



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Planning and Community Development Director
Amanda Lee, Principal Planner
Via Ashley Jones, Interim City Manager

DATE: March 25, 2021

SUBJECT: 6th Cycle Housing Element Update – Adoption of General Plan Amendment (GPA 20-003)

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council adopt the Resolution (Attachment A) to adopt the 6th Cycle Housing Element Update (HEU) via General Plan (Community Plan) Amendment GPA 20-003; and authorize staff to submit the adopted Housing Element to the State Department of Housing and Community Development (HCD) for certification. State law requires that the City adopt and submit its final 6th Cycle HEU to HCD by April 15, 2021.

The revised 6th Cycle HEU is available for public review and download on the City website at: www.delmar.ca.us/HousingElement

EXECUTIVE SUMMARY

The City is required to submit an adopted 6th Cycle Housing Element to HCD by April 15, 2021. Since 2019, the City has been working on the 6th Cycle HEU, which covers planning period years 2021-2029. HCD staff reviewed the City's initial draft (approved by the City Council on October 5, 2020) and provided feedback to the City via written comments in a letter dated December 17, 2020, through regular staff-level coordination meetings. HCD also participated in the City Council meeting on January 19, 2021, where HCD staff responded to questions from the City Council. The revised draft 6th Cycle HEU reflects the feedback provided by HCD, a recommendation for approval provided by the Planning Commission on March 9, 2021, and City Council direction provided to-date.

For the 6th Cycle, the City was assigned 31 above moderate units, 31 moderate units, 64 low income units, and 37 very low income units per the City's allocated portion of the Regional Housing Needs Assessment (RHNA). The 101 lower income units assigned to Del Mar for the 6th Cycle represents a significant increase in the number of lower income units that the City must plan for when compared to the 5th Cycle obligation of only 22 lower income units. Further, since the City produced only one low income unit during the

City Council Action:

5th Cycle, it is anticipated that HCD may require an additional lower income unit penalty in the 6th Cycle, which is anticipated to be 12 lower income units, for a total of 113 lower income units.

A key component needed for certification of the Housing Element per State housing law is the City's commitment to create adequate sites at sufficient density (allowing at least 20 du/ac) to meet the City's assigned RHNA. Since the City does not currently have sufficient sites at adequate density, it means the 6th Cycle HEU must include programs that commit to complete the State approval process for certain zoning actions or commit to rezone sites to allow "by right" housing development (with no discretion afforded at the local level) to accommodate at least half of the lower income RHNA units (i.e., 51 of 101 lower income units).

"By right" means that the City cannot apply subjective or discretionary review when processing development applications. Under "by right" rezone programs, there will be no role for the Design Review Board, Planning Commission, or City Council in future permit decisions on sites that are required to be processed "by right." Other types of zoning programs (i.e., Program 1C Central Commercial Zone that will create sites during the 6th Cycle, but will not rely upon those sites to meet RHNA for the 6th Cycle) are not required to process future permits "by right."

The required upzone and rezone Housing Element programs, for compliance with State housing law, have understandably proven to be the most difficult aspect to gain community support of. However, if the 6th Cycle HEU is not timely adopted and submitted to HCD by April 15, 2021, in a format that is able to be certified, the City risks consequences of various enforcement penalties that could significantly impact the General Fund and threaten the City's ability to continue to utilize its existing discretionary permit process for future submitted housing development applications.

On March 4, 2021, staff issued a revised 6th Cycle HEU draft in response to City Council direction provided on February 16, 2021, and submitted the revised draft to HCD for review. On March 17, 2021, staff received verbal clarification from HCD regarding the future permit process that will be required to address "no net loss" if necessary to maintain adequate sites during the 6th Cycle (e.g. Program 1A North Commercial) versus the permit process applicable to a program that is necessary to address a shortfall of adequate sites that results during the 6th Cycle (e.g. Program 1E Rezone of Vacant North Bluff and/or South Stratford Properties). HCD confirmed that due to the City Council's action on March 15, 2021, to adopt an amendment to the North Commercial land use designation in the Community Plan, the City completed local approval of 5th Cycle Program 2E, and therefore will be able to maintain local discretion over future housing development on those sites. HCD staff further acknowledged that a referendum of North Commercial Zoning Ordinance 973 could end up triggering "no net loss" per Government Code Section 65863; and that the statute is silent as to how this law applies to referendums. HCD staff stated their interpretation of the law is if replacement sites are

needed for the NC Zone during the 6th Cycle that the City could maintain local discretionary authority over those replacement sites because they would be replacing sites created during the 5th Cycle (via Program 2E) in order to maintain sufficient adequate sites during the 6th Cycle.

HCD further clarified that this situation differs from that of Program 1E “Fairgrounds Contingency Plan”, which would only be implemented during the 6th Cycle if the City is unable to secure a binding agreement with the State to locate housing at the Fairgrounds. If the Program 1E rezone action is required to be implemented, it must allow future projects to be processed “by right” with a density of 20-25 du/ac, which means a loss of local discretionary authority over future permit decisions on any sites created by Program 1E. This is because without the 54 lower income units at the Fairgrounds, the City would be left with a shortfall of adequate sites for lower income units in the 6th Cycle. In that case, State law would require that the City replace those sites via rezone to create adequate sites with a density of 20-25 du/ac and subject to processing “by right”. However, as further described in this report, if the City successfully completes 6th Cycle Program 3A, the City will not need to proceed with the Program 1E rezone.

BACKGROUND:

The Housing Element is a State-mandated policy document within the Del Mar Community Plan, which is the General Plan for the City of Del Mar. State housing law requires the Housing Element to be updated at least every eight years. Since 2019, the City has been working on the 6th Cycle HEU, which covers planning period years 2021-2029. The 6th Cycle HEU is reliant upon completion of certain implementation actions as set forth in the City’s existing 5th Cycle Housing Element (certified by the State in 2013 for the planning period 2013-2021 that ends on April 15, 2021). Three of the required 5th Cycle actions have not yet been completed as final (two pending State approval; one pending State and local approval), which means the City remains out of compliance with State law. This has complicated processing of the 6th Cycle HEU because the City is required to submit its adopted 6th Cycle Housing Element to HCD by April 15, 2021 – a deadline set by State law that is non-negotiable. The City Council previously stated its intent to have the 5th Cycle Programs complete and 6th Cycle HEU approved by the April 15 deadline. Following is a summary of the remaining 5th Cycle obligations and the relationship to the 6th Cycle Housing Element.

Status of 5th Cycle Housing Element Obligations

HCD counts units toward RHNA once they are issued a building permit. The City ended its 5th Cycle planning period (2013-2021) having produced 49 net-new units for credit toward the 5th Cycle RHNA of 61 units. However, an additional 15 penalty units were also required in the 5th Cycle comprised of five moderate income units and 10 low income units for a combined total of 76 units in all income categories. Now that the 5th Cycle reporting period is complete, overall the City produced six extra “above moderate income” units, but was short on production of moderate income units (ending with a 12 unit deficit) and lower income units (ending with a 21 unit deficit), for a combined deficit of 33 units as shown below:

City of Del Mar 5th Cycle RHNA Obligation Status			
Income Category	Units Required	Units Permitted to Date	Units Remaining for 5th Cycle
Extremely Low	4	0	4
Very Low	3	0	3
Low	15	1	14
Moderate	20	8	12
Above Moderate	34	40	0
TOTAL	76	49	33

The eight moderate units produced are new Accessory Dwelling Units (ADUs), including one Junior ADU (JrADU), that were facilitated by significant regulatory changes per State law that took effect on January 1, 2020. The one low income unit produced during the 5th Cycle is a deed restricted ADU that was approved through the City’s ADU Pilot Program (incentive program) that was adopted by the City Council in May 2018 to facilitate production of deed restricted low income ADUs in exchange for a 500 square foot floor area bonus as an incentive. HCD attributes the resulting 5th Cycle unit shortfall as directly related to the fact the City did not complete zoning actions to create adequate sites at sufficient density (allowing at least 20 dwelling units per acre (du/ac)) early in the 5th Cycle as required by 5th Cycle Housing Programs 2G (required by April 2014) and 2E and 2F (required by April 2016).

Following is the status of key programs from the 5th Cycle related to production that are required to be completed by April 15, 2021:

- 5th Cycle Program 2E Upzone of Lots in the North Commercial Zone (NC Zone):
 On March 15, 2021, the City Council adopted a Community Plan Amendment amending the North Commercial land use designation, which was a necessary local action to be completed for 5th Cycle Program 2E. Previously, on October 19, 2020, the City Council adopted Ordinance 973 amending the North Commercial Zone to allow residential up to 20 du/ac. Coastal Commission certification of the

associated Local Coastal Program Amendment (LCPA) is still needed to confirm the local approval of 5th Cycle Programs 2E. The LCPA application was submitted to the Coastal Commission on November 6, 2020. If 5th Cycle Program 2E is completed, it is projected to accommodate 22 lower income units during the 6th Cycle. On November 18, 2020, a referendum was filed against Ordinance 973. If the Referendum is not withdrawn by the proponent, a public vote will be required to consider the Referendum. Although designated members of the City Council have been engaged in negotiations with the Referendum proponent about a potential withdraw of the Referendum, no formal agreement has been reached to date. Therefore, a contingency plan, known as the Border Avenue Option, has been incorporated into the 6th Cycle HEU to address a potential scenario where Ordinance 973 could be repealed. The Border Avenue Option is discussed in more detail below in the analysis section of the report.

- 5th Cycle Program 2G Rezone of Two Vacant Parcels in the NC Zone:
As part of a separate item on the March 25, 2021, City Council special meeting agenda, the City Council is being asked to introduce an ordinance to create a new Housing Element Implementation Overlay Zone (HEI-OZ) and introduce a second ordinance to apply the new overlay zone via a rezone action to two vacant parcels (referred to as “Watermark”) in the North Commercial Zone per 5th Cycle Program 2G. The required rezone action will allow residential “by right” at a density of 20-25 du/ac per State law (specifically Government Code Section 65583.2 (h) and (i)). If adopted, Coastal Commission certification of the associated LCPA will be needed to complete 5th Cycle Program 2G. Once complete, the two vacant parcels are projected to accommodate 10 lower income affordable units during the 6th Cycle.
- 5th Cycle Program 2F Upzone of Lots in the Professional Commercial Zone:
The City Council adopted a Community Plan Amendment for 5th Cycle Program 2F on September 8, 2020, and adopted an Ordinance to amend the Professional Commercial Zone on September 21, 2020. Coastal Commission certification of the associated LCPA is still needed to confirm the local approval of 5th Cycle Program 2F per State law. The LCPA application was submitted to the Coastal Commission on November 6, 2020. If 5th Cycle Program 2F is completed, it is projected to accommodate three affordable units during the 6th Cycle.

Housing Units Approved Starting June 30, 2020 Count Toward the 6th Cycle RHNA

Following is a list of units that have been issued building permits, which the City is able to count toward the 6th Cycle RHNA assigned to Del Mar for the planning period (2021-2029). As of March 4, 2021, the City produced one unit in the above moderate category and 13 units in the moderate category as shown in the Tables below:

City of Del Mar 6th Cycle RHNA Obligation Status			
Income Category	Units Required	Units Permitted to Date	Units Remaining for 6th Cycle
Extremely Low	18	0	18
Very Low	19	0	19
Low	64	0	64
Moderate	31	13	18
Above Moderate	31	1	30
TOTAL	163	14	149

Following is a list of approved units where the City already has production credits toward the 6th Cycle:

Approved Housing Applications with Unit Credits Toward 6th Cycle RHNA				
	Application	Building Permit Approval Date	Address	RHNA Credit
1	B2020-0122	7/1/2020	1650 Camino del Mar	1 above moderate
2	ADU 18-001	8/13/2020	484 Avenida Primavera	1 moderate unit
3	ADU 20-003	8/12/2020	727 Kalamath Drive	1 moderate unit
4	ADU 20-005	7/31/2020	2609 Camino del Mar	1 moderate unit
5	ADU 20-006	10/5/2020	1047 Stratford Court	1 moderate unit
6	ADU 20-009	7/20/2020	328 Pine Needles Drive	1 moderate unit
7	ADU 20-010	9/21/2020	2998 Sandy Lane	1 moderate unit
8	ADU 20-012	11/30/2020	1023 Stratford Court	1 moderate unit
9	ADU 20-013	9/2/2020	2427 Camino del Mar	1 moderate unit
10	ADU 20-015	9/8/2020	730 Kalamath Drive	1 moderate unit
11	ADU 20-018	9/24/2020	1535 San Dieguito Drive	1 moderate unit
12	ADU 20-017	2/10/2021	251 27 th Street	1 moderate unit
13	ADU 20-027	1/14/2021	154 26 th Street	1 moderate unit
14	ADU 20-033	2/23/2021	635 Hoska Drive	1 moderate unit

The City also has an additional 24 submitted permit applications for net-new units with a potential credit of at least 34 net-new units (anticipated to be 12 above moderate, 20 moderate, and 2 low income units) at various stages of review with anticipated approvals during the 6th Cycle.

Preparation and Processing of the 6th Cycle Housing Element

The City's stated housing goals for the 6th Cycle Housing Element, as set by the City Council in 2020, are as follows:

- Overall Housing Goal: Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in

economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

- Goal #1: Facilitate a variety of housing strategies to meet Housing Element production targets in a way that complements the existing character of the community.
- Goal #2: Prioritize production of ADUs.
- Goal #3: Vigorously pursue housing opportunities on the 22nd District Agricultural Association property (State Fairgrounds).
- Goal #4: Provide an economically and socially diverse balance of housing options that are affordable for a variety of income levels and housing needs.
- Goal #5: Improve and preserve the City's housing stock.
- Goal #6: Ensure a sustainable approach to new housing opportunities that protects the quality of life and future of Del Mar.
- Goal #7: Promote housing resources and assistance opportunities.

On October 5, 2020, the City Council certified the 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and approved the draft 6th Cycle HEU (Resolution 2020-52) after substantial public outreach and participation, including a community survey and recommendations provided by an Ad Hoc Citizens' Task Force Advisory Committee (Citizens' Task Force) and Planning Commission. Despite the Coronavirus (COVID-19) pandemic, the City ensured that public input remained at the forefront of this important work effort. For example, the City maintained a website dedicated to the 6th Cycle HEU process and incorporated a standing "Housing Discussion Item" as part of most virtual City Council meetings during the pandemic to provide a forum for ongoing public dialogue related to the housing work program.

The certified PEIR analyzed a list of potential "candidate sites" associated with locations where housing is being contemplated as part of the City's 6th Cycle Housing Plan. See Attachment C for an excerpt of the candidate sites analysis from the certified PEIR. In developing the proposed Housing Plan, staff considered all parcels within the City boundary, the housing goals set by the City Council, recommendations provided by the Citizens' Task Force and Planning Commission, and the criteria per State law for the Housing Element to gain certification. This research and analysis involved an exhaustive search of potential housing sites. There are no additional, readily available, prospective housing sites for decision makers to consider as part of the 6th Cycle HEU.

