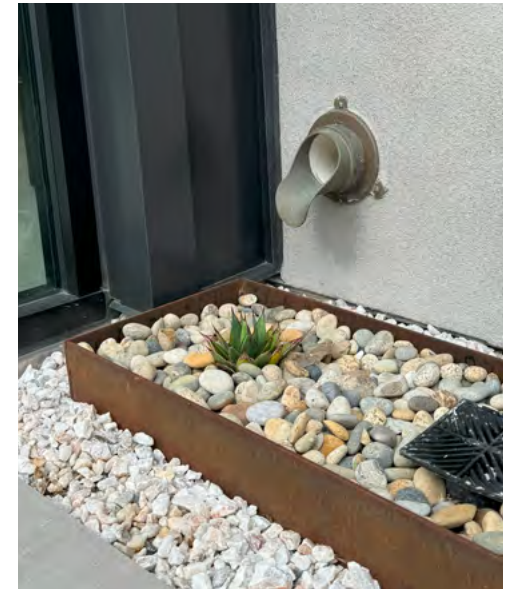
Screening of utilities with solid walls.



Decorative tree well covers.



Decorative gutters matching roof.



Decorative downspouts feeding plants.

- c. Screened from view using an architectural material that matches the surrounding roof color or material and provides sound attenuation.
 - d. In addition, roof penetrations, such as stacks, vents, antennas, and other roof mounted equipment shall be consolidated in one location, and located so as not to be visible from the public right-of-way. All flashing, sheet metal, vents, and pipe stacks shall be painted to match the adjacent roof or wall material.
7. Mechanical and electrical equipment shall comply with the standards of DMMC Chapter 9.20 – Noise Regulations so that it is inaudible from adjacent property and public right-of-way.
8. Where utility equipment is located in a room within the building, the following shall apply:
- a. The utility room shall be located along a facade that does not face a public right-of-way.
 - b. The interior of the utility room shall not be visible from the outside.
 - c. The utility room shall not be located within 25 feet of any open space areas.
 - d. The exterior facade of the utility room shall be designed to blend in with the surrounding building and include the same quality finish materials.
9. Trash container storage shall be located at the rear or interior side yard of a property, and screened using the following techniques:
- a. Trash and recycling enclosures shall be consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building.
 - b. Trash storage areas shall be incorporated into the building design, located in garages, and/or screened with walls and landscaping.
 - c. Trash storage areas shall be sized to accommodate all trash, recycling and organic waste generated by a building.
 - d. All trash enclosures require a solid roof cover.
 - e. All doors used to access trash enclosure areas shall be metal.
 - f. Trash container storage and collection areas shall not obstruct required widths for emergency vehicle access.
10. Utility service areas, such as electrical panels, shall be located in an enclosure consistent with the building architecture, and the same materials shall be used on the enclosure as the surrounding building.
11. Gutters, scuppers, or downspouts, where proposed on the exterior of a building, shall be of a material or color that matches the adjacent roof, wall, or trim material and/or color.

LIGHTING DESIGN STANDARDS

12. Light levels at a property line shall not exceed .05 foot-candles for all properties with residential uses.
13. All exterior lighting fixtures shall utilize “shut off” controls such as sensors, timers, motion detectors, or other similar controls.
14. Exterior light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- a. All areas for pedestrian and vehicular circulation, entrances, parking, and common recreational spaces shall incorporate lighting programmed with dusk to dawn lighting for safety and security.
15. The source of light (bulb) shall not be visible from adjacent properties or public rights-of-way (excluding natural gas lighting).

16. Allowed light sources (bulb types) for exterior lighting include:

- a. Linear or Compact Fluorescent
- b. Induction Lighting
- c. Light Emitting Diode (LED)
- d. Incandescent lighting are permitted for exterior accent lighting, as allowed by Title 24 Lighting Standards

17. All exterior lighting proposed, including both fixtures and sources, shall be certified Dark Sky Friendly by the Fixture Seal of Approval program of the International Dark-Sky Association, or be comparable in terms of fixtures that minimize glare, reduce light trespass, and do not pollute the night sky.

