

RESOLUTION NO. 2021-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN) TO AMEND THE NORTH COMMERCIAL LAND USE DESIGNATION PER REQUIRED 5TH CYCLE HOUSING ELEMENT IMPLEMENTATION PROGRAM 2E TO ALLOW MULTIPLE DWELLING UNIT RESIDENTIAL USE ON ASSESSORS PARCEL NUMBER (APN) 299-100-49, 299-100-30, 299-100-28, 299-100-29, 299-100-27, 299-071-06, 299-071-07, AND 299-100-50, INCLUDING APN 299-100-47 AND 299-100-48; AND TO EXPLICITLY PROHIBIT MULTIPLE DWELLING UNIT USE ON APN 299-071-02, 299-100-32, 299-100-33, 299-100-34, 299-100-35, AND 299-100-36 TO ASSURE PRIORITY FOR COASTAL DEPENDENT USES AND AVOID IMPACTS TO SENSITIVE WETLAND HABITAT ON PARCELS LOCATED ALONG THE SAN DIEGUITO LAGOON AND SAN DIEGUITO RIVER FLOODWAY ZONE; AND TO DEMONSTRATE COMPLIANCE WITH STATE LAW, INCLUDING CALIFORNIA COASTAL ACT AND CALIFORNIA HOUSING LAWS, AS NECESSARY TO MINIMIZE OR AVOID OTHER STATE ENFORCEMENT PENALTIES AND FINES; ALL RELATING TO A TOTAL OF SIXTEEN EXISTING PARCELS LOCATED IN THE NORTH COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA

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 per State law and the City's certified 5th Cycle Housing Element (planning period 2013-2021) is the City's existing Housing Element; and

WHEREAS, proposed General Plan Amendment (GPA 20-004) is a required action for the City to implement required 5th Cycle Housing Element Program 2E to demonstrate compliance with State law; and

WHEREAS, 5th Cycle Housing Element Program 2E requires the City amend its Community Plan North Commercial land use designation, Del Mar Municipal Code Chapter 30.24 (North Commercial Zone), and Local Coastal Program to add multiple dwelling unit residential as an allowed primary use in the North Commercial Zone; and

WHEREAS, the proposed General Plan amendment will supplement the prior actions taken by the Del Mar City Council on October 19, 2020 to adopt Ordinance 973 amendments to the Zoning Code (ZA 18-002) and Local Coastal Program (LCPA 19-

001), which together with this Resolution are all required for implementation of Program 2E per State Housing law; and

WHEREAS, a Referendum (filed on November 18, 2020) to repeal the City Council's adoption of Ordinance 973 is in process, which means final processing of Ordinance 973 (required for implementation of Program 2E) will now require ratification by public vote and final Coastal Commission certification for the Ordinance to take effect thereby directly inhibiting the City's ability to meet the April 15, 2021 deadline for completion of Program 2E. Failure to meet the April 15 deadline will result in associated penalty consequences per the California Government Code, the degree of which can be minimized if the proposed Community Plan Amendment is adopted by the City Council; and

WHEREAS, the proposed General Plan Amendment will apply to all 16 parcels in the North Commercial Zone that have the North Commercial land use designation; and

WHEREAS, the proposed General Plan Amendment allows multiple dwelling unit residential use to create adequate sites at sufficient density to facilitate affordable housing on APNs 299-100-49, 299-100-30, 299-100-28, 299-100-29, 299-100-27, 299-071-06, 299-071-07, and 299-100-50, including APNs 299-100-47 and 299-100-48, which are located in the North Commercial Zone along Jimmy Durante Boulevard in an existing developed location that is located inland and away from the San Dieguito Lagoon and riverbank edge; and

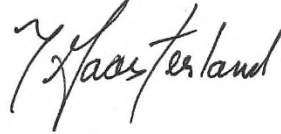
WHEREAS, the proposed General Plan Amendment is substantially different than previous versions of the amendment considered by the City Council on September 8 and October 5, 2020; and

WHEREAS, the proposed General Plan Amendment will effectively address the City's obligation to amend the North Commercial land use designation per the 5th Cycle Housing Element Program 2E; and

WHEREAS, this Resolution is exempt from further analysis in accordance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15162 and 15163 because future development in the North Commercial Zone has already been the subject of prior environmental analysis including Final Program Environmental Impact Report (PEIR) for the Professional Commercial and North Commercial Zoning Code Amendment (SCH# 2019029058) certified by the City Council on September 8, 2020 (Resolution 2020-47) and the 6th Cycle Housing Element Update PEIR (SCH# 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52). Based on a review of the entire record, including without limitation the PEIRs referenced above, no new or substantially greater impacts would result from implementation of Housing Element Program 2E and no further environmental analysis or documentation is necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, hereby adopts General Plan Amendment GPA 20-004 amending the North Commercial land use designation to implement Housing Element Program 2E (as attached in Exhibit "A").

