



Chapter 3: Housing Constraints, Resources, and Affirmatively Furthering Fair Housing



CHAPTER 3: HOUSING CONSTRAINTS, RESOURCES, AND AFFIRMATIVELY FURTHERING FAIR HOUSING

The City's objective with the 6th Cycle Housing Element is to create a more integrated and balanced community. Chapter 3 identifies existing housing constraints, housing resources, and opportunities to create new housing choices that can enhance and diversify the community in terms of race and income for long term balance and sustainability. The City of Del Mar is a housing opportunity area that offers access to jobs, transit, services, good schools, public beaches and parks, and a healthy and safe environment with coastal resources, amenities, and programs that enhance the quality of life. Through identification of the main constraints to local housing mobility opportunities and associated policy considerations, the City was able to identify strategies, programs, and actions in Chapter 4 that are intended to remove impediments to housing, provide housing choices that enable people to move to Del Mar, enhance housing resources and community assistance, and affirmatively further fair housing in Del Mar.

A. HOUSING CONSTRAINTS

A variety of constraints affect the provisions and opportunities for adequate housing in Del Mar. The housing constraints analysis consists of nongovernmental or market constraints, including but not limited to land costs, construction costs, and availability of finances; and governmental constraints, including but not limited to development standards and building codes, land use controls, and permitting processes. Combined, these factors create barriers to availability and affordability of new housing, especially for lower and moderate-income households.

Nongovernmental Constraints

Nongovernmental constraints largely affect the cost of housing in Del Mar and can produce barriers to housing production and affordability. These constraints include the limited availability and high cost of land for residential development, the high demand for housing, limited financing and lending availability, high construction costs, and the limited availability and high cost of labor, which can make it expensive for developers to build any housing, and especially affordable housing. The following highlights the primary nongovernmental market factors that affect the production of housing in Del Mar.

LAND COSTS AND CONSTRUCTION COSTS

High land costs are a significant constraint to the development of affordable and middle-income housing in the City of Del Mar. Land cost represents a significant cost component in residential development. According to current listings in the City of Del Mar, the cost of land can range from \$2,395,000 for 0.93 acres inland from the coast, near Crest Canyon Park to \$2,795,000 for 1.02 acres near the San Dieguito Lagoon. Land costs also show to reach as high as \$7,995,000 for half of an acre near the coast with an ocean view. Current listings in nearby cities such as Solana Beach and Encinitas showed land for sale from about \$465,000 for a 5,000 square foot property inland from the coast to about \$2,000,000 for coastal properties primarily under a half of an acre in size. High land costs have a demonstrable effect on the cost of housing in Del Mar, as the price of housing is directly related to the costs of acquiring land. These high land costs are a significant constraint to the development of affordable and middle-income housing in the City.

Additionally, current housing data shows that the price of single dwelling detached units in the City ranged from \$1,700,000 for a three bedroom and three-bathroom single-family detached unit (2,224 sf) to between \$3,000,000 and \$9,000,000 for beach front property with similar square footage.¹ Location within Del Mar is a factor as well, with some properties in the hills towards the eastern part of the City selling for 1,900,000 to 2,400,000. As of August 2020, there were several attached condominium units for sale between \$800,000 and 1,200,000. These units typically had two bedrooms and one or two bathrooms.

Due to the high cost of land, it can be difficult for developers or private investors to secure land, go through a lengthy entitlement and construction process while carrying the land, and then sell or lease units at an affordable rate without external funding methods to offset the loss of income on affordable units. The limited availability and corresponding high cost of vacant land poses one of the largest constraints to the construction of affordable housing in Del Mar. High land costs have a demonstrable effect on the cost of housing as the price is directly related to the costs of acquiring land.

The cost of construction is another major factor that affects the price of housing. The International Code Council (ICC) provides estimates for the average cost of labor and materials for typical Type VA wood-frame housing. Estimates are based on a metric of “good-quality” construction, providing for materials and fixtures that are well above the minimum required by state and local building codes. In August 2019, the ICC estimated that the average per square-foot cost for good-quality housing construction in the San Diego region was approximately \$117 for multiple dwelling unit housing and \$129 for single dwelling unit homes. Construction costs for custom homes and units with extra design features and amenities, as is common in Del Mar, run even higher. Pursuant to the City’s adopted Building valuation table, last amended in 2010, the minimum price per square foot is \$197. Although construction costs are a significant portion of the overall development cost, they are consistent throughout the region. Considering the high land costs in Del Mar, construction costs are not considered a major constraint to market rate housing production. However, when considered together with the high land costs, the high construction costs are a factor that affects the feasibility of housing production for lower income households.

Policy Consideration:

While the City cannot control the price of land within Del Mar or construction costs, Housing Element Program 7A identifies funding sources that the City will reserve to directly aid in the construction of affordable housing when funds are available.

AVAILABILITY OF FINANCING

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person’s ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to residents of a community. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in Del Mar.

¹ Zillow, August 2020

Table 3-1 below displays the disposition of loan applications for the County of San Diego, per the 2016 Home Mortgage Discloser Act report.

Given the relatively high rates of approval for home purchase, improvement, and refinance loans, home financing is generally available and is not considered to be a significant constraint to the provision and maintenance of housing for the current population in Del Mar. This trend is expected to be similar in terms of the processing of loans related to financing opportunities for the development of affordable housing in Del Mar. However, as identified in the policy consideration below, the City will actively share availability of financing opportunities with the public and monitor progress and potential impediments as it relates to the production of affordable housing and resident access to loans and financial assistance for affordable housing.

Policy Consideration:

Housing Element **Program 6B** identifies actions the City will take to further fair housing practices, including identification of barriers to receiving loans and potential constraints related to accessibility to housing for all income levels. Further, through **Program 7I** the City is establishing a database of community assistance resources, including financial resources available for funding affordable housing that will be available to the public. Through **Program 1J** the City will establish a program to proactively and regularly reach out to affordable housing developers and the San Diego Housing Federation to share information on affordable housing opportunities in the City of Del Mar when available to help connect interested property owners with potential affordable housing developers and available financing tools.

Table 3-1: Disposition of Loan Applications – San Diego County				
Applications	Total	Percent Approved	Percent Denied	Percent Other
By Loan Type				
Conventional Purchase	20,129	77.6%	5.2%	17.2%
Government-Backed Purchase ¹	6,721	72.8%	5.6%	21.5%
Home Improvement	1,875	78.0%	7.9%	14.2%
Refinancing	14,015	72.8%	7.3%	19.8%
<i>Notes: Percent approved includes loans approved by the lenders whether or not they are accepted by the applicants. Percent Other includes loan applications that were either withdrawn or closed for incomplete information. Source: HMDA data, 2017. 1. Government-backed loans include loans insured or guaranteed by the Federal Housing Administration (FHA), Veteran Administration (VA), and Farm Service Agency (FSA)/Rural Housing Services (RHS).</i>				

ECONOMIC CONSTRAINTS

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction, especially to affordable housing construction. It is estimated that housing price growth will continue in the City and the region for the foreseeable future.

On February 14, 2020, the County of San Diego (County) Board of Supervisors declared a local health emergency in the County of San Diego, California due to the public health threat of the novel Coronavirus (COVID-19). On March 4, 2020, California Governor Gavin Newsom declared a state of emergency in the State of California due to COVID-19's public health threat. On March 14, 2020, the Del Mar City Council proclaimed a Local Emergency, as defined by Government Code §8558(c), in Del Mar due to the COVID-19 pandemic. The impacts that the COVID-19 pandemic will have on the local housing market, including housing construction and availability, are unknown at the time of this analysis. However, it is anticipated

that COVID-19 may present further constraints to the development of affordable housing in Del Mar during the 2021-2029 planning period that are out of the control of the City.

Prior to the March 4, 2020 state of emergency order for COVID-19, the economy was growing. California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. A 2020 California Association of Realtors (CAR) report found that homes on the market in San Diego County cost an average of \$670,000 in February 2020, a seven percent increase year-to-year change. According to the CAR First Time Buyer Housing Affordability Index, from 2018 to 2019 the median value of a home in San Diego County was \$556,750 with monthly payments (including taxes and insurance) of \$2,880. This cost required an average qualifying income of \$86,400. In the City of Del Mar, homes and cost of living were significantly higher. According to Zillow Home Prices and Values data (August 2020), the median cost of a home in Del Mar was \$2,436,331.

Del Mar's median home price outpaced the median home price reported in nearby coastal cities such as Solana Beach (\$1,183,000), Encinitas (\$925,000) and Carlsbad (\$785,100). The high cost of land and increasing home prices in Del Mar present a constraint to the development of and access to housing, particularly at rental and for sale prices available to lower income renters and buyers.

Governmental Constraints

In addition to market constraints, a number of policies and regulations at the Federal, State, regional, and local levels also affect the price and availability of housing and the provision of affordable housing. The City of Del Mar has no control over laws enacted at the regional, state, and federal level.

At the Federal level, constraints may include federally-adopted regulations, standards, provisions, policies, and directives from agencies engaged in housing financing/funding, housing services, and compliance monitoring that impose restrictions and limitation on housing development. For example, in Del Mar the federal regulations related to flood management within floodplains can act as a constraint to housing. Other federal-level constraints may be influenced more specifically by project type, affordability level, and tenure.

At the State level, these constraints may include regulations, standards, provisions policies and directives specific to California jurisdictions from various state agencies engaged in housing financing, services and compliance monitoring that impose restrictions or limitations on housing development. For example, in Del Mar the California Coastal Act regulations applicable to coastal jurisdictions can act as a constraint to housing because residential is not a priority land use under the Coastal Act. Other State-level constraints may be influenced by the various State laws and regulations tied to General Plan law and Housing Element certification. These State requirements impose challenges to the ability of jurisdictions to meet the provisions contained in State housing law and often necessitate imposition of a General Plan maintenance fee on development permit applications, which is an added cost to the development of housing.

At the regional level, the San Diego Association of Governments (SANDAG), County of San Diego, and other applicable agencies may include limitations on funding, financing, grants, and loans that require mitigation, monitoring, and reporting programs for compliance. Much of the regional limitations are pass-through from federal and state requirements, but particular localized policies and programs may affect housing development as well.

However, the primary source of governmental constraints is typically laws and regulations governing the use of land at the local level. Therefore, the focus of the analysis of governmental constraints is mainly at the local level. Local laws including land use and development controls, permit processing procedures, site improvement requirements, fees and exactions, and other factors can create regulatory barriers that

constrain the development of new housing as well as the maintenance and improvement of existing housing.

Policy Consideration:

Housing Element **Programs 5B and 1I** specify actions the City will take to support the accommodation of future housing. These actions include requiring a “Housing Impact Statement” in all staff reports related to land use and planning that will describe how a proposed action meets the City’s housing goals and any potential impacts on the housing supply (**Program 5B**) and a program for streamlining the development process and creating incentives for projects with an affordable housing component (**Program 1I**). In addition to streamlining, the City is encouraged to pursue the following actions: consolidated permit processing to simplify the application process, entitlement exemptions to reduce the number of required permits, streamlined review processes to shorten approval times, and fee reductions or payment deferrals.

LAND USE CONTROLS

The City of Del Mar’s Community Plan, Local Coastal Program (LCP), and Zoning Ordinance (Title 30 of the Del Mar Municipal Code [DMMC]) set forth policies and regulations for guiding local development. As of August 2020, the City’s Community Plan (excluding the Housing Element), certified LCP, and City of Del Mar Municipal Code each identify the following residential categories and allowed densities:

- ▶ Very Low Density Residential (R1-40) (1 unit/net acre²)
- ▶ Modified Low Density Residential (R1-14) (Max. 3.1 units/net acre)
- ▶ Low Density Residential (R1-10) (Max. 4.3 units/net acre)
- ▶ Low Density Residential - Beach (R1-10B) (Max. 4.3 units/net acre)
- ▶ Medium Density Single Family Residential (R1-5) (Max. 8.7 units/net acre)
- ▶ Medium Density Single Family Residential - Beach (R1-5B) (Max. 8.7 units/net acre)
- ▶ Medium Density Mixed Residential - East (RM-East) (Max. 8.8-17.6 units/net acre)
- ▶ Medium Density Mixed Residential - West (RM-West) (Max. 8.8-17.6 units/net acre)
- ▶ Medium Density Mixed Residential - Central (RM-Central) (Max. 6.3-12.5 units/net acre)
- ▶ Medium Density Mixed Residential - South (RM-South) (Max. 10.9-12.5 units/net acre)
- ▶ High Density Residential (R-2) (Max. 12.5 units/net acre)
- ▶ Residential Commercial (RC) (Max. 12.5 units/net acre)
- ▶ Carmel Valley Precise Plan (Max. one unit per developable parcel identified in the Carmel Valley Precise Plan)
- ▶ Professional Commercial (PC) (20 units/net acre)
- ▶ North Commercial (NC) (20 units per net acre, except two lots that allow 20-25 units per acre “by-right”)

² One-acre totals 43,560 square feet. The term “net” acre means 43,560 square feet of land area, not including public streets or road easements as defined in DMMC Section 30.04.010.

- ▶ Central Commercial (CC) (Max. 1 accessory unit³/parcel)

These residential categories generally accommodate single dwelling unit and duplex development with limited opportunities for multiple dwelling unit development greater than two primary dwelling units per parcel. None of the existing residential land use designations or zones accommodate a density of 20 dwelling units per acre, which is the State's minimum required default density for Del Mar (based on jurisdiction size) that can accommodate housing development for lower income households. The PC Zone and NC Zone were amended to accommodate 20 dwelling units per acre in accordance with the 5th Cycle Housing Element. The highest residential zone density in the City is currently RM-East at 17.6 units/net area. In its usage, "dwelling units" per acre refers to primary dwelling units and does not factor in ADUs as defined by State law. Due to the built-out nature of the City, most housing development is expected to occur as small-scale, in-fill development on existing, subdivided lots.

Additional Dwelling Units Allowed per Zoning

State law provides for the development of Accessory Dwelling Units (ADUs) on a lot in any zone that allows residential or mixed use as a primary use; and provides for Junior ADUs (JrADUs) on any lot with a single dwelling unit. According to the City of Del Mar Municipal Code, an ADU is a small ancillary dwelling unit (detached or attached) with complete, independent living facilities (kitchen and bathroom) located on the same lot as a primary dwelling unit; and a JrADU is a smaller dwelling unit (500 square feet maximum in size) that is developed within a single dwelling unit on a single dwelling unit lot that has a separate entrance, efficiency kitchen, and access to a bathroom either within the JrADU or shared with the primary dwelling unit. The provision of ADUs and JrADUs within the City can:

- ▶ Provide a greater balance of housing options and affordability to meet the City's housing goals;
- ▶ Provide more affordable housing options for seniors and lower-income individuals to remain in the community;
- ▶ Provide independent accommodations for extended family or caregivers to live on the same premises;
- ▶ Provide the opportunity for supplemental rental income to homeowners; and
- ▶ Help to reduce local vehicle miles of travel (VMT) and meet Climate Action Plan goals by accommodating a greater variety of housing options in close proximity to services and employers within the community.
- ▶ Note that ADUs and JrADUs do not count toward the allowable density of any zone and are otherwise exempt from various development standards (e.g., FAR, lot coverage, and parking) and discretionary permit processes (e.g., design review and conditional use permits).

Since the 1990s, the City has adopted a series of ordinances to implement State law requirements related to ADUs including:

- ▶ Adoption of the Second Dwelling Unit Ordinance (April 1999) required ADUs to be deed restricted affordable and approved through a ministerial permit process (prior to October 2017, ADUs were more commonly referred to as Second Dwelling Units or Granny Flats);

- ▶ Adoption of an ADU Ordinance (October 2017) replaced the Second Dwelling Unit Ordinance, removed the prior deed restriction requirements, and implemented new State laws in effect to provide for ADUs and JrADUs, and ministerial approvals through a streamlined process (e.g., no longer subject to design review or conditional use permits); and
- ▶ Adoption of an update to the ADU Ordinance (June 2020) implemented a package of State ADU laws that took effect on January 1, 2020.

The new laws significantly incentivized the development of ADUs by exempting them from a lot's floor area ratio (FAR) limit, pre-empted local jurisdictions from adopting a maximum square footage limit smaller than 850 square feet or a maximum height limit less than 16 feet (except for ADUs in the Bluff, Slope and Canyon Overlay Zone which include a minimum 14-foot height); expanded placement options where ADUs may now be located on a lot in any zone where residential is an allowed primary use, including properties with single dwelling unit or multiple dwelling unit development; expanded the number of ADUs allowed per lot under various scenarios; and required development approvals within 60 days of a complete application.

Consistent with State law, ADUs are allowed in zones that allow single dwelling unit or multiple dwelling unit development as a primary use. In Del Mar, this includes all of the City's residential zones and the Carmel Valley Precise Plan Specific Plan (CVPP). A single dwelling unit is permitted to have one ADU (attached or detached) and one additional JrADU located within the primary dwelling unit. The primary dwelling unit can be existing or proposed. Lots with an existing duplex are allowed a maximum of one ADU per primary dwelling unit. ADUs on lots with an existing duplex must be located within or attached to the primary dwelling unit or may be detached per the development standards that are applicable to ADUs on lots with a single dwelling unit. A lot with existing multiple dwelling unit development of three or more units per lot (e.g., existing development in RM-South) is permitted to incorporate ADUs into spaces that are not located within the existing dwelling units themselves including ADUs as detached structures (maximum of two per lot) and/or ADUs within converted multiple dwelling unit building spaces that are not associated with an individual dwelling unit (e.g., common area storage rooms, boiler rooms, attics, basements, or parking garages). The City is precluded from requiring replacement parking spaces if a garage, carport, or covered parking structure is demolished for the construction of an ADU or conversion to an ADU with some exceptions that apply for consistency with the Coastal Act. The maximum number of ADUs allowable within converted spaces of multi-dwelling unit buildings is 25 percent of the total number of existing dwelling units on the lot. This 25 percent is not inclusive of the two ADUs that are permitted as detached structures. ADUs cannot be included in proposed multiple dwelling unit development.

JrADUs are allowed only in single dwelling unit zones. In Del Mar, these include the CVPP, R1-10, R1-10B, R1-14, R1-40, R1-5, and R1-5B zones. Only one JrADU is permitted per lot and must be located entirely within the walls of a primary dwelling unit.

Policy Consideration:

Housing Element **Program 2A** specifies actions the City will take to extend and enhance the City's existing ADU incentive program (pilot program), which currently provides a 500 square foot floor area incentive for owners who agree to deed restrict an ADU for rent to low-income households. The City will undertake an economic study and zoning assessment to understand the market and comparative financial cost-benefit impact to property owners in a single dwelling unit, multiple dwelling units, or mixed-use development context. This information will be used to help the City explore various options for additional incentives that could be offered to encourage greater participation in the program as necessary to generate at least 15 deed-restricted low income ADUs by April 2029.

Coastal Bluff Overlay Zone (DMMC Chapter 30.55)

Del Mar is a coastal city with its entire westerly boundary located along the shoreline of the Pacific Ocean. The purpose of the Coastal Bluff Overlay Zone is to protect the City's coastal bluffs along the shoreline as well as avoid the risks of life and property associated with bluff failure and shoreline erosion. Uses allowed in the Coastal Bluff Overlay Zone are only those uses allowed in the underlying zone. Proposed development in this location is subject to analysis of the potential effects due to projected sea level rise. This typically includes associated requirements for preparation of geotechnical studies, siting using best available science, and additional bluff edge setbacks as applicable. Projects are also required to record notice on the property that the owner and all successors in interest waive rights to hard shoreline armoring to protect the development and other conditions imposed by the Coastal Commission to ensure coastal resource protection and compliance with the Coastal Act.

All development within the Coastal Bluff Overlay Zone is required to obtain discretionary permit approval. Because the Coastal Bluff Overlay Zone is intended to protect people and provide public safety guidelines for future development, the local processes accompanied with permitting for proposed development are not considered a constraint. Sites identified within the City of Del Mar's Housing Element that are in the Coastal Bluff Overlay Zone are identified in **Appendix B**, and include:

- ▶ 298-241-06-00 - Border Ave
- ▶ 298-241-07-00 - 929 Border Ave
- ▶ 298-241-34-00 - Border Ave
- ▶ 298-241-35-00 - Border Ave

Policy Consideration:

Program 6C details actions the City will take to work with both the California Coastal Commission (CCC) and State Department of Housing and Community Development (HCD) to continue compliance with the Coastal Act and Housing Element-related requirements, including the State-mandated accommodation of additional housing development capacity. The City will continue to work with these agencies to "harmonize" the Coastal Act and State Housing laws and identify a strategy to best accommodate future development capacity as assigned to the City for the 6th cycle. This will involve discussions per **Program 6C** of the potential development constraints associated with development of affordable housing in the coastal zone and the need for preservation of existing dwelling units for long-term housing in the coastal zone per **Program 5C**.

Floodplain Overlay Zone (DMMC Chapter 30.56)

The Floodplain Overlay Zone is composed of properties located within the 500-year floodplains of the San Dieguito River, Pacific Ocean, and the Los Peñasquitos Lagoon, which have been identified by the Federal Insurance Administration as being subject to periodic inundation due to flooding. The purpose of the Floodplain Overlay Zone is to protect the public health, safety, and welfare by ensuring that any new development is appropriately sited and constructed to avoid hazards. The regulations are intended to ensure that development within the Floodplain Overlay Zone will not obstruct flood flow, will be designed to reduce the need for construction of flood control facilities, will locate any new habitable areas at or above the base flood elevation (BFE), and will minimize the cost of flood insurance to Del Mar property owners.

Because the Floodplain Overlay Zone applies regulations that are intended to protect the public health and safety, the processes accompanied with permitting are not considered a constraint.

Proposed development in the Floodplain is subject to analysis of potential effects due to flooding and projected sea level rise. This includes consideration of site design using best available science, elevation of structures, and incorporation of flood proofing measures as applicable. This also requires conditions of approval requiring the applicant record notice that the owner and all successors in interest waive rights to hard shoreline armoring to protect the development and other conditions of approval to ensure coastal resource protection and compliance with the Coastal Act. The Housing Element environmental constraints analysis confirms that the associated cost of development (i.e., incorporation of flood proofing measures and elevation of habitable structures above the base flood elevation) has not been a barrier to housing development and redevelopment within designated developable locations in Del Mar.

Sites identified within the City of Del Mar's Housing Element that are in the Floodplain Overlay Zone are identified in **Appendix B**, and include:

- ▶ 298-260-35-00 – 2586 Jimmy Durante Blvd
- ▶ 298-271-03-00 – 2587 Jimmy Durante Blvd
- ▶ 299-100-28-00 - 2126 Jimmy Durante Blvd
- ▶ 299-100-27-00 - 2120 Jimmy Durante Blvd
- ▶ 299-071-06-00 - 2010 Jimmy Durante Blvd
- ▶ 299-071-07-00 - 2002 Jimmy Durante Blvd
- ▶ 299-100-48-00 - Jimmy Durante Blvd
- ▶ 299-100-49-00 - 2236 Jimmy Durante Blvd
- ▶ 299-100-30-00 - 2148 Jimmy Durante Blvd
- ▶ 299-030-12-00 - 28th Street
- ▶ 299-021-20-00 - 2810 Camino del Mar
- ▶ 299-020-46-00 – 2920 Camino del Mar
- ▶ 299-142-11-00 – 1935 Santa Fe Avenue
- ▶ 299-142-13-00 – 1923 Santa Fe Avenue

Policy Consideration:

Program 6C details actions the City will take to work with both the California Coastal Commission (CCC) and State Department of Housing and Community Development (HCD) to continue compliance with the Coastal Act and Housing Element-related requirements, including the State-mandated accommodation of additional housing development capacity. The City will continue to work with these agencies to “harmonize” the Coastal Act and State Housing laws and identify a strategy to best accommodate future development capacity as assigned to the City for the 6th cycle. This will involve discussions per **Program 6C** of the potential development constraints associated with development of affordable housing in the coastal zone and the need for preservation of existing dwelling units for long-term housing in the coastal zone per **Program 5C**. The June 2022 CCC certification of the Local Coastal Program Amendment for

Program 1A (North Commercial Zone) clarified permit application review and approval expectations, which will facilitate implementation of affordable housing on sites in the NC Zone/Floodplain and similarly situated properties such as the State Fairgrounds per **Program 3A**.

Open Space Overlay Zone (DMMC Chapter 30.60)

The Open Space Overlay Zone is applied to protect open space areas of community-wide importance, ensure an atmosphere of openness, and preserve scenic vistas and particularly unique natural features in specific neighborhoods consistent with the Community Plan. Uses allowed in the Open Space Overlay Zone are only those allowed in the underlying zone. All major building improvements and new development require approval of a conditional use permit prior to approval of associated construction permits. The Open Space Overlay Zone intends to maintain healthy and appropriate open space accessible to all in the City of Del Mar. Because it primarily affects areas in Del Mar that are not suitable for residential development, the processes accompanied with the required permitting in this Overlay Zone are not considered a constraint. Sites identified within the City of Del Mar's Housing Element that are in the Open Space Overlay Zone are identified in **Appendix B**, and include:

- ▶ 299-200-65-00 - 690 Serpentine Dr
- ▶ 299-200-63-00 – San Dieguito Dr
- ▶ 299-200-64-00 - 2100 Gatun St
- ▶ 301-032-11-00 - 155 Carmel Valley Rd

Bluff, Slope and Canyon Overlay Zone (DMMC Chapter 30.52)

The Bluff, Slope and Canyon (BSC) Overlay Zone is intended to implement existing Community Plan policies related to aesthetics to protect public scenic views and preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the overlay zone. The overlay zone is also intended to protect downstream resources from the adverse impacts of erosion and sedimentation. The unique landforms within the overlay zone provide visual relief and diversity within the City that defines and separates neighborhoods and enhances the overall quality of Del Mar's local coastal environment. The overlay zone requires a 14-foot height limit, which is the lowest maximum height limit that applies in the City. This height limit presents a potential constraint to the production of multiple dwelling unit development.

As outlined in **Program 3A**, the City is pursuing the development of a portion of the required affordable housing units on the Del Mar Fairgrounds property. By April 2024, the City must either achieve a binding agreement with the State or implement a contingency rezone per **Program 1E** which includes sites that are located within the BSC Overlay Zone. If the City is required to implement the contingency rezone per **Program 1E**, the City will be required to accommodate by-right development at a density of 20-25 du/ac, which may require the City accommodate affordable housing development height that exceeds the existing overlay zone height limit. If development is determined to be constrained by the existing height limit within the BSC Overlay Zone, the City will evaluate measures that can be taken to remove the constraint as necessary to physically accommodate a project with affordable units to meet the City's RHNA. Sites

identified within the City of Del Mar's Housing Element that are in the Bluff, Slope and Canyon Overlay Zone are identified in **Appendix B**, and include:

- ▶ 301-010-01-00 - Stratford Ct
- ▶ 301-010-02-00 - Stratford Ct
- ▶ 300-321-14-00 - Stratford Ct
- ▶ 298-241-06-00 - Border Ave
- ▶ 298-241-07-00 - 929 Border Ave
- ▶ 298-241-29-00 - Camino Del Mar
- ▶ 298-241-34-00 - Border Ave
- ▶ 298-241-35-00 - Border Ave
- ▶ 298-241-36-00 - Camino del Mar
- ▶ 301-032-11-00 - 155 Carmel Valley Rd

Historic Preservation Overlay Zone (DMMC Chapter 30.58)

The Historic Preservation Overlay (HPO) Zone is intended to protect the architectural and historic integrity of historically significant properties, for the benefit of present and future generations. The overlay zone provides continued preservation of designated historic landmark properties by providing for the architectural control of such properties, and by providing for flexible designation of permitted uses more befitting the economic viability of the historic structures occupying said properties than may otherwise exist under the permitted use provisions of the underlying zone. Allowable uses in the Historic Preservation Overlay Zone are those allowed in the underlying zone; however, the City Council may permit use of a designated historic landmark property other than those uses permitted by the underlying zone, following a public hearing and as seen appropriate.

The HPO Zone requires that all development demolitions, relocations, conversions, or other alterations on designated historic landmark properties must maintain the architectural style and scale characterizing the period of history in which the structure was built. The requirements of the HPO zone may cause constraints to the production and maintenance of housing; however, because the BC and CC zones are primarily affected by the overlay zone, it is not considered a constraint to housing. There are no sites identified within the City of Del Mar's Housing Element that are in the Historic Preservation Overlay Zone.

Lagoon Overlay Zone (DMMC Chapter 30.53)

The Lagoon Overlay Zone applies to properties which are located directly in or along the San Dieguito Lagoon and Los Peñasquitos Lagoon; and that are located within the City's Floodway Zone and/or Floodplain Overlay Zone. The purpose of the Lagoon Overlay Zone is to protect the wetland resources of these lagoon areas and their sensitive upland habitats by requiring that all development activities taking place in the zone are designed and implemented in a manner that is consistent with wetland habitat protection and enhancement. All construction and development within this overlay zone requires discretionary permit approval (i.e., a Conditional Use Permit and Coastal Development Permit); however, because only a small area of existing housing that is located around the San Dieguito lagoon is located within the Lagoon Overlay Zone, it is not considered a constraint to housing production. Sites identified within the City of Del Mar's Housing Element that are in the Lagoon Overlay Zone are identified in **Appendix B**, and include:

- ▶ 301-032-11-00 - 155 Carmel Valley Rd
- ▶ 299-100-28-00 - 2126 Jimmy Durante Blvd
- ▶ 299-100-27-00 - 2120 Jimmy Durante Blvd
- ▶ 299-071-06-00 - 2010 Jimmy Durante Blvd
- ▶ 299-071-07-00 - 2002 Jimmy Durante Blvd
- ▶ 299-100-48-00 - Jimmy Durante Blvd
- ▶ 299-100-49-00 - 2236 Jimmy Durante Blvd
- ▶ 299-100-30-00 - 2148 Jimmy Durante Blvd
- ▶ 299-200-63-00 – San Dieguito Dr
- ▶ 299-200-64-00 - 2100 Gatun St

RESIDENTIAL DEVELOPMENT STANDARDS

The City of Del Mar’s development standards and regulations ensure the quality and safety of residential development in the City. The development standards by zone are outlined in **Table 3-2** below.

Table 3-2: Residential Development Standards in Del Mar

Community Plan (Zone)	Dimensions	Construction Standards			Setbacks (feet)			
Community Plan (Zone)	Min. Lot Size (sf)	Max. FAR	Max. Lot Coverage	Max Height (feet)	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard
Very Low Density (R1-40)	40,000	12.5% ¹	20% ²	26	20	25	10	10
Modified Low Density (R1-14)	14,000	25% ¹	35% ²	26	20	25	7.5	10
Low Density (R1-10)	10,000	25% ¹	40% ²	26	20	25	7.5	10
Low Density-Beach (R1-10B)	10,000	30% ¹	45% ²	26	10	10	5	10
Medium Density Single-Family (R1-5)	5,000	30% ¹	45% ²	22	20	20	5	10
Medium Density Single-Family-Beach (R1-5B)	5,000	55%	80%	26	10	10	5	10
Medium Density Single-Mixed-East (RM-E)	5,000	40%	55%	26	20	20	5	10
Medium Density Mixed-West (RM-W)	5,000	45%	60%	26	10	10	5	10
Medium Density Mixed-Central (RM-C)	7,000	30%	45%	26	20	20	5	10
Medium Density Mixed-South (RM-S)	8,000	35%	50%	26	20	20	10	10
High Density Mixed (R-2)	7,000	35%	50%	26	20	20	5	10

Table 3-2: Residential Development Standards in Del Mar

Community Plan (Zone)	Dimensions	Construction Standards			Setbacks (feet)			
Community Plan (Zone)	Min. Lot Size (sf)	Max. FAR	Max. Lot Coverage	Max Height (feet)	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard
Residential-Commercial (RC)	7,000	30%	55%	26	20	0	5	10
Camel Valley Precise Plan (CVVP)	As allowed under the Carmel Valley Precise Plan							
Plaza Specific Plan (PSP)	As allowed under the Plaza Specific Plan							
Hotel Specific Plan (HSP)	As allowed under the Hotel Specific Plan							
941 Specific Plan	As allowed under the 941 Specific Plan							
<i>FAR = Floor Area Ratio</i> 1: Or 2,000 sq. ft., whichever is greater 2: Or 3,000 sq. ft., whichever is greater								

Density

The Del Mar Community Plan and Zoning Code identify the maximum residential density for each land use designation and zone within the City as applicable. The City's lack of available zones that allow for multiple dwelling unit at a density of at least 20 dwelling units per acre is an identified impediment to multiple dwelling unit development and the provision of affordable housing.⁴ While it is common for projects in Del Mar to develop as single dwelling units even in zones where a greater number of units can be developed per the applicable zone, Senate Bill 330 is one applicable land use control per State law that ensures there will be no net loss reduction in units on a lot that would facilitate units in the lower income unit category. **Program 1A** and **Program 1B** will create new opportunities for multiple dwelling unit development that includes units for lower income households. Further, **Program 5B** will require that a Housing Impact Statement be included in all staff reports for discretionary land use and planning decisions to effectively disclose any potential impacts to the City's housing supply to decision makers prior to a decision being made. Generally, the City does not receive requests to develop at less than the densities permitted. Note the Fairgrounds/Racetrack (FR) zone and State's Master Plan applicable to the State Fairgrounds property does not specify a minimum or maximum density.

Minimum Lot Sizes

Minimum lot sizes and dimensions (width and depth) correspond to their residential density categories such that application of these standards will allow planned density to be achieved. For example, the R1-14 single-family residential zone requires a minimum lot size of 14,000 square feet (sf) per dwelling unit (du) to achieve a maximum of 3.1 du/acre, significantly more than the 5,000 sf/du minimum required to achieve a density of 8.7 du/acre in the R1-5 medium density single-family residential zone (43,560 sf / 8.7 du = 5,000 sf/du). While minimum lot sizes, achieve appropriate densities per the desired housing type, all single dwelling unit residential zones also allow at least one ADU on lots with one existing primary dwelling unit. Therefore, minimum lot size and lot dimension standards do not constrain the ability to achieve planned

⁴ The City Council adopted Ordinances 971 and 973 during the 5th Cycle to accommodate greater density in the North Commercial and Professional Commercial Zones. These Ordinances were certified by the Coastal Commission in June 2022.

densities. Note the FR zone and State's Master Plan applicable to the State Fairgrounds property does not specify a minimum lot size.

Setbacks

Minimum setback or yard requirements vary among the residential zones. The primary purposes of imposing setbacks are to ensure adequate air and light between properties, to ensure adequate on-site access and circulation, to provide opportunities for private open space areas (yards), and to separate uses between properties to minimize conflicts and potential life/safety hazards. Generally speaking, setbacks are tied to lot size, meaning smaller lots have lower minimum setbacks, and larger lots require larger "yards." While it is possible that setback requirements may inhibit maximum density from being realized in some cases, there is enough flexibility in the current ordinances that setback requirements do not constitute a significant constraint on residential development. Setback requirements have been considered in the City's calculation of realistic site capacity.

By comparison, publicly-owned sites identified in the sites inventory, including the State Fairgrounds, 10th Street City-owned vacant lot, and 28th Street City-owned vacant lot, are located in zones that provide flexibility for affordable housing development. The applicable base zones (Fairgrounds/Racetrack and Public Facilities, respectively) and State's Master Plan applicable to the Fairgrounds property do not specify controlling development regulations for minimum setbacks.

Lot Coverage and Floor Area Ratio (FAR)

Lot coverage and floor area ratio (FAR) standards are intended to control bulk, mass, and intensity of a use. Lot coverage limits a building's footprint and is defined as the percentage between the ground floor area of building(s) and the lot area. FAR limits the total usable floor area and is expressed as a ratio between the bulk floor area of building(s) and the lot area.

In the residential zones, maximum lot coverage ranges depend on desired density and requirements. For example, in the R1-40 zone (very-low density) the maximum lot coverage is 20 percent; however, in R-2 (high-density) the maximum lot coverage is 50 percent. Similarly, FAR maximums vary depending on density. In the R1-40 zone (very-low density) the maximum FAR is the greater of 12.5% of the gross area or 2,000 sf; whereas in the R-2 zone (high density), maximum FAR is 35%. As applied to residential development, these standards only limit the size of dwelling units, and do not limit the number of units per acre, which is an expression of density. FAR, when combined with height, lot coverage, and setback limitations, may prevent maximum density from being achieved. FAR is not itself an impediment to achieving the maximum density on a parcel and may in fact encourage the development of smaller units, which may be more affordable by design. State housing laws (i.e., Density Bonus and SB 330) accommodate increases in FAR and lot coverage in certain circumstances. Further, the City will conduct an economic study and zoning assessment to consider the market and comparative cost-benefit impact to property owners and explore various incentives in support implementation of **Program 1D**, **Program 1I**, **Program 1J**, **Program 2A**, and **Program 3A**.

By comparison, publicly-owned sites identified in the sites inventory, including the State Fairgrounds, 10th Street City-owned vacant lot, and 28th Street City-owned vacant lot, are located in zones that provide flexibility for affordable housing development. The applicable base zones (Fairgrounds/Racetrack and Public Facilities, respectively) and the State's Master Plan applicable to the Fairgrounds property do not specify controlling development regulations for maximum lot coverage or FAR.

Maximum Building Height

The Del Mar Community Plan generally establishes the maximum building height within the City at 26 feet above grade. Height measurement is taken from the existing or finished grade, whichever is lower. This figure is compatible with, and often more generous, than other nearby coastal jurisdictions; for example, the City of Encinitas restricts most building heights to 22 feet.

Two areas within the City where this height limit differs from the typical 26 feet above grade are the Bluff, Slope and Canyon (BSC) Overlay Zone and some portions of the western side of the City’s commercial corridor. In these areas, the height limit is set at a maximum of 14 feet above grade.

As outlined in **Program 3A**, the City is pursuing the development of the required affordable housing units on the Del Mar Fairgrounds property. If an agreement to develop the City’s required affordable units on the Fairgrounds property is not reached within the specified timeframe, the City will work to implement the required rezones as part of **Program 1E**. The candidate sites for **Program 1E** are located within the BSC Overlay Zone. If development is determined to be constrained by the existing height limit within the BSC Overlay Zone, the City will evaluate measures that can be taken to remove the constraint as necessary to physically accommodate a project with affordable units to meet the City’s RHNA.

Similarly, the City will evaluate methods to amend the current height standards if the existing height standards within the applicable portions of the Commercial Corridor are determined to constrain development of the specified number of affordable units. State housing laws (i.e., Density Bonus and SB 330) accommodate increases in height in certain circumstances. Further, the City will conduct an economic study and zoning assessment to consider the market and comparative cost-benefit impact to property owners and explore various incentives in support implementation of **Program 1D**, **Program 1I**, **Program 1J**, **Program 2A**, and **Program 3A**.

By comparison, publicly-owned sites identified in the sites inventory, including the State Fairgrounds, 10th Street City-owned vacant lot, and 28th Street City-owned vacant lot, are located in zones that provide flexibility for affordable housing development. The applicable base zones (Fairgrounds/Racetrack and Public Facilities, respectively) and State’s Master Plan applicable to the Fairgrounds property do not specify controlling development regulations for maximum building height.

Parking Standards

In addition to the development standards identified in **Table 3-2**, Del Mar requires a certain number of garage parking spaces to be provided for each new residential unit. Garage parking is required for all dwelling units, including multiple dwelling units. For multiple dwelling unit development, a portion of the required spaces are permitted to be located as surface parking. Guest parking is also required for multiple dwelling unit housing at a ratio of one space for every four units. The parking requirements are identified in **Table 3-3**.

Unit Type	0-1 Bedrooms	2-3 Bedrooms	4+ Bedrooms
Boarding House; Lodging House	1 space per 2 sleeping rooms		
Mobile Home	1.5 spaces per mobile home or trailer site		
Single Dwelling Unit	2 Garage spaces per unit	2 garage spaces per unit	3 spaces per unit (min. 2 spaces in a garage)

Unit Type	0-1 Bedrooms	2-3 Bedrooms	4+ Bedrooms
Duplex (2-units per lot)	1 garage space per unit	2 spaces per unit (min. 1 space in a garage)	3 spaces per unit (min. 2 spaces in a garage)
Multiple Dwelling Unit (3 or more units per lot)	1 garage space per unit	2 spaces per unit (min. 1 space in a garage)	3 spaces per unit (min. 2 spaces in a garage)
Note: 1. The City of Del Mar identifies parking standards by use. There are no explicit parking requirements for mixed use. The residential requirements would apply to any proposed residential uses regardless of whether they are part of a residential project or mixed-use project. 2. All parking requirements are outlined in the Municipal Code, Chapter 30.80 Parking.			

Typically, the cost associated with garage parking construction can be viewed as a constraint to affordable housing development, particularly for multiple dwelling unit housing. However, the City’s parking regulations are not a significant constraint because the required parking spaces for duplexes and multiple dwelling unit development projects similarly varies based on the number of bedrooms per unit; and the number of parking spaces required for a studio or 1-bedroom unit is less than the two garage spaces required for a single-dwelling unit. Furthermore, affordable housing projects that qualify for a density bonus can request application of the State’s parking standards, which require only one space for zero- or one-bedroom units, two spaces for two- or three-bedroom units, and 2.5 spaces for units with four or more bedrooms. Per State law, the parking can be provided in tandem or uncovered on-site spaces, making the requirement easier to satisfy. While off-street parking standards can affect planned residential density, especially for small lots and in-fill areas, this potential constraint can be mitigated by the incentives and flexible standards described above.