18. All exterior lighting shall have a maximum color temperature of 2700 degrees Kelvin.

19. Focused flood lighting may be allowed for security purposes but shall be mounted to be downward directed only, shall be located no higher than the first story, and shall utilize motion-sensor activation at all times.

20. Pole-mounted lights are not permitted unless they are screened from public view or shielded in a courtyard or complex.

21. The following lighting types are not permitted:

- a. Accent lighting used only for highlighting architectural features (e.g. "wall washing").
- b. Blinking, moving, or changing intensity of illumination, illumination of roofs, and internal illumination of awnings.
- c. Light fixtures with an adjustable aiming angle that create skyglow and light trespass.
- d. Colored lamps or filters.

22. Lighting provided to illuminate building signage shall comply with the following:

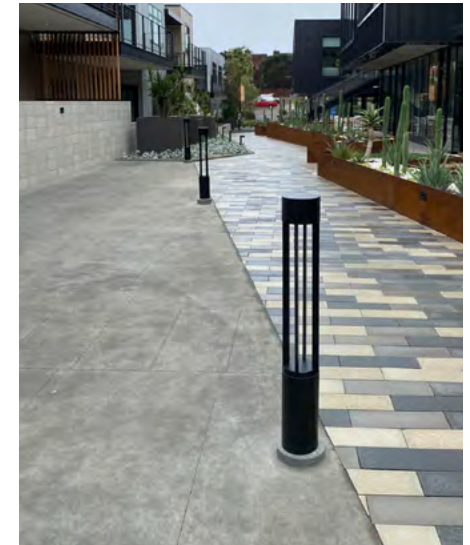
- a. Signage and its associated lighting shall be located on the ground-floor of the building.
- b. Lighting shall be adjusted to confine light entirely on the sign.
- c. The light source (bulb) shall not be visible from an adjacent property or the public right-of-way.
- d. Exposed conduits serving signage lighting is not permitted.



Downward-facing lighting.



Shielded lights to minimize glare.



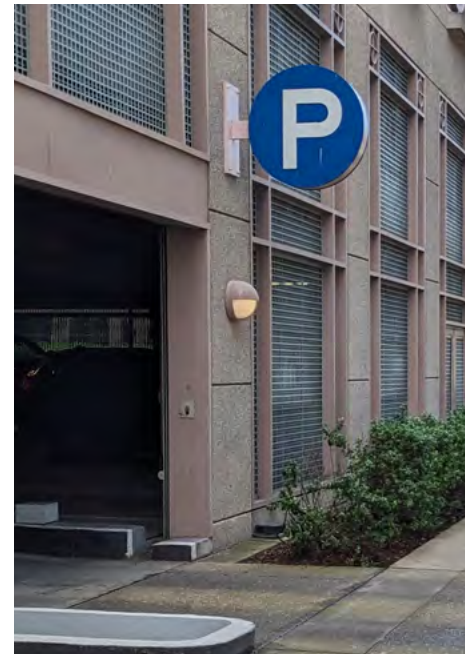
C.7. Signage

Provide an effective signage system that presents wayfinding information in a clear and logical sequence.

1. Where building directory signage has been provided it shall have a clear, unified design through use of the following:
 - a. A consistent material and color palette across all signage, designed with weather-resistant finishes.
 - b. Utilize sans serif fonts and locate at the intersections of sidewalks, streets, or bike facilities.
 - c. Signage shall conform with regulations set forth by the State and other regulating authorities and use international symbols.
2. Provide a unified sign program for multi-tenant ground-floor commercial business identification and incorporate the following:
 - a. Design commercial storefronts with a building-mounted signage area, oriented to the customer public right-of-way.
 - b. Orient business identification signs parallel to the street.
 - c. Provide pedestrian signage that is perpendicular to commercial sidewalks.



Unified sign program for commercial tenants.



International Parking Symbol.



Building directory signage.

THIS PAGE LEFT INTENTIONALLY BLANK

D. Ground-Floor Design



D. Ground-Floor Design

The ground-floor design standards activate commercial street frontages and provide a comfortable pedestrian experience throughout the city. The Ground-Floor Design section addresses standards for the following topics:

- D.1 Residential Ground-Floors
- D.2 Commercial Ground-Floors



Ground-floor residential unit entrance with individual stoop and weather protection.

