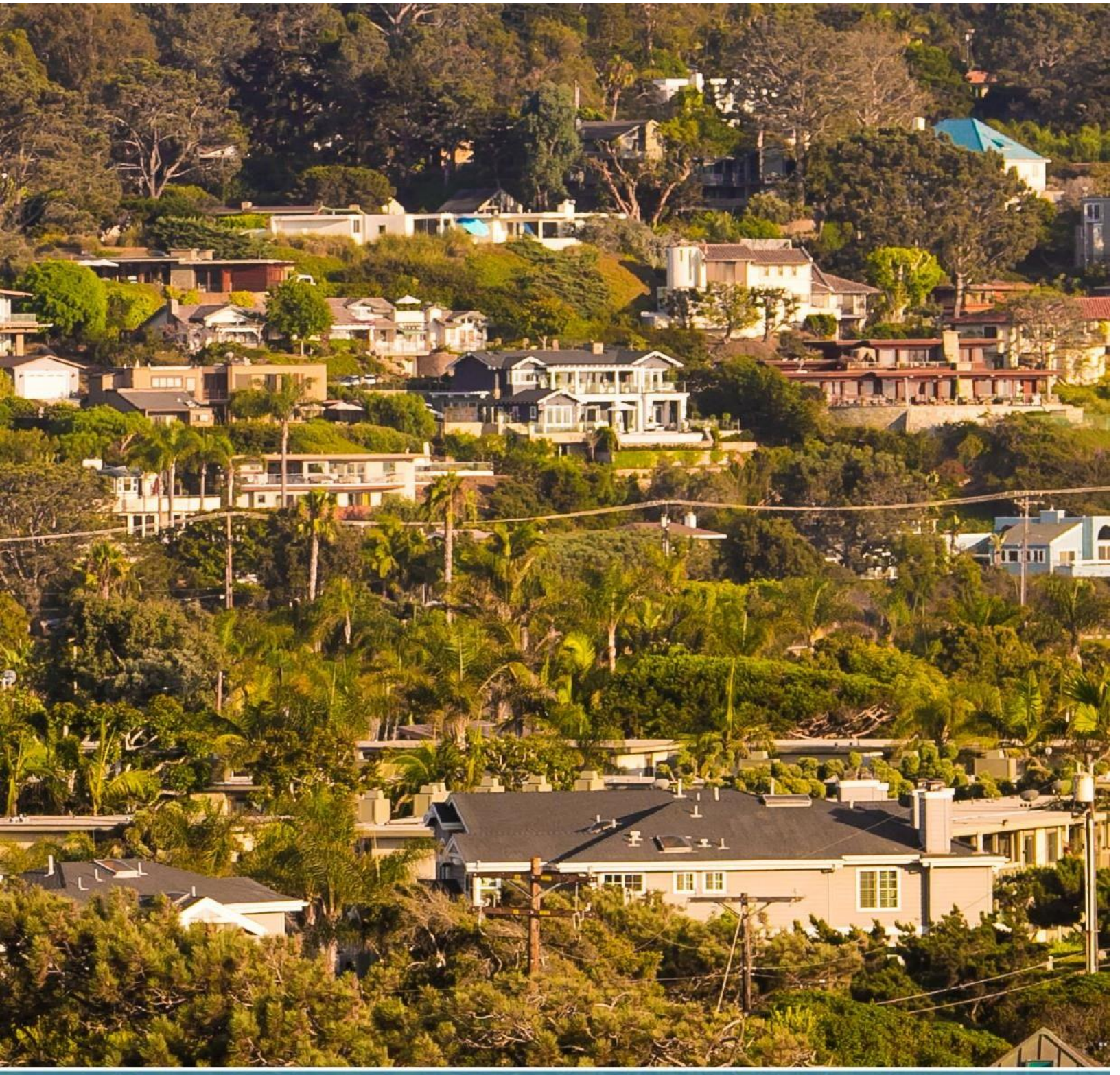

Appendix C: Community Engagement Summary

Appendix C:
Community Engagement Summary

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Del Mar has conducted extensive public outreach activities beginning in 2019. These recent outreach efforts included presentations, City Council and Planning Commission Study Sessions, numerous meetings with a Housing Element Citizen Task Force, Community Workshops, digital media, numerous mailers and ads and noticed Public Hearings. Project materials, including summaries from community workshops and public meetings, notices, and draft public review documents are available on the City's website: http://www.delmar.ca.us/HousingElement.

Outreach for the 6th Cycle Housing Element to the Del Mar community, includes the following actions:

- **Community Workshop#1 –** The City conducted a community workshop on February 29, 2020 at City Hall that was advertised using both handouts and flyers as well as the City's website. At the workshop participants were provided with an overview of the planning process. The City's RHNA obligations and engaged in an interactive exercise to focus on and identify the following:
    - Creative ways can Del Mar Provide Housing in Existing Commercial and Residential Areas,
    - Types of Community Assistance Programs can the City Provide to Facilitate Housing; and,
    - City Incorporating Public Lands into the Housing Element Strategy.

- **Community Survey –** The City released a web-based survey as a part of the 6th Cycle outreach efforts. The survey was available online on the City's Housing Element page from March 16, 2020 to April 22, 2020. The Survey was live and accessible for about five weeks and included a series of multiple choice and free response questions; the survey had a total of 296 participants who completed the survey. The purpose of the Community Survey was to gather additional input on the 6th Cycle Housing Element's potential programs, policies, and areas adequate to provide housing. The Community Survey tool was an important component of the community outreach process. It provided community members and stakeholders with the ability to give input on the housing element process at their own pace and at a time that works for their schedule.

- **City Council and Planning Commission Study Session –** The City's outreach efforts included both City Council and Planning Commission Study Sessions to engage the City's decisions makers throughout the Housing Element Update process. The Study Sessions were both educational of the Housing Element's importance and purpose, as well as informational of current progress of the update and proposed goals, policies and programs. In total, the City held six City Council Study Sessions and two Planning Commission Study Sessions.

- **Housing Element Citizens' Task Force -** A Citizens' Task Force was appointed by the City Council at the January 13, 2020 City Council meeting. The Task Force was established to provide assistance to the City Council in reviewing draft housing element documents, including:
    - Draft Community Profile and Housing data
    - Sites analysis of Candidate Sites
    - Draft Goals, Policies, Programs, and Objectives (GPPOs) considerations

The Task Force met every other week for three months to accomplish the tasks listed above**.** The goal of the working group is to provide continuous community feedback on draft portions of the document to the City Council, City Staff, and the Consultant throughout the entire process.

- **Housing Element Update Website –** A website developed for public consumption. The website provides relevant information about the update process, key features of the housing element, project timeline and a calendar of events for outreach activities. The website also provided a link to the community survey tool as well as the contact information of city for residents and community members to send additional comments or request additional information. The Housing Element Update website is located at http://www.delmar.ca.us/HousingElement.

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

This Appendix contains a summary of all public comments regarding the Housing Element received by the City at scheduled public meetings, and the Appendix has been provided to the City Council. ***[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]***

C.1 Housing Element Workshop #1

This section contains all available public oral comments provided during the first Community Workshop, as well as, provided materials and handouts. Public comments were received in written and oral form.

PUBLIC WORKSHOP AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

DEL MAR CIVIC CENTER – 1050 CAMINO DEL MAR
TOWN HALL
SATURDAY, FEBRUARY 29, 2020 – 9:30 AM

TASK FORCE STATEMENT OF MISSION/PURPOSE:

The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:

1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:

Anyone may address the Task Force for three minutes on any items listed on the agenda. If there are several speakers on an item, your time available to speak may be limited to two minutes. When the Task Force Chairperson recognizes you, please step forward and state your name and address of residence clearly for the record. The Task Force may ask questions of you, to which you may respond.

For items not on the agenda, please see: *Oral Communications*.

1. **CALL TO ORDER (9:30 AM)**

2. **ROLL CALL**

3. **ORAL COMMUNICATIONS (NON-AGENDA ITEM)**

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

4. **TASK FORCE MEMBER UPDATES**
    a. Chair's Remarks
    b. Task Force Introductions
    c. Individual Thoughts on Housing and Vision for Housing in Del Mar

5. **ACTION ITEMS:**
    a. Presentations
        i. Overview of 6th Cycle Housing Element Update
        ii. Overview of CEQA Process and Public Scoping
    b. Comments on EIR Scoping
    c. Interactive Exercise – Workshop Stations
    d. Workshop Station Report Out

6. **ADJOURNMENT**

NEXT TASK FORCE MEETING: MARCH 5, 2020 – 3:00PM

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

6th Cycle Housing Element Update Fact Sheet (2021-2029)

What is a Housing Element?

The Housing Element is a State-mandated planning document within the Del Mar Community Plan that provides policy direction for the implementation of various programs to meet existing and projected future housing needs for all income levels within the Del Mar community. The Housing Element contains policies, programs, and actions that accommodate future housing growth need, identify opportunities for new housing units, preserve existing housing stock, and assist the existing population.

What is RHNA?

The Regional Housing Needs Assessment (RHNA), is mandated by State law to quantify the need for housing throughout the State and each city in the San Diego Region. This will inform Del Mar's local planning process to address existing and future housing need resulting from the San Diego region's projected growth in population, employment, and households.

The San Diego County Association of Governments (SANDAG) is responsible for overseeing the RHNA process for the San Diego region. SANDAG is currently overseeing the 6th cycle RHNA, which covers the 2021-2029 planning period.

For the 2021-2029 planning period, the City of Del Mar is allocated 163 units to accommodate estimated growth need at various income levels. The Housing Element must identify the City's ability to accommodate this estimated growth through available sites and appropriate zoning . The 6th Cycle RHNA for Del Mar is as follows:

6th Cycle RHNA Allocation by Income Category

Income Category	Income Range*		RHNA Allocation
	Min	Max	Housing Units
Very Low (31% to 50%)	$26,753	$43,150	**37 units**
Low (51% to 80%)	$43,151	$69,040	**64 units**
Moderate (81% to 120%)	$69,041	$103,560	**31 units**
Above Moderate (120% or more)	$103,560	> $103,560	**31 units**
		TOTAL	**163 units**

* Income range is based on the 2019 San Diego County Area Median Income of $86,300

More information about the 6th Cycle RHNA process can be found on SANDAG's website here: https://www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail

For more information, please visit our website at:

www.delmar.ca.us/HousingElement

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Why is the City updating the Housing Element?

The City is required by State-law to update its Housing Element every eight years. The current certified 5th Cycle Housing Element is for the 2013-2021planning period. The City is now in the process of updating the 6th Cycle Housing Element for the 2021-2029 planning period.

What is included in the Housing Element update process?

The Housing Element is a community-based process that will include a variety of public engagement opportunities, provide housing data and identify future policies addressing housing. The update process will include:

- Public workshops and meetings;
- Publicly noticed hearings at the City Council and Planning Commission;
- A comprehensive review of Del Mar's demographics;
- Identification of local housing needs, constraints, and resources;
- An analysis of adequate sites to accommodate City's RHNA oblilgations; and
- Development of goals, policies, programs, and quantified objectives to be carried out during the 2021-2029 planning period.

Task	Projected Date
City Council Meetings – Progress updates at each meeting	January – October 2020
Housing Element Citizens' Task Force – Meets bi-weekly	February 6 – May 7, 2020
CEQA – Circulation of Notice of Preparation	February 19, 2020
Housing Element Citizens' Task Force—Public Workshop / EIR Scoping	Saturday, February 29, 2020
City Council Meeting – Workshop & Scoping Recap	March 23, 2020
Community Housing Element Survey	March – April 2020
City Council Meeting – Public Workshop on Potential Programs	April 20, 2020
CEQA – Publish and Circulate Notice of Availability of DIER (60-day)	May 14, 2020
CEQA – End of 60-day Public Review Period of DEIR	July 13, 2020
CEQA – Draft response to EIR comments	September 8, 2020
Planning Commission – Recommendation on Housing Element and EIR	September 15, 2020
Certification of EIR and Approval of Housing Element	October 19, 2020
Submittal of Housing Element to HCD	October 2020
Review and Certification of Housing Element by HCD	November 2020 – April 2021

For more information, please visit our website at:

www.delmar.ca.us/HousingElement

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

California Environmental Quality Act (CEQA) Program Environmental Impact Report (PEIR)

CEQA— Program Environmental Impact Report (PEIR):

The City of Del Mar, the lead agency for the proposed 6th Cycle Housing Element and Program EIR, is subject to environmental review under CEQA. The City has already determined that an EIR will need to be prepared based on the Project's potential to create short-term, long-term, and cumulative impacts associated with other development. Therefore, a Program EIR will be prepared to fully evaluate the potential impacts of the proposed Project. The Program EIR will be comprehensive in nature evaluating all identified issues from the 2019 CEQA Initial Study Checklist.

The Program EIR will address the short-term and long-term effects of the Project on the environment. It will also evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be significant in the Program EIR. Mitigation may be proposed for those impacts that are determined to be significant. The environmental determination in this Notice of Preparation (NOP) is subject to a 30-day public review period per Public Resources §21080.4 and CEQA Guidelines §15082. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project, to identify those environmental issues, potentially affected by the Project which should be addressed further by the City of Del Mar in the Program EIR.

Once released, the Program EIR will be made available for review Monday through Thursday from 8:00 a.m. to 5:30 p.m., and 8:00 a.m. and 4:30 p.m. on Fridays (hours may vary at the Del Mar Library) at the following locations:

Del Mar Civic Center	Del Mar Library
1050 Camino del Mar	1309 Camino del Mar
Del Mar, CA 92014	Del Mar, CA 92014

Notice of Preparation (NOP):

CEQA requires a 30-day public review period for an NOP. In accordance with CEQA, should you have any comments, please provide a written response within the **30-day NOP period between February 19, 2020 and March 20, 2020.**

Written comments on the scope of the EIR can be provided to the Planning and Community Development Director Joseph Smith via email at jsmith@delmar.ca.us, or, turned in today at the workshop by filling out the written comment card at the end of your welcome packet. If you wish to turn in a comment card today, please remove the last page from the packet and turn it in to the nearest staff member.

For questions, please contact Shaun McMahon, Management Analyst at:

Email: smcmahon@delmar.ca.us or Phone: 858.755.9313

For more general information, please visit our website at:

www.delmar.ca.us/HousingElement

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Interactive Exercise Prompts

Station #1

What Creative Ways Can Del Mar Provide Housing in Existing Commercial and Residential Areas?

Del Mar has very limited availability of vacant, appropriately zoned land to accommodate future housing growth. The City must therefore look at existing established commercial and residential areas to accommodate future growth needs.

Station #2

What Types of Community Assistance Programs can the City Provide to Facilitate Housing?

Community assistance programs can provide needed help to residents who may otherwise not be able to access housing or services due to income status, family status or other circumstances.

Station #3

How Should the City Incorporate Public Lands into the Housing Element Strategy?

Del Mar has very limited availability of vacant, appropriately zoned land to accommodate future housing growth. Existing public lands may provide additional opportunity to accommodate growth. The Del Mar Fairgrounds is owned by the State of California and may provide additional opportunity to accommodate housing growth.

For questions, please contact Shaun McMahon, Management Analyst at:

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CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Workshop Notes

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CITY OF DEL MAR
HOUSING ELEMENT UPDATE

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HOUSING ELEMENT UPDATE

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CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Notice of Preparation (NOP) & Scoping Meeting Comment Card

The City is requesting comments and guidance on the scope and content of the Program EIR from Responsible and Trustee agencies, interested public agencies, organizations, and the general public (pursuant to CEQA Guidelines §15082). All parties that submit their names and mailing addresses will be notified as part of the Project's CEQA review process.

Name: _____

Mailing Address: _____

Email Address: _____

Comment(s):

_____

_____

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Thank you for providing your comment. To ensure your comment is received , please remove this page from your welcome packet and provide it to a City staff member before leaving.

For questions, please contact Shaun McMahon, Management Analyst at:

Email: smcmahon@delmar.ca.us or Phone: 858.755.9313

For more general information, please visit our website at:

www.delmar.ca.us/HousingElement

Station #1

What Creative ways can Del Mar Provide Housing in Existing Commercial and Residential Areas?

Background:

Del Mar has very limited availability of vacant, appropriately zoned land to accommodate future housing growth. The City must therefore look at existing established commercial and residential areas to accommodate future growth needs. This may include:

- Infill development in existing residential areas
- Reuse of existing commercial areas
- Incorporation of mixed use
- Availability of services and amenities for seniors
- Housing unit design appropriate for person with mobility of self-care limitation
- Access to transportation

Examples:

- Mixed Use in Town Center area
- Appropriate infill of higher densities in single-family areas
- Second Units

Station #2

How many Types of Community Assistance Programs can the City Provide to Facilitate Housing?

Background:

Community assistance programs can provide needed help to residents who may otherwise not be able to access housing or services due to income status, family status or other circumstances. Community Assistance Programs may include:

- Rental Assistance
- Mortgage Loan Qualification Assistance
- Housing Choice Vouchers
- Project Based Vouchers
- Veterans Assistance
- Senior Rental Assistance
- Down payment Assistance
- Fair Housing Assistance/Support

Examples:

- Down payment Assistance Loans/Grants
- Low Interest Loans

Station #3

How Should the City Incorporate Public Lands into the Housing Element Strategy?

Background:

Del Mar has very limited availability of vacant, appropriately zoned land to accommodate future housing growth. Existing public lands may provide additional opportunity to accommodate growth. The Del Mar Fairgrounds is owned by the State of California and may provide additional opportunity to accommodate housing growth. Questions to explore include:

- How to work with the 22nd District Agricultural Association?
- Identification and use of surplus properties?
- Housing as a catalyst for future development of site?
- What funding/financing options are available?
- What areas are most appropriate for housing (back stretch, etc.)?
- What partnership opportunities exist (private/public, etc.)?
- What legislative changes need to be explored?

City of Del Mar, 6th Cycle Housing Element Update (2021-2029)
Community Workshop #1 Summary
February 29, 2020

Station 1: What Creative ways can Del Mar Provide Housing in Existing Commercial and Residential Areas?
Comments:

1. Our commercial zone already allows one residential unit per commercial parcel – ideally if every parcel had one unit, we would have about 55 units approximately, we have about 5 now, we should speak to owners and find out why they have not taken advantage of this opportunity, Is it cost? Is it hassle and dealing with the City? Is it height or FAR? Once we know we can then address to make safe and facilitate.
2. Convert upper floors of commercial buildings for residential use
3. Can there be incentives to help business for downtown owners to upgrade buildings to mixed use and make downtown more modern and vital
4. Mixed-use commercial area, fewer offices, more housing units
5. There are R1 zone that have illegal 2nd units, we have not been enforcing so perhaps create an amnesty program to legalize then with restrictions to rent for affordable housing
6. Making regulations for affordable housing simpler, quicker and less expensive
7. Stop R-1 building in R-2 zones
    a. Tearing down multi units for one big single family
8. In restaurants
9. Look at city owned parcels, see if any are appropriate to build, sell and take the money to put into affordable housing building in viable location
10. Encourage community buy in and code changes to allow modifications to make residential above commercial building in [sic]
11. Mixed use in downtown village, small units
12. Allow rental units within R-1 zone homes

Station 2: How many Types of Community Assistance Programs can the City Provide to Facilitate Housing?
Comments:

1. Housing financial advisor
2. Low interest loans, housing assistance, assistance for city employees/interns, assistance for disabled, group home for disabled
3. Students who need down payment assistance
4. Special needs – adult children with disabilities, group home, board and care
5. Assistance with “granny flat” availability and remodel to help elderly create the granny flat
6. Parents who want to live loser to Winston school, mortgage loan qualification
7. Home loans
8. Project based vouchers for senior housing – Gary and Mary, West Ramona Senior Service
9. Financial assistance for disabled rental assistance, security deposit
10. We need to include community groups to the discussion of assistance programs – can’t expect City government to do it all
11. Encourage a short-term rental home to convert to an elderly group home and hire a caretaker company to manage it, or for disabled

12. Project based vouchers through serving seniors – Gary and Mary West, Ramona, Vista, San Marcos

Station 3: How Should the City Incorporate Public Lands into the Housing Element Strategy?
Comments:

1. ADUs (1-2) in shores park rather than parking and offices
2. Crest Canyon in Play?
3. Crest Canyon, Fair grounds, area south of Jimmy Durante
4. Make better use out of City Hall property by building city-owned residential units there
5. Church Property? Library
6. West of track
7. South of practice track
8. East of rail line
9. Long term units in this area (not just temporary during fair)
10. Tony shelter – shelter/community on fairgrounds 9 months out of the year
11. Temporary homeless shelter on fairgrounds
12. Horse caretaker housing should be considered low income housing. They need a variance to not have kitchen in each but use commercial kitchen
13. Tiny homes or mobile homes on 20 RV spots on fairgrounds
14. Look for Zuni Reservoir are these other PRCW parcels in this area along crest?
15. Housing and safety paramount for growth
16. Joint opportunity with State – press hard to partner

Additional Comments:

1. North commercial rezone to high density residential
2. Hydrology water quality building on lagoon
3. Public services no public transportation
4. Aesthetics of high density not compatible with community character
5. Wildfire risk with Crest Canyon traffic congestion could be an issue for evacuation
6. Traffic congestion and greenhouse gasses
7. Noise pollution on Lagoon vs Birds/owls
8. Allocation of 163 units based on highly inaccurate employment data. Great need to modify allocation for Del Mar to accurate verified, current employment data as first step in process
9. It would be good to clearly establish at each meeting that the topic under discussion does not include the question of whether 163 units is the correct number of units required. Everybody should accept the 163 and deal with it whether 163's the right number can be discussed elsewhere.
10. The charm of Del Maris that the residential and commercial are not congested. We would like the future plans to continue this. One suggestion would be to have some housing above existing businesses.
11. Are Mira Costa college or veterans' affairs or other organizations interested in partnering with the City of Del Mar to allocate and build new housing? My feeling is the community in general lumps "low-income" with significant mental health needs/other populations that will bring

drugs, crime to DM. Focusing on housing students, teachers, caregivers, widowed/divorced, who fit the income criteria would be more palatable. I went to college in a small affluent town not so different from DM and the dorms were counted as the town's "low income" housing. Just a thought!

12. Questions and comments. The EIR needs to address the multiple iterations/combinations to get to 163 units. It seems every iteration would have a different environmental impact. So how does the EIR meaningfully address housing impacted without having an idea of what a housing plan might look like.

NOP Comments:

1. Topical EIR Categories definitions (19+ categories)
2. 163 units allocation
    a. Methodology, etc. accurate?
    b. How to substantiate number
    c. Is it based on inaccurate info?
3. How does short term rentals issue address?
4. Hydro/H2O Quality
    a. North HD area
5. Aesthetics of HD Housing
6. Checklist Items too much?
    a. Does it prostrate CEQA process?
7. Emergency response/noise
    a. Study diligently
8. Methodology
    a. How to study?
    b. Why have?
9. Wildfire risk
    a. # of evacuation routes
10. Evacuation/traffic patterns
11. Land Use issues
    a. ADU = R1 to R2
12. Fairgrounds (600 units)
    a. In stable area

Station #1=

Our Commercial Zone already allows one residential unit per commercial parcel - ideally if every parcel had one unit, we would have about 55 units approx. We have about 5 now, We should speak to owners & find out why they have not taken advantage of this opportunity -
- is it cost
- is it hassle of dealing with city
- is it height or FAR?

Once we know we can then address to mitigate & facilitate.,

- Convert upper floors of commercial blds for residential use.

Can there be incentives to help busines or downtown owners to upgrade buildings to mix use and make downtown more modern & vital

There are homes in R1 zone that have illegal 2nd units. We have not been enforcing so perhaps Create an Amnesty program to legalize them with restrictions to rent for affordable housing

Making regulations for affordable housing simpler/quicker & less expensive!

Stop R-1 building in R-2 Zones!

IN restaurants

Look at city owned parcels, See if any appropriate to build — sell & take $1 to put into affordable housing building in viable location —

Encourage Community Buy in and code changes to allow ~~Residential~~ modifications to make residential ~~as~~ above commercial building in Delmar.

tearing down multi units for one BIG single family.

Mixed use in downtown village small units

allow rental units within R-1 zone homes

Mixed use Commercial Area - fewer offices - more housing UNIT

Station #2 =

Housing financial advisor

Assistance with "granny flat" availability and remodel to help elder create the granny flat.

We need to include community groups to the discussion of assistance programs. Can't expect City government to do it all.

- Low Interest Loan
- Housing Assistance
- Assistance for City employees/ interns

Parents who want to live closer to Winston School
- Mortgage loan Qualification

Encourage as short term Rental Home to convert to a ~~gro~~ elderly* group home and hire a care taker company to manage it.
*or for Disabled

- Assistance for Disabled
- Group Home for Disabled

Home loans

Project Based Vouchers through Serving Seniors Gary & Mary West Ramona Vista/San Marcos

Students who need down payment assistance

Project Based Vouchers for Senior Housing
Ramona Gary + Mary West Sr. Serv

Special Needs
- Adult Children with disabilities
- Group Home
- Board + Care

Financial Assistance for disabled
rental assistance, security deposit

~~Station~~ #3:

ADUs (1-2) IN Shores park rather then parking and offices

Church property ? LIBRARY

City Hall ?

Horse ~~to~~ caretakers Housing Should be considered Low income housing They need a Variance? to ~~be~~ not have Kitchen in each but use communal Kitchen.

CREST CNTY IN PLAN?

(Annette)

- west of ~~train~~ track
- South of practice
- east of rail line

long term units in this area (not just temp during fair)

- Crest Canyon
- Fair Grounds
- Area South of Jimmy Durante

Tiny shelter

Shelter / community on fairgrounds 9 mos of year

TINY homes or mobil homes or 20 RV spots or Fairgrounds

Make better use of the City Hall property by building city-owned residential units there.

Temporary Homeless Shelter on Fairgrounds

(Shirley)

Look for Zuni Reservoir

are there other PROW parcels in this area along Crest?

- ~~Hb safety paramount for growth~~
- ~~Joint opportunity with state~~
  → ~~Press hard to partner~~

COMMENT CARD
City of Del Mar, 6th Cycle Housing Element Update (2021-2029)
Community Workshop #1
Date: February 29, 2020

CITY OF DEL MAR

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* North Commercial rezone to High Density Residential
(1) Hydrology water quality Building on Lagoon
(2) Public Services? no public transportation
(3) Aesthetics HighDensity not compatable w/ Community Character
(4) Wildfire risk with Crest Canyon traffic congestion ≠ evacuation
(5) traffic congestion greenhouse gas
(6) Noise pollution on Lagoon vs Bushcutts

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Date: February 29, 2020

CITY OF DEL MAR

Please provide any additional information you believe would be useful during the Housing Element Update process. Please return this form to a staff member today, or email to Shaun McMahon at smcmahon@delmar.ca.us. Thank you!

Question + Comment: The EIR needs to address the multiple iterations / combinations to get to 163 units. It seems every iteration would have a different environmental impact. So how does EIR meaningfully address housing ~~to~~ impact without having an idea of what a housing plan might look like.

[redacted]

C.2 Online Community Survey Data Summaries

This section contains the final data summaries for each page of the Online Community Survey and additional comments received through the Survey tool.

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Mar 16, 20 - Apr 22, 20 | Screen 1 / Site Traffic

March 2020

Date	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Participants	24	11	6	9	2	4	7	6	7	7	5	6	2	6	2	3

April 2020

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Participants	1	5	1	3	5	4	8	12	6	5	0	2	33	7	7	14	17	7	27	19	6	0

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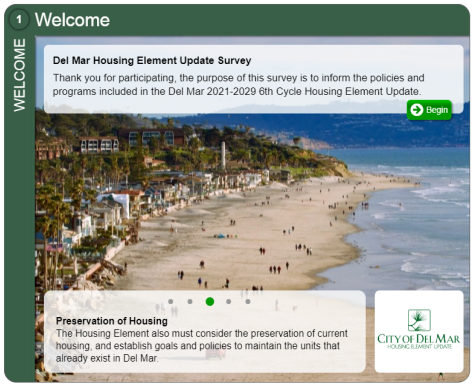
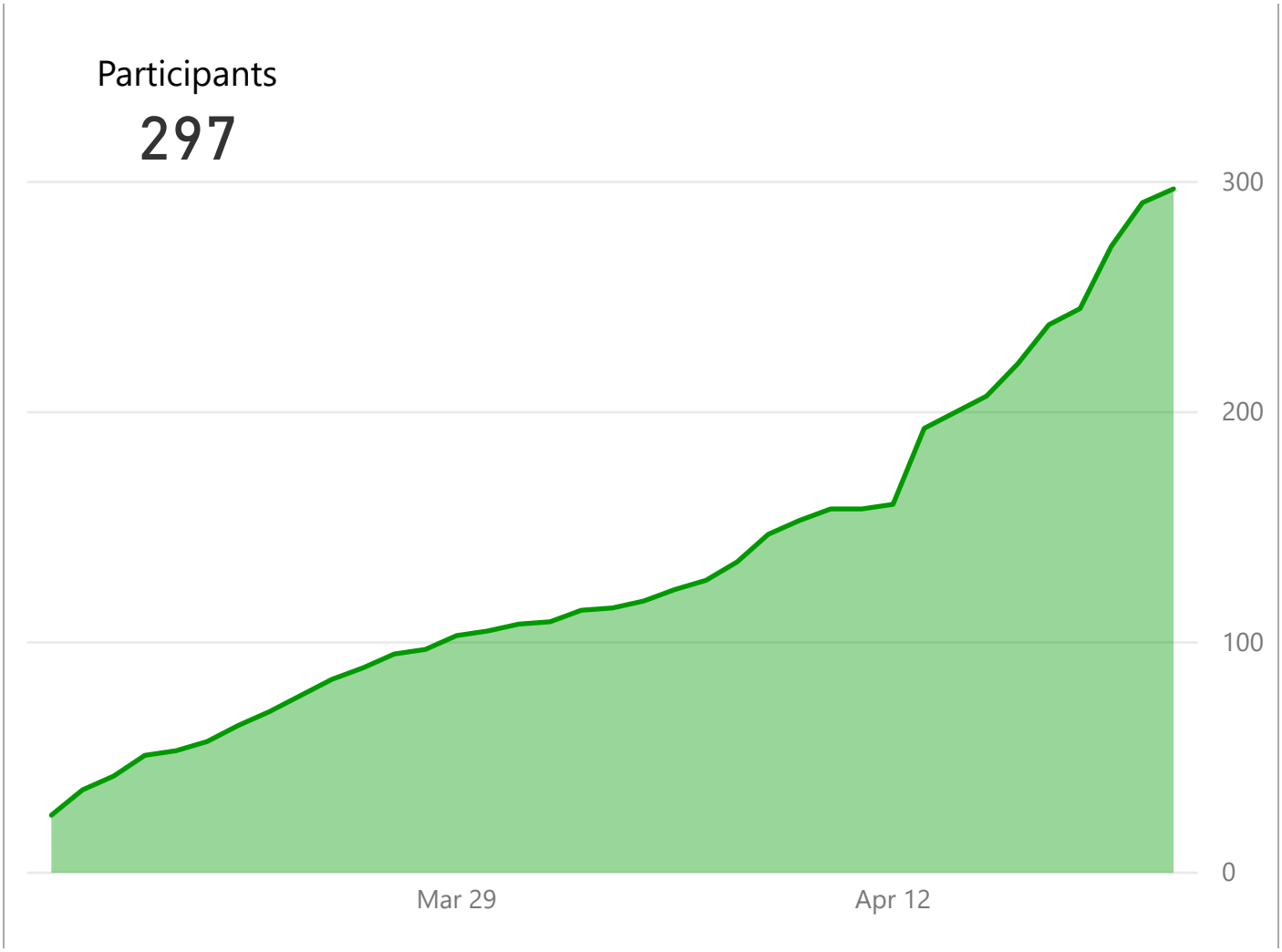


Total number of participants over time.



Data points for this Site:

Participants: **296** All data points: **6733** All comments: **541**

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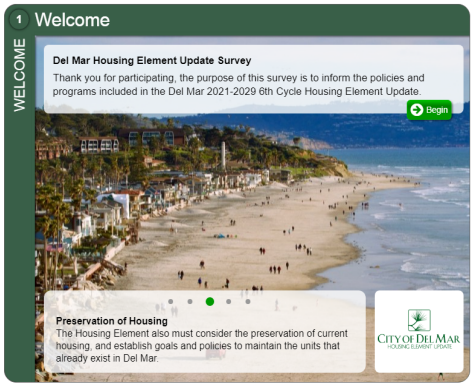
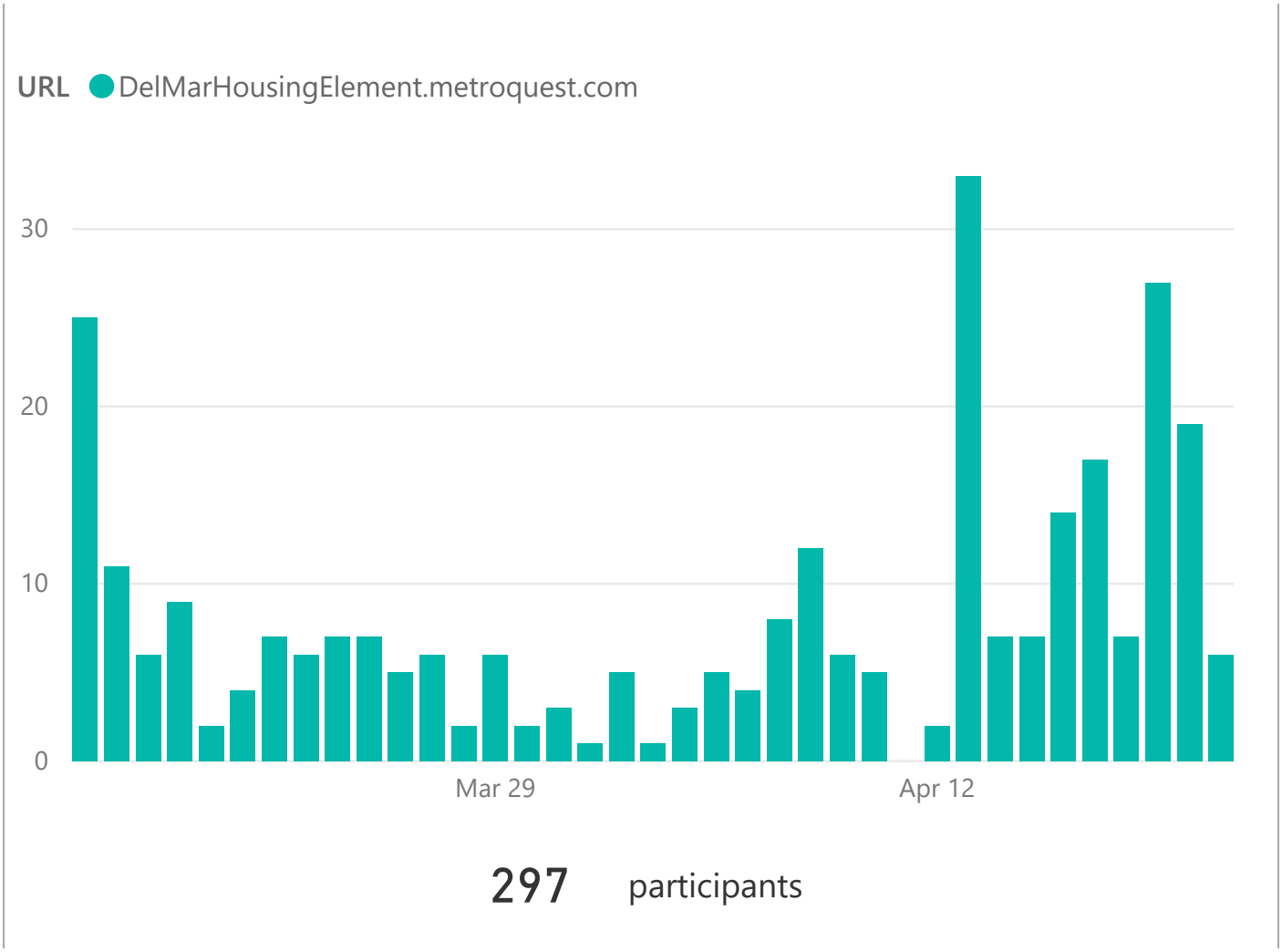
Screen 1 / Site Traffic



→ PARTICIPANTS → **URLS** → PLATFORMS → VISITS → ALL

Participants by URL per day.



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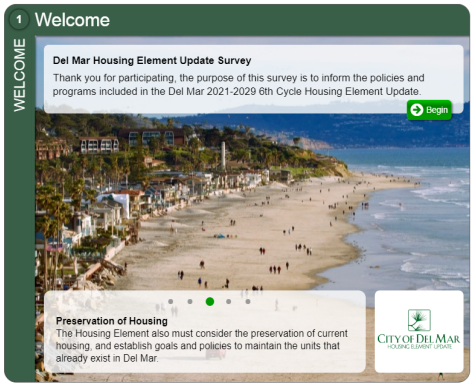
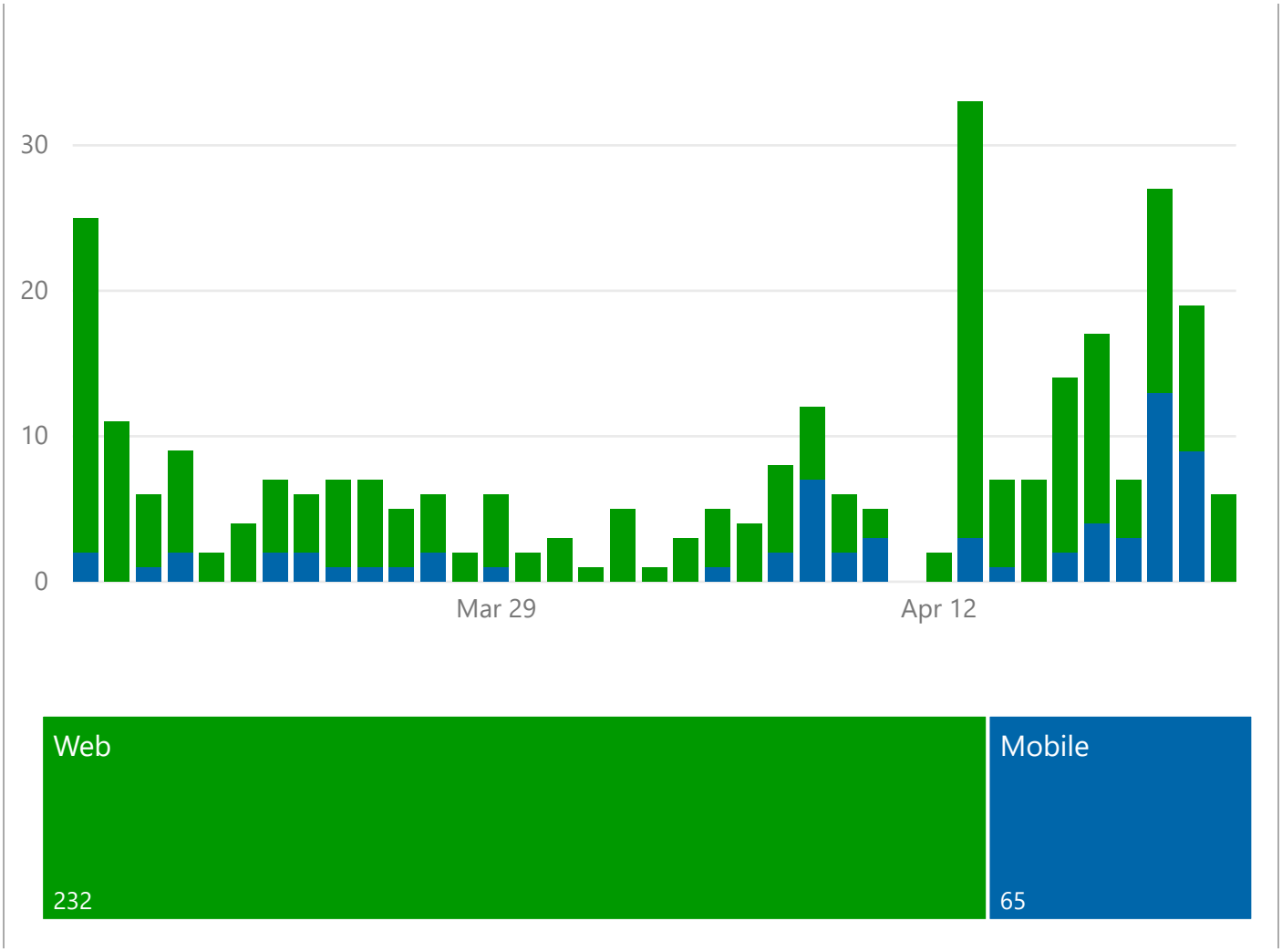


→ PARTICIPANTS → URLS → **PLATFORMS** → VISITS → ALL

Participants by Platform per day.



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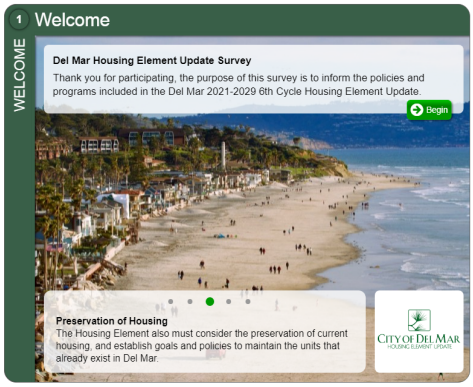
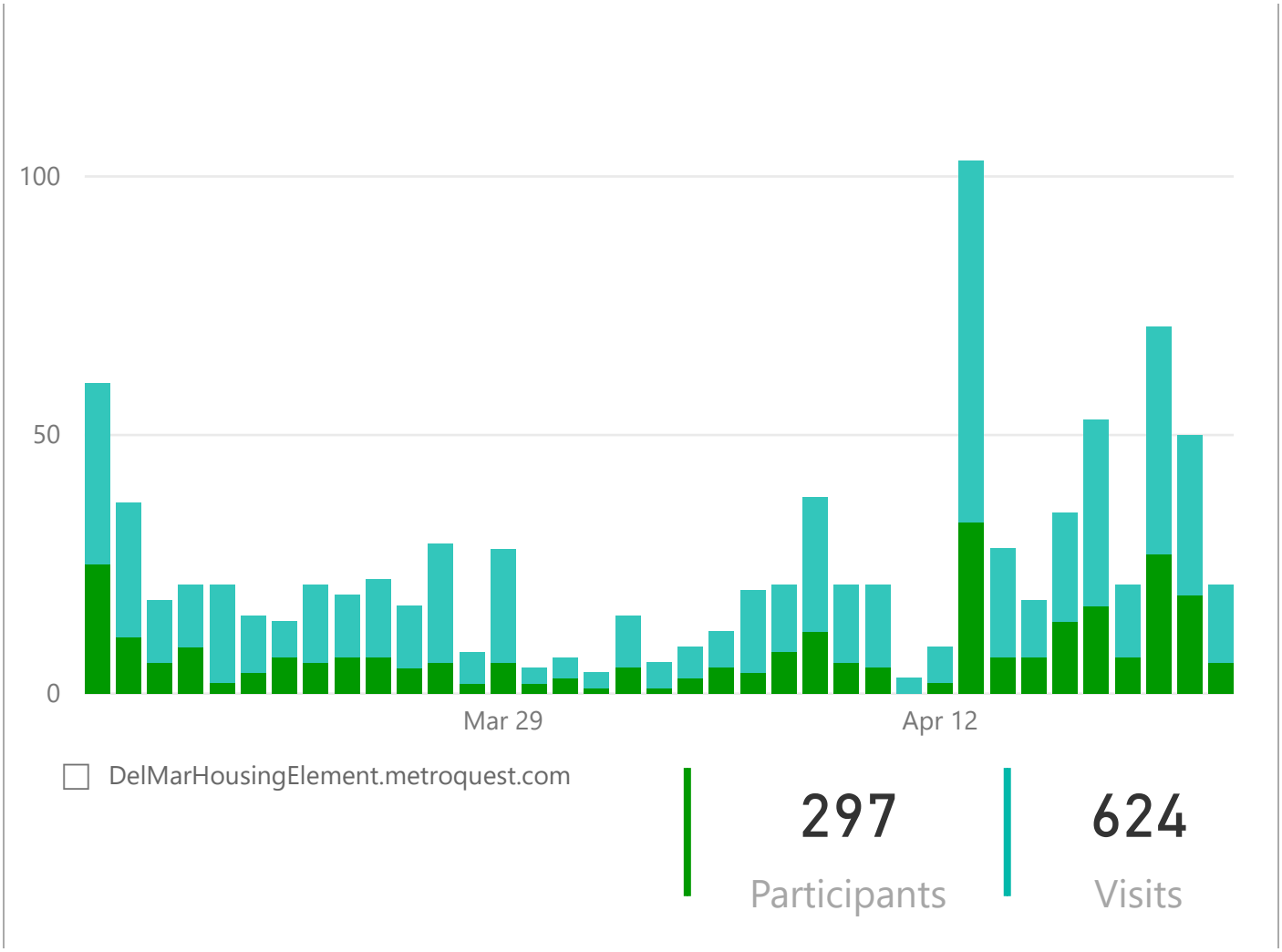


→ PARTICIPANTS → URLS → PLATFORMS → **VISITS** → ALL

Shows participants who left data input versus visitors who just read information.



Data points for this Site:

Participants: **296** All data points: **6733** All comments: **541**

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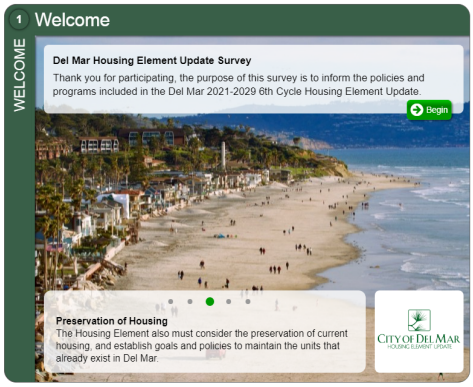
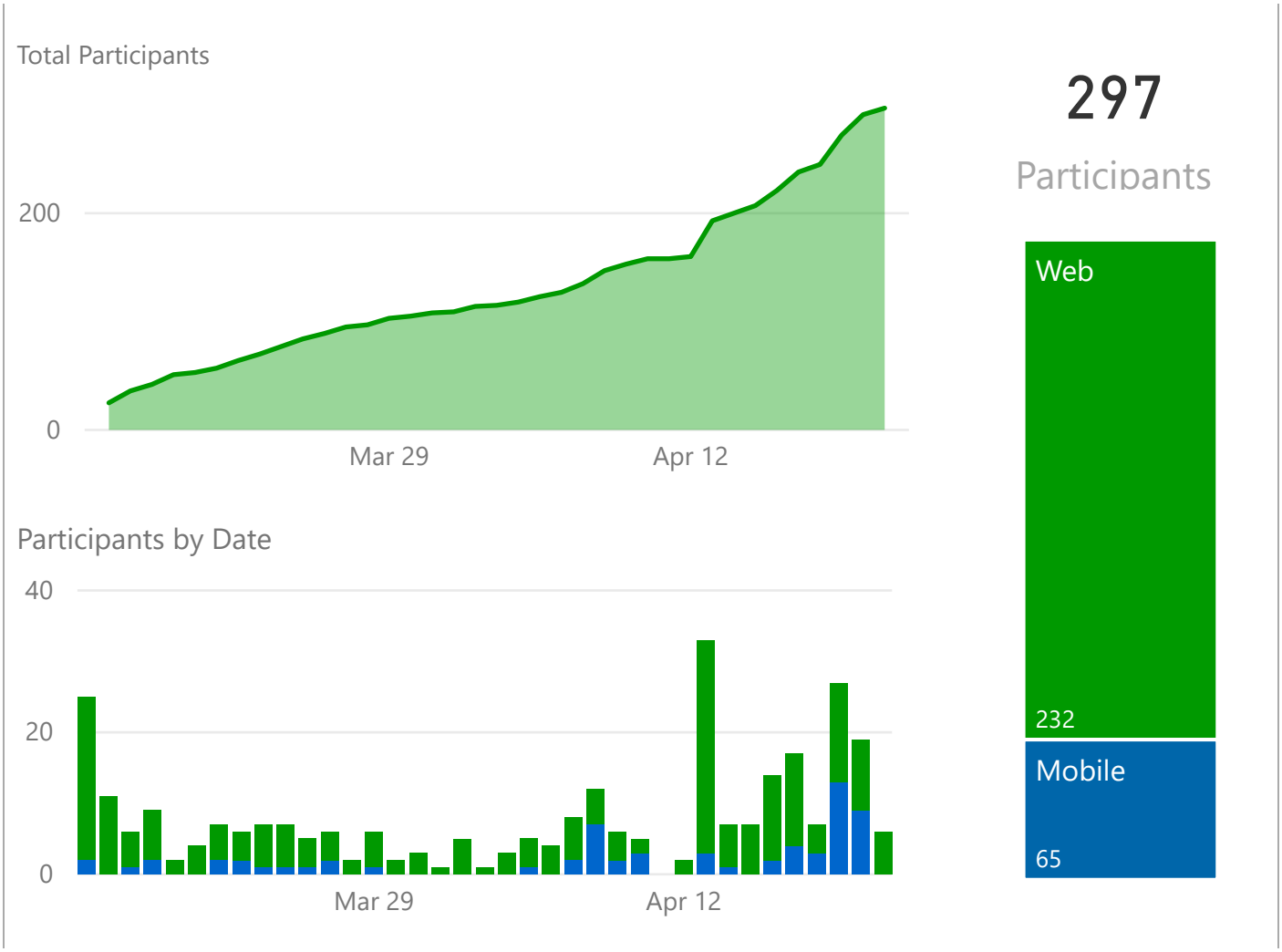
Screen 1 / Site Traffic



→ PARTICIPANTS → URLS → PLATFORMS → VISITS → **ALL**

Traffic Dashboard.



Data points for this Site:

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Below: Each rating item, showing how many times each item was given each rating, sorted by average rating.

Preserve Housing Stock

Existing Units

1	2	3	4	5
120 (47%)	25 (10%)	35 (14%)	24 (9%)	54 (21%)

Times rated: 258
Average rating: 2.484

Density Requirem...

1	2	3	4	5
133 (49%)	20 (7%)	36 (13%)	19 (7%)	64 (24%)

Times rated: 272
Average rating: 2.489

Rent Stabilization

1	2	3	4	5
99 (38%)	27 (10%)	42 (16%)	28 (11%)	63 (24%)

Times rated: 259
Average rating: 2.726

Increase Reducti...

1	2	3	4	5
86 (33%)	26 (10%)	36 (14%)	35 (13%)	77 (30%)

Times rated: 260
Average rating: 2.965

Fee WaiverReduc...

1	2	3	4	5
42 (16%)	17 (6%)	44 (17%)	39 (15%)	122 (46%)

Times rated: 264
Average rating: 3.689

Production of Housing

Affordable Units

1	2	3	4	5
75 (30%)	15 (6%)	45 (18%)	34 (14%)	80 (32%)

Times rated: 249
Average rating: 3.116

Tiny HomesMicro...

1	2	3	4	5
72 (29%)	21 (8%)	34 (14%)	29 (12%)	94 (38%)

Times rated: 250
Average rating: 3.208

Affordable Units ...

1	2	3	4	5
50 (20%)	25 (10%)	38 (15%)	37 (15%)	102 (40%)

Times rated: 252
Average rating: 3.460

Downtown Village

1	2	3	4	5
57 (23%)	19 (8%)	34 (14%)	23 (9%)	118 (47%)

Times rated: 251
Average rating: 3.502

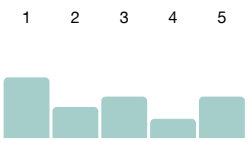
Incentivize ADUs

1	2	3	4	5
51 (20%)	13 (5%)	33 (13%)	40 (16%)	117 (46%)

Times rated: 254
Average rating: 3.626

Community Assistance Area

Rental Assistance



1	2	3	4	5
76 (31%)	39 (16%)	51 (21%)	25 (10%)	51 (21%)

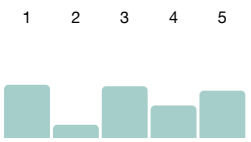
Times rated: 242
Average rating: 2.736

Homelessness

1	2	3	4	5
86 (35%)	31 (13%)	45 (19%)	21 (9%)	60 (25%)

Times rated: 243
Average rating: 2.745

Students Local



1	2	3	4	5
66 (27%)	16 (7%)	64 (26%)	40 (16%)	60 (24%)

Times rated: 246
Average rating: 3.049

MilitaryVeterans

1	2	3	4	5
52 (21%)	26 (11%)	74 (30%)	36 (15%)	56 (23%)

Times rated: 244
Average rating: 3.074

Senior Citizens

1	2	3	4	5
19 (8%)	17 (7%)	30 (12%)	46 (18%)	139 (55%)

Times rated: 251
Average rating: 4.072

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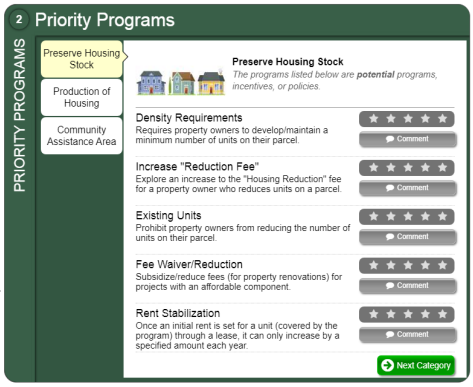
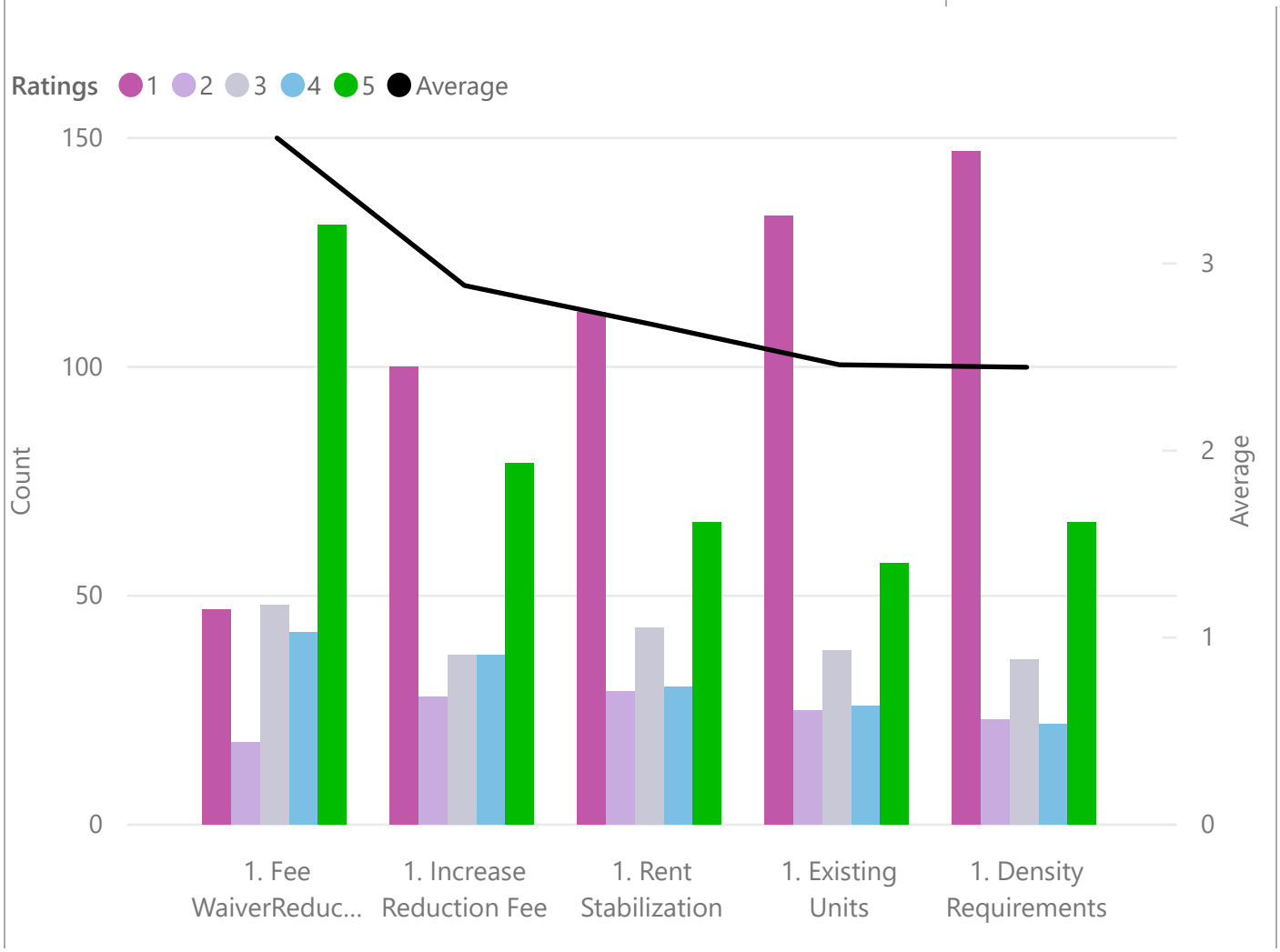


→ **DISTRIBUTIONS** → AVERAGE RATINGS → POPULARITY → TABLE

Rating distributions and averages by panel.

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels



Data points for this Screen:

Ratings: **3795** Comments: **376**

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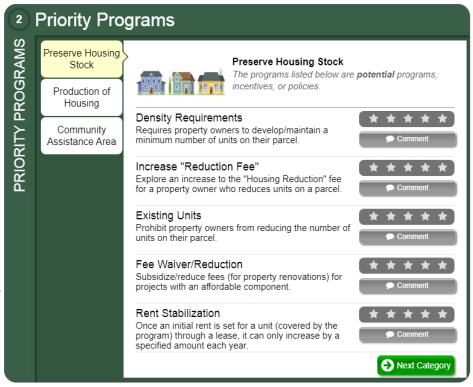
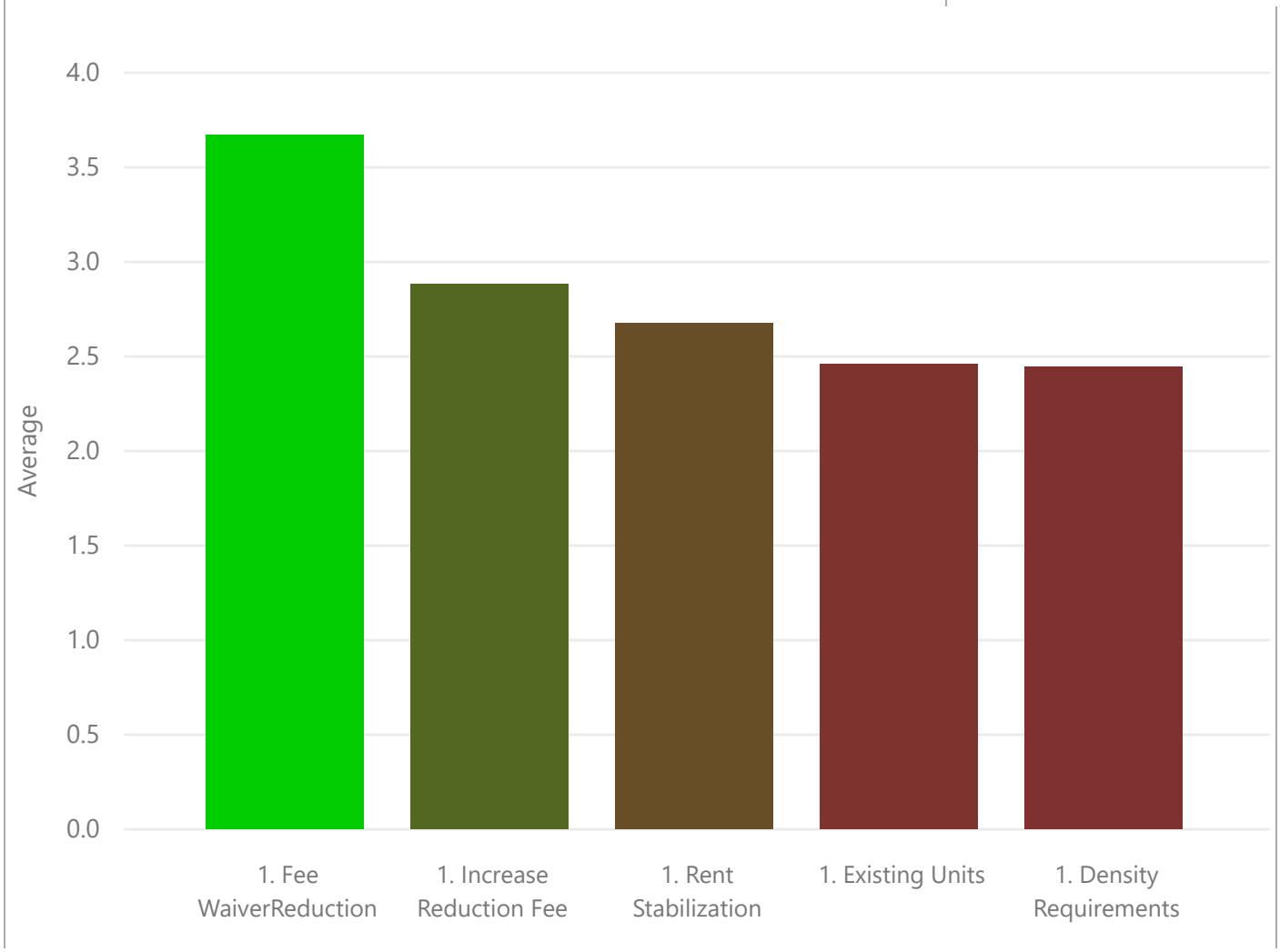


→ DISTRIBUTIONS → **AVERAGE RATINGS** → POPULARITY → TABLE

The average rating of each item for all participants.

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels



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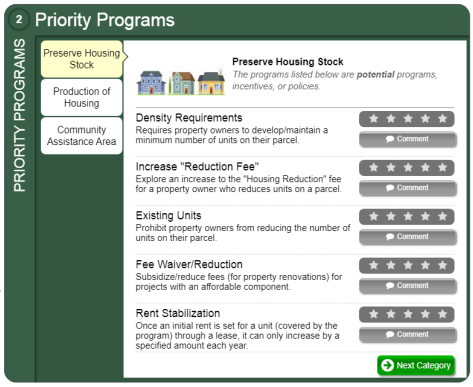
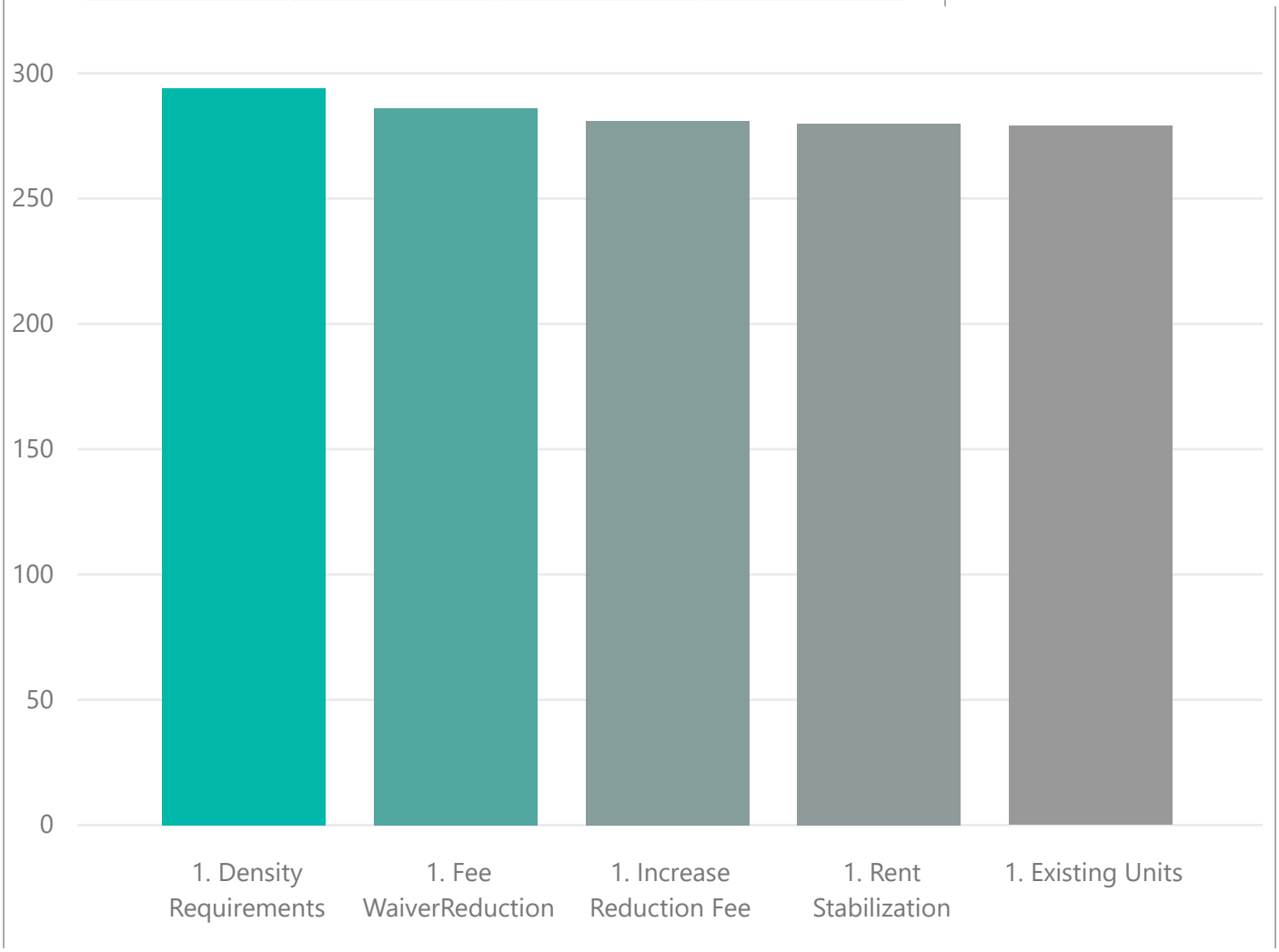


→ DISTRIBUTIONS → AVERAGE RATINGS → **POPULARITY** → TABLE

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels



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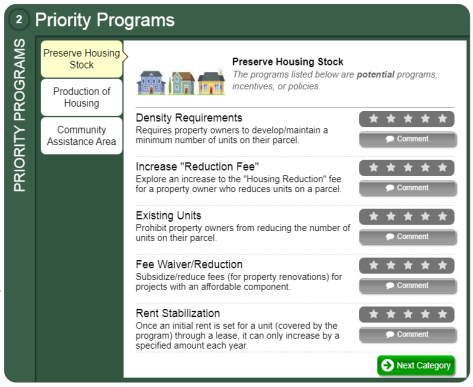

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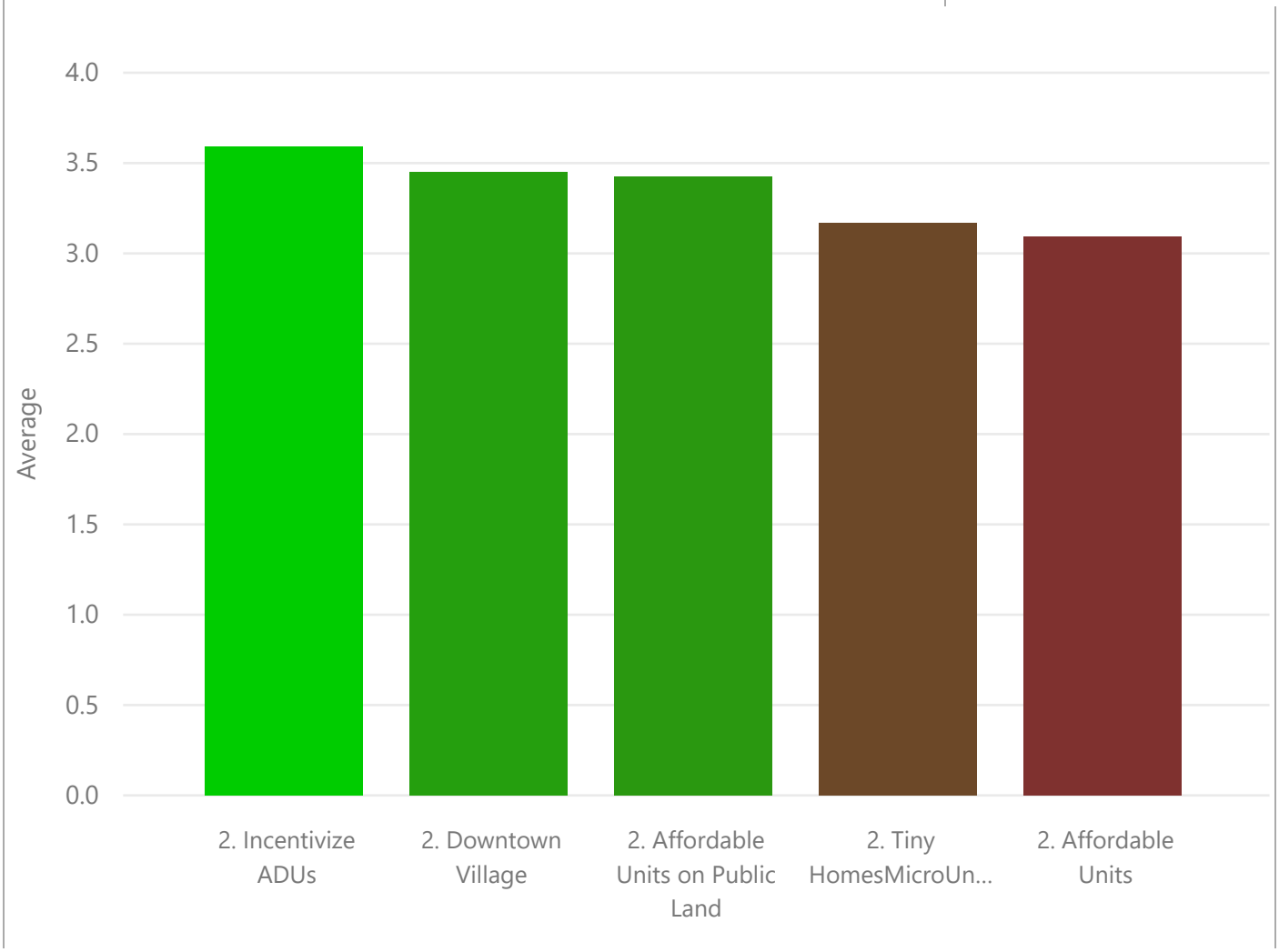

Data points for this Screen:

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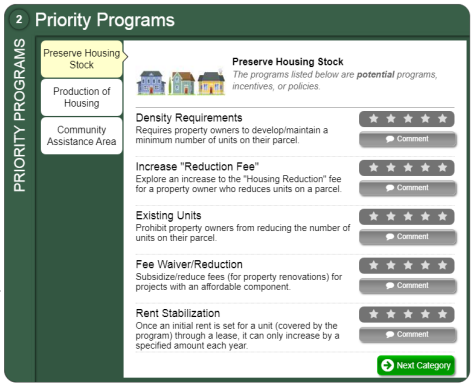

→ **DISTRIBUTIONS** → AVERAGE RATINGS → POPULARITY → TABLE

Rating distributions and averages by panel.

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels

Data points for this Screen:

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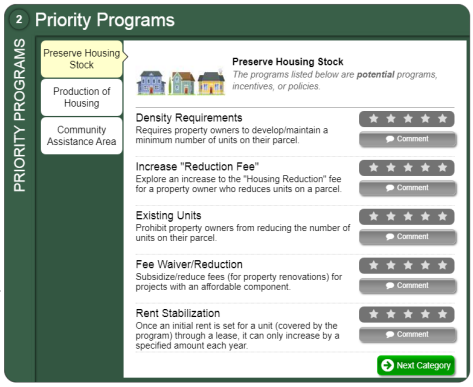
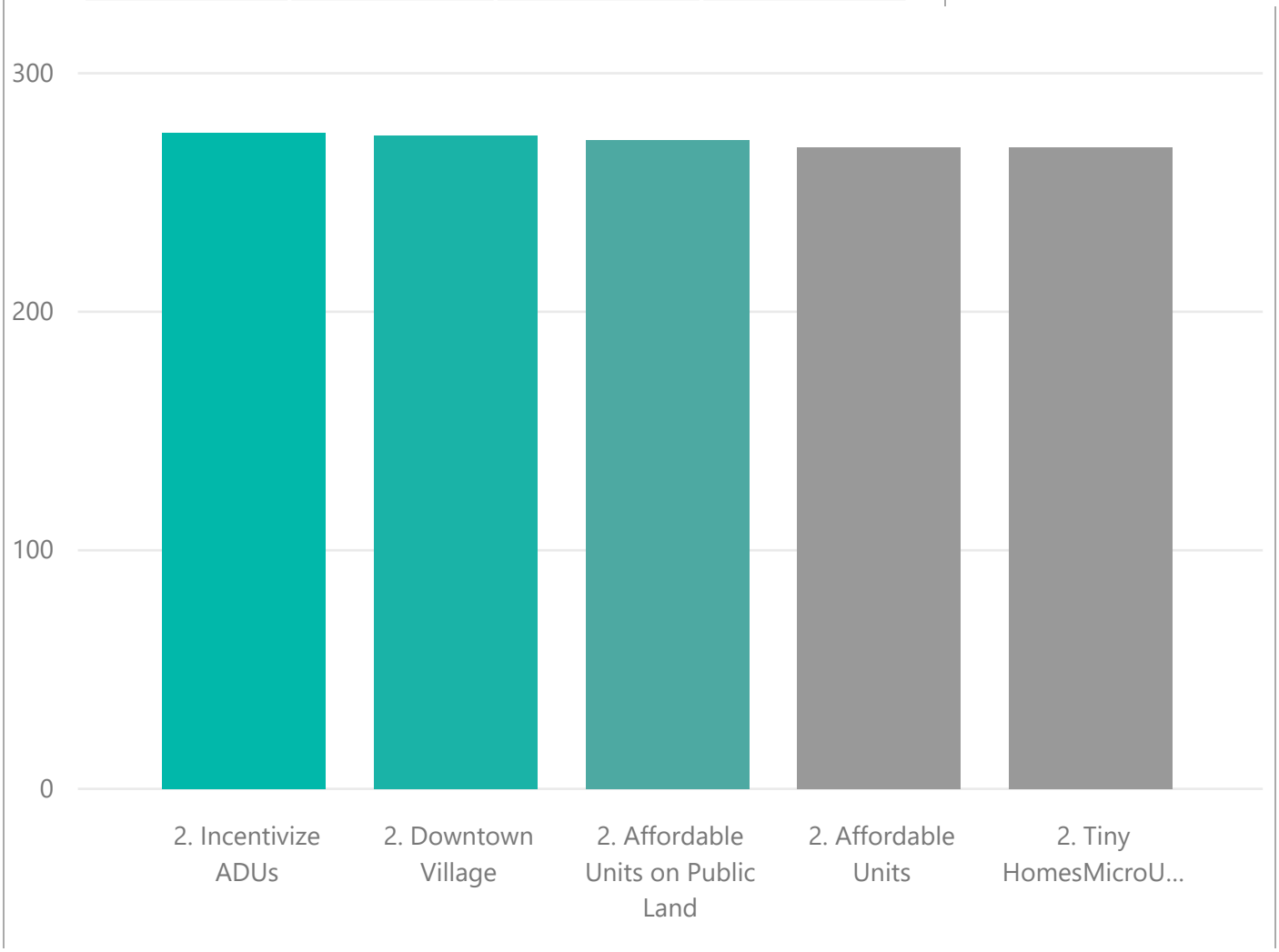


→ DISTRIBUTIONS → AVERAGE RATINGS → **POPULARITY** → TABLE

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels



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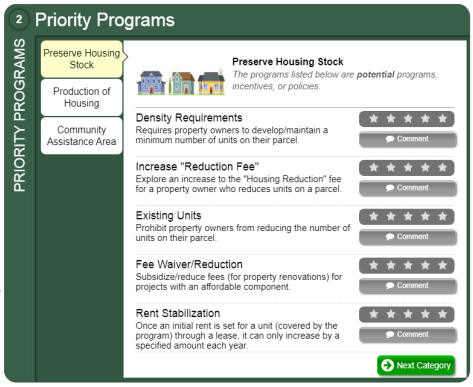

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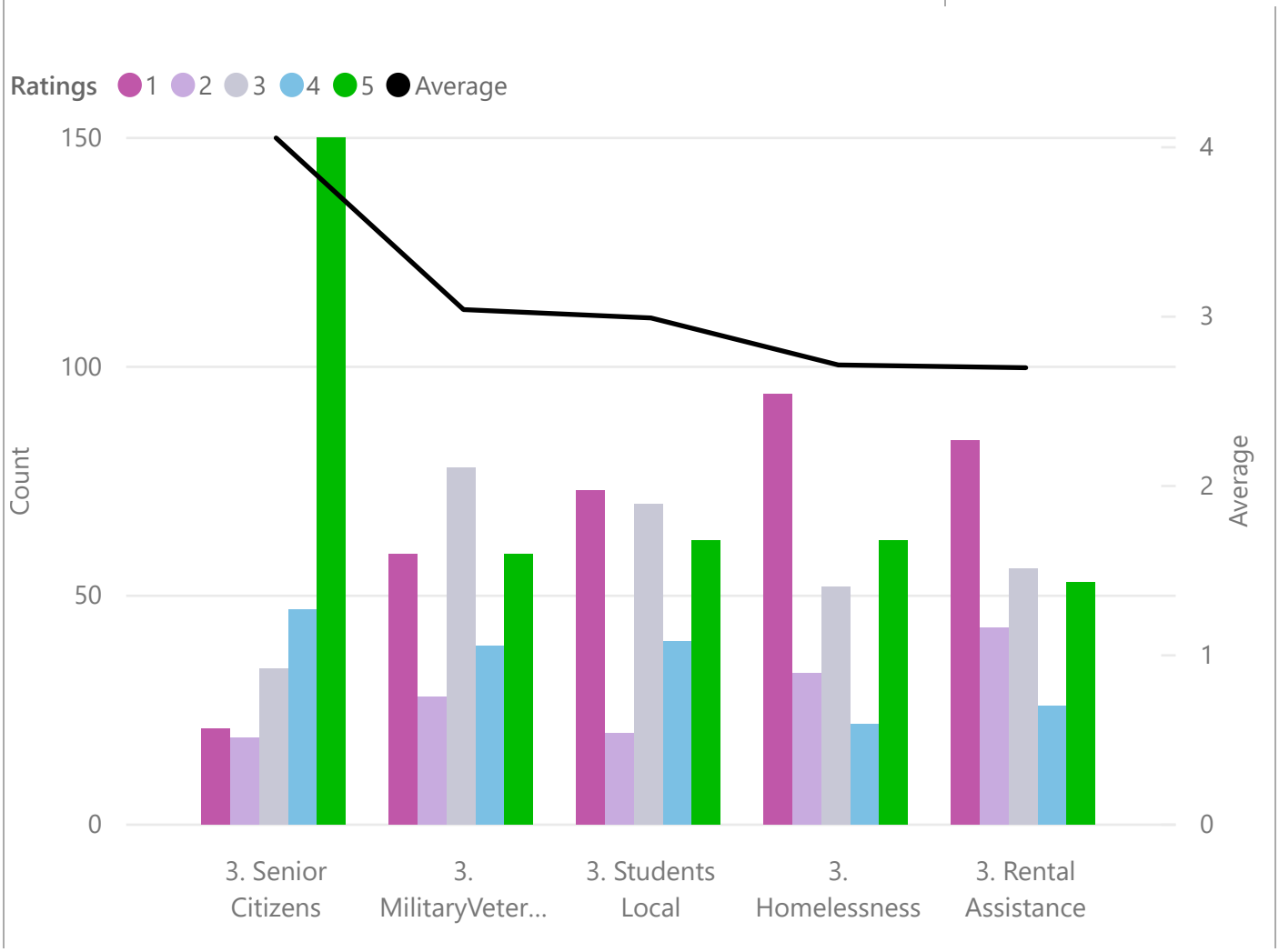

Data points for this Screen:

Ratings: **3795** Comments: **376**

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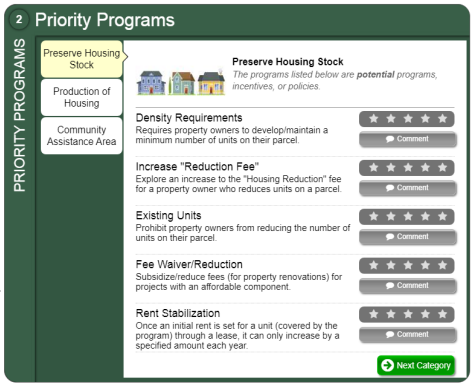
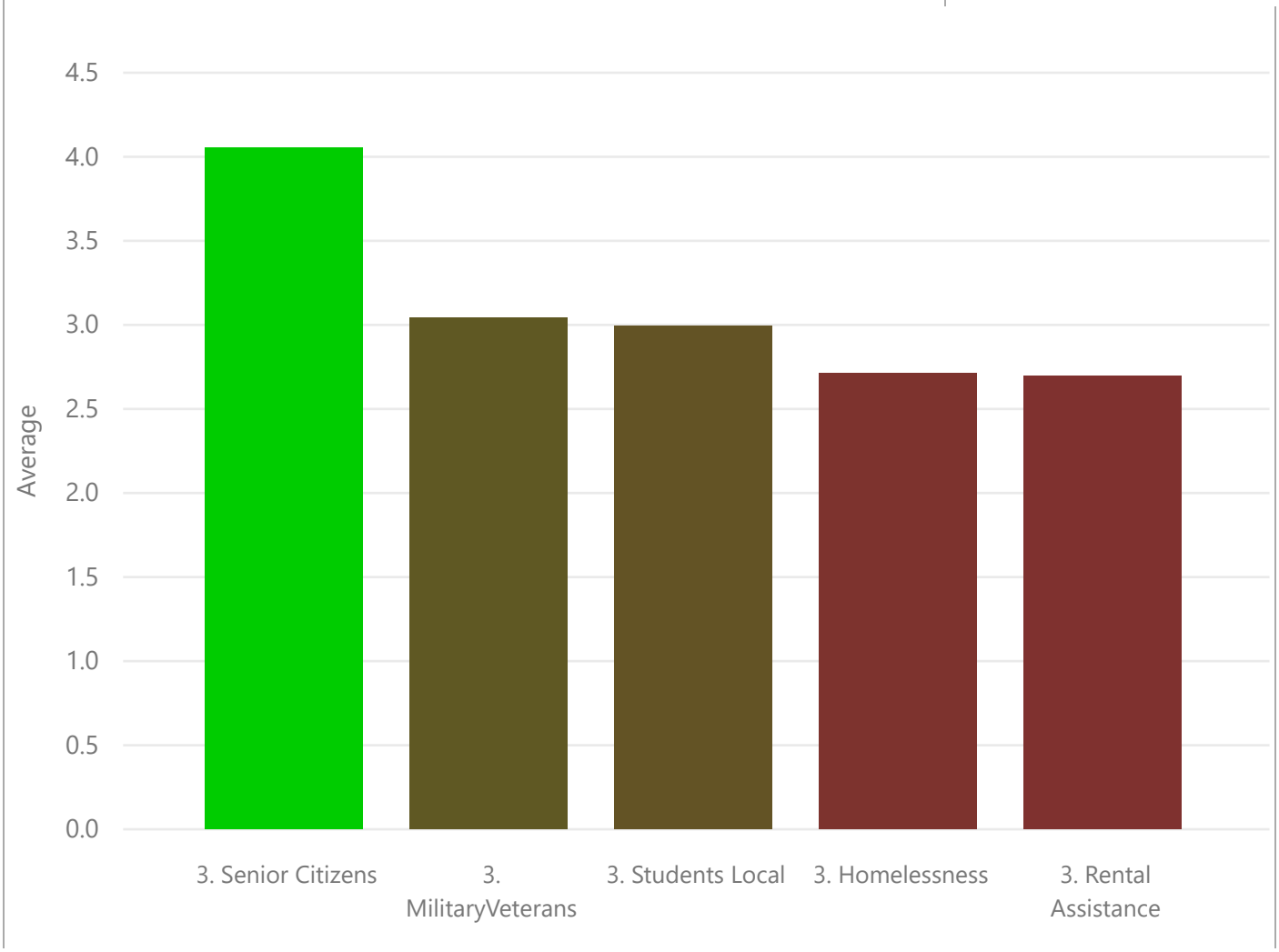


→ DISTRIBUTIONS → **AVERAGE RATINGS** → POPULARITY → TABLE

The average rating of each item for all participants.

Panels: Preserve Housing Stock | Production of Housing | Community Assistance Area | All Panels



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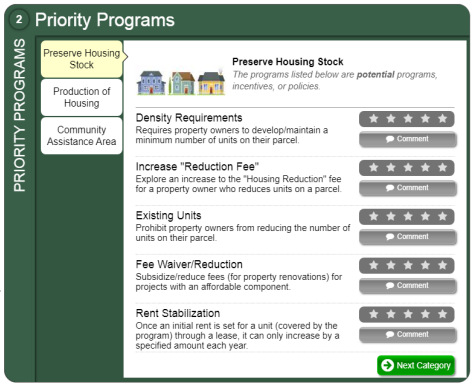
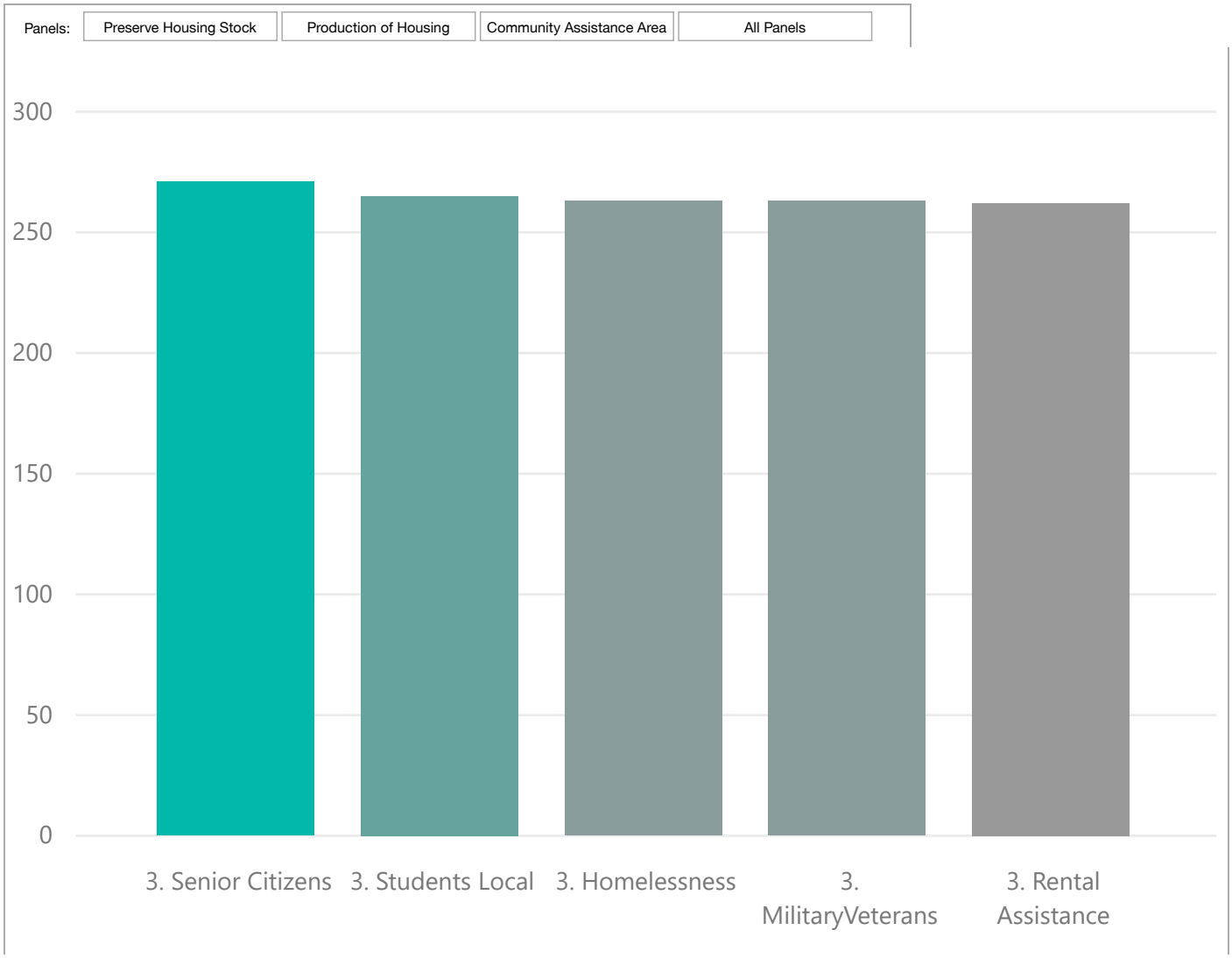


→ DISTRIBUTIONS → AVERAGE RATINGS → **POPULARITY** → TABLE



Data points for this Screen:

Ratings: **3795** Comments: **376**

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Mar 16, 20 - Apr 22, 20 | Screen 3

Below: Each ranking item, showing how often each item was ranked in each position, ordered by average. Note that 1 is the highest rank.

North Commercial

83 (54%)	1
35 (23%)	2
22 (14%)	3
9 (6%)	4
5 (3%)	5

Times ranked: 154
Average rank: 1.818

Village Center

55 (37%)	1
66 (44%)	2
18 (12%)	3
6 (4%)	4
4 (3%)	5

Times ranked: 149
Average rank: 1.913

South Hills

10 (14%)	1
24 (34%)	2
12 (17%)	3
12 (17%)	4
12 (17%)	5

Times ranked: 70
Average rank: 2.886

North Bluff

11 (14%)	1
16 (21%)	2
27 (35%)	3
10 (13%)	4
13 (17%)	5

Times ranked: 77
Average rank: 2.974

North Hills

9 (12%)	1
14 (19%)	2
22 (29%)	3
20 (27%)	4
10 (13%)	5

Times ranked: 75
Average rank: 3.107

South Bluff

7 (10%)	1
10 (14%)	2
21 (30%)	3
19 (28%)	4
12 (17%)	5

Times ranked: 69
Average rank: 3.275

South Beach

4 (5%)	1
13 (18%)	2
23 (31%)	3
16 (22%)	4
18 (24%)	5

Times ranked: 74
Average rank: 3.419

North Beach

5 (8%)	1
4 (7%)	2
22 (37%)	3
11 (18%)	4
18 (30%)	5

Times ranked: 60
Average rank: 3.550

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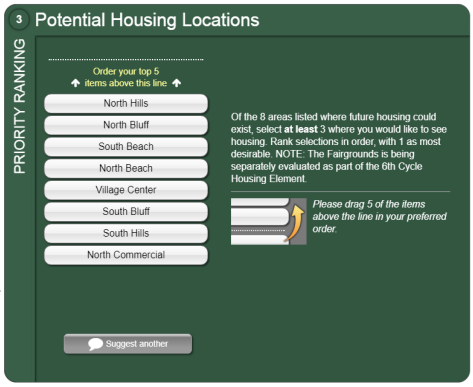
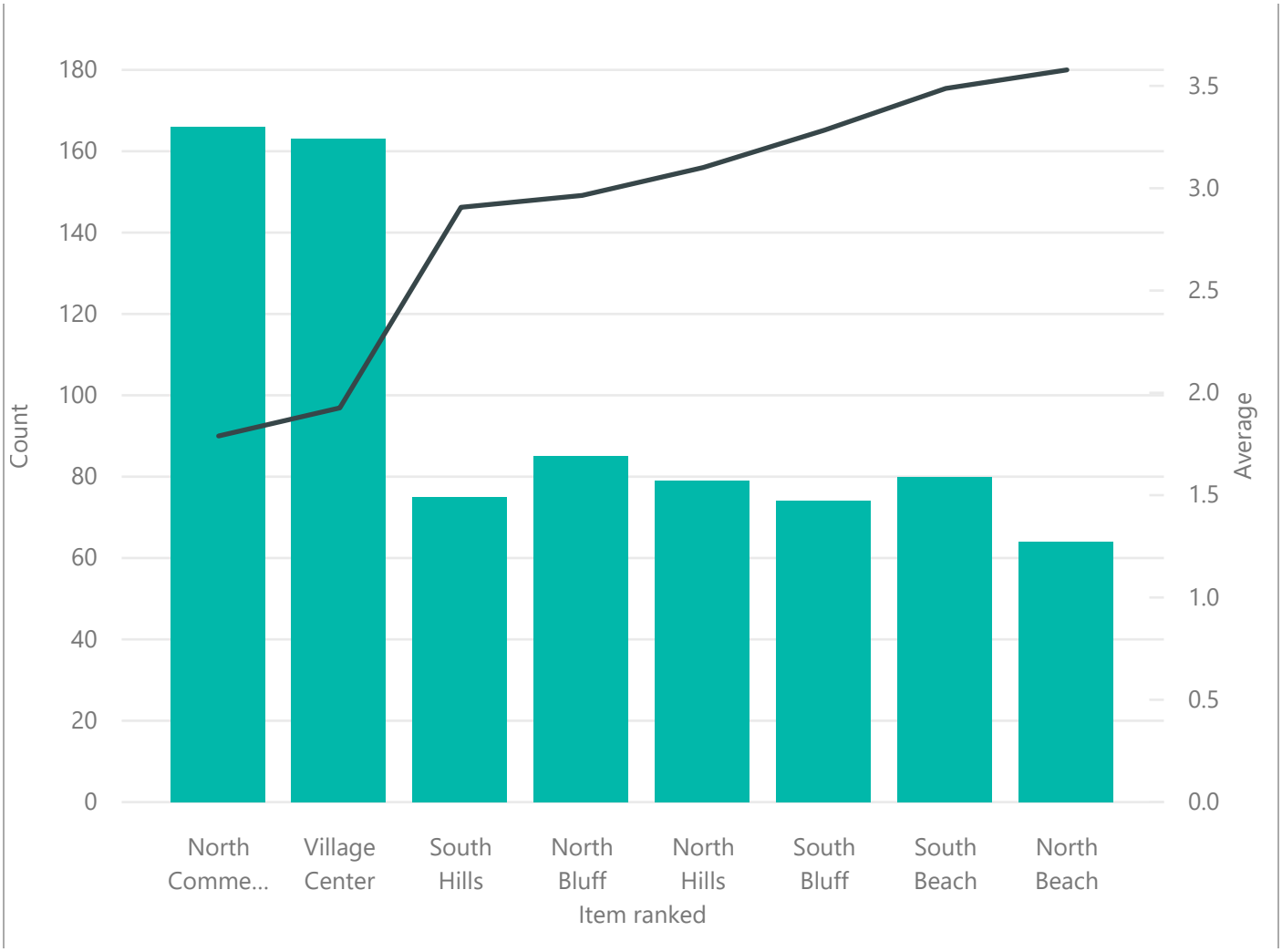


→ **DISTRIBUTIONS** → AVERAGE RANK → POPULARITY → ALL

Priorities by both responses and average rank.



Data points for this Screen:

Rankings: **728** Comments: **24**

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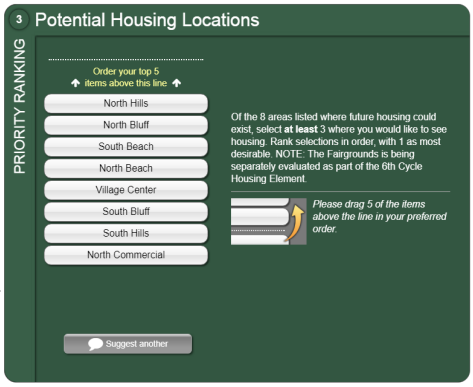
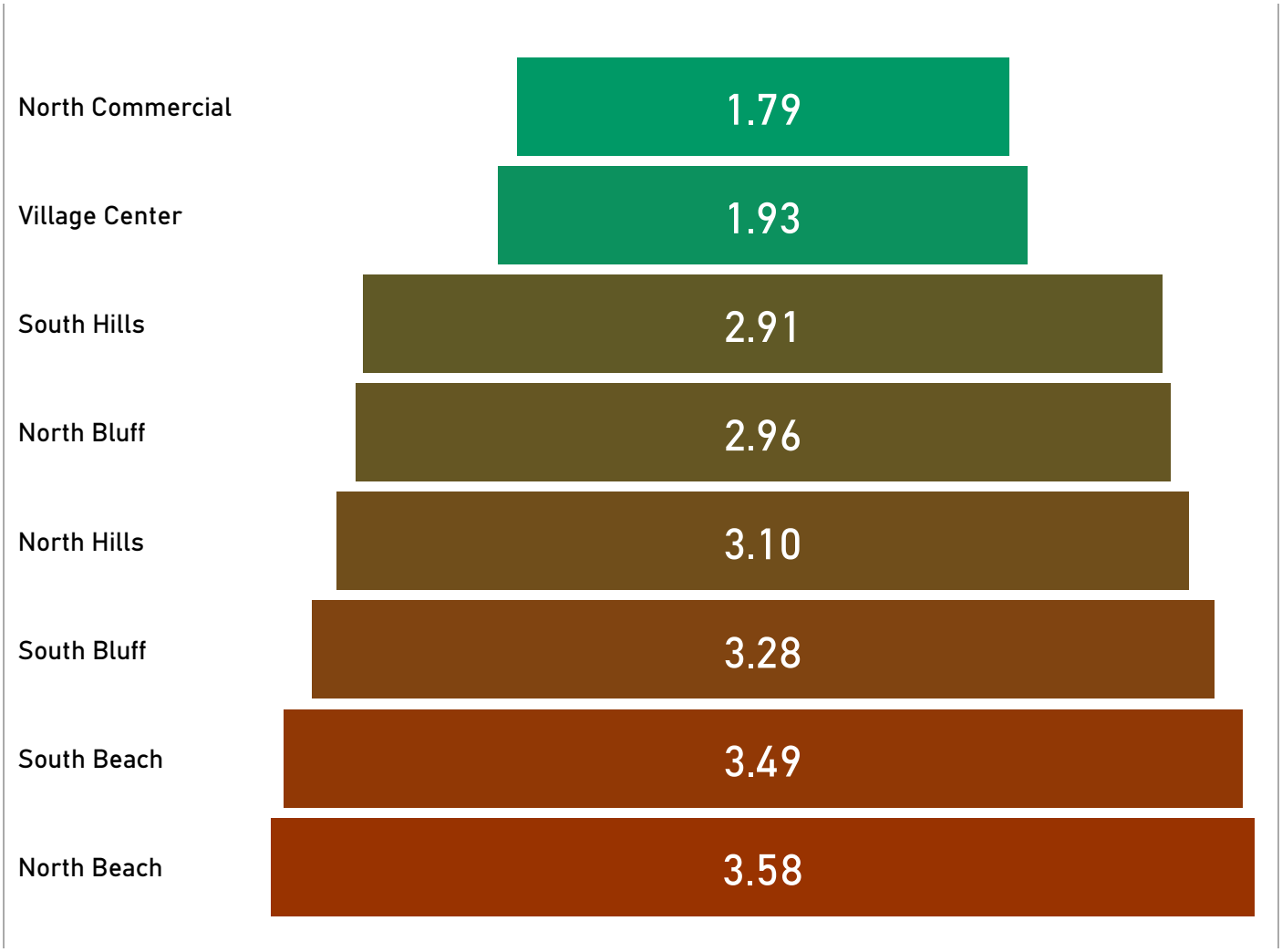


→ DISTRIBUTIONS → **AVERAGE RANK** → POPULARITY → ALL

Priorities listed by average rank.



Data points for this Screen:

Rankings: **728** Comments: **24**

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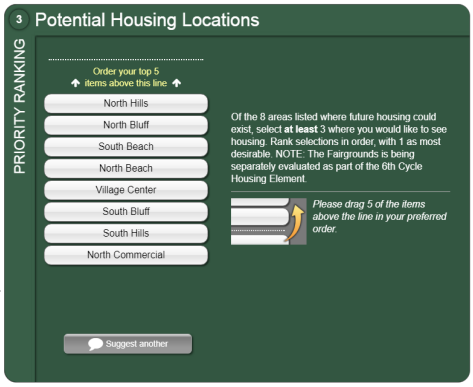
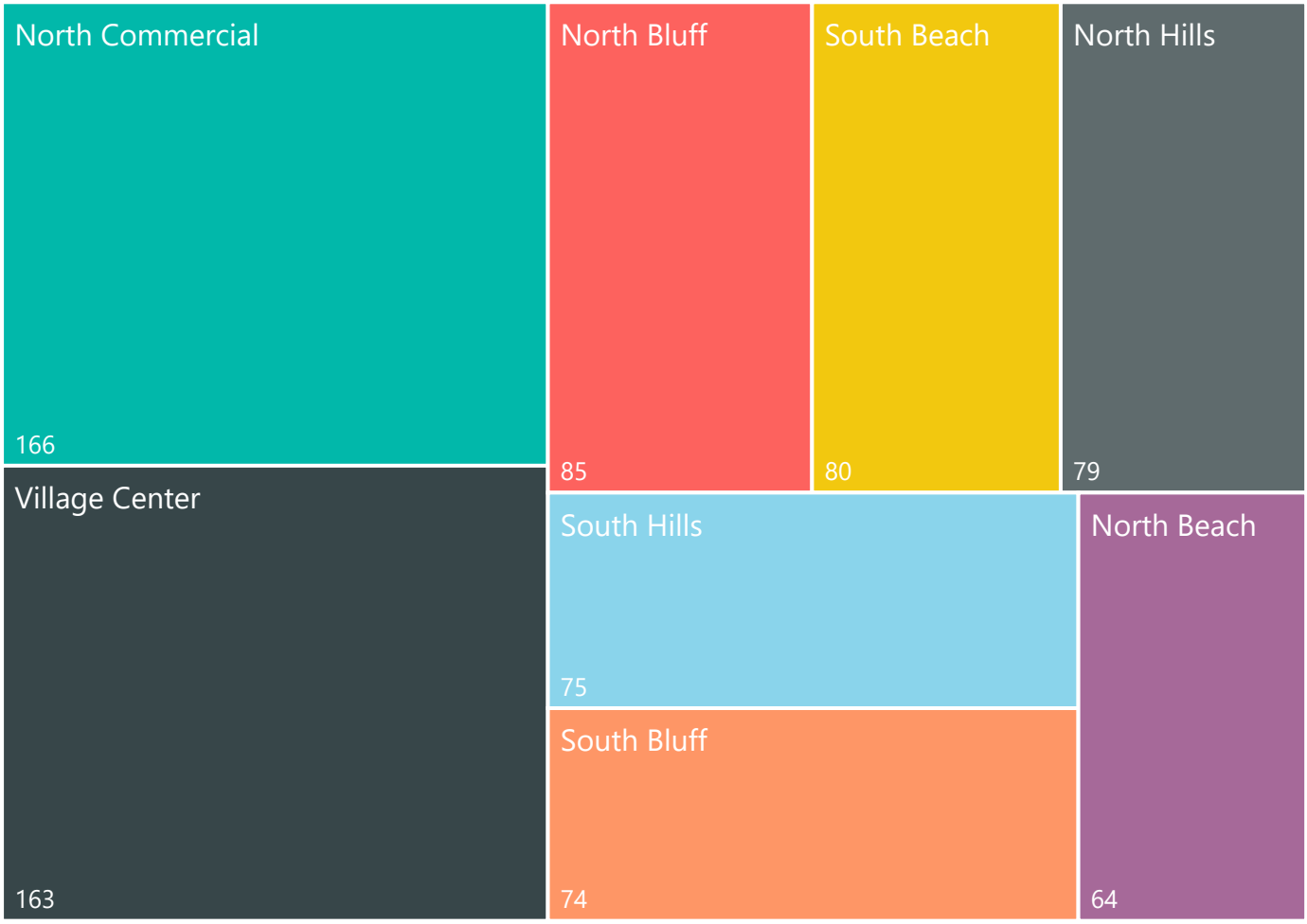
Mar 16, 20 - Apr 22, 20

Screen 3



→ DISTRIBUTIONS → AVERAGE RANK → **POPULARITY** → ALL



Data points for this Screen:

Rankings: **728** Comments: **24**

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Distributions of the number of items dropped into each category.
'Amount' refers to the number of chips/coins dropped into a category, and 'Count' is the number of participants that used that many chips/coins in that category.

Reduced Setback Requirements

Amount	0	1	2	3	5	6	7	8	10	11	12	13	14	15
Count	98	36	13	6	38	13	2	3	8	1	1	1	1	1

Participants: 222 Total: 531 Average 2.392

Expedited Building Permit Issuance

Amount	0	1	2	3	4	5	6	7	8	9	10	11	12	15	16	18	20
Count	44	32	7	5	5	64	10	5	1	1	24	8	4	5	2	2	3

Participants: 222 Total: 1092 Average 4.919

S4_Remaining

Amount	0	1	4	5	6	7	8	9	10	12	13	14	15	16	17	18	19	20	21	23	24	25	26	27	28	29	30	31	32	33	34
Count	77	1	2	8	3	1	2	5	6	2	2	2	5	1	7	2	1	9	7	3	1	16	2	4	1	1	5	3	2	1	1

Amount	35	36	37	38	40	41	42	43	44
Count	3	5	2	3	7	3	8	4	4

Participants: 222 Total: 3509 Average 15.806

Additional Height Allowances

Amount	0	1	2	3	5	6	7	10	11	12	14	15
Count	138	28	9	3	23	8	2	6	2	1	1	1

Participants: 222 Total: 355 Average 1.599

Increased Density

Amount	0	1	2	3	4	5	6	7	8	10	11	12	13	14	15	17	20	24	35
Count	88	28	9	9	2	54	2	4	1	7	3	4	1	2	3	1	2	1	1

Participants: 222 Total: 752 Average 3.387

Streamlining Design Review Process

Amount	0	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	20
Count	50	24	6	13	2	58	6	5	5	2	24	12	5	2	6	1	1

Participants: 222 Total: 1086 Average 4.892

Fee Reductions Financing Programs

Amount	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	17	20	23	35
Count	46	32	11	4	1	68	12	7	1	4	15	7	2	1	1	5	1	2	1	1

Participants: 222 Total: 1043 Average 4.698

Floor Area Ratio FAR Incentives

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Amount	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	20
Count	53	36	12	4	2	65	8	5	2	3	11	6	4	2	5	1	1	1	1

Amount:	0	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	17	22	45

Participants: 222 Total: 956 Average 4.306

Reduced Parking Requirements

Count:	92	37	7	4	42	2	6	1	2	18	5	3	2	1
Amount:	0	1	2	3	5	6	7	8	9	10	11	12	13	16

Participants: 222 Total: 666 Average 3.000

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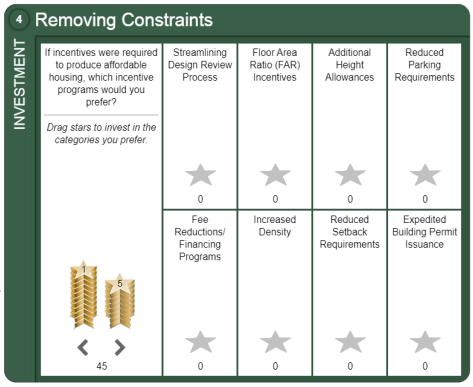
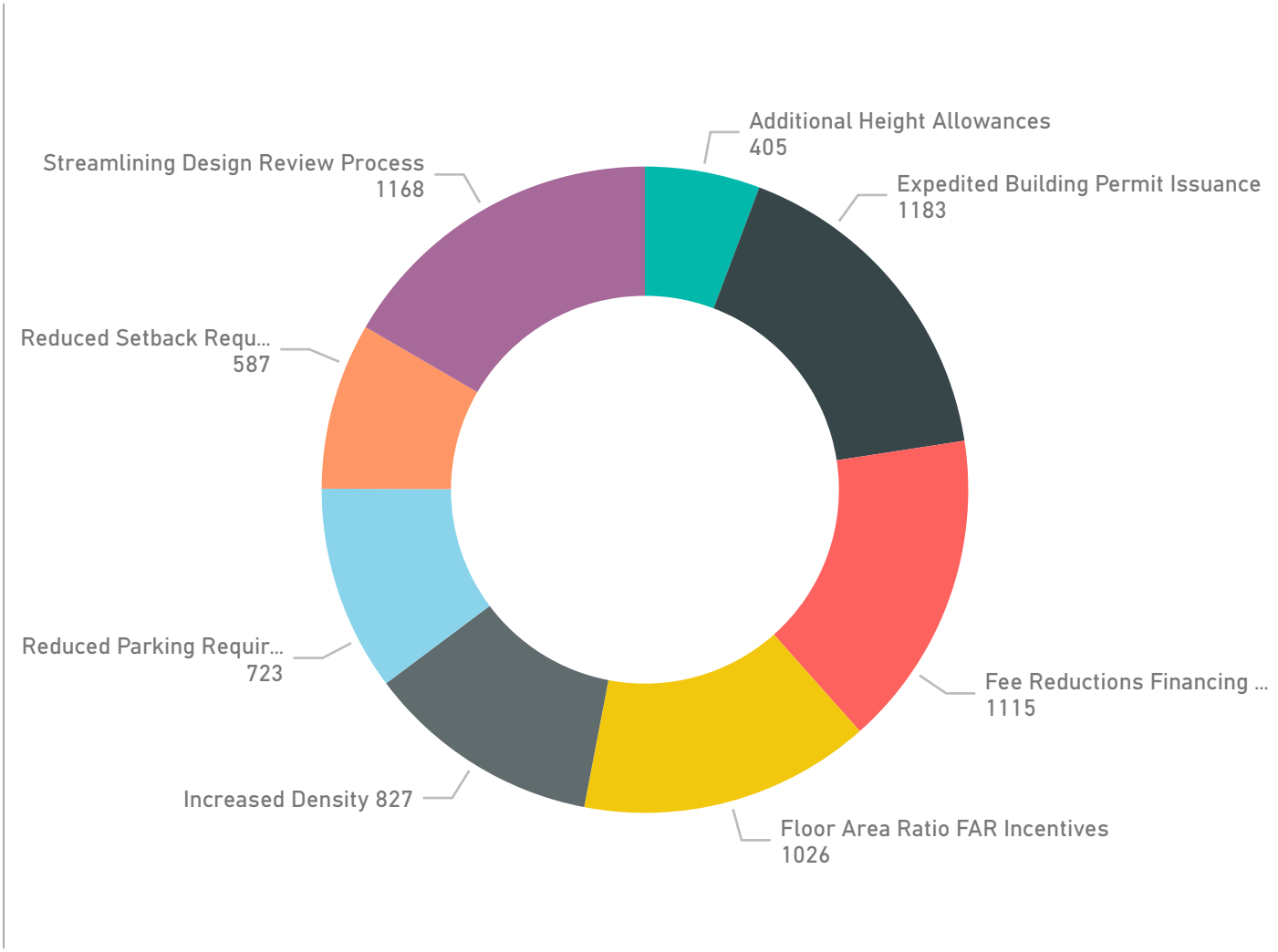


→ **BUDGET ALLOCATED** → AVERAGES → DISTRIBUTIONS → ALL

The total budget allocated to each category for all participants.



Data points for this Screen:

Data points: **1998**

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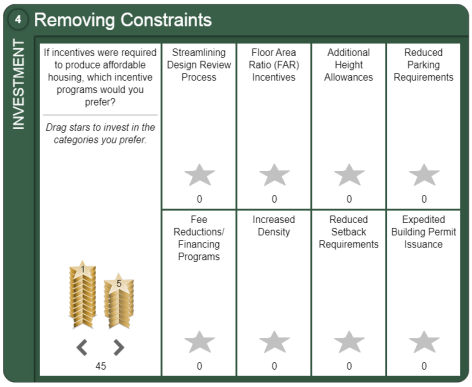
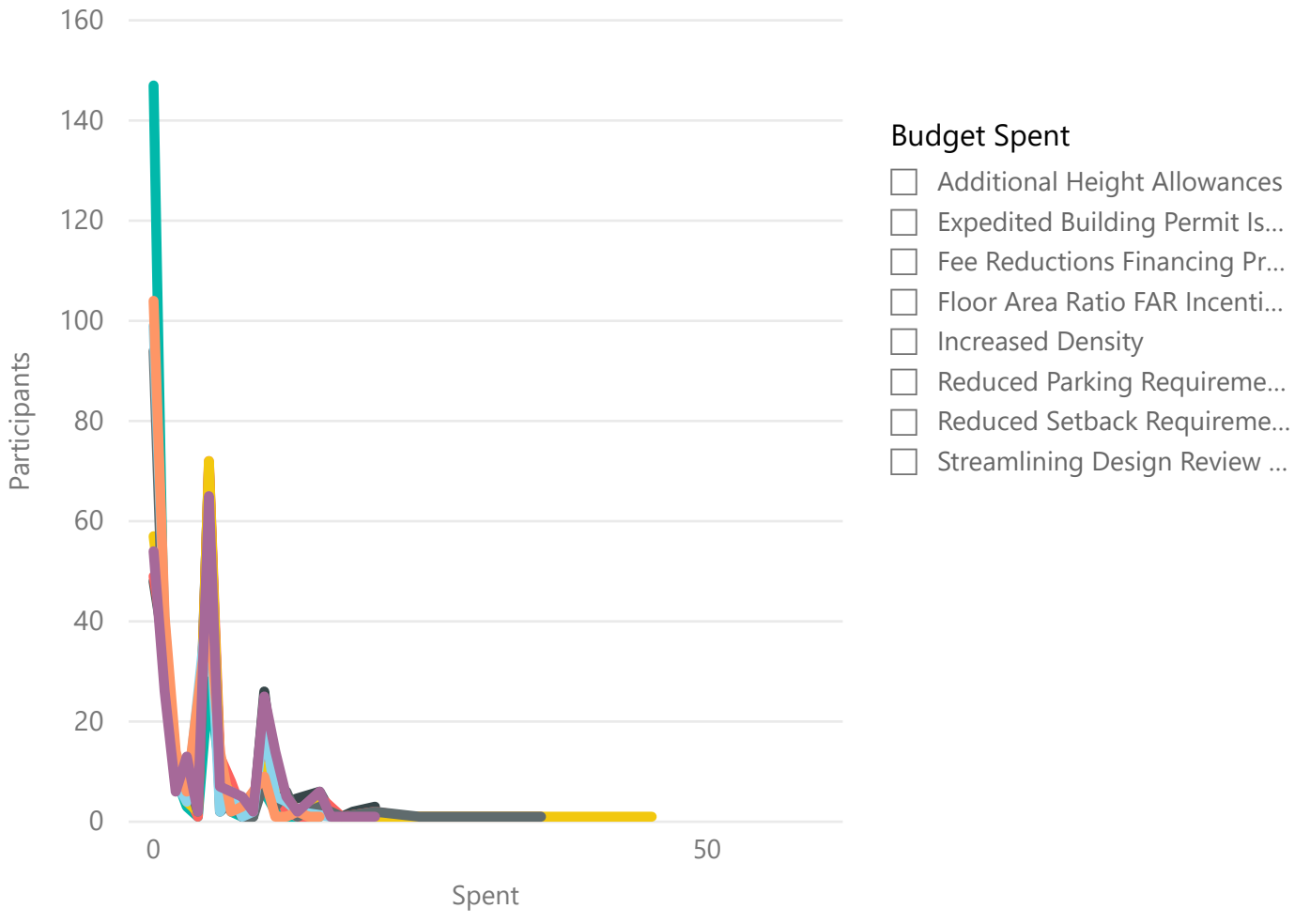


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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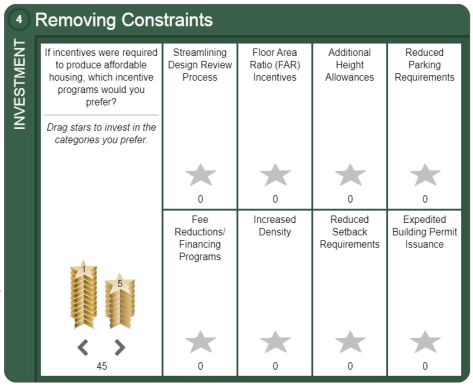
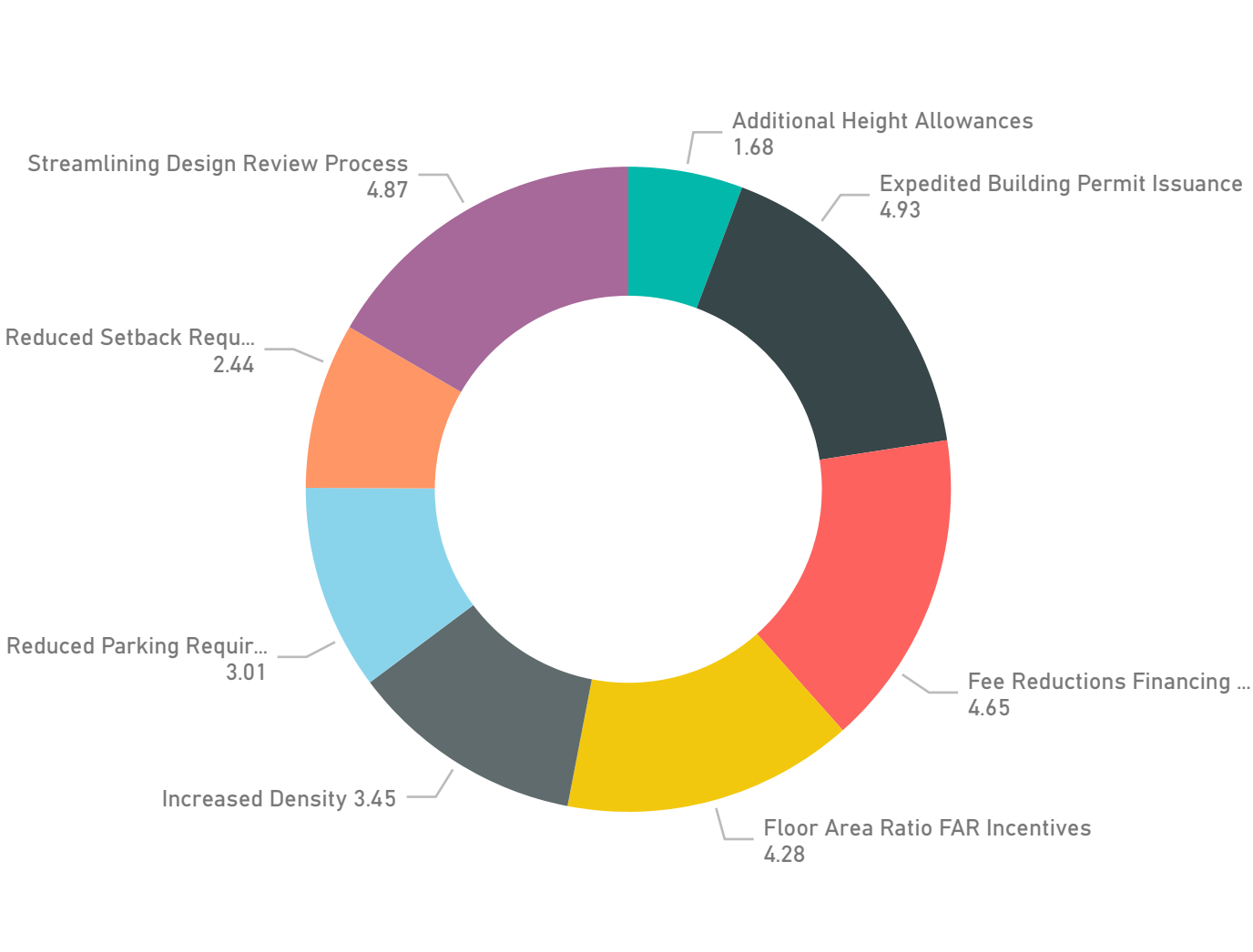


→ BUDGET ALLOCATED → **AVERAGES** → DISTRIBUTIONS → ALL

The average amout of budget allocated to each category.