The City of Del Mar’s development standards and typical discretionary permit process allow for flexible design consistent with Community Plan goals, including maintaining the health and safety of future residents. The above standards collectively do not pose a significant constraint to residential development. Per State Housing law, certain affordable housing projects are eligible for “by-right” processing (no discretion by Design Review Board, Planning Commission, or City Council). In such cases, the City must accommodate the projects as necessary to meet federal, state, and local laws to accommodate affordable housing and achieve the target density specified for the zone. Additionally, **Program 11**, as identified in **Section 4: Housing Plan** outlines strategies to explore streamlining and incentives for new projects proposing affordable components.

Program 1I of the City’s Housing Plan will further evaluate any potential constraints to affordable housing development and explore additional incentives and regulatory considerations that would apply to affordable housing projects in Del Mar. The City will identify additional options for relief from development standards, as needed, to demonstrate the City’s commitment to accommodate affordable housing. This may include project streamlining measures, offering of a variety of incentives and other relief from regulatory provisions to encourage the development of affordable housing units in Del Mar. State housing laws (i.e., Density Bonus and SB 330) accommodate reductions in parking in certain circumstances. Further, the City will conduct an economic study and zoning assessment to consider the market and comparative cost-benefit impact to property owners and explore various incentives in support implementation of **Program 1D**, **Program 1I**, **Program 1J**, **Program 2A**, and **Program 3A**.

By comparison, publicly-owned sites identified in the sites inventory, including the State Fairgrounds, 10th Street City-owned vacant lot, and 28th Street City-owned vacant lot, are located in zones that provide flexibility for affordable housing development. The applicable base zones (Fairgrounds/Racetrack and Public Facilities, respectively) and State’s Master Plan applicable to the Fairgrounds property do not specify controlling parking regulations for residential development.

RESIDENTIAL DEVELOPMENT STANDARDS FOR THE STATE FAIRGROUNDS

The State Fairgrounds, which is approximately 340 acres of land area in the northern boundary of the City’s jurisdiction, is owned and operated by the 22nd District Agricultural Association (DAA), a State of California agency. Although around 80% of the State Fairgrounds is in the City of Del Mar and makes up 20% of the City’s overall land mass, the City as a municipality has no authority to approve/disapprove activities held on the Fairgrounds property. The Fairgrounds is governed by a Board of Directors, each of whom is appointed by the Governor. This presents a constraint to the development of housing on this property which the City addresses as part of **Program 3A** as described below.

Despite ownership by the State of California, the State 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 **Program 3A** established within the Housing Element, the City will vigorously pursue partnership opportunities with the State Fairgrounds to look for potential solutions to accommodate lower income housing within the State Fairgrounds property. If successful, the development of housing at deed-restricted affordability levels will assist the City with meeting its lower income RHNA need. Further discussion of the City’s approach to housing on the State Fairgrounds property is included within the Housing Resources section and **Appendix B**.

Policy Consideration:

Program 3A describes the actions the City will take to vigorously pursue affordable housing opportunities on the State Fairgrounds property.

GROWTH MANAGEMENT MEASURES

Growth management measures are techniques used by a government to regulate the rate, amount, and type of development. The City does not have any specific growth management measures in place that would impede the development of housing; however, there have been recent measures that relate directly to the City’s control of land use and zoning and recent potential development within the City.

In November 2016, the Del Mar voters defeated Measure R that would have imposed a requirement for voter approval for any proposed density increases. Measure R would have been an impediment to housing had it passed; however, it was defeated.

In November 2018, the City of Del Mar approved Measure P, a ballot measure that amended Section 201 of the Del Mar City Charter and added Section 202 which allows the City to “exercise maximum legal control over local land use decisions consistent with the City’s General Plan (Community Plan).” This amendment exempts the City from all State land use and zoning laws except those cases in which State preemption applies. This measure does not present an impediment to housing within Del Mar.

In March 2020, Del Mar voters were asked to vote on Measure G, a local ballot measure pertaining to the proposed Marisol Specific Plan initiative. The measure was placed on the ballot by the developer. The Marisol Specific Plan included approximately 17.45 acres of land located at Border Avenue and west of

Camino Del Mar in the northwestern corner of the city (referred to as “North Bluff”). The Specific Plan would have allowed for the potential development of 65 hotel guest rooms, 31 villas (27 units available for hotel use), 22 affordable housing units, 10 low-cost visitor accommodations and 408 off-street parking spaces.

The ballot measure did not pass. The Marisol site is included within the Housing Element candidate sites inventory as Site 1 (Sites 1A-F) (“North Bluff”). While the measure did not pass, land use changes are not required to be taken to local ballot measures within the City; therefore, this is not considered a constraint to the development of affordable housing within the City of Del Mar.

In November 2020, a Referendum was filed on Ordinance 973, which is an ordinance that was adopted by the City Council on October 19, 2020 to create adequate sites at 20 dwelling units per acre in the North Commercial Zone to implement the City’s 5th Cycle Housing Element and demonstrate sufficient capacity to meet its RHNA for the 6th Cycle. Dependent on the result of the public vote on the Referendum (set for November 2022), the City was facing a potential deficit in the number of sites required to meet its RHNA for lower income units and associated penalties pursuant to State law “no net loss” requirements. The Referendum of Ordinance 973 was withdrawn by the proponent in October 2021 pursuant to a signed agreement executed with the City Council, which means the City can move forward with processing of the Coastal Commission certification for Ordinance 973 and can continue to rely on sites in the North Commercial to meet its RHNA for the 6th Cycle Housing Element.

A 1976 voter-adopted provision requires that changes to the City’s Community Plan (General Plan) be approved by a four-fifths vote. While in the past the City has experienced some difficulty gaining the necessary supermajority vote threshold that is required in the City for adoption of a Community Plan Amendment, including adoption of the Housing Element and implementation of required Housing Element implementation programs, this has not proved to be an impediment to adoption of the Housing Element and implementing programs (6th Cycle and prior cycles). The City has examined the requirement and determined that there are no facial inconsistencies with State law. However, **Program 6F** was included to ensure that the vote requirement does not cause an actual conflict with State law and clarifies that in case of such conflict the supermajority vote requirement cannot be enforced.

SPECIFIC PLANS

Specific plans are a land use planning tool that provides flexibility related to the land use designation and zoning of the property it applies to. During the 5th Cycle (2013-2021), multiple applications were processed for Specific Plans that included a proposed affordable housing component. Each of the Specific Plan applications processed during the 5th Cycle requested deviations from existing zoning standards (i.e., density, height, stories, floor area ratio, and lot coverage). The Marisol Specific Plan and Watermark Specific Plan were not approved. In March 2020, the Del Mar voters defeated the proposed Marisol Specific Plan Initiative that was placed on the ballot by the developer after three years of processing (application submitted May 5, 2017). In October 2020, the Watermark Specific Plan application (submitted December 22, 2014) was withdrawn after six years of processing when the project developer opted to pursue a “by-right” development application pursuant to Senate Bill 330 and the 5th Cycle Housing Element Program 2G required rezone to 20-25 dwelling units per acre “by-right” per Government Code Section 65583.2(h) and (i). The 941 Camino del Mar Specific Plan application (submitted October 12, 2016) was conditionally approved by the City Council on July 2, 2018, approved by the Del Mar voters on November 6, 2018, and

subsequently certified by the Coastal Commission on May 9, 2019. Applicability of the 941 Camino del Mar Specific Plan is further described below.

941 Camino Del Mar Specific Plan

The Camino Del Mar Specific Plan is an adopted plan for a mixed use residential and commercial project located at the corner of Camino Del Mar and 10th Street that is intended to revitalize the site with a vibrant new mixed-use building at the southern entrance to the Downtown Village of Del Mar. The Specific Plan provides a regulatory framework that will govern future development of the project site. To provide adaptability and flexibility to respond to future changes in market demands or desired building purposes, the 941 Camino Del Mar Specific Plan permits a variety of land uses, including Commercial (Retail, Restaurant, Professional Office), and Residential Hospitality uses. The 941 Camino Del Mar Specific Plan prescribes a variety of potential uses, which will provide adaptability for responding to future changes in market demands or desired building purposes. The Specific Plan provides for residential hospitality uses with three occupancy options for unit owners, including:

- ▶ Owner-occupied on a full-time basis for personal and private use.
- ▶ Owner-occupied on a part-time basis, with the option to rent their unit when vacant through an onsite property management office.
- ▶ Full-time hospitality rental, with their unit available to rent through an onsite property manager.

Additionally, two affordable units deed restricted for rental to low-income households are required to be constructed on site.

PROVISIONS FOR A VARIETY OF HOUSING TYPES

State Housing law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of types of housing for all income levels. **Table 3-4** below summarizes the City’s zoning provisions for various types of housing.

Table 3-4: Provisions for Various Housing Types in Del Mar							
Housing Type	R1-40, -14, -10, & -10B	R1-5 & 5B	RM-E, -W, & -C	RM-S	R-2 & RC	CC	PC and NC
Legend: (P) Permitted Use and (CUP) Requires Conditional Use Permit							
Single Dwelling Unit	P	P	P	P	P	P*	P*
Duplex	--	--	P	P	P	--	--
Clustered	--	--	P	--	P	--	--
Multiple Dwelling Unit	--	--	P	P	P	--	--
Live/Work	--	--	--	--	--	P	--
Manufactured Housing	--	--	--	--	--	--	--
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*	P*	--	--
Jr Accessory Dwelling Unit (JrADU)	P*	P*	--	--	--	--	--
Community Care Facility, Small	P	P	P	P	P	--	--

Community Care Facility, Large	--	--	CUP	CUP	CUP	--	--
Emergency Shelter	--	--	--	--	--	--	P**
Boarding Houses	--	--	--	P	-	--	--
<i>*Permitted as an accessory to an allowed use</i> <i>**Permitted in the NC zone only.</i> <i>Source: City of Del Mar Municipal Code, accessed April 2020.</i>							

Single Dwelling Unit

A single dwelling unit is a dwelling unit located on an individual lot. This term does not include an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. Single dwelling unit use is permitted in all residential zones in the City.

Duplexes

A duplex is a building or lot occupied by two dwelling units, attached or detached. Duplexes allow for flexibility in development as they provide additional housing on smaller sites. Duplexes are permitted in the RM, R-2, and RC zones.

Clustered

Per the City of Del Mar Municipal Code, “clustered” units include attached or detached dwellings in close proximity to one another. Clustered development is allowed in the RM, R-2, and RC zones. Clustered housing development allows flexibility in site planning, by allowing the clustering of residential units and leaving room for amenities. Given the small lots in the City, clustered development allows the developer to more creatively use the land and therefore works as a tool to facilitate residential development. Clustered housing development is an option that the developer may choose to utilize; it is not a requirement. Clustered development also does not alter the allowable density.

Multiple Dwelling Unit

A building or lot containing two or more dwelling units on a single lot. The term does not include a Single Dwelling Unit, Accessory Dwelling Unit, or Junior Accessory Dwelling Unit. This includes apartment houses, bungalow courts and group houses. Currently, multiple dwelling unit housing is permitted in the RM-S zone and conditionally permitted in RM-E, RM-W, and RM-C.

Policy Consideration: Housing Element **Program 1A, Program 1B, and Program 1C** specify actions the City will take to increase the number of base zones in the City that allow multiple dwelling unit development at a density of 20 du/ac as an allowed use.

Manufactured Housing/Mobile Homes

Currently, the City of Del Mar Municipal Code complies with the requirements of State law regarding the development of manufactured housing. State law requires local governments to permit manufactured or mobile homes meeting federal safety and construction standards on a permanent foundation in all single-family residential zoning districts (Section 65852.3 of the California Government Code). The City will amend

the City of Del Mar Municipal Code to revise the definition of manufactured housing to be consistent with State law.

Policy Consideration:

Program 1F describes the actions the City will take to amend the Del Mar Municipal Code to be in compliance with State law regarding manufactured housing.

Accessory Dwelling Units (ADUs) and Junior ADUs (JrADUs)

The City amended the Del Mar Municipal Code (Chapter 30.91) to comply with State law regarding the development of Accessory Dwelling Units. ADUs are permitted in any zone that allows residential as a primary use. ADUs and JrADUs that meet all requirements as described in Chapter 30.91 are required to be granted ministerial permit approval (meaning not subject to the City's discretionary processes including design review) within 60 days of submittal of a complete application. JrADUs are often a more affordable housing option due to the nature of their smaller size. The City has an existing pilot program in place to try and incentivize the production of deed restricted low-income affordable units in exchange for a 500 square foot floor area bonus.

The City of Del Mar is currently amending the Del Mar Municipal Code JrADU regulations as necessary to harmonize State ADU law with the Coastal Act consistent with Government Code 65852.2 which provides for the development of ADUs on lots that allow residential as a primary use, including lots with Multiple Dwelling Units and commercial uses. Additionally, **Housing Element Goal #2**, as shown in the Housing Plan section, will be implemented by various action programs to prioritize production of ADUs and JrADUs.

Policy Consideration:

Programs 2A, 2B, 2C, 2D, and 2E describe actions the City will take to promote the development of Accessory Dwelling Units (ADUs) within the city as necessary to produce at least 15 deed restricted ADUs for lower income households.

Community Care Facilities

The City of Del Mar Municipal Code permits Small Community Care Facilities as an allowable use in all of its residential zones, including the Residential Commercial zone. A Small Community Care Facility is defined in the City of Del Mar Municipal Code as: "Any facility, place, or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children consistent with State law (CA Health and Safety Code Sections 1500 *et. seqitur*)." Where these facilities provide services that are essential in daily living to persons in a protected class within a family home, group care facility, or similar facility for 24-hour non-medical care they are defined as residential care facilities per State law. Pursuant to Health and Safety Code Section 1566.3, such facilities are treated in a unique manner with respect to licensing. Such uses are required to be permitted as a land use by law subject to the same standards as are applicable to equivalent single unit or multiple dwelling unit development in the residential zone it is proposed to be located.

A Large Community Care Facility is defined as: "Any facility, place or building, serving seven or more persons, that is maintained and operated to provide non-medical residential care, day treatment, adult day care or foster family agency services for children, adults, or children and adults, including but not limited to,

the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children consistent with State law (CA Health and Safety Code Sections 1500 et sequitur).” These facilities are conditionally allowed in the RM, R-2, and RC zones, provided that there is at least 1,000 linear feet between Large Community Care Facilities, parking is provided for the operator and employee(s), and that a circulation and parking plan is approved by the City. The existing conditional use permit and regulations that exclude these facilities in single dwelling unit zones are inconsistent with State law. **Program 4A** is included to remove these existing impediments to housing for persons with disabilities within a residential care facility in accordance with State law.

Policy Consideration:

Program 4A describes actions the City will take to amend the Del Mar Municipal Code to be in compliance with State law regarding Community Care Facilities and Residential Care Facilities.

Boardinghouse or Lodging house

A “Boardinghouse” or “lodging house” is defined in the City of Del Mar Municipal Code as “a building where lodging and meals are provided for compensation, but not including rest homes.” However, a boardinghouse or lodging house shall not qualify as, or be deemed to be, a Community Care Facility. Boardinghouses or lodging houses are permitted in the VC and RM-S zones.

Transitional Housing

Transitional housing is a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing. California law defines “transitional housing” and “transitional housing development” as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient after a predetermined period, not less than six months (Health and Safety Code Section 50675.2). Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation.

Title 30 Zoning, Chapter 30.04 Definitions, of the Del Mar Municipal Code defines transitional housing to be buildings configured as rental housing developments, but operated under programs that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Currently, the City of Del Mar Municipal Code permits transitional housing in any zone that allows residential uses; it is subject to the same regulatory standards and review processes applicable in the zone which it is proposed. Because it is permitted and considered as a residential use in all residential zones, the City’s development standards are not considered a barrier to the development of accessible housing.

Supportive Housing

Supportive housing links the provision of housing and social services for the homeless, people with disabilities, and a variety of other special needs populations. State law defines “supportive housing” as housing with no limit on length of stay, that is occupied by low-income adults with disabilities, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing,

improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (California Health and Safety Code Section 50675.14).

Title 30 Zoning, Chapter 30.04 Definitions, of the Del Mar Municipal Code defines supportive housing to be buildings configured as rental housing developments, but operated under programs that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance, which is inconsistent with the defined meaning of the term per State law. Therefore, the City will take action to amend the definition consistent with State law. Currently, the Del Mar Municipal Code permits supportive housing in any zone that allows residential uses; it is subject to the same regulatory standards and review processes applicable in the zone, which it is proposed. Because it is permitted and considered as a residential use in all residential zones, the City's development standards are not considered a barrier to the development of accessible housing.

Policy Consideration:

Program 4B describes actions the City will take to amend the Del Mar Municipal Code definition of supportive housing consistent with State law.

Emergency Shelters

The Del Mar Municipal Code defines Emergency shelter as housing with minimal supportive services for homeless persons that is limited to occupancy of sixth months or less by a homeless person. No individual or households may be denied emergency shelter in this facility because of inability to pay. Emergency Shelters are permitted in the North Commercial Zone subject to compliance with the development standards of the NC zone and additional regulations listed in the City's Municipal Zoning Code. The NC zone encompasses 16 parcels totaling roughly 13.5 acres. Many of the existing uses are underutilized and could be retrofitted as emergency shelters. Adequate capacity exists to accommodate an emergency shelter for at least 120 homeless individuals (identified unsheltered homeless population in Del Mar). The North Commercial Zone is located along a major circulation corridor, Jimmy Durante Boulevard, an area served by municipal services and near the site of a proposed regional rail transit stop at the State Fairgrounds.

Policy Consideration:

Program 4B describes actions the City will take to amend the Del Mar Municipal Code to be in compliance with State law regarding Emergency Shelters.

Tiny Homes

"Tiny Homes" are currently accommodated within the City's ADU regulations in compliance with the California Government Code and the City's Certified Local Coastal Program (LCP). The State of California does not have existing guidelines for Tiny Homes; however, the 2018 International Residential Code (IRC) defines Tiny Homes as a dwelling unit, which is 400 square feet or less in floor area excluding lofts. In its rulemaking document, the International Code Council (ICC) cited reasons for updating and including Tiny Homes in the IRC, including the following:

- The average US home size is increasing, while family size is decreasing;
- Tiny Homes use a fraction of the wood and wood products of a conventional home;

Increased housing cost makes home ownership unfeasible for many, and; Tiny Homes can add to affordable owned and rental housing stock.

Policy Consideration:

Program 2F describes actions the City will take to amend the Del Mar Municipal Code to further accommodate the development of Tiny Homes.

Single Room Occupancy Units

The U.S. Department of Housing and Urban Development (HUD) defines a Single Room Occupancy Unit (SRO) as a residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. The City of Del Mar does not have any existing SROs. However, the existing workforce housing that the State 22nd District Agricultural Association provides for its horse stable employees on the State Fairgrounds within the City of Del Mar is similar in concept to SRO units. Further, the City of Del Mar Municipal Code does not contain specific provisions for SRO units. AB 2634 mandates that local jurisdictions address provisions for extremely low-income households, including single room occupancy units, which the City seeks to address via **Program 3A** and **Program 4B**.

Policy Consideration:

Program 3A describes actions the City will take to pursue an Agreement and Memorandum of Understanding with the State 22nd District Agricultural Association for development on the State Fairgrounds property incorporating at least 54 lower income housing units, including extremely low-income units that may include single room occupancy units. ***Program 4B*** includes actions the City will take to amend the Del Mar Municipal Code to accommodate special needs housing, which will include consideration of amendments to address single room occupancy units in residential zones pursuant to State law.

HOUSING FOR PERSONS WITH DISABILITIES

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The City's 2021-2029 Housing Element includes programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Persons with mobility disabilities may require modifications to their living quarters such as access ramps, wider doors and hallways, larger bathrooms, and lowered countertops. The City enforces the California Building Standards Code which provides flexibility in the design of housing for persons with disabilities.

Information concerning reasonable accommodation, including information about the benefits of applying Universal Design, is readily available from City representatives. City representatives are trained on Universal Design principles and can provide information about Universal Design to property owners and their agents. The City is not aware of any instance wherein its regulations have had an adverse impact on the availability or cost of housing for persons with disabilities.

Both the federal Fair Housing Act and the California Fair Employment and Housing Act require local governments to make reasonable accommodations in their zoning laws and other land use regulations and practices when such accommodations are necessary to afford disabled persons with an equal opportunity to use and enjoy a dwelling.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the City of Del Mar Municipal Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

Del Mar Municipal Code Section 30.86.230 provides reasonable accommodation procedures and regulations to ensure equal access to housing for persons with disabilities and to facilitate the development of housing for persons with disabilities. The purpose of the Reasonable Accommodation Ordinance is to provide a procedure under which a person with disabilities, or property owner of industrial or commercial uses, may request a reasonable accommodation in the application of zoning regulations to secure equal access to housing (or commercial/industrial facilities), and outline a process for decision makers to act upon such requests. A request for reasonable accommodation shall be granted if it complies with the following findings in accordance with Section 30.80.230(D)(4):

- a. The housing or commercial facility, which is the subject of the request, will be used or occupied by a person with disabilities.
- b. Due to the physical attributes of the subject property or the structures on site, the requested reasonable accommodation is necessary to make the specific housing or commercial facility accessible to a person with disabilities under the federal Fair Housing Act, the California Fair Employment and Housing Act, and the Americans with Disabilities Act (ADA).
- c. The requested reasonable accommodation would not create an undue financial or administrative burden for the City
- d. The requested reasonable accommodation would not require a fundamental alteration in City's land use and zoning ordinances, programs, or policies.

In making this finding, the decision on a reasonable accommodation must be made based on objective facts related to public health and safety and shall not be based on neighborhood compatibility. Currently, the Del Mar Municipal Code provides the following as examples of a fundamental alteration to the City's zoning program:

- i. Whether the requested reasonable accommodation would adversely impact the public health and safety (i.e., creating a new sight line conflict that makes travel within the public right-of-way unsafe) ~~or use of adjacent properties or the City right-of-way~~; or
- ii. Whether any reasonable alternatives have been identified that would provide an equivalent level of benefit without requiring a reasonable accommodation or exception to the City's applicable rules, standards, and practices.

The examples stated above following Section 30.80.230(D)(4)(d) are not additional required findings per the reasonable accommodations procedure, rather they are examples of circumstances which are considered fundamental alterations to the City's code and grounds for denial of the request based on the required finding (d).

Conditions of approval may also be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those structures or physical design features are no longer necessary in order to accommodate a person with disabilities. The reviewing authority may require the recodation of the conditions of approval, or its equivalent.

The context of each application request must be considered and accommodated on a case-by-case basis in accordance with the stated findings for approval. The City approved the two reasonable accommodation requests that were submitted to the City during the 5th Cycle: ADR18-049 (elevator) and ADR20-016 (lift component). A decision to deny a request for reasonable accommodation could be considered a barrier to the development of accessible housing in the City if the request is necessary to accommodate a disability. However, as noted above, the findings for approval or denial are objective and can be applied universally to projects of different size and scale. The City's reasonable accommodation process has been used to accommodate reasonable accommodation requests and is not a constraint to the development of accessible housing in Del Mar. The following include the total reasonable accommodations requested, all of which were approved:

- ▶ ADR18-044 (Goodrich, 1216 Luneta Drive) – residential elevator
- ▶ ADR18-049 (Slate, 1916 Ocean Front) – residential elevator
- ▶ ADR20-016 (Dijkstra, 650 Rimini Road) – residential lift/elevator

Policy Consideration:

Program 7F is a program where on an annual basis the City will monitor and address any constraints upon the maintenance, improvement, or development of housing for persons with disabilities. The City will comply with State and Federal regulations and will take action to address any claims of non-compliance (i.e., that a decision was not based on objective findings and facts related to the public health and safety as is required by the law).

Community Care Facilities

The City of Del Mar Municipal Code permits the development of Small Community Care Facilities as an allowed use in all of its residential zones, including the Residential Commercial zone. The definition of a Small Community Care facility as defined by the Del Mar Municipal Code is provided in a previous

description of allowed use types per zone in this Chapter. No conditional use permit, zoning variance, or other zoning clearance is required for a Small Community Care Facility.

Per State law certain Large Community Care Facilities are also required to be accommodated in residential zones without a Conditional Use Permit; however, the Del Mar Municipal Code currently identifies that Large Community Care Facilities are not allowed in single dwelling unit zones and are conditionally allowed in the RM-E, RM-W, RM-S, RM, R-2, and RC zones. The existing conditional use permit and regulations that exclude these facilities in single dwelling unit zones are inconsistent with State law. As previously described, **Program 4A** will amend the DMMC to bring the City's regulations applicable to community care facilities and residential care facilities into compliance with State law.

Occupancy Standards

Currently, the City of Del Mar Municipal Code defines a "family" as "one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit." California law requires local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family or persons employed as staff. The City must allow these licensed residential care facilities in any area zoned for residential use and may not require licensed residential care facilities for six or less to obtain conditional use permits or variances that are not required of other family dwellings. The City's definition of family does not produce potential constraints in providing access to care facilities or housing opportunities.

FEES

The City's fees are reasonable and an appropriate means for the City to recover a portion of the cost to process development applications. The fee schedule provides City staff with discretion to subsidize all or a portion of, planning fees or charges under unique circumstances. Examples of such unique circumstances may include but are not limited to, requests from non-profit organizations or in cases of demonstrated financial hardship. These provisions give City staff additional flexibility to reasonably accommodate persons with disabilities. The City has and will continue to consider appropriate and reasonable relief in charges required for application processing fees in cases of hardship. The City's fees are further discussed in **Tables 3-6 and 3-7**.

Building Codes and Enforcement

The City of Del Mar has adopted and implements the 2019 version of the California Building Standards Code with minor local amendments pertaining to roofing and eave construction for enhanced fire safety. These local amendments do not diminish the ability to accommodate persons with disabilities. The City strives to provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits.

DEVELOPMENT APPLICATION FEES

Residential developers are subject to a variety of fees to process permits and provide necessary services and facilities as allowed by State law. In general, these development fees can be a constraint to the maintenance, improvement, and development of housing because the additional cost borne by developers

contributes to overall increased housing unit cost. However, the fees are necessary to maintain adequate planning services and other public services and facilities in the City. These fees have not been found to act as a constraint to the development of housing in Del Mar.

The City of Del Mar Land Use and Planning Services produced and revised an Explanation of Fees and Charges in 2020; through an analysis of administrative costs and fees, the City Council directed staff to prepare a revised fee schedule where the City would recover its administrative costs of reviewing application submittals.

Some development application fees are charged as a flat rate lump sum. These fees are revised annually to reflect changes to the Consumer Price Index (CPI) or Construction Cost Index (CPI). The charges for some application types, due to their complexity, are based on the recovery of the actual administrative costs that will be incurred by the City in processing of particular application, essentially a time-and-material recovery charge. In such cases, a deposit is required, submitted at the time of application. Depending on the extent of work required, supplemental deposits may be required to complete the processing of an application. Any unspent portion of a deposit will be returned to the applicant following completion of the application review process.

The current fee schedules, effective September 2020, are summarized in **Tables 3-5 (a) and (b)**.

Application Type	Fee/Deposit	Application Type	Fee/Deposit
General Plan / Zoning		Subdivisions	
General Plan Amendment (Text)	\$10,000	Boundary Adjustment	\$3,252
General Plan Amendment (Map)	\$10,000	Tentative Parcel Map (4 or fewer new lots)	\$8,455
Rezone	\$10,000	Tentative Parcel Map – Condo Conversion	\$3,089
Zoning Code Amendment (Text)	\$10,000	Final Parcel Map	\$3,203
Specific Plan	\$25,000	Tentative Tract Map (5 or more new lots)	\$9,324
Specific Plan Amendment	\$5,000	Tentative Tract Map – Condo Conversion (5 or more units)	\$3,933
Development Agreement	\$ 10,000	Final Tract Map	\$3,933
Development Agreement Amendment	\$ 5,000	Design Review	
Conditional Use Permit	\$8,513	Administrative – Minor (non-contested ADR projects)	\$641
Variance	\$5,370	Administrative – Major (non-contested ADR projects)	\$1,108
Accessory Dwelling Unit	\$865	Administrative – Minor (contested ADR projects)	\$1,882
Coastal Development		Administrative – Major (contested ADR projects)	\$3,042
LCP Amendment	\$10,000	Miscellaneous	\$2,604
Coastal Development Permit (with hearing by a discretionary body)	\$2,917	<500 sq. ft.	\$3,151
Coastal Development Permit (review and/or hearing at staff level)	\$292	>500 sq. ft.	\$5,339
CEQA		Design Review Board - Residential: 1 - 2 New Dwelling Units	\$7,935

Table 3-5.a: Planning and Land Use Application Fees (2020)

Application Type	Fee/Deposit	Application Type	Fee/Deposit
Environmental Assessment / Initial Study	\$1,000	Design Review Board - Residential: 3 or more New Dwelling Units	\$10,415
Environmental Impact Report	\$6,000	Other	
Impact Fees		Construction Licensing Tax	\$0.35 per ft ²
Regional Transportation Congestion Improvement Program (RTCIP)	\$2,533.15	Plan Check & Inspection (Multi-Family and Duplex)	\$6,345
Housing Reduction Mitigation Fee	\$25,007.32 per unit	Plan Check & Inspection (Single-Family)	\$2,155
In-Lieu Housing Mitigation Fees (Subdivisions)	\$25,007.32 per lot created.	Plan Check & Inspection – Add >100 sq. ft.	\$ 1,167
In-Lieu Housing Mitigation Fees (Condominium Construction or Conversion)	\$31.91 per square foot of habitable area.	Plan Check & Inspection – Add <100 sq. ft.	\$ 1,021
In-lieu Parking Fee	\$33,664.97 per stall (on-time fee), or \$1,188.51 per stall (reoccurring annual fee)		

Source: City of Del Mar, 2020.
(D) = Deposit Based
(F) = Flat Fee

Table 3-5.b: Engineering Fees (2020)

Application Type	Fee	Application Type	Fee
Discretionary Applications*		Grading Plan Review	
Design Review Board	\$1,150	200 cubic yards or less	\$1,710
Admin Design Review – Major	\$915	201-2,000 cubic yards	\$1,640 for the first 200 cy + \$120 for each add'l 100 cy or fraction thereof
Admin Design Review – Minor	\$570	2,001-10,000 cubic yards	\$3,735 for the first 2,000 cy + \$59 each add'l 1,000 cy or fraction thereof
Conditional Use Permit	\$915	10,001 cubic yards or more	\$4,230 for the first 10,000 cy + \$27 for each add'l 1,000 cy or fraction thereof
Tentative Parcel Map	\$2,850	Improvement Plan Review	
Tentative Map	\$6,000	\$0 - \$20,000	\$1,430 + 5% of value of improvements
Flood Plain Permit	\$545	\$20,001 - \$50,000	\$1,825 + 4% of value of improvements
ADU Review and Inspection	\$650	\$50,001 - \$100,000	\$2,355 + 3% of value of improvements
Additional ADU Review	\$450	\$100,001 - \$250,000	\$2,645 + 2.5% of value of improvements
Final Applications		\$250,001 - \$500,000	\$7,995 + 2% of value of improvements
Parcel Map	\$3,800	\$500,001 - \$1,00,000	\$14,130 + 1.5% of value of improvements
Final Map	\$7,815		
Lot Line Adjustment	\$1,365		
SWPPP Review (Stormwater Pollution Prevention Plan)			

Application Type	Fee	Application Type	Fee
Single-Family	\$250 + \$270 each add'l lot	\$1,000,000 and over	\$14,975 + 0.75% of value of improvements
Multi-Family	\$250 + \$270 each add'l lot	Inspection	
SWMP Review		\$0 - \$20,000	5.5% of improvements, \$435 min.
Final SWMP	\$870	\$20,001 - \$50,000	\$1,630+ 4% of value of improvements
Final Stormwater Checklist	\$435	\$50,001 - \$100,000	\$3,470 + 3% of value of improvements
Drainage Plan		\$100,001- \$250,000	\$4,230 + 2% of value of improvements
2,500 sf or less	\$1,480	\$250,001 - \$500,000	\$7,270 + 1% of value of improvements
2,501-5,000 sf	\$2,220	\$500,001 - \$1,00,000	\$10,200 + 0.5% of value of improvements
5,001-10,000 sf	\$2,560	\$1,000,000 and over	\$12,765 + 0.25% of value of improvements
Greater than 10,001 sf	\$2,560+0.05 for each add'l sf over 10,000 sf		

In addition to City fees charged at the time building permits are issued, developers are required to pay school impact fees. The amount of school fees is controlled by State law. Considering the high cost of land in Del Mar, the fees charged by the City and school district do not create a constraint to the construction of market rate housing. The fees only comprise a very small percentage (generally less than five percent) of the entire cost to construct a residence in Del Mar. Other than the referenced school impact fees, Quimby Act park fees for subdivisions, and the requirement for payment of an In-lieu Mitigation fee for condominium conversions, the City does not require payment of impact fees.

The City Manager may subsidize all, or a portion of, planning fees for projects that include affordable housing units, as those units are defined in the Del Mar Housing Element. Furthermore, upon written request, the City Manager may subsidize all or a portion of, planning fees or charges when unique circumstances exist that warrant the request. Examples of such unique circumstances may include but are not limited to, requests from non-profit organizations or in cases of demonstrated financial hardship. Overall, the typical total planning and development fees, including Building Permit Fees, are as follows:

- ▶ New single-family residence of 4,000 sf living area and 500 sf garage based on valuation of \$2M to \$3M. Total building permit fees in the range of \$25,000-\$35,000.
- ▶ New 8-unit multi-family high end 2,000 sf each unit over parking garage based on a valuation of \$3M to \$3.5M. Total building permit fees in the range of \$38,000-\$45,000.
- ▶ The valuations above vary depending on the site and whether they do a basement garage, any slopes, or unique geologic/soils conditions.

INCLUSIONARY HOUSING/IN-LIEU FEES

Due to the high cost of land and housing in Del Mar, the City has established and implemented different programs and fees to provide housing access to all community members. Title 24, Chapter 24.21 of Del Mar’s Municipal Code identifies the City’s affordable housing mitigation and provision strategies and

programs stating the City's obligation, under State law, to provide opportunities for housing for all income levels. The City included **Program 4D** to update the City's Inclusionary Housing Ordinance to ensure consistency with current State Density Bonus law and provide an opportunity to evaluate and address any perceived barriers to affordable housing that may be included within the existing Ordinance.

The requirements, programs, and fees, detailed below, coincide with the City's housing goals, as expressed in the Housing Element component of the Del Mar Community Plan. The following discussion identifies the Affordable Housing Assistance program requirements and includes an analysis of potential constraints:

Condominium Conversion

DMMC Section 24.21.025 identifies the affordable housing mitigation requirements for condominium conversions within Del Mar. The mitigation requirements are dependent on the number of units to be converted. For example, conversion of two, three, four, or five units, requires one of the following:

- ▶ Affordable unit set-aside of one of the converted units for rental at below market rate to a low-income household.
- ▶ Donation of one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City-approved organization to be reserved for use as Affordable Housing Units.
- ▶ Payment of an in-lieu Housing Mitigation Fee for each unit to be converted.

The City has processed and approved six condominium conversions over the last 8 years via the following applications TPM12-01, TPM13-01, TPM14-01, TPM 15-001, TPM 16-001, and TPM 16-003. The Tentative Parcel Maps were each approved for two-unit condo projects in zones that allow single dwelling unit and duplex development. Proposed condominium conversions are subject to the processing requirements of the Subdivision Map Act as set forth in Del Mar Municipal Code Title 24 and the regulations in Del Mar Municipal Code Chapter 24.40 (Conversion of Residential Property).

Affordable Housing Requirement for Subdivisions

As a condition of approval of any tentative parcel map or tentative subdivision map that proposes the creation of residential lots, the subdivider shall pay one In-lieu Housing Mitigation Fee for each of the lots to be created as part of the subdivision.

Maximum Rent for Affordable Units

The maximum allowable rent that may be charged for any Affordable Unit restricted to below market rental shall be determined in accordance with Section 50053 of the Health and Safety Code. The maximum allowable rent, including a reasonable utility allowance, shall not exceed the following:

- ▶ Extremely low-income households: the product of 30 percent times 30 percent of the area median income, as adjusted for family size appropriate for the unit.
- ▶ Very low-income households: the product of 30 percent times 50 percent of the area median income, as adjusted for family size appropriate for the unit.

Lower income households (whose gross incomes exceed the maximum income for very low-income households): the product of 30 percent times 65 percent of the area median income, as adjusted for family size appropriate for the unit. In addition, for those lower income households with gross incomes that exceed 65 percent of the area median income adjusted for family size, it shall be optional that the maximum allowable rent be established at a level not to exceed 30 percent of gross income of the household up to and including 80 percent AMI for 50 percent of the set-aside units in any project.

Moderate-income households: the product of 30 percent times 110 percent of the area median income, as adjusted for family size appropriate for the unit. In addition, for those moderate-income households whose gross incomes exceed 110 percent of the area median income, as adjusted for

family size, it shall be optional for any State or local funding agency to require that the maximum allowable rent be established at a level not to exceed 30 percent of gross income of the household.

Duration of Affordable Rental Rate Restrictions

Each Affordable Housing Unit set aside for rental at below-market rates shall be limited to such below-market rates for a period of not less than 55 years, commencing from the date of the City's written authorization for occupancy of the unit.

Del Mar Housing Assistance Reserve Fund

All In-Lieu Housing Mitigation Fees collected pursuant to Title 30, Chapter 24 Affordable Housing Mitigation shall be deposited in the dedicated City of Del Mar Housing Assistance Fund. Funds deposited in the Housing Assistance Fund, along with any interest earnings, shall be used solely for one or more of the following purposes:

- ▶ To increase and improve the supply of affordable housing to households of extremely low-, very low, low and moderate income; including, but not limited to, acquisition of property and property rights; cost of construction, including costs associated with planning; administration and design, as well as actual building or installation; any other costs associated with the construction or financing of affordable housing; or reimbursement to the City for such costs if funds were advanced by the City from other sources.
- ▶ Administrative expenses not reimbursed through processing fees, including consultant and legal expenses related to the establishment and/or administration of the Housing Assistance Fund.

No portion of the housing fund may be diverted to other purposes by way of loan or other similar action. Currently, a portion of the funds collected are being applied towards rental subsidy housing assistance for four lower income households. It is the goal of the City Council to transition from the current allocation of funds towards rental subsidy assistance to instead prioritize investment of the funds into the construction of new affordable units in order to implement a more long-term oriented strategy with a greater return on investment of the funds.

Policy Consideration:

Program 7A describes actions the City will take to support the development of affordable housing through the continued collection and allocation of funds in the Housing Assistance Reserve Fund.

ON-/OFF-SITE IMPROVEMENTS

Site improvements in the City consist of those typically associated with development for on-site improvements (fronting streets, curbs, gutters, sewer/water, and sidewalks), and off-site improvements (drainage, parks, traffic, schools, and sewer/water). Thus, these are costs that will be added to the sale or rental price of housing. Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are not seen as a constraint to the development of housing within the City.

The infrastructure in Del Mar is fully developed and well maintained. As a result, only minimal on or off-site improvements are required for most new development. Typical on-site improvements consist of curbs, gutters, sewers/water, and sidewalks. Required off-site improvements are also minimal and directly relate to project impacts. For example, a project approval may be accompanied by conditions for localized street

and intersection improvements. Del Mar is very unique and paving throughout the City varies. According to Public Works Director/City Engineer, Joe Bride, pavement widths vary depending on design speeds, parking lanes, bicycle lanes, geometry, etc. Del Mar uses the San Diego County design standards. As the City's infrastructure is largely in place and because there is minimal land available for subdivisions, requirements for construction of new public streets or other significant infrastructure is not likely to present an impediment. The required public improvement standards are used primarily to ensure that the existing roadways adjacent to new residential construction maintain or provide the appropriate right-of-way. In conclusion, given the completely developed nature of the City's infrastructure, the cost to developers of providing public facilities is relatively low when compared to other parts of the region where the infrastructure is not already available or is inadequate to serve new development.

BUILDING CODES AND ENFORCEMENT

The City of Del Mar's construction codes are based upon the California Code of Regulations, Title 24 (Building, Plumbing, Mechanical, Electrical, Green Building, and Green Building Codes) and the California Fire Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. Like many of the smaller cities in San Diego County, Del Mar contracts with a private company for Building services, including plan checks and inspections.

Code Enforcement is conducted on a complaint basis. Staff conducts field inspections, prepares written notices/orders for code compliance, verifies compliance measures, prepares reports and requests for action by nuisance abatement, and educates the public on storm water compliance. Code Enforcement issues Notices of Violations to obtain compliance and issues infraction citation Notices to Appear. The enforcement program highlights voluntary non-judicial compliance with an emphasis upon public awareness of governmental regulatory provisions.

LOCAL PROCESSING AND PERMIT PROCEDURES

To a small degree, the typical discretionary permit review process required by the Del Mar Municipal Code can potentially contribute to the cost of housing in that holding land through the discretionary review and entitlement period can be costly. However, most development in the City of Del Mar is related to the production of custom designed single dwelling units in the above moderate household income category. While the existing permit process has not been a barrier to new housing in the above moderate category, the Housing Element includes a variety of programs, including **Program 1I** for implementation during the 6th Cycle that will consider process and regulation changes to incentivize and facilitate projects with housing affordable to lower income households.

[Design Review](#)

All new residential construction is subject to some level of site plan review and architectural review which, in Del Mar is termed Design Review. The Design Review process is incorporated by ordinance into Chapter 23.08 of the DMMC and is used as a means to implement the goals contained in the Del Mar Community Plan to preserve and enhance Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline. The Design Review process also serves to protect public and private scenic views, preserve the natural environment, maintain property values, and ensure a high aesthetic quality for the community. The Design Review process encourages good design including the use of harmonious materials and colors, compatible proportional relationships, and appropriate use of landscaping.

