



## **Preliminary Application Checklist for Housing Development Projects (Senate Bill SB 330 - Housing Crisis Act of 2019)**

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Effective January 1, 2020 and through expiration on January 1, 2025, SB 330 expands or amends existing State legislation, including the Permit Streamlining Act and Housing Accountability Act, to facilitate increased production of residential units, protect existing residential units, and provide an expedited review and approval process for “housing development” projects, defined in SB 330 as:

1. Projects consisting of only residential units;
2. Mixed-use projects proposing a combination of residential and commercial uses and where at least 2/3 of the of project square footage would be designated for the residential uses; or
3. Transitional and supportive housing.

Pursuant to Government Code Section 65941.1 (SB 330), eligible housing development projects may submit a “preliminary application” which, when deemed submitted, shall have the effect of “locking” the development requirements, standards, and fees in-place at the time the application was deemed submitted. Thereafter, the City shall be prohibited from applying new ordinances, policies, standards and fee increases to the development. The checklist and application form herein shall be used for the purpose of satisfying the requirements of SB 330.

Only when all information included on the checklist herein has been provided, coupled with payment of the requisite fee, will the preliminary application be deemed submitted. Thereafter, within no more than 180 days, the project proponent must submit an application(s) for a development project. If the City determines that the development project application or applications are not complete, written correspondence will be sent within 30 days detailing missing materials and/or information needed to complete the application. A written response must be provided to this correspondence within 90 days of receipt, or the preliminary application shall expire and have no further force or effect.

Moreover, should a complete housing development project application subsequently be revised such that the proposed number of residential units or “square footage of construction” (as defined below) change by 20 percent or more (exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver or similar provision), the revised housing development project shall not be deemed to have submitted a preliminary application until the development proponent provides an application with modified exhibits and submittal requirement information as necessary to accurately reflect the revised project. For purposes of this form, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

**REQUIRED PRELIMINARY APPLICATION MATERIALS and PROJECT INFORMATION:**

**APPLICANT INFORMATION**

1. Complete the City's Uniform Development Application:

[www.delmar.ca.us/DocumentCenter/View/1033/Uniform-Development-Application-PDF](http://www.delmar.ca.us/DocumentCenter/View/1033/Uniform-Development-Application-PDF)

**PROJECT INFORMATION**

1. Provide a Site Plan showing the location of existing and proposed development on the property, elevations showing design, color, and materials, massing and height, as well as approximate square footage, of each building that is to be occupied.

- Have all of the materials listed above been included?

YES

NO

2. Provide the specific location of the project, including parcel number(s), a legal description, and site address, if applicable. If additional space needed for response than provided below, please attach materials.

The site includes 3 parcels APN's: 298-241-06-00, 298-241-07-00 & 299-030-14-00.

Site Address: 929 Border Avenue City of Del Mar.

Legal Description see Exhibit A

3. List the proposed land uses by type (both residential and nonresidential and using categories identified in the Del Mar Municipal Code), number of units and area (square footage):

- Proposed Land Use(s):

Multiple-dwelling / Housing Element Implementation Overlay Zone (HEI-OZ)

- Current Zoning of Property:

R1-40, Bluff Slope Cyn OZ, Coastal Bluff OZ, 6th Cycle candidate sites;

- Proposed Number of Residential Units:

259

+ Lagoon OZ & Floodplain OZ (both OZs due to small parcel east of CDM. Note NO development is proposed on the small parcel in these OZs)

- Proposed Area of Residential Units in Square Feet:

308,968 sf (1.03 FAR) = 212,232 (0.71 FAR res) + 96,736 sf (0.32) pkg

- Proposed Area of Non-Residential Uses in Square Feet (For Mixed-Use Projects):

0

4. Proposed number of on-site parking spaces:

- Standard:
- Accessible / Americans with Disabilities (ADA):
- Electric Vehicle Charging:

5. Provide the number of proposed units based on their affordability levels, separated by “zoning compliant” (based on allowed density and 20% inclusionary housing requirement) and “Density Bonus” (if a bonus is requested) units. Income levels are determined as a percentage of the San Diego County Area Median Income (AMI) (\$86,300 in 2019). “Affordable units” are those household incomes qualifying as extremely low, very low, and low. For Density Bonus, refer to DMMC Chapter 30.90, as supplemented by Assembly Bill AB 2345.

- Proposed Affordability Level: **Extremely Low (<30%)**

Zoning Compliant / # of Units:

Density Bonus / # of Units:

- Proposed Affordability Level: **Very Low (31-50%)**

Zoning Compliant / # of Units:

Density Bonus / # of Units:

- Proposed Affordability Level: **Low (51-80%)**

Zoning Compliant / # of Units:

Density Bonus / # of Units:

- Proposed Affordability Level: **Moderate (81-120%)**

Zoning Compliant / # of Units:

Density Bonus / # of Units:

- Proposed Affordability Level: **Above Moderate (>120%)**

Zoning Compliant / # of Units:

Density Bonus / # of Units:

6. List the proposed number of **bonus** units and any incentives, concessions, waivers, or parking reductions requested pursuant to California Government Code Section 65915.

\*86 bonus units  
\*Incentives/Concessions = 3 provided (based on 24% lower income)  
1) Increase Lot Coverage; 2) Decrease pkg stall depth; 3) Allowance for construction on steep slopes/public ROW  
\*Waivers = 1) Increase height; 2) Increase FAR; 3) Increase # of stories  
\*Parking to use Govt Code 65915(p)(1) = 1 per Studio/1BD & 1.5 per 2BD/3BD

- Does this project seek a density bonus?