Also, on October 5, 2020, in response to an enforcement letter from HCD dated September 30, 2020, the City Council issued a response identifying the City's plan to cure its non-compliance with State Housing law and avoid further enforcement actions. Further, the City Council committed to HCD in its response that it would consider local

action on these items by April 15, 2021. On December 4, 2020, HCD confirmed that it accepted the City's response and would be closely monitoring the City's progress in meeting the commitments as outlined – specifically 5th Cycle Programs 2G and 2E. A copy of the City Council's response is available at:

www.delmar.ca.us/DocumentCenter/View/7263/City-Response-Letter-to-HCD-Enforcement-Letter-10-20-2020-PDF

On October 20, 2020, the City submitted its approved draft 6th Cycle HEU to HCD for review and comment in accordance with State law. At the time, the City's housing consultant (Kimley Horn Associates) flagged the HEU Appendix B adequate sites list as being in need of update per the HCD template. Therefore, it was not previously reviewed by the City Council or HCD. That component has since been updated consistent with City Council direction. See Attachment B for the proposed HEU Appendix B adequate sites list and analysis.

On December 17, 2020, HCD provided written comments on the City's submitted 6th Cycle HEU (Attachment D). The revised draft 6th Cycle HEU addresses formal comments from HCD and feedback from the community, local decision makers, and other stakeholders including the San Diego Housing Federation. See Attachment E for a matrix of revisions incorporated in response to HCD.

On January 19, 2021, the City Council received a report regarding the additional data collection and changes needed in response to HCD's written comments. HCD staff participated in the City Council meeting and responded to City Council questions related to State Housing law, the City's Housing Element, and the City's HEU in process. A copy of the January 19, 2021 agenda report is available at (see Item 1):

www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_01192021-2655

On February 16, 2021, the City Council directed staff to prepare the "Border Avenue Option" (applicable to four vacant parcels located in the North Bluff area identified as APNs 298-241-34, 298-241-29, 298-241-35, and 298-241-36). The Border Avenue Option is a contingency rezone program in the 6th Cycle as a result of a Referendum of Ordinance 973 (North Commercial zoning ordinance required for implementation of 5th Cycle Housing Element Program 2E) that was filed in November 2020, and certified in January 2021. Designated members of the City Council have been negotiating with the Referendum proponent for the Referendum to be withdrawn; however, a formal agreement to do so has not been finalized at this time. The City Attorney's office is working to bring back a formal agreement for the City Council's consideration no later than April 5, 2021. The current status of 5th Cycle Program 2E includes local actions relating to the NC Zone, including the Community Plan Amendment action necessary to complete local approval of Program 2E and the Community Plan Amendment and Rezone actions necessary to complete Program 2G (two vacant "Watermark" parcels) before the 5th Cycle ends April 15, 2021.

On February 22, 2021, the City Council discussed the Referendum of Ordinance 973. In preparation for the March 15, 2021 City Council meeting, the Council directed staff to notice and plan to move forward with the Community Plan Amendment portion of Program 2E (NC Zone).

On March 15, 2021, the City Council adopted the Community Plan Amendment amending the North Commercial land use designation to address 5th Cycle Program 2E. The City Council acknowledged that the required 5th Cycle Program 2G zoning and rezone actions were remaining 5th Cycle actions that would be considered at a Special Meeting of the City Council on March 25, 2021. The Council further indicated that details related to the Referendum of Ordinance 973 (relating to 5th Cycle Program 2E) would be further vetted for potential resolution by April 15, 2021. As such, the 6th Cycle Housing Element was prepared with contingency plans incorporated. The proposed contingency plans account for the inherent uncertainty associated with the successful completion of 6th Cycle Program 1A (North Commercial) and Program 3A (State Fairgrounds).

The North Commercial Zone has been a part of the City's adopted Housing Plan since the 5th Cycle Housing Element was adopted by the City Council and certified by HCD in 2013. Based on the plan to create adequate sites in the NC Zone during the 5th Cycle via Ordinance 973, the City identified six sites in the NC Zone at 20 du/ac that could yield 22 affordable units to count towards the 6th Cycle Regional Housing Needs Assessment (RHNA) allocation of lower-income units (very low and low). However, the remaining uncertainty related to the Referendum has required the City to develop various contingency plans. This is because HCD will not accept (certify) a Housing Element that does not make explicit a city's plan for creating adequate sites during a housing cycle.

As such, staff was directed by the City Council to bring forward the Border Avenue Option rezone program with the 6th Cycle HEU as an option to replace the NC Zone sites. If needed, this contingency rezone program would "make up for" the potential affordable unit deficit of 22 lower income units in the NC Zone. However, this action is dependent upon what direction the City Council takes on related actions at their meetings on March 25, 2021 and April 5, 2021. Analysis for the Border Avenue Option is included in the Analysis section of this report with the discussion related to rezones.

On March 9, 2021, the Planning Commission recommended approval of the revised 6th Cycle HEU, which included revisions to the programs and the Adequate Sites List, including the North Commercial Program 1A as the preferred option to achieve 22 affordable units (meaning, the Planning Commission preferred that North Commercial not be replaced with the Border Avenue Option). However, the Planning Commission identified the Border Avenue Option as the contingency plan to include only in the event the City would be unable to rely upon North Commercial for 6th Cycle Program 1A. If the Referendum is timely withdrawn, then the Border Avenue contingency plan can be removed from the Housing Element prior to submittal to HCD.

DISCUSSION/ANALYSIS:

The City's proposed approach to the 6th Cycle HEU reflects a desire to provide diversified housing choices in the City, obtain State certification of the Housing Element, and maintain local control (i.e., the ability to process multiple-dwelling unit projects via the City's Design Review Process and CEQA) over housing decisions where afforded per State Housing law.

The analysis provided below is specific to the revised 6th Cycle HEU available on the City's website at: www.delmar.ca.us/HousingElement where two versions are provided for public review and download – a clean version and a “redlined” version with edits made to the initially approved version dated October 5, 2021. As such, the analysis provided below is organized into the following sections: 1) modifications to the initially approved HEU, including the revised list of housing programs; 2) the Adequate Sites Inventory; and 3) rezone actions needed to demonstrate adequate sites at sufficient density.

Modifications to the Initially Approved 6th Cycle HEU (dated October 5, 2020)

HEU Chapter 1

This Chapter identifies the City's assigned portion of RHNA, which for the 6th Cycle is 31 above moderate units, 31 moderate units, 64 low income units, and 37 very low income units for a total of 163 units. Combined, very low and low income units represent 101 lower income affordable units. California Government Code Section 65863 requires that the City create and maintain a capacity of adequate sites that can accommodate its assigned housing obligation. In addition, due to unmet obligations for the 5th Cycle, the City has planned for an anticipated penalty of an additional 12 lower income units, which brings the overall total units for planning purposes to 175, including 113 lower income affordable units.

Minor modifications were made to clarify the public outreach conducted for the HEU and the timeline for other required actions to update the General Plan Safety Element and add a new Environmental Justice Element subsequent to 6th Cycle HEU certification by HCD. The Safety Element Update is required for compliance with Senate Bill (SB) 1241 and Government Code Section 65302(g)(3); and the new Environmental Justice Element is required for compliance with SB 1000 and Government Code Section 65302(h)(2). It is anticipated that completion of these work program tasks will occur in 2022.

HEU Chapter 2

This Chapter identifies the existing community character and profile, explains that Del Mar is a small, generally built-out coastal city with high land costs, notes the City's assigned growth projections for the next eight years are likely overstated due to the expected recession as a result of the COVID pandemic, and added data and clarifications:

- Clarifies that persons with physical and developmental disabilities in Del Mar who participate in services offered by the San Diego Regional Center live in the home

of a parent or guardian. There are no community care or intermediate care facilities located in Del Mar.

- Incorporates data to confirm that there is no local demand or need for specialized farm worker housing. No Del Mar residents have reported employment as farm workers and there is no evidence of significant farming-related employment in the community.
- Incorporates local data provided by the St. Peter's Church "Helping Hands" program regarding services provided in 2020 to the homeless and unsheltered population, which indicates most individuals travel by public bus transit from outside of the community to access their services.
- Clarified the State's responsibility for existing group quarters on the State Fairgrounds property; and identified proposed Program 3A is opportunity to improve the condition of existing housing on the State Fairgrounds property.

HEU Chapter 3

This Chapter analyzes constraints (governmental and non-governmental) and impediments to "Fair Housing." Under State Fair Housing law, the City has an obligation to provide housing opportunities for all economic segments, but it currently only has housing options for moderate income and above moderate income households.

Chapter 3 was revised to address HCD's request for additional information related to the following:

- Additional data related to development standards, zones, and overlay zones.
- Data on the City's Design Review process and processing times and zone deviation requests associated with Specific Plan applications processed during the 5th Cycle.
- Analysis related to various special needs housing types.
- Data on approved reasonable accommodations for persons with disabilities.
- Analysis of condominium conversions and inclusionary housing requirements.
- Analysis of water/sewer infrastructure capacity.
- Data on City-owned sites and projections for Accessory Dwelling Units (ADUs).
- Projected increase in development interest in zones that allow 20 du/ac (even non-vacant sites).
- Analysis of City's supermajority ("four-fifths") vote requirement for amending the Del Mar Community Plan, which is the City's General Plan (note that State law only requires a simple majority vote for General Plan Amendments).
- Analysis on "Affirmatively Furthering Fair Housing" (AFFH) per State law.

HEU Chapter 4 – Housing Programs

This Chapter is the City’s proposed Housing Plan for the 6th Cycle (2021-2029) which includes a variety of strategies to accommodate dwelling units on private lots and public lots dispersed throughout the community, including two vacant City-owned properties that are readily available to the City to accommodate affordable units if needed. The City-owned properties included are the City Hall expansion lot “C” on 10th Street and a vacant lot on 28th Street.

The proposed Housing Plan identifies the City’s action strategy to meet its housing goals and required criteria per State Housing law. Further, the Housing Plan encourages the infill of affordable housing units along the City’s main commercial corridor by creating a sufficient capacity of adequate sites in zones that allow housing up to 20 du/ac. Note that 20 du/ac is the State’s minimum “default density” criteria for Del Mar and is based on jurisdiction size. Since the City does not have any dwelling units that meet the State definition of “affordable,” there is general consensus and support for the inclusion of strategies for a more economically and socially diverse balance of housing options in Del Mar.

The proposed HEU takes a diversified approach to address Del Mar’s assigned housing needs through a variety of action strategies. The goal is to maintain local control where afforded per State Housing law to protect the existing quality of life and character of the community (i.e., the ability to process multiple-dwelling unit projects via the City’s Design Review Process and CEQA). There are at least 15 action programs to help meet production targets with mid-point checks and balances incorporated to facilitate successful implementation and achieve the desired results.

The priority strategy for affordable housing is 6th Cycle Program 3A. The goal of this program is to secure an agreement with the State 22nd District Agricultural Association (22nd DAA) within the first three years of HEU certification for the development of at least 54 lower income affordable units on the State Fairgrounds property located within the City of Del Mar. To initiate this effort, the City Council approved a “Housing Agreement Considerations Memorandum” on October 19, 2020 and is in progress of pursuing 22nd DAA support and eventual approval of an agreement to satisfy Program 3A. Ultimately, since the City does not have regulatory control over the State Fairgrounds nor owns the sites, HCD requires that a traditional rezone program be required on other properties in the event Program 3A is not completed within the three year timeframe. This rezone program is referred to as the “Fairgrounds Contingency Plan” and is further described in Program 1E. The Fairgrounds Contingency Plan would only be implemented if the City is unable to secure a binding agreement with the State to locate housing at the Fairgrounds. This is because the City would have a shortfall of sites for lower income units in the 6th Cycle and under State law, the City would be obligated to replace those sites via rezone on other property also in the 6th Cycle. As such, this would trigger a requirement for allowing future projects to be processed “by right” with a density of 20-25 du/ac. However,

if the City successfully completes Program 3A, it will not need to proceed with the rezone program described in Program 1E.

Chapter 4 was revised to address HCD's request for additional programs and modifications as follows:

- Programs 1A (NC Zone) and 1B (Professional Commercial) revised language to keep programs from shifting to a "by right" development requirement in the 6th Cycle and clarify that Coastal Commission certification is needed within the first six months of the 6th Cycle to complete these programs – see discussion below for discussion of a contingency rezone program (Border Avenue Option) that may be needed to replace the NC Zone sites.
- Program 1C (Central Commercial Zone) clarifies the City is not relying on any specific sites in the CC Zone to meet its 6th Cycle RHNA lower income housing need. Notwithstanding, this program is part of the City's diversified housing strategy to facilitate the production of affordable units throughout the City. Further, this program would create new adequate sites during the 6th Cycle to count towards the 7th Cycle (2029-3037) by creating new opportunities for mixed use development (i.e., projects with housing and a ground floor commercial component along Camino del Mar street frontage) in the downtown village center. The intent is to meet the City's goals for a sustainable approach to future housing locations and to help set the City up for successful completion of the forthcoming 7th Cycle HEU in 2029 in reliance on sites where local control over permit approval can be maintained. It is not the City's intent that Program 1C authorizes any "by right" development in its 6th Cycle or future 7th Cycle.
- Program 1D (Affordable Housing Overlay Zone) clarifies that rezoning actions to apply this overlay zone would be processed mid cycle only if the City determined it needed additional incentive to increase the production of affordable units.
- Program 1E (North Bluff/South Stratford – "Fairgrounds Contingency Plan") clarifies the contingency rezone program must allow 20-25 du/ac "by right" if Program 3A is not implemented within three years. This type of contingency rezone program (i.e., "back-up plan") is required by HCD because the rezone would create sites needed for the lower income RHNA during the 6th Cycle. As required by State Housing law, a minimum of one-half of the City's RHNA for lower income units (51 of 101) must be accommodated on vacant sites between 0.5 acre to 10 acres.
- Program 1G was revised to remove outdated density bonus law references.
- Program 1I clarifies the program will evaluate constraints and create new incentives and streamlining opportunities for affordable housing.
- New Program 1J was added to create a system for regular outreach and coordination with affordable housing developers for mutual benefit, including housing objective at the State Fairgrounds property.

- Program 2C clarified the RHNA projection for new ADUs to reflect a mix of above moderate, moderate, and low income units.
- Program 3A (State Fairgrounds Agreement) clarified the RHNA projection increased from 51 to 54 units. This was modified so that the City would not be relying on any specific sites in its CC Zone per Program 1C.
- Programs 4A and 4B were revised to address residential care facilities, emergency shelters, transitional housing, supportive housing, and low barrier navigation centers.
- New Program 4D was added to update the City's Inclusionary Housing Ordinance.
- Program 6A (SB 35 Policy) modified the timeline for completion of this policy.
- Program 6B was modified to address various Affirmatively Furthering Fair Housing (AFFH) requirements in response to the analysis added to HEU Chapter 3.
- Program 6C confirmed no moderate or low income units were demolished per Coastal Act.
- New Program 6F was added for potential modification to vote threshold for Housing Element (HE) and HE program implementation.
- New Program 6G was added to create objective design standards that would apply to future multiple dwelling unit housing projects that are eligible for "by right" processing with no discretionary review by the Design Review Board, Planning Commission, or City Council. The goal of this program would be to apply objective design standards to all multiple dwelling unit development subject to "by right" allowances, including those authorized by: 1) Government Code Section 65583.2 (h) and (i); 2) State Density Bonus law; and 3) Senate Bill (SB) 35 projects.
- New Program 7C (Resources for Persons with Disabilities) was added to replace the prior community care facility program that was inconsistent with Program 4A.