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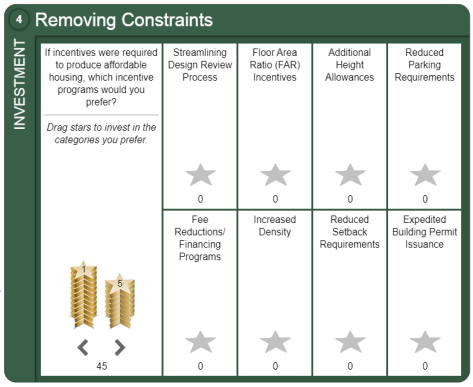
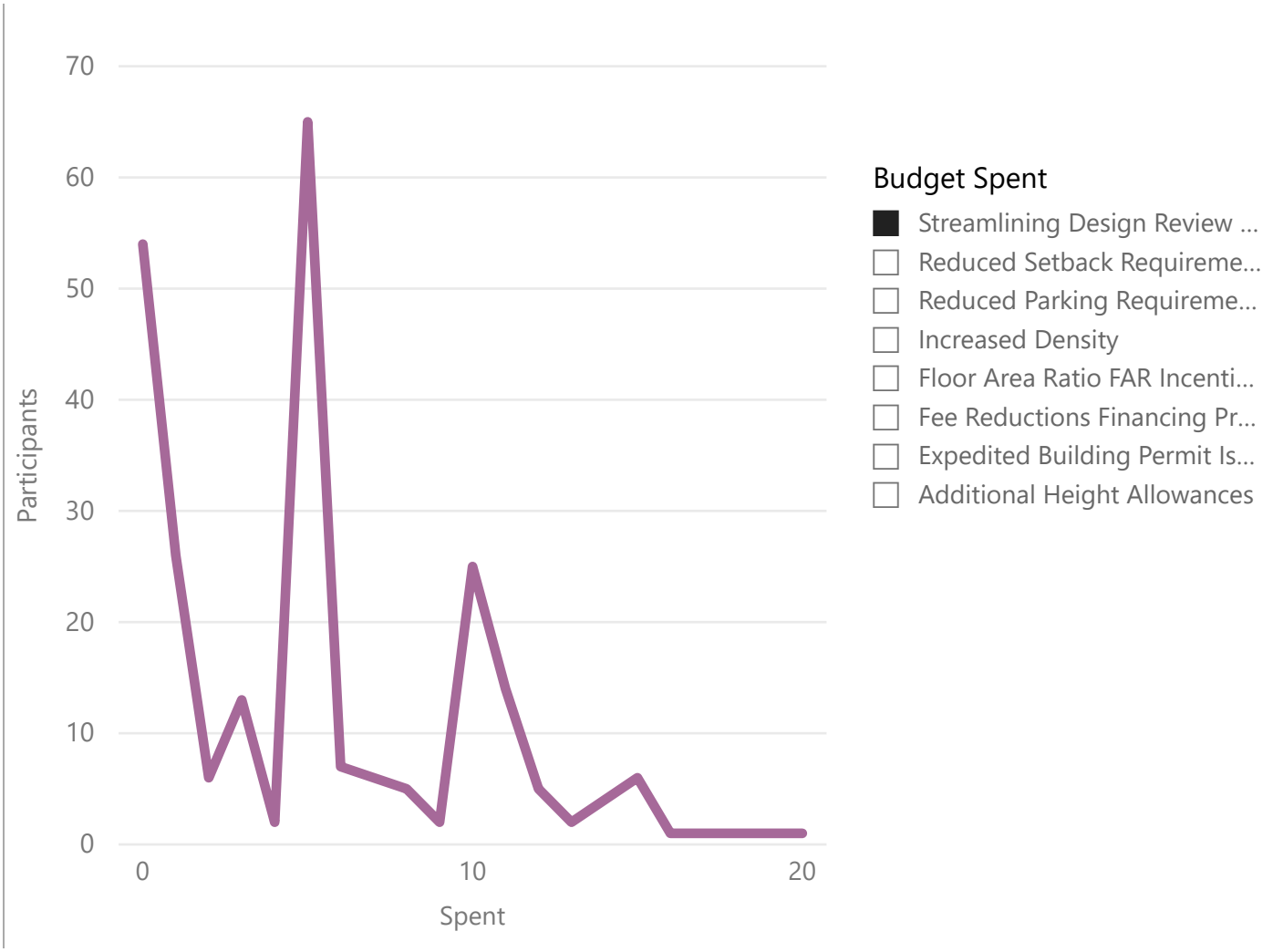


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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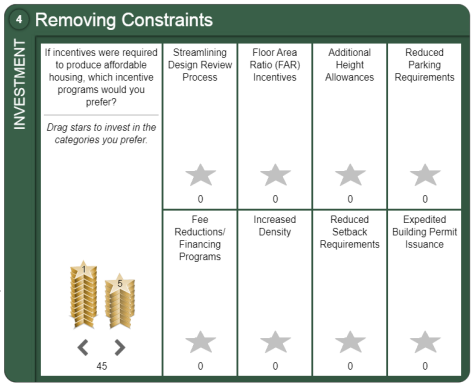
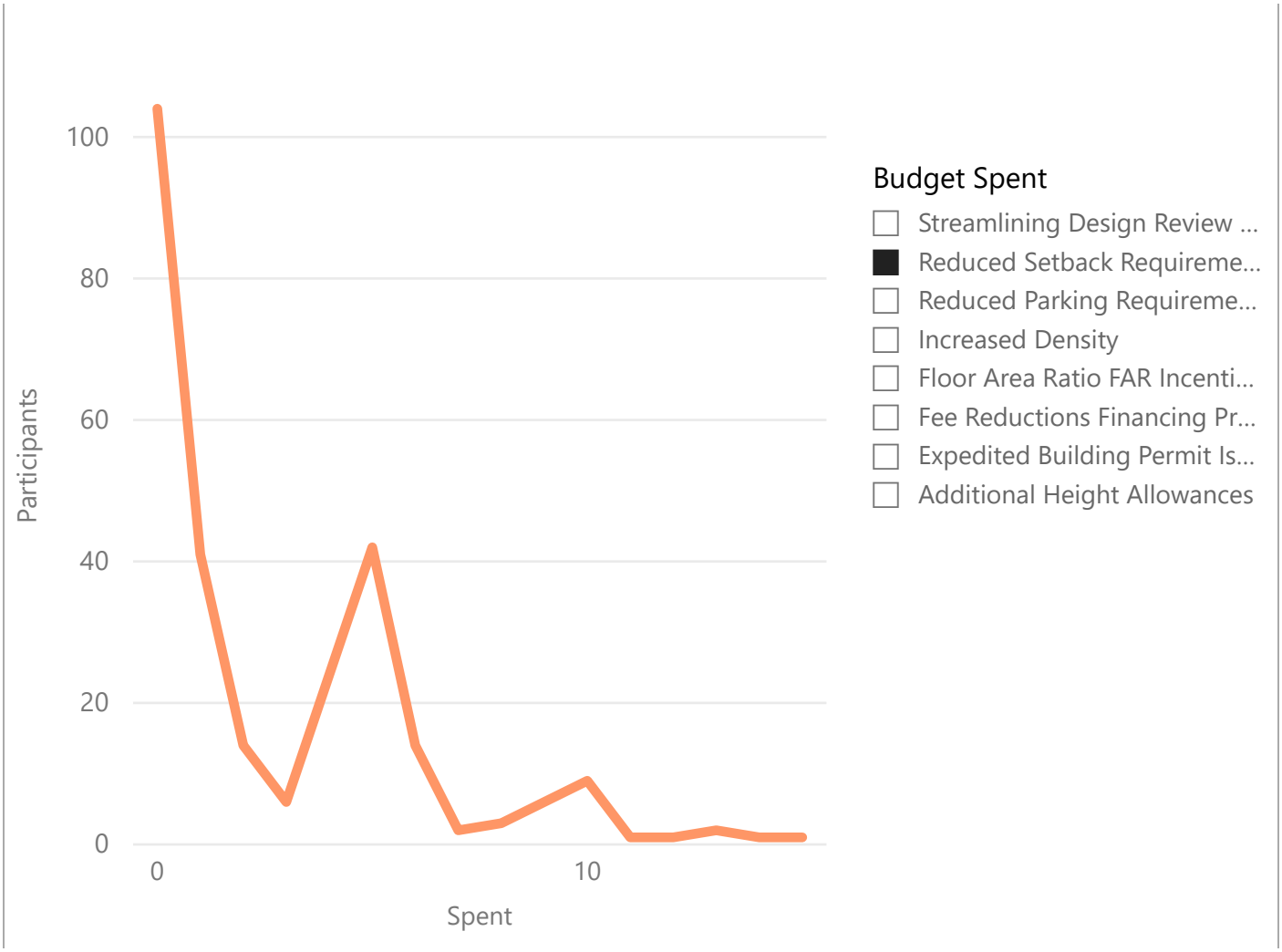


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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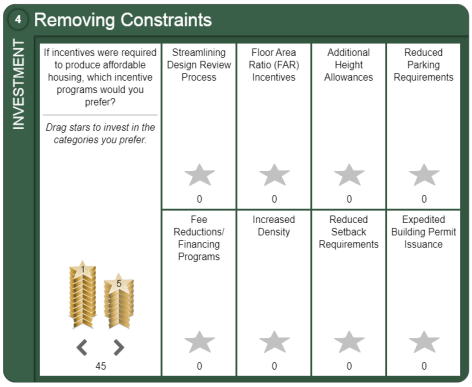
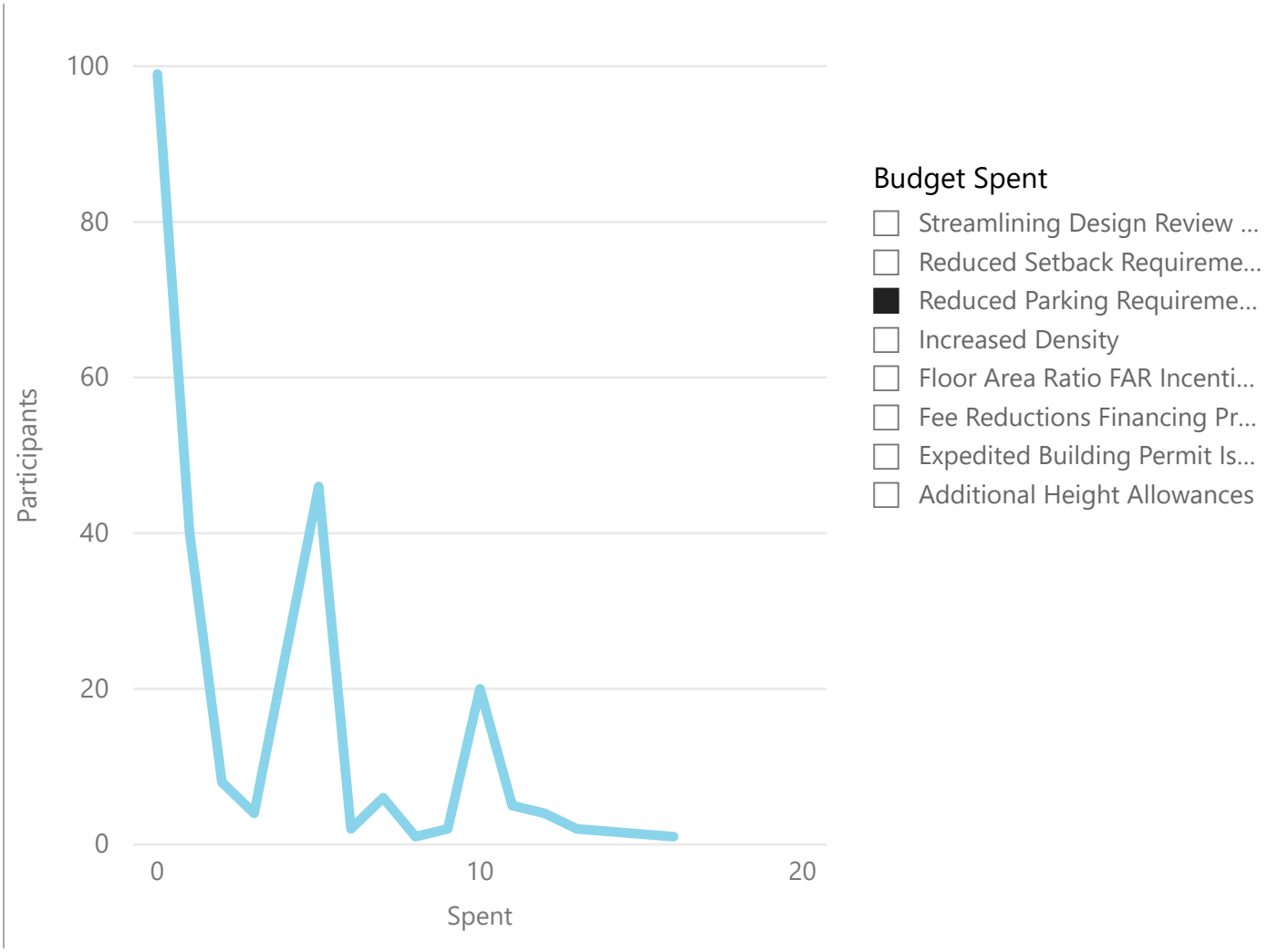


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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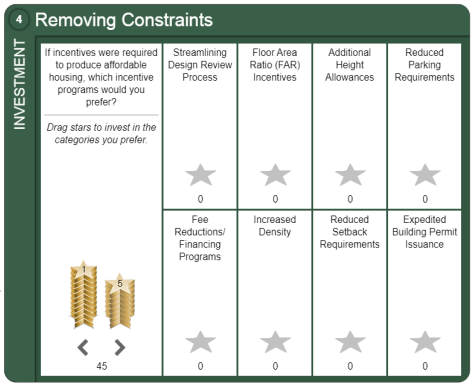
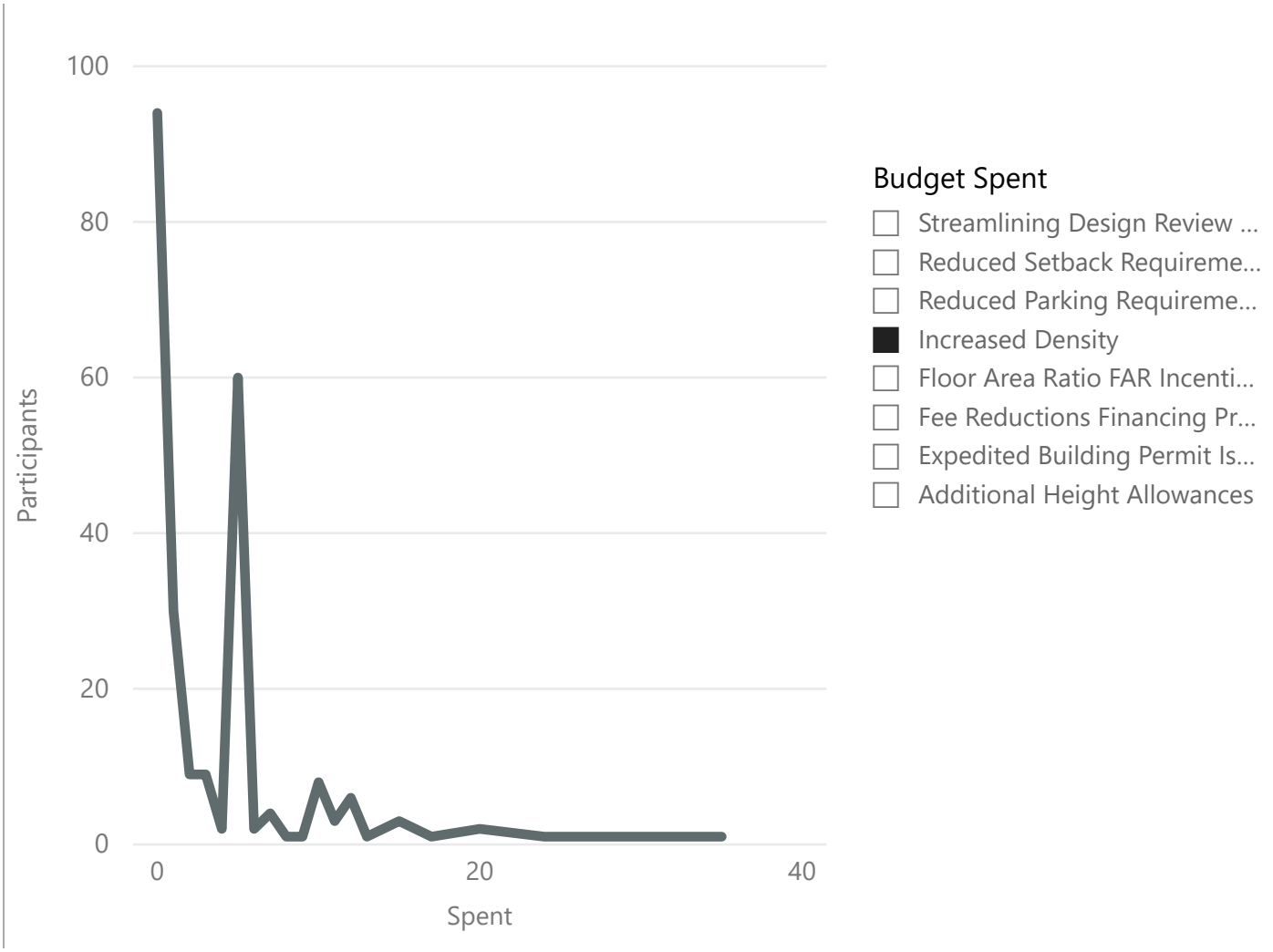


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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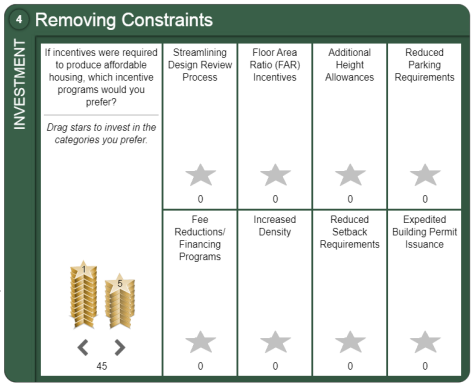

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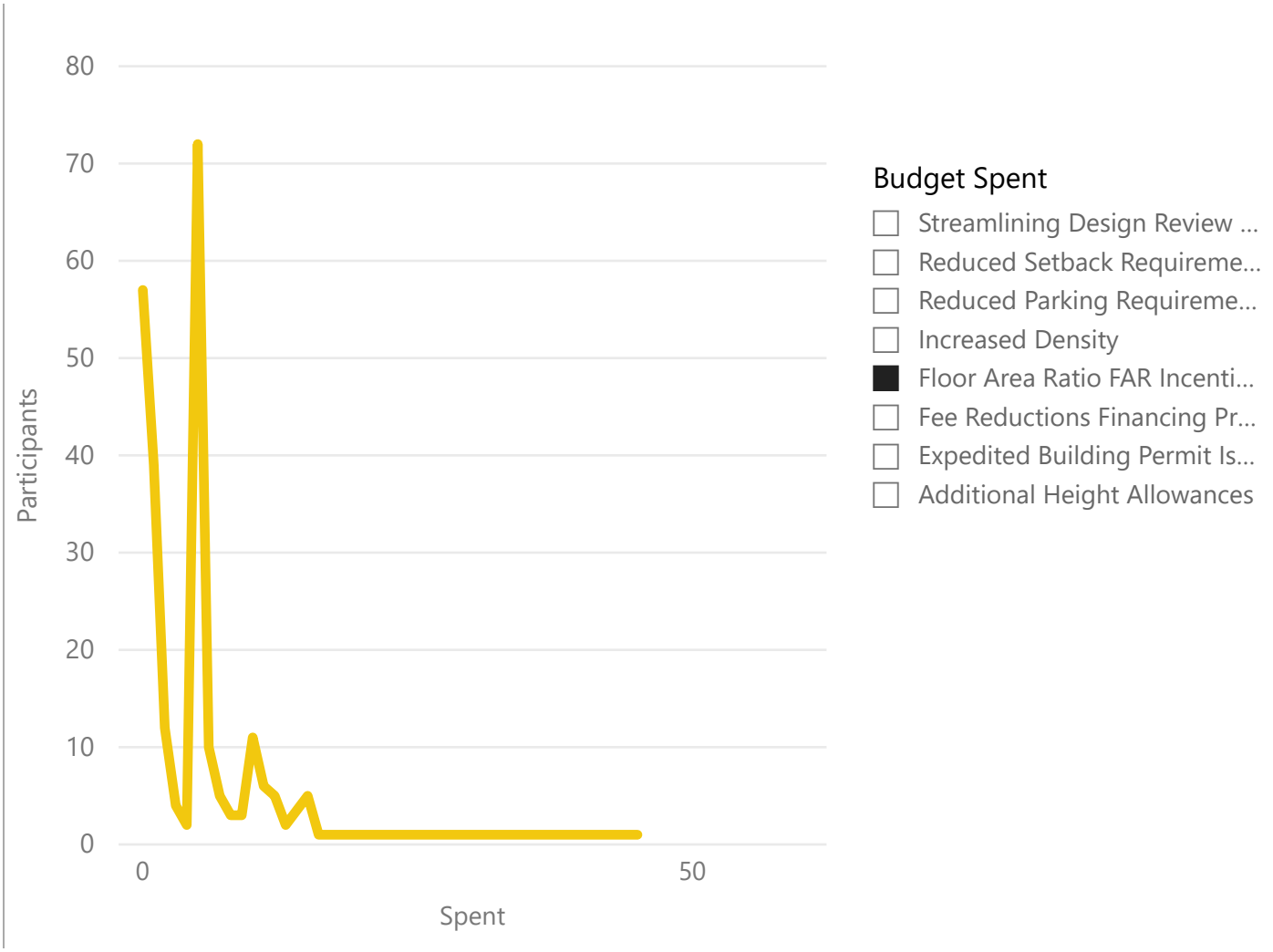
The distributions of how the budgets were spent.
[Documentation forthcoming]



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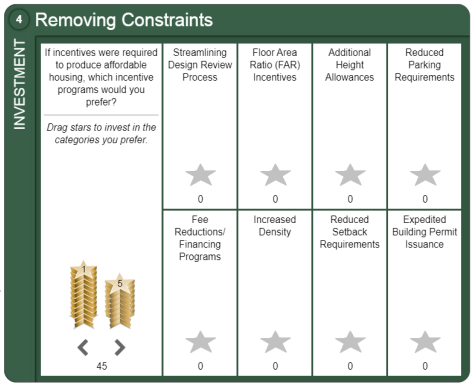
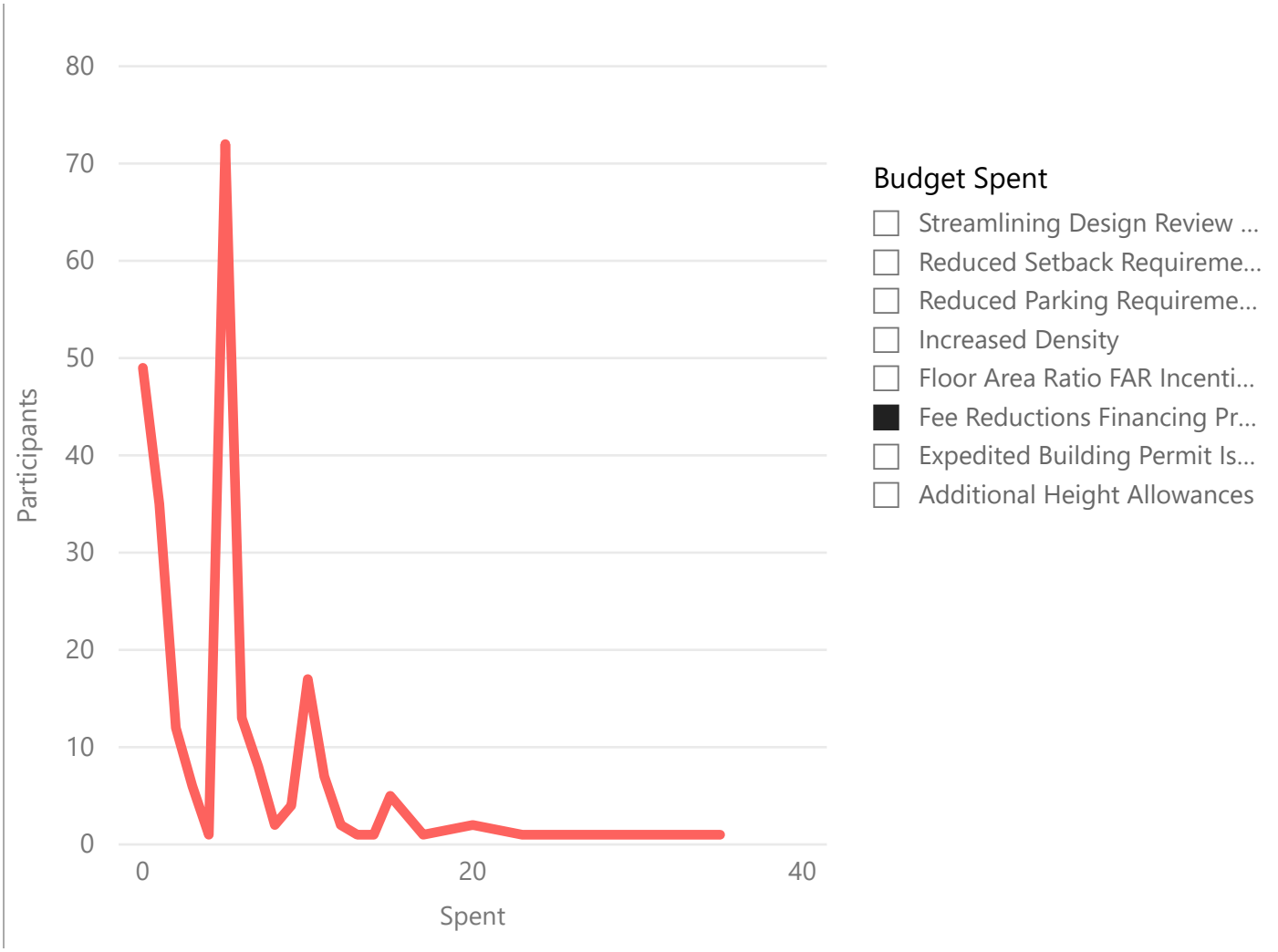


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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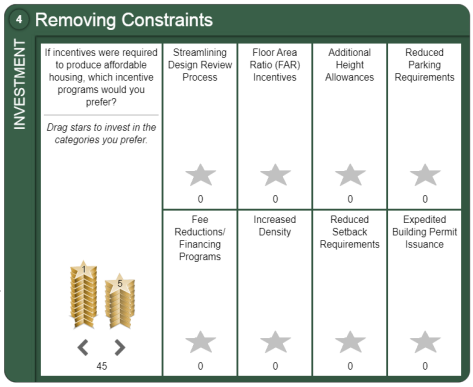
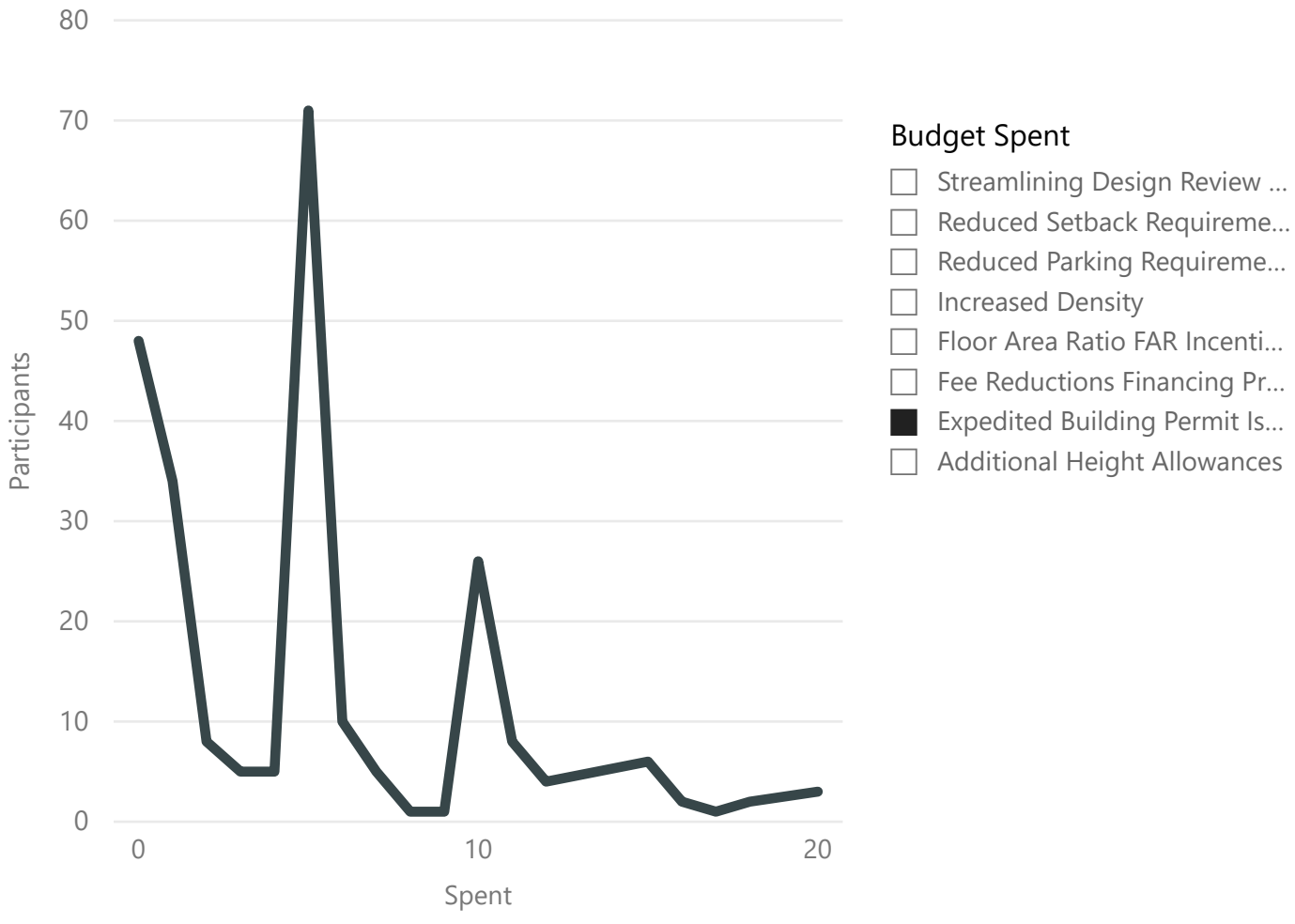


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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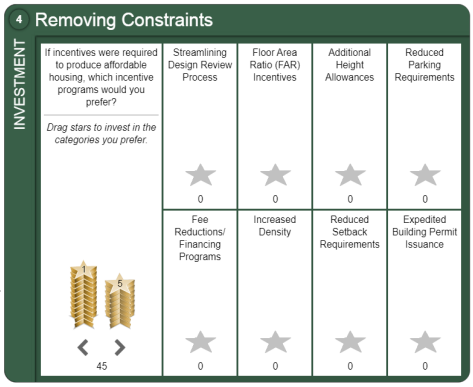
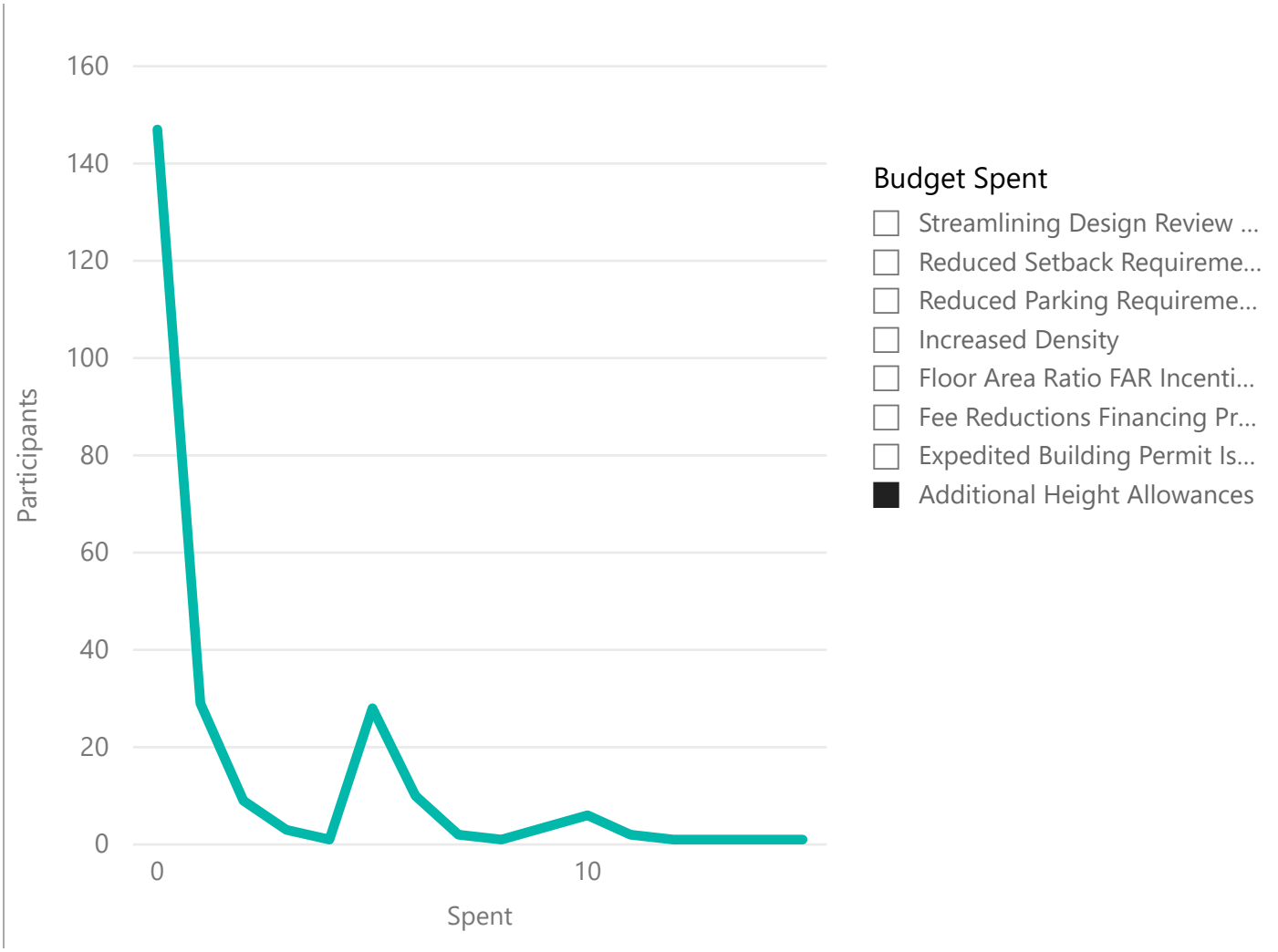


→ BUDGET ALLOCATED → AVERAGES → **DISTRIBUTIONS** → ALL

The distributions of how the budgets were spent.
[Documentation forthcoming]



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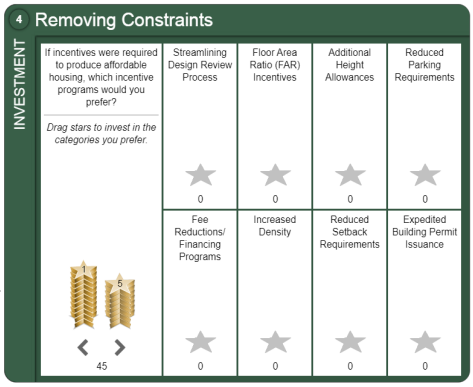
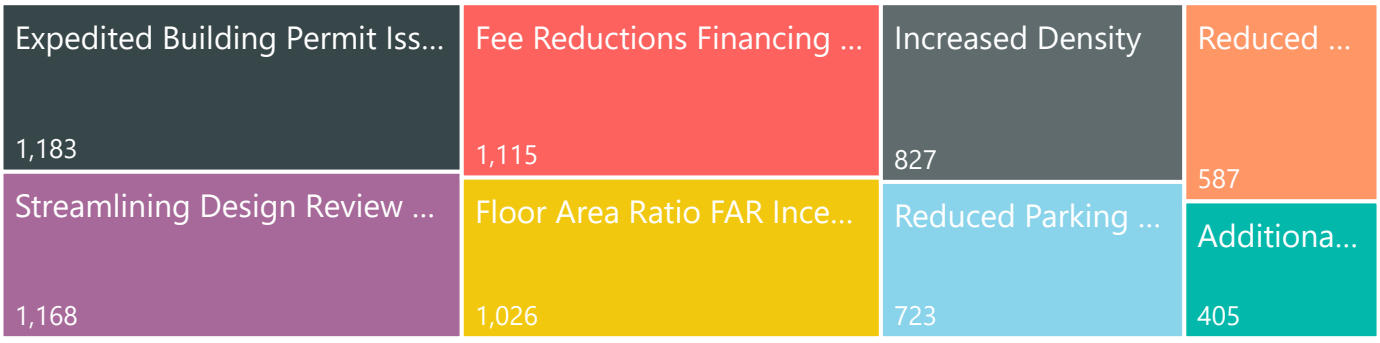


→ BUDGET ALLOCATED → AVERAGES → DISTRIBUTIONS → **ALL**

Budget Dashboard.

Budget Spent	Total	Average of Total	Median of Total	%GT Total
Additional Height Allowances	405.00	1.98	0.00	5.76%
Expedited Building Permit Issuance	1,183.00	5.21	5.00	16.82%
Fee Reductions Financing Programs	1,115.00	5.05	5.00	15.85%
Floor Area Ratio FAR Incentives	1,026.00	4.66	5.00	14.59%
Increased Density	827.00	3.86	1.00	11.76%
Reduced Parking Requirements	723.00	3.35	1.00	10.28%
Reduced Setback Requirements	587.00	2.71	1.00	8.35%
Streamlining Design Review Process	1,168.00	5.10	5.00	16.61%
Total	**7,034.00**	**4.02**	**2.00**	**100.00%**



Data points for this Screen:

Data points: **1998**

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Mar 16, 20 - Apr 22, 20 | Screen 5

Below: Wrap Up questions showing answer breakdowns.

Question 6

141	Comment
141	Total

Where in Del Mar do you liveown property

74	North Hills
40	Village Center
24	North Beach
22	South Beach
22	South Bluff
17	South Hills
8	North Bluff
4	North Commercial
211	Total

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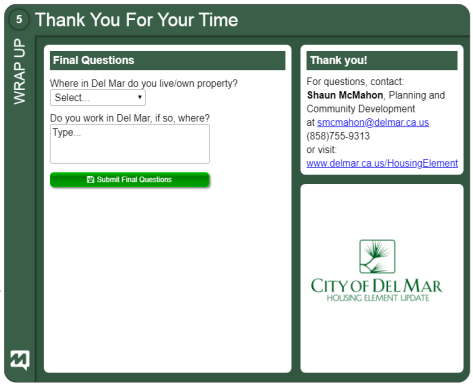
Screen 5



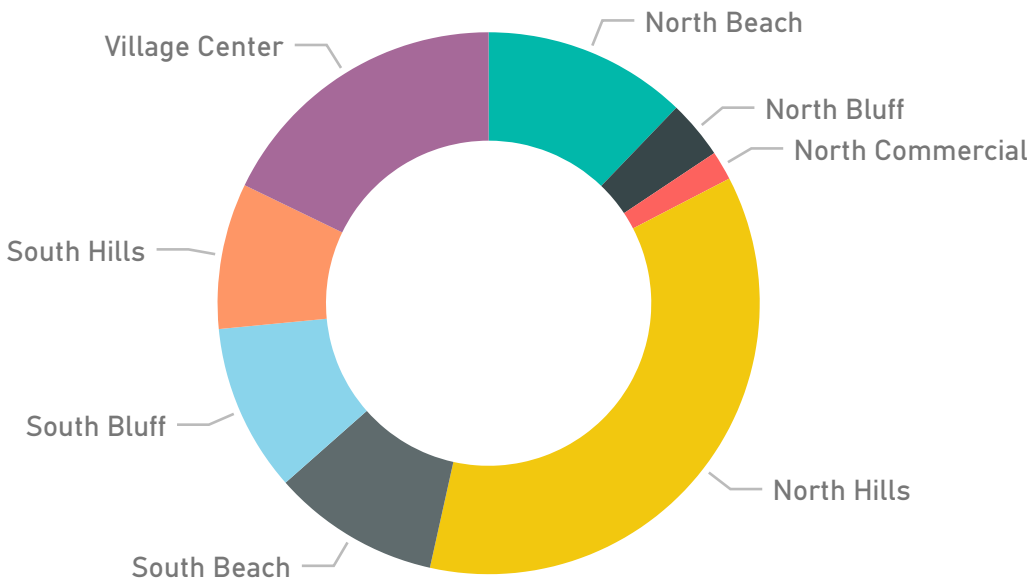
→ QUESTIONS → **ANSWERS** → TREEMAP → TABLE

Distribution of answers by question.

Question

Where in Del Mar do you liveown property

Answer



Data points for this Screen:

Responses: **212** Comments: **141**

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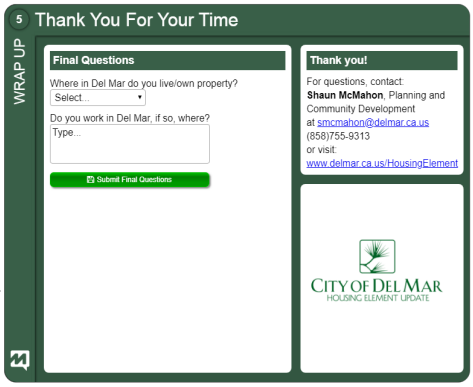
Mar 16, 20 - Apr 22, 20

Screen 5



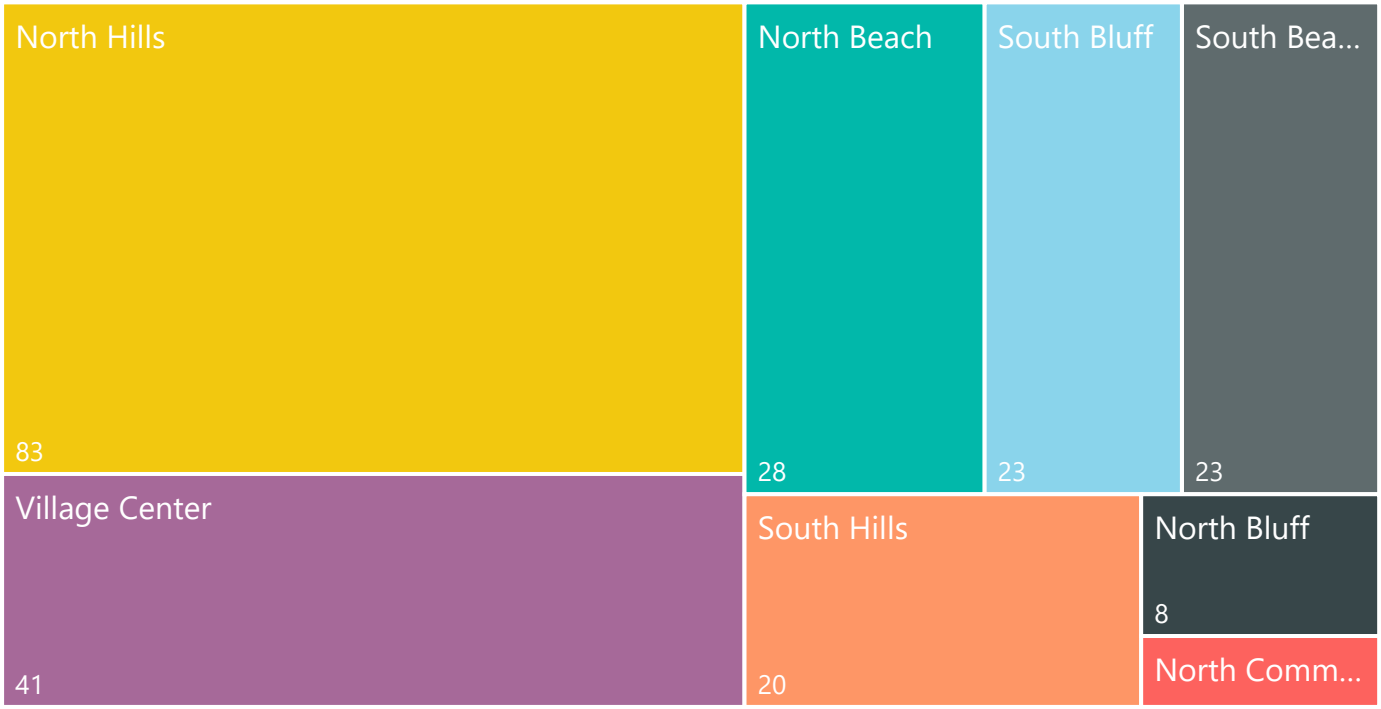
→ QUESTIONS → ANSWERS → **TREEMAP** → TABLE

An alternative view of answers in 'treemap' form. Choose questions at the top.

Question

Where in Del Mar do you liveown property

Answer



Data points for this Screen:

Responses: **212** Comments: **141**

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Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
	Please make sure our community plan is	Anyone reducing should pay cost of creating	Let's preserve housing especially	Waive fees for a six month period to	I am ok with thus as long as it's a fair
NO	property owners should not be required to	Del Mar should not hinder people from	several dwellings in my	O.K. to encourage property owners to	O.K. as long as that amount is no less
Retired.	Only in cases of multi-unit developments,	For multi-family developments, not single	This may be most equitable since	But maintain design review standards,	Prevent price gouging, but allow
I work in La Jolla	People should be allowed to do what they	Great idea to charge fees for removing units.	There may be good reasons to	Great way to encourage inclusion of	Rent stablization has backfired in
No	I don't feel as though it is up to the home	I do not think this would work in Del Mar	Not a clear question...to whom is	Particularly focused on new	
		I oppose this as it would be a way to avoid		Any reduction would have to be large	Without this the program would be
Question 6 - Comment	Density Requirements - Comment	Increase Reduction Fee - Comment	Existing Units - Comment	Fee WaiverReduction - Comment	Rent Stabilization - Comment
work from home but		It depends on whether the existing parcel is	it depends on if a reduction		you'll end up with a community of
No	There are many substandard, non-	It would be bad public policy and unfair to	See previous concerns raised		Without a link to CPI or an end date of
	People bought their property with known	People bought their property with known	People bought their property with		Over the long term rent control does
None of the priority	seems unfair to property owners	seems like a good idea	seems unfair to property owners	seems like a good idea	seems unfair to property owners
	I feel like this would not/should not be	That's not fair.	Again, feels like an illegal taking of	Interesting idea.	No! This will lead to high starting
	That seems unconstitutional.	That's ridiculous.	Again, I don't think that's	That seems reasonable.	It's my property and I should be able
No	The State/County/City should have zero	This is just punitive social manipulation.	If the City prohibits any owner		Absolutely not.
yes and no My office is in	you have governemt land at city hall and	This would need be in effect at purchase	Only if written in deed befor	good idea	if that is in program guidelines
No	Under long founded and legal protective	To insure number of units already in	Prohibition seems beyond the law	A fee if legal and applicable to all other	I believe this type of law has been
	This is an authoritarian measure	Unwarranted social engineering	See above	More unwarranted social engineering	Authoritarian and counterproductive
		What does explore mean?			
	People purchased property with certain	Will you be starting with a certain family on	Absolutely not!!! Property Rights	Absolutely not!!! Put these units on the	no way... let the market set the
	We want to preserve community plan so	Yes, increase to cost of replacing this unit	This must be enforced. Stop	Offer for free for six months to encourage	
	against				
	Ahome owner should nt be required to				
	explain				
No	I support this for NC including Watermark				This is super important to maintaining
No. this is a rental	is this for single family or condo				
	Minimum number of units requirements				
	More than half of the properties in the R2		owners should be allowed to use		Sounds like rent control to me. Only
Yes Home	Need More Housing In Del Mar.				No Rent Control!
Village Center	None of these priority programs should be				
home	not clear what this means				
	OK idea but not enforcable. You can't make				
no. retired	property owners should be able to reduce				
	property owners should not be required to				
No	Should not mandate more density		Prevent mentionalization		
Retired	The density in Del Mar is already too high.				Horrible idea. Will cause landlords to
	TO MAINTAIN ONLY NOT DEVELOP		For 20 years, we have watched		
Compass in the Plaza	What about historic preservation?				
Though my office has a	What does this even mean? What		If an owner want more privacy	Maybe for an individual property owner	
No			I oppose the construction of		
home office			Terrible idea	Only if granny flats are covered under this	Rent control does not work. Trying to
1110 Camino del Mar					

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
92014					
Architecture and Real					
At home					
at home					
at home 15th street					
At home.					
Don't work here but live					
Everywhere					
From home					
From home.					
From Home.					
From					
Home					
home					
Home					
Home					
Home					
Home office					
Home office				Terrible idea	Absolutely horrible idea. Rent control
Home. Lawyer.					
I am an a Semi-Retired					
I consider Del Mar as					The USA is not a Socialist country.
I have lived in Del Mar					
I work from home					
I work from home much					
jean claude salon					
Marketing Consultant					
my art studio at 1014					
N/A					
N/A					
N/A					
n/a (work in Sorrento					
NA					
No					If this applies only to rents in housing
No					
no					
no					
No					
no					
no					
no					

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
No					
no					would want to learn more
No					
no					
No					
No					
no					
no					
No					
No					
no					
no					
no					
No					
No					
No					
no					
no					
No					
no				provided there's enforcement to ensure	
no					
NO Escondido					
No I live old Del Mar and					
no semi-retired					

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
no					
No					
no, previously owned a					Real estate development, investment
No, work at UCSD					
No.					
No.					
none					
nope					
North Commercial and					
Out of our home					
Rented in Del Mar for 38					
Retired					
Retired					
Retired					
Retired					
retired					
Retired				Unclear what this means.	
retired					
Retired					
Retired					
retired					
Retired					
RETIRED					
self-employed					
St. Peter’s					
Village center					
Village Center					
Work from home 50% of					
Work from home as a					
Yes					What is the point of affordability, if
Yes, I am a City Council					
You're asking if we want					
					what does "covered by the program

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
					depends on how long it is rent

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt

Q_Comment	S2_P1_T1_Density_Requirements_txt	S2_P1_T2_Increase_Reduction_Fee_txt	S2_P1_T3_Existing_Units_txt	S2_P1_T4_Fee_WaiverReduction_txt	S2_P1_T5_Rent_Stabilization_txt
					These types of initiatives, while
				Fees are very expensive in DM. A	

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
We already allow 1 unit per building			City can build 4 to 6 units depending on size on the	They are attractive, so efficient and can
16 units per acre would be reasonable	conversion of a garage to an	This would be the only way to	NO: public land is for the public, not for apartment	It depends on where they are.
Maintain bldg height limitations.	Not without maintaining existing	Incentives, not mandates.	Far and away the most sensible and fair decision to	With careful design review standards.
		We've tried that before and had no	Best and likely the only answer.	I would not mess with the current codes.
Downtown Village - Comment	Incentivize ADUs - Comment	Affordable Units - Comment	Affordable Units on Public Land - Comment	Tiny HomesMicroUnits - Comment
this place is dense enough already.				
Given the continual complaints (noise,			The responses to this question are very misleading	
no way! that is way too dense and it's	maybe - but they need to be done in	Like what?	Seems like a bad idea. The public land belongs to the	See comments on ADU's and DRO's
No. Stop trying to make this little town	This is interesting	Need to know	I would need to know the specifics.	Can we not have these now? I would not
No. You know this is Del Mar, right?	Ok	I would have to know	Yes. Put them on the race track property.	Was this not allowed before? Are you trying
		Absolutely not. Just because the		Absolutely not. If you want to live in micro-
yes that is where the public	yes	yes		
I believe 20 units per acre in this town	Anything and everything is	Again, this is taking the long arm of	Public land - land for the benefit of which public, is the	Such an idea in this town is way out of
		Deed restriction is authoritarian		
		What does explore mean?	What does explore mean?	
This only works if the King and Queen	This puts poor development into our	this also put bad development and	Absolutely!!! Put these units on the Fairgrounds or	This puts poor planning and development
It is critical that we demonstrate good	The pilot project for dedicated ADUs,	The concept of a 30+ year dedication	Absolutely - The City should to lead by example, and	Absolutely! I already know a couple who
This will allow long-time low density				
Allowing residential on the top floor of				
Agree	Creates way more density than	No Government Housing. Who is		No
				Do not believe using some of the most
The residential units allowed in CC and	There is no way to indicate "NOT AT			
Adhere to community plan and do not			Also explore increasing affordable housing in all parts	
Horrible idea.	Not enough parking as is			Horrible idea.
What about community plan and	A much better solution.		Could destroy historical sites and community plan!	No way!
		This seems like very specific	If the land is public land it should be developed for the	
High density downtown is good. Also,				

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
Current virus contagion should be a			Govmt should not be competing with private property	Again, high density is not healthy.
			Not sure where the publicly owned land is. Would. It	
20 units seems development heavy-			Should be restricted to uses compatible with land use.	Would work as accessory units on a lot,
	We worry about the fact that ADUs	As long as they meet Planning and		With appropriate meeting of DRB and
No way!				No way!
Location should be a factor when				Location become relevant
CC zone for sure good idea, RC zone less				

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
				Tiny homes should be tightly regulated and
	ADUs undermine the Del Mar			

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
Absolutely opposed	No			No
yes for CC NO for RC for that amount of			Never on parks or Preserves! Not on the North Del Mar	
				Love the concept, seen this in Oregon.
The zoning as of today, or what?				
			Same public sites more then others, eg. save green	don't know enough about this option.

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
				don't know enough to rate

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
		I don't understand this option		
		I am a low-income woman and I		
I like this idea but prefer vouchers so			Only on the fairgrounds, not park space. If it is only	
Strict height restrictions would be				

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
I believe the best zones for low income				only in these zones are the NC , FR, and r1-
			We need our public spaces in Del Mar.	
		Don’t limit ADUs to be deed		
				Great idea. Have seen this idea in Oregon.

S2_P2_T1_Downtown_Village_txt	S2_P2_T2_Incentivize_ADUs_txt	S2_P2_T3_Affordable_Units_txt	S2_P2_T4_Affordable_Units_on_Public_Land_txt	S2_P2_T5_Tiny_HomesMicroUnits_txt
I like concept of residential (e.g. mixed				This would run negatively impact character

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
We talk about helping our seniors	Great idea. This helps us to have		We should do our part and	Only if this program gives us credit for		Village Center
Del Mar is aging. Community	What constitutes "in-need".	Frankly, Del Mar lacks useful	NO. Del Mar is a small community	I'm sorry for the poor, but why		North Beach
Seniors and/or their families	Forced student housing not	Military or civilian status should be	Should not be incentivized or	Low income rental assistance not	Utilize existing parcels	North Hills
						South Bluff
To include those who are home	Has been tried in the past with so-				Fairgrounds is the most	South Hills
						South Beach
Senior Citizens - Comment	Students Local - Comment	MilitaryVeterans - Comment	Homelessness - Comment	Rental Assistance - Comment	Suggest another -	Where in Del Mar do you
						North Beach
There are plenty of existing	Del Mar cannot afford to fund any	Del Mar cannot afford to fund any	Del Mar cannot afford to fund any	Del Mar’s rental assistance program		North Beach
Good idea - DMCC already does	Students can be noisy and out of	Yes	Del Mar is way too small to	Seems unfair to people in the middle		South Bluff
Yes. This is good.	This seems like an interesting	Also an interesting idea	I would need to know	We already have this.	I hate this form on	North Beach
These are great! Keep this	I would	This also seems	Need to know	You already do this. There are		
No. This is just duplicitous			There is virtually no "food	Absolutely not. We already have the		South Beach
Not if they can not afford it.	No student should be able to	yes if there is a veteran housing	There are less expensive areas to	We do not have the jobs available in		North Commercial
THIS Question is vague without any	I see no reason to make special	This is the same question as the	Again and Again, I make no	California has already set up a		
	What does in need mean? Will this	Does this imply vets need	Buzz words to create in Del Mar	More buzz words to destroy what Del		North Hills
						South Hills
	Why is this town always go back to	We are the smallest town in the	We are the smallest town in the	We are the smallest town in the		North Hills
						Village Center
This is so important. We have had	Yes - some residents already do			I rated this lower because I think it is		North Hills
						South Bluff
						North Hills
						North Beach
					East Del Mar - Land East	North Hills
						North Hills
			NO -- one star means NO . 5 stars			
						Village Center
		While a good idea, faced with	Collaborate with churches and		Make development fair	Village Center
	There are very few students here.	These are foolish ideas for small	Enforce vagrancy and panhandling	Waste if money.		South Beach
					Around the Fairgrounds!	North Hills
			Our community does not have ALL	I would also like the city of Del Mar to	I strongly believe	North Hills
I am 78. Seniors should not hang on	How old are these students?					North Hills
			Horrible idea	No	City Hall	North Hills
						Village Center

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
	No	No	No	No		
						North Hills
						North Beach
	Private owners are already doing	Fine if done by the private sector -	Given that the underlying root	Not with local public funds - we are		North Beach
						North Hills
						South Beach
		they can do that now-"special" rules				
						North Beach
						North Hills
						North Hills
						Village Center
						North Hills
						Village Center
						North Hills
						North Commercial
						South Beach
						Village Center
						North Hills
						South Bluff
						South Hills
	ay, of course		y.			Village Center
		Noble goal but won't work without	Must be screened before getting	The Fairgrounds has the		North Hills
						North Hills
						Village Center
						Village Center
						North Bluff
						North Hills
						North Hills
						North Hills
						North Hills
						North Beach
			Would rate higher if it were			North Hills
						North Beach
						North Beach
						North Hills
						North Bluff
						North Hills
						South Beach
						North Bluff

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
						North Hills
			Perhaps this could be explored at			South Hills
						North Hills
						Village Center
						South Bluff
						North Hills
						Village Center
						South Bluff
						Village Center
						North Hills
						South Beach
						North Hills
						Village Center
						Village Center
						South Beach
						South Beach
						North Hills
						South Hills
						North Beach
						South Hills
						South Bluff
			should not encourage homeless	Not everyone can live near the beach		South Hills
						North Hills
						North Beach
						Village Center
						North Hills
						North Hills
						Village Center
						North Beach
						North Beach
						Village Center
						Village Center
						North Hills
						South Hills
						North Hills
						Village Center
						North Commercial
					No where in Del Mar.	South Hills
						South Beach

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
						South Beach
						North Beach
	I am not supportive of this			The services which these individuals	fairgrounds are my vote	Village Center
						North Hills
						North Hills
						South Bluff
						North Hills
						South Hills
					Best place is the fair	Village Center
						Village Center
						South Bluff
						South Bluff
						Village Center
						North Hills
						Village Center
						South Beach
						South Beach
						North Hills
						South Bluff
						South Hills
						South Beach
					FAIRGROUNDS	South Bluff
		Veterans would not be comfortable	Homelessness doesn't need to be	A city like Del Mar must keep its	against ALL building	North Bluff
						Village Center
						Village Center
					Fairgrounds	
						North Hills
						South Beach
				This needs to be explored. What		South Bluff
						North Hills
						Village Center
						Village Center
						South Bluff

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
						North Bluff
						North Hills
						North Hills
						Village Center
						North Hills
						North Beach
					Public works area	North Hills
						North Beach
						South Beach
						North Beach
					How about NONE.	South Bluff
						North Hills
						South Hills
						North Hills
						North Hills
						North Beach
						North Hills
						South Bluff
						North Hills
					Property under control	North Hills
						Village Center
						Village Center
						North Bluff
						North Hills
						South Beach
						South Beach
						South Bluff
						North Hills

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
						North Beach
						North Hills
						North Hills
					Consider annexation of	South Hills
						South Hills
						North Hills
I'm soon to be a senior and this				Very important if you can do this		South Bluff
DMCC already does much in this						South Hills
					With the high cost of	
						Village Center
						North Hills
						North Hills
						South Bluff
						Village Center
						North Hills
						South Hills
						North Beach
						South Beach
						North Hills
						South Hills
						North Hills

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
Eliminate short term rentals to	Ban short term rentals in order to					South Beach
					should be spread	North Hills
						Village Center
						North Commercial
						North Beach
						Village Center
						South Hills
						North Hills
					My to 3 are are the NC ,	North Bluff
						North Hills
						North Hills
						North Beach
						South Bluff
						Village Center
				I would think that n Del Mar with the		
						North Bluff
						South Bluff
						North Hills
						South Bluff

S2_P3_T1_Senior_Citizens_txt	S2_P3_T2_Students_Local_txt	S2_P3_T3_MilitaryVeterans_txt	S2_P3_T4_Homelessness_txt	S2_P3_T5_Rental_Assistance_txt	S3_P0_T0_txt	XIT_Custom1
						South Beach
						Village Center
						North Hills
						North Hills
						South Beach
						Village Center
This is comment re Senior Citizens,				Idea is ok but concerned about	Crest Canyon	North Hills
						North Hills

C.3 City Council and Planning Commission Study Session Notes

This section contains summary notes of the City Council and Planning Commission Work Sessions held as a part of the Housing Element Update process. The Work Sessions were open to the public.

C.4 Housing Element Citizens' Task Force

This section contains summary notes of the Housing Element Citizens' Task Force meetings held as a part of the Housing Element Update process. The meetings were open to the public.

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

DEL MAR CIVIC CENTER – 1050 CAMINO DEL MAR
BREEZEWAY CONFERENCE ROOMS
THURSDAY, FEBRUARY 6, 2020 – 3:00 PM
CITY COUNCIL LIAISONS: DWIGHT WORDEN, TERRY GAASTERLAND

TASK FORCE STATEMENT OF MISSION/PURPOSE:

The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:

1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:

Anyone may address the Task Force for three minutes on any items listed on the agenda. If there are several speakers on an item, your time available to speak may be limited to two minutes. When the Task Force Chairperson recognizes you, please step forward and state your name and address of residence clearly for the record. The Task Force may ask questions of you, to which you may respond.

For items not on the agenda, please see: *Oral Communications*.

1. **CALL TO ORDER (3:00pm)**
2. **ROLL CALL AND TASK FORCE INTRODUCTIONS**
3. **CITY COUNCIL LIAISON WELCOME AND REVIEW OF THE TASK FORCE'S MISSION/PURPOSE AND WORK PROGRAM**
4. **OVERVIEW OF BINDER AND MATERIALS**
5. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

   State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Task Force Chairperson.

6. **TRAINING ON PUBLIC MEETING LAW (BROWN ACT REQUIREMENTS)**
7. **NOMINATIONS FOR AND SELECTION OF A CHAIR, VICE-CHAIR AND SECRETARY**

8. DISCUSSION ITEMS:

a. Housing Element Background/History

b. Input on format and info on the Housing Element webpage (www.delmar.ca.us/HousingElement).

c. Review the Preliminary Draft Project Description to be Included in the Notice of Preparation (Draft Environmental Impact Report).

9. ITEMS FOR NEXT AGENDA

a. Preliminary Discussion on Citywide Survey Tool

b. Overview and formatting of Public Workshop on Saturday, February 29, 2020 at 9:30AM

10. ADJOURNMENT

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6 - Draft Project Description for EIR	Page 67
7 - PPT from 2.6.20 Meeting	Page 69

6th Cycle Housing Element Ad-Hoc Citizens' Task Force Charter

Mission:
The mission of the 6th Cycle Housing Element Citizens' Ad-Hoc Task Force (Task Force) is to 1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA); 2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and 3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

Work Program:
The Task Force will review, discuss, and provide feedback to staff, the Housing Consultant and City Council on various Housing Element issues/topics in preparation of the associated CEQA document; help educate the public on State-mandated Housing Element requirements and processing; encourage public participation throughout the update process; provide recommendations to City on the key components of the Housing Element; serve as a conduit of information between Del Mar community members and the City on Housing Element issues/topics; and carry out any other duties assigned by the City Council, and where applicable, the City Manager.

Membership:
Seven (7) citizens of Del Mar who are familiar with relevant topics such as housing advocacy, project development, non-profits, business and finance, senior assistance, and CEQA; One (1) non-voting member from the City's Planning Commission.

Members will serve on the Task Force until the work deemed complete and the Task Force is dissolved.

Meeting Requirements and Schedule:
The Taskforce will meet bi-weekly from February 2020 through May 2020 in full compliance with the California Open Meeting Laws.

Conflict of Interest Filings:
Members of the Taskforce are not required to file Conflict of Interest Filings due to the advisory nature of the committee.

Status:
The Task Force is an ad-hoc committee and will automatically be dissolved on June 30, 2020, unless extended by the City Council.

Resolution:
2020-XX

6th Cycle Housing Element Ad-Hoc Citizens' Task Force
Anticipated Schedule

Task	Projected Date
Housing Element Citizens' Task Force – First Meeting (bi-weekly)	February 6, 2020
Housing Element Citizens' Task Force –Meeting #2 (bi-weekly)	February 20, 2020
Housing Element Citizens' Task Force Public Workshop / EIR Scoping Meeting	Saturday February 29, 2020
Housing Element Citizens' Task Force – Meeting #3 (bi-weekly)	March 5, 2020
Housing Element Citizens' Task Force – Meeting #4 (bi-weekly)	March 19, 2020
Housing Element Citizens' Task Force – Meeting #5 (bi-weekly)	April 2, 2020
Housing Element Citizens' Task Force – Meeting #6 (bi-weekly)	April 16, 2020
Housing Element Citizens' Task Force – Meeting #7 (bi-weekly)	April 30, 2020
Housing Element Citizens' Task Force – Meeting #8 (Last meeting)	May 7, 2020

City of Del Mar

A PRIMER ON OPEN MEETINGS

The Ralph M. Brown Act – The Open Meetings Law

Background

The intent of the Ralph M. Brown Act is to require that legislative bodies handle their decision-making actions and deliberative processes in open, noticed, and public meetings. This applies to cities, counties, and school districts. It applies to all boards and committees that are created by formal action of the City Council (regardless of whether the committee is temporary, permanent, or advisory).

What Defines a Meeting?

A meeting is defined as any congregation of a majority of the committee members, at the same time and location, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body (Government Code §54952.2). This includes indirect communication (e.g. serial meetings) to develop a collective concurrence. For example, a serial meeting is when a member calls each of his/her fellow committee members to find out how they are voting and talk to them about the issue. This is not allowed under the Brown Act.

What are the Requirements?

- ü Post an agenda 72 hours prior to the meeting. (See "Standard Operating Principles for Advisory Committees and Board" for more information about the City of Del Mar's deadlines.)
  - o The agenda must include an opportunity for the public to address the legislative body
  - o The legislative body must allow the public the opportunity to comment before or during consideration of the item
- ü The legislative body must provide for ADA accommodations
- ü The legislative body cannot require that attendees register to attend the meeting
- ü The public has the right to record and broadcast the meeting proceedings (audio or video recording is allowed unless it is disruptive).
- ü Documents that are distributed to the legislative body must be made available to the public.

What Do We Need to Know?

- Brown Act ensures meetings are open and available to the public
- Brown Act ensures that the public knows what is going to be discussed at the meeting
- All public meetings must have an agenda that is available to the public that describes the time, location, and brief descriptions of discussion items
- Agendas have to be posted at least 72-hours in advance
- Documents that are distributed to the committee must be made available to the public

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

6th Cycle Housing Element Update Fact Sheet (2021-2029)

What is a Housing Element?

The Housing Element is a State-mandated planning document within the Del Mar Community Plan that provides policy direction for the implementation of various programs to meet existing and projected future housing needs for all income levels within the Del Mar community. The Housing Element contains policies, programs, and actions that accommodate future housing growth need, identify opportunities for new housing units, preserve existing housing stock, and assist the existing population.

What is RHNA?

The Regional Housing Needs Assessment (RHNA), is mandated by State law to quantify the need for housing throughout the State and each city in the San Diego Region. This will inform Del Mar's local planning process to address existing and future housing need resulting from the San Diego region's projected growth in population, employment, and households.

The San Diego County Association of Governments (SANDAG) is responsible for overseeing the RHNA process for the San Diego region. SANDAG is currently overseeing the 6th cycle RHNA, which covers the 2021-2029 planning period.

For the 2021-2029 planning period, the City of Del Mar is allocated 163 units to accommodate estimated growth need at various income levels. The Housing Element must identify the City's ability to accommodate this estimated growth through available sites and appropriate zoning . The 6th Cycle RHNA for Del Mar is as follows:

6th Cycle RHNA Allocation by Income Category

Income Category	Income Range*		RHNA Allocation
	Min	Max	Housing Units
Very Low (31% to 50%)	$26,753	$43,150	**37 units**
Low (51% to 80%)	$43,151	$69,040	**64 units**
Moderate (81% to 120%)	$69,041	$103,560	**31 units**
Above Moderate (120% or more)	$103,560	> $103,560	**31 units**
		TOTAL	**163 units**

* Income range is based on the 2019 San Diego County Area Median Income of $86,300

More information about the 6th Cycle RHNA process can be found on SANDAG's website here: https://www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail

For more information, please visit our website at:

www.delmar.ca.us/HousingElement

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Why is the City updating the Housing Element?

The City is required by State-law to update its Housing Element every eight years. The current certified 5th Cycle Housing Element is for the 2013-2021planning period. The City is now in the process of updating the 6th Cycle Housing Element for the 2021-2029 planning period.

What is included in the Housing Element update process?

The Housing Element is a community-based process that will include a variety of public engagement opportunities, provide housing data and identify future policies addressing housing. The update process will include:

- Public workshops and meetings;
- Publicly noticed hearings at the City Council and Planning Commission;
- A comprehensive review of Del Mar's demographics;
- Identification of local housing needs, constraints, and resources;
- An analysis of adequate sites to accommodate City's RHNA oblilgations; and
- Development of goals, policies, programs, and quantified objectives to be carried out during the 2021-2029 planning period.

Task	Projected Date
City Council Meetings – Progress updates at each meeting	January – October 2020
Housing Element Citizens' Task Force – Meets bi-weekly	February 6 – May 7, 2020
CEQA – Circulation of Notice of Preparation	February 19, 2020
Housing Element Citizens' Task Force—Public Workshop / EIR Scoping	Saturday, February 29, 2020
City Council Meeting – Workshop & Scoping Recap	March 23, 2020
Community Housing Element Survey	March – April 2020
City Council Meeting – Public Workshop on Potential Programs	April 20, 2020
CEQA – Publish and Circulate Notice of Availability of DIER (60-day)	May 14, 2020
CEQA – End of 60-day Public Review Period of DEIR	July 13, 2020
CEQA – Draft response to EIR comments	September 8, 2020
Planning Commission – Recommendation on Housing Element and EIR	September 15, 2020
Certification of EIR and Approval of Housing Element	October 19, 2020
Submittal of Housing Element to HCD	October 2020
Review and Certification of Housing Element by HCD	November 2020 – April 2021

For more information, please visit our website at:

www.delmar.ca.us/HousingElement

City of Del Mar
Staff Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Prepared by Shaun McMahon, Management Analyst
Via Scott W. Huth, City Manager

DATE: January 13, 2020

SUBJECT: Presentation and Report on the 6th Cycle Housing Element Update

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council receive the report and provide direction to staff as desired.

BACKGROUND:
The Housing Element is a State-mandated policy document within the Del Mar Community Plan that provides direction for the implementation of various programs to meet existing and projected future housing needs for all income levels within the Del Mar community. The Housing Element provides policies, programs, and actions that accommodate growth, produce opportunity for the development of new housing units, preserve existing housing stock, and assist the existing population. The California State Department of Housing and Community Development (HCD) is the agency responsible for tracking and determining compliance with the State Housing Law.

The City's current Housing Element (5th Cycle) was adopted by the City Council in 2013 and certified by HCD. The certified Housing Element covers the planning period from April 2013 through April 2021. Staff is currently implementing the respective actions and programs for the 5th Cycle. The City's next Housing Element update (6th Cycle) will cover the planning period from April 2021 to April 2029.

To comply with State law, the City's Housing Element must be updated to ensure the City's policies and programs can accommodate estimated housing growth need identified in the San Diego County Association of Government's (SANDAG) Regional Housing Needs Assessment (RHNA) allocation for the 2021-2029 planning period. Any future changes to Housing Element policy will require environmental review pursuant to the California Environmental Quality Act (CEQA). Once complete, the CEQA document and the 6th Cycle Housing Element Update must be approved locally by the City Council no later than October 30, 2020. All documents will then be reviewed for compliance with

City Council Action:

State law by HCD. Following, final local adoption must occur by the City Council no later than April 15, 2021.

As noted, in order to meet the statutory deadlines, the initial Del Mar approval process will need to be completed by October 30, 2020. An informational fact sheet on the 6th Cycle Housing Element Update (6th Cycle Update) is provided as Attachment A.

The City Council will officially function as Del Mar's Housing Committee so that regularly-scheduled City Council meetings may be used as a public forum throughout the entire process in order to consider associated housing issues, receive public input, receive recommendations from Housing Element Task Force, discuss options, and provide direction to City staff and the consultant. In order to meet the aggressive deadlines set by state law, work on the 6th Update is already underway by staff and the City's housing consultant, Kimley-Horn & Associates.

The local adoption process will occur in five main steps:

1. Assessment of City-wide Housing Needs and Opportunities;
2. Drafting of Goals, Policies, Programs and Objectives (GPPOs);
3. Preparation of CEQA Environmental Review Document;
4. Formal Preparation of the 6th Cycle Update; and
5. Submittal to HCD to Obtain State Certification

Between now and October 2020, the 6th Cycle Update will include several public outreach efforts, including the anticipated formation of an interim Citizens' Housing Task Force (to be decided at the City Council's January 13, 2020 meeting), development of a community-wide survey tool, public workshops, and public hearings with the Planning Commission and City Council to help shape future policy decisions.

Additional information and updates will continue to be published on the City's Housing Element webpage which can be found at www.delmar.ca.us/HousingElement.

DISCUSSION/ANALYSIS:

The City is required by State law to update its Housing Element every eight years. The current certified Housing Element (5th Cycle) is for the eight-year planning period covering 2013 to 2021. Updating the City's Housing Element from 2021 to 2029 ensures the City will comply with State law, but more importantly is a time for the community to development and integrate necessary housing goals, policies, and programs into its Community Plan in order to meet anticipated housing growth. An updated Housing Element also allows the City to become eligible for State housing grants and other funding sources including community assistance programs.

Updating the Housing Element is a community-based process that includes a variety of public engagement activities and information, including:

- Public workshops and meetings *(conducted by an anticipated Citizens' Task Force)*;
- Multiple public hearings at the City Council and Planning Commission;
- A comprehensive review of demographics that reflect existing City conditions *(provided within this report);*
- Identification of housing needs, constraints, and resources *(provided within this report);*
- An analysis of adequate sites to meet the City's Regional Housing Needs Assessment (RHNA) *(provided within this report)*; and
- Development of goals, policies, programs, and quantified objectives to be carried out within the next eight-year cycle

Housing Needs, Constraints, Resources, Population, and Housing Profile

As required by State law, the City must assess housing needs, constraints, and resources within its 6th Cycle Update. A population and housing profile, which is also required, summarizes population and household characteristics, and analyzes special needs populations within the City. Constraints that must be identified include governmental, non-governmental, and environmental constraints which may have an effect on the opportunity for, or development of housing. Resources include such factors as available vacant land, zoning to meet RHNA growth needs, and maximum capacities of land which has already been developed. An in-depth community profile report, sites analysis, and capacity analysis has been summarized below and is provided in full as Attachments B and C, respectively.

Community Profile

The Community Profile is based upon the most recently available demographic data from County, State and Federal sources. Census data utilizes the most recently available American Community Survey (ACS) estimates. The Community Profile identifies community characteristics that form the basis for future policy decisions in the Housing Element. The Community Profile contains the analysis required by State Housing Element law and will be included in the Draft Housing Element document to be present to the City Council and a later date. The Community Profile contains the following information:

Population Characteristics

These include population growth trends, age characteristics, and race/ethnicity.

Economic Characteristics

These include employment and wage characteristics in Del Mar the region.

Household Characteristics

These include housing type, size, and household income.

Housing Problems
These include incidence of overpayment by tenure, overcrowding, and cost burden (overpayment).

Special Needs Populations
These include number of seniors, persons with disabilities, large households, single-parent households, farmworkers, poverty status, homeless and student populations.

Housing Stock Characteristics
These include housing growth trends, housing types, affordability, tenure, age, condition, current market trends, sales prices and rental market characteristics.

Assisted Housing
This includes project-based rental assistance, and tenant-based rental assistance.

Initial Sites and Capacity Analysis
The 6th Cycle Regional Housing Needs Assessment (RHNA) allocation for the City of Del Mar is 163 total units. An initial assessment of available sites to accommodate RHNA obligations was conducted in December 2019. This initial assessment evaluated current RHNA obligations with sites potentially available to accommodate growth need. These included vacant lands, underutilized lands, infill properties, and commercial zones permitting residential use. The initial site capacity analysis is summarized below:

RHNA Allocations vs. Candidate Sites

Income Category	6th Cycle RHNA	Initial Candidate Site Yield[1]	ADU (Potential)[2]	Net Dwelling Units (+/-)
Very Low (31% - 50% of AMI)	37 units	537 units	--	+436 units
Low (51% - 80% of AMI)	64 units			
Moderate (81% - 120% of AMI)	31 units	44 units	55 units	+68 units
Above Moderate (>120% of AMI)	31 units	41 units	44 units	+54 units
Total	***163* units**			***+558 units***

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. If adequate sites cannot be identified within the existing zoning, the City is required to rezone sites that can accommodate the remaining need. The City is

[1] *Candidate site yield is based on gross parcel acreage and does not account for potential constraints such as steep slopes and environmentally sensitive areas that may be an impediment to development. Future analysis will determine the net yield of each candidate parcel. Includes use of commercial land classifications the permit residential uses.*

[2] *A number of parcels have the ability to develop with Accessory Dwelling Units, or ADUs. To date the City has not had many applicants for ADUs, however recent State law and efforts by the City to encourage the development of ADUs may increase permit activity in the next planning period. All parcels within the City designated for residential uses may develop 1 ADU in additional to the primary residence, however it is not realistic to expect that all will do so. This analysis assumes that 5% of parcels may develop with ADUs in the 2021-2029 planning period.*

not required to build dwelling units in order to meet their RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units.

Above Moderate Income Need (54 Net Dwelling Units)
For this initial analysis, sites designated to meet the City's above moderate income RHNA need to have the appropriate zoning and the potential to yield at least an additional 2 units. The zoning designations R1-10, R1-10B, and R1-40 were considered in this analysis due to their maximum allowable density of under 5 dwelling units per acre (du/ac).

The initial analysis yielded 15 parcels that meet these characteristics. These parcels have the potential to yield approximately 41 dwelling units. These parcels will need to be further analyzed to remove areas with steep slopes or environmentally sensitive factors. These are considered barriers to development and must be netted out of the gross parcel acreage when considering dwelling unit yield.

Additionally, these parcels have the potential to add Accessory Dwelling Units (ADUs). Proposed State housing law geared towards the development of ADUs increases the likelihood that they will be developed within Del Mar. The Housing Element will adopt a methodology based on past performance and other factors such as new State law and local ordinances to estimate a number of ADUs that may be built within these zones during the planning period. Those estimated units may be counted towards meeting the above moderate income RHNA need.

Moderate Income Need (68 Net Dwelling Units)
Similarly, sites designated to meet the City's moderate income RHNA need to have the appropriate zoning and the potential to yield at least an additional 2 units. The zoning designations R1-5B, R2, RMC, RMS, RMW, and RME were considered in this analysis due to their maximum allowable density between 5 and 17.6 du/ac.

The initial analysis yielded 12 parcels that meet these characteristics. These parcels have the potential to yield approximately 44 dwelling units. While a number of other parcels within the City met these characteristics on paper, a parcel-by-parcel analysis eliminated those parcels based on a visual inspection and review. Those sites that had current conditions not conducive to new development were eliminated from initial consideration. These parcels will need to be further analyzed to remove areas with steep slopes or environmentally sensitive factors. These are considered barriers to development and must be netted out of the gross parcel acreage when considering dwelling unit yield.

Additionally, these parcels have the potential to add ADUs. Many of the parcels not considered as viable in the analysis above, are prime candidates to redevelop with and

ADU. The methodology for estimating the number of moderate-income ADUs is the same as shown in the above moderate income section above.

Low & Very-Low Income Need (436 Net Dwelling Units)
Sites designated to meet the City's low and very-low income RHNA need must meet the requirements pursuant to AB 1397. In summary, sites must:

- Be considered "available". Sites must either be vacant (free of any improvement or easements) or have a "realistic and demonstrated potential for redevelopment during the planning period." If more than 50% of the sites identified to meet the very low and low-income RHNA need are non-vacant, HCD will consider it an impediment to development.
- Meet size requirements, with no parcels smaller than .5 acres and no sites larger than 10 acres. HCD may consider adjacent parcels that total >.5 acres as one candidate site with additional justification provided.
- Must be able to be served by water, sewer, and dry utilities.
- Sites may be re-used from previous housing elements but will trigger a provision which requires by-right development and at least 20% of the total units to be affordable to lower income households.

Additionally, once sites are selected there are provisions relating to the unit capacity shown for each parcel. This is determined based on the densities of existing and past low-income development within the City.

Sites designated to meet the very low and low-income need must allow development at what is commonly referred to as a "default density." Del Mar falls into the "Suburban" category (within a Metropolitan Statistical Area with a population greater than 2 million people, but a City population less than 25,000). The Suburban category requires a default minimum density of 20 du/ac. As Del Mar does not currently have a zoning designation that can accommodate this density, the City will need to amend its zoning standards and rezone all sites chosen to meet this need with the new designation.

The initial sites analysis for the very low and low-income need yielded the following candidate sites for consideration of inclusion within the Housing Element:

- Staver Family "estate property". This property contains a large amount of private open space and is located adjacent to areas of existing higher density development. HCD would likely require notification from the property owner indicating their intent to redevelop for residential development at the default density within the planning period. This site would not be considered vacant by HCD in its current condition.
- Camino Del Mar/Border Avenue properties. These six parcels are located adjacent to existing higher density development near the northern boundary of Del

Mar. These parcels are currently unimproved and would likely be considered vacant by HCD.

- Del Mar Fairgrounds property. It is likely that the Housing Element will explore potential housing solutions to meet the very low and low-income RHNA need within a portion of the Del Mar Fairgrounds. The 22nd DAA has a 2008 master plan which aims to improve the existing condition of the housing stock within the property. While it can be considered a potential candidate site, additional discussions with the Del Mar Fairgrounds and HCD are required to determine the viability of the site.

In addition to the identified candidate sites, the City is currently undergoing the process of revising the allowable uses within the North Commercial (NC) and Professional Commercial (PC) zones to allow for residential development to be built up to 20 du/ac. Properties within these zones can develop as solely commercial, solely residential, or a mixture of the two. Given the variable nature of these parcels, the Housing Element will define a strategy to adequately account for the potential of these areas that is acceptable to HCD. Assuming these revisions to the NC and PC zoning designations take place, these properties would not require any rezoning as they would allow development at the default density.

Initial Sites and Capacity Analysis Conclusions

The initial analysis identified a number of viable sites to meet each income category of Del Mar's RHNA. The estimation of Accessory Dwelling Unit production will provide additional capacity beyond that of the identified sites.

Del Mar will be required to rezone some parcels to allow residential development at the default density (20 du/ac) required by State law. The identification of candidate sites and the ultimate selection of sites to accommodate RHNA obligations will be determined prior to the submittal of the Draft Housing Element to HCD.

Additional analysis will now be performed to determine the net usable acreage of the identified parcels to ensure the City has the required area needed to meet its RHNA allocation. In conjunction with City Staff and the necessary parties, Kimley-Horn will work to explore additional solutions to accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth.

Regional Housing Needs Assessment (RHNA)

The Regional Housing Needs Assessment (RHNA) is mandated by State law to quantify the need for housing throughout the State and each city in the San Diego Region. This informs the local planning process to address existing and future housing need resulting from projected state-wide growth in population, employment, and households.

As the Council of Governments (or regional planning agency), SANDAG is responsible for determining the methodology for the allocation of housing units in the 2021-2029 planning period and overseeing the RHNA process for the San Diego region. On November 1, 2019, HCD approved the methodology developed by SANDAG for the 6th Cycle RHNA. The Final 6th Cycle RHNA is tentatively scheduled to be heard by SANDAG at the end of the public comment period in April 2020. The methodology can be found on the SANDAG website at: www.sandag.org/uploads/projectid/projectid_189_26874.pdf

For the 6th Cycle planning period, the City of Del Mar is allocated 163 units to accommodate the estimated growth need at various income levels, of which 101 units are allocated for very-low and low income categories. As part of the 6th Cycle Update, the City must provide a sufficient amount of adequate sites to accommodate the 6th Cycle RHNA allocation.

The 6th Cycle RHNA allocation for Del Mar is shown below. For reference, the current 5th Cycle allocation covering 2013-2021 is provided as well.

6th Cycle RHNA Allocation by Income Category				
Income Category	**Income Range***		**RHNA Allocation (Housing Units)**	
	Min	Max	***6th Cycle***	*5th Cycle*
Very Low (31% to 50%)	$26,753	$43,150	**37 units**	7 units
Low (51% to 80%)	$43,151	$69,040	**64 units**	15 units
Moderate (81% to 120%)	$69,041	$103,560	**31 units**	20 units
Above Moderate (120% or more)	$103,560	> $103,560	**31 units**	34 units
TOTAL			**163 units**	76 units

*Income range is a percentage based on the 2019 HUD Area Median Income (AMI) for San Diego County of $86,300.

The growth in 6th Cycle RHNA allocation is attributable to a variety of factors such as:

Increase in 6th Cycle RHNA Determination
HCD had provided a RHNA Determination for the 5th Cycle of 161,980 units. The 6th Cycle RHNA Determination has increased to 171,685 units. This has effectively increased the growth need across most jurisdictions in the County.

Equity Adjustment Calculations
The City of Del Mar's percentage of households in the Very -Low, Low and Moderate income categories are less than the average for the San Diego region. If the jurisdiction has a smaller share of households in that category than that of the region, it has the effect of increasing the equity adjustment upward. Because the SANDAG 6th Cycle methodology seeks to increase a jurisdiction's mix of housing for each income category, Del Mar has seen significant comparative increases in RHNA allocations for the Very-Low, Low and Moderate income categories from the 5th Cycle.

Weighting Factors
The Draft RHNA allocations distributes the regional housing need according to weighting factors including the availability of Transit and total regional share of jobs. 65 percent of total regional allocations is attributed to cities with transit availability and 35 percent of the regional allocation is related to the number of jobs in the particular jurisdiction.

SANDAG Board of Directors Consideration
The SANDAG Board of Directors indicated several factors to be considered in the distribution of housing units across jurisdictions in the County. These include assuming built out cities should take housing growth so distant areas do not need more housing, locations close to job centers should see a higher proportion of RHNA allocations and jurisdictions should not be given a lower allocation of housing units even if they exclude areas for development. Additionally, different from the 5th Cycle methodology, the 6th Cycle does not rely on existing capacity in a jurisdiction as a starting point when determining RHNA allocations.

Projected Timeline & Upcoming Public Engagement Opportunities

A detailed timeline outlining the 6th Cycle Update process is included as Attachment D. Staff will continue to refine the schedule as the 6th Cycle Update process continues, and keep the timeline posted in real-time on the Housing Element webpage (www.delmar.ca.us/HousingElement).

Key upcoming dates over the next two months, in addition to regular City Council meetings scheduled for February 3, February 18, and March 9, include the following:

Anticipated Housing Element Citizens' Task Force First Meeting (bi-weekly from 3-5pm)	Thursday, February 6, 2020
CEQA Document – Circulation of Notice of Preparation (30-date review period)	Wednesday, February 19, 2020
Anticipated Housing Element Citizens' Task Force Meeting #2 (bi-weekly from 3-5pm)	Thursday, February 20, 2020
Anticipated Housing Element Citizens' Task Force Public Workshop and CEQA Document Scoping Meeting	Saturday, February 29, 2020
Anticipated Housing Element Citizens' Task Force Meeting #3 (bi-weekly from 3-5pm)	Thursday, March 5, 2020
Community-wide Survey	March 2020

Draft Communications Plan

A draft Communications Plan is included as Attachment E. The Communications Plan is intended to outline the approach for how community engagement will occur during the 6th Cycle Update in order to solicit meaningful input and participation from the public. The Communications Plan will describe a mix of public workshops and meetings, and a variety

of tools to help the community understand the 6th Cycle Update process, issues to resolve (as identified during the current 5th Cycle Housing Element evaluation), and potential solutions.

The communications plan provides for community input by the following means:

Housing Element Citizens' Task Force
The Task Force will be appointed by the City Council to provide feedback and recommendations for CEQA and programmatic aspects of the Housing Element. The Task Force will be meeting on a bi-weekly basis into May 2020.

Community Workshops
Two Community Workshops will be conducted for the Housing Element Update. The workshops will be held on a weekend and weeknight to encourage greater participation. The Workshops will provide opportunities for the community to identify issues, opportunities and suggest policy and programmatic considerations.

City Council/Planning Commission Sessions
Four City Council Meetings will be conducted prior to the development of the draft Housing Element. The meetings will provide updates on progress relative to new housing law, available sites for housing, HCD coordination, and policy and programs considerations. The Planning Commission will also provide input and recommendations to the City Council.

Digital Outreach Tools
The outreach process will be complemented by an online engagement presence including a website and community survey tool. The website is currently available to view at www.delmar.ca.us/HousingElement**.** The website will provide regular updates to the planning process, background information, draft documents and additional opportunities for the public to provide input through an online engagement tool. The online engagement tool will allow the community to register comments and ideas through a survey and open-ended questions.

PRIOR CITY COUNCIL REVIEW:
The 6th Cycle Update is a standing City Council item.

FISCAL IMPACT:
The adopted two-year Operating and Capital Budget includes a total of $453,600 ($304,200 in FY2019-2020 and $149,400 in FY2020-2021) for the 6th Cycle Update which includes preparation of a CEQA document and associated legal review.

ENVIRONMENTAL IMPACT:
The action before the City Council has been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15262 (Planning and Feasibility Studies).

This is appropriate for the action because any direction provided to staff is not a final action or approval in regard to the Housing Element Update and does not have a legally binding effect on any possible future discretionary action.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The 6th Cycle Update to the City's certified Housing Element is a City Council Priority for Fiscal Years 2020 and 2021.

ATTACHMENTS:
Attachment A – Draft 6th Cycle Housing Element Update Fact Sheet
Attachment B – Community Profile Report
Attachment C – Site Inventory and Capacity Analysis
Attachment D – Housing Element Update Projected Timeline
Attachment E – Communications Plan Summary

Attachment A— DRAFT 1/6/2019

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

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More information about the 6th Cycle RHNA process can be found on SANDAG's website here: https://www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail

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CITY OF DEL MAR
HOUSING ELEMENT UPDATE

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The Housing Element is a community-based process that will include a variety of public engagement opportunities, provide housing data and identify future policies addressing housing. The update process will include:

- Public workshops and meetings;
- Publicly noticed hearings at the City Council and Planning Commission;
- A comprehensive review of Del Mar's demographics;
- Identification of local housing needs, constraints, and resources;
- An analysis of adequate sites to accommodate City's RHNA oblilgations; and
- Development of goals, policies, programs, and quantified objectives to be carried out during the 2021-2029 planning period.

Task	Projected Date
City Council Meetings – Progress updates at each meeting	January – October 2020
Housing Element Citizens' Task Force – Meets bi-weekly	February 6 – May 7, 2020
CEQA – Circulation of Notice of Preparation	February 19, 2020
Housing Element Citizens' Task Force—Public Workshop / EIR Scoping	Saturday, February 29, 2020
City Council Meeting – Workshop & Scoping Recap	March 23, 2020
Community Housing Element Survey	March – April 2020
City Council Meeting – Public Workshop on Potential Programs	April 20, 2020
CEQA – Publish and Circulate Notice of Availability of DIER (60-day)	May 14, 2020
CEQA – End of 60-day Public Review Period of DEIR	July 13, 2020
CEQA – Draft response to EIR comments	September 8, 2020
Planning Commission – Recommendation on Housing Element and EIR	September 15, 2020
Certification of EIR and Approval of Housing Element	October 19, 2020
Submittal of Housing Element to HCD	October 2020
Review and Certification of Housing Element by HCD	November 2020 – April 2021

For more information, please visit our website at:

www.delmar.ca.us/HousingElement

City of Del Mar
Housing Element
Community Profile

December 2019
DRAFT

City of Del Mar Community Profile

This Community Profile for the City of Del Mar provides an overview of the City's housing and population conditions. The community profile serves as the foundation for the Housing Element's policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Del Mar. Specifically, the Community Profile describes the community's population, employment, economic, and household characteristics. Special Needs groups and housing stock characteristics are also described.

The data used for this community profile has been collected using the most current available data from the San Diego County Association of Governments (SANDAG), 2000 and 2010 U.S. Census, 2013-2017 American Community Survey, the California Department of Finance, the California Employment Development Department, the California Department of Education and other currently available real estate market data.

A. Population Characteristics

Understanding the characteristics of Del Mar's population is important to establish the appropriate planning for the current future needs of a community. Population characteristics affect current and future housing demands in a community. Population growth, age composition, and race/ethnicity influence the type and extent of housing needed and the ability of the local population to afford housing costs. The following section describes and analyzes the various population characteristics and local trends that affect housing needs.

1. Population Growth

The 2010 Census reported that Del Mar's population declined from 4,860 in 1990 to 4,161 in 2010 (**Table 1**). Despite prior trends, the SANDAG 2050 Regional Growth Forecast estimates that Del Mar's population will experience forecasted growth in population reaching 4,672 by 2035 and 4,732 by 2050. Del Mar is the smallest incorporated jurisdiction by land area, population, and housing units within San Diego County. As a generally built out community with limited land resources to accommodate new growth, Del Mar is expected to experience the lowest percentage of average annual growth than neighboring jurisdictions and all incorporated cities in San Diego County.

Table 1: Population Growth (1990-2020)								
Jurisdictions	Population						Percent Change	
	1990 Actual	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2050 Projected	1990-2010	2012-2050
Carlsbad*	63,126	105,328	107,674	118,450	124,351	124,518	66%	16%
Del Mar	**4,860**	**4,161**	**4,194**	**4,399**	**4,672**	**4,732**	**-14%**	**13%**
Encinitas*	55,386	59,518	60,346	62,908	65,264	66,670	7%	10%
Oceanside*	128,398	167,086	169,319	177,840	188,597	189,377	30%	12%
Solana Beach*	12,962	12,867	13,000	13,367	14,207	14,870	-1%	14%
San Diego City	1,110,549	1,307,402	1,321,315	1,453,267	1,665,609	1,777,936	18%	35%
San Diego County	2,498,016	3,095,313	3,143,429	3,435,713	3,853,698	4,068,759	24%	29%

Represents an estimate from the SANDAG 2050 Regional Growth Forecast.
Sources: Bureau of the Census (1990-2010) and SANDAG Regional Growth Forecast Update (2013).
*North coastal cities in San Diego County

2. Age Characteristics

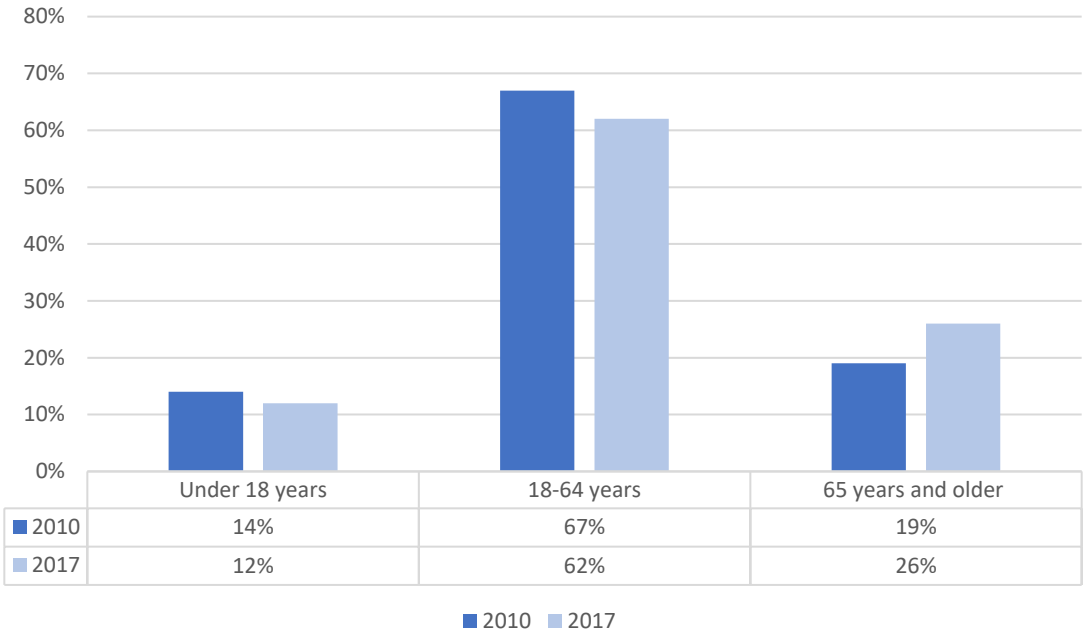
The age structure of a population is an important factor in evaluating housing needs. The traditional assumption is that in many communities, young adults favor apartments, low- to moderate-cost condominiums, and smaller or more affordable single-family units, while mature adults provide the market for moderate to high-end condominiums and single-family homes. The senior population (65 years and older) tends to generate demand for low- to moderate-cost apartments and condominiums, communal residential settings, and mobile homes.

As the population moves through each stage of life, housing needs and preferences change. In order to create a balanced and sustainable community that can accommodate the needs of the current and future population, it is important to provide housing options that accommodate the needs of various age groups.

Figure 1 compares changes in the age composition of Del Mar's population from 2010 to 2017, while **Table 2** compares the percentage of individuals under eighteen, over 65, and the median age of Del Mar with those of nearby communities. The population of Del Mar, with a median age of 50.7 years in 2017, is significantly older than the population of neighboring communities and that of the County as a whole. In 2017, Del Mar's median age was approximately fifteen years older than San Diego County's median age. The higher median age is attributed to the larger percentage of seniors (25 percent of the population in 2017) and the smaller percentage of children under 18 years of age (12 percent in 2017) as compared to most other San Diego County communities. Del Mar's population under eighteen decreased from thirteen percent to twelve percent between 2000 and 2017. The senior population nearly doubled as a proportion of the City's overall population from 2000 to 2017, reaching approximately 21 percent by 2010. This is in contrast to trends seen in neighboring cities where the proportion of senior residents in neighboring

cities was noticeably lower (by about two to fourteen percentage points depending on the jurisdiction).

Figure 1: Age Distribution (2010-2017) – Del Mar



Source: American Community Survey, (2017).

Table 2: Age Characteristics (2000-2017)

Jurisdiction	Under 18 years			Over 65 years			Median Age
	2000	2010	2017	2000	2010	2017	2017
Carlsbad	23.3%	24.1%	23.4%	14.0%	14.0%	16.0%	42.6
Del Mar	**13.6%**	**13.6%**	**12.0%**	**14.1%**	**20.8%**	**25.6%**	**50.7**
Encinitas	23.1%	20.6%	20.5%	10.4%	12.8%	16.9%	42.9
Oceanside	27.6%	23.8%	21.4%	13.6%	12.9%	15.1%	37.5
Solana Beach	17.9%	18.5%	16.2%	17.3%	18.7%	22.78%	46.1
San Diego City	24.0%	21.4%	20.5%	10.5%	10.7%	12.0%	34.3
San Diego County	25.6%	23.4%	22.2%	11.1%	11.4%	12.9%	35.4

Sources: Bureau of the Census, (2000-2010) and American Community Survey, 5-year estimates (2013-2017).

3. Race/Ethnicity Characteristics

The racial and ethnic composition of Del Mar's population is important to analyze the implications for housing needs to the extent that different racial and ethnic groups have different household characteristics, income levels, and cultural backgrounds that may affect their housing needs, housing choice and housing types.

In 2010, roughly 91 percent of Del Mar residents were White; by 2017, that number increased 5 percent to roughly 96 percent. **Table 3** shows about one percent of the Del Mar residents were Black and three percent Asian. Approximately 5% of the population is of Hispanic origin and may fall into multiple census racial compensation categories. Pacific Islander and American Indian did not constitute any percentage of the population in 2017. The population in Del Mar has a significantly higher proportion of White residents and smaller proportion of residents of all other racial and ethnic groups in comparison to adjacent jurisdictions and other cities in San Diego County.

Table 3: Racial Composition (2017) – San Diego County Cities and Region

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).

B. Economic Characteristics

Employment has demonstrable impact on local housing needs. Incomes associated with different types of employment and the number of workers in a household affect housing affordability and choice. In some cases, the job types can affect housing needs and demands (such as in communities with military installations, college campuses, and large amounts of seasonal agricultural harvesting). Local employment growth is related to local housing demand, while the reverse is true when employment figures contract.

1. Employment and Wage Scale

From 2006 to 2010, the largest occupational categories for City residents were professional services and finance, insurance, and real estate occupations (**Table 4**). These categories accounted for approximately 52 percent of jobs held by Del Mar residents. In comparison, these types of occupations comprised about 27 percent of jobs held by County residents. According to the American Community Survey (ACS) for the period of 2013 to 2017, the largest occupation categories consisted of education, health, social services, and construction, accounting for approximately 36 percent of the City's occupations. An additional 24 percent of the City's residents worked in manufacturing and professional services occupations.

Table 5 displays average annual wage data for occupations compiled by the California Employment Development Department (EDD) for the San Diego Metropolitan Statistical Area in

2019. Professional and health services occupations, including managers, doctors, attorneys, architects, and engineers were among the highest paying professions in the region. Education and financial occupations generally offer high to moderate pay scales while the food preparation and rail sales offer lower wages.

Table 4: Employment Characteristics (2006-2017) – Del Mar

Industry	2006-2010 ACS		2013-2017 ACS	
	% of City Employment	% of Region Employment	% of City Employment	% of Region Employment
Agriculture, Mining	0.0%	0.7%	0.0%	0.9%
Construction	3.5%	7.2%	16.5%	5.7%
Manufacturing	6.7%	9.2%	10.8%	9.2%
Transportation, Communication, Utilities	1.5%	3.8%	1.6%	3.9%
Wholesale Trade	5.6%	2.9%	6.9%	2.5%
Retail Trade	0.5%	10.8%	2.3%	10.7%
Finance, Insurance and Real Estate	24.3%	7.4%	9.6%	6.3%
Professional Services	21.0%	14.2%	13.6%	15%
Education, Health, and Social Services	27.9%	19.9%	19.7%	21.2%
Arts, Entertainment, and Recreation	7.1%	10.6%	6.7%	11.9%
Other Services	1.9%	7.8%	1.3%	5.3%
Public Administration	0.0%	5.5%	1.8%	5.1%
Total	**100.0%**	**100.0%**	**100%**	**100%**

Sources: Census and American Community Survey (2006-2010 and 2013-2017)

Table 5: Mean Salary by Occupation - San Diego County (2019)	
Occupation Type	**Average Salary**
Management	$131,550
Legal	$125,772
Healthcare Practitioners and Technical	$97,702
Architecture and Engineering	$98,760
Computer and Mathematical	$101,629
Life, Physical and Social Science	$86,073
Business and Financial Operations	$80,510
Education, Training and Library	$66,335
Arts, Design, Entertainment, Sports and Media	$61,635
Construction and Extraction	$58,011
Protective Service	$58,789
Community and Social Service	$57,077
Installation, Maintenance and Repair	$53,025
Sales	$43,543
Office and Administrative Support	$43,266
Production	$42,499
Transportation and Material Moving	$38,450
Healthcare Support	$38,858
Building, Grounds Cleaning, and Maintenance	$33,718
Personal Care and Service	$31,530
Farming, Fishing and Forestry	$32,872
Food Preparation and Serving Related	$26,380
Average Salary for All Occupations	**$59,401**
Source: California Employment Development Division, Occupational Wage data, 2019.	

C. Household Characteristics

Analyzing household characteristics assists in determining the housing needs of the community. Income and affordability are best measured at the household level, as are the special needs of certain groups, such as large families, female-headed households, or extremely low-income households. For example, if a City has a substantial number of young families whose incomes preclude the option of buying a home due to local housing costs; it may choose to initiate a homebuyer assistance program.

The U.S. Census Bureau defines a "household" as "all persons who occupy a housing unit, which may include families, singles, or other." Boarders are included as part of the primary household by the Census. Families are households related through marriage, domestic partnerships, blood or adoption, and includes single-parent households with children. A single household refers to individuals living alone. "Other" households reflect unrelated individuals living together (e.g. roommates). Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households.

This section details the various household characteristics that affect housing needs.

1. Household Type and Size

According to the 2017 American Community Survey, there were 1,111,739 households in San Diego County. Of these, 2,157 households, or less than one percent, were located in Del Mar. Among the Del Mar households, 33 percent were single-person households, and households headed by seniors (65+) comprised 30 percent of all households. Single-person and senior-headed households represented a much larger proportion of Del Mar's total households than nearly all other area jurisdictions and the County as a whole. Conversely, about 16 percent of Del Mar households consisted of families with children; a percent which has remained consistent since 2010 and is a much smaller proportion than that found in other area jurisdictions or countywide (**Table 6**). The table below does not represent all household types and some families may fall into more than one category (ie families with children and large households).

Table 6: Household Characteristics (2017)

Jurisdiction	Single Person Households	Senior Headed Households	Families with Children*	Single-Parent Households	Large Households
Carlsbad	23.3%	24.8%	36.7%	14.0%	6.8%
Del Mar	**33.1%**	**30.2%**	**15.9%**	**9.1%**	**1.9%**
Encinitas	26.0%	27.5%	30.5%	10.5%	5.5%
Oceanside	25.0%	25.6%	32.8%	16.4%	11.1%
Solana Beach	32.0%	34.7%	24.0%	10.0%	3.4%
San Diego City	27.8%	19.4%	32.7%	15.9%	10.0%
San Diego County	24.0%	21.7%	36.2%	17.1%	11.7%

Sources: American Community Survey, 2013-2017.
*Data reflects presence of own children in a household, under the age of 18.

Table 7 shows from 2000 to 2010, the percent of family-households in Del Mar stayed fairly the same (increasing by about 1.5 percent) then from 2010 to 2017 increased by about fourteen percent. Among these 1,256 family-households in 2017, 834 were married couples that do not have children (66.4 percent), compared to 226 married couples with children (17.9 percent). Between 2010 and 2017, the number of married couples with no children increased from 673 to 834, an increase of 23.9 percent. While the number of married couples with no children has increased from 2000 to 2017, the number of married couples with children is shows decline. **Table 7** shows from 2000 to 2010 the number of married couples with children decreased by nine percent, and from 2010 to 2017 the number again decreased by another eleven percent.

Table 7: Changes in Household Types (2000 – 2017) – Del Mar

Household Types	2000		2010		2017		Percent Change			
							1990-2000		2010-2017	
	#	%	#	%	#	%	#	%	#	%
Families	1,083	49.7%	1,098	53.2%	1,256	58.2%	15	1.4%	158	14.4%
Married w/ Children	280	12.9%	254	12.3%	226	10.5%	-26	-9.3%	-28	-11%
Married w/o Children	652	29.9%	673	32.6%	834	38.7%	21	3.2%	161	23.9%
Other Families	151	6.9%	171	8.3%	196	15.6%	-20	-13.2%	25	14.6%
Non-Families	1,095	50.3%	966	46.8%	901	41.8%	-129	-11.8%	-65	-6.7%
Single	797	36.6%	707	34.3%	715	33.1%	-90	11.3%	8	1.1%
Other Non-Families	298	13.7%	259	12.5%	--	-- %	-39	-13.1%	--	-- %
Total Households	**2,178**	**100.0%**	**2,064**	**100.0%**	**2,157**	**100.0%**	**-114**	**-5.2%**	**93**	**4.5%**

Source: Bureau of the Census, 1990-2010 Census and American Community Survey (2013-2017).

Household size is an indicator of one source of population growth. A city's average household size is also an indicator of the character and size of households, which represent the most basic unit of demand for housing. Although there can be more than one family in a housing unit, the measure of persons per household provides an indicator of the number of persons residing in a household organizing unit and the number of persons living in a housing unit. Average household size can be both a result and indicator of housing affordability and other household economic conditions.

In 2017, the average number of persons per household in the North County region ranged from 2.01 to 2.81, with a region-wide average of 2.87 persons per household. Del Mar had an average of 2.01 persons per household, virtually no change from 2010. **Table 8** compares household size in Del Mar to household sizes in surrounding cities and the County. Household sizes varied among the cities, with Del Mar and Solana Beach having the lowest average household size among surrounding jurisdictions. This average household size correlates with the household type and age of residents (mostly senior households and married couples without children).

Table 8: Average Persons per Household in 2017	
Jurisdiction	**Average Household Size (2017)**
Carlsbad	2.60
Del Mar	**2.01**
Encinitas	2.56
Oceanside	2.81
Solana Beach	2.33
San Diego City	2.72
San Diego Region	2.87
Source: American community Survey (2017).	

2. Household Income

Assessing household income is a major component of evaluating housing affordability. Household income is directly connected to housing affordability. As household income increases, it is more likely that the household will be able to afford market rate housing units, larger sized units and pursue ownership opportunities. As household income decreases, households tend to pay a disproportionate amount of their income for housing. This may influence increased incidence of overcrowding and substandard living conditions.

The California State Department of Housing and Community Development (HCD) has identified the following income categories based on the Area Median Income (AMI) of San Diego County;

- Extremely Low-income: households earning up to 30 percent of the AMI
- Very Low-income: households earning between 31 and 50 percent of the AMI
- Low-income: households earning between 51 percent and 80 percent of the AMI
- Moderate Income: households earning between 81 percent and 120 percent of the AMI
- Above Moderate Income: households earning over 120 percent of the AMI

Combined, the extremely low, very low, and low-income groups are referred to as lower income.[1]

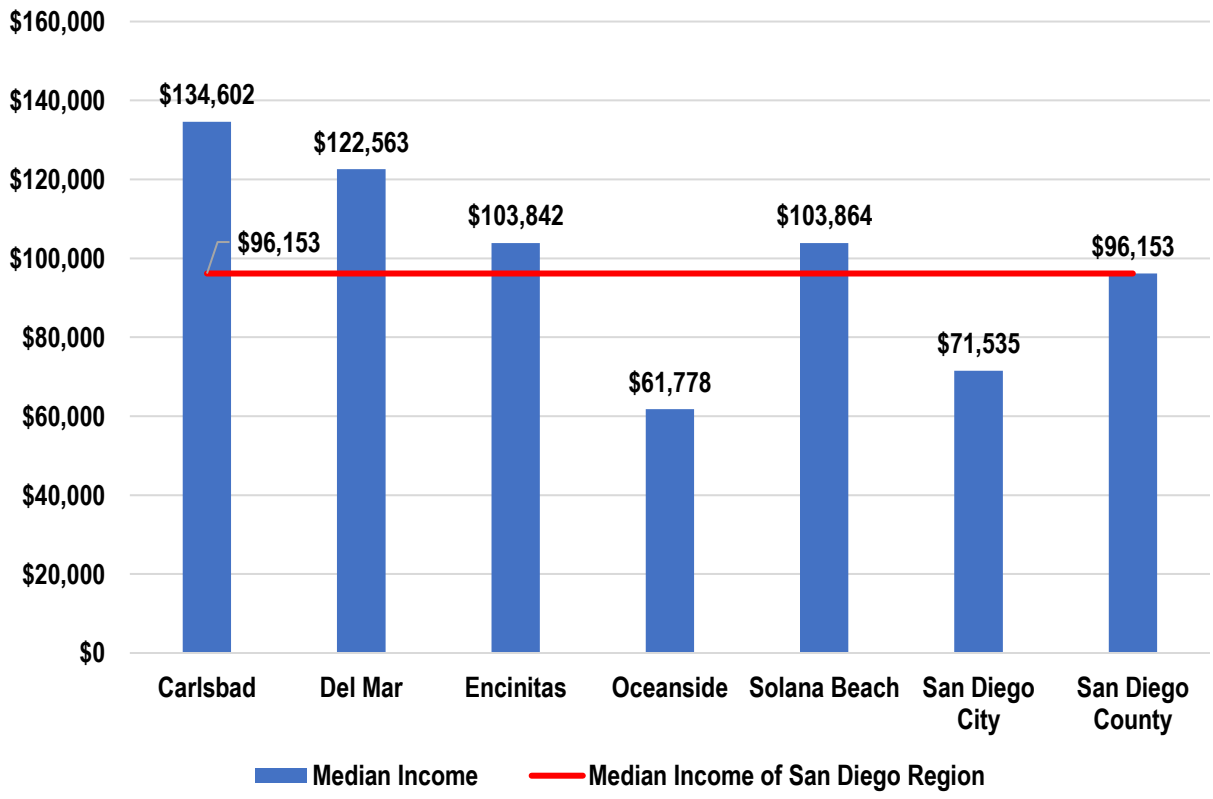
Comprehensive Housing Affordability Strategy (CHAS) estimates based on 2006-2016 American Community Survey (ACS) data used below. In 2016, approximately 77 percent of Del Mar households earned moderate or above moderate incomes (**Table 9**), while 22.5 percent of households had incomes in the extremely low, very low, and low-income levels. It should be noted however, many households in Del Mar (particularly senior households) may have low incomes but significant assets and/or have equity.

[1] Federal housing and community development programs typically assist households with incomes up to 80 percent of the AMI and use different terminology. For example, the Federal Community Development Block Grant (CDBG) program refers households with incomes between 51 and 80 percent AMI as moderate income (compared to low-income based on State definition).

Table 9: Households by Income Category in Del Mar (2016)		
Income Category (% of County AMI)	**Households**	**Percent**
Extremely Low (30% AMI or less)	370	16.4%
Very Low (31 to 50% AMI)	90	4.0%
Low (51 to 80% AMI)	50	2.2%
Moderate or Above (over 80% AMI)	1,750	77.4%
Total	**2,260**	**100.0%**
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2012-2016.		

Household incomes in Del Mar tend to be significantly higher than those in the region as a whole. Median household income in Del Mar was $122,563 in 2017, compared to the San Diego County median household income of $96,153. **Figure 2** and **Table 10** compare household income in Del Mar to those of the San Diego region between 2013 and 2017. The difference can be explained by the high proportion of City residents employed in high paying management and professional service occupations (**Table 4 and Table 5**).

Figure 2: Median Household Income by City (2013-2017)

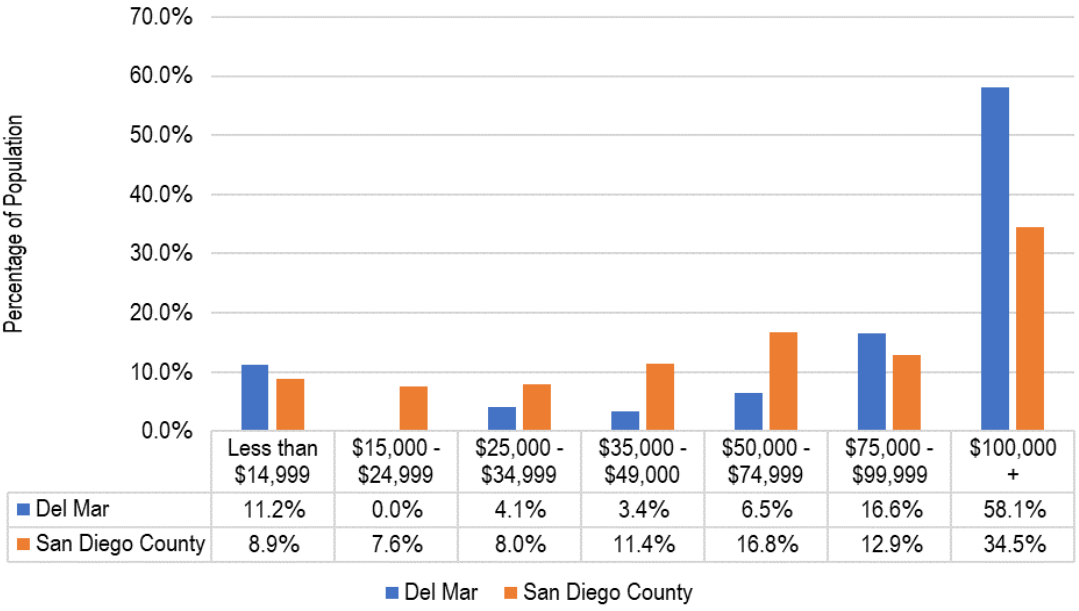


Source: Bureau of the Census, American Community Survey, 2013-2017.

Table 10: Median Household Income in Del Mar (2013-2017)		
Jurisdiction	**Median Household Income**	**Percent Above/ Below Regional Median**
Carlsbad	$ 134,602.00	29%
Del Mar	**$ 122,563.00**	22%
Encinitas	$ 103,842.00	7%
Oceanside	$ 61,778.00	-56%
Solana Beach	$ 103,864.00	7%
San Diego City	$ 71,535.00	-34%
San Diego County	$ 96,153.00	--
Source: Bureau of the Census, American Community Survey, 2013-2017.		

According to the 2013-2017 ACS, about eleven percent of the Del Mar households earned less than $25,000 (**Figure 3**). About 58 percent of Del Mar households earned $100,000 or more during this time period. Like Del Mar, the County's income distribution between 2013 and 2017 was skewed toward the higher income categories, though not to the same extent as Del Mar. Overall, Del Mar's median income was about 22 percent higher than the County median income, and the second highest in the North County Region next to Carlsbad.

Figure 3: Household Income (2013-2017)



	Less than $14,999	$15,000 - $24,999	$25,000 - $34,999	$35,000 - $49,000	$50,000 - $74,999	$75,000 - $99,999	$100,000 +
Del Mar	11.2%	0.0%	4.1%	3.4%	6.5%	16.6%	58.1%
San Diego County	8.9%	7.6%	8.0%	11.4%	16.8%	12.9%	34.5%

Source: Bureau of the Census, American Community Survey, 2013-2017.

D. Housing Problems

The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD provides detailed information on housing needs by income level for different types of households in Del Mar. The most recent available CHAS data for Del Mar was published in August 2019 and was based on 2006-2016 ACS data (**Table 11**). Housing problems considered by CHAS included:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The types of problems in Del Mar vary according to household income, type, and tenure. These include:

- In general, owner-households had a lower level of housing affordability problems (37 percent) than renter-households (42 percent). This is a change from the 2000 CHAS data which showed that a higher percentage of owner-households (40 percent) had affordability problems when compared to renter-households (36 percent).
- Approximately 89 percent of very low-income (households earning between >30 and 50 percent of the AMI) and 100 percent of low-income households (households earning between >50 and 80 percent of the AMI) had one or more housing problems.

Table 11: Housing Assistance Needs of Lower Income Households (2000) – Del Mar								
Household by Type, Income, and Housing Problem	Renters				Owners			Total Households
	Elderly	Small Families	Large Families	Total Renters	Elderly	Large Families	Total Owners	
Extremely Low-income (<=30% AMI)	**10**	**10**	**0**	**295**	**40**	**0**	**75**	**370**
% With any housing problem	0%	0%	n/a	100%	75%	n/a	46.7%	89.2%
% With cost burden >30%	0%	0%	n/a	100%	75%	n/a	46.7%	89.2%
% With cost burden > 50%	0%	0%	n/a	100%	75%	n/a	46.7%	89.2%
Very Low-income (>30-50% AMI)	**14**	**0**	**0**	**75**	**50**	**0**	**15**	**90**
% With any housing problem	100%	n/a	n/a	100%	80%	n/a	100%	100%
% With cost burden >30%	100%	n/a	n/a	100%	80%	n/a	100%	100%
% With cost burden > 50%	71.4%	n/a	n/a	100%	60%	n/a	100%	100%
Low-income (>50-80% AMI)	**10**	**10**	**0**	**0**	**60**	**0**	**50**	**50**
% With any housing problem	100%	100%	n/a	0%	50%	n/a	100%	100%
% With cost burden >30%	100%	100%	n/a	0%	50%	n/a	100%	100%
% With cost burden > 50%	100%	0%	n/a	0%	33.3%	n/a	100%	100%
Moderate & Above Income (>80% AMI)	**30**	**215**	**4**	**670**	**179**	**68**	**1,080**	**1,750**
% With any housing problem	0%	14%	0%	10.4%	11.2%	35.3%	33.3%	24.6%
% With cost burden >30%	0%	14%	0%	10.4%	11.2%	20.6%	33.8%	24.9%
% With cost burden > 50%	0%	0%	0%	0%	0%	14.7%	18.5%	11.4%
Total Households	**64**	**235**	**4**	**1,040**	**329**	**68**	**1,220**	**2,260**
With any housing problem	24	40	0	440	120	24	460	900
% With housing problem	37.5%	17.0%	0%	42.3%	36.5%	35.3%	37.7%	39.8%
Source: HUD Comprehensive Housing Affordability Strategy (CHAS)								

1. Overcrowding

The federal government defines an overcrowded household as one with more than one occupant per room, excluding bathrooms, kitchens, hallways, and porches. Severely overcrowded households are households with greater than 1.5 persons per room. An overcrowded household results from either a lack of affordable housing (which forces more than one household to live together) and/or a lack of available housing units of adequate size.

The incidence of overcrowded and severely overcrowded households can lead to neighborhood deterioration due to the intensive use of individual housing units leading to excessive wear and tear, and the potential cumulative overburdening of community infrastructure and service capacity. Furthermore, overcrowding in neighborhoods can lead to an overall decline in social cohesion and environmental quality. Such decline can often spread geographically and impact the quality of life and the economic value of property and the vitality of commerce within a city.

The combination of lower incomes and high housing costs result in many households living in overcrowded housing conditions.

Because of Del Mar's demographic profile (older population, smaller household size), overcrowding historically has not been an issue. In 2000, less than two percent of Del Mar households lived in overcrowded conditions (**Table 12**). The incidence of overcrowding among renters and homeowners was approximately the same (one percent of renters versus less than one percent of owners).

The 2010 Census does not contain information of detailed occupancy status. However, the 2006-2010 ACS provided estimates on overcrowding. According to the ACS, as in 2000, overcrowding in Del Mar was not a significant issue between 2000 and 2010, with less than one percent of the City's households affected by overcrowding conditions. Between 2006 and 2010, less than one percent of renter households experience overcrowding, and between 2013 and 2017, the number dropped to zero, show no overcrowding issues in Del Mar.

The California Department of Finance estimated 2.09 persons per household in the City of Del Mar in 2019.

Table 12: Overcrowded Housing Units in Del Mar (2000-2017)

Overcrowding	Owner Households		Renter Households		Total Households	
	Number	Percent	Number	Percent	Number	Percent
2000						
Total Overcrowded (>1.0 persons/room)	12	0.6%	23	1.1%	35	1.6%
Severely Overcrowded (>1.5 persons/room)	0	0.0%	12	0.6%	12	0.6%
2006-2010						
Total Overcrowded (>1.0 persons/room)	0	0.0%	15	0.7%	15	0.7%
Severely Overcrowded (>1.5 persons/room)	0	0.0%	0	0.0%	0	0.0%
2013-2017						
Total Overcrowded (>1.0 persons/room)	0	0.0%	0	0.0%	0	0.0%
Severely Overcrowded (>1.5 persons/room)	0	0.0%	0	0.0%	0	0.0%

Sources: Bureau of the Census (2000) and American Community Survey (2006-2010 and 2013-2017).

2. Overpayment (Cost Burden) In Relationship to Income

State and federal standards indicate that a household paying more than 30 percent of its income for housing is overpaying. Severe overpayment is indicated when greater than 50 percent of income is allocated to housing costs. Therefore, overpayment for housing can cause an imbalance on the remainder of a household's budget. Determining overpayment (referred to as cost burden) provides an indicator of the ability to sustain a household budget in consideration of

other factors beyond housing costs (utilities, food, maintenance, etc). Whenever households pay an excessive amount of their income for housing, it decreases the amount of income available for other needs. This indicator is an important measurement of local housing market conditions as it reflects the affordability of housing in the community. Federal and state agencies utilize overpayment indicators to determine the amount of funding allocated to a community to assist with housing opportunities.

Table 11 presented earlier provides overpayment detail by income group for Del Mar. This information is based on the HUD Comprehensive Housing Affordability Strategy (CHAS) for the 2012-2016 Period. Approximately 92 percent of the lower income households (extremely low, very low, and lower income) in the City overpaid for housing versus just 25 percent of moderate and above moderate-income households. Overpayment among very low-income and low-income households was most severe, with both reporting 100% rates of a cost burden greater than 30%.

E. Special Needs Groups

State law recognizes that certain households may have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include seniors, persons with disabilities, female-headed households, large households, and farm workers. In addition, many often have lower incomes because of their conditions.

Special circumstances may be related to one's employment and income, family characteristics, disability and household characteristics, or other factors. Consequently, certain residents in Del Mar may experience higher incidences of housing overpayment (cost burden), overcrowding, or other housing problems. The special needs groups analyzed in the Housing Element include the elderly, persons with disabilities (including persons with developmental disabilities), homeless people, single parents, large households, and farmworkers (**Table 13**). Many of these groups overlap, for example many farmworkers are homeless migrant workers, and many elderly people have a disability of some type. The majority of these special needs groups could be assisted by an increase in affordable housing.

Table 13: Special Needs Groups in Del Mar (2017)

Special Needs Group	# of People or Households	Number of Owners	% Owner	Number of Renters	% Renter	% of Total Households or Population
Households with Seniors	--	--	--	--	--	29.7%
Senior Headed Households	652	599	91.9%	53	8.1%	30.2%
Seniors Living Alone	186	166	89.2%	20	10.8%	8.6%
Persons with Disabilities*	345	--	--	--	--	7.9%
Large Households	40	40	100%	0	0.0%	1.9%
Single-Parent Households	196	34	17.3%	162	82.7%	9.1%
Female Headed Households	712	--	--	--	--	33.0%
Female Headed Households with children	75	34	45.3%	41	54.7%	3.4%
People Living in Poverty**	300	--	--	--	--	6.9%
Farmworkers	0	--	--	--	--	0.0%
Homeless*	26	--	--	--	--	1.5%

*Number includes counts for surrounding cities (Encinitas, San Deiguito, and Solana Beach)*Sources: Bureau of the Census; 2013-2017 Census and 2006-2010 ACS; Regional Housing Task Force on the Homeless, 2011.*

The following sections provide a detailed discussion of the housing needs facing each particular group in Del Mar as well as programs and services available to address their housing needs.

1. Seniors

The senior population, which is generally defined as those over 65 years of age, has several concerns: limited and fixed incomes, high health care costs, higher incidence of mobility and self-care limitations, transit dependency, and living alone. Specific housing needs of the senior population include affordable housing, supportive housing (such as intermediate care facilities), group homes, and other housing that includes a planned service component.

The limited income of many senior persons often makes it difficult for them to find affordable housing. **Table 14** shows that 1,109 persons were age 65 and over in Del Mar in 2017, an increase from 866 persons age 65 and over in 2010. This accounted for about 25 percent of residents, noticeably higher than the percentage found in neighboring cities and the region as a whole.

Table 14: Persons Age 65 and Over by City (2017)

Jurisdiction	Total	Age 65+	Percent Age 65+
Carlsbad	113,147	18,082	16.0%
Del Mar	**4,388**	**1,109**	**25.3%**
Encinitas	62,595	10,582	16.9%
Oceanside	174,811	26,461	15.1%
Solana Beach	13,362	3,040	22.8%
San Diego City	1,390,966	166,922	12.0%
San Diego County	3,283,665	425,217	12.9%

Source: American Community Survey, (2013-2017)

Furthermore in 2017, about 30 percent of the City's households were headed by someone 65 years old or older. Of these households, the majority (91.9 percent) owned their homes, while the remainder (8.1 percent) rented their homes.

In addition to overpayment problems faced by seniors due to their relatively fixed incomes, many seniors are faced with various disabilities. Roughly sixteen percent of Del Mar's senior population was listed as having one or more disabilities in 2017 by the American Community Survey, a seven percent decrease from the 23 percent reported in 2000. Among these disabilities, the most common were ambulatory disabilities and hearing disabilities. No Seniors reported having any self-care difficulties or independent living difficulties.

According to the California Department of Social Services, in December 2019, Del Mar was home to just one State licensed assisted living facility for seniors, which had a total capacity of 6 beds, according to the State Department of Social Services. Licensed community care facilities serving six or fewer persons are permitted by right in all residential zones. Facilities serving more than six persons are conditionally permitted in the RM, R-2, and RC zones. The City also offers a Shared Housing program operated by an organization known as Community Connections that may benefit some elderly persons by pairing them with other individuals or families seeking lower-cost housing

2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities can hinder access to traditionally designed housing units as well as potentially limit the ability to earn adequate income. Physical, mental, and/or developmental disabilities may deprive a person from earning income, restrict one's mobility, or make self-care difficult. Thus, persons with disabilities often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. Some residents suffer from disabilities that require living in a supportive or institutional setting.

Although no current comparisons of disability with income, household size, or race/ethnicity are available, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially those households not in the labor force. Furthermore, many lower income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by design issues and location factors, which can often be costly. For example, special needs of households with wheelchair-bound or semi-ambulatory individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

Housing opportunities for persons with disabilities can be addressed through the provision of affordable, barrier-free housing. Rehabilitation assistance can be targeted toward renters and homeowners with disabilities for unit modification to improve accessibility.

The 2017 ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability and independent living disability. The Census and the ACS provide clarifying questions to determine persons with disabilities and differentiate disabilities within the population. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:

- Hearing Disability: Is this person deaf or does he/she have serious difficulty hearing?
- Visual Disability: Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- Cognitive Difficulty: Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- Ambulatory Difficulty: Does this person have serious difficulty walking or climbing stairs?
- Independent Living Difficulty: Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

According to the 2017 ACS, just under ten percent of the Del Mar population reported a disability as shown in **Table 15**. Of that ten percent, ambulatory difficulty tallied the highest at 4.2 percent.**Error! Reference source not found.** Hearing and vision disabilities each consisted of about 2 percent of the population, cognitive disabilities consisted of 1.1 percent and both self-care difficulties and independent living difficulties tallied under one percent of the population.

Table 15 also shows that persons age 65 or over had the highest percentage of disabilities (4.6 percent).

Table 15: Disability Status in Del Mar (2017)

Disability Type	% of Population with Disabilities			
	Under 18	Age 18 to 64	Age 65+	Total*
Hearing Disability	0.0%	0.4%	1.4%	1.8%
Vision Disability	0.0%	0.9%	0.8%	1.7%
Cognitive Disability	0.7%	0.4%	0.0%	1.1%
Ambulatory Difficulty	0.0%	1.8%	2.4%	4.2%
Self-Care Difficulty	0.0%	0.0%	0.0%	0.0%
Independent living Difficulty	--	0.4%	0.0%	0.4%
Total*	**0.7%**	**3.9%**	**4.6%**	**9.2%**

Source: American Community Survey (2013-2017)
*Percent of total population with disability

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self- sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Census and ACS do not collect or report statistics for developmental disabilities and no other source is known to have this data for Del Mar. According to the U.S. Administration on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.5 percent. This equates to 65 persons in the City of Del Mar with developmental disabilities, based on the 2017 America Community Survey.

Per Section 4512 of the Welfare and Institutions Code a "developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes intellectual disability, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to intellectual disability or to require treatment like that required for individuals with intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.
As of November 2019, The State Department of Developmental Services (DDS) provides community-based services to approximately 331,999 persons with developmental disabilities and

their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Inland Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

According to DDS, for fiscal year 2017 to 2018, the San Diego regional Center served 29,150 persons with developmental disabilities. Thirty-six percent of the persons served by the SDRC were 6-21 years old, the highest age ranged served. Persons from 22-51 years of age compromised 30 percent of SDRC's clients, the second largest age group served. Majority of the persons served (81 percent) lived at home and were cared for by a parent or guardian.

Many people with developmental disabilities can live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

There are several housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating 'barrier-free' design in all, new multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

To address this concern, the City adopted Ordinance No. 917 which amended the City's Municipal Code to better define persons with disabilities and include allow for deviations that provide "relief from, and flexibility in, the application of the city's zoning, building, and land use laws, regulations, policies or procedures, which is necessary to provide disabled persons with an equal opportunity to use and enjoy a dwelling…"Additionally, State Development Center and Regional Centers in San Diego provide or coordinate services for persons with developmental disabilities. The Centers provide diagnosis and assessment of eligibility and help plan, access, coordinate and monitor the services and supports that are needed because of a developmental disability.

3. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because many communities have a limited supply of adequately sized and affordable housing units. To save for other basic necessities such as food, clothing and

medical care, it is common for lower income large households to reside in smaller units with inadequate number of bedrooms, which frequently results in overcrowding and can contribute to fast rates of deterioration.

Securing housing large enough to accommodate all members of a household is more challenging for renters, because multi-family rental units are typically physically smaller than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare. It is more likely that large households will experience overcrowding in comparison to smaller households. Additionally, throughout the region, single-family homes with higher bedroom counts, whether rental or ownership units, are rarely affordable to lower income households.

Table 16 compares the number of large households in Del Mar to that of the San Diego region. In 2017, just under four percent of households in Del Mar consisted of five or more persons, compared to 14 percent region-wide. Among large households in Del Mar, the 2010 Census reported 69 percent owned their homes and 31 percent rented.

Table 16: Large Households in Del Mar (2017)

Jurisdiction	Persons in Household			Total Households
	5	6	7+	
Del Mar	40	0	0	2,157
Percent of Total	1.9%	0.0%	0.0%	100%
San Diego Region	76,694	31,731	21,202	1,111,739
Percent of Total	6.9%	2.9%	1.9%	100%

Source: American Community Survey, 2017

4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households. Single, female mothers often face social marginalization pressures that often limit their occupational choices and income earning potential, housing options and access to supportive services.

An estimated three percent of Del Mar households were headed by single parents in 2017 (**Table 17**: Single-Parent Households in Del Mar (2017); the large majority of the single-parent households were headed by females (32 percent) a significant decrease from 2010 when about 70 percent of single-parent households were reported as female-headed.

Table 17: Single-Parent Households in Del Mar (2017)					
	Total Households	Single-Parent Households	Percent Total Households	Female-Headed Households with Children	Percent of Single-Parent Households
Del Mar	2,157	68	3.1%	22	32.4%
San Diego Region	1,086,865	166,660	15.3%	122,707	73.6%
Source: American Community Survey (2017)					

5. Farmworkers

Farm workers are traditionally defined as persons whose primary incomes are earned through seasonal agricultural work. Farm workers have special housing needs because they earn lower incomes than many other workers and move throughout the year from one harvest location to the next.

Currently, there are no reported residents who were employed in agriculture, forestry, fishing and hunting, and mining occupations in Del Mar. Due to the City's urban setting and the lack of farming-related land uses, there is no specific identified need for special housing for this.

6. Extremely Low-income Households and Poverty Status

2012-2016 Comprehensive Housing Affordability Strategy (CHAS) data indicates there were approximately 90 very low-income households living in the City of Del Mar. Very low-income households are those households that earn 50 percent or less of the median family income (MFI) for San Diego County. Extremely low-income households are those households which earn less than 30 percent of the MFI. There are approximately 370 extremely low-income households in Del Mar (renters and owners). **Table 18** below, includes data characterizing affordability and cost burden for various income groups.

Table 18: Housing Problems for All Households			
Household by Type, Income & Housing Problem	**Total Renters**	**Total Owners**	**Total Households**
Extremely Low-Income (0-30% MFI)	**295**	**75**	**370**
# with cost burden > 30%	295	35	330
# with cost burden > 50%	295	35	330
Very Low-Income (31-50% MFI)	**75**	**15**	**90**
# with cost burden > 30%	75	15	690
# with cost burden > 50%	75	15	90
Low-Income (51-80% MFI)	**0**	**50**	**50**
# with cost burden > 30%	0	50	50
# with cost burden > 50%	0	50	50
Moderate and Above-Income (81% + MFI)	**670**	**1080**	**1750**
# with cost burden > 30%	70	365	435
# with cost burden > 50%	0	200	200
Total Households	**1040**	**1220**	**2260**
# with cost burden > 30%	440	465	905
# with cost burden > 50%	370	300	670
Source: CHAS Data, 2012-2016.			

Families, particularly female-headed families, are disproportionately affected by poverty. In 2017, seven percent of the City's total residents (300 persons) lived in poverty, a decrease from the 2000 census reporting nine percent (383) persons living in poverty. The 2013-2017 ACS reports about one percent of the City's households and no female-headed families with children in Del Mar lived below the poverty level, a three percent decrease from 2006-2010 ACS which reported four percent of households living below the poverty level.

7. Homeless

Throughout the country and the San Diego region, homelessness has become an increasingly important issue in light of the current economic conditions. Factors contributing to the rise in homelessness include increased unemployment and underemployment, a lack of housing affordable to lower and moderate-income persons (especially extremely low-income households), reductions in public subsidies to the poor, and the de-institutionalization of the mentally ill.

State law mandates that municipalities address the special needs of homeless persons within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD) has recently been updated, the following list the updated descriptions for homeless and the changes in the definition from HUD:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (it was previously 30 days),

and were in shelter or a place not meant for human habitation immediately prior to entering that institution.

- People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This is a new category of homelessness, and it applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

This definition does not include persons living in substandard housing (unless it has been officially condemned); persons living in overcrowded housing (for example, doubled up with others), persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends.)

The Regional Task Force on the Homeless (RTFH) is San Diego County's leading resource for information on issues of homelessness. The RTFH promotes a regional approach as the best solution to ending homelessness in San Diego County. RTFH compiles data from a physical Point-In-Time (PIT) count of sheltered (emergency and transitional) and street homeless persons. The 2019 Count was conducted on January 25, 2019 and the results are shown in **Table 19**. Oceanside had the largest homeless population of the North County coastal cities. Del Mar's homeless population includes homeless persons in Encinitas, San Dieguito, and Solana Beach.

Table 1918: Homelessness in Del Mar and Surrounding Cities (2019)

Jurisdiction	Unsheltered	Sheltered	Total	% of County
Carlsbad	102	59	161	2.0%
Del Mar*	**79**	**41**	**120**	**1.5%**
Oceanside	290	193	383	4.7%
San Diego City	2,600	2,482	5,082	62.7%
San Diego County	4,476	3,626	8,102	100.0%

Source: Regional Housing Task Force on the Homeless, 2019.
*Data groups multiple municipalities, this number includes counts for Encinitas, San Dieguito, Solana beach, and Del Mar.

According to RTFH, the San Diego region's homeless population can be divided into two general groups: (1) urban homeless, and (2) rural homeless, including farm workers and day laborers who primarily occupy the hillsides, canyons and fields of the northern regions of the County. It is important to recognize that homeless individuals may fall into more than one category (for example, a homeless individual may be a veteran and a substance abuser), making it difficult to

accurately quantify and categorize the homeless. RTFH reports the San Diego Region has seen an increase in the average length of time people reside in emergency shelters. The report shows that over 40 percent of the people who exit shelter move on to stable living conditions, but 26 percent return to homelessness within two years.

The North County region of San Diego experiences a reduced amount of homelessness compared to San Diego City and the County as a whole (**Table 19**). The City of Del Mar (including nearby cities) has the lowest count of homeless persons in the North County region, 79 unsheltered and 41 unsheltered, a total of 120 homeless persons. The City contracts with a non-profit organization Del Mar Community Connections to provide referral services for shared-housing opportunities to homeless persons and others. The Del Mar Community Connections staff is available to work with homeless persons to identify potential shared housing opportunities or refer the person to available homeless services elsewhere within the County. The Sheriff's Department also refers homeless persons found within the City to local shelters.

8. Students

The college student population in the area is another significant factor affecting housing demand. Del Mar is located near the University of California, San Diego, San Diego State University, the University of San Diego and Point Loma Nazarene University. According to the 2013-2017 ACS, 191 persons, about 4.5 percent of Del Mar's population, were enrolled in college or graduate school, of total persons enrolled in college or graduate school 157 were females (82.2 percent). While many of the City's college students reside with their parents, some students reside in Del Mar in their own independent housing. Although no policies and programs are needed to address the limited housing needs of students living in Del Mar, the City recognizes that a general lack of affordable housing is often a factor in a student's decision to move elsewhere after graduation.

F. Housing Stock Characteristics

The characteristics of the housing stock, including growth, type, availability and tenure, age and condition, housing costs, and affordability are important in determining the housing needs for the community. This section details the housing stock characteristics of Del Mar to identify how well the current housing stock meets the needs of its current and future residents.

1. Housing Growth

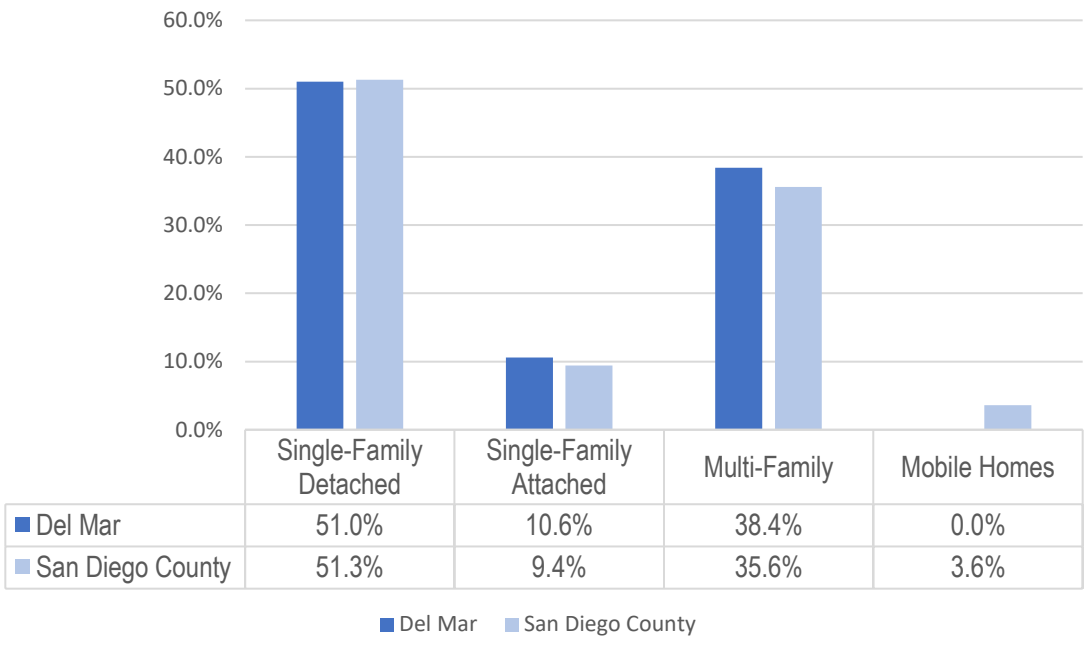
As a built-out community with limited land resources for residential development, Del Mar experienced moderate housing growth from 1990 to 2010, reporting 3.3 percent growth over twenty years (2,514 units to 2,596 units). However, between 2010 and 2017, the Del Mar housing stock was estimated to grow from 2,596 to 2,838 units (9.3 percent growth (**Table 20**). Overall, housing growth in the Northern Coastal County areas has been limited; however, when compared to adjacent cities, Del Mar experienced a higher percent of housing growth by a range of 7.4 percent to 3.8 percent.

Table 20: Housing Unit Growth (2000 - 2017) San Diego Region					
Jurisdiction	2000	2010	2017	Percent Change	
				2000-2010	2010-2017
Carlsbad	33,798	44,673	47,119	32.2%	5.5%
Del Mar	**2,557**	**2,596**	**2,838**	**1.5%**	9.3%
Encinitas	23,843	25,740	26,321	8.0%	2.3%
Oceanside	59,581	64,435	66,715	8.1%	3.5%
Solana Beach	6,456	6,540	6,665	1.3%	1.9%
San Diego City	469,689	541,033	533,973	9.9%	-1.3%
San Diego County	1,040,149	1,164,786	1,195,863	12.0%	2.7%
Source: Bureau of the Census, 1990-2010 Census and American Community Survey, (2013-2017)					

2. Housing Type

Del Mar maintains a diverse housing stock. In 2010 a majority of Del Mar's housing stock was made up of single-family units (69 percent). **Figure 4** shows that in 2017 single-family units still made up majority up the housing stock (61.6 percent), however multi-family units increased from 2010 to 2017 by about 7 percent from 31 percent to 38 percent. There are no mobile homes/trailers in the City.

Figure 4: Type of Housing Unit in Del Mar (2017)



Source: American Community Survey, 2013-2017

3. Housing Availability and Tenure

Housing tenure and vacancy rates generally influence the supply and cost of housing. Housing tenure defines if a unit is owner-occupied or renter-occupied. Tenure is an important market characteristic as it relates to the availability of housing product types and length of tenure. The tenure characteristics in a community can indicate several aspects of the housing market, such as affordability, household stability, and availability of unit types, among others. In many communities, tenure distribution generally correlates with household income, composition and age of the householder.

In 2000, among the City's occupied housing units, approximately 56 percent were owner-occupied, while 44 percent were renter-occupied (**Table 21**). The homeownership rate for the City has remained relatively steady over the past 20 years. According to the 2010 Census, the homeownership rate in Del Mar decreased only slightly to 54 percent of occupied units and from 2010 to 2017 stayed consistent at 53 percent. Renter-occupied housing units made up about 46 percent of the City's occupied housing stock in both 2010 and 2017. Approximately 4.8 percent of total housing units in the City were vacant and available for rent or for sale. This vacancy rate does not include units that are for seasonal, recreational or occasional use.

Table 21: Tenure of Occupied Units (2000-2010) – Del Mar

Tenure	2000		2010		2017	
	Number	Percent	Number	Percent	Number	Percent
Owner Occupied	1,214	55.7%	1,113	53.9%	1,151	53.4%
Renter Occupied	964	44.3%	951	46.1%	1,006	46.6%
Total Occupied	**2,178**	**100.0%**	**2,064**	**100.0%**	**2,157**	**100%**

Source: Bureau of the Census, 2000 and 2010 Census and American Community Survey, 2013-2017

As shown in **Table 22**, owner-occupied households had a slightly higher average household size than renter-occupied households in 2017. The average owner-household size in 2017 was 2.19, a slight increase from the average household size of 2.15 in 2010. While the average household size for owner-occupied households has slightly increased between 2010 and 2017, renter-occupied households slightly decreased in size. Additionally, overall household size has slightly decreased, but stays around the same at about 2 persons per household.

Table 22: Tenure of Occupied Units (2000-2017) – Del Mar

Tenure	Average Household Size		
	2000	2010	2017
Owner-Occupied	2.22	2.15	2.19
Renter-Occupied	1.75	1.85	1.80
Total	**2.01**	**2.02**	**1.99**

Source: Bureau of the Census, 2000 and 2010 Census and American Community Survey, 2013-2017.