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 15th 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. 2021-12, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 15th day of March 2021 by the following vote:

AYES: Mayor Gaasterland, Deputy Mayor Worden, Council Members
Druker and Martinez

NOES: None

ABSENT: None

ABSTAIN: Council Member Quirk



Sarah Krietor, Acting City Clerk
City of Del Mar

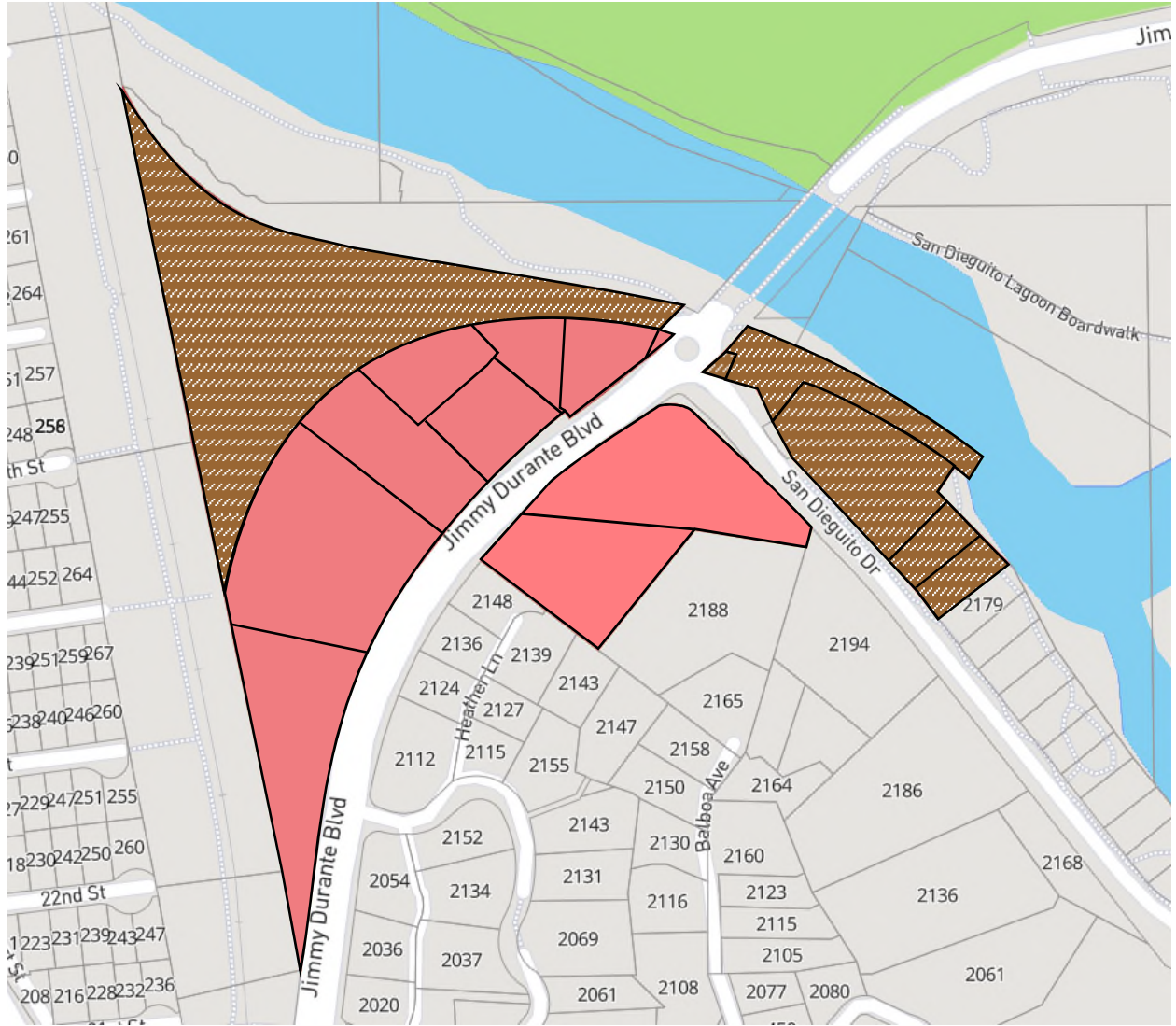
General Plan (Community Plan) Amendment to North Commercial Land Use Designation



Amend the North Commercial land use category in the Del Mar Community Plan Community Development section per 5th Cycle Housing Element Program 2E to read as follows:

North Commercial

This land use classification is intended to allow activities that provide a service to the community, including a range of commercial and light industrial uses, and residential uses. Development should be of low intensity and profile, offering substantial open space. Multiple dwelling unit residential is an allowed use on parcels as shown on the Figure below. To assure priority for coastal-dependent and coastal-related development that avoids impacts to sensitive wetland habitat and the San Dieguito River and Lagoon, multiple dwelling unit residential use shall be prohibited in the Community Plan Valley District on the North County Transit District (NCTD)-owned wye property (APN 299-071-02-00) located on the west side of Jimmy Durante Boulevard and parcels located north of San Dieguito Drive on the east side of Jimmy Durante Boulevard (299-100-32-00, 299-100-33-00, 299-100-34-00, 299-100-35-00, 299-100-36-00).

FIGURE – RESOLUTION NO. 2021-12
“EXHIBIT A”



-  North Commercial: Multiple-Dwelling Unit Residential Allowed
-  North Commercial: Multiple-Dwelling Unit Residential Prohibited