D.1. Residential Ground-Floors

Design the ground-floor of residential buildings to create active street frontages and provide a transition between the private and public realm.

RESIDENTIAL GROUND-FLOOR DESIGN STANDARDS

1. Any residential unit on the ground-floor shall have a individually recognizable entry by using two or more of the following techniques:
 - a. Weather protection element, such as an awning, canopy, or a recessed entry.
 - b. Individual stoop, elevated entry or entrance patio, terrace, or forecourt.
 - c. A minimum 3-foot change in facade depth from adjacent unit entries.
 - d. A change in materiality from adjacent unit entries.
2. In residential buildings, with a shared entrance, provide a single distinct entry by incorporating three or more of the following approaches:
 - a. Forecourt or small entry plaza adjoining the lobby space.
 - b. A recessed entry or a weather protection device such as a canopy, awning, or overhang.
 - c. A change in paving or landscaping leading to the entry.
 - d. A change of building material at the entry.
 - e. Entry lighting.
 - f. Entry signage.
3. Residential buildings, located adjacent to a primary or secondary street, shall include at least one pedestrian entrance directly accessible from the public sidewalk or right-of-way.

4. Any ground-floor residential entrances not located adjacent to a street shall be oriented to face one of the following:
 - a. Landscaped internal pedestrian walkway or paseo.
 - b. A common open space such as a landscaped courtyard or plaza.
5. Where shared facilities have been provided in residential or mixed-use buildings, such as fitness centers, community rooms, office space or exhibition space, the following shall apply:
 - a. The facilities shall be located on the ground-floor of the building facing the primary or secondary street frontage.
 - b. The ground-floor facade facing the street shall include transparent windows and doors for a minimum of 60% of the ground-floor facade.
6. Seat walls, planters, or fencing between a ground-floor residential unit and a right-of-way or public space shall be no greater than 3 feet tall.



Shared residential entry with weather protection, signage and distinct material.



Seat walls between residential units and the sidewalk shall be 3 feet tall or less.

D.2. Commercial Ground-Floors

Design ground-floor commercial spaces to create active street frontages and provide a vibrant retail environment.

COMMERCIAL GROUND-FLOOR DESIGN STANDARDS

1. The design of commercial ground-floor spaces shall include all of the following:
 - a. Retail bays shall be 25 to 35 feet in width, to allow multiple storefronts and tenants to occupy single or multiple bays.
 - b. At least one entrance at each retail bay shall be located along the primary street frontage.
 - c. A minimum depth of 55 feet for retail uses.
 - d. A maximum clear ceiling height of 12 feet (see Figure D-1).



Commercial ground-floor facing Camino Del Mar shall be a minimum of 60% transparent.

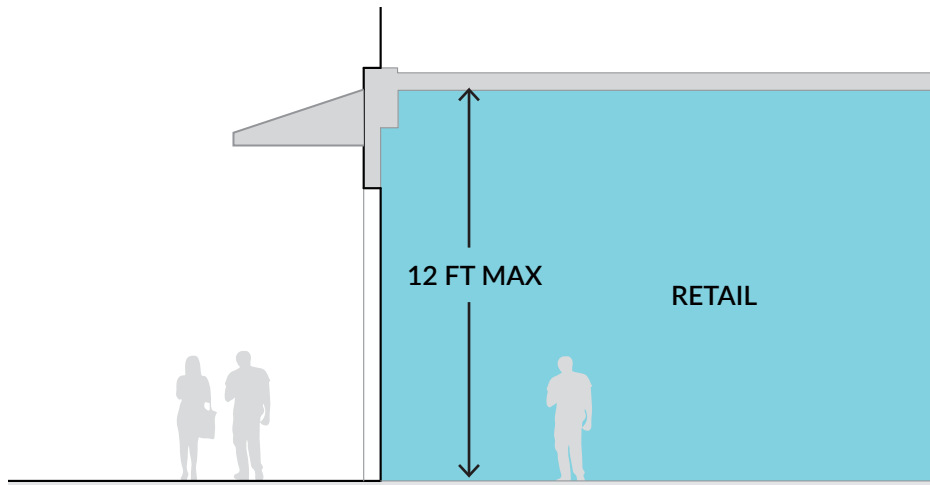


Figure D-1: Clear ceiling height in ground-floor commercial spaces.