Vacancy rates are an important housing indicator because they indicate the degree of choice available. High vacancy rates usually indicate low demand and/or high supply conditions in the housing market. Too high of a vacancy rate can be difficult for owners trying to sell or rent. Low vacancy rates usually indicate high demand and/or low supply conditions in the housing market. Too low of a vacancy rate can force prices up making it more difficult for lower and moderate-income households to find housing. Vacancy rates of between two to three percent are usually considered healthy for single-family or ownership housing, and rates of five to six percent are usually considered healthy for multi-family or rental housing. However, vacancy rates are not the sole indicator of market conditions. They must be viewed in the context of all the characteristics of the local and regional market.

According to the 2017 ACS, the overall vacancy rate in Del Mar was 24 percent, and 3 percent increase from the 2010 Census that reported 20.5 percent overall vacancy rate. However, about half (50.5 percent) of these vacant units were used for seasonal, recreational, or occasional stays. Excluding these seasonally occupied units, the City has a vacancy rate of approximately four percent (0.5 percent vacant for rent and 3.6 percent vacant for sale). Additional vacancy information was obtained in Spring 2019 from the San Diego County Apartment Association (SDCAA) and is shown in **Table 23**. Vacancy rates (excluding units for seasonal, recreational, or occasional stays) were lower in Del Mar than surrounding cities in north County, where vacancy rates ranged from about 7 percent to 13.8. However, when including the units for seasonal, recreational, or occasional stays, Del Mar's vacancy rates are significantly higher.

Table 23: Vacancy Rates by Community (2017)

Jurisdiction	# Vacant	Total Units	% Vacant
Carlsbad	3,838	47,119	8.1%
Del Mar	**681**	**2,838**	**24%**
Encinitas	2,037	26,321	7.7%
Oceanside	4,737	66,715	7.1%
Solana Beach	921	6,665	13.8%
San Diego City	36,784	533,973	6.9%
San Diego County	84,129	1,195,868	7.0%

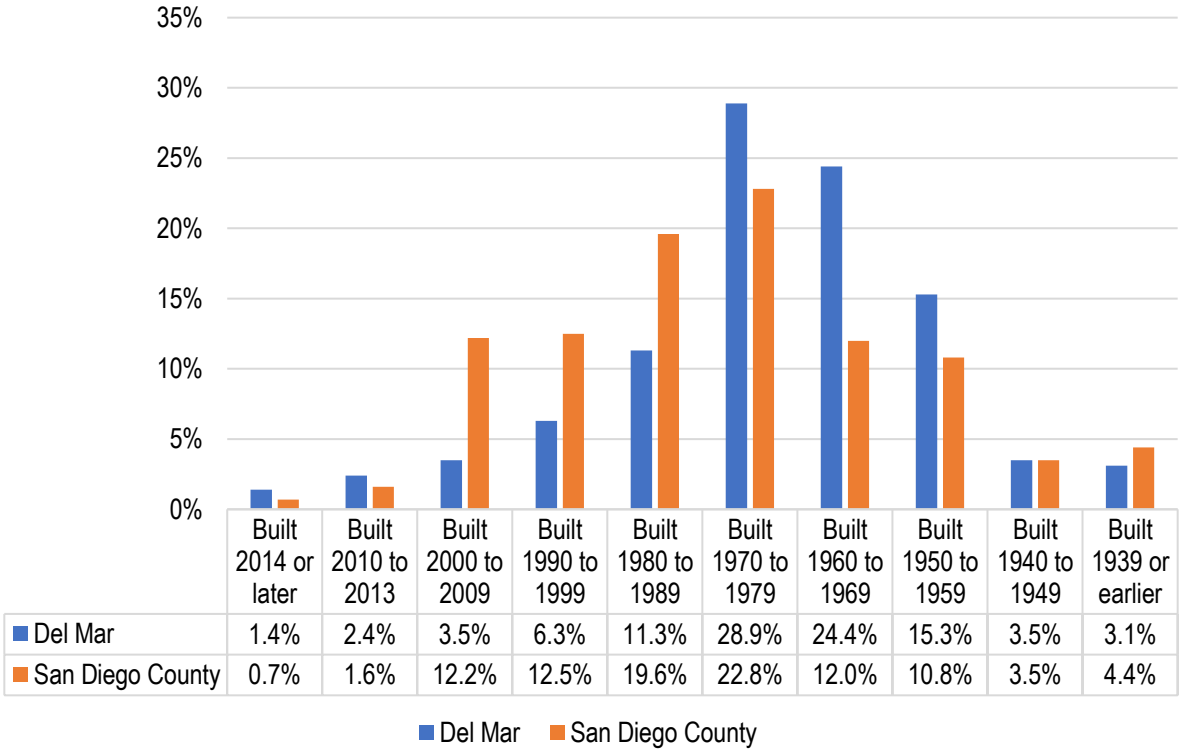
Source: American Community Survey, 2013-2017.

4. Housing Age and Condition

Housing age can be an important indicator of housing condition within a community. For example, housing that is over 30 years old is typically in need of some major rehabilitation, such as a new roof, foundation, plumbing, etc. Many federal and state programs also use the age of housing as one factor in determining housing rehabilitation needs. .

Housing growth in the City declined noticeably in the 1980s, reflecting the limited land remaining for development. Del Mar's housing stock therefore, is significantly older than the County's housing stock (**Figure 5**). About 86 percent of Del Mar's housing stock was constructed over 30 years ago, while only 57 percent of the County's housing stock is of this age. The City's growth shows a steady decline continuing to 2014.

Figure 5: Housing Stock Age



	Built 2014 or later	Built 2010 to 2013	Built 2000 to 2009	Built 1990 to 1999	Built 1980 to 1989	Built 1970 to 1979	Built 1960 to 1969	Built 1950 to 1959	Built 1940 to 1949	Built 1939 or earlier
Del Mar	1.4%	2.4%	3.5%	6.3%	11.3%	28.9%	24.4%	15.3%	3.5%	3.1%
San Diego County	0.7%	1.6%	12.2%	12.5%	19.6%	22.8%	12.0%	10.8%	3.5%	4.4%

Source: American Community Survey, 2017

Typically, such a large proportion of older housing would indicate that the majority of the City's housing stock could potentially require major rehabilitation. However, due to the City's higher than average median household income and housing values, owner-occupied housing is better maintained than in many other jurisdictions. The vast majority of the City's older housing units have already undergone maintenance and remodeling efforts. According to the City Building Division, none of the housing units within the City are considered substandard, however as noted above, some of the temporary housing stock located within the Del Mar Fairgrounds is of substandard condition.

5. Housing Costs and Affordability

Housing costs reflect the supply and demand of housing in a community. This section summarizes the cost and affordability of the housing stock to Del Mar residents.

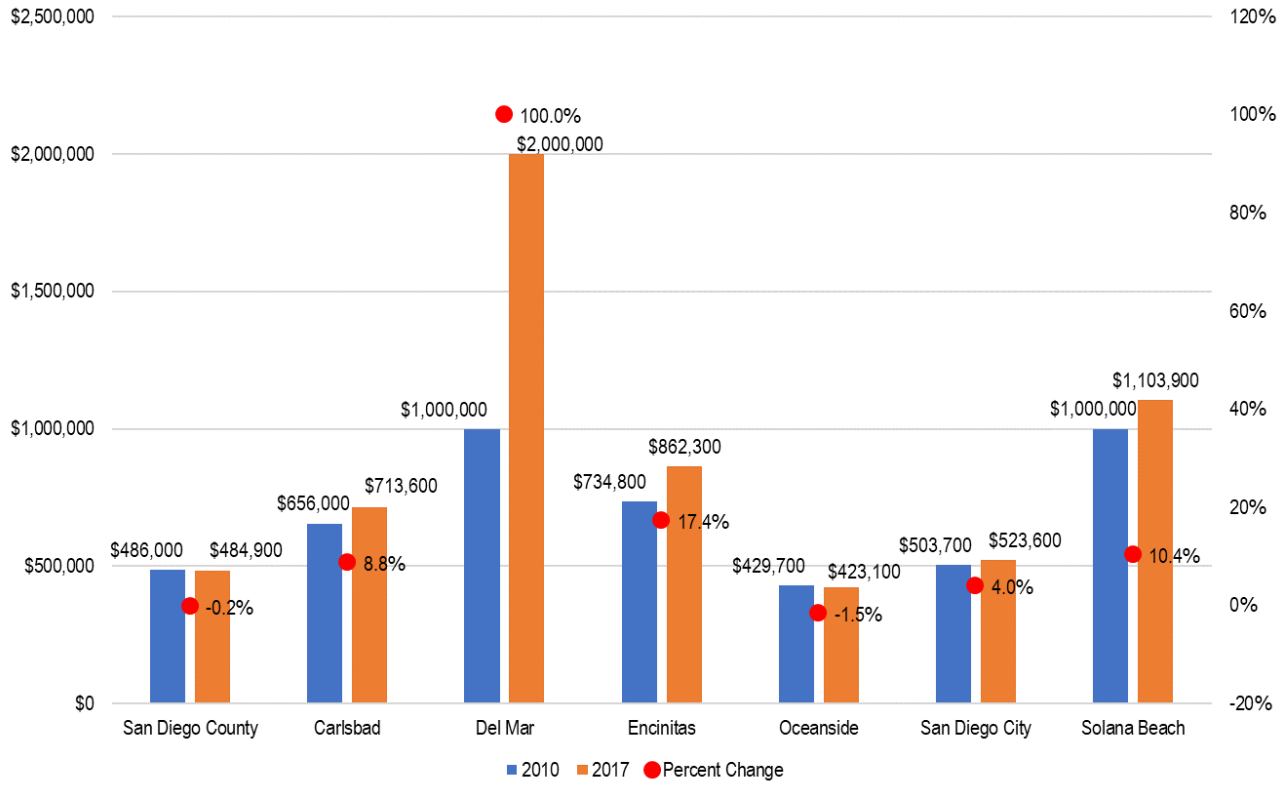
Home Ownership Market

In 2017, median home prices in the North County coastal areas of San Diego ranged from $423,000 in Oceanside to $2,000,000 in Del Mar (**Figure 6**). Del Mar's median home price was the highest in the North County region.

Median home sale prices in Del Mar doubled between 2010 and 2017, while surrounding cities' median home sales prices saw much lower increases and the County as a whole experienced a slight decrease in median sales price (**Table 24**). Oceanside experiences a 1.5 percent decrease

in value while Encinitas experienced a 17.4 percent increase. Compared to the peak of the housing market in 2006, median home price in Del Mar increased about 26 percent from $1,585,000.

Figure 6: Median Home Sales Prices



Source: American Community Survey 2010 and 2017.

Table 24: Median Sales Price in Del Mar (2017)			
Jurisdiction	**2010**	**2017**	**Percent Change in Median Sale Price**
	Price	**Price**	**Percent**
Carlsbad	$ 656,000	$713,600	8.8%
Del Mar	$1,000,000	$2,000,000	100.0%
Encinitas	$734,800	$862,300	17.4%
Oceanside	$429,700	$423,100	-1.5%
Solana Beach	$1,000,000	$1,103,900	10.4%
San Diego City	$503,700	$523,600	4.0%
San Diego County	$486,000	$484,900	-0.2%
Source: and American Community Survey 2010 and 2017.			

Rental Market

The primary source of information on rental costs in the San Diego region is the San Diego County Apartment Association (SDCAA). SDCAA conducts two surveys of rental properties per year. For the spring 2019 survey, 6,000 surveys were sent out to rental property owners and managers throughout San Diego County. Responses were received from 23,000 units. Although this survey sampled a broad variety of rental housing, it was not a scientific sampling.

Table 25 shows that in the fall of 2018, average monthly rents in Del Mar ranged from $2,338 for a one-bedroom apartment to $2,650 for a three-bedroom apartment. In Spring of 2019, the average rent for a one-bedroom apartment decreased from $2,338 to $2,323, however the rent for larger apartments increased in average cost. Average costs of rent in Spring of 2019 ranged from $1,982 for a studio to $2,880 for a three-bedroom. Apartment rents in Del Mar are some of the highest in all of San Diego County.

Table 2519: Average Monthly Rental Rates (2019)

Jurisdiction	Unit Type	Spring 2019 Units/ Properties Surveyed	Spring 2019 Avg. Monthly Rent	Spring 2019 Avg. Rent/Sq. Foot	Fall 2018 Avg. Monthly Rent	Spring 2018 Avg. Monthly Rent$
Carlsbad	Studio	11/3	$1,214	$3.26	$1,099	$1,081
	1 BR	44/4	$1,724	$2.60	$1,457	$1,635
	2 BR	457/6	$2,564	$2.53	$2,685	$2,448
	3+ BR	14/2	$2,937	$2.36	$0	$2,561
Del Mar	**Studio**	**10/1**	**$1,982**	**$4.35**	**$0**	**$1,904**
	1 BR	**100/4**	**$2,323**	**$3.18**	**$2,338**	**$2,207**
	2 BR	**133/4**	**$2,675**	**$2.67**	**$2,806**	**$2,629**
	3+ BR	**3/2**	**$2,880**	**$2.62**	**$2,650**	**$4,100**
Encinitas	Studio	0/0	$0	$0.00	$0	$1,289
	1 BR	4/1	$1,800	$3.27	$1,295	$1,581
	2 BR	5/2	$2,100	$2.98	$2,145	$1,840
	3+ BR	1/1	$1,350	$0.96	$2,150	$2,150
Oceanside	Studio	43/4	$1,298	$3.02	$1,620	$1,123
	1 BR	257/9	$1,420	$2.46	$1,503	$1,529
	2 BR	184/11	$1,817	$2.03	$1,774	$1,844
	3+ BR	3/3	$1,960	$1.38	$2,195	$1,995
Solana Beach	Studio	0/0	$0	$0.00	$0	$1,500
	1 BR	77/1	$2,099	$3.10	$2,043	$1,985
	2 BR	91/1	$2,443	$2.66	$2,391	$2,331
	3+ BR	8/1	$2,820	$2.69	$2,770	$2,712
City of San Diego	Studio	0/0	$0	$0.0	--	--
	1 BR	12/4	$1,292	$2.70	--	--
	2 BR	30/29	$1,850	$1.59	--	--
	3+ BR	28/27	$2,407	$1.67	--	--
	Studio	0/0	$0	$0.0	--	--

County of San Diego (incl. City of San Diego)	1 BR	14/6	$1,364	$2.69	--	--
	2 BR	44/43	$1,840	$1.63	--	--
	3+ BR	69/65	$2,343	$1.56	--	--
Source: San Diego County Apartment Association Survey, Fall 2019						

Housing Affordability by Income Level

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits, based on the Area Median Income (AMI), which can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less by comparison than those at the upper end. The maximum affordable home and rental prices for residents in San Diego County are shown in **Table 26**.

Table 26 shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (**Table**) and market rental rates (**Table 25**) to determine what types of housing opportunities a household can afford.

Extremely Low-income Households

Extremely low-income households earn less than 30 percent of the County AMI – up to $22,500 for a one-person household and up to $34,700 for a five-person household in 2019. Extremely low-income households cannot afford market-rate rental or ownership housing in Del Mar without assuming a substantial cost burden.

Very Low-income Households

Very low-income households earn between 31 percent and 50 percent of the County AMI – up to $37,450 for a one-person household and up to $57,800 for a five-person household in 2019. A very low-income household can generally afford homes priced between $174,500 and $269,500, adjusting for household size. A very low-income household at the maximum income limit can afford to pay approximately $936 to $1,445 in monthly rent, depending on household size. Given the high cost of housing in Del Mar, persons or households of very low-income could not afford to rent or purchase a home in the City.

Low-income Households

Low-income households earn between 51 percent and 80 percent of the County's AMI - up to $59,950 for a one-person household and up to $92,450 for a five-person household in 2019. The affordable home price for a low-income household at the maximum income limit ranges from $239,500 to $430,750. Based on the asking prices of homes for sale in 2019 (**Table 24**), ownership housing would not be affordable to low-income households. A one-person low-income

household could afford to pay up to $1,499 in rent per month and a five-person low-income household could afford to pay as much as $2,311. Low-income households in Del Mar would not be able to find adequately sized affordable apartment units (**Table 25**).

Moderate income Households

Persons and households of moderate income earn between 81 percent and 120 percent of the County's AMI – up to $111,850, depending on household size in 2019. The maximum affordable home price for a moderate-income household is $338,000 for a one-person household and $521,250 for a five-person family. Moderate income households in Del Mar would not be able to purchase a home in the City. The maximum affordable rent payment for moderate income households is between $1,813 and $2,796 per month. Appropriately-sized market-rate rental housing is generally affordable to households in this income group.

Table 26: Affordable Housing Costs (2012) San Diego County							
Annual Income		Affordable Monthly Housing Cost		Utilities Allowances, Taxes and Insurance			Affordable Purchase Price
		Rent	Sale	Rent	Sale	Taxes/ Insurance	
Extremely Low-income (30% of AMI)							
1-Person	$22,500	$563	$563	$119	$180	$84	$105,000
2-Person	$25,700	$643	$643	$152	$220	$96	$120,000
3-Person	$28,900	$723	$723	$222	$261	$108	$135,000
4-Person	$32,100	$803	$803	$237	$323	$120	$149,750
5-Person	$34,700	$868	$868	$271	$364	$130	$162,000
Very Low-income (50% of AMI)							
1-Person	$37,450	$936	$936	$119	$180	$140	$174,500
2-Person	$42,800	$1,070	$1,070	$152	$220	$161	$199,500
3-Person	$48,150	$1,204	$1,204	$222	$261	$180	$224,500
4-Person	$53,500	$1,338	$1,338	$237	$323	$201	$249,500
5-Person	$57,800	$1,445	$1,445	$271	$364	$217	$269,500
Low-income (80% AMI)							
1-Person	$59,950	$1,499	$1,499	$119	$180	$225	$279,500
2-Person	$68,500	$1,713	$1,713	$152	$220	$257	$319,500
3-Person	$77,050	$1,926	$1,926	$222	$261	$289	$359,000
4-Person	$85,600	$2,140	$2,140	$237	$323	$321	$399,000
5-Person	$92,450	$2,311	$2,311	$271	$364	$347	$430,750
Moderate Income (120% AMI)							
1-Person	$72,500	$1,813	$1,813	$119	$180	$272	$338,000
2-Person	$82,850	$2,071	$2,071	$152	$220	$311	$386,000
3-Person	$93,200	$2,330	$2,330	$222	$261	$350	$434,000
4-Person	$103,550	$2,589	$2,589	$237	$323	$388	$482,750
5-Person	$111,850	$2,796	$2,796	$271	$364	$419	$521,250

Source: California Department of Housing and Community Development, 2019 Income limits; and Kimley-Horn and Associates
Assumptions: 2019 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on San Diego County Utility Allowance.

G.Affordable Housing

1. Project-Based Assisted Housing

State law requires that the City identify, analyze, and propose programs to preserve existing multi-family rental units that are eligible to convert to market-rate housing uses due to termination of subsidy contract, mortgage prepayment, or expiring use restrictions during the next ten years. Thus, this at-risk housing analysis covers the period from January 1, 2021 through December 31, 2029.

No publicly assisted rental housing that is deed restricted for low-income use is located in Del Mar. Therefore, no low-income rental units are considered "at risk" within the January 1, 2021 through December 31, 2029 housing analysis period.

2. Tenant-Based Rental Subsidies

As of March 2019, the City collects two In-Lieu Housing Mitigation Fees per year; the money is placed in the Housing Assistance Fund, which is used to provide subsidized rent for up to eight low and very low-income families within the City. Additionally, the County of San Diego assigns the payment standards for the San Diego Housing Voucher Program; the standards apply to the entire County region and are used when calculating the maximum subsidy for each client under the Del Mar City program administered by Del Mar Community Connections.

Effective October 1, 2018 the Housing Authority of the County of San Diego implemented a new method for calculating payment standards which resulted in nearly a 70 percent increase in payments in Del Mar. The new method is called the Small Area Market Rent and it meets the new HUD federal requirements and provides greater subsidy in high rent zip codes such as Del Mar where clients have struggled to meet the affordability test (rent is 30% of household income).

ATTACHMENT C

City of Del Mar Housing Element

Initial Site Assessment Summary and Capacity Analysis

2021-2029 RHNA Need for Del Mar

The 6th Cycle Regional Housing Needs Assessment (RHNA) allocation for the City of Del Mar is 163 total units. An initial assessment of available sites to accommodate RHNA obligations was conducted in December 2019. This initial assessment evaluated current RHNA obligations with sites potentially available to accommodate growth need. These included vacant lands, underutilized lands, infill properties, and commercial zones permitting residential use. A comprehensive summary of these sites is provided as an attachment to this report. The initial site capacity analysis is summarized below:

6TH Cycle RHNA Allocations vs. Candidate Sites

Income Category	RHNA Allocation	Initial Candidate Site Yield (Gross Acreage)[1]	ADU (Potential)[2]	Net Dwelling Units (+/-)
Very Low (31% - 50% of AMI)	37 units	537 units	--	+436 units
Low (51% - 80% of AMI)	64 units			
Moderate (81% - 120% of AMI)	31 units	44 units	55 units	+68 units
Above Moderate (>120% of AMI)	31 units	41 units	44 units	+54 units
Total	***163* units**			***+558 units***

Notes:

1. *Candidate site yield is based on gross parcel acreage and does not account for potential constraints such as steep slopes and environmentally sensitive areas that may be an impediment to development. Future analysis will determine the net yield of each candidate parcel. Includes use of commercial land classifications the permit residential uses.*
2. *A number of parcels have the ability to develop with Accessory Dwelling Units, or ADUs. To date the City has not had many applicants for ADUs, however recent state law and efforts by the City to encourage the development of ADUs may increase permit activity in the next planning period. All parcels within the City designated for residential uses may develop 1 ADU in additional to the primary residence, however it is not realistic to expect that all will do so. This analysis assumes that 5% of parcels may develop with ADUs in the 2021-2029 planning period.*

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. If adequate sites cannot be identified within the existing zoning, the City is required to rezone sites that can accommodate the remaining need. The City is not required to build dwelling units in order to meet their RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units.

Above Moderate Income Need

For this initial analysis, sites designated to meet the City's above moderate income RHNA need to have the appropriate zoning and the potential to yield at least an additional 2 units. The zoning designations

R1-10, R1-10B, and R1-40 were considered in this analysis due to their maximum allowable density of under 5 dwelling units per acre (du/ac).

The initial analysis yielded 15 parcels that meet these characteristics. These parcels have the potential to yield approximately 41 dwelling units. These parcels will need to be further analyzed to remove areas with steep slopes or environmentally sensitive factors. These are considered barriers to development and must be netted out of the gross parcel acreage when considering dwelling unit yield.

Additionally, these parcels have the potential to add accessory dwelling units (ADUs). Proposed state housing law geared towards the development of ADUs increases the likelihood that they will be developed within Del Mar. The Housing Element will adopt a methodology based on past performance and other factors such as new state law and local ordinances to estimate a number of additionally dwelling units that may be built within these zones during the planning period. Those estimated units will be counted towards meeting the above moderate income RHNA need.

Moderate Income Need

Similarly, sites designated to meet the City's moderate income RHNA also need to have the appropriate zoning and the potential to yield at least an additional 2 units. The zoning designations R1-5B, R2, RMC, RMS, RMW, and RME were considered in this analysis due to their maximum allowable density between 5 and 17.6 du/ac.

The initial analysis yielded 12 parcels that meet these characteristics. These parcels have the potential to yield approximately 44 dwelling units. While a number of other parcels within the city met these characteristics on paper, a parcel-by-parcel analysis eliminated those parcels based on a visual inspection and review. Those sites that had current conditions not conducive to new development were eliminated from initial consideration. These parcels will need to be further analyzed to remove areas with steep slopes or environmentally sensitive factors. These are considered barriers to development and must be netted out of the gross parcel acreage when considering dwelling unit yield.

Additionally, these parcels have the potential to add ADUs. Many of the parcels not considered as viable in the analysis above are prime candidates to redevelop with an ADU. The methodology for estimating the number of moderate-income ADUs is the same as shown in the above moderate-income section above.

Low & Very-Low Income Need

Sites designated to meet the City's low and very-low income RHNA need must meet the requirements of AB 1397. In summary, sites must:

- Be considered "available". Sites must either be vacant (free of any improvement or easements) or have a "realistic and demonstrated potential for redevelopment during the planning period." If more than 50% of the sites identified to meet the very low and low-income RHNA need are non-vacant, HCD will consider it an impediment to development.
- Meet size requirements, with no parcels smaller than .5 acres and no sites larger than 10 acres. HCD may consider adjacent parcels that total >.5 acres as one candidate site with additional justification provided.
- Must be able to be served by water, sewer, and dry utilities.

- Sites may be re-used from previous housing elements but will trigger a provision which requires by-right development and at least 20% of the total units to be affordable to lower income households.

Additionally, once sites are selected, there are provisions relating to the unit capacity shown for each parcel. This is determined based on the densities of existing and past low-income development within the City.

Sites designated to meet the very low and low-income need must allow development at what is commonly referred to as a "default density." Del Mar falls into the "Suburban" category (within a Metropolitan Statistical Area with a population greater than 2 million people, but a City population less than 25,000). The Suburban category requires a default minimum density of 20 du/ac. As Del Mar does not currently have a zoning designation that can accommodate this density, the City will need to amend its zoning standards to create one and rezone all sites chosen to meet this need with the new designation.

The initial sites analysis for the very low and low-income need yielded the following candidate sites for consideration of inclusion within the Housing Element:

- Staver Family "estate property". This property contains a large amount of private open space and is located adjacent to areas of existing higher density development. HCD would likely require notification from the property owner indicating their intent to redevelop for residential development at the default density within the planning period. This site would not be considered vacant by HCD in its current condition.
- Camino Del Mar/Border Avenue properties. These six parcels are located adjacent to existing higher density development near the northern boundary of Del Mar. These parcels are currently unimproved and would likely be considered vacant by HCD.
- Del Mar Fairgrounds property. It is likely that the Housing Element will explore potential housing solutions to meet the very low and low-income RHNA need within a portion of the Del Mar Fairgrounds. The Fairgrounds have a 2008 Master Plan which aims to improve the existing condition of the housing stock within the property. While it can be considered a potential candidate site, additional discussions with the Del Mar Fairgrounds and HCD are required to determine the viability of the site.

In addition to the identified candidate sites, the City is currently inthe process of revising the allowable uses within the North Commercial (NC) and Professional Commercial (PC) zones to allow for residential development to be built up to 20 du/ac. Properties within these zones can develop as solely commercial, solely residential, or a mixture of the two. Given the variable nature of these parcels, the Housing Element will define a strategy to adequately account for the potential of these areas that is acceptable to HCD. Assuming these revisions to the NC and PC zoning designations take place, these properties would not require any rezoning as they would allow development at the default density.

Conclusion

The initial analysis identified a number of viable sites to meet each income category of Del Mar's RHNA. The estimation of accessory dwelling unit production will provide additional capacity on top of the identified sites.

ATTACHMENT C

Del Mar will be required to rezone some parcels to allow residential development at the default density (20 du/ac) required by state law. The identification of candidate sites and the ultimate selection of sites to accommodate RHNA obligations will be determined prior to the submittal of the Draft Housing Element to HCD.

Additional analysis will now be performed to determine the net usable acreage of the identified parcels to ensure the City has the required identified area needed to meet its RHNA need. In conjunction with City Staff and the necessary parties, Kimley-Horn will work to explore additional solutions to ensure the City can accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth.

2021-2029 Del Mar Housing Element Initial Sites Summary

Above Moderate Sites	Units	# of Parcels	Acreage
R1-40	15	5	21.32
R1-14	0	0	0.00
R1-10	19	7	5.83
R1-10B	7	3	2.55
Total	**41**	**15**	**29.70**

Moderate Sites	Units	# of Parcels	Acreage
R1-5	0	0	0.00
R1-5B	2	1	0.31
RME	0	0	0.00
RMW	12	3	0.85
RMC	21	3	1.96
RMS	0	0	0.00
R2	9	5	1.12
RC	0	0	0.00
Total	**44**	**12**	**4.23**

Very Low/Low Sites	Units	# of Parcels	Acreage
R3(Prop)	317	9	15.89
NC	200	11	10.43
PC	20	3	1.11
Total	**537**	**23**	**27.44**

ADU Potential	# of Parcels	Unit Yield (5%)
R1-40	97	
R1-14	13	
R1-10	769	
R1-10B	19	
Sub-total	**898**	**44**
R1-5	30	
R1-5B	126	
RME	139	
RMW	133	
RMC	50	
RMS	270	
R2	367	
Sub-total	**1,115**	**55**

ATTACHMENT C

Above Moderate Income Sites										
APN	Gross Parcel Acreage	Net Parcel Acreage	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Overlay Zone	Density	Full Capacity (Dwelling Units)	Existing Units	Potential Units
2990726300	0.57				R1-10		4.3	2	0	2
3010241600	0.75				R1-10	WUI	4.3	3	1	2
3010103100	1.27				R1-10	BSC	4.3	5	1	4
3010243500	1.22				R1-10	WUI	4.3	5	1	4
2991861400	0.50				R1-10		4.3	2	0	2
3010243200	0.88				R1-10	WUI	4.3	3	0	3
2992604500	0.63				R1-10	WUI	4.3	2	0	2
2990204600	0.71				R1-10B		4.3	3	0	3
2990204700	0.71				R1-10B	FP	4.3	3	1	2
2990201000	1.14				R1-10B	FP	4.3	4	2	2
2992006500	5.53				R1-40	BSC, OS, WUI	1	5	1	4
2992006300	2.14				R1-40	BSC, LG, OS, WUI	1	2	0	2
2992007100	3.91				R1-40	BSC, WUI	1	3	1	2
2992003000	2.79				R1-40	BSC, WUI	1	2	0	2
2992006400	6.95				R1-40	BSC, LG, OS, WUI	1	6	1	5
Total	**29.70**							**50**	**9**	**41**

Moderate Income Sites										
APN	Gross Parcel Acreage	Net Parcel Acreage	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Overlay Zone	Density	Full Capacity (Primary Dwelling Units)	Existing Units	Potential Units
2990212000	0.31				R1-5B	FP	8.7	2	0	2
3000912100	0.37				R2		12.5	4	2	2
3001821002	0.18				R2		12.5	2	1	1
3000910400	0.18				R2		12.5	2	0	2
3000941900	0.20				R2	OS	12.5	2	0	2
3001740200	0.18				R2		12.5	2	0	2
3003910800	0.24				RMC		12.5	3	1	2
2992805500	0.46				RMC	HP	12.5	5	1	4
3000308700	1.26				RMC		12.5	15	0	15
2991421100	0.29				RMW		17.6	5	1	4
2991421300	0.35				RMW		17.6	6	1	5
2992320700	0.20				RMW	FP	17.6	3	0	3
Total	**4.23**							**51**	**7**	**44**

Very Low and Low Income Sites									
APN	Gross Parcel Acreage	Net Parcel Acreage	Description (Existing Use)	Parcel Specific Comments	Zone Designation	Density	Full Capacity (Dwelling Units)	Existing Units	Potential Units
3010100100	1.00		Staver Family "estate property". Existing private open space area.		R3 (Prop)	20	19	0	19
3010100200	1.80		Staver Family "estate property". Existing private open space area.		R3 (Prop)	20	36	0	36
3003211400	2.14		Staver Family "estate property". Existing private open space area.		R3 (Prop)	20	42	0	42
2982410600	1.90		Collection of vacant parcels adjacent to the coast.	Stensrud Lazier Holding Trust	R3 (Prop)	20	38	0	38
2982410700	3.52		Collection of vacant parcels adjacent to the coast.	Stensrud Lazier Holding Trust	R3 (Prop)	21	73	0	73
2982412900	0.63		Collection of vacant parcels adjacent to the coast.	Delfina Mar Development C	R3 (Prop)	20	12	0	12
2982413400	2.46		Collection of vacant parcels adjacent to the coast.	Delfina Mar Development C	R3 (Prop)	20	49	0	49
2982413500	1.21		Collection of vacant parcels adjacent to the coast.	Delfina Mar Development C	R3 (Prop)	20	24	0	24
2982413600	1.24		Collection of vacant parcels adjacent to the coast.	Delfina Mar Development C	R3 (Prop)	20	24	0	24
North Commercial Parcels									
2991002800	0.51				NC	20	10	0	10
2991002900	0.51				NC	20	10	1	9
2991002700	0.90				NC	20	18	1	17
2990710600	2.12				NC	20	42	1	41
2990710700	1.42				NC	20	28	1	27
2991004800	1.55				NC	20	31	0	31
2991004700	1.13				NC	20	22	0	22
2991003300	0.68				NC	20	13	0	13
2991003400	1.13				NC	20	22	1	21
2991003500	0.26				NC	20	5	0	5
2991003600	0.23				NC	20	4	0	4
Professional Commercial Parcels									
3002223100	0.56				PC	20	11	0	11
3002223200	0.26				PC	20	5	1	4
3002223300	0.30				PC	20	5	0	5
Total	**27.44**						**543**	**6**	**537**

ATTACHMENT D
6th Cycle Housing Element Update - Master Schedule

Task	Projected Date
City Council Meeting – Staff Update	February 3, 2020
Housing Element Citizens' Task Force – First Meeting (bi-weekly)	February 6, 2020
City Council Meeting – Staff Update	February 18, 2020
CEQA – Circulation of Notice of Preparation	February 19, 2020
Housing Element Citizens' Task Force –Meeting #2 (bi-weekly)	February 20, 2020
Housing Element Citizens' Task Force Public Workshop / EIR Scoping Meeting	Saturday February 29, 2020
Housing Element Citizens' Task Force – Meeting #3 (bi-weekly)	March 5, 2020
City Council Meeting – Staff Update	March 9, 2020
Housing Element Citizens' Task Force – Meeting #4 (bi-weekly)	March 19, 2020
City Council Meeting – Workshop & Scoping Recap	March 23, 2020
Community Housing Element Survey	March – April 2020
Housing Element Citizens' Task Force – Meeting #5 (bi-weekly)	April 2, 2020
City Council Meeting – Staff Update	April 6, 2020
Housing Element Citizens' Task Force – Meeting #6 (bi-weekly)	April 16, 2020
City Council Meeting – Public Workshop on Potential Programs	April 20, 2020
Housing Element Citizens' Task Force – Meeting #7 (bi-weekly)	April 30, 2020
City Council Meeting – Staff Update	May 4, 2020
Housing Element Citizens' Task Force – Meeting #8 (Last meeting)	May 7, 2020
CEQA – Publish and Circulate Notice of Availability of DIER (60-day)	May 14, 2020
City Council Meeting – Staff Update	May 18, 2020
City Council Meeting – Informational Summary of DEIR Findings	June 1, 2020
Planning Commission – Informational Summary of DEIR Findings	June 9, 2020
City Council Meeting – Staff Update	June 15, 2020
City Council Meeting – Staff Update	July 6, 2020
CEQA – End of 60-day Public Review Period of DEIR	July 13, 2020
City Council Meeting – Staff Update	July 20, 2020
City Council Meeting – Staff Update	August 10, 2020
Planning Commission – Staff Update	August 11, 2020
CEQA – Draft response to EIR comments	September 8, 2020
Planning Commission – Recommendation on Housing Element and EIR	September 15, 2020
City Council Meeting – Staff Update and Council Discussion	September 21, 2020
City Council Meeting – Staff Update and Council Discussion	October 5, 2020
Certification of EIR and Approval of Housing Element	October 19, 2020
Submittal of Housing Element to HCD	October 2020
Review of Housing Element by HCD	November 2020 - March 2021
Final Adoption of Housing Element	March 2021 – April 2021
State Certification of Housing Element	March 2021 – April 2021

Del Mar 6th Cycle Housing Element Update

Communication/Community Outreach Plan

PURPOSE

This Communication/Community Outreach Plan outlines the community outreach plan for the City of Del Mar 6th Cycle Housing Element Update (2021 – 2029). The Communication Plan includes strategies for community workshops, online engagement, and public meetings such as Planning Commission or City Council sessions.

SCHEDULE – OUTREACH ACTIVITIES

COMMUNITY WORKSHOPS

Community Workshops are an opportunity for community members and stakeholders to learn about and provide input on the 2021-2029 Del Mar Housing Element. The workshops are intended to:

- Educate the community about housing element requirements as defined by State law,
- Define issues and opportunities for housing, and
- Allow participants to provide input into policy and programmatic considerations.

There are two community workshops planned for the housing element. The first workshop will take place on Saturday, February 29, 2020. The second workshop will take place on a weeknight (date and time TBD) in order to provide a range of community engagement opportunities and times. Additional information on the content of the two community workshops is below.

Community Workshop #1/EIR Scoping Meeting – What is a Housing Element?

Topics:

- Presentation on what is in a housing element and how new State law applies
- Housing Opportunities and Constraints
- Gather input on housing element Goals, Policies, Programs and Objectives (GPPOs)

Date: February 29, 9:30a – 12:30p

Location: TBD

Community Workshop #2 – Draft Policy Review

Topics:

- Presentation of draft housing element Goals, Policies, Programs and Objectives (GPPOs)
- Presentation of Candidate Housing Element Sites

Date: TBD

Location: TBD

CITY COUNCIL/PLANNING COMMISSION MEETINGS/STUDY SESSIONS

Throughout the planning process, the City Council will be regularly engaged to provide guidance and direction on housing policy prior to the submittal of the Draft document to HCD. City Council and Planning Commission Meetings also serve as additional opportunities for community members to provide public input on the housing element process and draft documents when available.

The following dates and anticipated meeting topics are tentative and subject to change as adjustments are made throughout the housing element planning period.

City Council Meeting #1

Topics: Presentation of the draft 2021-2029 Housing Element Community Profile (Communications Plan, Demographics, and Sites Analysis) and request City Council Selection of the Housing Element Citizen Task Force.

Date: January 13, 2020

Location: City Hall

City Council Meeting #2

Topics: Presentation and discussion of Community Workshop #1/Community Survey Tool findings and comments on the Notice of Preparation (NOP) and Scoping Session

Date: March 23, 2020

Location: City Hall

City Council Meeting #3

Topics: Presentation and discussion of draft housing element programs

Date: April 20, 2020

Location: City Hall

City Council Meeting #4

Topics: Presentation and discussion of Draft Environmental Impact Report (DEIR) findings

Date: June 1, 2020

Location: City Hall

Planning Commission Meeting #1

Topics: Presentation and discussion of Draft Environmental Impact Report (DEIR) findings

Date: June 9, 2020

Location: City Hall

City Council Meeting #5

Topics: Discussion of draft responses to Environmental Impact Report (EIR) comments

Date: September 8, 2020

Location: City Hall

Planning Commission Meeting #2

Topics: Presentation of Draft Housing Element for anticipated Planning Commission recommendation

Date: September 15, 2020

Location: City Hall

City Council Meeting #6

Topics: Anticipated certification of the Environmental Impact Report (EIR) and adoption of the 2021-2029 Del Mar Housing Element

Date: October 19, 2020

Location: City Hall

HOUSING ELEMENT CITIZENS' TASK FORCE

The mission of the 6th Cycle Housing Element Citizens' Task Force (Task Force) is to:

- Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
- To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
- Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

The Task Force is anticipated to meet every other week for a three-month period to accomplish the tasks listed above. The schedule, including frequency of meetings and duration of the working group's engagement with the process may change throughout the housing element process with some weeks requiring additional involvement and some requiring less.

The goal of the working group is to provide continuous community feedback on draft portions of the document to the City Council, City Staff, and the Consultant throughout the entire process.

COMMUNITY SURVEY TOOL

To supplement the planning process, an online engagement presence for the Housing Element will be established. The online presence will include:

- Dedicated webpage on the City's website (www.delmar.ca.us/HousingElement)
- Community Survey and online engagement tool (MetroQuest)

The City's website will be updated throughout the housing element process to keep the public informed of major project milestones as well as recent discussion from public workshops, Planning Commission, and City Council Meetings. The website will act as an informational portal that tracks the progress of Del Mar's 2021-2029 housing element. This will allow community members to get answers to commonly

asked questions so that those who wish to stay up-to-date have a resource available at all times. The City webpage is currently available at the link shown above.

The Community Survey tool is an important component of the community outreach process. It provides community members and stakeholders with the ability to give input on the housing element process at their own pace and at a time that works for their schedule. A MetroQuest outreach platform specific to the City of Del Mar's 2021-2029 Housing Element process will be utilized to gather input in addition to the feedback collected at the community workshops. The setup will take users through several screens with the ability to:

- Review informational material on Del Mar's Housing Element
- Answer open-ended questions
- Geographically locate feedback on an interactive map
- Participate in prioritization exercises
- Provide comments/questions to the housing element team

Data collected through the Community Survey tool will be analyzed in conjunction with feedback received at the community workshops. The tool is anticipated to go live at the first community workshop and be available for several weeks. A summary of this information is anticipated to be presented and discussed at the March 23rd, 2020 City Council Meeting.

DRAFT HOUSING ELEMENT DOCUMENT PUBLIC REVIEW PROCESS

The draft housing element document, including the community profile, goals, policies, programs, objectives (GPPOs), and candidate sites will be made available to the public for input at multiple points throughout the project. The outline below details the different components of the public review process. As noted above, two Community Workshops, two Planning Commission meetings, and six City Council meetings are anticipated between today and October 2020. This will allow for monthly opportunities for members of the public to provide input on the project in addition to the Community Survey Tool.

Department of Housing and Community Development (HCD) Submittal Process

The Department of Housing and Community Development (HCD) is the governing body that reviews the draft housing element of any city or county in California. Once the housing element is deemed to adequately meet the requirements of State law, HCD provides the city with a letter of substantial compliance for their housing element for adoption locally by City Council.

As part of the HCD review process, the City is required to submit the draft housing element to HCD for a sixty-day review period, during which the draft document will also be made available to the public for a Public Review period spanning the same time period. At the end of the sixty-day review period, HCD will provide the city with a comment letter which outlines any potential revisions to the document that are necessary to obtain the letter of substantial compliance.

California Environmental Quality Act (CEQA) Review Process

As part of the housing element process, the city is required to complete environmental analysis pursuant to CEQA that studies and addresses the potential impacts of housing at the proposed densities and in the proposed areas that candidate sites are located. It is assumed that an Environmental Impact Report (EIR) will provide the appropriate level of CEQA review. The process begins on February 29, 2020 at the first

Community Workshop which will also serve as the EIR Scoping Meeting. At this meeting, members of the public may provide input on matters relating to the housing element. This information will subsequently be reviewed as part of the EIR comment review process.

Planning Commission and City Council meetings are anticipated in June 2020 to review Draft EIR findings. Similar to the HCD review process, the Draft EIR document is required to be released to the public for a sixty-day review public review period. The City will then review all comments received during the public review period and provide a publicly available response to comments. Finally, the Draft EIR will go to Planning Commission for recommendation and City Council for anticipated adoption in October 2020.

Public Hearings

Once HCD provides a letter of substantial compliance, the City of Del Mar will need to adopt the 2021-2029 Housing Element locally and send proof of adoption to HCD for final certification. As detailed above, both the Planning Commission and City Council will be engaged throughout the housing element process. Public hearings for the potential recommendation of the document by Planning Commission and adoption by City Council are anticipated for October 2020.

DRAFT Project Description for Program EIR

A. Project Overview

The Housing Element is a State-mandated policy document that is a component of the Del Mar Community Plan. The Housing Element provides direction for the implementation of various programs to meet existing and projected future housing needs for all income levels within the Del Mar community. The Housing Element provides policies, programs, and actions that support and create the framework for the production, preservation and maintenance of the city's housing stock for all income levels.

Background

The City's current Housing Element (5th Cycle) was adopted by the City Council in 2013 and certified by the State Department of Housing and Community Development (HCD). The adopted Housing Element covers the planning period from April 2013, through April 2021. Staff is currently implementing the respective actions and programs for the current planning cycle. The next housing cycle (6th Cycle) will cover the planning period from April 2021 to 2029.

To comply with State law, the City's Housing Element must be updated to ensure the city's policies and programs can accommodate estimated housing growth need identified in the San Diego County Association of Government's Regional Housing Needs Assessment (RHNA) allocation for the 2021-2029 planning period. Any future changes to Housing Element policy will require environmental review pursuant to the California Environmental Quality Act (CEQA). The 6th Cycle Housing Element and associated environmental document(s) will be reviewed for compliance with state law by the California State Department of Housing and Community Development (HCD) and adopted by the City Council no later than April 15, 2021.

To meet these statutory deadlines, the local Del Mar approval process will need to be completed by October 30, 2020. Regularly-scheduled City Council and Housing Committee meetings may be used as a public forum to further discuss associated housing issues, receive public input, discuss options, and provide direction regarding the content of the Housing Element.

6th Cycle Housing Element Update Components

The 6th Cycle Housing Element update will consist of five main components:

1. Assessment of City-wide Housing Needs and Opportunities;
2. Drafting of Goals, Policies, Programs and Objectives (GPPOs);
3. Preparation of CEQA - Environmental Review Documents as applicable;
4. Preparation of the Sixth Cycle Housing Element; and
5. Coordination with HCD to Obtain State Certification

Completion of these five components and local adoption process are envisioned to take place from November 2019 through October 2020, and will include various public engagement opportunities, such as a community-wide survey workshops, and meetings and public hearings before the Planning Commission and City Council.

Regional Housing Needs Assessment (RHNA)

The Regional Housing Needs Assessment (RHNA) is mandated by state law to quantify future housing growth need throughout the State and each city in the San Diego Region. This informs the local planning process by addressing existing and future housing need resulting from estimated growth in population, employment, and households.

SANDAG is responsible for oversight of the RHNA process for the San Diego region. SANDAG is currently overseeing the 6th cycle RHNA, which covers the planning period from 2021-2029.

For the RHNA 2021-2029 planning period, the City of Del Mar is allocated 163 units to accommodate the estimated growth need at various income levels. As required by state law, the Housing Element must identify the City's ability to accommodate this estimated growth through available sites and appropriate zoning. The 6th Cycle RHNA for Del Mar is as follows:

City of Del Mar 6th Cycle RHNA Allocations by Income Category			
Income Category	**Income Range***		**RHNA Allocation**
	Minimum	***Maximum***	
Very Low (31% to 50%)	*$26,753*	*$43,150*	**37 units**
Low (51% to 80%)	*$43,151*	*$69,040*	**64 units**
Moderate (81% to 120%)	*$69,041*	*$103,560*	**31 units**
Above Moderate (120% or more)	*$103,560*	*> $103,560*	**31 units**
TOTAL			**163 UNITS**

** Income range is based on the 2019 San Diego County Area Median Income of $86,300*

Available Sites and Capacity Analysis

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. If adequate sites cannot be identified within the existing zoning, the City is required to rezone sites that can accommodate the remaining need. The City is not required to build dwelling units in order to meet its RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units. Additionally, sites designated to meet the City's income category thresholds must also be appropriately zoned and meet the requirements of state law

The Housing Element will explore opportunities to accommodate the RHNA through current production, entitled units or the availability of properly zoned land that can accommodate additional growth.

6th Cycle Housing Element
Ad-Hoc Citizens' Task Force

Meeting #1

February 6, 2020

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Task Force Mission / Purpose

- Discuss, evaluate, and provide feedback on potential 6th Cycle Housing Element items.
- To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
- Generally aid the City in the preparation and development of the associated CEQA document.

Task Force Schedule

Task	Projected Date
Housing Element Citizens' Task Force – First Meeting (bi-weekly)	February 6, 2020
Housing Element Citizens' Task Force –Meeting #2 (bi-weekly)	February 20, 2020
Housing Element Citizens' Task Force Public Workshop / EIR Scoping Meeting	Saturday February 29, 2020
Housing Element Citizens' Task Force – Meeting #3 (bi-weekly)	March 5, 2020
Housing Element Citizens' Task Force – Meeting #4 (bi-weekly)	March 19, 2020
Housing Element Citizens' Task Force – Meeting #5 (bi-weekly)	April 2, 2020
Housing Element Citizens' Task Force – Meeting #6 (bi-weekly)	April 16, 2020
Housing Element Citizens' Task Force – Meeting #7 (bi-weekly)	April 30, 2020
Housing Element Citizens' Task Force – Meeting #8 (Last meeting)	May 7, 2020

Discussion Item (a.)
Housing Element Background / History

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

What is a Housing Element?

- Required Element of the Del Mar Community Plan
  - ❖ Provides for the implementation of various programs to meet existing and future housing needs for all income levels within the community
- Required by State housing law
  - ❖Requires review by the State Department of Housing and Community Development (HCD) for compliance with State housing laws
- Covers eight (8) year cycle from 2021-2029
  - ❖Currently in 5th Cycle (2013-2021)

Features and Requirements

- Population and housing profile of Del Mar
- Evaluation of housing constraints and resources
- Evaluation of existing programs and policies
- Analysis of sites appropriate for housing
- Develop policies, programs and quantified objectives to meet City's share of regional housing needs

Process Benefits

- Allows the community to further engage in the planning process
- Ensures the City complies with State housing laws
- Allows the City to become eligible for State grants and funding sources
- Demonstrates the ability to meet the future housing growth needs

What is RHNA?

- Regional Housing Needs Assessment
- Quantifies the need for housing within each City/County in California
- Based on future growth in population, employment and households

Income Category	% of AMI	Income Range		RHNA Allocation
		Minimum	*Maximum*	
Very Low Income	0-50%	--	$43,150	37 units
Low Income	51-80%	$43,151	$69,040	64 units
Moderate Income	81-120%	$69,041	$103,560	31 units
Above Moderate Income	>120%	$103,561	$103,561+	31 units
			TOTAL	**163 units**

What is included in the 6th Cycle Update?

Outreach and Input

- Community workshops and outreach
- Public Hearings at the City Council and Planning Commission

Housing Element Document

- Community Profile
- Adequate sites analysis
- Housing needs, constraints, and resources
- Goals, Policies, Programs, and Quantified Objectives (GPPOs)

Outreach and Input

- Two Public Workshops
  - ❖ First Workshop is Saturday, February 29, 2020 @9:30AM
- Community Survey Tool
- City informational webpage (www.delmar.ca.us/HousingElement)
- Six City Council Meetings
- Two Planning Commission Meetings
- Local approval needed by end of October 2020

Housing Element Components

Community Profile

- Based on most recently available demographic data (Census, American Community Survey (ACS) estimates, CHAS)
- Forms the basis for future policy decisions in the housing element
- Contains the following information:
  - ❖ Population/Economic/Household characteristics
  - ❖ Housing problems
  - ❖ Special needs populations
  - ❖ Housing stock characteristics
  - ❖ Assisted housing

Housing Element Components

Adequate Sites Analysis

- RHNA Allocation for Del Mar is 163 units
- Initial assessment looked at sites with the potential ability to accommodate RHNA need
- Parcels evaluated included vacant lands, underutilized lands, infill properties, and commercially-zoned properties permitting residential uses

Housing Element Components

Housing Needs, Constraints, and Resources

- Housing needs and resources addresses:
  - ❖Publicly assisted housing
  - ❖Resources for preserving affordable units
  - ❖Tenant-based rental assistance
- Governmental (Land use controls, permit process, development standards) vs Non-governmental (Economic factors, land costs, financing) Constraints
- Environmental and infrastructure constraints

Housing Element Components

Goals, Policies, Programs, and Quantified Objectives

- Set of goals related to ensuring that:
  - ❖ Existing housing is maintained and preserved
  - ❖ There is a broad range of housing types
- Programs with objectives and timeframes developed to accomplish the identified Housing Element goals
  - ❖ Programs specific to Del Mar and the conditions within the City
- Review of City's past program performance

Overview of Processing

1. Housing Element Development (January – June)
2. Final Draft of Housing Element (July – September)
3. Local Approval (October ‘20)
4. Review and Certification by HCD (November ‘20 – April ‘21)
5. Deadline for Certification (April 15, 2021)

Discussion Item (b.)
Review of Housing Element Webpage

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

6th Cycle Housing Element Webpage

(www.delmar.ca.us/HousingElement).

Discussion Item (c.)
Review the Preliminary Draft Project Description

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

A. Project Overview

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Questions?

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

DEL MAR CIVIC CENTER – 1050 CAMINO DEL MAR
TOWN HALL
THURSDAY, FEBRUARY 20, 2020 – 3:00 PM
CITY COUNCIL LIAISONS: DWIGHT WORDEN, TERRY GAASTERLAND

TASK FORCE STATEMENT OF MISSION/PURPOSE:

The mission of the 6th Cycle Housing Element Citizens' Ad-Hoc Task Force (Task Force) is to:

1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:

Anyone may address the Task Force for three minutes on any items listed on the agenda. If there are several speakers on an item, your time available to speak may be limited to two minutes. When the Task Force Chairperson recognizes you, please step forward and state your name and address of residence clearly for the record. The Task Force may ask questions of you, to which you may respond.

For items not on the agenda, please see: *Oral Communications*.

1. **CALL TO ORDER (3:00pm)**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
4. **CITY COUNCIL LIAISON COMMENTS**
5. **OVERVIEW OF NEW BINDER MATERIALS (STAFF)**
6. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

   State law precludes the Committee from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

7. **TASK FORCE MEMBER UPDATES**

   a. Individual thoughts on housing & vision for housing in Del Mar

8. ACTION ITEMS:

a. Input on format and info on the Housing Element webpage (www.delmar.ca.us/HousingElement).

b. Review of DRAFT Agenda for Public Workshop #1 (2-29-20 at 9:30AM)

c. Overview and initial feedback on City-wide Survey

d. Formation of Task Force Subcommittees

9. ITEMS FOR NEXT AGENDA (3-5-20)

a. Discussion and Takeaways from Public Workshop

b. Final review of City-wide survey

10. ADJOURNMENT

2-6-2020
Minutes from the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force

City Staff Attendees
Shaun McMahon, Amanda Lee, Joseph Smith, Tianna de la Paz

Members Attending:
Tracey Martinez
Bud Emerson
Julie Kawasaki
Karen Lare
Don Countryman

Members Absent:
Jas Grewal
Shirley King

City Council Liaisons:
Terry Gaasterland
Dwight Worden

1. Meeting called to order at 3:03pm
   Shirley and Jas not present but we have a quorum

2. Roll Call and Task Force Introductions

3. Dwight / Terry - Welcome and Review of PowerPoint Presentation
   Dwight
   - Council Liaisons are here to help and support but are not here to tell us what to do
   - E-mail rule - do not do a reply all. Ok to reply to the Chair and Liaisons and staff but not a reply all
   - In person - if there is a quorum of the committee don't discuss business or be perceived to talk business
   - Understand our role - make policy recommendations to the City Council
   - Accept RHNA numbers we are not here to discuss or debate
   - We have a budget for this Task Force
   - Consultant Kimberly Horn Associates
   - If we feel things need to be done that are not being done we can suggest it to the City or Council but need to think through implications

   Terry
   - We are at a great starting point with the work that has already been done by the City staff
   - Thank you to the staff for getting us here!

   Joseph
   - This was all done quickly (putting together the Task Force) and it was necessary to be that way per the schedule

- Discussed deeper our mission and purpose – the CEQA document is being developed alongside the Housing Element Document and needs to be completed in May for public review
- As part of the initial work we need to lock down the project description
- They also want us to help get information out to the public

No comment from public - no one present

4. Overview of Binder and Materials
    - Binders have been created for each member and Council. They will collect and fill them with additional documents after each meeting - Shaun will send out electronic copies as well.
    - The group reviewed all of the documents in the binder
5. Oral Communications
    - Tracey commented that she does not think many of the public were aware that they can attend and that they are all invited! All agreed that we need to get the word out and the city staff have some plans they will share with us.
6. Training on Public Meeting Law
    - Dwight had gone over the rules earlier in the meeting
7. Nominations for and selection of a Chair, Vice Chair and Secretary
    - It was noted that the Chair will be expected to show up to some of the City Council Meetings to update the council members on our progress
    - The following Officers were nominated and unanimously elected
        - Jas Grewal - Chair
        - Tracey Martinez - Vice Chair
        - Karen Lare - Secretary

8.Discussion Items:

A. Shaun presented the Housing Element Background /History - why is this important?

- sets forth a path for the City to follow for the next 8 years
- allows the City to have access to State grants and funds (you must have a certified Housing Element to be eligible)
- allows Del Mar to meet its growth needs

What is RHNA - Regional Housing Needs Assessment. Does the city need to become a developer? No, but they need to have programs for others to be able to develop housing in the City

Community workshops – the first one is on Saturday February 29 at 9:30am. The second workshop in May - specific date to be determined

There is a Web Page dedicated to this effort (more on that later)

Get into detail about the elements that go into the Housing Element.
Housing Element Components:

- Community Profile using data from a variety of sources
- Adequate sites analysis - RHNA allocation is 163
- Housing needs constraints and resources
- Goals policies programs and quantified objectives

- Overview of processing

Deadline for Certification is April 15, 2021 - or else .....there are serious repercussions for the city with funding.

- Review and certification by HCD November 2020 to April 2021
- Local City Council approval - October 2020
- Final draft of housing element - July to September
- Housing Element development - January to June - Ad Hoc housing element citizens task force - February to Mat

Dwight commented that the state was very serious about us getting to the finish line but we had some flexibility on how to do it. Tracey asked about getting the PowerPoint and Shaun said he would provide it as a part of the packet he sends us and will put it in our binder

B. Input on format and info on the Housing Element webpage

- Shaun reviewed the webpage with the group
- A few suggestions were made:
  - Add feedback on web-site to next agenda
  - Add contact information on task force members to web-site - sign-in sheet was passed to do this
- Amanda mentioned that they will provide us with copies of documents received from SANDAG on this topic
- Shaun suggested that we work to try to be the public to sign up for e-mail notifications
- Terry asked if there was a way to do a follow-up for those who cannot make the first public workshop - Shaun suggested that they do plan to televise and record the sessions and they are working on a city wide mailer to be in the mail on 2-14 to all residents and property owner (same sheet they provided us). He also noted that no big policy items are planned for this workshop it is more preliminary - it will also be discussed at the City Council Meetings
- Amanda noted that people can also come to the Task Force Meetings to get information if they cannot make the workshop

C. Review the Preliminary Draft Project Description

- Discussion of draft Project Description for EIR
- Joseph Smith went over what it is and how the rules work for issuing the EIR and making it available to public and council, timing, etc.
- May 14th targeted on release of the EIR to July 15th (60-day review)
- Then October the document would go to City Council
- Discussed and reviewed the draft project description in detail (EIR and RHNA)
- One way to think of it is in buckets:
  - Bucket 1 - how will you address the new housing needs (RHNA) allocation - this is the programs like zoning
  - Bucket 2 - preservation of existing housing
  - Bucket 3 - production of new housing (like ADU's and multi-family housing, etc.)
  - Bucket 4 - housing support (subsistence/support)
  - Bucket 5 - community buy-in - what is right for Del Mar

- Bud brought up the idea of having a discussion about what things we could do to make it customer /resident friendly and how we can take out obstacles and consider them and

Amanda mentioned that this is definitely a part of what we need to do and she suggested that they include the link to the document that the City of San Diego has (they have already submitted theirs and have gotten feedback) the City has put quite a few new programs in place or plans to and we can review them and get ideas.

- Terry mentioned that we are doing some of this today and Shaun also noted that we have plan to do some things to support this further in some upcoming new programs. Further discussion was had about what we have to look at for programs - Terry led us in a thought exercise given our current ADU environment and experience and the group talked about state rules and impacts on what we need to do (no net loss law and other state laws and assembly bills, etc. tab 5 in binder)
- Consultants will participate as part of the community workshop
- The task force can have sub-committees so we need to think about which ones we want to have and who wants to be on them, adding the formation of sub-committees on next agenda
- It was suggested that we could have a communication sub-committee to come up with ideas like FAQs and other ways to get the message out
- It was suggested that we look at what some others are doing (other cities) - Shaun noted that Kimley Horn our consultant also works with other cities doing this. Could we have the consultants talk to us? Yes, we could. Bud suggested that we could see what others have done in earlier cycles that have worked for them that we could look to. Terry thought it would be good to come up with a short list of cities that we want to look at (like cities). Shaun said that we have access to data because there is a housing element progress tracker. HCD tracker - Tracey noted that this would be a good sub-committee as well that could look at this (i.e. do some research on programs that have worked) - it is a public site accessible to all. Shaun will send out a link.
- Joseph suggested we have a brainstorm report out on research on every agenda.
- Add what our vision is for this project and where we all send it ending up. Task Force committee
- Amanda will generate a list and Shaun will send out a list of cities and a link to the HCD Tracker

9. Items for next agenda
    - Group discussion on the proposed Survey tool
    - Group review of format for the first Public Workshop
10. Bud motioned for adjournment and Julie seconded it.

Action Item b.

DRAFT Workshop Agenda for 2/29

Public Workshop #1 @ 9:30AM

1. Introductions

2. Presentation
    a. Overview of Housing Element (Big Picture)

    b. 6th Cycle Housing Element Update (2021-2029)

    c. Public Scoping

3. Public Comments on EIR

4. Interactive Exercise - Open house stations

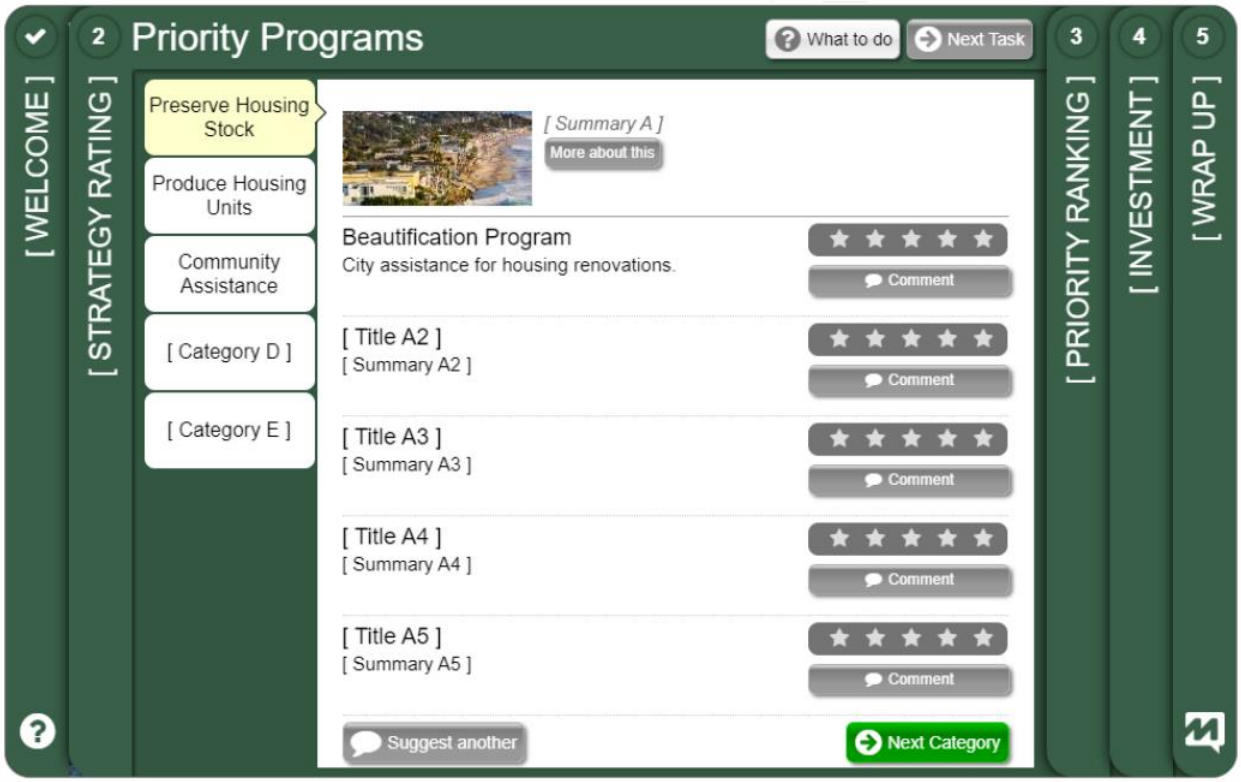
5. Next Steps

DRAFT

Action Item c.

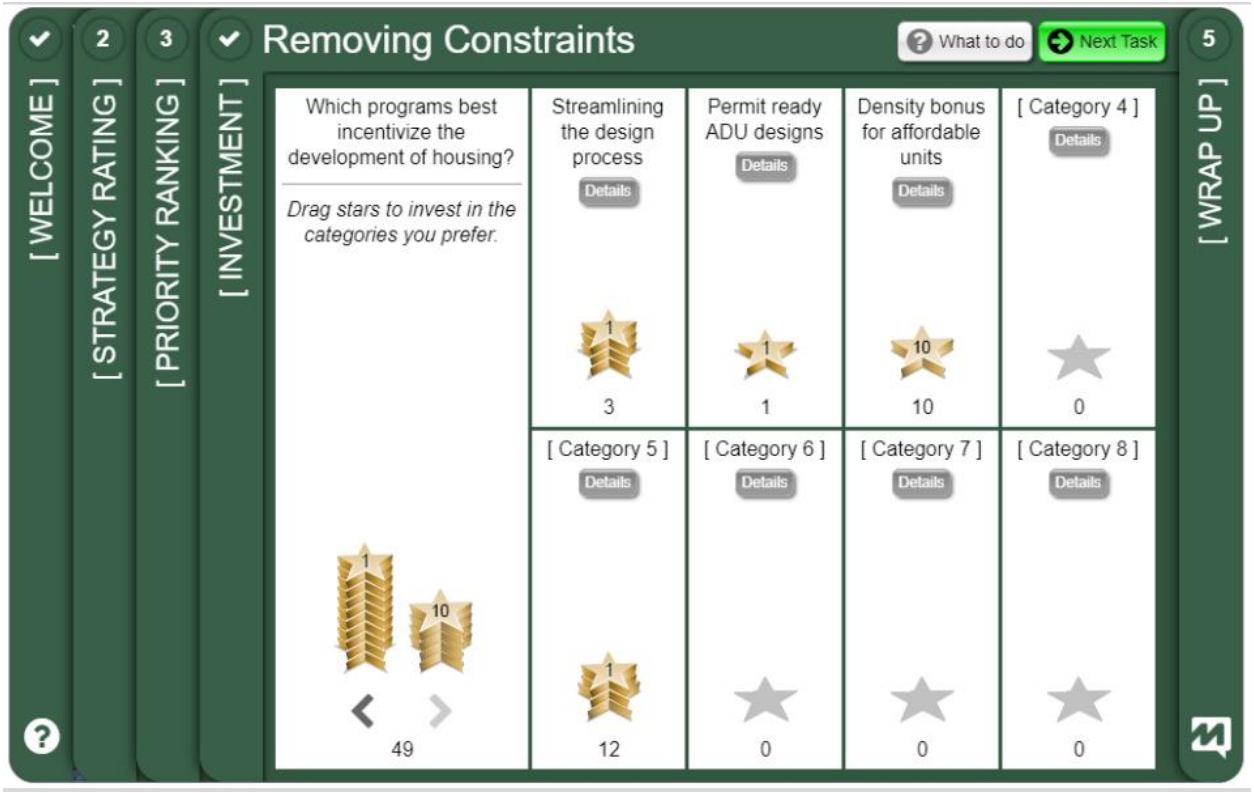
Overview of City-wide Survey

Strategy Rating Slide



Priority Ranking Slide

Investment Style Slide



PUBLIC WORKSHOP AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

DEL MAR CIVIC CENTER – 1050 CAMINO DEL MAR
TOWN HALL
SATURDAY, FEBRUARY 29, 2020 – 9:30 AM

TASK FORCE STATEMENT OF MISSION/PURPOSE:

The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:

1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:

Anyone may address the Task Force for three minutes on any items listed on the agenda. If there are several speakers on an item, your time available to speak may be limited to two minutes. When the Task Force Chairperson recognizes you, please step forward and state your name and address of residence clearly for the record. The Task Force may ask questions of you, to which you may respond.

For items not on the agenda, please see: *Oral Communications*.

1. **CALL TO ORDER (9:30 AM)**

2. **ROLL CALL**

3. **ORAL COMMUNICATIONS (NON-AGENDA ITEM)**

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

4. **TASK FORCE MEMBER UPDATES**
    a. Chair's Remarks
    b. Task Force Introductions
    c. Individual Thoughts on Housing and Vision for Housing in Del Mar

5. **ACTION ITEMS:**
    a. Presentations
        i. Overview of 6th Cycle Housing Element Update
        ii. Overview of CEQA Process and Public Scoping
    b. Comments on EIR Scoping
    c. Interactive Exercise – Workshop Stations
    d. Workshop Station Report Out

6. **ADJOURNMENT**

NEXT TASK FORCE MEETING: MARCH 5, 2020 – 3:00PM

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

DEL MAR CIVIC CENTER – 1050 CAMINO DEL MAR
TOWN HALL
THURSDAY, MARCH 5, 2020 – 3:00 PM
CITY COUNCIL LIAISONS: DWIGHT WORDEN, TERRY GAASTERLAND

TASK FORCE STATEMENT OF MISSION/PURPOSE:

The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:

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For items not on the agenda, please see: *Oral Communications*.

1. **CALL TO ORDER (3:00pm)**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
4. **CITY COUNCIL LIAISON COMMENTS**
5. **OVERVIEW OF NEW BINDER MATERIALS (STAFF)**
    a. Committee Roster
    b. List of California Coastal Cities (addition of Half Moon Bay)
    c. Materials from Public Workshop #1
6. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

7. **TASK FORCE MEMBER UPDATES**

    a. Discussion and Takeaways from Public Workshop

8. **ACTION ITEMS:**

    a. Final Review of City-wide survey

    b. Overview of 5th Cycle Housing Element Programs

9. **SUBCOMMITTEE REPORT OUTS**

10. **ITEMS FOR NEXT AGENDA (3-19-20)**

    a. Reminder – Last Day to Submit Comments on NOP (3-20-20)

    b. Preview of Public Workshop # 2 (4-20-20)

11. **ADJOURNMENT**

Citizen Housing Task Force Meeting Minutes 2-20-2020

Jas Grewal – Chair
Tracy Martinez – Vice Chair
Karen Lare – Secretary

Dwight Worden and Terry Gaasterland – City Council Liaisons

Shaun McMahon, Joseph Smith, Amanda Lee – City Staff

Jas Grewal, Tracy Martinez, Karen Lare, Julie Kawasaki, Shirley King, Jill Gartman, Bud Emerson, Don Countryman – Task Force Members

1. CALL TO ORDER (3:00pm)

2. ROLL CALL
   - All present except Don Countryman
   - Jas reviewed our Mission Statement
   - Joseph, Shaun, Amanda and Tianna de la Paz present for the City
   - Terry and Dwight present for City Council
   - No public attendees

3. APPROVAL OF MINUTES
   One correction to the minutes is the spelling of Tracy's name. It should be Tracy not Tracey. With this change, Bud motioned for approval and Karen seconded it - all approved.

4. CITY COUNCIL LIAISON COMMENTS
   Dwight:
   - Mayor Haviland and Dwight are working with the Fairgrounds to coordinate our efforts to use some of the land on the Fairgrounds to help solve the affordable housing for the city.
   - He was pleased to note that with Jill's appointment we now have a full task force.
   - There is a Tiny House Symposium being held at the fairgrounds on the February 28th from 1-4. It will focus on how they are being implemented in different communities. It is for 3 hours and includes the opportunity to visit the houses on exhibit. There will also be two exhibit halls on Saturday and Sunday. Several of the committee members expressed interest in attending. Shaun will put us on the list of attendees.
   - He reminded us that there is a welcome to CJ (new City Manager) at 5:00pm tonight at the Powerhouse

5. OVERVIEW OF NEW BINDER MATERIALS (STAFF)

   - Shaun reviewed the binder and focused on the new materials - specifically the copy of the PowerPoint presentation from 2-6-20. He called our attention to 30-day review period that will be up on March 20th. This is to comment on the scoping of the draft EIR.
   - A scoping meeting has been added to the upcoming community workshop - there is a requirement that it be held and this is the perfect opportunity.

- Jas commented that the one week notice for the workshop may not be enough for some people. Shaun suggested they could schedule the next notice a month out.
- The group reviewed each of the tabs in the binder for the benefit of the new members.
- Shaun suggested that we go back to the recording of the City Council Meeting on January 13th, 2019. He felt it would help us understand the report he has provided to us. Viewing the presentation and discussion will give us a good view of the issues and process.
- The group provided some feedback on the program description and Shaun made changes - document is now posted on-line.
- Terry asked about the list of the Coastal Cities outside Del Mar that we could look at. The team sent us several e-mails containing either the documents or a link to the documents such as; submission of annual housing reports etc. and they should be helpful tools for us to be able to see if things the other cities have used have actually worked for them. Shaun will add the list of cities to the binder, with the addition of Half Moon Bay.

6. ORAL COMMUNICATIONS (NON-ACTION ITEM)

- There were no members of the public present.

7. TASK FORCE MEMBER UPDATES a. Individual thoughts on housing & vision for housing in Del Mar

- Each member of the Task Force expressed their opinions on the housing element:
    - Bud - he starts with people and the mix of people in the town - he feels a rich mix is healthy and good for the town. Kids and young families with kids, we used to have a lot of students being close to UCSD, we don't have as many now and should see if we can welcome more back to town. He thinks a strategic relationship with professors, scientists and professionals would be good. He also thinks we should try to keep Seniors here longer. We double the population in town if you count all the workers. We should try to accommodate more of the workers in town. He likes the idea of spreading housing throughout the community. Not separate. But protect our character - he likes the idea of mixed use. Even on City Property - maybe for people who work there.
    - Shirley - our community is too monochromatic - our homeless population is 50% Sr's who are caregivers, some have had medical issues that caused them to lose their housing. Thinks we have neglected veterans and have not paid enough attention to them especially with the VA hospital nearby. 20% Mira Costa Students are living in cars and are food insecure - she thinks this is a great opportunity to help them and they will be good residents.
    - Julie - we do have a homeless population here and many are Sr.'s they come here because it is safe and they are frail and vulnerable. We could work with them and she is also interested in seeing more diversity here and in keeping Sr's here as they age.
    - Tracy - Families are quite a tough issue in Del Mar as they want to live in homes with yards and most low-income housing will not be homes. Would like to see diverse developments around town. Del Mar is walkable, agrees affordable housing should be throughout the town not just in one area. Work with developers and stay true to our Community Plan. How much have we looked at what we have here in downtown? Could we incentivize them (property owners) in some way to convert places into apartments? Thinks the fairgrounds is an opportunity and that they should be at the table.
    - Jill - Climate change is here and we need to develop houses close to people's work - we are 27% above other cities in vehicle miles traveled so doing our part would be good. Agrees with aging population issues - other opportunities? How do we evacuate an

aging population easily. Diversity of thought, ages, some families would live in smaller spaces if they have some community spaces.

- Karen - while I agree with much of what is being said, there is a reality in Del Mar with the high cost of land and housing as well as the scarcity of land. I am not saying that we cannot come up with some creative solutions it just that we need to be realistic.
- Terry - where we all live influences some of our thoughts. In the area where she lives there are a lot of expensive houses and condominiums and apartments. Living in them we have, Senior's, kids, and high density along with college kids. We need a grocery store in town. We can mix the affordable housing in many areas.
- Dwight - he has lots of background in housing (the legal perspective) however wanted to be sure we all understood that his role is to support our efforts and give us advice.
- Jas - believes in diversity and that we need to spread the affordable housing throughout town so we don't isolate people and put everyone of one type in just one place. We need to make room for everyone throughout all the stages of their lives.

8.ACTION ITEMS:

a. Input on format and info on the Housing Element webpage (www.delmar.ca.us/HousingElement) . Reviewed the web site. He has broken it up into sections as they find one long page does not work well. Reviewed the tabs and links and discussed some of the reports available. Reviewed the table on what is "affordable" and why it is important to understand this information. Decided to replace the table he is using with one the County of San Diego uses (more info) and add the monthly rent numbers as suggested by Shirley. Jas suggests that Shaun add affordable to the description. Group worked on a list of searchable words that Shaun will add as key word searches on the website.

Looked at the ease of searching on the web-site and to look at making the title more user friendly and put it as "Affordable Housing" first then Sixth Cycle later as most people will not be familiar with CEQA or RHNA or Sixth Cycle. Also want to be sure the public knows that they can attend. Shaun will see if he has opportunities to make it more helpful.

Add a button to easily sign people up - make it obvious as well on the weekly update?

Jas asked us all to look at it on our own as well. Get comments to Shaun - it was requested that we look at it on a mobile device and our computer. Joseph mentioned that if we want we can link to this information we post as it will help it move up in search results.

b. Review of DRAFT Agenda for Public Workshop #1 (2-29-20 at 9:30AM) and Task Force Meeting. It will start at 9:30am on the 29th and at least 7 staff will be here to support us to run the meeting.

Reviewed the agenda that Shaun had sent to us. Staff and consultants will give the presentation (they are the subject experts) Amanda, Joseph and Shaun are here to answer questions (Terry and Dwight will not be present). For the interactive exercise they will have stations for people to ask questions on various topics.

Bud thinks it would be good to have an earlier opportunity for people to speak up - maybe a written card? Or a sheet of paper on each chair with some questions and where they could take notes? A one page handout with a second page for notes? Yes, all agreed to that. Amanda thinks that it also might be

good to have each of us participate in the interactive sessions? Something like what we said today on sheets where we could all add stickers.

Will all be there? Yes, we will all be present. Our roll will be like a normal meeting with the Chair opening it and doing intros of the teams but consultants and staff will do the heavy lifting of the presentation and the interactive sessions. We can also help with the questions people have and help those that need support. Flow is probably 3 hours total with presentations about 1 hour only. Jas suggested that we break up the presentations - Bud thought maybe we could let everyone come up with their best great idea. Jill thought we could add something to the Friday update of "click here" to do some pre-reading.

Dwight - stations are not video able - at the end do a report-out via a scribe so all could hear about it. Joseph encouraged that the Task Force give us feedback on how we want the meeting to run - dialog from all on this topic. Suggested that we put together a list of the things we have done to date as a city as well. Everyone wants to be sure the community knows they are being listed to - Jas will make some welcoming comments.

Flow:

1. Welcome - Jas
2. Oral Communications
3. Task Force Input
4. Presentations - tone down presentations to be 10-15 min overview not so formal
5. CEQA - how it plays into it?
6. Break into groups for interactive session - 30 minutes duration then a report out
7. Public Comments
8. Close

c. Overview and initial feedback on City-wide Survey

The plan is to send out the survey go out the second week of March - open for 3 weeks. Is this enough time? It is done by our consultant Kimberly Horn. It is planning centric (5 slides total).

1. Intro
2. The bulk of the housing element - all 5 buckets - production of units, preservation of existing units, community assistance programs, RHNA, Strategy slide allows them to rank, then on the areas that they would like to select where to put the housing (we have 18 zones) how many should we give them then investment slide on removing governmental constraints - we need to come up with 8 different ones then they can come up with their favorite.
3. It takes about 3 business days to get it up and running and consultants suggest that it is up for 3 weeks.

Feedback from the Task Force - lots of discussion on this topic and it was agreed that the Task Force would form a sub-committee to help work with the staff on this.

Timeline for the survey is:

- Initial feedback today (survey is 60-70% done)
- Take in info on the 29th from the workshop
- Present final version on the 5th

- Send to consultants on the 6th
- Post Survey on March 13th
- Close survey on April 3rd
- Discuss results at the April 20th City Council Meeting

How do we get the word out? Send a mailer out? They are very open to feedback. The survey is only on-line not on paper. All agree we should send out a flyer in the mail letting people know about the survey - with options on how to do it (Library, City hall, your own computer, etc.)

A few thoughts from the group; should we have the characteristics of places to put housing versus just areas we would want housing, be sure we don't use jargon.

d. Formation of Task Force Subcommittees
Does the group wants to have subcommittees - yes - the Task force all agree. What sub-committee's do we want to have? Discussion by the group on potential sub-committees. Tracy makes a motion to for the formation of the 4 sub-committees (listed below) and it was seconded by Bud and approved by all. Discussion of who wants to be on each of the sub-committees. The motion to approve is made by Bud and seconded by Jill and approved by all.

1. Communications and City Wide Survey-Julie, Bud, Jill
2. Community Assistance - Julie, Shirley
3. Production of housing stock - Tracy, Jas, Karen
4. Preserving existing housing stock-Karen, Jas, Tracy

It is agreed that we will open it up to Don Countryman to have him participate in sub-committees - he is not present today.

9. ITEMS FOR NEXT AGENDA (3-5-20)
a. Discussion and Takeaways from Public Workshop
b. Final review of City-wide survey
c. Add updates from the various sub-committees and 5th cycle re-cap

Meeting adjourned at 5:11pm

Action Item b

5th Cycle Housing Element Program List - Updated Date: 9/16/19

Housing Program #	Annual Progress Report - Year Reported	Synopsis of Program	Implementation time frame specified in Housing Element
1-A.	2018 Ongoing	Continue implementing the City's Condominium Conversion Ordinance to protect and mitigate against loss of apartment stock.	Program now in place. Ongoing implementation
1-B.	2016 Completed	Municipal Code amendment modifying the affordable unit set-aside rate for condominium conversions from current 67% to a range of 10- to 30% (DMMC 24.21).	By May 2014 (12 months from date of Council adoption of Housing Element.)
1-C.	2016 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow in-lieu fee rather than unit set-aside mitigation for condominium conversions involving 2-5 apartments (DMMC 24.21).	By May 2014
1-D.	2018 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow off-site unit set-aside mitigation (DMMC 24.21).	By May 2014
1-E.	2018 Ongoing	Continue to use collected mitigation fees for affordable housing programs.	Program now in place. Ongoing implementation.
1-F.	2018 Completed	Review and possible increase of existing In-lieu Housing Mitigation Fee rate.	By May 2014
1-G.	2016 Completed	Municipal Code amendment to require the payment of an In-lieu Housing Mitigation Fee in cases where development proposal would result in an adverse impact on housing opportunities.	By May 2014
1-H.	2018 Ongoing	Continue allowance for retention of structural and residential density non-conformities for multi-family structures (three or more units).	Program now in place. Ongoing implementation.
1-I.	2016 Completed	Municipal Code amendment allowing multi-family apartment building with nonconforming density to convert to condominiums with mitigation requirements applied.	Within 36 months of adoption of Housing Element Update, by May 2017
1-J.	2016 Completed	Municipal Code amendment to require mitigation measures on condominium conversions to assist renters of apartments to be converted (DMMC 24.21).	By May 2014
1-K.	2018 Ongoing	Continue to guard against degradation and loss of affordable housing stock	Program now in place. Ongoing implementation
2-A.	2018 Ongoing	Continue to implement Community Plan and Zoning Ordinance to provide opportunities and incentives for the construction of 42 new residential units during 2013-2021 cycle for: extremely low, very low, low and moderate income levels	Program now in place. Ongoing implementation.

2-B.	2014 Completed	Zone Code amendment to remove the requirement for receipt of Conditional Use Permit to develop at 17.6 du/ac density in the RM-East, RM-West, RM-Central and RM-South Zones (DMMC 30.16, 17, 18 and 19).	By May 2014
2-C.	2016 Completed	Continue to maintain record of sites suitable for residential development and provide such information to the public.	Ongoing
2-D.	2018 completed	Conduct workshops to apprise the public of the opportunities for residential and mixed-use development in the City.	By May 2014
2-E.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the North Commercial (NC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.24).	Within 24 months of adoption of Housing Element Update, by May 2016
2-F.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the Professional Commercial (PC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.25).	By May 2016
2-G.	2018 Underway	Zoning Code/Community Plan amendments and Local Coastal Program Amendment (LCPA) to assign a new land use designation and accompanying development parameters to two adjacent vacant parcels in the NC Zone allowing residential development at 20-25 du/ac with affordable housing component.	By May 2014
2-H	2018 Underway	Conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations with affordable housing component.	No specified time frame
2-I.	2018 Completed	Complete a property record and conduct public workshops to identify any other properties that would be appropriate for a land use re-designation to accommodate density of 20 du/ac.	By May 2014
2-J.		Assign Community Plan and LCP land use designations for 22nd DAA Fairgrounds property to accommodate construction of dwelling units at 20 du/ac for replacement of backstretch housing, as identified in the 22nd DAA's Master Plan.	By May 2015
2-K.	2014 Completed	Zone Code amendment to permit emergency shelters in the North Commercial Zone through ministerial review process (DMMC 30.24).	By May 2014
2-L.	2016 Completed	Zone Code amendment to allow development of Single-Room Occupancy (SRO) units.	By May 2014
2-M.	2018 Ongoing	Continue to encourage St. Peter's Episcopal Church to continue its Interfaith Shelter Network Rotating Shelter and its Helping Hands program.	Ongoing, no action required.

2-N.	2018 Underway	Work with 22nd DAA and Thoroughbred Club to utilize Fairgrounds site for emergency housing during the winter months.	No specified time frame
2-O.	2014 Completed	Zone Code amendment to allow transitional/supportive housing in all zones where housing is otherwise permitted and subject to the same development standards (Multiple DMMC Chapters).	By May 2014
2-P.	2018 Ongoing	Continue to permit community care facilities through the same zoning provisions applicable to residential units.	Ongoing
2-Q.	2014 Completed	Zone Code Amendment to reduce the 1,000-linear foot minimum spacing requirement between community care facilities to 300-linear foot minimum spacing (multiple DMMC Chapters).	By May 2014
2-R.	2016 Completed	Zone Code amendment to permit manufactured homes meeting state and federal standards to be treated in same way as other single-family homes (multiple DMMC Chapters).	By May 2014
2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation.
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.

5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.
5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
Objective #1: Conserve and Improve the City's Existing Stock of Housing Units					
Program #1: Amend the City's Condominium Conversion Ordinance		Preserve existing multi-family rental housing while creating truly affordable housing if a conversion is to take place.	1-A. The City will continue to implement the Condominium Conversion Ordinance affordable unit set-aside and In-lieu Housing Mitigation Fee requirements in order to preserve the existing stock of apartment units and to accrue In-lieu Housing Mitigation funds where conversions do occur.	None required	Planning and Community Development
			1-B. Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will amend the Condominium Conversion Ordinance to modify the affordable unit set-aside requirement to include a unit set-aside figure in the range of 10- to 30 percent, rather than the existing 67-percent figure, with the set-aside requirement percentage figure rounded to the next highest whole number.	None required	Planning and Community Development
			1-C. Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will also amend the Condominium Conversion Ordinance to allow a property owner to satisfy the affordable unit set-aside mitigation requirement by instead paying an In-lieu Housing Mitigation Fee for each apartment unit converted in condominium conversion proposals involving 2-5 apartments.	None required	Planning and Community Development
			1-D. Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will amend the Condominium Conversion Ordinance to allow a property owner to satisfy the affordable unit set-aside mitigation requirement by acquiring and donating to the City, or to a qualified housing advocacy organization, another dwelling unit in the City of a like size and condition to be reserved for use as affordable housing.	None required	Planning and Community Development

Table 38: Summary of Housing Programs						
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			1-E.	The City will continue to make the funds accrued in the City's Housing Assistance Reserve available for implementation of existing affordable housing programs such as the Rental Subsidy Program. The funds will also be available for other programs such as the acquisition of land and construction of affordable units or acquisition of residential units to be made available for individuals or families of extremely low, very low or low income levels or for assistance for displaced individuals or families of extremely low, very low or low income.	None required	Planning and Community Development
			1-F.	Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will review the existing rate of the In-lieu Housing Mitigation Fee to determine if a rate increase is appropriate and justifiable to mitigate the impact that condominium conversions have on affordable housing .	None required	Planning and Community Development
			1-G.	Although not strictly a condominium conversion issue, within 12 months of City council adoption of the 2013-2021 Housing Element, the City will amend the Zoning Ordinance to require the payment of an In-lieu Housing Mitigation Fee in cases where other development proposals, in addition to condominium conversions, would have an adverse impact on the affordable housing opportunities. For example, the City will amend the Municipal Code to require payment of In-lieu Housing Mitigation Fee in cases where a proposed development project would result in a net loss in the number of residential units on a property.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
	Program #2: Preservation of Rental Housing Stock and Nonconforming Multi-family Densities	Preserve rental housing while allowing for condominium conversion to take place if truly affordable units are created or a mitigation fee is paid.	1-H. The City will continue to allow the retention of structural and residential density non-conformities for multi-family structures containing three or more units without a requirement for abatement of such nonconformities when the structure undergoes major renovation or replacement. . To accommodate the "sprucing up" of older buildings, the City will also amend the Municipal Code to allow flexibility for a property owner to make structural modifications that improve the aesthetics of the nonconforming structure without a requirement for abatement of the nonconformity. Such allowance would retain the prohibition on expansion or exacerbation of a nonconformity. The City will also establish an education/outreach program to apprise property owners of the opportunities for structural modifications available under the Municipal Code.	None required	Planning and Community Development

Table 38: Summary of Housing Programs						
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			1-I.	Within 36 months of City Council adoption of the 2013-2021 Housing Element, the City will amend the Municipal Code to allow the owner of an existing multi-family apartment building(s) which is nonconforming with respect to residential density, to convert the building(s) to condominiums with the proviso that, as mitigation for the conversion, a portion of the converted units be set aside for affordable housing. The amended code section would establish requirements for the number of units to be set to be aside for affordable housing with that figure to be in the range of 10 percent to 30 percent of the converted units, and specifying that, as applicable, the set-aside percentage figure would be rounded to the next highest whole number. The amended code section would also establish a limitation the number of condominium conversions allowed in any 12 month period. As is required under the City's Condominium Conversion Ordinance, the affordable set-aside units would be subject to recordation of a deed restriction setting forth the required affordable rental or sales rate for no less than the minimum duration required under state housing law.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
			1-J Within 12 months of City Council adoption of the Housing Element, the City will amend the provisions of the Condominium Conversion Ordinance to require, in addition to other applicable mitigation measures, requirements that authorizations for condominium conversions be conditioned to include: 1) a minimum waiting period following City authorization of the Condominium Conversion to allow dwellers of the apartments to be converted time to locate replacement housing; 2) funds to be provided to dwellers of the apartments to be converted to assist in the costs of securing and moving to replacement housing; 3) and the right of first refusal for purchase of the converted units by the dwellers of the apartments to be converted.	None required	Planning and Community Development
	Program #3: Zoning Ordinance Enforcement and Building Code Compliance	Preserve and enhance existing housing conditions	1-K. The City will continue to guard against affordable housing unit degradation through enforcement of the City's Zoning Ordinance and the California Building Code, either by City staff or by contract with the EsGil Corporation or other qualified service provider.	General Fund	Code Enforcement

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
Objective #2: Provide Adequate Sites to Achieve a Variety of Housing Types					
Program #4: Implement the Community Development Element and Zoning Ordinance	Provide a range of opportunities for various housing types and different economic segments of the community.	2-A.	The City will continue to implement and augment the Community Development Element of the Community (General) Plan and the Zoning Ordinance. The objective is to provide opportunities and incentives for the construction of a minimum of 42 residential units during the 2013-2021 period that are affordable for persons of extremely low, very low, low and moderate incomes.	None required	Planning and Community Development
		2-B.	Within 12 months of certification of the 2013-2021 Housing Element, the City will adopt an amendment to the Municipal Code that would remove the requirement for receipt of a Conditional Use Permit in order to develop at the maximum allowable density of 17.6 du/ac for properties in the RM-East, RM-West, RM-Central and RM-South Zones.	None required	Planning and Community Development
		2-C.	The City will maintain a record of sites suitable for residential development and provide that information to all interested developers, property owners and the public.	None required	Planning and Community Development
		2-D.	The City will hold workshops and prepare materials to apprise the public and both for- profit and non-profit developers of the opportunities for residential and mixed-use development throughout the City's various zoning districts.	None required	Planning and Community Development
		2-E.	Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the North Commercial (NC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component.	None Required	Planning and Community Development

Table 38: Summary of Housing Programs						
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			2-F	Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the Professional Commercial (PC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component.	None Required	Planning and Community Development
			2-G.	Pursuant to Government Code Sections 65583.2(h) an (i), within 12 month of City Council adoption of the 2013-2021 Housing Element, the City will assign a new land use designation to two adjacent vacant parcels, roughly 2.3 acres in size in the NC Zone, to allow, by right, residential development of the properties at a density of 20-25 du/ac. with such density allowance to include a requirement for a percentage of the residential units to be available, long-term, at affordable rates, either through dedication to a non-profit housing advocacy organization or through deed restrictions for no less than the minimum duration required under state housing law applicable to affordable dwelling units.	None required	Planning and Community Development
			2-H	The City will conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations but with a required affordable housing component for any residential proposal and with a prohibition on siting residential uses in parks or open space areas.	None required	Planning and Community Development

Table 38: Summary of Housing Programs						
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			2-I	Within 12 month of City Council adoption of the 2013-2021 Housing Element, the City will complete a property record and conduct public workshops to identify other properties that would be appropriate for a land use re-designation to accommodate residential development at a density of 20 du/ac.		
			2-J.	Within 24 months of City Council adoption of the 2013-2021 Housing Element, the City will assign land use designations in the City's Community (General) Plan, Local Coastal Program (LCP), and Zoning Ordinance and Zoning Map that accommodate residential development at an allowable density of 20 dwelling units per acre (20 du/ac) for that portion of the 22nd District Agricultural Association (22nd DAA) Fairgrounds property located in the City's corporate boundaries. The assignment of this land use classification will accommodate construction of dwelling units on the Fairgrounds property in the manner identified in the 22nd DAA's Master Plan for the Fairgrounds property.	None required	Planning and Community Development
	Program #5: Provide Sites for Homeless Shelters and Transitional Housing	Provide a range of opportunities for various housing types and different economic segments of the community.	2-K.	Within 12 months of adoption of the 2013-2021 Housing Element, the City will modify its zoning code to permit emergency shelters as a permitted use in the North Commercial Zone via a ministerial process without discretionary review. The zoning code amendment will establish appropriate performance standards for emergency shelters, including: number of beds; parking; on-site management; security; hours of operation; noise regulations; and restrictions on loitering.	None required	Planning and Community Development

Table 38: Summary of Housing Programs						
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			2-L.	Within 12 months of adoption of the 2013-2021 Housing Element, the City will modify its zoning code to include provisions for Single-Room Occupancy (SRO) units.	None required	Planning and Community Development
			2-M.	The City will continue to encourage local congregations to participate with the Interfaith Shelter Network Rotating Shelter and will also encourage St. Peter's Episcopal Church to continue its Helping Hands program.	None required	Planning and Community Development
			2-N.	The City will actively work to encourage the 22nd DAA and Thoroughbred Club to utilize both its existing dormitory-style housing units and the proposed residential units described in Fairgrounds Master Plan to provide emergency housing during the winter months.	None required	Planning and Community Development
			2-O.	Within 12 months of adoption of the 2013-2021 Housing Element, the Zoning Ordinance will be amended to specifically define transitional/supportive housing. Transitional housing pursuant to Health and Safety Code Section 50801(i) will be permitted in all zones where housing is permitted and subject to the same development standards as the same type of housing in that zone. Supportive housing pursuant to Health and Safety Code Section 50675.14(a)(B)(2) will be permitted in all zones where housing is permitted and subject to the same development standards as other housing in that zone.	None required	Planning and Community Development

Table 38: Summary of Housing Programs

#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			2-P.	The City will continue to permit community care facilities through the same zoning provisions applicable to residential units in the zone in which they are proposed.	None required	Planning and Community Development
			2-Q.	Within 12 months of the adoption of the 2013-2021 Housing Element, the City will amend the zoning code to reduce the 1,000-linear foot minimum spacing requirement for community care facilities to 300-linear foot minimum spacing, and to expressly exclude community care facilities from the definition of lodging and boardinghouse.	None required	Planning and Community Development
	Program #6: Provide Sites for Special Needs Housing	Provide a range of opportunities for various housing types that suit the special needs of certain populations	2-R.	Within 12 months of the adoption of the 2013-2021 Housing Element, the City will amend the zoning code to permit manufactured homes meeting state and federal standards and installed on a permanent foundation to qualify as a regular single-family use.	None required	Planning and Community Development
			2-S.	The zoning code currently defines a "family" as "an individual, or two or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than five persons, excluding servants, who are not so related, living together in a single dwelling unit and maintaining a common household." Within 12 months of the adoption of the 2013-2021 Housing Element, the City will amend the zoning code to amend the definition of family as necessary and appropriate to ensure clarity and remove any potential constraints to housing for persons with disabilities and large households.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
Objective #3: Accommodate the Development of New Affordable Housing Opportunities					
Program #7: Rental Subsidy Program	Expand revenue source for the Affordable Housing Fund and provide rental assistance to extremely low, very low, and low income households to relieve cost burden.	3-A.	The City will continue to utilize Housing Assistance Reserve to fund rental subsidies to income qualified households. Within 24 months of City Council adoption of the 2013-2021 Housing Element, the City will consider the use of other potential funding sources to increase the number of individuals and families served by the program from eight to 16 individuals and families. Funding will be prioritized for extremely low income households, seniors, and persons with disabilities.	Affordable Housing Fund	City of Del Mar through contract with Community Connections
		3-B.	Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will consider whether to increase the fee rate of the In-lieu Housing Mitigation Fee to more appropriately off-set the impacts that subdivisions, condominium conversions and other projects that result in a net loss of housing units have on affordable housing opportunities. The options for a fee increase include raising the level of the existing flat fee or establishing a fee based on a percentage of indexed market values of similar condominium units. As part of that evaluation, the City will also explore whether the set-aside requirement or In-lieu Housing Fee for affordable units currently applicable to subdivisions of 10 lots or more should also be applied as a condition of approval for subdivisions of less than ten lots. The City will also consider setting aside a portion of the In-Lieu Housing Fee to benefit extremely low income households.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
		3-C.	Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will adopt an ordinance requiring that payment of a Housing Mitigation Fee be applied as a condition of approval of those projects that result in a net reduction in the number of dwelling units on a property. This requirement shall not apply in cases where the net reduction in the number of dwelling units brings a nonconforming parcel into compliance with maximum residential density limitations applicable to the parcel's current zoning designation. If adopted, the City will also consider setting aside a portion of the Housing Mitigation Fee to benefit extremely low income households.	None required	Planning and Community Development
Program #8: Second-Dwelling-Units	Remove constraints and provide incentives to facilitate the development of second-dwelling-units as a potential source of affordable housing.	3-D.	The City will continue to accommodate and promote the construction of affordable Second-Dwelling-Units by increasing the public awareness of the Second-Dwelling-Unit program. The specific goal is to have 10 new Second-Dwelling-Units constructed during the 2013-2021 period.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
			3-E. Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will consider the adoption of an amendment to the Zoning Ordinance to provide additional incentives for property owners to pursue authorizations for and construct Second-Dwelling-Units. The incentives to be considered will include, but not be limited to, the following: 1) The granting of a maximum 550 sq. ft. Floor Area Ratio (FAR) exemption for a Second Dwelling Unit that meets all of the parameters and requirements of the Second Dwelling Unit Ordinance. 2) An allowance for encroachments into otherwise required rear-yard setbacks, provided a minimum setback of ten (10) feet is provided adjacent to any residentially zoned property. As part of this amendment to the Zoning Ordinance, the City will also consider amending the provisions of the Second- Dwelling Unit Ordinance to remove the existing prohibition on locating Second-Dwelling Units (SDU) on sites located in special overlay zones, provided that the SDU structure complies with siting requirements of such special overlay zone with respect to protection of sensitive resources.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame	Funding Source	Responsible Agency
			3-F. Within 24 months of City Council adoption of the 2013-2021 Housing Element, the City will explore the enactment of an amnesty program under which property owners with illegal second units could apply for authorization to retain the illegal units provided it complied both of the following parameters: 1) The structure in which the illegal unit is located complies with or is retrofitted to comply with the applicable standards of the California Building Code, including minimum dwelling-unit-size requirements; and 2) The second dwelling unit is reserved and deed restricted at rental rates for low or very low income households. In order to minimize adverse impacts on established neighborhoods and to provide a transition period for installation of Second-Dwelling-Units in otherwise single-family residential neighborhoods, the City will monitor the effects that construction of Second-Dwelling Units have on the character of the surrounding neighborhood. If detrimental impacts are found to be occurring, the City may establish a caveat that not more than a specified number of Second-Dwelling-Units be authorized in any calendar year. The zoning amendments would also contain the caveat that the 550 sq. ft. FAR exemption would not be offered for sites where the property's structures already exceed the allowable FAR specified per the underlying zoning designation.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
Objective #4: Preserve and Expand Opportunities for Use of Existing Affordable Housing					
Program #9: Shared Housing	Provide opportunities for shared housing costs to lower income households and households with special needs (such as seniors)	4-A.	The City will continue to offer shared housing services to residents of Del Mar to achieve at least five credits under the affordable housing goal.	Affordable Housing Fund	City of Del Mar through contract with Community Connections
		4-B.	The City will continue to work with Community Connections to keep records on the duration of each Shared Housing match. This will allow the City to track housing accomplishment(s) and to evaluate the program's effectiveness.	Affordable Housing Fund	City of Del Mar through contract with Community Connections
Program #10: Housing Choice Vouchers	Provide rental assistance to extremely low and very low income households to relieve cost burden.	4-C.	The City will continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	HUD Section 8 Allocations	City of Del Mar through contract with Housing Authority of County of San Diego
		4-D.	The City will continue to support the County Housing Authority's applications for additional allocation or Housing Choice Voucher funds.	HUD Section 8 Allocations	City of Del Mar through contract with Housing Authority of County of San Diego
		4-E.	The City will continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	HUD Section 8 Allocations	City of Del Mar through contract with Housing Authority of County of San Diego
Program #11: Residential Density Bonus	Facilitate the construction of affordable housing by providing density bonus incentives pursuant to State law.	4-F.	Within 12 months of the adoption of the 2013-2021 Housing Element, the City will amend the zoning code to be consistent with the State Density Bonus Ordinance.	None Required	Planning and Community Development
		4-G.	The City will continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
Program #12: Inclusionary Affordable Housing for Subdivision	Increase the number of affordable units and expand the revenue source to replenish the Affordable Housing Fund in order to provide assistance to an increased number of households.	4-H.	The City will continue to enforce Chapter 24.21 of the Del Mar Municipal Code to proposed subdivisions. Within 12 months of adoption of the 2013-2021 Housing Element, the City will adopt an amendment to the Municipal Code to apply the set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots. The review process for this amendment will include consideration of the balance between the desirability of establishing a wider scope of mitigation for affordable housing against the perceived barrier that applying the affordable unit set-aside or In-lieu Housing Mitigation Fee on subdivisions of six or more lots would have on proposed housing subdivisions. That balance will include consideration of the concern that application of either of these mitigation requirements might dissuade property owners from pursuing subdivisions that would otherwise increase the number of properties available for new housing units in the community.	None required	Planning and Community Development
Program #13: Coastal Housing Requirements	Monitor affordable housing opportunities within the Coastal Zone.	4-I.	The City will continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units within the City limits in order to comply with Section 65588(d) of the Government Code.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
Program #14: Provide Affordable Housing Fund	Expand the revenue source to replenish the Affordable Housing Fund in order to provide assistance to an increased number of households.	4-J.	Within 12 months of adoption of the 2013-2021 Cycle, the City will amend the zoning code to require that an In-lieu Housing Mitigation Fee be paid to mitigate the loss of housing stock when a property with multiple dwelling units is redeveloped with a project that results in a net loss of the number of dwelling units on the property. If adopted, the City will also consider setting aside a portion of the Housing Mitigation Fee to benefit extremely low income households.	None required	Planning and Community Development
		4-K.	The City will continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	None required	Planning and Community Development
		4-L.	The City will continue to work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	None required	Planning and Community Development
		4-M.	The City will support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds, provided the proposed projects/programs are consistent with the goals and policies of the City.	None required	Planning and Community Development
		4-N.	The City will monitor the affordability covenants and restrictions of all future affordable housing created through City efforts to ensure compliance with the goals, objectives, and program guidelines for affordable housing funds.	None required	Planning and Community Development

Table 38: Summary of Housing Programs					
# Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
Program #15: Homeownership Assistance	Increase homeownership opportunities for moderate income households.	4-O.	Within 12 months of City Council adoption of the 2013-2021 Housing Element, the City will take the necessary steps to enroll in the Mortgage Credit Certificate Program and will distribute information about the availability and benefits of the Program.	San Diego County Mortgage Credit Certificate Allocation	City of Del Mar through contract with San Diego County Department of Housing and Community Development
Objective #5: Remove Governmental Constraints to the Maintenance, Improvement and Development of Affordable Housing.					
Program #16: Fee Waivers for Affordable Housing	Facilitate the construction of affordable housing.	5-A.	The City will continue its application processing fee reduction/waiver program and related policies that remove or reduce governmental constraints for those projects that include an affordable housing component.	General Fund	City of Del Mar
Program #17: Streamline Development Process	Facilitate the construction of affordable housing.	5-B.	The City will continue to implement the development processing streamlining program for affordable housing development proposals. Under this program, affordable housing developments are guaranteed priority processing.	None required	Planning and Community Development
Program #18: Providing Housing for Persons with Disabilities	Facilitate the development of housing for persons with disabilities.	5-C.	Within 12 months of the adoption of the 2013-2021 Housing Element, the City will adopt streamlined procedures for processing reasonable accommodation requests by persons with disabilities for flexibility in the implementation of land use and zoning regulations, in order to allow equal access to and enjoyment of housing.	None required	Planning and Community Development
		5-D.	The City will continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	None required	Planning and Community Development

Table 38: Summary of Housing Programs

#	Housing Program	Program Objectives	Eight-Year Objective and Time Frame		Funding Source	Responsible Agency
			5-E.	In the 2013-2021 Housing Element cycle, the City will consider an amendment to the Zoning Ordinance to provide a Floor Area Ratio (FAR) exemption to allow additional floor area for the retrofit of existing residences as necessary solely for providing improvements to increase accessibility for persons with disabilities and for encroachments into setbacks for exterior access ramps.	None required	Planning and Community Development
			5-F.	Within three years of certification of the 2013-2021 Housing Element, the City will develop a set of design guidelines to provide to property owners, applicants, and members of the Design Review Board guidance on how the DRO standards are applied to development proposals.	None required	Planning and Community Development
Objective #6: Promote Equal and Fair Housing Opportunities.						
Program #19: Fair Housing		Promote equal housing opportunities for all residents.	6-A.	Del Mar will continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	CDBG/ General Fund	City of Del Mar through contract with Community Connections
			6-B.	The City will assist in program outreach through the support of Del Mar Community Connections to disperse information throughout the community regarding the shared housing and fair housing services provided by Del Mar Community Connections.	CDBG/General Fund	City of Del Mar through contract with Community Connections
			6-C.	In the 2013 - 2020 Housing Element cycle, the City will continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	CDBG/General Fund	City of Del Mar through contract with Community Connections

6th Cycle Housing Element Ad-Hoc Citizen's Task Force

Meeting Cancellation

The scheduled March meeting of the
6th Cycle Housing Element Ad-Hoc Citizen's Task Force,
scheduled for Thursday, March 19, 2020,
has been cancelled.

6th Cycle Housing Element Ad-Hoc Citizen's Task Force

Meeting Cancellation

The scheduled April meeting of the
6th Cycle Housing Element Ad-Hoc Citizen's Task Force,
scheduled for Thursday, April 2, 2020,
has been cancelled.

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR

THURSDAY, APRIL 16, 2020 – 3:00 PM
WATCH THE LIVE MEETING HERE:
www.delmar.ca.us/watch
CITY COUNCIL LIAISONS: DWIGHT WORDEN, TERRY GAASTERLAND

TASK FORCE STATEMENT OF MISSION/PURPOSE:
The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:
1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:
Members of the public can participate in the meeting by emailing comments to Shaun McMahon at smcmahon@delmar.ca.us by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line and limit the comment to 500 words or less. There is no character limit for comments not being read into the record. All comments will be transmitted to the Task Force prior to the start of the meeting.

1. **CALL TO ORDER (3:00pm)**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**
   a. 2-29-20 and 3-5-20 Meetings

4. **CITY COUNCIL LIAISON COMMENTS**

5. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

Any Oral Communications must be submitted prior to the meeting as described in Public Comment above and will be read into the record. Live comment will not be available for this teleconference meeting.

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

6. **TASK FORCE MEMBER AND STAFF UPDATES**

   a. Overview of Packet Materials (Staff)

b. Community Survey Open (3-16-20 through 4-20-20)
    i. www.delmar.ca.us/HousingElement

7. ACTION ITEMS:

a. Review Recommended Programs from Public Workshop #1

b. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

c. Discussion of EIR Status and Analysis

8. SUBCOMMITTEE REPORT OUTS

a. Communications

b. Community Assistance

c. Preservation / Production of Housing Stock

9. ITEMS FOR NEXT AGENDA (4-30-20)

a. Update on EIR Work Effort

b. Continued Discussion on Potential 6th Cycle Housing Programs

10. ADJOURNMENT

Sixth Housing Element - Public Forum

February 29, 2020

The meeting is being held at the Del Mar City Town Hall. The meeting and workshop are being shown on Del Mar TV and recorded for playback.

Task Force Members: Jill Gartman, Karen Lare - Secretary, Tracy Martinez – Vice Chair, Jas Grewal - Chair, Julie Kawasaki, Shirley King, Don Countryman, Bud Emerson

Staff: Shaun McMahon, Amanda Lee, Joseph Smith and Tianna de la Paz

City Council Liaisons – Dwight Worden and Terry Gaasterland

Workshop Welcome Packet can be accessed here:

http://www.delmar.ca.us/DocumentCenter/View/6512/Public-Workshop-Welcome-Packet-22920

1. Jas kicked off the meeting at 9:30

   Each task force member introduced themselves and talked about their vision for Del Mar and affordable housing. Jas covered some of Bud's thoughts in his absence.

2. Jas took formal roll call (which was amended to add Don) and Shaun introduced the staff and consulting team.
   - Jas, Tracy, Karen, Jill, Julie, Shirley, Don present. Bud Emerson not present.
   - Dwight and Terry not present.
   - Three consultants are present from Kimley Horn. David Barquist, Nick Chen and Candyce Burnett
   - Joseph, Shaun, Amanda, Elizabeth Owen and Tianna de la Paz present for the city along with support staff
   - Mayor Haviland and Councilmember Parks present from City Council (in the audience)

3. Oral Communications (Non-Agenda Items) Jas asked for public comments on things not on the agenda - no comments from the teams or public.

4. Task Force Member Updates

   a. Chair's Remarks

   - Jas talked about our sub-committees and explained how the number of required affordable units that we have been given is not those that have to be built in 8 years but that could be built in the upcoming 8 year cycle (Sixth Cycle).
   - Jas covered housekeeping items and reviewed what the handouts are that they have all received.

   b. .Task Force Introductions

   c. Individuals thoughts on Housing and Vision for Housing in Del Mar

   - Covered at the start of the meeting (see above)

- Jas turned the meeting over to Shaun who introduced the staff present and Ellie and Cheryl and then turned the meeting over to David to start his presentation.

5. Action Items

a. Presentations

i. David started his presentation (available on the Housing Element webpage) at 9:50am. Upon conclusion he turned the meeting over to Candice Burnett to discuss CEQA.

ii. Candice started her presentation (available on the Task Force web-site) and she talked about the EIR report as well.

The PPT Presentation can be accessed here:

http://www.delmar.ca.us/DocumentCenter/View/6513/Presentation-from-Public-Workshop-1-22920

b. Comments on EIR Scoping

Candice opened the floor to the community to speak on the Scoping topic (Public Comment Period):

- Robert Fried from 910 Stratford Court had a comment about the numbers of employees in the City which was stated in the study and the subsequent RHNA number and allocation from SANDAG. Joseph responded.
- Lynn Gaylord questioned how the short term rental market (the current regulations) work with all of the housing discussion. Amanda responded and Jas asked a clarifying question about the length of housing necessary like students, etc.
- Annette Wiesel on Heather Lane - high density residential being planned for the North area - hydrology and water quality, public services (lack of in that area) and the aesthetics of the high density units being allowed.
- Greg Rothnem - 9th street - believes that our charter is to identify 163 opportunities throughout the city - how do we do an EIR that addresses so many different areas and opportunities (ADUs, Condo's, etc.).
- Arnold Wiesel - Heather Lane - from the North Del Mar area - similar question to Greg as to the EIR scope on such a broad and different areas - feels that the requirements are overwhelming. Is it structurally doable? it seems like it will really just frustrate the intent of CEQA. Also he agrees with everyone that there are a lot of needy people here however if we really want to open our hearts and wallets we will have to just give them Del Mar .... but that is not what we all want so there must be a balance we can achieve. Lots of details to think through.
- Alan Wittgrove - on David Way - looks at this like a scientist - wonders how housing units are defined and the information is derived how do we study it if we don't have a solid foundation of data and numbers.
- Laura DeMarco - Avenue Primavera - on the wildfire risk according to the plan we have 3700 units that need to be evacuated we have an evacuation issue with the routes we have. Specifically for the North Hill and it is one of our most vulnerable areas. According to the modeling it will spread quickly. Cannot add density without adding evacuation routes. Adding new ADUs in effect changes zoning. Concerns over deed restriction comments. Wants us to consider the current fairground units as low income housing.

The public comment section concluded.

c. Interactive Exercise - Workshop situations

- The discussion of the workshops started at approximately 10:35am with Nick Chen from Kimley Horn introducing the interactive exercise - it is 3 stations and they plan to run it for 30 minutes. Topics the stations are:
- Creative ways we can provide housing in existing commercial and residential areas
- What types of community assistance programs can the city provide to facilitate housing
- How should the city incorporate public lands in the housing element strategy?

At the end there will be a report out. At 10:45 the group started the interactive workshop session.

d. Workshop Station Report Out

The report out from each station started at approximately 11:18am. The Consultants will capture the comments and details.

- Report out Station 1
- Report out Station 2
- Report out Station 3

Report out completed at 11:31

6. Adjournment

Jas closed the meeting 11:32

Watch the Workshop recording here:

http://delmar.12milesout.com/video/meeting/860ef8b9-6f0d-46d0-82b4-5fdf1e9a0466

March 5, 2020

6th Cycle Housing Element Task Force Meeting

Meeting held at Del Mar Civic Center

Jas Grewal Chair - Chair
Tracy Martinez - Vice Chair
Karen Lare - Secretary

Task Force Attendees:	Jill Gartman, Karen Lare, Tracy Martinez, Jas Grewal, Julie Kawasaki, Don Countryman, Bud Emerson present. Shirley King absent.
Council Liaison:	Terry Gaasterland present Dwight Worden absent
City of Del Mar Staff:	Shaun McMahon, Tianna de la Paz present

The meeting is being recorded and will be posted on the web-site for playback

1. Call to order - Jas called the meeting to order at 3:00pm

2. Roll call; Jas, Tracy, Karen, Don, Julie, Terry. Shirley King and Dwight Worden out. Shaun McMahon and Tania de la Paz present

3. Approval of Minutes from 2-20-2020
Karen moves to approve them, Julie seconds approval of the minutes, all in favor.

4. City Council Report:
Terry did not have any comments at this time but was looking forward to hearing about our public meeting

5. Shaun updates the Task Force on the new information in the binder:

- Updated roster page
- List of Cities for comparison (this was sent on-line to the group as well)
- Copy of the packet from the recent Workshop - Shaun reminded us that all materials are on the web-site for reference
- Copy of the survey that the communication sub-committee has been worked on - we will review this as a group at a later time in the meeting

6. Oral Communication Public Comments:
None

7. Task Force Updates
Chair update:
Last meeting we formed sub-committees and then were asked to work on certain assignments .

Jas asked for each Task Force Members to give their feedback on the workshop event where we had 23 community members in attendance:

- Bud - was not in able to make the workshop
- Julie - pleased overall - thought it was productive
- Jill - thought it was good and that it went pretty well but there was a lot of questions about things that were brought up that could have been answered by the 22 /5 reports - suggested that we could discuss how to get the information in these reports out to the public.
- Don - thinks that the FAR needs to be increased from .3 in the North Commercial area. He feels that the new proposed zoning and allowable numbers of houses (changed from current level to 22 per acre) is good but the current FAR restricts it from getting development done. He also thinks the zoning ordinance could be changed to allow mixed use and not just commercial in that area. If this change were made we would get better participation.

8. Action Items

- **Action Item A** - Shaun to review the next round of the survey – the survey will be open for 3 weeks (March 13th to April 3rd).
    - ✓ Run through a planning survey tool that is used by many cities and SANDAG
    - ✓ Will have 5 slides, 3 are the guts of the survey
    - ✓ Simple not intimidating
    - ✓ Keep it easy to fill out
    - ✓ Use English and no acronyms
    - ✓ Tab 9 has the info

- Let the public tell us which housing programs they want us to pursue and it gets into the different parts to the program, they can provide written comments as well. Task force agrees to ask them for comments in an obvious way. Concern when the information will be available to the committee to review - the group discussed timing. Goal would be to get it to us as soon as they can. Shaun reviews the survey priority programs slide with us.
- Jas asked when the data would be available - Shaun said it would definitely be done by the April 16th meeting and it should be a summary of the data versus raw data.
- Shaun said he would share the Beta version of the Survey for comment (including the Council Liaisons). All agreed that would be helpful. And that the team would give Shaun some direction on the way we want to see the instructions work.
- In keeping it simple they will limit the choices on the ranking to a maximum of 3 items
- Fairgrounds will not be included in this survey as it is already a priority project for the City Council - Jill suggested it be included in the survey as a comment so it is obvious to them why it is not included as an option - Jill also thought it would be good to see if they can tell us where they live as well to add context to their answers. Shaun noted this may not be possible but he would check. Discussion on where to put the info about the fairgrounds already included.
- A lot of discussion about who can complete the survey and how will we have information on the participants (i.e. are they an owner or a resident and what area do they live in). Discussion around purpose and value of the survey without capture of additional data. Shaun will discuss the requests with the consultants and see what they can do. Why survey? To get community feedback for those who cannot attend a meeting in person.

- Shaun asked the group about their recommendation on how many stars they should include for people to vote on the removing constraints slide. He was thinking we should use 50 stars. Group discussed and agreed to either 30 or 50.
- Bud asked a question about putting together a preferred lending program (financing program) on the list for slide 3. All agreed to add financing programs to Fee Reductions/Waivers

The Task Force took a motion for Shaun to change the description. Bud made the motion and Julie seconds it. All in favor.

Action Item B - Group reviews the 6 areas of the 5th Cycle Housing Element Programs

- All six areas will be a part of the 6th Cycle. Group reviewed Shaun's presentation and discussed how best to read and digest the information he has provided. Shaun noted that the document was written in 2012 so it may have some outdated terminology.

- Group discussed the list Shaun had handed out of programs.

- Questions around the Fairgrounds projects there is a lot of detail in the 22 / 5 report and the work around that and they were involved (the fairgrounds) - discussions are on-going about the options. The group is clear on their homework due Friday March 13th.

9. Sub-committee Report-outs

- **Communications** (Julie, Jill and Bud)

Jill – they focused on the Survey when they met and we will go over it today later in the meeting. She believes that again people need facts. Shaun went over the feedback on a slide he had put together (it will be not be on the web-site).

EIR was brought up - I think there were a few misunderstandings

Jas asked about a summary of the 22/5 report? Shaun said yes there is one really already done in the Staff report to City Council - he will provide copies of it to us (Executive Summary). He also suggest we look at a 2 spreadsheet that he will give us that should help make it clearer.

Jas asked if they thought about how we are going to send out the survey to get the most participation. Jill suggested we could all forward a link to people we know and they could complete it. Karen commented that we had discussed sending out a notice on paper and if we do then with the notice that we could let them know how / where to complete it. The group also discussed adding it to the weekly update, e-mail blast, Tracy asked if we had a budget to send out a postcard? Shaun said yes but most of that budget is being used - he estimates it will cost $1800 to do a city wide mailing and maybe they could find some money in the project budget to send it out.

- **Community Assistance** (Shirley and Julie)

They spoke with Joseph and sent him a list of potential ideas/programs. Based on their discussion, she is looking for project based vouchers information and research from Joseph. The group asked how they work; Shirley noted that HUD provides a certain number of Project Based Vouchers for housing assistance. Generally they are for new developments and are for affordable housing at the

lower levels only. This is not in our housing element at this time. They had not looked at the current program but believe it is similar. Does not apply to new ADUs but more to new development projects.

- **Production and Preservation**

Karen and Jill spoke for the sub-committee. We have met for over 4 hours so far and have gotten a lot of information from Shaun and Dwight and have been digging in deep. Discussed the process the group is going through to understand and then evaluate opportunities. It is premature to have a list for the group at this time but that is the plan we are pursuing.

We are also waiting on the Info from consultants on the survey results and additional info from Shaun and more digging to come back with a list. Discussed the timing and its importance for the City Council meeting on April 20th. Looking at having it done the last week of March and turn in by April 2nd.

Jas asked everyone to review the documents Shaun had sent out on the list of previous and current programs (from previous Housing Elements) and get back to her (with a copy to Shaun) in an e-mail your thoughts about the programs and which ones should be continued or stopped. Shaun clarified that we will spend time going over the documents he sent out to help us understand them fully.

Develop scope of the EIR - when in doubt be as comprehensive as possible on our thoughts of what we want to have included. Even if we think it might not make it to the end we want to put all of it in the document so it can be studied.

10. Upcoming items for the next agenda:

- Last day to submit comments for the EIR will be the 20th
- He plans to add agenda items (on the Housing Element) to the City Council meeting on the 23rd (the agenda will be published on the 18th or 19th of March). So it will be added to the agenda for our meeting on the 20th.
- Add preview of the upcoming public workshop
- Recommendation of carry over programs in the fifth 5th Cycle Housing to be included in the 6th cycle

Meeting adjourned at 4:30

RECAP OF COMMENTS RECEIVED AT PUBLIC WORKSHOP #1

The first Community Workshop/CEQA Scoping Session for the 2021-2029 Housing Element Update was held on Saturday, March 29, 2020 at 9:30 am. The Workshop was conducted as part of the Housing Element Citizens' Task Force and included an introductory presentation of the Housing Element Update, a Notice of Preparation Scoping Session and an open house style Community Workshop. The Workshop was also televised live and recorded. A link to the recorded meeting is provided on the City's Housing Element webpage at www.delmar.ca.us/HousingElement.

The Workshop format and content was created to establish a framework by which the City can meet its four main housing goals of production of new housing, preservation of existing housing, providing community assistance, and meeting the RHNA need.

The Agenda for the Workshop/NOP Scoping Session included:

I. Housing Element Overview
II. 6th Cycle Housing Element Update (2021-2029)
III. NOP Scoping Comments
IV. Interactive Exercise – Station Topics
V. Station Topic Summaries
VI. Conclusion/Next Steps

Each participant was provided a Welcome Packet. The packet provided the following information:

- Meeting Agenda
- Housing Element Fact Sheet
- CEQA info sheet
- Notes Pages
- Removable Scoping Comment Card

The Workshop presentation focused on the following topics:

- What a Housing Element is
- Why Housing Elements are updated, and
- What components make up Del Mar's 6th Cycle Housing Element

The presentation also described what the Regional Housing Needs Assessment (RHNA) is and the allocation provided to Del Mar. This purpose of the first workshop presentation was to inform the community and the Task Force of issues and opportunities related to housing.

Notice of Preparation Scoping Session Comments

As part of the Workshop, the City conducted a Notice of Preparation Scoping Session providing an overview of the Environmental Review process for the Housing Element. This was followed by an opportunity for speakers to identify environmental issues that should be considered in the environmental analysis for the Housing Element.

Written Comments Received During the Scoping Session included:

- North Commercial rezone to high-density residential;
- Hydrology water quality when building on lagoon;
- Public services issues/no public transportation;
- Aesthetics of high-density not compatible with community character;
- Wildfire risk with Crest Canyon traffic congestion could be an issue for evacuation;
- Traffic congestion and greenhouse gasses;
- Noise pollution on Lagoon vs Birds/owls;
- Allocation of 163 units based on inaccurate employment data. Great need to modify allocation and for Del Mar to accurately verify, current employment data as first step in process;
- It would be good to clearly establish at each meeting that the topic under discussion does not include the question of whether 163 units is the correct number of units required. Everybody should accept the 163 and deal with whether 163's the right number can be discussed elsewhere;
- The charm of Del Mar is that the residential and commercial are not congested. We would like the future plans to continue this. One suggestion would be to have some housing above existing businesses;
- Are Mira Costa College or Veterans' Affairs or other organizations interested in partnering with the City of Del Mar to allocate and build new housing? My feeling is the community in general lumps "low-income" with significant mental health needs/other populations that will bring drugs, crime to DM. Focusing on housing students, teachers, caregivers, widowed/divorced, who fit the income criteria would be more palatable. I went to college in a small affluent town not so different from Del Mar and the dorms were counted as the town's "low-income" housing. Just a thought!
- Questions and comments. The EIR needs to address the multiple iterations/combinations to get to 163 units. It seems every iteration would have a different environmental impact. So how does the EIR meaningfully address housing impacted without having an idea of what a housing plan might look like?

It should be noted that a number of the Scoping Session comments were not germane to the environmental review process but will be still be considered part of the record when developing the Housing Element document.

Oral Comments Received During the Scoping Session

- Will all 19 environmental categories be studied?
- 163 unit allocation of RHNA to Del Mar:
    - Is methodology accurate?
    - Is allocation based on inaccurate info?
- How are short term rental issues addressed?
- Hydrology/Water Quality
- Aesthetics of High-Density Housing in Del Mar
- Emergency response/noise issues
    - Study diligently
- Wildfire risks

    - Number of evacuation routes
- Evacuation/traffic patterns
- Land Use issues
    - Example: ADU permitting can mean R1 to R2
- Fairgrounds (600 units possible?)
    - Stable area as an opportunity?

Written comments will continue to be received up until the close of the NOP Scoping Period on March 20, 2020. Any additional comments, if received, will be provided to the City Council at a later date.

Interactive Exercise – Open House Stations
Following the scoping session, the open house portion of the Workshop included a half-hour free-flowing, interactive session where attendees visited three stations and provided comments on three discussion prompts including:

- Station #1 Prompt: *What Creative Ways Can Del Mar Provide Housing in Existing Commercial and Residential Areas?*
- Station #2 Prompt: *What Types of Community Assistance Programs can the City Provide to Facilitate Housing?*
- Station #3 Prompt: *How Should the City Incorporate Public Lands into the Housing Element Strategy?*

A summary of the community's responses received is provide below.

Station #1
Prompt: What Creative Ways Can Del Mar Provide Housing in Existing Commercial and Residential Areas?

Comments received at Station #1 focused on zoning in Del Mar, including suggestions to allow residential in currently zoned commercial areas, specifically the downtown village, update some zones to allow mixed-use, and development of affordable housing on public lands. Comments also discussed different ways to encourage housing development, including development incentives for property owners. Comments also reflected that regulations and City processes may be a barrier to increased housing.

Station #1 responses are listed below:

- Our commercial zone already allows one residential unit per commercial parcel – ideally if every parcel had one unit, we would have about 55 units approximately, we have about 5 now, we should speak to owners and find out why they have not taken advantage of this opportunity. Is it cost? Is it hassle and dealing with the City? Is it height or FAR? Once we know we can then address to make safe and facilitate;
- Convert upper floors of commercial buildings for residential use;

- Can there be incentives to help business for downtown owners to upgrade buildings to mixed use and make downtown more modern and vital?
- Mixed-use commercial area, fewer offices, more housing units;
- There are R1 zones that have illegal 2nd units, we have not been enforcing so perhaps create an amnesty program to legalize them with restrictions to rent for affordable housing;
- Making regulations for affordable housing simpler, quicker and less expensive;
- Stop R-1 building in R-2 zones;
    - Tearing down multi units for one big single family;
- Housing in restaurants?
- Look at City-owned parcels, see if any are appropriate to build, sell and take the money to put into affordable housing building in viable location;
- Encourage community buy-in and code changes to allow modifications to make residential above commercial building in downtown;
- Mixed use in downtown village;
- Allow rental units within R-1 zone homes;

Station #2

Prompt: What Types of Community Assistance Programs can the City Provide to Facilitate Housing?

Station #2 comments included opportunities for financial assistance for seniors, students, and persons with disabilities, as well as renters looking to become homeowners. Comments also suggested including community groups in the conversation about financial and housing assistance.

Station #2 responses are listed below:

- Housing financial advisor;
- Low interest loans, housing assistance, assistance for City employees/interns, assistance for disabled, group home for disabled;
- Students who need down payment assistance;
- Special needs – adult children with disabilities, group home, board and care
- Assistance with “granny flat” availability and remodel to help elderly create the granny flat;
- Parents who want to live closer to Winston school, mortgage loan qualification;
- Home loans;
- Project based vouchers for senior housing – Gary and Mary West, Ramona Senior Service;
- Financial assistance for disabled rental assistance, security deposit;
- We need to include community groups to the discussion of assistance programs – can’t expect City government to do it all;
- Encourage a short-term rental home to convert to an elderly group home and hire a caretaker company to manage it, or for disabled;

- Project based vouchers through serving seniors – Gary and Mary West, Ramona, Vista, San Marcos;

Station #3

Prompt: How Should the City Incorporate Public Lands into the Housing Element Strategy?

Station #3 responses included various options including multiple suggestions for using Crest Canyon and the Fairgrounds in the Housing Element strategy. Some suggestions included using the land south of the race track and east of the rail line, others suggested types of housing, such as tiny homes and mobile homes on public land. Comments also included opportunities to partner with the State and use the Fairgrounds for temporary homeless shelters.

Station #3 responses are listed below:

- ADUs (1-2) in shores park rather than parking and offices;
- Crest Canyon in play?
- Crest Canyon, Fairgrounds, area south of Jimmy Durante;
- Make better use out of City Hall property by building City-owned residential units there;
- Church Property? Library?
- West of track;
- South of practice track;
- East of rail line;
- Long term units in this area (not just temporary during fair);
- Tiny shelter – shelter/community on Fairgrounds 9 months out of the year;
- Temporary homeless shelter on Fairgrounds;
- Horse caretaker housing should be considered low income housing. They need a variance to not have kitchen in each but use communal kitchen;
- Tiny homes or mobile homes on 20 RV spots on Fairgrounds;
- Look for Zuni Reservoir are there other PROW parcels in this area along crest?
- Housing and safety paramount for growth;
- Joint opportunity with State – press hard to partner;

Key Workshop Takeaways

To assist in the creation of future policy options, a summary of workshop input related to Del Mar's four community housing goals is provided below:

Production of new housing units:

- Incentivize development within commercial and mixed-use zones;
- Incentivize Tiny House/ADU development;
- Partner with the State for joint development opportunities.

RECAP OF COMMENTS RECEIVED AT PUBLIC WORKSHOP #1

Preservation of existing housing:

- Don't allow large single-dwelling in the R2 zones. Leads to people tearing down multi-dwelling and replacing with single-dwelling;
- Provide a way to permit existing illegal accessory dwelling units (ADUs).

Community Assistance

- Provide assistance programs for different housing needs groups, including elderly, disabled, students, and veterans;
- Include community groups in the housing discussion;
- Provide a Housing financial advisor or various financing programs;
- Simplify/explain the ADU development process (permit-ready ADU program).

Meeting City's RHNA allocation:

- Review public (City-owned) lands for potential housing development;
- Explore the following areas for potential development: Canyon Crest, land adjacent to the Del Mar Fairgrounds, church properties, and land adjacent to NCTD rail corridor.

5th Cycle Housing Element Program List - Updated Date: 9/16/19
Ongoing Programs =

Housing Program #	Annual Progress Report - Year Reported	Synopsis of Program	Implementation time frame specified in Housing Element
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2-Q.	2014 Completed	Zone Code Amendment to reduce the 1,000-linear foot minimum spacing requirement between community care facilities to 300-linear foot minimum spacing (multiple DMMC Chapters).	By May 2014
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2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation.
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.
5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.

5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR
1050 Camino del Mar, Del Mar CA 92014

VIA TELECONFERENCE ONLY
www.delmar.ca.us/watch
Thursday, April 30, 2020 at 3:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Task Force Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

TASK FORCE STATEMENT OF MISSION/PURPOSE:
The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:
1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:
Members of the public can participate in the meeting by emailing comments to Shaun McMahon at smcmahon@delmar.ca.us by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line and limit the comment to 500 words or less. There is no character limit for comments not being read into the record. All comments will be transmitted to the Task Force prior to the start of the meeting.

1. **CALL TO ORDER (3:00pm)**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**
   a. April 16, 2020 Meeting

4. **CITY COUNCIL LIAISON COMMENTS**

5. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

Any Oral Communications must be submitted prior to the meeting as described in Public Comment above and will be read into the record. Live comment will not be available for this teleconference meeting.

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

6. TASK FORCE MEMBER AND STAFF UPDATES

a. Overview of Packet Materials (Staff)

7. ACTION ITEMS:

a. Overview of Methodology Used to Determine Number of Units Analyzed in Draft EIR

b. Task Force Recommendation of Preferred Sites for Study within Draft EIR

c. Ordering of Overarching Housing Plan Goals

d. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

8. SUBCOMMITTEE REPORT OUTS

a. Communications

b. Community Assistance

c. Preservation / Production of Housing Stock

9. ITEMS FOR NEXT AGENDA (4-30-20)

10. ADJOURNMENT

ITEM #3 APPROVAL OF MINUTES (4.16.20)

April 16, 2020

6th Cycle Housing Element Task Force Virtual Meeting

Jas Grewal Chair - Chair
Tracy Martinez - Vice Chair
Karen Lare - Secretary

Task Force Attendees:	Jill Gartman, Karen Lare, Tracy Martinez, Jas Grewal, Julie Kawasaki, Bud Emerson, Shirley King – present Don Countryman - absent
Council Liaisons:	Terry Gaasterland - present Dwight Worden - present
City of Del Mar Staff:	Shaun McMahon, Amanda Lee, Joseph Smith - present

The meeting is being held via zoom and will be recorded and posted on the web-site for playback. Participants (non-Staff and Task Force Members) are allowed to listen in and were asked to submit comments or questions in writing prior to the meeting.