HCD's request to modify the timelines for implementation of various programs is a remaining item to be negotiated (subsequent to submission of an adopted 6th Cycle HEU). Timelines such as the submittal date for the HEU and the completion date for required rezone actions are set by State Housing law and are non-negotiable.

Within the first three years of certification (estimated April 2024), the City will be required to complete most of its programs. This will include exploring and implementing various streamlining measures and incentives with a focus on production of affordable units. The City will be coordinating with owners of key sites with opportunities to accommodate affordable units including local hotel owners, owners of existing multiple dwelling buildings, and the Del Mar Plaza located in the downtown village center. This may also include implementation of an affordable housing overlay zone if needed as further described in 6th Cycle Program 1D.

Adequate Sites Inventory

The purpose of the Housing Element Adequate Sites Inventory Appendix B is to identify that the City's Housing Plan has adequate sites that are suitable and available to meet the lower income RHNA allocation. The City identified it will have adequate sites to meet its RHNA allocation of 163 units (31 units for above moderate income households, 31 moderate units, 64 low income units, 37 extremely low income units) and 12 additional units for low income households that are expected to carryover as a penalty from the 5th Cycle due to unmet needs. Appendix B addresses details requested by HCD regarding the sites to be relied upon for the 6th Cycle, including details related to projected ADUs, City-owned sites, suitability and availability of infrastructure, and suitability of sites within certain overlay zones. The Appendix also addresses HCD's AFFH questions relating to proposed affordable housing at the State Fairgrounds by clarifying that any prospective housing at the Fairgrounds will be integrated within the Del Mar community and would be within a short walking distance of the City's downtown village center, the City's public parks and beach, and public transit. Further detail is provided in Attachment B.

The combined 175 unit obligation, including at least 113 lower income units, is being addressed through a combination of the following strategies to produce affordable units as summarized below:

- Unit credits for net-new units issued building permits since June 30, 2020.
- Continued production of ADUs (at least 100 total) on lots that allow residential citywide.
- 941 Camino del Mar Specific Plan adequate sites created during 5th Cycle.
- City-owned vacant site on 10th Street City Hall expansion lot in PF zone (APN 300-093-17).
- City-owned vacant site in the RM-East Zone on 28th Street (APN 299-030-02).
- Professional Commercial Zone sites created during the 5th Cycle (807 Camino del Mar and 853 Camino del Mar).
- North Commercial Zone "Watermark" lots (APNs 299-100-47 and -48) pursuant to a Preliminary Development Application (PDA 20-001) submitted on November 24, 2020, for development of a "by right" 48-unit multiple dwelling unit project with affordable housing pursuant to Senate Bill 330 which locked in development standards for the proposed project on these existing vacant sites that are in process of being rezoned to allow 20-25 du/ac "by right" (Govt Code 65583.2(h) and (i)) per the required 5th Cycle Program 2G rezone action.
- North Commercial Zone sites created during the 5th Cycle **-or-** the Border Avenue Contingency Rezone:

- North Commercial “other sites” include six lots along westerly portion of Jimmy Durante Boulevard (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB); or
- The Border Avenue Contingency Rezone would be included as a back-up plan for the NC Zone sites in Program 1A to allow 20-25 du/ac on four North Bluff area parcels identified as APNs 298-241-29, 298-241-34, 298-241-35, and 298-241-36) for implementation if a public vote on the Referendum of Ordinance 973 removes the NC Zone sites in which case the Border Avenue Contingency Rezone must be implemented.
- Housing on State Fairgrounds properties **-or-** Fairgrounds Contingency Rezone of North Bluff and South Stratford Lots:
 - An affordable housing agreement with the Fairgrounds must be reached within three years following 6th Cycle HEU certification (estimated April 2024); or
 - Rezones of vacant sites for the North Bluff (Candidate Sites 1E-1F) APNs 298-241-06 and -07 and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and -02 to allow housing at 20-25 du/ac “by right,” if an agreement is not reached within three years. Note that the rezone programs must be complete within six months following the three-year timeframe (estimated October 2024).

The following Table shows the City’s 6th Cycle obligation for dwelling units by household income category as adjusted to account for units produced already produced during the 6th Cycle (reporting period began on June 30, 2021):

6th Cycle Obligation for Dwelling Units by Household Income Category				
	Lower Income Units	Moderate Income Units	Above Moderate Income Units	Total
6th Cycle Obligation	101	31	31	163
Unit Credits¹		-13	-1	-14
<u>5th Cycle Carryover</u>	<u>+12</u>	=	=	<u>+12</u>
Total Obligation	113	18	30	161

¹ Since June 30, 2020, the City has issued building permits for 13 moderate units via Accessory Dwelling Units (ADUs) and one above moderate unit for a non-conforming office that was converted to a new single dwelling unit at 1650 Camino del Mar. These units were approved during the 6th Cycle planning period and are therefore credited toward the City’s 6th Cycle obligation.

The following Table identifies the City’s list of adequate sites to meet the obligation for 113 lower income units:

Adequate Sites Identified to Meet 6th Cycle Obligation				
	Lower Income Units	Moderate Income Units	Above Moderate Income Units	Total
Accessory Dwelling Units (ADUs)	15	45	40	100
941 Camino del Mar Specific Plan	2	-	9	11
City-owned vacant site on 10th Street in Public Facilities Zone	4	-	-	4
City-owned vacant site on 28th Street in RM-East Zone	3	-	-	3
Professional Commercial	3	-	14	17
North Commercial “Watermark” Parcels²	10	-	38	48
North Commercial – Other Sites³	22 or 0	-	92 or 0	114 or 0
Border Avenue Rezone³ (if used as a replacement for NC other sites)	0 or 22	-	0 or 112	0 or 134
State Fairgrounds Housing	54 or 0	-	-	54 or 0
Rezones of North Bluff and South Stratford⁴ (if Fairgrounds agreement not reached in three years)	0 or 27-34 (North Bluff) and 19-25 (South Stratford)	-	0 or 109-138 (North Bluff) and 80-99 (South Stratford)	0 or 136-172 (North Bluff) and 99-124 (South Stratford)
Total Units	113 or more	45	193 or more	351 or more

² Unit assumptions for the “Watermark” lots (APNs 299-100-47 and -48) are based on the Preliminary Development Application (PDA 20-001) that was submitted on November 24, 2020, for development of a “by right” 48-unit multiple dwelling unit project with affordable housing pursuant to Senate Bill 330.

³ These rows show the sites for the NC Zone (Program 1A) on the left and the Border Avenue Contingency Rezone option on the right. Border Avenue is a contingency plan in case NC is removed.

⁴ Unit assumptions for the North Bluff and South Stratford rezones reflect a 20-25 du/ac density range.

As shown above, the proposed Housing Plan can produce at least 113 affordable units to meet the City's assigned RHNA (and penalty obligations).

Inclusionary Housing Requirements

The assumptions identified above for the number of affordable units projected for the respective lots and zones is based on the calculation of density (dwelling units per acre of lot size) and the number of affordable units that would be required within a prospective housing development. DMMC Chapter 24.21 sets forth the City's requirements for proposed residential development to address affordable housing. The City's inclusionary housing ordinance requires a payment of an in-lieu fee or a "set-aside of affordable units" (i.e., a portion of the total units built on-site where the affordable units must be rented to lower income households for at least 55 years) that requires 20% affordable units when a project includes 10 or more units. For projects between two to nine units, one affordable unit is required.

Required Zoning and Rezone Actions

During the process, there understandably has been some community concern and hesitation with regard to the zoning actions needed to create "adequate sites" at sufficient density (at least 20 du/ac). As described in past City Council hearings, the North Commercial and Professional Commercial programs are part of the City's current Housing Element, which is part of the Community Plan, and required by State Housing law for the City to gain Housing Element certification in its 6th housing cycle. When jurisdictions like Del Mar do not have adequate vacant sites available to accommodate multiple-dwelling unit development, they are required per State law to create zones of a sufficient density through upzone or rezone actions. These types of programs are intended by State law to facilitate the development of the City's required number of affordable units by the private sector during the eight-year planning cycle. As previously noted, the State (not the City) has set 20 du/ac as the minimum density for these types of upzone or rezone programs. The larger density range of 20-25 du/ac of "by right" development has to do with State Housing law provisions in certain circumstances (e.g., penalty for prior housing cycle, upzoning to create new adequate sites to satisfy RHNA during a housing cycle and reliance on specific parcels in the same cycle to meet RHNA targets).

For certification of the 6th Cycle HEU, the City is required to commit to modify some of its zones (similar to past commitments made by the City in its 5th Cycle) to allow residential development at a minimum density of 20 du/ac. These upzone or rezone programs must be applied to properties until the City has sufficient sites available that can accommodate multiple dwelling unit development sufficient to cover the City's affordable housing obligation per State Housing law. The target for the 6th Cycle is 113 affordable units. Note that the City's housing strategy does not rely on rezone or upzone actions to net 113 affordable units (e.g., 15 units from deed-restricted ADUs, minimum of 54 units at the Fairgrounds, seven units on City-owned parcels, two units from 941 Camino del Mar project). In the 6th Cycle HEU, the City is relying on upzone actions (5th Cycle Programs 2E, 2F, and 2G) that will have local approvals complete by the end of the 5th Cycle on

April 15, 2021. This would allow the City to rely on the City's approved density of 20 du/ac (5th Cycle Program 2E in NC Zone and 2F in PC Zone) and 20-25 du/ac (5th Cycle Program 2G). Further, projects in the NC Zone (subject to circumstances previously described) and PC Zone would follow the City's typical permit approval process, which includes DRB review and when applicable, Planning Commission and City Council approvals as well.

The City continues to learn from its past experience with its 4th Cycle Housing Element (uncertified) and 5th Cycle Housing Element (certified), the consistent pattern of new State Housing laws enacted since 2016 focused on affordable housing,⁵ and the experience of cities not in compliance with State Housing law. For example, the City of Encinitas has experienced a series of mandated rezone penalties that have forced "by right" multiple dwelling unit housing approvals and other HCD enforcement penalties on the City. Similarly, the City of Del Mar is also facing "by right" rezone requirements (i.e., meaning no DRB, PC, or City Council authority over permits) due to a lack of sites with zoning that can provide at least 20 du/ac. This is why the City was required during the 5th Cycle to rezone the two vacant "Watermark" owned lots in the NC Zone to 20-25 du/ac under 5th Cycle Program 2G. Further, should the City be unable to implement housing at the Fairgrounds, the City's back-up plan (rezone of vacant sites on the North Bluff and South Stratford) would also be subject to 20-25 du/ac "by right" due to the need to create adequate sites during the 6th Cycle.

Proposed Housing at the State Fairgrounds and Required Fairgrounds Contingency Plan

The City does not have sufficient sites that allow for 20 du/ac to cover the City's RHNA obligation for 101 lower income units. Therefore, State Housing law requires that the City's Housing Plan include programs to rezone vacant parcels between 0.5 acre to 10 acres to accommodate projects with affordable housing. While the City has prioritized preferred creative solutions in lieu of this rezone requirement, HCD emphasized that a rezone program must be included in the Housing Plan as a contingency plan in case the City's preferred Program 3A (housing at the Fairgrounds) is not implemented.

Through 6th Cycle Program 3A, the City is targeting just over one-half (54 of 101 lower income units) of its assigned lower income housing obligation on the State Fairgrounds property. However, without an agreement in place with the State within three years, the City must include a back-up rezone program to rezone vacant land on the North Bluff (six parcels on 10.22 "net" acres) and South Stratford (three parcels on 4.39 "net" acres) to accommodate an equivalent number of units (54 units per the proposed HEU). This contingency rezone program must be complete within six months following the three year timeframe if Program 3A is not completed.

⁵ An "affordable unit" is a unit that is made available to "extremely low", "very low", and "low" income households who earn an annual household income no greater than 80 percent of the area median income for the San Diego County region.

As mentioned above, this is due to State Housing law because the City currently does not have adequate sites to meet its RHNA obligation, the City must have a program included in its Housing Element to rezone a sufficient amount of vacant land to accommodate at least half of its affordable units (which is equal to 51 units based on the assigned RHNA of 101 lower income units). The City's initial approved 6th Cycle HEU sufficiently met this criteria. The revised HEU also meets the criteria where it includes the Program 1A (NC Zone) sites and a slight increase in the number of affordable units at the Fairgrounds from 51 units to 54 units per City Council direction on February 16, 2021. At this meeting, the City Council also directed staff to prepare an alternative option (Border Avenue Rezone) as an option to replace the Program 1A (NC Zone) sites. The details for this alternative rezone option are described below.

Border Avenue Rezone – Contingency for Program 1A North Commercial Sites

As mentioned above, a replacement/contingency rezone option was prepared and brought forward for consideration by the City Council on February 16, 2021. This rezone would occur only if the City needs to replace the deficit in adequate sites for 22 affordable units planned as part of 6th Cycle Program 1A (NC Zone). Based on lot size and the target density, the Border Avenue Option (Candidate Sites 1A, 1B, 1C, and 1D in the North Bluff area) can yield a range between 20 and 27 affordable units if rezoned to 20-25 du/ac, which would be sufficient for the City Council to select as a contingency rezone action if needed to replace the sites currently relied upon in the NC Zone.

If the Border Avenue Option is added as a contingency program, the City's Fairgrounds Contingency Plan (6th Cycle Program 1E) would also need to be amended to reflect that Candidate Sites 1A, 1B, 1C, and 1D would no longer be available for that contingency plan. This is because the approved draft 6th Cycle HEU relies upon all six vacant parcels on the North Bluff as a contingency in the event the City cannot timely complete its priority program (Program 3A). If four of the six candidate sites are used as a new contingency program under the Border Avenue Option, the remaining two North Bluff sites (Sites 1E and 1F) would still be needed as a part of the Fairgrounds Contingency Plan (Program 1E). Combined, these two sites are anticipated to yield a range of 27 to 34 affordable units if rezoned to 20-25 du/ac "by right." As these two parcels alone are not sufficient to accommodate at least one-half of the City's affordable RHNA requirements (as required by Assembly Bill 1397), equal to 51 affordable units, the Fairgrounds Contingency Plan also requires additional vacant candidate sites. These are identified as South Stratford Candidate Sites 98A, 98B and 98C which are anticipated to yield a range of 19 to 25 affordable units if rezoned to 20-25 du/ac "by right." Therefore, the City would need to modify its Fairgrounds Contingency Plan (Program 1E) to reflect Candidate Sites 1E, 1F, 98A, 98B, and 98C for a total contingency of 46 to 59 affordable units. Also, due to the increase in the proposed number of units at the Fairgrounds to 54 units per City Council direction on February 16, 2021 (to not rely upon any sites in the CC Zone for RHNA under Program 1C), the revised Fairgrounds Contingency Program will need to cover an equivalent of 54 units (not 51 units).