Retail bays shall provide at least one entrance along the primary street frontage.

2. Where a commercial use is located adjacent to Camino Del Mar or Jimmy Durante Boulevard, the ground-floor facade facing the street shall include windows and doors for a minimum of 60% of the ground-floor facade.
 - a. Transparent or translucent glazing is required to meet this requirement. Opaque, reflective, or dark tinted glass that obstructs view of the interior of the building from the sidewalk are not permitted.
 - b. Each window in a storefront shall be no less than 3-feet-wide and 4-feet-high. Single-paned or multi-paned windows shall comply with this standard.
 - c. The inside area within 4 feet of the storefront must be at least 75% open to perpendicular views.
3. Ground-level commercial spaces shall have a ground-floor elevation that is level with the elevation of the adjacent sidewalk.
4. Commercial facades facing Camino Del Mar or Jimmy Durante Boulevard shall provide two or more of the following for every 25 feet in facade length:
 - a. An awning, canopy, of other shade structure extending a maximum of 5 feet in depth and 10 feet in length.
 - b. A change in exterior wall material.
 - c. Planter boxes located under each window extending the length of the window.
 - d. Signage projecting perpendicularly from the building facade wall, or signage attached to a fixed canopy or awning.
5. Where publicly accessible open space has been provided adjacent to a commercial use, it shall be accessible from a public sidewalk.
6. Loading and service areas serving commercial uses shall be located in the rear 50% of the parcel.



Commercial facades shall provide awnings, planter boxes and/or signage.



Publicly accessible open space adjacent to the public sidewalk.

Definitions

.05 Foot-candle – A unit of illuminance or light intensity. The name conveys the illuminance cast on a surface by one-candela source one foot away. Alternatively, it can be defined as the illuminance on a one-square foot surface of which there is a uniformly distributed flux of one lumen.

Blind Corner – An intersection of two streets, or a curve in a single street, where the road ahead is nearly or entirely obscured from a driver's vision.

Bulk Floor Area – The total horizontal area, expressed in square feet, of all floors below a roof having any portion of the floor's perimeter within the walls of a building, calculated from the outside face of those walls and where there is no wall, then from the floor area under the roof.

Cap – A cap is the top element in a division or structure.

Clerestory Window – A clerestory is a high section of a wall that contains windows that are located above eye level. Their purpose is to admit light and fresh air, while retaining privacy for occupants.

Cornice – The exterior trim at the meeting of a roof and wall, consisting of soffit, fascia and crown molding.

Cut and Fill – Cut is the material (soil, rock, etc.) that is excavated and either removed from a building site or relocated elsewhere on the site. Fill, the material (soil, rock, etc.) used to raise an existing grade, may come from elsewhere on the site or be imported from an off-site location. Both cut and fill are measured in cubic yards.

Daylit Basement – Also known as a walk-out basement within a house, a daylit basement is usually situated on a slope, so that part of the floor is above ground, with a doorway or window to the outside.

Earth Tone – Earth tones refer to a color scheme that draws from a color palette of browns, tans, warm grays and whites, greens, oranges, and other shades derived from nature, some reds, and some blues. The colors in an earth tone scheme are muted and flat, reflecting the natural hues found in dirt, moss, trees, rocks, and other earth forms.

Facade – The face or elevation of a building.

Flashing – Sheet metal or other material used to cover open joints of exterior construction on a roof, such as roof valley joints or roof parapet joints, to ensure they are waterproof.

Floor Area Ratio – The numerical value obtained by dividing the total "bulk floor area" of a structure or structures by the net area of the subject lot.

Fully Shielded – A light that is constructed so that light rays directly emitted by the fixture are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Gable End – When the ridge line of a gable-roofed house is perpendicular to the street, the roof is said to be a "gable-end roof." This refers to both the gable and the wall below it.

Gable Roof – A roof with two (2) slopes—front and rear—joining at a single ridge line parallel to the entrance facade.

Hardscape – Any impervious paved surface including concrete or asphalt.

Hillside Lot – A lot with an average slope of 25% or more.