1. CALL TO ORDER (3:00pm)

Meeting called to order (via zoom) at 3:00pm

2. ROLL CALL

All present except Don Countryman

3. APPROVAL OF MINUTES

a. 2-29-20 and 3-5-20 Meetings

Jill commented on page the meeting for the 5th, on page 4 it should be Tracy not Jill Gartman

Bud moves for approval and Karen seconds. Minutes approved by unanimous consent with the one change.

4. CITY COUNCIL LIAISON COMMENTS

Dwight Worden - the Council met and cancelled all non-urgent Committee meetings. They have left meetings for the Planning Commission, DRB and this Task Force in place.

Council has sent a note to HCD for an extension on the deadline to file our 6th Cycle Housing Element. We have not heard a formal extension and do not have an allowance at this time.

The decision has been made to cancel the Fair for this year. David Watson has resigned from the Fairgrounds Board and Lee Haydu was not re-appointed for another term. Don Mosier remains on the board. It is unfortunate

as these two were good for the City and our desire to work with the Fairgrounds Board on housing. Lee's seat was filled by someone who Dwight was not familiar with. There is one position still open at this time. The City has the opportunity to suggest someone to the Governor for the open seat.

Terry Gaasterland – she gave a suggestion for how we could streamline the voting process while on-line and echoed Dwight's comments about the Fair being cancelled and voiced concerns about the revenue for the City and noted that we have heard that the track may only run with horses and not with anyone in the stands. It is possible they may open it for the final day of racing. This will dramatically impact the City's revenue for this year as we receive a lot of revenue from the Fair and the Track. Terry mentioned that we are the first Advisory Committee to meet and she knows that other committee members are anxious to get back to their role with the City.

5. ORAL COMMUNICATIONS (NON-ACTION ITEM)

No oral comments from the public.

6. TASK FORCE MEMBER AND STAFF UPDATES

a. Overview of Packet Materials (Staff) - Shaun went through the handouts that were included in the packet.

b. Community Survey Open (3-16-20 through 4-20-20) i. www.delmar.ca.us/HousingElement

Shaun let the group know that 207 participants to date (as of 4-15-2020) have taken the survey. They are happy with the responses. The consultants said that this is the highest number they have seen yet and that includes a similar survey done for the City of Encinitas who has 60,000 residents.

7. ACTION ITEMS:

a. Review Recommended Programs from Public Workshop #1

Shaun is going to give us a re-cap in summary form and then validate their findings with the Task Force Members to be sure we all agree on the top items from our recollection of the event and discussions with the attendees.

There were 3 separate stations set up in the Town Hall. Each is summarized below:

1. What creative way can Del Mar Provide Housing?

- Limit or prohibit owners from building single dwelling units in multi dwelling zones
- Allow(incentivize) mixed use in the downtown village (residential above commercial)
- Promote new ADUs and legitimizing existing unpermitted ADUs and JrADUs

There was a lot of discussion about the wording for the first one and it was decided to use disincentivize instead of prohibit.

2. What type of Community Assistance Programs can the City Provide to Facilitate Housing?

Everyone agreed that they the ones listed by Shaun were accurate

3. How should the City Incorporate Public Lands into the Housing Element Strategy?

Shaun listed them and then it was further agreed to add in additional language about emergency homeless shelter and also add in a general comment about the opportunity to look at lands outside the City Boundaries that might provide opportunities. All agreed on the changes.

b - Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element.

The group referred to the list of on-going programs that was provided for our review. Shaun went over the objectives on the 5th element for housing and discussed each of the 6 areas as follows:

- 6 areas
- 60 program objectives
- 33 completed
- 22 on-going
- 4 currently underway
- 1 not yet implemented

The group reviewed the current status of the 5th Cycle Tasks and let us know that he will be sending an updated report to the City Council on each of these items for Mondays City Council Meeting.

Shaun laid out how we will do the review and approval of the different items. We are going to go through each one and if anyone has questions or concerns they can voice it if not we will move forward to the next one.

#1A – Yes

#1E – question about potentially increasing the fees charged for mitigation. Current fees are housing reduction fee, sub-division mitigation fee and the condo conversion fee. Suggested a note being added that City should continue to review fees to be sure they are adequate and appropriate.

#1H – Yes

#1K – ok with additional wording to review, monitor and revise. Combine #1K with #1E into one item.

#2A – Yes with updates for language and dates as appropriate.

#2M – Yes – group discussion about the goals of this program.

#2P – Yes - this is State Law so it is required. So it should be revised and changes should be made to the code. This may not be appropriate as a program.

#3A – No decision / tabled - discussed the origins of this program and the language of the program. Currently we have 4 units. Group discussed it in detail and determined to table this

item for our next meeting where Shaun will present all of the data around the program. Lots of time spent on this item.

It was agreed that the rest of the items would be discussed at our next meeting.

c. Discussion of EIR Status and Analysis

We ran out of time and did not cover this item

8. SUBCOMMITTEE REPORT OUTS

- Housing Production and Preservation

Tracy let the group know that we have been spending quite a bit of time on our work for this sub-committee. To date we have met with council liaisons and staff to learn about prior work and options, visited open parcels, and sought creative ideas and ways to leverage several sites together, as follows:

- Met with Council Liaisons Worden, Gaasterland & Staff McMahon to gain insight and history on the city's affordable housing initiatives and to understand the potential options / solutions available.
- Spent considerable time understanding the various potential housing options available at the Fairgrounds and received feedback from Worden & McMahon on each.
- Reviewed maps and documents provided by McMahon that show each City-owned parcel and its current uses.
- Conducted walking tours of sites to review them first hand.
- Reviewed City-owned parcels and considered; Could we build? Should we build? And how many units?
- Discussed re-zoning with McMahon and Liaisons on several of the City-owned parcels.
- Attended a Tiny Homes Symposium to understand regulatory challenges and advances in utilizing Tiny Homes as affordable housing units.
- Spent significant time discussing creative solutions amongst ourselves, McMahon, Liaisons and some residents.

With the knowledge gained, we ranked each City-owned parcel and Fairground option by adhering to the best use of land principal and the timeline required for completion.

Karen added, due to the Covid -19 pandemic and its implications on City revenue, we made appropriate changes to ensure financial viability for each recommended option.

We expect to have our report finalized and out to the Task Force soon.

- Communications Committee

They worked on the survey and Bud proactively put a few items in the Sandpiper in support of the survey

- Social Programs

Julie and Shirley – nothing new to report

9. ITEMS FOR NEXT AGENDA (4-30-20)

a. Continued discussion of action items for the 6th cycle

b. Discussion on Sub-committee Reports

c. Update on EIR Work Effort

d. Continued Discussion on Potential 6th Cycle Housing Programs

10.ADJOURNMENT

City of Del Mar
DRAFT 6th Cycle Housing Element Goals

OVERALL GOAL: Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

1. **Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community**
   Example Programs: Set and evaluate annual housing production targets; Accommodate specialized housing types; Process updates to the Community Plan and Zoning Code to address development standards in areas most suitable for infill development; Implement permit process improvements; Create objective design standards for streamlined processing of projects with affordable housing.

2. **Prioritize Production of Accessory Dwelling Units (ADUs)**
   Example Programs: Creation/extension of incentive program for deed-restricted ADUs; Creation of publicly available ADU plans; Fee waivers or reductions for ADU applications.

3. **Prioritize Housing Opportunities on 22nd District Agricultural Association Property (Del Mar Fairgrounds)**
   Example Programs: Partner with the 22nd DAA to develop housing on the Surf and Turf RV Lot; Develop a plan to upgrade and/or convert backstretch housing to permanent affordable units.

4. **Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs**
   Example Programs: Promote diversity of housing; Facilitate the production of affordable housing for all income levels; Incentivize the construction and long term rental of dwelling units and Accessory Dwelling Units at affordable rates; Support programs aimed at housing vulnerable and special needs populations including seniors and the homeless; Track the production of new housing units and affordability levels.

5. **Improve and Preserve the Community's Existing Housing Stock**
   Example Programs: Provide funding and/or help connect owners to funding programs for small home improvement/renovation programs such as HUD Healthy Homes Grant; Regulate short term vacation rentals to preserve long term rental units; Increase the Existing Housing Reduction Fee; Require Inclusion of a "Housing Impact Statement" in Staff Reports.

6. **Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar**
   Example Programs: Promote sustainable building practices that align with the Climate Action Plan and greenhouse gas reduction targets; Promote and incentivize projects that reduce vehicle miles of travel (VMT) through job-housing balance; Reduce resource consumption in existing homes; Promote City energy efficiency and conservation programs.

7. **Promote Housing Resources and Assistance Opportunities**
   Example Programs: Utilize mortgage assistance or down-payment assistance programs; Provide opportunities to foster community discussion; Utilize and support local non-profit assistance programs (Del Mar Community Connections, St. Peter's Helping Hands, Del Mar Foundation); Make housing resource information more easily accessible.

Action Item d.

5th Cycle Housing Element Program List - Updated Date: 9/16/19
Ongoing Programs =

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2-A.	2018 Ongoing	Continue to implement Community Plan and Zoning Ordinance to provide opportunities and incentives for the construction of 42 new residential units during 2013-2021 cycle for: extremely low, very low, low and moderate income levels	Program now in place. Ongoing implementation.

2-B.	2014 Completed	Zone Code amendment to remove the requirement for receipt of Conditional Use Permit to develop at 17.6 du/ac density in the RM-East, RM-West, RM-Central and RM-South Zones (DMMC 30.16, 17, 18 and 19).	By May 2014
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2-D.	2018 Completed	Conduct workshops to apprise the public of the opportunities for residential and mixed-use development in the City.	By May 2014
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2-H	2018 Underway	Conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations with affordable housing component.	No specified time frame
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2-M.	2018 Ongoing	Continue to encourage St. Peter's Episcopal Church to continue its Interfaith Shelter Network Rotating Shelter and its Helping Hands program.	Ongoing, no action required.

2-N.	2018 Underway	Work with 22nd DAA and Thoroughbred Club to utilize Fairgrounds site for emergency housing during the winter months.	No specified time frame
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2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation. Balance of fund = $271,500 Monthly Subsidies = $5,650 & $875 for DMCC
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.
5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.

5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

REVISED AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR
1050 Camino del Mar, Del Mar CA 92014

VIA TELECONFERENCE ONLY
www.delmar.ca.us/watch
Thursday, May 7, 2020 at 3:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Task Force Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

TASK FORCE STATEMENT OF MISSION/PURPOSE:
The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:
1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:
Members of the public can participate in the meeting by emailing comments to Shaun McMahon at smcmahon@delmar.ca.us by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line and limit the comment to 500 words or less. There is no character limit for comments not being read into the record. All comments will be transmitted to the Task Force prior to the start of the meeting.

1. **CALL TO ORDER (3:00pm)**

2. **ROLL CALL**

3. **CITY COUNCIL LIAISON COMMENTS**

4. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

Any Oral Communications must be submitted prior to the meeting as described in Public Comment above and will be read into the record. Live comment will not be available for this teleconference meeting.

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

5. **TASK FORCE MEMBER AND STAFF UPDATES**

    a. Overview of Packet Materials (Staff)

6. SUBCOMMITTEE REPORT OUTS

a. Communications

b. Community Assistance
    i. Discussion on Provided Research and Reports (attached)

c. Preservation / Production of Housing Stock
    i. Discussion on Provided Research and Reports (attached)

7. ACTION ITEMS:

a. Task Force Recommendation of Preferred Areas and Alternatives for Study in the Draft EIR

b. Discussion on a Concluding Task Force Presentation to City Council

c. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

8. ITEMS FOR NEXT AGENDA (5-14-20)

a. Review of Concluding Task Force Presentation to City Council

9. APPROVAL OF MINUTES (4-30-20)

10. ADJOURNMENT

6th Housing Element, City of Del Mar
Community Assistance Programs

Federal Government:
Financial Resources Available for Housing Activities
HUD

Section 202 Supportive Housing for the Elderly Program
HUD provides capital advances to finance the construction, rehabilitation, or acquisition with or without rehabilitation of structures that will serve as supportive housing for very-low-income elderly persons, including the frail, elderly, and provides rent subsidies for the projects to help make them affordable.

Section 811
HUD provides grants to non-profit developers of supportive housing for persons with disabilities, including group homes, independent living facilities and intermediate care facilities

Housing Choice Vouchers
HUD administers this program to assist very low-income families, the elderly, and the disabled to afford decent, safe, and clean housing in the private market. The housing choice vouchers are administered by locally public housing agencies (PHA's) One specialized program is the **Family Unification program** for Families for whom the lack of adequate of housing is a primary factor in the imminent placement of the family's child or children in out-of-home care; eligible youth who have attained at least 18 years and not more than 24 years of age and who have left foster care or will leave foster care; income below 30% of median household income for the area.

Community Development Block Grant Program (CDBG)
HUD administers the Community Development Block Grant (CDBG) program. It is a flexible program that provides communities with resources to address a wide range of unique community development needs. It works to ensure decent affordable housing, to provide services to the most vulnerable populations, and to create jobs through the expansion and retention of businesses.

HOME Investment Partnership Funds (HOME)
HOME is a Federal housing program administered by the California Department of Housing and Urban Development (HUD). The program provides federal funds to local jurisdictions to develop and rehabilitate rental and ownership housing affordable to low-income households. The program defines low-income as households below 80 percent of area median income. HOME gives local governments flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations.

Section 8 Rental Assistance
The Housing Choice (Section 8) voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to rent decent, safe, and sanitary housing in the private market. Since the rental assistance is provided on behalf of the family

or individual, participants are able to find and lease privately owned housing, including single-family homes, townhouses and apartments from landlords who accept vouchers.

The County of San Diego Department of Housing and Community Development (County HCD) coordinates and administers Section 8 rental assistance.

Low-Income Housing Tax Credit Program
The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low- and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Projects funded under the Tax Credit programs must include a certain percentage of rent-restricted units, typically for households earning 50 to 60 percent of median income.

Nine percent tax credits are granted by the California Tax Credit Allocation Committee and are highly oversubscribed, with few successful projects. Four percent tax credits are granted by the California Debt Limit Allocation Committee. While these are less competitive, they provide a lower subsidy, so that typically only a portion of a development is affordable.

National Non-Profit Resources

Homeownership Council of America (HCA)
HCA promotes, advocates for, and build affordable delivery systems that provide capital for homeownership in underserved communities; advances the growth of nonprofit mortgage lending through the Community Lending Initiatives in Mortgage Banking (CLIMB) Program.; focusing on unreserved homeowners in communities of color, low-to-moderate income and rural communities.

State of California
Programs Available for Housing Activities

Housing California
Housing California's 2020 Policy Agenda centers the communities most in need of an affordable place to call home. These include those struggling the most to make ends meet and those experiencing homelessness. Multiple strategies are used to meet these goals, including reforms of California's laws and regulations on land use and finance, as well as innovative approaches to end homelessness. Equity and diversity are prioritized for those who have been historically marginalized and/or neglected in decision-making processes, work in close collaboration with a variety of partners. These include non-profits, affordable housing developers, residents, foundations, labor unions, trade associations, corporations, and supportive policymakers from a diverse set of backgrounds.

California Housing Financing Agency (CalHFA)

The California Housing Finance Agency (CalHFA) was established in 1975 as the state's affordable housing bank. CalHFA makes low interest rate loans to first-time homebuyers and multifamily developers through the sale of tax-exempt bonds and other financing tools. CalHFA is a self-supporting state agency, with bonds being repaid by revenues generated through mortgage loans, not taxpayer dollars. However, beginning with the 2008 recession, CalHFA was unable to issue bonds for low-interest multifamily housing development, and no funds are currently available. CalHFA does administer the Mental Health Services Act, which assists supportive housing for mentally ill persons.

State Department of Housing and Community Development (HCD)

Low-income Housing Tax Credit (LIHTC)

The California Tax Credit Allocation Committee (TCAC) administers two low-income housing tax credit programs, a federal tax credit and state tax credit. Both programs encourage private investment in affordable rental housing for households meeting certain income requirements.The program enables housing developers to raise equity through the sale of tax credits to tax credit investors. The state tax credit is only valuable to a housing project concurrently receiving an allocation of federal tax credits unless the project is a development of permanent housing for farmworkers.

Multi-Family Housing Revenue Bond Program (MHP)

The multi-family housing program (MHP) is administered by the State Department of Housing and Community Development (HCD) and provides assistance for new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. The program offers 55-year term loans with a simple interest of three percent per year. For the first 30 years, annual interest payments are required in the amount of 0.42 percent of the outstanding principal loan balance. The annual payment amount for the next 25 years is set by HCD in year 30, and is the minimum amount necessary to cover HCD's monitoring costs. Unpaid principal and accrued/deferred interest is due at the end of the loan term.

MHP funds are provided for post-construction permanent financing only. Eligible costs include the cost of child care, after-school care and social service facilities integrally linked to the assisted housing units; real property acquisition; refinancing to retain affordable rents; necessary onsite and offsite improvements; reasonable fees and consulting costs; and capitalized reserves. HCD expects MHP funds to be leveraged with other resources, including local government funds, the federal Continuum of Care programs, four percent low-income housing tax credits, tax-exempt bond financing and private debt financing. MHP-General projects using nine percent tax credits are ineligible.

Eligible applicants include local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Indian reservations and rancherias, and limited partnerships in which an eligible applicant or an affiliate of an applicant is a general partner. Applicants or their principals must have successfully developed at least one affordable housing project.

CalHome

The CalHome Program is administered by HCD to enable low and very low income households to become or remain homeowners. Localities or nonprofit organizations that receive CalHome

6th Housing Element Community Assistance Programs (cont.) Page 4

awards in turn make deferred-payment or forgivable loans available to individual homeowners or homebuyers.

Infill Infrastructure Grant Program
The primary objective of the Infill Infrastructure Grant Program is to promote infill housing development. The program seeks to accomplish this objective by providing financial assistance for infrastructure improvements necessary to facilitate new infill housing development. Under the program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed use infill development projects. Both infill projects and areas must have either been previously developed or be largely surrounded by development. Specific eligible improvements include: development or rehabilitation of parks or open space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks and streetscape improvements.

Building Equity and Growth in Neighborhoods Program (BEGIN)
The purpose of the Building Equity and Growth in Neighborhoods Program (BEGIN) is to reduce local regulatory barriers to affordable homeownership housing and provide down-payment assistance loans to qualifying first-time low- and moderate-income homebuyers in BEGIN Program projects. Grants recipients (Cities and Counties) make deferred-payment, second mortgage loans to qualified buyers of new homes in projects where the affordability has been enhanced by local regulatory incentives or barrier reductions. The loans cannot exceed 20 percent of the home sales price. Applications are invited through the issuance of Notices of Funding Availability (NOFA) from HCD.

Transit-Oriented Development (TOD) Housing Program
Under the Transit-Oriented Development (TOD) Program, low-interest loans are available as gap financing for rental housing developments that include affordable units, and as mortgage assistance for homeownership developments. In addition, grants are available to cities, counties, and transit agencies for infrastructure improvements necessary for the development of specified housing developments, or to facilitate connections between these developments and the transit station.

Housing Related Parks Programs
Financial incentives are available to jurisdictions who construct new units affordable to very low and low income households. Grants for creation of new parks, or rehabilitation or improvement to existing parks.

CalHFA Residential Development Loan Program:
This program includes low interest, short term loans to local governments for affordable infill, owner-occupied housing developments. Links with CalHFA's Downpayment Assistance Program to provide subordinate loans to first-time buyers. Two funding rounds per year.

Homeless Initiative Senate Bill 2
SB 2 is a state law intended to strengthen existing housing element requirements to provide for the development of emergency shelters and transitional and supportive housing. Under SB 2, all cities must identify a zone that allows emergency shelters as a permitted use. The identified zone(s) shall include sufficient capacity to accommodate the need and regardless of the need,
6th Housing Element Community Assistance Programs (cont.) Page 5

each City must have a zone to outright permit year-round emergency shelters. Additionally, SB 2 specifies that transitional housing and supportive housing shall be considered a residential use of the property, and subject only to those restrictions that apply to other residential uses in the same zone.

State NonProfit Organizations

California Housing Partnership

The California Housing Partnership creates and preserves affordable and sustainable homes for Californians with low incomes by providing expert financial and policy solutions to government and nonprofit housing agencies. Director San Diego Region - Diep Do, 858-617-0579 ddo@chpc.net

Southern California Association of Nonprofit Housing

SCANPH is a membership association, founded in 1985, that supports and advocates for those who develop and sustainably operate affordable housing. SCANPH is uniquely situated to identify, prioritize, strategize, and lead policy efforts that are designed to create an environment conducive to affordable housing development. SCANPH is measured by its ability to serve low-income residents of the region by securing critical public subsidy funds for new affordable home development, and by its ability to make its members more effective developers amidst funding and resource challenges.

SCANPH strives to increase the capacity and expertise of its members, educate policymakers and the public about the need for affordable housing, and help to establish policies and programs that further these objectives.

The mission of SCANPH is to facilitate development of affordable homes across southern California by advancing effective public policies, sustainable financial resources, strong member organizations, and beneficial partnerships.

Nonprofit developers, SCANPH's core constituent, provide below market-rate homes for low-to-extremely-low income community members and for people experiencing homelessness. Simply put, it focuses on economically disadvantaged individuals and families who are most in need of affordable housing.

National Core (National Community Renaissance)

A nonprofit affordable housing developer creating healthy communities that thrive and prosper for many generations to come.

National CORE supports families and seniors by providing housing communities that are affordable, safe, and of the highest quality. It enhances neighborhood stability through long-term management and maintenance, as well as industry-leading services such as senior wellness, preschool and after-school programs, and family financial training.

National CORE created the Hope through Housing Foundation in order to provide high-quality services for our residents to improve their lives and their communities. HOPE strives to meet or

6th Housing Element Community Assistance Programs(cont.) Page 6

exceed nationally recognized benchmarks and best practices for its programs. CORE evaluates its program delivery and publishes the results every year.

County of San Diego
Resources Available for Housing Activities

Housing Authority of the County of San Diego
3989 Ruffin Road
San Diego, CA 92123

Regional Task Force on the Homeless
1300 Rancho Del Oro Rd., Oceanside, CA 92056 (North County)

It is the San Diego County's leading resource for information on issues of homelessness. Established in 1984 as the San Diego Mayor's Task Force on Homelessness, the Task Force promotes a regional approach as the best solution to ending homelessness in San Diego County. The Task Force is a public/private effort to build a base of understanding about the multiple causes and conditions of homelessness.

Since 2005, the San Diego region has performed annual Point-in-Time counts of homeless persons. HUD requires Continuum of Care Councils (CoC's) to conduct Point-in-Time counts at least once every two years, but encourages them to count annually. The count, which must be conducted during the last ten days of January, represents a snapshot of the total number of homeless people, both sheltered and unsheltered, at a single point in time.

VI-SPDAT Assessment
Assessment site for the Coordinated Entry System (CES) administering the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SDPAT). The Vi-SSPDAT is an evidence-based assessment tool that is used to determine the most appropriate housing intervention and enables providers to fairly and uniformly provide resources to those in needed.

Emergency Shelter Grant Program (ESG)
Each year, the County Department of Housing and Community Development (County HCD) receives funding from the U.S. Department of Housing and Urban Development (HUD) for homeless assistance under the Emergency Shelter Grant (ESG). The ESG program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living.

ESG funds are used by emergency shelters and transitional housing facilities for activities such as: renovation, rehabilitation and conversion of building for use as an emergency shelter or transitional housing, essential services, operating costs and homeless prevention activities.

County HCD currently funds five programs in San Diego County with ESG funds including the Interfaith Shelter Network, which provides seasonal shelter and services to homeless persons.

6th Housing Element Community Assistance Programs(cont.) Page 7

San Diego City and County Continuum of Care
Homeless referral Contact
Chris Shilling
chris.shilling@rtfhsd.org
858-292-7627

Home Repair Loan Grant Program

The County of San Diego Department of Housing and Community Development (County HCD) administers a Home Repair Program for owner-occupied property, which provides loans and grants for the repair of owner-occupied homes. Eligible households may receive deferred loans offered at three percent simple interest and calculated annually on the unpaid principal. The total amount borrowed must be repaid when the property changes hands or the recipient moves from the property. Owners may borrow up to $25,000 for a single-family home. A non-repayable grant is available to eligible mobilehome owners of up to $12,000. Homeowners must reside within the residence they wish to repair and have an annual gross household income at or below 80 percent of the County of San Diego area median income (AMI).

Downpayment and Closing Cost Program
The County of San Diego offers low-interest deferred payment loans of up to $35,000 or 17 percent of the purchase price, whichever is less, for low-income first-time homebuyers and 4% p to $10,000 in closing costs assistance. The loan funds may be used to pay downpayment and closing costs on the purchase of a new or re-sale home. Properties eligible for assistance include single-family homes, condominiums, townhomes and manufactured homes on a permanent foundation. The appraised value of the property may not exceed $466,000 (attached homes) or $574,750 for detached homes. Participants must contribute a minimum of one percent of the purchase price from their personal funds. The total gross annual income of the entire household must not exceed 80 percent of the San Diego County area median income (AMI).

Energy Conservation Opportunities
SDG&E offers an Energy Savings Assistance program to income-qualified households to:
- Install improvements to help make the home more energy efficient;
- Help understand the best ways to save energy around the home; and
- Determine whether some of the appliances are eligible for free repairs or replacement.

Examples of free home improvements offered by SDG&E include: attic insulation; door weatherstripping and caulking; low-flow showerheads and faucet aerators; water heater blankets; energy-efficient lighting; and assistance in selecting energy-efficient appliances. The City helps publicize this program on its website.

Local Federal Support Resources

San Diego Housing Commission (HUD)
1122 Broadway Suite 300
San Diego, CA 92123

6th Housing Element Community Assistance Programs(cont.) Page 8

Homebuyer Education Providers In San Diego
HUD approved 8-hour Homebuyer Education Providers:
- Framework Homeownership http://sdhc.frameworkhomeownership.org•
- Urban League of San Diego County :http://www.sdul.org/workshopsEmail:www.credit.org/homebuyerclass/
- Clear Point Credit Counseling Solutions https://www.clearpoint.org/housing/home-pre-purchase-counseling/

- Money Management International https://www.moneymanagement.org/Credit-Counseling/Pre-Purchase-Housing-Counseling/Homebuyer-Education-Courses.aspx

California Department of Veterans Affairs
1300 Rancho Del Oro Rd, Oceanside, CA 92056

Veteran Affairs Supportive Housing Vouchers (VASH)
HUD-Veterans Affairs program provides rental assistance for homeless veterans with case management and clinical services

Local Non-Profit Resources

San Diego Housing Federation
3939 Iowa Street, Suite 1, San Diego CA 92104
Since 1990, San Diego Housing Federation has been the collective voice of those who support, build, and finance affordable housing in the San Diego region. San Diego Housing Federation creates affordable housing opportunities for low-income people by expanding the knowledge, capacity, and influence of the affordable housing development community. In addition to its advocacy work, SDHF offers professional training, networking opportunities, and provides resources for housing policy advocates.

SDHF encourages all jurisdictions in the SD region to adopt similar policies and programs or Best Practices in their housing elements such Offsite Density Bonus, Reduction in Parking Requirements, Ministerial Affordable Housing Overlay Zoning, Permit Expedite Program, Project-based Section 8, Affordable Housing education campaign

Housing Opportunities Collaborative
1100 Broadway, San Diego CA 92101
HOME Clinics originated at the start of the foreclosure crisis in 2007 to assist distressed homeowners. It is designed to be a hub for housing services and resources; aggregate property search; assist families in their pursuit of affordable and sustainable housing.

San Diego Region Nonprofit Housing Service Providers

Casa de Amparo
4055 Oceanside Blvd, Oceanside, CA 92056
New Directions
6th Housing Element Community Assistance Programs(cont.) Page 9

Casa Kids, ages 10 to 25, who are foster and former foster youth, can participate in New Directions, a transitional housing program that equips youth with necessary kills and resources to make a successful transition from foster care to independent living.

Children of the Immaculate Heart (confidential)
Adult Human Trafficking Survivor Program
Assists survivors of human trafficking by providing a housing and rehabilitation program for adult women and their children.

Community Resource Center, Encinitas
Bridge housing and shelter assistance, rapid re-housing assistance
Opening Doors Program - financial housing assistance

Community HousingWorks(CHW)
CHW is a non-profit organization that develops, rehabilitates, preserves and operates affordable communities in San Diego and throughout California.
Examples: North Park Seniors(LBGTQ), Paseo Artists Village (Vista), Mission Cove Seniors (Oceanside), Paradise Creek National City (transit-oriented), North Sant Fe (Vista transit-oriented development), Kalos North Park transit-oriented), Avocado Court (Escondido), Solara (Poway), La Costa Paloma (Carlsbad), Fallbrook View (Fallbrook)

Las Casitas Permanent Supportive Housing Program (confidential)
Offers permanent supportive housing to chronically homeless and disabled person who are involved with Child Protective Services (CPS) or exiting Drug Dependency Court's program that results in the opportunity to reunite with their children after a court enforced separation or drug or alcohol treatment.

Fraternity House (confidential)
Offers a residential care facility for men who are chronically ill with AIDS. Provides low-cost permanent or transitional housing in a homelike atmosphere for people with HIV/AIDS.

Interfaith Shelter Network
There is a church in Del Mar that provides shelter and assistance to homeless persons as part of the Interfaith Shelter Network. Churches that belong to the Network rotate responsibility of sheltering homeless families and individuals for up to two weeks during the winter months. Only 12 guests at a time generally stay in the congregation facilities. At the end of two weeks, the whole operation - cots and guests - rotates to another area congregation. St. Peter's Episcopal Church provides volunteers and food for the homeless, and allows the use of its facilities for up to two weeks to shelter the homeless. The neighboring City of Encinitas' Community Resource Center serves as the case management agency for the Network's North County Coastal Branch.

6th Housing Element Community Assistance Programs(cont.) Page 10

Interfaith Community Services
1671 Mission Ave., Oceanside, CA 92058
Housing Stability Case Management
Assists homeless veterans or veterans at imminent risk of losing housing,, that are not already enrolled in a housing program, connect to safe, stable, long-term housing pr programs.

Veteran's Transitional Housing Program
Provides transitional housing for single male or female veterans. Transitional housing services include case management, vocational rehabilitation, and psychological counseling.

El Nido Transitional Living Program

Provides transitional housing up to 12 months to homeless single parent families headed by mothers and and single women experiencing domestic violence.

Protestant Episcopal Church United States
500 La Terraza Blvd, Ste 150, Escondido, CA 92025
Shared room rentals, Good Samaritan Apartment Housing Coalition
Provides shared apartment living to homeless individuals with verified monthly income seeking a percent residence. Housing provided are shared rooms and up to six people per apartment living.

Solutions For Change, Inc.
722 W. California Ave, Vista, CA 92083
Long-term Transitional Housing: Provides long-term (2 Years) enhanced transitional housing for Homes families with children, homeless pregnant women and single fathers.

South Bay Community Services (serves SD County)(confidential)
Casas Seguras: Provides a short-term, confidential shelter and transitional housing to victims of domestic violence(male or female) and their children who are homeless.

Wounded Warriors Homes
1145 Linda Vista Vista Drive, San Marcos, CA 92078
Transitional Housing: Provides housing for single post 9/11 veterans who suffer from Traumatic Brain Injury (TBI) and/or Post Traumatic Stress (PTS).

Local Non-Profit Resources for Seniors

Gary and Mary West Foundation and West Health Institute
Master Plan For Aging (State Executive Order) Developed by October 1, 2020

Serving Seniors
525 14th St., San Diego, CA 92101
Transitional Housing for Homeless Seniors (90-120 days rent-free)
Permanent Supportive Housing 3 residences in City Height and Ramona
6th Housing Element Community Assistance Programs(cont.) Page 11

Serving Seniors provides housing stability by increasing the stock of affordable and transitional housing for low-income and homeless seniors, and advocating at the local and state levels for designated funding to address senior homelessness.

National Community Renaissance (San Diego County)
422 Kos Vallecitos Blvd
San Marcos, CA 92069
hhtps://nationalcore.org
Affordable Housing Apartments
Offers affordable housing apartments that vary in size for those that qualify in San Marcos.

Pacific Southwest Community Development Corporation
16935 W. Bernardo Drive, Ste 238

San Diego, CA 92127
Residential and Community Services
Manages affordable housing listings online and provides residential services for residents that live in properties owned by PSCCDC and the community. Services in clyde ESL classes, computer literacy, citizenship, financial education, after-school program, health and wellness programs and community building events.

Project Based Voucher Housing Projects

https://www.sandiegocounty.gov/content/sdc/sdhcd/community-development/pbv.html

Wakeland Housing & Development Corporation https://www.wakelandhdc.com/san-diego-county-property-list.html

Grove Project in Vista (new) http://www.cityofvista.com/home/showdocument?id=9093
Chelsea Investment Corporation Projects in San Diego in conjunction with Gary & Mary West Serving Seniors Program https://www.chelseainvestco.com

Schmale Family Senior Residence in Ramona https://patch.com/california/ramona/county-allots-funds-ramona-affordable-housing-units

Potiker Family Senior Residence https://www.chelseainvestco.com/market-square-manor

Mercy Housing https://www.mercyhousing.org/california/

Villa de Vida in Poway https://villadevida.org

Existing PBVs are located in the Pine View apartments in Fallbrook, Vista Terrace developments in Vista and Schmale Family Senior Residence in Ramona. https://www.sandiegocounty.gov/content/sdc/sdhcd/rental-assistance/overview.html

Pine View Apartments in Fallbrook https://www.conamwaitlist.com/pine-view

Vista Terrace in Vista

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Affordable Housing Developments

ConAm Group https://www.conam.com/index.asp

National CORE and Community Housing Works http://nationalcore.org/affordable-housing/national-core-community-housingworks-to-break-ground

Submitted By Julie Kawasaki and Shirley King
May 1, 2020

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Report to ad hoc Citizen's Housing Task Force May 1, 2020

REPORT FROM HOUSING PRODUCTION AND PRESERVATION SUB-COMMITTEE

EXECUTIVE SUMMARY

The State of California mandates each City to provide a planning document called a Housing Element, that provides policy direction for the implementation of various programs and actions that accommodate projected future housing growth needs, identifies opportunities for new housing units, preserves existing housing stock and assists the existing population for all income levels within their Community.

The City of Del Mar is required by the State, for this next eight year cycle (2021 to 2029) to ensure through the Housing Element planning document that our regional allocation of 163 affordable housing units can be met. *This does not mean we have to actually build these units. It means we have to create policies and programs to allow and incentivize the potential creation of the 163 units.*

The City through its last eight year cycle Housing Element planning document already provided the policy changes to meet not only the last cycle's goal of 76 units but more than the 163 required for this next cycle. Thus, our goal for this cycle is to see how we can ensure affordable units are created by 1. using the existing policies and procedures and 2. creating new directives and programs to see tangible results over the next eight years.

It is important to note that each year the San Diego County Area calculates the regional median income. This number impacts the income level designated for each level of affordable housing. The 2019 median income was $86,300*, which then mandates the four income categories and the number of required units accordingly. The regional allocation of 163 housing units for the City is as follows:

1. 37 units for Very Low income ($26,753 to $43,150).
2. 64 units for Low Income ($43,151 to $69,040).
3. 31 units for Moderate Income ($69,041 to $103,560).
4. 31 units for Above Moderate Income (greater than $103,560).

*The income in each category will adjust annually based on each year's median income.

In our work as the sub-committee on Production and Preservation, we educated ourselves by completing the following:

- Met with Council Liaisons Worden, Gaasterland & Staff McMahon to gain insight and history on the city's affordable housing initiatives and to understand the potential options / solutions available.
- Spent considerable time understanding the various potential housing options available at the Fairgrounds and received feedback from Worden & McMahon on each.
- Reviewed maps and documents provided by McMahon that show each City-owned parcel and its current uses.
- Conducted walking tours of sites to review them first hand.
- Reviewed City-owned parcels and considered; Could we build? Should we build? And how many units?
- Discussed re-zoning, zoning amendments and processes with McMahon and Liaisons on several of the City-owned parcels.

- Attended a Tiny Homes Symposium to understand regulatory challenges and advances in utilizing Tiny Homes as attractive affordable housing units.
- Spent significant time discussing creative solutions amongst ourselves, McMahon, Liaisons and some residents.
- The group considered the report from the Finance committee that was completed in 2014 where they reviewed and analyzed the City owned properties for potential sale or change in use.

With the knowledge gained, we ranked each City-owned parcel and Fairground options by adhering to the best use of land principal and the timeline required for completion. While carefully examining all available options, we made a concerted effort to be impartial and avoided all political considerations including, our own preferences and prejudices. Due to the Covid -19 pandemic and its implications on City revenue, we made appropriate changes to ensure financial viability for each recommended option.

This report evaluates and prioritizes the following two approaches to produce additional units:

A. City Owned Properties and Fairgrounds opportunities

B. Accessory Dwelling Units (ADUs)

Each of these two approaches has recommended steps and a count of feasible new units.

This report further evaluates *risks to current housing* and *mechanisms to retain existing units*. Also included are *options for the 100 year old Dunham House*, including ways to use the structure for office space, affordable housing or revenue generation. Finally, this report summarizes *financial feasibility for accomplishing the prioritized options*.

PRODUCTION OF NEW AFFORDABLE HOUSING UNITS:

A. City Owned Property and Fairgrounds

Our subcommittee looked at each and every substantial parcel of land the City owns to see if they were suitable for creating affordable housing units (we did not look at all easements or street ends due to their size). Each property was assessed and then ranked below by those locations which have a high desirability, feasibility, and then by priority based on ease, cost and appeal to the majority of the residents for a positive outcome.

High Priority Options for the 6th housing cycle

1. **City owned Zuni Water Tank property** – based on land value and location of lot we suggest selling it versus developing it and using the proceeds to fund other affordable housing programs noted in options 2 through 8 below. (Estimated sale price of $4.5M to $5.0M).
2. **City owned 28th Street property** – 2500 sq. foot lot with potential for a minimum of 2 units and a maximum of 4 units (Tiny Homes of 400 - 800 square feet each). This option has been studied by staff and has been deemed feasible. Parking permits or other accommodations will be necessary for 4 units. (Estimated purchase cost for Tiny homes $75k each $150k to $300k total). City could elect to build but costs will be significantly higher. The City would receive monthly revenue from this non-preforming asset.
3. **City Hall 10th Street south expansion lot** – 6500 square foot lot with potential for a minimum of 4 units up to a maximum of 6 units depending on size of units in a 2-story configuration. Parking spaces designated at adjacent civic center if required. Costs for

4000 sq. ft. of development (build costs only for 4 to 6 units) approximately $1.2m. The City would receive monthly revenue from this non-preforming asset.

4. **Annex the Surf and Turf RV Park** on the east side of the Fairgrounds all the way to the Lagoon from the City of San Diego (so this would be City of Del Mar land and would count in our RHNA numbers), and turn the current RV Park into an affordable housing area (75 parking spots today) or split the RV lot and make half tiny homes/mobile homes and the other half would remain as RV lots. Initial potential (estimated based on Fairgrounds discussions) for 20 units with the potential for increasing numbers up to 60 units. Federal or State Grants may be available to support this initiative related to Lagoon Habitat Restoration. Costs attributed to annexing, planning, landscaping and utilities hook-ups (if required), for Tiny Home/Mobile Home community estimated at $350k. Monthly revenue from rental of spaces would benefit the Fairgrounds and the City would count these affordable housing unit towards their regional allocation.
5. **Encourage residential unit development above commercial buildings** in existing downtown commercial zone. Incentivize through reduced fees, streamlined processes and incorporate the 2018 law allowing the use of existing building codes to bring units into compliance. For further details see Section B Number 6 below.
6. **Pine Needles Water Tank** - Property needs to be assessed for space for a Tiny Home beside water tank – based on initial review potential for 1 to 2 units. The City would receive monthly revenue from this non-preforming asset.
7. **10th Street / Highland Water Tank** – lot boundaries need to be assessed to see if adding a Tiny Home would work alongside water tank – based on initial review potential for 1 unit. The City would receive monthly revenue from this non-preforming asset.
8. **Convert Del Mar Fairgrounds track housing to affordable units** (in order to have it count for Del Mar RHNA goals we will need an exemption from the existing rules requiring a kitchen as this housing currently utilizes a communal kitchen per safety regulations). Available only to track or fairgrounds employees, it has a potential of 500+ units. Costs for necessary upgrades are not known at this time, but we estimate a City contribution of $500k for this housing cycle would allow us to upgrade 100 units. We request the City to work with Senator Toni Atkin's office and the Fairgrounds to accomplish this.
9. **Convert an existing Fairgrounds livestock / horse barn to housing** (south of first gate/north of main gate Jimmy Durante side). Will require new development. Potential for a fairgrounds / developer revenue split. Could have a separate entrance. Potential for a minimum of 66 units which would count towards the City's regional allocation.

<u>Medium Priority Options - for the 7th Housing Cycle these could be the highest priorities</u>

1. **The two lots on 9th Street where current DMF and DMCC offices are located.** As part of the design and development of Shores Park, the City could consider adding 4 to 6 affordable senior housing units above the DMCC/DMF building when it is newly constructed. While we respect the vision of Shores Park and realize that citizens have contributed to its preservation of open space for the community, the need for senior housing in this idyllic setting could be easily placed and be a win-win for the City, it's seniors and the community without compromising the desired open space vision.
2. **Jimmy Durante and Via de la Valle right of way area** - funded by a developer / revenue split with Fairgrounds potential for a minimum of 10 units
3. **Water Tower on Crest** - needs to be assessed for potential replacement – if decommissioned and tank removed from this lot there is a potential for up to 10 units. If not removed there is some open space behind tank but topography is not known. This was assessed in 2014 for sale and we recommend that it be used for affordable housing stock production.

Low Priority - for the 7th Housing Cycle these could be the medium priorities

1. **Pump Station by tennis courts** (would require the City to give up the basketball and tennis courts which are regularly used by the community) potential for 4 to 6 units but there are concerns over environmental odors
2. **Maintenance Yard** – most of the property is in use today as maintenance yard and office and the City would have to find alternative site to be able to utilize. The property borders the lagoon and it is in a flood plain. Potential for 10 to 15 units built on stilts.
3. **Develop units over Fairgrounds offices** - would require significant investment and development or partnership with developer to build. Includes re-building the fairground offices and conference room in addition to the new units. Potential for 10 -12 units on the second level.
4. **Develop units over Fire Station** – would require significant investment and development or partnership with developer to build. Includes re-building space for fire department as well as their personnel living quarters. Potential for 2-4 units on second level.
5. **Second Homes in Del Mar** – The City has long been considered a desirable beachside community in which to live. This is a credit to our village feel and our livable climate. This has historically led to many homes and condominiums being owned by out of town residents who use them for short periods of time throughout the year. There is not an accurate number of second homes (that we are aware of) however they should be acknowledged as a potential source of additional housing stock. There are many examples of how other cities have addressed this situation when the need for housing availability for residents became critical (https://sf.curbed.com/2020/3/9/21171856/chiu-mid-tax-mayors-sf-oakland-san-jose-bay-area, https://www.sfchronicle.com/business/networth/article/Oakland-s-vacant-property-tax-takes-effect-13563273.php, https://vancouver.ca/home-property-development/empty-homes tax.aspx?utm_campaign=EHT&utm_medium=Vanity&utm_source=EHT_Vanity#redirect).

   We firmly believe that this does not need to be addressed in this housing cycle as there are many other creative ways to address meeting our RHNA goals.

Extremely Low – ideas to continue to assess for each successive housing cycle

1. **Shores Park** – citizen donations paid for a portion of this park and changing usage plan to add affordable housing on current open space is not desired by donors.
2. **Practice Track at Fairgrounds** – used today by fairgrounds for exercising horses.
3. **City Hall 11th Street northeast edge of property** – daily utilization by residents and visitors as meeting or relaxing space and utilized today for community events as well as open space.
4. **CDM/Border Avenue west of the Brigantine** – land profile makes it expensive to develop and there is limited space to build
5. **Lay down lot at the fairgrounds** – this is a high use area today (just past the intersection of Via de la Valle and Jimmy Durante) for the track, fair and horse shows for truck and trailer access, maneuvering and storage. Potential units unknown.

Excluded from Consideration – functional, high use City Properties

1. City Hall - new construction and building is fully utilized today
2. Library - historic home that is fully utilized today
3. Power House Park – a historic venue fully utilized today
4. Post Office – a necessary function, re-location would be challenging

5. Most City street easements and street ends due to ownership questions and buildability concerns.

B. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
We reviewed the City's current ADU policies and programs and gathered information on the State of California's new law which went into effect on January 1, 2020. We also discussed the current programs and policies and new ideas with Shaun McMahon and our Council Liaisons and attended the City's Planning Commission to listen to the ADU/JADU presentation.

ADUs and JADUs are present in our City today even in areas where they are not officially allowed by the City. The State of California's new laws on ADUs/JADUs, effective January 1, 2020, will offer residents additional options for having these units on their property. Under the new State law the City will need to amend their current regulations and the City is currently undertaking that process. The new State law and the changes in Del Mar regulations will assist the City in meeting their RHNA allocation for the 6th Housing Cycle. This will allow the City to add upwards of 1,000 plus units to the City's housing stock over the coming years by bringing current units out of the shadows and legalizing them as well as the production of new units.

In addition to the changes in laws and regulations, there are numerous ADU/JADU policies and programs to consider as High Priority Options for the 6th Housing Cycle:

1. **Put an amnesty program in place** so that all existing ADUs and Jr ADUs in the City are recognized and counted. Understand clearly what the benefits are to the City for putting this program in place and develop it to include such things as incentives on building code inspection requirements. We recommend that we ask the state HCD to allow these ADUs/JADUs to count towards the City allocation if the City does an annual survey of rents and maintains the records for affordability. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

    - Under new California Law, the City must update their current ADU/JADU Policies to be in line with the State of California requirements under their new 2020 law for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). We recommend that the City take this opportunity to incorporate the 2018 law allowing use of existing building codes to bring existing units into compliance (HSC Section 17958.12 Ch.1010, Sec. 1. (SB 1226) which was effective January 1, 2019).
    - Put the amnesty program in place and require that every property owner who has an ADU or JADU work with the City to register their unit(s) with the City. Apply financial penalty if the unit is not registered within two years of the program roll-out.
    - Designate a City staff position to gather and track data on an annual basis to identify those units that would fit our affordable housing grid.

2. **Implement and communicate the recent change in California Law** that were effective January 1, 2020 to all homeowners to encourage them to build ADUs. Develop a full program of communication and incentives for existing homeowners to add an ADU, or Jr ADU, to their home. Outline a program which may include such things as; free plans, free plan review and expedited approval. We recommend that the leasing of these units be tracked by the City to see how many of them will qualify for the affordable housing allocation. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

- If residents take advantage of fee waiver programs, put in place a requirement that they rent within the affordable guidelines for a period of 5 years. If they do not want to follow these guidelines for the stated period of time the City can charge the resident back the previously waived fees.

3. **As noted in items 1 and 2, designate a City Staff position to request and track rental leases** or administer an annual survey for ADU rentals to see which qualify for the affordable housing categories. This will allow us to get credit with HUD for the affordable housing allocation. NO other use would be permitted from the collection of such leases or data.

4. **Expand the current ADU pilot program** to allow one additional ADU or JADU in R1 zoned areas in exchange for 500 square feet additional FAR to the main structure as long as the ADU/JADU is used for affordable housing and is deed restricted for an agreed upon period of time. Assess current program and see if changes need to be made and determine if a buyout program would be appropriate. The amount of the buyout needs to be significant enough to fund additional housing stock. This will help to ensure our goal of long term preservation of housing stock.

5. **Create a Tiny Home Program** to allow Tiny Homes to be used in the City of Del Mar in multiple zoning districts (R1, R2 City Utility Zone). The City of San Diego Planning Commission recently recommended approval of new code allowing Tiny Homes in San Diego, to be considered by the City Council for approval. Link to SD City staff report: https://www.sandiego.gov/sites/default/files/dsd_pc_20-017_movable_tiny_houses.pdf We recommend the City of Del Mar use this proposed law as a template for the City of Del Mar to create their own law to allow residents to use a Tiny Home on their property for an ADU or JADU as appropriate.

6. **Amend the existing zoning regulation which currently allows only one ADU in buildings in the Downtown Commercial Zone.** Allow more than one ADU in existing buildings within the Downtown Commercial Zone, as space permits, as long as an appropriate number are restricted as affordable housing. Amend the existing zoning regulation and allow the total number to be based off of the property size and potential. We recommend talking to each property owner in the Downtown Commercial Zone to discuss potential incentives and mitigate their concerns over barriers to ensure success in adding units in this critical area of the City. We recommend that these units would also be a part of the annual survey for qualification as discussed above and that they would also be a part of the Amnesty Program detailed above (with grandfathering of code compliance). We are not proposing a zoning change for the Downtown Commercial Zone because we feel there is enough potential for the creation of additional units in this area without a zoning change.

7. **Develop and launch a Student ADU Rental Program** to encourage student rentals. Design and develop a program with SIO, UCSD and Mira Costa College for students as long as HCD will allow them to count towards the City's RHNA housing goal. Approval of HCD required for this creative approach.

PRESERVATION OF EXISTING HOUSING STOCK

Del Mar is a small City with extremely limited open land for development. As a part of any City's evolution and growth, existing older homes are torn down to make way for new homes as part of the building cycle. The concept of preservation of housing stock usually focuses on keeping

affordable housing units. In the case of Del Mar, the concept can be broken down into five components with different tactics or programs to address each of them:

1. **Preservation of affordable housing** – since the 1990s Del Mar has had very little affordable housing. As an expensive beach community, it is difficult to imagine rents on homes ever being considered affordable however ADUs and JADU's are one area that the City can focus on for affordability.
2. **Mansionization of the City** can be curtailed if the City follows the Current City Plan and does not allow developers or residents to deplete housing stock by allowing single large homes on properties where multiple homes are currently located. The current mitigation requirements are not significant enough to discourage this activity today. We recommend the city look to significantly increase the current buy-out fees so they are sufficient to fund new housing stock.
3. **Support for Seniors** – provide necessary services for older residents to allow them to remain in their homes as they age thus forestalling the sale of their property and the potential for it to be torn down to make way for a larger home. In addition, is it important to also create housing for seniors to allow them to remain in the City when they can no longer safely live in their home. This is a great opportunity for DMCC to include if and when their facility is rebuilt.
4. **Short Term Rentals (STRs)** - We acknowledge that in this last housing cycle the number of STRs in the City have increased in number resulting in the loss of housing stock. However, it is hard to assess this issue given no accurate number of STRs is available (that we are aware of) and there are unresolved issues being discussed by the City Council and Staff. Therefore, we believe that it is not appropriate for us to assess and make recommendations until the on-going issues in the City are resolved.

THE HISTORIC HOME FROM 10TH STREET

A 100-year-old original Del Mar house circa Jacob Taylor's time at 119 10th St, referred to as the Dunham House, is being donated to the Del Mar Historical Society. This re-furbished 28x28 foot home has been beautifully re-done but must be moved or torn down to make way for a new home to be built. The owner of the property has offered to pay his tear down cost towards the expenses of moving this historic home.

Until a final place for this historic home is found, we suggest that it be stored on a temporary space. The home has been donated to the Del Mar Historical Society and would be an ideal home for either affordable housing or for offices for one of Del Mar's Community Service Organizations.

We were asked to assess potential options for the use of the home as affordable housing as part of our work for the Task Force. We have listed below several temporary and long term solutions for the houses placement.

Temporary Placement

- Behind DMCC
- Parking Lot by the Brewery off Jimmy Durante Blvd
- 28th street lot on North side
- Public Works Yard
- 10th street Water Tank parcel

Final Place for the Historic Home

- Tiny Homes Community at the Surf & Turf RV Park (Caretakers cottage)
- 10th street by the existing Water Tank as an affordable housing unit
- Part of Shores Park Redevelopment Project on 9th street lot - for use as non-profit or affordable housing unit
- Placed in one of the City's other parks for use as offices for one of Del Mar's Community Service Organizations or used for events to generate revenue for the City's affordable housing fund.

AFFORDABLE HOUSING PROGRAM FINANCES

Past work and outcomes have shown that it is challenging to add affordable housing units in Del Mar. The cost of the land and the scarcity of vacant land are just a few of the issues. The cost of programs however does not need to stop the City from considering them. There are several ways to finance programs that have worked in the past for the City as well as have worked for other cities in the country:

- 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 projects 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 City property

In light of the COVID-19 Pandemic, it will be necessary for the City to carefully assess any proposed spending. This Housing Element however, takes a longer term view and so should be prepared with an eye towards the future and not just for today's circumstances. While the City does not have a lot of extra resources to put towards affordable housing projects at this time, we feel with the sale of the Zuni lot there will be enough funds to seed several programs for the short and long term. An on-going commitment from City Council to set aside money on an annual basis (starting with the 2022 Budget) will continue the strengthen the housing fund.

CONCLUSION

The State of California mandates that each City produce a planning document that provides policy direction for the implementation of various programs and actions that support, encourage and accommodate housing growth including identifying opportunities for new housing units, help preserve existing housing stock and assist the existing population at all economic levels within their Community.

Based on the State of California's calculations for the next eight year housing cycle (2021 to 2029), the City of Del Mar must meet a regional allocation of 163 affordable housing units. With our work to date on this Task Force, specifically this sub-committee, we feel that the City has many creative ways in which to meet these goals and that it can be done while adhering to our current Community Plan and dispersing units throughout the City. While there is an effort underway to create housing stock through zoning changes, the ideas put forth in this report would not require zoning changes (except to the Zuni Property as noted) and would only require

amendments to the zoning definitions for both the Downtown Commercial Area and the City owned Utility Lots. Our recommended changes prevent the need to change zoning (as is currently underway) in the City to increase density to 20 units per acre as mandated by state law for any zoning change. This newly required density conflicts with the spirit of our Community Plan. By obtaining feedback from our residents and spending time with them on the potential solutions, we feel that sufficient housing units can be added to our community while not creating a contentious environment. Achieving our goals and hitting our numbers however, will take political will on behalf of our City Council and will involve some heavy lifting by the City Staff as well as the involvement and support of the community.

We have appreciated the opportunity to work on this Task Force and to get a chance, as a part of this sub-committee, to dig deeply into these important issues for the City and its residents. We want to acknowledge the support we have been given and thank those that took their time to help us understand the current landscape as well as the history of housing in Del Mar. We look forward to your thoughts and feedback on our findings and stand ready to engage with residents, City Staff and City Council as necessary to support the City of Del Mar through this next eight year cycle.

Respectfully submitted,

Jas Grewal, Karen Lare & Tracy Martinez

Action Item a

Task Force Discussion on Preferred Areas

- Community Survey Closed and Individual Preferences Received
- Staff is Requesting the Task Force's Preferences
  - Provide 3 Preferred Areas to Accommodate Units
  - Provide any Feedback on Remaining Areas
- Next Steps:
  - Compiling Feedback Received, Sites Analysis, and Legislative Requirements into Draft EIR Project Description and Alternatives

Eight Areas in Survey

1. North Beach
2. North Bluff
3. North Commercial
4. North Hills
5. South Beach
6. South Bluff
7. South Hills
8. Village Center

Area Descriptions

North Bluff
This area includes approximately nine acres of land at the southern termination of the Solana Beach coastal bluff north of the San Dieguito River mouth and east of the railway. It includes a four-acre, City-owned natural preserve, and parcels zoned for modified low-density residential and very-low density residential land use.

North Beach
This planning area comprises approximately one mile of beach frontage including the mouth of the San Dieguito River and extends inland to the Railroad right-of-way and is one of the oldest and highest-density residential areas in the City. Present development is mixed with single-dwelling residential near the ocean, and multi-dwelling unit development farther east. Land development is marked by a gridiron pattern, rather narrow streets (except Camino del Mar and Coast Boulevard), and small lots.

Area Descriptions

North Hills
Most of the existing low-density residential development of Del Mar lies within this district. Winding streets, steep sites, relatively large lots, and informal, small and moderate-sized single-dwelling units typify this area. In the western portion of this district, just east of Camino del Mar, the land is more even; however, it has been partially developed into medium density residential uses.

North Commercial
The northern commercial area located at the intersection of Jimmy Durante Boulevard and San Dieguito Drive in close proximity to the San Dieguito Lagoon and Fairgrounds. This area is relatively flat in nature and comprised of mixed commercial uses.

Area Descriptions

South Beach
This area is bounded by 15th Street on the north, the Village Center District and Camino del Mar on the east, the edge of apartments and condominium development on the south and beach bluffs on the west. This area is composed of a mixture of single-dwelling, and high-density multi-dwelling residential development. That portion of the area south of 4th Street is characterized by high density apartment and condominium development.

South Bluff
This district consists principally of a rugged topography of canyons and bluffs and contains a major part of the undeveloped land remaining in Del Mar outside of the San Dieguito flood plain. It also contains the parcels within the Carmel Valley Precise Plan (CVPP) which consists of low-density residential development.

Area Descriptions

South Hills
This planning area consists of low-density, single-dwelling development spread across medium-sized parcels and is accessed from Nob Avenue and Pine Needles Drive.

Village Center
The Village Center located in the heart of the Del Mar community, containing approximately 185,000 square feet of commercial space. The area presently contains a diversity of land uses and physical quality. Retail activities within the district is physically segregated into three separate areas: the original center of commercial activity, located on the southwest corner of Camino del Mar and 15th Street; the Del Mar Plaza Shopping Center at the northeast corner of Camino del Mar and 15th Street; and scattered restaurants and specialty shops located between 10th and 13th Streets along Camino del Mar.

Action Item c.

5th Cycle Housing Element Program List - Updated Date: 9/16/19
Ongoing Programs =

Housing Program #	Annual Progress Report - Year Reported	Synopsis of Program	Implementation time frame specified in Housing Element
1-A.	2018 Ongoing	Continue implementing the City's Condominium Conversion Ordinance to protect and mitigate against loss of apartment stock.	Program now in place. Ongoing implementation
1-B.	2016 Completed	Municipal Code amendment modifying the affordable unit set-aside rate for condominium conversions from current 67% to a range of 10- to 30% (DMMC 24.21).	By May 2014 (12 months from date of Council adoption of Housing Element.)
1-C.	2016 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow in-lieu fee rather than unit set-aside mitigation for condominium conversions involving 2-5 apartments (DMMC 24.21).	By May 2014
1-D.	2018 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow off-site unit set-aside mitigation (DMMC 24.21).	By May 2014
1-E.	2018 Ongoing	Continue to use collected mitigation fees for affordable housing programs.	Program now in place. Ongoing implementation.
1-F.	2018 Completed	Review and possible increase of existing In-lieu Housing Mitigation Fee rate.	By May 2014
1-G.	2016 Completed	Municipal Code amendment to require the payment of an In-lieu Housing Mitigation Fee in cases where development proposal would result in an adverse impact on housing opportunities.	By May 2014
1-H.	2018 Ongoing	Continue allowance for retention of structural and residential density non-conformities for multi-family structures (three or more units).	Program now in place. Ongoing implementation.
1-I.	2016 Completed	Municipal Code amendment allowing multi-family apartment building with nonconforming density to convert to condominiums with mitigation requirements applied.	Within 36 months of adoption of Housing Element Update, by May 2017
1-J.	2016 Completed	Municipal Code amendment to require mitigation measures on condominium conversions to assist renters of apartments to be converted (DMMC 24.21).	By May 2014
1-K.	2018 Ongoing	Continue to guard against degradation and loss of affordable housing stock	Program now in place. Ongoing implementation
2-A.	2018 Ongoing	Continue to implement Community Plan and Zoning Ordinance to provide opportunities and incentives for the construction of 42 new residential units during 2013-2021 cycle for: extremely low, very low, low and moderate income levels	Program now in place. Ongoing implementation.

2-B.	2014 Completed	Zone Code amendment to remove the requirement for receipt of Conditional Use Permit to develop at 17.6 du/ac density in the RM-East, RM-West, RM-Central and RM-South Zones (DMMC 30.16, 17, 18 and 19).	By May 2014
2-C.	2016 Completed	Continue to maintain record of sites suitable for residential development and provide such information to the public.	Ongoing
2-D.	2018 Completed	Conduct workshops to apprise the public of the opportunities for residential and mixed-use development in the City.	By May 2014
2-E.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the North Commercial (NC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.24).	Within 24 months of adoption of Housing Element Update, by May 2016
2-F.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the Professional Commercial (PC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.25).	By May 2016
2-G.	2018 Underway	Zoning Code/Community Plan amendments and Local Coastal Program Amendment (LCPA) to assign a new land use designation and accompanying development parameters to two adjacent vacant parcels in the NC Zone allowing residential development at 20-25 du/ac with affordable housing component.	By May 2014
2-H	2018 Underway	Conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations with affordable housing component.	No specified time frame
2-I.	2018 Completed	Complete a property record and conduct public workshops to identify any other properties that would be appropriate for a land use re-designation to accommodate density of 20 du/ac.	By May 2014
2-J.		Assign Community Plan and LCP land use designations for 22nd DAA Fairgrounds property to accommodate construction of dwelling units at 20 du/ac for replacement of backstretch housing, as identified in the 22nd DAA's Master Plan.	By May 2015
2-K.	2014 Completed	Zone Code amendment to permit emergency shelters in the North Commercial Zone through ministerial review process (DMMC 30.24).	By May 2014
2-L.	2016 Completed	Zone Code amendment to allow development of Single-Room Occupancy (SRO) units.	By May 2014
2-M.	2018 Ongoing	Continue to encourage St. Peter's Episcopal Church to continue its Interfaith Shelter Network Rotating Shelter and its Helping Hands program.	Ongoing, no action required.

2-N.	2018 Underway	Work with 22nd DAA and Thoroughbred Club to utilize Fairgrounds site for emergency housing during the winter months.	No specified time frame
2-O.	2014 Completed	Zone Code amendment to allow transitional/supportive housing in all zones where housing is otherwise permitted and subject to the same development standards (Multiple DMMC Chapters).	By May 2014
2-P.	2018 Ongoing	Continue to permit community care facilities through the same zoning provisions applicable to residential units.	Ongoing
2-Q.	2014 Completed	Zone Code Amendment to reduce the 1,000-linear foot minimum spacing requirement between community care facilities to 300-linear foot minimum spacing (multiple DMMC Chapters).	By May 2014
2-R.	2016 Completed	Zone Code amendment to permit manufactured homes meeting state and federal standards to be treated in same way as other single-family homes (multiple DMMC Chapters).	By May 2014
2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation. Balance of fund = $271,500 Monthly Subsidies = $5,650 & $875 for DMCC
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.
5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.

5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

ITEM 9 Approval of Minutes from 4-30-20

4-30-2020

Minutes for the Citizen Task Force on Affordable Housing Meeting

Jas Grewal – Chair

Tracy Martinez – Vice Chair

Karen Lare – Secretary

Dwight Worden and Terry Gaasterland – City Council Liaisons

Shaun McMahon, Joseph Smith, Amanda Lee – City Staff

Task Force Members - Jas Grewal, Tracy Martinez, Karen Lare, Julie Kawasaki, Shirley King, Jill Gartman, Bud Emerson, Don Countryman

Meeting was held via teleconference only. It was recorded and will be posted to the web-site.

1. CALL TO ORDER (3:00pm)

Jas called the meeting to order at 3:06pm

2. ROLL CALL

Bud Emerson and Don Countryman absent for roll-call. Bud joined the meeting at 4:40pm. All else present.

3. APPROVAL OF MINUTES

a. April 16, 2020 Meeting Minutes

Shirley suggested one change to the title for sub-committees. Section 8 last bullet – the title should be Community Assistance Programs – Shaun will make that change.

Karen moves to approve the minutes as amended and Shirley seconds approval. All approved.

4. CITY COUNCIL LIAISON COMMENTS

Dwight Worden – There is a standing housing item on the agenda for the Monday City Council Meeting. Beach update – they (the City) were surprised when the order was lifted and so they discussed timing to re-open beaches and were ready to do it today (Thursday) however, the governor shut down all beaches according to the leaked memo and now the governor has stated that he only intended to close the Orange County beaches so the City Council will be meeting tomorrow to discuss the Del Mar beaches and the opening date.

Terry Gaasterland - She discussed further the Del Mar beach closure - San Diego County beaches are not open in the usual way. Each City gets to decide how to allow use of beaches. Terry had a discussion with the County health officer to confirm her understanding (Wilma Wooten). Wilma gave her insights on what the data was what they were looking at and her thoughts. Terry felt it was a very worthwhile conversation and helpful.

5. ORAL COMMUNICATIONS (NON-ACTION ITEMS)

None submitted

6. TASK FORCE MEMBER AND STAFF UPDATES

a. Overview of Packet Materials (Staff)

7. ACTION ITEMS:

a. Overview of Methodology Used to Determine Number of Units Analyzed in Draft EIR

Joseph Smith gave the group an update on the timing of the necessary work on the EIR and the Housing Element Plan (Document). The EIR is targeted to go out to the public in mid-May while the Housing Document will continue to evolve into October and at that time it will go to the City Council for them to ultimately determine which projects or processes or policy changes are included in the Housing Document. He further discussed how this EIR was different from a Project EIR and how it will impact the city documents. The EIR for this program is an overarching review document for all areas that could potentially be looked at for the completion of the Housing Element Document and its included items.

He further stated that they are analyzing broad scope and a looking at a picture that may or may not be the Housing Element at the end of the day. What will be included will be determined in October by the City Council. The goal is that the Program EIR will provide decision makers with enough analysis to make an informed decision. They want to be sure that they study the right number of units and the potential placement of those units in the City. They don't want to do to fewer units as they can always be less but if they do not do enough it will be an issue when decisions need to be made.

Joseph clarified that this effort involves both CEQA Law and Housing Law and these two do not always agree. In addition to those two we also have the Coastal Commission Laws. Draft EIR's needs to look at a full range of options. This should not be confused with the Draft Housing Element Document. The EIR is a disclosure document to the City Council and the Public.

Shaun McMahon took over to talk about units and how the numbers have been calculated. There are three categories:

- RHNA
- No net Loss Buffer
- Rollover penalty

We then reviewed each of the categories in detail:

- RHNA number for this cycle = 163
- No net loss buffer – covers us if the city is unable to complete a program within the housing element or if we approve a project with a lower density than what was stated in the document. This is from a law adopted in 2017 and is new to all concerned. If we are required to re-zone and it is in our program then the city must complete it or they have only 180 days to identify alternative sites and re-zone them to meet the requirements. The income category for those units must match. If this gets triggered there can be an impact. In order to cover for this HCD suggests the City analyze a 30% buffer on top of the 163 RHNA units. 30% = 49 units.
- Roll-over or penalty units – we will not completed program #2g from the 5th Housing Cycle for the re-zoning of 2 parcels in the North Commercial zone – also known as the Watermark sites. So we will have these as carryover units. This number is estimated to be from 41-46 units.

So to look at the numbers you must really consider all three categories - 163 (RHNA) + 49 units (buffer) + 41-46 (carryover).

The group had discussion on the numbers. Terry noted that this is the first we were hearing about these additional units for the buffer and for the roll-over as we have not completed fairgrounds projects and the re-zoning of north commercial either. Do we have to take a hit for those as well? The Staff answered that program #2g was the only uncompleted re-zone project the other two had no specific units tied to them. For the zoning changes they believe it will still be completed during this cycle. On the north commercial the number of units are tied to a zone code amendment versus a re-zone of this area. It is a change that will allow additional residential units in this zone. It would allow us to then count those units in the 6th cycle as new units are permitted. On the Fairgrounds that program was not a re-zone either. In order for the City to claim any of the units on the Fairgrounds the State must declare it as excess state property (or as clarified by Dwight later in the meeting the project must be in cooperation with the Fairgrounds). This has not happened. Discussion continued on the definition of the buffer units. This is new to the City Staff as well and they stated they just received this information from HCD in mid-April.

Terry asked additional questions on the SANDAG numbers because the numbers they assigned to us had multipliers in it – she said she would pull her notes from that time. Seems like the numbers were being double counted. Amanda noted that it does not really work that way. We get penalized if you do not complete a re-zone program on time. The No Net Loss Buffer we will have regardless of completion of units in program – the penalty will be there if we don't complete it in the first year unless we can find a different site to re-zone. There are other multipliers in the current number.

Karen asked about the re-zoning programs and the potential penalties that can be incurred. Amanda clarified that Program #2g was in the 5th program because it was required by the State.

Jas asked about the options for the City in looking at re-zoning programs. Joseph noted that there are a lot of subtle differences in the applicable laws. Time plays into the options that we can put forth.

Jas further asked about what lots are covered under the EIR and was the Zuni lot included. Staff indicated that the Public Facilities parcels are currently being analyzed under a separate EIR which is already in progress (NC/PC Zone Code Amendment).

Shirley asked about the Fairgrounds and its requirement to be considered excess property. Joseph addressed this and Karen asked a follow-up question about the likelihood for this to ever happen. Joseph worked to address this. It has to do with the buckets of how we satisfy our RHNA numbers and explained that although we can't plan for RHNA on the fairgrounds, there is still opportunity for other housing programs. Jas asked a follow-up question and Dwight noted that we can do something cooperatively with the Fairgrounds then it (the Fairgrounds Property) does not have to be declared surplus for it to count. So there is potentially more than one way to have the units count towards the City's numbers.

Discussion continued around what can count and impacts on the EIR and timeline for necessary updates. Jas asked an additional question on the buffer units and the roll-over units - do they have to be affordable or not? Staff answered that they must be the same on the buffer units as what was promised on the project/program not getting done. They are still working on what the number will look like and working with HCD. Jill asked a question about Watermark and how many units it actually had in it as affordable housing? It was discussed and brought up by staff that the City continues to work with HCD to get an answer in writing from them.

b. Task Force Recommendation of Preferred Sites for Study within Draft EIR

The City is looking for Task Force Input and they are taking input received from the housing survey. Joseph discussed how they have gotten feedback and how they are determining what sites should be used and designated as preferred sites for affordable units. He is asking the Task Force to give him our preferred three areas. If we can come to agreement as a group that would be good if not he would like to hear from each of us individually. It was asked if we could wait until next week and Joseph said yes but timing is a challenge for them. After much discussion, it was decided that it will go on next week's agenda and the City Staff agreed to send out the report from the sub-committee on Production and Preservation ahead of the agenda.

c. Ordering of Overarching Housing Plan Goals

Draft Housing plan goals reviewed by City Council at April 26th meeting. Asking Task Force to order these goals. Karen gave her input and Shirley commented on the Short Term Rental, Bud commented on his thoughts (ADUs, Fairgrounds). Tracy also gave input on the Fairgrounds and

Terry voiced her opinions as did Jas. Shaun was asked to clarify how this would be used and he described that it is organizationally focused and will be used for the Housing Element Report. Additional discussion on how to organize them and also some changes to the wording on the goals. By a show of hands all agreed to Terry's approach to separating the document into two parts thus putting the "Strategy" goals together and the "Active" goals together.

A motion was proposed to " Group together current goals number 1,4 and 6 as an approach "strategy" and group together numbers 2,3,5 and 7 as the "specific" goals. Change verbiage as noted. Bud moves to approve the motion and Tracy seconds. All agreed.

d. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

Shaun informed the group that this section of the agenda was continued from our last meeting – see red block for where to start on the document.

It was determined that this will need to be continued at the next meeting as we are short on time.

8. SUBCOMMITTEE REPORT OUTS

a. Communications

Julie noted that they met and discussed providing information to the residents about the housing element specifically about ADUs and re-zoning . They talked about ways to get information out to residents on the web site and the Sandpiper and Del Mar Times as well as the e-mail list. They reviewed the information that was given to the City Council and reached out to the Del Mar Times already. The city funding for any mailings is not available at this time. They are thinking about putting together a Q&A format and posting that. Jill noted that there is a great page already on the web-site on ADUs with a Q&A attached to it. Jas suggested that maybe it could be a part of a weekly e-mail. Amanda mentioned that on May 18th this will be a City Council item. She further noted that the guidance from all sources is very fresh and the web site will be updated soon.

b. Community Assistance

Shirley reported that they had been amassing the resources available to us through Federal and State existing programs. There are quite a few out there that cover these areas. In addition there are County managed resources that include veterans affairs and there are also local level programs available. Quite a few non-profits also engage in these types of programs as does the interfaith community. Developers also have programs that could be looked at. Shirley said they will get us the information when it is in final format.

ITEM 9 Approval of Minutes from 4-30-20

c. Preservation / Production of Housing Stock

Tracy – we have completed the report from our sub-committee and it was recently sent to Shaun and to our liaisons. It will be sent out in a few days to the committee and it will also be on the agenda for discussion at the next meeting.

9. ITEMS FOR NEXT AGENDA (4-30-20)

- Discuss Preservation /Production of Housing Stock report
- Terry asked about the ability for the Task Force to continue for another meeting? She asked if the Charter gave any leeway in continuing it if necessary after the last stated meeting (which will be held next week). Joseph noted that the date and timing was built around the EIR going out. The Charter states that it is through the end of May. The group thinks it would be a good idea to add one additional meeting. Discussion about what the agenda will look like for each of the meetings with a focus on the EIR for next meeting

10.ADJOURNMENT

The meeting was adjourned at 5:15pm.

AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE
CITY OF DEL MAR
1050 Camino del Mar, Del Mar CA 92014

VIA TELECONFERENCE ONLY
www.delmar.ca.us/watch
Thursday, May 21, 2020 at 3:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Task Force Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

TASK FORCE STATEMENT OF MISSION/PURPOSE:
The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:
1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:
Members of the public can participate in the meeting by emailing comments to Shaun McMahon at smcmahon@delmar.ca.us by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line and limit the comment to 500 words or less. There is no character limit for comments not being read into the record. All comments will be transmitted to the Task Force prior to the start of the meeting.

1. **CALL TO ORDER (3:00pm)**

2. **ROLL CALL**

3. **CITY COUNCIL LIAISON COMMENTS**

4. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

Any Oral Communications must be submitted prior to the meeting as described in Public Comment above and will be read into the record. Live comment will not be available for this teleconference meeting.

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

5. **TASK FORCE MEMBER AND STAFF UPDATES**

   a. Overview of Packet Materials (Staff)

6. **SUBCOMMITTEE REPORT OUTS**

    a. Communications

    b. Community Assistance
        i. Discussion on Provided Research and Reports (attached)

    c. Preservation / Production of Housing Stock
        i. Discussion on Provided Research and Reports (attached)

7. **ACTION ITEMS:**

    a. Discussion Regarding Online Community Survey Results

    b. Status Update on AB1397 **(TIME CERTAIN 4:00 PM)**

    c. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

    d. Review of Concluding Task Force Presentation to City Council

    e. Discussion on the Future of the Ad-Hoc Citizens' Task Force

8. **APPROVAL OF MINUTES (5-7-20)**

9. **ADJOURNMENT**

6th Housing Element, City of Del Mar
Community Assistance Programs

Federal Government:
Financial Resources Available for Housing Activities
HUD

Section 202 Supportive Housing for the Elderly Program
HUD provides capital advances to finance the construction, rehabilitation, or acquisition with or without rehabilitation of structures that will serve as supportive housing for very-low-income elderly persons, including the frail, elderly, and provides rent subsidies for the projects to help make them affordable.

Section 811
HUD provides grants to non-profit developers of supportive housing for persons with disabilities, including group homes, independent living facilities and intermediate care facilities

Housing Choice Vouchers
HUD administers this program to assist very low-income families, the elderly, and the disabled to afford decent, safe, and clean housing in the private market. The housing choice vouchers are administered by locally public housing agencies (PHA's) One specialized program is the **Family Unification program** for Families for whom the lack of adequate of housing is a primary factor in the imminent placement of the family's child or children in out-of-home care; eligible youth who have attained at least 18 years and not more than 24 years of age and who have left foster care or will leave foster care; income below 30% of median household income for the area.

Community Development Block Grant Program (CDBG)
HUD administers the Community Development Block Grant (CDBG) program. It is a flexible program that provides communities with resources to address a wide range of unique community development needs. It works to ensure decent affordable housing, to provide services to the most vulnerable populations, and to create jobs through the expansion and retention of businesses.

HOME Investment Partnership Funds (HOME)
HOME is a Federal housing program administered by the California Department of Housing and Urban Development (HUD). The program provides federal funds to local jurisdictions to develop and rehabilitate rental and ownership housing affordable to low-income households. The program defines low-income as households below 80 percent of area median income. HOME gives local governments flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations.

Section 8 Rental Assistance
The Housing Choice (Section 8) voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to rent decent, safe, and sanitary housing in the private market. Since the rental assistance is provided on behalf of the family

or individual, participants are able to find and lease privately owned housing, including single-family homes, townhouses and apartments from landlords who accept vouchers.

The County of San Diego Department of Housing and Community Development (County HCD) coordinates and administers Section 8 rental assistance.

Low-Income Housing Tax Credit Program
The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low- and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Projects funded under the Tax Credit programs must include a certain percentage of rent-restricted units, typically for households earning 50 to 60 percent of median income.

Nine percent tax credits are granted by the California Tax Credit Allocation Committee and are highly oversubscribed, with few successful projects. Four percent tax credits are granted by the California Debt Limit Allocation Committee. While these are less competitive, they provide a lower subsidy, so that typically only a portion of a development is affordable.

National Non-Profit Resources

Homeownership Council of America (HCA)
HCA promotes, advocates for, and build affordable delivery systems that provide capital for homeownership in underserved communities; advances the growth of nonprofit mortgage lending through the Community Lending Initiatives in Mortgage Banking (CLIMB) Program.; focusing on unreserved homeowners in communities of color, low-to-moderate income and rural communities.

State of California
Programs Available for Housing Activities

Housing California
Housing California's 2020 Policy Agenda centers the communities most in need of an affordable place to call home. These include those struggling the most to make ends meet and those experiencing homelessness. Multiple strategies are used to meet these goals, including reforms of California's laws and regulations on land use and finance, as well as innovative approaches to end homelessness. Equity and diversity are prioritized for those who have been historically marginalized and/or neglected in decision-making processes, work in close collaboration with a variety of partners. These include non-profits, affordable housing developers, residents, foundations, labor unions, trade associations, corporations, and supportive policymakers from a diverse set of backgrounds.

California Housing Financing Agency (CalHFA)

The California Housing Finance Agency (CalHFA) was established in 1975 as the state's affordable housing bank. CalHFA makes low interest rate loans to first-time homebuyers and multifamily developers through the sale of tax-exempt bonds and other financing tools. CalHFA is a self-supporting state agency, with bonds being repaid by revenues generated through mortgage loans, not taxpayer dollars. However, beginning with the 2008 recession, CalHFA was unable to issue bonds for low-interest multifamily housing development, and no funds are currently available. CalHFA does administer the Mental Health Services Act, which assists supportive housing for mentally ill persons.

State Department of Housing and Community Development (HCD)

Low-income Housing Tax Credit (LIHTC)

The California Tax Credit Allocation Committee (TCAC) administers two low-income housing tax credit programs, a federal tax credit and state tax credit. Both programs encourage private investment in affordable rental housing for households meeting certain income requirements.The program enables housing developers to raise equity through the sale of tax credits to tax credit investors. The state tax credit is only valuable to a housing project concurrently receiving an allocation of federal tax credits unless the project is a development of permanent housing for farmworkers.

Multi-Family Housing Revenue Bond Program (MHP)

The multi-family housing program (MHP) is administered by the State Department of Housing and Community Development (HCD) and provides assistance for new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. The program offers 55-year term loans with a simple interest of three percent per year. For the first 30 years, annual interest payments are required in the amount of 0.42 percent of the outstanding principal loan balance. The annual payment amount for the next 25 years is set by HCD in year 30, and is the minimum amount necessary to cover HCD's monitoring costs. Unpaid principal and accrued/deferred interest is due at the end of the loan term.

MHP funds are provided for post-construction permanent financing only. Eligible costs include the cost of child care, after-school care and social service facilities integrally linked to the assisted housing units; real property acquisition; refinancing to retain affordable rents; necessary onsite and offsite improvements; reasonable fees and consulting costs; and capitalized reserves. HCD expects MHP funds to be leveraged with other resources, including local government funds, the federal Continuum of Care programs, four percent low-income housing tax credits, tax-exempt bond financing and private debt financing. MHP-General projects using nine percent tax credits are ineligible.

Eligible applicants include local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Indian reservations and rancherias, and limited partnerships in which an eligible applicant or an affiliate of an applicant is a general partner. Applicants or their principals must have successfully developed at least one affordable housing project.

CalHome

The CalHome Program is administered by HCD to enable low and very low income households to become or remain homeowners. Localities or nonprofit organizations that receive CalHome

6th Housing Element Community Assistance Programs (cont.) Page 4

awards in turn make deferred-payment or forgivable loans available to individual homeowners or homebuyers.

Infill Infrastructure Grant Program
The primary objective of the Infill Infrastructure Grant Program is to promote infill housing development. The program seeks to accomplish this objective by providing financial assistance for infrastructure improvements necessary to facilitate new infill housing development. Under the program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed use infill development projects. Both infill projects and areas must have either been previously developed or be largely surrounded by development. Specific eligible improvements include: development or rehabilitation of parks or open space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks and streetscape improvements.

Building Equity and Growth in Neighborhoods Program (BEGIN)
The purpose of the Building Equity and Growth in Neighborhoods Program (BEGIN) is to reduce local regulatory barriers to affordable homeownership housing and provide down-payment assistance loans to qualifying first-time low- and moderate-income homebuyers in BEGIN Program projects. Grants recipients (Cities and Counties) make deferred-payment, second mortgage loans to qualified buyers of new homes in projects where the affordability has been enhanced by local regulatory incentives or barrier reductions. The loans cannot exceed 20 percent of the home sales price. Applications are invited through the issuance of Notices of Funding Availability (NOFA) from HCD.

Transit-Oriented Development (TOD) Housing Program
Under the Transit-Oriented Development (TOD) Program, low-interest loans are available as gap financing for rental housing developments that include affordable units, and as mortgage assistance for homeownership developments. In addition, grants are available to cities, counties, and transit agencies for infrastructure improvements necessary for the development of specified housing developments, or to facilitate connections between these developments and the transit station.

Housing Related Parks Programs
Financial incentives are available to jurisdictions who construct new units affordable to very low and low income households. Grants for creation of new parks, or rehabilitation or improvement to existing parks.

CalHFA Residential Development Loan Program:
This program includes low interest, short term loans to local governments for affordable infill, owner-occupied housing developments. Links with CalHFA's Downpayment Assistance Program to provide subordinate loans to first-time buyers. Two funding rounds per year.

Homeless Initiative Senate Bill 2
SB 2 is a state law intended to strengthen existing housing element requirements to provide for the development of emergency shelters and transitional and supportive housing. Under SB 2, all cities must identify a zone that allows emergency shelters as a permitted use. The identified zone(s) shall include sufficient capacity to accommodate the need and regardless of the need,
6th Housing Element Community Assistance Programs (cont.) Page 5

each City must have a zone to outright permit year-round emergency shelters. Additionally, SB 2 specifies that transitional housing and supportive housing shall be considered a residential use of the property, and subject only to those restrictions that apply to other residential uses in the same zone.

State NonProfit Organizations

California Housing Partnership

The California Housing Partnership creates and preserves affordable and sustainable homes for Californians with low incomes by providing expert financial and policy solutions to government and nonprofit housing agencies. Director San Diego Region - Diep Do, 858-617-0579 ddo@chpc.net

Southern California Association of Nonprofit Housing

SCANPH is a membership association, founded in 1985, that supports and advocates for those who develop and sustainably operate affordable housing. SCANPH is uniquely situated to identify, prioritize, strategize, and lead policy efforts that are designed to create an environment conducive to affordable housing development. SCANPH is measured by its ability to serve low-income residents of the region by securing critical public subsidy funds for new affordable home development, and by its ability to make its members more effective developers amidst funding and resource challenges.

SCANPH strives to increase the capacity and expertise of its members, educate policymakers and the public about the need for affordable housing, and help to establish policies and programs that further these objectives.

The mission of SCANPH is to facilitate development of affordable homes across southern California by advancing effective public policies, sustainable financial resources, strong member organizations, and beneficial partnerships.

Nonprofit developers, SCANPH's core constituent, provide below market-rate homes for low-to-extremely-low income community members and for people experiencing homelessness. Simply put, it focuses on economically disadvantaged individuals and families who are most in need of affordable housing.

National Core (National Community Renaissance)

A nonprofit affordable housing developer creating healthy communities that thrive and prosper for many generations to come.

National CORE supports families and seniors by providing housing communities that are affordable, safe, and of the highest quality. It enhances neighborhood stability through long-term management and maintenance, as well as industry-leading services such as senior wellness, preschool and after-school programs, and family financial training.

National CORE created the Hope through Housing Foundation in order to provide high-quality services for our residents to improve their lives and their communities. HOPE strives to meet or

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exceed nationally recognized benchmarks and best practices for its programs. CORE evaluates its program delivery and publishes the results every year.

County of San Diego
Resources Available for Housing Activities

Housing Authority of the County of San Diego
3989 Ruffin Road
San Diego, CA 92123

Regional Task Force on the Homeless
1300 Rancho Del Oro Rd., Oceanside, CA 92056 (North County)

It is the San Diego County's leading resource for information on issues of homelessness. Established in 1984 as the San Diego Mayor's Task Force on Homelessness, the Task Force promotes a regional approach as the best solution to ending homelessness in San Diego County. The Task Force is a public/private effort to build a base of understanding about the multiple causes and conditions of homelessness.

Since 2005, the San Diego region has performed annual Point-in-Time counts of homeless persons. HUD requires Continuum of Care Councils (CoC's) to conduct Point-in-Time counts at least once every two years, but encourages them to count annually. The count, which must be conducted during the last ten days of January, represents a snapshot of the total number of homeless people, both sheltered and unsheltered, at a single point in time.

VI-SPDAT Assessment
Assessment site for the Coordinated Entry System (CES) administering the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SDPAT). The Vi-SSPDAT is an evidence-based assessment tool that is used to determine the most appropriate housing intervention and enables providers to fairly and uniformly provide resources to those in needed.

Emergency Shelter Grant Program (ESG)
Each year, the County Department of Housing and Community Development (County HCD) receives funding from the U.S. Department of Housing and Urban Development (HUD) for homeless assistance under the Emergency Shelter Grant (ESG). The ESG program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living.

ESG funds are used by emergency shelters and transitional housing facilities for activities such as: renovation, rehabilitation and conversion of building for use as an emergency shelter or transitional housing, essential services, operating costs and homeless prevention activities.

County HCD currently funds five programs in San Diego County with ESG funds including the Interfaith Shelter Network, which provides seasonal shelter and services to homeless persons.

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San Diego City and County Continuum of Care
Homeless referral Contact
Chris Shilling
chris.shilling@rtfhsd.org
858-292-7627

Home Repair Loan Grant Program

The County of San Diego Department of Housing and Community Development (County HCD) administers a Home Repair Program for owner-occupied property, which provides loans and grants for the repair of owner-occupied homes. Eligible households may receive deferred loans offered at three percent simple interest and calculated annually on the unpaid principal. The total amount borrowed must be repaid when the property changes hands or the recipient moves from the property. Owners may borrow up to $25,000 for a single-family home. A non-repayable grant is available to eligible mobilehome owners of up to $12,000. Homeowners must reside within the residence they wish to repair and have an annual gross household income at or below 80 percent of the County of San Diego area median income (AMI).

Downpayment and Closing Cost Program
The County of San Diego offers low-interest deferred payment loans of up to $35,000 or 17 percent of the purchase price, whichever is less, for low-income first-time homebuyers and 4% p to $10,000 in closing costs assistance. The loan funds may be used to pay downpayment and closing costs on the purchase of a new or re-sale home. Properties eligible for assistance include single-family homes, condominiums, townhomes and manufactured homes on a permanent foundation. The appraised value of the property may not exceed $466,000 (attached homes) or $574,750 for detached homes. Participants must contribute a minimum of one percent of the purchase price from their personal funds. The total gross annual income of the entire household must not exceed 80 percent of the San Diego County area median income (AMI).

Energy Conservation Opportunities
SDG&E offers an Energy Savings Assistance program to income-qualified households to:
- Install improvements to help make the home more energy efficient;
- Help understand the best ways to save energy around the home; and
- Determine whether some of the appliances are eligible for free repairs or replacement.

Examples of free home improvements offered by SDG&E include: attic insulation; door weatherstripping and caulking; low-flow showerheads and faucet aerators; water heater blankets; energy-efficient lighting; and assistance in selecting energy-efficient appliances. The City helps publicize this program on its website.

Local Federal Support Resources

San Diego Housing Commission (HUD)
1122 Broadway Suite 300
San Diego, CA 92123

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Homebuyer Education Providers In San Diego
HUD approved 8-hour Homebuyer Education Providers:
- Framework Homeownership http://sdhc.frameworkhomeownership.org•
- Urban League of San Diego County :http://www.sdul.org/workshopsEmail:www.credit.org/homebuyerclass/
- Clear Point Credit Counseling Solutions https://www.clearpoint.org/housing/home-pre-purchase-counseling/

- Money Management International https://www.moneymanagement.org/Credit-Counseling/Pre-Purchase-Housing-Counseling/Homebuyer-Education-Courses.aspx

California Department of Veterans Affairs
1300 Rancho Del Oro Rd, Oceanside, CA 92056

Veteran Affairs Supportive Housing Vouchers (VASH)
HUD-Veterans Affairs program provides rental assistance for homeless veterans with case management and clinical services

Local Non-Profit Resources

San Diego Housing Federation
3939 Iowa Street, Suite 1, San Diego CA 92104
Since 1990, San Diego Housing Federation has been the collective voice of those who support, build, and finance affordable housing in the San Diego region. San Diego Housing Federation creates affordable housing opportunities for low-income people by expanding the knowledge, capacity, and influence of the affordable housing development community. In addition to its advocacy work, SDHF offers professional training, networking opportunities, and provides resources for housing policy advocates.

SDHF encourages all jurisdictions in the SD region to adopt similar policies and programs or Best Practices in their housing elements such Offsite Density Bonus, Reduction in Parking Requirements, Ministerial Affordable Housing Overlay Zoning, Permit Expedite Program, Project-based Section 8, Affordable Housing education campaign

Housing Opportunities Collaborative
1100 Broadway, San Diego CA 92101
HOME Clinics originated at the start of the foreclosure crisis in 2007 to assist distressed homeowners. It is designed to be a hub for housing services and resources; aggregate property search; assist families in their pursuit of affordable and sustainable housing.

San Diego Region Nonprofit Housing Service Providers

Casa de Amparo
4055 Oceanside Blvd, Oceanside, CA 92056
New Directions
6th Housing Element Community Assistance Programs(cont.) Page 9

Casa Kids, ages 10 to 25, who are foster and former foster youth, can participate in New Directions, a transitional housing program that equips youth with necessary kills and resources to make a successful transition from foster care to independent living.

Children of the Immaculate Heart (confidential)
Adult Human Trafficking Survivor Program
Assists survivors of human trafficking by providing a housing and rehabilitation program for adult women and their children.

Community Resource Center, Encinitas
Bridge housing and shelter assistance, rapid re-housing assistance
Opening Doors Program - financial housing assistance

Community HousingWorks(CHW)
CHW is a non-profit organization that develops, rehabilitates, preserves and operates affordable communities in San Diego and throughout California.
Examples: North Park Seniors(LBGTQ), Paseo Artists Village (Vista), Mission Cove Seniors (Oceanside), Paradise Creek National City (transit-oriented), North Sant Fe (Vista transit-oriented development), Kalos North Park transit-oriented), Avocado Court (Escondido), Solara (Poway), La Costa Paloma (Carlsbad), Fallbrook View (Fallbrook)

Las Casitas Permanent Supportive Housing Program (confidential)
Offers permanent supportive housing to chronically homeless and disabled person who are involved with Child Protective Services (CPS) or exiting Drug Dependency Court's program that results in the opportunity to reunite with their children after a court enforced separation or drug or alcohol treatment.

Fraternity House (confidential)
Offers a residential care facility for men who are chronically ill with AIDS. Provides low-cost permanent or transitional housing in a homelike atmosphere for people with HIV/AIDS.

Interfaith Shelter Network
There is a church in Del Mar that provides shelter and assistance to homeless persons as part of the Interfaith Shelter Network. Churches that belong to the Network rotate responsibility of sheltering homeless families and individuals for up to two weeks during the winter months. Only 12 guests at a time generally stay in the congregation facilities. At the end of two weeks, the whole operation - cots and guests - rotates to another area congregation. St. Peter's Episcopal Church provides volunteers and food for the homeless, and allows the use of its facilities for up to two weeks to shelter the homeless. The neighboring City of Encinitas' Community Resource Center serves as the case management agency for the Network's North County Coastal Branch.

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Interfaith Community Services
1671 Mission Ave., Oceanside, CA 92058
Housing Stability Case Management
Assists homeless veterans or veterans at imminent risk of losing housing,, that are not already enrolled in a housing program, connect to safe, stable, long-term housing pr programs.

Veteran's Transitional Housing Program
Provides transitional housing for single male or female veterans. Transitional housing services include case management, vocational rehabilitation, and psychological counseling.

El Nido Transitional Living Program

Provides transitional housing up to 12 months to homeless single parent families headed by mothers and and single women experiencing domestic violence.

Protestant Episcopal Church United States
500 La Terraza Blvd, Ste 150, Escondido, CA 92025
Shared room rentals, Good Samaritan Apartment Housing Coalition
Provides shared apartment living to homeless individuals with verified monthly income seeking a percent residence. Housing provided are shared rooms and up to six people per apartment living.

Solutions For Change, Inc.
722 W. California Ave, Vista, CA 92083
Long-term Transitional Housing: Provides long-term (2 Years) enhanced transitional housing for Homes families with children, homeless pregnant women and single fathers.

South Bay Community Services (serves SD County)(confidential)
Casas Seguras: Provides a short-term, confidential shelter and transitional housing to victims of domestic violence(male or female) and their children who are homeless.

Wounded Warriors Homes
1145 Linda Vista Vista Drive, San Marcos, CA 92078
Transitional Housing: Provides housing for single post 9/11 veterans who suffer from Traumatic Brain Injury (TBI) and/or Post Traumatic Stress (PTS).

Local Non-Profit Resources for Seniors

Gary and Mary West Foundation and West Health Institute
Master Plan For Aging (State Executive Order) Developed by October 1, 2020

Serving Seniors
525 14th St., San Diego, CA 92101
Transitional Housing for Homeless Seniors (90-120 days rent-free)
Permanent Supportive Housing 3 residences in City Height and Ramona
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Serving Seniors provides housing stability by increasing the stock of affordable and transitional housing for low-income and homeless seniors, and advocating at the local and state levels for designated funding to address senior homelessness.

National Community Renaissance (San Diego County)
422 Kos Vallecitos Blvd
San Marcos, CA 92069
hhtps://nationalcore.org
Affordable Housing Apartments
Offers affordable housing apartments that vary in size for those that qualify in San Marcos.

Pacific Southwest Community Development Corporation
16935 W. Bernardo Drive, Ste 238

San Diego, CA 92127
Residential and Community Services
Manages affordable housing listings online and provides residential services for residents that live in properties owned by PSCCDC and the community. Services in clyde ESL classes, computer literacy, citizenship, financial education, after-school program, health and wellness programs and community building events.

Project Based Voucher Housing Projects

https://www.sandiegocounty.gov/content/sdc/sdhcd/community-development/pbv.html

Wakeland Housing & Development Corporation https://www.wakelandhdc.com/san-diego-county-property-list.html

Grove Project in Vista (new) http://www.cityofvista.com/home/showdocument?id=9093
Chelsea Investment Corporation Projects in San Diego in conjunction with Gary & Mary West Serving Seniors Program https://www.chelseainvestco.com

Schmale Family Senior Residence in Ramona https://patch.com/california/ramona/county-allots-funds-ramona-affordable-housing-units

Potiker Family Senior Residence https://www.chelseainvestco.com/market-square-manor

Mercy Housing https://www.mercyhousing.org/california/

Villa de Vida in Poway https://villadevida.org

Existing PBVs are located in the Pine View apartments in Fallbrook, Vista Terrace developments in Vista and Schmale Family Senior Residence in Ramona. https://www.sandiegocounty.gov/content/sdc/sdhcd/rental-assistance/overview.html

Pine View Apartments in Fallbrook https://www.conamwaitlist.com/pine-view

Vista Terrace in Vista

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Affordable Housing Developments

ConAm Group https://www.conam.com/index.asp

National CORE and Community Housing Works http://nationalcore.org/affordable-housing/national-core-community-housingworks-to-break-ground

Submitted By Julie Kawasaki and Shirley King
May 1, 2020

C.

Report to ad hoc Citizen's Housing Task Force May 1, 2020

REPORT FROM HOUSING PRODUCTION AND PRESERVATION SUB-COMMITTEE

EXECUTIVE SUMMARY

The State of California mandates each City to provide a planning document called a Housing Element, that provides policy direction for the implementation of various programs and actions that accommodate projected future housing growth needs, identifies opportunities for new housing units, preserves existing housing stock and assists the existing population for all income levels within their Community.

The City of Del Mar is required by the State, for this next eight year cycle (2021 to 2029) to ensure through the Housing Element planning document that our regional allocation of 163 affordable housing units can be met. *This does not mean we have to actually build these units. It means we have to create policies and programs to allow and incentivize the potential creation of the 163 units.*

The City through its last eight year cycle Housing Element planning document already provided the policy changes to meet not only the last cycle's goal of 76 units but more than the 163 required for this next cycle. Thus, our goal for this cycle is to see how we can ensure affordable units are created by 1. using the existing policies and procedures and 2. creating new directives and programs to see tangible results over the next eight years.

It is important to note that each year the San Diego County Area calculates the regional median income. This number impacts the income level designated for each level of affordable housing. The 2019 median income was $86,300*, which then mandates the four income categories and the number of required units accordingly. The regional allocation of 163 housing units for the City is as follows:

1. 37 units for Very Low income ($26,753 to $43,150).
2. 64 units for Low Income ($43,151 to $69,040).
3. 31 units for Moderate Income ($69,041 to $103,560).
4. 31 units for Above Moderate Income (greater than $103,560).

*The income in each category will adjust annually based on each year's median income.

In our work as the sub-committee on Production and Preservation, we educated ourselves by completing the following:

- Met with Council Liaisons Worden, Gaasterland & Staff McMahon to gain insight and history on the city's affordable housing initiatives and to understand the potential options / solutions available.
- Spent considerable time understanding the various potential housing options available at the Fairgrounds and received feedback from Worden & McMahon on each.
- Reviewed maps and documents provided by McMahon that show each City-owned parcel and its current uses.
- Conducted walking tours of sites to review them first hand.
- Reviewed City-owned parcels and considered; Could we build? Should we build? And how many units?
- Discussed re-zoning, zoning amendments and processes with McMahon and Liaisons on several of the City-owned parcels.

- Attended a Tiny Homes Symposium to understand regulatory challenges and advances in utilizing Tiny Homes as attractive affordable housing units.
- Spent significant time discussing creative solutions amongst ourselves, McMahon, Liaisons and some residents.
- The group considered the report from the Finance committee that was completed in 2014 where they reviewed and analyzed the City owned properties for potential sale or change in use.

With the knowledge gained, we ranked each City-owned parcel and Fairground options by adhering to the best use of land principal and the timeline required for completion. While carefully examining all available options, we made a concerted effort to be impartial and avoided all political considerations including, our own preferences and prejudices. Due to the Covid -19 pandemic and its implications on City revenue, we made appropriate changes to ensure financial viability for each recommended option.

This report evaluates and prioritizes the following two approaches to produce additional units:

A. City Owned Properties and Fairgrounds opportunities

B. Accessory Dwelling Units (ADUs)

Each of these two approaches has recommended steps and a count of feasible new units.

This report further evaluates *risks to current housing* and *mechanisms to retain existing units*. Also included are *options for the 100 year old Dunham House*, including ways to use the structure for office space, affordable housing or revenue generation. Finally, this report summarizes *financial feasibility for accomplishing the prioritized options*.

PRODUCTION OF NEW AFFORDABLE HOUSING UNITS:

A. City Owned Property and Fairgrounds

Our subcommittee looked at each and every substantial parcel of land the City owns to see if they were suitable for creating affordable housing units (we did not look at all easements or street ends due to their size). Each property was assessed and then ranked below by those locations which have a high desirability, feasibility, and then by priority based on ease, cost and appeal to the majority of the residents for a positive outcome.

High Priority Options for the 6th housing cycle

1. **City owned Zuni Water Tank property** – based on land value and location of lot we suggest selling it versus developing it and using the proceeds to fund other affordable housing programs noted in options 2 through 8 below. (Estimated sale price of $4.5M to $5.0M).
2. **City owned 28th Street property** – 2500 sq. foot lot with potential for a minimum of 2 units and a maximum of 4 units (Tiny Homes of 400 - 800 square feet each). This option has been studied by staff and has been deemed feasible. Parking permits or other accommodations will be necessary for 4 units. (Estimated purchase cost for Tiny homes $75k each $150k to $300k total). City could elect to build but costs will be significantly higher. The City would receive monthly revenue from this non-preforming asset.
3. **City Hall 10th Street south expansion lot** – 6500 square foot lot with potential for a minimum of 4 units up to a maximum of 6 units depending on size of units in a 2-story configuration. Parking spaces designated at adjacent civic center if required. Costs for

4000 sq. ft. of development (build costs only for 4 to 6 units) approximately $1.2m. The City would receive monthly revenue from this non-preforming asset.

4. **Annex the Surf and Turf RV Park** on the east side of the Fairgrounds all the way to the Lagoon from the City of San Diego (so this would be City of Del Mar land and would count in our RHNA numbers), and turn the current RV Park into an affordable housing area (75 parking spots today) or split the RV lot and make half tiny homes/mobile homes and the other half would remain as RV lots. Initial potential (estimated based on Fairgrounds discussions) for 20 units with the potential for increasing numbers up to 60 units. Federal or State Grants may be available to support this initiative related to Lagoon Habitat Restoration. Costs attributed to annexing, planning, landscaping and utilities hook-ups (if required), for Tiny Home/Mobile Home community estimated at $350k. Monthly revenue from rental of spaces would benefit the Fairgrounds and the City would count these affordable housing unit towards their regional allocation.
5. **Encourage residential unit development above commercial buildings** in existing downtown commercial zone. Incentivize through reduced fees, streamlined processes and incorporate the 2018 law allowing the use of existing building codes to bring units into compliance. For further details see Section B Number 6 below.
6. **Pine Needles Water Tank** - Property needs to be assessed for space for a Tiny Home beside water tank – based on initial review potential for 1 to 2 units. The City would receive monthly revenue from this non-preforming asset.
7. **10th Street / Highland Water Tank** – lot boundaries need to be assessed to see if adding a Tiny Home would work alongside water tank – based on initial review potential for 1 unit. The City would receive monthly revenue from this non-preforming asset.
8. **Convert Del Mar Fairgrounds track housing to affordable units** (in order to have it count for Del Mar RHNA goals we will need an exemption from the existing rules requiring a kitchen as this housing currently utilizes a communal kitchen per safety regulations). Available only to track or fairgrounds employees, it has a potential of 500+ units. Costs for necessary upgrades are not known at this time, but we estimate a City contribution of $500k for this housing cycle would allow us to upgrade 100 units. We request the City to work with Senator Toni Atkin's office and the Fairgrounds to accomplish this.
9. **Convert an existing Fairgrounds livestock / horse barn to housing** (south of first gate/north of main gate Jimmy Durante side). Will require new development. Potential for a fairgrounds / developer revenue split. Could have a separate entrance. Potential for a minimum of 66 units which would count towards the City's regional allocation.

<u>Medium Priority Options - for the 7th Housing Cycle these could be the highest priorities</u>

1. **The two lots on 9th Street where current DMF and DMCC offices are located.** As part of the design and development of Shores Park, the City could consider adding 4 to 6 affordable senior housing units above the DMCC/DMF building when it is newly constructed. While we respect the vision of Shores Park and realize that citizens have contributed to its preservation of open space for the community, the need for senior housing in this idyllic setting could be easily placed and be a win-win for the City, it's seniors and the community without compromising the desired open space vision.
2. **Jimmy Durante and Via de la Valle right of way area** - funded by a developer / revenue split with Fairgrounds potential for a minimum of 10 units
3. **Water Tower on Crest** - needs to be assessed for potential replacement – if decommissioned and tank removed from this lot there is a potential for up to 10 units. If not removed there is some open space behind tank but topography is not known. This was assessed in 2014 for sale and we recommend that it be used for affordable housing stock production.

Low Priority - for the 7th Housing Cycle these could be the medium priorities

1. **Pump Station by tennis courts** (would require the City to give up the basketball and tennis courts which are regularly used by the community) potential for 4 to 6 units but there are concerns over environmental odors
2. **Maintenance Yard** – most of the property is in use today as maintenance yard and office and the City would have to find alternative site to be able to utilize. The property borders the lagoon and it is in a flood plain. Potential for 10 to 15 units built on stilts.
3. **Develop units over Fairgrounds offices** - would require significant investment and development or partnership with developer to build. Includes re-building the fairground offices and conference room in addition to the new units. Potential for 10 -12 units on the second level.
4. **Develop units over Fire Station** – would require significant investment and development or partnership with developer to build. Includes re-building space for fire department as well as their personnel living quarters. Potential for 2-4 units on second level.
5. **Second Homes in Del Mar** – The City has long been considered a desirable beachside community in which to live. This is a credit to our village feel and our livable climate. This has historically led to many homes and condominiums being owned by out of town residents who use them for short periods of time throughout the year. There is not an accurate number of second homes (that we are aware of) however they should be acknowledged as a potential source of additional housing stock. There are many examples of how other cities have addressed this situation when the need for housing availability for residents became critical (https://sf.curbed.com/2020/3/9/21171856/chiu-mid-tax-mayors-sf-oakland-san-jose-bay-area, https://www.sfchronicle.com/business/networth/article/Oakland-s-vacant-property-tax-takes-effect-13563273.php, https://vancouver.ca/home-property-development/empty-homes tax.aspx?utm_campaign=EHT&utm_medium=Vanity&utm_source=EHT_Vanity#redirect).

   We firmly believe that this does not need to be addressed in this housing cycle as there are many other creative ways to address meeting our RHNA goals.

Extremely Low – ideas to continue to assess for each successive housing cycle

1. **Shores Park** – citizen donations paid for a portion of this park and changing usage plan to add affordable housing on current open space is not desired by donors.
2. **Practice Track at Fairgrounds** – used today by fairgrounds for exercising horses.
3. **City Hall 11th Street northeast edge of property** – daily utilization by residents and visitors as meeting or relaxing space and utilized today for community events as well as open space.
4. **CDM/Border Avenue west of the Brigantine** – land profile makes it expensive to develop and there is limited space to build
5. **Lay down lot at the fairgrounds** – this is a high use area today (just past the intersection of Via de la Valle and Jimmy Durante) for the track, fair and horse shows for truck and trailer access, maneuvering and storage. Potential units unknown.

Excluded from Consideration – functional, high use City Properties

1. City Hall - new construction and building is fully utilized today
2. Library - historic home that is fully utilized today
3. Power House Park – a historic venue fully utilized today
4. Post Office – a necessary function, re-location would be challenging

5. Most City street easements and street ends due to ownership questions and buildability concerns.

B. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
We reviewed the City's current ADU policies and programs and gathered information on the State of California's new law which went into effect on January 1, 2020. We also discussed the current programs and policies and new ideas with Shaun McMahon and our Council Liaisons and attended the City's Planning Commission to listen to the ADU/JADU presentation.

ADUs and JADUs are present in our City today even in areas where they are not officially allowed by the City. The State of California's new laws on ADUs/JADUs, effective January 1, 2020, will offer residents additional options for having these units on their property. Under the new State law the City will need to amend their current regulations and the City is currently undertaking that process. The new State law and the changes in Del Mar regulations will assist the City in meeting their RHNA allocation for the 6th Housing Cycle. This will allow the City to add upwards of 1,000 plus units to the City's housing stock over the coming years by bringing current units out of the shadows and legalizing them as well as the production of new units.

In addition to the changes in laws and regulations, there are numerous ADU/JADU policies and programs to consider as High Priority Options for the 6th Housing Cycle:

1. **Put an amnesty program in place** so that all existing ADUs and Jr ADUs in the City are recognized and counted. Understand clearly what the benefits are to the City for putting this program in place and develop it to include such things as incentives on building code inspection requirements. We recommend that we ask the state HCD to allow these ADUs/JADUs to count towards the City allocation if the City does an annual survey of rents and maintains the records for affordability. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

    - Under new California Law, the City must update their current ADU/JADU Policies to be in line with the State of California requirements under their new 2020 law for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). We recommend that the City take this opportunity to incorporate the 2018 law allowing use of existing building codes to bring existing units into compliance (HSC Section 17958.12 Ch.1010, Sec. 1. (SB 1226) which was effective January 1, 2019).
    - Put the amnesty program in place and require that every property owner who has an ADU or JADU work with the City to register their unit(s) with the City. Apply financial penalty if the unit is not registered within two years of the program roll-out.
    - Designate a City staff position to gather and track data on an annual basis to identify those units that would fit our affordable housing grid.

2. **Implement and communicate the recent change in California Law** that were effective January 1, 2020 to all homeowners to encourage them to build ADUs. Develop a full program of communication and incentives for existing homeowners to add an ADU, or Jr ADU, to their home. Outline a program which may include such things as; free plans, free plan review and expedited approval. We recommend that the leasing of these units be tracked by the City to see how many of them will qualify for the affordable housing allocation. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

- If residents take advantage of fee waiver programs, put in place a requirement that they rent within the affordable guidelines for a period of 5 years. If they do not want to follow these guidelines for the stated period of time the City can charge the resident back the previously waived fees.

3. **As noted in items 1 and 2, designate a City Staff position to request and track rental leases** or administer an annual survey for ADU rentals to see which qualify for the affordable housing categories. This will allow us to get credit with HUD for the affordable housing allocation. NO other use would be permitted from the collection of such leases or data.

4. **Expand the current ADU pilot program** to allow one additional ADU or JADU in R1 zoned areas in exchange for 500 square feet additional FAR to the main structure as long as the ADU/JADU is used for affordable housing and is deed restricted for an agreed upon period of time. Assess current program and see if changes need to be made and determine if a buyout program would be appropriate. The amount of the buyout needs to be significant enough to fund additional housing stock. This will help to ensure our goal of long term preservation of housing stock.

5. **Create a Tiny Home Program** to allow Tiny Homes to be used in the City of Del Mar in multiple zoning districts (R1, R2 City Utility Zone). The City of San Diego Planning Commission recently recommended approval of new code allowing Tiny Homes in San Diego, to be considered by the City Council for approval. Link to SD City staff report: https://www.sandiego.gov/sites/default/files/dsd_pc_20-017_movable_tiny_houses.pdf We recommend the City of Del Mar use this proposed law as a template for the City of Del Mar to create their own law to allow residents to use a Tiny Home on their property for an ADU or JADU as appropriate.

6. **Amend the existing zoning regulation which currently allows only one ADU in buildings in the Downtown Commercial Zone.** Allow more than one ADU in existing buildings within the Downtown Commercial Zone, as space permits, as long as an appropriate number are restricted as affordable housing. Amend the existing zoning regulation and allow the total number to be based off of the property size and potential. We recommend talking to each property owner in the Downtown Commercial Zone to discuss potential incentives and mitigate their concerns over barriers to ensure success in adding units in this critical area of the City. We recommend that these units would also be a part of the annual survey for qualification as discussed above and that they would also be a part of the Amnesty Program detailed above (with grandfathering of code compliance). We are not proposing a zoning change for the Downtown Commercial Zone because we feel there is enough potential for the creation of additional units in this area without a zoning change.

7. **Develop and launch a Student ADU Rental Program** to encourage student rentals. Design and develop a program with SIO, UCSD and Mira Costa College for students as long as HCD will allow them to count towards the City's RHNA housing goal. Approval of HCD required for this creative approach.

PRESERVATION OF EXISTING HOUSING STOCK

Del Mar is a small City with extremely limited open land for development. As a part of any City's evolution and growth, existing older homes are torn down to make way for new homes as part of the building cycle. The concept of preservation of housing stock usually focuses on keeping

affordable housing units. In the case of Del Mar, the concept can be broken down into five components with different tactics or programs to address each of them:

1. **Preservation of affordable housing** – since the 1990s Del Mar has had very little affordable housing. As an expensive beach community, it is difficult to imagine rents on homes ever being considered affordable however ADUs and JADU's are one area that the City can focus on for affordability.
2. **Mansionization of the City** can be curtailed if the City follows the Current City Plan and does not allow developers or residents to deplete housing stock by allowing single large homes on properties where multiple homes are currently located. The current mitigation requirements are not significant enough to discourage this activity today. We recommend the city look to significantly increase the current buy-out fees so they are sufficient to fund new housing stock.
3. **Support for Seniors** – provide necessary services for older residents to allow them to remain in their homes as they age thus forestalling the sale of their property and the potential for it to be torn down to make way for a larger home. In addition, is it important to also create housing for seniors to allow them to remain in the City when they can no longer safely live in their home. This is a great opportunity for DMCC to include if and when their facility is rebuilt.
4. **Short Term Rentals (STRs)** - We acknowledge that in this last housing cycle the number of STRs in the City have increased in number resulting in the loss of housing stock. However, it is hard to assess this issue given no accurate number of STRs is available (that we are aware of) and there are unresolved issues being discussed by the City Council and Staff. Therefore, we believe that it is not appropriate for us to assess and make recommendations until the on-going issues in the City are resolved.

THE HISTORIC HOME FROM 10TH STREET

A 100-year-old original Del Mar house circa Jacob Taylor's time at 119 10th St, referred to as the Dunham House, is being donated to the Del Mar Historical Society. This re-furbished 28x28 foot home has been beautifully re-done but must be moved or torn down to make way for a new home to be built. The owner of the property has offered to pay his tear down cost towards the expenses of moving this historic home.

Until a final place for this historic home is found, we suggest that it be stored on a temporary space. The home has been donated to the Del Mar Historical Society and would be an ideal home for either affordable housing or for offices for one of Del Mar's Community Service Organizations.

We were asked to assess potential options for the use of the home as affordable housing as part of our work for the Task Force. We have listed below several temporary and long term solutions for the houses placement.

Temporary Placement

- Behind DMCC
- Parking Lot by the Brewery off Jimmy Durante Blvd
- 28th street lot on North side
- Public Works Yard
- 10th street Water Tank parcel

Final Place for the Historic Home

- Tiny Homes Community at the Surf & Turf RV Park (Caretakers cottage)
- 10th street by the existing Water Tank as an affordable housing unit
- Part of Shores Park Redevelopment Project on 9th street lot - for use as non-profit or affordable housing unit
- Placed in one of the City's other parks for use as offices for one of Del Mar's Community Service Organizations or used for events to generate revenue for the City's affordable housing fund.

AFFORDABLE HOUSING PROGRAM FINANCES

Past work and outcomes have shown that it is challenging to add affordable housing units in Del Mar. The cost of the land and the scarcity of vacant land are just a few of the issues. The cost of programs however does not need to stop the City from considering them. There are several ways to finance programs that have worked in the past for the City as well as have worked for other cities in the country:

- 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 projects 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 City property

In light of the COVID-19 Pandemic, it will be necessary for the City to carefully assess any proposed spending. This Housing Element however, takes a longer term view and so should be prepared with an eye towards the future and not just for today's circumstances. While the City does not have a lot of extra resources to put towards affordable housing projects at this time, we feel with the sale of the Zuni lot there will be enough funds to seed several programs for the short and long term. An on-going commitment from City Council to set aside money on an annual basis (starting with the 2022 Budget) will continue the strengthen the housing fund.

CONCLUSION

The State of California mandates that each City produce a planning document that provides policy direction for the implementation of various programs and actions that support, encourage and accommodate housing growth including identifying opportunities for new housing units, help preserve existing housing stock and assist the existing population at all economic levels within their Community.

Based on the State of California's calculations for the next eight year housing cycle (2021 to 2029), the City of Del Mar must meet a regional allocation of 163 affordable housing units. With our work to date on this Task Force, specifically this sub-committee, we feel that the City has many creative ways in which to meet these goals and that it can be done while adhering to our current Community Plan and dispersing units throughout the City. While there is an effort underway to create housing stock through zoning changes, the ideas put forth in this report would not require zoning changes (except to the Zuni Property as noted) and would only require

amendments to the zoning definitions for both the Downtown Commercial Area and the City owned Utility Lots. Our recommended changes prevent the need to change zoning (as is currently underway) in the City to increase density to 20 units per acre as mandated by state law for any zoning change. This newly required density conflicts with the spirit of our Community Plan. By obtaining feedback from our residents and spending time with them on the potential solutions, we feel that sufficient housing units can be added to our community while not creating a contentious environment. Achieving our goals and hitting our numbers however, will take political will on behalf of our City Council and will involve some heavy lifting by the City Staff as well as the involvement and support of the community.

We have appreciated the opportunity to work on this Task Force and to get a chance, as a part of this sub-committee, to dig deeply into these important issues for the City and its residents. We want to acknowledge the support we have been given and thank those that took their time to help us understand the current landscape as well as the history of housing in Del Mar. We look forward to your thoughts and feedback on our findings and stand ready to engage with residents, City Staff and City Council as necessary to support the City of Del Mar through this next eight year cycle.

Respectfully submitted,

Jas Grewal, Karen Lare & Tracy Martinez

Action Item 7.a

City of Del Mar
Staff Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner
Shaun McMahon, Management Analyst
Via CJ Johnson, City Manager

DATE: May 4, 2020

SUBJECT: Housing Element Online Community Survey Results

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council receive and discuss the report.

BACKGROUND:
On March 16, 2020, the City made the Housing Element Community Survey available to the public. The survey was accessible for public participation through April 20, 2020. In total, 296 participants provided the City with feedback and completed the online survey. Within the City, approximately 85%[1] of the population (4,340) is over the age of eighteen (18), which equates to 3,689 individuals. Based on this, the survey received an 8% response rate from persons over the age of eighteen within Del Mar. All survey participants were also asked where they live or own property in Del Mar. This question resulted in the following:

Where do you live or own property?	Number of Participants
North Beach	24
North Bluff	8
North Commercial	4
North Hills	74
South Beach	22
South Bluff	22
South Hills	18
Village Center	40
North Beach	24
No Answer	*84*
TOTAL	296

The purpose of the survey was to provide the community with an additional means to participate in the Housing Element planning process and supplement the public workshop held on February 29, 2020, and the Task Force meetings which have occurred since February

[1] 2018 ACS (American Community Survey) https://data.census.gov/

City Council Action:

6, 2020. The survey consisted of three main parts, each of which contained an interactive response format intended to engage the participant while providing staff and the City Council data to help make informed decisions with regard to the 6th Cycle Housing Element Update. The topic areas were as follows:

1. Priority Programs
    a. Preservation of Existing Housing Stock
    b. Production of Housing Stock
    c. Community Assistance
2. Potential Housing Locations
3. Removing Constraints

DISCUSSION/ANALYSIS:
The data presented within this report is limited to the data directly extracted from the survey results and does not represent, or include, final findings or recommendations based on staff's findings. Ultimately, staff and the consultant team will be presenting the City Council with recommendations on various policies, programs, and objectives to be included in the draft Housing Element update. These recommendations will be based on public feedback and input, Task Force recommendations and discussions, previous City Council direction, as well as the data collected from the online survey. No direction from the City Council is requested at this time, however, this data will be used along with other feedback to create the programs within the Housing Element that the City Council will provide direction on in future meetings.

To provide the City Council with an overview of the survey data that was collected, a summary of the results from each topic area is provided below. The survey data will also be shared with the Task Force as a tool to aid them in their overall recommendations that will be shared with the City Council.

The complete package of survey data is accessible through the City's website via the links below and at the end of the staff report.

TOPIC 1: PRIORITY PROGRAMS

Survey Data:
https://www.delmar.ca.us/DocumentCenter/View/6768/1---Priority-Programs

In this area of the survey, participants were asked to click through three individual slides and provide various program areas with a 1 to 5-star rating (1 being least appealing, 5 being most appealing). Each slide consisted of five potential programs targeted at a specific goal. The slides covered the topic areas of preservation of existing housing stock, production of housing stock, and community assistance programs.

Preservation of Existing Housing Stock
The five potential program areas within this slide were:

Minimum Density Requirements
This potential program would require a property owner to develop or maintain a certain number of units on their parcel. For example, this potential program would prohibit a property owner from developing one single-dwelling unit in a multi-dwelling unit zone.

Increase the Housing Reduction Fee
The City charges a "Housing Reduction" fee to any property owner who reduces the number of units on a parcel. The current fee is set at $24,307.27 per unit. Under this potential program, the City would explore raising this fee to more adequately address the loss of a housing unit and dissuade property owners from reducing the overall housing stock.

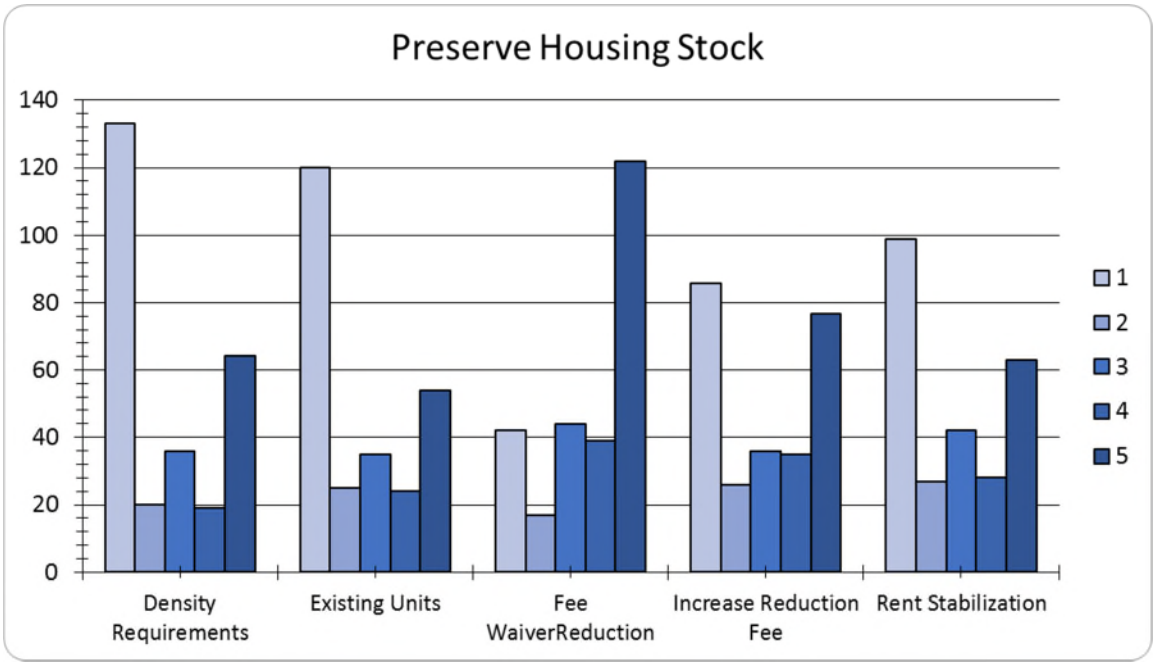
No Reduction in Existing Units
This potential program would prohibit property owners from reducing the number of units on their parcel. For example, under this potential program, a property owner would not be allowed to demolish a duplex or triplex and replace it with a single-dwelling unit.

Fee Reduction Program
Through this potential program, the City would reduce/subsidize Planning Department fees related to property renovations for projects with an affordable housing component.

Rent Stabilization
Rent stabilization is a form of rent regulation that specifies that once an initial rent is set for a particular unit covered by the program it can increase only by a specified amount each year. These policies are especially helpful for people such as older adults on fixed incomes or very low-income renters.

Results Summary:
5-star = most appealing; 1-star = least appealing

Most 5 Star Rankings:	Fee Reduction (122 votes)
Least 5 Star Rankings:	No Reduction in Existing Units (54 votes)
Most 1 Star Rankings:	Density Requirements (133 votes)
Least 1 Star Rankings:	Fee Reductions (42 votes)



Production of Housing Stock
The five potential program areas within this slide were:

Allow Residential Development in the Downtown Village
Through this potential program, the City would allow residential development at a density of 20 dwelling units per acre within the Central Commercial (CC) and Residential Commercial (RC) Zones.

Incentivize Development of Accessory Dwelling Units (ADUs)
Through this potential program, the City would explore various incentives to promote the construction of Accessory Dwelling Units (ADUs) or Jr. Accessory Dwelling Units (JrADUs). Potential incentives could include, reducing/subsidizing Planning Department fees related to ADU applications, granting Floor Area Ratio (FAR) bonuses, or increasing allowable square footages.

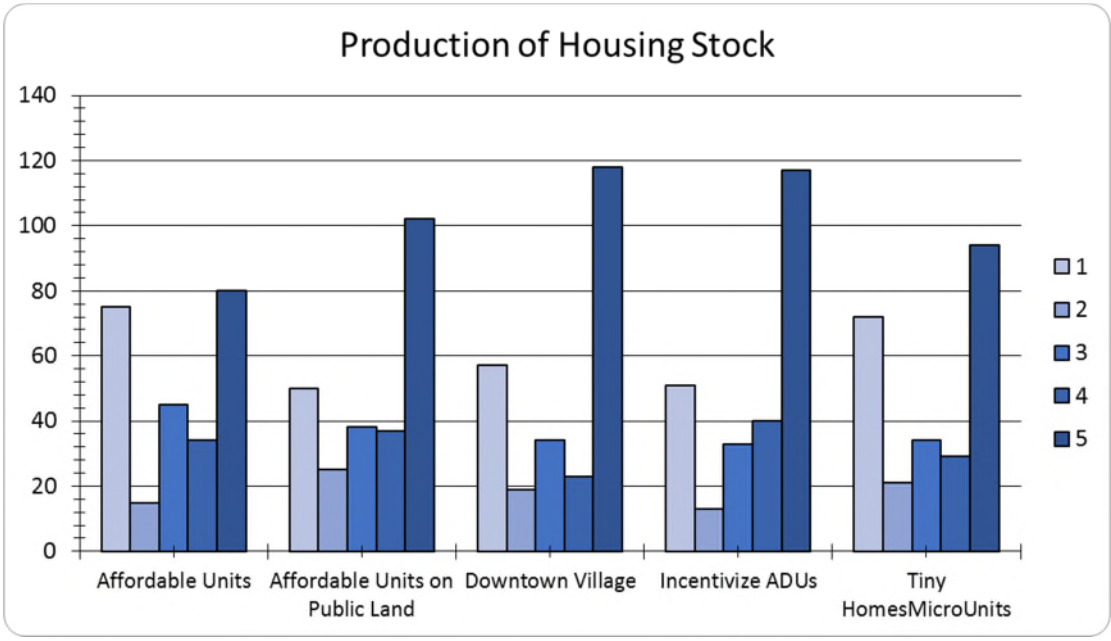
Incentivize Development of Affordable Housing Units
Through this potential program, the City would explore various incentives to promote affordable housing. Incentives could include, exempting the square footage of affordable housing units from Floor Area Ratio calculations, increasing height for projects with affordable housing, reducing parking requirements, or providing streamlined Design Review Board processing for affordable housing projects.

Use Publicly Owned Land for Affordable Housing Development
Through this potential program, the City would explore the development of affordable housing on land which is publicly owned. Such lands include the 22nd District Agricultural Association (Del Mar Fairgrounds), Civic Center expansion areas, or other parcels within the Public Facilities (PF) Zone (not including Shores Park).

Allow for and Promote the Development of Tiny Homes and/or Micro Units
Through this potential program, the City would amend the Del Mar Municipal Code to allow for the development of Tiny Homes and Micro Units.

Results Summary:
5-star = most appealing; 1-star = least appealing

Most 5 Star Rankings:	Downtown Village (118 votes) and Incentivize ADUs (117 votes)
Least 5 Star Rankings:	Incentivize Affordable Units (80 votes)
Most 1 Star Rankings:	Incentivize Affordable Units (75 votes)
Least 1 Star Rankings:	Affordable Units on Public Land (50 votes) and Incentivize ADUs (51 votes)



Community Assistance
The five potential program areas within this slide were:

Senior Citizens
Potential programs focused on seniors within our existing community in order to allow them to age-in-place and have access to resources necessary to their well-being.

Students (local colleges)
Potential programs which would create partnerships with local educational institutions to allow for the housing of in-need students within Del Mar.

Military/Veterans
Potential programs focused on active military personnel or veterans in order to allow them to live in Del Mar and have access to resources necessary to their well-being.

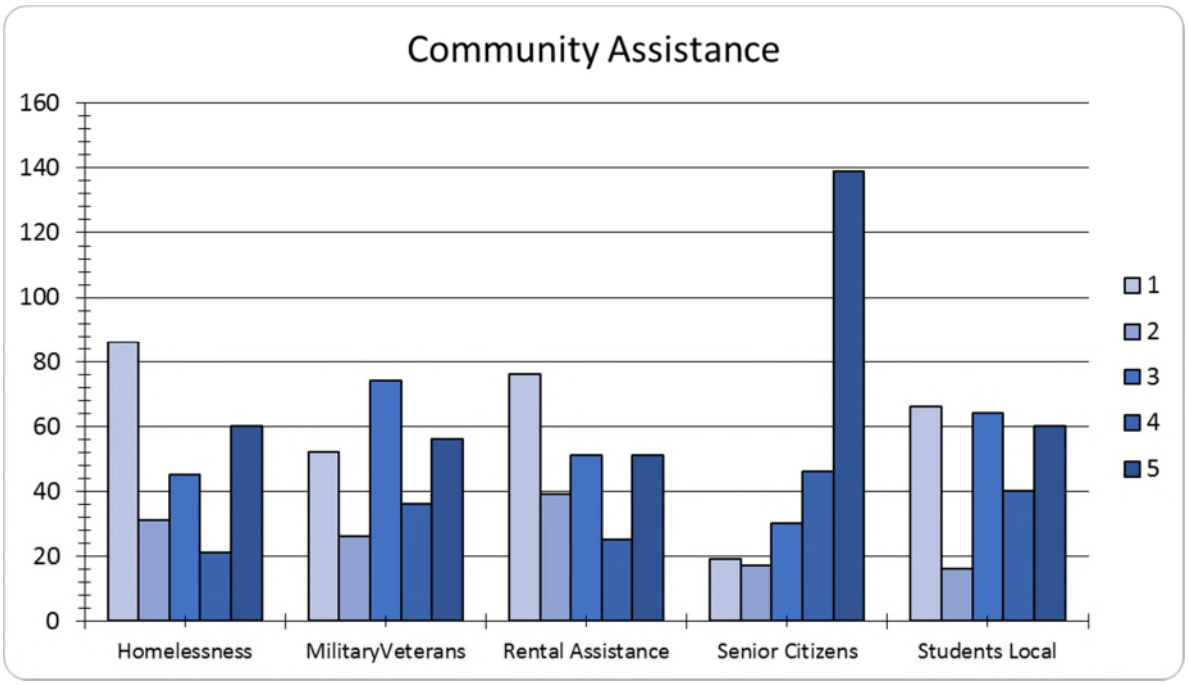
Homelessness
Potential programs focused on homeless populations and those who are food insecure.

Rental Assistance Programs
A potential program which would provide rental assistance for families within the extremely-low and/or very-low income categories making it affordable for them to live within Del Mar.

Results Summary:
5-star = most appealing; 1-star = least appealing

Most 5 Star Rankings: Senior Citizens (139 votes)
Least 5 Star Rankings: Rental Assistance Programs (51 votes)

Most 1 Star Rankings: Homelessness (86 votes)
Least 1 Star Rankings: Senior Citizens (19 votes)



TOPIC 2: POTENTIAL HOUSING LOCATIONS

Survey Data:
https://www.delmar.ca.us/DocumentCenter/View/6769/2---Potential-Housing-Locations

On this slide, eight different areas of the City were listed where future housing could be located. Participants were asked to select at least three areas where they would like to see housing be developed. Of the three selected, participants were also asked to rank them in order: #1 being most desirable location, #2 being the second most desirable, and #3 being the third most desirable.

The eight potential areas on this slide included:

North Bluff
This area includes approximately nine acres of land at the southern termination of the Solana Beach coastal bluff north of the San Dieguito River mouth and east of the railway. It includes a four-acre, City-owned natural preserve, and parcels zoned for modified low-density residential and very-low density residential land use.

North Beach
This planning area comprises approximately one mile of beach frontage including the mouth of the San Dieguito River and extends inland to the Railroad right-of-way and is one of the oldest and highest-density residential areas in the City. Present development is mixed with single-dwelling residential near the ocean, and multi-dwelling unit development farther east. Land development is marked by a gridiron pattern, rather narrow streets (except Camino del Mar and Coast Boulevard), and small lots.

North Hills
Most of the existing low-density residential development of Del Mar lies within this district. Winding streets, steep sites, relatively large lots, and informal, small and moderate-sized single-dwelling units typify this area. In the western portion of this district, just east of Camino del Mar, the land is more even; however, it has been partially developed into medium density residential uses.