Should the City Council select the Border Avenue Option and modification to the Fairgrounds Contingency Plan (Program 1E), staff would identify for HCD that the Border Avenue Option vacant sites have the potential to accommodate at least 22 affordable units to offset Program 1A (NC Zone).

However, as summarized below, the feasibility of this approach may trigger further consideration by HCD for the following reasons:

- The Border Avenue Candidate Sites 1A and 1B are currently zoned R1-14 which is a modified low density residential zone; and North Bluff Candidate Sites 1C, 1D, 1E, and 1F are zoned R1-40, which is a very low density residential zone. A change in density to 20-25 du/ac is considerable. However, in context, the proposed density is keeping within character to existing development located to the north in the City of Solana Beach that is currently developed with a density that would be greater than the 20-25 du/ac proposed.
- Reliance on the Candidate Sites 1A, 1B, 1C, and 1D would require successful implementation of rezones on properties under separate property ownership.
- The target minimum number of adequate sites for affordable housing that must be achieved (22 affordable units) means the City would be relying on development exceeding the minimum 20 du/ac range (up to 25 du/ac). To date, the City has not demonstrated success in implementing plan or permit approvals that meet a density in this range.
- The most recent development proposal to locate affordable housing on the North Bluff sites (Marisol project) was voted down by the Del Mar voters in March 2020.
- Candidate Sites 1A, 1C, 1E, and 1F are located in the City's Coastal Bluff Overlay Zone and were identified as vulnerable to bluff erosion due to projected sea level rise through year 2100. This determination of projected bluff vulnerability is based on the City's Coastal Hazards, Vulnerability and Risk Assessment (Environmental Science Associates 2016; Addendum 2018). As a result, these sites are subject to applicable Coastal Act and Local Coastal Program requirements which may be considered an indicator that the projected density and provision of lower income affordable units may not be able to be realized to the full extent on these sites due to potential environmental constraints.
- All of the candidate sites in the City's North Bluff and South Stratford areas are located within the Bluff, Slope, and Canyon (BSC) Overlay Zone, which is a City-mandated limit on development potential. The BSC Overlay Zone was established to implement the Del Mar Community Plan.

Further, in addition to the need to demonstrate to HCD that it is a sufficient replacement for six sites in the NC Zone (Program 1A), the Border Avenue Option also requires a modification to the Fairgrounds Contingency Plan (Program 1E) as described above. As

such, there is some concern that the modified Fairgrounds Contingency Plan and the Border Avenue Option Contingency Rezone for the NC zone sites may not be considered to be sufficient by HCD. This is because the revised programs would each rely on a range of potential units where the lower end of the range (minimum of 20 du/ac) in each case is less than what is needed to be deemed adequate.

If this option is selected, the City will put its best justification forward, but it should be noted that the City would be taking a risk in pursuing this modified strategy because there is uncertainty until the City's 6th Cycle HEU is certified by HCD. Further, there is known opposition in the community to potential housing on the NC Zone sites (per the adopted 5th Cycle Element) and opposition to potential housing on the North Bluff sites and South Stratford sites (per the proposed 6th Cycle HEU). Unfortunately, there are no other areas of the City with vacant land of a sufficient size or that meet the other criteria to be counted as adequate sites with sufficient density as necessary for certification of the Housing Element in place of these options.

COMMUNITY PLAN (GENERAL PLAN) ANALYSIS AND CONFORMANCE FINDING:

The Community Plan as a whole seeks to maintain quality of life in Del Mar through an overall goal to "preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single-family residential character, a picturesque and rugged site, and a beautiful beach." The Housing Element identifies the City's long-term vision for housing as it relates to policies in other required General Plan elements for land use, circulation, environment, energy, open space, and safety, which are organized into three main Community Plan sections: Environmental Management, Community Development, and Transportation. The Housing Element is published under separate cover from the rest of the Community Plan, but is required to be consistent with the other elements per State law.

Staff reviewed the HEU for conformance with the Community Plan (General Plan) Elements and finds that the HEU goals, policies, objectives, and programs are substantially consistent. In particular, the following Community Plan goals and policies are being reinforced by the proposed Final HEU:

- Preserves and enhances the special residential character and small-town atmosphere of Del Mar;
- Maintains the existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, setbacks;
- Insures adequate housing for diverse age and socio-economic groups within the community;
- Facilitates housing for seniors close to the Village Center; and
- Facilitates lower cost housing for low and moderate income households.

The main area of inconsistency relates to the conflict between the City's existing plan goals (to preserve single-family character) and State Housing law, which requires the City amend its General Plan and Municipal Code to allow future multiple-dwelling unit development at a density of at least 20 du/ac as necessary to meet the City's assigned portion of the overall RHNA.

FISCAL IMPACT:

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

ENVIRONMENTAL IMPACT:

The 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020 Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone). The NC/PC PEIR, which analyzed future housing in the NC, PC, and PF Zones, was certified by the City Council on September 8, 2020. The NC/PC Final PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

The processing of the 6th Cycle Housing Element Update is a City Council Priority for Fiscal Years 2020 and 2021.

ATTACHMENTS:

- Attachment A – Resolution to Adopt 6th Cycle Housing Element
- Attachment B – Adequate Sites Inventory
- Attachment C – Excerpt of Candidate Sites Analysis from 6th Cycle PEIR
- Attachment D – HCD Comment Letter dated December 17, 2020
- Attachment E – Matrix of Revisions Incorporated

The revised 6th Cycle HEU is available for public review and download on the City website at: www.delmar.ca.us/HousingElement

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT THE 6TH CYCLE HOUSING ELEMENT (GPA 20-003), WHICH IS THE CITY'S HOUSING PLAN COVERING THE YEARS 2021-2029, THAT CONSTITUTES AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN), APPLICABLE CITYWIDE WITHIN THE CITY OF DEL MAR, CALIFORNIA; AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED 6TH CYCLE HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR CERTIFICATION

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City of Del Mar; and

WHEREAS, the Housing Element is a required component of the City's Community Plan that is required by State law to be updated every eight years; and

WHEREAS, proposed General Plan Amendment (GPA 20-003) is a required action for the City to adopt the 6th Cycle Housing Element covering the years 2021-2029 to replace the existing 5th Cycle Housing Element which covers the prior planning period for the years 2013-2021 that ends on April 15, 2021; and

WHEREAS, the City's overall stated housing goal is to "inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar"; and

WHEREAS, the 6th Cycle Housing Element was prepared based on input from the City Council, Planning Commission, 6th Cycle Housing Element Update Ad-Hoc Citizens' Task Force, HCD, and public comments; and

WHEREAS, the proposed "Housing Plan" includes a variety of strategies (i.e. Accessory Dwelling Units (ADUs), tiny houses, and incentive programs) that can accommodate dwelling units on lots dispersed throughout the City, including lots that are privately owned or publicly owned; and

WHEREAS, every Community Plan planning district is accounted for in the "Housing Plan" actions identified to meet the City's housing obligations; and

WHEREAS, the proposed "Housing Plan" identifies proposed actions to meet each of the City's stated housing goals related to production, ADUs, housing opportunities on the 22nd District Agricultural Association property (State Fairgrounds), "affordable housing" options available to a variety of income levels and housing needs,

preservation of existing housing stock, sustainability, and promotion of housing resources and assistance opportunities; and

WHEREAS, “affordable housing” refers to units that are restricted for rent to households with an annual household income no greater than 80 percent of the area median income for the San Diego County region; and

WHEREAS, the City does not currently have sufficient affordable housing units or existing zones that allow sufficient residential density to accommodate the development of affordable housing at the City’s “default density” of 20 dwelling units per acre (du/ac) as assigned by the State; and

WHEREAS, during the 5th Cycle planning period the Del Mar City Council adopted zoning action programs to create sites in the North Commercial Zone and Professional Commercial Zone to allow residential at least 20 du/ac to accommodate development of affordable housing for the 6th Cycle, because per the State, this is the minimum density that is feasible to support the development of affordable housing in a small jurisdiction the size of Del Mar; and

WHEREAS, one key strategy in the 6th Cycle Housing Element is to vigorously pursue opportunities on the State Fairgrounds property to satisfy a significant portion of the City’s required affordable housing which will require securing a Development Agreement and Memorandum of Understanding with the State 22nd District Agricultural Association for a partnership to build units on the State Fairgrounds property; and

WHEREAS, another key strategy to create adequate sites opportunities for affordable housing as required by State law involves amending existing zones to accommodate affordable housing, including amending the Central Commercial Zone to allow at least 20 du/ac as part of mixed use projects and amending the Public Facilities Zone to allow residential use on City-owned properties; and

WHEREAS, the proposed strategies to create affordable housing are consistent with the Community Plan goals to facilitate lower cost housing for low and moderate income households, facilitate housing for seniors close to the Village Center, and insure adequate housing for diverse age and socio-economic groups within the community; and

WHEREAS, the State Department of Housing and Community Development (HCD) emphasized in a July 31, 2020 letter to the City, and subsequent letters, that the State law requirement to create adequate sites to accommodate the City’s assigned Regional Housing Needs Allocation (RHNA) is a fundamental component of Housing Element law and such programs must be completed early in the housing cycle; and

WHEREAS, the City was assigned a RHNA total of 163 units for the 6th Cycle planning period (2021-2029), including 31 above moderate units, 31 moderate units, 64 low income units, and 37 very low income units; and

WHEREAS, the City is anticipating an additional 12 low income units to be assigned as a “carryover” from the 5th Cycle planning period (2013-2021) to the 6th Cycle planning period resulting in a HEU plan for a total 6th Cycle obligation of 113 affordable units due to the fact the City did not meet its 5th Cycle obligation for affordable housing; and

WHEREAS, the 6th Cycle Housing Element does not propose any changes to existing development standards (with the exception of density as required by State law), which is consistent with the Del Mar Community Plan policy to maintain the existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, and setbacks; and

WHEREAS, the 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064); and

WHEREAS, the 6th Cycle Housing Element Programs are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone); and

WHEREAS, on September 15, 2020 and March 9, 2021, the Planning Commission recommended approval of the 6th Cycle Housing Element Update; and

WHEREAS, on March 9, 2021, a postcard was mailed to all property owners and residents in the City of Del Mar and additional interested persons informing them of the scheduled Special Meeting of the City Council on March 25, 2021, to adopt the 6th Cycle Housing Element; and

WHEREAS, a formal notice of public hearing was also posted and published and mailed notice was provided by March 15, 2021, in accordance with State law informing the public of the scheduled City Council public hearing on March 25, 2021; and

WHEREAS, if the City does not complete timely adoption and submittal to HCD by April 15, 2021, for certification of the 6th Cycle Housing Element, the City will be subject to a range of enforcement penalties set forth per State housing law that could negatively impact the City by court orders, lawsuits and fines by the State, legal action by the State Attorney General, fiscal impacts to the General Fund, potential loss of local control over new housing development and risk to State grants in process and ineligibility for future State grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar hereby adopts General Plan Amendment GPA 20-003 adopting the 6th Cycle Housing Element on file with the City Clerk.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby authorize staff to submit the 6th Cycle Housing Element to HCD for certification, in accordance with the procedures set forth by State law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Special Meeting held on the 25th day of March 2021.

Terry Gaasterland, 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, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2021-XX, adopted by the City Council of the City of Del Mar, California, at a Special Meeting held the 25th day of March 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sarah Krietor, Acting City Clerk
City of Del Mar

Appendix B:

Candidate Sites Analysis

Candidate Sites Analysis Overview

The Housing Element is required to identify sites by income category to meet the City's RHNA Allocation. The sites represent the City of Del Mar's ability to develop housing at the designated income levels within the planning period (2021-2029). These sites must be residentially zoned or within a zone that permits residential uses.

Appendix B provides detailed information on the sites identified to meet the City's RHNA, including:

- Assessor Parcel Number (APN)
- Address
- Size (Acres)
- Zoning
- General Plan Land Use
- Ownership
- Existing On-site Uses
- Density
- Potential Development Capacity (Dwelling Units)

A summary of this information is included within the Housing Resources section of Del Mar's 2021-2029 Housing Element.

Table B-1 shows the City's 2021-2029 RHNA need by income category as well as a breakdown of the sites identified to meet that need. The analysis within **Appendix B** shows that the City of Del Mar has the capacity to meet the 2021-2029 RHNA allocation.

Water, Sewer, And Dry Utility Availability

Each site has been evaluated to ensure there is adequate access to water and sewer connections as well as dry utilities. Each site is situated with a direct connection to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site.

Accessory Dwelling Units (ADUs)

Accessory dwelling units are an important method for creating additional housing at all income levels within Del Mar. With new legislation directed at promoting the development of ADUs, it is anticipated that the annual number of ADUs developed within Del Mar will continue to increase substantially. Additionally, the City's ADU Pilot Program (discussed in the Housing Resources section) which currently provides an additional square footage incentive for participating property owners, will be expanded to offer additional incentives to homeowners who deed restrict an ADU on their property for rent to a lower income household in an effort to increase the number of lower income units in Del Mar.

New legislation has made it so ADUs can be developed essentially wherever residential uses are permitted. In order to analyze the potential for ADU development within the 2021-2029 planning period, the City identified all residentially zoned parcels (approximately 2,013) and conservatively estimated that 5% of the available parcels will develop an ADU during the planning period. While this exceeds the past performance for development of ADUs within the City, there are a variety of factors that have stimulated recent interest in ADUs and facilitated production. This includes the new legislation that took effect January 1, 2020, the City's ADU Pilot Program (incentive program), creation of ADU plan templates to facilitate processing of ADU applications, local process streamlining improvements, and greater coordination with Coastal Commission staff in the San Diego district office to minimize appeals.

The City's existing permit process supports development of ADUs and will be further improved through expansion of opportunities for production of ADUs and tiny houses. The Housing Element includes six action programs that are focused on ADUs including a mid-cycle progress review to help assess whether additional incentives should be offered to further encourage production of ADUs for lower income households. The referenced policies and programs within the Housing Element demonstrate the City is committed to further promote and support ADU development. Moreover, the projections for ADU production during the 6th Cycle can reasonably be achieved. In 2020, the City issued building permits for 13 ADUs and an additional 21 ADUs are in process of building permit approval. At this pace, it can be reasonably anticipated that at least 100 ADU building permits will be issued during the planning period (2021-2029) at a rate of at least 12 per year, and that 15% of the total ADUs will take advantage of the various incentives offered in exchange for commitments to deed restrict the ADUs as affordable to lower income households.

As shown in **Table B-1**, it is anticipated that 100 total ADU units will be developed within Del Mar over the planning period. This includes 15 ADUs at lower income affordable rates, which will be facilitated through incentives in order to meet the 15 unit target. The remaining 85 units projected in the Housing Element are anticipated to develop at moderate or above moderate income levels, which is in line with current ADU production rates.