Hip Roof – A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two (2) of the sides are trapezoidal in shape, while the remaining two (2) sides are triangular, and thus meet the ridge at its end-points.

Parapet – A low wall, located at the top of any sudden drop in elevation, such as at the top of a building’s facade.

Paseo – A public place or path designed for walking; usually tree-lined, such as a promenade or avenue.

Primary Material – A material used to clad the exterior of a building as distinct from accent materials used in architectural details or features.

Primary Street Frontage – The frontage of a building facing the public right-of-way. Where a parcel shares a property line with two public right-of-ways, the primary street frontage refers to the frontage facing the street with the higher volume of traffic. Alleys shall not be considered a primary street.

Retail Bay – The area or space between structural supports in commercial architecture.

Right-of-Way – Type of easement granted or reserved over land for transportation purposes. This can be land designated for a road or highway, public footpath, rail transport, or a canal, as well as electrical transmission lines, and/or oil and gas pipelines.

Roof Deck - Common or private open space on the uppermost roof-level of a building.

Secondary Street Frontage - Where a parcel shares a property line with two public right-of-ways, the secondary street frontage refers to the frontage facing the street with the lower volume of traffic. Alleys shall not be considered a secondary street.

Setback – The area that defines a front, rear or side yard as required by the City's Zoning Code, between which line and the property line no building, structure, or portion thereof shall be permitted, erected, constructed, or placed unless specifically permitted by the City's Zoning Code.

Substantially Steep Slopes – A slope exceeding 25 percent with a vertical rise of 20 feet or more.

“Town and Country” Parking – A public/private parking design governed by the City of Del Mar Municipal Code where spaces are partially on private property and partially in the public right-of-way along a specified portion of Camino Del Mar.





City of Del Mar Agenda Report

TO: Honorable City Council Members

FROM: Mayor Dave Druker and Councilmember Dwight Worden

DATE: September 23, 2024

SUBJECT: Measure Q Overview & Accomplishments to Date

REQUESTED ACTION/RECOMMENDATION:

Mayor Dave Druker and Councilmember Dwight Worden recommend that the City Council discuss the background and history related to Measure Q, designated uses, accomplishments to date, and next steps.

BACKGROUND:

The purpose and intent of this agenda report is to recap the history of Measure Q to date in preparation for the upcoming retirements of Mayor Druker and Councilmember Worden, who were involved with bringing forward Measure Q to the voters and its implementation since going into effect in 2017. As detailed in this report, it is particularly important to remember what the electorate voted for, Council designated uses of the funds, and accomplishments to date as the City will face some important financial decisions regarding Measure Q in the coming months and years ahead.

Measure Q Ballot Measure

In November 2016, Del Mar voters were asked to vote on a general 1% sales tax ballot measure known as Measure Q. As a general tax measure, these funds can be spent on any general fund purpose and are not restricted for a specific purpose as would be the case with a special tax. Not only is this distinction important from a use of funds perspective, but the votes required to pass a general tax are only a simple majority (over 50%) compared to the two-thirds (66.66%) requirement for passage of a special tax.

Specifically, the Measure Q ballot language asked, *“To provide funding for general city services and infrastructure projects, such as improvement of streets and sidewalks, utility undergrounding, public landscapes, improvement of community parks, trails and recreation facilities; police, crime prevention, fire protection and other public safety services, shall an ordinance that establishes an ongoing one-cent sales tax be adopted, providing an estimated 2 million dollars annually for the City of Del Mar, requiring citizen oversight and independent audits, and all funds controlled locally?”*

Measure Q was successfully adopted by the voters in November 2016, and went into effect on April 1, 2017. The Measure Q 1% sales tax is charged on vehicle purchases by Del Mar residents and all taxable purchases made within Del Mar and online by Del Mar residents.

City Council Action:

Measure Q currently generates approximately \$3.3M annually for the City. While these funds are legally considered general fund revenues and reported as such in the City's Annual Comprehensive Financial Report (ACFR), they are internally set aside and tracked separately to ensure they are being used for Council designated purposes, which is reviewed and reported on annually by the City's Measure Q Oversight Committee.