YES

NO

- If yes:

- Number of **Total** Affordable Units to be Provided: 85 (85 of 173 base)

- Percentage of **Total** Affordable Units vs **Total** Units: 49%

- Number of **Bonus** Affordable Units Requested:

0

- Number of **Bonus** Market-Rate Units Requested:

86

- Describe the desired incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915. Refer to DMMC Chapter 30.90 (Density Bonus), as supplemented by AB 2345, for further details and **include with this application as applicable**:

See Project Description file in Application package for detailed incentives/concessions, waivers, and parking standards.

7. Will the project include a request for a lot merger and/or any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map?

YES

NO

- If yes, please describe further below. If additional space is needed for response than that provided, please attach materials.

Administrative lot merger of 3 existing lots via boundary adjustment. No other subdivision actions requested.  
APN's: 298-241-06-00, 298-241-07-00 & 299-030-14-00.

**SITE INFORMATION**

1. List existing uses at the project site and identify proposed major physical alterations to the property. Please describe below and identify any related information on the Site Plan. If additional space is needed for response than provided below, please attach materials.

Existing site is very flat sloping from center to the East and to the West at 3 % grade. Site will be graded with the exception of area West of the proposed Bluff Setback from the top of the bluff. There is no grading, retaining walls or detailed improvements shown on this preliminary site development concept. The site frontage (CDM) where access will be provided. Access requires 5K CY removals from existing slope West of CDM and 4K SF of retaining walls

2. List the number of existing residential units on the project site that will be demolished and whether each existing unit is presently occupied or unoccupied.

0

- Is this applicable to the project?

YES

NO

- If Yes, please describe further below:

- Provide a list of affected units including the demolished unit's address along with an indication if the unit is occupied or unoccupied.

N/A

3. Are any species of special concern as defined by the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service, or Protected Trees as defined in Del Mar Municipal Code Chapter 23.50 (Trees) known to occur on the property?

YES

NO

- If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space is needed for response than provided below, please attach materials.

Per Biologist Alden Report (enclosed), the site is developed, heavily disturbed, and surrounded by development. The biological resources on site are low quality, limited to the coastal beach bluff. The project would not impact any sensitive vegetation community and entirely avoids the coastal beach bluff, with a minimum 50-foot buffer. In addition, according to the Arborist Report by Rappoport dated September 13, 2022 (enclosed) The loss of trees #23, #26, and #30 required a 2:1 replacement ratio, #39 a 1:1 replacement ratio for a total of 7 of the 19 replacement trees to mitigate the loss

4. Identify whether a portion of the property is located within any of the following:

- A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to California Government Code Section 51178?

YES

NO

If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

- A wetland, as defined in the U.S. Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES

NO

If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

Wetland only due to a portion of the property APN 298-241-07 that is located on the East side of Camino Del Mar (CDM) is located on the Floodway FW Zone, however, No Development is proposed on the east portion of property. Proposed Development is only on the main property located West and fronting CDM. See Biology Report by Alden Environmental.

- A hazardous waste site that is listed pursuant to California Government Code Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES

NO

If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features). If additional space needed for response than provided below, please attach materials.

- A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency?

YES

NO

If yes, please describe below, identify on Site Plan, identify how the project is designed to conform to all FEMA-required design standards for buildings in a special flood hazard area, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

A portion of the property APN 298-241-07 that is located on the East side of Camino Del Mar (CDM) is located on the Floodway FW Zone, however, No Development is proposed on the east portion of property. Proposed Development is only on the property located West and fronting CDM. See Bio Report by Alden Environmental.

- A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES

NO

If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.



- A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES

NO

If yes, please describe below, identify on Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

5. Are any historic, cultural, tribal, or paleontological resources known to exist on the property?

YES

NO

- If yes, please describe below, identify on the Site Plan, and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

A Cultural Resources and Paleontological Reports were conducted. The Cultural Resources Report Concluded that "The review of available records information and the updated survey of the project did not identify any significant cultural resources within the project. In addition, the Paleontological report concluded that "Excavation activities at the project will likely impact the surficial Pleistocene old paralic deposits (Bay Point Formation) and, therefore, may adversely impact significant paleontological resources that may be present within the formation below the surface. Should excavation activities progress deep enough beyond the old paralic deposits and into the Torrey Sandstone, significant fossil resources that may be present in the Torrey Sandstone may also be adversely impacted" See Mitigation recommendations on report enclosed and consistent with HEI-OZ requirements.

6. The entirety of the City of Del Mar is located within the California Coastal Zone. Please describe whether any portion of the property contains any of the following (check which applies) and show on your Site Plan:

Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations:

\*Wetlands" was checked due to small portion of existing lot east of CDM - NOT part of development area

Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code

A tsunami run-up zone

Existing public access to or along the coast \*Lateral access on beach below

7. Show on your Site Plan, the location of any stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

- Is this applicable to the project?

YES

NO

- Identify on your Site Plan and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features.

8. Show on your Site Plan, the location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way. Attach copies of any Grant Deeds, Recorded Instruments, Title Reports and similar information to this application.

9. Does the project propose any point sources of air or water pollutants?

YES

NO

- If yes, please describe below, show on your Site Plan and attach any relevant preliminary technical reports/studies to address any potential Mitigation Measures/Project Design Features. If additional space needed for response than provided below, please attach materials.

The project does not propose a Point Source of Air Pollutants. There will be a Point Source for Water Pollutants that will be identified when the proposed grading, drainage and improvements are developed. Future Mitigation will be provided via Drainage Reports and Best Management Practices (BMP).