Table B-1a: Summary of RHNA Status and Sites Inventory (Dwelling Units) North Commercial Zone instead of Border Avenue Rezone					
	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	37	76	31	31	175
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations Remaining	37	76	18	30	161
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3 ¹		--	14	17
North Commercial (NC) Zone (not including Watermark lots)	22 ²		--	92	114
Rezoned Watermark Lots	10 ³			38	48
Public Facilities (PF) – City Owned Properties	4 ⁴		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3 ⁵		17 ⁶	11 ⁶	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	59		62	204	325
Sites Proposed for Rezoning (if required)	54 ⁷		0	0	54
Total Sites Available	113		62	204	379
Sites Surplus/Shortfall (+/-)⁸	0		+44	+174	+218
Notes:					
1. Relies on 807 CDM and 853 CDM.					
2. Relies on 2002 Jimmy Durante Blvd. (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB.					
3. Relies on APNs 299-100-47 and -48.					
4. 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.					
5. 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site it is in the Floodplain overlay zone.					
6. Comprised of sites included within Table B-4.					
7. 54 lower income units are planned for the State Fairgrounds property. If Program 3A is not timely implemented, then rezone per Program 1E will be required.					
8. Calculated by taking the total sites available and subtracting the net RHNA obligation.					

Table B-1b: Summary of RHNA Status and Sites Inventory (Dwelling Units) – Alternative – Border Ave Rezone instead of North Commercial (NC) Zone					
	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	37	76	31	31	175
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations	37	76	18	30	161
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3 ¹		--	14	17
Rezoned Watermark Lots (NC)	10 ²			38	48
Public Facilities (PF) – City Owned Properties	4 ³		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3 ⁴		17 ⁵	11 ⁵	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	37		62	112	211
Sites Proposed for Rezoning (if required)	76 ⁶		0	112	188
Total Sites Available	113		62	224	399
Sites Surplus/Shortfall (+/-)⁷	0		+44	+194	+238
Notes:					
<ol style="list-style-type: none"> Relies on 807 CDM and 853 CDM. Relies on APNs 299-100-47 and -48 These 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55. These 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site 7. It is in the Floodplain overlay zone. Comprised of sites included within Table B-4. Relies upon 22 lower income affordable units via the Border Avenue Rezone and 54 lower income units at the State Fairgrounds. If Program 3A is not timely implemented, then rezone per Program 1E will be required to address the 54 lower income deficit units from Fairgrounds. Calculated by taking the total sites available and subtracting the net RHNA obligation. 					

B.1 Very Low and Low Income Candidate Sites Inventory

This section contains a description and listing of the candidate sites identified to meet the Del Mar's very low and low income RHNA need.

Calculation of Unit Capacity

Sites within the Professional Commercial (PC) Zone

Sites within the PC zone were primarily selected based on the site location along the City's main commercial corridor pursuant to the existing housing plan set forth per 5th Cycle Program 2F housing program to create adequate sites in the PC zone. The sites were further evaluated for development potential based on site characteristics such as site size and potential development yield. The City adopted an ordinance in September 2020 in accordance with the 5th Cycle Housing Element. The City is in the process of gaining Coastal Commission certification of the locally adopted ordinance to allow the development of housing at 20 dwelling units per acre. This zone is made up of a total of four lots that can yield a total of 26 units, including five lower income units. The development yield was calculated by assuming that 20% of the potentially developable units (density multiplied by gross parcel acreage) for each site would be affordable at the lower income levels (based on the City's inclusionary housing ordinance requirements). Only two of the four lots are being relied upon to meet a portion of the City's lower income RHNA. This includes 807 Camino del Mar, which can yield 6 units including one lower income affordable unit; and 853 Camino del Mar which can yield 11 units, including two affordable units. These sites are currently developed with older office development that is likely to redevelop during the planning period (2021-2029).

Sites within the North Commercial (NC) Zone

Sites within the NC zone were primarily selected based on the sites proximity to the State Fairgrounds and connection to the City's main commercial corridor pursuant to the existing housing plan set forth per 5th Cycle Program 2E to create adequate sites in the NC zone. The sites were further evaluated for development potential based on site characteristics such as site size and potential development yield. The City adopted an ordinance in October 2020 and is in the process of gaining Coastal Commission certification of the locally adopted ordinance to allow the development of housing at 20 dwelling units per acre and to permit residential as the sole use within a site in these zones. In November 2020 a Referendum of the adopted Ordinance 973 was filed. In order for the Ordinance to become effective, it must be affirmed by a public vote or must be withdrawn by the Referendum proponent.

There are 16 lots in the NC zone. Seven of the 16 lots are infeasible for multiple unit housing development for various reasons including size, existing use, and environmentally sensitive land constraints. The remaining nine lots have housing development potential. Two of the nine lots are part of an existing development application (Watermark LP) to develop a 48 unit project, including 10 lower income affordable units on APNs 299-100-47 and -48, consistent with the 5th Cycle Housing Element Rezone Program 2G. The remaining seven lots can yield 124 units, including 24 lower income affordable units. Six of those seven lots are being relied upon to meet a portion of the City's lower income RHNA. This includes a total of 22 lower income affordable units from the following properties: 2002 Jimmy Durante Blvd, 2010 Jimmy Durante Blvd, 2020 Jimmy Durante Blvd, 2126 Jimmy Durante Blvd, 2148 Jimmy Durante Blvd, 2148 Jimmy Durante Blvd, and 2236 Jimmy Durante Blvd. The development yield was calculated by assuming that 20% of the potentially developable units (density multiplied by gross parcel acreage) for each site would be affordable at the lower income levels (based on the City's inclusionary housing ordinance requirements).

Sites within the 941 Camino del Mar Specific Plan

The 941 Camino del Mar Specific Plan is a zone that was adopted by the City Council and certified by the Coastal Commission. Based on the development agreement and various applications in process, the City

anticipates two units for low income households to be developed on this site during the planning period (2021-2029).

Sites within the Public Facilities (PF) Zone

The PF zone applies to City-owned property. The City will amend the PF Zone to make it clear that housing is an allowed use. One existing vacant site, expansion lot C on 10th Street that is part of the greater City Hall complex, is identified within the City’s adequate sites inventory to meet a portion of the City’s lower income RHNA (4 units). This site is not identified as excess property. It is a property the City could develop with affordable units for lower income households if needed to meet the City’s RHNA obligations.

Sites within Residential Zones

Within the RM-East zone, the City owns a vacant lot (APN 299-030-12) that is identified within the City’s adequate sites inventory to meet a portion of the City’s lower income RHNA (3 units). This site is not identified as excess property. It is a property the City could develop with affordable units for lower income households if needed to meet the City’s RHNA obligations.

Sites to be Rezoned

The Housing Element proposes to develop at least 54 affordable units on the State Fairgrounds property through a prospective development agreement. If the agreement is not reached within the first 3 years of the planning period per Program 3A, per contingency Program 1E the City will rezone up to nine sites currently zoned for lower density residential uses to address the deficit of 54 lower income affordable units. The rezone action would be addressed by applying an overlay zone that will accommodate the development of multi-dwelling unit housing at 20 dwelling units per acre through a “by right” process per Government Code Sections 65583.2(h) and (i). **Table B-2** shows those sites set to be rezoned as part of the Housing Element Policy Program.

Table B-2: Residential Capacity on Sites to be Rezoned to 20-25 du/ac			
Site Number/Name	Gross Acreage	Potential Units	
		Lower Income	Above Moderate
Site 1(a-f): North Bluff Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	17.33	66	280-349

Like many areas within Del Mar, these sites are located in areas where the land values are high, decreasing the likelihood that a project will be proposed with 100% affordable units. In calculating the potential dwelling unit capacity, the Housing Element assumes that 20% of the potential units available to be developed on this site will be designated as very-low and low income. This is a reasonable assumption because the City’s inclusionary housing ordinance requires this as the minimum level of affordability. Further, because this is also the level of affordability needed for a project to receive a density bonus per State law . The remaining units within such projects are anticipated to be above moderate.

It should be noted that four of the nine vacant sites to be rezoned are located within the Coastal Bluff Overlay zone, which prohibits development within 40’ of the edge of the bluff. The Housing Element anticipates all nine sites will be needed, if a rezone action is necessary, in order to achieve sufficient sites to meet the City’s lower income RHNA obligation.

Selection of Sites

Sites identified within Housing Element rezone programs to meet the City’s very-low and low income RHNA were selected based on their ability to meet the default density of at least 20 dwelling units per acre and the AB 1397 size requirements of at least .5 acres but not greater than 10 acres.

Sites were selected based on their potential viability to accommodate lower income housing within the 2021-2029 planning period. This includes an evaluation of vacant land within the City (**Table B-3**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities.

Table B-3: Percentage of VL/L RHNA by Site Type		
Site Type	# of Units	% of Lower Income RHNA Allocation (101 Units)
Vacant	59	58%
Non-Vacant	56	55%
Total	115	113%

The following parcels are included in the vacant parcels calculation above:

- 2990301200 (28th Street) - 4 units
- 3000931700 (10th Street) - 6 units
- 2982410600 (Border Avenue) - 10 units
- 2982412900 (Camino Del Mar) - 3 units
- 2982413400 (Border Avenue) - 12 units
- 2982413500 (Border Avenue) – 6 units
- 2982413600 (Camino Del Mar) – 6 units
- 2991004900 (2236 Jimmy Durante Blvd) – 1 unit
- 2991004800 (Jimmy Durante Blvd) – 6 units
- 2991004700 (Jimmy Durante Blvd) – 4 units
- 2991003000 (Jimmy Durante Blvd) – 1 unit

For the purposes of this analysis, accessory dwelling unit potential was calculated separately as outlined within the Candidate Sites Analysis Overview section above. ADUs represent additional potential units to meet the City’s RHNA.

Table B-4: Low and Very Low Income Sites

Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)										
APN	Address	Gross Parcel Acreage	Net Parcel Acreage	Description (Existing Use)	Parcel Specific Comments	Ownership	Zone Designation	Overlay	Density	Potential Lower Income Units
3010100100	Stratford Ct	1.00	0.90	Staver Family "estate property". PEIR Candidate site 98B	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	4-5
3010100200	Stratford Ct	1.80	1.62	Staver Family "estate property". PEIR Candidate site 98C	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	7-9
3003211400	Stratford Ct	2.14	1.87	Staver Family "estate property". PEIR Candidate site 98A	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	8-11
2982410600	Border Ave	1.90	1.88	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1E	Vacant coastal bluff	Stensrud Lazier Holding Trust	R1-40	BSC, HEI (Proposed)	20-25	8-10
2982410700	929 Border Ave	3.52	3.49	Nonvacant parcel in collection of identified vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1F	Single-family residential parcel on a large lot	Stensrud Lazier Holding Trust	R1-40	BSC, HEI (Proposed)	20-25	19-24
2982412900	Camino Del Mar	0.63	0.63	Collection of vacant parcels adjacent to the coast. PEIR Candidate Site 1B	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	2-3

2982413400	Border Ave	2.46	2.00	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1A	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	9-12
2982413500	Border Ave	1.21	0.98	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1C	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	4-6
2982413600	Camino Del Mar	1.24	1.24	Collection of vacant parcels adjacent to the coast. PEIR Candidate Site 1D	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	5-6
North Commercial Parcels¹										
2991002800	2126 Jimmy Durante Blvd	0.51	0.51	Light industrial uses	Existing warehouse buildings	Read Family LLC	NC	LG	20	2
2991002700	2120 Jimmy Durante Blvd	0.90	0.90	Office/Light industrial uses	Four existing offices buildings	Knorr Donna M Trust 06-24-92	NC	LG	20	4
2990710600	2010 Jimmy Durante Blvd	2.12	2.12	Office uses	Existing office complex	Bungalows Del Mar LLC	NC	LG	20	8
2990710700	2002 Jimmy Durante Blvd	1.42	1.42	Commercial/Office uses	Tradewinds Village Retail Center	Hinds Investments LP	NC	LG	20	6
2991004800	Jimmy Durante Blvd	1.55	1.55	Vacant Parcel	Vacant Parcel	Watermark D M LP	NC	BSC, LG	20	6

2991004700	Jimmy Durante Blvd	1.13	1.13	Vacant Parcel	Vacant Parcel	Watermark D MLP	NC	BSC	20	4
2991004900	2236 Jimmy Durante Blvd	0.42	0.42	Vacant Parcel	Vacant Parcel	Marten R T	NC	LG	20	1
2991003000	2148 Jimmy Durante Blvd	0.38	0.38	Commercial/ Office Uses	Small office business with surface parking lot	Matthews Erin M Separate Property Trust 11-23-16 Marten R T	NC	LG	20	1
Professional Commercial Parcels										
3002223100	853 Camino Del Mar	0.56	0.56	Commercial/ Office uses	Existing office complex	Del Mar Building Group LLC	PC		20	2
3002223300	807 Camino Del Mar	0.30	0.30	Commercial/ Office uses	Existing commercial /office center with surface parking	Wuotan A LLC	PC		20	1
City -Owned Parcels										
2990301200	28 th Street	0.06	0.06	Vacant Parcel	Vacant Parcel	City of Del Mar	RME	LG	10.9	4
3000931700	10 th Street	0.1	0.1	Vacant Parcel Adjacent to City Hall Parking	City Hall Expansion Area C (Vacant)	City of Del Mar	PF			4
Notes:										
1. Density of 20 du/ac is pending result of Referendum of Ordinance 973 (adopted October 19, 2020) and certification by Coastal Commission.										

B.2 Moderate/Above Moderate Income Candidate Sites Inventory

This section contains a description and listing of the candidate sites identified to meet the Del Mar's moderate and above moderate income RHNA need.

Calculation of Unit Capacity

The capacity of these sites was initially determined by multiplying the parcel size by the maximum achievable density for that zoning designation and rounding down to the nearest whole dwelling unit. Where information is known, acreage has been netted out for potential constraints to development.

Selection of Sites

This Appendix B contains a selection of those sites that are most likely to be developed for moderate and above-moderate income housing. For the purpose of identifying sites with the potential to be redeveloped within the planning period, this analysis considered existing residentially zoned parcels within the following zones based on the permitted densities within those zones:

- Above moderate
 - R1-40, Very Low Density Residential
 - R1-14, Modified Low Density Residential
 - R1-10, Low Density Residential
 - R1-10B, Low Density Residential - Beach
- Moderate:
 - R1-5, Medium Density Single-Family Residential
 - R1-5B, Medium Density Single-Family Residential - Beach
 - RME, Medium Density Mixed-Use - East
 - RMW, Medium Density Mixed-Use - West
 - RMC, Medium Density Mixed-Use - Central
 - RMS, Medium Density Mixed-Use - South
 - R2, High Density

Due to the primarily developed nature of Del Mar's neighborhoods, sites with a capacity through the existing zoning to develop at least one additional unit were considered within the analysis. In most instances, additional units are achievable through the subdivision of an existing property and addition of dwelling units.