The City issues two types of discretionary permits under the Design Review Ordinance (DRO) DMMC Chapter 23.08: 1) an Administrative Design Review (ADR) permit issued by the Planning Director; and 2) a regular Design Review permit issued by an appointed Board through a public hearing process. Both permit types require public noticing. Design Review permits are approved by the Design Review Board (DRB) in a noticed public hearing and decisions are appealable to the City Council. ADR permits are appealable to the DRB. The ADR process includes a list of eligible project types generally considered minor in nature. DRB permit applications are required for all other projects which do not meet the criteria for ADR review.

As part of the review process, application proposals are evaluated for their consistency with the provisions of the Del Mar Community Plan, the City of Del Mar Municipal Code and Local Coastal Program, and the Design Review Ordinance, as well as conformity to the City's Design Guidelines.

Though design changes may be required where there is inconsistency with the City's codes, nearly every Design Review application that is submitted is approved. As a part of the review, Design Review Board members determine whether a proposed project is compatible with surrounding development, usually with specific consideration of a proposed structure's bulk and mass. The City's goal is to facilitate different types of architectural styles in different neighborhoods of the City. While the language of the standards is broad, when the Design Review members use the Ordinance, they make specific, detailed findings to tie the standards to the particular project proposed. A conclusion that a proposed design element is "unreasonable," must be supported by findings of fact regarding:

- ▶ The extent to which the contested design element adversely impacts upon the purposes of the Design Review Ordinance
- ▶ Whether the project requires the inclusion of the contested design element in order for the project to be useable by the applicant
- ▶ Whether the project requires the inclusion of the contested design element in order to produce a project that is similar in quality to development in the neighborhood
- ▶ The availability of one or more alternatives to the contested design element that will produce a project that is useable by the applicant and similar in quality to development in the neighborhood.

An application will be approved unless the Design Review Board makes findings of fact based upon the information presented during the hearing that support one or more of the regulatory conclusions mentioned above (specific standards and guidelines are detailed in the City's Municipal Code Title 23 Building Code, Chapter 23.08).

It is important to note that the Design Review process is not considered an impediment to development of housing in general or affordable housing in particular. From January 1, 2013 through December 31, 2019, the City received 264 applications for Design Review Permits (not including ADRs). Of these, 262 applications, or 99% percent, were conditionally approved. Further, because the Design Review process preserves and enhances Del Mar's special residential character and small town atmosphere, all housing types obtain the benefit from a citywide process to ensure scenic views of the coast remain available, preservation of the natural environment is promoted, and overall aesthetics for the community continue to be high quality.

With these facts in mind, the City's Design Review process is not considered a barrier to the provision of housing. To ensure that the Design Review process described herein continues to rely on appropriate

standards and processes, the City will continue its periodic monitoring and evaluation of its Design Review Ordinance standards and application processes to ensure that they do not present an undue constraint on new housing proposals, regardless of income levels. This provides certainty to property owners and other project applicants that if a project is proposed in a manner that does not present an egregious violation of the provisions of the Design Review Ordinance, the project will be approved.

To ensure that the Design Review process does not constrain opportunities for affordable housing, the City currently offers a discretionary permit fee waiver for projects with an affordable housing component. As published on the City's schedule of fees for recovering the administrative costs of processing development applications, the Director of Planning and Community Development may reduce all, or a portion of, planning fees for projects that include affordable housing units, as those units are defined in the Del Mar Housing Element. Additionally, upon written request and on very rare occasions, the City Manager may reduce all or a portion of, planning fees or charges when unique circumstances exist that warrant the request.

The Design Review process includes the following steps:

Pre-Application Conference: A pre-application conference with a member of the Planning Department is highly recommended. An applicant should be prepared to provide information regarding the project site and the development proposal. This information may include rough plans or sketches of the proposed development and information about existing site conditions. Staff will also assist in determining if the project will require a Citizens' Participation Program (CPP) component as part of the process. As described below, the CPP is an early step where applicants share proposed designs with the community in order to obtain feedback for consideration in their design before submitting for Design Review. Upon application submittal, staff will then make a determination if a project requires a public hearing before the Design Review Board or is eligible for an ADR permit.

Citizens' Participation Program (CPP): If required, CPP is an early outreach process intended to foster early and open communication between neighbors about the potential impacts of a new project on the surrounding community. The CPP is designed to help streamline projects through the Design Review process. While the CPP process is not intended to produce complete consensus on all applications, the process provides opportunities for potential applicants and their agents to understand and respond to neighborhood concerns about a project's design prior to formal submittal of an application for review by the City of Del Mar. The intended result is improved awareness of proposed changes in the built environment and projects that better integrate into their surroundings by complementing the existing community character.

Formal Application: After the initial submittal of the application, the project is assigned to a member of the Planning Department for a detailed analysis. The planner reviews the application for completeness and for compliance with the applicable provisions of the City of Del Mar Municipal Code. If it is determined that the application is missing information or is somehow inconsistent with one or more provisions of the City of Del Mar Municipal Code, it will be deemed Incomplete. The Design Review application will also be deemed incomplete for projects requiring a Conditional Use Permit or other review by the City's appointed Planning Commission, until such approval is received.

Story Pole Plan & Certification: Certain projects require the installation of "Story Poles" to represent the siting and massing of a proposed structure or addition. Story Poles are required to be installed fifteen days prior to a Design Review Board hearing and their heights and locations certified by a licensed land surveyor or civil engineer ten days prior to the hearing.

Design Review Board Hearing: Once a project application for a Design Review permit has been deemed Complete, the application will be scheduled on the next available agenda of the Design Review Board (DRB). The Board typically meets once a month; the length of time spent by the Board reviewing an application at the meeting varies depending on the complexity of the proposal and the type of issues raised. A staff report is prepared for the DRB on each application. All DRB meeting agendas and staff reports are posted on the City's website prior to the meeting. A hard copy of the report may also be obtained from Planning Department. The applicant and their representatives are encouraged to attend the DRB hearing to offer testimony about the project and answer Board members' questions. The public is encouraged to also attend. Often, the DRB takes action on a project at its first meeting. However, the DRB has the discretion to continue an item to a future meeting date if necessary to gain additional information or to allow an applicant the opportunity to address concerns that may be raised by the DRB when finding consistency with the Design Review Ordinance.

Appeal Period: The decision of the DRB is final unless a written appeal is filed with the City Administrative Services Department, accompanied with a processing fee, within ten business days from the date action is taken on the application. If an appeal is filed, it will be placed on an agenda of the City Council for an Initial Consideration hearing. At an Initial Consideration hearing, the Council will determine to either:

- 1) Reject the appeal, thereby upholding DRB's decision; or
- 2) Set the matter for a new public hearing review at a subsequent City Council meeting where the City Council acts as the DRB.

For the convenience of the public, property owners, their agents and interested parties, detailed information about the Design Review process is posted on the City's website (www.delmar.ca.us). Further, in order to accomplish the Community Plan goals for design and affordable housing, **Program 6G** will amend the City's Building Construction Standards to identify objective design standards for applicability to projects with an affordable housing component that are exempt from the City's typical discretionary design review process.

Building Plan Checks and Permits

Following a DRB approval and close of the ten-day appeal period, a Building Plan Check and/or Building Permit is required for construction of the approved scope of work. To begin the Building Plan Check process, the Planning Department prepares a digital Building Division Transmittal Form, which is routed to the Building Division along with the digital set of construction drawings. The permit application submittal and review process is conducted electronically, which streamlines the process by reducing cost and time. The Building Division conducts its plan review against the City's relevant Building and Fire Codes. If corrections are needed, the applicant is required to submit revised plans for additional plan review. Once the Building Plan Check process is complete, the digital plans are routed back to the Planning Department to ensure compliance with the plans approved by the Design Review Board as well as for stamping and signatures. Once all the information, conditions, and plans are verified, the Building Division is authorized to issue Building Permits for the project and perform required construction-phase inspections. The length of time between approval of a housing development and application submittal for building permits is a decision that is controlled by the applicant. Most property owners submit applications for building permits within six months of project approval. The Building Permit approval process is a ministerial process that ensures public health and safety. It is not considered a constraint to residential development.

For the convenience of the public, property owners, their agents and interested parties, detailed information about the Building Permit process is posted on the City's website (www.delmar.ca.us/building).

Permit Processing Times

The City works to streamline permit application review as staffing and resources are available. Specifically, the City is working to streamline projects that include lower income units. On average, the City takes 6-9 months to review and process permit applications for single dwelling unit and duplex residential development projects, which covers the predominate development types in Del Mar. Until recent implementation of the 5th Cycle Housing Element zoning programs, the City has not had zones that allow multiple dwelling unit development at greater densities such as 20 dwelling units per acre.

The projected estimate for review and processing of multiple dwelling unit development projects during the 6th Cycle is 9-12 months, which is similar to processing times for the smaller more straightforward projects typically submitted. This estimate is based on recent experience with a submitted Coastal Development Permit application for proposed multiple dwelling unit development on two vacant lots at the corner of San Dieguito Drive and Jimmy Durante Blvd, which is being processed in accordance with the expedited SB 330 streamlined processing timelines. This type of expedited "by-right" processing is what is expected for most multiple dwelling unit development during the 6th cycle. It reflects a significant permit streamlining process improvement for proposed multiple dwelling unit development, including lower income units. Prior to the City's adoption of amendments to allow multiple dwelling units at a density of 20 dwelling units per acre, applicants were required to process a Specific Plan to pursue such development, which involved multiple processing steps and years of permit processing. Overall, the City's permit review and processing timeframes are not considered a constraint to the development of housing. However, through implementation of **Program 1I** the City will continue to explore opportunities to make additional process improvements. Coastal Development Permit Local Coastal Programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources.

Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. After an LCP has been finally approved, the Commission's coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments. The Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands, and the Commission also acts on appeals from certain local government coastal permit decisions. The Commission reviews and approves any amendments to previously certified Local Coastal Programs.

All properties within the City of Del Mar are located within the Coastal Zone as defined in the California Coastal Act and are, therefore, subject to the provisions of the City's certified Local Coastal Program. DMMC Chapter 30.75 sets forth the regulations and procedures for Coastal Development Permits. A valid Coastal Development Permit must be obtained prior to the commencement of development and is required in addition to any other permits or approvals required by the City. The review of a Coastal Development Permit application is often combined with and/or processed concurrently with the review of any other discretionary permit application required, such as a Design Review permit. For City decisions on a Coastal Development Permit involving coastal development within the California Coastal Commission's "appealable jurisdiction" (generally properties between the ocean and first public road, within 100 feet from an

environmentally sensitive area, within areas of past-certified fill, or within 300 feet from the beach), the City's decision on a Coastal Development Permit is appealable to the Coastal Commission following the close of all local appeal periods.

Application Requirements: An application for a Coastal Development Permit is initiated by an applicant. The application includes all information and material as required by the LCP, including at a minimum: a location map of the project site and vicinity; a detailed description of the proposed development; proof of the applicant's legal interest in the development site; and the applicant's signature attesting to the truth, completeness, and accuracy of the submitted material. All submitted application material are in a form so as to allow reasonable reproduction and distribution to members of the public and interested public agencies, such as the Coastal Commission.

Requirement for Findings: The granting of a Coastal Development Permit must be supported by written findings of fact showing that each of the following conditions exist per Del Mar Municipal Code Section 30.75.140:

- ▶ That the use of the development is permitted within the zone in which the property is located.
- ▶ That the proposal meets the criteria of the applicable chapters of Title 30 – Zoning.
- ▶ That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program.
- ▶ That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in the City of Del Mar Municipal Code and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.
- ▶ That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.
- ▶ That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.
- ▶ That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.

Determination of Permit Requirement, Exemption or Categorical Exclusion: The Director of Planning and Community Development has the authority to make the following determinations regarding the requirement of a Coastal Development Permit:

- ▶ The Director of Planning and Community Development shall notify the Executive Director of the Coastal Commission in writing of the challenge or request for determination and shall request an Executive Director's opinion.
- ▶ The Executive Director shall, within two working days of receipt of the City's request (or upon completion of a site inspection where such inspection is warranted), transmit determination as to

whether the development is categorically excluded (meaning a Coastal Development Permit would not be required), or is non-appealable or appealable to the Coastal Commission.

- ▶ Where the Executive Director's determination is not in accordance with the determination of the Director of Planning and Community Development, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area.

For the convenience of the public, property owners, their agents and interested parties, detailed information about the Coastal Development Permit process is found in DMMC Chapter 30.75.

STATE POLICIES AND REGULATIONS

State policies and regulations may also serve to constrain housing development in local communities.

Article 34 of the California Constitution

Article 34 was enacted in 1950. It requires that low-rent housing projects developed, constructed, or acquired in any manner by any State or public agency, including cities, receive voter approval through the referendum process. No such projects have been proposed in Del Mar and, therefore, the residents of Del Mar have not been asked to vote on a referendum to allow the City to develop, construct, or acquire affordable housing.

California Health and Safety Code further clarifies the scope and applicability of Article 34 to exclude housing projects that have deed-restrictions on less than 49 percent of the units or rehabilitation/reconstruction of housing projects that are currently deed-restricted or occupied by lower-income persons. The City has and will continue to apply this provision to provide appropriate and reasonable relief for application processing fees for non-profit organizations and in cases of hardship. Regardless, Article 34 could be an obstacle for local governments to be directly involved in production of long-term affordable housing on a larger scale; however, the perceived constraint is the result of a statute that is beyond City control.

Environmental Protection

State regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, development permits, etc.). This involves substantial project processing costs to prepare and process the necessary technical reports and cover fees charged for services provided by the local government and/or private consultants as needed to complete the environmental analysis as required by the California Environmental Quality Act (CEQA). Housing costs can also be impacted by associated environmental document processing delays related to the mandated public review periods and opportunities for appeal and legal challenge provided by State law. However, the presence of these regulations helps to disclose potential impacts to the environment in order to facilitate decisions that preserve and protect the environment, public health, and safety of Del Mar residents and visitors.

Infrastructure Constraints

Another factor that could constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new public infrastructure is required, it is funded by the developer, and then dedicated to the City for maintenance and improvements as needed. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much

of that increased cost often “passed on” as part of home rental or sales rates. However, such infrastructure costs do not typically represent a barrier in Del Mar because as a built-out community, Del Mar’s infrastructure is largely already in place throughout the City. Therefore, the high development costs often associated with installing infrastructure systems in other communities are not found in Del Mar.

Potential infrastructure constraints relating to candidate housing sites have been analyzed in detail in the PEIR for the Housing Element. General information on potential infrastructure constraints is provided below. Additionally, site specific constraints are identified within **Appendix B** (Sites Analysis).

WATER SUPPLY AND WASTEWATER CAPACITY

Among the municipal services that the City of Del Mar provides are the functions of water, wastewater, and clean water (storm water pollution prevention). These utility services are funded exclusively from fees and rates charged to the City’s utility customers related to their use. The City maintains separate water and wastewater enterprise funds, each with its own rate stabilization, operating, capital, self-insurance, and pension reserves. Each of the enterprise funds is to be revenue neutral, meaning that the amount of revenue collected should be sufficient (and no greater) to cover the cost for providing service, including the costs for maintenance and operation of the system, capital equipment replacement, capital infrastructure system rehabilitation or necessary expansion, and the purchase/contract of services from other agencies. Revenue generated from any of these areas (water, wastewater, and clean water) may only be used to fund expenditures related to providing those services.

Water Supply

Domestic water in the City of Del Mar (City) is provided by the City of San Diego and via the San Diego County Water Authority (SDCWA). The City of San Diego treats more than 360 million gallons of water per year for Del Mar and transports the water approximately 14 miles to Del Mar from the Lake Miramar Treatment Plant (Santa Fe Irrigation District, 2019). Del Mar currently uses an average of 1,050-acre feet (AF) of water per year but has a capacity to provide approximately 1,800-AF per year (City of Del Mar, 2013).

The Del Mar Public Works Department provides water service to nearly 1,900 metered accounts; this includes water services to single-family residential, multi-family residential, irrigation, commercial, public facilities, and the State Fairgrounds. The system includes: 27 miles of water mains; four storage reservoirs totaling 4 million gallons of capacity; 664 valves, and 275 fire hydrants. In maintaining the City’s water system, the important goals are public health and safety, and reliability as well as economic efficiency. In order to maintain and collect sufficient revenue to provide water supply to Del Mar proposed water rates were reviewed by the Finance Committee on February 26, 2019 and presented to City Council on May 20, 2019. The water rates, compounded over five years, took effect July 1, 2019 with an additional increase on January 2, 2020. From the water rate increases, about \$1.8 million in system improvements, including pipeline and valve upgrades, are expected to be completed through 2024.

Assuming one household is equivalent to one consumer, based on the City’s American Community Survey estimates for total households in 2017, the City provides about 1,070 AF to residential connections (assuming .5 AF per household). The City has sufficient water infrastructure capacity to accommodate the planned increase in dwelling unit capacity during the 2021-2029 planning period to meet the City’s Housing Element RHNA allocation.

Wastewater Capacity

Sewer services within Del Mar are provided by the City's Public Works Department, serving 4,500 residents via 1,800 active sewer accounts, consisting of single family residential, multi-family residential, and commercial/institutional/other accounts, City accounts, and the Fairgrounds. The City contracts with both the San Elijo Wastewater Joint Powers Authority (JPA) and the City of San Diego Metropolitan Wastewater System (Metro) for wastewater treatment services. The wastewater system includes about 27 miles of sewer pipe; three miles of force main; one pump stations and one lift station. Most of the sewer lines (approximately 78 percent) consist of 6 to 8 diameter pipeline, while the remainder consists of 9 to 15 inch diameter pipeline (20 percent) and 16 to 24 inch diameter pipeline (2 percent) (City of Del Mar, 2019).

Through 2024, a capital improvement program envisions nearly \$2 million in improvements including \$1.3 million in repairs that are considered urgent. In maintaining the City's wastewater system, the most important goals are public health and safety, and reliability. Del Mar's average daily wastewater flow is about 521,000 gallons per day (gpd). The largest customer is the State Fairgrounds, with an average daily flow of 85,965 gpd. The City has sufficient sewer infrastructure capacity to accommodate the planned increase in dwelling unit capacity to meet the City's Housing Element RHNA allocation for the 2021-2029 planning period.

STORMWATER MANAGEMENT

The City of Del Mar Public Works Department is responsible for maintaining the storm drain infrastructure through comprehensive programmatic efforts. Del Mar's federally-issued MS4 permit (Municipal Separate Storm Sewer System) allows the city to discharge storm water from its collection system into waters of the United States. Under this permit, storm water is allowed for release into the ocean and lagoons. Unauthorized connections or discharges into gutters and storm drains are prohibited and could result in enforcement actions.

The City of Del Mar Planning and Community Development Department is responsible for the City's Clean Water Program, which is administered by a clean water consultant, that implements and enforces stormwater requirements and protects and enhances the quality of our lagoons, beaches, and the Pacific Ocean. For Del Mar, clean water ties directly to quality of life and is key not only to public health, coastal resources, and recreation, but also influences property values, tourism, and visitor spending. Accordingly, the City's obligation to prevent pollutants from entering the watershed is regulated by state and federal laws. The City has sufficient stormwater infrastructure capacity to accommodate the planned increase in dwelling unit capacity to meet the City's Housing Element RHNA allocation for the 2021-2029 planning period.

FIRE AND EMERGENCY SERVICES

Service Area

The Del Mar Fire Department provides emergency services to nearly 5,000 full-time residents as well as more than 3 million annual visitors to the State Fairgrounds. The service area covers more than 2.5 square miles and includes more than 1,600 structures. The City's Fire Department services can accommodate the planned increase in dwelling unit capacity to meet the City's Housing Element RHNA allocation for the 2021-2029 planning period.

Responsibilities

The department is responsible for fire suppression and protection and emergency medical services and responds to vehicle accidents, rescue and hazardous materials incidents. In addition to serving the City of Del Mar, the department provides mutual aid to Solana Beach, Encinitas, and portions of the City of San Diego. The Del Mar Fire Department contracts with the City of Encinitas for management services. In support of these efforts, the DMFD operates from one fire station and includes nine full-time staff consisting of three captains, three fire engineers, and three firefighters/paramedics whose service area covers more than 2.5 square miles and includes more than 1,600 structures. The DMFD station is equipped with one front-line fire engine, one rescue unit, and one reserve fire engine (City of Del Mar ND).

Fire Prevention & Education

The City's contracted Building Services provider conducts inspections for all hotels, motels, restaurants and new businesses to assure fire and safety compliance. The Del Mar Fire Department is available for as-needed plan checks and inspections. The Department also provides free fire prevention inspections for residential properties. Classes and demonstrations on safety and disaster preparedness are offered regularly. It is not anticipated that any new fire safety or emergency service facilities would be required as a result of development on housing sites facilitated by the Housing Element. Therefore, the response capacity of the City's Fire Prevention and Emergency Services to accommodate the anticipated additional dwelling units within Del Mar does not place a constraint on development.

Emergency Operations Center

During a large emergency or disaster situation, City staff will open the Del Mar Emergency Operations Center (EOC) in the Del Mar Civic Center Town Hall. The EOC primarily serves as a point of information and resource management center in order to coordinate and promote public safety during a large emergency. Staff assigned to the EOC will collect, analyze, and distribute emergency information and support to residents, visitors, schools, businesses, City staff, and emergency responders. In addition, the EOC will coordinate public emergency notifications, evacuations, and sheltering. The EOC is only activated during a large emergency or disaster and would remain active until the situation is resolved.

Additionally, Del Mar's Community Emergency Response Team (CERT) will assist City staff at the EOC during the event of an emergency. CERT will provide communications support through use of radio equipment and the Amateur Radio Emergency Network (AREDN). CERT will also respond to activation from the fire department for damage assessment and limited first aid in the field, and act as scribes for section chiefs.

POLICE SERVICES

The City of Del Mar has contracted for law enforcement services from the San Diego County Sheriff's Department since the City's incorporation in 1959. The SDCSD facility that serves Del Mar is located at 175 North El Camino Real in the City of Encinitas (North Coastal Station); however, a satellite SDCSD office is provided at the City of Del Mar Civic Center at 1050 Camino del Mar. Staffing at the North Coastal Station is comprised of 107 staff with 36 active members from the Senior Volunteer Unit. As of 2020, there are no plans to expand the facility (Boyce, 2020). The North Coastal Station is supported by various divisions ranging from patrol, traffic, motors, community service officers, senior volunteers, area detectives, professional staff, and a community-oriented policing and problem-solving unit (SDCSD ND). Through contract with the Sheriff's Department, the City of Del Mar receives routine patrol of our streets by patrol and traffic deputies, crime prevention services, and a wide array of other law enforcement services. The

City's law enforcement services can accommodate the planned increase in dwelling unit capacity to meet the City's Housing Element RHNA allocation for the 2021-2029 planning period.

Services

The North Coastal Station serves nearly 60 square miles, which includes the cities of Del Mar, Encinitas, and Solana Beach, and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre. In addition, the San Diego County Sheriff's Department contracts with the Del Mar Thoroughbred Club and the 22nd Agricultural District for law enforcement services at the State Fairgrounds during the San Diego County Fair, Del Mar Races, and other events throughout the year.

Patrol Division

Patrol deputies respond to crimes or emergencies in progress and calls for service. They conduct routine patrols with a primary focus on the protection and preservation of life. They conduct preliminary investigations and apprehend law violators.

Traffic Division

Traffic deputies focus on vehicle code enforcement, traffic collision investigations and traffic control.

Investigative Unit

The Investigative Unit is responsible for investigating general crimes against people and property. Follow-up investigations on specific crimes requiring specialized expertise may be conducted by the department's centralized units.

Narcotics Investigation

Deputies respond to complaints originating from citizens who report suspicious activity and leads and/or arrests made by patrol deputies. Investigators focus on crimes involving the sale, possession, and distribution of illicit drugs and cases involving seizures of property. The cities of Encinitas and Solana Beach jointly fund one Narcotic Enforcement Deputy who works with other Sheriff's deputies working narcotics enforcement.

Community Oriented Policing Unit (COPPS)

COPPS deputies are special purpose deputies who target issues that can negatively impact the quality of life of residents. Deputies tailor their enforcement to address problems they are specifically working on, allowing them to develop multifaceted responses to complex issues. COPPS deputies also coordinate the station's Citizens' Academy, an academy designed to provide local citizens with an overview of the department and criminal justice system.

Crime Prevention Unit

The Crime Prevention Unit focuses on community outreach regarding crime prevention techniques, current trends, and prevention education. The unit provides an array of free services including assisting communities in starting neighborhood and/or business watch groups, conducting a variety of community safety presentations, community alerts, “Crime Prevention Through Environmental Design” reviews, and security consultations for commercial and residential properties.

It is not anticipated that any new police facilities would be required as a result of development on housing sites facilitated by the Housing Element. Therefore, this does not place a constraint on development.

Environmental Constraints

Potential environmental constraints relating to candidate housing sites have been analyzed in detail in the 6th Cycle HEU Final Program Environmental Impact Report (PEIR) for the Housing Element. The PEIR and associated Mitigation, Monitoring, and Reporting Program (MMRP) were 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

Environmental analysis of future housing potential in the Neighborhood Commercial (NC), Professional Commercial (PC), and Public Facilities (PF) zones is also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for implementation of the 5th Cycle Housing Element. The NC/PC PEIR was certified by the City Council on September 8, 2020, and is available at: www.delmar.ca.us/Archive.aspx?ADID=1428.

The existing program-level environmental documents that were prepared and processed by the City for the Housing Element can facilitate processing of future affordable housing development in accordance with the California Environmental Quality Act. In addition, the State 22nd DAA adopted an environmental document titled “Del Mar Fairgrounds 2008 Master Plan” (SCH: 2003031069) that was certified on April 18, 2011; and subsequently revised in accordance with direction by the court and re-certified on September 12, 2017. The 22nd DAA Master Plan environmental document identifies and analyzes environmental conditions specific to the State Fairgrounds property.

General information on potential environmental constraints is provided below. Additionally, site specific constraints are identified within **Appendix B** (Sites Analysis). The candidate sites relied upon for the 6th Cycle are developable sites. Many sites do not have any significant environmental constraints (i.e., PC zone, 941 Camino del Mar Specific Plan, and 10th Street). Others (i.e., State Fairgrounds, North Bluff, South Stratford, NC zone, and 28th Street) will be subject to compliance with overlay zone regulations and/or special permit processing requirements in order to apply existing environmental protections (local, state, and federal) and minimize the potential for environmental impacts. For example, this would apply in circumstances where a site is located on a bluff, in the floodplain, or in proximity to the San Dieguito Lagoon.

In addition to the existing streamlined permit process available to “by right” affordable housing development projects, **Programs 1D, 1I, and 1K** will identify additional incentives to help streamline the process and facilitate development of projects that include lower income units while maintaining the existing level of protection for environmentally sensitive resources. Incentives to facilitate permit processing for affordable housing development will be considered by the City Council and adopted by ordinance.

GEOLOGIC AND SEISMIC HAZARDS

Southern California is considered as one of the most seismically active regions in the United States because the faulting is dominated by the compression regime associated with the “big bend” of the San Andreas Fault Zone. The San Diego region is transected by several sub-parallel, pervasive fault zones, as well as smaller faults. Geologic hazards include earthquakes/strong ground shaking, fault rupture, expansive soils, landslides, liquefaction, and bluff stability. Three primary seismic hazards, groundbreaking potential, ground failure potential and liquefaction are discussed below. Additional hazards, including fault rupture, expansive soils, landslides and bluff stability are outlined and discussed in detail in Section 4.7 Geologic and Soils of the Housing Element EIR.

Ground Breaking Potential

Groundbreaking results from a surface rupture of a fault. A fault is a fracture in bedrock which may extend upward to the ground surface and along which there has been displacement of the two sides relative to one another.

San Diego County is home to three fault zones, each with multiple active fault lines. There are nine known active faults within 50 miles of the candidate housing sites including the Coronado, Earthquake Valley, Elsinore, Mount Soledad, Rose Canyon, San Diego, Silver Strand, Spanish Bight, and Wildomar fault lines. These active faults belong to either the coastal Newport-Inglewood-Rose Canyon Fault Zone or the inland Elsinore Fault Zone.

The Newport-Inglewood-Rose Canyon Fault Zone is proximate to the City, with the Del Mar segment of the fault zone located approximately two miles offshore. This segment is not identified as active (i.e., fault has not had activity in the past 11,000 years) based on County records; however, the California Geologic Survey (CGS) identifies the Mount Soledad and Rose Canyon fault lines, located six miles south of the City, as active. These two active faults comprise a 4.9-mile onshore segment of the fault zone that spans part of La Jolla and Rose Canyon. Both are classified as Type B faults in accordance with criteria specified in the 1997 Uniform Building Code Table 16-U, which signifies lower seismic activity (a slip rate of less than 5 millimeters per year) and a lower likelihood of producing earthquakes of magnitude 7.0 or greater. Nonetheless, near-source velocity effects need to be considered in the design of buildings within ten kilometers of a Type B fault, which includes the City.

Past investigations of the Rose Canyon fault zone confirmed the reoccurrence of major earthquakes at an interval of 700 years, suggesting that a major earthquake has a one in 700 chance of occurring in any one year (Singleton, 2019).

There are seven other faults (or inferred faults) located within two to three miles of the City. Of these, only the Carmel Valley and Rose Canyon faults are known to have experienced movements within the last three million years. Movements along the Rose Canyon fault are believed to have taken place in the last 0.5 million years. For this reason, because it may be part of a very long and active fault zone and because of the known occurrence of earthquake epicenters along its trace, this fault could constitute a potential threat to the City. According to the CGS Earthquake Hazards Zone Mapping Application, there are no Earthquake Hazards Zones within the City (California Geologic Survey, 2019).

Ground Failure Potential

Ground failure can occur due to lateral spreading, earth lurching, landslides, differential settlement, erosion, and projected sea level rise. The Del Mar Community Plan references the following three areas as having the greatest potential of ground failure:

- All of the coastal bluffs and sea cliffs bordering the City of Del Mar;
- Areas of the Del Mar Formation of Torrey Sandstone in which existing slopes exceed 25 percent;
- and
- The terrace escarpments made up of colluvium and slope wash in Crest Canyon and on the northeast side of the Del Mar Hills.

The City applies State and local permit requirements and regulations to these areas via the Bluff, Slope, and Canyon Overlay Zone and Coastal Bluff Overlay Zone as a measure to minimize risk of hazards.

Liquefaction Potential

Liquefaction, or the loss of soil strength and stability, is a common occurrence during earthquakes in areas that have high water tables and silty or sandy soils. During the earthquake, the vibrations can cause a deterioration of the friction between the wet soil particles. In severe cases, a condition similar to quicksand can result in an area which was previously thought to have stable ground.

Within Del Mar, the San Dieguito Valley and Lagoon has significant liquefaction potential due to the deposits of alluvium and slope wash in this area believed to be covering a mixture of beach sand, bay sand and salt, and alluvial sediments (largely dry and silt) which may be mixed with occasional salt and dry marsh deposits.

Although future development constructed under the Housing Element may involve the construction of new residential structures in a seismically active area, the potential hazards would be less than significant because of the existing regulatory framework related to seismic safety. Sites containing greater than a 25 percent grade would be at a greater risk for damage during an earthquake.

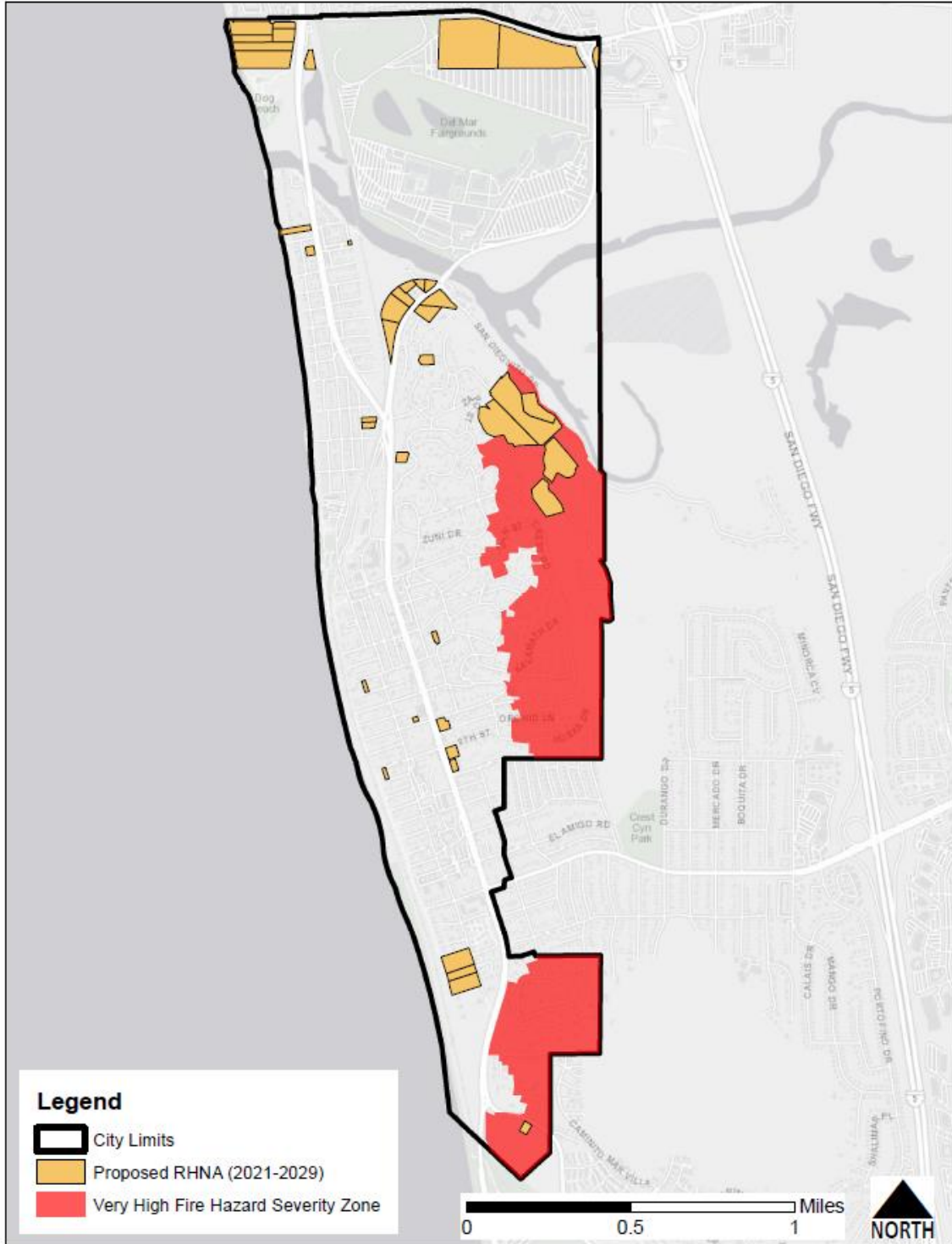
WILDFIRE

Wildfires can potentially occur where developments are adjacent to open space or proximate to wildland fuels such as grass, leaf litter, trees, or shrubs that can ignite when exposed to a natural occurrence (e.g., lightning) or by an unplanned, unauthorized, or accidental human-caused activity. Wildfire hazards are also based on factors such as topography and climatic conditions, including winds, humidity, droughts, and extreme temperatures. These areas are designated as fire hazard severity zones (FHSZ). Within Del Mar, there are areas (mostly in the southern and eastern portions of the City) that are designated as moderate, high, and very high fire severity zones.

Future development projects within the City will be required to meet the then applicable requirements and regulations of the California Fire Code. Despite these requirements, the City has seen development within these areas historically, indicating that the requirements associated with development in fire severity zones does not present a major constraint to the development of housing. The City's emergency response services can accommodate the planned increase in dwelling unit capacity to meet the City's Housing Element RHNA allocation for the 2021-2029 planning period. The requirements associated with prospective development in fire severity zones does not present a major constraint to the development of housing and the City's emergency response services can accommodate the planned increase in dwelling unit capacity.

Figure 3-1 identifies the mapped fire hazard severity zone within the City of Del Mar in relation to the sites considered for future housing. The Figure shows six sites located within the fire hazard severity zone in the eastern and southeastern portion of the City that were identified and analyzed within the Program Environmental Impact Report for the 6th Cycle Housing Element. However, the City has not identified any housing sites within a fire hazard severity zone in its sites inventory to meet its assigned RHNA.

Figure 3-1: Fire Hazard Severity Zones Map



Source: FHSZ, CalFire, June 2009.

FLOODING

The Federal Emergency Management Agency (FEMA) is involved in identifying and mapping flood-prone areas for jurisdictions that participate in the National Flood Insurance Program (NFIP), such as the City. Flood zones are geographic areas that are subject to periodic inundation due to coastal wave action or river flooding that FEMA has defined according to varying levels of flood risk. These flood-prone areas are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Maps.

The current FIRM map took effect in December 2019. The floodplain areas identified by the FIRM are subject to regulations in accordance with the City's Floodway Zone (DMMC Section 30.29) and Floodplain Overlay Zone (DMMC Section 30.56), which are incorporated within the City's certified Local Coastal Program. Residential development is prohibited in the Floodway Zone, which generally applies to open water areas such as the Lagoon. However, the Floodplain Overlay Zone applies to some residential and commercial properties in existing developed areas within the candidate housing sites.

Any proposed development within "Special Flood Hazard Area" of the Floodplain (locations with one percent chance of flooding within a given year) would be required to comply with the regulations in the Floodplain Overlay Zone (DMMC Section 30.56). Examples of flood management design standards include flood proofing structures, elevating structures, and relocating structures away from hazards (i.e., through setbacks). In the City the special flood hazard area designation applies to some properties in the North Beach neighborhood and properties in proximity to the San Dieguito Lagoon. Proposed housing within the "Special Flood Hazard Area" is subject to the same level of site plan review and architectural review as other proposed housing development in the floodplain. However, housing development in this location is also subject to increased construction costs due to required measures for flood proofing and elevation of habitable structures. This is because new development is not permitted below the base flood elevation in special flood hazard area locations. After reviewing FEMA's construction guidelines, the record of project development in the floodplain, and coordinating with local architects and engineers, the City's Building Official estimates the additional cost of construction to implement flood proofing measures is estimated to be in the range of a 3 percent to 5 percent increase in cost. In the City of Del Mar, this additional cost to meet federal and state requirements has not been known to be an impediment to new development.

The FIRM map and Floodplain Overlay Zone also applies to properties (i.e., Zone X) within the 500-year floodplain that have a low associated flood risk, representing a 0.2 percent annual chance of flood hazard, or 1 percent annual chance of flood with average depth less than one foot. These low flood-risk areas are subject to the requirements of the Floodplain Overlay Zone for disclosure; however, no special design standards are required for flood management. This means that the additional construction costs for flood proofing measures described above are not required for housing development in this location.

As stated above, Housing Element candidate sites located within the Floodplain Overlay Zone may be required to implement flood management design standards which can impact the cost and feasibility of development within these areas. Per analysis completed in the Program Environmental Impact Report (PEIR), the majority of candidate sites are located outside of this zone and in areas of minimal flood hazard that are not subject to additional development standards. The candidate sites that may be located within the Floodplain Overlay Zone will be evaluated further when individual projects are proposed, designed, and constructed.

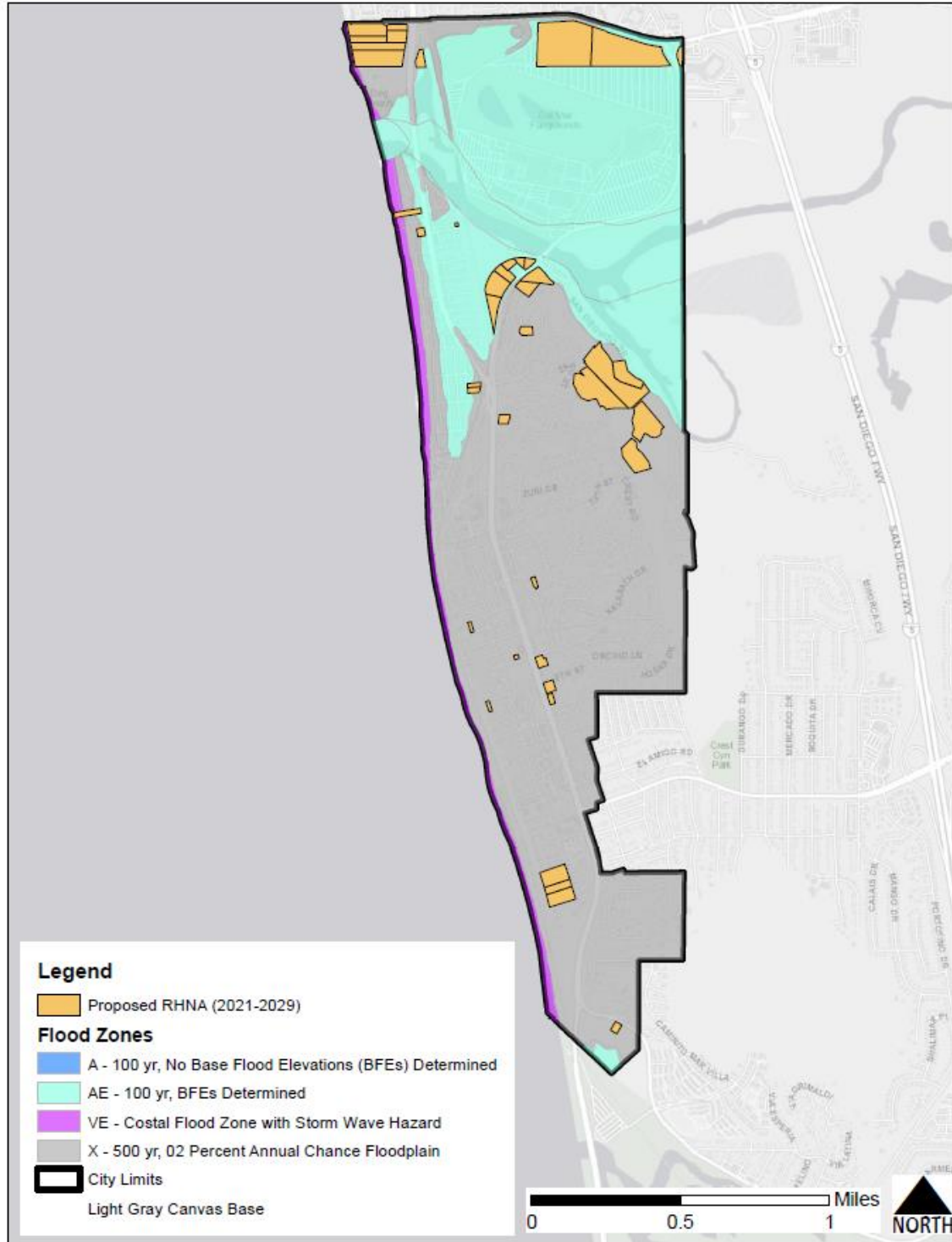
Compliance with state and federal floodplain management requirements is not expected to be an impediment to proposed housing on any sites identified in the City's sites inventory. This is because the

sites in the floodplain that were selected for the sites inventory are sites that were already designated for housing in the Del Mar Community Plan and located within an existing developed context. In terms of future flood protection for these locations, the City intends to maintain existing shoreline protection in North Beach consistent with the Beach Overlay Zone and the Beach Protection Initiative approved by the Del Mar voters in 1988. The City is also committed to continue to study and implement various flood adaptation measures (i.e., beach nourishment, San Dieguito Lagoon river mouth dredging, and a living levee along the San Dieguito river banks) in accordance with the City of Del Mar Adaptation Plan (Environmental Science Associates 2018). Implementation of these adaptation measures will further reduce the risk of flooding for candidate site locations in the Floodplain Overlay Zone that are susceptible to flooding and ensure that the candidate sites have comparable protection as the surrounding development.