DISCUSSION/ANALYSIS:

Designated Use of Measure Q Funds

The Del Mar City Council prioritized use of Measure Q funds for the Downtown Streetscape Project, undergrounding of utility poles, and completion and implementation of the Shores Park Master Plan on October 23, 2017.

On September 17, 2018, the Council adopted Resolution 2018-63, reaffirming prioritization for use of Measure Q funds as discussed above and establishing internal controls for the funds including maintaining a Measure Q cash flow model reflecting revenues and expenditures, maintaining a \$500,000 minimum fund balance, and minimizing debt whenever possible (Attachment A).

Accomplishments to Date

Since Measure Q went into effect and was designated for specific purposes, the City has been working hard on the planning, design, and construction of Measure Q projects as further described below.

Downtown Streetscape Project

In January 2020, the City completed construction of the Downtown Streetscape Project, a multi-year project that included improvements to roadway, sidewalks, parking areas, bike lanes, medians, landscape areas, site furnishings, and updated lighting along both sides of Camino del Mar between 9th Street and the Plaza Driveway. The project improved public safety and access, beautified the Camino del Mar corridor in the downtown area in an effort to encourage additional revitalization of the downtown, promoted sustainability throughout the various components of the streetscape, and implemented components of the City's Streetscape Plan. The total cost of the project was \$8 million, which included \$7 million in Measure Q funds as directed by the City Council.

Utility Undergrounding

To help develop a plan to complete undergrounding of overhead electrical utility poles citywide, the City Council created the Undergrounding Project Advisory Committee (UPAC) on December 4, 2017. Over the course of almost two years, UPAC developed a project delivery plan, estimated project costs, district map, draft communications plan and policy recommendations. On August 5, 2019, the City Council reaffirmed the City's commitment to citywide undergrounding of all utility poles; confirmed the recommended preliminary undergrounding boundary map, prioritization guidelines, and rankings; approved the project delivery plan recommended by UPAC; authorized simultaneous design of UUD 1A (Stratford Court South) and X1A (Crest Canyon); and approved various policy recommendations made by UPAC.

In May 2020, as a result of economic impacts to the City resulting from COVID-19, the City Council put undergrounding activities, along with many other capital and special projects, on hold. However, in an effort to continue making progress on this effort, gain insight through lessons learned, and get a better understanding of costs, the Council approved formation of a small undergrounding district pilot project known as Tewa Court/10th Street, on May 17, 2021. The Tewa Court/10th Street project, which included undergrounding approximately 1,000 linear feet of overhead wiring and removing ten utility poles, was completed in February 2023, for an overall cost of approximately \$950,000.

On July 12, 2021, the Council approved formation of Utility Undergrounding Districts (UUD) 1A (Stratford Court South) and X1A (Crest Canyon), and design and other important pre-construction activities began shortly thereafter. This work heavily involves SDG&E, and takes approximately 30-38 months to complete. On July 8, 2024, the City Council authorized award of the City construction contract for UUD 1A, with overall project completion anticipated in August 2025.

Design of UUD X1A is mostly complete, and staff are working with SDG&E and property owners on the necessary easements to proceed to construction, which is anticipated for early 2025.

On August 26, 2024, the City Council approved formation of UUD 2 (Beach Colony), and preformation activities are on-hold for UUD 3 (South Hill).

To date, a total of \$3.9M, has been spent on undergrounding, with an additional \$12.7 million allocated to cover work that is currently underway.

Shores Park Master Planning

The master planning effort for Shores Park began in 2013. To date, the City has moved two conceptual designs and associated cost estimates forward for community consideration (October 12, 2017); approved an agreement with a consultant to prepare the Shores Park Master Plan (November 6, 2017); authorized a traffic impact analysis (November 6, 2017); provided direction to staff regarding the preferred size of the community building on the site; and received a presentation regarding parking impacts (June 3, 2019). As was the case with other important City projects, the Shores Park master planning effort was previously put on hold due to economic impacts related to COVID-19, and as a result of litigation related to the City's lease with The Winston School. The City has since recovered financially from COVID and the litigation with Winston School was settled 2023. To date, the City has spent a total of \$270,000 on this project, with \$15,000 coming from Measure Q.