For the purposes of this analysis, accessory dwelling unit potential was calculated separately as outlined within the Candidate Sites Analysis Overview section above. ADUs represent additional potential units to meet the City's RHNA.

Figure X-X: Map of Moderate/Above Moderate Sites

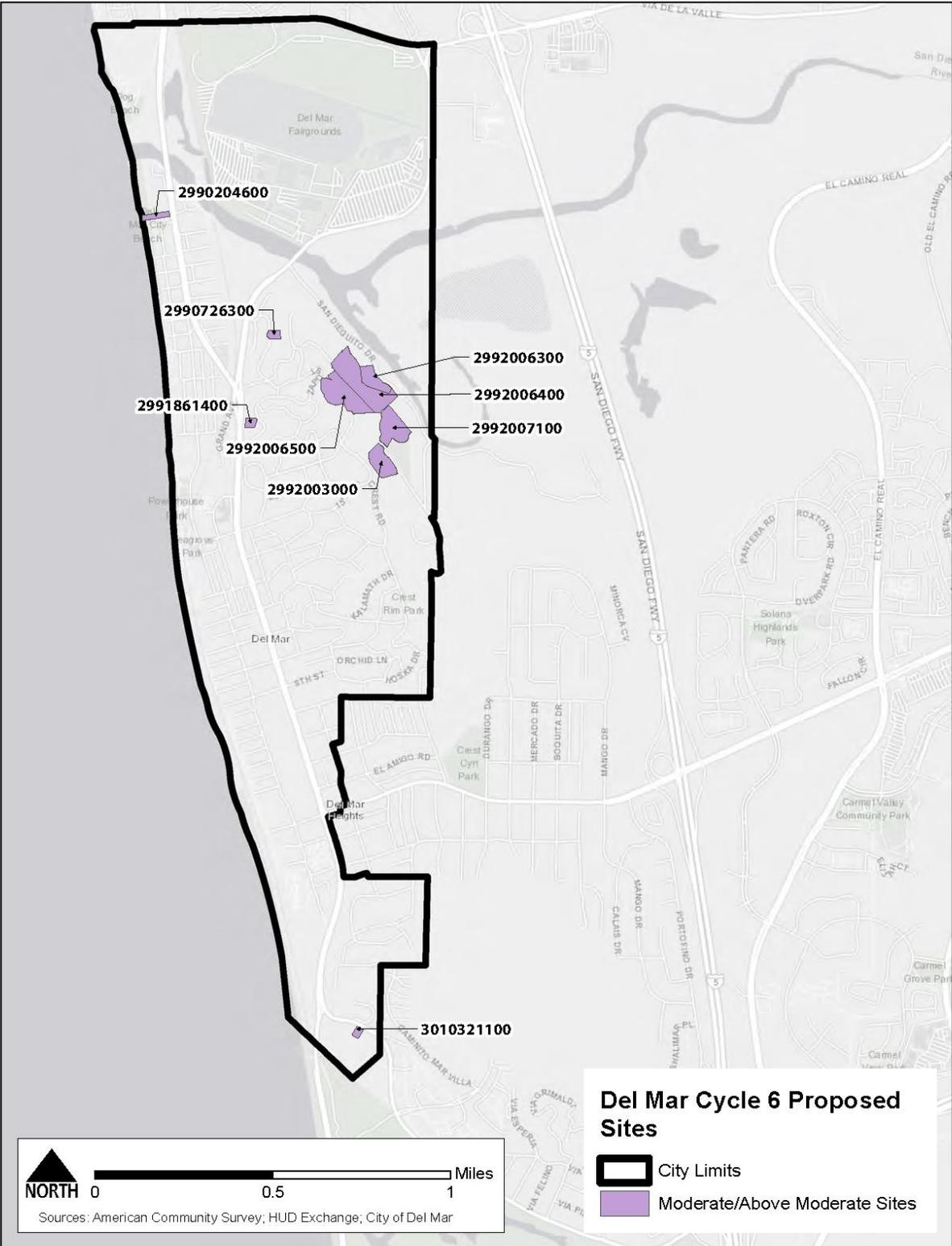


Figure B-5: Above Moderate Sites

Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)

APN	Address	Parcel Size (AC)	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Overlay Zone	Density	Potential Units
2990726300	2069 SEAVIEW AVE	0.57	Vacant	Part of residential single family but mostly vacant large lot	R1-10		4.3	1
2991861400	DEL MAR CA 92014	0.50	Vacant	Part of residential single family but mostly large lot	R1-10		4.3	2
2990204600	2920 CAMINO DEL MAR	0.71	Residential Single Family	Backyard of Residential Single Family	R1-10B		4.3	1
3010321100	155 CARMEL VALLEY RD	0.38	Non-conforming Commercial	Non-conforming autobody repair shop with rear parking	R1-14	BSC, LG, OS, WUI	3.1	1
2992006500	690 SERPENTINE DR	5.53	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, OS, WUI	1	1
2992006300	SAN DIEGUITO DR	2.14	Vacant	Large lot with structure on it	R1-40	BSC, LG, OS, WUI	1	1
2992007100	1810 SAN DIEGUITO DR	3.91	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, WUI	1	1
2992003000	DEL MAR CA 92014	2.79	Vacant	Large vacant lot	R1-40	BSC, WUI	1	2

Figure B-5: Above Moderate Sites								
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)								
APN	Address	Parcel Size (AC)	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Overlay Zone	Density	Potential Units
2992006400	2100 GATUN ST	6.95	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, LG, OS, WUI	1	1

Figure B-6: Moderate Sites								
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)								
APN	Address	Parcel Size (AC)	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Overlay Zone	Density	Potential Units
2990212000	2810 CAMINO DEL MAR	0.31	Residential	Tennis Court	R1-5B	FP	8.7	2
3000910400	12TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2
3001740200	9TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2
3003910800	1230 LUNETTA DR	0.24	Single Family Residential	Single Family Residential with Yard	RMC		12.5	2
2991421100	1935 SANTA FE AVE	0.29	Single Family Residential	Single Family Residential with Yard	RMW		17.6	4
2991421300	1923 SANTA FE AVE	0.35	Single Family Residential	Single Family Residential with Yard	RMW		17.6	5

--	--	--	--	--	--	--	--	--

B.3 22nd District Agricultural Association (DAA)

The Del Mar Fairgrounds, which is approximately 370 acres of land area in north coastal San Diego County, is owned and operated by the 22nd District Agricultural Association (DAA), a State of California agency. Although around 80% of the Fairgrounds is in the City of Del Mar, the City as a municipality has no authority to approve/disapprove development or activities held on the Fairgrounds property. The Fairgrounds is governed by a Board of Directors, each of whom is appointed by the Governor.

Despite ownership by the State of California, the Del Mar Fairgrounds presents an opportunity for the development of lower income housing that can potentially help to meet the housing needs of current and future residents of Del Mar. As part of the policy program established within the Housing Element (see **Program 3A**), the City will actively pursue partnership and development agreement opportunities with the 22nd DAA Fairgrounds to accommodate lower income housing within the fairgrounds property. If successful, the development of housing at deed-restricted lower income affordability levels will assist with meeting the City's lower income RHNA need and can help the State provide on-site workforce housing that supports the Fairgrounds operations.

Development of affordable housing at the Del Mar Fairgrounds site would require a development agreement and memorandum of understanding (MOU) between the State of California, the City of Del Mar, and likely an affordable housing developer. As this agreement does not currently exist, the City cannot rely on the potential for development within the State Fairgrounds as adequate sites to meet the City's RHNA need. Therefore, the contingency rezone plan in the Housing Element (see Program 1E) is included in the City's list of adequate sites to meet the City's lower income RHNA need as set forth in **Table B-1**.

In anticipation of an agreement similar to the one described above, the City has conducted a preliminary analysis of the State Fairgrounds property to determine the potential dwelling unit yield. Integration of new housing development can take many forms and configurations to blend with the existing on-site uses and within the Del Mar community. The State Fairgrounds property is located within a short walking distance of the City's downtown village center, Del Mar's public parks and beach, and public transit.

It is assumed that prospective housing development on this site will occur at a minimum density of 20 dwelling units per acre. Through analysis of the State Fairgrounds property and input by the Citizen's Task Force, it is estimated that approximately 24 acres of the 370 acre property may be developable for residential uses without interrupting the existing on-site racetrack facilities and annual Del Mar Fair event areas. This yields a potential housing development capacity of approximately 480 dwelling units.

As stated within the Housing Element goals, the City is committed to vigorously pursuing an agreement to develop housing on the Del Mar Fairgrounds property and has developed **Program 3A** to identify actionable objectives that will lead to the timely development of affordable housing for lower income households. Further, as part of that agreement, the City's objective is to confirm that any affordable units developed on the State Fairgrounds property will be able to count towards meeting the City's lower income RHNA.

	Gross Acreage¹	Net Acreage	Targeted Number of Lower Income Units
Del Mar Fairgrounds	220.45	5.65	54
1. The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.			

Page 1-6, Section 1.6, Subsection “Alternative 3: No North Bluff Housing (Site 1)”, final sentence.

“This alternative assumes development of 209 DUs throughout ~~104~~ 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately ~~330~~ 328 acres.”

Page 1-13, Section 1.8, Summary of Environmental Impacts and Mitigation Measures, Table 1-1: Summary of Significant Impacts and Proposed Mitigation Measures, Resource Impact Section 4.5, Cultural Resources, Issues CUL-3, box 3

“MM Cul- ~~2~~ 3”

SECTION 3.0 PROJECT DESCRIPTION

Page 3-10, Section 3.5, Subsection “Candidate Housing Sites Inventory”, last sentence.

“...see **Table 3-6 ~~3-5~~**, **Candidate Housing Sites Inventory**, and **Figure 3-1: Candidate Housing Sites.**”

Page 3-10, Section 3.5, Subsection “Candidate Housing Sites Inventory”, new last sentence.

Note: due to mapping constraints **Figure 3-1** does not include labels for every candidate housing site. **Table 3-5** specifically lists these unlabeled candidate sites along with their parcel information and addresses.

Page 3-11, modified Figure 3-1: Candidate Housing Sites, modified to removed site 97 from the Figure.

See attached modified Figure 3-1: Candidate Housing Sites.

Page 3-12, modified Figure 3-2: Focus Areas, modified to remove site 97 from the Figure.

See attached modified Figure 3-2: Focus Areas.

Page 3-13, Section 3.5, Subsection “Candidate Housing Sites Inventory”, above first paragraph.

This Errata makes edits that clarify, amplify or make insignificant modifications to the Project Description, but does not add significant new information to the PEIR. The following table has been added to clarify the following sites are included in Table 3-6 as labeled in this Errata and are included in the Candidate Housing sites analysis in the Draft PEIR but due to limited mapping area were not identified in the original Figure 3-1 and Figure 3-2.

Table 3-5, Candidate Housing Sites Without Labels

<u>Site</u>	<u>Assessor’s Parcel Number</u>	<u>Acres</u>	<u>Address</u>
<u>24</u>	<u>3000122900</u>	<u>0.07</u>	<u>207 15th St</u>
<u>25</u>	<u>3000123000</u>	<u>0.07</u>	<u>211 15th St</u>
<u>26</u>	<u>3000120200</u>	<u>0.07</u>	<u>215 15th St</u>
<u>29</u>	<u>3000123100</u>	<u>0.16</u>	<u>1424 Camino del Mar</u>
<u>31</u>	<u>3000122500</u>	<u>0.08</u>	<u>1412 Camino del Mar</u>
<u>33</u>	<u>3000122300</u>	<u>0.08</u>	<u>Camino del Mar</u>
<u>35</u>	<u>3000122100</u>	<u>0.08</u>	<u>Camino del Mar</u>
<u>37</u>	<u>3000121900</u>	<u>0.08</u>	<u>1340 Camino del Mar</u>
<u>39</u>	<u>3000121700</u>	<u>0.08</u>	<u>1328 Camino del Mar</u>
<u>41</u>	<u>3000123300</u>	<u>0.08</u>	<u>1312 Camino del Mar</u>

Site	Assessor's Parcel Number	Acres	Address
<u>43</u>	<u>3000121300</u>	<u>0.14</u>	<u>1302 Camino del Mar</u>
<u>45</u>	<u>3000740900</u>	<u>0.14</u>	<u>1234 Camino del Mar</u>
<u>47</u>	<u>3000740700</u>	<u>0.14</u>	<u>1212 Camino del Mar</u>
<u>49</u>	<u>3000921600</u>	<u>0.20</u>	<u>243 12th St</u>
<u>51</u>	<u>3000920600</u>	<u>0.09</u>	<u>1140 Camino del Mar</u>
<u>53</u>	<u>3000921300</u>	<u>0.31</u>	<u>1110 Camino del Mar</u>
<u>58</u>	<u>3001721300</u>	<u>0.22</u>	<u>10th St</u>
<u>67</u>	<u>3000300400</u>	<u>0.25</u>	<u>1401 Camino del Mar</u>
<u>69</u>	<u>3000200200</u>	<u>0.09</u>	<u>317 14th St</u>
<u>71</u>	<u>3000200400</u>	<u>0.19</u>	<u>1327 Camino del Mar</u>
<u>73</u>	<u>3000750100</u>	<u>0.14</u>	<u>1247 Camino del Mar</u>
<u>75</u>	<u>3000750400</u>	<u>0.14</u>	<u>1229 Camino del Mar</u>
<u>82</u>	<u>3004011000</u>	<u>0.11</u>	<u>1101 Camino del Mar</u>
<u>84</u>	<u>3004102700</u>	<u>0.07</u>	<u>Camino del Mar</u>

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", first paragraph, first sentence.

"Table 3-6 3-5 includes a parcel-specific listing of candidate housing sites that are available to accommodate..."

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", second paragraph, first sentence.

"Table 3-6 3-5 includes residentially-zoned sites, mixed-use development within the North Commercial and Professional Commercial zones..."

Page 3-13, Section 3.5, Subsection "Candidate Housing Sites Inventory", Table 3-5, title and rows 73 and 114.