In response to input provided by property owners of various candidate sites in the NC Zone, **Program 11** will explore the existing methodology for measurement of height in the floodplain to determine whether a modification to the existing calculation for this measurement should be incorporated as an incentive to accommodate the development of affordable housing.

Figure 3-2 illustrates the flood zones within the City of Del Mar in relation to the sites selected for future housing. The majority of the sites located within area of minimal flood hazard. However, there are 15 sites within either the 100 year or coastal flood zones. As stated above, compliance with floodplain requirements does not present a major constraint to the development of housing as the sites in the floodplain were already designated for housing and located within an existing developed context.

Figure 3-2: Flood Zones and Identified Sites Map



Source: FEMA Flood Plain, SanGIS/SANDAG GIS Data Warehouse, accessed November 2, 2021.

B. HOUSING RESOURCES

1. Regional Housing Needs Allocation

This section of the Housing Element provides an overview of the resources available to the City to meet its Regional Housing Needs Allocation (RHNA).

RESIDENTIAL SITES INVENTORY

Appendix B of the Housing Element includes the required site analysis tables and site information for the vacant and non-vacant properties to meet the City's RHNA need through the 2021-2029 planning period. The following discussions summarize the City's site inventory and discuss the City's past experience in redeveloping non-vacant sites and sites within non-residential zones.

Above Moderate- and Moderate-Income Sites

For the 2021-2029 planning period, the City's RHNA allocation is 31 for moderate income units and 31 for above moderate-income units. **Appendix B, Table B-2** identifies that 10 new dwelling units have been developed at the above moderate-income level and 19 new dwelling units have been developed at the moderate-income level since the beginning of the 6th Cycle projection period (June 30, 2020). The City anticipates some growth will occur in existing residentially zoned areas through the development of new units and through the development of ADUs based on existing City policies and development standards. **Table 3-6** below shows that within the existing residential neighborhoods, 17 moderate income and 11 above moderate income primary dwelling units can be accommodated on residentially zoned sites.

In addition to primary dwelling units, there is exponential capacity for ADUs and JrADUs to be developed on each existing residential lot in single unit zones; and potential for ADUs to be developed on lots in multiple unit zones and commercial zones that allow multiple dwelling unit residential. It is anticipated that an additional 100 units can be accommodated through the development of ADUs throughout the community during the 6th Cycle (2021-2029). Based on past performance in developing ADUs during the 5th cycle (2013-2021), it is anticipated that 15 units of the projected 100 ADUs for the 2021-2029 planning period will be available for lower income households. This projection accounts for the fact that 5% of the ADUs during the 5th Cycle were affordable and that an additional incentive will be offered during the 6th Cycle to produce 15 ADUs will be deed restricted for rent to lower income households once additional incentives are made available via planned enhancements to the City's incentive program. Most ADUs in Del Mar have been smaller than 800 square feet. Of the 100 projected ADUs, 45 ADUs are assumed to meet the City's moderate income RHNA need and 40 ADUs are assumed to meet the City's above-moderate income RHNA need.

Policy Consideration:

Program 1I identifies actions the City will take to establish streamlining and incentives for affordable housing, including moderate-income units. ADUs are identified as the most feasible opportunity for property owners to incorporate new dwelling units for moderate-income households within existing neighborhoods. Therefore, the Housing Element includes six programs that focus on ADUs as a strategy, including **Program 2C** for promotion of ADU development, which is generally expected to fulfill the City's assigned RHNA for moderate income units. **Program 2A** describes actions that the City will take to explore additional incentives and program components that will further encourage and support ADUs deed restricted for low-income households in existing residential neighborhoods.

ANALYSIS OF THE CITY'S EXISTING CAPACITY AND ZONING

The Housing Element must demonstrate the City's ability to accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth. **Appendix B** contains a list and description of the sites designated to meet the City's moderate and above-moderate need. **Table 3-6** below summarizes the capacity of the sites listed in **Appendix B**, which can accommodate 17 moderate income and 11 above moderate-income dwelling units. In addition to the 85 ADUs projected to meet Del Mar's moderate and above moderate income RHNA need, these sites exceed the City's 2021-2029 RHNA allocation for those income categories.

Table 3-6: Residential Capacity for Moderate and Above Moderate-Income Sites				
	Density	Number of Parcels	Acreage	Potential Units
Moderate Income Sites				
R2	12.5	2	0.36	4
RMC	12.5	1	0.24	2
RMW	17.6	2	0.64	9
R1-5B	8.7	1	0.31	2
<i>Subtotal</i>		6	1.73	17
Above Moderate-Income Sites				
R1-10	4.3	2	1.07	3
R1-10B	4.3	1	0.71	1
R1-14	3.1	1	0.38	1
R1-40	1	5	21.32	6
<i>Subtotal</i>		9	23.48	11
Total		15	25.21	28

MODERATE SITES

- ▶ 2990212000 - 2810 CAMINO DEL MAR - 2 UNITS
- ▶ 3000910400 - 12TH STREET- 2 UNITS
- ▶ 3001740200 - 9TH STREET - 2 UNITS
- ▶ 3003910800 – 1230 LUNETTA DRIVE – 2 UNITS
- ▶ 2991421100 - 1935 SANTA FE AVE - 4 UNITS
- ▶ 2991421300 - 1923 SANTA FE AVE - 5 UNITS

ABOVE MODERATE SITES

- ▶ 2990726300 - 2069 SEAVIEW AVE - 1 UNIT
- ▶ 2991861400 - SEAVIEW AVE - 2 UNITS
- ▶ 2990204600 - 2920 CAMINO DEL MAR - 1 UNIT
- ▶ 3010321100 - 155 CARMEY VALLEY RD - 1 UNIT
- ▶ 2992006500 - 690 SERPENTINE DR - 1 UNIT
- ▶ 2992006300 - SAN DIEGUITO DR - 1 UNIT
- ▶ 2992007100 - 1810 SAN DIEGUITO DR - 1 UNIT
- ▶ 2992003000 - AVENIDA PRIMAVERA- 2 UNITS
- ▶ 2992006400 - 2100 GATUN ST - 1 UNIT

REASONABLE CAPACITY ASSUMPTIONS

This section describes the methodology developed to determine the site capacity for the moderate and above moderate-income sites. Reasonable capacity was calculated based on a number of factors, including site size, existing zoning requirements, and the average density achieved in projects with similar zoning. Potential constraints such as known environmentally sensitive areas and steep slopes were considered and deductions were made where those factors decreased the net buildable area of a parcel. Additionally, existing non-vacant parcels were analyzed to determine the number of existing units currently on the parcel. Replacement of existing units was determined to prevent no net loss of existing housing stock.

DEVELOPMENT OF NON-VACANT SITES AND CONVERTING TO RESIDENTIAL USES

The City has identified a number of non-vacant, residentially zoned sites, to meet the 6th Cycle RHNA need. The Housing Element considers only parcels that are currently zoned residential (as identified in **Table 3-6**) to meet the moderate and above moderate RHNA need. The majority of these parcels have existing single-dwelling residential uses on the parcel but have lot sizes and development standards that provide the opportunity for these parcels to subdivide and/or accommodate additional units while still meeting all of the applicable development standards for that zone.

Parcels identified to meet the two remaining categories (very-low and low-income) are primarily located within non-residentially zoned areas (combination of private and publicly-owned properties). A rezone of vacant residential land will be required if the City is unable to secure an agreement for development of a portion of its units for lower income households in partnership with the State Fairgrounds. The City's Housing Plan is further discussed in **Chapter 4**.

State law requires that the City analyze:

- ▶ The extent to which existing uses may constitute an impediment to the future residential development within the planning period;
- ▶ The City's past experience with converting existing uses to higher density residential uses;
- ▶ Current market demand for the existing use;
- ▶ Analysis of leases that would prevent redevelopment of the site;
- ▶ Development trends;
- ▶ Market conditions; and
- ▶ Regulatory or incentives to encourage redevelopment.

Existing Uses on Identified Candidate Sites

Appendix B details the known existing uses on the candidate housing sites identified to meet the City's RHNA. For residentially zoned sites, existing residential units were netted out of the potential development yield to ensure that the sites identified had the potential to develop at least one additional dwelling unit. The section below on lease analysis discusses the City's approach to addressing existing non-residentially zoned sites. Many of the non-residentially zoned sites identified as candidate sites are within the PF, NC,

PC, or CC zones that are located along the downtown core of the community. There are some vacant lots; however, most of these sites contain existing development that could remain in place or be modified to accommodate residential dwelling units. The City has established programs within the Housing Element that permit and promote the development of housing in these areas and has made it a priority to focus the development of infill housing through a mixture of uses in the downtown area.

The City Council budgeted funds for the 2021-2022 fiscal year to develop conceptual designs and economic studies for various scenarios identified within the Housing Element. These studies will examine affordable housing opportunities (i.e., accessory dwelling units and multi-unit development in commercial zones) on sites in the Housing Element sites inventory and will facilitate the community's understanding of what it will take in terms of incentives, policy changes, regulation changes, and funding to make development of affordable housing feasible on the identified candidate sites and other opportunity sites. Many of the candidate sites are developed infill sites with existing uses that are ripe for redevelopment. The City Council allocated funds for this economic analysis in June 2021 to support certification of the Housing Element and implementation of the housing programs to meet the 6th Cycle RHNA. In March 2022, the City was awarded Cycle 1 Housing Acceleration Program (HAP) grant funds for completion of supplemental feasibility studies to facilitate development of affordable housing on public and privately-owned sites in the sites inventory.

Phase I studies of public sites (**Program 3B**) were completed in June 2022. These studies examined various site scenarios and provided estimated costs for affordable housing at the State-owned Del Mar Fairgrounds, and on two vacant City-owned properties at 28th Street and 10th Street. The feasibility studies were completed June 2022 and concluded the Fairgrounds is the most realistic and feasible strategy for a project with the quantity of lower income units needed per the Housing Element.

Program 1A and **Program 1B** were completed in June 2022, which means affordable housing density bonus projects can be approved in the North Commercial Zone and Professional Commercial Zone. The Phase II studies in process are testing the market feasibility of sites in these zones and additional opportunity sites. Conversion of existing uses to housing with an affordable component is likely to occur during the planning period on sites in the NC/PC zones once the Phase II site concepts and economic studies are completed and additional incentives for development of affordable housing are available (i.e., via **Program 1C**, **Program 1D**, and **Program 1I**). The Phase II studies of privately-owned sites (**Program 1K**) are targeted to be completed by December 2022. The feasibility information collected will identify the associated costs and types of accommodation that may be needed for development of affordable housing. This is expected to support successful implementation of the adopted housing strategy.

Small Sites

The City of Del Mar is a small jurisdiction with a limited inventory of developable parcels. The Sites Inventory identifies five "small sites" (parcels that are smaller than a half acre in size) that are planned to accommodate units affordable to lower income households. Assembly Bill 1397 identifies that generally candidate sites to accommodate units for lower income households should be greater than a half acre in size. Of the five candidate sites that are classified as small sites, two are owned and controlled by the City and can be developed with small affordable units as needed; and three are privately-owned. Two of three privately-owned sites are also developed with existing uses. These conditions were considered prior to adoption of the Housing Element and were not determined to be an impediment.

The City considered the feasibility of redevelopment on each candidate site and determined redevelopment to be feasible due to the context of the sites and the City's plan to prepare economic studies/zoning assessments, adopt an ordinance with incentives, monitor progress, and modify/expand incentives as needed until the City reaches its RHNA target. All three of the privately-owned "small sites" are currently eligible to pursue approval of a housing development in accordance with the density bonus provisions per State law. The City considered that the site located at 807 Camino del Mar in the PC Zone is a site with unobstructed ocean views that is currently developed with an older office building; and that the two small sites located in the NC zone at 2236 Jimmy Durante Blvd and 2148 Jimmy Durante Blvd are contiguous sites that could be consolidated or developed individually. The owners expressed interest in the potential for housing development on these sites during the 6th Cycle. In addition, the owner of 807 CDM confirmed there are no existing limitations or property restrictions that would prevent housing development at that candidate site during the next 8 years. As described above, site-specific concepts are being created (**Program 1K**) for the three privately-owned, small sites and will identify the associated costs and types of incentives that may be needed for development of affordable housing. Information on relative costs for the public sites (**Program 3B**) will also help the City evaluate if and when to pursue development of 3-4 affordable units on the two small sites that are City-owned vacant land. Additional analysis is provided below under lease analysis and development trends.

Past Performance with Converting Existing Uses to Higher Density Residential Uses

The following approved and pending projects demonstrate the viability of developing non-vacant sites (both residentially and non-residentially zoned) within Del Mar:

- ▶ 941 Camino del Mar – Approval of a Specific Plan in 2019 and Development Agreement/Housing Regulatory Agreement in 2022 for redevelopment of a former gas station site with mixed use development including a residential component with 8 units (6 market-rate, 2 affordable)
- ▶ 915 Camino del Mar – Conversion of existing commercial lease space to a residential dwelling unit in the Central Commercial (CC) zone
- ▶ 320 11th Street – Existing single-dwelling residence demolished and replaced with duplex development (two units - 2017) in the R2 zone
- ▶ 1616 Camino del Mar – Amendment to the Hotel Specific Plan to allow for 5-10 dwelling units on a lot currently accommodating a single dwelling unit. Currently pending City Council and Coastal Commission approvals.

As previously indicated under the discussion of residential development standards, the City's lack of available zones that allow for multiple dwelling units at a density of at least 20 dwelling units per acre is an identified impediment to multiple dwelling unit development and the provision of affordable housing. With the amendment of various commercial zones to allow 20 dwelling units per acre, the City can expect to prompt new interest in the development of non-vacant sites with multiple dwelling unit development. During the 5th Cycle, the City Council adopted Resolutions 2020-48 (Professional Commercial) and 2021-12 (North Commercial), which amended the land use designations in the Del Mar Community Plan to allow multiple dwelling unit development up to 20 dwelling units per acre in the PC Zone per Ordinance 971 and in the NC Zone per Ordinance 973. During the 6th Cycle, the City will also process amendments to the Central Commercial zone to allow multiple dwelling unit development at a density of 20 dwelling units per acre. The new opportunities created are expected to result in conversion of existing commercial uses to housing

and/or incorporation of housing to create new mixed-use development that includes lower income units.

Policy Consideration:

Program 1A, Program 1B, and Program 1C each identify actions the City will take to amend the existing land use designations and/or zoning in various commercial zones in order to accommodate densities of at least 20 dwelling units per acre, which will provide new opportunities for the City to accommodate residential densities that will include affordable housing.

Current Market Demand for Existing Uses

Social and demographic trends within Del Mar and the San Diego region as a whole have changed since the certification of the 5th cycle Housing Element. With those changes come changes in the types of housing needed to serve the existing and future populations. According to draft population forecasts developed by SANDAG (Series 13), the region's population is projected to rise to 4,068,759 million in 2050, from 3,095,313 million in 2010 (31% increase). Current SANDAG modeling anticipates that Senior Citizens (ages 65+) will drastically outpace other age demographic categories. An increasing elderly population presents cities within the San Diego region with a range of potential scenarios in regard to how to adequately house and accommodate for a large portion of the population with potentially limited mobility increased community care needs. These age demographics also typically have fixed or decreasing incomes and may look for senior care facilities or easily walkable communities that decrease dependence on automobiles. During outreach workshops in the City and all over the region, many seniors have expressed the desire to age in place and stay within the communities they have invested in and are comfortable with. This often requires moving to smaller units or closer to locations where services and help are readily available. The City's housing programs to facilitate opportunities for units along the main commercial corridor and small units in ADUs or tiny houses are in line with the anticipated demand for this type of housing that is smaller and in a location that is within a short walking distance of a variety of services and amenities.

Another subset of the population to consider is Generation Y, otherwise referred to as millennials. As millennials enter into their late 20s to mid-30s, many show the desire to purchase housing in some form. A 2014 ULI study stated that "fully 70% of Gen Yers expect to be homeowners by 2020, despite the fact that only 26% own today (2014)". (ULI, Gen Y and Housing, 2014) The study goes on to show that 35% of respondents lived in other city neighborhoods (neighborhoods outside of main downtown areas) and 28% lived in suburbs, while only 13% lived within or near downtown areas. This indicates an increasing desire for millennials to live in outlying city neighborhoods or suburbs where housing is still relatively cheaper and there is more opportunity to have larger lots and more space. Del Mar is a small suburban community situated in between the Cities of San Diego and Solana Beach along the coastline of the greater San Diego region. If trends continue, millennials will continue to seek out opportunities to live in communities like Del Mar, though the current high cost of housing and land values may deter some to less expensive areas. As indicated above, the City's plan to facilitate opportunities for units along the main commercial corridor and small units in ADUs or tiny houses throughout the City are in line with the anticipated demand for this type of housing that is smaller and in a location that is within a short walking distance of a variety of services and amenities.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites. However, the City does not have access to private party lease agreements or other contractual agreements amongst private parties. The City is not aware of any existing leases on the identified candidate sites that would preclude development of housing during the 6th Cycle. The property owners for each candidate site has received public notice and direct communications from the City during the Housing Element Update process. On September 2, 2021, the owner of 807 Camino del Mar (candidate site located in the PC Zone) confirmed there are no existing limitations or property restrictions that would prevent housing development at that site during the next 8 years.

On January 28, 2019, the City mailed letters to each property owner in the NC and PC Zones to encourage their participation in the zone amendment process to allow residential use in these existing commercial zones. In response, the owners expressed significant interest in support of allowing residential as a use. On March 14, 2019 and December 2, 2019, correspondence, representing a majority of the property owners in the NC and PC Zones, was submitted on behalf of the owners to the Planning Commission and City Council. The submitted correspondence and petition identified the existing development standards as “antiquated” and requested that the City modify the development standards in order to incentivize and facilitate construction of housing units. The types of incentives requested included a request for no Conditional Use Permits to be required, a request for reduced parking, a request to modify where height is measured from in the Floodplain Overlay Zone, and a request to evaluate an increase in FAR to allow for mixed use and residential development. The response from City decision makers at the time was that the change to allow residential use at 20 du/ac was needed to address the City’s commitments for the 5th Cycle Housing Element and that the potential changes to development standards would be addressed as part of the housing programs for the 6th Cycle. **Program 11** is the 6th Cycle housing program that will explore and implement zone amendments as needed to accommodate affordable housing and meet the City’s assigned RHNA.

Development Trends

As a coastal community with high land values and limited land resources, Del Mar has developed into a mostly built-out community with little available developable land. This trend is seen in many of the surrounding North San Diego County cities like Encinitas and Solana Beach. Del Mar’s comparatively smaller size in terms of physical land further constrains the ability to rely solely on undeveloped parcels to meet their RHNA need. In addition, roughly 20% of the City’s overall land mass is owned and operated by the State of California, further restricting the City’s development potential.

State, regional, and local policy direction promoting the development of housing at all levels to meet existing housing shortages, especially for low-income families, has further driven up the demand for housing. The redevelopment of existing non-vacant land, both in residential and non-residential zones, for multiple dwelling unit housing (for rental and for sale) provides a realistic opportunity to create affordable housing using the resources available within communities such as Del Mar.

Many of the proposed sites within the Housing Element sites inventory involve the redevelopment and revitalization of non-vacant parcels. This development is anticipated to occur in existing commercial corridors where commercial uses may be both supplemented or replaced by needed housing units as traditional retail uses shift to focuses of smaller physical footprints and a focus on online sales. This follows

a statewide shift in development trends towards infill properties and creating walkable hubs that rely on alternative methods of transportation such as walking, biking, and mass transit.

Development on non-vacant parcels was analyzed to determine a reasonable development capacity based on known constraints and historic development patterns within each of the different zones. The majority of this development is anticipated to occur in the North Commercial (NC) zone; with additional capacity in the Central Commercial (CC) and Professional Commercial (PC) zones. Detailed analysis of the methodology and yield for each site in these zones is described in **Appendix B**. While the sites inventory includes three small sites that are privately-owned, the City’s preliminary analysis of market trends (2021) projects the following construction costs and sales prices and therefore concluded that it is reasonable for the City to include these sites and other non-vacant sites as feasible to meet the City’s RHNA during the 6th Cycle:

Sites	Parcel Size	Unit Capacity at 20 du/acre	Estimated Construction Cost ¹	Estimated Sales Price ²
807 Camino del Mar – PC Zone	0.30 acres	5 market rate units plus one low income unit	\$1,176,000 – Assumes six 1,000 sf units at \$196/sf	\$5,040,000 – Assumes five 1,000 sf market rate units at \$1,008/sf
2236 Jimmy Durante Blvd – NC Zone	0.42 acres	8 market rate units plus one low income unit	\$1,852,000 – Assumes nine 1,000 sf units at \$196/sf + 5% increase for floodproofing measures per Floodplain Overlay Zone	\$8,064,000 – Assumes eight 1,000 sf market rate units at \$1,008/sf
2148 Jimmy Durante Blvd – NC Zone	0.38 acres	7 market rate units plus one low income unit	\$1,646,400 – Assumes eight 1,000 sf units at \$196/sf + 5% increase for floodproofing measures per Floodplain Overlay Zone	\$7,056,000 – Assumes seven 1,000 sf market rate units at \$1,008/sf

1 The estimated construction cost is based on hard construction costs of development based on the City’s adopted Building Valuation of \$197 per sf for construction costs which is based on an adjusted value specific to Del Mar derived from the standard construction cost estimate of \$117 per sf (2019 ICC Table, Multi-family). This estimate of construction costs does not include soft costs, permit fees, land acquisition (if applicable), taxes, financing charges, etc.

2 The estimated sales price assumes that the market rate units will each be sold (not rented) and assumes an average unit size of \$1,000 sf per unit and a price of \$1,008 per sf based on the aggregate sales price for 1 bedroom, 2 bedroom, and 3 bedroom units in the area. The estimated sales price does not include any value for the affordable unit.

Regulatory Incentives

As identified above, the City’s adopted plan involves preparation of economic studies/zoning assessments by December 2022 (within the first year of the planning period) and City Council consideration and adoption of ordinances to provide regulatory incentives for projects with an affordable component on sites in the sites

inventory and additional opportunity sites. Multiple dwelling unit projects with an affordable housing component that meet the criteria per State law may currently utilize density bonus provisions in accordance with state law to facilitate the construction of affordable units. The City understands that the existing land use policy and regulatory context may not necessarily be enough to contribute to the development of affordable housing based on past performance and trends. Therefore, the City's plan to prepare economic studies and implement a package of regulatory incentives is expected to incentivize property owners to develop projects with affordable housing units as further described below.

The Housing Element looks at the ability to subdivide existing residential parcels into multiple lots as one method to meet the RHNA need on residentially zoned parcels. Creating lots by subdividing one lot from another creates the regulatory structure and land resources needed for additional housing development activity. However, this is not a significant part of the housing strategy because it is expected to yield only above-moderate and moderate income units and the City's RHNA obligation requires a focus on strategies that will yield lower income units.

On May 16, 2022, the City Council renewed for two years a pilot program that provides an incentive for property owners to dedicate ADUs as low-income units. The program offers property owners a floor area bonus of 500 square feet in exchange for dedicating an ADU for 30 years as a deed-restricted ADU. The incentive of additional square feet is intended for the primary structure; the ADU is exempt from Floor Area Ratio standards -of the site as specified in the base zone development standards. The Phase II studies described above will also explore additional potential incentives that will be considered and incorporated into the program as needed to meet the City's target of obtaining deed restrictions for 15 low income ADUs during the 6th Cycle (**Program 2A**).

In addition to the ADU incentive program, the City currently offers project review application fee waivers for projects with affordable housing. Additional incentives will be considered to help facilitate production of affordable housing and reduce processing costs for affordable housing projects as necessary to meet the City's RHNA. This will involve analysis of the permit application process, an economic study, and outreach and discussion with potential affordable housing developers and property owners to help identify specific streamlining, incentives, and regulatory mechanisms (such as an overlay zone) that may be needed to spur investment in local affordable housing development.

The types of incentives that have previously been requested by property owners of candidate sites include requests for no Conditional Use Permits to be required, reduced parking, modify the height limit along the west side of Camino del Mar, modify where height is measured from in the Floodplain Overlay Zone, and evaluate an increase in FAR to allow for mixed use and residential development. The City's housing plan requires monitoring of progress towards meeting the assigned lower income RHNA and identifies set milestones for action if the specified criteria is not met. This is identified within the Programs 1D and 2

Policy Consideration:

Programs 1D1I, 1J, 2A and 7E address the potential development of streamlining, additional regulatory incentives, and permit fee waivers to incentivize the creation of affordable housing. Economic studies and zoning assessments will be prepared within the first year of the planning period to support implementation of new incentives for affordable housing development. To ensure progress toward meeting the assigned RHNA, the Housing Element identifies set milestones for action if specified criteria is not met. This includes: **Programs 2A, 2D, and 2E** which require processing an extension of the ADU incentive program by May 2022, annual monitoring of progress, and a mid-cycle review within 48 months which may trigger processing of additional incentives for the pilot program (**Program 2A**) to reach the

target of 15 low income ADUs; and **Programs 1D and 1I** which specify that if the City has not secured agreements for or produced at least 30 affordable units (deed restricted for lower income households) within 48 months of adoption of the Housing Element, the City will prepare additional incentives and proceed with the process to implement a new Affordable Housing Overlay Zone to better connect opportunity sites with incentives.

ACCESSORY DWELLING UNIT PRODUCTION

One of the proposed methods for meeting the City's moderate RHNA, with some units also contributing toward the City's low-income unit RHNA, is through the promotion and development of ADUs, which includes "Tiny Homes." The City's 6th Cycle Housing Element Ad-Hoc Citizens' Task Force identified ADUs as an important component of the City's Housing Plan and the City has already taken actions to further incentivize the development of ADUs within Del Mar. This section details new State laws that have eased restrictions on the development of ADUs in order to: 1) spur growth; 2) increase the City's progress in processing ADU applications since the start of 2018; 3) promote actions the City has already taken to incentive ADU development; 4) and refining the City's methodology for projecting ADU development during the 2021-2029 planning period.

A number of State Assembly and Senate Bills were passed in 2019 and implemented in January 2020 that promote and remove barriers that may inhibit the development of ADUs within communities. The following is a summary of those bills:

- ▶ AB 68 and 881
 - Prohibit minimum lot size requirements
 - Cap setback requirements at 4 feet, increasing the size and location opportunities for ADUs
 - Prohibit the application of lot coverage, floor area ratio (FAR), or open space requirements that would prevent an 800 square foot ADU from being developed on a lot
 - Remove the need for replacement parking when converting an existing garage to an ADU
 - Limit local discretion in establishing minimum and maximum unit size requirements
 - Mandate a 60-day staff-level review and approval process for ADU applications exempt from discretionary approval
- ▶ SB 13
 - Prohibit owner-occupancy requirements for 5 years (through 2025)
 - Reduce impact fees applicable to ADUs
 - Provide a program for homeowners to delay compliance with certain building code requirements that do not relate to health and safety
- ▶ AB 670
 - Prohibits Homeowner's Associations (HOAs) from barring ADUs in single dwelling unit subdivisions

These bills, as well as other legislation relating to ADUs creates a development environment that is likely to increase the number of ADUs developed within Del Mar over the 2021-2029 planning period. Del Mar, with a large proportion of single-dwelling residential properties (many on larger lots), is well-oriented for the development of ADUs. Further, local residents and property owners have shown significant interest in the development of new ADUs as is demonstrated by the influx of submitted ADU development applications

and inquiries about potential development of ADUs. The following shows the local trend for development of ADUs is consistent with the City's projections:

Progress Report Date	ADUs with Approved Building Permits	ADUs in Building Permit Review Phase	ADUs in Application Review Phase
8/4/2020	2	13	11
2/25/2021	4	25	15
12/6/2021	35	22	14

Following is a list of the 34 ADUs that have been issued building permits and count as existing dwelling units as of December 6, 2021:

	ADU Permit Number	Address
	ADU with Building Permit Approval/Under Construction	
1	ADU18-001	484 AVENIDA PRIMAVERA
2	ADU19-004	423 LUZON AVE
3	ADU20-005	2609 CAMINO DEL MAR
4	ADU20-006	1047 STRATFORD CT
5	ADU20-007	341 LA AMATISTA RD
6	ADU20-008	766 HOSKA DR
7	ADU20-009	328 PINE NEEDLES DR
8	ADU20-012	1023 STRATFORD CT
9	ADU20-015	730 KALAMATH DR
10	ADU20-016	2168 SAN DIEGUITO DR
11	ADU20-018	1535 SAN DIEGUITO DR
12	ADU20-019	625 AVENIDA PRIMAVERA
13	ADU20-021	162 26TH STREET
14	ADU20-022	521 AVENIDA PRIMAVERA
15	ADU20-025	1128 CUCHARA DR
16	ADU20-027	154 26 TH ST
17	ADU20-030	1833 COAST BLVD
18	ADU20-032	1604 SAN DIEGUITO DR
19	ADU20-035	1955 JIMMY DURANTE BLVD
20	ADU20-038	555 AMPHITHEATRE DR
21	ADU21-002	434 8TH ST
22	ADU21-003	1912 OCEAN FRONT
23	ADU21-005	563 ORCHID LN
24	ADU21-006	470 PINE NEEDLES DR
25	ADU21-007	346 9TH ST
26	ADU21-014	421 OCEAN VIEW AVE
27	ADU21-017	113 9TH ST
	ADU Approved for Occupancy	
28	ADU19-006	755 KALAMATH DR
29	ADU20-001	620 AMPHITHEATRE DR
30	ADU20-003	727 KALAMATH DR
31	ADU20-013	2427 CAMINO DEL MAR
32	ADU20-014	405 CAROLINA RD
33	ADU20-017	251 27TH ST
34	SDU16-001	625 AVENIDA PRIMAVERA
35	SDU16-002	472 AVENIDA PRIMAVERA

State laws that took effect on January 1, 2020 have generated significant interest and an increase in application submittals. The City Council adopted an update to its local ADU Ordinance on June 1, 2020, to incorporate the changes to State law that took effect on January 1, 2020. The City will be processing additional clean-up amendments prior to obtaining California Coastal Commission certification of the associated Local Coastal Program amendment.

In July 2020, the City used a portion of its Senate Bill 2 Grant funding to prepare three separate and distinct ADU floor plans that adhere to both State mandates and the Del Mar Municipal Code. The sample floor plans, which were developed by the City's contract architect, will still require formal construction drawings prepared by an applicant, however, they do provide property owners a jump-start in beginning an ADU project. The three samples vary in size from 446 square feet to 955 square feet and are all designed to be fully ADA accessible. The City has made these floor plans available to the public via the City's ADU information website.

In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (JrADUs) are permitted only in single dwelling unit zones. The City believes that the new ADU regulations, as well as related housing programs to be enhanced and developed as part of this Housing Element, will help to further promote the development of more ADUs and JrADUs than has occurred in the past.

For the purposes of estimating anticipated ADU and JrADU development within Del Mar for the 2021-2029 planning period, the City applied a methodology that accounted for past performance with local ADU permit approvals, including the recent increase in new ADU application submittals currently in process. The increase in local interest related to ADUs coincided with the public outreach and discussions for the City's Housing Element update process for the 6th Cycle and the required immediate local implementation of the 2020 State laws for streamlining and accommodating various ADU application requests as part of single dwelling unit, multiple dwelling unit, and mixed-use development. The City's approach and strategy to rely upon ADUs to meet a portion of the RHNA for the 6th Cycle is consistent with the number of ADU permits in process and State guidance.

As outlined in HCD's Site Inventory Guidebook, the City may project future ADU development during the 2021-2029 planning period based on the City's progress in developing ADUs since January 1, 2018. This methodology is based on the fact that the California Legislature passed a series of new laws that significantly increased the potential for development of new ADUs by removing development barriers, allowing ADUs through ministerial permits, and requiring jurisdictions to include programs in their Housing Element that incentivize their development.

Based on guidance in HCD's Site Inventory Guidebook, the City may use production of ADUs since January 1, 2018, as shown in **Table 3-7**, to project future ADU development. Del Mar's current progress shows 44 ADUs that are either constructed, approved and under construction, or undergoing review and anticipated to be approved within the planning period. One of these units is deed-restricted for lower income. This data encompasses a three-year period and when projected across the full 8-year planning period, the City anticipates the development of 100 accessory dwelling units. As part of the candidate sites analysis, the City has estimated that 85 ADUs will be developed to accommodate the moderate and above moderate RHNA and 15 ADUs will be developed to accommodate the lower income RHNA. The latest ADU production

count as of November 10, 2022, is that 54 building permits have been issued for ADUs and 14 additional ADU applications are in the process of building permit approval.

The City's assumption of affordability for the 85 ADUs is based on current rents and trends associated with the smallest available dwelling units and locations with more than one dwelling unit per lot. The assumption of affordability for the 15 ADUs is based on **Program 2A**, which will involve expanding upon the types of incentives offered and available to owners who agree to deed restrict their ADU for rental to a low-income household. As part of **Programs 1D, 2A, and 1I** the City will initially be proceeding with an economic study to help inform the City Council's pending decision as to the extent of the incentives that should be made available in order to gain sufficient development of affordable housing units. The City Council determined this is a feasible and realistic approach as part of the City's plan to meet its RHNA obligations. Furthermore, **Programs 2D and 2E** provide for the City and HCD to monitor the development of ADUs and conduct a mid-cycle review to assess the City's progress in development of ADUs and progress towards its RHNA.

Policy Consideration:

Programs 2A, 2B, and 2C describe actions the City will take to facilitate and promote the development of ADUs within the City. This includes actions to facilitate the production of ADUs that are deed restricted affordable for low-income households.

Due to the recent increase in local development of ADUs, concerns have been expressed by the community questioning whether new ADUs are more likely to be used as housing or used as accessory living space for the current occupants. Due to the City's location in close proximity to the University of California San Diego, ADUs are a type of housing option that is in high demand. HCD explained that current State law prohibits the City from requiring that property owners make their ADUs available for use as housing. During the 2021-2029 housing cycle, the City intends to monitor the development and functional use of new ADUs to the extent possible and act accordingly to implement the Housing Element. This may include actions to further facilitate production of ADUs or to incorporate new regulations, in consultation with the State, as necessary to further the City's housing goals and meet its RHNA.

Policy Consideration:

Programs 2D and 2E describe actions the City is required to take to track and monitor the development of ADUs and outlines the mid-cycle review process the City will perform to assess the progress in development of ADUs within Del Mar. This will help the City to evaluate whether additional policy revisions and/or code amendments may be necessary during the 2021-2029 housing cycle. In addition, as part of **Programs 7H and 7I** the City will create informational materials on ADUs and other local housing options and make these housing resources available to seniors and students of colleges and universities in proximity. These programs are intended to help connect owners who are seeking renters with interested persons such as seniors and college students who are seeking housing. The intent is to facilitate occupancy and use of ADUs as dwelling units in a manner that meets local housing needs.

Sites Suitable for Lower Income Housing

The City of Del Mar has a RHNA allocation of 37 very-low income units and 76 low-income units (inclusive of 12 carry-over units from the 5th Cycle). To address the lower income housing need, the City explored the potential for affordable housing development on sites citywide. The City's adopted strategy to accommodate lower income units includes a combination of public and private land citywide and includes a variety of zone types with an emphasis on smart growth opportunity sites along the commercial corridor, which runs north-south through the City's village center, and the Fairgrounds, which has good proximity to services and has been designated as a "mobility hub" in SANDAG's regional plan. Approximately half of the planned capacity for lower income units is identified for sites on public land and the other half on sites that are privately-owned.

The City is an urbanized, small community that has limited capacity for new housing development due to a lack of opportunities for development on vacant land and a lack of developable lots of a size that can yield projects with very low and extremely low income units. In accordance with State law, the Housing Element identifies sufficient capacity to accommodate the 101 lower income units that were assigned to the City for the 6th Cycle and the 12 carryover units. As referenced in **Appendix B Table B-2**, approximately 193 dwelling units could be created on sites along the commercial corridor in the NC zone, 941 Camino del Mar Specific Plan, PC zone, and PF zone on sites suitable for lower income housing in the sites inventory based on a conservative estimate using 20 dwelling units per acre and the approved development capacity of pending projects. Although additional lower income units could be achieved (i.e., via affordable housing density bonus or 100% affordable projects), as a conservative estimate, and to ensure that the planned lower income housing can be accomplished, the City is showing in its sites inventory only the number of lower income units that would be created as a result of the City's inclusionary housing requirements. Per DMMC Section 24.21.030, projects with two or more dwelling units are required to set aside at least one unit for rental at below market rate to a low income household; projects with 10 or more units are required to include a combination of low income units and at least one unit for very-low income households; and projects with 20 or more units are required to include a combination of low income units, very low income units, and at least one unit for extremely low income households. Recent projects have been approved that meet these requirements, as described below.

The locations identified with potential for creation of the assigned 18 extremely low income units include a combination of sites in the North Commercial zone (**Program 1A**), Professional Commercial zone (**Program 1B**), and the State Fairgrounds (**Program 3A**) or North Bluff/South Stratford (**Program 1E**). These sites, which are primarily located in the northerly portion of the City, were identified because they are sites greater than one acre that can accommodate multiple dwelling unit development. In the Central portion of the City there is potential in the Professional Commercial zone (**Program 1B**) and Central Commercial zone (**Program 1C**). In the southerly portion of the City, there are existing multi-dwelling unit apartment and condominium development of a similar density and some potential capacity for new housing development via the contingency program (**Program 1E**) if needed.

The location identified as the most suitable and feasible to successfully accommodate affordable housing development is the State Fairgrounds, which has multiple potential housing locations, including portions of two large sites (10-12 acre parcels) located southwest of the intersection of Via de la Valle and Jimmy Durante Boulevard. These parcels are listed in the Housing Element sites inventory with the potential of accommodating at least 54 units. An agreement for affordable housing on the State Fairgrounds is being pursued as a priority housing implementation strategy (**Program 3A**) and is strongly supported by SANDAG

(see **Appendix F**). However, because the City does not control development on State-owned property, the City has included a contingency rezone program in the Housing Element in case an agreement with the State of California is not timely implemented within three years.

The City identified two residentially-zoned locations with vacant sites (South Stratford Properties and North Bluff Border Avenue Properties) that are suitable for accommodating lower income units if an agreement cannot be reached with the State of California. However, because there is substantial regional support for a development on the Fairgrounds, the City believes that successful implementation of an affordable housing development in the City of Del Mar is most likely to be feasible on the Fairgrounds site.

It is anticipated that approximately 15 low income units (15 percent of the total projected ADUs) will be provided via deed-restricted accessory dwelling units located within existing residential neighborhoods through implementation of **Program 2A**. In addition to the non-residentially zoned sites previously discussed, two small City-owned sites are also feasible for lower income units (**Programs 1H** and **3B**). The City completed conceptual designs and feasibility studies for both sites (see **Appendix E**).

The City conducted a thorough Site Analysis and identified sites, as described below and in **Appendix B**, that are suitable to meet the City’s RHNA obligation. The sites inventory of capacity for very-low and low-income units within **Appendix B** describes each of the sites identified to meet the City’s lower income RHNA need. Dwelling unit yields for each of the parcels within this inventory were analyzed to determine a net parcel size based on known physical and environmental constraints. Due to the nature of infill development opportunities, parcels within non-residentially zoned areas were analyzed differently as described in the following section.

Policy Consideration:

Programs 1A, 1B, and 1C of the Housing Element include actions to amend the North Commercial (NC), Professional Commercial (PC), and Central Commercial (CC) zones to allow for the development of residential uses at a maximum of 20 dwelling units per acre. Parcels within the NC and PC zones are permitted to develop solely with residential uses, with a mixture of residential and commercial uses, or solely with commercial uses. As proposed, **Program 1C** will allow housing to be developed within the CC zone generally as mixed use with first floor, street facing commercial retail uses consistent with the allowable uses in street frontage spaces in DMMC Section 30.22.030 (Horizontal Zoning regulations). In addition, the City will take action via **Program 1H** to facilitate affordable housing on City-owned sites that are located in the Public Facilities zone.