Financial Overview

To date, the City has collected \$20.9 million in Measure Q revenues (including interest earned), and a total of \$11.1 million has been spent. An additional \$3.5M is anticipated in revenue in Fiscal Year 2025 with an additional \$12.7 million allocated to fund upcoming expenditures. Below is a chart that provides more detailed financial information.

Measure Q Funds	Amount (in millions)
Revenues Received to Date (June 30, 2024)	\$20.9
Downtown Streetscape Expenditures	(\$7.0)
Undergrounding Expenditures	(\$3.9)
Shores Park Master Planning Expenditures	(\$0.02)
Maintenance of Effort Paving (MOE) Expenditures	(\$0.2)
Measure Q Balance (June 30, 2024)	\$9.8
Projected Revenue (FY 2025)	\$3.4
Encumbered Expenditures (FY 2025)	(\$12.7)
Projected Measure Q Balance (June 30, 2025)	\$0.5

Based on upcoming anticipated undergrounding expenditures, the projected fund balance at the end of FY 2024-2025 will be around \$500K.

Next Steps

The costs for Undergrounding have come in much higher than anticipated, and funding needs for Shores Park are unknown at this time. To assist with financial planning specific to Undergrounding, the City Council approved a contract with NHA Advisors on July 8, 2024, to conduct a financial analysis and provide options for funding. NHA’s analysis and potential funding scenarios to implement the Undergrounding Program will be presented to UPAC on September 24, with a presentation to Council tentatively planned for October 7, 2024.

At their goals and priorities setting session in March 2024, the City Council directed staff to bring an item to the Council in late 2024/early 2025, providing an overview of Shores Park Master Planning activities to date and potential next steps to restart the project. Once the timing and scope for restarting this project are known, the City will be able to better estimate costs for finalizing the Shores Park Master Plan. The financial model being developed by NHA Advisors can be updated to incorporate costs for Shores Park once more detailed information about funding needs for the project are available.

FISCAL IMPACT:

There is no fiscal action to be taken by the Council related to this agenda item.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

NEXUS TO COUNCIL GOALS AND PRIORITIES:

Use of Measure Q funds for Measure Q designated priorities is a Tier 1 City Council priority.

ATTACHMENTS:

Attachment A – Council Resolution Designating Use of Measure Q Funds

RESOLUTION 2018-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A STRATEGY FOR USE OF MEASURE Q FUNDS AND INTERNAL CONTROLS AND AMENDING THE FISCAL YEARS 2018-2019 OPERATING AND CAPITAL BUDGET.

WHEREAS, in November 2016, the Del Mar voters approved Measure Q, which established an additional 1% general sales tax, which became effective April 1, 2017; and

WHEREAS, in October 2017, the City Council directed the priority projects for use of Measure Q monies are the Downtown Streetscape project, undergrounding of utility poles, and completion and implementation of the Shores Park Master Plan; and


WHEREAS, staff and the Finance Committee have discussed and recommended to the City Council a proposed strategy for use of Measure Q funds and a series of internal controls.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the above recitals are true and correct.

BE IT FURTHER RESOLVED that the City Council hereby authorizes:


- 1) Establishment of a Measure Q Fund, separate from the General Fund, in order to track all revenues and expenditures related to Measure Q; and
- 2) Designation of Measure Q funds for costs associated with the Downtown Streetscape project, Citywide utility pole undergrounding, and development and implementation of the Shores Park Master Plan, until these projects are completed, at which time additional uses of Measure Q funds may be directed by City Council; and
- 3) Implementation of the following internal controls for the Measure Q Fund:
 - a. Maintain projected cash flow model to include all Measure Q revenue and project costs;
 - b. Maintain a cash reserve minimum of \$500,000 in the Fund; and
 - c. Minimize debt whenever possible.
- 4) Amendment of the Fiscal Years 2018-2019 Operating and Capital Budget to appropriate use of Measure Q monies in Fiscal Year 2018-2019 in accordance with the Measure Q Fund FY 2018-2019 Budget attached as Exhibit 1; and
- 5) Authorization to the City Manager to issue debt for the purposes of funding the Downtown Streetscape Project.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 17th day of September 2018.