Table 3-5 3-6, Candidate Housing Sites Inventory

Site	Assessor's Parcel Number	Acres	Address
1-A	2982413400	2.46	Border Ave
1-B	2982412900	0.63	Camino del Mar
1-C	2982413500	1.21	Border Ave
1-D	2982413600	1.25	Camino del Mar
1-E	2982410600	2.02	Border Ave
1-F	2982410700	4.82	929 Border Ave
2-A	2984210900	3.78	2260 Jimmy Durante Blvd
2-B	2984210800	10.02	2260 Jimmy Durante Blvd
2-C	2982601500	4.94	2260 Jimmy Durante Blvd
2-D	2982603500	12.24	2260 Jimmy Durante Blvd
2-E	2982710300	10.79	2260 Jimmy Durante Blvd
2-F	2990302200	154.96	2260 Jimmy Durante Blvd
2-G	2990300500	21.47	2260 Jimmy Durante Blvd
2-H	2990420300	48.16	15555 Jimmy Durante Blvd
3	2990201000	1.14	2940 Sandy Ln

Site	Assessor's Parcel Number	Acres	Address
4	2990204600	0.71	2920 Camino del Mar
5	2990204700	0.71	2902 Ocean Front
6	2990212000	0.31	2810 Camino del Mar
7	2990301200	0.06	28th St
8-A	2991002900	0.58	2132 Jimmy Durante Blvd
8-B	2991002800	0.50	2126 Jimmy Durante Blvd
8-C	2991002700	0.90	2120 Jimmy Durante Blvd
8-D	2990710600	2.13	2010 Jimmy Durante Blvd
8-E	2990710700	1.38	2002 Jimmy Durante Blvd
9-A	2991004800	1.54	Jimmy Durante Blvd
9-B	2991004700	1.10	Jimmy Durante Blvd
10	2990726300	0.57	2069 Seaview Ave
11	2991330100	1.06	201 Court St
12	2991421100	0.29	1935 Santa Fe Ave
13	2991421300	0.35	1923 Santa Fe Ave
14	2991861400	0.50	Seaview Ave
15	2992320700	0.20	Coast Blvd
16	2992006300	2.14	San Dieguito Dr
17	2992006400	6.95	2100 Gatun St
18	2992006500	5.53	690 Serpentine Dr
19	2992007100	3.91	1810 San Dieguito Dr
20	2992003000	2.79	Oribia Rd
21	2992604500	0.63	Zuni Dr (Water Tank)
22	2992805500	0.46	410 15th St
23	3000122800	0.07	201 15th St
24	3000122900	0.07	207 15th St
25	3000123000	0.07	211 15th St
26	3000120200	0.07	215 15th St
27	3000120300	0.14	221 15th St
28	3000120400	0.22	1438 Camino del Mar
29	3000123100	0.16	1424 Camino del Mar
30	3000122600	0.08	1414 Camino del Mar
31	3000122500	0.08	1412 Camino del Mar
32	3000122400	0.08	1404 Camino del Mar
33	3000122300	0.08	Camino del Mar
34	3000122200	0.08	Camino del Mar
35	3000122100	0.08	Camino del Mar
36	3000122000	0.08	1342 Camino del Mar
37	3000121900	0.08	1340 Camino del Mar
38	3000121800	0.08	1330 Camino del Mar
39	3000121700	0.08	1328 Camino del Mar
40	3000123400	0.08	Camino del Mar
41	3000123300	0.08	1312 Camino del Mar

Site	Assessor's Parcel Number	Acres	Address
42	3000121400	0.08	1310 Camino del Mar
43	3000121300	0.14	1302 Camino del Mar
44	3000741000	0.20	Camino del Mar
45	3000740900	0.14	1234 Camino del Mar
46	3000740800	0.14	1226 Camino del Mar
47	3000740700	0.14	1212 Camino del Mar
48	3000740600	0.19	1202 Camino del Mar
49	3000921600	0.20	243 12th St
50	3000921500	0.09	Camino del Mar
51	3000920600	0.09	1140 Camino del Mar
52	3000920700	0.16	1130 Camino del Mar
53	3000921300	0.31	1110 Camino del Mar
54	3000921400	0.22	1104 Camino del Mar
55	3000931700	0.10 0.09	10th St
56	3000931500	0.10	Camino del Mar
57	3001720400	0.20	944 Caminodel Mar
58	3001721300	0.22	10th St
59	3001721400	0.22	10th St
60	3001720900	0.20	240 9th St
61	3001721700	0.35	910 Caminodel Mar
63	3002002200	0.19	9th St
64	3002002300	0.19	9th St
65	3000308700	1.26	334 14th St
66	3000308300	0.44	1431 Camino del Mar
67	3000300400	0.25	1401 Camino del Mar
68	3000200100	0.17	1349 Camino del Mar
69	3000200200	0.09	317 14th St
70	3000200300	0.19	1335 Camino del Mar
71	3000200400	0.19	1327 Camino del Mar
72	3000200500	0.19	Camino del Mar
73	3000750100	0.14	1247 Camino del Mar
74	3000750900	0.19	1237 Camino del Mar
75	3000750400	0.14	1229 Camino del Mar
76	3000750500	0.19	1219 Camino del Mar
77	3000750600	0.45	1201 Camino del Mar
78	3003910800	0.24	1230 Luneta Dr
79	3004011500	0.30	1135 Camino del Mar
80	3004010300	0.24	1125 Camino del Mar
81	3004010900	0.12	1105 Camino del Mar
82	3004011000	0.11	1101 Camino del Mar
83	3004102600	0.51	1047 Camino del Mar
84	3004102700	0.07	Camino del Mar
85	3004102800	0.16	Camino del Mar

Site	Assessor's Parcel Number	Acres	Address
86	3004102900	0.42	1011 Camino del Mar
87	3002213400	0.39	300 9th St
88	3002212300	0.20	318 9th St
89	3002223100	0.55	853 Camino del Mar
90	3000910400	0.18	119 12th St
91	3000912100	0.37	140 11th St
92	3000941900	0.20	10th St
93	3001740200	0.18	9th St
94	3002431000	0.77	Highland Ave (Water Tank)
95	3002720700	0.32	Crest Rd. (Water Tank)
96	3001821001	0.18	132 6th St
97	3001821002	0.18	132 6th St
98-A	3003211400	2.14	Stratford Ct
98-B	3010100100	1.00	Stratford Ct
98-C	3010100200	1.80	Stratford Ct
99	3010103100	1.27	111 Stratford Ct
100	3010254200	0.20	Pine Needles Dr (Water Tank)
101	3010243500	1.22	445 Hidden Pines Ln
102	3010243200	0.88	Hidden Pines Ln
103	3010241600	0.75	294 Torrey Pines Ter
104	3010321100	0.38	155 Carmel Valley Rd
105	3010320500	0.17	Carmel Valley Rd

Page 3-17, Section 3.5, Subsection “Focus Areas”, third bullet on the page.

“Public Facilities and City-Owned Property Focus Area: Includes ~~five~~ ten sites (Sites 7, 11, 21, 55, 56, 63, 64, ~~and~~ 94, 95, and 100) located throughout the City...”

SECTION 4.1 AESTHETICS

Page 4.1-5, modified Figure 4.1-1: City of Del Mar Overlay Zones, modified to removed site 97 from the Figure.

See attached modified Figure 4.1-1: City of Del Mar Overlay Zones.

SECTION 4.2 AGRICULTURE AND FORESTRY RESOURCES

Page 4.2-2, modified Figure 4.2-1: Farmland Mapping and Monitoring Program Designations, modified to removed site 97 from the Figure.

See attached modified Figure 4.2-1: Farmland Mapping and Monitoring Program Designations.

SECTION 4.3 AIR QUALITY

Page 4.3-10, modified Figure 4.3-1: Sensitive Receptors, modified to removed site 97 from the Figure and delete the extra word “~~Source~~”.



Figure 3-1 Candidate Housing Sites

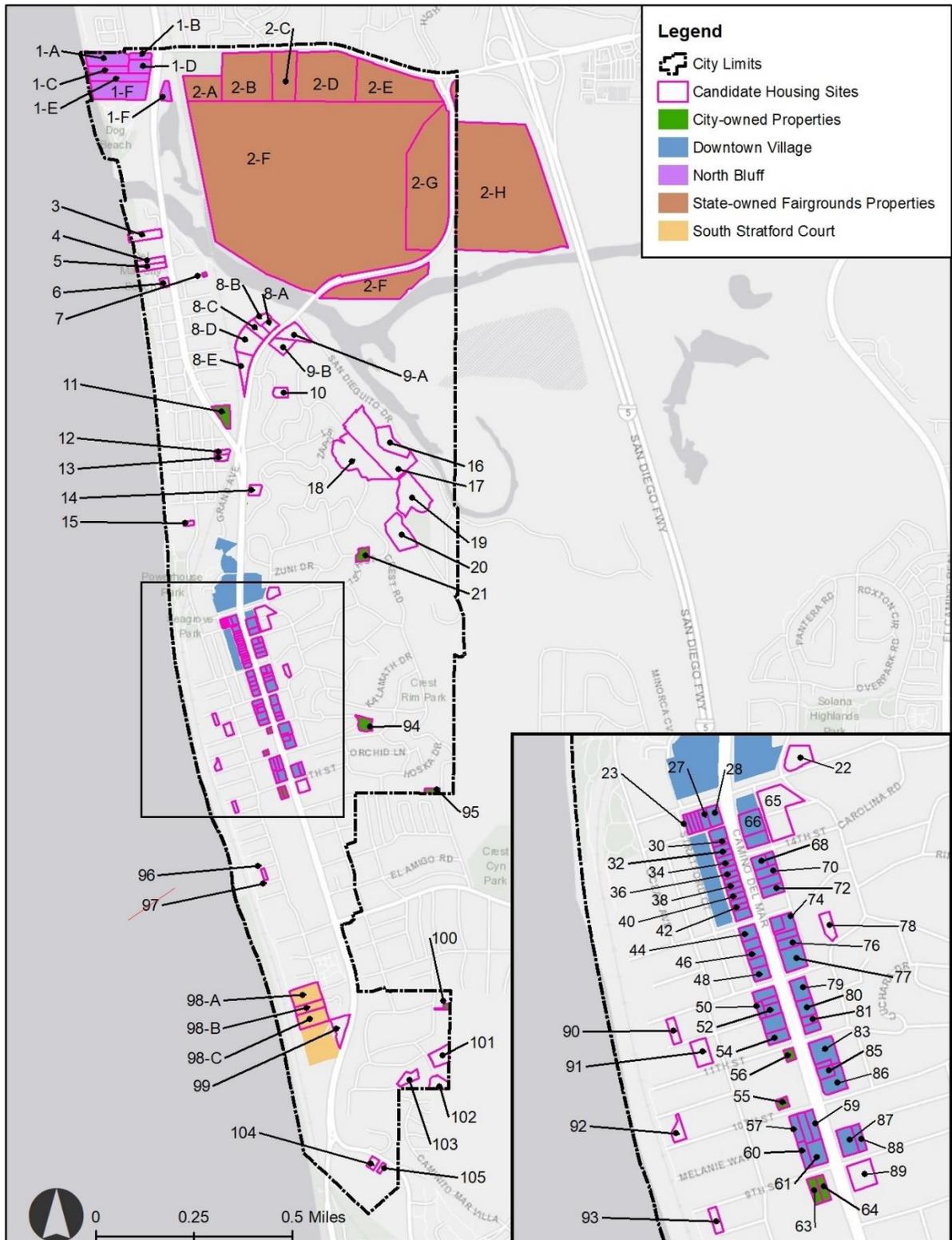


Figure 3-2: Focus Areas

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 17, 2020

Christa Johnson, City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Dear Christa Johnson:

RE: Review of Del Mar's 6th Cycle (2021-2029) Draft Housing Element (Update)

Thank you for submitting the City of Del Mar's (City) draft housing element received for review on October 20, 2020. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by several communications in December. In addition, HCD considered comments from Allen Matkins, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Also, please continue to consider HCD's December 4, 2020 and prior correspondence related to implementation of the 5th cycle housing element. For example, the most recent correspondence notes any deviation from HCD's understanding of the City's October 20, 2020 correspondence will trigger an immediate review and potential action by HCD. The correspondence also notes the City must report progress in implementation monthly and document actions have been taken to implement Program 2-G prior to April 15, 2021. Lack of effective implementation of Programs 2-E, 2-F and 2-G will also have significant impacts on the City's efforts to comply with housing element law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of April 15, 2021 for San Diego Association of Governments (SANDAG) localities. If adopted after this date,

Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the professionalism and dedication of Amanda Lee, Principal Planner, and Joseph Smith, Planning and Community Development Director during the course of our review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name being more prominent.

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX CITY OF DEL MAR

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:*

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement. (Gov. Code, § 65583, subd. (c)(10)(A))

The element includes information contained within the Regional Analysis of Impediments and some general description of patterns within the City related to racially and ethnically concentrated areas of poverty, disparities in access to opportunities and disproportionate housing needs, including displacement risks. However, the element contains minimal analysis to adequately identify contributing factors to fair housing issues and formulate meaningful and significant goals and actions. An adequate analysis generally will identify all the fair housing areas described above, evaluate patterns and trends, analyze other relevant factors and summarize findings to better inform and prioritize contributing factors to fair housing issues and goals and actions. Specifically, the element must include:

- Identification and analysis of integration and segregation on protected characteristics, including race, disability, familial status and income. Identification and analysis must also fully address disproportionate housing needs, including overpayment, overcrowding and substandard housing and access to opportunities for persons with disabilities.
- For all analysis categories (e.g., fair housing enforcement, segregation and integration, racially and ethnically concentrated areas of poverty, disparities in access to opportunities and disproportionate housing needs), discuss patterns and trends relative to the region. For example, Del Mar largely does not appear to reflect socio-economic patterns of the San Diego region.
- For all analysis categories, analyze other relevant factors, most specifically for Del Mar, demographic trends relative to the region, past practices and policies that led to how Del Mar strongly differs from the rest of the region and any other local data and knowledge that compliments the analysis. This analysis must address Del Mar's zoning and land use as a barrier to a broader range of socio-economic characteristics and the fact that a housing development affordable to lower-income households has never been built in Del Mar.
- A listing and prioritization of contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. HCD will send additional examples under separate cover. The element should prioritize contributing factors to better form responsive goals and actions.
- Goals and actions that significantly contribute to overcoming contributing factors to fair housing issues. These goals and actions must have a strong connection to a complete analysis and contributing factors and must not be limited to the regional housing need allocation.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Sites Inventory: While the element lists sites by various factors such as zoning, acreage and capacity, it must also list sites by general plan (i.e., community plan) designation. The inventory should also sufficiently describe existing uses to facilitate an analysis of the potential for redevelopment and explain access to infrastructure (i.e., water, sewer, and dry utilities). Finally, based on communications, the inventory has several inaccuracies such as errantly identifying sites or not accounting for overlay zones in capacity calculations and must be corrected.

Realistic Capacity: The element must include an analysis to support the number of units estimated on each site in the inventory and the likelihood of residential development in zones allowing non-residential uses (e.g., North Commercial and Professional Commercial zones). Currently, the element assumes full build-out of sites listed for very low and low-income households but must also adequately support or correct this assumption based on factors such as land-use controls, overlay zone requirements, and other standards. The element also assumes residential development on sites zoned for non-residential uses. To support this assumption, the element lists several policies that appear to have little connection to promoting residential development. Instead, the element must either adequately revisit and revise the list of policies and include analysis based on factors such as development trends, performance standards or other relevant factors. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#zoning>.

Zoning for Lower-Income Households: In the City's 5th Cycle housing element, the City committed to re-zoning sites to allow up to 20 dwelling units per acre but failed to implement these programs in a timely manner. To address part of this requirement, the City is amending the North Commercial and Professional Commercial zones to allow up to 20 units per acre on some sites. Based on correspondence and communications, the City is taking all zoning and land use actions necessary, including amendments to the local coastal and community plan designation, to allow up to 20 units per acre prior to April 15, 2021. However, Programs 1A, 1B and 1C note timing within 12 months of adoption or even longer. For your information, if these programs and zoning actions are not fully and appropriately completed prior to April 15, 2021, the City must zone sites to permit multifamily without discretionary action at a minimum density of 20 units per acre and comply with all other requirements pursuant to Government Code section 65583, subdivision (c)(1), and section 65583.2, subdivisions, (h) and (i).