The contingency sites were selected for **Program 1E** based on their existing vacant nature and suitability for development of lower income housing. **Table 3-8** summarizes the residential capacity of these sites. In total, the contingency rezoning program described in **Program 1E**, if needed, would result in the rezoning of vacant land to create the opportunity for 54 units for lower income households to develop on these sites during the planning period. The City Council can select a combination of any of the sites listed below as necessary to create capacity for 54 lower income units. However, the City’s priority housing program is to develop an equivalent number of lower income units on the State Fairgrounds property per **Program 3A**.

Table 3-8: Residential Capacity on Sites to be Rezoned if Required (Contingency Program)

Site Number/Name	Gross Acreage	Potential Units at 20-25 du/ac	
		Lower Income	Above Moderate

Site 1(a-f): North Bluff Border Avenue Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	17.33	66-86	280-349

Policy Consideration:

Housing Element **Program 1E** identifies the required contingency rezoning program to create adequate sites to meet at least 54 of the 101 units assigned to meet the City’s lower income RHNA need. It states that if necessary to create capacity during the first three years of the planning period, the identified candidate sites will be rezoned to a range of 20 to 25 dwelling units per acre, with ‘by-right’ approval required for any project with 20 percent low income housing that does not require a subdivision to fulfill the City’s lower income need on vacant parcels. In accordance with State law, **Program 1E** of the Housing Element identifies potential future implementation actions to rezone up to nine vacant parcels that are located in two separate locations (North Bluff and South Stratford), if necessary to meet the requirement for adequate sites that allow development at a density of 20 to 25 dwelling units per acre as a strategy to accommodate at least 54 of the 101-lower income RHNA units. Upon rezoning, the site(s) would be suitable to accommodate lower income housing, including RHNA units assigned for extremely low-income households.

Program 1E is intended only as a contingency in case the City’s preferred strategy per **Program 3A** to secure an agreement to build at least 54 units for lower income households at the State Fairgrounds, including all RHNA units assigned for extremely low-income households, is not obtained by April 2024.

DEVELOPMENT OF NON-RESIDENTIALLY ZONES SITES FOR AFFORDABLE HOUSING

The City’s housing strategy relies on a combination of sites that are zoned for residential and non-residential uses. In order to meet the City’s very-low and low-income RHNA need of 113 dwelling units, the City has identified the parcels within the Sites Inventory (**Appendix B**) that can provide adequate capacity. While Housing Element **Program 3A** (or contingency **Program 1E**) is planned to address many of the City’s assigned lower income units, additional Housing Element programs will be needed to create additional adequate sites to meet the City’s RHNA per State law. Therefore, the City also identified adequate sites within existing commercial zones in reliance upon **Program 1A** and **Program 1B**. The North Commercial (NC) zone per **Program 1A** and Professional Commercial (PC) zone per **Program 1B** as certified by the Coastal Commission in June 2022 permit residential development at 20 dwelling units per acre (du/ac).

The Housing Element also contains a program to process amendments to existing zoning in order to allow for residential development up to 20 du/ac within the Central Commercial (CC) zone. The intent of **Program 1C** is to further increase the City’s housing capacity beyond the assigned RHNA in preparation for future housing cycles. This will allow the City to create new opportunities for mixed use development, including affordable housing units, within the Village Center. Currently, the CC zone only allows one unit per lot. The proposed density change will create new opportunities for lower income dwelling units to be created via new multiple dwelling unit development. Further analysis of development capacity will occur when the associated ordinance is prepared and processed.

In addition to the proposed increase in density for various commercial zones applicable to privately-owned sites, the City also identified opportunities for creation of adequate sites for lower income units on City-owned sites per **Program 1H**, which is further described below.

Pursuant to HCD's guidance, there are a number of other methods available to the City to analyze the likelihood of future residential development within these areas. It is not required that the City demonstrate all of these methods, rather they are best practices for justifying the anticipated future development of housing. These methods include:

- ▶ Discussion of residential development trends (regionally or locally) in nonresidential zones.
- ▶ Description of any existing or planned policies, programs, or local guidance or efforts promoting residential development in nonresidential zones.
- ▶ Description of any existing, or planned, mixed-use or overlay zoning, performance standards, or incentives for promoting residential development in nonresidential zones.
- ▶ Demonstrate a surplus of nonresidential zoned sites relative to the regional housing need.

The following sections describe local and regional development trends promoting mixed-use development within established commercial corridors as well as Del Mar's existing or planned policies, programs, zoning amendments, and incentives for promoting residential development in nonresidential zones.

Existing or Planned Policies and Programs

Del Mar is currently in the process of creating the opportunity for residential development to occur at higher densities within non-residential zones. There is a history of programs and policies within the City's Community (General) Plan and other relevant development documents that promote development of residential uses in traditionally non-residential parts of the City. The following policies and programs which promote development of housing within non-residential zones and affordable housing in general are found within Del Mar's Community Plan:

- ▶ Community Plan Goal 3, Objective D.2 – Facilitate provision of housing opportunities for senior citizens close to the Village Center with easy access to services, facilities, and transit.
- ▶ Community Plan Goal 3, Objective E.2 – Implement a floor area bonus provision to encourage private owners to provide low-income rental units in the R2, RM-East, RM-West, and RM-Central zones.
- ▶ Community Plan Goal 3, Objective E.3 – Require an in-lieu fee applied on a per-unit basis to all residential subdivisions and condominium conversions to establish and maintain a Housing Assistance Fund.
- ▶ Community Plan Goal 4, Objective B.4 – Allow mixed residential-commercial land uses within the commercial area that is adjacent to Stratford Court.

Amendments to the North Commercial (NC), Professional Commercial (PC), and Central Commercial (CC) Zones

The City adopted amendments to the Del Mar Municipal Code for the North Commercial (NC) and Professional Commercial (PC) zones during the 5th Cycle Housing Element. These amendments, which allow for the development of residential at a maximum density of 20 dwelling units per acre (du/ac) were certified by the California Coastal Commission in June 2022. A density of 20 du/ac meets the State's default

density requirement for a City of Del Mar's size (under 50,000 population) that is located within a Metropolitan Statistical Area (MSA) over 2,000,000 people.

The City has also established **Program 1C** in the Housing Element to amend the Central Commercial (CC) zone to permit residential development at 20 du/ac. The intent of **Program 1C** is to create adequate sites in the CC zone that the City will be able to rely upon for the next housing cycle (7th Cycle).

These amendments represent measures the City has taken to increase the number of adequate sites that can facilitate housing development on land able to accommodate residential uses at higher densities. A portion of these sites are being relied upon as adequate sites for the 6th Cycle. The remaining sites in these commercial zones will facilitate additional opportunities for multiple dwelling unit housing development during future housing cycles.

Policy Consideration:

Programs 1A, 1B, and 1C describe actions the City will take to amend the Del Mar City Code to accommodate housing within the NC, PC, and CC zones at 20 dwelling units/acre. These programs are a key part of the City's strategy to create opportunities for multiple dwelling unit housing development at sufficient density (20 du/ac) to create new opportunities for affordable housing development and further fair housing by creating new opportunities for housing choices at a range of income levels that provide for housing access and mobility.

Identification of Sites on City-Owned Property

One of the methods the City has identified to meet the lower income RHNA need is through the identification of sites on City-owned property that can be used to develop affordable housing. The City identified two vacant lots that are not identified as excess public property, but are sites available to the City for development with small affordable units for lower income households during the 6th Cycle if necessary. These sites are owned and controlled by the City. In combination with **Program 3A** (planned to accommodate at least 54 units at the State Fairgrounds) and **Programs 1A and 1B** (planned to accommodate at least 25 units), as well as projects with lower income units currently in process, the two vacant City-owned properties identified can help to accommodate the remaining number of lower income RHNA units. Due to the ownership nature of these vacant sites, the City has the ability to streamline the development process for the required development applications, minimize processing costs, and ultimately restrict the unit rental rates, therefore providing some surety as to the future affordable nature of units constructed on the identified parcels.

In order to clarify that development of housing units is an allowed use on properties within the Public Facilities (PF) zone, the City will amend the Del Mar Municipal Code to explicitly permit residential development as an allowed use in the PF zone, as described in **Program 1H**.

The specific sites identified by the City to meet the lower income RHNA need are detailed in **Appendix B**.

Policy Consideration:

Program 1H describes the actions the City will take to amend the Public Facilities (PF) Zone in the City of Del Mar Municipal Code and Local Coastal Program to allow residential development.

22nd DISTRICT AGRICULTURAL ASSOCIATION (DAA) - STATE FAIRGROUNDS

As discussed in the constraints section of the Housing Element, the 22nd District Agricultural Association (22nd DAA), or State Fairgrounds, presents a unique opportunity for the development of affordable housing

within the City of Del Mar. The property is owned by the State of California, but the majority of the land that comprises the Fairgrounds is within the City of Del Mar. The State Fairgrounds is a large property with realistic and feasible development potential to accommodate affordable housing consistent with local and regional plans. The City completed Phase I feasibility studies in June 2022 that identified concepts and estimated development costs for affordable housing at the State Fairgrounds utilizing a site area of 1 acre to 1.5 acre, with a range of housing types (i.e., family housing or senior housing), and a three-story development (including at grade parking on the first floor with a podium above supporting two floors of dwelling units) and identifying potential to accommodate greater height (i.e., five stories).

The Fairgrounds location was selected due to its current function as a regional destination and designation as a “mobility hub” in SANDAG’s 2021 Regional Plan. The site accommodates high concentrations of people and is connected to public transit commercial services within a one mile radius including groceries, high quality schools, parks, medical services, retail services, jobs, and transportation including a regional rail transit stop that is planned for the Fairgrounds. The Fairgrounds is the most feasible location to accommodate new housing development for lower income households. Housing at the Fairgrounds location will affirmatively further fair housing and significantly improve existing conditions by creating much needed lower income housing choices in Del Mar and the overall coastal North County region. At the project-level, the City will ensure that future Fairgrounds housing is integrated within the overall community. Per **Program 3A**, project features and conditions of approval will be identified during the site design and entitlement phase to demonstrate that proposed housing will provide new housing options for lower income households, further fair housing, and provide for residents’ quality of life and civic engagement by ensuring the development will maintain a healthy environment and will not result in the creation of an isolated or disenfranchised segment of the overall Del Mar community.

Development of affordable housing at the State Fairgrounds would require a binding agreement between the State of California and the City of Del Mar per **Program 3A**. If the agreement is not reached by April 2024, “no net loss” would be triggered and the City would be required to re-establish adequate sites. Per contingency **Program 1E**, if that circumstance were to happen the City Council will take action to consider which sites to rezone (of the nine total sites listed in **Program 1E**) as needed to address the deficit of 54 lower income units for “no net loss”. That said, the City plans to vigorously pursue an agreement with the 22nd DAA to build affordable housing on State-owned property located within the City boundary as part of its 6th Cycle housing programs.

In anticipation of an agreement similar to the one described above, the City has conducted a preliminary analysis of the Fairgrounds property and determined that the potential dwelling unit capacity on the three parcels identified in the sites inventory is sufficient to yield at least 54 affordable units. See **Table 3-9** below. Development of housing can take many forms and configurations to blend with the existing on-site uses. It is assumed that development on this State-owned property will include multiple dwelling unit development that yields at least 54 units affordable to lower income households.

The 22nd DAA is in the early stages of developing a Strategic Plan that will identify the State’s goals and land use and development interests for the State Fairgrounds for long-term economic stability and viability. Through analysis of the Fairgrounds property and input by the 6th Cycle Housing Element Ad-Hoc Citizens’ Task Force, it is estimated that up to 24 acres of the 370-acre property may be developable for residential uses without interrupting the existing on-site racetrack facilities and annual San Diego County Fair event areas.

The City's intent to pursue an agreement with the 22nd DAA to build affordable housing on the State Fairgrounds is a feasible planned use for the State to consider. This is because housing is a compatible use with the visitor serving uses and commercial services operations at the Fairgrounds and can be compatible with any future plans by the State to modify and/or expand its operations. Further, the availability of new, on-site workforce housing for lower income households at the State Fairgrounds can serve countywide interests consistent with State mandates in a manner that is sustainable, compatible with local needs, and adaptable to the changing business climate over time.

The State Fairgrounds is designated by SANDAG as a "Smart Growth Opportunity Area" opportunity site for housing. Smart growth is an approach to development that encourages a mix of building types and uses, diverse housing options, and transportation alternatives; and focuses reinvestment through infill development in developed locations surrounded by urban uses and generally within walking distance of transit, jobs, housing, services, and schools. Future development of housing at this location can assist the region to meet statewide goals to reduce greenhouse gas emissions, vehicle miles traveled, and on-site parking demands, and take advantage of regional transit connection opportunities. Figures 3-3 through 3-7 identify:

- The prospective location of affordable housing with respect to the two City-owned parcels identified in the Housing Element sites inventory and public park amenities within the City of Del Mar;
- Transportation facility connections within a one mile radius including, bike trails, bus stops, and the Solana Beach Transit Center (access to the Coaster and other multi-modal transit options that connect to locations throughout the region);
- Jobs and service options within a one mile radius including hotels, offices, and mixed retail locations and grocery store locations;
- School options in the area available for preschool, elementary, middle school, and high school-aged children living in this prospective housing location; and
- Health and governmental services options in the area including postal service locations, medical centers, public works and community services, and emergency responders.

Pages 3-86 through 3-95 identify various opportunity indicators applicable to the City of Del Mar, including the State Fairgrounds location, as a high opportunity location in the region that provides great access and opportunities for residents. As such, the City has concluded that the Fairgrounds housing strategy will significantly improve housing conditions and affirmatively further fair housing in the City of Del Mar. Additional exhibits are included in the **Appendix B** sites analysis that further demonstrate the benefits of the Fairgrounds location, its site context, connectivity.

Policy Consideration:

Program 3A describes the actions the City will take to vigorously pursue affordable housing opportunities on the State Fairgrounds property.

Table 3-9 below demonstrates the anticipated potential development capacity of the State Fairgrounds property as described. However, a final determination of units will depend on the future execution of agreements with details and context that were not known at the time of adoption of this Housing Element document. HCD has indicated that these potential units cannot be counted towards meeting the City's RHNA need at this time, so they are not represented in other tables throughout this section. The Sites Inventory in **Appendix B** shows a detailed analysis of the State Fairground properties and contains a discussion of the assumptions made in determining potential yield.

Table 3-9: Potential Residential Capacity within the State Fairgrounds				
	Gross Acreage^{1,3}	Net Acreage^{2,3}	Max Density (DU/AC)⁴	Potential Units⁵
State Fairgrounds	220.45	5.65	N/A	54
<ol style="list-style-type: none"> 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. 2. The Fairgrounds property is Sites 2(a-h) in the Housing Element Candidate Sites Inventory (Appendix B). The net acreage assumed in this analysis includes portions of these sites while maintaining the functionality of existing uses. 3. Candidate Site 2h, the Surf and Turf RV Park, is owned by the 22nd District Agricultural Association but is not located within the Del Mar City limits (parcel is within City of San Diego). This property is included within the assumptions above. 4. There is no maximum density development standard that applies to the State Fairgrounds property. 5. There is no maximum number of potential units. The City's 6th Cycle lower income unit target for the State Fairgrounds is at least 54 lower income dwelling units. 				

Figure 3-3

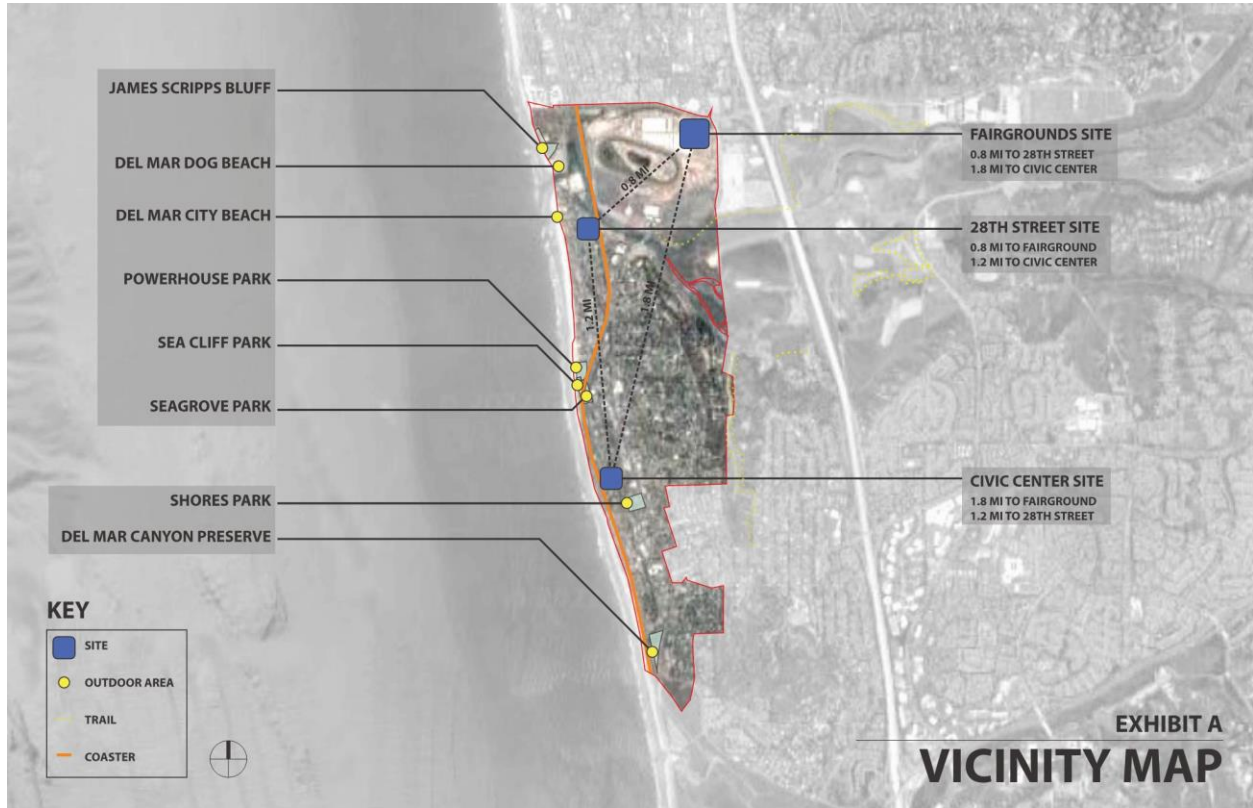


Figure 3-3 shows the distance between the three publicly owned site locations in the sites inventory studied in the Phase I studies per **Program 3B**. It also shows the relative location of these sites within the City of Del Mar and proximity to public amenities including beaches and parks located throughout the City.

Figure 3-4

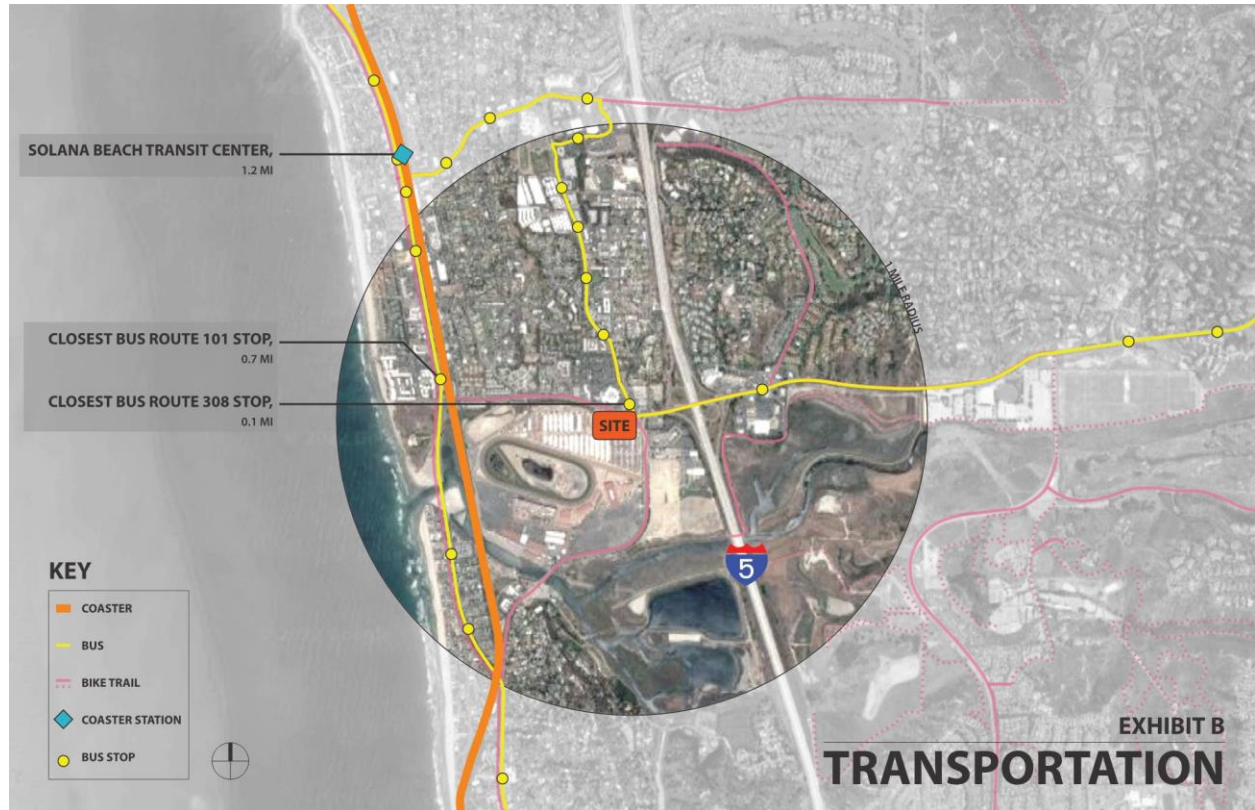


Figure 3-4 shows the relative location between the planned Fairgrounds site location (**Program 3A**) and transportation infrastructure located throughout the City and within a one mile radius including the closest bus route stops. The Fairgrounds is also in proximity to the Solana Beach Transit Center, which is a major transportation hub within the region. The Fairgrounds is within a half mile of transit stops for the 308 and 101 bus routes and a planned seasonal COASTER station that is anticipated to begin service to the State Fairgrounds by 2035.

Figure 3-5

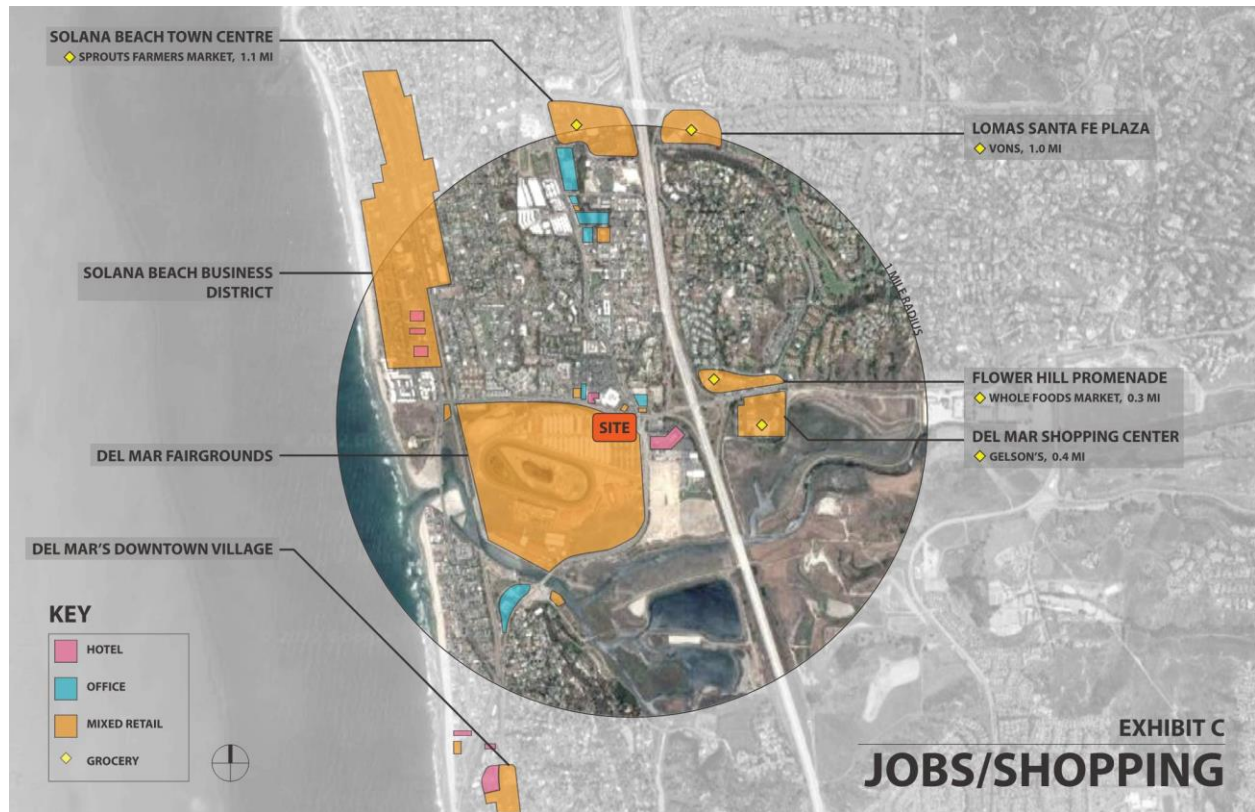


Figure 3-5 shows the relative location between the planned Fairgrounds site location (**Program 3A**) and jobs and shopping, including supermarkets within a one mile radius.

Figure 3-6

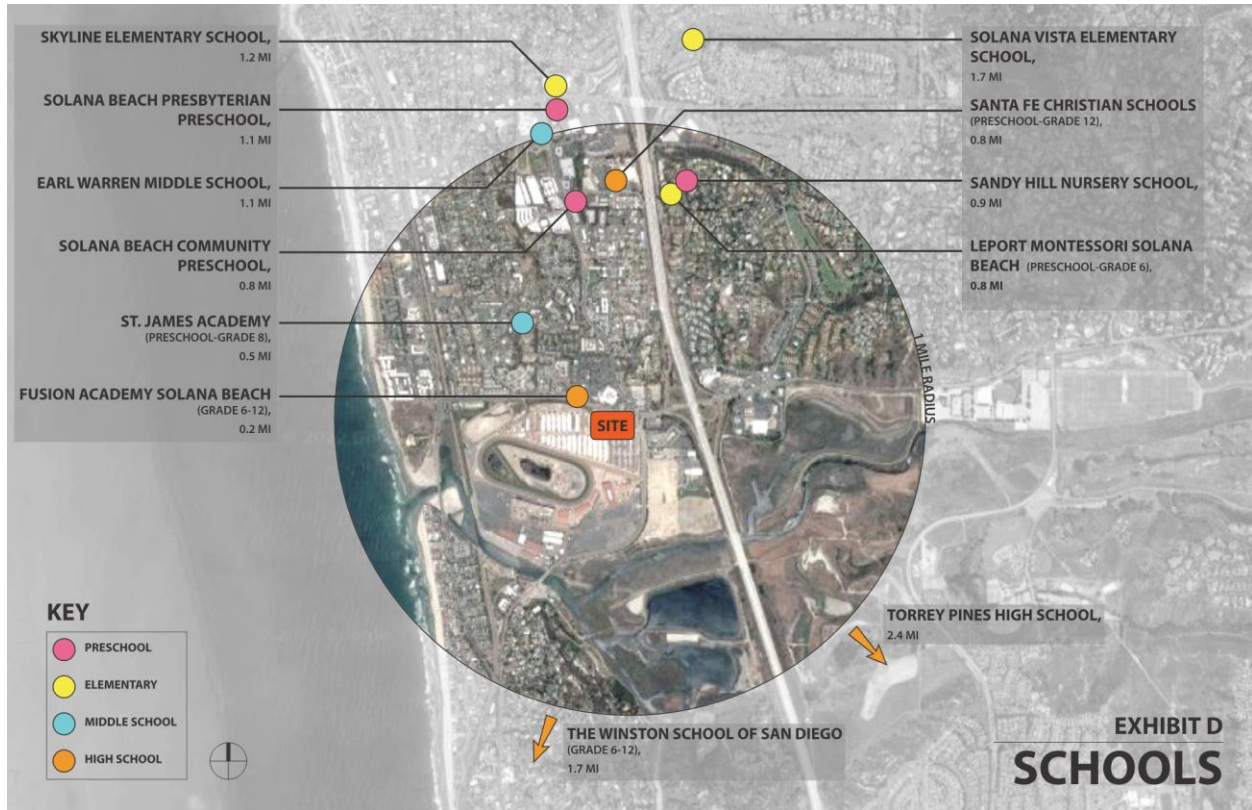


Figure 3-6 shows the relative location between the planned Fairgrounds site location (**Program 3A**) and local schools within a one mile radius. Housing in this location would have access to quality schools for children aged preschool through high school.

Figure 3-7

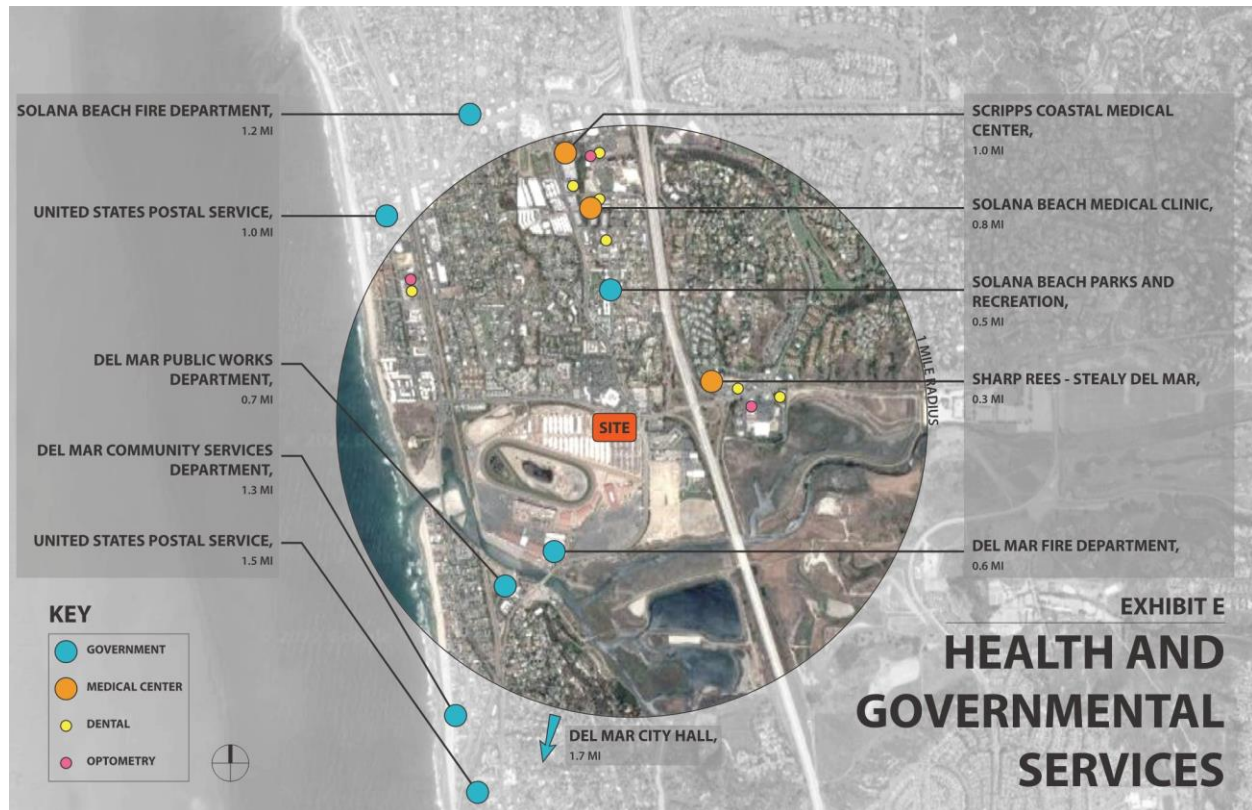


Figure 3-7 shows the relative location between the planned Fairgrounds site location (**Program 3A**) and health and governmental services within a one mile radius. Housing in this location would be in proximity to a range of health and governmental services provided via government offices (i.e., US Postal service, Fire/Emergency Response, Public Works, Parks/Recreation), medical clinics, dental offices, and optometry offices.

FUTURE HOUSING NEEDS

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) supplies a regional housing goal number to the San Diego Association of Governments (SANDAG). SANDAG is then mandated to allocate the housing goal to city and county jurisdictions in the region through a RHNA Plan. In allocating the region's future housing needs to jurisdictions, SANDAG is required to take the following factors into consideration pursuant to Government Code Section 65584:

- ▶ Market demand for housing
- ▶ Availability of suitable sites and public facilities
- ▶ Type and tenure of housing
- ▶ Over-concentration of lower income households
- ▶ Employment opportunities
- ▶ Commuting patterns
- ▶ Loss of units in assisted housing developments
- ▶ Geological and topographical constraints

HCD, through a determination process, allocates units to each region across California. It is then up to each region to determine a methodology and process for allocating units to each jurisdiction within that region. SANDAG adopted its Regional Housing Needs Allocation (RHNA Plan) in July 2020. This RHNA covers an 8-year planning period (starting in 2021) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a “fair share” of the region's projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the San Diego region, so that every community provides an opportunity for a mix of housing for all economic segments.

Del Mar's share of the SANDAG regional growth allocation is 163 new units for the current planning period (2021-2029). **Table 3-10, Housing Needs for 2021-2029**, indicates the City's RHNA need for the stated planning period.

Income Category (% of County AMI)	Number of Units	Percent
Very Low (31 to 50%) ¹	37	21.1%
Low (51 to 80%) ²	76	43.5%
Moderate (81% to 120%)	31	17.7%
Above Moderate (Over 120%)	31	17.7%
Total	175	100.0%

Note 1: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low-income households (0-30% AMI). In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation or apportion the very low-income figure based on Census data. The extremely low-income figure shown above (18 units) is incorporated into the Very Low number for the overall calculation.

Note 2: Includes a 12-unit carryover from the 2014-2021 5th Cycle RHNA.

Source: Final Regional Housing Needs Allocation, SANDAG, 2019.

CREDITS TOWARD THE 2021-2029 RHNA

The 6th Cycle RHNA projection period for Del Mar is between June 30, 2020 and April 15, 2029. All development within this period may be counted towards meeting the City's 6th Cycle RHNA need.

Table 3-11 shows the City's progress in developing housing units that count as credit towards the 2021-2029 RHNA. The City has issued building permits for 14 units that can be counted towards the 6th Cycle RHNA. This includes one above moderate unit and 13 moderate units.

ADEQUACY OF SITES FOR RHNA

The City has designated sites with a capacity to accommodate its 101-unit lower income RHNA need, and an estimated 12 affordable unit carryover of the unmet need for affordable units from the 5th Cycle. Sites 1(a-f) and 98(a-c) are vacant and were listed in the City’s 5th Cycle Housing Element as vacant sites, but were not relied upon for lower income RHNA. The 6th Cycle Housing Element includes **Program 1E**, which as a contingency plan would rezone these vacant properties to accommodate an increased density of 20-25 dwelling units per acre if **Program 3A** is not implemented within the first three years of Housing Element adoption. As stated in the program, these sites will only be pursued if the City does not meet its lower income RHNA allocation within the specified timeframe through an agreement for development on the Fairgrounds property.

Similarly, sites within the North Commercial (NC) and Professional Commercial (PC) zones are identified within the candidate sites analysis and **Programs 1A and 1B** respectively. The City is in the process of completing amendments to the NC and PC zones which will permit development at 20 du/ac during the 5th Cycle. Per requirements of State law (AB 1397), sites that are a half-acre or larger in size have been included as part of the candidate sites within this Housing Element. However, parcels within the NC and PC zones were upzoned during the 5th Cycle and are projected to spur additional affordable development throughout the corridor.

Table 3-11: Summary of RHNA Status and Sites Inventory (Dwelling Units)

	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	--	6	8
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	322
Sites Proposed for Rezoning (if required)	54 ⁷	0	0	54
Total Sites Available	113	62	204	376
Sites Surplus/Shortfall (+/-)⁸	0	+44	+174	+215
Notes: <ol style="list-style-type: none"> 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) to be rezoned Public Facilities zone. This is candidate site 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. 				

The Housing Element Update identifies sites that can accommodate approximately 286 units, which is in excess of the required 175 units at shown in **Table 3-11**. As shown, approximately 100 accessory dwelling units (ADUs) are projected to be constructed to assist the City in meeting their RHNA need. Overall, the City has adequate capacity to accommodate its 2021-2029 RHNA.

Financial Resources

Providing an adequate supply of decent and affordable housing requires funding from various sources, the City has access to the following finding sources.

SECTION 8 HOUSING CHOICE VOUCHER

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The County of San Diego administers Section 8 Housing Choice vouchers within the City of Del Mar.

DEL MAR COMMUNITY CONNECTIONS

The City of Del Mar offers a Rental Assistance Program for low-income households, as well as low-income elderly and/or disabled individuals. Del Mar Community Connections administers the Del Mar Rental Assistance Program on behalf of the City. The Program will cover a portion of the rent, paid on behalf of the families directly to their landlords. The rental assistance payment is determined by the family's income and the level of allowable assistance for the type of unit for which the family is eligible. The unit must also

be inspected and approved for assistance, and the landlord must be willing to enter into a contract with the City of Del Mar.

Access to fund through the program is based on a priority ranking system that ranks applicants based on a number of factors. First priority is given to very-low and low-income individuals, specifically elderly (62 and older) and disabled, or families of two or more persons living or working within the City of Del Mar limits. As of July 1, 2020, 199 individuals/families were the waitlist for Del Mar Community Connections funding with four units are participating in the program.

HOUSING ASSISTANCE RESERVE (FUND)

To ensure that housing is provided for all economic segments of the population, Del Mar adopted the Affordable Housing Mitigation and Provision Strategy. The program establishes affordable housing requirements including the following:

- ▶ In-Lieu fees for condominium conversions
- ▶ In-Lieu fees associated with subdivisions
- ▶ The Del Mar Housing Assistance Fund

The Ordinance allows developers to pay a mitigation fee in lieu of actually setting aside and providing inclusionary affordable housing units otherwise required on the project site itself. All in-lieu fees collected under the Affordable Housing Assistance program are deposited into an interest-bearing Housing Reserve. Funds deposited into the Housing Assistance Funds, as well as any interest earned on such finds, may only be used to increase and improve the supply of affordable housing to households of extremely low, very low, low, and moderate-income. No portion of the housing funds may be diverted to other purposes.

ADDITIONAL RESOURCES FOR FUNDING AFFORDABLE HOUSING

As identified in the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force Housing Production and Preservation Subcommittee Report finalized in June 2020 and reflected within **Program 7J** database of community assistance resources, the following financial resources and methods may be available when developing affordable housing within Del Mar:

- ▶ State and Federal Housing Grants
- ▶ Public/Private Partnerships through fundraising or matching grants
- ▶ Developer financing with an income sharing to the City
- ▶ Public fundraising
- ▶ City sponsored project using:
 - Existing housing funds
 - Fee income designated for affordable housing projects
 - Annual contribution to the affordable housing fund by the City Council
 - Sale of underutilized City property
 - Re-purposing of existing City property

<i>Policy Consideration:</i>

Program 7A describes actions the City will take to support the development of affordable housing through the continued collection and allocation of funds in the Housing Assistance Reserve Fund. Further, through **Program 7J** the City is establishing a database of community assistance resources, including financial resources available for funding affordable housing that will be available to the public. Through **Program 1J** the City will establish a program to proactively and regularly reach out to affordable housing developers and the San Diego Housing Federation to share information on affordable housing opportunities in the City of Del Mar when available to help connect interested property owners with potential affordable housing developers and available financing tools.

Infrastructure and Facilities

As a highly urbanized community, infrastructure facilities are available to serve development throughout Del Mar. The majority of the land designated for residential use is adequately served by sewer lines, water lines, storm drains, telephones, and electrical and gas lines. As an example, the Del Mar Public Works Department provides water service to nearly 1,900 metered accounts, including residential, commercial, public facilities and the State Fairgrounds. The system includes: 27 miles of water mains; four storage reservoirs totaling 4 million gallons of capacity; 664 valves, and 275 fire hydrants. Additionally, Sewer services within Del Mar are provided by the City's Public Works Department, serving 1,800 active sewer accounts, consisting of single family residential, multi-family residential, and commercial/institutional/other accounts, City accounts, and the Fairgrounds.

SAFETY CONSIDERATIONS FOR DEVELOPMENT NEAR RAILROAD TRACKS

The City has an active railroad track that carries Amtrak, light-rail commuter and freight trains. In order to protect public safety, all future public and private development proposals adjacent to or near the railroad right-of-way (ROW) are planned and reviewed with the safety of the rail corridor in mind. The review of new development proposals takes into consideration, planning for grade separations for major thoroughfares and/or pedestrian accessways.

Energy Usage and Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs. The City of Del Mar has many opportunities to directly affect energy use within its jurisdiction.

San Diego Gas & Electric (SDG&E) currently provides natural gas and electricity transmission and distribution infrastructure in San Diego County. SDG&E is regulated by the California Public Utilities Commission (CPUC), which is responsible for making sure utilities' customers have safe and reliable utility service.