Village Center
The Village Center located in the heart of the Del Mar community, containing approximately 185,000 square feet of commercial space. The area presently contains a diversity of land uses and physical quality. Retail activities within the district is physically segregated into three separate areas: the original center of commercial activity, located on the southwest corner of Camino del Mar and 15th Street; the Del Mar Plaza Shopping Center at the northeast corner of Camino del Mar and 15th Street; and scattered restaurants and specialty shops located between 10th and 13th Streets along Camino del Mar.

North Commercial
The northern commercial area located at the intersection of Jimmy Durante Boulevard and San Dieguito Drive in close proximity to the San Dieguito Lagoon and Fairgrounds. This area is relatively flat in nature and comprised of mixed commercial uses.

South Beach
This area is bounded by 15th Street on the north, the Village Center District and Camino del Mar on the east, the edge of apartments and condominium development on the south and beach bluffs on the west. This area is composed of a mixture of single-dwelling, and high-density multi-dwelling residential development. That portion of the area south of 4th Street is characterized by high density apartment and condominium development.

South Hills
This planning area consists of low-density, single-dwelling development spread across medium-sized parcels and is accessed from Nob Avenue and Pine Needles Drive.

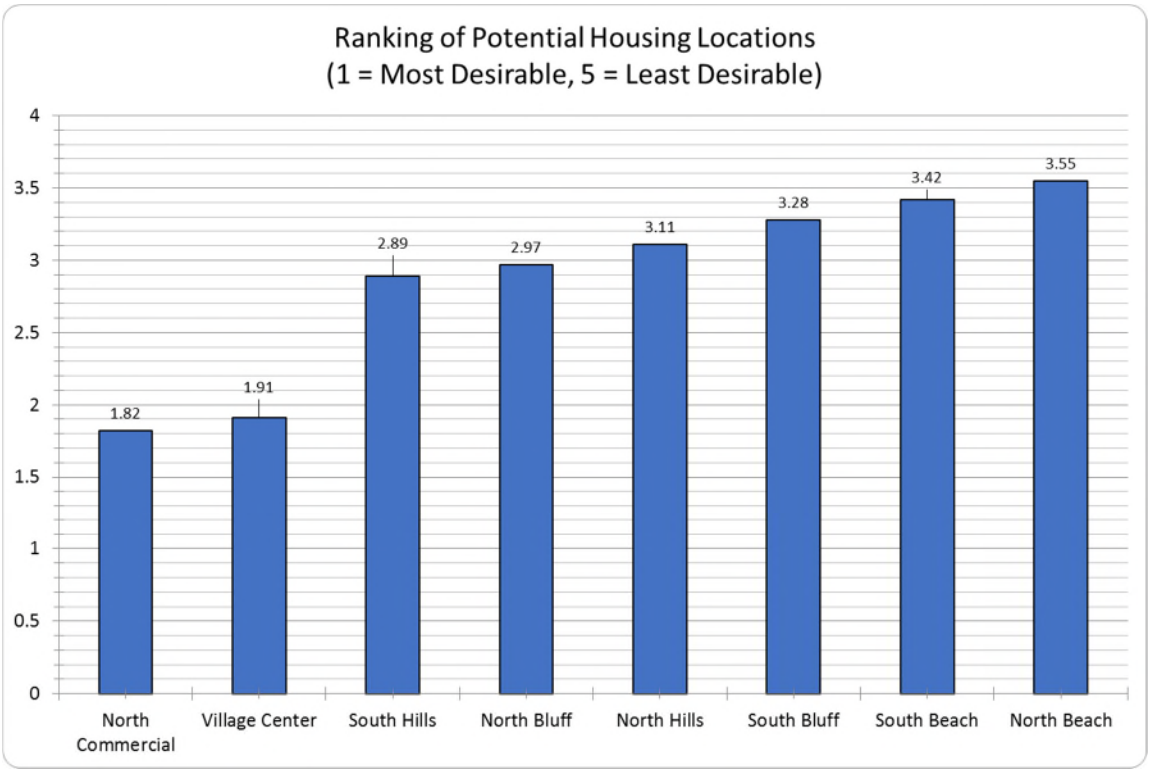
South Bluff
This district consists principally of a rugged topography of canyons and bluffs and contains a major part of the undeveloped land remaining in Del Mar outside of the San Dieguito flood plain.

It also contains the parcels within the Carmel Valley Precise Plan (CVPP) which consists of low-density residential development.

Results Summary:
The bar chart below represents the average ranking of the eight available locations. The average rankings range between 1 (most desirable) and 5 (least desirable).

Highest Average Ranking: North Commercial (1.82) (Ranked 154 Times)
Village Center (1.91) (Ranked 149 Times)

Lowest Average Ranking: North Beach (3.55) (Ranked 60 Times)
South Beach (3.42) (Ranked 74 Times)



TOPIC 3: REMOVING CONTRAINTS

Survey data:
https://www.delmar.ca.us/DocumentCenter/View/6770/3---Removing-Constraints

On this slide, eight different incentives were listed with the goal of addressing potential constraints to developing housing. Participants were given a total of 45 stars or “chips”, and asked to distribute the chips amongst the potential incentives that interested them the most.

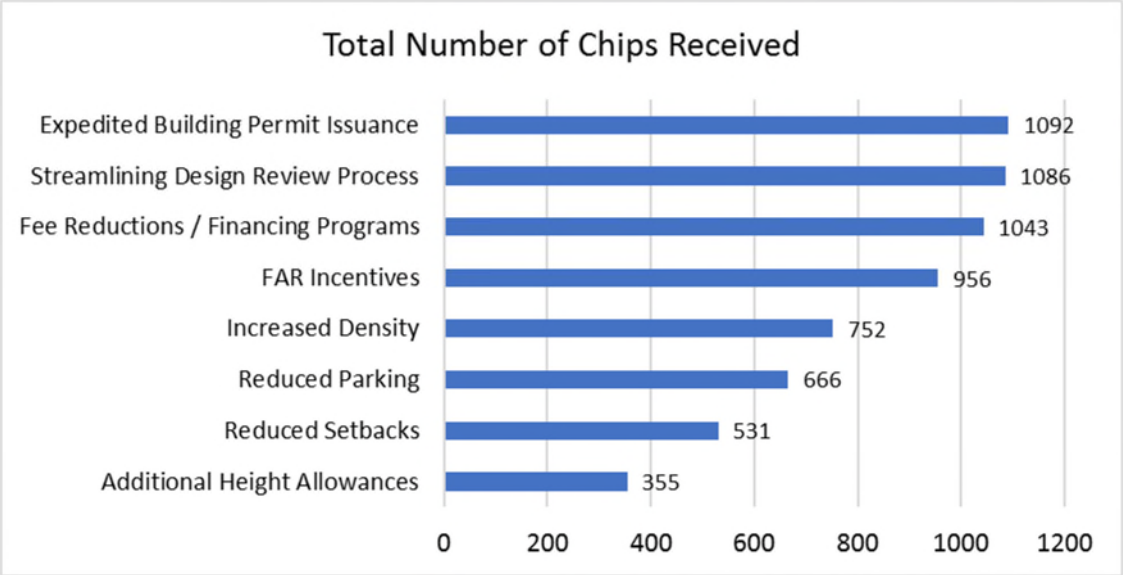
Participants were allowed to place as many or as little chips, within their total allotment, as they wanted on each of the incentives below:

Additional Height Allowances
Reduced Setbacks
Reduced Parking
Increased Density
FAR Incentives
Fee Reductions / Financing Programs
Streamlining Design Review Process
Expedited Building Permit Issuance

Results Summary:

Highest Chip Total: Expedited Building Permit Issuance (1,092 chips)
Streamlining of Design Review Process (1,086 chips)

Lowest Chip Total: Additional Height Allowances (355 chips)
Reduced Setbacks (531 chips)



PRIOR CITY COUNCIL REVIEW:
The City Council received a presentation on the 6th Cycle Housing Element on January 13 and April 20, 2020. Additionally, staff routinely provides updates on the 6th Cycle Housing Element process as part of the standing Housing item on the City Council meeting agenda.

FISCAL IMPACT:
The adopted FY 2019-20 and FY 2020-21 Operating and Capital Budget includes funds for the 6th Cycle Update which includes preparation of Program Environmental Impact Report (CEQA Review) and associated legal review.

ENVIRONMENTAL IMPACT:
The City of Del Mar is the lead agency for the proposed 6th Cycle Housing Element and Program EIR pursuant to the California Environmental Quality Act (CEQA). CEQA Guidelines §15063 provide that if a Lead Agency determines that an Environmental Impact Report (EIR) will clearly be required for a project, an Initial Study is not required. For the Housing Element Update, the City has determined that an EIR will need to be prepared based on the Project's potential to create short-term, long-term, and cumulative impacts associated with other development. Therefore, a Program EIR will be prepared.

The Notice of Preparation (NOP) review period for the Program EIR opened on February 19, 2020 and closed March 20, 2020. A Public Scoping meeting was held on February 29, 2020 to identify potential concerns and issues to address in the EIR. The City has begun work on the Draft EIR and a Notice of Availability of the draft document for public review is anticipated to be issued in May 2020. Once released, members of the public will have 60 days to review and provide comments on the draft EIR document. City staff will also present draft EIR findings to the Planning Commission and City Council during the development of the report.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The 6th Cycle Update to the City's certified Housing Element is a City Council Priority for Fiscal Years 2020 and 2021.

ATTACHMENTS:
Priority Programs Data
https://www.delmar.ca.us/DocumentCenter/View/6768/1---Priority-Programs

Potential Housing Locations Data
https://www.delmar.ca.us/DocumentCenter/View/6769/2---Potential-Housing-Locations

Removing Constraints Data
https://www.delmar.ca.us/DocumentCenter/View/6770/3---Removing-Constraints

Wrap-up Slide Comments and Inputs
https://www.delmar.ca.us/DocumentCenter/View/6771/Wrap-Up-Slide-Comments-and-Inputs

Action Item c.

5th Cycle Housing Element Program List - Updated Date: 9/16/19
Ongoing Programs =

Housing Program #	Annual Progress Report - Year Reported	Synopsis of Program	Implementation time frame specified in Housing Element
1-A.	2018 Ongoing	Continue implementing the City's Condominium Conversion Ordinance to protect and mitigate against loss of apartment stock.	Program now in place. Ongoing implementation
1-B.	2016 Completed	Municipal Code amendment modifying the affordable unit set-aside rate for condominium conversions from current 67% to a range of 10- to 30% (DMMC 24.21).	By May 2014 (12 months from date of Council adoption of Housing Element.)
1-C.	2016 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow in-lieu fee rather than unit set-aside mitigation for condominium conversions involving 2-5 apartments (DMMC 24.21).	By May 2014
1-D.	2018 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow off-site unit set-aside mitigation (DMMC 24.21).	By May 2014
1-E.	2018 Ongoing	Continue to use collected mitigation fees for affordable housing programs.	Program now in place. Ongoing implementation.
1-F.	2018 Completed	Review and possible increase of existing In-lieu Housing Mitigation Fee rate.	By May 2014
1-G.	2016 Completed	Municipal Code amendment to require the payment of an In-lieu Housing Mitigation Fee in cases where development proposal would result in an adverse impact on housing opportunities.	By May 2014
1-H.	2018 Ongoing	Continue allowance for retention of structural and residential density non-conformities for multi-family structures (three or more units).	Program now in place. Ongoing implementation.
1-I.	2016 Completed	Municipal Code amendment allowing multi-family apartment building with nonconforming density to convert to condominiums with mitigation requirements applied.	Within 36 months of adoption of Housing Element Update, by May 2017
1-J.	2016 Completed	Municipal Code amendment to require mitigation measures on condominium conversions to assist renters of apartments to be converted (DMMC 24.21).	By May 2014
1-K.	2018 Ongoing	Continue to guard against degradation and loss of affordable housing stock	Program now in place. Ongoing implementation
2-A.	2018 Ongoing	Continue to implement Community Plan and Zoning Ordinance to provide opportunities and incentives for the construction of 42 new residential units during 2013-2021 cycle for: extremely low, very low, low and moderate income levels	Program now in place. Ongoing implementation.

2-B.	2014 Completed	Zone Code amendment to remove the requirement for receipt of Conditional Use Permit to develop at 17.6 du/ac density in the RM-East, RM-West, RM-Central and RM-South Zones (DMMC 30.16, 17, 18 and 19).	By May 2014
2-C.	2016 Completed	Continue to maintain record of sites suitable for residential development and provide such information to the public.	Ongoing
2-D.	2018 Completed	Conduct workshops to apprise the public of the opportunities for residential and mixed-use development in the City.	By May 2014
2-E.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the North Commercial (NC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.24).	Within 24 months of adoption of Housing Element Update, by May 2016
2-F.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the Professional Commercial (PC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.25).	By May 2016
2-G.	2018 Underway	Zoning Code/Community Plan amendments and Local Coastal Program Amendment (LCPA) to assign a new land use designation and accompanying development parameters to two adjacent vacant parcels in the NC Zone allowing residential development at 20-25 du/ac with affordable housing component.	By May 2014
2-H	2018 Underway	Conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations with affordable housing component.	No specified time frame
2-I.	2018 Completed	Complete a property record and conduct public workshops to identify any other properties that would be appropriate for a land use re-designation to accommodate density of 20 du/ac.	By May 2014
2-J.		Assign Community Plan and LCP land use designations for 22nd DAA Fairgrounds property to accommodate construction of dwelling units at 20 du/ac for replacement of backstretch housing, as identified in the 22nd DAA's Master Plan.	By May 2015
2-K.	2014 Completed	Zone Code amendment to permit emergency shelters in the North Commercial Zone through ministerial review process (DMMC 30.24).	By May 2014
2-L.	2016 Completed	Zone Code amendment to allow development of Single-Room Occupancy (SRO) units.	By May 2014
2-M.	2018 Ongoing	Continue to encourage St. Peter's Episcopal Church to continue its Interfaith Shelter Network Rotating Shelter and its Helping Hands program.	Ongoing, no action required.

2-N.	2018 Underway	Work with 22nd DAA and Thoroughbred Club to utilize Fairgrounds site for emergency housing during the winter months.	No specified time frame
2-O.	2014 Completed	Zone Code amendment to allow transitional/supportive housing in all zones where housing is otherwise permitted and subject to the same development standards (Multiple DMMC Chapters).	By May 2014
2-P.	2018 Ongoing	Continue to permit community care facilities through the same zoning provisions applicable to residential units.	Ongoing
2-Q.	2014 Completed	Zone Code Amendment to reduce the 1,000-linear foot minimum spacing requirement between community care facilities to 300-linear foot minimum spacing (multiple DMMC Chapters).	By May 2014
2-R.	2016 Completed	Zone Code amendment to permit manufactured homes meeting state and federal standards to be treated in same way as other single-family homes (multiple DMMC Chapters).	By May 2014
2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation. Balance of fund = $271,500 Monthly Subsidies = $5,650 & $875 for DMCC
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.
5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.

5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

Report to City Council from the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force

Presentation Outline

1. **Task Force Mission Statement /Purpose of Task Force**
2. **Introduction of Task Force Committee Members**
    a. Names and streets
    b. City Council Liaisons
    c. City Staff
3. **6th Cycle Housing Element focus areas**
4. **Formation of sub-committees to support efforts**
    a. Communications
    b. Community Assistance
    c. Preservation and Production of Housing Stock
5. **What we did as part of our work on this Task Force**
    a. **Background information provided/reviewed/considered**
    b. **Task Force Participated in the Public/Community Open House on February 29, 2020**
    c. **Participated in the Affordable Housing Survey**
    d. **Sub-committees - each group educated themselves in their specific areas**
6. **Highlights/Opportunities from the three subcommittees- including background work for preparation of report out**
    a. **Communications to Public**
    b. **Community Assistance Programs**
    c. **Production and Preservation**
7. **Challenges Faced by Del Mar in successfully undertaking the 6th Cycle Housing Element**
8. **Conclusion**
9. **Q&A**

APPROVAL OF MINUTES

May 7, 2020

Minutes for the Citizen Task Force on Affordable Housing Meeting

Jas Grewal – Chair

Tracy Martinez – Vice Chair

Karen Lare – Secretary

Dwight Worden and Terry Gaasterland – City Council Liaisons

Shaun McMahon, Joseph Smith, Amanda Lee – City Staff

Task Force Members - Jas Grewal, Tracy Martinez, Karen Lare, Julie Kawasaki, Shirley King, Jill Gartman, Bud Emerson, Don Countryman

Meeting was held via teleconference only. It was recorded and will be posted to the web-site.

1. CALL TO ORDER (3:00pm)

3:04 meeting was called to order by Jas Grewal

2. ROLL CALL

- Jas, Tracy, Dwight, Terry, Amanda, Shaun, Shirley, Julie , Jill, Joseph, Karen - present
- Don Countryman absent and Bud joined the meeting at 3:34

3. CITY COUNCIL LIAISON COMMENTS

Dwight Worden - Dwight reminded us that he is one of the two liaisons on the Fairgrounds committee and on the agenda for a meeting next week will be a discussion on housing. He has been working with them for some time on housing issues. In a recent communication with the State of California they have asked them for a $20M bailout. He will get an update on the likelihood that the Fairgrounds will get that bailout and what if anything does it do to our housing discussions.

Terry Gaasterland - update on Farmers Market – it will open starting at 1:00 on this Saturday – the focus is on fruits, vegetables and some food available for taking home. She also let us know that there was a good overview and discussion on the housing survey at the City Council meeting on Monday. The data is available for analysis now and Terry will do some work on it as will the consultants now that they have direction.

4. ORAL COMMUNICATIONS (NON-ACTION ITEM)

None

5. TASK FORCE MEMBER AND STAFF UPDATES

Amanda noted that the City has 4 open positions for the Planning Commission. She encouraged housing task force members to apply if interested. It is a five person Commission. One vacancy is because this person moved out of Del Mar and residency in Del Mar is a requirement. Two sears are vacant since the persons have served two terms, the maximum allowed. The last vacancy is for a person who has served one term and they could reapply for a second term. Amanda noted that they would like to get new members in place so they have a quorum to be able to hear issues for the summer. Deadline to apply is May 15 and council will make selections at their June 1st meeting. Terry reiterated that the Commission is a key area for the City and one with a lot of influence. It is a four year term.

a. Overview of Packet Materials (Staff) 2

None

6. SUBCOMMITTEE REPORT OUTS

Jas asked if we could move these to the end of the agenda so that we could cover the critical items first. The group was agreeable to making that change.

a. Communications

Jill suggested that the City do a Press Release about the draft EIR that is being created to help educate the residents on several key areas. It could also be used as the basis for stories in the press. She noted that Amanda was going to do more work on ADUs (about the new laws, etc.) and that Bud had suggested that we get out more information to everyone . She also thought that some communication work on the survey results needed to be done so that the residents could understand what feedback the City had received. Bud talked about some of the types of things to look at to communicate about ADUs to get people to build an ADU. He feels it can help to take some of the fear out of being a landlord and who you rent to and about who will want to rent it. He further suggested that the City inventory the current applications (21 in the pipeline) and see why they are building an ADU and get some insights from them that can be communicated to residents. Amada said that she would like to coordinate with the communication sub-committee on this as the timing is great. The reports to the City Council should be out next week and she will make sure we get a copy of them directly.

Jill asked about feedback on the suggestion of a Press Release and timing. Joseph said that yes the Press Release makes a lot of sense. Adam Kay would be the person to work on it for the City. The EIR release is targeted for mid-May and with this discussion today he will be finalizing

the date to get it out. The release date will inform the timing of a press release and the timing for an article to run.

Bud suggested a marketing piece be developed to encourage ADU and list benefits.

b. Community Assistance : Discussion on Provided Research and Reports

- Shirley gave an overview of report - She wanted to thank Terner Center for Housing Innovation as they had provided information and were a great resource.
- She gave highlights of the reports submitted.

c. Preservation / Production of Housing Stock: Discussion on Provided Research and Reports (attached)

- Due to time constraints, this item was moved to the next meeting (5-21-2020).

7. ACTION ITEMS:

a. Task Force Recommendation of Preferred Areas and Alternatives for Study in the Draft EIR

Joseph Smith continued the presentation from last meeting. Started on preferred areas for the EIR to study and explained to the group his goal of helping to direct the program EIR. He encouraged task force to give him feedback and if possible gain agreement (a recommendation) on where to direct the EIR resources for where to put the required units. He reiterated the eight different areas and clarified that the North Bluff area is not accurate on the community plan – it should be larger than listed in the document and they will correct it in this report.

Terry voiced concern about this task force being asked to pick a top three versus doing a bottoms up approach. Jas stated that she had also discussed with Shaun a preference for looking at all areas of Del Mar given the intent to sprinkle housing in all sections of Del Mar and not just certain areas. Joseph answered the questions raised and brought up a state law that requires Cities to look at vacant lots for the potential re-zoning of those lots to accomplish hitting some of their RHNA goals. Jas asked about what properties were in this category. Joseph mentioned it is properties like North Bluff (some of the Marisol lots) that are vacant. Bud Emerson weighed in and said he felt that the properties should be spread throughout the city as the sub-committee report suggested. He said it (the report) did not address the North Bluff area Jill weighed in on her thoughts and stated that ADUs will not be able to be used exclusively. The group discussed options around where units are could be placed. Dwight brought up an approach that could be taken – he suggested that the task force could make a recommendation about sprinkling the units throughout the city and maybe staying away from parkland. Bud wanted to suggest that we could use incentives to get ADUs developed and rented at the low to very low level. Terry brought up the land that is used for the Car repair shop at intersection of Carmel Valley and CDM. This might be something that should be looked

at as some of it is vacant. Karen asked Joseph if the report that the sub-committee put together helped and he said yes it will help to inform the direction of the EIR.

Jas went to each of the team:

- Karen – endorsed Dwight's idea
- Shirley agreed with Bud's idea and thought ADUs should be encouraged in the North Hills and South Hills areas
- Julie – agreed with Shirley about North and South Hills and also the downtown area and sprinkling units throughout the City
- Tracy – liked Dwight's idea and noted that if we did it all in one area it would trigger environmental impacts like traffic and noise etc. Thinks that the report gives a lot of ideas to integrate housing throughout the city and that the citizens would support it.
- Jill – thought Dwight made a good point about the size of the City of Del Mar and how it would be looked at if we were part of San Diego (we would just be one neighborhood versus the 8 areas noted). Thinks it would be good to have more housing in the village center area so people can live and work in the same area. This will help our climate action plan as well and she would like to see us benefit from that.
- Bud – two thoughts – spread and sprinkle – ultimately that will keep our towns character together. However for the EIR there are three areas where there would be a lot of impact, North Commercial, North Bluffs and Village Center. We could have them focus on these.

Additional discussion continued about the EIR and direction. Terry brought up access to transportation and that we are aligned along the CDM and 101 Hwy North and South via bus transportation.

Tracy brought up the potential vulnerability we have over zoning changes given the State's mandates. She was looking for some input from the Staff or Council. Dwight answered that he thinks it is an important topic and deserves an answer however it does not have to be answered to give a recommendation on the EIR. Terry noted that the concern is valid and wondered if the EIR could be structured in a matrix format with types of housing could be listed on one axis and the other could be the eight areas with applicable areas. This would show us where the different types of units could potentially go in the City. Joseph said he would look into this.

Jas asked Joseph if he had enough detail to go forward and yes he feels he has enough to go forward. He also wanted to address Tracy's point and understood her concern and that the city staff shares it and knows that local control is key.

The Task Force discusses putting together a motion concerning this action item and the focus on the EIR.

Karen puts forth a motion:

> "We recommend that the focus of the EIR be on the production of housing that is spread throughout all areas of the city in such a way as to minimize changes in the character of the

town and to take advantage of public transportation and walkability. We further recommend that the EIR should exempt parks for consideration of adding housing units. "

Bud seconds the motion. Unanimously approved.

b. Discussion on a Concluding Task Force Presentation to City Council

Shaun started the discussion on the conclusion of the task force work with a presentation to the City Council. He suggested that we assign a team to put together a presentation. The timeline is tight as it needs to be completed 72 hours before the next meeting (which was one week out). Shaun suggested that we could just have an outline of the full presentation with the tight timeline. It was suggested that we move our next meeting out one week. It was discussed that we could do it on the 21st. Timing for the presentation to Council was discussed. Joseph said it would probably be at the Council's mid-June meeting. It was decided to move our next meeting to the 21st of May and hence the presentation will be due end of the day of the 17th.

There was a suggestion that the work of the Task Force might be helpful if continued for a while longer to support the City in their work on the Housing element. Dwight asked if it was the Task Force who would make the report to the City Council or is the Staff doing a report as well. Joseph stated that the Staff will utilize the input from the task force for their report. It was suggested that the mission statement of the Task Force will be a good lead off for the presentation.

Jas proposed to have Tracy Martinez, Julie Kawasaki and Karen Lare form a sub-committee to prepare the draft presentation to the City Council - approved unanimously.

c. Review and Recommendations on 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

Due to time constraints this will be moved to the next meeting.

8. ITEMS FOR NEXT AGENDA (5-14-20)

- Jas asked to put the Survey Results on the agenda for the next meeting – Shaun agreed to do so to get input from the task force.

In addition here are the other items fir next meeting's agenda.

- AB13-97
- On-going programs discussion – should we continue this Task Force?
- Sub-committee reports Including production and preservation document
- Review of Concluding Task Force Presentation to City Council

9. APPROVAL OF MINUTES (4-30-20)

Approve minutes from the April 30, 2020 meeting. Tracy motions – Julie seconds and all approve.

10.ADJOURNMENT

Meeting adjourned at 5:15pm

SPECIAL MEETING AGENDA
6th CYCLE HOUSING ELEMENT
AD-HOC CITIZENS' TASK FORCE (SPECIAL MEETING)
CITY OF DEL MAR
1050 Camino del Mar, Del Mar CA 92014

VIA TELECONFERENCE ONLY
www.delmar.ca.us/watch
Thursday, May 28, 2020 at 3:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Task Force Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

TASK FORCE STATEMENT OF MISSION/PURPOSE:
The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) is to:
1) Aid the City in the processing and development of the 6th cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

PUBLIC COMMENT:
Members of the public can participate in the meeting by emailing comments to Shaun McMahon at smcmahon@delmar.ca.us by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line and limit the comment to 500 words or less. There is no character limit for comments not being read into the record. All comments will be transmitted to the Task Force prior to the start of the meeting.

1. **CALL TO ORDER (3:00pm)**

2. **ROLL CALL**

3. **CITY COUNCIL LIAISON COMMENTS**

4. **ORAL COMMUNICATIONS (NON-ACTION ITEM)**

Any Oral Communications must be submitted prior to the meeting as described in Public Comment above and will be read into the record. Live comment will not be available for this teleconference meeting.

State law precludes the Task Force from acting on any topic which is not an action item on the posted agenda. Your information may be received, placed on the next agenda, or referred to the Committee Chairperson.

5. **TASK FORCE MEMBER AND STAFF UPDATES**

    a. Overview of Packet Materials (Staff)

6. SUBCOMMITTEE REPORT OUTS

a. Communications
    i. Discussion on Provided Research and Reports (attached)

b. Community Assistance
    i. Discussion on Provided Research and Reports (attached)

c. Preservation / Production of Housing Stock
    i. Discussion on Provided Research and Reports (attached)
    ii. AB1397

7. ACTION ITEMS:

a. Review and Recommendations on Ongoing 5th Cycle Housing Element Programs to include in 6th Cycle Housing Element

b. Discussion on the Future of the Ad-Hoc Citizens' Task Force

8. ADJOURNMENT

Item 6.a.i

Report to Ad-Hoc Citizen's Housing Task Force May 15, 2020

REPORT FROM COMMUNICATIONS SUB-COMMITTEE

The Mission of the 6th Cycle Housing Element Ad-Hoc Citizen's Task Force is to:

1) Aid the City in the processing and development of the 6th Cycle Housing Element Update in preparation of the associated environmental document for compliance with the California Environmental Quality Act (CEQA);
2) To help educate and encourage Housing Element participation amongst fellow Del Mar citizens; and
3) Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element during preparation of the associated CEQA document.

The goals of the Communications Sub-Committee relate mostly to item 2 of the Mission for the Task Force including:

1) Assisting City staff with edits to the Housing Element Community Survey to make the survey relatable to Del Mar citizens; and
2) Prepare educational information for the citizens of Del Mar regarding the Housing Element, specifically regarding new state law effective January 1, 2020 relating to Junior/Accessory Dwelling Units, and how rezoning changes density to 20 units per acre.

Housing Element Community Survey

Our sub-committee met and worked with city staff, Shaun McMahon, on the community survey to help make the language in the survey accessible to citizens and property/business owners of Del Mar. There were limitations to the type of survey and number of questions possible, but most feedback was able to be incorporated into the survey.

Educational Information

Our sub-committee met once with city staff, Shaun McMahon, to discuss ways in which communication may be disseminated. We were informed that the budget for this committee was returned to the city as budget cuts were made due to COVID-19.

We agreed information could be made available on the City of Del Mar Housing Element website, through the weekly update email from the City of Del Mar, the Housing Element email list, the Sandpiper, and the Del Mar Times. We agreed this would sufficiently provide the community with access to relevant information.

The sub-committee further discussed and identified items that would be helpful for the community to understand and assist in achieving the goals of the Housing Element. These items were identified as:

A. The Communications Sub-Committee recommends the City issue a press release re: Draft Environmental Impact Report possibly to include the following information:
   1. A draft EIR is *not* a draft housing element - explain the difference
   2. Explains the difference between a project EIR and a program EIR
   3. Points out the housing element is a program EIR, and
      a. Has no specific development projects
      b. Includes a broad scope of projects or ideas that may or may NOT be in the housing element based on feedback and council review
   4. Explains that only projects and ideas contained in the EIR can be included in the housing element so no additional Ideas or projects will be sprung on the community at the time the draft housing element is released
   5. If the numbers that were presented yesterday of 253-258 units are a part of the DEIR our sub-committee ***highly recommends*** an explanation of these numbers be included in a press release or people are going to be very confused (and some may be very upset to see them). Perhaps an explanation of the RHNA numbers as well as there seemed to be some confusion on the difference between that calculation and the 30% loss buffer.
   6. We also highly recommend mentioning state law AB1397 requiring that you identify all vacant lots whether public or private lands in DM, and that 50% of the VL and L units need to be accommodated on these vacant lots.
   7. For any rezoning, state requires a minimum of 20 units/acre. Existing conditions such as local zoning requirements, Coastal Commission requirements and FEMA floodplain regulations on a particular area may mean this number of unit per acre is adjusted.
B. Accessory Dwelling Unit (ADU)/Junior ADU's - information re: new state law (and draft ordinance/amendments to current regulations). We discussed the possibility of community interest pieces highlighting residents who have applied to the city to construct an ADU on their property and the motivating factors that led to them wanting an ADU and how they would use it. We believe this could inspire more residents to consider this option.
C. Survey Results - providing survey results to the community would give some idea of the priorities of the citizens of Del Mar. It also could inspire others to participate and engage in further discussion about the Housing Element and the programs that will be included in it.

CONCLUSION

The communications sub-committee believes that providing information will increase the engagement and participation by Del Mar citizens in the process of the Housing Element which is vital to its success.

6th Housing Element, City of Del Mar
Community Assistance Programs

Federal Government:
Financial Resources Available for Housing Activities
HUD

Section 202 Supportive Housing for the Elderly Program
HUD provides capital advances to finance the construction, rehabilitation, or acquisition with or without rehabilitation of structures that will serve as supportive housing for very-low-income elderly persons, including the frail, elderly, and provides rent subsidies for the projects to help make them affordable.

Section 811
HUD provides grants to non-profit developers of supportive housing for persons with disabilities, including group homes, independent living facilities and intermediate care facilities

Housing Choice Vouchers
HUD administers this program to assist very low-income families, the elderly, and the disabled to afford decent, safe, and clean housing in the private market. The housing choice vouchers are administered by locally public housing agencies (PHA's) One specialized program is the **Family Unification program** for Families for whom the lack of adequate of housing is a primary factor in the imminent placement of the family's child or children in out-of-home care; eligible youth who have attained at least 18 years and not more than 24 years of age and who have left foster care or will leave foster care; income below 30% of median household income for the area.

Community Development Block Grant Program (CDBG)
HUD administers the Community Development Block Grant (CDBG) program. It is a flexible program that provides communities with resources to address a wide range of unique community development needs. It works to ensure decent affordable housing, to provide services to the most vulnerable populations, and to create jobs through the expansion and retention of businesses.

HOME Investment Partnership Funds (HOME)
HOME is a Federal housing program administered by the California Department of Housing and Urban Development (HUD). The program provides federal funds to local jurisdictions to develop and rehabilitate rental and ownership housing affordable to low-income households. The program defines low-income as households below 80 percent of area median income. HOME gives local governments flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations.

Section 8 Rental Assistance
The Housing Choice (Section 8) voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to rent decent, safe, and sanitary housing in the private market. Since the rental assistance is provided on behalf of the family

or individual, participants are able to find and lease privately owned housing, including single-family homes, townhouses and apartments from landlords who accept vouchers.

The County of San Diego Department of Housing and Community Development (County HCD) coordinates and administers Section 8 rental assistance.

Low-Income Housing Tax Credit Program
The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low- and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Projects funded under the Tax Credit programs must include a certain percentage of rent-restricted units, typically for households earning 50 to 60 percent of median income.

Nine percent tax credits are granted by the California Tax Credit Allocation Committee and are highly oversubscribed, with few successful projects. Four percent tax credits are granted by the California Debt Limit Allocation Committee. While these are less competitive, they provide a lower subsidy, so that typically only a portion of a development is affordable.

National Non-Profit Resources

Homeownership Council of America (HCA)
HCA promotes, advocates for, and build affordable delivery systems that provide capital for homeownership in underserved communities; advances the growth of nonprofit mortgage lending through the Community Lending Initiatives in Mortgage Banking (CLIMB) Program.; focusing on unreserved homeowners in communities of color, low-to-moderate income and rural communities.

State of California
Programs Available for Housing Activities

Housing California
Housing California's 2020 Policy Agenda centers the communities most in need of an affordable place to call home. These include those struggling the most to make ends meet and those experiencing homelessness. Multiple strategies are used to meet these goals, including reforms of California's laws and regulations on land use and finance, as well as innovative approaches to end homelessness. Equity and diversity are prioritized for those who have been historically marginalized and/or neglected in decision-making processes, work in close collaboration with a variety of partners. These include non-profits, affordable housing developers, residents, foundations, labor unions, trade associations, corporations, and supportive policymakers from a diverse set of backgrounds.

California Housing Financing Agency (CalHFA)

The California Housing Finance Agency (CalHFA) was established in 1975 as the state's affordable housing bank. CalHFA makes low interest rate loans to first-time homebuyers and multifamily developers through the sale of tax-exempt bonds and other financing tools. CalHFA is a self-supporting state agency, with bonds being repaid by revenues generated through mortgage loans, not taxpayer dollars. However, beginning with the 2008 recession, CalHFA was unable to issue bonds for low-interest multifamily housing development, and no funds are currently available. CalHFA does administer the Mental Health Services Act, which assists supportive housing for mentally ill persons.

State Department of Housing and Community Development (HCD)

Low-income Housing Tax Credit (LIHTC)

The California Tax Credit Allocation Committee (TCAC) administers two low-income housing tax credit programs, a federal tax credit and state tax credit. Both programs encourage private investment in affordable rental housing for households meeting certain income requirements.The program enables housing developers to raise equity through the sale of tax credits to tax credit investors. The state tax credit is only valuable to a housing project concurrently receiving an allocation of federal tax credits unless the project is a development of permanent housing for farmworkers.

Multi-Family Housing Revenue Bond Program (MHP)

The multi-family housing program (MHP) is administered by the State Department of Housing and Community Development (HCD) and provides assistance for new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. The program offers 55-year term loans with a simple interest of three percent per year. For the first 30 years, annual interest payments are required in the amount of 0.42 percent of the outstanding principal loan balance. The annual payment amount for the next 25 years is set by HCD in year 30, and is the minimum amount necessary to cover HCD's monitoring costs. Unpaid principal and accrued/deferred interest is due at the end of the loan term.

MHP funds are provided for post-construction permanent financing only. Eligible costs include the cost of child care, after-school care and social service facilities integrally linked to the assisted housing units; real property acquisition; refinancing to retain affordable rents; necessary onsite and offsite improvements; reasonable fees and consulting costs; and capitalized reserves. HCD expects MHP funds to be leveraged with other resources, including local government funds, the federal Continuum of Care programs, four percent low-income housing tax credits, tax-exempt bond financing and private debt financing. MHP-General projects using nine percent tax credits are ineligible.

Eligible applicants include local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Indian reservations and rancherias, and limited partnerships in which an eligible applicant or an affiliate of an applicant is a general partner. Applicants or their principals must have successfully developed at least one affordable housing project.

CalHome

The CalHome Program is administered by HCD to enable low and very low income households to become or remain homeowners. Localities or nonprofit organizations that receive CalHome

6th Housing Element Community Assistance Programs (cont.) Page 4

awards in turn make deferred-payment or forgivable loans available to individual homeowners or homebuyers.

Infill Infrastructure Grant Program
The primary objective of the Infill Infrastructure Grant Program is to promote infill housing development. The program seeks to accomplish this objective by providing financial assistance for infrastructure improvements necessary to facilitate new infill housing development. Under the program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed use infill development projects. Both infill projects and areas must have either been previously developed or be largely surrounded by development. Specific eligible improvements include: development or rehabilitation of parks or open space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks and streetscape improvements.

Building Equity and Growth in Neighborhoods Program (BEGIN)
The purpose of the Building Equity and Growth in Neighborhoods Program (BEGIN) is to reduce local regulatory barriers to affordable homeownership housing and provide down-payment assistance loans to qualifying first-time low- and moderate-income homebuyers in BEGIN Program projects. Grants recipients (Cities and Counties) make deferred-payment, second mortgage loans to qualified buyers of new homes in projects where the affordability has been enhanced by local regulatory incentives or barrier reductions. The loans cannot exceed 20 percent of the home sales price. Applications are invited through the issuance of Notices of Funding Availability (NOFA) from HCD.

Transit-Oriented Development (TOD) Housing Program
Under the Transit-Oriented Development (TOD) Program, low-interest loans are available as gap financing for rental housing developments that include affordable units, and as mortgage assistance for homeownership developments. In addition, grants are available to cities, counties, and transit agencies for infrastructure improvements necessary for the development of specified housing developments, or to facilitate connections between these developments and the transit station.

Housing Related Parks Programs
Financial incentives are available to jurisdictions who construct new units affordable to very low and low income households. Grants for creation of new parks, or rehabilitation or improvement to existing parks.

CalHFA Residential Development Loan Program:
This program includes low interest, short term loans to local governments for affordable infill, owner-occupied housing developments. Links with CalHFA's Downpayment Assistance Program to provide subordinate loans to first-time buyers. Two funding rounds per year.

Homeless Initiative Senate Bill 2
SB 2 is a state law intended to strengthen existing housing element requirements to provide for the development of emergency shelters and transitional and supportive housing. Under SB 2, all cities must identify a zone that allows emergency shelters as a permitted use. The identified zone(s) shall include sufficient capacity to accommodate the need and regardless of the need,
6th Housing Element Community Assistance Programs (cont.) Page 5

each City must have a zone to outright permit year-round emergency shelters. Additionally, SB 2 specifies that transitional housing and supportive housing shall be considered a residential use of the property, and subject only to those restrictions that apply to other residential uses in the same zone.

State NonProfit Organizations

California Housing Partnership

The California Housing Partnership creates and preserves affordable and sustainable homes for Californians with low incomes by providing expert financial and policy solutions to government and nonprofit housing agencies. Director San Diego Region - Diep Do, 858-617-0579 ddo@chpc.net

Southern California Association of Nonprofit Housing

SCANPH is a membership association, founded in 1985, that supports and advocates for those who develop and sustainably operate affordable housing. SCANPH is uniquely situated to identify, prioritize, strategize, and lead policy efforts that are designed to create an environment conducive to affordable housing development. SCANPH is measured by its ability to serve low-income residents of the region by securing critical public subsidy funds for new affordable home development, and by its ability to make its members more effective developers amidst funding and resource challenges.

SCANPH strives to increase the capacity and expertise of its members, educate policymakers and the public about the need for affordable housing, and help to establish policies and programs that further these objectives.

The mission of SCANPH is to facilitate development of affordable homes across southern California by advancing effective public policies, sustainable financial resources, strong member organizations, and beneficial partnerships.

Nonprofit developers, SCANPH's core constituent, provide below market-rate homes for low-to-extremely-low income community members and for people experiencing homelessness. Simply put, it focuses on economically disadvantaged individuals and families who are most in need of affordable housing.

National Core (National Community Renaissance)

A nonprofit affordable housing developer creating healthy communities that thrive and prosper for many generations to come.

National CORE supports families and seniors by providing housing communities that are affordable, safe, and of the highest quality. It enhances neighborhood stability through long-term management and maintenance, as well as industry-leading services such as senior wellness, preschool and after-school programs, and family financial training.

National CORE created the Hope through Housing Foundation in order to provide high-quality services for our residents to improve their lives and their communities. HOPE strives to meet or

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exceed nationally recognized benchmarks and best practices for its programs. CORE evaluates its program delivery and publishes the results every year.

County of San Diego
Resources Available for Housing Activities

Housing Authority of the County of San Diego
3989 Ruffin Road
San Diego, CA 92123

Regional Task Force on the Homeless
1300 Rancho Del Oro Rd., Oceanside, CA 92056 (North County)

It is the San Diego County's leading resource for information on issues of homelessness. Established in 1984 as the San Diego Mayor's Task Force on Homelessness, the Task Force promotes a regional approach as the best solution to ending homelessness in San Diego County. The Task Force is a public/private effort to build a base of understanding about the multiple causes and conditions of homelessness.

Since 2005, the San Diego region has performed annual Point-in-Time counts of homeless persons. HUD requires Continuum of Care Councils (CoC's) to conduct Point-in-Time counts at least once every two years, but encourages them to count annually. The count, which must be conducted during the last ten days of January, represents a snapshot of the total number of homeless people, both sheltered and unsheltered, at a single point in time.

VI-SPDAT Assessment
Assessment site for the Coordinated Entry System (CES) administering the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SDPAT). The Vi-SSPDAT is an evidence-based assessment tool that is used to determine the most appropriate housing intervention and enables providers to fairly and uniformly provide resources to those in needed.

Emergency Shelter Grant Program (ESG)
Each year, the County Department of Housing and Community Development (County HCD) receives funding from the U.S. Department of Housing and Urban Development (HUD) for homeless assistance under the Emergency Shelter Grant (ESG). The ESG program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living.

ESG funds are used by emergency shelters and transitional housing facilities for activities such as: renovation, rehabilitation and conversion of building for use as an emergency shelter or transitional housing, essential services, operating costs and homeless prevention activities.

County HCD currently funds five programs in San Diego County with ESG funds including the Interfaith Shelter Network, which provides seasonal shelter and services to homeless persons.

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San Diego City and County Continuum of Care
Homeless referral Contact
Chris Shilling
chris.shilling@rtfhsd.org
858-292-7627

Home Repair Loan Grant Program

The County of San Diego Department of Housing and Community Development (County HCD) administers a Home Repair Program for owner-occupied property, which provides loans and grants for the repair of owner-occupied homes. Eligible households may receive deferred loans offered at three percent simple interest and calculated annually on the unpaid principal. The total amount borrowed must be repaid when the property changes hands or the recipient moves from the property. Owners may borrow up to $25,000 for a single-family home. A non-repayable grant is available to eligible mobilehome owners of up to $12,000. Homeowners must reside within the residence they wish to repair and have an annual gross household income at or below 80 percent of the County of San Diego area median income (AMI).

Downpayment and Closing Cost Program
The County of San Diego offers low-interest deferred payment loans of up to $35,000 or 17 percent of the purchase price, whichever is less, for low-income first-time homebuyers and 4% p to $10,000 in closing costs assistance. The loan funds may be used to pay downpayment and closing costs on the purchase of a new or re-sale home. Properties eligible for assistance include single-family homes, condominiums, townhomes and manufactured homes on a permanent foundation. The appraised value of the property may not exceed $466,000 (attached homes) or $574,750 for detached homes. Participants must contribute a minimum of one percent of the purchase price from their personal funds. The total gross annual income of the entire household must not exceed 80 percent of the San Diego County area median income (AMI).

Energy Conservation Opportunities
SDG&E offers an Energy Savings Assistance program to income-qualified households to:
- Install improvements to help make the home more energy efficient;
- Help understand the best ways to save energy around the home; and
- Determine whether some of the appliances are eligible for free repairs or replacement.

Examples of free home improvements offered by SDG&E include: attic insulation; door weatherstripping and caulking; low-flow showerheads and faucet aerators; water heater blankets; energy-efficient lighting; and assistance in selecting energy-efficient appliances. The City helps publicize this program on its website.

Local Federal Support Resources

San Diego Housing Commission (HUD)
1122 Broadway Suite 300
San Diego, CA 92123

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Homebuyer Education Providers In San Diego
HUD approved 8-hour Homebuyer Education Providers:
- Framework Homeownership http://sdhc.frameworkhomeownership.org•
- Urban League of San Diego County :http://www.sdul.org/workshopsEmail:www.credit.org/homebuyerclass/
- Clear Point Credit Counseling Solutions https://www.clearpoint.org/housing/home-pre-purchase-counseling/

- Money Management International https://www.moneymanagement.org/Credit-Counseling/Pre-Purchase-Housing-Counseling/Homebuyer-Education-Courses.aspx

California Department of Veterans Affairs
1300 Rancho Del Oro Rd, Oceanside, CA 92056

Veteran Affairs Supportive Housing Vouchers (VASH)
HUD-Veterans Affairs program provides rental assistance for homeless veterans with case management and clinical services

Local Non-Profit Resources

San Diego Housing Federation
3939 Iowa Street, Suite 1, San Diego CA 92104
Since 1990, San Diego Housing Federation has been the collective voice of those who support, build, and finance affordable housing in the San Diego region. San Diego Housing Federation creates affordable housing opportunities for low-income people by expanding the knowledge, capacity, and influence of the affordable housing development community. In addition to its advocacy work, SDHF offers professional training, networking opportunities, and provides resources for housing policy advocates.

SDHF encourages all jurisdictions in the SD region to adopt similar policies and programs or Best Practices in their housing elements such Offsite Density Bonus, Reduction in Parking Requirements, Ministerial Affordable Housing Overlay Zoning, Permit Expedite Program, Project-based Section 8, Affordable Housing education campaign

Housing Opportunities Collaborative
1100 Broadway, San Diego CA 92101
HOME Clinics originated at the start of the foreclosure crisis in 2007 to assist distressed homeowners. It is designed to be a hub for housing services and resources; aggregate property search; assist families in their pursuit of affordable and sustainable housing.

San Diego Region Nonprofit Housing Service Providers

Casa de Amparo
4055 Oceanside Blvd, Oceanside, CA 92056
New Directions
6th Housing Element Community Assistance Programs(cont.) Page 9

Casa Kids, ages 10 to 25, who are foster and former foster youth, can participate in New Directions, a transitional housing program that equips youth with necessary kills and resources to make a successful transition from foster care to independent living.

Children of the Immaculate Heart (confidential)
Adult Human Trafficking Survivor Program
Assists survivors of human trafficking by providing a housing and rehabilitation program for adult women and their children.

Community Resource Center, Encinitas
Bridge housing and shelter assistance, rapid re-housing assistance
Opening Doors Program - financial housing assistance

Community HousingWorks(CHW)
CHW is a non-profit organization that develops, rehabilitates, preserves and operates affordable communities in San Diego and throughout California.
Examples: North Park Seniors(LBGTQ), Paseo Artists Village (Vista), Mission Cove Seniors (Oceanside), Paradise Creek National City (transit-oriented), North Sant Fe (Vista transit-oriented development), Kalos North Park transit-oriented), Avocado Court (Escondido), Solara (Poway), La Costa Paloma (Carlsbad), Fallbrook View (Fallbrook)

Las Casitas Permanent Supportive Housing Program (confidential)
Offers permanent supportive housing to chronically homeless and disabled person who are involved with Child Protective Services (CPS) or exiting Drug Dependency Court's program that results in the opportunity to reunite with their children after a court enforced separation or drug or alcohol treatment.

Fraternity House (confidential)
Offers a residential care facility for men who are chronically ill with AIDS. Provides low-cost permanent or transitional housing in a homelike atmosphere for people with HIV/AIDS.

Interfaith Shelter Network
There is a church in Del Mar that provides shelter and assistance to homeless persons as part of the Interfaith Shelter Network. Churches that belong to the Network rotate responsibility of sheltering homeless families and individuals for up to two weeks during the winter months. Only 12 guests at a time generally stay in the congregation facilities. At the end of two weeks, the whole operation - cots and guests - rotates to another area congregation. St. Peter's Episcopal Church provides volunteers and food for the homeless, and allows the use of its facilities for up to two weeks to shelter the homeless. The neighboring City of Encinitas' Community Resource Center serves as the case management agency for the Network's North County Coastal Branch.

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Interfaith Community Services
1671 Mission Ave., Oceanside, CA 92058
Housing Stability Case Management
Assists homeless veterans or veterans at imminent risk of losing housing,, that are not already enrolled in a housing program, connect to safe, stable, long-term housing pr programs.

Veteran's Transitional Housing Program
Provides transitional housing for single male or female veterans. Transitional housing services include case management, vocational rehabilitation, and psychological counseling.

El Nido Transitional Living Program

Provides transitional housing up to 12 months to homeless single parent families headed by mothers and and single women experiencing domestic violence.

Protestant Episcopal Church United States
500 La Terraza Blvd, Ste 150, Escondido, CA 92025
Shared room rentals, Good Samaritan Apartment Housing Coalition
Provides shared apartment living to homeless individuals with verified monthly income seeking a percent residence. Housing provided are shared rooms and up to six people per apartment living.

Solutions For Change, Inc.
722 W. California Ave, Vista, CA 92083
Long-term Transitional Housing: Provides long-term (2 Years) enhanced transitional housing for Homes families with children, homeless pregnant women and single fathers.

South Bay Community Services (serves SD County)(confidential)
Casas Seguras: Provides a short-term, confidential shelter and transitional housing to victims of domestic violence(male or female) and their children who are homeless.

Wounded Warriors Homes
1145 Linda Vista Vista Drive, San Marcos, CA 92078
Transitional Housing: Provides housing for single post 9/11 veterans who suffer from Traumatic Brain Injury (TBI) and/or Post Traumatic Stress (PTS).

Local Non-Profit Resources for Seniors

Gary and Mary West Foundation and West Health Institute
Master Plan For Aging (State Executive Order) Developed by October 1, 2020

Serving Seniors
525 14th St., San Diego, CA 92101
Transitional Housing for Homeless Seniors (90-120 days rent-free)
Permanent Supportive Housing 3 residences in City Height and Ramona
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Serving Seniors provides housing stability by increasing the stock of affordable and transitional housing for low-income and homeless seniors, and advocating at the local and state levels for designated funding to address senior homelessness.

National Community Renaissance (San Diego County)
422 Kos Vallecitos Blvd
San Marcos, CA 92069
hhtps://nationalcore.org
Affordable Housing Apartments
Offers affordable housing apartments that vary in size for those that qualify in San Marcos.

Pacific Southwest Community Development Corporation
16935 W. Bernardo Drive, Ste 238

San Diego, CA 92127
Residential and Community Services
Manages affordable housing listings online and provides residential services for residents that live in properties owned by PSCCDC and the community. Services in clyde ESL classes, computer literacy, citizenship, financial education, after-school program, health and wellness programs and community building events.

Project Based Voucher Housing Projects

https://www.sandiegocounty.gov/content/sdc/sdhcd/community-development/pbv.html

Wakeland Housing & Development Corporation https://www.wakelandhdc.com/san-diego-county-property-list.html

Grove Project in Vista (new) http://www.cityofvista.com/home/showdocument?id=9093
Chelsea Investment Corporation Projects in San Diego in conjunction with Gary & Mary West Serving Seniors Program https://www.chelseainvestco.com

Schmale Family Senior Residence in Ramona https://patch.com/california/ramona/county-allots-funds-ramona-affordable-housing-units

Potiker Family Senior Residence https://www.chelseainvestco.com/market-square-manor

Mercy Housing https://www.mercyhousing.org/california/

Villa de Vida in Poway https://villadevida.org

Existing PBVs are located in the Pine View apartments in Fallbrook, Vista Terrace developments in Vista and Schmale Family Senior Residence in Ramona. https://www.sandiegocounty.gov/content/sdc/sdhcd/rental-assistance/overview.html

Pine View Apartments in Fallbrook https://www.conamwaitlist.com/pine-view

Vista Terrace in Vista

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Affordable Housing Developments

ConAm Group https://www.conam.com/index.asp

National CORE and Community Housing Works http://nationalcore.org/affordable-housing/national-core-community-housingworks-to-break-ground

Submitted By Julie Kawasaki and Shirley King
May 1, 2020

C.

Report to ad hoc Citizen's Housing Task Force May 1, 2020

REPORT FROM HOUSING PRODUCTION AND PRESERVATION SUB-COMMITTEE

EXECUTIVE SUMMARY

The State of California mandates each City to provide a planning document called a Housing Element, that provides policy direction for the implementation of various programs and actions that accommodate projected future housing growth needs, identifies opportunities for new housing units, preserves existing housing stock and assists the existing population for all income levels within their Community.

The City of Del Mar is required by the State, for this next eight year cycle (2021 to 2029) to ensure through the Housing Element planning document that our regional allocation of 163 affordable housing units can be met. *This does not mean we have to actually build these units. It means we have to create policies and programs to allow and incentivize the potential creation of the 163 units.*

The City through its last eight year cycle Housing Element planning document already provided the policy changes to meet not only the last cycle's goal of 76 units but more than the 163 required for this next cycle. Thus, our goal for this cycle is to see how we can ensure affordable units are created by 1. using the existing policies and procedures and 2. creating new directives and programs to see tangible results over the next eight years.

It is important to note that each year the San Diego County Area calculates the regional median income. This number impacts the income level designated for each level of affordable housing. The 2019 median income was $86,300*, which then mandates the four income categories and the number of required units accordingly. The regional allocation of 163 housing units for the City is as follows:

1. 37 units for Very Low income ($26,753 to $43,150).
2. 64 units for Low Income ($43,151 to $69,040).
3. 31 units for Moderate Income ($69,041 to $103,560).
4. 31 units for Above Moderate Income (greater than $103,560).

*The income in each category will adjust annually based on each year's median income.

In our work as the sub-committee on Production and Preservation, we educated ourselves by completing the following:

- Met with Council Liaisons Worden, Gaasterland & Staff McMahon to gain insight and history on the city's affordable housing initiatives and to understand the potential options / solutions available.
- Spent considerable time understanding the various potential housing options available at the Fairgrounds and received feedback from Worden & McMahon on each.
- Reviewed maps and documents provided by McMahon that show each City-owned parcel and its current uses.
- Conducted walking tours of sites to review them first hand.
- Reviewed City-owned parcels and considered; Could we build? Should we build? And how many units?
- Discussed re-zoning, zoning amendments and processes with McMahon and Liaisons on several of the City-owned parcels.

- Attended a Tiny Homes Symposium to understand regulatory challenges and advances in utilizing Tiny Homes as attractive affordable housing units.
- Spent significant time discussing creative solutions amongst ourselves, McMahon, Liaisons and some residents.
- The group considered the report from the Finance committee that was completed in 2014 where they reviewed and analyzed the City owned properties for potential sale or change in use.

With the knowledge gained, we ranked each City-owned parcel and Fairground options by adhering to the best use of land principal and the timeline required for completion. While carefully examining all available options, we made a concerted effort to be impartial and avoided all political considerations including, our own preferences and prejudices. Due to the Covid -19 pandemic and its implications on City revenue, we made appropriate changes to ensure financial viability for each recommended option.

This report evaluates and prioritizes the following two approaches to produce additional units:

A. City Owned Properties and Fairgrounds opportunities

B. Accessory Dwelling Units (ADUs)

Each of these two approaches has recommended steps and a count of feasible new units.

This report further evaluates *risks to current housing* and *mechanisms to retain existing units*. Also included are *options for the 100 year old Dunham House*, including ways to use the structure for office space, affordable housing or revenue generation. Finally, this report summarizes *financial feasibility for accomplishing the prioritized options*.

PRODUCTION OF NEW AFFORDABLE HOUSING UNITS:

A. City Owned Property and Fairgrounds

Our subcommittee looked at each and every substantial parcel of land the City owns to see if they were suitable for creating affordable housing units (we did not look at all easements or street ends due to their size). Each property was assessed and then ranked below by those locations which have a high desirability, feasibility, and then by priority based on ease, cost and appeal to the majority of the residents for a positive outcome.

High Priority Options for the 6th housing cycle

1. **City owned Zuni Water Tank property** – based on land value and location of lot we suggest selling it versus developing it and using the proceeds to fund other affordable housing programs noted in options 2 through 8 below. (Estimated sale price of $4.5M to $5.0M).
2. **City owned 28th Street property** – 2500 sq. foot lot with potential for a minimum of 2 units and a maximum of 4 units (Tiny Homes of 400 - 800 square feet each). This option has been studied by staff and has been deemed feasible. Parking permits or other accommodations will be necessary for 4 units. (Estimated purchase cost for Tiny homes $75k each $150k to $300k total). City could elect to build but costs will be significantly higher. The City would receive monthly revenue from this non-preforming asset.
3. **City Hall 10th Street south expansion lot** – 6500 square foot lot with potential for a minimum of 4 units up to a maximum of 6 units depending on size of units in a 2-story configuration. Parking spaces designated at adjacent civic center if required. Costs for

4000 sq. ft. of development (build costs only for 4 to 6 units) approximately $1.2m. The City would receive monthly revenue from this non-preforming asset.

4. **Annex the Surf and Turf RV Park** on the east side of the Fairgrounds all the way to the Lagoon from the City of San Diego (so this would be City of Del Mar land and would count in our RHNA numbers), and turn the current RV Park into an affordable housing area (75 parking spots today) or split the RV lot and make half tiny homes/mobile homes and the other half would remain as RV lots. Initial potential (estimated based on Fairgrounds discussions) for 20 units with the potential for increasing numbers up to 60 units. Federal or State Grants may be available to support this initiative related to Lagoon Habitat Restoration. Costs attributed to annexing, planning, landscaping and utilities hook-ups (if required), for Tiny Home/Mobile Home community estimated at $350k. Monthly revenue from rental of spaces would benefit the Fairgrounds and the City would count these affordable housing unit towards their regional allocation.
5. **Encourage residential unit development above commercial buildings** in existing downtown commercial zone. Incentivize through reduced fees, streamlined processes and incorporate the 2018 law allowing the use of existing building codes to bring units into compliance. For further details see Section B Number 6 below.
6. **Pine Needles Water Tank** - Property needs to be assessed for space for a Tiny Home beside water tank – based on initial review potential for 1 to 2 units. The City would receive monthly revenue from this non-preforming asset.
7. **10th Street / Highland Water Tank** – lot boundaries need to be assessed to see if adding a Tiny Home would work alongside water tank – based on initial review potential for 1 unit. The City would receive monthly revenue from this non-preforming asset.
8. **Convert Del Mar Fairgrounds track housing to affordable units** (in order to have it count for Del Mar RHNA goals we will need an exemption from the existing rules requiring a kitchen as this housing currently utilizes a communal kitchen per safety regulations). Available only to track or fairgrounds employees, it has a potential of 500+ units. Costs for necessary upgrades are not known at this time, but we estimate a City contribution of $500k for this housing cycle would allow us to upgrade 100 units. We request the City to work with Senator Toni Atkin's office and the Fairgrounds to accomplish this.
9. **Convert an existing Fairgrounds livestock / horse barn to housing** (south of first gate/north of main gate Jimmy Durante side). Will require new development. Potential for a fairgrounds / developer revenue split. Could have a separate entrance. Potential for a minimum of 66 units which would count towards the City's regional allocation.

<u>Medium Priority Options - for the 7th Housing Cycle these could be the highest priorities</u>

1. **The two lots on 9th Street where current DMF and DMCC offices are located.** As part of the design and development of Shores Park, the City could consider adding 4 to 6 affordable senior housing units above the DMCC/DMF building when it is newly constructed. While we respect the vision of Shores Park and realize that citizens have contributed to its preservation of open space for the community, the need for senior housing in this idyllic setting could be easily placed and be a win-win for the City, it's seniors and the community without compromising the desired open space vision.
2. **Jimmy Durante and Via de la Valle right of way area** - funded by a developer / revenue split with Fairgrounds potential for a minimum of 10 units
3. **Water Tower on Crest** - needs to be assessed for potential replacement – if decommissioned and tank removed from this lot there is a potential for up to 10 units. If not removed there is some open space behind tank but topography is not known. This was assessed in 2014 for sale and we recommend that it be used for affordable housing stock production.

Low Priority - for the 7th Housing Cycle these could be the medium priorities

1. **Pump Station by tennis courts** (would require the City to give up the basketball and tennis courts which are regularly used by the community) potential for 4 to 6 units but there are concerns over environmental odors
2. **Maintenance Yard** – most of the property is in use today as maintenance yard and office and the City would have to find alternative site to be able to utilize. The property borders the lagoon and it is in a flood plain. Potential for 10 to 15 units built on stilts.
3. **Develop units over Fairgrounds offices** - would require significant investment and development or partnership with developer to build. Includes re-building the fairground offices and conference room in addition to the new units. Potential for 10 -12 units on the second level.
4. **Develop units over Fire Station** – would require significant investment and development or partnership with developer to build. Includes re-building space for fire department as well as their personnel living quarters. Potential for 2-4 units on second level.
5. **Second Homes in Del Mar** – The City has long been considered a desirable beachside community in which to live. This is a credit to our village feel and our livable climate. This has historically led to many homes and condominiums being owned by out of town residents who use them for short periods of time throughout the year. There is not an accurate number of second homes (that we are aware of) however they should be acknowledged as a potential source of additional housing stock. There are many examples of how other cities have addressed this situation when the need for housing availability for residents became critical (https://sf.curbed.com/2020/3/9/21171856/chiu-mid-tax-mayors-sf-oakland-san-jose-bay-area, https://www.sfchronicle.com/business/networth/article/Oakland-s-vacant-property-tax-takes-effect-13563273.php, https://vancouver.ca/home-property-development/empty-homes tax.aspx?utm_campaign=EHT&utm_medium=Vanity&utm_source=EHT_Vanity#redirect).

   We firmly believe that this does not need to be addressed in this housing cycle as there are many other creative ways to address meeting our RHNA goals.

Extremely Low – ideas to continue to assess for each successive housing cycle

1. **Shores Park** – citizen donations paid for a portion of this park and changing usage plan to add affordable housing on current open space is not desired by donors.
2. **Practice Track at Fairgrounds** – used today by fairgrounds for exercising horses.
3. **City Hall 11th Street northeast edge of property** – daily utilization by residents and visitors as meeting or relaxing space and utilized today for community events as well as open space.
4. **CDM/Border Avenue west of the Brigantine** – land profile makes it expensive to develop and there is limited space to build
5. **Lay down lot at the fairgrounds** – this is a high use area today (just past the intersection of Via de la Valle and Jimmy Durante) for the track, fair and horse shows for truck and trailer access, maneuvering and storage. Potential units unknown.

Excluded from Consideration – functional, high use City Properties

1. City Hall - new construction and building is fully utilized today
2. Library - historic home that is fully utilized today
3. Power House Park – a historic venue fully utilized today
4. Post Office – a necessary function, re-location would be challenging

5. Most City street easements and street ends due to ownership questions and buildability concerns.

B. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
We reviewed the City's current ADU policies and programs and gathered information on the State of California's new law which went into effect on January 1, 2020. We also discussed the current programs and policies and new ideas with Shaun McMahon and our Council Liaisons and attended the City's Planning Commission to listen to the ADU/JADU presentation.

ADUs and JADUs are present in our City today even in areas where they are not officially allowed by the City. The State of California's new laws on ADUs/JADUs, effective January 1, 2020, will offer residents additional options for having these units on their property. Under the new State law the City will need to amend their current regulations and the City is currently undertaking that process. The new State law and the changes in Del Mar regulations will assist the City in meeting their RHNA allocation for the 6th Housing Cycle. This will allow the City to add upwards of 1,000 plus units to the City's housing stock over the coming years by bringing current units out of the shadows and legalizing them as well as the production of new units.

In addition to the changes in laws and regulations, there are numerous ADU/JADU policies and programs to consider as High Priority Options for the 6th Housing Cycle:

1. **Put an amnesty program in place** so that all existing ADUs and Jr ADUs in the City are recognized and counted. Understand clearly what the benefits are to the City for putting this program in place and develop it to include such things as incentives on building code inspection requirements. We recommend that we ask the state HCD to allow these ADUs/JADUs to count towards the City allocation if the City does an annual survey of rents and maintains the records for affordability. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

    - Under new California Law, the City must update their current ADU/JADU Policies to be in line with the State of California requirements under their new 2020 law for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). We recommend that the City take this opportunity to incorporate the 2018 law allowing use of existing building codes to bring existing units into compliance (HSC Section 17958.12 Ch.1010, Sec. 1. (SB 1226) which was effective January 1, 2019).
    - Put the amnesty program in place and require that every property owner who has an ADU or JADU work with the City to register their unit(s) with the City. Apply financial penalty if the unit is not registered within two years of the program roll-out.
    - Designate a City staff position to gather and track data on an annual basis to identify those units that would fit our affordable housing grid.

2. **Implement and communicate the recent change in California Law** that were effective January 1, 2020 to all homeowners to encourage them to build ADUs. Develop a full program of communication and incentives for existing homeowners to add an ADU, or Jr ADU, to their home. Outline a program which may include such things as; free plans, free plan review and expedited approval. We recommend that the leasing of these units be tracked by the City to see how many of them will qualify for the affordable housing allocation. Institutionalize process to collect annual information on rent and income of tenants for qualification to fulfill affordable housing unit requirements.

- If residents take advantage of fee waiver programs, put in place a requirement that they rent within the affordable guidelines for a period of 5 years. If they do not want to follow these guidelines for the stated period of time the City can charge the resident back the previously waived fees.

3. **As noted in items 1 and 2, designate a City Staff position to request and track rental leases** or administer an annual survey for ADU rentals to see which qualify for the affordable housing categories. This will allow us to get credit with HUD for the affordable housing allocation. NO other use would be permitted from the collection of such leases or data.

4. **Expand the current ADU pilot program** to allow one additional ADU or JADU in R1 zoned areas in exchange for 500 square feet additional FAR to the main structure as long as the ADU/JADU is used for affordable housing and is deed restricted for an agreed upon period of time. Assess current program and see if changes need to be made and determine if a buyout program would be appropriate. The amount of the buyout needs to be significant enough to fund additional housing stock. This will help to ensure our goal of long term preservation of housing stock.

5. **Create a Tiny Home Program** to allow Tiny Homes to be used in the City of Del Mar in multiple zoning districts (R1, R2 City Utility Zone). The City of San Diego Planning Commission recently recommended approval of new code allowing Tiny Homes in San Diego, to be considered by the City Council for approval. Link to SD City staff report: https://www.sandiego.gov/sites/default/files/dsd_pc_20-017_movable_tiny_houses.pdf We recommend the City of Del Mar use this proposed law as a template for the City of Del Mar to create their own law to allow residents to use a Tiny Home on their property for an ADU or JADU as appropriate.

6. **Amend the existing zoning regulation which currently allows only one ADU in buildings in the Downtown Commercial Zone.** Allow more than one ADU in existing buildings within the Downtown Commercial Zone, as space permits, as long as an appropriate number are restricted as affordable housing. Amend the existing zoning regulation and allow the total number to be based off of the property size and potential. We recommend talking to each property owner in the Downtown Commercial Zone to discuss potential incentives and mitigate their concerns over barriers to ensure success in adding units in this critical area of the City. We recommend that these units would also be a part of the annual survey for qualification as discussed above and that they would also be a part of the Amnesty Program detailed above (with grandfathering of code compliance). We are not proposing a zoning change for the Downtown Commercial Zone because we feel there is enough potential for the creation of additional units in this area without a zoning change.

7. **Develop and launch a Student ADU Rental Program** to encourage student rentals. Design and develop a program with SIO, UCSD and Mira Costa College for students as long as HCD will allow them to count towards the City's RHNA housing goal. Approval of HCD required for this creative approach.

PRESERVATION OF EXISTING HOUSING STOCK

Del Mar is a small City with extremely limited open land for development. As a part of any City's evolution and growth, existing older homes are torn down to make way for new homes as part of the building cycle. The concept of preservation of housing stock usually focuses on keeping

affordable housing units. In the case of Del Mar, the concept can be broken down into five components with different tactics or programs to address each of them:

1. **Preservation of affordable housing** – since the 1990s Del Mar has had very little affordable housing. As an expensive beach community, it is difficult to imagine rents on homes ever being considered affordable however ADUs and JADU's are one area that the City can focus on for affordability.
2. **Mansionization of the City** can be curtailed if the City follows the Current City Plan and does not allow developers or residents to deplete housing stock by allowing single large homes on properties where multiple homes are currently located. The current mitigation requirements are not significant enough to discourage this activity today. We recommend the city look to significantly increase the current buy-out fees so they are sufficient to fund new housing stock.
3. **Support for Seniors** – provide necessary services for older residents to allow them to remain in their homes as they age thus forestalling the sale of their property and the potential for it to be torn down to make way for a larger home. In addition, is it important to also create housing for seniors to allow them to remain in the City when they can no longer safely live in their home. This is a great opportunity for DMCC to include if and when their facility is rebuilt.
4. **Short Term Rentals (STRs)** - We acknowledge that in this last housing cycle the number of STRs in the City have increased in number resulting in the loss of housing stock. However, it is hard to assess this issue given no accurate number of STRs is available (that we are aware of) and there are unresolved issues being discussed by the City Council and Staff. Therefore, we believe that it is not appropriate for us to assess and make recommendations until the on-going issues in the City are resolved.

THE HISTORIC HOME FROM 10TH STREET

A 100-year-old original Del Mar house circa Jacob Taylor's time at 119 10th St, referred to as the Dunham House, is being donated to the Del Mar Historical Society. This re-furbished 28x28 foot home has been beautifully re-done but must be moved or torn down to make way for a new home to be built. The owner of the property has offered to pay his tear down cost towards the expenses of moving this historic home.

Until a final place for this historic home is found, we suggest that it be stored on a temporary space. The home has been donated to the Del Mar Historical Society and would be an ideal home for either affordable housing or for offices for one of Del Mar's Community Service Organizations.

We were asked to assess potential options for the use of the home as affordable housing as part of our work for the Task Force. We have listed below several temporary and long term solutions for the houses placement.

Temporary Placement

- Behind DMCC
- Parking Lot by the Brewery off Jimmy Durante Blvd
- 28th street lot on North side
- Public Works Yard
- 10th street Water Tank parcel

Final Place for the Historic Home

- Tiny Homes Community at the Surf & Turf RV Park (Caretakers cottage)
- 10th street by the existing Water Tank as an affordable housing unit
- Part of Shores Park Redevelopment Project on 9th street lot - for use as non-profit or affordable housing unit
- Placed in one of the City's other parks for use as offices for one of Del Mar's Community Service Organizations or used for events to generate revenue for the City's affordable housing fund.

AFFORDABLE HOUSING PROGRAM FINANCES

Past work and outcomes have shown that it is challenging to add affordable housing units in Del Mar. The cost of the land and the scarcity of vacant land are just a few of the issues. The cost of programs however does not need to stop the City from considering them. There are several ways to finance programs that have worked in the past for the City as well as have worked for other cities in the country:

- 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 projects 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 City property

In light of the COVID-19 Pandemic, it will be necessary for the City to carefully assess any proposed spending. This Housing Element however, takes a longer term view and so should be prepared with an eye towards the future and not just for today's circumstances. While the City does not have a lot of extra resources to put towards affordable housing projects at this time, we feel with the sale of the Zuni lot there will be enough funds to seed several programs for the short and long term. An on-going commitment from City Council to set aside money on an annual basis (starting with the 2022 Budget) will continue the strengthen the housing fund.

CONCLUSION

The State of California mandates that each City produce a planning document that provides policy direction for the implementation of various programs and actions that support, encourage and accommodate housing growth including identifying opportunities for new housing units, help preserve existing housing stock and assist the existing population at all economic levels within their Community.

Based on the State of California's calculations for the next eight year housing cycle (2021 to 2029), the City of Del Mar must meet a regional allocation of 163 affordable housing units. With our work to date on this Task Force, specifically this sub-committee, we feel that the City has many creative ways in which to meet these goals and that it can be done while adhering to our current Community Plan and dispersing units throughout the City. While there is an effort underway to create housing stock through zoning changes, the ideas put forth in this report would not require zoning changes (except to the Zuni Property as noted) and would only require

amendments to the zoning definitions for both the Downtown Commercial Area and the City owned Utility Lots. Our recommended changes prevent the need to change zoning (as is currently underway) in the City to increase density to 20 units per acre as mandated by state law for any zoning change. This newly required density conflicts with the spirit of our Community Plan. By obtaining feedback from our residents and spending time with them on the potential solutions, we feel that sufficient housing units can be added to our community while not creating a contentious environment. Achieving our goals and hitting our numbers however, will take political will on behalf of our City Council and will involve some heavy lifting by the City Staff as well as the involvement and support of the community.

We have appreciated the opportunity to work on this Task Force and to get a chance, as a part of this sub-committee, to dig deeply into these important issues for the City and its residents. We want to acknowledge the support we have been given and thank those that took their time to help us understand the current landscape as well as the history of housing in Del Mar. We look forward to your thoughts and feedback on our findings and stand ready to engage with residents, City Staff and City Council as necessary to support the City of Del Mar through this next eight year cycle.

Respectfully submitted,

Jas Grewal, Karen Lare & Tracy Martinez

5th Cycle Housing Element Program List - Updated Date: 9/16/19
Ongoing Programs =

Housing Program #	Annual Progress Report - Year Reported	Synopsis of Program	Implementation time frame specified in Housing Element
1-A.	2018 Ongoing	Continue implementing the City's Condominium Conversion Ordinance to protect and mitigate against loss of apartment stock.	Program now in place. Ongoing implementation
1-B.	2016 Completed	Municipal Code amendment modifying the affordable unit set-aside rate for condominium conversions from current 67% to a range of 10- to 30% (DMMC 24.21).	By May 2014 (12 months from date of Council adoption of Housing Element.)
1-C.	2016 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow in-lieu fee rather than unit set-aside mitigation for condominium conversions involving 2-5 apartments (DMMC 24.21).	By May 2014
1-D.	2018 Completed	Municipal Code amendment amending the Condominium Conversion Ordinance to allow off-site unit set-aside mitigation (DMMC 24.21).	By May 2014
1-E.	2018 Ongoing	Continue to use collected mitigation fees for affordable housing programs.	Program now in place. Ongoing implementation.
1-F.	2018 Completed	Review and possible increase of existing In-lieu Housing Mitigation Fee rate.	By May 2014
1-G.	2016 Completed	Municipal Code amendment to require the payment of an In-lieu Housing Mitigation Fee in cases where development proposal would result in an adverse impact on housing opportunities.	By May 2014
1-H.	2018 Ongoing	Continue allowance for retention of structural and residential density non-conformities for multi-family structures (three or more units).	Program now in place. Ongoing implementation.
1-I.	2016 Completed	Municipal Code amendment allowing multi-family apartment building with nonconforming density to convert to condominiums with mitigation requirements applied.	Within 36 months of adoption of Housing Element Update, by May 2017
1-J.	2016 Completed	Municipal Code amendment to require mitigation measures on condominium conversions to assist renters of apartments to be converted (DMMC 24.21).	By May 2014
1-K.	2018 Ongoing	Continue to guard against degradation and loss of affordable housing stock	Program now in place. Ongoing implementation
2-A.	2018 Ongoing	Continue to implement Community Plan and Zoning Ordinance to provide opportunities and incentives for the construction of 42 new residential units during 2013-2021 cycle for: extremely low, very low, low and moderate income levels	Program now in place. Ongoing implementation.

2-B.	2014 Completed	Zone Code amendment to remove the requirement for receipt of Conditional Use Permit to develop at 17.6 du/ac density in the RM-East, RM-West, RM-Central and RM-South Zones (DMMC 30.16, 17, 18 and 19).	By May 2014
2-C.	2016 Completed	Continue to maintain record of sites suitable for residential development and provide such information to the public.	Ongoing
2-D.	2018 Completed	Conduct workshops to apprise the public of the opportunities for residential and mixed-use development in the City.	By May 2014
2-E.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the North Commercial (NC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.24).	Within 24 months of adoption of Housing Element Update, by May 2016
2-F.	2018 Underway	Zoning Code amendment to increase allowed density on properties in the Professional Commercial (PC) zone from one unit per site to 20 du/ac for projects that include an affordable housing component (DMMC 30.25).	By May 2016
2-G.	2018 Underway	Zoning Code/Community Plan amendments and Local Coastal Program Amendment (LCPA) to assign a new land use designation and accompanying development parameters to two adjacent vacant parcels in the NC Zone allowing residential development at 20-25 du/ac with affordable housing component.	By May 2014
2-H	2018 Underway	Conduct an analysis of governmental owned properties and consider modifying the provisions of the Public Facility (PF) zone to allow residential uses at appropriate locations with affordable housing component.	No specified time frame
2-I.	2018 Completed	Complete a property record and conduct public workshops to identify any other properties that would be appropriate for a land use re-designation to accommodate density of 20 du/ac.	By May 2014
2-J.		Assign Community Plan and LCP land use designations for 22nd DAA Fairgrounds property to accommodate construction of dwelling units at 20 du/ac for replacement of backstretch housing, as identified in the 22nd DAA's Master Plan.	By May 2015
2-K.	2014 Completed	Zone Code amendment to permit emergency shelters in the North Commercial Zone through ministerial review process (DMMC 30.24).	By May 2014
2-L.	2016 Completed	Zone Code amendment to allow development of Single-Room Occupancy (SRO) units.	By May 2014
2-M.	2018 Ongoing	Continue to encourage St. Peter's Episcopal Church to continue its Interfaith Shelter Network Rotating Shelter and its Helping Hands program.	Ongoing, no action required.

2-N.	2018 Underway	Work with 22nd DAA and Thoroughbred Club to utilize Fairgrounds site for emergency housing during the winter months.	No specified time frame
2-O.	2014 Completed	Zone Code amendment to allow transitional/supportive housing in all zones where housing is otherwise permitted and subject to the same development standards (Multiple DMMC Chapters).	By May 2014
2-P.	2018 Ongoing	Continue to permit community care facilities through the same zoning provisions applicable to residential units.	Ongoing
2-Q.	2014 Completed	Zone Code Amendment to reduce the 1,000-linear foot minimum spacing requirement between community care facilities to 300-linear foot minimum spacing (multiple DMMC Chapters).	By May 2014
2-R.	2016 Completed	Zone Code amendment to permit manufactured homes meeting state and federal standards to be treated in same way as other single-family homes (multiple DMMC Chapters).	By May 2014
2-S.	2014 Completed	Zone Code amendment to create new definition of "family" (DMMC 30.04).	By May 2014
3-A.	2018 Ongoing	Continue to use Housing Assistance Reserve for Rental Subsidy program, consider increasing number of individuals/families served from 8 to 16 per year.	Program now in place. Ongoing implementation. Balance of fund = $271,500 Monthly Subsidies = $5,650 & $875 for DMCC
3-B.	2018 Completed	Consider increase in rate of In-lieu Housing Mitigation Fee.	No specified time frame
3-C.	2014 Completed	Municipal Code amendment requiring payment of a Housing Mitigation Fee for projects that result in a net reduction in housing units on a property (DMMC 30.78).	By May 2014
3-D.	2018 Ongoing	Continue to accommodate and promote the construction of affordable Second-Dwelling Units.	Program now in place. Ongoing implementation
3-E.	2018 Completed	Zone Code amendment to provide additional incentives for Second-Dwelling-Units including, but not limited to: a 550 sq. ft. Floor Area Ratio (FAR) exemption and allowing encroachments into rear-yard setbacks, with caveats. (multiple DMMC sections).	By May 2014
3-F.	2018 Underway	Municipal Code amendment for an amnesty program authorizing second units built without permits, with requirement for affordable rental rate deed restriction (multiple DMMC sections).	By May 2015
4-A.	2018 Ongoing	Continue Shared Housing Program.	Program now in place. Ongoing implementation.
4-B.	2018 Ongoing	Continue to work with Community Connections to keep records on the duration of each Shared Housing matches.	Program now in place. Ongoing implementation.

4-C.	2018 Ongoing	Continue to contract with the San Diego County Housing Authority to administer the Housing Voucher Program.	Program now in place. Ongoing implementation.
4-D.	2018 Ongoing	Continue to support the County Housing Authority's applications.	Program now in place. Ongoing implementation.
4-E.	2018 Ongoing	Continue to promote the Housing Choice Voucher Program to owners and residents of City-approved Second-Dwelling-Units.	Program now in place. Ongoing implementation.
4-F.	2014 Completed	Zone Code amendment to make City's subdivision ordinance compliant with State Density Bonus Ordinance (DMMC 30.90).	By May 2014
4-G.	2016 Completed	Continue to educate citizens and prospective applicants of the opportunities available under the City's density bonus ordinance.	Program now in place. Ongoing implementation
4-H.	2016 Completed	Municipal Code amendment to apply set-aside/in-lieu fee requirement not only to subdivisions of 10 or more lots but also to subdivisions of six or more lots (DMMC 24.61).	By May 2014
4-I.	2018 Ongoing	Continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units.	Program now in place. Ongoing implementation.
4-J.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-K.	2018 Completed	Continue to monitor and evaluate available State funding programs for use in the provision of affordable housing programs.	Program now in place. Ongoing implementation
4-L.	2018 Completed	Work with local non-profit housing organizations to apply for available State funding to implement additional affordable housing programs.	New Program, no timeframe specified.
4-M.	2018 Completed	Support qualified affordable housing developers in their applications for State and federal City's Housing Assistance Reserve Funds.	New Program, no timeframe specified.
4-N.	2018 Ongoing	Monitor the affordability covenants and restrictions of all future affordable housing components of new development	Program now in place. Ongoing implementation.
4-O.	2018 Ongoing	Take necessary steps to enroll City in the County's Mortgage Credit Certificate Program.	By May 2014
5-A.	2018 Ongoing	Continue the application processing fee reduction/waiver program for projects with an affordable housing component.	Program now in place. Ongoing implementation.
5-B.	2018 Ongoing	Continue to implement the development processing streamlining program for affordable housing development proposals.	Program now in place. Ongoing implementation.
5-C.	2016 Completed	Adoption of streamlined procedures for flexibility in the implementation of land use and zoning regulations for persons with disabilities.	By May 2014.

5-D.	2016 Completed	Continue to provide information to the public in general and architects in particular about the benefits for adoption of universal design elements of the Uniform Building Code.	Program now in place. Ongoing implementation
5-E.	2016 Completed	Zone Code amendment to provide a Floor Area Ratio (FAR) exemption and setback allowances for portions of building retrofit needed solely for providing increased accessibility (Multiple DMMC sections).	Within eight-year cycle of the Housing Element Update.
5-F.	2016 Completed	Development of a set of design guidelines for education and guidance.	By May 2016
6-A.	2018 Ongoing	Continue to contract with Del Mar Community Connections or similar agencies to assure unrestricted access to housing in the community.	Program now in place. Ongoing implementation.
6-B.	2018 Ongoing	Support of Del Mar Community Connections to disperse information regarding the shared housing and fair housing services they provide.	Program now in place. Ongoing implementation.
6-C.	2018 Ongoing	Continue to work with Del Mar Community Connections to provide services for the elderly and those with special needs.	Program now in place. Ongoing implementation.

City of Del Mar
Planning Commission Agenda

Del Mar Town Hall - **VIA TELECONFERENCE ONLY**
1050 Camino Del Mar
Tuesday, September 15, 2020 at 6:00 PM
(or as soon thereafter as practicable)

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, September 15, 2020 at 6:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Ted Bakker
Chair

Philip Posner
Vice Chair

Don Countryman
Commissioner

John Farrell
Commissioner

Claire McGreal
Commissioner

Joseph D. Smith, AICP
Planning & Community Development Director

Amanda Lee
Principal Planner

Agenda

It is the intention of your Planning Commission to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

Public Participation/Comment
Members of the public can participate in the meeting in writing or telephonically.

Written Comments
Members of the public can participate in the meeting by e-mailing comments to planning@delmar.ca.us by 12:00 p.m. the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. All comments will be transmitted to the Planning Commission prior to the start of the meeting. Comments will not be read into the record

Telephonic Participation
Members of the public wishing to make comment telephonically at the meeting must submit a tele-comment form www.delmar.ca.us/telecomment through the City's website by 12:00 p.m. the day of the meeting. After you complete the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

Project Applicants/Representatives
Applicants/representatives will be provided a link to participate in the meeting and, unless otherwise noted, for items on the agenda, **applicants and their team of representatives shall limit their [total] presentations to 10 minutes or less.**

Viewing the Meeting and Access to Agenda Materials
Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website only, as City Hall and the Del Mar Library are currently closed to the public. http://www.delmar.ca.us/AgendaCenter.

Regular Meetings of the Planning Commission are generally held on the second Tuesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the **City's website at www.delmar.ca.us**, or call the Planning Department's office at 858-755-9313. A full Planning Commission agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's web site the Friday before each Planning Commission meeting.

Meeting will end at 11:00 p.m. unless extended by a majority vote of the Commissioners. If all the items on the agenda are not heard, the remaining items will be heard the following Tuesday (if facilities are available) at 1050 Camino Del Mar.

Consent Calendar: The Consent Calendar is considered by the Planning Commission near the beginning of the agenda. Items placed on the Consent Calendar will be approved in accordance with the staff recommendations for the item unless removed from the Consent Calendar by Commissioners, staff, or a member of the public. If you wish to keep an item from being placed on the Consent Calendar, please submit an email to planning@delmar.ca.us or to the staff member prior to the meeting by 3:30 p.m. the day of the meeting.

This notice will be the only written notice sent. Items, which are continued by the Planning Commission from one Planning Commission meeting to another "date certain" meeting date, will not be re-noticed through the mail.

Final action. The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the Initial Consideration whether to reject the appeal, thereby upholding the Planning

Commission's decision, or to set the matter for a subsequent date for a new (de novo) public hearing review. If a de novo public hearing is set by the City Council, an additional fee will be required.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Decorum:
All persons attending the Planning Commission meeting shall conduct themselves in a courteous and respectful manner. Comments shall be directed to the members of the Commission, rather than to others in attendance at the meeting. The Chairperson (or Vice Chair or Chair pro-tem in their absence), is designated as the parliamentarian for the meeting. As deemed appropriate, they may interrupt a speaker with instruction to redirect their remarks to relevant points on the agenda item before the Commission. They may also terminate a speaker's oral presentation if comments continue to be non-relevant or become disrespectful.

Note: The entirety of the City of Del Mar is located within the Coastal Zone. Some of the development projects listed on this agenda, as noted, require the receipt of a Coastal Development Permit. Some of these projects may also lie in what is known as the "Coastal Development Appeals Area". For the projects located in the appeals area, the City's action on the requested Coastal Development Permit may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission within the ten calendar days following the Coastal Commission's receipt of a notice from the City of its final action on the Coastal Development Permit application. However, before an appeal may be filed with the Coastal Commission, the City's action on the CDP application must be final, meaning that all of the City's [separate and internal] appeals processes must first be exhausted.

ROLL CALL

APPROVAL OF MINUTES

1.) Approval of August 11, 2020 Planning Commission Meeting Minutes

UPDATE

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (Oral Communications)

Each person wishing to comment to the Planning Commission on any matter not on the agenda can do so in writing or telephonically. To submit a written comment,

email the Planning Department at planning@delmar.ca.us by 12:00 p.m. the day of the meeting. Please note "Public Oral" in the subject line of your email.

If you desire to make comment telephonically, submit a tele-comment form www.delmar.ca.us/telecomment though the City's website by 12:00 p.m. the day of the meeting. After completing the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

DISCUSSION AND BRIEFING (Application Items)
CONSENT CALENDAR:

The Planning Commission at the beginning of the meeting can place any item on the agenda upon the Consent Calendar. Consent Calendar items are not subject to public testimony. If you have a concern and wish to present information to the PC, you must be present at the beginning of the meeting to ensure the item will not be placed on consent, or write a letter to the PC prior to the meeting expressing why the application should be taken off the Consent Calendar.

NEW APPLICATION(S):

ITEM 1
6th Cycle Program EIR and Housing Element Update (GPA20-003)

Location: The 6th Cycle Housing Element Update (HEU) will facilitate housing citywide through various Housing Programs on identified Candidate Sites as described in the 6th Cycle HEU Program Environmental Impact Report (PEIR), including but not limited to the following sites if various programs are selected and implemented:

- New housing opportunities in the Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), and Public Facilities (PF) Zones
- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- City-owned land including Candidate Site 7 at 28th Street (RM-East Zone); Site 11 at 201 Court Street (Public Facilities (PF) Zone); Site 55 at 10th Street City Hall Expansion Lot (PF Zone); and Sites 63 and 64 at 9th Street (PF Zone)
- State-owned Fairgrounds properties on Candidate Sites 2A-2H if the City is able to enter an agreement with the State; otherwise, a program to rezone Candidate Sites 1A-1F (North Bluff) and/or Sites 98A-98C (South Stratford) will be required to meet State Housing law if the City is unable to enter into an agreement

Applicant: City of Del Mar, Planning Department
Staff Contact: Amanda Lee, Principal Planner
Environmental Status: A Program Environmental Impact Report (PEIR) with a Mitigation, Monitoring, and Reporting

Program (MMRP) was prepared and circulated for the 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064): http://www.delmar.ca.us/Archive.aspx?ADID=1416).
Some of the Housing Programs in the 6th Cycle HEU are also covered by the NC/PC Amendments PEIR (SCH No. 2019029058) that analyzed future housing in the NC Zone, PC Zone, and PF Zone: https://www.delmar.ca.us/Archive.aspx?ADID=1428.
Description: A request for the Planning Commission to review and consider the 6th Cycle HEU PEIR and MMRP; review and discuss the proposed Housing Programs and approach identified in the proposed Housing Plan; consider how it relates to other Community Plan (General Plan) Elements; and recommend that the City Council certify the PEIR and MMRP and approve the General Plan Amendment to amend the Del Mar Community Plan for the 6th Cycle HEU. It is anticipated that the HEU must accommodate adequate sites for a total of 175 units, which includes 163 units for the 6th Cycle Regional Housing Needs Assessment (RHNA) (includes 101 very-low and low-income units) and an additional 12 low-income units that are a carryover requirement from the City's 5th Cycle Housing Element. At a future hearing, the City Council will consider whether to certify the PEIR and MMRP, approve the 6th Cycle HEU as part of the City's Community Plan, and authorize submission to State Housing and Community Development for certification review.

ADJOURNMENT:

I, Evan Langan, Associate Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday, September 3, 2020

_____
Evan Langan, Associate Planner
Planning and Community Development Department

City of Del Mar
Staff Report

PLANNING COMMISSION
STAFF REPORT
September 15, 2020

APPLICATION: 6th Cycle Program Environmental Impact Report and Housing Element Update – General Plan Amendment (GPA 20-003)

REQUEST: A request for the Planning Commission to: 1) Review and consider the Program Environmental Impact Report (PEIR) and Mitigation, Monitoring, and Reporting (MMRP) for the Draft 6th Cycle Housing Element Update (HEU); 2) Review and discuss the proposed Housing Programs and approach identified in the proposed Housing Plan (Chapter 4 of the HEU); 3) Consider how the draft HEU relates to other Elements of the Community Plan (General Plan); and 4) Consider how the draft HEU relates to the State's Housing law mandates and certification requirements by the California Department of Housing and Community Development (HCD).

The Planning Commission is asked to provide a recommendation to the City Council to certify the PEIR and MMRP and approve the draft 6th Cycle Housing Element/General Plan Amendment to amend the Del Mar Community Plan for the 6th Cycle HEU. Following is a link to the draft HEU: www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029

NOTE: This item is a recommendation by the Planning Commission to the City Council. In a future noticed public hearing (anticipated to occur October 5, 2020), the City Council will consider whether to certify the PEIR and adopt the MMRP, approve the HEU, and authorize staff to submit the HEU to HCD for review and comment. The item will then come back to the City Council (and potentially the Planning Commission if significant modifications are required by HCD) in early 2021 for final local adoption of the 6th Cycle HEU/Community Plan Amendment. These steps are necessary to gain HCD certification by April 2021.

APPLICANT: City of Del Mar

STAFF CONTACTS: Amanda Lee, Principal Planner
Joseph D. Smith, AICP, Planning & Community Development Director

LOCATION: The 6th Cycle HEU will facilitate housing citywide and may include the following sites and zones if various proposed Housing Programs are selected and implemented:

- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), and Public Facilities (PF) Zones
- State Fairgrounds properties (Candidate Sites 2A-2H; see Exhibit A) if the City is able to partner with the State to build at least 51 affordable units; otherwise to meet State law the City must commit to rezone properties on the North Bluff

(Candidate Sites 1A-1F) and/or South Bluff along South Stratford (Candidate Sites 98A-98C)

- City-owned land: 28th Street (PEIR Candidate Site 7 - RM East Zone); 201 Court Street (Candidate Site 11- PP Zone); 10th Street City Hall Expansion Lot (Candidate Site 55 - PF Zone); and 9th Street (Candidate Sites 63/64 - PF Zone)

ENVIRONMENTAL STATUS: A PEIR and MMRP were prepared and circulated for the 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020. Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to Programs 2-E (NC zone) and 2-F (PC zone) of the City's current 5th Cycle Housing Element. The NC/PC PEIR analyzed future housing in the NC, PC, and PF Zones, and was recently certified by the City Council on September 8, 2020. The NC/PC PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428.

SUMMARY:

The Planning Commission is asked to consider the following decision and provide a recommendation:

1) *Should the City of Del Mar City Council certify the PEIR and adopt the MMRP for the 6th Cycle Housing Element Update; and*

2) *Should the City Council approve the Draft 6th Cycle Housing Element Update and authorize submittal to HCD for review and comment in accordance with State Housing law?*

BACKGROUND:
The Housing Element is a State-mandated policy document within the Del Mar Community Plan, which is the General Plan for the City of Del Mar. The Housing Element is required by State Housing law to be updated every eight years. The City's current Housing Element is for the 5th Cycle planning period which covers 2013-2021. The next planning period is the 6th Cycle which covers 2021-2029. The 6th Cycle HEU is listed as a City Council priority for Fiscal Years (FY) 2019-20 and 2020-21, with a budget of more than $400,000 allocated toward this important work effort. Preparation of the 6th Cycle PEIR and HEU have been in process for over one year. The initial direction to staff was to meet the City Council's objective of developing a plan that is consistent with the Community Plan and meets the criteria necessary to gain certification by HCD.

In early 2020, the City Council provided direction on the City's housing goals, which helped to guide preparation of the draft HEU document. The City's stated housing goals are as follows:

- Overall Housing Goal: Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

- Goal #1: Facilitate a variety of housing strategies to meet Housing Element production targets in a way that complements the existing character of the community.

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

The draft HEU was prepared based on input from the City Council, Planning Commission, and 6th Cycle HEU Ad-Hoc Citizens' Task Force (Citizens' Task Force).

Chapter 2 of the draft HEU identifies the existing community character and profile, explains that Del Mar is a small, generally built-out coastal city with high land costs, and notes that the City's assigned growth projections for the next eight years are likely overstated due to the recession that is expected to occur as a result of the global COVID pandemic.

Chapter 3 of the draft HEU includes an analysis of constraints (governmental and non-governmental) and impediments to fair housing in light of the fact that Del Mar has an obligation to provide housing opportunities for all economic segments per fair housing law requirements, but currently only has housing options available for moderate income and above moderate income households.

Chapter 4 of the draft HEU is the proposed Housing Plan which includes a variety of strategies that can accommodate dwelling units on private and public lots dispersed throughout the community (i.e., Accessory Dwelling Units (ADU) and incentive programs). The Housing Plan identifies the City's proposed action plan to meet each of its seven stated housing goals and the Housing Element criteria per State Housing law. Further, the Housing Plan takes a more targeted approach to encourage the infill of affordable housing units along the City's main commercial corridor by creating a sufficient capacity of adequate sites in zones that allow housing up to 20 dwelling units per acre (du/ac). Note that 20 du/ac is the State's minimum density criteria for Del Mar. Since the City does not have any dwelling units that meet the State definition of "affordable", there is general consensus and support for the inclusion of strategies that can produce a more economically and socially diverse balance of housing options in Del Mar, including units reserved for rental to lower income households. Preservation of existing housing in residential neighborhoods is also an important strategy (i.e., via amnesty or home improvement programs).

The Housing Plan identifies various housing production strategies to help produce affordable units and achieve a more diverse, sustainable, and balanced community. California Government Code Section 65863 requires that the City create and maintain a capacity of adequate sites that can accommodate its assigned housing obligation, which for the 6th Cycle is an assigned Regional Housing Needs Assessment (RHNA) of 163 units that includes 31 above moderate, 31 moderate units and 101 affordable units (low and very low) for rent to lower income households. Based on earlier discussions with HCD staff, the City expects to be assigned an additional 12 units for lower

income households as a "carryover" requirement due to unmet obligations for the City's current 5th Cycle Housing Element.

Combined, the City must demonstrate how it will accommodate 113 affordable units as part of its 6th Cycle HEU. As further described below, this does not take into account the City Council's recent decision on September 8, 2020 to not complete Program 2-E (NC zone) of the City's current 5th Cycle Housing Element.

The proposed Housing Plan to achieve the assigned and carryover units for the 6th Cycle involves a diversified strategy with four main production-related components that include:

1) Accommodating ADUs citywide;
2) Creating housing opportunities along the main commercial corridor by modifying existing zones to accommodate housing up to 20 du/ac (so that the sites can be counted as adequate sites towards RHNA per State Housing law);
3) Partnering with the 22nd District Agricultural Association to locate affordable housing on State-owned Fairgrounds properties; and
4) Identifying City-owned properties that can be made available to make up the difference in the number of affordable units if needed.

As proposed, the combination of strategies demonstrates that the City can produce 113 affordable units exactly per the City's obligation.

Based on recent State Housing law, when jurisdictions like Del Mar do not have adequate vacant sites available to accommodate multiple-dwelling unit development, they are required to create zones of a sufficient density through upzone or rezone actions so that the private sector can build the required number of affordable units during the eight-year planning cycle. As previously noted, the State has set 20 du/ac as the minimum density for these types of upzone or rezone programs. For certification of the 6th Cycle HEU, the City will be required to modify some of its zones (similar to past commitments in its 5th Cycle Housing Element) to allow residential development up to 20 du/ac. These upzone or rezone programs must be applied to properties until the City has sufficient sites available that can accommodate multiple dwelling unit development sufficient to cover the City's affordable housing obligation per State Housing law (i.e., 113 affordable units).

On September 8, 2020, the City Council implemented one of two required programs in the City's 5th Cycle Housing Element – Program 2-F. The City Council's action adopted a General Plan Amendment (GPA20-002) and introduced an Ordinance (ZA20-002/LCPA20-002) to amend the Professional Commercial (PC) land use designation and zone to allow residential as a primary use at a minimum State-required density of 20 du/ac. While this action helped the City provide its only zone that sufficiently allows for multiple dwelling unit housing in the purview of the State (i.e., because of the 20 du/ac requirement), the action only applies to four parcels, all of which are already developed with commercial office development. As a result, the action is anticipated to contribute toward its 113 affordable housing obligation.

Also on September 8, 2020, the City Council considered the second required program in the City's 5th Cycle Housing Element – Program 2-E. The City Council's action did not adopt General Plan Amendment (GPA19-002) or introduce an Ordinance (ZA18-002/LCPA19-001) that would have amended the North Commercial (NC) land use designation and zone to allow residential as a primary use at a minimum State-required density of 20 du/ac. This action resulted in the City not implementing a required program of its current 5th Cycle Housing Element, thereby limiting the number of zones that would sufficiently allow for multiple dwelling unit housing in the purview of the State. As a result, the City is unable to demonstrate how it will accommodate enough adequate sites to meet its 113 affordable housing obligation. Further, this action means that the City is currently in violation of State Housing law.

Inclusionary Housing Requirements

DMMC Chapter 24.21 sets forth the City's requirements for proposed residential development to address affordable housing. The City's inclusionary housing ordinance requires a payment of an in-lieu fee or a "set-aside of affordable units" (a portion of the total units built on-site where the affordable units must be rented to lower income households for at least 55 years) as specified below:

- Projects proposing a subdivision to create multiple new residential lots must pay one "in-lieu housing mitigation fee" for each lot created. (DMMC Section 24.21.035)
- Projects proposing 2-5 multiple dwelling units on one lot typically have the option to pay an in-lieu housing mitigation fee or set-aside one affordable unit. (DMMC Section 24.21.030)
- Projects proposing 6-9 multiple dwelling units on one lot are required to set-aside one affordable unit with no in-lieu fee option available. (DMMC Section 24.21.030)
- Projects proposing 10 or more multiple dwelling units on one lot must set aside 20% of the total number of units as affordable units with specified limits on rental rates as follows (DMMC Section 24.21.030):
    - 10-19 units – 20% affordable units set-aside including one unit reserved for very-low income households
    - 20-29 units - 20% affordable units set-aside including one unit reserved for very-low income households and one unit reserved for extremely low income households
    - 30 or more units - 20% affordable units set-aside including two units reserved for very-low income households and two units reserved for extremely low income households

Pending Schedule and Deadlines for Completion of the HEU per State Housing Law:

The Planning Commission is asked to provide a recommendation to the City Council on the PEIR and the proposed draft HEU. Formal adoption of a General Plan Amendment (GPA20-003) for the HEU will ultimately be required by the City Council at a future date in early 2021. This is because the City's Community Plan is the City's General Plan; and the Housing Element is a required component of the City's Community Plan per State law. Following the Planning Commission meeting, staff will present the draft HEU to the City Council for consideration of approval. The City needs approval of a draft Housing Element to submit to the State for review and approval in accordance with the review timelines and deadlines specified per State Housing law. As such, City Council approval is needed in October 2020 so that the draft Housing Element can be submitted to the State for timely review by HCD starting in November 2020 for the required 90-day review timeframe as set forth per State Housing law. Delaying this timeframe puts the City at risk of not receiving certification by the State's deadline of April 2021. Following HCD review,

the draft will then be returned to the City with comments and clarification from HCD staff as to what modifications will be necessary in order for the City to gain final certification of the Housing Element by the State. Staff will then prepare the necessary amendments for public review and processing for consideration in noticed public hearings via the Planning Commission (if needed) and City Council. If the Community Plan is amended at that time, staff would submit the HEU back to the State for final certification before the April 2021 deadline. See Exhibit D for the penalties applicable to cities that do not comply with State Housing law.

ANALYSIS:

To meet the City's total RHNA obligation per State Housing law, the City is required to provide sufficient housing capacity and adequate sites to accommodate at least 175 total dwelling units (163 RHNA + 12 carryover), including 113 affordable units (101 RHNA + 12 carryover). An "affordable unit" is considered a unit that is made available to "extremely low", "very low", and "low" income households who earn an annual household income no greater than 80 percent of the area median income for the San Diego County region as follows:

- Extremely low income units are restricted for rent to households with an annual income of $24,300 for one person and $27,750 for two persons.
- Very low income units are restricted for rent to households with an annual income of $40.450 for one person and $46,200 for a two-person household
- Low income units are restricted for rent to households with an annual income of $64,700 for one person and $73,950 for a two-person household.

Most of the City's housing stock is above moderate, which means the City's assigned RHNA of 31 above moderate units are likely to be satisfied in existing residential zones per current zoning. However, in the past five housing cycles the City has been unable to produce enough moderate income units. Further, and of exceptional note to the State, the City has failed to produce any of its required lower income affordable units. This means that to gain certification of its 6th Cycle Housing Element, the City must propose a series of actions, including upzone/rezone programs and regulatory changes, to demonstrate how the City's Housing Plan can produce a sufficient number of moderate and lower income housing units over the next eight-year housing cycle.

Proposed Housing Plan – Strategies for Unit Production

The proposed Housing Plan to achieve the target of 31 moderate units and 113 lower income affordable units involves a diversified strategy with four main components that include: 1) Accommodating ADUs citywide; 2) Creating housing opportunities along the main commercial corridor; 3) Partnering with the 22nd District Agricultural Association to locate affordable housing on State-owned Fairgrounds properties; and 4) Making up the difference as needed with City-owned properties.

These four main components are further explained and analyzed below:

HEU Strategy #1: Incorporate Accessory Dwelling Units (ADUs) throughout the City

The HEU will facilitate ADUs (which include tiny homes) throughout the City. ADUs are allowed on any lot where residential is allowed as a primary use. This means ADUs are currently allowed on all properties in residential zones; and prospectively will be allowed in commercial zones (i.e.,

CC, NC, and PC) once multiple dwelling units are an allowed use. HCD has initially indicated that the City of Del Mar can classify ADUs as meeting the City's moderate income category needs, unless the unit is deed restricted affordable in which case in can be counted as a low income unit. To help address the City's lower income unit need, the Housing Plan includes implementing actions to extend and enhance the existing ADU incentive program that currently offers a 500 square foot floor area bonus to an owner in exchange for a commitment to rent the ADU to lower income households for 30 years. Tiny homes typically fit the definition of an ADU; however, the Housing Plan includes a program to amend the Municipal Code to clarify the circumstances where tiny homes are allowed in residential zones and to also allow development of tiny homes on non-residential properties (i.e., lots with hotels, retail centers, public facilities, or vacant City-owned properties).

- **This strategy is anticipated to accommodate 77 moderate income ADU units (only 31 moderate are required by RHNA), including 8 affordable units (out of 113 required for the 6th Cycle).**

HEU Strategy #2: Create Housing Opportunities along the Main Commercial Corridor
The biggest obstacle to balanced housing opportunities in Del Mar is that the City's existing zones do not have capacity to meet the State mandate for affordable housing. Therefore, the City must amend existing commercial zones (i.e., CC and NC and finish PC) to allow residential up to 20 du/ac for projects with an affordable housing component. As previously described, the 20 du/ac density standard is required by the State for certification because it is considered the minimum density that is feasible to support the development of affordable housing in a jurisdiction the size of Del Mar. This does not mean that 20 dwelling units will be allowed on every lot. In fact, the existing small-sized lot pattern in the CC, NC and finish PC zones means that housing development is likely to be fewer than six units per lot; and the NC zone is likely to be fewer than ten units per lot. This strategy will require a Community Plan Amendment as part of the City's implementation actions to allow an increase in residential capacity in the CC and NC zones that is not reflected in the current descriptions in the Community Plan Land Use Element land use categories for Village Center (CC) NC, and finish PC.

As previously described, the recently adopted a Resolution and introduced an Ordinance to amend the PC Zone to allow 20 du/ac consistent with the existing Community Plan Housing Element. The City will be required to continue to process and complete this action by April 2022 by obtaining Coastal Commission certification of the associated Local Coastal Program Amendment at which point the Ordinance will become effective. The issue, however, is that the City Council did not pass a second action that is necessary to amend the NC Zone to allow 20 du/ac consistent with the existing Community Plan Housing Element. This required program has the same State mandated deadline as the PC amendments.

To bring the City into compliance and meet the criteria needed for certification of its 6th Cycle HEU, staff recommends that the City Council reconsider incorporation of the NC Zone into the City's Housing Plan in accordance with the proposed 6th Cycle HEU. This is because the 20 du/ac density is the minimum criteria required by the State for sites within that zone to be counted as "adequate sites". It should be noted that if the 20 du/ac density is not applied to the NC zone, then

none of the sites identified in the HEU as a replacement can be located within the NC zone unless the entire NC zone is amended to allow the State's required density of 20 du/ac. Some have asked about whether the City can just change the density on some NC parcels, but not others. However, this raises potential spot zoning concerns. Spot zoning can occur when a parcel is given more rights than surrounding properties that are similarly situated. Zoning needs to show a reasonable relationship to the public welfare and must not be arbitrary or discriminatory. That being said, if there is a property owner that is interested in having a housing "rezone" program applied to their property, that is an option that the City could consider. However, it should be noted that, similar to what was required with 5th Cycle Housing Program 2-G (Watermark parcels), the State will require that the "rezone" program apply a density of 20-25 du/ac, allow multiple dwelling unit housing with an affordable housing component, and that the housing be allowed by-right with no discretionary permit review.

As proposed, the draft Housing Plan assumes that the City Council will reconsider and incorporate the NC Zone as a necessary component of its housing strategy:

1) If the City Council amends the NC zone to allow multiple dwelling unit residential as an allowed use up to 20 du/ac, then the City will be able to count those sites towards a production target of at least 20 affordable units; or

2) If the City Council does not amend the NC zone as described above, in order for the City to gain certification of its 6th Cycle Housing Element, the City will need to shift the planned 20 affordable units from the NC zone to vacant sites as part of an alternative plan that meets the criteria of State Housing law (i.e., Bluff Top Property Rezone Program which would include both the North Bluff and South Stratford).

Furthermore, the proposed changes to allow multiple dwelling units at a density of 20 du/ac in various commercial zones may not result in sufficient affordable housing production. As a result, the HEU contains additional actions that will involve exploration of streamlining and incentives for projects that include affordable units, which the City may need to implement if the number of affordable units is lower than anticipated in commercial zones.

- **This strategy can accommodate 108-141 total units as needed to produce 21-28 affordable units (out of the 113 affordable units required for the 6th Cycle):**
  - 71-94 units total, including 14-20 affordable units in the NC zone
    - As noted above, if the City is unwilling to amend the NC zone to allow a density of 20 du/ac, the City will need to identify alternative sites outside of the NC Zone for these 20 affordable units. If that scenario occurs, the City will need to commit to rezone the North Bluff and South Stratford properties in order to have sufficient capacity to accommodate these 20 affordable units, in addition to the 51 affordable units that are already allocated to the required rezone program described under HEU Strategy #3 below.
  - 10-17 units total, including 2-3 affordable units in the PC zone
  - 16-19 units total, including 3 affordable units in the CC zone
  - 11 units total, including 2 affordable units in the 941 Camino del Mar Specific Plan

It is important to note that HCD may not accept all of the parcels that have been identified by the City as adequate sites. For example, HCD will reject sites being relied up on for affordable housing if the zone does not meet the minimum density required by State Housing law; if the zone limits on height, floor area ratio, lot coverage, or setbacks would make multiple dwelling unit development infeasible; if the lot is already developed and is constrained in terms of lot size (less than 0.50 acre); or if the site has significant environmental constraints.

HEU Strategy #3: Partner with State to Build Affordable Units on Fairgrounds; otherwise Rezone Vacant Parcels as Required by State Housing Law

The City is targeting a significant portion of its assigned housing obligation on State Fairgrounds property. However, without an agreement in place with the State, the City must include a back-up program to achieve HCD certification to rezone vacant land on the North Bluff (6 parcels on 10.22 "net" acres) and/or South Stratford (3 parcels on 4.39 "net" acres) to accommodate at least 51 affordable units. This is because per State Housing law, since the City currently does not have adequate sites to meet its RHNA obligation, the City must have a program included in its Housing Element to create adequate sites by rezoning vacant land to accommodate at least half of its affordable units. Further, State Housing law requires that this type of rezone program must allow for development of the affordable units through "by right" development, meaning with no discretion or ability for the City to limit or deny the housing development if it meets the program standards. This State requirement is most comparable to the mechanism required by the State in Program 2-G in the City's current 5th Cycle Housing Element (i.e., rezone of the two vacant parcels at Jimmy Durante Blvd and San Dieguito Drive to allow for "by-right" development up to 20-25 du/ac with an affordable housing component). Presently, there are no other areas of the City with vacant land of a sufficient size that will otherwise meet the criteria necessary for certification of the Housing Element.

As mentioned above, staff recommends that the City Council reconsider amending the NC Zone to allow housing up to 20 du/ac. Otherwise, the proposed draft HEU will need to be amended to shift 20 affordable units from the NC zone to the required rezone program on the North Bluff/South Stratford properties, as well as an increase in the inclusionary housing requirement from 20% to 25%. A modification to increase the number of affordable units on the vacant bluff top properties would create substantial risk for the City because if the rezone program is not implemented and the affordable units are not otherwise built in the City during the 6th Cycle, it will allow the property owner(s) of the properties identified in the rezone program to build their project "by-right" without any discretion from the Design Review Board, Planning Commission, or City Council. This is an unfortunate reality of more recent State Housing laws as the City recently discovered during its work on the transition from the 5th Cycle Housing Element to the 6th Cycle HEU.

- **This HEU strategy can accommodate at least 51 affordable units (out of 113 total affordable units required for the 6th Cycle). As mentioned above, if the NC Zone is not amended to allow 20 du/ac, this strategy must be amended to accommodate an additional 20 affordable units through rezoning and an increase in inclusionary housing requirement, which will require that the program accommodate at least 71**

affordable units via "by-right" development on all of the North Bluff and South Stratford properties.

HEU Strategy #4: Utilize City-Owned Land and Public Facilities to Provide Affordable Units
The HEU will facilitate development of affordable units on City-owned property by requiring the City to amend the Public Facilities (PF) Zone to identify residential as an allowed use.

- **This strategy can accommodate up to 14-26 affordable units (out of 113 total affordable units required) if needed to make up the difference through a combination of potential projects:**
  - 4-6 small units on City Hall Expansion Lot "C" on 10th Street – PEIR Site 55: 4,500 sf lot
  - 2-4 small units on a vacant lot on 28th Street – PEIR Site 7: 2,500 sf lot
  - 4-8 small units at 201 Court Street – PEIR Site 11: 1.06 acres (could involve the potential conversion of one tennis court)
  - 4-8 small units on 9th Street (Del Mar Community Connections/Foundation Offices) – PEIR Sites 63 and 64: 0.38 acres (could involve potential incorporation into the Shores Park Master Plan)
  - Various water tank sites. The City's water tank sites are needed for fire suppression services. Prior to selection of any water tank sites for potential housing, the City would need to commit to further study. As such, staff does not recommend selection of any City-owned water tank sites for housing; however, if selected, of the water tank candidate sites identified in the PEIR, staff recommends study of the Crest Water Tower (Candidate Site 95) first as a potential site due to the existing layout of the lot with a split level development pad that is located separate from the water tower. However, an existing water main that runs through the developable area of the site would need to be accounted for in the design and potentially relocated. Staff does not recommend selection of the other three water tanks as potential housing sites for the 6th Cycle HEU: Zuni Water Reservoir (PEIR Candidate Site 21), Highland Avenue Water Tower (Candidate Site 94), and Pine Needles Water Tank (Candidate Site 100).

In developing the proposed Housing Plan, staff considered all parcels within the City boundary, the housing goals set by the City Council, recommendations provided by the Citizens' Task Force and Planning Commission, and the criteria needed per State Housing law for the Housing Element to gain certification. Staff can confirm that this research and analysis involved an exhaustive search of potential candidate housing sites and there are no additional, readily available, prospective housing sites for decision makers to consider with the 6th Cycle HEU.

Proposed Housing Plan – Other Programs

In addition to the programs described above, the draft HEU also includes the following programs that are not related to housing unit production:

- Require a "Housing Impact Statement" be included in staff reports to help inform discretionary land use and planning decisions.
- Process several Municipal Code Amendments to clarify State Housing law requirements related to manufactured housing and density bonus, to allow housing in the PF zone, and to clarify the regulations applicable to tiny homes.
- Ensure compliance with State Housing law requirements related to community care facilities, residential care facilities, emergency shelters, transitional and supportive housing, low barrier navigation centers (service-enriched shelters focused on moving people inti permanent housing), Senate Bill (SB) 35 streamlining requirements, and Fair Housing law requirements.
- Improve and preserve existing housing by establishing an ADU amnesty program, accommodating the renovation and improvement of existing multiple dwelling unit structures with non-conformities, and developing policies and programs that more effectively provide for the use of existing housing stock for long term housing needs.
- Provide information and maintain a database of housing resources including the senior housing and shared housing programs administered by Del Mar Community Connections, the solar panel installation partnership administered by Renewable Cities San Diego, Interfaith Partnership opportunities including the St. Peters Episcopal Church Helping Hands program, the Housing Choice Voucher rent subsidy program administered by the San Diego County Housing Authority, student housing resources and assistance, and other housing assistance programs run by local non-profit organizations to assist in the distribution of information on available housing services and programs for individuals with special needs.
- Coordinate with HCD and Coastal Commission regarding housing needs in the coastal zone.

COMMUNITY PLAN (GENERAL PLAN) ANALYSIS AND CONFORMANCE FINDING:

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

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

- Preserves and enhances the special residential character and small-town atmosphere of Del Mar;

- Maintains the existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, setbacks;
- Insures adequate housing for diverse age and socio-economic groups within the community;
- Facilitates housing for seniors close to the Village Center; and
- Facilitates lower cost housing for low and moderate income households

It is important to note that each of the community "Districts" identified in the Community Development section of the Community Plan is projected to incorporate housing units to meet the City's housing obligation as proposed in the draft HEU:

- State Fairgrounds – At least 51 affordable units on Candidate Sites 2A-2H
- San Dieguito River Valley District – If the NC zone is amended to allow 20 du/ac, affordable units and ADUs can be accommodated (7-10 affordable units total at 2002 Jimmy Durante Blvd, 2126 Jimmy Durante Blvd, 2148 Jimmy Durante Blvd, and 2236 Jimmy Durante Blvd (vacant); otherwise, no units would be accommodated in this District if the NC zone is not amended.
- North Beach District – Affordable units on two City-owned properties (28th Street and 201 Court Street); one above moderate unit in R1-5B zone (2920 Camino del Mar); and ADUs
- North Bluff District – ADUs; and affordable units if rezoned to allow 20 du/ac (Candidate Sites 1A-1F on Camino del Mar and Border Avenue)
- North Hills District – One above moderate units (2069 Seaview Avenue in R1-10 Zone); ADUs, including one deed restricted affordable unit (Luzon Avenue); and Watermark (7-10 units on two vacant lots) in NC zone
- Village Center District – 941 Camino del Mar Specific Plan (9 market rate units and 2 affordable units); PC Zone (2-3 affordable units at 807 Camino del Mar and 853 Camino del Mar); CC Zone (if amended to allow 20 du/ac, 3 affordable units at 1135 Camino del Mar, 1234 Camino del Mar, and 10th Street two vacant lots); and affordable units on City-owned property (10th Street City Hall Expansion Lot "C")
- South Beach District – ADUs; and affordable units on two City-owned properties (9th Street)
- South Bluff District – ADUs; and affordable units if rezoned to allow 20 du/ac (Candidate Sites 98A-98C on Stratford Court)
- South Hills District – ADUs

Final certification and implementation of the draft HEU will require various amendments to the Community Plan (General Plan):

- An amendment to the Community Plan (GPA20-003) as part of the City Council's final adoption to replace the existing 5th Housing Element with the 6th Cycle HEU in accordance with State Housing law (action is anticipated post-HCD's 90-day review in early 2021).

- An amendment to the Community Plan Safety Element to address fire protection.

- Adoption of a General Plan Environmental Justice Element per Housing Program 6E to help establish policies for more effective implementation of Fair Housing law requirements and to reduce community health risk per the Climate Action Plan.

- Amendments to the General Plan Land Use Element to modify the land use classifications for the Central Commercial and North Commercial land use categories. (The City Council adopted an amendment to the Professional Commercial land use category on September 8, 2020.)

RECOMMENDATION:
Staff recommends that the Planning Commission provide a recommendation to the City Council that they move forward with the following actions:

1. Recommend that the City Council certify the PEIR and adopt the MMRP; and
2. Recommend that the City Council reconsider the amendments to the NC zone as soon as possible so that they can continue to be included as part of the proposed diverse, sustainable, and balanced housing strategy that currently relies upon future housing opportunities in the NC zone; and
3. Recommend that the City Council approve the 6th Cycle Housing Element Update for submittal to HCD for review and comment prior to final action by the City at a future date.

Respectfully submitted,

Amanda Lee
Principal Planner

Attachments:
Exhibit A – Candidate Housing Sites (excerpt from Final 6th Cycle Program EIR)
Exhibit B – Summary of Draft Housing Element Affordable Unit Production Components
Exhibit C – Letter from Dept. of Housing and Community Development (HCD) Dated 7-30-20
Exhibit D – Penalties for Non-Compliance with State Housing Law

Links:
1. Draft 6th Cycle HEU: www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029
2. Final 6th Cycle Program EIR: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020
3. Draft 6th Cycle Program EIR: www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1416
4. Draft 6th Cycle Program EIR Appendices: www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1415
5. Certified 5th Cycle NC/PC Program EIR: www.delmar.ca.us/Archive.aspx?ADID=1428

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

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

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

"MM Cul- ~~2~~ 3"

SECTION 3.0 PROJECT DESCRIPTION

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

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

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

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

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

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

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

See attached modified Figure 3-2: Focus Areas.

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

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

Table 3-5, Candidate Housing Sites Without Labels

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

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

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

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

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

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

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

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

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

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

Site	Assessor's Parcel Number	Acres	Address
42	3000121400	0.08	1310 Camino del Mar
43	3000121300	0.14	1302 Camino del Mar
44	3000741000	0.20	Camino del Mar
45	3000740900	0.14	1234 Camino del Mar
46	3000740800	0.14	1226 Camino del Mar
47	3000740700	0.14	1212 Camino del Mar
48	3000740600	0.19	1202 Camino del Mar
49	3000921600	0.20	243 12th St
50	3000921500	0.09	Camino del Mar
51	3000920600	0.09	1140 Camino del Mar
52	3000920700	0.16	1130 Camino del Mar
53	3000921300	0.31	1110 Camino del Mar
54	3000921400	0.22	1104 Camino del Mar
55	3000931700	0.1~~0.91~~	10th St
56	3000931500	0.10	Camino del Mar
57	3001720400	0.20	944 Camino del Mar
58	3001721300	0.22	10th St
59	3001721400	0.22	10th St
60	3001720900	0.20	240 9th St
61	3001721700	0.35	910 Camino del Mar
63	3002002200	0.19	9th St
64	3002002300	0.19	9th St
65	3000308700	1.26	334 14th St
66	3000308300	0.44	1431 Camino del Mar
67	3000300400	0.25	1401 Camino del Mar
68	3000200100	0.17	1349 Camino del Mar
69	3000200200	0.09	317 14th St
70	3000200300	0.19	1335 Camino del Mar
71	3000200400	0.19	1327 Camino del Mar
72	3000200500	0.19	Camino del Mar
73	3000750100	0.14	1247 Camino del Mar
74	3000750900	0.19	1237 Camino del Mar
75	3000750400	0.14	1229 Camino del Mar
76	3000750500	0.19	1219 Camino del Mar
77	3000750600	0.45	1201 Camino del Mar
78	3003910800	0.24	1230 Luneta Dr
79	3004011500	0.30	1135 Camino del Mar
80	3004010300	0.24	1125 Camino del Mar
81	3004010900	0.12	1105 Camino del Mar
82	3004011000	0.11	1101 Camino del Mar
83	3004102600	0.51	1047 Camino del Mar
84	3004102700	0.07	Camino del Mar
85	3004102800	0.16	Camino del Mar

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

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

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

SECTION 4.1 AESTHETICS

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

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

SECTION 4.2 AGRICULTURE AND FORESTRY RESOURCES

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

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

SECTION 4.3 AIR QUALITY

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

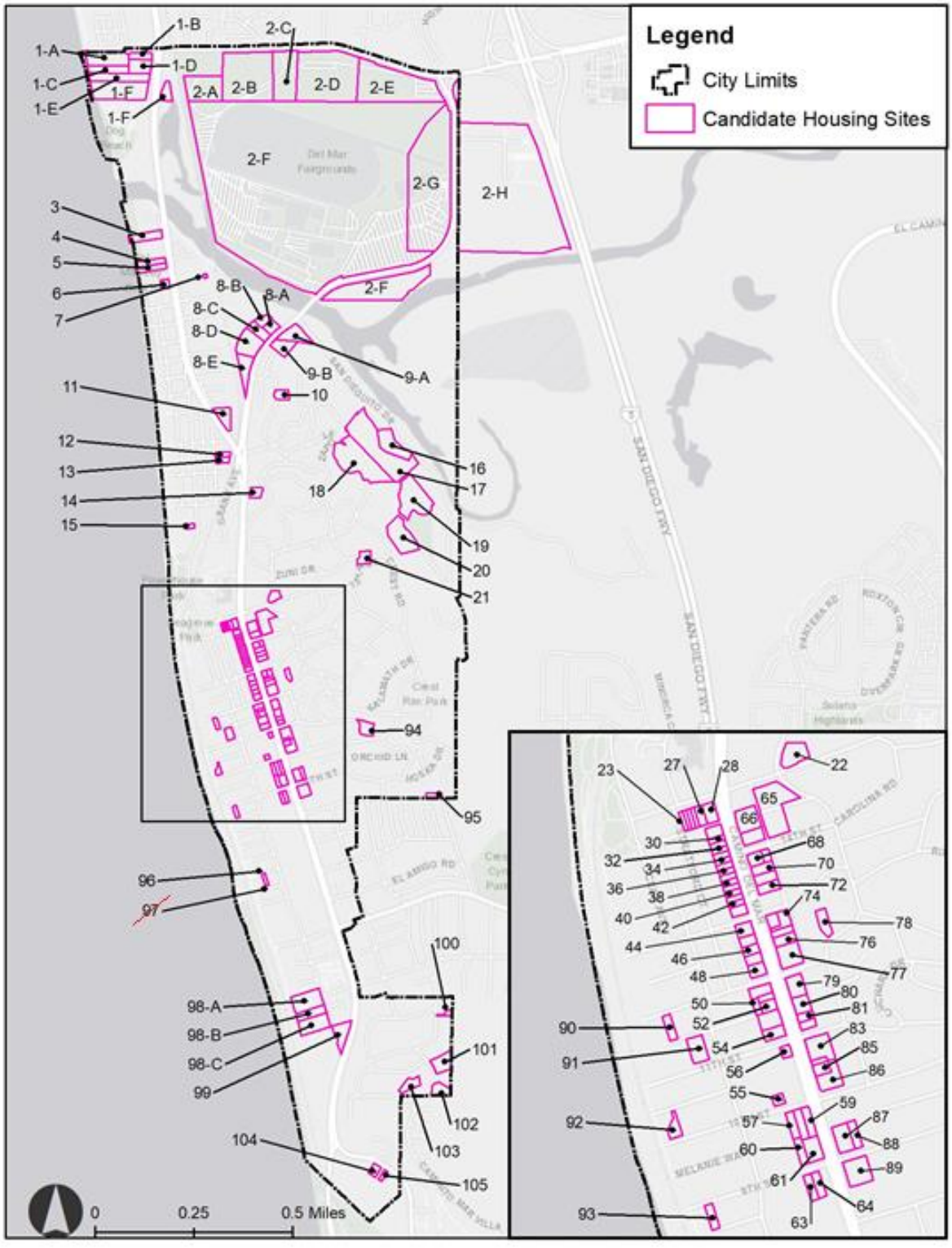


Figure 3-1 Candidate Housing Sites

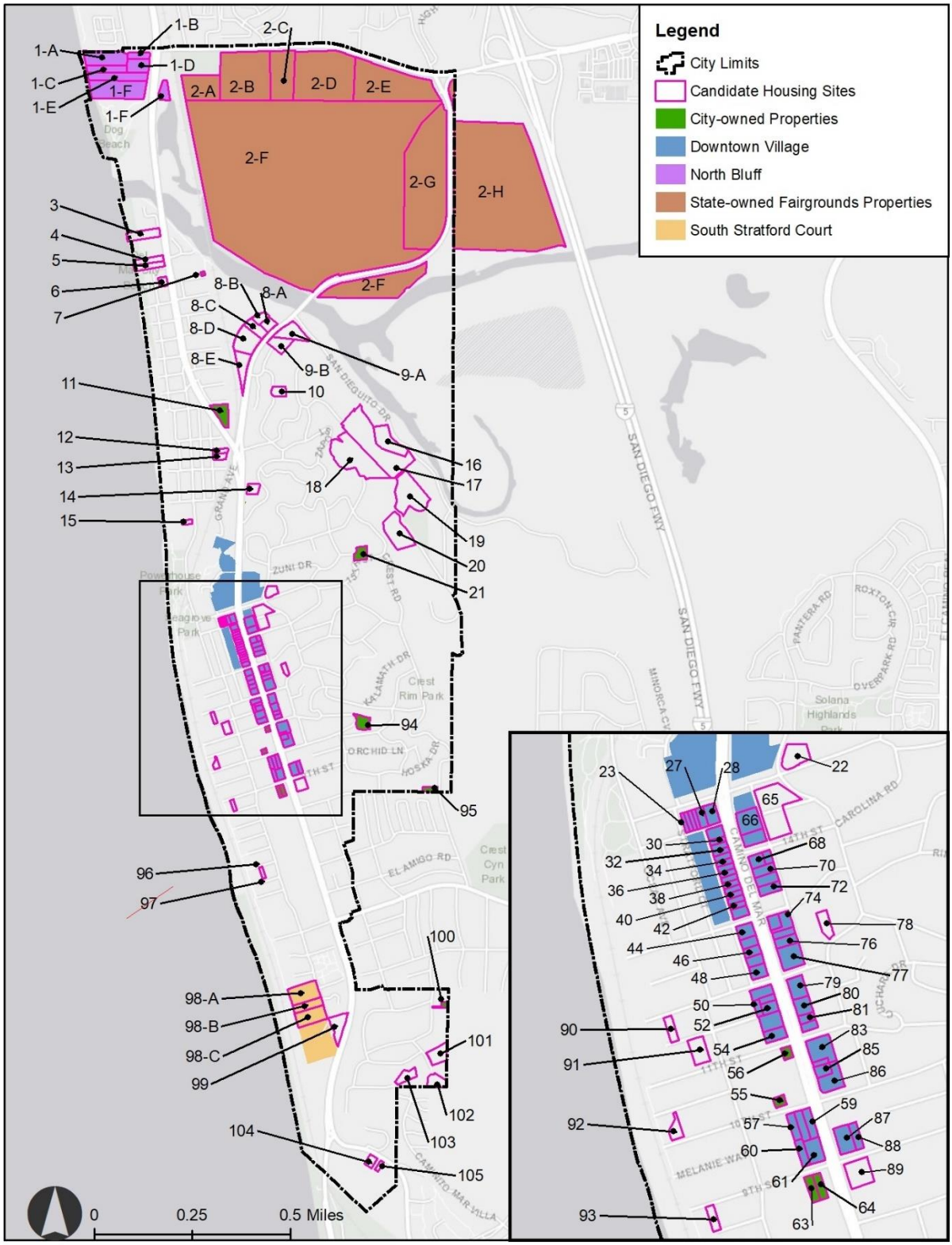


Figure 3-2: Focus Areas

6th Cycle Housing Element Affordable Unit Production

	Total Units	Affordable Units	
ADUs	77 units	8 affordable	Assumes 8 affordable units will participate in the ADU incentive program including one approved affordable ADU (Luzon Avenue)
NC Zone *If land use and zone amended to allow 20 du/ac*	71-94 units	14-20 affordable	• 2002 Jimmy Durante Blvd: 18-28 units, 4-6 affordable (1.42 acres) • 2126 Jimmy Durante Blvd: 8-10 units, 1-2 affordable (0.51 acres) • 2148 Jimmy Durante Blvd: 5-8 units, 1 affordable (0.38 acres) • 2236 Jimmy Durante Blvd: 5-8 units, 1 affordable (vacant 0.42 acres) • Watermark: 35-40 units, 7-10 affordable (vacant 2.68 acres)
PC Zone *If LCP amendment is certified by CCC to allow 20 du/acre*	10-17 units	2-3 affordable	• 807 Camino del Mar: 4-6 units, 1 affordable (0.30 acre) • 853 Camino del Mar: 6-11 units, 1-2 affordable (0.56 acre)
CC Zone *If land use and zone amended to allow 20 du/acre*	16-19 units	3 affordable	• 1135 Camino del Mar: 4 units, 1 affordable (0.30 acre) • 1234 Camino del Mar: 6-7 units, 1 affordable (0.14 acre) • 10th Street: 6-8 units, 1 affordable (0.22 acre each lot)
941 CDM Specific Plan	11 units	2 affordable	941 Camino del Mar Specific Plan: units have been approved at plan level, but no building permits issued (units would be credited toward the City's 6th RHNA obligation at the time building permits are issued)
Rezone of Vacant Land: North Bluff and South Stratford	Up to 204 units on North Bluff Up to 87 units on South Stratford	At least 51 affordable units total (At least 71 affordable units total if the NC zone is not included in HEU and inclusionary zoning requirement increases from 20% to 25%)	• North Bluff (6 parcels): Maximum 204 units, 41 affordable units at 20% inclusionary requirement or 51 affordable units at 25% inclusionary requirement (10.22 net acres) • South Stratford (3 parcels): Maximum 87 units, 17 affordable at 20% inclusionary requirement or 21 affordable units at 25% inclusionary requirement (4.39 net acres) *The rezone will <u>not</u> be required if Fairgrounds strategy is successfully implemented within 3 years (by 2024).*

City-Owned Properties	N/A	14-26 affordable	• 28th Street: 2-4 units on vacant lot (2,500 sf) • 201 Court Street: 4-8 units on parkland (1.06 acres) • City Hall Expansion Lot "C" on 10th Street: 4-6 units on vacant lot (4,500 sf) • 9th Street: 4-8 units on two lots with non-profit offices on parkland (0.19 acre each lot)
Total	Varies	**113 affordable units**	

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 31, 2020

Amanda Lee, Principal Planner
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

Dear Amanda Lee:

RE: The City of Del Mar's 6th Cycle Housing Element Update
Letter of Technical Assistance

Thank you for the opportunity to respond to questions raised by the City of Del Mar (City) relating to the preparation of the 6th cycle housing element. The purpose of this letter is to clarify state requirements related to the housing element update to assist the City in its decision-making.[1]

Housing Element Law (Article 10.6 of Gov. Code) requires the demonstration of adequate sites to accommodate the regional housing need allocation (RHNA). In addition, the related No Net Loss Law (Gov. Code, § 65863) requires the maintenance of adequate sites at all times throughout the planning period. When sufficient suitable sites with appropriate densities are not identified to accommodate the RHNA, the housing element must include a program to make adequate sites available early in the planning period, generally three years for most localities. Adequate sites to accommodate the RHNA are a fundamental component of Housing Element Law and other housing laws noted below.