Suitability of Non-Vacant Sites: The element must include an analysis to demonstrate the potential for redevelopment. The analysis shall consider factors, including but not limited to the extent existing uses constitute an impediment, past experience, development trends and market conditions. In addition, if relying on non-vacant sites to accommodate 50 or more of the housing needs for lower-income households triggers requirements to make findings based on substantial evidence that the existing use is not an impediment and will likely discontinue in the planning period. The element explains these requirements including headers organizing the statute, but, otherwise, analysis is absent. For example, the element lists recent projects but does not explain how those projects relate to zoning, existing uses and the listed sites in the inventory. The element explains demographic trends for seniors and Generation Y but does not explain how that relates to market demand for redeveloping identified sites. The element states existing leases are an impediment but then concludes that information is not available. There is no attempt to evaluate whether existing uses are operating, have been operating or

are or are not anticipated to continue operating – all of which is retrievable and available information. For regulatory incentives, the element mentions density bonus but then later notes the ordinance needs to be updated to comply with law. To address these requirements, the element must include analysis and must relate that analysis to identified sites to demonstrate the existing uses in the inventory are not an impediment and have potential for redevelopment.

Further, the City's site strategy is dependent on efforts with the State 22nd District Agricultural Association and includes candidate sites for potential rezoning. Given the uncertainty of which sites will be rezoned, the element must address statutory requirements for greater than 50 percent reliance on non-vacant sites to accommodate the housing need for lower-income households as described above.

Affirmatively Furthering Fair Housing: The element must identify sites throughout the community to foster inclusive communities. While the element identifies and show sites and zoning throughout the community, it also notes the plan to accommodate half of the regional housing need for lower-income households at the Del Mar Fairgrounds. The element should discuss whether this strategy potentially isolates a significant number of the housing need for lower-income households and include actions as appropriate, such as additional zoning for a variety of housing choices to foster a more inclusive community.

Accessory Dwelling Units: While the element includes analysis of the number of accessory dwelling units (ADUs) anticipated in the planning period, it must also demonstrate the affordability of those units, particularly for moderate income households. In estimating affordability, the analysis could consider a community survey of existing new accessory dwelling units for their rents and include other factors such as square footage, number of bedrooms, amenities, age of the structure and general location. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/second-units.shtml> and the *Accessory Dwelling Unit Handbook* at <https://hcd.ca.gov/policy-research/docs/adu-ta-handbook-final.pdf>.

City Owned Sites: The element appears to rely on city-owned sites, including rezoning (Program 1H). The element should also discuss the availability, whether current zoning allows up to 20 units per acre and revise programs as appropriate such as complying with requirements pursuant to Government Code section 65583, subdivision (c)(1), and section 65583.2, subdivisions (h) and (i). The discussion of availability should address whether the City intends to surplus the sites and how and when or utilize ground leases.

Suitability and Availability of Infrastructure: The element describes the availability of water, sewer and utility lines but must also demonstrate sufficient existing or planned total water and sewer capacity to accommodate the regional housing need.

Environmental Constraints: In addition to describing various overlays (e.g., coastal bluff, floodplain overlay), the element should discuss whether these overlays

preclude or constrain development, account for impacts in capacity calculations and include policies and programs to address and remove or mitigate constraints.

Emergency Shelters: The element notes emergency shelters are permitted in the North Commercial Zone and the availability of 13.5 acres. The element should also clarify whether shelters are permitted without discretionary action and list and evaluate whether sites and development standards facilitate emergency shelters.

Transitional and Supportive Housing: The element (page 3-18) appears to conflate transitional and supportive housing definitions and should clarify these housing types as distinctly different.

- 3. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element identifies various land use controls, including zoning, overlays, development standards. However, the element must also include an analysis of the impacts of these land use controls on the cost, supply, timing and approval certainty of development. This analysis must specifically evaluate land use controls individually and cumulatively for impacts, including the ability to achieve maximum densities without exceptions (e.g., variance, conditional use, density bonus law). For example, the analysis should address heights, setbacks, lot coverage and parking garage requirements. Finally, the element must include programs to address and remove or mitigate identified constraints.

Design Review: While the element mentions the design review process is intended to protect Del Mar's special character and atmosphere, it must also list and analyze the requirements for impacts on cost and approval certainty. Specifically, the analysis should list standards and approval findings, evaluate impacts and include programs as appropriate to address constraints.

Housing for Persons with Disabilities: The element explains the reasonable accommodate procedure and lists approval findings, including impacts on the use of adjacent properties and right of way. Findings such as impacts on surrounding uses or adjacent properties can act as a barrier to housing for persons with

disabilities. The element should analyze these findings for impacts on housing for persons with disabilities and include programs as appropriate.

Also, community care facilities for seven or more persons are explicitly excluded from several residential zones and subject to a 1,000-foot spacing requirement – a significant barrier to housing for persons with disabilities. The element must include a program to address this constraint and should consider zoning approaches consistent with the City’s occupancy standards as opposed to excluding potentially unrelated persons from several residential zones.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Identified Densities and Approval Times: The element did not address these requirements. The element must address requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Though the element provides information on these special housing needs groups, additional information should be included, specifically on the housing needs of farmworkers, persons with developmental disabilities and homeless population within the City’s boundaries. HCD will send information to assist in this analysis under separate cover.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the*

housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

The element includes several programs where either the timeline for implementation should be earlier in the planning period or the program should have a discrete timeline instead of “ongoing”. Examples where the timeline should be earlier include: Programs 1C (Central Commercial Zoning), 1E (Rezoning North Bluff and South Stratford), 1F (Manufactured Housing), 1G (Density Bonus Ordinance), 1H (Public Facilities Zoning) and 1L (Streamlining and Incentives). Examples of programs that should have discrete timelines include: Programs 6A (SB 35 Permit Streamlining), 7A (Housing Assistance Reserve), 7D (Housing Choice Voucher) and 7G (Non-profit Housing and Assistance Programs).

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element must be revised as follows:

- *Program 4B (Supportive Housing and Low Barrier Navigation Centers):* The program commits to adopt procedure “if” a project is proposed. The absence of an explicit procedure to permit and encourage these uses is a constraint and barrier to housing and shelter for persons with disabilities and experiencing homelessness. The program must commit to amend zoning by a date certain.
- *Programs 1A to 1E (Rezoning):* As noted in Finding A2, if any zoning amendment or rezoning is necessary in the planning period to accommodate a shortfall of adequate sites or unaccommodated need, the zoning must permit multifamily uses without discretionary action and address several other requirements pursuant to Government Code sections 65583, subdivision (c)(1), and section 65583.2, subdivision (h) and (i). These programs should either reflect timing before the beginning of the

planning period or revise the program as appropriate. In addition, Program 1E should consider timing earlier in the planning period and reflect statutory requirements to amend zoning within 3 years.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

The element must include proactive and specific efforts to assist in the development of housing for lower-income households and households with special needs, including extremely low-income, persons experiencing homelessness, farmworkers, persons with disabilities, including developmental and elderly. These efforts are particularly important since Del Mar does not have a 100 percent affordable development in the entire city. Efforts must proactively and regularly reach out to developers of affordable housing and utilize incentives and financial and other resources. HCD will send examples under separate cover.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding(s) A3 and A4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to add programs and address and remove or mitigate any identified constraints.

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element must include a complete analysis of affirmatively furthering fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes an empty table to address this requirement (page 4-25), the table should be completed with actual quantified objectives.

D. Coastal Zone Localities

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. (Gov. Code, § 65588, subd. (d).)

The element does not meet the statutory requirements. To determine whether the City affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must be revised to include the following:

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households required either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.

Summary of Responses to HCD Preliminary Feedback March 4, 2021

Page #	Items in Need of Response	Response
1-7	Status of other General Plan elements (Safety Element and Environmental Justice Element)	Noted these elements to be completed in 2022
1-8	Public outreach and notice of the availability of the draft	Additional detail added
2-20	Data on Type of Care Setting for Local Persons w/ Developmental Disabilities	Noted that local persons with developmental disabilities are served through in-home care
2-23	Local Data on Farmworkers	Confirmed no residents reported employment as farmworkers and no local demand or need for specialized farmworker housing
2-25	Homelessness – local services provided	Incorporated information from St. Peter’s Helping Hands Program
2-32	Group quarters housing on State Fairgrounds property	Clarified State’s responsibility for group quarters on Fairgrounds. Program 3A is an opportunity to improve the condition of existing housing on State Fairgrounds property.
3-6	Status of 5 th Cycle Programs 2E, 2F, 2G	Added reference to status of 5 th Cycle Programs 2E, 2F, 2G
3-8	Identify applicable overlay zones: Coastal Bluff; Floodplain; Open Space; Bluff Slope and Canyon; Historic Preservation, and Lagoon	Added list of APNs for candidate sites within each listed overlay zone
3-13	Address density development standard and whether projects typically build to maximum densities of the zone	Added analysis to address density
3-14	Measurement of Maximum Building Height	Clarified height is measured from the

		existing or finished grade, whichever is lower
3-14	Clarify whether garages are required for parking for multiple dwelling unit and/or mixed use development	Garage parking is required for all dwelling units, including multiple dwellings. The City does not identify specific parking requirements for mixed use.
3-15	Address effect of land use controls	Added analysis of cumulative effect of land use controls
3-16	Community plan vote requirement	Analysis added to Ch 3 per HCD request and Program 6F added to Ch 4 to explore potential need for modification
3-17	Incorporate processing information for Specific Plans processed during 5 th Cycle	Identified the three specific plans processed and the types of zoning deviations that were requested
3-19	Use Types: Address permit process and development regulations for community care facilities/residential care facilities as potential impediment for persons with disabilities	Program 4A (residential care facilities) will amend the code for consistency with State law
3-20	Use Types: Supportive housing and transitional housing are separate use types	Incorporated State definitions and adjusted the language
3-21	Use Types: Clarify permit process and development standards for emergency shelters.	Incorporated reference to DMMC Section
3-23	Reasonable Accommodations	Incorporated reference to DMMC Section 30.86.230 and clarified the applicable findings and record of reasonable accommodations permit approvals

3-24	Community care facilities regulations as potential impediment	Consistent with item above (3-19 analysis of allowed use types per zone), Program 4A will amend the code for consistency with State law. New Program 7C will address care facilities as “Resources for Person with Disabilities”
3-28	Inclusionary Housing Regulations	Program 4D was added to update the Inclusionary Housing regulations to ensure consistency with Density Bonus law and evaluate and address any barriers to affordable housing
3-28	Data on condominium conversions processed during 5 th Cycle	Incorporated statement that 6 condo conversions were processed over last 8 years and provided references to DMMC subdivision map process and regulations
3-31	Local processing and permit procedures	Clarified that most development is the production of above moderate units; and that process improvements are being considered for projects with affordable housing (Program 1I)
3-31	Data on the City’s Design review process	Added procedural language, conditions of denial, and total permits approved. Added reference to Program 6G for preparation of new objective design standards for projects with affordable housing that are exempt from

		discretionary design review process
3-38	Infrastructure (Water/Sewer) –capacity to accommodate units per Housing Element	Statement of water/sewer capacity added
3-39	Stormwater Management Infrastructure	Statement of capacity added
3-39	Fire Prevention and Response	Statement of capacity added
3-40	Law Enforcement Services	Statement of capacity added
3-43	Wildfire Emergency Response	Statement of capacity added
3-45	Appendix B Data on Accessory Dwelling Units (ADUs)	Noted consistent trend of ADU development that supports projected 100 ADUs with mix of above moderate and moderate, and increase in deed restricted low income ADUs with a planned increase in incentives offered (Program 2A).
3-47	Past Performance with Converting Existing Uses to Higher Density	Added reference to projected increase in development interest with new zones that allow 20 du/ac
3-48	Market Demand	Added statement on relationship to strategy to create units along commercial corridor and in small ADUs/tiny houses
3-50	City-owned sites	Two vacant city-owned lots are listed as adequate sites. They are not surplus property. The City can develop affordable housing on these lots if needed.

3-60	HUD database for Affirmatively Furthering Fair Housing (AFFH) Data	The HUD AFFH data base and mapping tool does not provide data for Del Mar. https://egis.hud.gov/affht/
4-5	Program 1A North Commercial (NC) Zone	Clarified City is seeking certification by CCC within 6 months
4-5	Program 1B Professional Commercial (PC) Zone	Clarified City is seeking certification by CCC within 6 months
4-6	Program 1C Central Commercial (CC) Zone	Clarified no CC Zone sites are being relied on as adequate sites
4-7	Program 1D Affordable Housing Overlay Zone	Clarified if implementation of overlay is needed it will require rezone action
4-7	Program 1E Rezone of Vacant North Bluff and/or South Stratford Properties	Clarified if rezone action is needed it would be implemented via overlay zone. Modified RHNA projection from 51 to 54 units to match change in Program 3A Fairgrounds
4-8	Program 1G Density Bonus Ordinance	Revised language in HEU for consistency with current State law
4-9	Program 1H Public Facilities (PF) Zone	Program 1H applies to city-owned property in PF Zone. One PF lot is on adequate sites list
4-11	Program 1I Streamlining and Incentives for Affordable Housing	Revised to explain how program will address existing constraints
4-12	Program 1J for Coordination with Affordable Housing Developers	Added new program to establish regular outreach and coordination with affordable housing developers

4-14	Program 2C ADU Construction	Modified RHNA accommodation to match adequate sites table: 100 ADUs including 40 above moderate, 45 moderate, and 15 low
4-15	Program 3A Housing on State Fairgrounds	Modified RHNA accommodation to match adequate sites table: changed from 51 to 54 lower income units
4-16	Program 4A Residential Care Facilities	Added detail related to changes needed to existing community care facilities regulations
4-17	Program 4B Emergency Shelters, Transitional Housing, Supportive Housing, Low Barrier Navigation Centers	Added code references and definitions for transitional housing and supportive housing. Clarified approval process for low barrier navigation centers
4-19	Program 4D Inclusionary Housing Ordinance	Added Program 4D to confirm City will codify as new Chapter separate from condo conversion regulations
4-22	Program 6A Timeline to establish SB 35 policy with procedures	Added timeline for completion by December 31, 2021
4-24	Program 6C Coastal Zone Data Collection	Added statement that no known lower income or moderate units were created and none were demolished during the 5 th Cycle
4-25	Program 6F Vote Threshold Requirement for Community Plan Amendments	Added Program 6F to conduct analysis per HCD request to consider whether to bring into compliance with State law simple majority vote for Housing Element

4-26	Program 6G Objective Design Standards	Added Program 6G to establish objective design standards for affordable housing projects subject to “by-right” process
4-27	Resources for Persons with Disabilities	Replaced prior program for community care facilities that was inconsistent with Program 4A. New program is consistent with goal to assist persons with disabilities with resources for housing and services