DWIGHT WORDEN, 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, Ashley Jones, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 2018-63, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 17th day of September 2018, by the following vote:

AYES: Mayor Worden, Deputy Mayor Druker, Council Members Haviland, Parks and Sinnott

NOES: None

ABSENT: None

ABSTAIN: None



ASHLEY JONES
Administrative Services Director/City Clerk
City of Del Mar

CITY OF DEL MAR		
MEASURE Q FUND FORECAST		
SEPTEMBER, 2018		
	FY2019	FY2020
REVENUE		
Dist Tax (Measure Q)	\$ 2,154,000	\$ 2,154,000
Financing Proceeds	2,530,000	1,304,000
TOTAL REVENUE	\$ 4,684,000	\$ 3,458,000
PROJECT EXPENSES		
STREETSCAPE	\$ 7,100,000	\$ -
Downtown Streetscape		
UNDERGROUNDING	424,500	2,504,000
Utility Undergrounding 20A		
SHORES PARK	268,000	300,000
Shores Park Master Plan		
DEBT SERVICE	\$ 89,007	\$ 223,889
Loan/Debt Principal	44,732	114,085
Loan/Debt Interest	44,275	109,804
TOTAL EXPENSES	\$ 7,881,507	\$ 3,027,889
NET REVENUE/(EXPENSES)	\$ (3,197,507)	\$ 430,111
RESERVE	2,387,690	14,333
SET ASIDE RESERVE	(500,000)	
Streetscape CIP Carryover	1,324,150	
FISCAL YEAR END FUND BALANCE	\$ 14,333	\$ 444,444



City of Del Mar Council Liaison Report

TO: Honorable Mayor and City Council Members

FROM: Councilmember Tracy Martinez

DATE: September 23, 2024

Parks and Recreation Committee 09-11-24

Carol Kerridge presented an update on a Native American plaque that she is working on with some Native American members who came to Del Mar to see the lagoon and potential areas for the plaque. Once the committee approves the plan it will go to the City Council.

Trails have been walked and updated on the website and app. Paths will be left off the app although they were also walked by committee members to note any maintenance issues.

40 trees anniversary planting subcommittee wants to plant by trees by December or shortly thereafter. The Parks and Rec tree subcommittee will submit the proposal to Parks and rec committee and then on to City Council for approval. They plan to submit the type of tree, precise placement as well as expected height and width.



City of Del Mar Council Liaison Report

TO: Honorable Mayor and City Council Members

FROM: Dwight Worden, Councilmember

DATE: September 23, 2024

Traffic & Parking Advisory Committee

Meeting this week post agenda publication–will make an oral report

Del Mar Community Connections

DMCC met September 6

Reviewed the budget and strategic plan and 5 year goal to have \$5 million

Discussed changes to the annual Gala

Acknowledged two major grant resources: Del Mar Foundation and San Diego

Senior Foundation

Review committee reports

Overall, all going well

Clean Energy Alliance JPA (Alternate)

Sept 12 meeting of CAC–Don Mosier chaired as I was out of state.

League of CA Cities – San Diego Chapter (Alternate)

Sept 9 meeting, I was out of state and did not attend

League of CA Cities – Coastal Cities Group

I stepped down and no longer attend meetings

METRO Commission/Wastewater JPA (Primary)

Special meeting Sept 19 post agenda publication–I will report orally.

San Dieguito River Valley Open Space Park (JPA) Executive Committee (Primary)

Meeting Sept 20 post agenda reports–will report orally.

SANDAG Shoreline Preservation Working Group (Primary)

Met September 5, 2024.

Heard report from Greg Hearon on the latest shoreline monitoring reports
Heard update on RBSP 3 status
Heard from Dr. King that RBSP3 has an overwhelming positive economic impact—over 10 years 2 billion+

Community Relations Committee.

The Committee met Tuesday September 17. CEO Carlene Moore and Board member Michael Gelfand (board member Mosier absent) reported on the proposed restructuring of the Fair Board committee system, driven by their need to comply with the Bagley-Keene Act and to move forward on their master planning effort. The proposal is for bi-annual, or quarterly meetings of the Community Relations committee. Lots of feedback from Del Mar and SB reps and concerns about reducing the scope of the Community Relations Committee. It was noted that Kaboo will be the 3rd weekend in September 2025. Issues of homelessness and the Breeders Cup were discussed.