Unaccommodated Need: Government Code section 65584.09 (AB 1233, statutes of 2005) requires a locality that failed to identify or make adequate sites available in the prior planning period to zone or rezone adequate sites to address the unaccommodated housing need within the first year (12 months) of the new planning period. The requirement to address the unaccommodated housing need for the previous planning period is in addition to the requirement to identify sites to accommodate the RHNA for the new planning period. A locality may not count capacity on the same sites for both planning periods for the purposes of Government Code section 65584.09.

In its 5th cycle housing element, Del Mar identified a shortfall of 12 units to accommodate

[1] This letter is not intended as comments on environmental documents as part of the California Environmental Quality Act or HCD findings pursuant to Government Code ection 65585.

the need of lower-income households in the 5th cycle and an unaccommodated need of 10 units from the 4th cycle for a total of 22 units. To address this shortfall, the City's 5th cycle housing element includes a program to rezone 2.3 acres at minimum densities of 20 units per acre. As required by statute, the program identifies two sites that can permit the development of at least 16 units per site to address the total need of 22 units. Failure to implement this program will carryover the shortfall of adequate sites in addition to the 6th cycle RHNA, and accordingly, the City must rezone sites within the first year of the planning period. This analysis may utilize units constructed by income group in the 5th cycle. If the City fails timely implementation of the program, the California Department of Housing and Community Development (HCD) may find the City's housing element out of compliance with Housing Element Law until this rezoning is complete. If the rezone program is implemented on time, HCD may find the initial housing element in compliance; however, HCD may revoke compliance if program timeframes are not met, potentially triggering further enforcement pursuant to Government Code section 65585.

The City was required to accommodate the unaccommodated 4th cycle need within the first year of the planning period and was required to rezone for the 5th cycle shortfall, generally, within 3 years. The planning period began in 2013. Since these dates have lapsed, HCD may revoke housing element compliance. In addition, requirements pursuant to Government Code section 65583, subdivision (g), are triggered limiting the City's discretion to disapprove a housing development project. However, given the City's progress in implementation and schedule for upzoning in September 2020, HCD will continue to monitor the City's timely implementation.

NC and PC Zoned Sites: The housing element contains Program #4 (2-E, 2-F, and 2-G) to demonstrate adequate sites, specifically upzoning in the NC and PC zones. This action to increase allowable densities in the NC and PC zones was not necessarily required to accommodate the shortfall and unaccommodated need of 22 units for lower-income households. However, the program was added to facilitate a variety of housing types for all income levels which is essential in Del Mar given the lack of zoning allowing higher density. The 6th cycle housing element must evaluate the City's progress in implementation, and the City will be required to take requisite action. These programs were important to maintaining adequate sites (see No Net Loss Law discussion below) throughout the planning period. Further, with an allowable density of 20 units per acre (default density), sites within these zones could potentially be utilized to accommodate housing needs of lower-income households in the 6th cycle. To date, the City has not taken appropriate actions to implement these programs, severely impacting the availability of sites and variety of housing types to accommodate the housing needs of lower-income households. HCD encourages the City to implement these programs in the 5th cycle planning period, prior to 6th Cycle planning period.

No Net Loss Law: Government Code section 65863 requires adequate sites to be maintained at all times throughout the planning period for all income groups. Any action effecting the number of units identified on a site or the assumed affordability of a site triggers these statutory requirements. Unless specified findings are made, a locality may

be required to rezone comparable sites within 180 days. HCD may also enforce these requirements pursuant to Government Code section 65585, including referral to the Attorney General. If a locality rezones a site for lower-income households and subsequent action effects the number of units or affordability, the provisions of No Net Loss Law would be triggered requiring the identification of new adequate sites. To manage this, a locality may institute various approaches such as not assuming 100 percent of a site to accommodate lower-income households and/or identifying sites in excess of the regional housing need, particularly for lower-income households.

HCD appreciates the opportunity to provide information and assist the City in its decision-making. HCD wishes the City success in the upcoming 6th cycle update of the housing element and welcomes the opportunity to assist the City in meeting statutory requirements. Please feel free to contact Jose Ayala at Jose.Ayala@hcd.ca.gov for any additional information and assistance.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Summary of City's Risk of Enforcement Penalties

A range of enforcement penalties set forth per State law could negatively impact the City:

1. **Lawsuits and Court Orders -** Developers and advocates have the right to sue jurisdictions if their Housing Element is not compliant with State Law. In addition, Assembly Bill (AB) 72 provides additional methods for the State and local jurisdictions to be held accountable for Housing Element compliance.

   There are several avenues of legal exposure, including:

   a. **Court Order for Mandatory compliance** – The court can order the City to bring the Housing Element into compliance within 120 days. This was the case with the City of Encinitas.

   b. **Fair Housing Risk** – The City has the obligation to make housing available to all income segments. If the Housing Element is decertified, the City is at risk of lawsuits based on fair housing claims under State and Federal law.

   c. **Private parties may sue the City** – As evidenced by the three lawsuits brought against the City of Encinitas for their Housing Element, private parties or interest groups can sue local jurisdictions and the record of evidence can further support plaintiff claims if the City does not have a certified Housing Element. Because of this, it would leave the City with constant exposure to legal challenge if the Housing Element were to be decertified. In fact, the City has already received (June 2016) a "Notice of Intent to Sue the City of Del Mar" if the NC and PC zone amendments (carryover housing programs in the HEU) are not implemented by the City.

   d. **Fiscal Impacts to the General Fund** – If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it will be subject to substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. These fees would be substantial and can easily exceed $100,000. See discussion below related to the additional risk of General Fund impacts by the State's ability to impose fines.

   e. **Potential Loss of Local Control over Housing Development** – The City's Housing Element must contain a Housing Plan to create adequate sites for 113 affordable units. Pursuant to Government Code Section 65583(g), failure to complete the actions needed for the HEU can trigger limits on the City's ability to deny a multiple-dwelling unit development project with an affordable housing component if that project otherwise would have been allowed had the actions been completed pursuant to the Housing Element.

2. **Levy of Fines -** The State has authority to fine a jurisdiction anywhere from $10,000 to $100,000 per month for non-compliance with its respective Housing Element. Per AB 72, jurisdictions with non-compliant and de-certified Housing Elements can be referred to the

Attorney General who can impose penalty fees that can potentially exceed thousands of dollars on a daily basis until compliance is reached.

3. **Future Housing Element Updates Follow a 4-Year Cycle instead of 8-Year Cycle** - If the City is unsuccessful in obtaining certification from the State for the HEU within 120 days of the statutory deadline, the City will be placed on a more frequent 4-year Housing Element Cycle. Once this occurs, the City will need to successfully process three (3) consecutive 4-Year Cycle Housing Element updates before being placed back on the regular 8-year cycle. HCD often uses the phrase: "If you're late, you don't get eight". If this were to occur, it would result in significant fiscal and operational impacts to the City that would reduce available workload capacity that otherwise could be made available for other special projects.

4. **Limited Access to State Funding Including Grants** - Due to the State's priorities related to housing, most of the grant funding sources, like the recently awarded Senate Bill (SB) SB 2 grant and anticipated-award for the Local Early Action Planning (LEAP) grant, are formula-based and offer free funds that are available only to jurisdictions with certified Housing Elements. The City currently is relying on SB 2 and anticipated LEAP grant funds to cover tasks related to its required housing programs. If the City fails to gain certification, new State funding will not be available and the City may be required to pay back the grants in progress if the City is determined to be ineligible and in breach of the contract. This would be a significant fiscal impact to the City in consideration of the City's current budget and projections for the budget constraints to continue in light of the COVID pandemic and associated devastating economic impacts.

September 14,2020

RED DOT FOR SEPTEMBER 15 PLANNING COMMISSION MEETING

www.delmar.ca.us/telecomment

TO: Planning Commission
City of Del Mar
FROM: Joe Sullivan
2028 Ocean Front
President, Friends of Del Mar Parks
SUBJ: Item 1: 6th Cycle Program EIR and Housing Element Update

Please remove Sites 63 and 64 on 9th Street (PF Zone) from consideration for the needed additional housing in Del Mar. These sites are an integral part of Shores Park! This parcel is occupied by the former Del Mar School District administrative building now occupied by the Del Mar Foundation and Community Connections. It has always been understood that this use was temporary pending completion of a master plan for the community park. That master plan has been put on indefinite hold as a result of the Covid-19 budget cuts.

I am surprised and disappointed this park land is included in the staff report. The property was listed in the consultant's inventory of potential city-owned sites. But in all previous decisions of the Citizens' Committee, the Planning Commission and City Council Shores Park was removed from consideration.

This property was acquired by the City in 2008 through the efforts and generosity of community members. $2.5MM was raised by Friends of the Parks and $3MM was raised by the Winston community. The balance came from the sale of the abandoned reservoir site on Balboa (with the rationale that the City was "trading open space for open space".) Donors were assured by an August 2007 Resolution of the City Council that stated:

> …" The purpose of the acquisition is to preserve the current open space and recreational uses of the property, including the ball field, and to permit the continued operation of the private Winston School ….."

Further

> …" The City's long term goal is to maximize the open space and recreational uses on the property. Although other public uses are permitted on the property under current zoning, the City Council has no intention of pursuing other uses not consistent with the purpose of the acquisition…"

We respectfully ask this Planning Commission to recognize the park belongs to the City through the generosity of contributors who trust the City to maintain it and develop it as a community park. Please remove these Shores parcels from the 6th Cycle Housing Element Update. If they are given up for a mere potential 4-8 housing units then it follows that both Seagrove and Powerhouse Parks will be open for housing, if not now, sometime in the future. We will never get this open space back.

Respectfully submitted

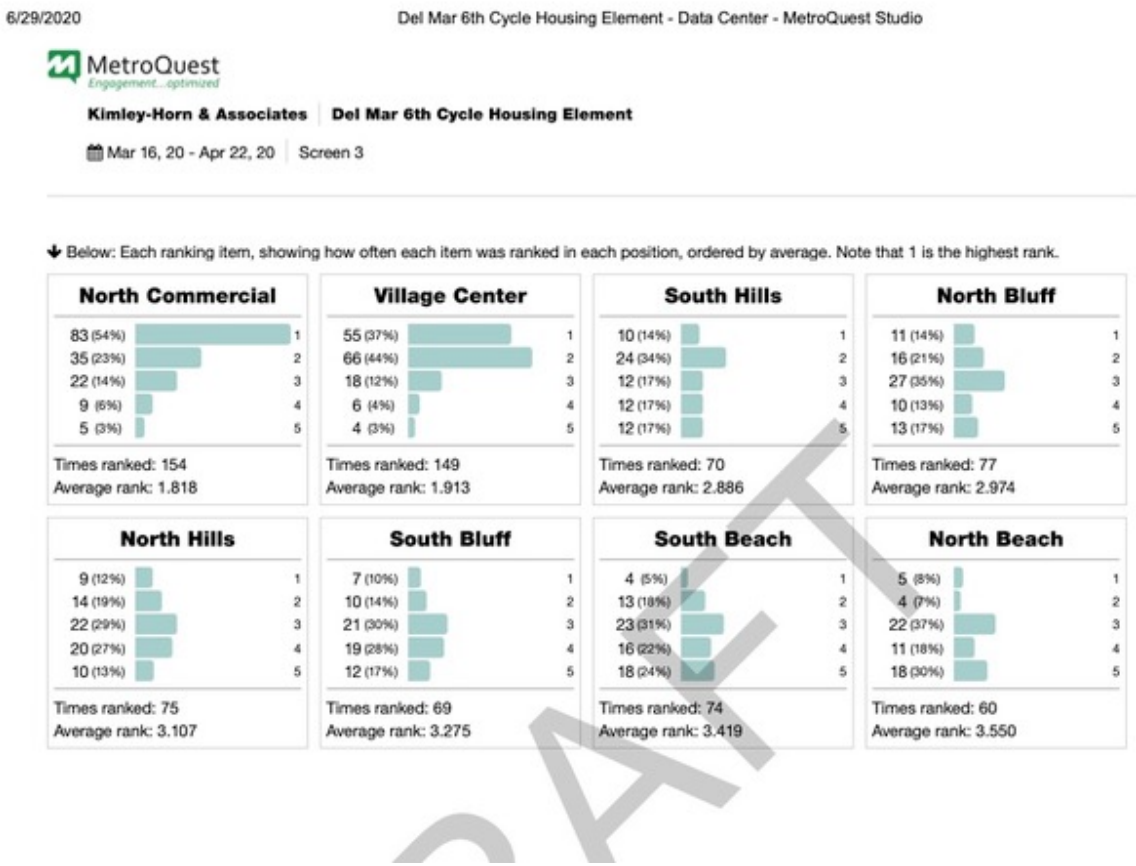
From: Jill Gartman Planning Commission 9/15/2020 Red Dot

To: Planning Commissioner

RE: ITEM 1 -6th Cycle Program EIR and Housing Element Update (GPA20-003)

Dear Commissioners:

Please note the resident survey conducted by the City of Del Mar in April 2020, where Del Mar residents voted ***overwhelmingly*** to add more housing in North Commercial and Village Center - not in the vacant lots on the north and south bluffs and not at Shores Park.



I hope you will consider these results when making decisions for the new housing element and also pass along the expert staff recommendation that the City Council should vote *again* to rezone North Commercial to 20 units per acre.

The staff report for the Draft 6th Cycle Housing Element (highlighted below) spelled out clearly the consequences that will result from blocking the North Commercial rezone. The block will necessitate Del Mar **first rezoning North Bluff** (where the Marisol Hotel was proposed) **and South Bluff off Stratford**

(commonly referred to as Staver property) t**o 25 units per acre with "by-right" development.** See paragraph pasted from staff report below.

As mentioned above, if the NC Zone is not amended to allow 20 du/ac, this strategy must be amended to accommodate an additional 20 affordable units through rezoning and an increase in inclusionary housing requirement, which will require that the program accommodate at least 71 affordable units via "by-right" development on all of the North Bluff and South Stratford properties.

Hopefully these costly consequences (including loss of local control) have become even more clear to the two "no" votes of Council Members Druker and Gaasterland since they blocked the rezone on September 8th.

Housing Program 1E: Citizens need to be able to understand all of the implications of the vote that blocked rezoning North Commercial - especially the impact on the bluff rezoning that is likely the next strategy to avoid State intervention. With regards to that, how likely is it that the Bluffs Slopes and Canyon Overlay zone that keeps the heights on the bluff at 14' will now have to be removed (see insert below from draft housing element)? Can you please ask city staff what they anticipate a development would look like on the bluffs - height requirements and FAR? How many total units do they anticipate on each bluff separately (affordable and above moderate units)?

These sites 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.

Housing Program 1D: Why would we go to the effort to rezone 72 parcels in Central Commercial Zone if only 2 lower income units are projected? Is it possible to take steps to further incentivize affordable units in the Central Commercial Zone? If yes, what would those steps be? From the survey results it was the second most desirable area for housing according to citizens, and incentivizing affordable units in the Central Commercial Zone is key to protecting our bluffs and recreational areas like the Shores Park and the courts on Court Street. Plus it helps lower GHG if people can live and work in Central Commercial and North Commercial.

Housing Program 3A - From the housing element: *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.*

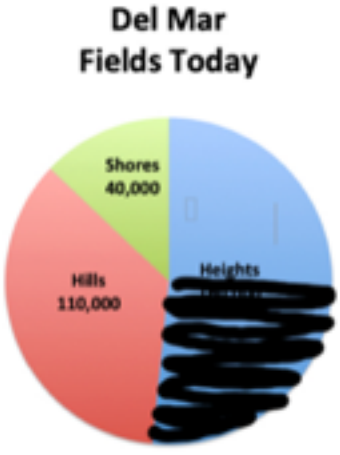
If North Commercial is not rezoned, and North and South bluff are rezoned instead, what will be the back up plan if Fairgrounds housing does not happen in 36 months for those 51 affordable units?

Housing Program 1H: From the housing element: *Public Facilities Zoning Amendments to allow residential development within 36 months.*

First, there was mention in the staff report of affordable housing on the second story of DMF and DMCC buildings. I understand those buildings will be torn down in remodeling this area, and I do not know whether new ones will be built to allow housing on their second story. The 2017 renderings for the Shores Park do not appear to have buildings for DMF and DMCC in them. If staff could clarify this suggestion that would be helpful.

Second, the proposed zoning change would open up the **entirety** of the Shores Property (including existing grass fields and hardtop play areas) for residential development. Is it possible to carve out some areas as dedicated recreational park space?

Del Mar residents that helped purchase the Shores property thought it would be a park - and there is still overwhelming public support for that idea. Additionally, Del Mar desperately needs this recreational space, especially with the loss of 2.1 acres of recreational space at the new Heights' Elementary School. Powerhouse Park is too packed with picnics to be a substitute and
the hard-courts on Court Street are also up for rezoning for housing.



Jan 2020 design would reduce total Del Mar fields by 25%

Jan 2020 design would reduce total Del Mar hardcourts by 25%

Part of the reason why it is so important to rezone North Commercial and Central Commercial is those areas do not have native habitat, they are not recreational parks, and they are not on fragile bluffs. It is exactly the kind of infill development that our city should pursue with as needed mitigation by developers to address safety and traffic concerns.

Thank you for the time in reading my letter and addressing my questions. Also thank you for volunteering your time and contributing to the greater good of Del Mar.

Sincerely,
Jill Gartman
Member, Concluded 6th Cycle Housing Element Ad-hoc Citizens' Task Force

Jennifer Gavin

From: Judd Halenza <judd@thejuddco.com>
Sent: Monday, September 14, 2020 4:19 PM
To: Planning Mail Box
Cc: Joe Sullivan
Subject: SUBJ: Item 1: 6th Cycle Program EIR and Housing Element Update

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please remove Sites 63 and 64 on 9th Street (PF Zone) from consideration for the needed additional housing in Del Mar. These sites are an integral part of the Shores Park. This park has a long history of being part of the City's open space. Private money was contributed for a portion of the purchase of the park. Those of us who contributed never envisioned that the land could become multifamily housing. Thank you for your consideration of this matter.

Regards, Judd Halenza

Re: ITEM 1 - 6th Cycle EIR and Housing Element Update, 9/15/2020 PC Hearing, Site 98(a-c)

Statement from the Staver Family:

We did not ask the City to upzone our property on Stratford Court, nor were we notified by the City about the potential plans to upzone it. We currently have no plans to develop or sell the property for development. However, we have trouble envisioning a scenario where we would develop the property or sell the property for development with a requirement to include 25% inclusionary housing. This criterion makes development appear uneconomical compared to the current use of the land – as a private residence along with the single-family home on a contiguous parcel – and is inconsistent with studies of inclusionary housing rates in nearby cities, such as San Diego and Encinitas, that have recently updated their housing element and/or inclusionary policies.

Dan Staver
Tom Staver
Ann Irwin
John Staver
Larry Staver

RED DOT – Planning Commission 09/15/2020

Dear Planning Commissioners,

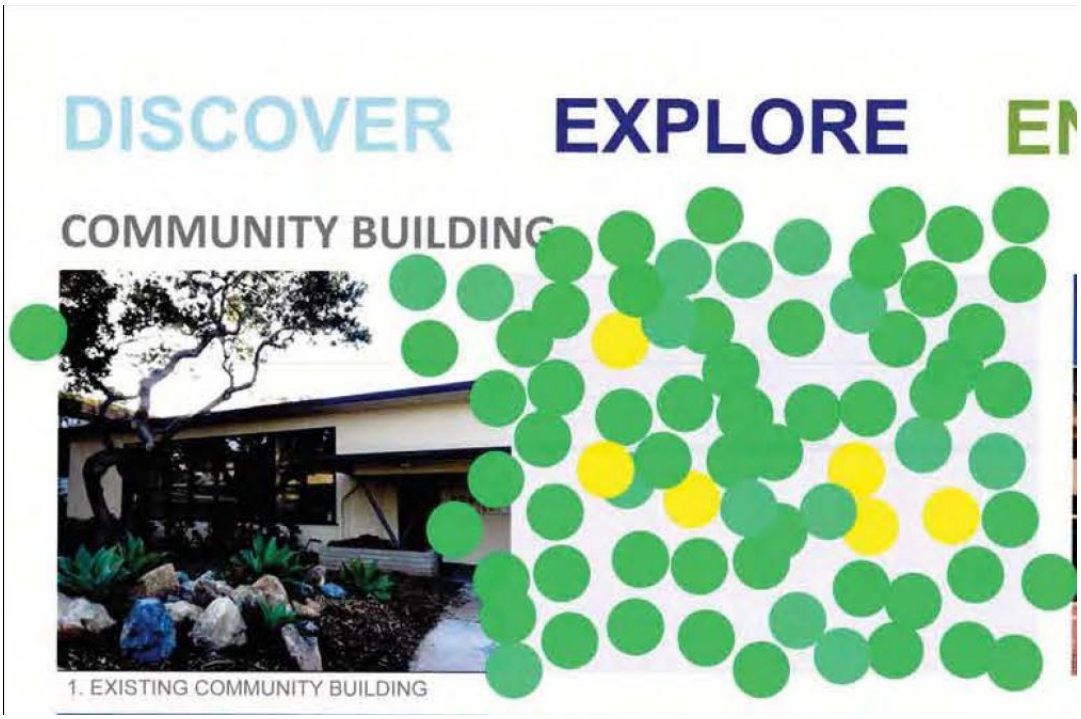
I note that a relatively small item presented in the Staff Report for tonight's meeting has been the focus of concerns expressed in the two Red Dots posted online to date, so I am writing to clarify this item.

The Staff Report identifies, as part of HEU Strategy #4, "4-8 small units on 9th Street (Del Mar Community Connections/Foundation Offices)–PEIR Sites 63 and 64: 0.38 acres (could involve potential incorporation into the Shores Park Master Plan)."

I assume the property is described this way in the Staff Report because the Shores Park Master Plan is still in the process of being created. However, I do not think anyone is proposing treating this property separately from Shores Park master planning and development. The Del Mar Community Building, at 225 9th St., currently operates based on an interim agreement with the City that allows community uses, including DMF and DMCC offices, while the Shores Park Master Plan is being developed.

However, the City Council has given direction to include a building in the Shores Park Master Plan for indoor recreational uses. Per the approved minutes of the July 6, 2015 City Council meeting: "Council provided staff with direction to incorporate indoor recreational programming space and offices for the community organizations operating those programs into the Del Mar Shores Park Master Plan." The Schmidt Design Group then presented three concept "bubbles" to Council on January 19, 2016. Two of those concepts involve the existing building with an addition; the third concept involves a new building in a different location on the Shores property. Further refinement of these concepts has been postponed, first due to a pause for shared-use discussions with Winston, then due to Covid-19 financial constraints. Whether adding small dwelling units as a part of the addition to the existing building, or the new building, is something that has not yet been explored by the Shores Advisory Committee or Schmidt Design Group, but I think it is a fair issue to explore, given the severity of our affordable housing crisis and our limited options.

While I think that all residents, including donors to Shores Park acquisition, are expecting and entitled to a Park, indoor recreational space is consistent with Park purposes, as highlighted by the many Shores Park workshop participants who "voted" with a dot to retain the existing building as a Community Center, illustrated by this poster from the workshop (with many other dots placed next to other images showing various replacement buildings in different styles):



(Those who donated through Winston already have the benefit of what they were promised: a long-term, 55-year lease, and rent credit to Winston for their donations.)

Speaking only for myself as a private citizen and resident, I would note two things: First, as of today, though we have three "entitled" affordable units (one dedicated ADU, two as part of 941 Camino Del Mar), Del Mar has not actually produced a single affordable unit to date, in part because our Housing Element has focused on providing opportunities for the private sector to produce them. This makes it understandable that a full inventory and evaluation of City-owned property is a part of the Draft HEU, because the City has more control over whether affordable housing is actually produced when its own property is involved. Second, I believe that actual production of affordable housing is not only going to be expected by the State going forward, but is also a positive thing for our City, because diversity is key to our future and our vibrancy as a community.

I am strongly in favor of protecting Shores Park for park purposes, including indoor recreational space. I am open to the concept of a small number of units as part of the recreational building, so long as it does not change the footprint and thus reduce open space.

Respectfully submitted,

Betty Wheeler
Seaview Ave.

Jennifer Gavin

From: Joseph Smith
Sent: Tuesday, September 15, 2020 12:04 PM
To: Jennifer Gavin
Subject: FW: Planning Commission red dot

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Tuesday, September 15, 2020 12:00 PM
To: Amanda Lee <alee@delmar.ca.us>
Cc: City Clerk Mail Box <CityClerk@delmar.ca.us>; Joseph Smith <jsmith@delmar.ca.us>
Subject: Planning Commission red dot

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

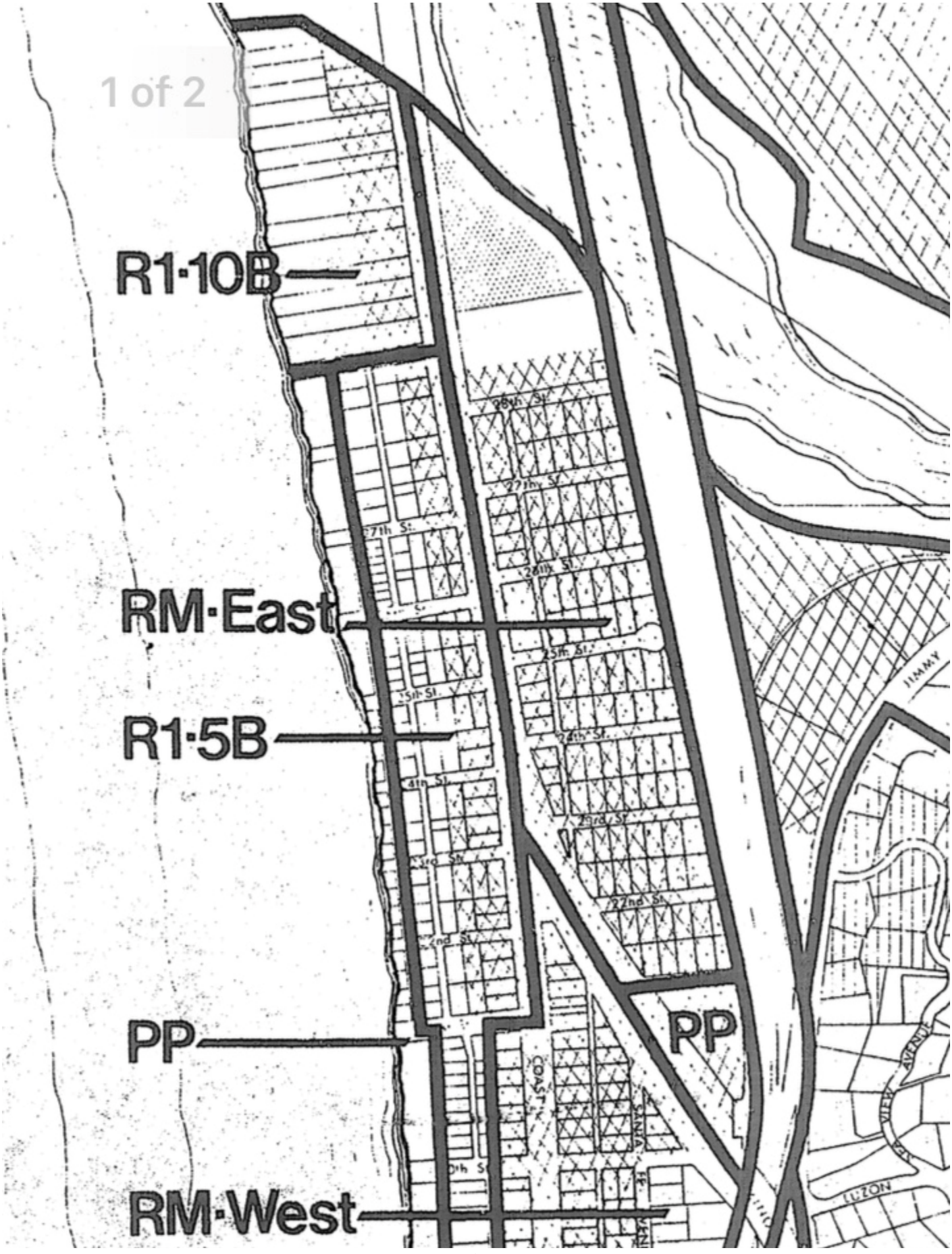
Dear Planning Commissioners and Staff,

Many properties in the R1-5b zone were originally developed as duplexes, previously a conforming use. However, current zoning no longer allows duplexes (unlike the adjacent RM-West and RM-East zones) in the R1-5b zone so redevelopment is reducing housing stock as the duplexes are torn down and replaced by single-family homes.

Here is the section of the zoning code from the adjacent RM-West and RM-East zones that could be added to R1-5b zone to allow duplexes:

“A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area.”

Here is the zoning map of the R1-5b, RM-West and RM-East zones:


R1·10B
RM·East
R1·5B
PP
RM·West
PP
28th St.
27th St.
26th St.
25th St.
24th St.
23rd St.
22nd St.
21st St.
20th St.
19th St.
18th St.
17th St.
16th St.
15th St.
14th St.
13th St.
12th St.
11th St.
10th St.
9th St.
8th St.
7th St.
6th St.
5th St.
4th St.
3rd St.
2nd St.
1st St.
JIMMY
COAST
SANTA
LUZON

Allowing duplexes in the R1-5b zone would not only meet the 6th Cycle Housing Element goal of preserving housing stock but also increase the number of allowable housing units in this zone from ~100 to ~200.

Even more significantly, allowing duplexes in the R1-5b zone would also reduce the 30% “buffer” added by HCD to Del Mar’s already unfairly inflated RHNA allocation (derived from temporary and seasonal jobs) to account for the potential loss of housing stock through redevelopment.

It is surprising that the housing element included highly used public sites in the PF zone like the Shores, City Hall, and the tennis courts yet omitted the vacant 3-acre train station property in the BC zone. This 3-acre site contains a historic train station that is less than 2,000 SF amidst acres of unused parking since the station closed decades ago. At 20 units/acre this 3-acre parcel could possibly accommodate 81 units (including 30% affordable housing density bonus). A development could easily incorporate the beautiful train station designed by famed architect John Austin.

The recreational element exaggerates the recreational opportunities in Del Mar and parkland as it does not distinguish between passive and active use. Del Mar’s only playing field for athletic teams is a little over an acre at the Shores. The only other greasy parkland is at Seagrove and Powerhouse Park which is not used by sports teams but by picnicking tourists and guests at frequent wedding receptions. Del Mar needs a lot more grassy parkland and other recreational areas for athletic teams and sports in order to attract more families with children.

The Housing Element should not include the following PF properties:

Area C at City Hall: This area was specifically configured to accommodate the historic Alvarado-Levi House, an original Jacob Taylor house from 1885, so it could return near its original home on 10th Street and be used at as Museum and archive open to the public. Unlike neighboring cities, Del Mar does not have a publicly available historic site as a museum or archive.

Shores: Unlike the other PF properties in Del Mar, it was the only one acquired as the result of private fundraising. $5.5M was donated to the Shores acquisition by private donors including $2.5M from the community and $3.0M from Winston School. To aid that fundraising campaign, the Del Mar City Council passed a resolution stating that the property was to be used for recreation and as a school.

Tennis courts: Del Mar only has two tennis courts.

Thanks for your consideration,

Laura

Sent from my iPhone

SAN DIEGO HOUSING FEDERATION

3939 Iowa Street, Ste. 1
San Diego, CA 92104
Phone: (619) 239-6693
Fax: (619) 239-5523
www.housingsandiego.org

September 15, 2020

Mr. Joseph Smith, AICP
Director, Planning & Community Development
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
Submitted via email: jsmith@delmar.ca.us

Re: Draft 6th Cycle Housing Element

Dear Mr. Smith:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6th Cycle Housing Element for the City of Del Mar.

The draft Housing Element contains several actionable items that will help Del Mar make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

Implementing State Legislation
The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will advance Housing Program 1H (Chapter 4 – 9) to provide opportunities for low and moderate income housing throughout the city. We applaud the city's goal to amend the Public Facilities (PF) Zone to allow for residential development on City-owned properties. Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing.

We are pleased to see Housing Program 1G (Chapter 4 – 7) included in this plan to update the City's Density Bonus Ordinance. We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "Equity and Climate for Homes," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing. AB 2345 has passed the legislature and is pending

signature by the Governor. Should the bill be signed, this could serve as a valuable tool to achieve the City's housing goals.

Local funding for affordable housing

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. As is recognized throughout the draft Housing Element, federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called "boomerang funds," as a local source of funding for affordable housing.

Affirmatively furthering fair housing and equity

As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee's Opportunity Map as areas of highest or high resource (Chapter 3 – 60) and the city is predominantly White with the White population comprising 91 percent of the City's population (Chapter 2 – 4). It is also noted that patterns of racial and ethnic concentration exist in the region (Chapter 3 - 64). The City of Del Mar should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, constraints on increasing housing supply such as the City's Historic Preservation Overlay (HPO) Zone and height limits should be examined for their role in creating exclusion.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Housing and Climate Change

Our September 2016 report, "Location Matters: Affordable Housing and VMT Reduction in San Diego County," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. In addition, the City's Climate Action Plan includes a goal to increase mass transit ridership. Currently, the draft Housing Element makes no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that Planning Department staff have dedicated to the draft Housing Element document and look forward to supporting the City of Del Mar in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,

Laura Nunn
Director of Policy & Programs

CITY OF DEL MAR
PLANNING COMMISSION REGULAR MEETING
(ACTION) MINUTES
September 15, 2020
Via Teleconfrence

The minutes set forth the actions taken by the Planning Commission on the matters stated. Audio/video recordings of the Planning Commission proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the Planning Commission, including Red Dots (materials provided to the Planning Commission after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Chairperson Bakker called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Chair Ted Bakker, Vice Chair Philip Posner, and Commissioners John Farrell, Claire McGreal, and Don Countryman

Absent: None

Staff Present: Planning and Community Development Director Joseph Smith, Principal Planner Amanda Lee, and Associate Planner Jennifer Gavin

APPROVAL OF MINUTES

Motion by Commissioner Countryman, second by Commissioner Farrell to approve the meeting minutes for August 11, 2020. Vote passed unanimously.

UPDATE- None

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items) - None

ITEMS NOT LISTED ON THE AGENDA (Oral Communications)

Konstantin Magoulias wanted to thank the Planning Commission and Staff for their work on the Tree Scenic Views Application for the Ficus Hedge between 306 and 310 Del Mar Heights Road; and provided an update that the Ficus tree had been trimmed per the Planning Commission's adopted Resolution.

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Lee announced the one action item on the agenda.

NEW APPLICATION(S)

ITEM 1
6th Cycle Program EIR and Housing Element Update (GPA20-003)

Location: The 6th Cycle Housing Element Update (HEU) will facilitate housing citywide through various Housing Programs on identified Candidate Sites as described in the 6th Cycle HEU Program Environmental Impact Report (PEIR), including but not limited to the following sites if various programs are selected and implemented:

- New housing opportunities in the Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), and Public Facilities (PF) Zones
- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- City-owned land including Candidate Site 7 at 28th Street (RM-East Zone); Site 11 at 201 Court Street (Public Facilities (PF) Zone); Site 55 at 10th Street City Hall Expansion Lot (PF Zone); and Sites 63 and 64 at 9th Street (PF Zone)
- State-owned Fairgrounds properties on Candidate Sites 2A-2H if the City is able to enter an agreement with the State; otherwise, a program to rezone Candidate Sites 1A-1F (North Bluff) and/or Sites 98A-98C (South Stratford) will be required to meet State Housing law if the City is unable to enter into an agreement

Applicant: City of Del Mar, Planning Department
Staff Contact: Amanda Lee, Principal Planner
Environmental Status: A Program Environmental Impact Report (PEIR) with a Mitigation, Monitoring, and Reporting Program (MMRP) was prepared and circulated for the 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064): http://www.delmar.ca.us/Archive.aspx?ADID=1416).
Some of the Housing Programs in the 6th Cycle HEU are also covered by the NC/PC Amendments PEIR (SCH No. 2019029058) that analyzed future housing in the NC Zone, PC Zone, and PF Zone:
https://www.delmar.ca.us/Archive.aspx?ADID=1428.
Description: A request for the Planning Commission to review and consider the 6th Cycle HEU PEIR and MMRP; review and discuss the proposed Housing Programs and approach identified in the proposed Housing Plan; consider how it relates to other Community Plan (General Plan) Elements; and recommend that the City Council certify the PEIR and MMRP and approve the General Plan Amendment to amend the Del Mar Community Plan for the 6th Cycle HEU. It is anticipated that the HEU must accommodate adequate sites for a total of 175 units, which includes 163 units for the 6th Cycle Regional Housing Needs Assessment (RHNA) (includes 101 very-low and low-income units) and an additional 12 low-income units that are a carryover requirement from the City's 5th Cycle Housing Element. At a future hearing, the City Council will consider whether to certify the

PEIR and MMRP, approve the 6th Cycle HEU as part of the City's Community Plan, and authorize submission to State Housing and Community Development for certification review.

Planning Director, Joseph Smith provided an introduction to the item.

Principal Planner Amanda Lee provided the staff presentation. The presentation covered the environmental document, which was prepared in accordance with CEQA; the main components of the Housing Element Update document that was prepared in accordance with State law; the proposed diversified strategy to facilitate affordable housing as needed to meet the City's assigned housing need; the significant public outreach steps that were involved to meet the requirements per the California Government Code and additional noticing and public participation opportunities that were provided; the applicable State mandates related to the preparation and implementation of Housing Elements for compliance with State law; the tight timeline that must be met to minimize risk of penalties; and the associated penalties and enforcement remedies available to the State. The presentation also covered the relationship between the proposed Housing Element Update and the other elements within the existing Community Plan (General Plan) to demonstrate consistency.

Each Commissioner disclosed for the record that they had read the PEIR and Housing Element Update materials. Chair Bakker and Vice Chair Posner also disclosed that they had discussed the item with staff.

The following members of the public provided oral comments on the item:

- Joe Sullivan, 2028 Ocean Front Avenue
- Laura DeMarco, 544 Avenida Primavera

The following seven comment letters were posted and distributed as red dot correspondence, and filed with the project:

- Joe Sullivan, 2028 Ocean Front Avenue
- Laura DeMarco, 544 Avenida Primavera
- Jill Gartman
- Judd Halenza
- Betty Wheeler, Seaview Avenue
- San Diego Housing Federation, 3939 Iowa Street Ste. 1 San Diego, CA 92104
- Staver Family, Staver Court

Commissioners asked questions about the status of the City's Housing Element in light of the decision by the City Council on September 8, 2020, to proceed with only one of the required programs in the existing Housing Element (the amendments to the Professional Commercial Zone); and to not proceed with approval of the North Commercial Zone.

Principal Planner Lee clarified that both programs are required for the City to comply with State law; that the staff recommendation is for the City Council to reconsider and include the North Commercial program; and that the proposed 6th Cycle Housing Element Update as recommended by staff relies on the assumption that both programs will continue to be processed and completed within the first year of the 6th Cycle as "carryover" programs from the 5th Cycle.

Commissioner Countryman asked about the effect on the existing development standards and process requirements of the North Commercial zone due to the City Council action on September 8, 2020; and how it effects the NC properties that are owned by Watermark. Principal Planner Lee explained that per

HCD a risk of the Council decision is that State law will facilitate housing in the North Commercial zone up to 20 dwelling units per acre in accordance with the existing development standards of the zone and per the program in the existing Housing Element; and that HCD also indicated that the Watermark properties could be developed "by right" to a density of 20-25 dwelling units per acre per 5th Cycle Program 2G that was not completed. Staff confirmed that density bonus is a requirement per State law that is intended to facilitate affordable housing; and that the City would have to process any eligible density bonus application "by right" through a ministerial process.

Commissioner McGreal expressed concern with the proposed list of "adequate sites" for affordable housing that included lots in the public parklands at 9th Street and 201 Court Street. The Commissioners discussed this concern and agreed that the Council should consider including parklands only as a last resort.

Principal Planner Lee clarified that the 9th Street and Court Street public parkland sites were on the list of sites recommended by the Production Subcommittee of the Ad Hoc Citizens' Task Force Advisory Committee. Principal Planner Lee further indicated that staff would look into alternative options, if available, for presentation to the City Council to facilitate an alternative list of "adequate sites" for affordable housing that does not rely on public parkland.
The Commissioners were in agreement that the draft Housing Element Update should be approved for submittal to the State in order to avoid the potential risk of loss of local control due to "by-right" development that could occur should the 6th Cycle Housing Element Update and carryover programs from the 5th Cycle not be adopted by the City Council.

Commissioner Farrell referred to the City's past record on Housing Elements and affordable housing; and indicated the community's desire for local control of zoning and design review is too important to risk.

The Commission as a whole emphasized that to maintain local control the City Council should reconsider the zoning changes in the North Commercial Zone that were initially considered by the City Council on September 8, 2020, in order to create adequate sites for affordable housing in compliance with the existing 5th Cycle Housing Element.

MOTION BY VICE CHAIR POSNER, SECOND BY COMMISSIONER FARRELL TO RECOMMEND THAT THE CITY COUNCIL CERTIFY THE PROGRAM ENVIRONMENTAL IMPACT REPORT AND APPROVE THE MITIGATION, MONITORING, AND REPORTING PROGRAM; AND APPROVE THE DRAFT HOUSING ELEMENT UPDATE FOR TIMELY SUBMITTAL TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND THAT THE CITY COUNCIL CONSIDER HOUSING PROGRAMS ON CITY PARKLAND AS A LAST RESORT OPTION. (VOTE 5-0)

Ayes: Chair Bakker, Vice Chair Posner, and Commissioners Farrell, McGreal, and Countryman
Noes: None
Absent: None

ADJOURNMENT
Chair Bakker adjourned the meeting at 7:25 p.m.

Del Mar City Council Meeting Agenda

VIA TELECONFERENCE ONLY

1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: ***Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.***

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Monday, October 5, 2020 at 4:30 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Ellie Haviland
Mayor

Terry Gaasterland
Deputy Mayor

Dave Druker
Council Member

Sherryl Parks
Council Member

Dwight Worden
Council Member

CJ Johnson
City Manager

Leslie E. Devaney
City Attorney

Ashley Jones
Administrative Services Director

Public Participation/Comment
Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

Viewing the Meeting and Access to Agenda Materials
Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website and at the Del Mar Library during their limited hours of operation. http://www.delmar.ca.us/AgendaCenter

Consent Calendar: Items on the Consent Calendar will be enacted in accordance with the recommendations in one motion unless removed from the Consent Calendar by Council, staff, or a member of the public.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PUBLIC ORAL COMMUNICATIONS

Each person wishing to comment to the City Council on any matter not on the agenda may submit a written comment to cityclerk@delmar.ca.us or a tele-comment request to speak by 12 p.m. on the day of the meeting. Please note "Public Oral" in the subject line of your email or tele-comment request form.

IV. CITY COUNCIL COMMENTS

V. COMMUNITY ANNOUNCEMENTS

VI. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. 22nd District Agricultural Association Community Relations Committee (Worden/Haviland)
B. Clean Energy Alliance (CEA) Board of Directors (Haviland/Worden)
C. CSA-17 Ambulance District Advisory Board (Parks/Druker)
D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Parks/ Worden)
E. League of California Cities – San Diego Chapter (Haviland/Gaasterland)
F. North County Transit District (NCTD) (Gaasterland/ Druker)
G. Regional Solid Waste Association (Parks/Haviland)
H. San Diego Association of Governments Board (SANDAG) (Haviland/Worden/Druker)
I. SANDAG Public Safety Committee (Haviland – Alt.)
J. SANDAG Regional Planning Committee (Worden)
K. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
L. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Parks/Bride)
M. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Haviland)
N. Other Regional Organization Reports

VII. CITY MANAGER'S REPORT

VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council, staff, or the public so requests, in which event, the item will be considered separately.

1. Approval of Minutes: September 21, 2020 Regular and Special Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

2. Ratification of List of Demands, dated October 5, 2020

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

3. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

4. Second Reading and Adoption of an Ordinance Amending Section 23.08.035 of the Del Mar Municipal Code Regarding Administrative Design Review Permit Components and Noticing

Recommended Action: Staff recommends the City Council adopt the Ordinance (Attachment A) to amend Section 23.08.035 of the Del Mar Municipal Code (DMMC) regarding Administrative Design Review (ADR) permit components and noticing.

Reference: Clerk's File No. 401-4, 401-9

5. Approval of Agreements for As-Needed Emergency General Construction Services

Recommended Action: It is recommended that the City Council: 1) Approve Agreements with Portillo Concrete, Inc. (Attachment A); Southland Paving, Inc. (Attachment B); and Tri-Group Construction and Development, Inc. (Attachment C) for as-needed emergency construction services for a three-year term beginning October 5, 2020 and ending October 5, 2023 with the option to extend the Agreements for an additional two-year period; and 2) Authorize the City Manager to execute the Agreements and any future extensions to the term of the Agreements.

Reference: Clerk's File No. 406-1

IX. STANDING DISCUSSION ITEMS

6. Housing

Recommended Action: The purpose of this item is to provide general updates on housing related matters by staff and Councilmembers. No action will be taken on

this item. Items requiring substantive discussion or action will be agendized separately.

Reference: Clerk's File No. 303-1

X. PUBLIC HEARING

7. 6th Cycle Program Environmental Impact Report and Draft Housing Element Update – General Plan Amendment (GPA 20-003)

Recommended Action: Staff recommends the City Council take the following actions:

1) Adopt a Resolution to certify the Program Environmental Impact Report (PEIR) and adopt Findings of Fact and a Mitigation, Monitoring, and Reporting (MMRP) for the Draft 6th Cycle Housing Element Update (HEU) – see Attachment A
    - Final PEIR: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020
    - Draft HEU: www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029
2) Review and discuss the proposed Housing Programs and approach identified in the draft Housing Plan (Chapter 4 of the HEU) – see Attachment B
3) Consider how the draft HEU relates to other Elements of the Community Plan (General Plan) – see Attachment C
4) Consider how the draft HEU relates to State Housing Law mandates, California Department of Housing and Community Development (HCD) certification requirements, and pending enforcement action – see HCD letters in Attachment D
5) Adopt a Resolution to approve the draft HEU and authorize staff to submit it to HCD for review and comment in accordance with Housing Element certification procedures set forth by State law – see Attachment E

Reference: Clerk's File No. 304-7

8. Proposed Alternative Community Plan Amendment for the North Commercial Zone to Bring the City Back into Compliance with the Approved 5th Cycle Housing Element and with State Housing Law

Recommended Action: We, Mayor Haviland and Councilmember Worden, recommend that the City Council take the following actions:

1) Adopt a Resolution (Attachment A) which includes the following revised language for the North Commercial (NC) Community Plan Amendment that failed to receive a 4/5 majority vote of the City Council on September 8, 2020:

> That the existing North Commercial land use category in the Del Mar Community Plan Community Development Section be amended for consistency with existing certified Housing Element Program 2-E to read as follows:
>
> **North Commercial**
> This land use classification is intended to allow activities that provide a service to the community, including a range of commercial and light industrial uses, and residential. Development should be of low intensity and profile, offering substantial open space.

2) Introduce an Ordinance amending the Del Mar Municipal Code (DMMC) Chapter 30.24 (NC Zone) and the Local Coastal Program (LCP) (Attachment B).

Reference: Clerk's File No. 401-4, 401-9

XI. COUNCIL MEETING RECESS

XII. CITY COUNCIL OTHER BUSINESS

9. Update on the City of Del Mar's Mask Education and Enforcement Program

Recommended Action: Staff recommends that the City Council receive an update on the COVID-19 Mask Education and Enforcement Program.

Reference: Clerk's File No. 1104-3

10. Housing Element Enforcement Letter from the California Department of Housing and Community Development

Recommended Action: Staff recommends the City Council review and discuss the enforcement letter received from the California Department of Housing and Community Development (HCD) related to the City's 5th Cycle Housing Element (2013-2021) (Attachment A).

Reference: Clerk's File No.

XIII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Arts Advisory Committee (Haviland/Parks)
B. Business Support Advisory Committee (Druker/Worden)
C. Clean Water Rate Project (Druker, Gaasterland)
D. Del Mar Community Connections (Parks/Haviland)
E. Del Mar Housing Corporation (Worden/Gaasterland)
F. Del Mar Village Association (Haviland/Druker)
G. Finance Committee (Gaasterland/Parks)
H. Housing Subcommittee (Gaasterland/Worden)
I. Human Resources Subcommittee (Haviland/Parks)
J. Long Term Rail Relocation Subcommittee (Haviland/Worden)
K. Measure Q Citizen Oversight Committee (Gaasterland/Parks)
L. Parks and Recreation Committee (Parks/Worden)
M. Planning Process Subcommittee (Worden/Haviland)
N. Safe Rail Crossing and Bluff Stabilization Subcommittee (Druker/Gaasterland)
O. San Dieguito Lagoon Committee (Haviland/Worden)
P. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Worden)
Q. Shores Advisory Committee (Parks/Worden)
R. Sustainability Advisory Board (Haviland/Worden)
S. Traffic and Parking Advisory Committee (Gaasterland/Druker)
T. Undergrounding Project Advisory Committee (Worden/Gaasterland)
U. Watermark Specific Plan Subcommittee (Gaasterland/Worden)
V. Other Committee-Subcommittee Reports

XIV. UPCOMING AGENDA ITEMS

The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

October 19, 2020
Certify 6th Cycle Program EIR and Adopt Mitigation, Monitoring, and Reporting Program, Approve Housing Element Update (Future Community Plan Amendment), and Authorize Staff to Submit Housing Element Update to State Housing & Community Development (If Needed)
Proclamation Honoring Polly Cipparone - Del Mar Librarian
FY19/20 Year End Review & FY20/21 First Quarter Budget Review
Appointment to the San Dieguito Lagoon Committee

XV. CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 30th day of September, 2020, at approximately 5:30 p.m.

Ashley Jones, Administrative Services Director/City Clerk 9/30/2020
Date

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner
Via CJ Johnson, City Manager

DATE: October 5, 2020

SUBJECT: 6th Cycle Program Environmental Impact Report and Draft Housing Element Update – General Plan Amendment (GPA 20-003)

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council take the following actions:

1) Adopt a Resolution to certify the Program Environmental Impact Report (PEIR) and adopt Findings of Fact and a Mitigation, Monitoring, and Reporting (MMRP) for the Draft 6th Cycle Housing Element Update (HEU) – see Attachment A
   - Final PEIR: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020
   - Draft HEU: www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029
2) Review and discuss the proposed Housing Programs and approach identified in the draft Housing Plan (Chapter 4 of the HEU) – see Attachment B
3) Consider how the draft HEU relates to other Elements of the Community Plan (General Plan) – see Attachment C
4) Consider how the draft HEU relates to State Housing Law mandates, California Department of Housing and Community Development (HCD) certification requirements, and pending enforcement action – see HCD letters in Attachment D
5) Adopt a Resolution to approve the draft HEU and authorize staff to submit it to HCD for review and comment in accordance with Housing Element certification procedures set forth by State law – see Attachment E

EXECUTIVE SUMMARY:
The Housing Element is required to be updated every eight years. Preparation of the 6th Cycle HEU has been in process for over one year. The City Council's initial direction was to develop a Housing Element that is:

City Council Action:

- Consistent with the Community Plan;
- Meets the criteria necessary to gain certification by HCD (see Attachment F); and
- Implements the overall housing goal 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."

The proposed 6th Cycle HEU is consistent with this City Council direction as well as recommendations provided by the Planning Commission and the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force, including Task Force Subcommittees on Communications, Community Assistance, and Housing Production and Preservation (see Attachment G). On September 15, 2020, the Planning Commission unanimously recommended certification of the PEIR and MMRP and approval of the draft 6th Cycle HEU, including the North Commercial (NC) amendments in order to distribute the City's affordable housing requirement of 113 units throughout the City. Planning Commission also recommended that City-owned parcels on public parkland be considered for affordable housing only as a last resort.

The Governor has declared the State to be in a housing crisis and the suite of new Housing laws that came into effect in January 2020 directly impact the City's land use and zoning authority. This includes a minimum density requirement of 20 dwelling units per acre (du/ac) in order for the State to accept the City's zoning to accommodate affordable housing. The City Council is asked to approve the draft HEU, including a series of programs designed to maintain local control to the best of the City's ability in light of State Housing law, provide for new housing opportunities, and obtain certification from HCD. The programs include a carryover program from the City's current Housing Element to amend the North Commercial zone.

Once the draft HEU is approved, it will be submitted to HCD for a 60-day review and comment period in accordance with the process for Housing Element certification as set forth by State law.

BACKGROUND:

The Housing Element is a State-mandated policy document within the Del Mar Community Plan, which is the General Plan for the City of Del Mar. The Housing Element is required by State Housing law to be updated every eight years. The City's current Housing Element is for the 5th Cycle planning period which covers 2013-2021. The next planning period is the 6th Cycle, which covers 2021-2029. The 6th Cycle HEU is listed as a City Council priority for Fiscal Years (FY) 2019-20 and 2020-21, with a budget of more than $400,000 allocated toward this important work effort.

The 5th Cycle production period ended on June 29, 2020. The 6th Cycle production period began June 30, 2020 and runs until April 2029. Units are credited toward the varying unit requirements at the time a building permit is issued for a unit.

Following is a summary of the City's progress on unit production in the transition from the 5th Cycle to the 6th Cycle:

5th Cycle Production of Units at Specified Household Income Levels			
Income Level	**Assigned Units**	**Units Produced** (by 6/29/2020)	**5th Cycle Results**
Above Moderate	34	40	Exceeded target
Moderate	20 (15 + 5 penalty*)	22	Exceeded target
Low**	15 (5 + 10 penalty*)	1	**Deficit of 14 units**
Very Low**	7	0	**Deficit of 7 units**
TOTAL	76	63	

* Penalty units were assigned to the City for failing to be in compliance during its 4th Cycle planning period.
**Low and Very Low are considered "Affordable" units. Combined, the City only produced 1 of 22 required affordable units during its 5th Cycle planning period from 2013-2021 and had not produced any affordable units in its previous housing cycles.

The City met its 5th Cycle obligation for above moderate and moderate units and will likely meet the targets for these income categories again during the 6th Cycle. However, of exceptional note to the State, the City has failed to produce its required lower income affordable units (considered as "low", "very low", and "extremely low" incomes) for each previous required housing cycle. To gain certification of its 6th Cycle HEU, the City must propose a series of actions, including upzone/rezone programs and regulatory changes, to demonstrate how the City's Housing Plan can produce a sufficient number of affordable housing units over the eight-year housing cycle. This requires the City to integrate provisions from various State Housing laws into its local regulations, including the City's Community Plan, Zoning Ordinance, and Local Coastal Program (LCP). The State's goal is to reduce/eliminate governmental barriers to the development of affordable housing stock. This is achieved, in part, by requiring each jurisdiction to ensure that it has sufficient zoning (which for Del Mar is a minimum of 20 du/ac) and enough adequate sites in its proposed programs for affordable housing production over the next eight year period.

Following is a summary of the status of action-oriented 5th Cycle Housing Programs that were <u>not</u> completed. These have resulted in the City being out of compliance with State Housing law and, as a result, must be addressed in the 6th Cycle HEU:

City's Progress on 5th Cycle Housing Programs		
Housing Action Program		**Status**
North Commercial	5th Cycle 2E 6th Cycle 1A	Required carryover program from 5th Cycle to 6th Cycle HEU to create adequate sites at 20 du/ac by April 2022. On 9/8/2020, the City Council did not take the action necessary for local approval of this program. Therefore, the City is at risk of penalties set forth per State law for being out of compliance.

		The City Council will consider a revised version of the associated General Plan Amendment on 10/5/2020 as part of a separate Agenda item.
Professional Commercial	5th Cycle 2F 6th Cycle 1B	Required carryover program from 5th Cycle to 6th Cycle HEU to create adequate sites at 20 du/ac by April 2022. On 9/8 and 9/21/2020, the City Council adopted the required PC amendments. LCPA certification by the Coastal Commission is still needed to complete this carryover program during the first year of the 6th Cycle by April 2022.
Rezone of "Watermark" Lots in NC Zone	5th Cycle 2G	This required rezone program was applied to two vacant lots in the NC zone to allow 20-25 du/ac by-right (meaning, no discretionary permits can be required such as Design Review). No local action was taken to implement this rezone program. Therefore, the City is at risk of penalties set forth per State law, as well as requirements to process a future development application as by-right development subject to 2020 State Housing law.
Fairgrounds	5th Cycle 2J 6th Cycle 3A	Incomplete Program 2J is proposed to be expanded in scope and covered by proposed 6th Cycle HEU Program 3A to partner with 22nd District Agricultural Association (22nd DAA) to build and obtain credit for at least 51 affordable units on the State Fairgrounds property. The City cannot obtain credit toward its 6th Cycle affordable housing requirements without executed agreements in place from the City and 22nd DAA, as well as formal concurrence from HCD that this program will be acceptable for compliance with State Housing law.
ADU Amnesty Program	5th Cycle 3F 6th Cycle 2B	Proposed carryover program with the intent to count any participating units (that obtain building permits) towards the City's 6th Cycle Regional Housing Needs Assessment (RHNA). Note: HCD does not typically count amnesty program units towards RHNA. So while this program may provide new housing opportunities in the City for varying income levels, it may not receive credit toward its 6th Cycle RHNA.

Inclusionary Housing Requirements

Inclusionary housing refers to the required number of units that must be designated as affordable as part of any proposed multi-dwelling unit development. To date, the City has relied heavily on its inclusionary housing requirements to try and produce affordable units. However, that strategy has not been effective as a largely singular approach, particularly due to the lack of zones that allow for multi-dwelling unit development above two units per lot. The City will be expected by HCD to diversify its HEU strategy in order to effectively begin producing affordable units during the 6th Cycle.

An "affordable unit" is considered a unit that is made available to "extremely low", "very low", and "low" income households who earn an annual household income no greater than 80 percent of the area median income for the San Diego County region ($86,300 in 2019) as follows:

- Extremely low-income units are restricted for rent to households with an annual income of $24,300 for one person and $27,750 for two persons.
- Very low-income units are restricted for rent to households with an annual income of $40.450 for one person and $46,200 for a two-person household.
- Low-income units are restricted for rent to households with an annual income of $64,700 for one person and $73,950 for a two-person household.

DMMC Chapter 24.21 sets forth the City's requirements for inclusionary housing units, which require a payment of an in-lieu fee or a "set-aside of affordable units" (a portion of the total units built on-site where the affordable units must be rented to lower income households for at least 55 years) as specified below:

- Projects proposing a subdivision to create multiple new residential lots must pay one "in-lieu housing mitigation fee" for each lot created (DMMC Section 24.21.035).
- Projects proposing 2-5 dwellings on one lot typically have the option to pay an in-lieu housing mitigation fee or set-aside one affordable unit (DMMC Section 24.21.030).
- Projects proposing 6-9 dwellings on one lot are required to set-aside one affordable unit with no in-lieu fee option available (DMMC Section 24.21.030).
- Projects proposing 10 or more dwellings on one lot must set aside 20% of the total units as affordable units with specified limits on rental rates (DMMC 24.21.030):
    - 10-19 units – 20% affordable units including one unit reserved for very-low income
    - 20-29 units – 20% affordable units including one unit reserved for very-low income households and one unit reserved for extremely low-income households

- 30 or more units – 20% affordable units including two units reserved for very-low income households and two units reserved for extremely low-income households

As reflected in the list of required "carryover" action programs from the 5th Cycle, when jurisdictions (Del Mar included) do not have adequate vacant sites available to accommodate multiple-dwelling unit development, they are required to create zones of a sufficient density through upzone or rezone actions. This is a requirement of State Housing law implemented though HCD's oversight and certification of Housing Elements so that the private sector has more certainty and potential of developing the required number of affordable units as part of their multi-dwelling development during the eight-year planning cycle. The State has set 20 du/ac as the minimum density for these types of upzone or rezone programs. For certification of the 6th Cycle HEU, the City will be required to modify some of its zones (similar to past commitments in its 5th Cycle Housing Element) to allow residential development up to 20 du/ac. These upzone or rezone programs must be applied to properties until the City can demonstrate to HCD that it will have a sufficient number of sites available that can accommodate multiple dwelling unit development sufficient to cover the City's affordable housing obligation per State Housing law. This is why the City cannot solely rely upon the development of Accessory Dwelling Units (ADUs) to achieve its 6th Cycle affordable unit requirements or, in the absence of executed agreements with the 22nd DAA, the City cannot rely upon the Fairgrounds to accommodate its 6th Cycle affordable unit requirement, in whole or in part.

On September 8 and 21, 2020, the City Council took key steps towards implementation of one of two required "adequate sites" programs in the City's 5th Cycle Housing Element. For 5th Cycle Program 2F, the City Council adopted a General Plan Amendment (GPA20-002) and Zoning and Local Coastal Program (LCP) amendments (ZA20-002/LCPA20-002) to amend the Professional Commercial (PC) land use designation and zone to allow residential as a primary use at a minimum State-required density of 20 du/ac. This action will help the City provide its only zone that sufficiently allows for multiple dwelling unit housing in the purview of the State for its 5th Cycle obligations (i.e., because of the 20 du/ac requirement). However, the action only applies to four parcels, all of which are already developed with commercial office development. This means the program, once certified by the Coastal Commission in the City's LCP, will only contribute a small piece of the overall need for adequate sites to facilitate production of affordable units towards the City's 5th Cycle (and continuing into its 6th Cycle) affordable housing obligation.

On September 8, 2020, the City Council also considered the second required "adequate sites" program in the City's 5th Cycle Housing Element – Program 2E related to the North Commercial (NC) zone. The City Council did not adopt the necessary amendments [General Plan Amendment (GPA19-002), Zone Code Amendment (ZA18-002), and LCP Amendment (LCPA19-001)] that would have amended the NC land use designation and zone to allow residential as a primary use up to a maximum density of 20 du/ac. This action resulted in the City not implementing a required program of its current Housing Element, thereby limiting the number of zones that would sufficiently allow for multiple

dwelling unit housing in the purview of the State. Without capacity for housing in the NC zone, the City is unable to demonstrate to the State how it will accommodate enough adequate sites to meet its 5th Cycle (and continuing into its 6th Cycle) affordable housing obligation. Further, this means the City is in violation of State Housing law until action is taken to implement the required housing program or replace it with an equivalent program that is acceptable to HCD.

Therefore, the City Council is being asked to approve the draft 6th Cycle HEU, including the carryover program from the 5th Cycle for the North Commercial amendments. Once the HEU draft is approved, it will be submitted to HCD for review and comment in accordance with the process for Housing Element certification as set forth by State law.

DISCUSSION/ANALYSIS:

In early 2020, the City Council provided direction on 6th Cycle housing goals, which are:

Overall Housing Goal: Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

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

The draft HEU reflects these stated goals throughout the document.

The substantive Chapters of the draft HEU are organized as follows:

Chapter 1 of the draft HEU is the introduction and summarizes the role of the Housing Element, a background on State Housing law, the HEU's relationship to other elements of the City's Community Plan, public participation, and data sources.

Chapter 2 of the draft HEU identifies the existing community character and profile, explains that Del Mar is a small, generally built-out coastal city with high land costs, and notes that the City's assigned growth projections for the next eight years are likely overstated due to the recession that is expected to occur as a result of the global COVID-19 pandemic.

Chapter 3 of the draft HEU includes an analysis of constraints (governmental and non-governmental) and impediments to fair housing in light of the fact that Del Mar has an obligation to provide housing opportunities for all economic segments per fair housing law requirements, but currently only has housing options available for moderate income and above moderate income households.

Chapter 4 of the draft HEU is the proposed Housing Plan (Attachment B) which includes a variety of strategies (e.g., partnership with the 22nd DAA, rezone/upzone programs, ADUs and incentive programs) that can accommodate units on private and public lots dispersed throughout the community. The Housing Plan is the City's proposal to the State for how it will comply with State Housing law and provide new housing opportunities and assistance programs to varying income levels. The Housing Plan identifies the City's proposed actions to meet each of its seven stated housing goals per State Housing law. Further, the Housing Plan takes a more targeted approach to encourage the infill of affordable housing units along the City's main commercial corridor by creating a sufficient capacity of "adequate sites" in zones that allow housing up to 20 dwelling units per acre (du/ac). In order to spread units throughout the community, the NC, Central Commercial (CC), and PC zones are proposed to accommodate a portion of the City's 6th Cycle affordable unit requirements. State Housing law will not allow the City to rezone/upzone to a density less than 20 du/ac to satisfy the State's "adequate sites" requirements.

Since the City does not have any dwelling units that meet the State's definition of "affordable", throughout the 6th Cycle public participation process there was a general consensus and support for the inclusion of strategies that can produce a more economically and socially diverse balance of housing options in Del Mar, including units reserved for rental to lower income households. Preservation of existing housing in residential neighborhoods is also an important strategy (i.e., via amnesty or home improvement programs).

Assigned Housing Need and Adequate Sites Requirements

The HEU identifies various strategies to produce affordable units and achieve a more diverse, sustainable, and balanced community. California Government Code Section 65863 requires that the City create and maintain a capacity of "adequate sites" that can accommodate its assigned housing obligation for the 6th Cycle, which includes the assigned Regional Housing Needs Assessment (RHNA) of 163 units split up amongst varying income levels (above moderate, moderate, low, and very low). The City must also accommodate any penalty or "carryover" units that are assigned by the State for being out of compliance with the prior housing cycle. Based on staff's earlier discussions with

HCD during preparation of the HEU, the City expects to be assigned an additional 12 affordable units as a "carryover" requirement due to unmet obligations for the City's current 5th Cycle Housing Element. The following table shows the breakdown by household income level.

The City Council must demonstrate to HCD how it will accommodate at least 175 total units, including 113 affordable units through implementation of its diversified housing programs in its 6th Cycle HEU. The City Council must also demonstrate to HCD that its diversified housing programs implement State Housing law and are realistic and feasible.

6th Cycle Housing Element Update – Units Assigned to Del Mar			
	RHNA Assigned	**Estimated Affordable Unit Carryover Penalty**	**Total**
Above Moderate	31	0	31
Moderate	31	0	31
Low Income	64	12 low income	113 affordable
Very Low Income	37	0	
	163 RHNA	12 penalty units	**175 units**

As required by State law, including Assembly Bill 1397, the City must specify a list of adequate sites to meet the number and household income level of the units assigned. For sites identified in the HEU, HCD will evaluate whether the sites meet the State's criteria and whether the number of units identified are realistic to accommodate the development of affordable housing. Because the City does not currently have any zones that meet the State's criteria for adequate sites, the City will need to demonstrate to HCD how it will create adequate sites to meet its 113 affordable unit obligation during the 6th Cycle.

Following HCD's review of the draft HEU, the City will be able to credit any units already produced during the transition into its 6th Cycle production period (June 30, 2020 to April 2021). Unit credit is gained when building permits are issued for a project. Since June 30, 2020, the City has identified the following units as likely to count towards its 6th Cycle obligation of 175 total units:

- 1 of 31 above-moderate units assigned – new single dwelling on 26th Street
- 5 of 31 moderate units assigned – 5 ADUs located on Avenida Primavera, Crest Road, Ocean Front, and 26th Street
- 3 low income units of 113 affordable units required – One affordable ADU on Luzon Avenue with an approved building permit that staff anticipates can be counted towards the 12 unit carryover, plus two affordable units that were approved in the 941 Camino del Mar Specific Plan that are still pending approval of a development agreement and building permits

Proposed HEU Strategy to Meet the City's Assigned 113 Affordable Units

As previously described, an "affordable" unit is considered a unit that is made available to "extremely low," "very-low," and "low" income households who earn an annual household income no greater than 80 percent of the area median income for the San Diego County region ($86,300 in 2019). See Attachment H for a summary of the proposed HEU affordable unit production strategy, the timeline for actions to meet the assigned target of 113 affordable units by April 2029, and a comparison of the proposal to available alternatives. In developing the proposed Housing Plan, staff considered all parcels within the City boundary, the housing goals set by the City Council, feedback received from the Community Housing Survey, recommendations provided by the Ad-Hoc Citizens' Task Force (Attachment G) and Planning Commission, feedback received from HCD staff, and the criteria needed per State Housing law for a Housing Element to gain certification in the State's 6th Cycle planning period (Attachment F). This research and analysis involved an exhaustive search of potential candidate housing sites. Other than the potential candidate housing sites studied, there are no additional, readily available, prospective housing sites for decision makers to consider with the HEU.

The proposed Housing Plan for the 6th Cycle involves a diversified strategy with four main production-related components that include:

1) Accommodating ADUs citywide;
2) Creating housing opportunities along the main commercial corridor by modifying existing zones to accommodate housing up to 20 du/ac (so that the sites can be counted as adequate sites towards RHNA per State Housing law);
3) Partnering with the 22nd District Agricultural Association to locate affordable housing on State-owned Fairgrounds properties; and
4) Identifying available City-owned properties (non-surplus) that can be relied upon by the City to make up the difference in the number of affordable units, if needed.

The proposed combination of strategies demonstrates how the City can realistically and feasibly produce (exactly) 113 affordable units per the City's obligation.

These four main components are further described below:

HEU Strategy #1: Incorporate Accessory Dwelling Units (ADUs) throughout the City

The HEU will facilitate ADUs (which include tiny homes) throughout the City. ADUs are allowed on any lot where residential is allowed as a primary use. This means ADUs are currently allowed on all properties in residential zones; and prospectively will be allowed in commercial zones (i.e., CC, NC, and PC) once multiple dwelling units are an allowed use. HCD has initially indicated that the City of Del Mar can classify ADUs as meeting the City's moderate-income category needs, unless the unit is deed restricted affordable in which case in can be counted as a low-income unit. To help address the City's lower income unit need, the Housing Plan includes implementing actions to extend and enhance the existing ADU incentive program that currently offers a 500 square foot floor

area bonus to an owner in exchange for a commitment to rent the ADU to lower income households for 30 years. Tiny homes typically fit the definition of an ADU; however, the Housing Plan includes a program to amend the Municipal Code to clarify the circumstances where tiny homes are allowed in residential zones and also allow development of tiny homes on non-residential properties (i.e., lots with hotels, retail centers, public facilities, or vacant City-owned properties).

- *HEU Strategy #1 is realistically anticipated to accommodate 77 moderate-income ADU units (only 31 moderate are required in the City's 6th Cycle RHNA), including 8 affordable units (out of 113 required affordable units for the 6th Cycle). Based on the City's lack of affordable housing production in past housing cycles, increasing the anticipated number of affordable ADUs above eight is not expected to gain certification by HCD.*

HEU Strategy #2: Create Housing Opportunities Along Main Commercial Corridor

The biggest obstacle to balanced housing opportunities in Del Mar is that the City's existing zones do not have the minimum capacity required by the State to meet the State's mandate for affordable housing. Therefore, in order to spread the City's affordable housing requirement throughout the community, the City must amend existing commercial zones (i.e., CC and NC and finish processing PC) to allow residential up to 20 du/ac for projects with an affordable housing component. As previously described, the 20 du/ac density standard is required by the State for certification because it is considered the minimum density that is feasible to support the development of affordable housing in a jurisdiction the size of Del Mar. This does not mean that 20 dwelling units will be allowed on every lot. In fact, the existing small-sized lot pattern in the CC, NC and PC zones means that housing development is likely to be fewer than six units per lot; and the NC zone is likely to be fewer than ten units per lot. This strategy does not propose to modify any development standards, such as height, floor area ratio, setbacks, and lot coverage. However, by allowing residential as an allowed use with a minimum density, this strategy will require a Community Plan Amendment as part of the City's future implementation actions to allow an increase in residential capacity in the CC and NC zones that is not reflected in the current descriptions in the Community Plan Land Use Element land use categories for NC and Village Center (CC).

As previously described, the City Council recently adopted a Resolution and introduced an Ordinance to amend the PC Zone to allow 20 du/ac consistent with the existing Community Plan Housing Element. The City will be required to continue to process and complete this action by April 2022 by obtaining Coastal Commission certification of the associated LCP amendment at which point the Ordinance will become effective. The issue, however, is that the City Council did not pass its second adequate sites program in the 5th Cycle planning period. This uncompleted program is necessary to amend the NC Zone to add residential as a primary use with a density up to 20 du/ac consistent with the commitments described in the City's current Community Plan Housing Element. This program is isolated to use and density, and does not include any changes to development

standards or other zoning requirements. This required program has the same State mandated deadline as the PC amendments.

To bring the City into compliance, meet the criteria needed for certification of its 6th Cycle HEU, and spread the City's affordable housing requirement throughout the community, the Planning Commission and staff recommend that the City Council incorporate the NC zone housing program into the City's Housing Plan in accordance with the proposed 6th Cycle HEU. For reasons described below, this program would require no less than 20 du/ac because the 20 du/ac density is the minimum criteria required by the State for sites within that zone to be counted as "adequate sites". Also, this program would have to apply to all parcels within the NC zone because if only a handful were selected for the program, the City is at risk of potential "spot zoning" concerns. Spot zoning can occur when a parcel is given more rights than surrounding properties that are similarly situated. Zoning needs to show a reasonable relationship to the public welfare and must not be arbitrary or discriminatory.

That being said, if there is a property owner that is interested in having a housing "rezone" program applied to their property, the State will require that the "rezone" program apply a density of 20-25 du/ac, allow multiple dwelling unit housing with an affordable housing component, and that the housing be allowed by-right with no discretionary permit review. This is comparable to what was required with 5th Cycle Housing Program 2G (proposed "Watermark" parcels). Another important point to consider is that if the 20 du/ac density is not applied to the NC zone, then none of the sites identified in the HEU as "adequate sites" for the 6th Cycle or potential "replacement sites" in the event of "no net loss" can be located within the NC zone unless the entire NC zone is amended to allow the State's required density of 20 du/ac.

As proposed and recommended by the Planning Commission, the draft Housing Plan assumes that the City Council will consider and incorporate the NC zone as a necessary component of its overall housing strategy. The following compares the options of including or not including NC zone into the City's housing strategy:

1) If the City Council amends the NC zone to allow multiple dwelling unit residential as an allowed use up to 20 du/ac, then the City will be able to count those sites towards a production target of at least 20 (of 113) affordable units; or

2) If the City Council does not amend the NC zone as described above, in order for the City to gain certification of its 6th Cycle Housing Element, the City will need to shift the planned 20 affordable units from the NC zone to vacant sites as part of an alternative plan that meets the criteria of State Housing law (i.e., see HEU Strategy #3 Bluff Top Property Rezone Program which would include both the North Bluff and South Stratford vacant parcels) and require an increase in the existing inclusionary housing requirement from 20% (existing) to 25% in order to be able to accommodate at least 71 affordable units needed to meet the adequate sites requirement per State law. Pursuant to AB1397, the City is required to meet at

least half (51) of its assigned 6th Cycle affordable units (101) on vacant sites. The additional 20 units would be added for a minimum of 71 affordable units to be accommodated on the North Bluff and South Stratford vacant parcels. As described under HEU Strategy #3, AB1397 further mandates that the rezone program applied to these vacant sites must allow for development of the affordable units through "by right" development, meaning with no discretion or ability for the City to limit or deny the housing development if it meets the program standards. This means that the City would not be able to apply its Design Review process or other discretionary processes toward future multiple dwelling unit development applications for these sites.

Furthermore, the proposed changes to allow multiple dwelling units at a density of 20 du/ac in various commercial zones may not result in sufficient affordable housing production. Therefore, the HEU Housing Plan contains additional actions that will involve exploration of streamlining and incentives for projects that include affordable units, which the City may need to implement if the number of affordable units produced is lower than anticipated during the 6th Cycle planning period.

- *HEU Strategy #2 is realistically anticipated to accommodate 108-141 total units as needed to produce 28 affordable units (out of the 113 affordable units required for the 6th Cycle) as further detailed below:*
    - *71-94 units total, including 20 affordable units in the NC zone:*
        - *As noted above, if the City Council is unwilling to amend the NC zone to a density of 20 du/ac, the City will need to identify an equivalent program for alternative sites outside of the NC zone for at least 20 affordable units. If that scenario occurs, the City will need to commit to rezone the North Bluff and South Stratford properties and increase the inclusionary housing requirement from 20% to 25% on the bluff properties in order to have sufficient capacity to accommodate these 20 affordable units, in addition to the 51 affordable units that are already allocated to the required rezone program described under HEU Strategy #3 below. Note: this assumes that HCD will accept an increased inclusionary requirement of 25%.*
    - *10-17 units total, including 3 affordable units in the PC zone*
    - *16-19 units total, including 3 affordable units in the CC zone*
    - *11 units total, including 2 affordable units in the 941 Camino del Mar Specific Plan*

Notes regarding HEU Strategy #2: Staff's assumptions of unit yield are based on 20 du/ac density and existing 20% inclusionary housing requirement. However, it should be noted that some affordable units (i.e., ADUs) will be created through incentive programs without a project necessitating development of additional units; some will be small multi-dwelling unit projects less than 10 units which yield one

affordable unit (less than 20% affordable); and others may necessitate the City requiring a more restrictive inclusionary requirement of 25%. This is why it is not accurate to try and estimate affordable unit counts simply by calculating 20% of a multiple dwelling unit project. It is also possible that projects could include deed restrictions for a project to include 100% affordable units; however, that would likely necessitate participation from an affordable housing development partner. Unfortunately, the City is not aware of any private interest in that type of investment in affordable housing at this time. If such interest is expressed to the City in writing, the City will share that supporting documentation with HCD to show feasibility for a greater number of affordable units to be assumed as part of the 6th Cycle HEU.

It is also important to note that HCD may not accept all of the parcels that have been identified by the City as "adequate sites". For example, HCD will reject sites being relied upon for affordable housing if: 1) the zone does not meet the minimum density required by State Housing law at 20 du/ac; 2) the zone limits on height, floor area ratio, lot coverage, or setbacks would make multiple dwelling unit development infeasible; 3) the lot is already developed and constrained in terms of lot size (less than 0.50 acre); or 4) the site has significant environmental constraints.

HEU Strategy #3: Partner with State to Build Affordable Units on Fairgrounds within three years; otherwise Rezone Vacant Parcels as Required by State Housing Law

The City is targeting a significant portion of its assigned housing obligation on State Fairgrounds property. This strategy has been the priority strategy all through the development of the 6th Cycle HEU and repeatedly raised during the public participation process. As such, the 6th Cycle HEU has ranked this as "the priority strategy" and lays out a proposed program for HCD's consideration in how this would be accomplished. Unfortunately, the City cannot rely upon this strategy because it does not have an executed agreement in place with the 22nd DAA to include with its 6th Cycle HEU for HCD's consideration.

- *HEU Strategy #3 includes a priority strategy to execute an agreement with the 22nd DAA to accommodate a minimum of 51 affordable units (or more) within three years following certification of its 6th Cycle HEU (by April 2024).*

Therefore, while the City plans to vigorously pursue this priority strategy immediately following certification of its 6th Cycle HEU (assuming HCD accepts this priority strategy), the City must also include a contingency program in the event this strategy is not realized and specifically describe how that program would be implemented within the 6th Cycle planning period. However, as proposed, should the City and 22nd DAA execute an agreement within the first three years following certification of its 6th Cycle HEU, the contingency program would not be implemented.

The proposed contingency program implements the City's obligations under State Housing Law – specifically AB1397, which is a new law that came into effect January

2020. Since the City currently does not have enough "adequate sites" at 20 du/ac to meet its 6th Cycle RHNA obligation for affordable units, State Housing law requires that the City must have a program included in its Housing Element to create adequate sites by rezoning vacant land to accommodate at least half (51) of its assigned affordable units (101). Further, State Housing law requires that this type of rezone program must allow for development of the affordable units through "by right" development, meaning with no discretion or ability for the City to limit or deny the housing development if it meets the program standards. This means that the City would not be able to apply its Design Review process or other discretionary processes toward any future multiple dwelling unit development application for these sites. This State requirement is most comparable to the mechanism required by the State in Program 2G in the City's current 5th Cycle Housing Element (i.e., rezone of the two vacant parcels at Jimmy Durante Blvd and San Dieguito Drive to allow for "by-right" development up to 20-25 du/ac with an affordable housing component).

Implementation of this contingency program would require the rezoning of vacant land on the North Bluff (6 parcels on 10.22 "net" acres) and/or South Stratford (3 parcels on 4.39 "net" acres) to accommodate at least 51 affordable units. This would be achieved by a 20 du/ac rezone and potential increase in the City's inclusionary housing requirement from 20% to 25%. Presently, there are no other areas of the City with vacant land of a sufficient size and criteria that will otherwise meet the criteria necessary for State certification of the HEU under this contingency program.

- *HEU Strategy #3 includes a contingency program in the event the priority program (i.e., an agreement with 22nd DAA) is not achieved within three years following certification (by April 2024). The 6th Cycle Rezone Program (Program 1E) is proposed as the contingency program. As proposed, the required rezone program would accommodate a minimum of 51 affordable units assigned on each North Bluff and South Stratford property as follows:*

  - *Proposed Adequate Sites Assignment to North Bluff via Program 1E:*
    - *Site 1A (2.46 acres) – 9 affordable*
    - *Site 1B (0.63 acre) – 2 affordable*
    - *Site 1C (1.21 acres) – 4 affordable*
    - *Site 1D (1.25 acres) – 5 affordable*
    - *Site 1E (2.02 acres) – 8 affordable*
    - *Site 1F (4.82 acres) – reduced to 4 affordable (instead of 19) due to proximity of the location to the North Bluff Preserve that is located south (with one privately-owned property in between)*

  - *Proposed Adequate Sites Assignment to South Stratford (South Bluff) via Program 1E*
    - *Site 98A (2.14 acres) – 8 affordable*
    - *Site 98B (1.0 acre) – 4 affordable*
    - *Site 98C (1.8 acres) – 7 affordable*

Notes regarding HEU Strategy #3 – Contingency Program: The proposed assignment of affordable units noted above accounts for the inclusion of the proposed NC amendments to allow housing up to 20 du/ac. If the NC amendments (Program 1A) is not included by the City Council in the 6th Cycle HEU, the HEU will need to be amended to shift an additional 20 affordable units from the planned NC zone to the North Bluff / South Stratford properties (Program 1E) and the inclusionary housing requirement for that program will need to be increased from 20% to 25% to be able to accommodate a total of 71 affordable units via "by-right" development on the nine properties identified on the North Bluff and South Stratford. Additional alternatives, involving the bluff properties include a "no parkland" option that would slightly increase the number of affordable units on North Bluff Site 1F to 8 units; and a "no City property" option that would increase the affordable units on Site 1F to 18 affordable units.

The amended plan would then be dependent upon a future significant increase in the number of units on the vacant bluff top properties that would create substantial risk for the City. This is because failure to implement the rezone or otherwise build the equivalent affordable units during the 6th Cycle will allow the owners of real property identified in the rezone program to develop a project "by-right" without any discretion from the Design Review Board, Planning Commission, or City Council.

This is a significant reality of recent State Housing law and the direct impact on local zoning and land use authority. Furthermore, this is a very complex area of the State's Housing laws and the City continues to work to learn and understand its application to various scenarios as the City transitions from the 5th Cycle Housing Element to the 6th Cycle HEU. As such, the City was still understanding the application and implications of these laws during the first-half of 2020, reviewing the pertinent legislation with HCD staff, and consulting with the City Attorney's office. Due to timing and the expedited nature of developing the 6th Cycle HEU, this information came largely after the Ad-Hoc Citizens' Task Force meetings concluded in May 2020 and the Task Force Housing Production and Preservation Subcommittee was unable to fully vet this information in their recommendations to the City Council.

HEU Strategy #4: Utilize City-Owned Land to Provide Adequate Sites for Affordable

The HEU identifies City-owned property that can accommodate affordable housing if needed. These sites were included in the Task Force's Housing Production and Preservation Subcommittee's recommendations but did not assess the feasibility of use of these sites. As part of the environmental review process conducted for the 6th Cycle HEU, the City prepared a Program Environmental Impact Report (PEIR). In the PEIR, the City studied its City-owned lots for potential suitability to accommodate affordable housing. None were identified as "surplus" public property, meaning the City-owned properties are all being utilized.

The following City-owned sites were studied as potentially suitable in case the City needs sites during the 6th Cycle to address State Housing law's "no-net loss" requirements:

- City Hall (vacant) Expansion Lot "C" 10th Street – PEIR Candidate Site 55 at 4,500 sf (Public Facilities zone)
- Vacant lot on 28th Street – PEIR Candidate Site 7 at 2,500 sf lot (RM-East zone)
- 201 Court Street (pump station, underground wastewater storage, tennis courts, and basketball court) – PEIR Candidate Site 11 at 1.06 acres (Public Parkland zone)
    - The Court Street site serves the community as a recreation parkland site with tennis courts and a basketball court and also is a City facility with critical wastewater system infrastructure, including a pump station and underground services lines and a wastewater storage tank. Preserving these uses is fundamental to the City's essential services for provision of recreation and utilities to the community at-large. While the site has been included in the draft list of adequate sites to accommodate the City's RHNA unit obligation, staff has provided alternatives to the use of this site as shown in *italics* below.
- Two lots on 9th Street (offices in northeast corner of Shores Park) – PEIR Candidate Sites 63-64 at 0.38 acres (Public Parkland located in Public Facilities zone)
    - The 9th Street lots are part of a master plan that is currently being developed for the greater Shores Park location as a whole. If the 9th Street lots are selected as adequate sites in the HEU and the Master Plan is subsequently approved during the 6th Cycle in a manner that would preclude the 9th Street lots (or Shores Park as whole) from being available to accommodate the specified number of affordable units, the City Council would need to take action within 180 days of the date the Master Plan is approved to select adequate sites as a replacement to ensure "no net loss". While the site has been included in the draft list of adequate sites to accommodate the City's RHNA unit obligation, staff has provided alternatives to the use of this site as shown in *italics* below.
- Various water tank sites, including Crest Water Tower (PEIR Candidate Site 95), Zuni Water Reservoir (PEIR Candidate Site 21), Highland Avenue Water Tower (Candidate Site 94), and Pine Needles Water Tank (Candidate Site 100).
    - Water tank sites have not been included in the draft list of adequate sites, and are not recommended for inclusion. This is because the City's water tank sites are needed for critical fire suppression services and essential water system delivery to the community at-large. As such, staff does not recommend selection of any City-owned water tank sites for housing.

➢ *HEU Strategy #4 proposes Program 1H, which involves amending the Public Facilities (PF) Zone to identify residential as an allowed use in the zone. Due to*

the City's overall lack of adequate sites to accommodate affordable units, this strategy also identifies the following City-owned properties as adequate sites to accommodate up to 26 affordable units (out of 113 total affordable required) if needed through a combination of potential projects with vacant lots at 28th Street and City Hall listed as the priority options:

- *2-4 small units on the 28th Street vacant lot*
  - *This is a Priority option to include in the 6th Cycle HEU*
- *4-6 small units on City Hall Expansion Lot "C" on 10th Street *Priority Option*
  - *This is a Priority option to include in the 6th Cycle HEU*
- *4-8 small units at 201 Court Street*
  - *Alternate options to the use of this site are described below*
- *4-8 small units on 9th Street (offices at NW corner of Shores Park property)*
  - *Alternate options to use of this site are described below*

- *Alternative options to the use of City-owned sites for the City Council to consider include:*

  1) *A "No Parkland" option. This option would remove the two parkland sites entirely (201 Court Street and 9th Street lots) from the list of 6th Cycle adequate sites. To make up the difference (a loss of 16 of the 113 affordable units), the City would need to add two additional sites located in the NC zone to the list of adequate sites for a credit of 12 affordable units and must shift 4 affordable units to North Bluff Site 1F for a total of 8 affordable units on that site.*

  2) *A "Partial Parkland" option. This option would remove the 9th Street lots entirely and keep "half" of the 201 Court Street site on the list of 6th Cycle adequate sites. To make up the difference, this would require the increased NC change as described above and would reduce the number of affordable units by 50% on 201 Court Street from eight units down to four.*

  3) *A "No City Property" option. This option would remove all four City sites from the 6th Cycle adequate sites (201 Court Street, 9th Street lots, 28th Street vacant lot, and City Hall Expansion Lot "C"). This would require the increased NC change described above and would require a shift of additional affordable units to North Bluff Site 1F for a total of 18 affordable units on that site and 65 affordable units overall on the bluff properties.*

Notes regarding HEU Strategy 4: The table below provides a summary comparison of the proposed HEU adequate sites to alternatives available for consideration (see Attachment H for additional detail):

Affordable Unit "Adequate Sites" Comparison of HEU Proposal to Alternatives					
	Proposed HEU	**No Parkland Alternative**	**Partial Parkland Alternative**	**No City Property Alternative**	**No NC Zone Alternative**
ADUs	**8 affordable**	8	8	8	8
PC Zone	**3 affordable**	3	3	3	3
CC Zone	**3 affordable**	3	3	3	3
941 CDM	**2 affordable**	2	2	2	2
NC Zone	**20 affordable**	*32 affordable*	*32 affordable*	*32 affordable*	*0 affordable*
Rezone	**51 affordable**	*55 affordable*	51	*65 affordable*	*71 affordable*
City-owned Property	**26 affordable**	*10 affordable*	*14 affordable*	*0 affordable*	26
TOTAL	**113**	**113**	**113**	**113**	**113**

Proposed HEU Housing Plan – Other Programs

In addition to the programs described above, which are all designed to accommodate the City's assigned 6th Cycle RHNA obligations, the draft HEU also includes other programs that are not directly related to housing unit production.

A summary of the programs is provided as follows:

- Provide information and maintain a database of housing resources including the senior housing and shared housing programs administered by Del Mar Community Connections, the solar panel installation partnership administered by Renewable Cities San Diego, Interfaith Partnership opportunities including the St. Peters Episcopal Church Helping Hands program, the Housing Choice Voucher rent subsidy program administered by the San Diego County Housing Authority, student housing resources and assistance, and other housing assistance programs run by local non-profit organizations to assist in the distribution of information on available housing services and programs for individuals with special needs.
- Require a "Housing Impact Statement" be included in staff reports to help inform discretionary land use and planning decisions.
- Process several Municipal Code Amendments to clarify State Housing law requirements related to manufactured housing and density bonus, to allow housing in the PF zone, and to clarify the regulations applicable to tiny homes.
- Ensure compliance with State Housing law requirements related to community care facilities, residential care facilities, emergency shelters, transitional and supportive housing, low barrier navigation centers (service-enriched shelters

focused on moving people into permanent housing), Senate Bill (SB) 35 streamlining requirements, and Fair Housing law requirements.

- Improve and preserve existing housing by establishing an ADU amnesty program, accommodating the renovation and improvement of existing multiple dwelling unit structures with non-conformities, and developing policies and programs that more effectively provide for the use of existing housing stock for long term housing needs (i.e. addressing threat of short term rentals to long term housing in residential zones).
- Coordinate with HCD and Coastal Commission regarding housing needs in the coastal zone.

COMMUNITY PLAN (GENERAL PLAN) ANALYSIS AND CONFORMANCE FINDING:

Staff analyzed the City's Community Plan and compared it to the proposed 6th Cycle HEU. The draft HEU reinforces and implements existing policies in the Community Plan:

- Preserves and enhances the special residential character and small-town atmosphere of Del Mar;
    - *The 6th Cycle HEU does not include any programs to modify existing development standards in any residential or commercial zone. The ongoing application of the City's development standards would continue to preserve the special residential character and small-town atmosphere of Del Mar. The intent of proposed programs is to maintain local control over all future housing development, including application of the City's Design Review process, to the maximum extent feasible and allowed by State Housing law.*
- Maintains the existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, setbacks;
    - *See finding above. The 6th Cycle HEU would preserve all required development standards.*
- Insures adequate housing for diverse age and socio-economic groups within the community;
    - *The 6th Cycle HEU includes a variety of programs to provide for new housing opportunities for varying income levels, as well as spreads out the City's 6th Cycle unit obligations throughout the community including its main commercial corridor.*
- Facilitates housing for seniors close to the Village Center; and
    - *The 6th Cycle HEU includes programs to facilitate ADUs citywide and allow residential as a primary use along the City's main commercial corridor and specifically in the NC zone, CC zone, and PC zone.*
- Facilitates lower cost housing for low- and moderate-income households.

- *The 6th Cycle HEU includes programs to implement the City's 6th Cycle unit obligation which includes 101 affordable units (64 low income and 37 very low income), including an additional 12 low income unit carryover from the 5th Cycle (total of 113 affordable units to be accommodated throughout the community), and 31 moderate income units.*

The finding of consistency includes each proposed housing program (NC, PC, CC, and PF) that would amend existing non-residential zones to allow housing as a permitted use and/or allow 20 du/ac. While the State's mandated Program 1E (that requires rezoning of existing low and very low density property on the North Bluff and South Stratford to a higher density of 20-25 du/ac that allows housing with an affordable component) would represent a significant change in the intensity of the City's planned use for that area if implemented, the program is included only as a contingency program. As described in HEU Strategy #3, the goal is to implement Program 3A by securing agreements for the City to partner with the 22nd District Agricultural Association to build/obtain credit for at least 51 affordable units (or more). If Program 3A is successful and implemented within three years following certification of the 6th Cycle HEI, then the City will not have to implement its contingency program (Program 1E to rezone North Bluff and South Stratford). However, if the City is unable to secure the agreements needed and must implement its contingency program, the rezone action will require additional CEQA review and processing of legislative actions at which time any potential land use-related inconsistencies with local and/or State Housing law, and/or potential environmental impacts would be analyzed, disclosed, and addressed as part of that process.

Pending Schedule and Deadlines for Completion of the HEU per State Housing Law:

The City Council is asked to certify the PEIR, adopt the Findings of Fact and MMRP, and approve the draft HEU. Formal adoption of a General Plan Amendment (GPA20-003) for the HEU will be required by the City Council at a future date in early 2021. This is because the City's Community Plan is the City's General Plan; and the Housing Element is a required component of the City's Community Plan per State law. City Council approval is needed by the end of October 2020 so that the draft HEU can be submitted to HCD in November 2020 to commence an obligatory 60-day review timeframe as set forth per State Housing law. If the City does not submit its HEU to HCD in November, there will be insufficient time remaining under the State's process to allow for HCD review and comment, local review, processing, and consideration of HCD's comments, local adoption of a final HEU, and certification of the City's 6th Cycle HEU by HCD by April 2021.

Delaying this timeframe puts the City at risk of not receiving certification by the State's deadline of April 2021. Following HCD review, the draft will be returned to the City with comments and clarification as to what modifications will be necessary in order for the City to gain final certification of the Housing Element by the State. City staff will then prepare the necessary amendments for public review and processing for consideration in noticed public hearings via the Planning Commission (if needed) and City Council.

An amendment to the Community Plan (GPA20-003) will be required as part of the City Council's final adoption to replace its existing 5th Housing Element with the 6th Cycle HEU in accordance with State Housing law. This action will occur in early 2021 after HCD's initial 60-day review. If the Community Plan is amended at that time, staff would submit the HEU to the State for final certification before the April 15, 2021 deadline. See Attachment I for the penalties applicable for non-compliance with State Housing law.

Implementation of the 6th Cycle HEU will require various future amendments to the Community Plan (General Plan) that will be subject to future City Council approval during the implementation phase. Some of these future amendments will include the following:

- Amendment to the Safety Element to address fire protection per SB1241.
- Adoption of a new Environmental Justice Element per Housing Program 6E to help establish policies for more effective implementation of Fair Housing law requirements and to reduce community health risk per the Climate Action Plan.
- Amendments to the Land Use Element to modify the land use classifications for the CC and NC land use categories. (The City Council adopted amendments to the PC land use designation and zone respectively on September 8 and 21, 2020.)

ENVIRONMENTAL IMPACT:

A PEIR and MMRP were prepared and circulated for the 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020. The PEIR found that all potentially significant environmental effects of the proposed 6th Cycle HEU can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the HEU. See Attachment A for the CEQA Findings of Fact (Exhibit "A") and MMRP (Exhibit "B"). See Attachment J for a summary of the environmental analysis.

Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to Programs 2-E (NC zone) and 2-F (PC zone) of the City's current 5th Cycle Housing Element. The separate NC/PC PEIR analyzed future housing in the NC, PC, and PF Zones, and was recently certified by the City Council on September 8, 2020. The NC/PC PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428.

CORRESPONDENCE:

See Attachment D for the HCD enforcement letter (September 30, 2020) that identifies the actions necessary for the City to address its current non-compliance status. Attachment K includes public correspondence submitted to the Planning Commission.

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council related to this agenda item. Approval of the draft 6th Cycle HEU can minimize the City's risk of fiscal impacts to the General Fund associated with potential penalties from the State for not having an

approved 6th Cycle Housing Element. It should be noted that the City is currently not in compliance with State Housing law and is already at risk of enforcement by the State and significant fiscal impacts due to prior actions to not approve 20 du/ac via the 5th Cycle Programs 2-E (NC amendments) and 2-G Rezone (Watermark). A delay in approval of the draft HEU submittal to HCD puts the City at further risk of fiscal impacts.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
This special project is a City Council Priority through Fiscal Year 2020-2021.

ATTACHMENTS:
Attachment A – Resolution Certifying PEIR and Approving Findings of Fact and MMRP
Attachment B – Draft HEU Chapter 4 Housing Plan
Attachment C – Relationship between 6th Cycle HEU and the Community Plan
Attachment D – Letters from HCD Dated September 30, 2020 and July 31, 2020
Attachment E – Resolution Approving Draft 6th Cycle HEU
Attachment F – State's Criteria for Certification of Housing Element
Attachment G – Citizens' Task Force Subcommittee Recommendations
Attachment H – Affordable Unit Production Strategy and Implementation Timeline
Attachment I – State Penalties and Enforcement Remedies
Attachment J – Summary of CEQA Analysis and Findings
Attachment K – Public Correspondence submitted to the Planning Commission

Attachment A

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT AND THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE 6TH CYCLE HOUSING ELEMENT UPDATE IN THE CITY OF DEL MAR, CALIFORNIA

WHEREAS, the proposed program is an update to the City of Del Mar's existing Housing Element as required by State Housing law for the 6th Cycle planning period covering April 2021 through April 2029 (Program) that would require an amendment to the City's Community Plan (General Plan); and

WHEREAS, the Program analyzed includes a listing of potential candidate housing sites and various Housing Programs that, once implemented, are intended to facilitate a greater range of economically and socially diversified options for future housing in the City to accommodate the City's assigned Regional Housing Needs Assessment (RHNA) during the 6th Cycle planning period; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), and the City's Supplemental CEQA Regulations (local CEQA Guidelines), the City as lead agency prepared a Draft Program Environmental Impact Report (PEIR) (State Clearinghouse SCH No. 2020029064) dated July 2020 for the Program (proposed Project), which includes a Mitigation, Monitoring, and Reporting Program (MMRP); and

WHEREAS, the Draft PEIR was prepared in accordance with CEQA at a "program-level", as defined in CEQA Guidelines Section 15168, because the proposed Project pursuant to CEQA constitutes a "program" consisting of a series of actions that can be characterized as one large project and is subject to the provisions of CEQA Guidelines Section 15168(a)(1-4); and

WHEREAS, the City found, based upon the threshold criteria for significance presented in the Draft PEIR, that all potentially significant environmental effects of the proposed Project can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the proposed Project; and

WHEREAS, the Draft PEIR analyzes information that was known and available at the time of preparation and that would otherwise not be too speculative to analyze at a "project-level" analysis, because there are no proposed development applications, project level details, or development plans associated with the proposed program-level action,

and the Draft PEIR discloses potential impacts of the proposed Project, and identifies a mitigation framework that will apply to future housing development; and

WHEREAS, the Draft PEIR was made available for a 60-day public review and comment period that began on July 2, 2020 and concluded on August 31, 2020; and

WHEREAS, the City received comments letters concerning the Draft PEIR from the public and one public agency and, pursuant to CEQA Guidelines Section 15088, the City has prepared written responses to all comments received on the Draft EIR during the public comment period which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft PEIR do not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore recirculation of the Draft PEIR is not required; and

WHEREAS, the City has prepared a Final PEIR dated September 2020 pursuant to CEQA Guidelines Section 15089 which contains the information required by CEQA Guidelines Section 15132, including the Draft PEIR and the revisions and additions thereto, technical appendices, public comments and the City's responses to public comments on the Draft PEIR, and an Errata; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091 and 15097, the City has prepared Findings of Fact and an MMRP; and

WHEREAS, implementation of the Program and future housing development will require additional environmental analysis pursuant to CEQA, unless the future actions are found to be sufficiently covered within the scope of the Final PEIR pursuant to CEQA Guidelines Section 15168(c); and

WHEREAS, on September 15, 2020, the Planning Commission unanimously recommended certification of the PEIR, adoption of the MMRP, and approval of the proposed Project; and

WHEREAS, a notice of public hearing was posted and published and a mailed notice was provided by September 24, 2020, informing the public of this matter and the scheduled City Council public hearing on October 5, 2020; and

WHEREAS, all materials with regard to the proposed Project were made available to the City Council for its review and consideration of the proposed Project, including, but not limited to, the following:

1. The Draft PEIR and appendices, dated July 2020;

2. The Final PEIR and appendices, dated September 2020;

3. The proposed Findings of Fact, dated September 2020;

4. The proposed MMRP, dated September 2020;

5. The Agenda Report and supplemental information, dated October 2020; and

6. All documents and records prepared by the City and other interested parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby certify the Final PEIR (SCH No. 2020029064) and adopt the Findings of Fact and MMRP as follows:

1. The City Council finds the facts recited above are true and further finds that this City Council has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The City Council finds and determines that the applicable provisions of CEQA, its implementing State Guidelines, and local City Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The City Council finds and determines that: (a) the Final PEIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and local City Guidelines for implementation thereof; (b) the Final PEIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final PEIR prior to approving the proposed Project; (c) the Final PEIR reflects the City Council's independent judgment and analysis, and, therefore, the Final PEIR is hereby declared to be certified in relation to the subject of this Resolution.

4. The City Council finds and determines that the proposed Project is approved despite the existence of certain significant environmental effects identified in the Final PEIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 to be mitigated to a level of Less Than Significant with mitigation, the City Council hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. That upon a review of the whole record before the City Council there is no substantial evidence that the proposed Project will result in unavoidable significant impacts on the environment and a Statement of Overriding Considerations is not necessary pursuant to CEQA Guidelines Section 15093.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program (MMRP), which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final PEIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the proposed Project.

7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the City Council shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the City of Del Mar Planning and Community Development Department, 1050 Camino del Mar, Del Mar, CA 92014.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 5th day of October, 2020.

_____
Ellie Haviland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2020-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar

EXHIBIT "A"

City of Del Mar

6th Cycle Housing Element Update

Findings of Fact

September 2020

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Prepared By

Kimley»Horn

Findings of Fact

Del Mar 6th Cycle Housing Element Update

2021-2029 Housing Element Update

(SCH # 2020029064)

Findings by:

CITY OF DEL MAR
1050 Camino del Mar
Del Mar, CA 92014

Prepared by:

Kimley-Horn and Associates, Inc.
3880 Lemon Street, Suite 420
Riverside, CA 92501

September 2020

1.0 INTRODUCTION

1.1 Findings of Fact

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. Pursuant to CEQA Guidelines Section 15091(a), No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR [referred to in these Findings as "Finding 1"].

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency [referred to in these Findings as "Finding 2"].

3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR [referred to in these Findings as "Finding 3"].

Having received, reviewed and considered the Final Program Environmental Impact Report for the Del Mar 6th Cycle Housing Element Update, SCH # 2020029064; as well as all other information in the record of proceedings on this matter, the following Findings Regarding the CEQA Documents for the Del Mar 6th Cycle Housing Element Update project (HEU) are hereby adopted by the City of Del Mar (City).

1.2 Document Format

These Findings have been categorized into the following sections:

1) Section 1.0 provides an introduction to these Findings.

2) Section 2.0 provides a summary of the Project and overview of other discretionary actions required for the Project, and a statement of Project objectives.

3) Section 3.0 provides a summary of those activities that have preceded the consideration of the Findings for the Project as part of the environmental review process, and a summary of public participation in the environmental review for the Project.

4) Section 4.0 sets forth findings regarding those potentially significant environmental impacts identified in the CEQA Documents which the City has determined to be less than significant with the implementation of Project design features.

5) Section 5.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the CEQA Documents which the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures included in the MMRP for the Project.

6) Section 6.0 sets forth findings regarding growth inducing impacts.

7) Section 7.0 sets forth findings regarding alternatives to the Project.

8) Section 8.0 contains findings regarding the Mitigation, Monitoring and Reporting Program (MMRP) for the Project.

9) Section 9.0 contains other relevant findings adopted by the City with respect to the Project.

The Findings set forth in each section herein are supported by findings and facts identified in the administrative record of the Project.

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions regarding the Project are located at the City of Del Mar Planning and Community Development Department, 1050 Camino del Mar, Del Mar, Ca 92014. The City is the custodian of the administrative record for the Project.

2.0 PROJECT SUMMARY

2.1 Project Description/Location

The City of Del Mar Housing Element is a required element within the Del Mar Community Plan (the City's General Plan) pursuant to State law. In compliance with California Government Code §65583, the Housing Element identifies, analyzes, and makes adequate provision for the existing and projected housing needs of all the City's economic segments.

The HEU will represent a comprehensive update to the City's last adopted Housing Element (i.e., the 5th Cycle).[1] The HEU will include goals, policies, and implementation programs for the 6th Cycle. It will also include revisions to goals, policies, and modified or continuing implementation programs carried over from the existing 5th Cycle Housing Element for completion in the first year of the 6th Cycle. The HEU, which integrates/updates supporting socioeconomic, demographic, and household data, is specifically intended to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation of 163 dwelling units (DUs).

This PEIR evaluates future development of 209 DUs throughout the City as facilitated by the HEU. The 209 DUs includes the 163 DUs needed to meet the City's 6th Cycle RHNA allocation and the 46 estimated carryover DUs from the 5th Cycle RHNA allocation. The potential impacts of future housing development facilitated by the HEU are being evaluated for potential location on 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 340 acres. A portion of the future housing development facilitated by the HEU is also expected to include Accessory Dwelling Units (ADUs), which are allowed by State law and the City's Municipal Code on sites throughout the community anywhere that residential is an allowed use.

The City is generally classified as a small suburban community situated within the greater San Diego metropolitan region. As a coastal community with high land values and limited land resources, the City has developed into a mostly built-out community with little available developable land. The City is located north of Torrey Pines State Beach, directly south of the City of Solana Beach, and generally west of the City of San Diego. The City's projected housing need for the 6th Cycle RHNA planning period (2021-2029), as assigned by

[1] San Diego Association of Governments *Website, Regional Housing Needs Assessment Plan Sixth Housing Element Cycle Planning for Housing in the San Diego Region 2021-2029*, http://www.sandag.org/uploads/publicationid/publicationid_1661_14392.pdf, Accessed May 26, 2020.

the San Diego Association of Governments (SANDAG) in accordance with State law, is 163 DUs. The City's RHNA is broken down into the following income levels:

- 37 Very Low Income (including Extremely Low Income)
- 64 Low Income
- 31 Moderate Income
- 31 Above Moderate Income

The candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse environmental impacts. The HEU's intent is to reduce impacts by placing housing near public transportation and recreation opportunities and away from environmentally sensitive resources. Based on past and current trends, the City anticipates growth in the existing residentially-zoned areas to meet the moderate and above moderate-income need through development of new units and ADUs. Within the existing residential neighborhoods, moderate-income and above-moderate income units can be accommodated on residentially-zoned sites. Additional units, including smaller more affordable options, can be accommodated through development of ADUs and similar small housing options (i.e., tiny homes and modular homes) throughout the community. Based on housing trends to date, it is unlikely that the City will be able to accommodate its RHNA allocation for lower-income housing, which is 101 DUs, including 37 very-low income DUs and 64 low-income DUs, within existing residential neighborhoods based on the existing regulatory context. To meet the City's very-low and low-income RHNA need, the City has identified vacant residential parcels and non-vacant parcels currently zoned for non-residential uses. The non-residential parcels are located primarily within the North Commercial (NC), Professional Commercial (PC), and Community Commercial (CC) zones, and on the 22nd District Agricultural Association (22nd DAA) State-owned Fairgrounds. Planning and zoning amendments for the PC zone are currently underway as part of a 5th Cycle Housing Element implementation program to facilitate the development of affordable housing in this commercial zone.

The HEU, in addition to narrowing down from the list of candidate sites to a list of "adequate sites" that will accommodate the RHNA allocation (163 DUs) and the 5th Cycle estimated carryover units (46 DUs), will contain a list of HEU action programs, which is a collection of action-oriented strategies that are intended to increase available housing capacity. Therefore, to comply with State law, the City has identified various action program strategies to accommodate the lower-income RHNA units, including amendments to existing land use designations and zoning and identification of vacant, residentially-zoned parcels in an inventory of candidate housing sites. Some of the action programs will occur on sites that are identified in the PEIR as candidate housing sites. The City's list of potential HEU action programs are summarized as:

- PRIORITY: Complete Processing of Amendments to North Commercial (NC) Zone – 5th Cycle Program 2-E (carryover program)
- PRIORITY: Complete Processing of Amendments to Professional Commercial (PC) Zone – 5th Cycle Program 2-F (already in process)
- PRIORITY: Process Amendments to the Central Commercial (CC) Zone

- PRIORITY: Extend and enhance the City's Existing Accessory Dwelling Unit (ADU) Incentive Pilot Program and Consider Whether to Offer Additional Incentives (i.e., ADU concierge program; and permit-ready program that is already in process)
- PRIORITY: Pursue a Tiered Program of Actions that Would Involve Securing Partnership Agreements, Developer Participation Agreements, and Execution of Development Agreements to Develop Housing at the 22nd DAA State-owned Fairgrounds
- PRIORITY: Establish an ADU Amnesty Program
- PRIORITY: Establish a Streamlining/Incentive Program Available to Projects Proposing Affordable Units
- Update and Promote the City's Density Bonus Ordinance to Comply with State Law
- Explore Whether to Create an Affordable Housing Overlay Zone
- Explore Whether to Establish a Residential Opportunity Infill Program
- Rezone Program to Produce Affordable Units on Vacant Land

The City's list of potential action programs includes vacant sites on the North Bluff and South Stratford because they are required to be considered with the HEU due to existing regulatory impediments. Per Assembly Bill (AB) 1397, sites must be vacant, must meet the minimum size requirements (between 0.5 acre and 10 acres in size), and must be able to be served by utilities. Sites designated to meet the very-low and low-income need must allow development at the assigned default density, which for the City is 20 DU/AC.[2] The City does not currently have any zones that can accommodate this density. Currently, the City's highest densities are in the Medium Density Single-Mixed Residential-East and West zones (RM-East and RM-West) at 17.6 DU/AC. The associated candidate housing sites identified above pursuant to AB 1397 are located in the Very Low-Density Residential zone (R1-40) and Modified Low-Density Residential zone (R1-14).

To comply with AB 1397, the City must specify the number of units that can realistically be accommodated on each candidate housing site; and identify whether the site is adequate to accommodate lower-income housing in accordance with existing regulations or if future implementation actions are needed. Recognizing that not all candidate housing sites will ultimately be included in the HEU, the 103 candidate housing sites in the PEIR account for a 30 percent buffer (49 DUs), which is intended to serve as a sites contingency that may be considered after HEU certification to address future "no net loss," if it becomes necessary to identify a replacement site during the 6th Cycle (2021-2029). See discussion of AB 1233 below for additional details.

AB 1233 states that if a jurisdiction fails to provide adequate sites in the prior planning period, which in the City's case is the 5th Cycle covering 2013-2021, the jurisdiction must also include HEU action programs (i.e., zone code amendments or rezones) to accommodate the shortfall within one year of the new cycle's commencement. The City's no net loss housing obligation per AB 1233 is referred to as the 5th Cycle "carryover" housing program, which is required to be addressed in addition to the 6th Cycle RHNA. The City's estimated "carryover" is 46 DUs from the 5th Cycle Housing Element.

The City's RHNA allocation for the 6th Cycle HEU and estimated carryover from the 5th Cycle is 209 DUs. In addition, for the purpose of the analysis in this PEIR, the City planned for additional units as a buffer

[2] Note this is per acre and not per parcel. One acre equals 43,560 square feet.

and planned contingency if necessary to address Senate Bill (SB) 330 and SB 166 requirements of the "no net loss" provisions if it becomes necessary to identify a replacement site during the HEU. The City has factored in a 30 percent buffer into this PEIR's candidate housing sites analysis, which means that an additional 49 DUs (30 percent of the 163 RHNA units) have been considered in the sites inventory. Therefore, the candidate housing sites analysis in this PEIR considered a total of 258 units (163 RHNA units + estimated 46-unit carryover from the 5th Cycle Housing Element + 49-unit buffer), but the Final HEU will only incorporate capacity no higher than 209 DUs needed for RHNA and the 5th Cycle carryover.

It is noted that future Community Plan, Del Mar Municipal Code (DMMC) Title 30 (Zoning Code), and Local Coastal Program amendments may be required to implement programs identified on the list of potential HEU action programs. However, in accordance with State CEQA Guidelines §15168 (Program EIR), all later activities in the HEU program will be examined in the light of the Draft PEIR to determine whether an additional environmental document must be prepared, which would be determined prior to City Council approval of future HEU implementation actions. Similarly, discretionary permits and future CEQA evaluation will be required prior to approval of future housing development facilitated by the HEU, except for ADUs and Junior ADUs, which are exempt from CEQA and discretionary permits per California Government Code §§ 65852.2 and 65852.22.

2.2 Discretionary Actions

The HEU would need to be adopted by the Del Mar City Council as it constitutes an amendment to the City's Community (General) Plan. On September 15, 2020, the City's Planning Commission provided a unanimous recommendation on the proposed 6th Cycle HEU and Community Plan Amendment.

2.3 Statement of Objectives

The HEU has the following goals:

OVERALL GOAL: Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.

- **Goal #1:** Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community.
- **Goal #2:** Prioritize Production of Accessory Dwelling Units (ADUs).
- **Goal #3:** Vigorously Pursue Housing Opportunities on 22nd District Agricultural Association Property (Del Mar Fairgrounds).
- **Goal #4:** Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs.
- **Goal #5:** Improve and Preserve the Community's Existing Housing Stock.
- **Goal #6:** Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.
- **Goal #7:** Promote Housing Resources and Assistance Opportunities.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On February 19, 2020, a Notice of Preparation (NOP) was distributed by the City of Del Mar for the Project. The State of California Clearinghouse issued a project number for the project, SCH # 2020029064.

In accordance with CEQA Guidelines Section 15082, the NOP was circulated to interested agencies, groups, and individuals for a period of 30 days, during which comments were solicited and received, pertaining to environmental issues/topics that the Draft PEIR should evaluate. These NOP responses were considered in the preparation of the Draft PEIR, which upon release, was made available to all Responsible/Trustee Agencies and interested groups and individuals, as required under CEQA Guidelines Sections 15105 and 15087.

The State-mandated public review of the Draft PEIR began on July 2, 2020 and concluded August 31, 2020 (60 days). The Final PEIR includes a Response to Comments package, which presents all written comments received during the public review period of the Draft PEIR and includes responses to these comments and associated changes made to the PEIR.

The PEIR includes any exhibits or appendices thereto, the list of persons, organizations and public agencies which commented on the PEIR, the comments which were received by the City regarding the PEIR, and the City's written responses to significant environmental comments raised in the public review and comment process, all of which are incorporated herein and made a part hereof by reference. Pursuant to State CEQA Guidelines Section 15084, the PEIR has been reviewed and analyzed by the City of Del Mar as the lead agency with respect to the HEU and the PEIR. The following findings for the HEU and each fact in support of a finding are thus based upon substantial evidence in the record.

4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS DETERMINED TO HAVE NO IMPACTS OR BE LESS THAN SIGNIFICANT

The City finds, based upon the analysis presented in Section 4.0 of the Draft PEIR, dated July 2020, as amended by the Final PEIR, dated September 2020, that the following environmental effects of the project either have no impact or are less than significant, and, therefore, no mitigation measures are required. The City hereby finds that existing regulatory requirements, policies, and/or project conditions have been identified and incorporated into the project which avoid or substantially lessen the potentially significant effect on the environment to a less than significant level.

4.1 Aesthetics

4.1.1 Impact AES-1: Less Than Significant Impact. The HEU's candidate housing sites inventory includes properties that are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse impacts to the environment. Additionally, future housing developments facilitated by the HEU would be required to adhere to all State and local requirements for avoiding violation of standards during construction and operations. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not significantly affect scenic vistas. Potential aesthetic impacts to scenic views are considered less than significant. Consequently, no mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.1-14 through 4.1-16.

4.1.2 Impact AES-2: No Impact. There are no scenic highways in the HEU area. Additionally, any future housing development facilitated by the HEU would be required to be evaluated for potential impacts to historic resources and adhere to all State, and local requirements for avoiding violation of standards during construction and operations. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not affect scenic resources. Potential aesthetic impacts to scenic resources are considered less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.1-16 through 4.1-17.

4.1.3 Impact AES-3: Less Than Significant Impact. All future housing development on the candidate housing sites in the City would be reviewed to confirm compliance with all applicable requirements to protect and enhance the City's visual character and public views, including the City's Community Plan, Local Coastal Program (LCP), Municipal Code, and Design Review process including compatibility with surrounding land uses. Appropriate landscaping, setbacks, height, building articulation, and other design features would be required. Future housing developments facilitated by the HEU would also be required to adhere to all State and local requirements for avoiding impacts to visual character and public views standards. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

Existing City policies would minimize aesthetic impacts. The City hereby finds that the HEU would not significantly affect the visual character of the Candidate Sites and other sites in the City. Potential visual character impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.1-17 through 4.1-18.

4.1.4 Impact AES-4: Less Than Significant Impact. Future housing development facilitated by the HEU would be required to comply with all applicable requirements related to light and glare, including those that require that outdoor lighting be directed downward and shielded away from surrounding properties and public rights-of-way. Lighting associated with future housing development on the candidate housing sites would also be required to be consistent with other development within the City to maintain a consistent visual character throughout the City. To minimize glare, future project applicants may be required to install glass with low reflectivity. To minimize glare associated with rooftop solar panels, panels could be installed flat, treated with anti-reflective coatings, and manufactured from modern glass technology. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the existing City and State regulations would reduce light and glare impacts. Potential light and glare impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.1-18 through 4.1-19.

4.2 Agriculture and Forestry

4.2.1 Impact AG-1: No Impact. There are no properties within or near the candidate housing sites designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Consequently, any future housing development on the candidate housing sites in accordance with the HEU would not impact agricultural resources by conversion to a non-agricultural usage. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.2-5 through 4.2-6.

4.2.2 Impact AG-2: No Impact. According to the California Department of Conservation (DOC) and San Diego County (County), the HEU Program area, including the Fairgrounds, contains no designated agricultural preserves, and therefore, no lands under a Williamson Act contract. While there are no existing agricultural uses on the Fairgrounds, such as row crops or livestock husbandry, the Fairgrounds does promote agriculture through exhibits and demonstrations. However, none of these activities involve any permanent agricultural uses. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. Consequently, no mitigation measures are required since no impact would occur.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.2-6.

4.2.3 Impact AG-3: No Impact. None of the candidate housing sites, including the Fairgrounds, are designated or zoned for forestry uses, nor are they adjacent to any zoning for forest land or timberland. Future housing development facilitated by the HEU would allow for residential development on vacant and developed sites that are zoned for residential development and sites zoned for non-residential development that would be amended through prospective discretionary actions to allow future residential development. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural uses would result in no impact. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.2-6.

4.2.4 Impact AG-4: No Impact. The HEU candidate housing sites, including the Fairgrounds, are all located within a developed area that is designated primarily for residential uses. Because there is no

designated forest property within the City or at the State-owned Fairgrounds, future housing development facilitated by the HEU would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural or forestry uses would result in no impact. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.2-6 through 4.2-7.

4.2.5 Impact AG-5: No Impact. The candidate housing sites are designated as Urban and Built-Up Lands or Other Land by the DOC. No farmlands or forest land exists within the City. Future housing development facilitated by the HEU would occur only on properties designated and zoned for residential use. No impact would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the implementation of the HEU would not impact agricultural resources within the City. The lack of existing and proposed agricultural or forestry uses would result in no impact. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.2-7.

4.3 Air Quality

4.3.1 Impact AQ-1: Less Than Significant. The population increase within the City from development of the HEU candidate housing sites would be modest compared to the City's overall population and the County and would be less than assumed and evaluated in the Community Plan. This increased density supports the San Diego Air Pollution Control District's (SDAPCD's) strategies for encouraging increased development diversity by increasing residential units in the commercial and residential land uses zones. The City's goal is to gain certification of the HEU; therefore, it must comply with applicable housing laws and policies imposed at the Federal, State, regional, and local levels. As a result, it is unlikely that future housing development facilitated by the HEU would interfere with SDAPCD goals for improving air quality in the San Diego Air Basin (SDAB) or conflict with or obstruct implementation of applicable air quality plans. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds, and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.3-19 through 4.3-21.

4.3.2 Impact AQ-2: Less than Significant Impact. The HEU does not propose any development. Future housing development facilitated by the HEU would be subject to discretionary permits and would

occur as market conditions allow and at the discretion of the individual property owners. In analyzing cumulative impacts for future housing development facilitated by the HEU, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Any future development on candidate housing sites would require further evaluation under this criterion to demonstrate that both daily construction emissions and operations would not exceed SDAPCD's significance thresholds for any criteria air pollutant. Any future development on candidate housing sites would also be required to adhere to all Federal, State, and local requirements for minimizing construction and operational pollutant emissions. Considering these requirements, future development on candidate housing sites facilitated by the HEU would not result in a cumulatively considerable net increase of any criteria pollutant for which the SDAB is in nonattainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.3-21 through 4.3-23.

4.3.3 Impact AQ-3: Less than Significant Impact. Future development on candidate housing sites would be required to adhere to all Federal, State, and local requirements for minimizing construction and operational pollutant emissions, including SDAPCD's Rule 50 related to the discharge of any single source emissions; Rule 51 related to nuisance discharges of air contaminants; Rule 55 related to fugitive dust emissions; Rule 67.0.01 related to architectural coatings; and the Community Plan, which includes policies related to improving air quality within the City. Considering these requirements, future development on candidate housing sites would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not conflict with air quality plans or thresholds and impacts to regional air quality would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.3-22 through 4.3-25.

4.3.4 Impact AQ-4: Less than Significant Impact. Odors produced during construction would be temporary and generally would occur at magnitudes that would not affect substantial numbers of people. Future development on candidate housing sites facilitated by the HEU would result in new housing and would not result in the creation of a land use that is commonly associated with odors. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that emissions resulting from the HEU would not result in emissions that would exceed acceptable quantities or thresholds. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.3-25.

4.4 Energy

4.4.1 Impact E-1: Less than Significant Impact. There are no known conditions within any of the candidate housing sites that would require nonstandard equipment or construction practices that would be less energy-efficient than at comparable construction sites in the region or the state. During construction, some incidental energy conservation would occur through compliance with State requirements for construction. The HEU's facilitation of opportunities for access to alternative transportation modes would help reduce vehicle trips and automobile reliance, thereby reducing the transportation energy demand associated with the HEU. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that implementation of the HEU would not result in energy usage that would exceed acceptable quantities or thresholds within the City or region. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.6-12 through 4.6-18.

4.4.2 Impact E-2: Less than Significant Impact. Future housing development facilitated by the HEU would also be required to comply with the policies included in the City's Community Plan and Climate Action Plan aimed at reducing energy consumption. Future housing development facilitated by the HEU would also be required to obtain permits and comply with Federal, State, and local regulations aimed at reducing energy consumption, including the City's recently adopted Vehicular Miles Traveled (VMT) thresholds. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that implementation of the HEU would not result in energy usage that would exceed acceptable quantities or thresholds within the City or region. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.6-18 through 4.6-19.

4.5 Geology and Soils

4.5.1 Impact GEO-1: Less Than Significant Impact. In general, all future housing development facilitated by the HEU must demonstrate conformance with seismic design guidelines and requirements contained in the City's Uniform Codes for Construction Building and requirements would be confirmed through the design review and building plan review processes. Future housing developments facilitated by the HEU would be subject to permit approval and required to adhere to all Federal, State, and local requirements for avoiding and minimizing seismic-related impacts (i.e., strong seismic shaking or ground failure including liquefaction and

landslides), including the City's Uniform Codes for Construction Building Code. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of existing California Building Code requirements along with the City's Uniform Codes for Construction Building Code, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.7-22 through 4.7-24.

4.5.2 Impact GEO-2: Less Than Significant Impact. Future housing development facilitated by the HEU would be subject to permits and required to adhere to all Federal, State, and local requirements for avoiding and minimizing impacts concerning soil erosion or loss of topsoil, including Grading Plans and Soils Engineering Reports. Short-term construction-related erosion would be addressed through compliance with the National Pollutant Discharge Elimination System (NPDES) program, which requires implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) intended to reduce soil erosion. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City's Uniform Codes for Construction Building and NPDES, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.7-24.

4.5.3 Impact GEO-3: Less Than Significant Impact. The City protects the sandstone bluffs through various policies and regulations, including those within the Community Plan, LCP, and DMMC. The City also has policies and regulations in place to protect the public health, safety, and general welfare; preserve scenic sandstone bluffs, related canyons, steep slopes, and their downstream resources; and to ensure that proposed development is located a sufficient distance from the bluff edge (top of the slope) and from the bluff toe (bottom of the slope) for protected sandstone bluffs, including coastal bluffs. Future housing developments facilitated by the HEU would be subject to permits and required to adhere to all Federal, State, and local requirements for avoiding and minimizing impacts caused by unstable geological units or soils, including coastal bluffs. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City's Uniform Codes for Construction Building Code and policies regarding slopes, bluffs, and canyons, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.7-24 through 4.7-25.

4.5.4 Impact GEO-4: Less Than Significant Impact. Future housing development would be subject to permits and required to adhere to all Federal, State, and local requirements, including the City's Uniform Codes for Construction Building Code, and the City's Grading Ordinance, which would require

a Grading Plan and Soils Engineering Report before issuance of grading permits. The Soils Engineering Report would confirm site-specific soil composition and assign an EI rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that with implementation of the City's Uniform Codes for Construction Building Code, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.7-25.

4.5.5 Impact GEO-5: No Impact. All future housing development facilitated by the HEU would be in areas served by the City's sanitary sewer system and would therefore not use septic tanks or other alternative wastewater disposal systems.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that because sanitary services would be presently available in all candidate areas affected by the HEU, no impact would occur. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.7-26.

4.6 Greenhouse Gas Emissions

4.6.1 Impact GHG-1: Less Than Significant. Future housing development would be subject to permits and required to meet the mandatory energy requirements of the California Green Building Standards Code (CALGreen) and the Energy Code (Title 24, Part 6 of the California Code of Regulations) in effect at the time of development. The City requires new development that is not screened out to include mitigation to demonstrate that Project VMT would be at least 15 percent below the citywide baseline VMT. Mitigation options include transportation demand management strategies consistent with the City's Community Plan and LCP including mitigation commitments to improve, complete, and enhance the City's planned walkway and bikeway networks and implement the City's Climate Action Plan. Less VMT results in less Greenhouse Gases (GHGs). **I**mpacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant greenhouse gas impacts. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.8-13 through 4.8-15

4.6.2 Impact GHG-2: Less Than Significant. The HEU, and future development facilitated by the HEU, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases**.** Measures outlined within the Climate Action Plan would not be directly applicable development on candidate housing sites because they are intended to

be implemented by the City. As a result, future housing development facilitated by the HEU would not conflict with the City's Climate Action Plan. Future development facilitated by the HEU would be consistent with San Diego Association of Governments' (SANDAG's) Regional Plan. This is because the proposed HEU is consistent with strategies included in the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) including: focusing housing and job growth in areas that are already developed; accommodating the City's fair share to avoid pushing new development into the undeveloped eastern portions of the County maintaining designated open space within the City; creating great places for everyone to live, work, and play; supporting energy programs that promote sustainability; and addressing the housing needs of all economic segments of the population. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant greenhouse gas impacts. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.8-15 through 4.8-17

4.7 Hazards and Hazardous Materials

4.7.1 Impact HAZ-3: Less than Significant Impact. Any future housing development facilitated by the HEU would need to adhere to mandatory requirements and regulations related to the emissions or handling of hazardous materials, substances, or wastes near schools to reduce the potential for impacts to schools. Adherence to California Hazardous Waste Control Law, California Health and Safety Code, and Resource Conservation and Recovery Act (RCRA) regulations would reduce potential impacts associated with the accidental release of hazardous materials. As a result, future housing development facilitated by the HEU would not conflict with any State or local plan aimed at preventing emissions or handling of hazardous materials near schools. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.9-16

4.7.2 Impact HAZ-5: No Impact. The City is not within two miles of an airport. The closest airports to the City are McClellan-Palomar Airport (approximately 13 miles north of the City) and the Marine Corps Air Station Miramar (approximately 7 miles south of the City). The City is not located within the airport influence areas of the McClellan–Palomar Airport or the Marine Corps Air Station (MCAS) Miramar Airport and is not subject to noise, safety, or aircraft overflight impacts from operations at these airports. No impacts would occur.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.9-17

4.7.3 Impact HAZ-6: Less than Significant Impact. Given the scope and location of the future housing development facilitated by the HEU, the HEU is not anticipated to impair implementation of, or physically conflict with, the County's Multi-Jurisdictional Hazard Mitigation Plan (MHMP) specific hazard mitigation goals, objectives, and related potential actions within the City. As a result, future housing development facilitated by the HEU would not conflict with any State, County, or local plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans. Given the size and area available at the Fairgrounds for evacuations, and availability of other large animal evacuation locations in the County, as coordinated by the County's Office of Emergency Services (OES), the Red Cross, San Diego Humane Society and Animal Control, the HEU is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.9-18.

4.7.4 Impact HAZ-7: No Impact. Future housing development facilitated by the HEU would not directly or indirectly expose people or structures to a risk of loss, injury or death involving wildland fires. The candidate housing sites are located primarily in developed locations and not adjacent to any wildland areas. Where candidate sites are located on vacant land (i.e., within the North Bluff and South Stratford focus areas atop coastal bluffs along the City's shoreline), these areas were included in the PEIR analysis to meet required State mandates for inclusion of vacant land of a certain size or to accommodate 5th Cycle Housing Element carryover programs. These candidate housing site locations are not adjacent to any wildland areas. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not produce or manage hazardous materials in a manner that exceeds thresholds or safety levels. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.9-18.

4.8 Hydrology and Water Quality

4.8.1 Impact HWQ-1: Less Than Significant Impact. Future housing development facilitated by the HEU would be subject to discretionary permits and compliance with all current stormwater quality

standards and codes, including low-impact development and pollutant control best management practices (BMPs) in accordance with the City's adopted BMP Design Manual and compliance with the City's Stormwater Management and Discharge Control Ordinance. Future housing development facilitated by the HEU would also be required to comply with Federal Emergency Management Agency (FEMA) flood management regulations and requirements of the Clean Water Act (including NPDES), California's Porter Cologne Water Quality Control Act, the Water Quality Control Plan for the San Diego Basin, and City regulations. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the water quality effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.10-29 through 4.10-30.

4.8.2 Impact HWQ-2: Less Than Significant Impact. Future housing development facilitated by the HEU would be required to incorporate features that would reduce impervious area, as feasible, and promote water infiltration. Treatment control and hydromodification management facilities would promote retention and infiltration of stormwater. Redevelopment of developed sites requires compliance with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. Future housing development facilitated by the HEU would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the hydrology effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.10-30 through 4.10-31.

4.8.3 Impact HWQ-3: Less Than Significant Impact. Stormwater runoff from future housing development facilitated by the HEU would be collected within the existing stormwater conveyance system and runoff would ultimately be discharged into the Pacific Ocean. Stormwater drainage and system modifications and improvements associated future housing development facilitated by the HEU would be required to comply with all applicable regulations, including discharge rate controls, and be designed for a 100-year storm event. Future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the City's Stormwater Management and Discharge Control Ordinance. Impact would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.10-31 through 4.10-32.

4.8.4 Impact HWQ-4: Less Than Significant Impact. Any proposed development within the Floodway Overlay Zone would be required to comply with Floodplain Overlay Zone regulations, which ensures that new development is appropriately sited and constructed so as to avoid hazards to those who would occupy the development and to avoid damage or hazards to the surrounding area. The potential for seiche-related hazards impacting candidate housing sites is considered low because they are not near an enclosed or semi-enclosed body of water, including Lake Hodges, which is approximately ten miles northeast of the HEU area. Most candidate housing sites are located in low flood risk areas and are not expected to be impacted by projected lower levels of sea-level rise. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.10-32 through 4.10-33.