As of October 2019, the City of Del Mar's (City) City Council adopted an ordinance to implement a Community Choice Energy (CCE) Program, with a planned launch date of 2021. The CCE Program is in partnership with the cities of Solana Beach and Carlsbad and is operated through a Joint Powers Authority, specifically, the Clean Energy Alliance Joint Powers Authority (CEA). The CEA's purpose is to offer competitive rates to residents and reduce greenhouse gas (GHG) emissions. The Joint Powers Agreement

requires CEA to always offer a greater base energy product than SDG&E, leading to competitive rates. Once the CEA begins, residents and businesses will automatically be enrolled into a power supply portfolio with greater than or equal to 50 percent renewable power sources. Residents and businesses will have the choice to opt-out entirely or opt into 100 percent renewable power sources. CEA plans to offer 100 percent renewable power sources to all customers by 2035. The Program's energy needs would be supplied through the various combinations of energy resources available within the Program areas, and the analysis in this section considers the anticipated future energy resource use patterns.

Senate Bill 1078 established the California Renewables Portfolio Standard Program, which requires SDG&E, CEA, and other energy utility providers to achieve a 33 percent renewable energy mix by 2020. SDG&E supplies business and residential customers with electricity generated both locally and outside of the utility's 4,100 square mile service area, with local facilities currently capable of generating a total of approximately 3,100 megawatts (MW) of power and 125 MW of energy storage capacity. The CEA will have a 44.5 square miles service area and estimates having 50,800 accounts in 2021 between the partner cities. It also plans to have 202 MW for annual maximum capacity in 2021 (Clean Energy Alliance, 2019). The 2017 annual energy load for the City was 30-Gigawatt hours (EES Consulting, 2019).

TITLE 24 AND DEL MAR CLIMATE ACTION PLAN

Title 24 of the California Administrative Code is a set of requirements for energy conservation, green design, construction maintenance, safety, and accessibility. Title 24 was published by the California Building Standards Code and applies to all buildings in California, not just state-owned buildings. Title 24 regulations and requirements are enforced when an applicant pulls a building permit for a proposed project and have plans reviewed or building inspected.

In 2016, the City adopted the Del Mar Climate Action Plan which sets targets for reducing greenhouse gas emissions by 2020 and 2035, identifies strategies to meet the targets, formulates and implementation plan, and discusses adaptation methods for the City. The CAP aims to reduce GHGs by 50 percent in 2035 and includes a renewable energy goal of 100 percent by 2035. The Program also includes strategies to reduce water consumption and waste generation, promote energy efficiency and encourage sustainable transportation alternatives.

SUSTAINABILITY ADVISORY BOARD (SUSTAINABLE DEL MAR)

The Sustainability Advisory Board (SAB) was established to advise Del Mar City Council on environmental issues and to take a leadership position in educating Del Mar residents and businesses about environmental issues. The board currently is focused on implementing the City's Climate Action Plan, which the board itself developed and was adopted in June 2016.

As part of their educational component, the SAB may provide residents with informational materials on energy-saving measures associated with homeownerships or rental which ultimately could lead to lowered energy consumption and costs.

SAN DIEGO GAS & ELECTRIC ENERGY SAVINGS INCENTIVES

San Diego Gas and Electric (SDG&E) is the primary energy provider for residents within the City of Del Mar. They offer a number of rebate programs on in-home utilities and appliances, including energy-efficient water heaters and smart thermostats. Additionally, SDG&E provides multi-family energy efficiency rebates for residents in apartment complexes. This program promotes qualified energy-efficient improvements in

apartment dwelling units, common areas of apartment or condominium complexes with two or more units and common areas of mobile home parks. Eligible customers include property owners, managers, and authorized agents of existing residential multifamily complexes with two or more dwellings. These improvements are beneficial to property owners and residents alike and can help to reduce overall home rental costs for families who qualify.

CUMULATIVE IMPACTS

Any future development of candidate housing sites would be subject to compliance with all federal, State, and local requirements for energy efficiency, including the California Energy Code Building Energy Efficiency Standards (CCR Title 24, Part 6), the CALGreen Code (CCR Title 24, Part 11), and SB 743. Further information regarding all Federal and State regulations regarding energy are outlined and detailed in Section 4.6 Energy of the Housing Element's EIR.

C. AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

All Housing Elements adopted on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Under State law, affirmatively further fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” These characteristics can include, but are not limited to race, religion, sex, marital status, ancestry, national origin, color, familiar status, or disability.

This section of the Housing Element references data and analysis from the FY 2020-2025 Regional Analysis of Impediments to Fair Housing Choice (AI) and the HCD April 2021 Guidance and Data Tools for Affirmatively Furthering Fair Housing in order to identify potential impediments to housing that are specific to Del Mar in comparison to the San Diego region (San Diego County). In addition, information and analysis regarding the location of existing affordable units and lower income candidate sites in relation to areas of high opportunity, potential concentrations of specific racial or ethnic segments of the population, and Census identified low/medium income block groups are also included.

The intent of this fair housing analysis is to better understand the underlying causes and impediments to housing and identify actions that demonstrate efforts to try and remove these impediments and further fair housing.

Needs Assessment

In May 2020, San Diego County and the San Diego Regional Alliance for Fair Housing adopted the (AI) for FY 2020-2025. The Regional Alliance for Fair Housing is a coalition of fair housing organizations, community-based groups, concerned citizens, representatives of the housing industry, and government agencies working toward the goal of affirmatively furthering fair housing. The AI identifies impediments that may prevent equal housing access and potential solutions to mitigate or remove such impediments. Due to the population size of Del Mar, fair housing issues and financial assistance is typically handled as part of a larger county consortium rather than at the local level. This is why data for the City of Del Mar is often

aggregated together with reported numbers for the County of San Diego or with the City of Encinitas and City of Solana Beach because the City has agreements with these jurisdictions for the provision of various public services.

The AI contains a countywide analysis of demographic, housing, and specifically fair housing issues for all cities in San Diego County, including Del Mar. The City's demographic and income profile, household and housing characteristics, housing cost and availability, and special needs populations are discussed in the Chapter 2 Community Profile Section of the Housing Element as well as incorporated by reference within the AFFH analysis below. Maps and data from the HCD Guidance and Data Tools for AFFH were also analyzed.

Based on the demographic data analyzed, the City of Del Mar is a predominately white, affluent coastal city. This is similar to other predominately white cities in the region that have historically benefit from long-term investment and access to resources. By comparison, cities in the region with high concentrations of poverty have not had the benefit of the same level of resources and investment.

The City of Del Mar is a housing opportunity area that offers access to jobs, transit, services, good schools, public beaches and parks, and a healthy and safe environment with coastal resources, amenities, and programs that enhance the quality of life. Where actions are taken to facilitate housing in Del Mar, it will create opportunities for the City to help contribute towards the need for fair housing in the region. As identified within the analysis, some impediments to fair housing relate to factors that the City has no control over. The focus of the City's analysis and plan is to identify specific actions that can be taken by the City to remove constraints and further fair housing.

FAIR HOUSING ISSUES

As part of the development of the FY 2020-25 AI, six community workshops were held in communities throughout the County in October and November 2019 to gather input regarding fair housing issues in the region. Key issues identified by participants, service providers, housing professionals and various staff include:

- ▶ Experience with housing discrimination by protected classes.
- ▶ Issues and barriers to reporting housing discrimination incidents.
- ▶ Barriers to access of housing in communities.
- ▶ Protected classes that need improved services
- ▶ Misconceptions and misunderstandings about fair housing.
- ▶ Importance of finding new ways to build community awareness about fair housing.

Additionally, residents throughout San Diego County were surveyed to learn more about fair housing issues in each jurisdiction. The County received approximately 1,100 total individual responses, only one of which identified as living in Del Mar. The respondent indicated they did not believe they have ever experienced discrimination in housing.

The San Diego AI also identified the following information regarding fair housing issues specifically involving Del Mar:

- ▶ During the six-year period from 2013-2018, 0 incidents of hate crimes were reported in Del Mar.
- ▶ There were two Fair Housing Cases filed with the Department of Housing and Urban Development (HUD) in FY 2014-2018. One case was based on disability and the other on religion.

While the AI did not find any specific incidents of reported fair housing issues in Del Mar, the demographic data for the region suggests that this is most likely due to the lack of existing housing options for lower income households. For example, the data analyzed shows that there is some disparity in the populations groups that utilize financing programs as shown in Table 3-12 below. The AI Loan Data showed that Black and Hispanic applicants in moderate- and low-income groups were substantially underrepresented in the pool of those applying for home loans in Del Mar. The majority of loans approved were to middle- and upper-income groups. According to **Table 3-12**, 100 percent of Black upper income households, 66 percent of White upper income households, 65 percent Asian upper income households and 57 percent of Hispanic upper income households received home loan approvals. White households were the only low-income group represented in the pool of home loan applicants, having a 36.4 percent approval rate. This could be expected to change if and when new opportunities for housing and housing assistance resources become available to a greater number of household income categories. This is a housing need that was identified for the City to address during the 6th Cycle as committed to within the City's planned action programs set forth in Chapter 4.

Race and Income Group	Approved	Denied	Withdrawn/Incomplete
White			
Low (0-49% AMI)	36.4%	54.5%	9.1%
Moderate (50-79% AMI)	21.4%	21.4%	57.1%
Middle (80-119% AMI)	65.0%	20.0%	15.0%
Upper (≥120% AMI)	66.0%	12.7%	21.3%
Unknown/NA	53.8%	23.1%	23.1%
Black			
Low (0-49% AMI)	0.0%	0.0%	0.0%
Moderate (50-79% AMI)	0.0%	0.0%	0.0%
Middle (80-119% AMI)	0.0%	0.0%	0.0%
Upper (≥120% AMI)	100.0%	0.0%	0.0%
Unknown/NA	0.0%	0.0%	0.0%
Hispanic			
Low (0-49% AMI)	0.0%	0.0%	0.0%
Moderate (50-79% AMI)	0.0%	0.0%	0.0%
Middle (80-119% AMI)	50.0%	25.0%	25.0%
Upper (≥120% AMI)	57.1%	21.4%	21.4%
Unknown/NA	%	%	%
Asian			
Low (0-49% AMI)	0.0%	0.0%	0.0%
Moderate (50-79% AMI)	100.0%	0.0%	0.0%
Middle (80-119% AMI)	50.0%	16.7%	33.3%
Upper (≥120% AMI)	65.2%	4.3%	30.4%
Unknown/NA	33.3%	0.0%	66.7%

Source: San Diego Regional Analysis of Impediments to Fair Housing Choice (2020)

FAIR HOUSING ENFORCEMENT AND OUTREACH CAPACITY

Currently, the Legal Aid Society of San Diego (LASSD) provides fair housing services to the City of Del Mar. LASSD provides fair housing services to guarantee equal housing opportunity for San Diego City and County residents. LASSD provides support through outreach, education, and enforcement of both federal and State fair housing laws. For the FY 2014-2018, LASSD assisted over 19,000 clients within the San Diego Region. 19 of those clients (0.1%) identified as living in Del Mar.

LASSD conducts fair housing test to determine if, and to what extent, discriminatory business practices exist in apartment rental housing and related markets. In response to the recommendation from the previous AI, some jurisdictions have begun to conduct fair housing testing routinely, however, the City of Del Mar has not conducted a fair housing test.

The U.S. Department of Housing and Urban Development (HUD) maintains a record of all housing discrimination complaints filed in local jurisdictions. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status, and retaliation.

Analysis of Available Federal, State, REGIONAL and Local Data and Local Knowledge

RACIAL COMPOSITION IN DEL MAR COMPARED TO THE REGION

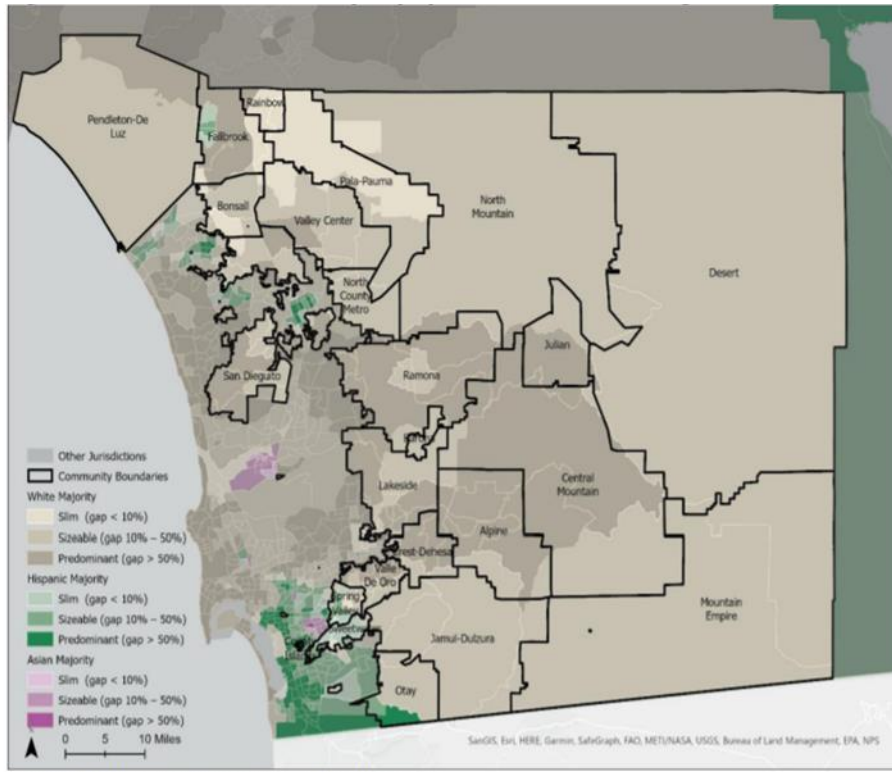
An understanding of the racial and ethnic composition of Del Mar’s population compared to the region is important in order to analyze potential impediments to fair housing. **Table 3-13** shows that the population in the City of Del Mar is 96% White, which is similar to other North County coastal jurisdictions including Encinitas (89.4% White), Carlsbad (84.7% White), and Solana Beach (83.4% White). By comparison, the County of San Diego (70.8% White) and City of San Diego (64.7% White) are somewhat more diverse.

Jurisdiction	White	Black	Of Hispanic Origin	American Indian/ Alaska Native	Asian	Native Hawaiian or Pacific Islander	Other
Carlsbad	84.7%	1.0%	14.1%	0.2%	7.6%	0.2%	1.8%
Del Mar	96%	0.5%	4.7%	0%	2.6%	0%	0%
Encinitas	89.4%	0.6%	13.3%	0.3%	4.1%	0.1%	1.8%
Oceanside	73.1%	5.0%	35.1%	0.8%	7.4%	0.7%	7.1%
Solana Beach	83.4%	0.6%	11.5%	0.9%	5.1%	0%	4.6%
San Diego City	64.7%	6.4%	30.0%	0.4%	16.8%	0.4%	6.2%
San Diego County	70.8%	5.0%	33.4%	0.6%	11.7%	0.4%	6.3%

Sources: American Community Survey, (2017).

Figure 3-8 shows the racial and ethnic majority for the San Diego region as a whole is predominately White by a sizable gap and that there is a Hispanic majority in the South County of the region and within a few census tracts in the unincorporated areas of the County (i.e., Fallbrook, Sweetwater, and Spring Valley).

FIGURE 3-8 – RACIAL AND ETHNIC MAJORITY BY CENSUS TRACT – SAN DIEGO COUNTY



SOURCE: AFFH Data and Resources Mapping Tool, May 2021.

This is relevant because race and ethnicity is one factor that appears to correlate to available housing supply characteristics, whereby jurisdictions with higher household incomes and higher cost housing options tend to be home to predominately White populations, and jurisdictions with lower households incomes and lower cost housing options tend to be more diverse in terms of race and ethnicity. **Figure 3-9** demonstrates that there are minority concentration areas located throughout the San Diego region.

Figure 3-9 – Minority Concentration Areas in San Diego Region



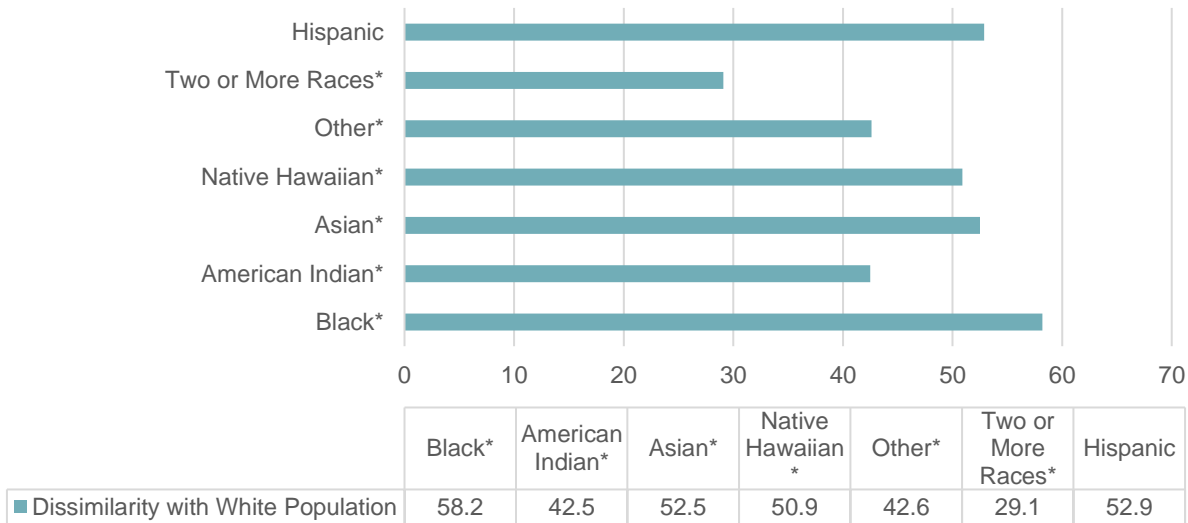
INTEGRATION AND SEGREGATION PATTERNS AND TRENDS

The primary driving factor of regional segregation patterns is the difference between communities that have historically benefit from long-term investment and access to resources in comparison to communities with high concentrations of poverty and a lack of resources and investment. The dissimilarity index is the most commonly used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0 percent, indicating complete integration, to 100 percent, indicating complete segregation. An index number above 60 is considered to show high similarity and a segregated community.

It is important to note that segregation is a complex topic, difficult to generalize, and is influenced by many factors. Individual choices can be a cause of segregation, with some residents choosing to live among people of their own race or ethnic group. For instance, recent immigrants often depend on nearby relatives,

friends, and ethnic institutions to help them adjust to a new country⁵. Alternatively, when white residents leave neighborhoods that become more diverse, those neighborhoods can become segregated. Other factors, including housing market dynamics, availability of lending to different ethnic groups, availability of affordable housing, and discrimination can also cause residential segregation.

Figure 3-10: Dissimilarity Index with White Population, San Diego Metropolitan Area



*Non-Hispanic only.

Note: When a group's population is small, its dissimilarity index may be high even if the group's members are evenly distributed throughout the area. Thus, when a group's population is less than 1,000, exercise caution in interpreting its dissimilarity indices.

Source: *Census Scope, Social Science Data Analysis Network.*

The Department of Housing and Community Development (HCD) considers dissimilarity index scores above 30 as moderate segregation and scores above 60 high segregation. As **Figure 3-10** shows, all racial groups in Del Mar experience moderate segregation; however, this may be a reflection of the small percent of the population which do not identify as White or Non-Hispanic. Persons who identify as Black have the highest dissimilarity index (58.2). This score directly correlates with the percentage of people who would need to move into a predominantly White census tract in order to achieve a more integrated community. For instance, 58.2 percent of the Black population would need to move into a predominantly White census tract to achieve “perfect” integration. While segregation may be a result of ethnic enclaves or persons of similar cultures living nearby, there is often increased likelihood segregated areas have fewer access to essential resources.

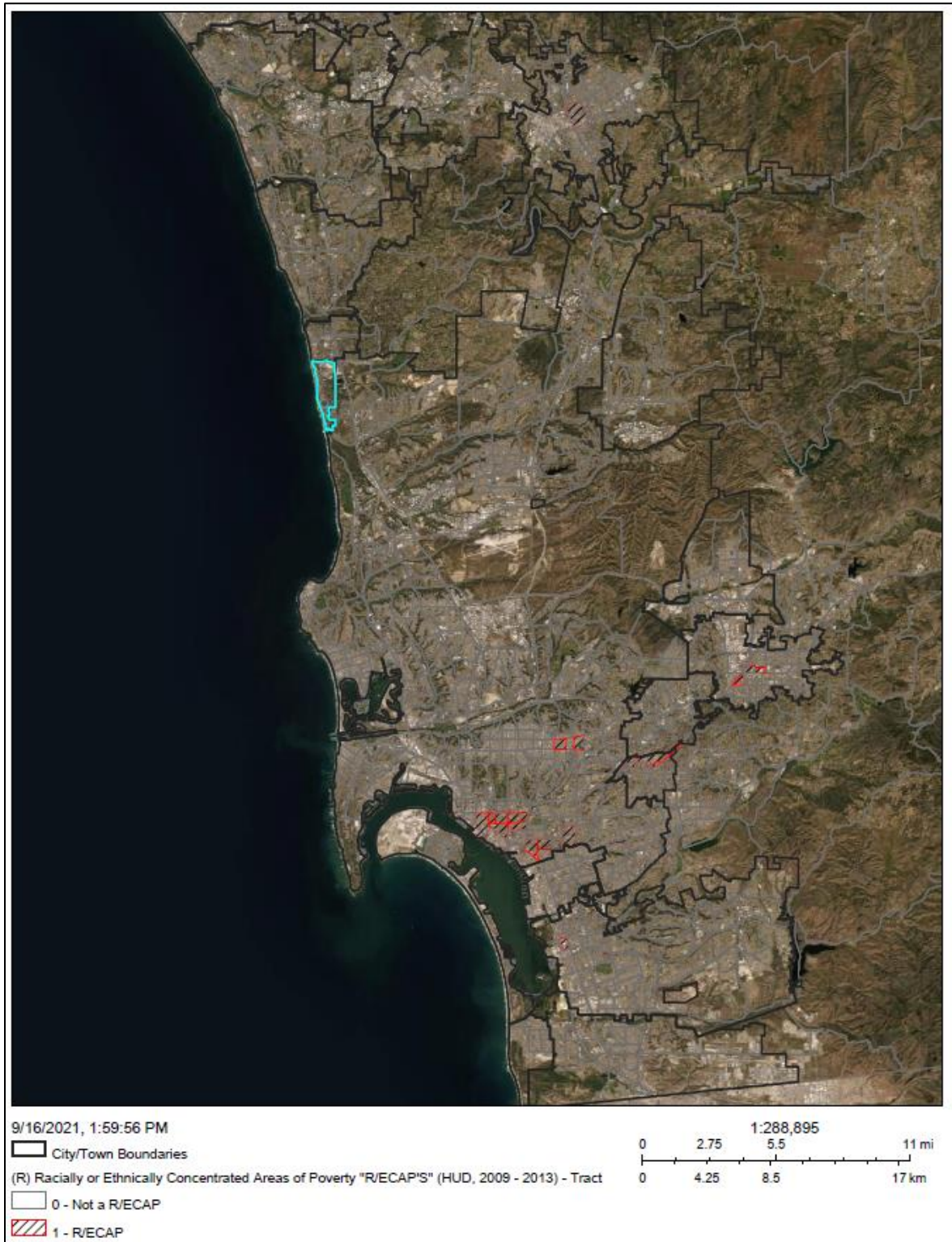
RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAP)

To assist communities in identifying racially/ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: R/ECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

The 2020 AI performed an analysis of R/ECAPs within San Diego County and found small pockets within certain jurisdictions. None were located within the City of Del Mar. Further analysis using the U.S. Department of Housing and Urban Development's R/ECAP GIS mapping tool confirms that all census tracts within Del Mar have a R/ECAP value of 0, indicating that the census tracts within Del Mar do not meet the defined parameters for a racially or ethnically concentrated area of poverty as defined by HUD.

Figure 3-11 identifies the R/ECAPs in the region surrounding the City of Del Mar. As the map shows, there are no R/ECAPs in Del Mar, but there are a number within the City of San Diego and to the east of San Diego.

Figure 3-11: Regional R/ECAPs, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

CONCENTRATED AREAS OF AFFLUENCE

Racially or Ethnically Concentrated Areas of Poverty have long been analyzed and reviewed as a contributing factor to segregation. However, patterns of segregation in the United States show that of all racial groups, the White population is the most severely insulated (separated from other racial groups).⁶ Research also identifies segregation of affluence to be greater than the segregation of poverty. Racial and economic segregation can have significant effects on respective communities, including but not limited to, socioeconomic disparities, educational experiences and benefits, exposure to environmental conditions and crime, and access to public goods and services.

Data used in the analysis of Racially Concentrated Areas of Affluence (RCAA) is from the 2012-2016 American Community Survey and measured at the census tract level. The definition for an RCAA is a census tract in which 80 percent or more of the population is White and has a median income of at least \$125,000. The nationwide RCAA analysis identifies the following:

- ▶ RCAA tracts have more than twice the median household income of the average tract in their metro area.
- ▶ Poverty rates in RCAAs are significantly lower and are, on average about 20 percent of a typical tract.
- ▶ RCAAs tracts are more income homogenous than R/ECAPs.
- ▶ The average RCAA is about 57 percent affluent, whereas the average R/ECAP had a poverty rate of 48 percent.
- ▶ The typical RCAA tract has a rate of affluence 3.2 times that of a typical tract, whereas R/ECAPs on average had a poverty rate 3.2 times that of a typical tract.

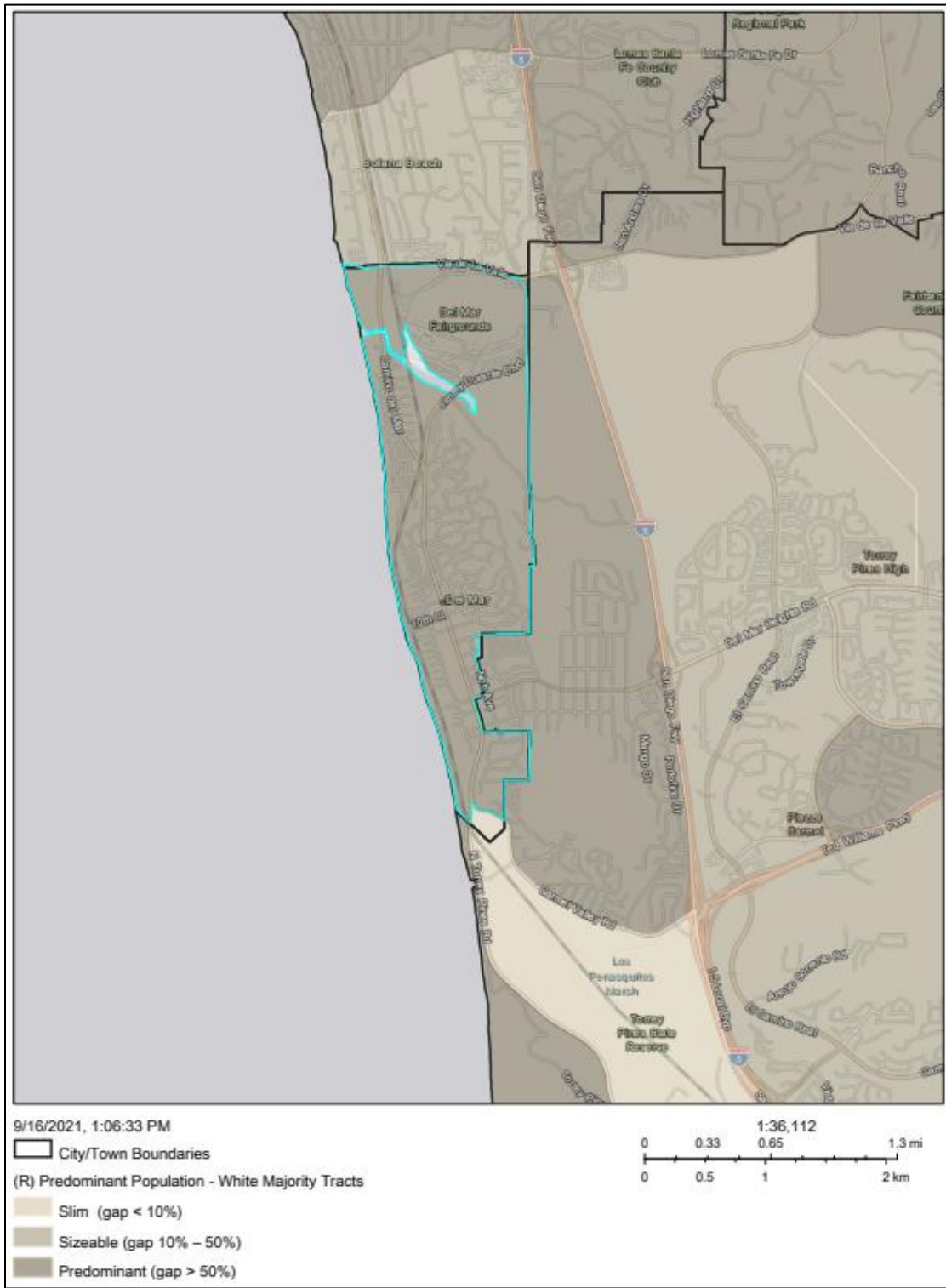
Overall, RCCAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices. Postwar patterns of suburbanization in many metropolitan areas were characterized by White communities erecting barriers to affordable housing and engaging in racially exclusionary practices. **Figure 3-12** below shows that almost the entire City is made up of a majority White population. In addition, **Figure 3-13** below illustrates a vast majority of the City to the east of County Highway S21 has a median income greater than \$125,000. A concentrated area of affluence is identified when the area has both a majority White population and an income greater than \$125,000. Therefore, the region identified in **Figure 3-14** below as having an income greater than \$125,000 is considered a concentrated area of affluence.

While the City's regulations are race-neutral, the existing local planning and zoning prioritization of single dwelling units and past practices of downzoning multiple dwelling unit zones has resulted in a residential separation of races, incomes, and ethnicities, based on the demographic data collected. The connection between planned zoning/housing and homogenous demographics is a factor that the City of Del Mar shares in common with other predominately white, affluent communities within the region (coastal and non-

coastal). Modification of the City's General Plan and Zoning Code can facilitate the creation of housing mobility options to help diversify the community in terms of race, ethnicity, and income in a manner that best meets local, regional, and state housing goals and needs. This is being addressed through various programs including **Program 1A**, **Program 1B**, and **Program 1C** to create opportunities to develop new multiple dwelling unit housing, including units for lower income households.

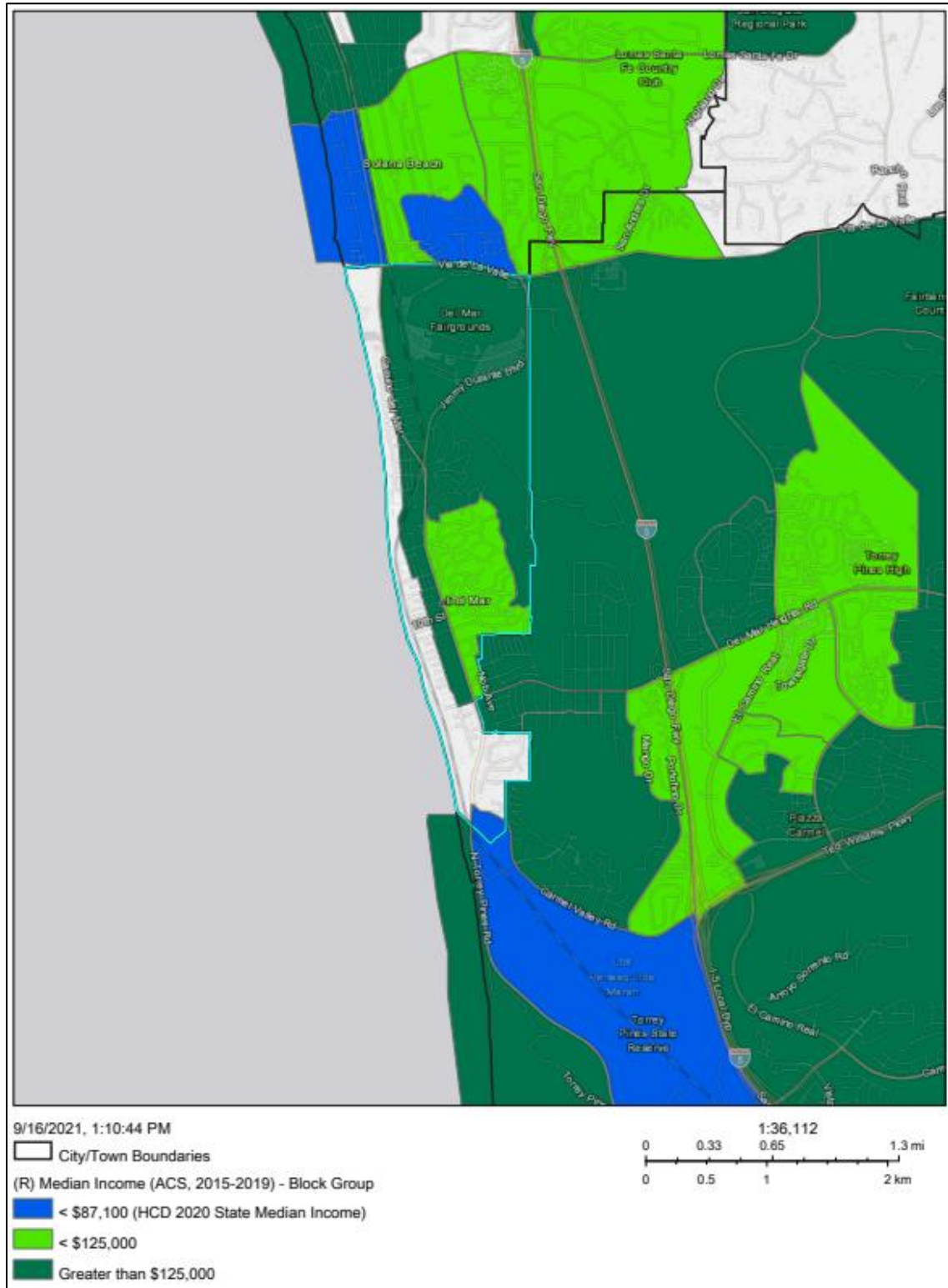
While the data shows many of the candidate housing sites are identified within concentrated areas of affluence, various policies and programs within the Chapter 4 Housing Plan are established to promote affordable housing and greater access to households of all income levels. As the City of Del Mar is considered an area of high opportunity to live and work, the City is committed to improving housing and socioeconomic mobility for households within the region through establishment of new opportunities and housing programs that provide greater access to City resources.

Figure 3-12: Majority White Population, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

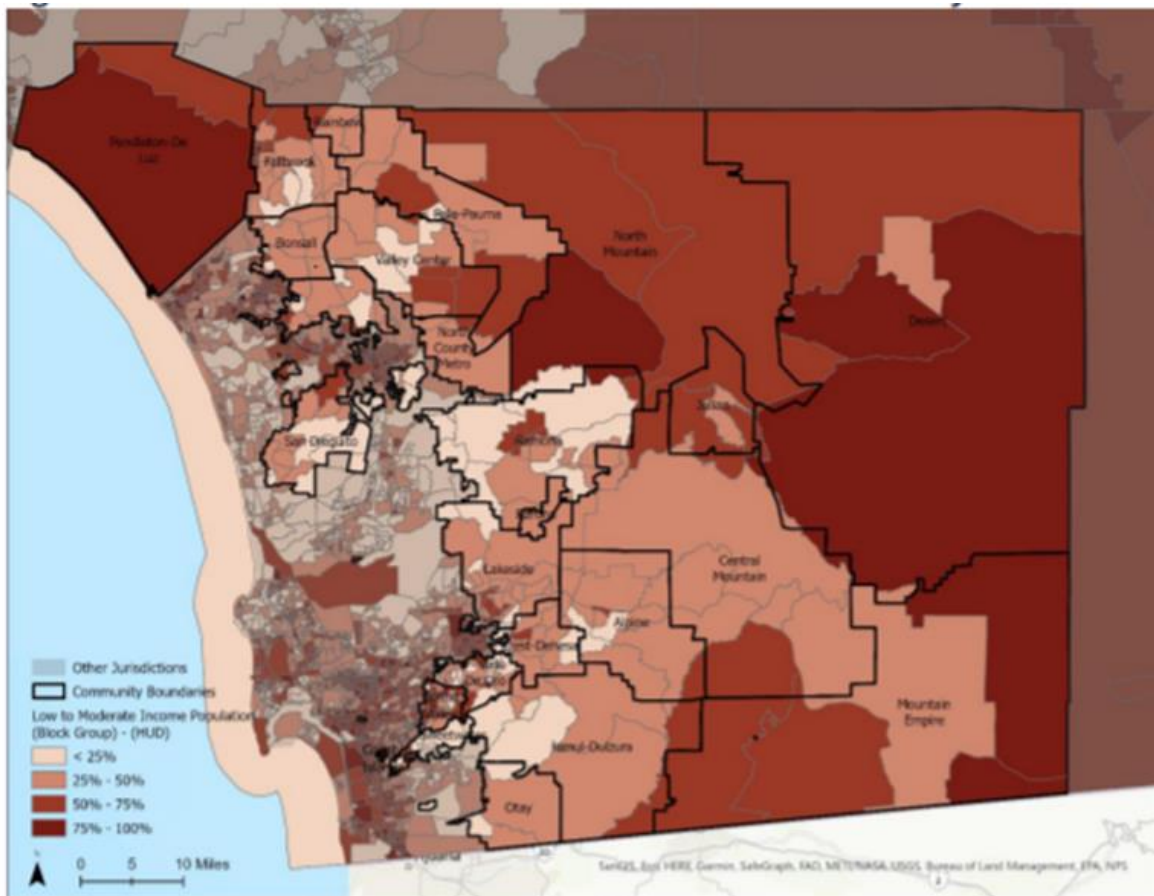
Figure 3-13: Median Income, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-13 (above) and **Figure 3-14** (below) show that the relatively high household incomes in Del Mar are similar to other coastal jurisdictions in North County and suburban areas of the region. Low-income and moderate-income households are predominately concentrated with the urban centers and rural areas of the region.

FIGURE 3-14 - Percent of Low- to Moderate-Income Households by Census Block Group



SOURCE: HCD AFFH Data and Resources Mapping Tool. May 2021.

Figure 3-15 - Housing Choice Vouchers by Census Tract

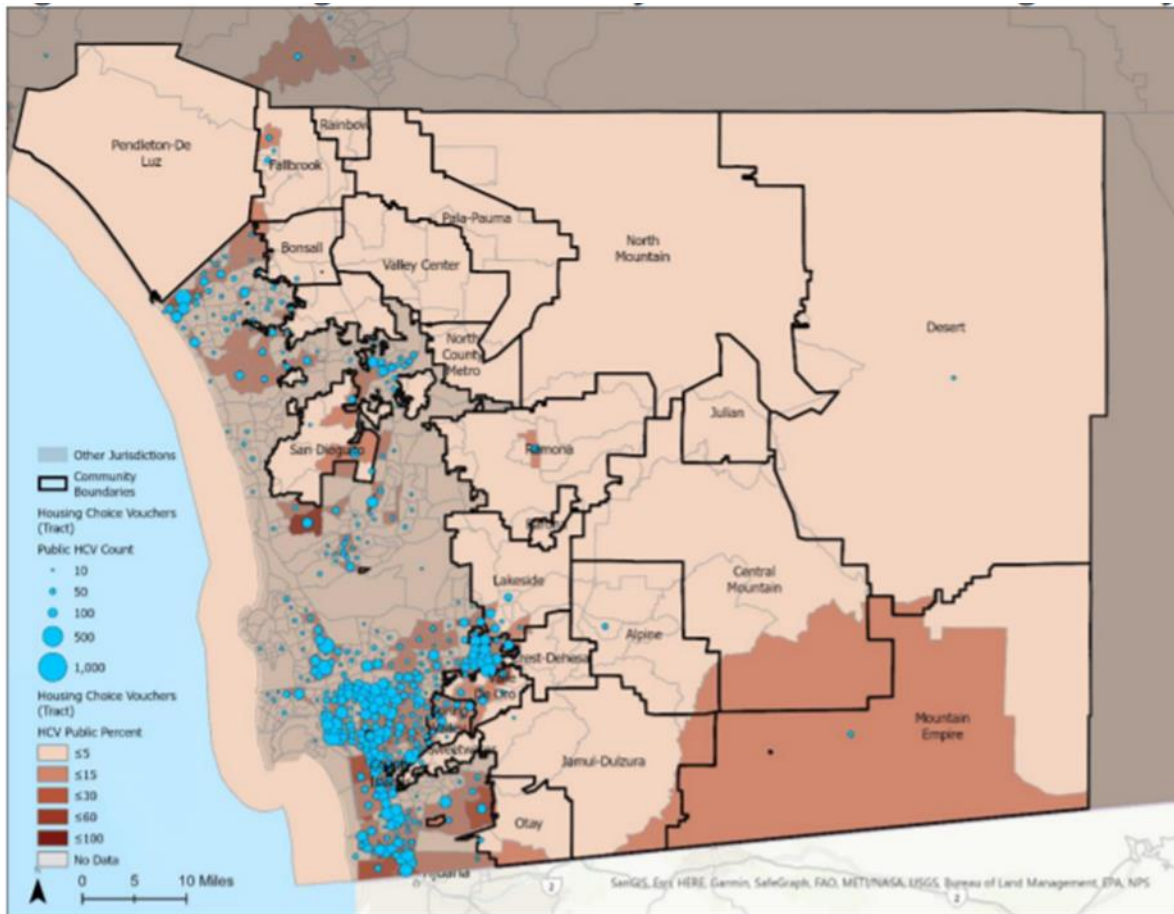


Figure 3-15 shows that there is relatively little use of vouchers along the coastline in the region, including the City of Del Mar. This is likely due to the limited types of housing choices available along the coast and within the City of Del Mar. **Program 7D** is a housing assistance resource program that is identified for the City to contract with the County of San Diego for the Housing Choice Voucher Program.

