

RESOLUTION NO. 2021-14

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

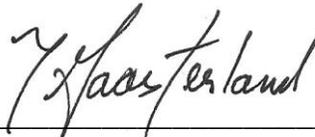
WHEREAS, a formal notice of public hearing was also posted and published and mailed notice was provided by March 15, 2021, in accordance with State law informing the public of the scheduled City Council public hearing on March 25, 2021; and

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. 2021-14, 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: Mayor Gaasterland, Deputy Mayor Worden, Council Members
Druker and Quirk
NOES: None
ABSENT: None
ABSTAIN: Council Member Martinez



Sarah Krietor, Acting City Clerk
City of Del Mar