4.8.5 Impact HWQ-4: Less Than Significant Impact. Future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for avoiding and minimizing construction and operations impacts to prevent conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan, including the Basin Plan and the City's Jurisdictional Runoff Management Plan (JRMP)**.** Further, future housing development facilitated by the HEU would not prevent the City's Clean Water Program from ensuring that Municipal Separate Storm Sewer System (MS4) Permit and Basin Plan requirements are met. As a result, future housing development facilitated by the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements that avoid or substantially lessen the environmental effect to below a level of significance will be incorporated into the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.10-33 through 4.10-34.

4.9 Land Use and Planning

4.9.1 Impact LU-1: Less Than Significant Impact. Future housing development would occur in developed areas and in areas currently zoned for residential use; therefore, an increase in housing capacity

would be a consistent land use that would not physically divide the community. No change in development standards other than density is anticipated at this time. Based on existing City development standards and regulations, future housing development in commercial zones where facilitated by the HEU would not be of sufficient size or scale to divide the established community. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would be compatible with surrounding uses and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.11-18.

4.9.2 Impact LU-2: Less than Significant Impact. Future housing development facilitated by the HEU would be subject to discretionary permits and would need to comply with applicable Federal, State, and local laws and local policies and regulations consistent with the procedures applicable to new development.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the project is consistent with General Plan policies and other Federal, State, and local land use policies. Therefore, impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.11-18 through 4.11-24.

4.10 Mineral Resources

4.10.1 Impact MIN-1: Less than Significant Impact. The City and surrounding area were investigated for potential mineral resources and the majority of the City is shown as Mineral Resource Zone-3 (MRZ-3), meaning that the value of the mineral resource deposits could not be evaluated. The remainder of the City from Via De Valle to Racetrack View Drive is classified as MRZ-1, meaning that no mineral resource deposits are present in that area. This portion includes the Del Mar Fairgrounds (Site 2). The potential of candidate housing sites within MRZ-3 regions to contain valuable mineral deposits is presently unknowable. The City is a built-up area and the majority of candidate housing sites are on sites less than two acres. Sites of this size are not feasible to mine. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the project does not include land that could otherwise pose value due to mineral resources. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.12-3.

4.10.2 Impact MIN-2: Less than Significant Impact. The City Community Plan does not address mineral resources. As noted in the evaluation of Issue MIN-1, the Del Mar Fairgrounds are classified as MRZ-1. Because the majority of the other candidate housing sites are less than two acres, sites of this size are not feasible to mine. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the project does not include land that could otherwise pose value due to mineral resources. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.12-3.

4.11 Noise and Vibration

4.11.1 Impact NOI-3: Less Than Significant Impact. None of the candidate housing sites are exposed to excessive noise from airports. There are no State-regulated "airport influence areas" related to airport-noise, airport-hazards, or aircraft overflight within the City.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not airport land use and noise thresholds and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.13-18 through 4.13-19.

4.12 Population and Housing

4.12.1 Impact POP-1: Less Than Significant Impact. The forecast population growth resulting from future housing development facilitated by the HEU is approximately ten percent over the City's existing population. Including the forecast population growth resulting from future housing development facilitated by the HEU, the City's population would be below the Community Plan's forecast buildout population. Additionally, the City's forecast population including future housing development facilitated by the HEU would be only slightly greater than SANDAG's forecast population by 2035. Additionally, the future housing development facilitated by the HEU is intended to be dispersed throughout the community to create managed levels of growth in specific areas. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not create unplanned population growth and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.14-16 through 4.14-18.

4.12.2 Impact POP-2: Less Than Significant Impact. The California Relocation Assistance Act would assist any residents who would be displaced including assistance finding housing, moving cost assistance, and additional payments for certain other costs incurred which would minimize potential impacts from displacement. To minimize the potential for future housing displacement, the PEIR analyzed the potential for future housing development at a greater number of candidate sites than required by State law, in order to account for a 30 percent buffer. City compliance with SB 166 would also help to minimize the potential for future housing displacement. SB 166 prohibits a city or county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density below what was utilized by the HCD in determining compliance with the Housing Element

law, unless the City or county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the Housing Element. The inventory of candidate housing sites would be sufficient to accommodate the City's RHNA allocation, and all HEU actions would occur such that there is no net loss of residential unit capacity. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would not lead to a great or substantial displacement of the City's residents and impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.14-18 through page 4.14-19.

4.13 Public Services

4.13.1 Impact PUB-1: Less Than Significant. Any future housing development facilitated by the HEU would occur in urbanized locations near existing infrastructure (e.g., roads and utilities) and would be served by fire and other emergency responders currently providing service to these areas. Future housing development under the HEU would not create a need to expand their facility or staff. Additionally, given the City's buildout nature, future housing development under the HEU is not anticipated to create a need to expand fire protection facilities. The student population growth from future housing development facilitated by the HEU is anticipated to incrementally increase the demand for school facilities/services, therefore, any future housing development facilitated by the HEU would be subject to payment of school impact fees. It is also anticipated that the increased demand would not be substantial or such that it would warrant construction of a new library facility.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded fire or police protection facilities, school facilities, or library facilities would be needed. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.15-9 through 4.15-10.

4.14 Recreation

4.14.1 Impact REC-1: Less Than Significant Impact. Sufficient excess park and recreation land exists to meet the forecast demand that would be generated by future housing development facilitated by the HEU, which would also avoid the overuse of existing recreational facilities such that substantial physical deterioration would occur or be accelerated. With HEU implementation, which would facilitate development of 209 DUs, approximately 329 acres of excess park and recreation land would remain available in the City for future planning purposes. Any future housing development that involves the subdivision of land would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants pursuant to DMMC §24.25 (Subdivision Map Dedications for Parks and Recreation). Any fees contributed would be required to be used for either acquiring land or developing new or rehabilitating existing park and recreational facilities. Additionally, the HEU's candidate housing sites

are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and reduce the potential for adverse impacts on recreation amenities. Adherence to mandatory discretionary permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. For these reasons, the HEU and future housing development facilitated by the HEU would not result in substantial physical deterioration of existing neighborhood or regional parks. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded recreational facilities would be needed. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.16-10 through 4.16-11.

4.14.2 Impacts REC-2 and REC-3: Less than Significant Impact. Because the City's existing park and recreation land supply exceeds demand by approximately 336 acres (by 335.11 acres, if future housing development facilitated by the HEU occurs on Court Park), sufficient excess park and recreation land exists to meet the increased demand that may be generated by future housing development facilitated by the HEU. Therefore, the HEU would not result in an adverse physical effect on the environment concerning construction or expansion of recreational facilities. All future housing development facilitated by the HEU that involves the subdivision of land would be required to meet Community Plan Objective 7 requirements for providing open space and DMMC §24.25 (Subdivision Map Dedications for Parks and Recreation) requiring the dedication of land or payment of in lieu fees for park or recreation purposes for any proposed subdivisions. Adherence to mandatory discretionary permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that no new or expanded recreational facilities would be needed. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.16-11 through 4.16-12.

4.15 Transportation and Traffic

4.15.1 Impact TRAN-1: Less Than Significant. Future housing development on the candidate housing sites facilitated by the HEU would be subject to discretionary permits and would be required to comply with all applicable City policies and requirements in the City's Community Plan, certified LCP, and DMMC. This includes policies and regulations required to maintain and enhance views and community character, improve public access and safety for people who walk and bike, and improve the transportation system, as applicable. Further, future housing development on the candidate housing sites would be required to adhere to all state requirements for consistency with transportation plans and Caltrans requirements. As a result, future housing development on the candidate housing sites facilitated by the HEU would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU would have less than significant impacts existing regional and local transportation plans and policies. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.17-16 and 4.11-17.

4.15.2 Impact TRAN-2: Less Than Significant. Candidate housing sites include properties that are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and aesthetics and reduce the potential for adverse impacts to the environment. As no development is proposed as part of the HEU, it cannot be definitively determined if any future housing development on the candidate housing sites facilitated by the HEU would cause a less than significant impact per the City's adopted screening criteria or whether the future housing development on the candidate housing sites would generate a potentially significant level of VMT. Future housing development on the candidate housing sites facilitated by the HEU would be required to adhere to all state and local requirements for avoiding significant impacts related to VMT. Any transportation demand management (TDM) measures required for mitigation would be required to comply with the policies of the City's Community Plan, LCP, CEQA Guidelines for Transportation Impact Analysis, and Complete Streets Policy to improve, complete, and enhance the City's transit, walkway, and bikeway networks and facilitate use of these systems, as applicable. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that potential VMT impacts would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.17-17 through 4.17-18.

4.15.3 Impact TRAN-3: Less Than Significant. Future housing development on the candidate housing sites facilitated by the HEU would primarily use existing roadways that are connected and adjacent to candidate housing sites. Future housing development on the candidate housing sites with the potential to substantially increase transportation-related hazards would be subject to discretionary permits and CEQA evaluation. Future housing development on the candidate housing sites facilitated by the HEU would also be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all state and local requirements for avoiding construction and operations impacts related to design and incompatible uses. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that impacts due to roadway hazards would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.17-18 through 4.17-19.

4.15.4 Impact TRAN-4: Less Than Significant Impact. Future housing development on the candidate housing sites with the potential to impact emergency access would be subject to discretionary permits and CEQA evaluation. The potential for future housing development on the candidate housing sites to impact emergency access would be evaluated at the project-level when a development application is submitted. Future housing development on the candidate housing sites facilitated by the HEU would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all state and local requirements for safe access, including emergency access. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that impacts to emergency accessways would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.17-19 through 4.17-20.

4.16 Utilities and Service Systems

4.16.1 Impact UTL-1: Less Than Significant Impact. Future housing developments would be expected to connect to the City's domestic water supply system in adjacent areas and would provide infrastructure/pipelines that are adequately sized to accommodate its demands. Future housing developments would be expected to connect to existing wastewater infrastructure in adjacent areas. Future housing development would also not require construction of new storm water treatment and conveyance facilities, including on-site storm drains and water quality biofiltration basins. Any construction and operation effects to utilities and service systems from future housing development in accordance with the HEU would be subject to compliance with all Federal, State, and local requirements for minimizing construction and operational impacts to utilities, including water and wastewater system capacities, solid waste reduction goals, and supplies of electric power, natural gas, and telecommunications. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that impacts associated with the development or improvement of utility infrastructure would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.19-13 and 4.19-15.

4.16.2 Impact UTL-2: Less Than Significant Impact. Based on the County Water Authority's (SDCWA's) regional Urban Water Management Plan (UWMP) provides estimates of the water supply and water demand during historic year, normal year, dry-year, and member agency demand projected to year 2040. The UWMP that sufficient water supplies would be available to serve the future housing development accommodated through the HUE. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing water supplies and projected water supplies would be sufficient to serve the HEU. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.19-15 and 4.19-16.

4.16.3 Impact UTL-3: Less Than Significant. The City collection system conveys an annual average flow with excess capacity. Therefore, the City has adequate capacity to serve the project's estimated demand for wastewater treatment, in addition to its existing commitments. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that impacts associated with an increase in solid waste would be less than significant. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.19-16.

4.16.4 Impact UTL-4: Less Than Significant Impact. Miramar Landfill in the City of San Diego is permitted to receive 8,000 tons per day; the HEU represents approximately 0.00001 percent of its capacity. In addition, the City is also required to monitor activities to identify those sending their organic material to the landfill and direct them towards proper organics diversion options pursuant to AB 1826. Implementation of the Zero Waste Plan with improved compaction method increases the remaining capacity of the landfill by 45 percent, while the Zero Waste Plan would result in less trash going into the landfill. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that landfills and haulers would be in compliance with applicable laws. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.19-16.

4.16.5 Impact UTL-5: Less Than Significant Impact. Future housing development facilitated by the HEU Program would be required to adhere to all Federal, State, and local management and reduction statues related to solid waste, including the City's Municipal Code and the City's Climate Action Plan. Considering these requirements, the HEU Program would comply with Federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

Finding – The City adopts CEQA Finding 1.

The City hereby finds that existing regulatory requirements would avoid or substantially lessen the effect on the environment to below a level of significance. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.19-18.

4.17 Wildfires

4.17.1 Impact WF-1: Less Than Significant Impact. Future development facilitated by the HEU would not impair or physically interfere with an adopted emergency response or evacuation plan. The City and County Emergency Operations Plans guide the integration and coordination within other

governmental agencies that are required during an emergency to serve the existing and future public safety needs in the City. The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of Federal, State, regional, and city entities. Impacts would be less than significant.

Finding – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly affect existing emergency response or evacuation plans. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.20-9 through 4.20-11.

4.17.2 Impact WF-2: Less Than Significant Impact. Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for Wildland-Urban Interface Fire Areas (WUI), would require applicants to prepare a fire protection plan for any candidate sites located in the Very High Fire Hazard Severity Zones (VHFHSZs) or WUI. Adherence to state and local fire codes and the City Design Review process, are intended to reduce risks in conjunction with future development related to wildland fire. Project implementation also would not conflict with any state or local plan aimed at reducing impacts to wildlife from wildfires. As a result, HEU implementation would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

Finding – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly expose residents to increased wildfire risks or increased pollution concentrations. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.20-11 through 4.20-12.

4.17.3 Impact WF-3: Less Than Significant Impact. It is anticipated that future housing development facilitated by the HEU would be served by the extension of existing utility infrastructure located primarily in existing rights-of-way, because of the predominately developed nature of the City. Applicants would be required to offset wildfire exposure by complying with the wildfire protection building construction requirements contained in the 2019 California Building Codes, including the California Building Code, Chapter 7A, California Residential Code, §R327, and California Referenced Standards Code, Chapter 12-7A. Impacts would be less than significant.

Finding – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly affect infrastructure in a manner that would increase fire risk. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR pages 4.20-12 through 4.20-13.

4.17.4 Impact WF-4: Less Than Significant Impact. Applicants for future housing development within the WUI would be required to submit a fire protection plan. Adherence to state and City codes, and

emergency and evacuation plans set by the City and the County of San Diego would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

Finding – The City adopts CEQA Findings 1.

The City hereby finds that the HEU would not significantly expose residents to increased wildfire risks or increased pollution concentrations. No mitigation measures are required for this less than significant impact.

Mitigation Measures – No mitigation is required.

Supportive Evidence – Please refer to Draft PEIR page 4.20-13.

5.0 FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds, based upon the threshold criteria for significance presented in the Draft PEIR, that all potentially significant environmental effects of the HEU can be avoided or reduced to insignificance with feasible mitigation measures identified in the Draft PEIR and adopted by the City as conditions of project approval. No substantial evidence has been submitted to or identified by the City that indicates that the following impacts would, in fact, occur at levels that would necessitate a determination of significance.

CEQA Guidelines, Section 15126(b), requires a description of any significant environmental effects that cannot be avoided if the proposed project is implemented.

According to the environmental impact analysis presented in Section 4.0 of the Draft PEIR, no unavoidable significant adverse impacts would occur due to implementation of the proposed project. Therefore, any potential impacts associated with the HEU would be removed or reduced to a less than significant level due to project design features or proposed mitigation measures.

5.1 Biological Resources

5.1.1 Impact BIO-1: Less Than Significant with Mitigation Applied. Candidate housing sites 1-A, 1-C, 1-E, 1-F, 2-A, 2-F, 2-H, 9-A, 9-B, 16 through 20, and 102 either contain or are adjacent to undeveloped lands, and, therefore, could potentially support special status wildlife and plants. This is a thereby a potentially significant impact.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

MM BIO-1. Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites 1-A, 1-C, 1-E, 1-F, 2-A through 2-F, 3, 4, 5, 9-A, 9-B, 16, 17, 18, 19, 20, 102, 104, 105 to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.

Supportive Evidence – Please refer to Draft PEIR pages 4.4-17 through 4.4-19.

5.1.2 Impact BIO-2: Less Than Significant with Mitigation Applied. Sensitive vegetation communities which exist or have the potential to exist on undeveloped candidate housing sites include coastal sage scrub, southern maritime chaparral, grasslands and wetlands/riparian. Disturbance or removal of these vegetation communities if associated with future development on a site containing these resources could result in a significant impact.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

Please refer to mitigation measure MM BIO-1 above.

Supportive Evidence – Please refer to Draft PEIR pages 4.4-19 through 4.4-20.

5.1.3 Impact BIO-3: Less Than Significant with Mitigation Applied. While the HEU does not specifically propose alteration of a known or potential jurisdictional wetland or other waters of the U.S. or State, it is possible that potential future housing development projects facilitated pursuant to the HEU could directly or indirectly impact jurisdictional waters or wetlands through activities such as vegetation removal and grading activities.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Imposition of this mitigation measure will reduce potentially significant impacts to less than significant.

MM BIO-2. Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following mitigation framework:

Prior to issuance of a permit for grading or vegetation removal, future housing development of candidate housing sites 1-A, 1-C, 1-F, 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 3, 4, and 5 facilitated by the HEU, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site-specific biological resources survey. As required by DMMC 30.53 (Lagoon Overlay Zone), any potential jurisdictional waters identified on-site during the general biological resources survey, would require the preparation of a jurisdictional wetlands delineation of the housing site by the applicant and shall be conducted following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by Coastal Commission and the RWQCB.

Supportive Evidence – Please refer to Draft PEIR pages 4.4-20 through 4.4-21.

5.1.4 Impact BIO-4: Less Than Significant with Mitigation Applied. Candidate housing sites 1-A, 1-C, 1-E, 1-F, 2-A, 2-F, 2-H, 9-A, 9-B, 16 through 20, and 102 either contain or are adjacent to undeveloped lands which could potentially support nesting birds. Several candidate housing sites, including sites 2-F, 16, and 17 are proximate to the San Dieguito River, which functions as a wildlife corridor from the San Dieguito River and Lagoon and associated connection to the Pacific Ocean.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measures is feasible and is made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Please refer to mitigation measure MM BIO-1 above.

MM BIO-3. Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or

adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

Supportive Evidence – Please refer to Draft PEIR pages 4.4-21 through 4.4-22.

5.1.5 Impact BIO-5: Less Than Significant with Mitigation Applied. The City is not located within the boundary of the North or East planning areas, nor is the City located within the currently adopted South County Plan area. The City has initiated the creation of its own MSCP Subarea Plan; however, this plan has not been adopted by the City. In order to circumvent any potential impacts from future housing development, mitigation has been applied.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.4 of the Draft PEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Please refer to mitigation measures MM BIO-1 and MM BIO-2 above.

5.2 Cultural Resources

5.2.1 Impact CUL-1: Potentially Significant Impact. Any candidate housing site that is presently developed has the potential, however, to contain a historical structure(s) during implementation of the HEU. All candidate housing sites, except Sites 1-A through 1-E, 4, 9-A, 9-B, 10, 14, 16, 58, 59, 90, 92, and 93, are developed and therefore have the potential to contain a structure that would meet the criteria as a historical resource, as determined eligible by NRHP or the CRHR (50 years or greater) during HEU implementation.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

MM CUL-1. Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:

For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified

Supportive Evidence – Please refer to Draft PEIR pages 4.5-13 through 4.5-15.

5.2.2 Impact CUL-2: Potentially Significant Direct. Sites 9-B, 16, 17, 18, 20, 102, 104, and 105 appear to be either undeveloped or substantially underdeveloped. Additionally, a small portion of Site 2-F located within the center of the Fairgrounds is designated Riparian and Bottomland Habitat. Therefore, these areas have potential to contain archeological resources. Sites 2-A through 2-G are zoned Fairground-Racetrack. All of these sites have been previously disturbed. Site 2-H, which is located immediately east of the Fairgrounds in the City of San Diego is zoned as Open Space-Park and Commercial Visitor. As the history of this site is unknown, the site could have potential to contain archaeological resources.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

MM CUL-2. Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.

Supportive Evidence – Please refer to Draft PEIR pages 4.5-15 through 4.5-17.

5.2.3 Impact CUL-3: Potentially Significant Direct. While the HEU does not specifically propose activities such as grading or construction, human remains could be uncovered during future grading activities. Thus, future construction of the candidate housing sites has the potential to disturb sacred human remains through grading, thereby resulting in a potentially significant impact.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.5 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

MM CUL-3. Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework:

In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.

Supportive Evidence – Please refer to Draft PEIR page 4.5-17.

5.3 Geology and Soils

5.3.1 Impact GEO-6: Less Than Significant with Mitigation Applied. The specific underlying geology is not known for any of the candidate housing sites at this level of programmatic analysis; however, the San Diego region has been designated a paleontological resource of high sensitivity. Therefore, there is a likelihood that earthwork activities associated with future housing development facilitated by the HEU would encounter a paleontological resource.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.7 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

MM GEO-1. Paleontological Monitoring and Compliance Program. For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall:

a. Retain a Qualified Project Paleontologist. Prior to ground disturbing activities, the Applicant shall retain a qualified Project Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources.

b. Paleontological Monitoring and Compliance Program. After design of the housing development has been finalized to determine the precise extent and location of ground disturbing activities, and prior to ground disturbing activities, the Project Paleontologist shall prepare a Paleontological Monitoring and Compliance Program to be implemented during the ground disturbing activities. The Program shall be prepared in accordance with the standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground disturbing activities, the Program shall be provided to the City of Del Mar.

   Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full-time by a qualified paleontological monitor during initial ground disturbing activities.

   The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist.

   The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.

c. Paleontological Worker Environmental Awareness Program (WEAP). Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend.

d. Fossil Discovery. In the event of a fossil discovery by construction personnel, all work in the find's immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity, these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions:

   i. Salvage of Fossils. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and

not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

ii. Preparation and Curation of Recovered Fossils. Once salvaged, the City shall ensure that significant fossils are identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the San Diego County Natural History Museum), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Project Paleontologist. Field collection and preparation of fossil specimens shall be performed by the Project Paleontologist with further preparation as needed by an accredited museum repository institution at the time of curation.

iii. Final Paleontological Monitoring and Compliance Report. Upon completion of ground disturbing activities (and curation of fossils, if necessary) the Project Paleontologist shall prepare a Final Paleontological Monitoring and Compliance Report outlining the results of the Paleontological Monitoring and Compliance Program. The report shall be provided to the City of Del Mar and shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

Supportive Evidence – Please refer to Draft PEIR pages 4.7-26 through 4.7-28.

5.4 Hazards and Hazardous Materials

5.4.1 Impacts HAZ-1 and HAZ-2: Less Than Significant with Mitigation Applied. Excavation and grading activities associated with future development could expose construction workers and the general public to unknown hazardous materials present in soil or groundwater, which would represent a significant impact.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.9 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts would be less than significant.

MM HAZ-1. Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527-13 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified

hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.

MM HAZ-2. If the applicant or applicant's contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant's contractor shall:

1. Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the area, and secure the area;
2. Notify the applicant's Environmental Professional and immediately implement proper remedial activities as recommended;
3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area;
4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Supportive Evidence – Please refer to Draft PEIR pages 4.9-14 through 4.9-16.

Impact HAZ-4: Less Than Significant with Mitigation Applied. a regulatory review of the Department of Toxic Substances Control (DTSC), Envirostor, and State Water Resources Control Board (SWRCB) Geotracker websites identified 11 regulated facilities within the City. Several of these facilities are located on or adjacent to the candidate housing sites.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measures – Based upon the analysis presented in Section 4.9 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Please refer to mitigation measures MM HAZ-1 and MM HAZ-2 above.

Supportive Evidence – Please refer to Draft EIR pages 4.9-16 through 4.9-17.

5.5 Noise

5.5.1 Impact NOI-2: Less Than Significant with Mitigation Applied. Noise is also likely to occur from stationary operation-related sources, such as heating, ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, lawn maintenance equipment, and swimming pool pumps. Noise is also likely to occur from line sources, such as motor vehicle traffic. Future housing development facilitated by the HEU would result in increased traffic volumes on local city roadways, thereby increasing cumulative noise levels. implementation of mitigation measures would ensure no impact would occur to adjacent noise-sensitive receptors.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measure – Based upon the analysis presented in Section 4.13 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

MM NOI-1. To reduce construction-related noise impacts, where construction activities would exceed the standards established in DMMC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.

MM NOI-2: Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning and Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

- A procedure to the public for notifying the City's Code Compliance Officer and Sheriff's Department (during regular construction hours and off-hours);
- A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and
- A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Supportive Evidence – Please refer to Draft PEIR pages 4.13-12 through 4.13-16.

5.5.2 Impact NOI-2: Less Than Significant with Mitigation Applied. Construction activities associated with future development have the potential to generate low levels of groundborne vibration. To

lessen potential vibration-related impacts to adjacent sensitive uses, mitigation has been proposed requiring the preexisting condition of all buildings within a 50-foot radius of proposed construction activities that involve pile driving be evaluated during a preconstruction survey and that alternative methods be used.

Finding – The City adopts CEQA Findings 1.

Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Mitigation Measure – Based upon the analysis presented in Section 4.13 of the Draft PEIR, which is incorporated herein by reference, the following mitigation measures are feasible and made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

MM NOI-3. To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:

- The applicant shall submit to the Planning and Community Development Department the preexisting condition of all vibration-sensitive land uses within a 50-foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant.
- Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold.

Supportive Evidence – Please refer to Draft PEIR pages 4.13-16 through 4.13-18.

6.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR:

"Discuss the ways in which the HEU could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Finding – The City adopts CEQA Finding 1.

The City hereby finds that the HEU does not directly result in any significant growth-inducing impacts. The HEU involves the creation of opportunities for the expansion of the City's housing stock which would lead to moderate population increases. However, this is required by State law as a measure intended to address the growing housing crisis in California.

Supportive Evidence – Please refer to Draft PEIR pages 5-4 through 5-7.

7.0 FINDINGS REGARDING PROJECT ALTERNATIVES

The following alternatives were addressed in the Draft PEIR:

1) No Project Alternative
2) 22nd District Fairgrounds (Candidate Housing Site 2) Alternative
3) No North Bluff Housing (Candidate Housing Site 1) Alternative

7.1 No Project Alternative

Description: The No Project Alternative is a required component of the environmental analysis of a project as dictated by State CEQA Guidelines §15126.6(e). This alternative assumes that the HEU project is not implemented and that no change from current conditions occurs. The No Project Alternative assumes that the 163 DUs required to meet the 6th Cycle RHNA allocation would not be developed. Selection of this Alternative is a scenario where the City would not update its Housing Element and would not meet the City's RHNA obligations required by State law. The No Project Alternative fails to meet the City's housing goals and the proposed project's stated objective to meet the applicable State law requirements and gain certification of an updated Housing Element.

Finding – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. This alternative would directly conflict with California Government Code §65583, which stipulates that a jurisdiction must assess its housing element every eight years and identify adequate sites for housing and provide for the existing and projected needs of all economic segments of the community.

Supporting Evidence – Please see Draft PEIR Section 6.6.1.

7.2 22nd District Agricultural Association Fairgrounds Alternative (Site 2)

Description: This alternative excludes all candidate housing sites except for the Fairgrounds site (i.e., Site 2). Site 2 includes nine parcels totaling 266.36 acres in the City's northwestern portion zoned Fairgrounds-Racetrack in the City's Municipal Code, as well as the Surf N Turf lot east of Jimmy Durante Boulevard, which is outside of the City's boundary and zoned Open Space – Park and Commercial Visitor in the City of San Diego. This alternative includes demolition of the existing 48-room grooms' dormitory and rebuilding the living quarters in the Backstretch Area, as well as development of additional housing, as needed to meet the City's 209 DU RHNA allocation. Thus, all housing development required to meet the City's RHNA allocation would occur within the State-owned Fairgrounds properties. Under this alternative, new housing would be developed as multiple family dwelling units in a more concentrated area than the project, which proposes to spread the candidate sites and housing throughout the City.

In order to pursue this Alternative as part of the HEU, the City will need to have agreements in place with the State to demonstrate the commitment to sufficiently develop the required number of units to meet the City's obligations per the 6th Cycle RHNA and 5th Cycle carryover units. In addition, the City will need to have agreements in place to show the details of the terms and must specify how any units produced on the Fairgrounds will be counted towards the RHNA allocation for each of the stakeholder jurisdictions. The Alternative will also need to specify a back-up plan, in case the development agreement and DU production do not occur within a specified timeframe determined by the State.

Finding – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The main constraint of this alternative is that the City does not have control over the State-owned Fairgrounds. In addition, the Fairgrounds Master Plan currently does not provide for multiple-family dwelling unit development as a planned or allowed use. Further, as a result of the coronavirus (COVID-19) pandemic, the State Fairgrounds and City are both experiencing significant budget constraints that may make a development partnership difficult to carry out unless additional development incentives are offered to encourage a private developer to enter into the development agreement and carry out the development portion of the project.

Supporting Evidence – Please see Draft PEIR Section 6.6.2.

7.3 No North Bluff Housing (Candidate Housing Site 1) Alternative

Description: The No North Bluff Housing Alternative would exclude the North Bluff properties (Site 1) from the candidate housing sites inventory. The North Bluff properties are located at the City's northwestern border and are bounded by the City of Solana Beach to the north, dog beach to the south, the Fairgrounds to the east, and the Pacific Ocean to the west. The No North Bluff Housing Alternative excludes approximately 12.39 acres of primarily vacant land with a development potential of 248 DUs (at a density of 20 unit/acre) that could meet the City's low and very low-income housing needs. This alternative assumes development of 209 DUs throughout 103 candidate housing sites (any combination thereof) comprised of 123 parcels totaling approximately 340 acres.

Finding – The City adopts Finding 3.

The City finds that specific economic, legal, social, technological, or other considerations make this alternative environmentally inferior to the proposed Project. The main constraint of this alternative is that the Stratford Court South candidate sites would need to be included in the HEU to satisfy the State law requirement for inclusion of sites on vacant land to accommodate at least 50 percent of the required affordable units.

Supporting Evidence – Please see Draft PEIR Section 6.6.3.

8.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the Public Resources Code requires that when making findings required by Section 21081(a) of the Public Resources Code, the Lead Agency approving a project shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval, in order to ensure compliance with project implementation and to mitigate or avoid significant effects on the environment. The City hereby finds that:

1) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the HEU, and the mitigation measures therein are made a condition of project approval. The MMRP is incorporated herein by reference and is considered part of the record of proceedings for the HEU.

2) The MMRP designates responsibility for implementation and monitoring of proposed mitigation measures. The City's Planning Director will serve as the overall MMRP coordinator and will be primarily responsible for ensuring that all mitigation measures are complied with.

3) The MMRP prepared for the HEU has been adopted concurrently with these Findings. The MMRP meets the requirements of Section 21021.6 of the Public Resources Code. The City will use the

MMRP to track compliance with mitigation measures. The MMRP will remain available for public review during the compliance period.

9.0 OTHER FINDINGS

The City hereby finds as follows:

1) The foregoing statements are true and correct;

2) The City is the "Lead Agency" for the Project evaluated in the CEQA Documents and independently reviewed and analyzed in the Draft PEIR and Final PEIR for the Project;

3) The Notice of Preparation of the Draft PEIR was circulated for public review. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;

4) The public review period for the Draft PEIR was for 60 days between July 2, 2020 and August 31, 2020. The Draft PEIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft PEIR were sent to the State Clearinghouse, and notices of availability of the Draft PEIR were published by the City. The Draft PEIR was available for review on the City's website; however, due to the COVID-19 pandemic, public facilities which normally keep a copy of the City's environmental documents (at Del Mar City Hall and the Del Mar Public Library) were closed to the public for the duration of the public review period.

5) The CEQA Documents were completed in compliance with CEQA;

6) The CEQA Documents reflect the City's independent judgment;

7) The City evaluated comments on environmental issues received from persons who reviewed the Draft PEIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final PEIR provided adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft PEIR regarding adverse environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final PEIR.

8) The City finds that the CEQA Documents, as amended, provide objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the HEU. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;

9) The CEQA Documents evaluated the following impacts: (1) aesthetics; (2) agriculture and forestry; (3) air quality; (4) biological resources; (5) cultural resources; (6) energy; (7) geology and soils; (8) greenhouse gas emissions; (9) hazards and hazardous materials; (10) hydrology and water quality; (11) land use and planning; (12) mineral resources; (13) noise; (14) population and housing; (15) public services; (16) recreation; (17) transportation and circulation; (18) tribal cultural resources; (19) utilities and service systems; (20) wildfire. Additionally, the CEQA Documents considered, in separate sections, significant irreversible environmental changes and growth-

inducing impacts of the HEU, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the HEU were identified in the CEQA Documents;

10) The MMRP includes all of the mitigation measures identified in the CEQA Documents and has been designed to ensure compliance during implementation of the HEU. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;

11) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City's Planning and Community Development Director will serve as the MMRP Coordinator;

12) In determining whether the HEU may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;

13) The impacts of the HEU have been analyzed to the extent feasible at the time of certification of the CEQA Documents;

14) The City made no decisions related to approval of the HEU prior to the initial recommendation of certification of the CEQA Documents. The City also did not commit to a definite course of action with respect to the HEU prior to the initial consideration of the CEQA Documents.

15) Copies of all the documents incorporated by reference in the CEQA Documents are and have been available upon request at all times at the offices of the City of Del Mar, the custodian of record for such documents or other materials;

16) The responses to the comments on the Draft PEIR, which are contained in the Final P EIR, clarify and amplify the analysis in the Draft PEIR;

17) Having reviewed the information contained in the CEQA Documents and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the HEU in the Final PEIR; and

18) Having received, reviewed and considered all information and documents in the CEQA Documents, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

EXHIBIT "B"

Del Mar 6th Cycle Housing Element Update

Mitigation Monitoring and Reporting Program

September 2020

Lead Agency:

City of Del Mar
1050 Camino del Mar
Del Mar, California 92014
Joseph D. Smith, AICP, Director
(858) 755-9313

Consultant:

Kimley-Horn and Associates
1050 Lemon Street, Suite 420
Riverside, California 92501

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the Del Mar 6th Cycle Housing Element Update Program Environmental Impact Report The Del Mar 6th Cycle Housing Element Update MMRP has been prepared in conformance with Public Resources Code 21081.6 and City of Del Mar (City) monitoring requirements. Specifically, Public Resources Code 21081.6 states:

> *When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:*
>
> > *The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.*
> >
> > *The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.*

State CEQA Guidelines 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Del Mar is the ead gency for the Del Mar 6th Cycle Housing Element Update and is therefore responsible for ensuring implementation The MMRP has been drafted to meet Public Resources Code requirements as a fully enforceable monitoring program.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM

- **Definition of Mitigation.** The itigation easure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the City is the lead agency and would be the responsible party for implementing the mitigation and may assign responsibility for implementation or monitoring to appropriate designees such as a construction manager or third party monitor. However, as the lead agency, the City remains responsible for ensuring that implementation

of the mitigation measures occurs in accordance with this Program. In some cases, the City is required to secure permits or approvals from third party agencies in order to implement a mitigation measure. In these cases, the City is responsible for verifying that such permits or approvals have been obtained in accordance with the conditions stipulated in the mitigation measure. The City's existing planning, engineering, operations, and procurement review and inspection processes will be used as the basic foundation for the Program procedures and will also serve to provide the documentation for the reporting program

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The numbering system in the table corresponds with the EIR's numbering system. The MMRP table "Verification" column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City of Del Mar will complete ongoing documentation and mitigation compliance nitoring. The completed MMRP and supplemental documents will be kept on file at the City of Del Mar Planning and Community Development Department

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The following list provides definitions for acronyms used in the mitigation monitoring and reporting program

Acronyms/Abbreviation	***Description***
	All Appropriate Inquiry
	Biological Resources
	California Department of Fish and Wildlife
	California Environmental Quality Act
	Cultural Resources
dBA	Weighted Decibels
	Del Mar Municipal Code
	Housing Element Update
	Environmental Site Assessment
	Noise
	Recognized Environmental Conditions
	Regional Water Quality Control Board
	San Diego Gas & Electric
	San Diego Regional Water Quality Control Board
	United States Army Corps of Engineers
	United States Fish and Wildlife Service
	Worker Environmental Awareness Program

– Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site specific general biological resources survey shall be conducted on sites 1 A through 2 104, 105 to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.	Pre Construction (prior to issuance of any permit)	Pre Construction Biological Resources urvey Biological Resources Report	Planning and Community Development Manager		
– Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following mitigation framework:	rior ssuance f Permit for Grading r Vegetation Removal	Biological Resources Survey	Planning and Community Development Manager		

Prior to issuance of a permit for grading or vegetation removal, future housing development of candidate housing sites 1 3, 4, and 5 facilitated by the HEU, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site specific biological resources survey. As required by DMMC 30.53 (Lagoon Overlay Zone), any potential jurisdictional waters identified on site during the general biological resources survey, would require the preparation of a jurisdictional wetlands delineation of the housing site by the applicant and shall be conducted following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. The limits of any riparian habitats on site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by Coastal Commission and the RWQCB.		Jurisdictional Wetlands Delineation Riparian Habitat Limits Delineation Special Aquatic Sites Delineation	Army Corps of Engineers Coastal Commission and RWQCB		
– Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).	Pre onstruction (if ground disturbance occurs within bird breeding season January through July for raptors and February through August for other avian species Pre onstruction (if active nests are found during nesting season January through July for raptors and February through August for other avian species	Pre Construction Nesting ird urvey Active Nest Buffer	Planning and Community Development Manager Qualified Biologist		

– Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework: For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.	Pre Construction	Historical Resource Report	Qualified Historian Planning and Community Development Manager		
– Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.	Pre Construction (prior to issuance of permits) Pre Construction (prior to issuance of permits)	Archaeological Survey Archeological Resource Report	Qualified Archaeologist Planning and Community Development Manager		

– Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework: In the event that human remains are discovered or unearthed, all earth disturbing work within a 100 meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR 1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.	During Construction Phases Involving Ground Disturbing Activities (i.e., pavement removal, Pot Holing/ Auguring, Grubbing Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching)	Tribal Monitor/ Consultant Agreement Construction Site Monitoring & Completion of Daily Monitoring Logs	Planning and Community Development Manager		
– **Paleontological Monitoring and Compliance Program** For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall: Retain a Qualified Project Paleontologist. Prior to ground disturbing activities, the Applicant shall retain a qualified Project Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources. b. Paleontological Monitoring and Compliance Program. After design of the housing development has been finalized to determine the precise extent and location of ground disturbing activities, and prior to ground disturbing activities, the Project Paleontologist shall prepare a Paleontological Monitoring and Compliance Program to be implemented during the ground disturbing activities. The Program shall be prepared in accordance with the	Prior to Ground Disturbance Prior to Ground Disturbance During Construction Phases Involving Ground Disturbing Activities (i.e., pavement removal, Pot Holing/ Auguring, Grubbing, Tree Removals, Boring,	Paleontological Monitoring and Compliance Program Construction Site Monitoring Final Paleontological Monitoring and Compliance Report	ualified Project Paleontologist Planning and Community Development Manager Project Paleontologist Planning and Community		

standards set forth by current Society of Vertebrate Paleontology guidelines (2010). Prior to ground disturbing activities, the Program shall be provided to the City of Del Mar. Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full time by a qualified paleontological monitor during initial ground disturbing activities. The Program shall be supervised by the Project Paleontologist in coordination with the City. The duration and timing of the monitoring shall be determined by the Project Paleontologist. If the Project Paleontologist determines that full time monitoring is no longer warranted, he or she may recommend to the City that monitoring be reduced to periodic spot checking or cease entirely. Monitoring shall be reinstated, if reduction or suspension would need to be reconsidered by the Project Paleontologist. The Program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications. c. <u>Paleontological Worker Environmental Awareness Program (WEAP)</u>. Prior to ground disturbing activities, the Project Paleontologist or his or her designee shall conduct construction personnel training regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be presented at a preconstruction meeting that a qualified paleontologist shall attend. d. <u>Fossil Discovery</u>. In the event of a fossil discovery by construction personnel, all work in the find's immediate vicinity shall cease, and the City of Del Mar and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If ground disturbing activities bring potentially sensitive geologic deposits to the surface in areas considered to have an undetermined paleontological sensitivity, these areas shall be inspected and further assessed. If it is determined that the fossil(s) is (are) scientifically	Grading, Excavation, Drilling, and Trenching) Post Ground Disturbance		Development Manager Planning and Community Development anager		

significant, the qualified paleontologist shall complete the following conditions: i. Salvage of Fossils. If fossils are discovered, the Project Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. ii. Preparation and Curation of Recovered Fossils. Once salvaged, the City shall ensure that significant fossils are identified to the lowest possible taxonomic level, prepared to a curation ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the San Diego County Natural History Museum), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Project Paleontologist. Field collection and preparation of fossil specimens shall be performed by the Project Paleontologist with further preparation as needed by an accredited museum repository institution at the time of curation. e. Final Paleontological Monitoring and Compliance Report. Upon completion of ground disturbing activities (and curation of fossils, if necessary) the Project Paleontologist shall prepare a Final Paleontological Monitoring and Compliance Report outlining the results of the Paleontological Monitoring and Compliance Program. The report shall be provided to the City of Del Mar and shall include discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.					

– Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527 13 or the Standards and Practices for All ppropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.	Prior to Demolition, Grading or Building Permit Issuance Or Prior to Land Acquisition, Demolition or Construction	Phase I ESA Phase II ESA	ualified azardous aterials Environmental Professional		
– If the applicant or applicant's contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant's contractor shall: Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the area, and secure the area; Notify the applicant's Environmental Professional and immediately implement proper remedial activities as recommended; Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area; The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.	During Construction	Implement Recommended Remedial Activities and Measures to Secure Area	Environmental Professional City Engineer and Planning and Community Development Director		
– To reduce construction related noise impacts, where construction activities would exceed the standards established in DMMC § 9.20.050 (Construction Noise), the Applicant shall require construction contractors to	Pre Construction and during	Noise Reduction Program	Planning and Community		

implement a site specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction: ▪ Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0 dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. Stationary construction related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible	construction activities		Development Director		
– Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning and Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following: ▪ A procedure to the public for notifying the City's Code Compliance Officer and Sheriff's Department (during regular construction hours and off hours); ▪ A requirement for a sign to be posted by the Applicant on site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off hours); and	Prior to Demolition, Grading or Building Permit Approval and Construction	Create a list of measures to respond to and track complaints	Planning and Community Development Director		

▪ A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.					
– To avoid impacts to vibration sensitive structures (i.e., non engineered timber and masonry buildings) located within a 50 foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction: ▪ The applicant shall submit to the Planning and Community Development Department the preexisting condition of all vibration sensitive land uses within a 50 foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50 foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant. ▪ Pile driving within a 50 foot radius of identified vibration sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast in place systems, resonance free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold.	Prior to Building Permit Approval Prior to and During Construction Activities (i.e., Demolition, Grading)	Preconstruction Survey	Planning and Community Development Director		
– **Unanticipated Discovery of Tribal Cultural and Archaeological Resources**: Upon discovery of any tribal, cultural, or archaeological resources during ground disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Planning and Community Development Director to the discovery of resources. If the resources	Prior to any Ground Disturbance During Construction Phases Involving round isturbing	Tribal Monitor/ Consultant Agreement Construction Site Monitoring & Completion of	Planning and Community Development Director		

are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning and Community Development Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines §15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code §§21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non profit institution with a research interest in the materials, such as the San Diego Archeological Center. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Del Mar Historical Society for educational purposes	ctivities (i.e., pavement removal, Pot Holing Auguring, Grubbing, Tree Removals, Boring, Grading, Excavation, Drilling, nd Trenching	Daily Monitoring Logs			

Del Mar 6th Cycle Housing Element Update 2021-2029

Draft September 2020

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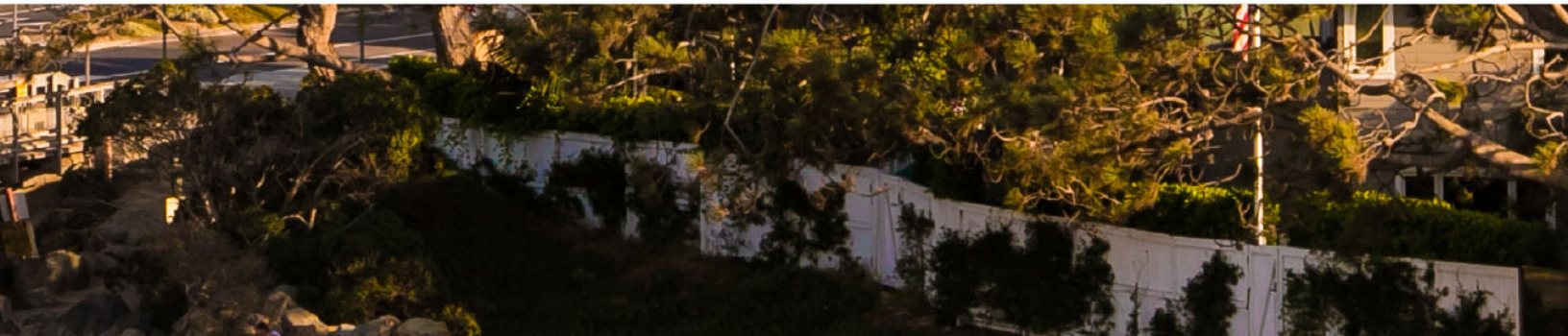
Note: Draft HEU was revised on September 29, 2020 to address non-substantive edits. Minor changes are shown in underline.

Chapter 4: Housing Plan



CHAPTER 4: HOUSING PLAN

The Housing Plan describes the City of Del Mar's 6th Cycle 2021-2029 policy program. The Housing Plan describes the specific goals, policies, and programs intended to achieve the long-term housing objectives set forth in the Del Mar Housing Element. This Plan identifies goals, policies, and programs aimed at:

- Providing additional housing opportunities by pursuing development at the State Fairgrounds, promotion of accessory dwelling units (ADUs), development within commercial zoning districts, and new residential development;
- Removing governmental constraints to affordable housing and streamlining processes;
- Improving the condition of existing housing;
- Providing equal housing opportunities for all residents consistent with the City's overall housing policy goal 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.";
- Providing affordable housing assistance resources and information to residents and community members; and
- Identifying the challenges faces by special needs groups within the community and taking actionable steps towards assisting those groups.

In developing the goals, policies, and programs in this section, the City considered the implications of new State law, adherence to the existing Community Plan, constraints analysis in this Element, recommendations by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Citizens' Task Force), and comments received at public meetings and public hearings. The goals, policies, and programs contained in the prior 5th Cycle Housing Element have been reintroduced, revised, or eliminated as appropriate.

The Housing Plan chapter of the City's Housing Element identifies the actionable steps the City will take to address the housing issues identified and accommodate the Regional Housing Needs Assessment (RHNA) allocation. The programs contained herein will be evaluated as part of the City's required Annual Progress Reports (APRs), which are provided to the California Department of Housing and Community Development (HCD) as a way of measuring the City's progress in accomplishing its goals.

Each subsection within the Housing Plan identifies an overall housing goal, the policies that support that goal, and actions in the form of programs that the City will take to ultimately achieve those goals. Each Housing Element program has a timeframe, responsible agency, and funding source identified. Programs that are intended to increase the capacity for future development of housing units or that will result in the direct development of housing units have a projected RHNA allocation goal as expressed as a number of projected dwelling units. While these numbers outline the City's anticipated method of achieving its housing goals, the City is only required to accommodate development of the required number of units to meet its assigned RHNA. Actual implementation and development of units throughout the planning period may differ from what is shown, as long as the City creates the environment for these units to be developed.

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REGIONAL HOUSING NEEDS ASSESSMENT

The San Diego Association of Governments (SANDAG) has allocated the following RHNA to the City of Del Mar for the 2021-2029 Housing Cycle. This RHNA represents the City's fair share of the housing needs for the San Diego region, including an equitable share of affordable housing. The ranges for each income category (as shown below) are based on percentages of the 2019 Area Median Income (AMI) for San Diego County, which is $86,300 for a hypothetical family of four. The City's 2021-2029 allocated RHNA growth need plus estimated 5th Cycle carryover is as follows:

- 37 units - Very low income (0-30% and 0-50% County AMI)
- 76 units - Low income (51-80% of County AMI)
  - 6th Cycle Allocation: 64 Units
  - 5th Cycle Carryover: 12 Units (estimated carryover)
- 31 units - Moderate income (81-120% of County AMI)
- 31 units - Above moderate income (>120% of County AMI)
- **175 units - Total**

The following Housing Goals Section identifies the general approach the City will use to accommodate its share of regional housing needs for the 2021-2029 Housing Element Planning Period. The list of housing goals is followed by a more detailed description of the policies that will be considered and applied through the City's decision-making process when the housing programs are implemented in compliance with State law.

A. HOUSING GOALS

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."*

To achieve this overall housing goal a number of specific housing goals have been identified.

Housing Goal #1: Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community.

Housing Goal #2: Prioritize Production of Accessory Dwelling Units (ADUs).

Housing Goal #3: Vigorously Pursue Housing Opportunities on 22nd District Agricultural Association Property (State Fairgrounds).

Housing Goal #4: Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs.

Housing Goal #5: Improve and Preserve the Community's Existing Housing Stock.

Housing Goal #6: Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.

Housing Goal #7: Promote Housing Resources and Assistance Opportunities.

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The housing goals are further described below in the context of accompanying policies and programs that will be implemented to achieve them.

B. HOUSING POLICIES AND PROGRAMS

In adopting the updated Housing Element, the City worked diligently with the community, local decision-makers, and the Citizens' Task Force to meet the new requirements of State housing law while applying the core values as established in the City's Community Plan to maintain quality of life and preserve and enhance the special character of Del Mar. In developing the Housing Policies and Programs found within this section, the City reviewed and implemented housing programs that address the significant changes in State housing laws and the City's past performance of generating affordable housing over its prior Housing Elements. Concerted effort was put in by the City Council and the Citizens' Task Force to aid in the development of a Housing Plan, including policies and programs that will incentivize and promote affordable housing in a method that enhances Del Mar's community character.

Housing Goal #1:
Facilitate a Variety of Housing Strategies to meet Housing Element Production Targets in a way that Complements the Existing Character of the Community.

Housing Policy 1.1: Identify adequate sites through the production of new housing and accessory dwelling units to accommodate Regional Housing Needs Assessment (RHNA) growth needs during the 6th Cycle 2021-2029 planning period.

Housing Policy 1.2: Promote revitalization and rehabilitation of residential dwellings.

Housing Policy 1.3: Promote proactive, preventative maintenance of the existing housing stock.

Housing Policy 1.4: Encourage neighborhood and local participation to enhance neighborhood preservation, maintenance and improvement.

Housing Policy 1.5: Preserve existing character and quality of established residential neighborhoods.

IMPLEMENTING PROGRAMS:

Housing Program 1A: North Commercial Zone Amendments

Within 12 months of City Council adoption of the Housing Element, the City will complete amendments to the Community Plan, the City of Del Mar Municipal Code, and Local Coastal Program for the North Commercial (NC) zone to allow residential development as a permitted use at a density of up to 20 dwelling units per acre (du/ac) as part of residential or mixed use development. The NC zone applies to 16 parcels including existing commercially developed and two developable vacant properties (as identified in the Candidate Sites Inventory in **Appendix B**) located along Jimmy Durante Boulevard and San Dieguito Drive, north of the Village Commercial District/Central Commercial (CC) zone, and just south of the State Fairgrounds. This program creates adequate sites that allow 20 du/ac for affordable housing development, which is housing that is income restricted for lower income households. The City is obligated by statutory requirements to ensure the accommodation of at least 12 dwelling units at lower income via the NC zone amendments as a "carry over" obligation for the previous 5th Cycle planning period. Any additional adequate sites created by the NC zone amendments may be counted towards the 6th Cycle Housing Element adequate sites.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Projected RHNA Accommodation: 20 lower income dwelling units

Housing Program 1B: Professional Commercial Zone Amendments

Within 12 months of City Council adoption of the Housing Element, the City will complete amendments to the Community Plan, the City of Del Mar Municipal Code, and Local Coastal Program for the Professional Commercial (PC) zone to allow residential development as a permitted use at a density of up to 20 du/ac as part of a residential or mixed use development. The PC zone is centrally located and applies to four properties in an existing developed commercial office area along Camino del Mar just south of the Village Commercial District/Central Commercial (CC) zone. This zone currently does not permit residential development as a primary use. By creating adequate sites, this program satisfies objectives that were not completed during the 5th Cycle Housing Element.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Projected RHNA Accommodation: 3 lower income units

Housing Program 1C: Central Commercial Zone Amendments

Within 36 months of City Council adoption of the Housing Element, the City will amend the Community Plan, the City of Del Mar Municipal Code, and Local Coastal Program for the Central Commercial (CC) Zone to allow residential development as a permitted use at a density up to 20 du/ac as part of mixed use projects for projects that include an affordable housing component. The CC zone is centrally located in the

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heart of downtown along Camino del Mar and applies to 72 parcels, two of which are vacant (south of City Hall). This zone currently does not allow residential as an allowed primary use. As amended, the residential portion of mixed use projects would be required to comply with the City's allowable uses in street frontage building spaces (horizontal zoning) requirements per Del Mar City Code Section 30.22.030 to maintain active commercial uses along the street front that maintain a pedestrian orientation and preserve the existing character of the downtown village.

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Projected RHNA Accommodation: 3 lower income dwelling units

Housing Program 1D: Affordable Housing Overlay

The City will evaluate whether to create an Affordable Housing Overlay Zone as a strategy to encourage property owners of selected properties to pursue permit applications to accommodate dwelling units for lower income households on their respective properties.

As part of the evaluation, the City will:

- Consider locations where there is a demand for affordable housing based on existing employment land uses (e.g., commercial zones, Del Mar Plaza Specific Plan, hotel properties, properties with 16 or more units in multiple-dwelling unit buildings, and properties on or adjacent to City facilities);
- Conduct an economic study to assess whether it is feasible to expect the private market to develop affordable housing on these sites based on existing market conditions;
- Identify existing barriers or limitations that should be considered (i.e. height, floor area ratio (FAR), setbacks, lot coverage, parking) as incentives or regulatory concessions to facilitate production of affordable units;
- Solicit interest from property owners and input from stakeholders;
- Present the findings in a public meeting of the City Council; and
- If the City has not secured agreements for or produced at least 30 affordable units (units that are income restricted for lower income households) within 48 months of adoption of the Housing Element, the City will prepare amendments and proceed with the process to amend the City of Del Mar Municipal Code and Local Coastal Program. The zoning action will apply an Affordable Housing Overlay to certain properties as necessary to create adequate sites for development of units for lower income households.

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

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Housing Program 1E: Rezone of Vacant North Bluff and/or South Stratford Properties

To provide additional options for the accommodation of future housing need, including lower income households, the City will consider a rezone of vacant sites (as identified in Housing Element Candidate Sites Inventory in **Appendix B**) if necessary to accommodate RHNA needs. These sites have the capacity to accommodate at least 50% of the City's lower income RHNA as described in **Chapter 3 (Housing Resources)**. This fulfills the AB 1397 requirement for accommodation of the City's lower income need on vacant parcels.

If efforts to reach an agreement with the 22nd District Agricultural Association are not finalized within 36 months of the adoption of the 6th Cycle Housing Element (Program 3A), the City will commence with rezoning of the North Bluff and/or South Stratford sites to apply a new R3 zone that allows multiple dwelling unit development up to 20 dwelling units per acre with a 25% inclusionary affordable housing requirement. Any rezoned parcels would be considered "new sites" and therefore, not subject to by-right requirements per HCD's Sites Inventory Guidebook.

Timeframe: Dependent on City Progress on Program 3A, the City will rezone within 6 months of the end of the three year progress period for Program 3A.

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Projected RHNA Accommodation: 51 lower income dwelling units

Housing Program 1F: Manufactured Housing

State law (Government Code Section 65852.3) requires that the City of Del Mar Municipal Code allow manufactured housing on a foundation in the same manner and in the same zone that conventional structures are permitted. Specifically, manufactured homes should only be subject to the same development standards that a conventional single dwelling unit use would be subject to. The City of Del Mar complies with this law. However, to explicitly demonstrate compliance, the City will amend the Del Mar Municipal Code to define manufactured housing and mobile homes consistent with State law to make it clear that manufactured homes on a foundation are to be processed the same as the process applicable to a conventional single dwelling unit in the same zone.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 1G: Update Density Bonus Ordinance

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State law imposes density bonus requirements on local jurisdictions. The Density Bonus law allows an increase in the total number of units permitted on a lot, above the baseline number of units permitted per the applicable zone, in exchange for the provision of more affordable housing units (units that are income restricted for lower income households) in the "bonus project" than would otherwise

be required. The City's Municipal Code identifies the purpose of the Density Bonus Ordinance as a method to increase the production of housing for a wide range of residential needs in the community, including housing for very-low, low- and moderate-income households and for seniors; as well as, accommodate a wide range of housing consistent with the goals, objectives, and policies expressed by the City in the Del Mar Community Plan.

Density Bonus percentages vary depending on percentage of units devoted to very-low income households, lower income households, or moderate-income households. The qualifications for percentages are shown in the table below.

Table 3-1: Density Bonus Percentages

Very Low-Income Households		Low-Income Households		Moderate-Income Households	
Percentage of Units Devoted	Density Bonus Percentage	Percentage of Units Devoted	Density Bonus Percentage	Percentage of Units Devoted	Density Bonus Percentage
5 %	20 %	10 %	20 %	10 %	5 %
6 %	22.5 %	11 %	21.5 %	11%	6 %
7 %	25 %	12 %	23 %	12 %	7 %
8 %	27.5 %	13 %	24.5 %	13 %	8 %
9 %	30 %	14 %	26 %	14 %	9 %
10 %	32.5 %	15 %	27.5 %	15 %	10 %
11 %	35 %	16 %	30.5 %	16 %	11 %
--	--	18 %	32 %	17 %	12 %
--	--	19 %	33.5 %	18 %	13 %
--	--	20 %	35 %	19 %	14 %
--	--	--	--	20 %	15 %
--	--	--	--	21 %	16 %
--	--	--	--	22 %	18 %
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--	--	--	--	24 %	20 %
--	--	--	--	25 %	21 %
--	--	--	--	26 %	22 %
--	--	--	--	27 %	23 %
--	--	--	--	28 %	24 %
--	--	--	--	30 %	25 %
--	--	--	--	31 %	26 %
--	--	--	--	32 %	27 %
--	--	--	--	33 %	28 %
--	--	--	--	34 %	29 %
--	--	--	--	35 %	30 %
--	--	--	--	36 %	31 %
--	--	--	--	37 %	32 %
--	--	--	--	38 %	33 %
--	--	--	--	39 %	34 %
--	--	--	--	40 %	35 %

The Density Bonus Ordinance allows for a maximum of a 35 percent increase in density when developers provide between 11 percent of the units at an affordable rate for very-low income, 20 percent affordable for low-income, or 40 percent affordable for moderate income. Density Bonus law provides for eligible projects to request waivers, incentives and concessions as needed to make the project economically feasible. Waivers are modifications of volumetric requirements that can be requested to physically accommodate increased density (i.e. height and floor area ratio). The requested waiver cannot exceed what is necessary

to accommodate the bonus. In addition, developers of a density bonus project can receive development incentives or concessions, such as:

- Expedited processing of the project application(s) through the Del Mar review processes.
- A reduction of the Del Mar project application review/processing fees at a reduction percentage commensurate with the percentage of affordable units included in the project.
- Approval of mixed-use zoning in conjunction with the housing project if the City Council, in its review of a proposed Density Bonus Project, determines that inclusion of the commercial, office, industrial, or other land uses would result in identifiable, sufficient, and actual cost reductions that would make it financially feasible for the applicant to construct a Density Bonus Project with restricted housing units and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the project will be located.
- Any other regulatory incentive which the City Council, in its review of a proposed Density Bonus Project, determines would result in identifiable, sufficient, and actual cost reductions that would make it financially feasible for the applicant to construct a Density Bonus Project with restricted housing units provided at the density and rental/sales affordability rates specified in the City of Del Mar Municipal Code.

Current State law significantly reduces the number of units that a developer must provide in order to receive a density bonus and requires the City to provide up to three concessions, depending upon the percentage of affordable units the developer provides. Full details of concession/incentive application requirements are detailed in Chapter 30.90 of the Del Mar Municipal Code (DMMC). It should be noted that any density bonus provisions, concessions or incentives must be administered within in the Coastal Zone in a manner that is consistent with the California Coastal Act.

DMMC Title 24 describes the affordable housing mitigation requirements currently in place relating to the conversion and new construction of condominiums, stock cooperatives, or community apartment units. Depending on the number of units proposed to be converted or developed, as many as 20% of the total number of units must be set aside or donated off-site and be made available at rates affordable to lower income households.

The City commits to continue to review and approve requests under State Density Bonus law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled. AB 2797 (Bloom) requires the density bonus to be administered in the Coastal Zone in a manner that is consistent and harmonized with the California Coastal Act. In the meantime, the City is still required to apply current State law regardless of when the local amendments are adopted.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 1H: Public Facilities Zoning Amendments

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Within 36 months of City Council adoption of the Housing Element, the City will amend the Public Facilities (PF) Zone in the City of Del Mar Municipal Code and Local Coastal Program to allow residential development. The PF zone applies to City-owned properties, many of which were identified by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force as preferred housing sites. This zone currently does not allow residential as an allowed primary use in the City of Del Mar Municipal Code or Local Coastal Program. An amendment to the Community Plan would not be necessary. The change in allowed uses would facilitate future projects in the PF Zone as needed to meet the City's unmet RHNA obligation.

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 1I: Establish Streamlining and Incentives for Projects Proposing Affordable Units

This program will seek to reduce or eliminate potential constraints to the development of affordable Housing. The City will identify and evaluate constraints to affordable housing development and propose specific methods and strategies to address and remove the identified regulatory constraints to facilitate production of affordable housing. Results of this program may include consolidated permit processing, entitlement exemptions, streamlined review processes, fee subsidies and/or payment deferrals, or other methods deemed appropriate to support the accommodation future affordable housing units. The program will also explore potential incentives for projects that provide a greater number of affordable housing units than the City's inclusionary housing ordinance would otherwise require.

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Goal #2:
Prioritize Production of Accessory Dwelling Units (ADUs).

Housing Policy 2.1: Promote programs and policies that encourage and facilitate Accessory Dwelling Unit production.

Housing Policy 2.2: Promote Accessory Dwelling Units and Junior Accessory Dwelling Units as a readily achievable method for creating affordable housing opportunities in Del Mar.

Housing Policy 2.3: Encourage the rental of Accessory Dwelling Units to provide a source of income for current property owners and meet the City's housing needs for this type of rental unit.

Housing Policy 2.4: Promote design and development standards for Accessory Dwelling Units that preserve and enhance neighborhood character while satisfying State law.

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Housing Policy 2.5: Promote programs and policies that streamline and incentivize Accessory Dwelling Unit production.

Housing Policy 2.6: Create programs which facilitate and incentivize the development of Accessory Dwelling Units with associated affordability deed-restrictions.

Housing Policy 2.7: Create a program that allows property owners with existing unpermitted Accessory Dwelling Units to bring these units into compliance and add them to the Del Mar housing stock.

Housing Policy 2.8: Promote the development of "Tiny Houses".

IMPLEMENTING PROGRAMS:

Housing Program 2A: Extend and Enhance the City's Existing Accessory Dwelling Unit Incentive Pilot Program

The City will expand efforts to further enhance and expand participation in the program. Currently, the program grants a 500 square foot floor area ratio (FAR) bonus in exchange for a 30-year affordable Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JrADU). The 500 square foot FAR bonus is subject to discretionary permit approval in order to be developed. The FAR bonus is intended for the primary structure and an ADU or JrADU is exempt from FAR including the 500 square foot bonus. The program is set to expire in May 2022 unless extended by the City Council. This program would specifically target the production of affordable units to accommodate RHNA growth need. The City will proactively outreach to property owners in Del Mar to provide greater awareness of program components by utilizing a variety of print and electronic media.

Additionally, the City will evaluate the ADU incentive program to explore additional incentives and/or program components that will further support the development ADU's and JrADU's in City. The exploration and determination incentives will be done in conjunction with other ADU policies and programs

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 2B: Establish an Accessory Dwelling Unit Amnesty Program

The City will establish a program to allow owners with existing unpermitted ADUs to obtain permits to legalize the ADUs during the 2021-2029 planning period. The Amnesty Program will provide property owners the opportunity to formally legalize existing unpermitted ADUs of any size.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 2C: Promotion of Accessory Dwelling Unit Construction

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The City will continue to accommodate and promote the construction of affordable ADUs by increasing the public awareness of the ADU and JrADU Incentive Program, ADU Amnesty Program and new provisions in State law expanding opportunities for ADU development. The City will develop outreach material for public dissemination, including updates to the City's website, information at City Hall and via other appropriate print and digital media.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Projected RHNA Accommodation: 8 lower income dwelling units, 77 dwelling units

Program 2D: Accessory Dwelling Unit Monitoring Program

The City will maintain an ADU monitoring program during the planning period that tracks ADU development, including affordability levels and deed-restricted affordable units.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Program 2E: Mid-Cycle Accessory Dwelling Unit Production Evaluation

The City will conduct a mid-cycle review of ADU development within the 2021-2029 planning period to evaluate if production estimates are being achieved. Depending on the finding of that review, amendments to the Housing Element may be necessary pursuant to Government Code 65583.2.

Timeframe: Within 48 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 2F: Tiny Houses

"Tiny Houses" are small, independent dwelling units, often mobile, that typically range between 120 and 400 square feet in size. Due to the size and nature of typical Tiny House development, they typically fit the City's definition of an accessory dwelling unit (ADU) and are allowed in accordance with DMMC Chapter 30.91 as an accessory residential use in zones that allow ADUs. However, the City wishes to accommodate Tiny Houses on non-residential properties, including opportunities accessory to hotels, retail centers, and public facilities, and on vacant City-owned properties.

The City will amend the Del Mar Municipal Code to allow for the development of Tiny Houses on non-residential properties, clarify that Tiny Houses are allowed in accordance with the regulations applicable to ADUs, and if necessary will also identify circumstances where Tiny Houses can be allowed on residential properties even if they do not meet the provisions required for an ADU.

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Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Goal #3:
Vigorously Pursue Housing Opportunities on 22nd District Agricultural Association Property (State Fairgrounds).

Housing Policy 3.1: Coordinate with local public agencies and stakeholders to pursue affordable housing opportunities with the 22nd District Agricultural Association (DAA).

Housing Policy 3.2: Establish a regular meeting and update schedule with the City Council to track consultations with 22nd DAA.

Housing Policy 3.3: Proactively collaborate with the State Department of Housing and Community Development to ensure they are active participants in consultations and negotiations.

Housing Policy 3.4: Establish formal protocols for the assignment of representatives authorized to negotiate on behalf of the City of Del Mar.

IMPLEMENTING PROGRAMS:

Housing Program 3A: Pursue a Development Agreement and Memorandum of Understanding with the State 22nd District Agricultural Association to Develop Housing on the Fairgrounds Property

Pursue a partnership with the 22nd DAA, an affordable housing developer, and other public agencies as necessary to execute an agreement to develop affordable housing on State-owned Fairgrounds property. This program will also require processing of a Memorandum of Understanding(s) (MOU) to clearly identify how the housing units will accommodate a portion or all of the remaining Regional Housing Needs Assessment (RHNA) needs of participating jurisdictions. This program would specifically target the production of affordable units to accommodate the City of Del Mar's RHNA need.

The City of Del Mar will vigorously pursue partnerships with the State 22nd DAA and adjacent municipalities to develop long-term affordable housing. Through this process, the City of Del Mar will pursue an agreement for the development of at least 50% of the City's low-income RHNA allocation (51 units) on the State-owned property. Working in consultation with the State Department of Housing and Community Development, any such agreement(s) executed within 36 months of adoption of this Housing Element, shall release the City of the requirement to carry out **Program 1E**(Rezone of North Bluff and/or South Stratford Properties).

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

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Projected RHNA Accommodation: 51 lower income dwelling units

Housing Goal #4:
Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs.

Housing Policy 4.1: Establish policies, programs and incentives to promote the development of housing for very low-, low-, and moderate-income persons, and especially those within Del Mar's special needs populations.

Housing Policy 4.2: Prioritize the housing needs of special needs populations and extremely low-income households through the provision of alternative housing options.

Housing Policy 4.3: Promote the phased and orderly development of new residential development consistent with the provision of adequate infrastructure improvements.

Housing Policy 4.5: Encourage housing opportunities on sites with existing employment uses.

IMPLEMENTING PROGRAMS:

Housing Program 4A: Residential Care Facilities

State Law defines residential care facilities as any family home, group care facility or similar facility for 24-hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining activities in daily living for the protection of the individual. Such uses are permitted by law and subject to the same standards as described in the residential zone it is permitted. Per California Government Code 1267.8, 1566.3 and 1568.08, residential care facilities with 6 or fewer residents must be allowed by right in all residential zones and treated as any other residential use for all zoning purposes. Residential care facilities with 7 or more residents shall be allowed through the same process as an equivalent dwelling unit (i.e., multiple dwelling units). Residential care facilities may not be subject to a Conditional Use Permit (CUP) within residential zones.

The City's Municipal Code will be updated to clearly define Residential Care Facilities to provide greater consistency with the definitions described in State Law.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 4B: Emergency, Transitional and Supportive Housing and Low Barrier Navigation Centers

Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific circumstances. The development of affordable and accessible homes is critical to expand opportunities for persons with special needs. Many special needs persons, especially those in emergency shelters, transitional and supportive

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housing, may be extremely low income individuals, and implementation of the zoning changes below enable development of housing serving their needs.

Emergency Shelters:

Government Code Section 65583(a)(4) requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for the homeless) without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. Pursuant to State law, the City may establish only objective standards for the location, siting, operations and maintenance of emergency shelters.

The City amended the City of Del Mar Municipal Code in November of 2013 (Ordinance 888) to accommodate emergency shelters pursuant to State law. Emergency shelters are permitted within the North Commercial (NC) Zone.

Transitional and Supportive Housing:

State Housing law mandates that local jurisdictions allow for transitional and supportive housing in residential zones. The City adopted Ordinance 893 in 2014 to amend the City of Del Mar Municipal Code to identify transitional/supportive housing meeting the Government Code Section 65582 (g-j) definitions as a residential use of a property in a dwelling to be allowed under the same conditions as apply to other residential dwellings of the same type in the same zones.

Supportive Housing and Low Barrier Navigation Centers:

State law provisions have recently been modified to require approval 'by right' of supportive housing with up to 50 units and low barrier navigation centers that meet the requirements of State law. Low barrier navigation centers are generally defined as service-enriched shelters focused on moving people into permanent housing. Low barrier navigation centers provide temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. If the City receives applications for these uses, it will process them as required by State law. The City will adopt policies and procedures for processing these uses.

The City will continue to annually monitor the effectiveness and appropriateness of existing adopted policies. Should any amendments be required to existing policies pursuant to State law, the City will modify its existing policies, as appropriate.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 4C: Shared Housing Program

Since February 1995, Del Mar has had a program to provide shared housing opportunities within the City. The program is administered by a non-profit organization, Del Mar Community Connections. The Shared Housing Program provides free roommate referral service to help Del Mar residents find a person to share their home, for example, local university students who reside in Del Mar and are looking for roommates.

The program also works with local senior citizens to locate a helper to live in their house and assist around the house in exchange for free rent.

The City will continue to offer shared housing services to Del Mar residents and will continue to collaborate with Community Connections to administer the shared housing program.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 4E: Condominium Conversion Ordinance

The City will continue to implement the existing affordable housing mitigation requirements of Del Mar City Code Section 24.21.025 relating to condominium conversion. For projects wishing to convert existing dwelling units into condominium, stock cooperatives, or community apartment units shall provide:

- An Affordable Unit Set-aside,
- Donation of off-site affordable units, or
- Payment of an in-lieu Housing Mitigation Fee for each unit to be converted.

The number of set aside or donation affordable units or amount of the In-lieu Housing Mitigation Fee payment is dependent on the total number of units to be converted as shown in Table A of the above referenced section of the Del Mar City Code. The Condominium Conversion ordinance ensures that projects that wish to convert existing dwelling units provide the City with affordable housing units or dedicated housing fees that can be used for the development of affordable housing within the City.

Additionally, the City requires that as a condition of approval of any application for a tentative parcel map or tentative subdivision map for new condominiums, stock cooperatives, or community apartment projects, or a combination thereof, the subdivider shall comply with the affordable housing mitigation requirements identified below.

Total Number of New Units	Affordable Housing Mitigation Requirement
Two, three, four or five units	Option of either: 1. Affordable Housing Unit Set-aside of one of the new units for rental at below market rate to a low-income households; or 2. Payment of an In-lieu Housing Mitigation Fee for each new unit.
Six, seven, eight or nine units	Affordable Housing Unit Set-aside of one of the new units for rental at a below market rate to a low-income household.
Ten—19 units	Affordable Unit Set-aside of 20 percent of the new units for rental at below market rates to low-income households, with a further requirement that one of the set-aside units be reserved for rental at a below market rate to a very low-income household.
20—29 units	Affordable Unit Set-aside of 20 percent of the new units for rental to low-income households, with a further requirement that one of the set-aside units be reserved for rental at a below market rate to a very low-income household and one of the set-aside units be reserved for rental at a below market rate to an extremely low-income household.

30 or more units	Affordable Unit Set-aside of 20 percent of the new units for rental to low-income households, with a further requirement that two of the set-aside units be reserved for rental at below market rates to a very low-income household and two of the set-aside units reserved for rental at below market rates to an extremely low-income household.

The City will continue to implement these requirements on future housing projects within the City. As part of amendments to the North Commercial (NC) and Professional Commercial (PC) zones outlined in Programs 1A and 1B, parcels within the NC and PC zones are not permitted to pay the in lieu fee and must construct the required affordable housing units.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Goal #5:
Improve and Preserve the Community's Existing Housing Stock.

Housing Policy 5.1: Prioritize the preservation and improvement of the City's existing housing.

Housing Policy 5.2: Promote policies and programs that encourage rehabilitation and enhancement of residential structures.

Housing Policy 5.3: Promote proactive, preventative maintenance of housing.

Housing Policy 5.4: Encourage local neighborhood involvement in promoting neighborhood preservation

Housing Policy 5.5: Promote the conservation of physically sound buildings and neighborhoods that have historical or architectural significance.

IMPLEMENTING PROGRAMS:

<u>Housing Program 5A:</u> Accommodate the Renovation and Improvement of Existing Multiple Dwelling Unit Structures with Non-Conformities

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The City will continue to allow the retention of structural and residential density non-conformities for multiple-dwelling unit structures containing three or more units without a requirement for abatement of such nonconformities when the structure undergoes major renovation or replacement. To accommodate the minor alterations of older buildings, the City will utilize existing Municipal Code provisions that allow flexibility for a property owner to make structural modifications that improve the aesthetics of the nonconforming structure without a requirement for abatement of the nonconformity. The City will also establish an education/outreach program to apprise property owners of the opportunities for structural modifications available under the Municipal Code.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 5B: Require a "Housing Impact Statement" for Discretionary Land Use and Planning Decisions

The City will require that a "Housing Impact Statement" be included in all staff reports for discretionary land use and planning decisions. This statement will expressly state how proposed actions meet the City's housing goals. The statement will also describe any potential impacts that proposed actions may have on the City's housing current housing supply.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 5C: Preserve the City's Existing Housing Stock

The City will continue to make diligent efforts to establish policies and programs that more effectively address regulations for short term vacation rentals in residential zones as a means to preserve the City's long term housing stock. These efforts will address the City's current high vacancy rate (24%) cited in Chapter 2 of the Housing Element where 20% of the vacancy rate is attributed to seasonal and short term vacation rentals. The policies and programs will be focused on reducing vacancy rates to lower levels by increasing the use of existing housing for long term housing needs.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Goal #6:
Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.

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Housing Policy 6.1: Continue to enforce fair housing laws addressing discrimination in the building, financing, selling or renting of housing based on race, religion, family status, national origin, disability, or other protected class.

Housing Policy 6.2: Ensure that residents are aware of their rights and responsibilities regarding fair housing.

Housing Policy 6.3: Cooperate with local and regional agencies to enforce fair housing laws, and provide fair housing education services.

Housing Policy 6.4: Continually review the City's programs and policies to ensure that do not pose an undue constraint on the production of new housing opportunity.

Housing Policy 6.5: Annually review development fees and permit fees to ensure they are appropriate and do not constrain development.

Housing Policy 6.6: Establish programs and policies that promote timely, fair and equitable approval of residential development.

Housing Policy 6.7: Partner with Renewable Cities San Diego to pursue multi-unit solar installation for low-income housing units.

IMPLEMENTING PROGRAMS:

Housing Program 6A: Compliance with SB 35 Permit Streamlining Provisions

The City of Del Mar will establish written procedures to comply with California Government Code Section 65913.4 and publish those procedures for the public, as appropriate, to comply with the requirements of SB 35. These provisions apply when the City does not meet the State mandated requirements for Housing Element progress and reporting on Regional Housing Needs Assessment (RHNA). Currently, the City of Del Mar is subject to SB 35 and is required to process development projects with at least 50% affordable units through a streamlined permit process (i.e., 90 days for projects with up to 150 units). All projects covered by SB 35 are still subject to the objective development standards of the City of Del Mar Municipal Code and Building Code. However, qualifying projects cannot be subject to Design Review or public hearings; and in many cases the City cannot require parking. Per SB 35 requirements, no parking requirements may be imposed on a SB 35 qualified streamlining project if it is located:

1. within a half-mile of public transit;
2. within an architecturally and historically significant historic district;
3. in an area where on-street parking permits are required but not offered to the occupants of the development; or
4. where there is a car-share vehicle located within one block of the proposed project.

One parking space per unit may be required of all other SB 35 projects. The City's status with regard to SB 35 can change over time with a record of good progress towards RHNA and timely reporting to the State.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

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Funding Sources: TBD

Housing Program 6B: Affirmatively Further Fair Housing

Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected classes, as defined by State law.

The City will partner with appropriate capable organizations to review housing discrimination complaints, assist in the facilitation of equitable dispute resolution, and, where necessary, refer complainants to appropriate state or federal agencies for further investigation, action and resolution.

Section 3 of the Housing Element contains an analysis of Del Mar's existing conditions. The analysis found that:

- 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 most geographies of the City, with all census tracts showing the Index's 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 providing lower-income residents opportunity to thrive.
- The City demonstrates the ability to meet anticipated future affordable housing needs of the community by designating sites to meet the very-low and low income RHNA need (**Appendix B**) These sites are in general, evenly dispersed throughout the community.
- Del Mar has a lower AllTransit performance score compared to similar jurisdictions in San Diego 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 compared to similar jurisdictions in San Diego County, indicating that Del Mar residents are less burdened by pollution from multiple sources and less vulnerable to its effects. This score accounts for a resident's socioeconomic characteristics and underlying health status compared to other areas around the San Diego region.
- There is a 199-person waitlist for affordable housing assistance through the City's local housing assistance program.
- There are no existing affordable units at-risk of converting to market-rate within the planning period.

The City will continue to work with the community to address potential constraints to fair housing within Del Mar. This may include actions such as an analysis of barriers to entry into homeownership or rental, review

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of historic policies or restrictions that may have prevented or may still prevent disadvantaged groups from locating in Del Mar, or specific actions that contribute to Del Mar being a more inclusive to all racial, social and economic groups.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 6C: Continue Data Collection and Compliance with Coastal Zone Housing Element-Related Requirements

The entirety of the City is located within the Coastal Zone. Government Code Section 65588(d) requires that Coastal Zone cities such as Del Mar include within their Housing Element all of the following:

- A review of the number of housing units approved for construction within the Coastal Zone after January 1, 1982;
- The number of housing units for persons and families of low or moderate income provided in new housing developments either within the Coastal Zone or within three miles of the Coastal Zone;
- The number of existing residential units occupied by persons and families of low or moderate income that have been authorized to be demolished or converted since January 1, 1982 in the Coastal Zone; and
- The number of residential units for persons and families of low or moderate income that have been required for replacement of residential units.

The City will continue to monitor and maintain records regarding the affordability of new construction, conversion, and demolition of residential units within the City limits in order to comply with Section 65588(d) of the Government Code.

Additionally, the City will continue to work with the California Coastal Commission and the State Department of Housing and Community Development to identify a strategy for future development within the coastal zone.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 6D: Solar Panel Installation Partnership

Per policies described in the City of Del Mar's Climate Action Plan (CAP), the City will partner with Renewable Cities San Diego to create a program to install solar panels on multi-unit, low income housing units. This will assist the City in meeting their renewable energy goals as well as potentially provide cost savings on utilities for residents living in these units.

Timeframe: Ongoing, 2021-2029

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Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 6E: Environmental Justice Element

The City will adopt an Environmental Justice Element as an additional Element of the City's Community Plan. The Environmental Justice Element will include policies and programs to reduce community health risks including addressing air quality, access to public facilities, healthy food access, safe and sanitary homes and physical activity.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Goal #7:
Promote Housing Resources and Assistance Opportunities.

Housing Policy 7.1: Provide resources accessible to Del Mar residents identifying available housing services.

Housing Policy 7.2: Work collaboratively with federal, state, local and private entities to identify funding, financing and assistance programs throughout the planning period.

Housing Policy 7.3: Maintain and update the list of Community Assistance Programs created by the 6th Cycle Housing Element Ad-Hoc Citizen's Task Force.

Housing Policy 7.4: Encourage non-governmental agency participation in the identification and implementation of resource and assistance programs.

Housing Policy 7.5: Provide housing resources and assistance to senior residents, especially those on fixed incomes.

IMPLEMENTING PROGRAMS:

Housing Program 7A: Housing Assistance Reserve

The City will continue to make the funds accrued in the City's Housing Assistance Reserve available for implementation of existing affordable housing. Through this reserve, the City will continue to make funds available for other programs such as the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

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Funding Sources: TBD

Housing Program 7B: Interfaith Partnership Opportunities

The City will continue to encourage local faith-based organizations to participate with the Interfaith Shelter Network Rotating Shelter and will also encourage St. Peter's Episcopal Church to continue its Helping Hands program.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7C: Community Care Facilities

The City will continue to permit community care facilities through the same zoning provisions applicable to residential units in the zone in which they are proposed.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7D: Housing Choice Voucher Program

The Housing Choice Voucher Program is a rent subsidy program that utilizes Section 8 funds for rental assistance to low income households to facilitate their rental of private units. The Housing Authority of the County of San Diego (HACSD) administers this housing assistance program for the City of Del Mar. The Program extends rental assistance to low income and very low income families, elderly, and disabled persons who spend more than 30 percent of their income on rent. The rental assistance represents the difference between 30 percent of the monthly income and the actual rent. The owner's asking price must be comparable to rent charged in the area for similar units.

The City will continue to contract with HACSD to administer and allocate Housing Choice Vouchers. According to the May 2020 San Diego County Analysis of Impediments to Fair Housing Choice, 36,337 households are still seeking assistance from HACSD via waiting list that is open indefinitely to the public (as of April 2020) where the demand for rental assistance is expected to continue to grow.

In conjunction with the Accessory Dwelling Unit programs, the City will promote the Housing Choice Voucher Program with owners of Accessory and Junior Accessory Dwelling Units.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7E: Fee Waiver Program

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The City currently offers project review application fee waivers for projects with an affordable housing component. 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.

These waivers may contribute to the reductions in construction costs and positively influences the affordability of the units for lower income households. The City's Schedule of Fees for Planning and Land Use Services, adopted by City Council Ordinance 837 in 2020, offers a reduction or waiver of Planning and Land Use application fees for those projects that include an affordable housing component.

The City will continue its application processing fee waiver program and related policies that remove or reduce governmental constraints for those projects that include an affordable housing component.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7G: Housing and Assistance Programs Run By Local Non-Profits

The City will continue to work with local non-profits to promote and coordinate access to housing and assistance programs in Del Mar. The City will continue to collaborate and assist in the distribution of information regarding available services and programs to the community, including the City's elderly and special needs population.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7H: Senior Housing Resources and Assistance

The City will continue to partner with non-profit organization, Del Mar Community Connections to create and distribute housing assistance resources to local seniors, some of whom are on fixed incomes and would be interested in seeking affordable housing opportunities. These materials may consist of informational packets on financial assistance programs and community resources that are available,

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7I: Student Housing Resources and Assistance

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The San Diego region is home to a number of universities and colleges, all of which have students of varying income levels and housing needs. The University of California San Diego is located within 10 miles of Del Mar and as a result generates a high demand for housing to accommodate faculty and students. While in school, many students are not able to secure paid work due to the commitment required to focus on coursework, leaving them with less income available to afford housing.

In order to help connect students with affordable housing options in Del Mar, the City will develop informational materials on available affordable housing options and housing assistance, and make these housing resources available to students of colleges and universities in proximity. It is hoped that as the local production of ADUs increases, the City will be able to connect ADU property owners who are seeking renters with students who are seeking housing.

Timeframe: Ongoing, 2021-2029

Responsible Agency: Planning and Community Development

Funding Sources: TBD

Housing Program 7J: Maintain a Database of Community Assistance Programs Available to Residents

As part of their work effort, the City's 6th Cycle Housing Element Ad-Hoc Citizens' Task Force created an expansive list of Federal, State, regional, and local community assistance programs that may be available to residents, dependent on certain qualification criteria. This list is available to the public on the City's website. The City will periodically update this list to ensure information is up-to-date and will keep the list available to the public, both online and in hardcopy format at the Del Mar Town Hall.

C. SUMMARY OF QUANTIFIED OBJECTIVES

Table 3-2: Summary of Quantified Objectives

Income Group	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	18*	19	76	31	31	175
Accessory Units	TBD	TBD	TBD	TBD	TBD	TBD
Conservation	TBD	TBD	TBD	TBD	TBD	TBD
Rental Subsidy	TBD	TBD	TBD	TBD	TBD	TBD
Rehabilitation	TBD	TBD	TBD	TBD	TBD	TBD

Extremely is defined as 50 percent of the Very Low Income RHNA need, within the Housing Element these numbers are shown together for a total RHNA need of 37 units.

DRAFT

Relationship between Draft 6th Cycle Housing Element Update and Del Mar Community Plan

The Housing Element is part of the Del Mar Community Plan (City's General Plan). The 6th Cycle Housing Element Update (HEU) will amend the Community Plan by replacing the prior 5th Cycle Housing Element, that is currently part of the existing Del Mar Community Plan, with the 6th Cycle HEU.

The Del Mar Community Plan as a whole seeks to maintain quality of life in Del Mar through an overall goal to "preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single-family residential character, a picturesque and rugged site, and a beautiful beach."

The Housing Element identifies the City's long-term vision for housing as it relates to policies in other required General Plan elements for land use, circulation, environment, energy, open space, and safety, which are organized into three main Community Plan sections: Environmental Management, Community Development, and Transportation. The Housing Element is published under separate cover from the rest of the Community Plan, but is required to be consistent with the other elements per State law.

Staff reviewed the proposed draft HEU for conformance with the other Community Plan (General Plan) Elements and finds that the proposed HEU goals, policies, objectives, and programs are substantially consistent.

In particular, the following Community Plan goals and policies are being reinforced and implemented by the proposed HEU:

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

It is important to note that each of the community "Districts" identified in the Community Development section of the Community Plan is projected to incorporate housing units to meet the City's housing obligation as proposed in the draft HEU:

- State Fairgrounds – At least 51 affordable units on Candidate Sites 2A-2H
- San Dieguito River Valley District – If the NC zone is amended to allow 20 du/ac, then ADUs and affordable units can be accommodated (7-10 affordable units total at 2002 Jimmy Durante Blvd, 2126 Jimmy Durante Blvd, 2148 Jimmy Durante Blvd, and 2236 Jimmy Durante Blvd (vacant); otherwise, no units would be accommodated in this District if the NC zone is not amended.

- North Beach District – Two above moderate units in the R1-5B zone (162 26th Street and 2920 Camino del Mar); ADUs; and potentially affordable units on two City-owned properties (vacant lot on 28th Street and pump station/park facilities at 201 Court Street)
- North Bluff District – ADUs; and potentially affordable units if rezoned to allow 20 du/ac (Candidate Sites 1A-1F on Camino del Mar and Border Avenue)
- North Hills District – One above moderate unit (2069 Seaview Avenue in R1-10 Zone); ADUs, including one deed restricted affordable unit (Luzon Avenue); and housing (7-10 affordable units) on the vacant Watermark lots in the NC zone.
- Village Center District – 941 Camino del Mar Specific Plan (9 market rate units and 2 affordable units); PC Zone (3 affordable units at 807 Camino del Mar and 853 Camino del Mar); CC Zone (if amended to allow 20 du/ac, 3 affordable units at three locations including 1135 Camino del Mar, 1234 Camino del Mar, and 10th Street two vacant lots); and potentially affordable units on City-owned property (10th Street City Hall Expansion Lot "C")
- South Beach District – ADUs; and potentially affordable units on two City-owned properties (9th Street)
- South Bluff District – ADUs; and potentially affordable units if rezoned to allow 20 du/ac (Candidate Sites 98A-98C on Stratford Court)
- South Hills District – ADUs

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

September 30, 2020

Christa Johnson, City Manager
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

RE: City of Del Mar Written Findings of Violation of California's Housing Element Law

Dear Christa Johnson:

The California Department of Housing and Community Development (HCD) is hereby issuing its written findings that the City of Del Mar (City) has failed to implement a program action included in its 5th cycle housing element pursuant to Government Code section 65583, and that this failure has brought the City's housing element out of substantial compliance with California's Housing Element Law (Gov. Code, § 65580 et seq.).

HCD requests the City review this correspondence and provide a written response to these findings within 30 days and no later than October 30, 2020. HCD will review and consider the City's written response before taking any action authorized by Government Code section 65585. As noted below, such action may include revoking HCD's finding of substantial compliance with California's Housing Element Law and referral to the Attorney General's Office.

On June 6, 2013, HCD found that the City's housing element was in compliance with California's Housing Element Law. HCD based its compliance finding on, among other things, Programs 2-E (North Commercial (NC) Zone up to 20 units per acre), 2-F (Professional Commercial (PC) zone up to 20 units per acre) and most importantly 2-G (2.3 acres by right). Program 2-G committed to rezone roughly 2.3 acres in the NC Zone, to allow by-right residential development (without discretionary action) of the properties at a density of 20 to 25 dwelling units per acre within 12 months of adoption, a date that has long since lapsed.

On July 31, 2020, HCD issued a letter of technical assistance to clarify state requirements related to the adequate sites and the housing element update to assist the City in its decision-making. The correspondence made clear the City was required to accommodate the unaccommodated 4th cycle need within the first year of the 5th cycle planning period and was required to rezone for the 5th cycle shortfall, generally, within 3 years of the planning period that began in 2013. The correspondence also

clearly stated HCD may revoke housing element compliance but given the City's progress in implementation and schedule for upzoning in September 2020, HCD committed to monitoring the City's timely implementation. As of this writing, the City has failed to implement programs pursuant to its adopted housing element.

On September 8, 2020, the City Council voted to approve Program 2-F (20 dwelling units/acre in the Professional Commercial (PC) zone) but failed to approve Program 2-G (roughly 2.3 acres in the NC Zone, to allow by right residential development at 20 to 25 units per acre) and address the 4th and 5th cycle shortfall of adequate sites to accommodate the regional housing need.

HCD finds the City's housing element no longer complies with Government Code section 65583 and 65584.09. The deadline for required zoning actions has long passed, and the City failed to adopt sufficient zoning at the September 8, 2020 City Council meeting. Based on the foregoing, HCD finds that the City's housing element no longer substantially complies with California's Housing Element Law.

Currently, the City has 30 days to respond to HCD's written findings. HCD will review and consider City's written response before it takes any action authorized by Government Code section 65585. However, if HCD does not receive an adequate written response from the City within 30 days, then HCD may revoke the City's housing element compliance, as authorized by Government Code section 65585, subdivision (i)(1)(B). HCD may also take any and all additional action as authorized by Government Code section 65585, as stated above.

HCD looks forward to receiving the City's written response to his correspondence on or before October 30, 2020. If you have any questions or need additional information, please contact Jose Ayala at Jose.Ayala@hcd.ca.gov.

Sincerely,

Megan Kirkeby
Deputy Director

cc: Joseph Smith, City of Del Mar, Planning Director
Amanda Lee, City of Del Mar, Principal Planner

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 31, 2020

Amanda Lee, Principal Planner
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

Dear Amanda Lee:

RE: The City of Del Mar's 6th Cycle Housing Element Update
Letter of Technical Assistance

Thank you for the opportunity to respond to questions raised by the City of Del Mar (City) relating to the preparation of the 6th cycle housing element. The purpose of this letter is to clarify state requirements related to the housing element update to assist the City in its decision-making.[1]

Housing Element Law (Article 10.6 of Gov. Code) requires the demonstration of adequate sites to accommodate the regional housing need allocation (RHNA). In addition, the related No Net Loss Law (Gov. Code, § 65863) requires the maintenance of adequate sites at all times throughout the planning period. When sufficient suitable sites with appropriate densities are not identified to accommodate the RHNA, the housing element must include a program to make adequate sites available early in the planning period, generally three years for most localities. Adequate sites to accommodate the RHNA are a fundamental component of Housing Element Law and other housing laws noted below.

Unaccommodated Need: Government Code section 65584.09 (AB 1233, statutes of 2005) requires a locality that failed to identify or make adequate sites available in the prior planning period to zone or rezone adequate sites to address the unaccommodated housing need within the first year (12 months) of the new planning period. The requirement to address the unaccommodated housing need for the previous planning period is in addition to the requirement to identify sites to accommodate the RHNA for the new planning period. A locality may not count capacity on the same sites for both planning periods for the purposes of Government Code section 65584.09.

In its 5th cycle housing element, Del Mar identified a shortfall of 12 units to accommodate

[1] This letter is not intended as comments on environmental documents as part of the California Environmental Quality Act or HCD findings pursuant to Government Code ection 65585.

the need of lower-income households in the 5th cycle and an unaccommodated need of 10 units from the 4th cycle for a total of 22 units. To address this shortfall, the City's 5th cycle housing element includes a program to rezone 2.3 acres at minimum densities of 20 units per acre. As required by statute, the program identifies two sites that can permit the development of at least 16 units per site to address the total need of 22 units. Failure to implement this program will carryover the shortfall of adequate sites in addition to the 6th cycle RHNA, and accordingly, the City must rezone sites within the first year of the planning period. This analysis may utilize units constructed by income group in the 5th cycle. If the City fails timely implementation of the program, the California Department of Housing and Community Development (HCD) may find the City's housing element out of compliance with Housing Element Law until this rezoning is complete. If the rezone program is implemented on time, HCD may find the initial housing element in compliance; however, HCD may revoke compliance if program timeframes are not met, potentially triggering further enforcement pursuant to Government Code section 65585.

The City was required to accommodate the unaccommodated 4th cycle need within the first year of the planning period and was required to rezone for the 5th cycle shortfall, generally, within 3 years. The planning period began in 2013. Since these dates have lapsed, HCD may revoke housing element compliance. In addition, requirements pursuant to Government Code section 65583, subdivision (g), are triggered limiting the City's discretion to disapprove a housing development project. However, given the City's progress in implementation and schedule for upzoning in September 2020, HCD will continue to monitor the City's timely implementation.

NC and PC Zoned Sites: The housing element contains Program #4 (2-E, 2-F, and 2-G) to demonstrate adequate sites, specifically upzoning in the NC and PC zones. This action to increase allowable densities in the NC and PC zones was not necessarily required to accommodate the shortfall and unaccommodated need of 22 units for lower-income households. However, the program was added to facilitate a variety of housing types for all income levels which is essential in Del Mar given the lack of zoning allowing higher density. The 6th cycle housing element must evaluate the City's progress in implementation, and the City will be required to take requisite action. These programs were important to maintaining adequate sites (see No Net Loss Law discussion below) throughout the planning period. Further, with an allowable density of 20 units per acre (default density), sites within these zones could potentially be utilized to accommodate housing needs of lower-income households in the 6th cycle. To date, the City has not taken appropriate actions to implement these programs, severely impacting the availability of sites and variety of housing types to accommodate the housing needs of lower-income households. HCD encourages the City to implement these programs in the 5th cycle planning period, prior to 6th Cycle planning period.

No Net Loss Law: Government Code section 65863 requires adequate sites to be maintained at all times throughout the planning period for all income groups. Any action effecting the number of units identified on a site or the assumed affordability of a site triggers these statutory requirements. Unless specified findings are made, a locality may

be required to rezone comparable sites within 180 days. HCD may also enforce these requirements pursuant to Government Code section 65585, including referral to the Attorney General. If a locality rezones a site for lower-income households and subsequent action effects the number of units or affordability, the provisions of No Net Loss Law would be triggered requiring the identification of new adequate sites. To manage this, a locality may institute various approaches such as not assuming 100 percent of a site to accommodate lower-income households and/or identifying sites in excess of the regional housing need, particularly for lower-income households.

HCD appreciates the opportunity to provide information and assist the City in its decision-making. HCD wishes the City success in the upcoming 6th cycle update of the housing element and welcomes the opportunity to assist the City in meeting statutory requirements. Please feel free to contact Jose Ayala at Jose.Ayala@hcd.ca.gov for any additional information and assistance.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Attachment E

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA APPROVING THE DRAFT 6TH CYCLE HOUSING ELEMENT UPDATE THAT UPON FINAL ADOPTION WILL CONSTITUTE AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN) IN THE CITY OF DEL MAR, CALIFORNIA; AND AUTHORIZING STAFF TO SUBMIT THE DRAFT HOUSING ELEMENT UPDATE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

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

WHEREAS, the Housing Element is a required component of the City's Community Plan per State law; and

WHEREAS, the Housing Element is required by State law to be updated every eight years; and

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

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

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

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

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

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

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

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

WHEREAS, another key strategy to create adequate sites opportunities for affordable housing as required by State law involves amending existing zones to allow at least 20 du/ac, because per the State, this is the minimum density that is feasible to support the development of affordable housing in a small jurisdiction the size of Del Mar; and

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

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

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

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

WHEREAS, the draft 6th Cycle Housing Element Update does not propose any changes to existing development standards (with the exception of density as required by State law), which is consistent with the Del Mar Community Plan policy to maintain the

existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, and setbacks; and

WHEREAS, the City is required to submit a City Council-approved draft of the Housing Element Update for review and comment by HCD in accordance with the procedures set forth per State law;

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

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

WHEREAS, a notice of public hearing was posted and published and mailed notice was provided by September 24, 2020, informing the public of the scheduled City Council public hearing on October 5, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby approve the draft 6th Cycle Housing Element Update on file with the City Clerk.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 5th day of October, 2020.

_____

Ellie Haviland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2020-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar

STATE REQUIREMENTS ADDRESSED IN THE HOUSING ELEMENT

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element. **Table 1-1** summarizes the State's Housing Element requirements and identifies where the applicable California Government Code sections are addressed in the City's 2021-2029 Housing Element.

Table 1-1: Housing Element Requirements

Issues Requiring Analysis	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Section 2.B.1
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Section 3.C
Analysis and documentation of the City's housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Section 2.F
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Appendix B
Analysis of existing and potential governmental constraints upon the maintenance, improvement or development of housing for all income levels.	Section 65583.a	Section 3.A.2
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement or development of housing for all income levels.	Section 65583.a	Section 3.A.1
Analysis concerning the needs of the homeless.	Section 65583.a	Section 2.E.7
Analysis of special housing needs: persons with disabilities, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Section 2.E.3

Table 1-1: Housing Element Requirements		
Issues Requiring Analysis	**Gov. Code Section**	**Reference in Housing Element**
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Section 3.B.5
Identification of Publicly-Assisted Housing Developments.	Section 65583.a	Section 2.G.1
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Section 3.2
Identification of the City's goals relative to the maintenance, improvement, and development of housing.	Section 65583.a	Section 4-Housing Goals 1 and 5
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Section 4.C
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Section 3.B
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments.	Section 65583.e	Section 3.B.1

Table 1-1: Housing Element Requirements		
Issues Requiring Analysis	**Gov. Code Section**	**Reference in Housing Element**
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.		Section 3.C
Review of the effectiveness of the past Element, including the City's accomplishments during the previous planning period.	Section 65583.f	Appendix A
Source: State of California, Department of Housing and Community Development.		

Staff's Summary of Citizens' Task Force Subcommittee Recommendations

This summary was prepared by City staff to demonstrate how each of the Task Force Subcommittee's recommendations were addressed and incorporated into the proposed HEU. Following are the key points related to recommendations made by the Preservation and Production Subcommittee and a table with details for each Subcommittee recommendation:

- The Subcommittee's recommended strategies were very helpful but not sufficient to meet the obligation for 113 affordable units. Even when including ADUs and their high, medium, low, and extremely low priorities it yielded only 88 of the 113 required adequate sites.
- Subcommittee's high priority strategies yielded adequate sites for only 13 affordable units:
  - 20 du/ac in CC zone yields adequate sites for 3 affordable units as included in the HEU
  - Two vacant City-owned lots (28th Street and City Hall vacant lot on 10th Street) that can yield adequate sites for 10 affordable units as proposed in the HEU
  - Three State Fairgrounds properties that yield zero adequate sites towards the 113 units needed are included in the proposed HEU as a priority strategy
  - Three essential water tower facilities that are needed for fire suppression service
  - One City-owned property that is restricted to open space where housing is not allowed
- Subcommittee's medium priority strategies yielded adequate sites for 8 affordable units:
  - Two City-owned lots on 9th Street that can yield adequate sites for 8 affordable units
  - One State Fairgrounds site and one essential water tower that contribute zero adequate sites per explanation above
- Subcommittee's low priority strategies yielded adequate sites for 8 affordable units:
  - One City-owned lot (201 Court Street) that can yield adequate sites for 8 affordable
  - One City-owned lot (Public Works Yard) that is essential facility in Floodway Zone and Floodplain Overlay Zone
  - Two State Fairgrounds sites that contribute zero adequate sites per explanation above
  - One preservation strategy proposed in the HEU that preserves long term housing and helps to reduce the City's vacancy rate, but contributes zero adequate sites
- Subcommittee's extremely low priority strategies yielded adequate sites for 51 affordable:
  - Subcommittee recommended against the North Bluff properties (which is a State-mandated program that can yield at least 51 adequate sites per HEU Program 1E). The Task Force was not able to fully discuss and vet this program that is required to fulfill a State-mandate per Assembly Bill 1397.
  - Included two Fairgrounds sites that contribute zero adequate sites per statement above
- Identified the Shores Park and 11th Street lot at City Hall, neither of which were included
- The proposed HEU reflects the Subcommittee's recommendation to exclude sites in the existing City Hall, Post Office, Library, Powerhouse Park, and City easements.
- Each of the recommended ADU strategies are included in the HEU to yield 8 affordable units
- Each of the Subcommittee's preservation related strategies were included in the HEU

	Analyzed in PEIR	**Strategy in Draft HEU**	**Staff Notes**
Subcommittee High Priority Recommendations			
1a. **Zuni Water Reservoir**	√ (Candidate Site 21)	*Not recommended*	This City-owned parcel is located in the R1-10 Zone and contains a water reservoir. It is not surplus public property. It is needed for fire suppression services and is not recommended.
1b. **12th Street/Luneta Open Space Lot**	*Not included*	*Not included*	This City-owned parcel located in the R1-10 Zone is not surplus public property. It was donated to the City with a restriction on use to open space only. Housing is not a permitted use on this lot.
2. **28th Street Vacant Lot**	√ (Candidate Site 7)	Recommended site in case needed for no-net loss	This City-owned parcel is a vacant lot in the RM-East Zone and Floodplain Overlay Zone. It is not identified as surplus public property. Staff recommends this 2,500 square foot lot as an "adequate site" for 2-4 small affordable units.
3. **10th Street City Hall Expansion Property**	√ (Candidate Site 55)	Recommended site in case needed for no-net loss	This City-owned parcel is a vacant lot in the Public Facilities Zone known as expansion lot "C". It is not identified as surplus public property. Staff recommends this 4,500 square foot lot as an "adequate site" for 4-6 small affordable units.
4. **Fairgrounds – Surf and Turf RV Lot**	√ (Candidate Site 2)	√ (Program 3A)	This State-owned parcel is part of the Fairgrounds study area for affordable units. This lot is located in the City of San Diego jurisdiction. A contract is needed to count units in this location towards the City's RHNA.
5. **Central Commercial Zone**	√ (Candidate Sites 23-54, 57-61, 65-88)	√ (Program 1C)	This is the zone that applies to the main portion of the Del Mar "Village Center". The program would allow housing up to 20 dwelling units per acre to create adequate sites that can produce affordable units. Existing horizontal zoning and development standards will continue to apply.
6. **Pine Needles Water Tank**	√ (Candidate Site 100)	*Not recommended*	This City-owned parcel is located in the R1-10 Zone and contains a water tank facility. It is not surplus public property. The lot is located in the wildland urban interface area (which means there is associated fire risk). The existing facility is needed for fire suppression services and is not recommended for housing.
7. **10th Street/Highland Water Tank**	√ (Candidate Site 94)	*Not recommended*	This City-owned parcel is located in the R1-10 Zone and contains a water tank facility. It is not surplus public property. It is needed for fire suppression services and is not recommended for housing.
8. **Fairgrounds - "Track" Housing**	√	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for

	(Candidate Site 2)		affordable units. A contract is needed to count units towards the City's RHNA.
9. **Fairgrounds – Convert Livestock and Horse Barn to Housing**	√ (Candidate Site 2)	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for affordable units. A contract is needed to count units in this location towards the City's RHNA.
Subcommittee Medium Priority Recommendations			
1. **9th Street lots where DMF and DMCC offices are located**	√ (Candidate Sites 63 and 64)	Recommended as last resort "adequate sites" in case needed	These two City-owned lots (0.19 acre each lot) are part of the greater Shores Park area located on Public Parkland in the PF Zone. It is not surplus public property. It is the current location of the Del Mar Foundation and Community Connections non-profit offices. Any future development of small affordable housing units (4-8 units) in this location would be considered as part of the Shores Park Master Plan currently in process. If the 9th Street lots are selected as adequate sites in the HEU and the Master Plan is subsequently approved during the 6th Cycle in a manner that would preclude the 9th Street lots from being available to accommodate the specified number of affordable units, then other sites would need to be selected by the City Council as a replacement to ensure "no net loss".
2. **Fairgrounds – Lot South West of Jimmy Durante Blvd/Via de la Valle**	√ (Candidate Site 2)	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for affordable units. A contract is needed to count units in this location towards the City's RHNA.
3. **Water Tower on Crest Road**	√ (Candidate Site 95)	*Not recommended*	This City-owned parcel is located in the R1-10 Zone and contains a water tower facility. It is not surplus public property. It is needed for fire suppression services. The parcel has a split-level pad with a developable pad that could be considered for housing (up to 10 units) if needed for no-net loss, but Is not recommended.
Subcommittee Low Priority Recommendations			
1. **Maintenance Yard** (**Public Works Facility)**	*Not included*	*Not included*	This City-owned parcel is located in the Floodway Zone and is not surplus property. It is currently occupied by the City's Public Works facility. Only the southwest portion of the property is developable because that area is located in FEMA's Floodplain AE zone (due to its risk of river flooding in a 100-year flood) and is located outside of FEMA's mapped Floodway zone location which prohibits housing.

2. **Fairgrounds – Units over Fairgrounds Offices**	√ (Candidate Site 2)	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for affordable units. A contract is needed to count units in this location towards the City's RHNA.
3. **Fairgrounds – Units over Fire Station**	√ (Candidate Site 2)	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for affordable units. A contract is needed to count units in this location towards the City's RHNA.
4. **Second Homes – Housing Preservation**	N/A	√ (Program 5C)	This preservation strategy applies to properties in residential zones citywide.
5. **Pump Station by Tennis Courts (201 Court Street)**	√ (Candidate Site 11)	Recommended as a last resort site in case needed	This City-owned lot (1.06 acres) is located in the Public Parkland Zone and is not surplus public property. It is the current location of a City Pump station, tennis courts, and a basketball court. Any future development of small affordable housing units (4-8 units) in this location would need to be considered through future processing at the project level.
Extremely Low Priority Recommendations			
1. **Shores Park**	*Not included*	*Not included consistent with Task Force recommendation*	This City-owned property is located in the Public Facilities Zone and has various related MOUs and commitments related to public parkland use. It is designated as a public facility in the General Plan and is not surplus public property. It was not included in the Housing Element Update studies per prior City Council direction following the 22 in 5 report (2018) and subsequent PEIR that excluded Shores park from the analysis of other PF facilities for potential housing. A Master Plan is currently in process for Shores Park.
2. **Fairgrounds - Practice Track**	√ (Candidate Site 2)	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for affordable units. A contract is needed to count units towards the City's RHNA.
3. **City Hall 11th Street northeast parcel**	√ (Candidate Site 56)	*Not recommended*	This City-owned parcel is a lot that is part of the City Hall properties in the Public Facilities Zone. It is not identified as surplus property.
4. **Camino del Mar/Border Avenue west of Brigantine**	√ (Candidate Site 1)	√ Included as a contingency in case Program 3A is not implemented (Program 1E)	This Task Force recommendation relates to a rezone program that is required to be included in the HEU per State law to provide adequate sites for affordable housing units on vacant land.
5. **Fairgrounds – Lay down lot**	√	√ (Program 3A)	This strategy applies to State-owned parcels that are part of the Fairgrounds study area for

	(Candidate Site 2)		affordable units. A contract is needed to count units towards the City's RHNA.
Public Properties Recommended by Subcommittee to be Excluded from Consideration			
1. **Existing City Hall Buildings**	*Not included*	*Not included per Task Force*	Existing City Hall facilities were not considered for housing with the HEU.
2. **Del Mar Library** (San Diego County Library)	*Not included*	*Not included per Task Force*	This lot was not considered for housing with the HEU.
3. **Powerhouse Park**	*Not included*	*Not included per Task Force*	These lots (Powerhouse Park and Seagrove Park) were not considered for housing with the HEU.
4. **Del Mar Post Office** (United States Postal Service)	*Not included*	*Not included per Task Force*	This lot was not considered for housing with the HEU.
5. **Most City Easements & Street Ends**	*Not included*	*Not included per Task Force*	Various public right-of-way properties were considered with the HEU, but none have been identified as proposed adequate sites in the HEU.
Recommendations related to ADUs			
1. **ADU Amnesty Program**	√	√ (Program 2B)	This is a proposed carryover program with the intent to count participating units (that obtain building permits) towards the 6th Cycle RHNA. However, HCD does not typically count amnesty program units towards RHNA. So while this program may provide new housing opportunities for varying income levels, it may not receive credit toward 6th Cycle RHNA.
2. **Implement and Communicate Recent Change in State Law**	√	√ (Program 2C)	As part of proposed HEU program 2C, the City proposes to continue to implement and communicate the recent changes in State law effective January 2020. Per HCD, new ADUs can be counted towards the City's moderate income unit RHNA requirement.
3. **Tracking of Annual Survey Data**	√	√ (Program 2C)	As part of the proposed HEU Program 2C, the City proposes to continue to track production of ADUs and send an annual survey to try and collect data regarding ADUs used as rentals. New ADUs will be counted towards the City's moderate income unit RHNA requirement, unless they are deed restricted affordable. Participation in the annual survey is encouraged. However, per HCD, the City is unable to make reporting mandatory except for the units that are deed restricted affordable.
4. **Expand Current ADU Pilot Program**	√	√ (Program 2A)	As part of proposed HEU Program 2A, the City proposes to enhance and extend the existing ADU incentive program (pilot program in place since 2018). Only one affordable ADU was produced as a result of the initial program.

			Additional incentive should be explored to encourage greater participation.
5. **Create Tiny Home Program**	√	√ (Program 2F)	As part of proposed HEU Program 2F, the City proposes to prepare an ordinance to clarify the existing allowances for tiny homes to be processed via the ADU approval process. The City will also consider expanding the allowance for tiny homes to locations in commercial zones where ADUs are not currently permitted.
6. **Student ADU Rental Program**	√	√ (Programs 4C and 7I)	As part of HEU programs 4C and 7I, the City proposes to facilitate housing options for student rentals. Proposed Program 4C (roommate referrals for shared housing) and Program 7I (student
Preservation of Existing Housing Stock Recommendations			
1. **Recommendation for Preservation of Existing Housing Stock**	√	√ (Programs 5A, 5B, and 5C and 2A, 2B, 2C, 2D, 2E, and 2F)	The proposed HEU includes several recommendations to preserve existing housing stock. These strategies do not yield any units towards RHNA, but they do meet State requirements towards certification of the HEU. Proposed strategies include accommodating the renovation and improvement if existing multi-dwelling unit structures with nonconformities; requiring a housing impact statement for discretionary land use and planning decisions for better disclosure of potential impacts prior to decisions that can effect existing housing; strategies to reduce the City's vacancy rate by preservation of existing housing stock; and strategies that encourage and facilitate ADUs.
Community Assistance and Resources Subcommittee Recommendations			
1. **Recommendations for Community Assistance and Housing Resources**	N/A	√ (Programs 7A through 7J)	The proposed HEU incorporated each of the recommended programs submitted by the Community Assistance Subcommittee. These strategies provided necessary expertise to help the City meet State requirements for certification of the HEU related to Fair Housing, community assistance, and various resources.
Communications Subcommittee Recommendations			
1. **Recommendations for Communications related to the proposed 6th Cycle HEU**	N/A	√ (proposed HEU reflects public input from the survey, Task Force, and other tools utilized)	The Communications Subcommittee recommendations were incorporated via the survey, web page, FAQs, and various noticing tools. They were instrumental in identifying ways to better reach the community, solicit input, and help explain the proposed concepts needed to obtain State certification of the HEU.

ATTACHMENT H

6th Cycle Affordable Housing Production Strategy with Timeline

YEAR 1 – by April 2022

- Complete implementation of carryover zoning action programs from the 5th Cycle via Coastal Commission to create adequate sites in **North Commercial [Program 1A]** and **Professional Commercial [Program 1B]**

YEAR 2 – by April 2023

- Complete implementation of zoning program to create adequate sites in **Central Commercial [Program 1C]**
- Develop and implement new **ADU program incentives for deed restricted affordable ADUs [Program 2A]**
- Develop **ADU amnesty program [Program 2B]** – note HCD may not count these units towards RHNA
- Develop and implement regulations to **clarify that Tiny Houses are allowed per ADU regulations and allow Tiny Houses in non-residential zones [Program 2F]**

Note: After Year 2 City should have adequate sites capacity to meet at least 25% of the affordable unit obligation

YEAR 3 – by April 2024

- Execute **contract with State Fairgrounds for construction of at least 51 affordable units [Program 3A]**; if not completed, then must rezone vacant land on North Bluff/South Stratford [Program 1E] by October 2024
- **Identify potential partners and incentives for an Affordable Housing Overlay Zone [Program 1D]**
- Complete implementation of program to allow housing as a use in the **Public Facilities Zone [Program 1H]**
- Develop and implement **streamlining and incentives for projects with affordable units [Program 1I]**

Note: After Year 3 City should have adequate sites capacity to meet 100% of the affordable unit obligation

YEAR 4 – by April 2025

- Conduct mid-cycle check in to evaluate progress and identify actions needed
  - Progress check on overall affordable unit progress
  - **Identify whether additional incentives are needed for affordable ADUs [Program 2E]**
- If less than 30 affordable units with building permits, **implement Affordable Housing Overlay [Program 1D]**

YEAR 6 – by April 2027

- Consider progress towards affordable unit obligation and identify final actions needed to meet State law by end of the 6th Cycle and begin preparing for the 7th Cycle Housing Element Update
- **Determine whether City parcels are needed to address no-net loss per State law and proceed accordingly**
  - Note the City has not identified any City-owned parcels as surplus public property
  - Based on a preliminary analysis of suitability, the City Hall expansion lot C and City-owned vacant lot on 28th Street are recommended to be adequate sites if needed (total capacity of 10 small affordable units)
  - 201 Court Street and 9th Street non-profit offices on Public Parkland, identified in the 22 in 5 report and PEIR, should be considered if needed as a last resort (total capacity of 16 small affordable units)
  - The split level development pad at Crest Water Tower (10 small affordable units) is not proposed as an "adequate site", but it is an option that could be further studied and considered if needed during the 6th Cycle to address a State law no-net loss requirement, if applicable.

Draft 6th Cycle HEU Adequate Sites for Affordable Units

	Total Units	**Affordable Units**	
ADUs	77 units	8 affordable	Assumes 8 affordable units will participate in the ADU incentive program including one approved affordable ADU (Luzon Avenue)
PC Zone *If LCP amendment is certified by CCC to allow 20 du/acre*	10-17 units	3 affordable	• 807 Camino del Mar: 4-6 units, 1 affordable (0.30 acre) • 853 Camino del Mar: 6-11 units, 1-2 affordable (0.56 acre)
CC Zone *If land use and zone amended to allow 20 du/acre*	16-19 units	3 affordable	• 1135 Camino del Mar: 4 units, 1 affordable (0.30 acre) • 1234 Camino del Mar: 6-7 units, 1 affordable (0.14 acre) • 10th Street: 6-8 units, 1 affordable (0.22 acre each lot)
941 CDM Specific Plan	11 units	2 affordable	941 Camino del Mar Specific Plan: units have been approved at plan level, but no building permits issued (units would be credited toward the City's 6th RHNA obligation at the time building permits are issued)
SUBTOTAL	114-124 units	16 affordable	**ADUs + PC + CC + 941CDM meets only 14% of need; and most are from ADUs. Additional strategies/sites are needed.**
NC Zone *If land use and zone amended to allow 20 du/ac*	71-94 units	20 affordable *(Or could yield 32 affordable if two additional sites assigned in NC zone to add: 4 on 2120 Jimmy Durante Blvd and 8 on 2010 Jimmy Durante Blvd)*	• 2002 Jimmy Durante Blvd: 18-28 units, 4-6 affordable (1.42 acres) • 2126 Jimmy Durante Blvd: 8-10 units, 1-2 affordable (0.51 acres) • 2148 Jimmy Durante Blvd: 5-8 units, 1 affordable (0.38 acres) • 2236 Jimmy Durante Blvd: 5-8 units, 1 affordable (vacant 0.42 acres) • Watermark: 35-40 units, 7-10 affordable (vacant 2.68 acres) *Alternative to add/assign 12 affordable units:* • *2120 Jimmy Durante Blvd: (0.90 acres)* • *2010 Jimmy Durante Blvd: (2.12 acres)*

	Total Units	**Affordable Units**	
Rezone of Vacant Land: North Bluff and South Stratford *The rezone will not be required if Fairgrounds strategy is successfully implemented within 3 years (by 2024).*	Up to 248 units on North Bluff Up to 99 units on South Stratford	At least 51 affordable units total – proposal assigns 32 affordable to North Bluff and 19 affordable to South Stratford *(Or if NC zone is not included in HEU, alternative must accommodate at least 71 affordable units via this rezone program by increasing inclusionary from 20% to 25%)*	• North Bluff (6 parcels): Can yield maximum 47 affordable units at 20% inclusionary requirement or 61 affordable units at 25% inclusionary requirement (12.39 acres) - Proposal reduces assigned affordable units on southernmost North Bluff site 1F to increase distance from Bluff Preserve. Affordable assigned at 20%: 1A- 9 affordable (2.46 ac) 1B- 2 affordable (0.63 ac) 1C- 4 affordable (1.21 ac) 1D – 5 affordable (1.25 ac) 1E – 8 affordable (2.02 ac) 1F – 4 affordable assigned instead of 19 possible (4.82 ac) - *Alternative to remove North Bluff site 1F would require change to 25% inclusionary: 37 affordable on North Bluff and 24 affordable in South Bluff – This would increase affordable units on North Bluff (from 32 to 37) and South Stratford (from 19 to 24) – This would yield surplus of 10 affordable (51 required), which could be used to reduce public property options.* • South Stratford (3 parcels): Can yield max 19 affordable at 20% inclusionary or 24 affordable at 25% inclusionary (4.94 acres) Affordable assigned at 20% inclusionary: 98A – 8 affordable (2.14 ac) 98B – 4 affordable (1.0 ac) 98C – 7 affordable (1.8 ac)
"Adequate sites" on City-Owned Properties	N/A	26 affordable *(Reduced alternative to remove lots in public parkland zone would yield only 10 affordable)*	• 28th Street: 2-4 units on vacant lot in RM-East zone (2,500 sf) • City Hall Expansion Lot "C" on 10th Street in PF zone: 4-6 units on vacant lot (4,500 sf) City Properties on Public Parkland: • 201 Court Street: 4-8 units in PP zone (1.06 acres) • 9th Street: 4-8 units on two lots with non-profit offices in PF zone (0.19 acre each lot)
Total	Varies	**113 affordable units**	

Comparison of HEU Proposal for Adequate Sites to Various Alternative Options Available

	Proposed	No Parkland	Partial Parkland	No City Property	No NC Zone	Notes
Section 1. ***Strategies to Account for Affordable ADUs Citywide and Affordable Housing in Commercial Zones have General Consensus***						
Affordable Accessory Dwelling Units (HEU Housing Plan Program 2A)	8	8	8	8	8	Goal is to produce at least 8 affordable ADUs with incentives
Professional Commercial (PC) Zone at 20 du/ac (HEU Housing Plan Program 1B)	3	3	3	3	3	Goal is to facilitate affordable units on at least 2 of 4 lots in PC zone
Central Commercial (CC) Zone at 20 du/ac (HEU Housing Plan Program 1C)	3	3	3	3	3	Goal is to facilitate affordable units on at least 3 sites through mixed use development in CC zone
941 Camino Del Mar Specific Plan	2	2	2	2	2	941 Specific Plan allows 2 affordable – will need approved building permits to count as produced units
SUBTOTAL (Section 1)	16	16	16	16	16	
Section 2. ***Affordable Housing in North Commercial Zone – Strategy with some opposition***						
North Commercial (NC) Zone at 20 du/ac (HEU Housing Plan Program 1A)	20	32	32	32	0	Goal is to facilitate at least 20 affordable on 5 sites in NC. City can increase adequate sites by assigning 12 affordable to 2 additional lots: • 2120 JDB – 4 affordable • 2010 JDB – 8 affordable
SUBTOTAL (Sections 1 and 2)	36	48	48	48	16	
Section 3. ***Rezone is Required by State law if Fairgrounds Program 3A is not implemented – Strategy with some opposition***						
Rezone is Required by State law for min. 51 affordable – Some Opposition (HEU Housing Plan Program 1E) *Note: All counts reflect 20% inclusionary except for the "No NC zone" option which will require 25%.*	51	55	51	65	71 *(Requires 25% inclusionary)*	The "No Parkland" option slightly increases units on Site 1F. The "No NC Zone" and "No City Property" options significantly increase number of units assigned to bluff lots.
SUBTOTAL (Total of Sections 1-3)	87	103	99	113	87	
Section 4. ***City-Owned Properties – Strategy with some opposition***						
Identifies Non-Surplus City-Owned Properties as "adequate sites": RM-East, Public Facilities, and Public Parkland zones (HEU Housing Plan Program 1H)	26	10	14	0	26	The "No Parkland" option includes City Hall and 28th Street lots only (removes 201 Court Street and 9th street lots). "Partial Parkland" option allows selection of only one Parkland lot and reduced units (from 16 to 4).
TOTAL Affordable on Adequate Sites	**113**	**113**	**113**	**113**	**113**	

Summary of City's Risk of Enforcement Penalties

A range of enforcement penalties set forth per State law could negatively impact the City:

1. **Lawsuits and Court Orders -** Developers and advocates have the right to sue jurisdictions if their Housing Element is not compliant with State Law. In addition, Assembly Bill (AB) 72 provides additional methods for the State and local jurisdictions to be held accountable for Housing Element compliance.

   There are several avenues of legal exposure, including:

   a. **Court Order for Mandatory compliance** – The court can order the City to bring the Housing Element into compliance within 120 days. This was the case with the City of Encinitas.

   b. **Fair Housing Risk** – The City has the obligation to make housing available to all income segments. If the Housing Element is decertified, the City is at risk of lawsuits based on fair housing claims under State and Federal law.

   c. **Private parties may sue the City** – As evidenced by the three lawsuits brought against the City of Encinitas for their Housing Element, private parties or interest groups can sue local jurisdictions and the record of evidence can further support plaintiff claims if the City does not have a certified Housing Element. Because of this, it would leave the City with constant exposure to legal challenge if the Housing Element were to be decertified. In fact, the City has already received (June 2016) a "Notice of Intent to Sue the City of Del Mar" if the NC and PC zone amendments (carryover housing programs in the HEU) are not implemented by the City.

   d. **Fiscal Impacts to the General Fund** – If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it will be subject to substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. These fees would be substantial and can easily exceed $100,000. See discussion below related to the additional risk of General Fund impacts by the State's ability to impose fines.

   e. **Potential Loss of Local Control over Housing Development** – The City's Housing Element must contain a Housing Plan to create adequate sites for 113 affordable units. Pursuant to Government Code Section 65583(g), failure to complete the actions needed for the HEU can trigger limits on the City's ability to deny a multiple-dwelling unit development project with an affordable housing component if that project otherwise would have been allowed had the actions been completed pursuant to the Housing Element.

2. **Levy of Fines -** The State has authority to fine a jurisdiction anywhere from $10,000 to $100,000 per month for non-compliance with its respective Housing Element. Per AB 72, jurisdictions with non-compliant and de-certified Housing Elements can be referred to the

Attorney General who can impose penalty fees that can potentially exceed thousands of dollars on a daily basis until compliance is reached.

3. **Future Housing Element Updates Follow a 4-Year Cycle instead of 8-Year Cycle** - If the City is unsuccessful in obtaining certification from the State for the HEU within 120 days of the statutory deadline, the City will be placed on a more frequent 4-year Housing Element Cycle. Once this occurs, the City will need to successfully process three (3) consecutive 4-Year Cycle Housing Element updates before being placed back on the regular 8-year cycle. HCD often uses the phrase: "If you're late, you don't get eight". If this were to occur, it would result in significant fiscal and operational impacts to the City that would reduce available workload capacity that otherwise could be made available for other special projects.

4. **Limited Access to State Funding Including Grants** - Due to the State's priorities related to housing, most of the grant funding sources, like the recently awarded Senate Bill (SB) SB 2 grant and anticipated-award for the Local Early Action Planning (LEAP) grant, are formula-based and offer free funds that are available only to jurisdictions with certified Housing Elements. The City currently is relying on SB 2 and anticipated LEAP grant funds to cover tasks related to its required housing programs. If the City fails to gain certification, new State funding will not be available and the City may be required to pay back the grants in progress if the City is determined to be ineligible and in breach of the contract. This would be a significant fiscal impact to the City in consideration of the City's current budget and projections for the budget constraints to continue in light of the COVID pandemic and associated devastating economic impacts.

Environmental Summary of PEIR for the 6th Cycle Housing Element Update (HEU)

The 6th Cycle HEU environmental analysis was done in accordance with the California Environmental Quality Act (CEQA) at a program level, which is different than a project-level analysis. This is because the proposed "project" under CEQA constitutes a "program" consisting of a series of actions that can be characterized as one large project and is subject to the provisions of CEQA Guidelines Section 15168(a)(1-4). There are no proposed development applications, project level details, or development plans associated with this program. A program level analysis is appropriate for a plan or program that will apply to future development where those future individual activities will occur under the same regulatory process (CEQA Guidelines Section 15168). Therefore, a Program Environmental Impact Report (PEIR) was prepared.

The purpose of the PEIR is to evaluate the potentially significant, adverse, and beneficial environmental impacts resulting from the proposed HEU. The PEIR analyzes information that was known and available at the time of preparation, discloses potential impacts of the proposed amendments, and identifies a mitigation framework that will apply to future housing development. Future housing development will require additional environmental analysis at the project level as required pursuant to CEQA, unless the proposed project is sufficiently covered within the scope of the PEIR. Most development proposals will require additional project-level analysis and will be subject to the PEIR mitigation, monitoring, and reporting program (MMRP) measures as applicable to reduce the potentially significant effects on the environment to "Less than Significant". The City Council is asked to certify the PEIR, including findings of fact, and adopt the MMRP.

The PEIR identified the following issue areas as having potentially significant impacts; and identified MMRP measures that will be required of future development to ensure compliance at the time of project implementation in order to reduce the potential impacts to "Less than Significant" as summarized below:

PEIR Issue Areas with MMRP Requirements	
Biological Resources (PEIR §4.4)	• Site specific biological resources survey • Riparian habitat and jurisdictional wetlands delineation • Avoid the bird breeding season or nesting bird surveys
Cultural Resources (PEIR §4.5) **and Tribal Cultural Resources** (PEIR §4.18)	• Determination of historical significance for structure over 50 years of age • Archaeological survey on undisturbed sites • Protocols to stop work and seek forensic experts, monitors, and tribal consultation or other expert consultation if human remains discovered
Geology and Soils (PEIR §4.7)	• Qualified paleontologist and monitoring and compliance requirements in areas of high paleontological sensitivity • Protocols to stop work and seek consultation with paleontologist if fossils discovered for recovery monitoring and compliance

Hazards and Hazardous Materials (PEIR §4.9)	• Environmental Site Assessment for any vacant, commercial or industrial properties involving hazardous materials or waste • Protocols to stop work an notify environmental professional and City and seek consultation of hazardous waste/materials coordinator if unknown wastes or suspect materials are discovered
Noise and Vibration (PEIR §4.13)	• Site-specific noise reduction program if needed to comply with the Noise Ordinance during demo, grading, and consultation • Implementation of pre-construction meeting plan • Tracking of complaints and code enforcement response • Alternative method requirements if pile driving is proposed within 50 feet of vibration sensitive structures • Location of stationary construction-related noise sources as far away as possible from sensitive noise receptors • Use of sound insulation barriers and other measures to the extent feasible

During the PEIR's public comment period, concerns about other CEQA issue categories were also expressed. As this is a PEIR, comments related to project-level details are currently not known and would be too speculative to address in the PEIR. See the five comment letters submitted; the City's response to comments; and the Errata sheet in the Final PEIR. Additional clarifying information is provided below in support of the PEIR findings and conclusions. See the Council Resolution to Certify PEIR for the detailed PEIR Findings of Fact (Agenda Report Exhibit "A" to Attachment A).

Public Services (Emergency Response Times) and Wildfire (PEIR §4.15 and §4,20) – The PEIR analyzed the existing conditions and regulatory context for public services and evaluated the potential for impacts on public services from future housing. This includes fire, police, and emergency medical services. The proposed HEU would not result in changes in circulation or access that would interfere with or impair emergency response as no development is proposed as part of the program.

The PEIR also analyzed the existing conditions of potential candidate sites and the potential for wildfire impacts. Future development would be required to comply with all state and local regulations associated with adequate ingress/egress, fire protection, structural protection, and emergency response. Therefore, through regulatory compliance, impacts associated with potential impairment or interference with an emergency response or evacuation plan as a result of future development would be less than significant. It was concluded that the HEU would not result in significant cumulative environmental impacts concerning fire, police, or medical services.

Recreation (PEIR §4.16) – Some concerns were expressed that the draft HEU includes two candidate sites that are located within the Public Parkland Zone. These sites are 201

Court Street and two lots on 9th Street that are currently occupied by non-profit offices within the overall are identified as Shores Park. No conflict with existing park and recreational facilities would result because of the HEU identifying these sites as "adequate sites" for a small number of affordable units within the HEU. It is important to note that any future housing project on City-owned property, if the need arises, will still require processing of additional studies and discretionary approvals through a public process prior to any decision to approve a project that involves development of housing at a candidate site. The PEIR identifies that the City of Del Mar's Park and Recreation current supply exceeds the anticipated demand associated with projected buildout of HEU candidate housing sites by approximately 335.11 acres. Therefore, it was concluded that the HEU would not result in significant impacts to public parks or recreational amenities.

Transportation (PEIR §4.17) – Future housing development would not result in significant transportation-related impacts. Future development proposals will be subject to additional CEQA evaluation and permit review at the project level and will be required to adhere to all State and local requirements for avoiding significant impacts related to vehicle miles traveled (VMT). VMT is a measure of how much automobile travel (measured in terms of miles traveled) that a proposed project would create, which is then evaluated through the CEQA process for its potential impact on the environment prior to a final decision on a "project". The potential for traffic congestion is not considered a significant impact on the environment per the CEQA criteria for transportation analysis.

Hazards and Hydrology (PEIR §4.9) and Water Quality (PEIR §4.10) – The relationship between the proposed HEU and the City's Sea Level Rise Adaptation Plan is also an issue that was raised. There is no conflict between the City's adopted Sea Level Rise Adaptation Plan and the proposed HEU. The Adaptation Plan is a City Council-adopted document that was incorporated by reference into the Del Mar Community Plan Safety Element in March 2019. Any candidate sites that are projected to be effected by future sea level rise are coterminous with the floodprone areas that are mapped by the Federal Emergency Management Agency (FEMA). The City's Community Plan and LCP contain policies related to all mapped floodplain areas. The applicable policies, including the Sea Level Rise Adaptation Plan, are implemented via the City's Floodway Zone (DMMC Chapter 30.50) and Floodplain Overlay Zone (DMMC Chapter 30.56). Any future development would be subject to the applicable regulations in the Floodway Zone and Floodplain Overlay Zone where applicable. Any future site-specific development would be subject to the City's existing requirements for discretionary permit approval and would be required to comply with the allowable uses and applicable development standards of the applicable base zone and overlay zones to minimize risk of hazards.

Land Use (PEIR §4.11) – No land use conflict would occur as a result of the proposed HEU. Any future site-specific development would be subject to the City's existing requirements for discretionary permit approval and would be required to comply with the allowable uses and applicable development standards of the zone.