DISPARITIES IN ACCESS TO OPPORTUNITY

Regional Opportunity Index (ROI)

The UC Davis Center for Regional Change and Rabobank partnered to develop the Regional Opportunity Index (ROI) intended to help communities understand local social and economic opportunities. The goal of the ROI is to help target resources and policies toward people and places with the greatest need to foster thriving communities. The ROI incorporates both “people” and “place” components, integrating economic, infrastructure, environmental, and social indicators into a comprehensive assessment of the factors driving opportunity.”

People is a relative measure of people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life as follows:

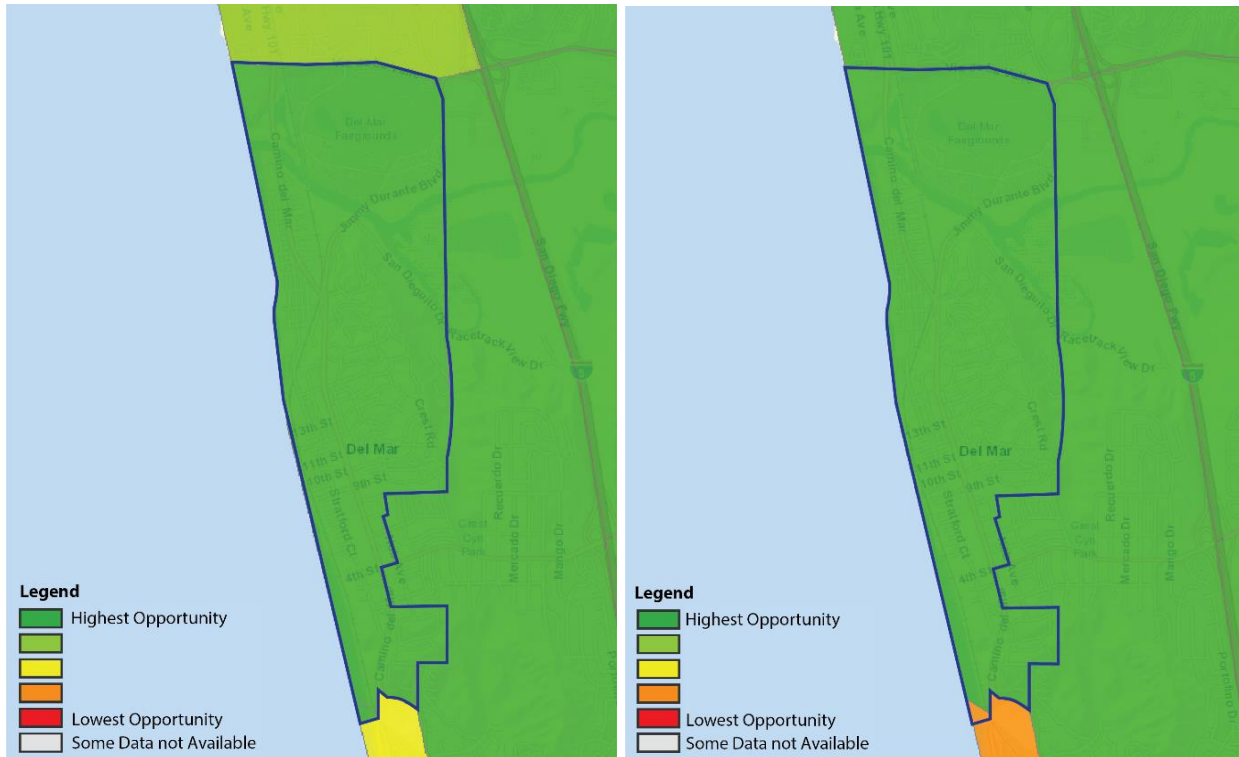
- ▶ **Education Opportunity:** Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- ▶ **Economic Opportunity:** Measures the relative economic well-being of the people in a community, in the form of employment and income level.
- ▶ **Housing Opportunity:** Measures the relative residential stability of a community, in the form of homeownership and housing costs.
- ▶ **Mobility/Transportation Opportunity:** Contains indicators that assess a community's relative opportunities for overcoming rural isolation.
- ▶ **Health/Environment Opportunity:** Measures the relative health outcomes of the people within a community, in the form of infant and teen health and general health.
- ▶ **Civic Life Opportunity:** A relative social and political engagement of an area, in the form of households that speak English and voter turnout.

Place is a relative measure of an area's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.

- ▶ **Education Opportunity:** Assesses a census tract's relative ability to provide educational opportunity, in the form of high-quality schools that meet the basic educational and social needs of the population.
- ▶ **Economic Opportunity:** Measures the relative economic climate of a community, in the form of access to employment and business climate.
- ▶ **Housing Opportunity:** Measures relative availability of housing in a community, in the form of housing sufficiency and housing affordability.
- ▶ **Health/Environment Opportunity:** A relative measure of how well communities meet the health needs of their constituents, in the form of access to health care and other health-related environments.
- ▶ **Civic Life Opportunity:** Measures the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship.

As shown in **Figures 3-16 (a and b)** below, the entire City of Del Mar is classified as a high opportunity zone. This indicates that Del Mar provides a high level of relative opportunities for housing, employment, and access to resources for residents.

Figure 3-16 (a and b): Regional Opportunity Index, People (Left) and Place (Right), 2014



Source: UC Davis Center for Regional Change and Rabobank, 2014.

Additionally, **Table 3-14** and **Figure 3-17** below display the data for Regional Opportunity Index in Del Mar overall compared to the State of California. The data shows the following key findings:

- ▶ Educational opportunities and resources in Del Mar are very highly rated, and discipline and truancy rates are lower in the City than for the State.
- ▶ The economic state of the City is high and offers access to many high-quality jobs with higher minimum basic income than the State. Employment rates are currently high in Del Mar and are also rated at a higher percent of growth than the State.
- ▶ The majority of households in the City are owner-occupied and 100 percent are considered “adequate”. Affordability is lower in Del Mar than the State.
- ▶ Most households have access to vehicles in the City and have shorter commute times than the State.
- ▶ Access to health care and good environmental conditions are high in the City compared to the State. Del Mar reports no teenage pregnancies, almost perfect infant health, and high prenatal care. Although, access to supermarkets within the City of Del Mar’s jurisdictional boundary is lower

in Del Mar than compared to other jurisdictions in the region or State, there is a weekly farmers market that is held at the City of Del Mar civic center and there are multiple grocery stores located in close proximity within adjacent communities (within 1-2 mile radius) including Vons, 2606 Del Mar Heights Road, San Diego, Whole Foods Market Via de la Valle, San Diego, and Gelsons Via de la Valle.

- ▶ Almost all Del Mar residents have US citizenship, and all speak English.
- ▶ The City is considered to be a very high opportunity area. Most indicators in **Table 3-14** and **Figure 3-17** report better access and conditions than those for the State. From high access to educational and economic opportunities to quality housing and health care, the City provides high potential for residents to achieve and live healthy lives. The City should focus on increasing access to these opportunities and resources to regional residents.

Table 3-14: Opportunity Indicators, Del Mar and California			
ROI Indicator		Del Mar	California
Education	People		
	College Educated Adults	80%	38%
	Math Proficiency	94%	70%
	English Proficiency	92%	65%
	Elementary Truancy	23%	24%
	Place		
	High School Graduation Rate	97%	83%
	UC/CSU Eligibility	75%	41%
	Teacher Experience	49%	36%
	High School Discipline Rate	2%	6%
Economic	People		
	Employment Rate	96%	89%
	Minimum Basic Income	92%	64%
	Place		
	Job Availability	1245.97	701.75
	Job Quality	58%	40%
	Job Growth	4%	3%
Bank Accessibility	0.52	0.24%	
Housing	People		
	Home Ownership	54%	55%
	Housing Cost Burden	57%	52%
	Place		
	Housing Adequacy	100%	91%
Housing Affordability	0.10	0.19	
Mobility	People		
	Vehicle Availability	95%	86%
	Commute Time	81%	60%
	Internet Access	5	4

ROI Indicator		Del Mar	California
Health/Environmental	Place		
	Infant Health	99%	95%
	Birth to Teens	0%	7%
	Years of Life Lost	15.08	29.84
	Place		
	Air Quality	9.82	10.01
	Prenatal Care	89%	83%
	Access to Supermarket	51%	53%
	Health Care Availability	4.95	1.76
	Civic Life	People	
Voting Rates		50%	31%
English Speakers		100%	88%
Place			
US Citizenship		91%	83%
Neighborhood Stability	84%	85%	

Source: UC Davis Center for Regional Change and Rabobank, 2014.

Additionally, the Department of Housing and Community Development (HCD) together with the California Tax Credit Allocation Committee (TCAC) established the California Fair Housing Task Force to provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other state agencies/departments to further fair housing goals (as defined by HCD). The Task force developed the TCAC/HCD Opportunity Area Maps to understand how public and private resources are spatially distributed. The Task force defines opportunities as pathways to better lives, including health, education, and employment. Overall, opportunity maps are intended to display which areas, according to research, offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.

According to the Task Force’s methodology, the tool allocates the 20 percent of the tracts in each region with the highest relative index scores to the “Highest Resource” designation and the next 20 percent to the “High Resource” designation. Each region then ends up with 40 percent of its total tracts as “Highest” or “High” resource. These two categories are intended to help State decision-makers identify tracts within each region that the research suggests low-income families are most likely to thrive, and where they typically do not have the option to live—but might, if given the ability to access housing in these areas. As shown in **Figure 3-10** below, Del Mar is classified in the highest resource segment of the region, meaning that if low-income residents could afford to live there, data shows they would have a high opportunity to thrive.

Figure 3-17: TCAC/HCD Opportunity Area Maps, Del Mar (2019)



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2019.

Opportunity Indicators

Opportunity indicators included in the AI also help inform communities about disparities in access to opportunity. HUD-provided index scores are based on nationally available data sources and assess residents' access to key opportunity assets in San Diego County. These indices are only available to Entitlement Jurisdictions (with population over 50,000 and receiving CDBG funds from HUD). For Urban County jurisdictions for which a HUD-provided index is not provided, a similar analysis as that provided by the indices was conducted using comparable information.

Table 3-15 below displays opportunity indicators based on school proficiency, labor market, and job proximity.

Table 3-15: Opportunity Indicators – School Proficiency, Labor Market, Job Proximity	
Opportunity Indicator	Del Mar
School Proficiency	
Total Title I Schools	1
Total Schools	2
% of Schools	50.0%
Unemployment Rate	
Annual Rate	1.5%
Job Proximity	
<29 mins.	75.7%
30-59 mins.	16.0%
60 mins. or more	8.3%
<i>Source: Regional Analysis of Impediments to Fair Housing Choice, 2020.</i>	

Access to Schools

The City of Del Mar is within the jurisdiction of the Del Mar Union School District, which provides public education for elementary students, grades kindergarten through sixth grade. Del Mar Heights Elementary located at 13555 Boquita Drive, San Diego 92014 is the closest elementary school (less than one half mile from the City boundary). The City is within the jurisdiction of the San Dieguito Union High School District, which provides public education for grades 7 through 12. Carmel Valley Middle School located at 3800 Mykonos Lane, San Diego and Earl Warren Middle School located at 155 Stevens Avenue, Solana Beach are the closest middle schools. Torrey Pines High School located at 3710 Del Mar Heights Road, San Diego is the closest high school. Each of the public schools that serves the City are high performing, distinguished schools that provide excellent opportunities for a quality education. See **Figure 3-6**.

The City of Del Mar has one school considered to be a Title I school, which helps low-achieving children meet state standards in core academic subjects. These schools coordinate and integrate resources and services from federal, state, and local sources. To be considered for Title 1 school funds, at least 40 percent of the students must be considered low-income.

Access to Jobs

The AI showed that for the time period analyzed, the City had an annual unemployment rate of 1.5%, below the County average of 2.8%. This indicates a strong labor market within Del Mar. See **Figure 3-5**.

Based on the SANDAG data that was used to determine the City’s RHNA for the 6th Cycle, the City of Del Mar is an employment location for Tier 4 jobs and is in proximity to regional Tier 1 employment centers (i.e., Torrey Pines, Sorrento Valley, Mira Mesa, and University City).

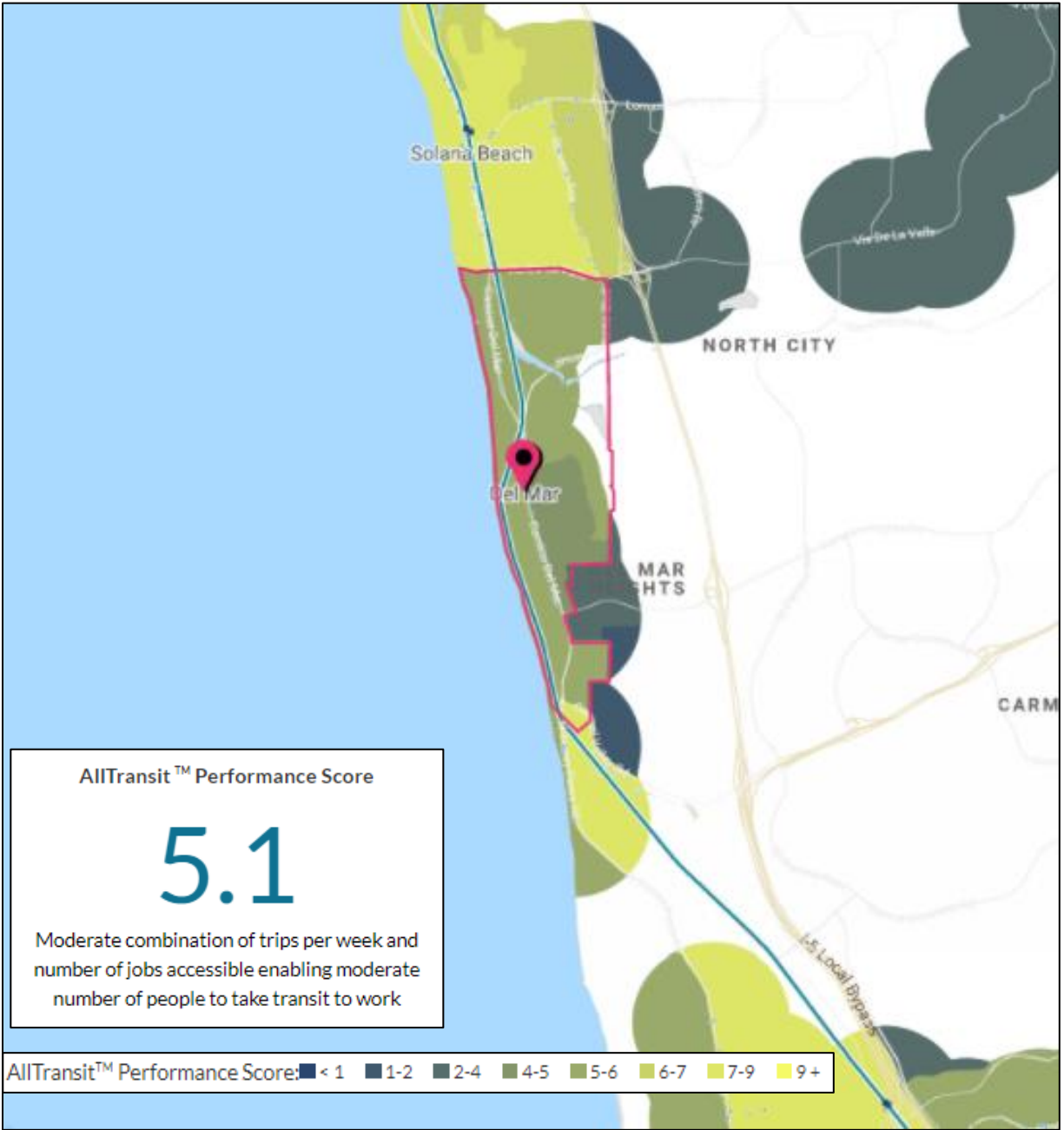
Access to Transit

Table 3-16 and **Figures 3-4** and **3-18** below display opportunity indicators based on access transit performance scores. AllTransit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data provided, Del Mar scored a 5.1 AllTransit performance score, illustrating a low to moderate combination of trips per week and number of jobs accessible that enable a low to moderate number of people to take transit to work. By comparison, Lemon Grove (7.9), Imperial Beach (6.7), Coronado (6.6), and Solana Beach (5.9) all scored higher while Poway (3.1) received a lower AllTransit performance score.

Jurisdiction	AllTransit Performance Score	Transit Trips Per Week within 1/2 Mile	Jobs Accessible in 30-min trip	Commuters Who Use Transit	Transit Routes within 1/2 Mile
Del Mar	5.1	738	58,060	0.03%	2

Source: Regional Analysis of Impediments to Fair Housing Choice, 2020.

Figure 3-18: AllTransit Map, Del Mar



Source: 2019 AllTransit Data (Center for Neighborhood Technology)

Environmental Justice

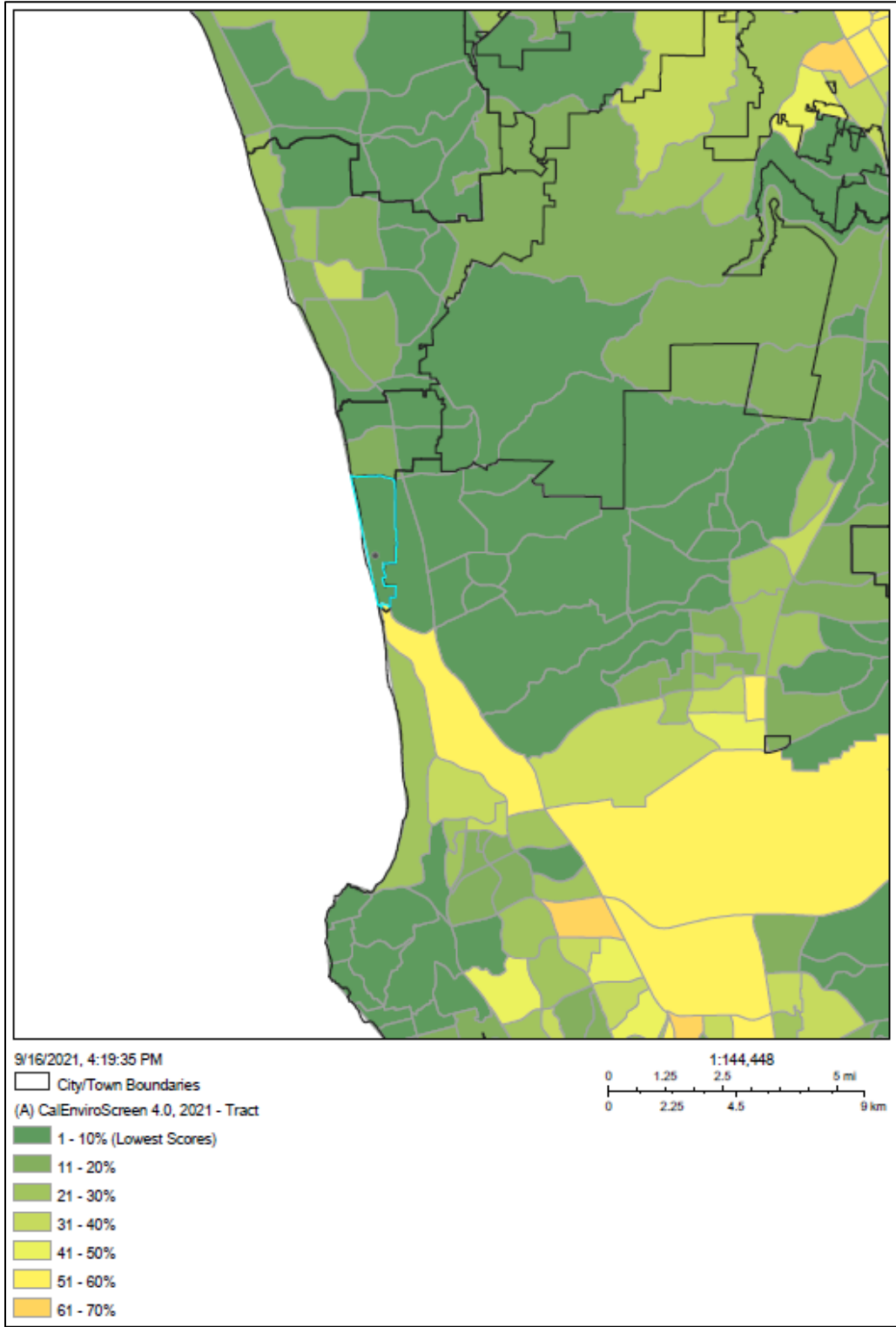
The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution called the California Communities Environmental Health Screening Tool (CalEnviroScreen). In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviroScreen also takes into consideration socioeconomic factors. These factors include educational attainment, linguistic isolation, poverty, and unemployment. Research has shown a heightened vulnerability of people of color and lower socioeconomic status to environmental pollutants.

Table 3-17 shows the City of Del Mar’s CalEnviroScreen scores by census tract and **Figure 3-19** shows the cores for the City in comparison to the rest of the region. High scoring communities tend to be more burdened by pollution from multiple sources and most vulnerable to its effects, taking into account their socioeconomic characteristics and underlying health status. Census tracts within Del Mar had CES scores ranging from 2.11 to 7.62, which are low in comparison to the surrounding census tracts within the region. For comparison, scores within Coronado ranged from 4.67 to 13.59, Solana Beach ranged from 3.05 to 12.39, and more inland areas such as Imperial Beach and Lemon Grove ranged from 15.27 to 30.50 and from 19.38 to 39.22 respectively.

Jurisdiction	Census Tract	Total Population	CES 3.0 Score
Del Mar	6073017029	8823	7.62
	6073017306	2818	3.69
	6073017200	4146	2.89
	6073008324	6600	2.11

Source: Regional Analysis of Impediments to Fair Housing Choice, 2020.

Figure 3-19: CalEnviroScreen 4.0 Scores, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

DISCUSSION OF DISPROPORTIONATE HOUSING NEEDS

The analysis of disproportionate housing needs within Del Mar evaluated existing housing need, need of the future housing population, and units within the community at-risk of converting to market-rate. Based on demographic data, the City has a need (existing and future) to plan to create a range of housing options that can accommodate all income levels, including households at moderate and lower-income levels.

Future Growth Need

The City's future growth need is based on the RHNA production of 37 very low and extremely low units and 64 low-income units within the 2021-2029 planning period. Additionally, it is estimated that Del Mar must plan for an additional 12 units from 5th Cycle carryover.

Housing Needs in Del Mar

A variety of factors affect housing needs for different households. Most commonly, disability, household income and households' characteristics shape the type and size of housing units needed, as well as accessibility based on existing units in a City. **Table 3-18** through **3-23** displayed data for demographic characteristics of Del Mar, as compared to the County of San Diego and the State of California. Additional detailed analysis of the Del Mar community demographics is outlined in the **Community Profile** of this Housing Element.

Table 3-18 displays the types of disabilities for persons with disabilities in the City, County, and State. Overall, about 10.6 percent of the California population reports having at least one disability. The City of Del Mar reports about half of that percentage with just 5.4 percent of its population reporting at least one disability. Del Mar residents reported higher rates of ambulatory difficulties (3.3 percent) and hearing difficulties (2.1 percent). Ease of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

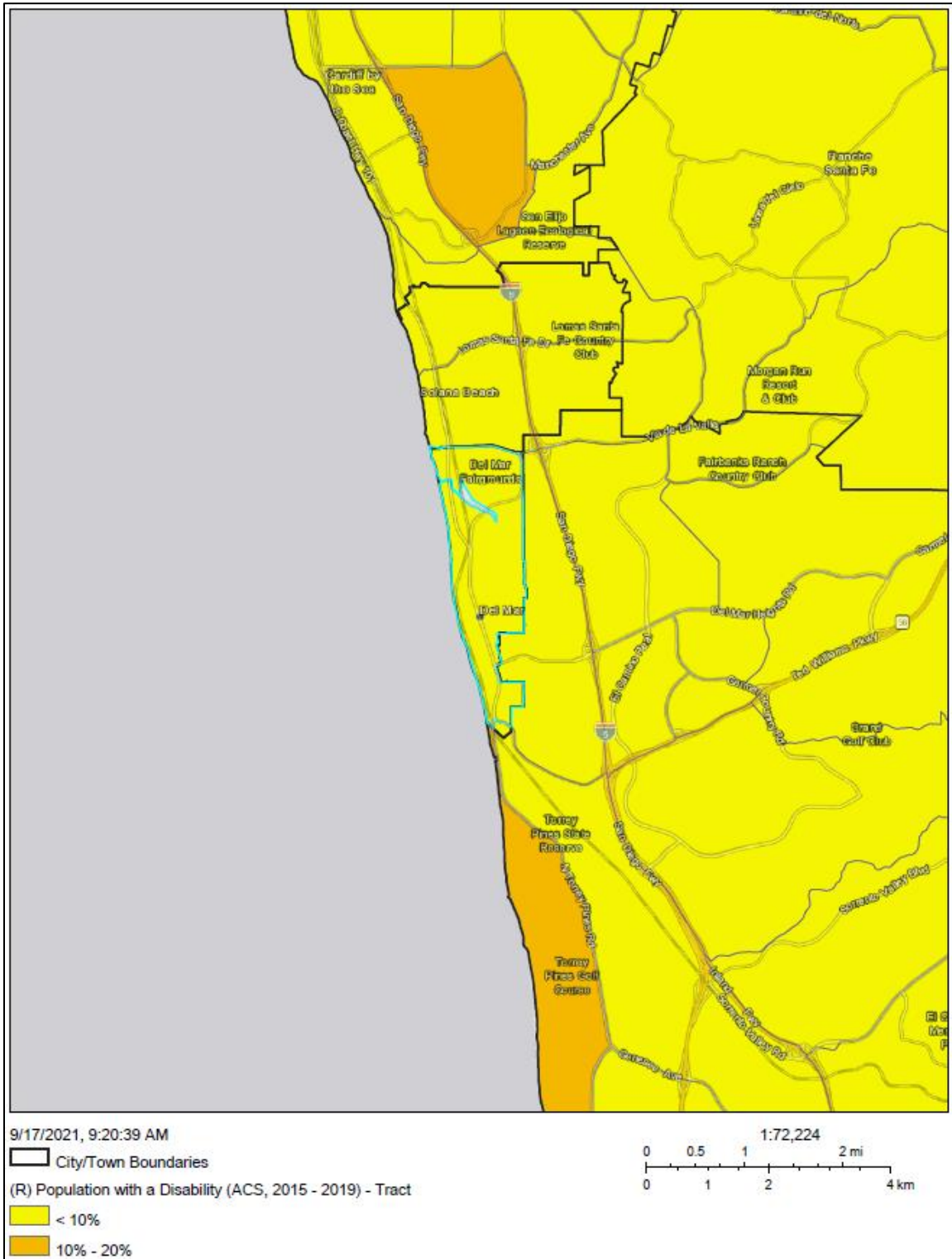
Disability	City of Del Mar	County of San Diego	California
Hearing Difficulty	2.1%	2.8%	2.9%
Vision Difficulty	1.7%	1.7%	2%
Cognitive Difficulty	0.4%	4.2%	4.3%
Ambulatory Difficulty	3.3%	5.4%	5.8%
Self-Care Difficulty	0%	2.3%	2.6%
Independent Living	0.5%	5.1%	5.5%
Total with a Disability	5.4%	9.9%	10.6%

Source: American Community Survey, 5-Year Estimates, 2019.

Figure 3-13 below identifies the relative location of population with a disability throughout the City and nearby communities. The City of Del Mar is shown to have less than 10 percent of the population with a disability throughout the whole City.

Additionally, **Figure 3-13** (below) shows two communities near the City (within the City of Encinitas and the City of San Diego) that have slightly higher rates of disabilities. The City seeks to contribute to the regional provision of housing, and specifically affordable housing, to provide opportunities for persons with disabilities with new options for housing near community resources and services.

Figure 3-20: Population with a Disability, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-19 (Population by Familial Status) and **Table 3-20** (Households by Income) display household type and income data for the State, County, and City. Overall, the City has a relatively lower number of family households and lower number of households with children than the County and the State.

Female-headed households with children represent a small percentage of the population in the City (2.2 percent), as shown in **Table 3-19** and **Figure 3-16**.

Household Types	City of Del Mar	County of San Diego	California
Family Households	59.4%	67.3%	68.7%
Married-Couple Family Households	51.2%	50.4%	49.8%
With Children	15.5%	21.7%	21.5%
Female Householder with no Spouse Present, with Children	2.2%	5.7%	6.1%
Non-Family Households	40.6%	32.7%	31.3%
Total Households	2,008	1,125,286	13,044,266

Source: American Community Survey, 5-Year Estimates, 2019.

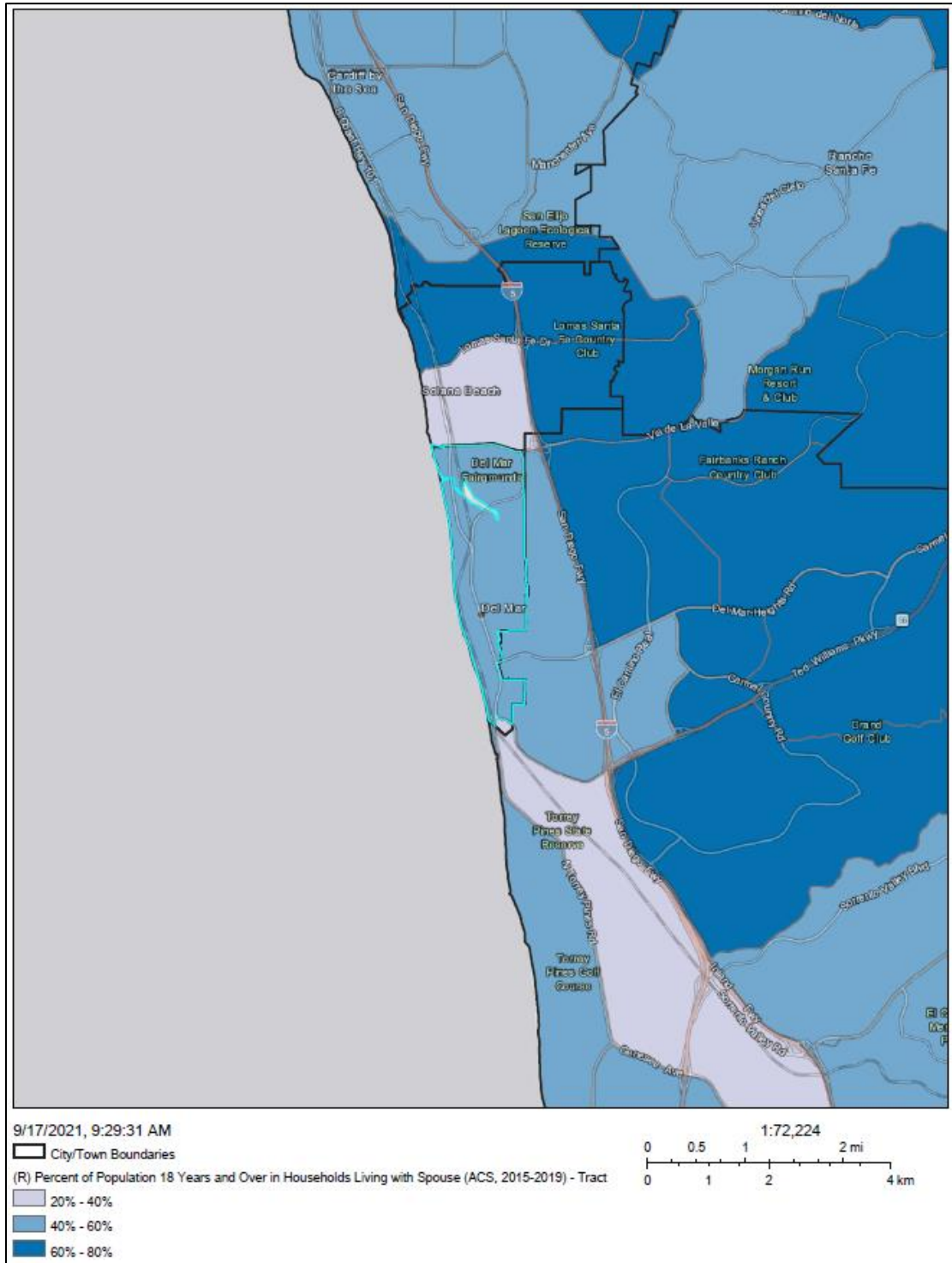
Table 3-20 shows Del Mar residents earn a much greater median income than that reported for the County and the State. The City reports that approximately one-third of the households earn an income of at least \$200,000 which is more than double the reported household income for that same income category within the County and the State.

Income	City of Del Mar	County of San Diego	California
Less than \$10,000	4.1%	4.2%	4.8%
\$10,000-\$14,999	0%	3.4%	4.1%
\$15,000-\$24,999	3.7%	6.7%	7.5%
\$25,000-\$34,999	7.4%	7.1%	7.5%
\$35,000-\$49,999	3.2%	10.3%	10.5%
\$50,000-\$74,999	2.5%	16.1%	15.5%
\$75,000-\$99,999	14.3%	13%	12.4%
\$100,000-\$149,999	20.7%	18%	16.6%
\$150,000-\$199,999	12.3%	9.4%	8.9%
\$200,000 or More	31.7%	11.7%	12.2%
Median Income	\$129,063	\$78,980	\$75,235

Source: American Community Survey, 5-Year Estimates, 2019.

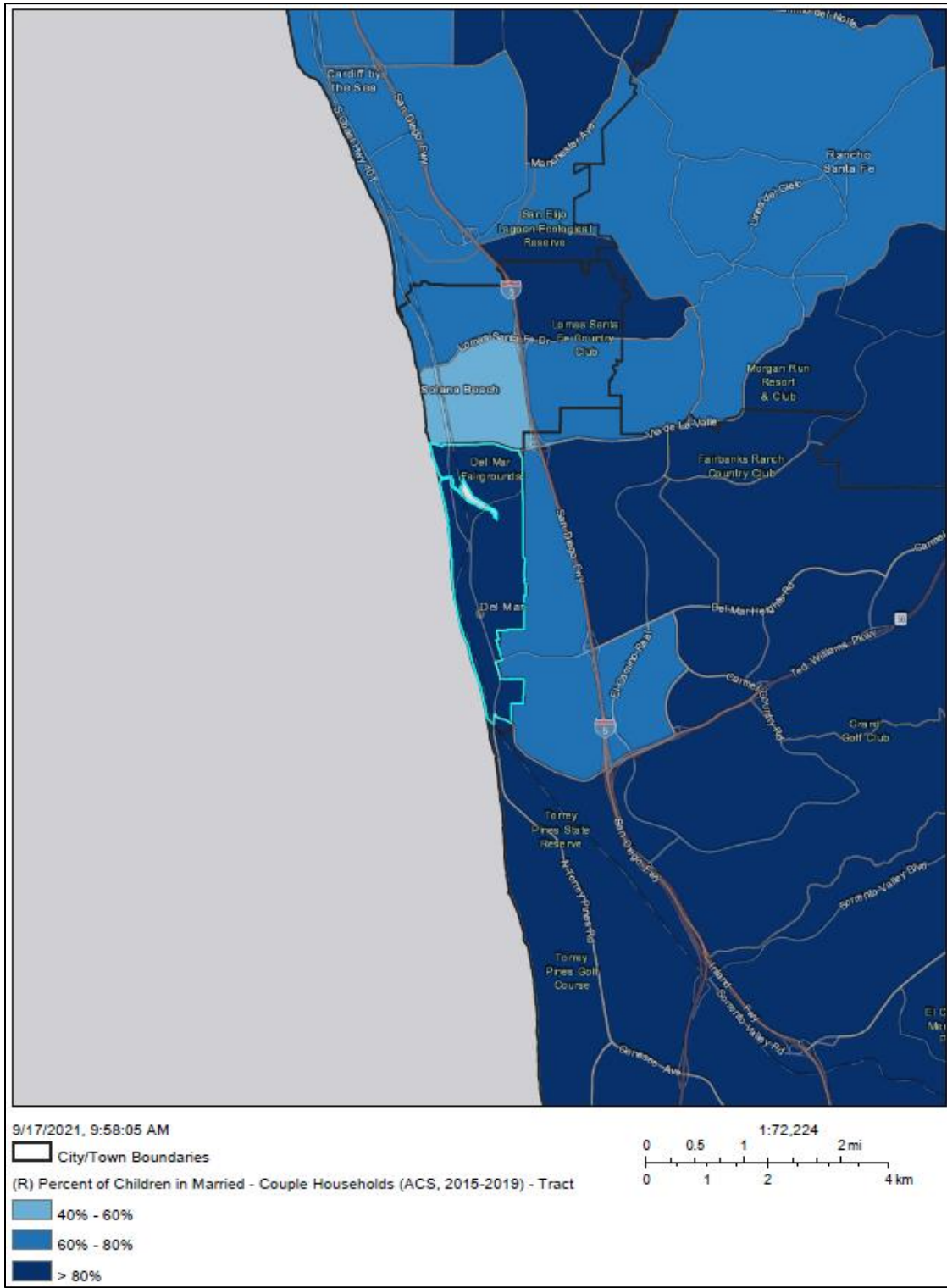
Figure 3-14 illustrates that the City of Del Mar trend for married couple households (40-60% of the population) is similar to the surrounding community to the east within the City of San Diego, and slightly differs from the City of Solana Beach to the north and University of California San Diego community to the south that reported fewer households living with a spouse (20-40% of the population) and a higher percentage of non-family households which includes persons living alone or with roommates. **Figure 3-15** identifies that children in the City of Del Mar predominately live within married-couple households. **Figure 3-17** identifies that less than 20% of the population in the City of Del Mar reported living alone, which is similar to surrounding communities.

Figure 3-21: Married-Couple Households, Del Mar



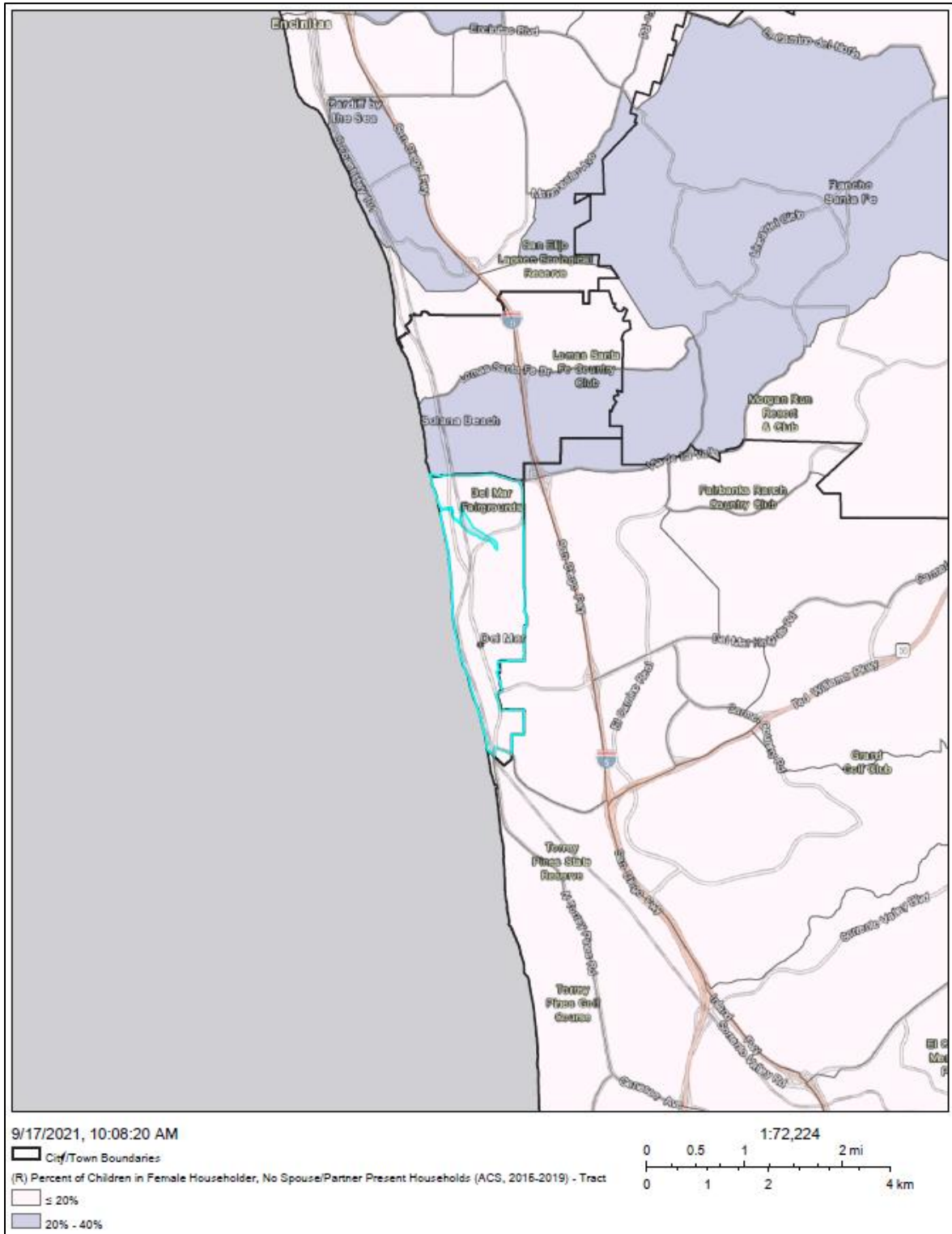
Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-22: Children in Married-Couple Households, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-23: Children in Female-Headed Households, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-24: Persons Living Alone, Del Mar



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-21 displays data for households experiencing a cost burden in the State, County, and the City. Housing cost burden has a number of consequences for a household, mainly displacement from their existing living situation creating limited access essential goods and often employment by potentially increasing commute times. Overall, the percentage of households that experience a cost burden in the City is lower than for the State and the County. However, the City has more households, which experience a high-cost burden (defined as households paying over 50 percent of their income for housing). Approximately 22.3 percent of Del Mar households experience a cost burden greater than 50 percent, compared to 19.4 percent for both the County and the State.

Overpayment/ Cost Burden	City of Del Mar	County of San Diego	California
Cost Burden > 30%	33.6%	41.3%	40.1%
Cost Burden > 50%	22.3%	19.4%	19.4%
No Cost Burden	3.2%	1.7%	1.4%

Source: Consolidated Planning/CHAS Data, 2013- 2017.

Table 3-22 displays data for household tenure (owner vs. renter) for the State, County and City. Homeownership is a crucial foundation for helping families with low incomes to build strength, stability, and independence. The opportunity for transition into the homebuyer’s market is important for persons and households in different communities because homeownership allows for increased stability and opportunity to age in place. **Table 3-23** shows the City has a slightly higher number of owner households then renter households. This is similar to the region, County, and State.

Table 3-23 displays data for overcrowding in the City of Del Mar compared to the State and County. Overcrowding is defined as between 1.01 and 1.5 persons per room in a household. Severe overcrowding is defined as more than 1.51 persons per room. Overcrowding often occurs when non-family members combine incomes to live in one household, such as college students and roommates. Overcrowding also occurs when there are not enough size appropriate housing options for large family households or multi-generational households. The City of Del Mar reports no overcrowding in owner-occupied households, and only one percent of severe overcrowding in renter households.

Household Tenure	City of Del Mar	County of San Diego	California
Owner Households	52.9%	53.3%	54.8%
Renter Households	47.1%	46.7%	45.2%

Source: American Community Survey, 5-Year Estimates, 2019.

Overcrowding and Tenure	City of Del Mar	County of San Diego	California
Owner Households			
Overcrowded	0%	1.2%	1.6%
Severely Overcrowded	0%	0.4%	0.6%
Renter Households			
Overcrowded	0%	3.3%	3.6%
Severely Overcrowded	1%	1.8%	2.4%

Source: American Community Survey, 5-Year Estimates, 2019.

Housing Stock in Del Mar

Table 3-24 and **3-25** display comparative housing stock data for the State, County and City. **Table 3-24** below shows data for occupied housing units by type. A variety of housing stock provides increased opportunity in communities for different size and households types. The majority of housing stock in Del Mar is classified as single dwelling unit housing, or single-family housing. This is also the case for the County and the State. The City has a relatively lower number of housing units developed as apartments. Table 3-24 shows that where apartment housing options are provided, they typically have 10 or more units within the development.

Income Range	City of Del Mar	County of San Diego	California
1, detached	48.2%	51.7%	58.2%
1, attached	19.8%	10%	7.1%
2 apartments	1.1%	1.6%	2.3%
3 or 4 apartments	5.9%	4.7%	5.5%
5 to 9 apartments	1%	7.6%	6%
10 or more apartments	24%	20.9%	17.3%
Mobile home or other type of housing	0%	3.5%	3.5%

Source: American Community Survey, 5-Year Estimates, 2019.

Table 3-25 below displays housing stock by year built within the City, County, and State. Older housing generally requires more upkeep, regular maintenance and can cause a cost burden on both renters and homeowners. Approximately 63 percent of housing units in the City were built between 1950 and 1970. In comparison, the County and the State have experienced more development of units in recent years. Since 2000, the City has added only 7 percent of its current, total housing stock.

It should be noted that **Table 3-25** identifies the year of construction for net-new units. Generally, housing units built over 30 years ago may be assumed to benefit from renovations or upgrades. However, the Table does not reflect the renovations and upgrades that are consistently made to the existing stock via the City’s design review process that applies to housing development. Due to the generally high income of households in the City, this does not serve as an impediment to home improvements. Housing units in Del Mar are well maintained.

Income Range	City of Del Mar	County of San Diego	California
Built 2014 or later	1%	1.8%	1.7%
Built 2010 to 2013	1.5%	1.9%	1.7%
Built 2000 to 2009	4.5%	12%	11.2%
Built 1990 to 1999	10%	12.5%	10.9%
Built 1980 to 1989	12.1%	18.6%	15%
Built 1970 to 1979	26.9%	22.6%	17.6%
Built 1960 to 1969	18.6%	12.2%	13.4%
Built 1950 to 1959	17.4%	10.7%	13.4%
Built 1940 to 1949	4%	3.5%	5.9%
Built 1939 or earlier	4.1%	4.2%	9.1%

Source: American Community Survey, 5-Year Estimates, 2019.

DISPLACEMENT RISK

The potential for economic displacement risk can result from a variety of factors, including large-scale development activity, neighborhood reinvestment, infrastructure investments, and changes in local and regional employment opportunity. Economic displacement can be an inadvertent result of public and private investment, where individuals and families may not be able to keep pace with increased property values and market rental rates.

Since the start of the COVID pandemic in March 2020, additional factors that increased the local housing displacement risk include:

- High demand for housing and low overall housing inventory
- Exponentially high rent inflation
- Housing construction cost increases related to materials cost increases and labor shortages
- Pandemic-related job losses, income reductions, and changes in childcare responsibilities
- High demand for financial relief and slow distribution of financial assistance (i.e. rental assistance)

In 2021 the City of San Diego saw an increase in rent prices of 18.3% (apartmentlist.com 2021), which is generally representative of the exponentially high rent increases experienced across the San Diego region. By comparison, typical rent inflation is generally around 5% or less. The high rent increases impact a resident’s ability to relocate or continue to live within the community. As a result, this put a further strain on households of all income levels, increased demand for the limited overall capacity of affordable units within the San Diego region, and exacerbated the risk of displacement. This also put a strain on demand for housing assistance resources, including services for individuals seeking to remain living in the community.

See **Table 3-26** below for a comparison of “affordable” restricted rent rates to the current average market rents as collected via survey of market-rate apartment complexes located in the North San Diego County coastal region, including Del Mar. This demonstrates the need for lower income “family housing” options. For example, the average market rate rent for a 3-bedroom unit is \$4,100, while the State’s benchmark for restricted affordable rent of that unit would be \$1,604 for a low income household and \$1,336 for a very low income household.

Table 3-26 - Affordable and Market Rents, 2022				
	Restricted Rents, 2022			
Unit Size	Very Low Income 30% of 50% AMI	Low Income 30% of 60% AMI	Moderate Income 30% of 110% AMI	Average Market Rents North Coastal Cities/Communities
Studio	\$936	\$1,123	\$2,058	\$2,100
1 Bedroom	\$1,069	\$1,283	\$2,351	\$2,600
2 Bedroom	\$1,203	\$1,443	\$2,646	\$3,100

3 Bedroom	\$1,336	\$1,604	\$2,940	\$4,100
<p>(1) Based on established benchmarks defined in H&SC Section 50053.</p> <p>(2) Reflects gross rent. Gross rent minus utility allowance + maximum cash rent.</p> <p>(3) Includes the cities and communities of Del Mar, Carlsbad, Cardiff by the Sea, Oceanside, San Diego (North Coastal areas), and Solana Beach. Source: CoStar Group, April 2022</p> <p>Credit: Keyser Marston Associates, Inc.</p>				

Assisted Affordable Housing and At-Risk Units

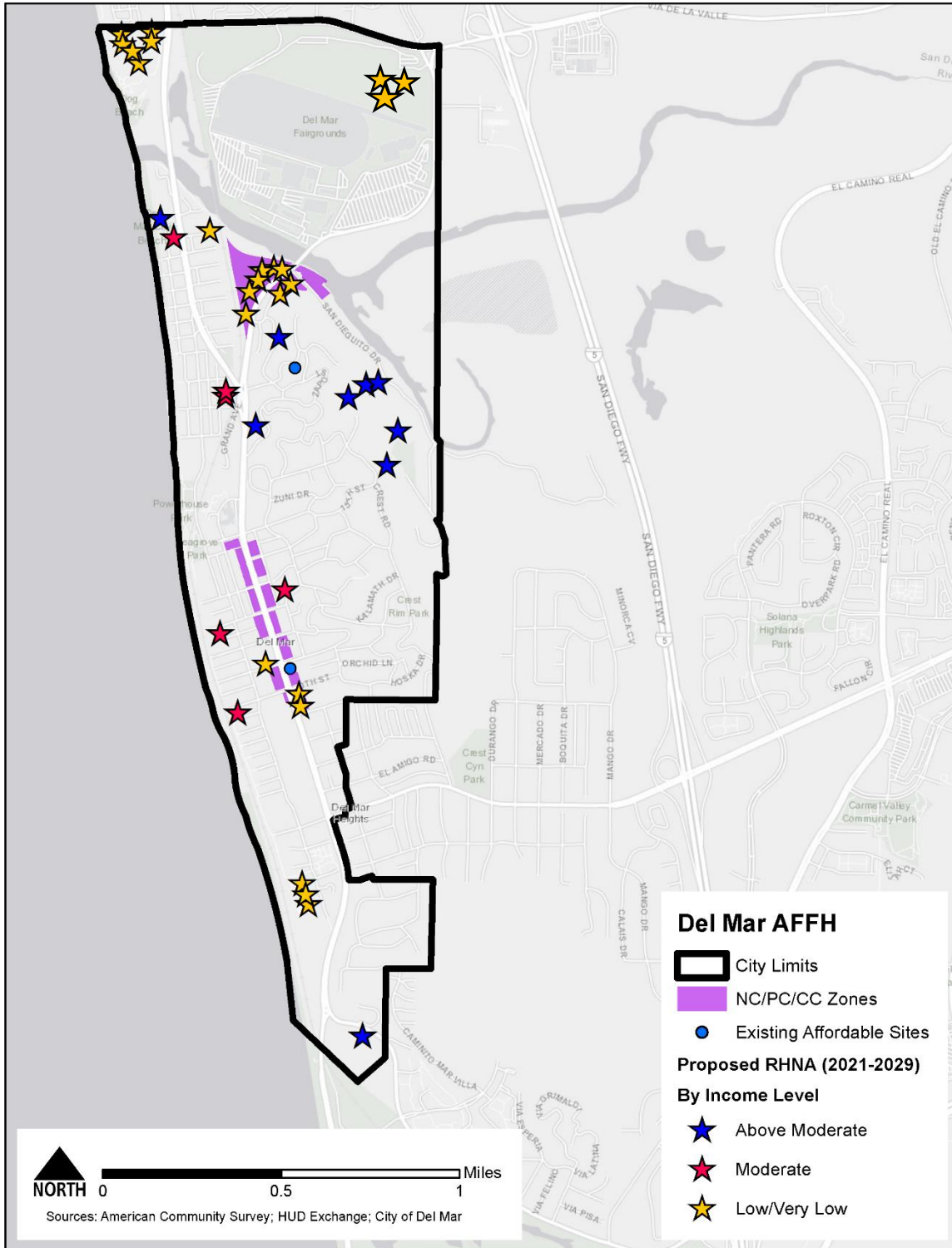
The City currently does not have any deed restricted affordable housing units available for occupancy by lower income households. Residents within the City of Del Mar are eligible to receive financial housing assistance through Section 8 Housing Choice Vouchers, which are distributed by the County of San Diego and for local assistance distributed through an organization called Del Mar Community Connections. As of July 1, 2020, there were 199 people on the waitlist to receive local funding through Del Mar Community Connections. These funding sources are detailed in the Housing Resources Section of the Housing Element.

As stated above, there are no deed restricted affordable units available for occupancy for lower income households; therefore, there are currently no existing affordable units within Del Mar that are at-risk of converting to market-rate within the planning period. The Housing Element identifies actions that the City will take to facilitate the creation of new deed restricted affordable units within the City that will be available for rent by lower income households during the 2021-2029 planning period. The intent is to facilitate the incorporation of these units throughout the City in an integrated manner.

Figure 3-25 shows that the locations for both the existing entitled affordable units and proposed affordable units are well dispersed throughout areas of the community with access to resources, including services, food, supplies, and public transportation. **Figure 3-25** shows the location for the lots on the State Fairgrounds property related to the City's priority housing strategy **Program 3A** as well as the location of the lots for the contingency rezone on the North Bluff and South Stratford that will be required to be implemented only if the City is unable to timely implement **Program 3A**.

Appendix B of this Housing Element shows the City's ability to meet its 2021-2029 RHNA need at all income levels. This demonstrates the City's ability to accommodate the anticipated future affordable housing needs of the community.

Figure 3-25: Existing and Proposed Affordable Housing Locations in Del Mar



Resources for Affordable Housing Units

As discussed above, there are no currently affordable units within Del Mar that are at-risk of converting to market-rate within the planning period (2021-2029). It is the City's intent to prioritize the maintenance of their current affordable housing stock and the City is committed to negotiating extensions of existing affordability agreements before units become at-risk. The following summarizes financial resources available to help acquire, replace, or subsidize affordable housing units which may become at risk of converting to market-rate in the future:

- ▶ **Community Development Block Grant (CDBG)** – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment and economic opportunity for principally low- and moderate-income persons. Eligible activities include administration, fair housing, energy conservation and renewable energy sources, assistance for economic development, public facilities and improvements and public services.
- ▶ **HOME Investment Partnership** – Local jurisdiction can receive funds by formula from the Department of Housing and Urban Development (HUD) to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include housing acquisition, rehabilitation, and development, homebuyer assistance, and rental assistance.
- ▶ **Section 8 Rental Assistance Program** – The Section 8 Rental Assistance Program provides rental assistance payments to owners of private, market rate units on behalf of very low-income tenants, senior citizens, disabled and/or handicapped persons, and other individuals for securing affordable housing.
- ▶ **Section 202/811 Program** – Non-profit and consumer cooperatives can receive no-interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing with the availability of supportive services for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. The capital advance funding can also provide project rental assistance for the properties developed using the funds. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.
- ▶ **California Housing Finance Agency (CalHFA) Multifamily Programs** – CalHFA's Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation of new construction of rental housing that includes affordable rents for low- and moderate-income families and individuals. One of the programs is the Preservation Loan program which provides acquisition/rehabilitation and permanent loan financing designed to preserve or increase the affordability status of existing multifamily housing projects.
- ▶ **Low-Income Housing Tax Credit (LIHTC)** – This program provides tax credits to individuals and corporations that invest in low-income rental housing. Tax credits are sold to those with high tax liability and proceeds are used to create housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.
- ▶ **California Community Reinvestment Corporation (CCRC)** – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

There is no risk of displacement for lower income households as a result of redevelopment or Housing Element programs as none of the candidate sites are occupied by households in the lower income categories. If any existing housing with low lower income tenants is removed as part of a development project, that housing must be replaced in accordance with Government Code Section 66300 (SB 330 housing replacement provisions). SB 330 provides for relocation payments to existing lower income tenants. State law also provides tenant protections including but not limited to just case eviction provisions and rent control provisions to protect tenants from displacement.

ASSESSMENT OF CONTRIBUTING FACTORS TO FAIR HOUSING ISSUES IN DEL MAR

Previously Identified Contributing Factors to Fair Housing

The AI does not identify impediments to fair housing specific to Del Mar, however it does identify some of the common impediments to fair housing within jurisdictions in the San Diego County region. For example, the following:

- ▶ The targeted groups in need of fair housing opportunities are not being effectively connected to the information with available resources. The Hispanic and Black populations continue to be under-represented in the homebuyer market and experience large disparities in loan approval rates.
- ▶ Housing choices for special needs groups, especially persons with disabilities and seniors, are limited.
- ▶ Fair housing enforcement activities, such as random testing, are limited
- ▶ Patterns of racial and ethnic concentration exist in the region.

Current Local Contributing Factors

The analysis conducted in this section regarding fair housing issues within Del Mar yielded the following conclusions:

- Del Mar does not have any racially or ethnically concentrated census tracts (RECAPs) as identified by HUD. This indicates that there are no census tracts within Del Mar with a non-white population of 50 percent or more or any census tracts that have a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area.
- The UC Davis Regional Opportunity Index shows that the majority of residents within Del Mar have a high level of access to opportunity throughout the majority of the City, with all census tracts in the City showing the highest level of access to opportunity. Additionally, analysis of the TCAC/HCD opportunity Area Maps show that all census tracts in Del Mar are classified with the “Highest Resource” designation. This indicates that these census tracts are within the top twenty percent in the region in terms of areas that lower-income residents may thrive if given the opportunity to live there.
- ▶ Del Mar has a lower AllTransit performance score than similar jurisdictions within the County as shown in the County’s Analysis of Impediments. This indicates a low to moderate combination of trips per week and number of jobs accessible that enable a low to moderate number of people to take transit to work.

- ▶ Del Mar has a lower CES score in comparison to similar jurisdiction within the County, indicating that residents within Del Mar are less burdened by pollution from multiple sources and less vulnerable to its effects, taking into account their socioeconomic characteristics and underlying health status than in other areas around the San Diego region.
- ▶ There is currently a 199-person waitlist for affordable housing assistance through the City's local housing assistance program, which demonstrates there is a high demand for affordable housing.
- ▶ There are no existing affordable units at-risk of converting to market-rate within the planning period, which means there is no existing displacement risk for lower income households.
- ▶ Fair housing information needs to be disseminated through many media forms to reach the targeted groups.

There are a number of factors and elements that contribute to and cause fair housing issues listed above. The following lists a number of contributing factors unique to the City of Del Mar:

- ▶ **Housing Cost and Affordability** - The cost of homeownership varies within San Diego County depending on the community. According to the regional AI, in 2019, the median sales price for homes in San Diego County was \$594,909, an increase of 38 percent from 2014. In Del Mar, the median sale price increased 100 percent from \$1,000,000 to \$2,000,000 between 2010 and 2017. The median home price in North County coastal areas of San Diego ranged from \$423,000 in Oceanside to \$2,000,000 in Del Mar, with Del Mar reporting the highest median cost in the North County region.
- ▶ **Location and Type of Affordable Housing** – The City of Del Mar is an affluent community, with higher resident incomes and costs living compared to the San Diego Region. The City also has a lot commercial and retail industries specifically related to tourism. According to census data retail and tourism related occupations offer lower income salaries. While the City of Del Mar employs persons in the retail, service and tourism industries, there is a lack of affordable housing to accommodate these potential needs. Therefore, persons working in these industries may not have the opportunity to live in the city where they work.
- ▶ **Economic Pressures to Relocate:** The City of Del Mar is a high income and high resources areas, as exhibited through the analysis above. Due to the Local contributing factors mentioned above, lack of affordable housing and location and type of affordable housing, lower income households may feel economic pressures to relocate to other areas. Displacement can cause increased exclusivity of a community, therefore creating fair housing issues for lower income households, households looking to move into the community, and households with fixed incomes who need to age in place.

In summary, the AFFH analysis shows that the City's existing zoning practices are a contributing factor to fair housing issues in the City. According to HCD guidance, the City's existing zoning practices meet the criteria for classification as "exclusionary". For example, the City's existing zoning does not facilitate production of small apartments and condominiums that can provide more affordable housing options. Further, the City's zoning has been maintained as low density since the 1970s to allow primarily single dwelling unit and duplex development and limit development at high densities.

To address existing impediments and further fair housing, the City's housing plan is primarily focused on creating new opportunities for housing mobility for existing and future residents by opening the community up to a broader range of housing choices. This will involve the creation of

new housing options such as smaller, accessible units that can accommodate residents seeking a different type of housing option. For example, this can include units that meet the needs of seniors and adult children who want to remain within the community or the needs of people seeking to move to Del Mar to access good schools, jobs, services, beaches, and parks. Creation of new housing opportunities is a critical step that is needed for the City to help create a more diverse, sustainable, and balanced community.

The City has demonstrated the ability to meet the anticipated future affordable housing needs of the community through the designation of sites to meet the very low and low income RHNA need (**Appendix B**). These sites are dispersed throughout the community and will help to further fair housing in Del Mar.

ANALYSIS OF SITES PURSUANT TO AB 686

AB 686 requires that jurisdictions identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. The site identification requirement involves not only an analysis of site capacity to accommodate the RHNA (provided in **Appendix B**), but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

The City's overall housing policy 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."

As a part of the lower-income sites strategy, the City plans to utilize appropriate land on the State Fairgrounds property to accommodate 54 total units affordable to lower income households. The City chose the sites on the State Fairgrounds property because it is a smart growth opportunity location that is desirable for housing of households in any income category. In addition, it was selected because it is the most feasible strategy for a prospective development project to occur in Del Mar at a density and scale that is necessary to accommodate at least 51 lower income units (half of the City's assigned lower income RHNA). Further the State Fairgrounds sites were selected based on the following criteria:

- ▶ Existing use and Infrastructure connectivity
- ▶ Potential for development interest and funding sources
- ▶ Least environmentally damaging alternative compared to **Program 1E** location on bluffs I
- ▶ Access to jobs, transit, and economic opportunities
- ▶ Access to commercial services and retail including markets and food resources

The Fairgrounds property is located within walking distance of the City's downtown, parks and beach, and public transit. Housing at this desirable coastal location and visitor destination would be well integrated into the Del Mar community by taking advantage of the existing and planned multi-modal access opportunities and establishing greater connectivity between local housing, jobs, services, and amenities. Housing at the Fairgrounds will AFFH and be a significant improvement to existing conditions. Future proposed housing would be subject to review to ensure the project will be integrated into the community and provide for residents' quality of life and civic engagement. **Program 3A** provides surety that future housing will not result in creation of an isolated or disenfranchised segment of the overall Del Mar community. This will be

reaffirmed in the Community Plan Environmental Justice Element policies (**Program 6E**). A detailed description of the State Fairgrounds sites and analysis of the sites is available in Appendix B.

Figure 3-20 (above) shows the proposed candidate sites to meet the very-low and low income RHNA for Del Mar (includes the preferred State Fairgrounds sites per **Program 3A** and the contingency sites per **Program 1E** on the North Bluff and South Stratford) as well as the location for approved deed-restricted affordable units within the City. The figure also highlights the North Commercial (NC), Professional Commercial (PC), and Central Commercial (CC) areas. As part of the action programs within the Housing Element, the City has committed to amending the Del Mar Municipal Code to permit development of residential units at 20 dwelling units per acre in these areas. The affordable units will be spread throughout the commercial corridor and integrated within the existing community.

Figure 3-21 and Figure 3-22 provide ethnicity analysis of local residents of Hispanic and Non-White origin.

Figure 3-21 shows the proposed candidate sites to meet the very low and low income RHNA for Del Mar in relation to the location of residents of Hispanic origin (includes the preferred State Fairgrounds sites per **Program 3A** and the contingency sites per **Program 1E** on the North Bluff and South Stratford).

- ▶ Proposed sites (totaling 1 potential unit, or <1% of the total potential units) are located within block groups that have a percentage of the population that is Hispanic between 15 percent and 54 percent, all of which are identified for the Above Moderate-Income category.
- ▶ Proposed sites (totaling 56 potential units, or 35% of the total potential units) are located within block groups that have a percentage of the population that is Hispanic between 10 percent and 15 percent. Of the units, 40 are identified for the Low and Very -Income Category.
- ▶ Proposed sites (totaling 0 potential units, or 0% of the total potential units) are located within block groups that have a percentage of the population that is Hispanic between 5 percent and 10 percent.
- ▶ Proposed sites (totaling 97 potential units, or 62% of the total potential units) are located within block groups that have a percentage of the population that is Hispanic that is less than 5 percent. Of the units, 85 are identified for the Low and Very Low-Income Category.

The City's priority housing strategy is to implement Program 3A on the State Fairgrounds property. This would locate 54 units affordable to lower income households within a block group where 10 to 15% of the population identifies as Hispanic or Latino. However, as cited above this would not result in housing that is segregated or isolated from the community as a whole.

Figure 3-21: Candidate Sites – Ethnicity Analysis

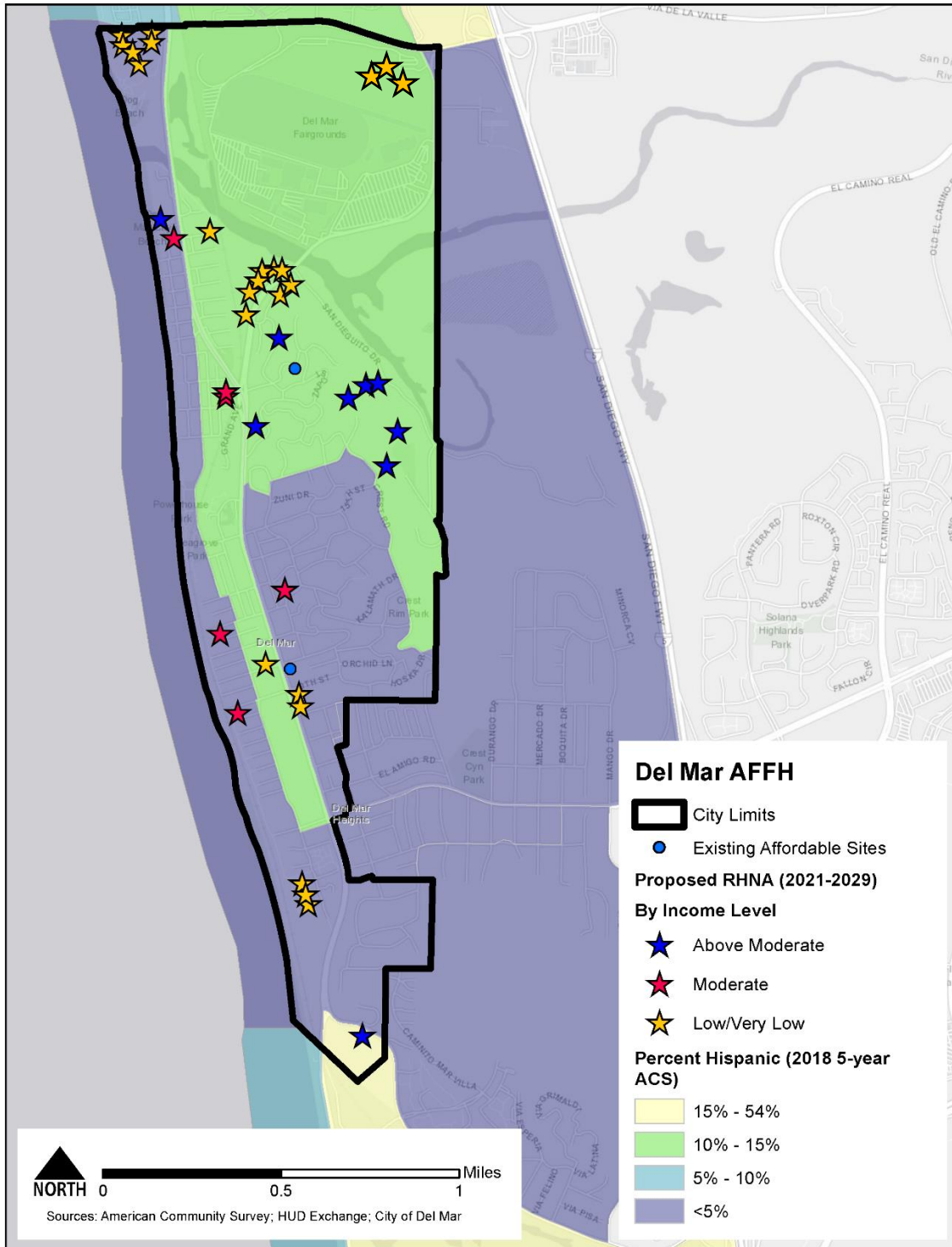


Figure 3-22 shows location of existing and proposed affordable units within Del Mar in comparison with census data showing the percentage of the population within each block group that is non-white. The map shows the following findings:

- ▶ Proposed sites (totaling 1 potential unit, or <1% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 15 percent and 32 percent, all of which are identified for the Above Moderate-Income category.
- ▶ Proposed sites (totaling 0 potential units, or 0% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 10 percent and 15 percent.
- ▶ Proposed sites (totaling 13 potential units, or 8% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 5 percent and 10 percent. Of the units, 4 are identified for the Low and Very Low-Income category.
- ▶ Proposed sites (totaling 138 potential units, or 88% of the total potential units) are located within block groups that have a percentage of the population that is non-white that is less than 5%. Of the units, 124 are identified for the Low and Very Low-Income category.

The City's priority housing strategy is to implement Program 3A on the State Fairgrounds property. This would locate 54 units affordable to lower income households within a block group where less than 5 percent of the population identify as non-white. However, as cited above this would not result in housing that is segregated or isolated from the community as a whole.

Figure 3-22: Candidate Sites – Racial Analysis

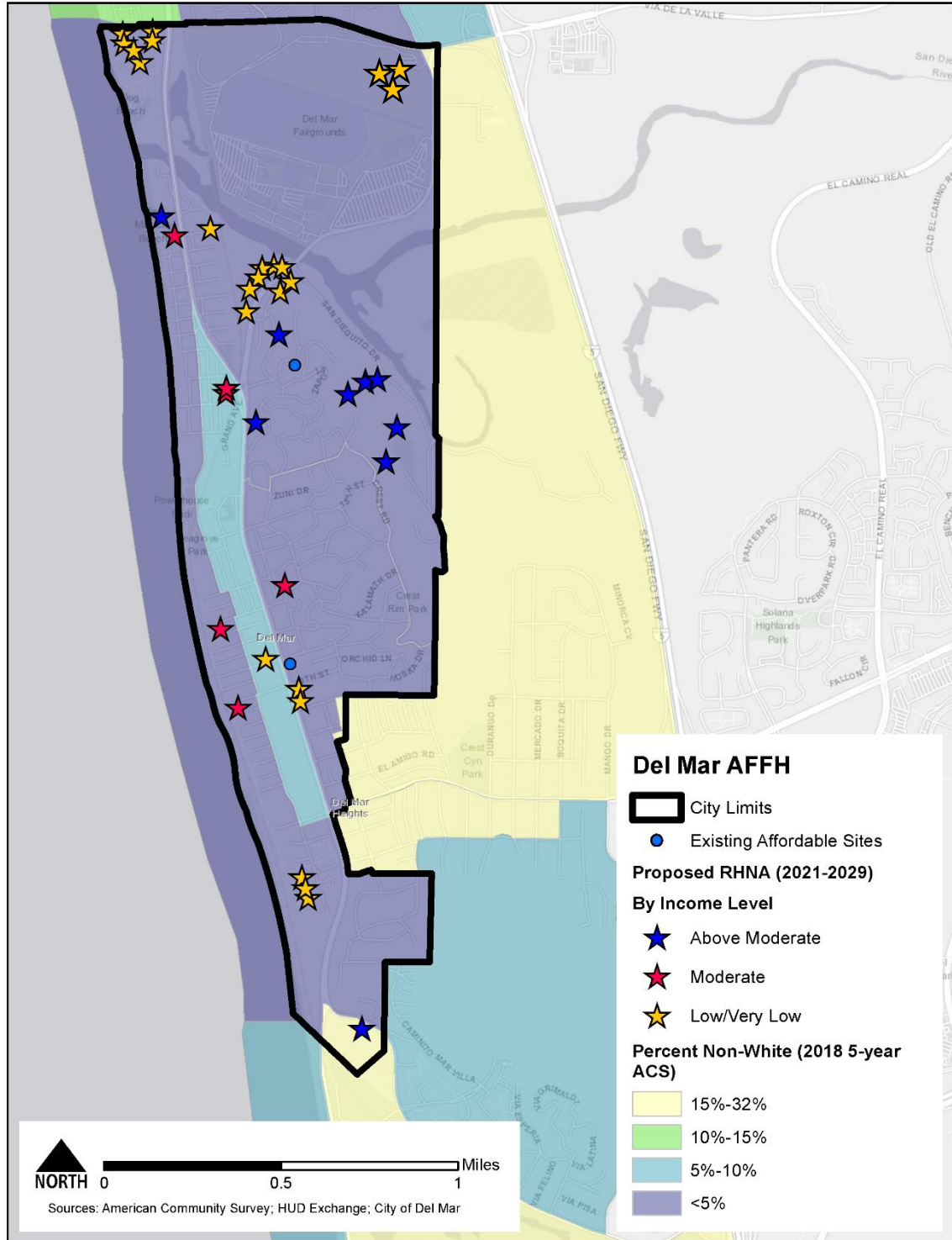
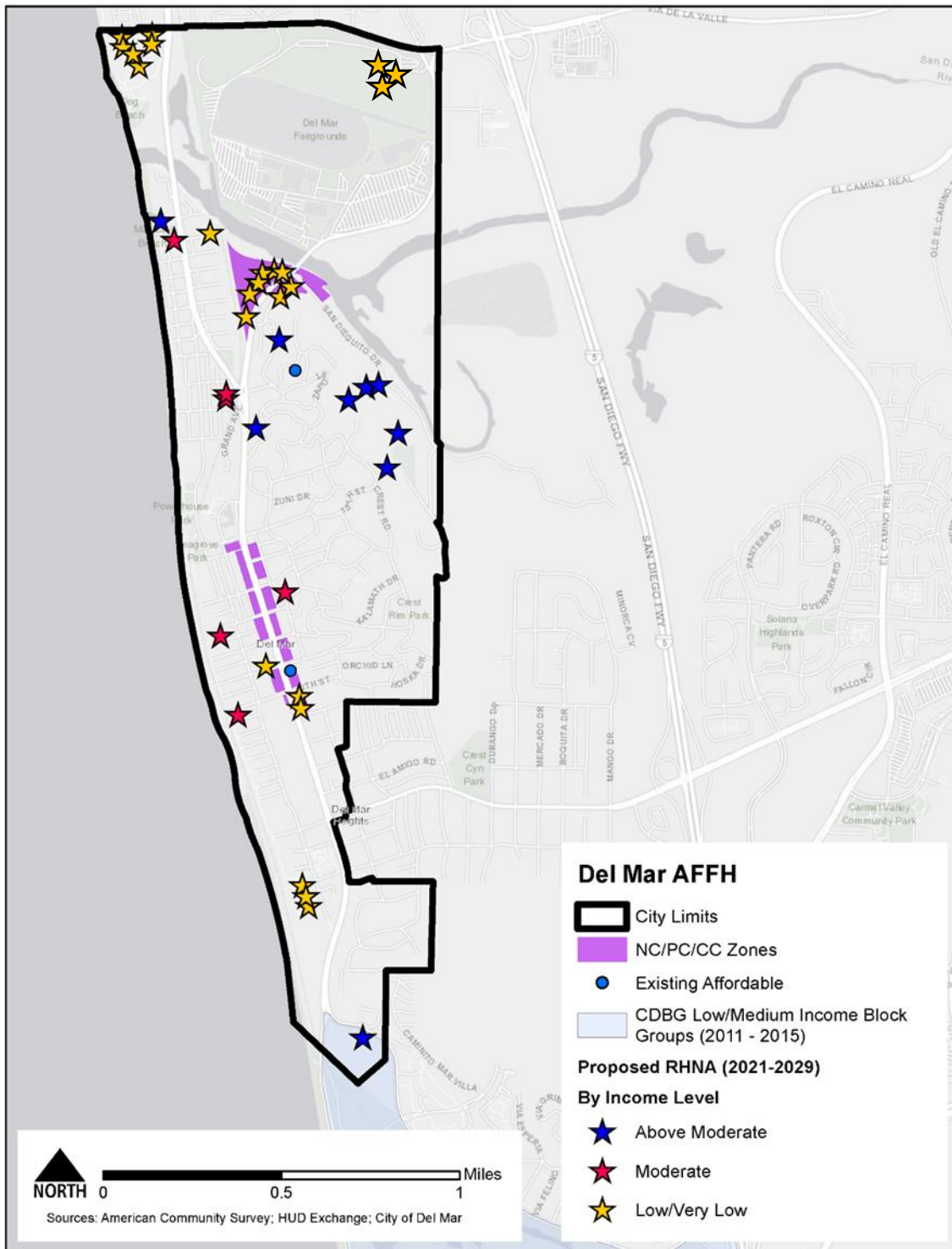


Figure 3-23 identifies candidate sites at the targeted income level and shows the relative location to identified Low/Moderate Income (LMI) block groups within the City of Del Mar that are eligible for place based CDBG activities. Del Mar has only one small area within the community, at the southern end of the City that is part of LMI block group eligible for place based CDBG activities.

While this Figure shows there is an existing CDBG low/medium income block group in the southern portion of the community, the Housing Element sites inventory sites identify new housing opportunities for moderate and lower income households will be located throughout the community.

Figure 3-23: Candidate Sites – Low/Moderate Income Block Group Analysis



ANALYSIS OF FAIR HOUSING POLICIES AND GOALS

The City's objective with the 6th Cycle Housing Element is to create a more integrated and balanced community. The City's overall housing policy 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."

Chapter 4 sets forth seven specific housing goals and 41 Housing Programs that the City identified in the Housing Element as necessary to implement this overall housing goal. A primary focus is on actions to remove impediments to fair housing as further outlined below.

Removing Impediments to Fair Housing

The City of Del Mar is committed to take actions to foster a more inclusive community to help the region overcome patterns of segregation, address a greater range of housing needs, and facilitate access to housing, transit, jobs, and amenities that promote health and enhance quality of life. This will require actions as set forth in the policy considerations in Chapter 3 and the action programs in Chapter 4.

▶ Environmental Justice Policies Supporting Affordable Housing

- The City will process a General Plan Amendment to add a new Environmental Justice Element to the City of Del Mar Community Plan (General Plan) with policies supporting affordable housing that will AFFH and not result in an isolated or disenfranchised segment of community – **Program 6E**

▶ Addressing High Land Costs, Construction Costs, and other Economic Constraints

- While the City cannot control the price of land or construction costs, **Program 7A** identifies funding sources that the City will reserve to directly aid the construction and occupancy of affordable housing. This currently includes the Housing Reserve Fund and Housing Assistance Fund.

▶ Financing Program Resources

- The City will share availability of financing opportunities, monitor progress of affordable housing production, and address impediments to loans and financing assistance for affordable housing within the community – **Program 6B**
- The City will proactively reach out to affordable housing developers and the San Diego Housing Federation to share information on available housing opportunities and connect interested property owners with potential affordable housing developers and available financing tools – **Program 1J**
- The City will establish a database of community assistance resources, including financing resources available for funding affordable housing – **Program 7I**

▶ New Options for Housing Choices

- The City will increase the number of base zones that allow multiple dwelling unit housing development at a density of 20 du/ac – **Program 1A, Program 1B, Program 1C**
- The City will incentivize ADUs for low income households – **Program 2A**

- The City will facilitate production of small affordable units on City-owned property – **Program 1H**
- The City will vigorously pursue an agreement with the State to build workforce housing for lower income households on the State Fairgrounds property – **Program 3A**
- ▶ **Harmonizing Housing Law and the Coastal Act**
 - The City will coordinate with the Coastal Commission and HCD to harmonize housing law requirements and the Coastal Act – **Program 6C**
- ▶ **Development Standards and Permit Processes that Accommodate Affordable Housing**
 - The City will prepare economic studies and zoning assessments within the first year of the planning period to identify modifications to development standards and permit processes that may be needed to accommodate affordable housing – **Program 1D**
 - The City will process ordinances to streamline the development process and create incentives for projects with an affordable housing component – **Program 1I** and **Program 2A**
 - The City will monitor progress towards its RHNA targets for lower income units and will take action to make further adjustments as needed to facilitate production of affordable units as specified within various action programs – **Program 1D, Program 1I, Program 2A** and **Program 3A**
- ▶ **Addressing Housing and Resources for Special Needs Populations**
 - The City will process ordinances to facilitate housing for lower income households via density bonus and inclusionary housing requirements – **Program 1G, Program 4D, and Program 4E**
 - The City will process ordinances to promote housing opportunities and resources for special needs populations including residential care facilities, emergency shelters, transitional housing, supportive housing, single room occupancy units, and low barrier navigation centers – **Program 4A** and **Program 4B**
 - The City will partner with Renewable Cities San Diego to install solar on housing for lower income households – **Program 6D**
 - The City will make resources available to support special needs populations, including persons with disabilities and persons experiencing homelessness – **Program 6B, Program 7A, Program 7B, Program 7C, Program 7D, Program 7E, Program 7F, Program 7G, Program 7H, Program 7I, and Program 7J**
 - The City will participate in regional efforts to mitigate impediments to fair housing, partner with organizations to review and refer discrimination complaints, and implement various actions via **Program 6B** including but not limited to:
 - 1) Periodically reviewing regulations and modifying if necessary to accommodate housing for persons with disabilities (i.e. reasonable accommodations provisions),
 - 2) Publishing information on home financing opportunities and rental assistance resources (i.e. County of San Diego public housing resources and security deposit assistance programs),

- 3) Publishing information on tenant protection programs, including assistance resources to reduce displacement risk (i.e. National Conflict Resolution Center and other resources for filing housing complaints and resolution of disputes),
- 4) Publishing information to help connect individuals to housing advocacy groups (i.e. San Diego Housing Federation) and other resources available to support the residents of Del Mar (i.e. County of San Diego Public Housing Resources and Healthy and Safe Home Resources),
- 5) Documenting in the Environmental Justice Element (**Program 6E**) the historic practices in the coastal zone, including Del Mar, that have reduced capacity and minimized housing options for a greater diversity of residents including lower income households; and utilizing this information to help explain the benefits of affordable housing and engage the support of residents to promote successful implementation of the Housing Element programs,
- 6) Publishing fair housing materials in English and Spanish, and
- 7) Allocating funding for fair housing services through the budget allocation process.