Due to State law, the City's HEU must include Housing Programs (that would be subject to future implementation actions) to modify the existing land use designation and

applicable zoning for selected locations (i.e., North Commercial, Professional Commercial, and Central Commercial) in order to allow the City's assigned "default density" of 20 dwelling units per acre. The default density is the minimum density that must be included for a site to be considered an "adequate site" that is feasible to meet the City's assigned need for lower-income units in accordance with State Housing law. Comments submitted have incorrectly suggested that the proposed HEU would result in "massive" development that is inconsistent with the Community Plan when instead, the proposed HEU Housing Programs would maintain the existing development standards of the respective zones consistent with the existing Community Plan policy intent. This includes maintaining the existing development standards (e.g., height, setbacks, FAR, lot coverage, etc.) in the NC zone for "low intensity" per the existing Community Plan.

An additional State mandated Housing Program in the HEU is required due to the City's existing lack of "adequate sites" to accommodate lower-income housing. This program to rezone vacant land has been included as a contingency plan in case the City is unable to implement its preferred strategy to locate a significant number of affordable housing units at the State Fairgrounds. If the City ends up needing to implement the required rezone program (for failure to secure an agreement with the State 22nd District Agricultural Association by April 2024), the required implementation actions for the rezone program will be subject to future CEQA analysis, legislative actions, and processing through the required local and State public hearing processes. Any potential inconsistencies related to land use as a result of the rezone program would be addressed through a discretionary process at that time.

September 14,2020

RED DOT FOR SEPTEMBER 15 PLANNING COMMISSION MEETING

www.delmar.ca.us/telecomment

TO: Planning Commission
City of Del Mar
FROM: Joe Sullivan
2028 Ocean Front
President, Friends of Del Mar Parks
SUBJ: Item 1: 6th Cycle Program EIR and Housing Element Update

Please remove Sites 63 and 64 on 9th Street (PF Zone) from consideration for the needed additional housing in Del Mar. These sites are an integral part of Shores Park! This parcel is occupied by the former Del Mar School District administrative building now occupied by the Del Mar Foundation and Community Connections. It has always been understood that this use was temporary pending completion of a master plan for the community park. That master plan has been put on indefinite hold as a result of the Covid-19 budget cuts.

I am surprised and disappointed this park land is included in the staff report. The property was listed in the consultant's inventory of potential city-owned sites. But in all previous decisions of the Citizens' Committee, the Planning Commission and City Council Shores Park was removed from consideration.

This property was acquired by the City in 2008 through the efforts and generosity of community members. $2.5MM was raised by Friends of the Parks and $3MM was raised by the Winston community. The balance came from the sale of the abandoned reservoir site on Balboa (with the rationale that the City was "trading open space for open space".) Donors were assured by an August 2007 Resolution of the City Council that stated:

> …" The purpose of the acquisition is to preserve the current open space and recreational uses of the property, including the ball field, and to permit the continued operation of the private Winston School ….."

Further

> …" The City's long term goal is to maximize the open space and recreational uses on the property. Although other public uses are permitted on the property under current zoning, the City Council has no intention of pursuing other uses not consistent with the purpose of the acquisition…"

We respectfully ask this Planning Commission to recognize the park belongs to the City through the generosity of contributors who trust the City to maintain it and develop it as a community park. Please remove these Shores parcels from the 6th Cycle Housing Element Update. If they are given up for a mere potential 4-8 housing units then it follows that both Seagrove and Powerhouse Parks will be open for housing, if not now, sometime in the future. We will never get this open space back.

Respectfully submitted

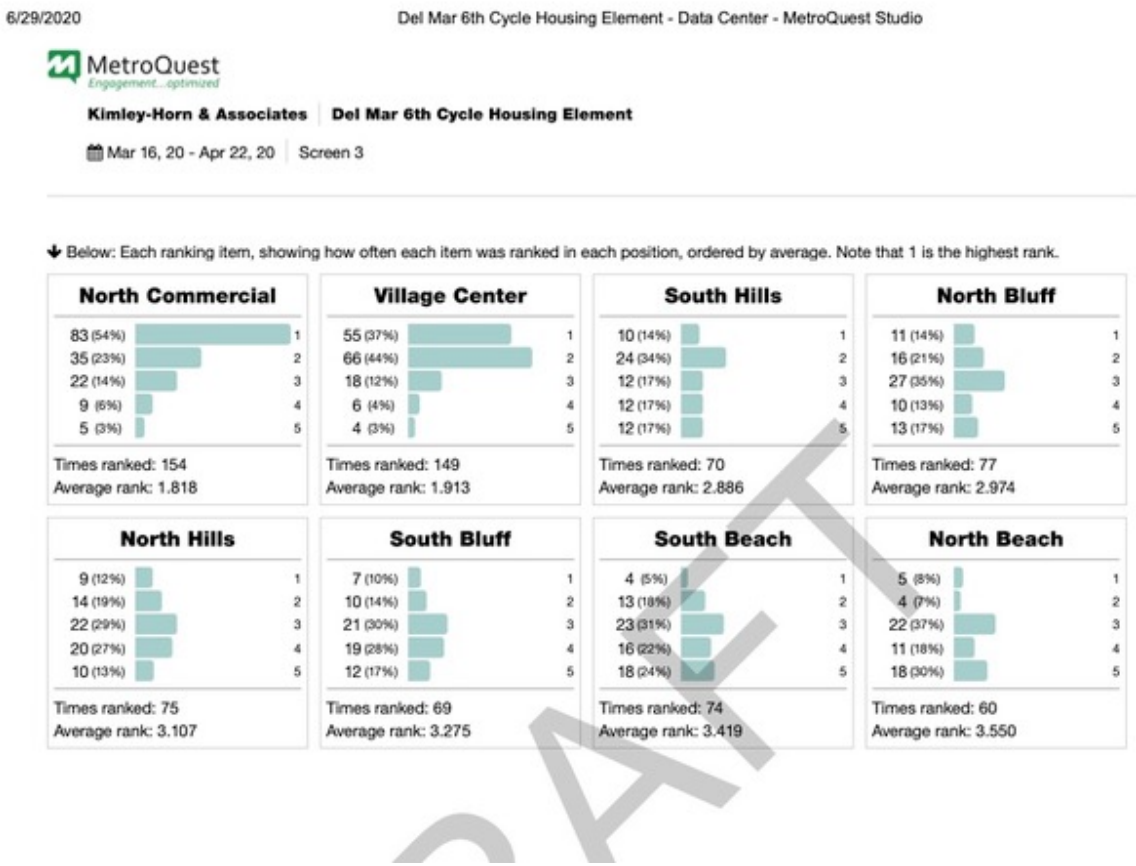
From: Jill Gartman Planning Commission 9/15/2020 Red Dot

To: Planning Commissioner

RE: ITEM 1 -6th Cycle Program EIR and Housing Element Update (GPA20-003)

Dear Commissioners:

Please note the resident survey conducted by the City of Del Mar in April 2020, where Del Mar residents voted ***overwhelmingly*** to add more housing in North Commercial and Village Center - not in the vacant lots on the north and south bluffs and not at Shores Park.



I hope you will consider these results when making decisions for the new housing element and also pass along the expert staff recommendation that the City Council should vote *again* to rezone North Commercial to 20 units per acre.

The staff report for the Draft 6th Cycle Housing Element (highlighted below) spelled out clearly the consequences that will result from blocking the North Commercial rezone. The block will necessitate Del Mar **first rezoning North Bluff** (where the Marisol Hotel was proposed) **and South Bluff off Stratford**

(commonly referred to as Staver property) t**o 25 units per acre with "by-right" development.** See paragraph pasted from staff report below.

As mentioned above, if the NC Zone is not amended to allow 20 du/ac, this strategy must be amended to accommodate an additional 20 affordable units through rezoning and an increase in inclusionary housing requirement, which will require that the program accommodate at least 71 affordable units via "by-right" development on all of the North Bluff and South Stratford properties.

Hopefully these costly consequences (including loss of local control) have become even more clear to the two "no" votes of Council Members Druker and Gaasterland since they blocked the rezone on September 8th.

Housing Program 1E: Citizens need to be able to understand all of the implications of the vote that blocked rezoning North Commercial - especially the impact on the bluff rezoning that is likely the next strategy to avoid State intervention. With regards to that, how likely is it that the Bluffs Slopes and Canyon Overlay zone that keeps the heights on the bluff at 14' will now have to be removed (see insert below from draft housing element)? Can you please ask city staff what they anticipate a development would look like on the bluffs - height requirements and FAR? How many total units do they anticipate on each bluff separately (affordable and above moderate units)?

These sites 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.

Housing Program 1D: Why would we go to the effort to rezone 72 parcels in Central Commercial Zone if only 2 lower income units are projected? Is it possible to take steps to further incentivize affordable units in the Central Commercial Zone? If yes, what would those steps be? From the survey results it was the second most desirable area for housing according to citizens, and incentivizing affordable units in the Central Commercial Zone is key to protecting our bluffs and recreational areas like the Shores Park and the courts on Court Street. Plus it helps lower GHG if people can live and work in Central Commercial and North Commercial.

Housing Program 3A - From the housing element: *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.*

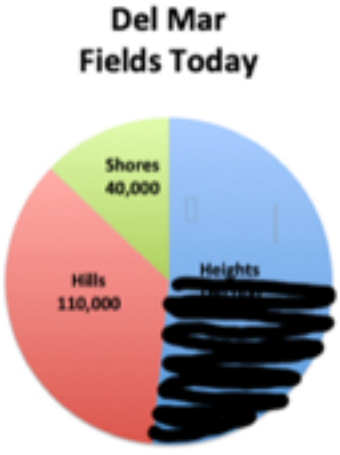
If North Commercial is not rezoned, and North and South bluff are rezoned instead, what will be the back up plan if Fairgrounds housing does not happen in 36 months for those 51 affordable units?

Housing Program 1H: From the housing element: *Public Facilities Zoning Amendments to allow residential development within 36 months.*

First, there was mention in the staff report of affordable housing on the second story of DMF and DMCC buildings. I understand those buildings will be torn down in remodeling this area, and I do not know whether new ones will be built to allow housing on their second story. The 2017 renderings for the Shores Park do not appear to have buildings for DMF and DMCC in them. If staff could clarify this suggestion that would be helpful.

Second, the proposed zoning change would open up the **entirety** of the Shores Property (including existing grass fields and hardtop play areas) for residential development. Is it possible to carve out some areas as dedicated recreational park space?

Del Mar residents that helped purchase the Shores property thought it would be a park - and there is still overwhelming public support for that idea. Additionally, Del Mar desperately needs this recreational space, especially with the loss of 2.1 acres of recreational space at the new Heights' Elementary School. Powerhouse Park is too packed with picnics to be a substitute and
the hard-courts on Court Street are also up for rezoning for housing.



Jan 2020 design would reduce total Del Mar fields by 25%

Jan 2020 design would reduce total Del Mar hardcourts by 25%

Part of the reason why it is so important to rezone North Commercial and Central Commercial is those areas do not have native habitat, they are not recreational parks, and they are not on fragile bluffs. It is exactly the kind of infill development that our city should pursue with as needed mitigation by developers to address safety and traffic concerns.

Thank you for the time in reading my letter and addressing my questions. Also thank you for volunteering your time and contributing to the greater good of Del Mar.

Sincerely,
Jill Gartman
Member, Concluded 6th Cycle Housing Element Ad-hoc Citizens' Task Force

Jennifer Gavin

From: Judd Halenza <judd@thejuddco.com>
Sent: Monday, September 14, 2020 4:19 PM
To: Planning Mail Box
Cc: Joe Sullivan
Subject: SUBJ: Item 1: 6th Cycle Program EIR and Housing Element Update

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please remove Sites 63 and 64 on 9th Street (PF Zone) from consideration for the needed additional housing in Del Mar. These sites are an integral part of the Shores Park. This park has a long history of being part of the City's open space. Private money was contributed for a portion of the purchase of the park. Those of us who contributed never envisioned that the land could become multifamily housing. Thank you for your consideration of this matter.

Regards, Judd Halenza

Re: ITEM 1 - 6th Cycle EIR and Housing Element Update, 9/15/2020 PC Hearing, Site 98(a-c)

Statement from the Staver Family:

We did not ask the City to upzone our property on Stratford Court, nor were we notified by the City about the potential plans to upzone it. We currently have no plans to develop or sell the property for development. However, we have trouble envisioning a scenario where we would develop the property or sell the property for development with a requirement to include 25% inclusionary housing. This criterion makes development appear uneconomical compared to the current use of the land – as a private residence along with the single-family home on a contiguous parcel – and is inconsistent with studies of inclusionary housing rates in nearby cities, such as San Diego and Encinitas, that have recently updated their housing element and/or inclusionary policies.

Dan Staver
Tom Staver
Ann Irwin
John Staver
Larry Staver

RED DOT – Planning Commission 09/15/2020

Dear Planning Commissioners,

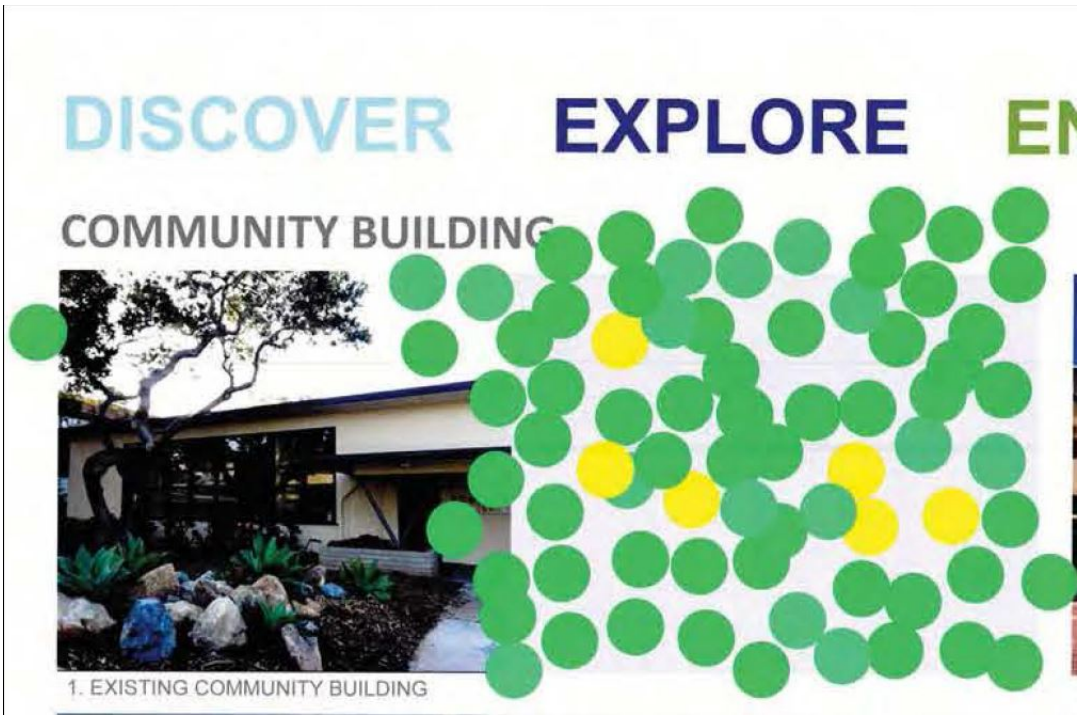
I note that a relatively small item presented in the Staff Report for tonight's meeting has been the focus of concerns expressed in the two Red Dots posted online to date, so I am writing to clarify this item.

The Staff Report identifies, as part of HEU Strategy #4, "4-8 small units on 9th Street (Del Mar Community Connections/Foundation Offices)–PEIR Sites 63 and 64: 0.38 acres (could involve potential incorporation into the Shores Park Master Plan)."

I assume the property is described this way in the Staff Report because the Shores Park Master Plan is still in the process of being created. However, I do not think anyone is proposing treating this property separately from Shores Park master planning and development. The Del Mar Community Building, at 225 9th St., currently operates based on an interim agreement with the City that allows community uses, including DMF and DMCC offices, while the Shores Park Master Plan is being developed.

However, the City Council has given direction to include a building in the Shores Park Master Plan for indoor recreational uses. Per the approved minutes of the July 6, 2015 City Council meeting: "Council provided staff with direction to incorporate indoor recreational programming space and offices for the community organizations operating those programs into the Del Mar Shores Park Master Plan." The Schmidt Design Group then presented three concept "bubbles" to Council on January 19, 2016. Two of those concepts involve the existing building with an addition; the third concept involves a new building in a different location on the Shores property. Further refinement of these concepts has been postponed, first due to a pause for shared-use discussions with Winston, then due to Covid-19 financial constraints. Whether adding small dwelling units as a part of the addition to the existing building, or the new building, is something that has not yet been explored by the Shores Advisory Committee or Schmidt Design Group, but I think it is a fair issue to explore, given the severity of our affordable housing crisis and our limited options.

While I think that all residents, including donors to Shores Park acquisition, are expecting and entitled to a Park, indoor recreational space is consistent with Park purposes, as highlighted by the many Shores Park workshop participants who "voted" with a dot to retain the existing building as a Community Center, illustrated by this poster from the workshop (with many other dots placed next to other images showing various replacement buildings in different styles):



(Those who donated through Winston already have the benefit of what they were promised: a long-term, 55-year lease, and rent credit to Winston for their donations.)

Speaking only for myself as a private citizen and resident, I would note two things: First, as of today, though we have three "entitled" affordable units (one dedicated ADU, two as part of 941 Camino Del Mar), Del Mar has not actually produced a single affordable unit to date, in part because our Housing Element has focused on providing opportunities for the private sector to produce them. This makes it understandable that a full inventory and evaluation of City-owned property is a part of the Draft HEU, because the City has more control over whether affordable housing is actually produced when its own property is involved. Second, I believe that actual production of affordable housing is not only going to be expected by the State going forward, but is also a positive thing for our City, because diversity is key to our future and our vibrancy as a community.

I am strongly in favor of protecting Shores Park for park purposes, including indoor recreational space. I am open to the concept of a small number of units as part of the recreational building, so long as it does not change the footprint and thus reduce open space.

Respectfully submitted,

Betty Wheeler
Seaview Ave.

Jennifer Gavin

From: Joseph Smith
Sent: Tuesday, September 15, 2020 12:04 PM
To: Jennifer Gavin
Subject: FW: Planning Commission red dot

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Tuesday, September 15, 2020 12:00 PM
To: Amanda Lee <alee@delmar.ca.us>
Cc: City Clerk Mail Box <CityClerk@delmar.ca.us>; Joseph Smith <jsmith@delmar.ca.us>
Subject: Planning Commission red dot

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

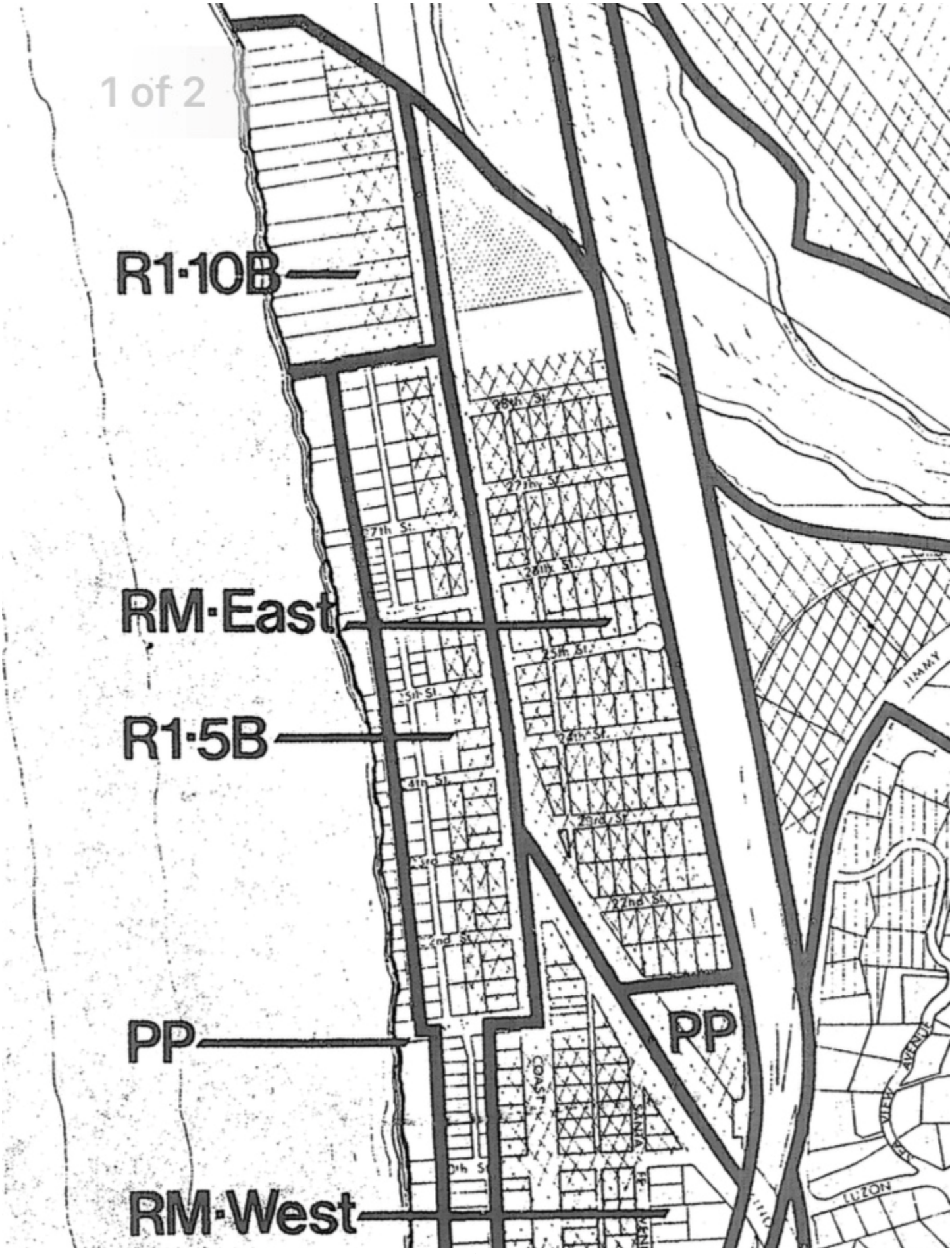
Dear Planning Commissioners and Staff,

Many properties in the R1-5b zone were originally developed as duplexes, previously a conforming use. However, current zoning no longer allows duplexes (unlike the adjacent RM-West and RM-East zones) in the R1-5b zone so redevelopment is reducing housing stock as the duplexes are torn down and replaced by single-family homes.

Here is the section of the zoning code from the adjacent RM-West and RM-East zones that could be added to R1-5b zone to allow duplexes:

“A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area.”

Here is the zoning map of the R1-5b, RM-West and RM-East zones:


R1·10B
RM·East
R1·5B
PP
RM·West
PP
28th St.
27th St.
26th St.
25th St.
24th St.
23rd St.
22nd St.
21st St.
20th St.
19th St.
18th St.
17th St.
16th St.
15th St.
14th St.
13th St.
12th St.
11th St.
10th St.
9th St.
8th St.
7th St.
6th St.
5th St.
4th St.
3rd St.
2nd St.
1st St.
JIMMY
COAST
SANTA
LUZON

Allowing duplexes in the R1-5b zone would not only meet the 6th Cycle Housing Element goal of preserving housing stock but also increase the number of allowable housing units in this zone from ~100 to ~200.

Even more significantly, allowing duplexes in the R1-5b zone would also reduce the 30% “buffer” added by HCD to Del Mar’s already unfairly inflated RHNA allocation (derived from temporary and seasonal jobs) to account for the potential loss of housing stock through redevelopment.

It is surprising that the housing element included highly used public sites in the PF zone like the Shores, City Hall, and the tennis courts yet omitted the vacant 3-acre train station property in the BC zone. This 3-acre site contains a historic train station that is less than 2,000 SF amidst acres of unused parking since the station closed decades ago. At 20 units/acre this 3-acre parcel could possibly accommodate 81 units (including 30% affordable housing density bonus). A development could easily incorporate the beautiful train station designed by famed architect John Austin.

The recreational element exaggerates the recreational opportunities in Del Mar and parkland as it does not distinguish between passive and active use. Del Mar’s only playing field for athletic teams is a little over an acre at the Shores. The only other greasy parkland is at Seagrove and Powerhouse Park which is not used by sports teams but by picnicking tourists and guests at frequent wedding receptions. Del Mar needs a lot more grassy parkland and other recreational areas for athletic teams and sports in order to attract more families with children.

The Housing Element should not include the following PF properties:

Area C at City Hall: This area was specifically configured to accommodate the historic Alvarado-Levi House, an original Jacob Taylor house from 1885, so it could return near its original home on 10th Street and be used at as Museum and archive open to the public. Unlike neighboring cities, Del Mar does not have a publicly available historic site as a museum or archive.

Shores: Unlike the other PF properties in Del Mar, it was the only one acquired as the result of private fundraising. $5.5M was donated to the Shores acquisition by private donors including $2.5M from the community and $3.0M from Winston School. To aid that fundraising campaign, the Del Mar City Council passed a resolution stating that the property was to be used for recreation and as a school.

Tennis courts: Del Mar only has two tennis courts.

Thanks for your consideration,

Laura

Sent from my iPhone

SAN DIEGO HOUSING FEDERATION

3939 Iowa Street, Ste. 1
San Diego, CA 92104
Phone: (619) 239-6693
Fax: (619) 239-5523
www.housingsandiego.org

September 15, 2020

Mr. Joseph Smith, AICP
Director, Planning & Community Development
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
Submitted via email: jsmith@delmar.ca.us

Re: Draft 6th Cycle Housing Element

Dear Mr. Smith:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6th Cycle Housing Element for the City of Del Mar.

The draft Housing Element contains several actionable items that will help Del Mar make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

Implementing State Legislation
The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will advance Housing Program 1H (Chapter 4 – 9) to provide opportunities for low and moderate income housing throughout the city. We applaud the city's goal to amend the Public Facilities (PF) Zone to allow for residential development on City-owned properties. Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing.

We are pleased to see Housing Program 1G (Chapter 4 – 7) included in this plan to update the City's Density Bonus Ordinance. We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "Equity and Climate for Homes," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing. AB 2345 has passed the legislature and is pending

signature by the Governor. Should the bill be signed, this could serve as a valuable tool to achieve the City's housing goals.

Local funding for affordable housing

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. As is recognized throughout the draft Housing Element, federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called "boomerang funds," as a local source of funding for affordable housing.

Affirmatively furthering fair housing and equity

As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee's Opportunity Map as areas of highest or high resource (Chapter 3 – 60) and the city is predominantly White with the White population comprising 91 percent of the City's population (Chapter 2 – 4). It is also noted that patterns of racial and ethnic concentration exist in the region (Chapter 3 - 64). The City of Del Mar should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, constraints on increasing housing supply such as the City's Historic Preservation Overlay (HPO) Zone and height limits should be examined for their role in creating exclusion.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Housing and Climate Change

Our September 2016 report, "Location Matters: Affordable Housing and VMT Reduction in San Diego County," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. In addition, the City's Climate Action Plan includes a goal to increase mass transit ridership. Currently, the draft Housing Element makes no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that Planning Department staff have dedicated to the draft Housing Element document and look forward to supporting the City of Del Mar in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,

Laura Nunn
Director of Policy & Programs

[redacted]

From: Linda Castile <lindacastile800@gmail.com>
Sent: Sunday, September 27, 2020 3:12 PM
To: City Clerk Mail Box
Subject: Opposition to 6th Cycle Housing Element and EIR allowing Housing at the Shores Park

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings:

I am firmly opposed to using parkland, which the citizens of Del Mar and community of the Winston School raised over five million dollars to purchase, for housing, rather than the intended uses of parkland and the Winston School.
With space at the north commercial district, Southfair, available, as well as space at the fairgrounds, I see no logical reason to take parkland away from the Del Mar community.

I strongly support affordable and low income housing in our community. Please consider/reconsider Southfair and the fairgrounds.

Sincerely,

Linda Castile

[redacted]

From: Joan Jones <joanjones551@gmail.com>
Sent: Sunday, September 27, 2020 4:38 PM
To: City Clerk Mail Box
Subject: Shores Park,

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are firmly opposed to 6 cycle housing project at Shores Park. 12 years ago myself and many others donated money and LOTS of our time to preserve this as open space for future generations. This park is used by so many residents and needs to be preserved. Gary& Joan Jones

From: JAMES KENNEDY <xn28dpos@aol.com>
Sent: Sunday, September 27, 2020 6:15 PM
To: City Clerk Mail Box
Subject: Opposition to 6th Cycle Housing Element and EIR allowing housing at Shores Park

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk:

Although I appreciate the City's need to comply with state low income housing requirements, I must express my strong opposition to the City's consideration of the property at Stratford Court and 9th Street ("Winston School/ Shores location") as a possible site for low income housing. Such a use would betray the trust Del Mar received when it acquired this property. This very important, special-purpose site, was intended for the Winston School and for City open space. As Del Mar considers where to locate new low income housing, this location should be considered no less sacred than any of its other important properties.

Twelve years ago our community joined with the Winston School to raise $5.5M, the largest fundraising campaign in Del Mar's history, to protect our only playing fields and a school serving children with learning differences. $2.5M was raised by the Friends of Del Mar Parks and $3M by Winston supporters. Donors were assured by an August 2007 Resolution of the City Council that stated:

"The purpose of the acquisition is to preserve the current open space and recreational uses of the property, including the ball field, and to permit the continued operation of the private Winston School …. The City's long term goal is to maximize the open space and recreational uses on the property. Although other public uses are permitted on the property under current zoning, the City Council has no intention of pursuing other uses not consistent with the purpose of the acquisition…"

Thus, parcels 63 & 64 in Shores Park should be removed as sites for housing from the 6thCycle Housing Element Update. Also, housing should not be added as an allowed use for any part of the 5.3 acre Shores property.

The Winston School/Shores location has not only been the subject of community cooperation in its acquisition, it has been the subject of an abundance of community meetings and design expenditures in our endeavor turn this location into something as important as any of Del Mar's other great properties. Despite the enormous amount of of time and money that this project has consumed, it is now being considered for a completely different use. This is not because it's a good site for low-income housing site (because it isn't), but because it's not finished, and it presents an easy solution to our low income housing problem.

Fortunately, Del Mar does not do something just because it seems easy;' we do things we can be proud of. With each of Del Mar's important properties, Del Mar overcame difficult challenges with the support of its community and it will not surprise me if Del Mar eventually does the same thing with low income housing. It will not likely be easy but someday, we will likely have low income housing that stands as an example of how to do it right, and I can fairly guarantee that

our City will not end up doing it alone. This is the Del Mar way, and cooperation from our community fairly demands that the City remain true to trust that our community has given Del Mar regarding the Winston School/Shores property.

In the unlikely event that Del Mar wishes to pursue low-income housing at this location, then it would be only right for the City to consider building low income housing at Seagrove Park, Powerhouse Park and City Hall. All of these are of a kind.

Thank you,

JAMES KENNEDY
707 Hoska Drive, Del Mar CA. 92014
858-755-8489

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Sunday, September 27, 2020 8:09 PM
To: City Clerk Mail Box
Subject: Opposition to 6th Cycle Housing Element and EIR allowing housing at Shores Park

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear City Council,

Thank you for all that you are doing for us Del Mar citizens and for always trying to find the best solution for all. I hear that there is a proposition coming up to allow re-zoning of some really precious areas so that we can build apartment complexes to fill our affordable housing quota. It is a very noble and kind thought, but I don't think that is the way to go. I think we can solve the affordable housing quota differently with some creativity.

I am against the re-zoning. Not only am I against overcrowding areas, I am also an environmentalist. I do not think we should sacrifice precious nature such as down by the San Dieguito river mouth, home to many birds, fish, and amphibian species. It has become a hot spot for bird watchers and naturalists. Let's leave the area alone to nature. There are already apartment complexes planned on the east side of Jimmy Durante. That is enough extra footprint on that piece of sensitive nature as it is. Also, that area is prime real estate and worth a fortune. That seems unnecessary luxurious as affordable housing. It is one of the prime spots California can offer in regards to real estate. If it were to be rezoned as housing, wouldn't it be better to sell it as prime real estate and then use some of the money for affordable housing in a more creative way?

If a re-zoning were to be, I understand that also other open areas, such as the Shores Park, is being threatened to be taken away to become apartment complexes. It's not right. It's the only green and open area we have! Please, no apartments there! That is not what The Shores Park was meant for. It is a park, meant for everyone to enjoy, stretch their legs, play some ball, play with our dogs. Not to be eaten up by housing complexes.

I can think of other ways to create affordable housings. For example, there are lots of people who rent out their houses. If they were to rent them out within the range of "affordable housing" cost, perhaps they could get some kind of tax break or any other creative way from Del Mar to make up for it. Same could go for people with large lots. If they were to build a small, 2 bedroom house in their backyard and rent it out as affordable housing, they could get some kind of tax break or in another way get rewarded for the lower rent. The same thing could be applicable for apartment complexes that are already there. There are lots of rentals and condos along Stratford Ct between 9th Street and all the way over to Del Mar Woods. Perhaps a negotiation could be done with the owners and the

landlords to reward them if some of the apartments/condos are offered as affordable housing.

From my experience, Del Mar is filled with good people who would be willing to sacrifice some of their own comfort to help those that are less fortunate. I do think that if there was a way to make it easy for people to rent out and/or build a small backyard home as affordable housing, many large lot owners would do it. I also think many condo owners who live in Del Mar but also own and rent out an extra unit, would also be more than willing to rent out their condos as affordable housing if they were rewarded in one way or the other from the City. At least it's worth a discussion and a brain storm with house and condo owners.

Please, do not take away the few open spaces we have left, and please, do not build more housing down by our precious San Dieguito river mouth. We have to leave some areas for nature!

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

[redacted]

From: Edward Evans <evans.edward7@gmail.com>
Sent: Thursday, October 01, 2020 12:04 PM
To: City Clerk Mail Box
Subject: item X.7 meeting 10/5/20: 6th Cycle Housing zelement Update

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,
I am totally against rezoning the Del Mar Community Plan, specifically the 16 parcels in the NC zone.
Respectfully,
Ed Evans
Balboa Avenue

[redacted]

Subject: FW: Red Dot Letter Regarding Housing Element Update

-----Original Message-----
From: Burnet Wohlford <bfwohlford@yahoo.com>
Sent: Thursday, October 1, 2020 1:03 PM
To: Amanda Lee <alee@delmar.ca.us>
Subject: Red Dot Letter Regarding Housing Element Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

Please register my objection to the North Commercial and Housing element that revises the Community Plan Amendment. I do not support the zone changes. The congestion in the north corridor of Del Mar is already significant. We do not need an increase in population or traffic- especially in the area with the round about.

Regards,

Burnet F. Wohlford
2102 Ocean Front
Del Mar, CA. 92014

Sent from my iPad

City of Del Mar
Memorandum

TO: Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner

DATE: October 2, 2020

RE: Item 7: 6th Cycle Program Environmental Impact Report and Draft Housing Element Update – General Plan Amendment (GPA 20-003)

The attached FAQ sheet provides a summary of questions received by City staff on this item. Staff's responses are provided for each. This FAQ is also located on the dedicated 6th Cycle Housing Element webpage at www.delmar.ca.us/HousingElement.

This FAQ will continue to be updated and re-posted as any additional questions are submitted and responded to.

Attachment:
Attachment A – 6th Cycle Housing Element FAQ

CITY OF DEL MAR
HOUSING ELEMENT UPDATE

Frequently Asked Questions (FAQ)

Revised 10/2/2020

1. **What is the Housing Element?**
2. **What is the Regional Housing Needs Assessment (RHNA)?**
3. **Why is the City updating its Housing Element?**
4. **Does an updated Housing Element require a Community Plan amendment?**
5. **Where can I find more information about the Housing Element process?**
6. **Is there an Environmental Impact Report (EIR) being prepared?**
7. **Where can I find the data from the online Community Housing Survey?**
8. **What is the 6th Cycle Housing Element Update Ad-Hoc Citizens Task Force?**
9. **Are all of the "High Priority" recommendations from the Citizens' Task Force Housing Production and Preservation Subcommittee Report analyzed in the Final Program EIR?**
10. **Are all of the "Medium Priority" recommendations from the Task Force Housing Production and Preservation Subcommittee Report analyzed in the Final Program EIR?**
11. **Why are some of the "Extremely Low" options from the Task Force Housing Production and Preservation Subcommittee report included in the Final Program EIR?**
12. **Why isn't there a greater focus on Accessory Dwelling Units (ADUs) in the Final Program EIR?**
13. **The City has had success in applications for ADUs. Does the Pilot Program and the ADU program count toward the RHNA numbers in the 5th Cycle? Have these been permitted yet to count? Would the new ADUs count towards the 6th Cycle?**
14. **In the City's current 5th Cycle Housing Element, was the City's goal for the eight-year planning period (2013-2021) to allow an accommodation for 55 affordable housing units?**
15. **During the current 5th Cycle Housing Element, what is the exact number of affordable units that were "produced" over the eight-year planning period (2013-2021) that will count towards this goal? Where are they located?**
16. **What date does the 5th Cycle actually end?**
17. **If the units that were to be produced in the 5th Cycle are actually produced at the start of the 6th Cycle, will these units count towards the City's 163 unit requirement plus carryover units required in the 6th Cycle?**
18. **How many affordable units will carryover from the 5th Cycle into the 6th Cycle?**
19. **Would units built as of June 30, 2020 count toward 5th Cycle fulfillment?**
20. **Would all units built after June 30, 2020 count toward 6th Cycle fulfillment?**
21. **How many RHNA affordable units were to come from the proposed "Watermark" project, which is related to Program 2-G in the 5th Cycle Housing Element? City staff**

has stated 19 in one of the Citizens' Task Force meetings when discussing the estimated 41 to 46 carryover included in the Draft PEIR. Is this correct? If not, what is the correct number? What exactly is the estimated 41 to 46 unit carryover made up of?

22. **I was told that the developer of the proposed "Watermark" development disclosed that the City of Del Mar's representative actually approached the developer for development. I did not realize the City's scope was to source development. Is this standard practice?**
23. **What happened to the proposed "Watermark" project? The developer was supposed to come back with a plan and it has been a couple of years and nothing has happened. If and when this project happens, will the number of units built count in the housing cycle when units are built? In other words, if the date completed is after the 5th Cycle is over, which seems likely, will these units count to either lower the carryover for the 6th Cycle or count towards the 6th Cycle number which is 163 plus carryover?**
24. **If Program 2-G is one of the programs the City is expecting to complete, what will be the completion date?**
25. **The proposed "Watermark" project requires a rezone of two contiguous parcels. How many votes are required by the City Council to approve a rezone – three or four? What happens if the rezone does not pass?**
26. **With regard to Programs 2-E (North Commercial) and 2-F (Professional Commercial) from the 5th Cycle Housing Element, what happens if the City does not complete these two programs, specifically the ramifications?**
27. **When these amendments were questioned in one of the Citizens' Task Force meetings, it was explained that the previous City Council in 2012 had approved the Housing Element and, therefore, the Community Plan was changed. However, given that these amendments require an EIR in order to be approved by the current City Council, how could a City Council, based on the process City staff has shared with the prior Citizens' Task Force, make such a decision without knowing the EIR impact to the proposal and then expected it will be completed if in fact the EIR does not support the recommendation?**
28. **When is the next Housing and Community Development (HCD) meeting? Do the two City Council Housing Liaison's (Gaasterland/Worden) attend these meetings with staff as they do for the Fairgrounds and with other agencies? My thought is that when a case is made on pending issues or negotiations, our elected officials may carry more weight with HCD.**
29. **I note after reading an article recently published that in the State of California, only 26 jurisdictions completed their Housing Elements and were certified. Most all did not and it was stated HCD is working with them. So, if we are not certified because we did not complete, say, all programs for the 5th Cycle, what are those ramifications for our City, and are there any for our City's Planning staff performance and careers?**
30. **What are the proposed changes to development standards in the North Commercial (NC), Professional Commercial (PC), and Central Commercial (CC) zones for the 6th Cycle Housing Element?**
31. **What is the current Floor Area Ratio (FAR), lot coverage limit, and height limit in the North Commercial (NC) Zone?**

32. **What is the current FAR, lot coverage limit, and height limit in the PC Zone?**
33. **What are the current FAR, lot coverage, and height limit in the downtown CC zone?**
34. **If the "Watermark" property is developed under the 2-E/2-F/2-G up-zone, and if they submit a plan for 46 units and thus meet the "by right" conditions, they could ask for and get from the State an increase in FAR and/or coverage and/or density and/or height and/or what else? Formulas in the State code will kick in to specify the "by right" details. Would the development not go through the Design Review Board (DRB), Planning Commission, or Council?**
35. **Regardless of a "Watermark" development being "by-right" or subject to the City's discretionary process, would it still be subject to the Coastal Commission's review?**
36. **The 5th Cycle Housing Element depended on Programs 2-E and 2-F to create capacity to fulfill the City's RHNA allocation. If Programs 2-E and 2-F are not accomplished, there may be consequences including losing certification of the 5th Cycle Housing Element, which in turn opens up possible enforcement by the State. Is that correct?**
37. **Separately from "Watermark", Del Mar will be penalized for some of all of the 19 (of 22) assigned 5th Cycle affordable housing units that were not built. 22 were assigned. Three received discretionary permits and are underway, leaving 19 unbuilt.**
38. **The draft 6th Cycle Housing Element Update refers to a NC zone amendment at 20 du/ac. Program 2-G in the current 5th Cycle Housing Element calls for 20-25 du/ac "by right" on the "Watermark" parcels which is also part of the NC zone. How are these two reconciled?**
39. **Does the State have to abide by the City's zoning regulations on the State-owned Fairgrounds property?**
40. **If residential becomes an allowed primary use in a commercial zone, does this mean short-term rentals (STRs) could also be allowed and operated?**
41. **Why does the draft 6th Cycle Housing Element plan for 113 affordable units when the City's RHNA allocation was 101 affordable units?**
42. **Is the penalty for the private Watermark property not being developed during the 5th Cycle 9 affordable units?**
43. **Is it correct that the City's 6th Cycle RHNA requirement for moderate and above moderate units can be achieved without rezoning? How many of these units can be achieved by ADUs?**
44. **How many moderate and above moderate units could be achieved in the 6th Cycle with the preservation of existing duplexes and possible creation of new duplexes in the R1-5B zone?**
45. **Where and why is it required that the City would have to up-zone for 50% (not 100%) of the City's 6th Cycle RHNA requirement of 101 affordable units?**
46. **Is it true that at most 20% of an up-zoned parcel can be affordable units? Is that a cap imposed by the State or by the City of Del Mar?**
47. **Is there a way for an up-zoned parcel in Del Mar to be given a cap of 30% affordable units or even more (e.g., 40% or 50% has been done elsewhere - Los Gatos has 50% and Corte Madera has 30%)?**

48. **Is there a new density bonus law that was recently signed by the Governor and, if so, does it allow density bonus increases up to 50%?**
49. **Assuming zoning that allows residential at 20 du/ac under the new AB2345 law (50% density bonus), what would the new maximum number of units be on sites zoned at 20 dwelling unit per acre for the following areas considered in the 6th Cycle Housing Element Update: NC Zone, PC Zone, the North Bluff, and the South Stratford properties?**
50. **A letter was submitted to the Planning Commission for their September 19, 2020 meeting from the owners of the South Stratford properties. Does this correspondence impact how HCD would view the potential for that property?**
51. **How long does an affordable unit need to be deed restricted as affordable?**
52. **Of the potential candidate sites considered, specifically vacant sites, why were the vacant sites on San Dieguito Road not included in the proposed 6th Cycle Housing Element Update?**
53. **Was sufficient noticing provided to the public for the housing related items on the October 5, 2020 City Council meeting (6th Cycle Housing Element Update and NC Amendments)?**
54. **Can an amendment to the Community Plan be brought to a public hearing without fully noticing the community? Is an ad in the Del Mar Times sufficient to let people know?**
55. **Did the ad that the City placed in the Del Mar Times appear last week (September 24), or this week (October 1), or both?**
56. **Could consideration of the two items on October 5, 2020 be delayed to the next hearing to allow for additional mailed noticing?**

1. What is the Housing Element?

The Housing Element is a State-mandated policy document within the Del Mar Community Plan (General Plan) that provides direction for the implementation of various programs to meet existing and projected future housing needs for all income levels within the Del Mar community. The Housing Element provides policies, programs, and actions that accommodate growth, produce opportunity for the development of new housing units, preserve existing housing stock, and assist the existing population.

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

2. What is the Regional Housing Needs Assessment (RHNA)?

The Regional Housing Needs Assessment (RHNA) is mandated by State law to quantify the need for housing throughout the State and each city in the San Diego region. This will inform Del Mar's local planning process to address existing and future housing need resulting from the San Diego region's projected growth in population, employment, and households.

The San Diego Association of Governments (SANDAG) is responsible for overseeing the RHNA process for the San Diego region. SANDAG is currently overseeing the 6th Cycle RHNA, which covers the 2021-2029 planning period.

For the 2021-2029 planning period, the City of Del Mar was allocated 163 units at various income levels that the City must create adequate sites and accommodate capacity for. The Housing Element must identify the City's ability to accommodate the assigned RHNA through available sites and appropriate zoning. The 6th Cycle RHNA for Del Mar is as follows:

6th Cycle RHNA Allocation by Income Category

Income Category	Income Range*		RHNA Allocation
	Min	Max	Housing Units
Very Low (31% to 50%)	$26,753	$43,150	**37 units**
Low (51% to 80%)	$43,151	$69,040	**64 units**
Moderate (81% to 120%)	$69,041	$103,560	**31 units**
Above Moderate (120% or more)	$103,560	> $103,560	**31 units**
		TOTAL	**163 units**

* Income range is based on the 2019 San Diego County Area Median Income of $86,300

3. Why is the City updating its Housing Element?

The City is required by State Housing law to update its Housing Element every eight years. The Housing Element is part of the City's Community Plan (General Plan). The current certified 5th Cycle Housing Element is for the 2013-2021 planning period. The City is in the process of preparing its 6th Cycle Housing Element for the 2021-2029 planning period.

4. Does an updated Housing Element require a Community Plan amendment?

The Housing Element is a part of the City's General Plan (Community Plan). When the City updates its Housing Element every eight years to meet State law, a Community Plan amendment

is required. Per State law, a Community Plan amendment requires that the Planning Commission hold a hearing to provide a recommendation to the City Council. The City's local Ordinance that adopted the Community Plan stipulated that amendments to the Community Plan shall require approval by a supermajority of the Council (4/5 vote for approval). That approval requirement is more restrictive than what is required by the State, which by comparison only requires a simple majority (3/5 vote for approval). If the City's more restrictive local approval process for Community Plan amendments ends up being a governmental constraint to fair housing in violation of State mandates, then the State can impose enforcement penalties per Govt Code section 65585.

5. Where can I find more information about the Housing Element process?

The City has a dedicated webpage for the 6th Cycle Housing Element Update that can be viewed at the following link: www.delmar.ca./HousingElement

6. Is there an Environmental Impact Report (EIR) being prepared?

Pursuant to the California Environmental Quality Act (CEQA), the City of Del Mar is considered the "lead agency" for the proposed 6th Cycle Housing Element Update and, therefore, is subject to environmental review under CEQA. CEQA Guidelines §15063 provides that if a lead agency determines that an EIR will clearly be required for a project, an Initial Study is not required. Pursuant to CEQA, the Housing Element Update is considered a "project" because it is a program characterized by a series of actions. The City has already determined that an EIR will need to be prepared based on the Project's potential to create short-term, long-term, and cumulative impacts associated with other development. Therefore, a draft and final "Program-level" EIR (PEIR) was prepared and can be viewed at the following link: www.delmar.ca.us/HousingElement. The draft PEIR was circulated for public review and comment for 60 days (July 2, 2020 through August 31, 2020). The Final PEIR will be considered by the City Council at their meeting on October 5, 2020. A copy of the agenda and related information for that meeting is available here: www.delmar.ca.us/AgendaCenter

7. Where can I find the data from the online Community Housing Survey?

One of the tools used during development of the Housing Element Update was an online Community Survey that took place from March 16 to April 20, 2020. The Survey was designed to gather feedback and preferences for a variety of topics related to housing production, candidate housing sites, impediments to housing production, and community assistance programs. The data from the Survey is available in excel format via the links below (click underlined titles to access Excel sheets) or at www.delmar.ca.us/HousingElement (scroll to bottom and click on tab "Reports & More"):

> Priority Program Data (Excel) In this section of the survey, participants were asked to click through three individual slides and provide various program areas with a 1 to 5-star rating (1 being least appealing, 5 being most appealing). Each slide consisted of five potential programs targeted at a specific goal. The slides covered the topic areas of preservation of existing housing stock, production of housing stock, and community assistance programs. See: www.delmar.ca.us/DocumentCenter/View/6768/1---Priority-Programs
>
> Potential Housing Location Data (Excel) In this section of the survey, eight different areas of the City were listed where future housing could be located. Participants were asked to select at least three areas where they would like to see housing be

developed. Of the three selected, participants were also asked to rank them in order: #1 being most desirable location, #2 being the second most desirable, and #3 being the third most desirable. See: www.delmar.ca.us/DocumentCenter/View/6769/2---Potential-Housing-Locations

Removing Constraints Data (Excel) In this section of the survey, eight different incentives were listed with the goal of addressing potential constraints to developing housing. Participants were given a total of 45 stars or "chips", and asked to distribute the chips amongst the potential incentives that interested them the most. See: www.delmar.ca.us/DocumentCenter/View/6770/3---Removing-Constraints

Wrap-up Slide Comments and Inputs (Excel) See: www.delmar.ca.us/DocumentCenter/View/6771/Wrap-Up-Slide-Comments-and-Inputs

8. What is the 6th Cycle Housing Element Update Ad-Hoc Citizens Task Force?

A Citizens' Task Force was appointed by the City Council on January 13, 2020. The mission of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Task Force) was to:

- Aid the City in preparation of the associated environmental document for the 6th Cycle Housing Element Update in compliance with CEQA;
- Provide a public forum to help inform and encourage Housing Element participation amongst fellow Del Mar citizens; and
- Discuss and provide feedback on potential goals, policies, programs, and objectives to be included within the 6th Cycle Housing Element.

As part of their overall work effort, the Task Force divided themselves into three separate subcommittees: Communications; Community Assistance; and Housing Production and Preservation. Each subcommittee produced a report that can be viewed at: www.delmar.ca.us/HousingElement (scroll to bottom and click on tab "Reports & More").

The Task Force held nine meetings that were open to the public generally every other week for approximately four months; and held a Community Workshop on Saturday, February 29, 2020. The Citizens' Task Force completed its scope in May 2020 and presented a final summary of its work to the City Council at their June 15, 2020 meeting. The Citizens' Task Force is no longer an active committee. You can view past meetings of the Task Force and their meeting minutes here: www.delmar.ca.us/AgendaCenter

9. Are all of the "High Priority" recommendations from the Citizens' Task Force Housing Production and Preservation Subcommittee Report analyzed in the Final PEIR?

Yes, all nine High Priority recommendations (ten including Accessory Dwelling Units or ADUs) are sufficiently analyzed in the Program EIR (PEIR) at the program-level. The nine priorities consist of five City properties; three Fairgrounds properties; and the Central Commercial (CC) zone, all of which are listed below:

1. Zuni Water Tank / 12th Street and Luneta Drive Vacant Lot – see Public Facilities/City owned land Focus Area
    a. The Zuni water tank site is sufficiently covered under both the North Commercial (NC)/Professional Commercial (PC) Final PEIR certified by the City Council on September 8, 2020 as well as the Final PEIR at a program-level prepared for the 6th Cycle Housing Element Update

   b. However, the 12th Street and Luneta Vacant Parcel that was added by the Subcommittee in the final iteration of their report under #1 is listed as a "Park" in the Recreation Element of the City's Community Plan. This parcel was purchased/accepted by the City with a deed restriction reserving it as passive use open space; therefore, it cannot be relied upon for future housing
2. City Owned 28th Street Property – see Public Facilities/City owned land Focus Area
   a. The 28th Street site is sufficiently covered under both the NC/PC Final PEIR as well as the Final PEIR prepared for the 6th Cycle Housing Element Update
   b. Site is located in the Floodplain Overlay Zone
3. City Hall Expansion Site – see Public Facilities/City owned land Focus Area
   a. The City Hall expansion site is sufficiently covered under both the NC/PC PEIR as well as the Final PEIR at a program-level prepared for the 6th Cycle Housing Element Update
4. Surf and Turf R.V. Park – see Fairgrounds Focus Area
   a. The Site is located within the City of San Diego and FEMA floodplain and is sufficiently analyzed in the Final PEIR at a program-level for residential use
   b. Fairgrounds makes up 78% of total candidate site acreage (266 out of 304 acres)
   c. Concept for the City to provide all housing at fairgrounds is addressed in the Final PEIR Alternatives
5. Residential in CC zone – see Downtown Village Focus Area
   a. CC Zone is sufficiently covered in the Final PEIR at a program-level for residential development up to 20 dwelling units per acre (DU/AC) (one acre is equivalent to 43,560 square feet)
   b. The Downtown Village Focus area also includes the Del Mar Hotel Specific Plan (HSP) and Del Mar Plaza Specific Plan (PSP)
   c. The draft Housing Element Update set for City Council's review on October 5, 2020 includes a program to explore potential for future partnerships/agreements to locate small affordable units on sites with existing hotels, retail, and multiple-dwelling units
6. Pine Needles Water Tank – see Public Facilities/City owned land Focus Area
   a. The site is sufficiently covered under both the NC/PC Final PEIR as well as the Final PEIR at a program-level prepared for the 6th Cycle Housing Element Update
   b. Is located in the Wildland Urban Interface (WUI) area
7. 10th Street / Highland Water Tank – see Public Facilities/City owned land Focus Area
   a. The site is sufficiently covered under both the NC/PC Final PEIR as well as the Final PEIR at a program-level prepared for the 6th Cycle Housing Element Update
8. Convert Del Mar Fairgrounds track housing to affordable units – see Fairgrounds Focus Area
   a. The Site is sufficiently analyzed in the Final PEIR at a program-level for residential use
   b. Fairgrounds makes up 78% of the City's total candidate site acreage (266 out of 304 acres)
   a. Concept for the City to provide all housing obligations at Fairgrounds is considered in the Alternatives Section of the Final PEIR
9. Convert an existing Fairgrounds livestock / horse barn to housing – see Fairgrounds Focus Area
   a. The Site is sufficiently analyzed in the Final PEIR at a program-level for residential use

   b. Fairgrounds makes up 78% of th3 City's total candidate site acreage (266 out of 304 acres)
   a. Concept for the City to provide all housing obligations at Fairgrounds is considered in the Alternatives Section of the Final PEIR
10. Accessory Dwelling Units (ADUs) in General – ADUs are a required component of the Housing Element per State Housing law
   a. ADUs are currently required to be allowed via a ministerial process (exempt from CEQA and City discretionary review, such as Design Review) in all zones where residential is allowed
   b. ADUs are not more detailed in the Final PEIR because they are currently allowed by-right under City ordinance and are considered a "Baseline" condition for the housing analysis per CEQA
   c. Housing Element Update includes multiple ADU-related programs relating to an amnesty program and to extend/enhance the existing Pilot Incentive Program to produce deed restricted affordable ADUs

The referenced Subcommittee report is available here:
www.delmar.ca.us/DocumentCenter/View/6921/Housing-Production-and-Preservation-Subcommittee-Report

10. Are all of the "Medium Priority" recommendations from the Task Force Housing Production and Preservation Subcommittee Report analyzed in the Final PEIR?

Yes, all of the Medium Priority recommendations from the Subcommittee are sufficiently analyzed in the Final PEIR at a program-level. The Medium Priorities from the Report are listed below:

1. The northeast corner of Shores Park that includes the Del Mar Community Connections (DMCC) and Del Mar Foundation (DMF) offices on 9th Street
2. Jimmy Durante / Via de la Valle Right-of-Way – This option could not happen without the incorporation of State-owned Fairgrounds property which is sufficiently analyzed in the Final PEIR at a program-level
3. Site that includes the water tower on Crest Road

11. Why are some of the "Extremely Low" options from the Task Force Housing Production and Preservation Subcommittee report included in the Final PEIR?

The larger "park" portion of Shores Park and the City Hall's northeast corner on 11th Street were excluded from the PEIR analysis. However, to meet the requirements of State Housing law, the City must show capacity for a minimum of 50% of the City's lower income RHNA (101 units) on vacant land over 0.5 acres and under 10 acres in size. The sites which meet this criteria are the North Bluff and South Stratford Focus Areas described in the Final PEIR. The only way for the City to exclude these sites as a potential rezone program at 20 dwelling units per acre (du/ac) per State Housing law is if there is a clear path for production of all required affordable units that is identified with agreements already secured. To date, the City does not have these types of agreements in place. The City can gain Housing Element certification if it includes this required rezone program, but does not necessarily need to follow through with implementation of the program if the City is able to successfully produce agreements for affordable units on alternative sites such as the Fairgrounds.

12. Why isn't there a greater focus on Accessory Dwelling Units (ADUs) in the Final Program EIR?

ADUs are not addressed in more detail in the Final PEIR because they are considered a Baseline condition (i.e., already incorporated in the City's codes at the time the Notice of Preparation of the Draft EIR was published in February 2020). That said it is important to remember that the Final PEIR (i.e., environmental analysis pursuant to CEQA) and the Housing Element Update (i.e., Community Plan policy document for 6th Cycle planning period) are two different documents. ADUs are a required component of the Housing Element Update and will be a key strategy to accommodate a portion of the City's RHNA. Future actions relating to an amnesty program and extension/enhancement of the Pilot Incentive Program were identified in the Final PEIR together with other potential action programs. The absence of other creative ADU-related program ideas put forth by the Task Force Housing Production and Preservation Subcommittee within the Final PEIR did not mean that they would not be considered or included in the Housing Element Update. It just meant that they did not need further environmental analysis or classification as capacity-related action programs.

13. The City has had success in applications for ADUs. Does the Pilot Program and the ADU program count toward the RHNA numbers in the 5th Cycle? Have these been permitted yet to count? Would the new ADUs count towards the 6th Cycle?

This statement incorrectly assumes that the City has had success with Accessory Dwelling Units (ADUs) overall. The low production of ADUs over a 20+ year period since the applicable second unit and ADU laws have been in effect is not considered to be a success by the State. The City has only produced two ADUs to date. One ADU was produced in 2018 and the other was an existing unpermitted unit that was legalized as a Junior ADU (JrADU) in 2020. The City does not have confirmation from either property owner as to how either of these ADUs are being used, or if they are even being used as housing units.

Any ADUs or JrADUs produced (i.e., been issued building permits) since June 30, 2020 will be reported to HCD for credit towards the 6th Cycle progress reports. The most critical point that HCD cares about is whether or not the units will be deed restricted affordable (i.e., to be counted towards the City's obligation for the 6th Cycle allocation of 101 assigned lower income RHNA units + 12 estimated carryover affordable units). To date, the City has only one permit approval for a deed restricted affordable ADU; and that one affordable ADU unit has not yet been constructed. This unit is credited toward the City's 5th Cycle RHNA and is the only affordable unit (of 22 required) credited to that cycle. The City can try to obtain data via a survey of property owners with ADUs; however the State made it clear that the City cannot require a response to those surveys from the property owners or residents, and there is no guarantee that ADUs or JrADUs without a recorded deed restriction can be counted as affordable units towards the City's RHNA obligation.

14. In the City's current 5th Cycle Housing Element, was the City's goal for the eight-year planning period (2013-2021) to allow an accommodation for 55 affordable housing units?

No, the City's goal and obligation per State Housing law was to create adequate sites to accommodate production of 22 affordable units, which included the 12 lower income units (7 Very Low and 5 Low) assigned to the City through the 5th Cycle Regional Housing Needs Assessment

(RHNA) process and an additional 10 Low income penalty units that were assessed because the City failed to comply with its 4th Cycle housing obligations.

15. During the current 5th Cycle Housing Element, what is the exact number of affordable units that were "produced" over the eight-year planning period (2013-2021) that will count towards this goal? Where are they located?

The City did not meet its obligations for creation of adequate sites or production of RHNA affordable units in its 5th Cycle (production period ended on June 29, 2020). Of the 22 affordable units required, the City produced 0 of 7 Very Low income units and 1 of 15 Low income units. During the 5th Cycle production period, a building permit was approved for the one affordable ADU (that will be deed restricted for rent to a low-income household for 30 years.) The approved low income unit is approved for construction and will be located in the North Hills community plan district. HCD will confirm how approval of the one affordable ADU will be counted towards the City's overall housing obligation, which includes the assigned 6th Cycle RHNA plus carryover obligations and penalties anticipated for the deficit associated with the 5th Cycle.

16. What date does the 5th Cycle actually end?

The production period for the 5th Cycle ended on June 29, 2020, meaning that any unit which obtains building permits from June 30, 2020 forward would be credited toward the City's 6th Cycle housing cycle.

17. If the units that were to be produced in the 5th Cycle are actually produced at the start of the 6th Cycle, will these units count towards the City's 163 unit requirement plus carryover units required in the 6th Cycle?

Units are considered "produced" when building permits are issued. Production toward the 6th Cycle started on June 30, 2020.

18. How many affordable units will carryover from the 5th Cycle into the 6th Cycle?

As noted in prior responses, City staff has been diligently trying to obtain confirmation from HCD staff as to the exact number of carryover units for the 6th Cycle. It is City staff's understanding that 12 carryover affordable units from the City's 5th Cycle RHNA will be required by HCD. As such, the Housing Element Update to be considered by the City Council on October 5, 2020 is referencing a requirement of 113 affordable units (i.e., 101 affordable units from 6th Cycle RHNA + 12 carryover affordable units).

19. Would units built as of June 30, 2020 count toward 5th Cycle fulfillment?

Units produced (i.e., issued building permits) starting June 30, 2020 through April 15, 2021 count towards the 6th Cycle, so units produced June 29, 2020 and earlier count toward the 5th Cycle.

20. Would all units built after June 30, 2020 count toward 6th Cycle fulfillment?

Yes, at the time building permits are issued.

21. How many RHNA affordable units were to come from the proposed "Watermark" project, which is related to Program 2-G in the 5th Cycle Housing Element? City staff has stated 19 in one of the Citizens' Task Force meetings when discussing the estimated 41 to 46 carryover included in the Draft PEIR. Is this correct? If not, what is the correct number? What exactly is the estimated 41 to 46 unit carryover made up of?

The confusion has to do with the number of required "adequate sites" for affordable units versus the deficit of adequate sites and total units produced that would be required by HCD as a carryover into the 6th Cycle. City staff has been diligently trying to confirm the number of total units required for the carryover of 5th Cycle Housing Program 2-G into the 6th Cycle Housing Element; however, Program 2-G is a program mandated by the State in the City's 5th Cycle Housing Element to account for 10 affordable units from the City's 4th Cycle Housing Element that did not get accommodated. Though related, these 10 affordable units are separate from the City's 5th Cycle RHNA of 12 affordable units. For the sake of the draft environmental analysis in the 6th Cycle Draft PEIR, City staff assumed an estimated carryover of adequate sites for 46 total units, which is based on the calculation of 2.3 acres and 20 du/ac (totals 46 units, which includes affordable units) due to the City's failure to rezone the two vacant lots owned by Watermark LP for 5th Cycle Housing Element pursuant to Program 2-G. The total affordable units required from the 5th Cycle was 22 units. It is City staff's understanding that 12 carryover affordable units will be required by HCD for its 5th Cycle RHNA, but that the City is still obligated to implement Program 2-G to account for its 4th Cycle carryover. As such, the Housing Element Update to be considered by the City Council on October 5, 2020 is referencing a requirement of 113 affordable units (i.e., 101 affordable units from 6th Cycle RHNA + 12 5th Cycle carryover affordable units).

22. I was told that the developer of the proposed "Watermark" development disclosed that the City of Del Mar's representative actually approached the developer for development. I did not realize the City's scope was to source development. Is this standard practice?

This question relates to the 5th Cycle Housing Element Update process that occurred prior to the later proposed "Watermark" project that had been submitted via a Specific Plan. It also occurred at a time when the City's current housing team was not involved. City staff is not sure of the alleged events, but can confirm that the City had failed to meet its obligations for the 4th Cycle Housing Element and was in need of solutions for its 5th Cycle to minimize risk and avoid additional penalties beyond the 10 low income penalty units that were assessed at the time. Also, it is important to note that Program 2-G and the "Watermark" project are not the same project or required action even though they involve the same two parcels. Program 2-G requires a rezone action to create capacity for adequate sites on two parcels for "by-right" (or "ministerial" meaning no discretionary processing such as Design Review) residential development with an affordable housing component; whereas the "Watermark" project that was submitted later was for approval of a Specific Plan and the development of dwelling units through a discretionary approval process.

23. What happened to the proposed "Watermark" project? The developer was supposed to come back with a plan and it has been a couple of years and nothing has happened. If and when this project happens, will the number of units built count in the housing cycle when units are built? In other words, if the date completed is after the 5th Cycle is over, which seems likely, will these units count to either lower the carryover for the 6th Cycle or count towards the 6th Cycle number which is 163 plus carryover?

The Watermark Del Mar Specific Plan is a private development application intended to implement the rezone required by 5th Cycle Housing Element Program 2-G. This has been an active development application for several years; however, staff is not certain of the applicant's intentions for continuing to process the application. City staff understands that the project applicant has been working with Coastal Commission staff to address their comments submitted on that project's earlier Draft EIR that was initially circulated since the project would require an amendment to the City's certified Local Coastal Program (LCP). If 5th Cycle Housing Element Program 2-G is not completed, it will trigger the "no net loss" provision per State Housing law. This has associated penalties that will be assessed to the City if not completed. See Govt Code Sec. 65585.

24. If Program 2-G is one of the programs the City is expecting to complete, what will be the completion date?

The proposed "Watermark" project is a private development application to implement a required Housing Element rezone program (Program 2-G) that was necessary to meet the City's obligation for adequate sites with the 5th Cycle Housing Element and to meet the assigned RHNA obligation for affordable housing. The City is still obligated to implement Program 2-G to account for its 4th Cycle carryover. If not completed, that result would have associated penalties for the City. See Govt Code Sec. 65585.

25. The proposed "Watermark" project requires a rezone of two contiguous parcels. How many votes are required by the City Council to approve a rezone – three or four? What happens if the rezone does not pass?

Rezone actions that amend the City's Zoning Ordinance (Title 30 of the Del Mar Municipal Code) and certified LCP require a simple majority vote (3 of 5) of the City Council to pass, which is consistent with State law. The proposed "Watermark" project involves two contiguous parcels. As explained above, a decision to not implement Program 2-G would result in associated penalties for the City. See Govt Code Sec. 65585. Note that a super-majority vote (4 of 5) is only required for amendments to the City's Community Plan (General Plan), not amendments to the Zoning Ordinance or LCP.

26. With regard to Programs 2-E (North Commercial) and 2-F (Professional Commercial) from the 5th Cycle Housing Element, what happens if the City does not complete these two programs, specifically the ramifications?

The agenda report for the September 8, 2020 City Council meeting summarizes the ramifications for not completing these programs (view the report at www.delmar.ca.us/AgendaCenter). On September 8, 2020, the City Council approved amendments to the Community Plan, Zoning Code, and LCP for Program 2-F (Professional Commercial), but did not approve the amendments

required for Program 2-E (North Commercial) that would have amended the NC land use designation and zone to allow residential as a primary use up to a maximum density of 20 du/ac. This action resulted in the City not implementing a required program of its current Housing Element, thereby limiting the number of zones that would sufficiently allow for multiple dwelling unit housing in the purview of the State. Without capacity for housing in the NC zone, the City is unable to demonstrate to the State how it will accommodate enough adequate sites to meet its 5th Cycle (and continuing into its 6th Cycle) affordable housing obligation. Further, this means the City is in violation of State Housing law until action is taken to implement the required housing program or replace it with an equivalent program that is acceptable to HCD.

27. When these amendments were questioned in one of the Citizens' Task Force meetings, it was explained that the previous City Council in 2012 had approved the Housing Element and, therefore, the Community Plan was changed. However, given that these amendments require an EIR in order to be approved by the current City Council, how could a City Council, based on the process City staff has shared with the prior Citizens' Task Force, make such a decision without knowing the EIR impact to the proposal and then expected it will be completed if in fact the EIR does not support the recommendation?

It is correct that the 5th Cycle actions amended the City's Community Plan when the 5th Cycle Housing Element was adopted because the Housing Element is a required component of the City's Community Plan. However, formal implementation of Programs 2-E and 2-F did not occur as part of the earlier City Council's adoption of the 5th Cycle Housing Element – that was a later step to follow once the Housing Element had been certified by HCD. This is similar to the process the City is currently in with its 6th Cycle. The City Council will consider various programs and strategies at the "program-level" with timeframes for formal implementation during the next eight-year planning period (2021-2029). As those actions are then proposed for implementation during the next eight-year planning period, as was the recent case now with Programs 2-E and 2-F for our current eight year planning period (2013-2021), evaluation under CEQA is required based on the most recent information known at that time. The outcome of what level of environmental review is required is not always known at the time a Housing Element is first adopted by a local agency. As such, several years following HCD certification of the City's 5th Cycle Housing Element, an EIR was determined to be the appropriate level of environmental review necessary for consideration of Program 2-E and 2-F implementation for reasons described in that NC/PC Final EIR. Note that the City's current housing team was not part of the 5th Cycle process.

28. When is the next HCD meeting? Do the two City Council Housing Liaison's (Gaasterland/Worden) attend these meetings with staff as they do for the Fairgrounds and with other agencies? My thought is that when a case is made on pending issues or negotiations, our elected officials may carry more weight with HCD.

City staff has the opportunity to request a half-hour, staff-level meeting with HCD staff each month following the joint SANDAG-HCD monthly trainings related to the Housing Element Update process. These are not meetings with elected officials of any of the participating state or local agencies. These meetings do not involve negotiations. They are staff coordination meetings to help reach understanding on what the various State mandates mean in the context of the local jurisdiction. Meanwhile, the City Council Housing Liaisons are appropriately investigating options

with elected officials of the State and other local agencies on a separate, but parallel track, to try and meet the housing objectives of the City.

29. I note after reading an article recently published that in the State of California, only 26 jurisdictions completed their Housing Elements and were certified. Most all did not and it was stated HCD is working with them. So, if we are not certified because we did not complete, say, all programs for the 5th Cycle, what are those ramifications for our City, and are there any for our City's Planning staff performance and careers?

The agenda report for the September 8, 2020 City Council meeting summarizes the ramifications for not completing these programs (view the report at www.delmar.ca.us/AgendaCenter). Compliance with Housing Element law is a stated priority of the State to address the State's declaration of a statewide housing crisis. This is best exhibited by the package of Housing-related laws that went into effect January 2020 and again on September 29, 2020. As such, the 6th Cycle process is already shaping out to be more involved and complex than earlier cycles – not to mention that HCD has been further empowered with enforcement capabilities. HCD staff has explained that the ramifications and State enforcement authority is set forth in Govt Code section 65585. To date, City staff has observed that the State initiates enforcement actions on jurisdictions when local actions are taken in conflict with State law. For further research, the State recently made examples of Huntington Beach and the City of Encinitas. As previously mentioned, HCD staff has indicated to City staff that the State is aware that the City did not fulfill its obligations for the 4th Cycle or 5th Cycle Housing Elements.

As part of the Planning Department's current directive from City Council, City staff was tasked with obtaining certification of the 6th Cycle Housing Element Update to meet the State mandate. City staff understands that by the City not approving Program 2-G (a "rezone program" that obligated the City, within 12 months of City Council adoption of the 5th Cycle Housing Element, to rezone the two adjacent/vacant Watermark parcels in the NC zone to allow "by right" residential development of the properties at a density of 20-25 du/ac) or Program 2-E (a program to allow residential as a primary use in the NC zone at a density of 20 du/ac), the City now risks decertification of its Housing Element and/or other penalties that could reduce local control (e.g., fines, requirements for more "by-right" development that could conflict with the existing Community Plan, four-year Housing Element cycles in lieu of eight-year cycles)

30. What are the proposed changes to development standards in the North Commercial (NC), Professional Commercial (PC), and Central Commercial (CC) zones for the 6th Cycle Housing Element?

None as proposed and recommended by City staff and the Planning Commission (September 15, 2020 hearing). There are no proposed changes to development standards (e.g., setbacks, height, lot coverage, etc.) other than the required density of 20 du/ac to meet the State mandate. Consistent with the Community Plan, the ongoing application of the City's development standards would continue to preserve the special residential character and small-town atmosphere of Del Mar. The intent of proposed programs is to maintain local control over all future housing development, including application of the City's Design Review process, to the maximum extent feasible and allowed by State Housing law.

31. What is the current Floor Area Ratio (FAR), lot coverage limit, and height limit in the North Commercial (NC) Zone?

1. Setbacks: None, except that no development shall be located closer than 25 feet from a floodway zone, and that a minimum ten-foot wide landscaped setback shall be required on any NC zoned property along any common boundary or residentially zoned property
2. Height: 26 feet
3. Floor area ratio: 30 percent
4. Maximum lot coverage: 40 percent
Code reference:
https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.24NOCOZONC_30.24.070DEST

32. What is the current FAR, lot coverage limit, and height limit in the Professional Commercial (PC) Zone?

1. Setbacks: None, except that a minimum ten-foot wide landscape setback shall be required on PC zoned property along any common boundary of residentially zoned property
2. Height: 26 feet, except all structures fronting on the west side of Camino del Mar shall not exceed fourteen feet in height above the curb level adjacent to the site on Camino del Mar
3. Floor area ratio: 60 percent
4. Maximum lot coverage: 75 percent
Code reference:
https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.25PRCOZOPC_30.25.070DEST

33. What are the current FAR, lot coverage, and height limit in the downtown Central Commercial (CC) zone?

1. Setbacks: Every lot having a common boundary with property zoned R1, RM, R2 shall have a minimum ten-foot wide landscaped setback from such common boundary
2.Height: No structure shall exceed a height of 26 feet. Except, structures fronting the west side of Camino del Mar shall not exceed a height of 14 feet measured from the elevation of the curb level adjacent to the structure on Camino del Mar
3. Floor Area: No development shall exceed a floor area-to-lot area ratio of 45 percent or 2,000 square feet, whichever is greater
4. Lot Coverage: No development shall exceed a lot coverage of more than 60 percent or 2,500 square feet, whichever is greater
Code reference:
https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.22CECOZO_30.22.080BUDEST

34. If the "Watermark" property is developed under the 2-E/2-F/2-G up-zone, and if they submit a plan for 46 units and thus meet the "by right" conditions, they could ask for and get from the State an increase in FAR and/or coverage and/or density and/or height and/or what else? Formulas in the State code will kick in to specify the "by right" details. Would the development not go through the DRB, Planning Commission, or Council?

The ramifications for the City not completing Program 2-G will be formally determined by HCD. On September 30, 2020, HCD sent an enforcement letter to the City with written findings outlining

the City's failure to implement Program 2-G as well as Program 2-E. This enforcement letter is included as an attachment to the October 5, 2020 City Council report. . At this point, the City is still obligated to complete Program 2-G or else it risks associated penalties by the State. See Govt Code Sec. 65585. As discussed in earlier questions, the City Council approved Program 2-F (PC) on September 8, 2020, but did not approve Program 2-E (NC) to allow residential as a primary use at a density of 20 du/ac in the NC zone, which is the zone that applies to the Watermark parcels. Programs 2-E and 2-F do not change the City's permit process. Assuming Program 2-F is certified by the Coastal Commission (next step after local approval), any future development projects would still be subject to the City's discretionary process including Design Review. Any development that is considered "by-right" in Del Mar, including Accessory Dwelling Units (ADUs), is exempt from the City's discretionary processes as it is classified as "ministerial" development. Discretionary review includes Design Review. By-right or ministerial development is still subject to the City's Zoning requirements (i.e., development standards), except as modified by Density Bonus, and also subject to the City's Building and Fire Codes.

That being said, if a permit application meets the eligibility requirements for a State law density bonus, the City is required to apply the State's density bonus provisions in DMMC Chapter 30.90. As noted in DMMC Section 30.90.110, *"It is the purpose of this Chapter to increase the production of housing for a wide range of residential needs in the community, including housing for very-low, low- and moderate-income households and for seniors. It is also the purpose of this Chapter to accommodate a wide range of housing consistent with the goals, objectives, and policies expressed by the City in the Del Mar Community Plan, including its Housing Element component. Finally, it is also the purpose of this Chapter is to establish procedures for implementing State density bonus requirements, as set forth in California Government Code §§ 65915—65918, as amended."* DMMC Section 30.90.050 provides the concessions/incentives available for applicants to request when processing a density bonus application.

35. Regardless of a "Watermark" development being "by-right" or subject to the City's discretionary process, would it still be subject to the Coastal Commission's review?

Given that 5th Cycle Housing Program 2-E was not approved by the City Council on September 8, 2020, the City will be subject to enforcement penalties for non-compliance with the 5th Cycle Housing Element; and per HCD, the City would still be obligated to implement Program 2-G that requires by-right approval of residential development (20-25 du/ac) for projects with an affordable housing component. If the State ends up imposing this by-right requirement on the City, confirmation from the California Coastal Commission (CCC) and HCD will be needed to understand what if anything needs to be processed and submitted to CCC (relating to housing development projects and/or Housing Element Program 2-G). If the private applicant for the Watermark Specific Plan application continues processing, an approved Specific Plan by the City would require an amendment to the City's Local Coastal Program and certification approval from CCC. Staff understands that a density bonus application, if submitted, would also require CCC review and approval.

36. The 5th Cycle Housing Element depended on Programs 2-E and 2-F to create capacity to fulfill the City's RHNA allocation. If Programs 2-E and 2-F are not accomplished, there may be consequences including losing certification of the 5th Cycle Housing Element, which in turn opens up possible enforcement by the State. Is that correct?

The 5th Cycle Housing Element was adopted by City Council on May 20, 2013 and covers the planning period 2013-2021. As HCD staff has explained to City staff to-date, implementation of Program 2-E (NC) and Program 2-G (two "Watermark" parcels) are still outstanding 5th Cycle commitments that the State expects the City to complete. On September 30, 2020, HCD sent an enforcement letter to the City with this respect. City staff understands that the City's failure to not implement Program 2-G and the City Council's decision on September 8, 2020 to not implement Program 2-E (NC) has rendered the City out of compliance with its 5th Cycle Housing Element and the City now risks decertification of its Housing Element and/or other penalties that could reduce local control (e.g., fines, requirements for more "by-right" development that could conflict with the existing Community Plan, four-year Housing Element cycles in lieu of eight-year cycles).

37. Separately from "Watermark", Del Mar will be penalized for some of all of the 19 (of 22) assigned 5th Cycle affordable housing units that were not built. 22 were assigned. Three received discretionary permits and are underway, leaving 19 unbuilt.

The City did not meet its RHNA affordable units in its 5th Cycle (production period ended on June 29, 2020). Of the 22 affordable units required, the City produced 0 of 7 Very Low income units and 1 of 15 Low income units, for a total of 1 of 22 completed. The three units in question (resulting in 19) is assumed to be credited from the one deed restricted ADU on Luzon Avenue and two units from the 941 CDM project recently approved by the City. However, only the ADU has received building permits so only one is reported in the 5th Cycle, not three.

The City is responsible for meeting the obligations in its Housing Element. The private development application in process for the "Watermark" sites would have helped the City had it been timely implemented, but it will not be completed before the City takes action on the 6th Cycle Housing Element Update. The City did not meet its RHNA units in the 4th Cycle or the 5th Cycle, which will have implications for the 6th Cycle.

38. The draft 6th Cycle Housing Element Update refers to a North Commercial (NC) zone amendment at 20 du/ac. Program 2-G in the current 5th Cycle Housing Element calls for 20-25 du/ac "by right" on the "Watermark" parcels which is also part of the NC zone. How are these two reconciled?

On October 5, 2020, the City Council will be considering an amendment to 20 du/ac to the NC zone to satisfy 5th Cycle Program 2-E. Watermark is located in the NC zone and would be subject to any changes applicable to the NC zone. The City did not implement the required rezone on the Watermark properties per 5th Cycle Program 2-G. Staff's understanding is that because the City has not implemented Program 2-G and per the City Council's action on September 8, 2020 that resulted in a decision to not amend the NC zone to allow 20 du/ac, it triggered "no net loss" provisions under State Housing law and penalties related to the fact that the City did not create or maintain any adequate sites to accommodate affordable housing during the 5th Cycle. City staff understands that Watermark LP as the affected owner of the properties in the Housing Element rezone Program 2-G has a right to develop per that rezone program even though the City did not process the rezone.

39. Does the State have to abide by the City's zoning regulations on the State-owned Fairgrounds property?

No, the State-owned property which makes up the Fairgrounds is State property that is referred to as being "white-holed". This means that the City does not have any zoning development standards that apply to the property; and the City has no land use control over the development of the respective parcels.

40. If residential becomes an allowed primary use in a commercial zone, does this mean short-term rentals (STRs) could also be allowed and operated?

Yes, STR is a commercial use that would be considered an allowed use in commercial zones, which is consistent with the City Council's interpretation for the existing code's allowance for STRs in commercial zones, specifically including the Residential-Commercial (RC) commercial zone. STRs are a visitor accommodations/commercial use type, in most commercial zones where similar uses are allowed. This is also consistent with the previous Short Term Rental Ordinance that, as adopted by the City Council but not in effect, would have allowed STRs in commercial zones with no limitations. Amendments to allow residential as a primary use in a commercial zone would require certification by the Coastal Commission and this change is consistent with the policies in the Coastal Act and certified LCP related to this use type allowed to be operated in commercial zones, regardless of whether or not these amendments occur because of the provisions in the DMMC related to commercial zones (e.g., that the allowed uses in the respective zones include "any similar enterprise or business which conforms to the description and purpose of the Zone, and is not detrimental to the welfare of the community".

41. Why does the draft 6th Cycle Housing Element plan for 113 affordable units when the City's RHNA allocation was 101 affordable units?

113 affordable units is correct. In the 5th Cycle, the City was required to produce a total of 22 affordable units (12 low income assigned by RHNA and 10 low income units as a penalty for failure to produce any affordable units in the 4th Cycle). HCD staff provided explanation to this in a letter to the City dated July 31, 2020. Based on our discussions with HCD staff, City staff estimates that 12 RHNA units from the 5th Cycle are required to "carry over" into the 6th Cycle.

42. Is the penalty for the private Watermark property not being developed during the 5th Cycle 9 affordable units?

See discussion above. The City was responsible for processing a rezone of the Watermark properties to create adequate sites for affordable housing. No penalty has been assessed from HCD to the City at this point; however, the City risks enforcement by the State for not implementing Program 2-G. City staff understands that the uncompleted 5th Cycle programs and 12 RHNA units from the 5th Cycle are required to "carry over" into the 6th Cycle.

43. Is it correct that the City's 6th Cycle RHNA requirement for moderate and above moderate units can be achieved without rezoning? How many of these units can be achieved by Accessory Dwelling Units (ADUs)?

The 6th Cycle RHNA requirement for moderate and above moderate is 62 units (31 units for each category). It is correct that no rezoning is required to accomplish this. The City can accommodate the 31 above moderate units via existing zones and the 31 moderate units via the allowances for

ADUs. The draft 6th Cycle Housing Element Update projects at least 77 ADUs during the 6th Cycle, which is well over the 31 moderate requirement.

44. How many moderate and above moderate units could be achieved in the 6th Cycle with the preservation of existing duplexes and possible creation of new duplexes in the R1-5B zone?

As mentioned above, the City does not need any additional programs or strategies (such as these types of programs in the R1-5 or R1-5B zone) to accommodate the City's 6th Cycle RHNA requirements for above moderate and moderate units. Also note, if the goal is to credit units toward the City's RHNA obligation, the addition of "preservation" strategies to the HEU would provide any RHNA credit. The proposed HEU already includes preservation strategies; however, additional preservation strategies in these zones could be included as a matter of local policy. This is an example of a program that would be an additional special project that the City Council could consider adding to the Housing Element or later as a special project if desired.

45. Where and why is it required that the City would have to up-zone for 50% (not 100%) of the City's 6th Cycle RHNA requirement of 101 affordable units?

This is not an accurate statement. State Housing law requires that all jurisdictions create and maintain a sufficient capacity of "adequate sites" available throughout the Housing Cycle to meet the jurisdiction's assigned RHNA. It is important to note that "adequate sites" is a critical term in understanding how the State's Housing laws impact Del Mar. Currently, the City does not have adequate sites to produce affordable housing in the eyes of the State as implemented by State Housing law because the City does not have any parcels with a minimum of 20 dwelling units/acre (du/ac). As such, the State considers this as an impediment to affordable housing production. "Impediment" is also a critical term in understanding how the State's Housing laws impact Del Mar. It is City staff's understanding from the State that this is the reason why HCD has considered the City to have been out of compliance since March 2015 during the 5th Cycle (March 2015 was the deadline for completing the North Commercial/Program 2-E and Professional Commercial/Program 2-F housing programs so that the City would have adequate sites, thereby removing a key impediment to affordable housing production). In addition, as a result of State Housing law (including those most recently implemented January 2020), the City currently lacks vacant land between 0.5 acre and 10 acres in a zone that allows at least 20 du/ac. As a result, the State requires the City's Housing Element to contain a rezone program that allows for residential at least 20-25 dwelling units per acre for development of housing with an affordable housing component by-right. This is a requirement of a January 2020 State law – Assembly Bill AB1397. The rezone program (or multiple rezone programs) must accommodate at least half (minimum of 50%) of each jurisdictions assigned RHNA for lower income households. For Del Mar, 50% is 51 units. This is why the City has to have a rezone program or programs on North Bluff and South Stratford (vacant land between 0.5 acre and 10 acre) in the 6th Cycle in order to gain Housing Element certification. In addition, a jurisdiction like Del Mar that does not have a sufficient capacity of adequate sites must also take action to up-zone or rezone as needed to create sites that allow the State's minimum density. In the case of Del Mar, the State requires that the zones allow at least 20 du/ac. This is the minimum, in the eyes of the State, for what may be considered an adequate site(s) for affordable housing production as required by State Housing law. This is why the North Commercial/Program 2-E and Professional Commercial/Program 2-F housing programs were required to be included in the 5th Cycle Housing Element for it to gain State certification, and also why the Central Commercial (CC) zone is an additional program that

must be considered for the 6th Cycle to gain certification. The applicable Government Code Sections are all cited and referenced in the letter that was submitted to the City by HCD on July 31, 2020. A copy of the letter is attached to the October 5, 2020 City Council Agenda Report available at: www.delmar.ca.us/AgendaCenter.

46. Is it true that at most 20% of an up-zoned parcel can be affordable units? Is that a cap imposed by the State or by the City of Del Mar?

Not true. This question refers to a discussion City staff has had in public meetings about what types of assumptions were considered when determining the number of affordable units in the 6th Cycle Housing Element Update. The City's "inclusionary housing" requirement is set forth in DMMC Chapter 24.21 (inclusionary housing), which specifies the City's minimum requirements for how many affordable units must be set aside as part of a multiple dwelling unit project. The number of affordable units required varies depending on how many total units are proposed in a development project. In summary, projects proposing 2-9 units require one affordable unit; projects with 10 or more units require a set aside of 20% of the units for rent as affordable units. There is no maximum number of affordable units that a project can propose. A project could be 100 percent affordable. However, the point is that the City's code only requires either the one affordable unit for small projects of 2-9 units or 20% affordable for projects with 10 or more units. Therefore, City staff's assumptions of affordable units are based on what is required of proposed development. It should not be interpreted as a "cap". As far as assumptions, HCD is not likely to accept any assumptions from Del Mar of a greater affordable unit yield per project unless the City can also provide supporting documentation to show what permit or contract/agreement supports such assumptions. As mentioned above, the City has regulatory impediments in place that do not support the production of affordable housing because the City does not have any zones that allow 20 du/ac and the City does not have sufficient vacant land in a zone that allows at least 20 du/ac. The State is expecting the City to address these impediments as part of its 6th Cycle proposal to the State.

47. Is there a way for an up-zoned parcel in Del Mar to be given a cap of 30% affordable units or even more (e.g., 40% or 50% has been done elsewhere - Los Gatos has 50% and Corte Madera has 30%)?

This would be a question for the City Attorney as to whether or not it is a legal option. From a policy perspective, it would seem that if the City were to add a "cap" on affordable units, this would be considered a new impediment to affordable housing in the eyes of the State. As such, this would be in the opposite direction of where the City needs to go to show the State progress on affordable unit production. City staff is not clear why it would be a benefit to Del Mar to preclude the option of a project developed with 100 percent affordable units. From a practical perspective, the City including an action to further limit affordable housing would not be supported by HCD since the City cannot demonstrate the production of affordable units at this point in Del Mar. City staff is unaware of the referenced cities noted above – Los Gatos or Corte Madera – and how they obtained a higher affordable percentage.

48. Is there a new density bonus law that was recently signed by the Governor and, if so, does it allow density bonus increases up to 50%?

On September 29, 2020, Governor Newsom signed a package of housing-related bills into law, of which AB2345 was included. This new law modifies the State's density bonus law and now allows a 50% density bonus when 24% of a project's total units are reserved as low income

affordable units. Currently, the City's code requires a 20% inclusionary requirement as the minimum set aside, so a project complying with this minimum could still be eligible for a 35% density bonus. However, if an applicant chose to increase their set aside to 24%, that project could be eligible for a 50% density bonus. Note that density bonus law still only applies to projects with 5 or more units (does not apply to projects with 2 to 4 units total).

49. Assuming zoning that allows residential at 20 du/ac under the new AB2345 law (50% density bonus), what would the new maximum number of units be on sites zoned at 20 dwelling unit per acre for the following areas considered in the 6th Cycle Housing Element Update: North Commercial Zone, Professional Commercial Zone, the North Bluff, and the South Stratford properties?

Assuming 20 du/ac, the following is what City staff understands to be a potential breakdown of units in context to AB2345:

North Commercial Zone:

- Lots with an 8 unit maximum due to their lot size could be eligible for a 3 unit density bonus at 35% if the 11 unit project reserves 20% (2 units) as low income affordable units; or could be eligible for a 4 unit density bonus at 50% if the 12 unit project reserves 24% (3 units) as low income affordable units. This would apply to the following sites: 2148 JDB (Matthews) and 2236 JDB (Marten vacant lot) – these sites have been included as adequate sites in the draft Housing Element Update (HEU).
- Lots with a 10 unit maximum due to their lot size could be eligible for a 4 unit density bonus at 35% if the 14 unit project reserves 20% (3 units) as low income affordable units; or could be eligible for a 5 unit density bonus at 50% if the 15 unit project reserves 24% (4 units) as low income affordable units. This would apply to the following site: 2126 JDB (Read Family LLC) – this site has been included as an adequate site in the draft HEU.
- Lots with an 18 unit maximum due to their lot size could be eligible for a 6 unit density bonus at 35% if the 24 unit project reserves 20% (5 units) as low income affordable units; or could be eligible for a 9 unit density bonus at 50% if the 27 unit project reserves 24% (6 units) as low income affordable units. This would apply to the following site: 2120 JDB (Knorr Trust) – if needed, this site is an alternative option available to the Council to identify as an adequate site.
- Lots with a 28 unit maximum due to their lot size could be eligible for a 10 unit density bonus at 35% if the 38 unit project reserves 20% (8 units) as low income affordable units; or could be eligible for a 14 unit density bonus at 50% if the 42 unit project reserves 24% (10 units) as low income affordable units. This would apply to the following site: 2002 JDB (Westech Realty) – this site has been included as an adequate site in the draft HEU.
- Lots with a 42 unit maximum due to their lot size could be eligible for a 15 unit density bonus at 35% if the 57 unit project reserves 20% (11 units) as low income affordable units; or could be eligible for a 21 unit density bonus at 50% if the 63 unit project reserves 24% (15 units) as low income affordable units. This would apply to the following site: 2010 JDB (Bungalows LLC) – if needed, this site is an alternative option available to the Council to identify as an adequate site.

Professional Commercial Zone:

- Lots with a 5 unit maximum due to their lot size could be eligible for a 2 unit density bonus at 35% if the 7 unit project reserves 20% (1 unit) as low income affordable units; or could

be eligible for a 3 unit density bonus at 50% if the 8 unit project reserves 24% (2 units) as low income affordable units. This would apply to the following site: 322 8th Street.

- Lots with a 6 unit maximum due to their lot size could be eligible for a 2 unit density bonus at 35% if the 8 unit project reserves 20% (2 units) as low income affordable units; or could be eligible for a 3 unit density bonus at 50% if the 9 unit project reserves 24% (2 units) as low income affordable units. This would apply to the following site: 807 CDM.
- Lots with an 11 unit maximum due to their lot size could be eligible for a 4 unit density bonus at 35% if the 15 unit project reserves 20% (3 units) as low income affordable units; or could be eligible for a 6 unit density bonus at 50% if the 17 unit project reserves 24% (4 units) as low income affordable units. This would apply to the following site: 853 CDM.

North Bluff sites:

- Total units at 20 du/ac is 248 units for a zone compliant "project" (it's important to note that this breakdown shows the extreme because, particularly, the lots on North Bluff have or could have different ownerships and may not be submitted as one "project". If submitted as smaller projects, a project would end up yielding fewer units overall even with a density bonus). As such, 248 units could be eligible for an 87 unit density bonus at 35% if the 335 unit "project" reserves 20% (67 units) as low income affordable; or could be eligible for a 124 unit density bonus at 50% if the 372 unit "project" reserves 24% (89 units) as low income affordable.

South Stratford sites:

- Total units at 20 du/ac is 99 units for a zone compliant project. As such, 99 units could be eligible for a 35 unit density bonus at 35% if the 134 unit project reserves 20% (27 units) as low income affordable units; or could be eligible for a 50 unit density bonus at 50% if the 149 unit project reserves 24% (36 units) as low income affordable units.

50. A letter was submitted to the Planning Commission for their September 19, 2020 meeting from the owners of the South Stratford properties. Does this correspondence impact how HCD would view the potential for that property?

The submitted letter raises an objection to a potential increase in the City's inclusionary housing requirement from 20% (under current code) to 25% (to be considered by City Council). Note that both North Bluff and the South Bluff properties are needed to cover the number of affordable units to meet the City's RHNA obligation and carryover units totaling 113 affordable units. The correspondence submitted by the property owners of South Stratford is included as an attachment to the October 5, 2020 City Council report available here: www.delmar.ca.us/AgendaCenter

51. How long does an affordable unit need to be deed restricted as affordable?

DMMC Section 24.21.045 stipulates that each affordable unit set aside for rental at below-market rates pursuant to the requirements of DMMC Chapter 24.21 shall be no less than 55 years, commencing from the date of the City's written authorization for occupancy of the unit.

52. Of the potential candidate sites considered, specifically vacant sites, why were the vacant sites on San Dieguito Road not included in the proposed 6th Cycle Housing Element Update?

These sites were not included as adequate sites in the 6th Cycle Housing Element Update because they are located on a steep slope with biological resources in a low density area without existing direct access.

53. Was sufficient noticing provided to the public for the housing related items on the October 5, 2020 City Council meeting (6th Cycle HEU and NC Amendments)?

The noticing conducted by the City for the two upcoming items for the City Council is consistent with the City's standard practice, and has been done in accordance with what is legally required for noticing these types of Council actions. The public notice provided included additional notification above what is legally required – both in printed form and through electronic communications. To satisfy the legal requirement, the City follows State noticing requirements for amendments to the Community Plan (General Plan), Zoning Code, and Local Coastal Program (Citations: Government Code Sections 65350-65362, specifically 65353; and Government Code Sections 65090-65096, specifically 65090 and 65091).

On the NC item, this item was placed on the City Council's agenda for October 5 by Mayor Haviland and Councilmember Worden under City Council Policy 301; the item was not scheduled by City staff. Noticing was provided through the same procedure provided for the September 8 City Council meeting. Mailed notices were provided (again) to all property owners in the NC zone and vicinity, in addition to interested parties that have requested to be notified, public agencies, and tribal groups. Further, legal ads were published in the Del Mar Times, which has long been considered the City's "newspaper of general circulation" per State law. The Del Mar Times is the same newspaper the public is used to seeing for all City notices, including City Council items, Design Review Board items, Planning Commission items, and CEQA, etc. Specifically, because this NC item includes an amendment to the Local Coastal Program, the City also published a legal ad in the San Diego Union-Tribune in advance of the Del Mar Times published notice. Similar to the September 8 meeting, the City did not provide mailed notice to the entire City for consideration of the NC and Professional Commercial (PC) items. Noticing the entire City has a significant cost implication and the City has not budgeted for this type of voluntary expanded mailed noticing.

On the 6th Cycle Housing Element, the October 5 City Council date has been sufficiently advertised, disclosed, and promoted since the original work program timing was laid out in January 2020 through many means. This has always been one of the significant milestone dates for this important work effort and mentioned repeatedly in various City meetings including City Council, Planning Commission, and prior Task Force meetings. Aside from the required legal noticing in preparation for October 5, additional notification has been provided in print form and electronic through City notifications, articles, Weekly Update, agenda postings, etc., not to mention a dedicated City webpage for this work effort with a schedule on that home page that has laid out the upcoming hearing dates (www.delmar.ca.us/HousingElement) and a mailer sent citywide to all owners with the mailing of utility bills. As for additional mailed noticing to the entire City, this has a significant cost implication and the City's 6th Cycle work effort is running on an already reduced budget resulting City budget reductions on June 1, 2020 which removed $38,000 from the 6th Cycle Housing Element special project budget.

54. Can an amendment to the Community Plan be brought to a public hearing without fully noticing the community? Is an ad in the Del Mar Times sufficient to let people know?

The noticing conducted for the October 5, 2020 City Council hearing is consistent with the City's standard practice for noticing and meets the legal requirement for these types of actions. See further explanation above. The City has satisfied legal noticing requirements as well as provided additional notification of the proposed Community Plan amendments through various means – printed and electronic.

55. Did the ad that the City placed in the Del Mar Times appear last week (September 24), or this week (October 1), or both?

The legal ad has been published two times in the Del Mar Times prior to the meeting on October 5 (September 24 and October 1). Further, due to the LCP amendment component related to the NC item, a legal ad was also published in the San Diego Union-Tribune on September 21, 2020.

56. Could consideration of the two items on October 5, 2020 be delayed to the next hearing to allow for additional mailed noticing?

These items are time sensitive, and the standard and legal requirements for noticing have been met. The City has also provided further notification through various means – printed and electronic. The item related to the NC Zone has been placed on the Council Agenda for October 5 by Mayor Haviland and Councilmember Worden under City Council Policy 301, not City staff. As such, all noticing requirements were met and notices were mailed to the same individuals that received noticing earlier for the September 8 City Council meeting. City staff does not have the discretion to pull these items from the agenda to undertake additional courtesy noticing. The direction to hold off on considering either of these items would need to be provided by the City Council at the meeting on October 5.

October 1,2020

RED DOT FOR OCTOBER 5 CITY COUNCIL

www.delmar.ca.us/telecomment

TO: City Council
City of Del Mar
FROM: Joe Sullivan
2028 Ocean Front
President, Friends of Del Mar Parks
SUBJ: Item 1: 6th Cycle Program EIR and Housing Element Update

Please remove Sites 63 and 64 on 9th Street (PF Zone) from consideration for the needed additional housing in Del Mar. These sites are an integral part of Shores Park. This parcel is occupied by the former Del Mar School District administrative building now leased by the Del Mar Foundation and Community Connections. It has always been understood that this use was temporary pending completion of a master plan for the community park. That master plan has been put on indefinite hold as a result of the Covid-19 budget cuts.

I am surprised and disappointed this park land is included in the staff report. It is an historical oversight that this entire property (except for the portion leased by the Winston School) has not been previously zoned as Public Park. The property was listed in the consultant's inventory of potential city-owned sites. But in all previous decisions of the Citizens' Committee, the Planning Commission and City Council Shores Park was removed from consideration

The property was acquired by the City in 2008 through the efforts and generosity of community members. $2.5MM was raised by Friends of the Parks and $3MM was raised by the Winston community. The balance came from the sale of the abandoned reservoir site on Balboa (with the rationale that the City was "trading open space for open space".) Donors were assured by an August 2007 Resolution of the City Council that stated:

> …" The purpose of the acquisition is to preserve the current open space and recreational uses of the property, including the ball field, and to permit the continued operation of the private Winston School ….."

Further

> …" The City's long term goal is to maximize the open space and recreational uses on the property. Although other public uses are permitted on the property under current zoning, the City Council has no intention of pursuing other uses not consistent with the purpose of the acquisition…"

We respectfully ask the Council to recognize this land belongs to the City through the generosity of contributors who trust the City to maintain it and develop it as a community park. Please remove these Shores parcels from the 6th Cycle Housing Element Update. If they are given up for a mere potential 4-8 housing units then it follows that both Seagrove and Powerhouse Parks will be open for housing, if not now, sometime in the future. We will never get this open space back.

Respectfully submitted

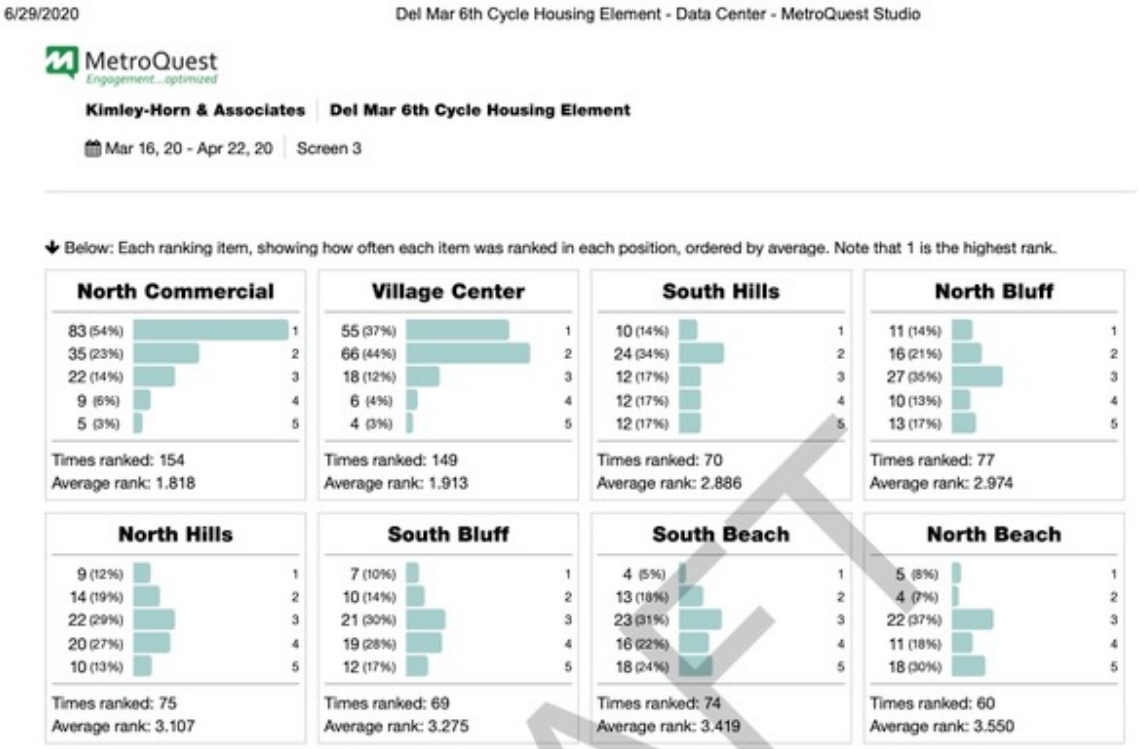
From: Jill Gartman City Council Meeting 10/5/2020 Red Dot

To: City Council

RE: ITEM 7 -6th Cycle Housing Element Update

Dear Mayor and Council Members:

Please note in the Draft 6th Cycle Housing Element document, the resident survey conducted by the City of Del Mar in April 2020. The overwhelming winners for areas in Del Mar to add more housing were North Commercial and Village Center (aka Central Commercial) not the vacant lots on the north and south bluffs, not the Shores Park, and not Tennis Courts on Court Street. Please consider these survey results when deciding on how to proceed with the choices for the 6th Cycle Housing Element.



6/29/2020 Del Mar 6th Cycle Housing Element - Data Center - MetroQuest Studio

MetroQuest
Engagement...optimized

Kimley-Horn & Associates | **Del Mar 6th Cycle Housing Element**

Mar 16, 20 - Apr 22, 20 | Screen 3

Below: Each ranking item, showing how often each item was ranked in each position, ordered by average. Note that 1 is the highest rank.

North Commercial

83 (54%)	1
35 (23%)	2
22 (14%)	3
9 (6%)	4
5 (3%)	5

Times ranked: 154
Average rank: 1.818

Village Center

55 (37%)	1
66 (44%)	2
18 (12%)	3
6 (4%)	4
4 (3%)	5

Times ranked: 149
Average rank: 1.913

South Hills

10 (14%)	1
24 (34%)	2
12 (17%)	3
12 (17%)	4
12 (17%)	5

Times ranked: 70
Average rank: 2.886

North Bluff

11 (14%)	1
16 (21%)	2
27 (35%)	3
10 (13%)	4
13 (17%)	5

Times ranked: 77
Average rank: 2.974

North Hills

9 (12%)	1
14 (19%)	2
22 (29%)	3
20 (27%)	4
10 (13%)	5

Times ranked: 75
Average rank: 3.107

South Bluff

7 (10%)	1
10 (14%)	2
21 (30%)	3
19 (28%)	4
12 (17%)	5

Times ranked: 69
Average rank: 3.275

South Beach

4 (5%)	1
13 (18%)	2
23 (31%)	3
16 (22%)	4
18 (24%)	5

Times ranked: 74
Average rank: 3.419

North Beach

5 (8%)	1
4 (7%)	2
22 (37%)	3
11 (18%)	4
18 (30%)	5

Times ranked: 60
Average rank: 3.550

DRAFT

As is hopefully obvious to all by the staff report, every time our community opposes rezoning for housing in an area it has a major domino effect. As residents lobby City Council to reject required rezoning for housing away from their neighborhoods, it leaves our public facilities and parkland vulnerable to housing development as a last resort. I along with many other residents do not support placing housing on land previously designated for parks

We do not have enough park space as it is in Del Mar, and we have lost a great deal of recreational space with the new Heights school rebuild (2.1 acres lost). If at some point the schools need to lock the public off the school grounds after hours for security reasons (Heights school is actually locked now), we will have even less available recreational space. If the Hills School is ever closed as many people predict and that property is sold, we may lose that recreational space as well. While those schools are not in the City of Del Mar, Del Mar residents (especially families with children) use them regularly for recreation and sports and so do residents in the Heights area.

It's critical we save the Shores Park for recreation and not use one inch of it for housing - not even on the second floor of a planned building. Adding a second story to a building will only result in disputes with nearby residents over view blockage. Due to unhappy neighbors, we may end up losing recreational space to put them on ground level as an accommodation to resolve those likely disputes. It also could be a slippery slope with the housing authorities, where they require us to do more than is currently proposed once we've let them know we ourselves have opened the door to rezoning the two parcels for housing on the Shores Property - especially since it is not even zoned Parkland.

The same applies to the tennis and basketball courts on Court Street. ***Please Save Our Parks***!

In light of the North Commercial rezone vote failing, I have a few questions to better understand how that impacts our two vacant bluffs especially.

Question: If North Bluff is rezoned for housing, how likely is it that the Bluffs Slopes and Canyon Overlay zone that keeps the heights on the bluff at 14' will be removed? (see insert below from draft housing element) One major reason I objected to Measure G was that it would have eliminated the protective overlay zones.

These sites 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.

Question: What if we rezone both bluffs but nothing gets built on the bluffs in the 6th Cycle? I've heard people suggest it would be fine to rezone these two bluff properties because nothing will ever get built on them. That may be true that nothing will be built on them anytime soon, but is there any consequence

from the State if that happens? My impression from the Staver property owners' Red Dot was that they do not intend to develop it for dense housing.

Question: Rezoning 72 parcels in the Central Commercial Zone is only projected to net 2 lower income units. When adding housing to central commercial was proposed by the housing task force sub-committee of preservation and production, my impression was the sub-committee hoped this would result in a much greater number of affordable units. Can more be done to incentivize more affordable housing in Central Commercial, and if yes, could that alleviate the need to rezone other areas like Shores Park?

From Housing Program 3A - From the housing element: *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.*

Question: If North Commercial is not rezoned, and North and South bluff are rezoned instead, then what will be the back up plan be if fairgrounds housing does not happen in 36 months for those 51 units?

Question: Can you please tell us more about the affordable housing overlay zone in the housing element? Where would that overlay zone be put in place and how would it encourage affordable housing?

Thank you in advance for your time in answering my questions and for your consideration of my suggestions.

Sincerely,

Jill Gartman
Pine Needles Dr.
Member, Concluded 6th Cycle Housing Element Ad-hoc Citizens' Task Force

[redacted]

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Saturday, October 3, 2020 1:37 PM
To: Ellie Haviland; Dwight Worden; Sherryl L. Parks; Terry Gaasterland; David Druker
Cc: City Clerk Mail Box; Joseph Smith; Amanda Lee; CJ Johnson; Kristen M. Crane
Subject: Item 7: Opposition 6th Cycle Housing Element and EIR allowing housing development on 5.3 acre Shores Park/Winston School property and North Beach tennis courts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

The 6th Cycle Housing Element and EIR should be modified to exclude any and all provisions that would allow housing development on the 5.3 acre Shores property acquired specifically for recreational and school use through a $5.5M fundraising campaign, the largest in Del Mar's history, including $3M from Winston School which has successfully served children with learning differences there for over 30 years.

Following are suggested modifications to the 6th Cycle Housing Element and EIR:

1) Remove parcels 63 & 64 in Shores Park from the Housing Sites Candidate Inventory.

The City Council previously voted to remove the entire Shores property for housing consideration from the EIR work plan after hearing objections from neighbors and leaders of the Friends of Del Mar Parks and Winston School who raised $5.5M for the acquisition of the property for recreational and school use.

Following is the motion and vote excerpted from the minutes of the Dec 17, 2018 City Council meeting:

"IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER WORDEN FOR THE INCLUSION OF THE PUBLIC FACILITY ZONES, MINUS THE SHORES PARK/WINSTON SCHOOL PROPERTIES IN THE EIR ANALYSIS BASED ON ITS ORIGINAL ACQUISITION FOR PARK PURPOSES. (VOTE 3-2)
Ayes: Deputy Mayor Haviland, and Council Members Parks and Worden; Noes: Mayor Druker and Council Member Gaasterland"

Note that then-Mayor Druker and Council Member Gaasterland supported excluding Shores Park/Winston School as well and only voted against the motion because they also objected to housing at the PF-zoned library and post office.

2) Remove the following provision from the 6th Cycle Housing Element which would allow housing development in all PF-zoned property including the Shores; our community's only public tennis courts; our historic library; and Area C of City Hall which was designated in that development's EIR for the historic Alvarado House as a museum and archive of Del Mar history which is now stored in private homes and garages located in high wildfire risk areas:

"Housing Program 1H: Public Facility Zoning Amendments

Within 36 months of City Council adoption of the Housing Element, the City will amend the Public Facilities

(PF) Zone in the City of Del Mar Municipal Code and Local Coastal Program to allow residential development. The PF zone applies to City-owned properties, many of which were identified by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force as preferred housing sites. This zone currently does not allow residential as an allowed primary use in the City of Del Mar Municipal Code or Local Coastal Program. An amendment to the Community Plan would not be necessary. The change in allowed uses would facilitate future projects in the PF Zone as needed to meet the City's unmet RHNA obligation."

If there are any other parts of the 6th Cycle Housing Element and EIR that would allow housing at the Shores, please remove them.

Contrary to the representations of the recreational element contained in the draft 6th Cycle Housing Element, Del Mar's recreational facilities are woefully inadequate, especially in comparison to neighboring cities which makes them more attractive to families with children. Our 4,300 residents only have one small baseball field and one full basketball court at Shores Park and two tennis courts and a half basketball court next to the pump station in North Beach. Thankfully, Winston School has generously provided shared use of their facility for community meetings and recreational events for the last 30 years. Thus, the Shores Park/Winston School property and North Beach tennis courts should be zoned as Public Parkland (PP), especially with the increasing density proposed in current and future housing cycles.

Del Mar's Public Parkland zoning code excerpted below is especially appropriate to the 5.3 acre Shores property:

"Chapter 30.30 - PUBLIC PARKLAND

- **30.30.010 - Purpose.**
- The PP Zone is designed for publicly owned land designated for use as a public park or open space preserve, and to land which is subject to the public trust."

The 5.3 acre Shores property is subject to "the public trust" purpose of the public parkland zone since it was on the basis of trust that private donors contributed $5.5M ($2.5M from Del Mar community and $3.0M from Winston supporters) for the property's acquisition in order to preserve our only playing fields and school. If the City of Del Mar's City Council 2007 resolution that was specifically passed to aid the fundraising campaign had included housing as an allowed use, the fundraising campaign would have failed. My family would not have funded the first two (and only non-refundable) escrow deposits totaling $250,000 nor would many other donors have contributed millions more as we sought to protect Del Mar's only playing fields and school and to uphold the Kerckhoff deed restriction prohibiting residential and commercial development.

The City Council can change the Shores and Tennis Courts zoning from PF to PP by a majority vote. In addition, the PP zone's allowed use should be amended to include the following provision excerpted from the PF zone applicable to the Winston School so they are able to continue to serve bright children with learning differences:

"Private schools that are open to the public and whose primary function is providing educational programs for pre-school students and students in grades K through 12."

The precedent has already been set in the City of San Diego for schools to be located on parkland such as San Diego High School and Roosevelt Middle School in Balboa Park. Notably, housing is not an allowed use in Balboa Park.

In summary, please protect the Shores/Winston School and North Beach tennis court properties from housing development by removing them from the 6th Cycle Housing Element and EIR and by rezoning them to Public Parkland.

Thanks for your consideration,

Laura
Co-Chair, Shores Campaign
Vice President, Friends of Del Mar Parks

[redacted]

From: Anne Farrell <anne@annefarrell.org>
Sent: Saturday, October 3, 2020 1:47 PM
To: City Clerk Mail Box
Subject: Red Dot Letter: Agenda Item #7, Oct 5, 2020 Meeting / 6th Cycle Housing Element

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Dear Mayor Haviland and Honorable Councilmembers,

In the words of the great Yogi Berra, **"It's déjà vu all over again."**

Last month, I sent you a letter urging all members of the City Council to vote in favor of the 5th Cycle zoning code amendments to Del Mar's North Commercial and Professional Commercial zones, as passed unanimously by your Planning Commission. The staff report was thorough, well-researched, and clear. The Planning Commission spent endless hours reading all the documentation, deliberating, hearing citizen concerns, and then voting unanimously in favor of the NC zone amendment.

This is an issue many years in the making. But it has now been seized upon and politicized by Councilmembers Dave Druker and Terry Gaasterland, with the full support of Mr. Druker's running mate, Tracy Martinez – who, by the way, lives in a neighborhood adjacent to the North Commercial zone.

Last month, the 5th Cycle amendment needed at least 4 Council votes to pass. Druker and Gaasterland voted "no," as they so often do. And the amendment failed.

So now here we are, one month later, and it is déjà vu—all over again. But this time, the City Council faces the 6th Cycle Housing Element. Again, your Panning Commission voted unanimously to accept these zoning amendments, and furthermore asked the Council to revisit last month's rejection of the 5th Cycle and accept their recommendation.

All of this is in an effort to meet the mandates of the State of California, avoid penalties, and do the right thing in terms of making Del Mar a more affordable, diverse place to live. It was extraordinarily irresponsible for Councilmembers Druker and Gaasterland to put up this roadblock last month. And thanks to them, the City received a letter this week from the Department of Housing and Community Development in Sacramento, which clearly condemns Del Mar's failure to implement our 5th Cycle Housing Element pursuant to Government Code Sec. 65583. We are now "out of substantial compliance" with the Housing Element law, and they are giving us only 30 days (by 10/30/2020) to respond to the HCD findings and imply their willingness to decertify our Housing Element altogether.

We know California has a severe housing crisis. We know the HCD is serious about dealing with it, in EVERY community of our state, not just Del Mar. We also know that over time, Del Mar has become less and less diverse in every way, and the primary reason is because there has been little to no effort to increase affordable housing. To the contrary, Del Mar has become increasingly elitist, with even the humblest houses purchased for huge amounts, only to be torn down and

replaced with large, luxurious single-family homes selling for many millions of dollars. The demographic statistics of Del Mar do not lie.

Despite last month's Council meeting histrionics by the two opposing Councilmembers and their political allies, the fact is that Del Mar is legally obligated to the State to do our part to fulfill the already-approved and certified Housing Element. Programs 2-E and 2-F are commitments the City has made. If these commitments are not met, they are putting our City—and all of our citizens—at risk of state decertification, costly penalties, and quite possibly the loss of local control of housing in Del Mar.

At the heart of our Community Plan is the goal to ensure the residential character of Del Mar, which is what would result from amending the NC zone to allow residential development with strict controls. Both the 5th and 6th Cycles of the Housing Element are following the Community Plan: increasing the potential residential capacity while ensuring that we can keep all of our local control mechanisms.

And here is an irony: Druker and Gaasterland want to deny residential development in the North Commercial area, and yet they are now overtly and publicly supported by real estate interests opposed to the existing 7/28 policy designed to control Short-term Rental Businesses that want to place commercial entities—mini-hotels—in the midst of residential neighborhoods. **Denying residential development in a commercial area while promoting commercial development in residential areas is clearly antithetical to the Community Plan.**

Druker and Gaasterland are stirring up fears of fire danger, yet those safety issues have all been addressed; likewise, they stoke fear of increased traffic—yet all the studies show residential housing is far less traffic-intensive than commercial offices. The anonymous and secretive authors of their mouthpiece, *"The Woodpecker,"* are working overtime to spread misinformation about this entire housing issue. I would hope that our Del Mar City Council members would ignore the propaganda, look at the facts, consider the consequences, and act maturely, responsibly, and above all – honestly.

Your staff report outlines all the potential risks of decertification, and they are significant, including court orders to enforce compliance with State regulations, levies of fines that could be as much as $100,000 a month until we come into compliance, various lawsuits and legal challenges, and ultimately perhaps limited access to State funding that we will need. But the most serious danger is that the State will impose limitations on our Planning and Design Review ordinances. These are a bedrock of our community—among the reasons that Del Mar is one of the most desirable places to live in California. If the State takes over, we could lose local planning control, and increase the chances that there will ultimately be development on the North Bluff and South Bluff – further irony about the Druker/Gaasterland position, considering the recent contentious conflict over Marisol.

Please do not play politics with this decision. Accept the recommendations of your professional planning staff, your legal counsel, your dedicated Planning Commission, and so many of your citizens who do NOT want the State to force us to put housing on the North Bluff and South Bluff, because we failed to adopt the sensible plans of zoning amendments in the places in town that could accommodate the needed housing—the North Commercial area. **Please approve all of the actions recommended in your Agenda Item #7.**

Thank you,

Anne Farrell, Del Mar

From: Janet Montgomery <janet@herbandjan.net>
Sent: Saturday, October 3, 2020 3:46 PM
To: City Clerk Mail Box
Subject: Court Street Park & Tennis Court Threatened

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

> City Council Members,
> We would like to express our concern about the possibility that 20+
> units per acre of housing will be built on our tennis & basketball courts and our brand new much anticipated park on Court Street and 21st Street.
> After living 21 years in the beach colony and watching the tennis
> court area on Court Street and 21st Street being treated like a dump
> by the city, we finally have a beautiful
> $500,000 plus investment in our park.
> Now we hear the area will be torn up to place 20+ units per acre on the land.
> It doesn't make sense to jam housing into a small area destroying our beautiful new park and the tax payers investment of $500,000 while creating a dense over built area in our village of Del Mar.
> Please help to stop this insanity.
> Herb and Janet Montgomery
>
> Sent from my iPhone

[redacted]

From: chiquitaabbott@roadrunner.com
Sent: Saturday, October 3, 2020 4:12 PM
To: 'Laura DeMarco'; Ellie Haviland; Dwight Worden; Sherryl L. Parks; Terry Gaasterland; David Druker
Cc: City Clerk Mail Box; Joseph Smith; Amanda Lee; CJ Johnson; Kristen M. Crane
Subject: RE: Item 7: Opposition 6th Cycle Housing Element and EIR allowing housing development on 5.3 acre Shores Park/Winston School property and North Beach tennis courts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Laura.

I am simply thrilled that you have stepped up to protect our public areas for our children You are able to detect and explain the critical issues in order to obtain the needed understanding from the council persons….our City simply cannot accept the usual challenges always as of all the issues for it is so unlike many other cities -we are unique .

I am so very sorry that I am not able to continue wth my former role there because my business has changed and since I am not a resident *c* cannot vote.

You may recall my noting that my own children used that same site as a free playield 60 years ago…and then we had to buy it from the City of Del Mar, and to think its use is now so in jeopardy is absolutely frightning.

THANK YOU FOR YOUR caring enough to devote so much time an unusual incite about the problems and. We walk down this path The City will have a completely different look if the new housing element is endorsed. Open space is so precious – and frankly there is still much open space still available in San Diego County just on the other side of ”the fence”and we must avoid this move at all costs!
Chiquita Abbott

Am confident many others will feel as you do,

Sent: Saturday, October 3, 2020 1:37 PM
To: Ellie Haviland <ehaviland@delmar.ca.us>; Dwight Worden <dworden@delmar.ca.us>; Sherryl Parks <sparks@delmar.ca.us>; Terry Gaasterland <tgaasterland@delmar.ca.us>; David Druker <ddruker@delmar.ca.us>
Cc: cityclerk@delmar.ca.us; Joseph Smith <jsmith@delmar.ca.us>; Amanda Lee <alee@delmar.ca.us>; CJ Johnson <cjohnson@delmar.ca.us>; Kristen Crane <kcrane@delmar.ca.us>
Subject: Item 7: Opposition 6th Cycle Housing Element and EIR allowing housing development on 5.3 acre Shores Park/Winston School property and North Beach tennis courts

Dear City Council Members and Staff,

The 6th Cycle Housing Element and EIR should be modified to exclude any and all provisions that would allow housing development on the 5.3 acre Shores property acquired specifically for recreational and school use through a $5.5M fundraising campaign, the largest in Del Mar’s history, including $3M from Winston School which has successfully served children with learning differences there for over 30 years.

Following are suggested modifications to the 6th Cycle Housing Element and EIR:

1) Remove parcels 63 & 64 in Shores Park from the Housing Sites Candidate Inventory.

The City Council previously voted to remove the entire Shores property for housing consideration from the EIR work plan after hearing objections from neighbors and leaders of the Friends of Del Mar Parks and Winston School who raised $5.5M for the acquisition of the property for recreational and school use.

Following is the motion and vote excerpted from the minutes of the Dec 17, 2018 City Council meeting:

"IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER WORDEN FOR THE INCLUSION OF THE PUBLIC FACILITY ZONES, MINUS THE SHORES PARK/WINSTON SCHOOL PROPERTIES IN THE EIR ANALYSIS BASED ON ITS ORIGINAL ACQUISITION FOR PARK PURPOSES. (VOTE 3-2)
Ayes: Deputy Mayor Haviland, and Council Members Parks and Worden; Noes: Mayor Druker and Council Member Gaasterland"

Note that then-Mayor Druker and Council Member Gaasterland supported excluding Shores Park/Winston School as well and only voted against the motion because they also objected to housing at the PF-zoned library and post office.

2) Remove the following provision from the 6th Cycle Housing Element which would allow housing development in all PF-zoned property including the Shores; our community's only public tennis courts; our historic library; and Area C of City Hall which was designated in that development's EIR for the historic Alvarado House as a museum and archive of Del Mar history which is now stored in private homes and garages located in high wildfire risk areas:

"Housing Program 1H: Public Facility Zoning Amendments

Within 36 months of City Council adoption of the Housing Element, the City will amend the Public Facilities (PF) Zone in the City of Del Mar Municipal Code and Local Coastal Program to allow residential development. The PF zone applies to City-owned properties, many of which were identified by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force as preferred housing sites. This zone currently does not allow residential as an allowed primary use in the City of Del Mar Municipal Code or Local Coastal Program. An amendment to the Community Plan would not be necessary. The change in allowed uses would facilitate future projects in the PF Zone as needed to meet the City's unmet RHNA obligation."

If there are any other parts of the 6th Cycle Housing Element and EIR that would allow housing at the Shores, please remove them.

Contrary to the representations of the recreational element contained in the draft 6th Cycle Housing Element, Del Mar's recreational facilities are woefully inadequate, especially in comparison to neighboring cities which makes them more attractive to families with children. Our 4,300 residents only have one small baseball field and one full basketball court at Shores Park and two tennis courts and a half basketball court next to the pump station in North Beach. Thankfully, Winston School has generously provided shared use of their facility for community meetings and recreational events for the last 30 years. Thus, the Shores Park/Winston School property and North Beach tennis courts should be zoned as Public Parkland (PP), especially with the increasing density proposed in current and future housing cycles.

Del Mar's Public Parkland zoning code excerpted below is especially appropriate to the 5.3 acre Shores property:

"Chapter 30.30 - PUBLIC PARKLAND

- **30.30.010 - Purpose.**
- The PP Zone is designed for publicly owned land designated for use as a public park or open space preserve, and to land which is subject to the public trust."

The 5.3 acre Shores property is subject to "the public trust" purpose of the public parkland zone since it was on the basis of trust that private donors contributed $5.5M ($2.5M from Del Mar community and $3.0M from Winston supporters) for the property's acquisition in order to preserve our only playing fields and school. If the City of Del Mar's City Council 2007 resolution that was specifically passed to aid the fundraising campaign had included housing as an allowed use, the fundraising campaign would have failed. My family would not have funded the first two (and only non-refundable) escrow deposits totaling $250,000 nor would many other donors have contributed millions more as we sought to protect Del Mar's only playing fields and school and to uphold the Kerckhoff deed restriction prohibiting residential and commercial development.

The City Council can change the Shores and Tennis Courts zoning from PF to PP by a majority vote. In addition, the PP zone's allowed use should be amended to include the following provision excerpted from the PF zone applicable to the Winston School so they are able to continue to serve bright children with learning differences:

"Private schools that are open to the public and whose primary function is providing educational programs for pre-school students and students in grades K through 12."

The precedent has already been set in the City of San Diego for schools to be located on parkland such as San Diego High School and Roosevelt Middle School in Balboa Park. Notably, housing is not an allowed use in Balboa Park.

In summary, please protect the Shores/Winston School and North Beach tennis court properties from housing development by removing them from the 6th Cycle Housing Element and EIR and by rezoning them to Public Parkland.

Thanks for your consideration,

Laura
Co-Chair, Shores Campaign
Vice President, Friends of Del Mar Parks

[redacted]

From: Linda Castile <lindacastile800@gmail.com>
Sent: Saturday, October 3, 2020 8:38 PM
To: City Clerk Mail Box
Subject: Fwd: FW: Red Dot Letter: Agenda Item #7, Oct 5, 2020 Meeting / 6th Cycle Housing Element
Attachments: image001.gif

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I agree with Anne Farrell.

---------- Forwarded message ---------
From: **Anne Farrell** <anne@annefarrell.org>
Date: Sat, Oct 3, 2020 at 3:15 PM
Subject: FW: Red Dot Letter: Agenda Item #7, Oct 5, 2020 Meeting / 6th Cycle Housing Element
To: Linda Castile <lindacastile800@gmail.com>

This is for the Monday meeting…

From: Anne Farrell

Sent: Saturday, October 3, 2020 1:47 PM

To: City Clerk of Del Mar (cityclerk@delmar.ca.us) <cityclerk@delmar.ca.us>

Subject: Red Dot Letter: Agenda Item #7, Oct 5, 2020 Meeting / 6th Cycle Housing Element

Dear Mayor Haviland and Honorable Councilmembers,

In the words of the great Yogi Berra,

“It's déjà vu all over again.”

Last month, I sent you a letter urging all members of the City Council to vote in favor of the 5th Cycle zoning code amendments to Del Mar’s North Commercial and Professional

Commercial zones, as passed unanimously by your Planning Commission. The staff report was thorough, well-researched, and clear. The Planning Commission spent endless hours reading all the documentation, deliberating, hearing citizen concerns, and then voting

unanimously in favor of the NC zone amendment.

This is an issue many years in the making. But it has now been seized upon and politicized by Councilmembers Dave Druker and Terry Gaasterland, with the full support of Mr. Druker's

running mate, Tracy Martinez – who, by the way, lives in a neighborhood adjacent to the North Commercial zone.

Last month, the 5th Cycle amendment needed at least 4 Council votes to pass. Druker and Gaasterland voted "no," as they so often do. And the amendment failed.

So now here we are, one month later, and it is déjà vu—all over again. But this time, the City Council faces the 6th Cycle Housing Element. Again, your Panning Commission

voted unanimously to accept these zoning amendments, and furthermore asked the Council to revisit last month's rejection of the 5th Cycle and accept their recommendation.

All of this is in an effort to meet the mandates of the State of California, avoid penalties, and do the right thing in terms of making Del Mar a more affordable, diverse place to

live. It was extraordinarily irresponsible for Councilmembers Druker and Gaasterland to put up this roadblock last month. And thanks to them, the City received a letter this week from the Department of Housing and Community Development in Sacramento, which

clearly condemns Del Mar's failure to implement our 5th Cycle Housing Element pursuant to Government Code Sec. 65583. We are now "out of substantial compliance" with the Housing Element law, and they are giving us only 30 days (by 10/30/2020) to

respond to the HCD findings and imply their willingness to decertify our Housing Element altogether.

We know California has a severe housing crisis. We know the HCD is serious about dealing with it, in EVERY community of our state, not just Del Mar. We also know that over time,

Del Mar has become less and less diverse in every way, and the primary reason is because there has been little to no effort to increase affordable housing. To the contrary, Del Mar has become increasingly elitist, with even the humblest houses purchased for

huge amounts, only to be torn down and replaced with large, luxurious single-family homes selling for many millions of dollars. The demographic statistics of Del Mar do not lie.

Despite last month's Council meeting histrionics by the two opposing Councilmembers and their political allies, the fact is that Del Mar is legally obligated to the State to do our

part to fulfill the already-approved and certified Housing Element. Programs 2-E and 2-F are

commitments the City has made. If these commitments are not met, they are putting our City—and all of our citizens—at risk of state decertification, costly penalties, and quite possibly the loss of local control of housing in Del Mar.

At the heart of our Community Plan is the goal to ensure the residential character of Del Mar,

which is what would result from amending the NC zone to allow residential development with strict controls. Both the 5th and 6th Cycles of the Housing Element are following the Community Plan: increasing the potential residential capacity

while ensuring that we can keep all of our local control mechanisms.

And here is an irony: Druker and Gaasterland want to deny residential development in the North Commercial area, and yet they are now overtly and publicly supported by real estate

interests opposed to the existing 7/28 policy designed to control Short-term Rental Businesses that want to place commercial entities—mini-hotels—in the midst of residential neighborhoods.

<u>Denying</u> residential development in a commercial area while <u>promoting</u> commercial development in residential areas is clearly antithetical to the Community Plan.

Druker and Gaasterland are stirring up fears of fire danger, yet those safety issues have all been addressed; likewise, they stoke fear of increased traffic—yet all the studies show

residential housing is far less traffic-intensive than commercial offices. The anonymous and secretive authors of their mouthpiece,

"The Woodpecker," are working overtime to spread misinformation about this entire housing issue. I would hope that our Del Mar City Council members would ignore the propaganda, look at the

<u>facts,</u> consider the consequences, and act maturely, responsibly, and above all – honestly.

Your staff report outlines all the potential risks of decertification, and they are significant, including court orders to enforce compliance with State regulations, levies of fines

that could be as much as $100,000 a month until we come into compliance, various lawsuits and legal challenges, and ultimately perhaps limited access to State funding that we will need. But the most serious danger is that the State will impose limitations

on our Planning and Design Review ordinances. These are a bedrock of our community—among the reasons that Del Mar is one of the most desirable places to live in California. If the State takes over, we could lose local planning control, and increase the chances

that there will ultimately be development on the North Bluff and South Bluff – further irony about the Druker/Gaasterland position, considering the recent contentious conflict over Marisol.

Please do not play politics with this decision. Accept the recommendations of your professional planning staff, your legal counsel, your dedicated Planning Commission, and so many

of your citizens who do NOT want the State to force us to put housing on the North Bluff and South Bluff, because we failed to adopt the sensible plans of zoning amendments in the places in town that could accommodate the needed housing—the North Commercial

area. **Please approve all of the actions recommended in your Agenda Item #7.**

Thank you,

Anne Farrell, Del Mar

[redacted]

From: Nina Detrow <surfvr1@gmail.com>
Sent: Sunday, October 4, 2020 10:57 AM
To: City Clerk Mail Box
Subject: Red dot regarding Courts at 22nd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Del Mar officials

Please do not approve building on this beautiful property! I believe Del Mar just spent a lot of money redoing the court park! This would be horrible and over crowded if you add housing on this property!

Nina Detrow
260 23rd St
Del Mar 92014

858-945-5609
surfvr1@gmail.com

[redacted]

From: Drew Cady <cadyarts@gmail.com>
Sent: Sunday, October 4, 2020 12:19 PM
To: City Clerk Mail Box
Subject: Red Dot letter concerning housing on the Shores Park property

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council Members:

We are extremely concerned to see that once again the Shores Park property is being considered for housing development as part of the proposed 6th Cycle Housing Element. We understood at the time that this park was bought by donations from the residents of the City, with strong assist from the Winston School, that this would not be allowed, based upon the original Resolution by the City Council, in August 2007 which stated that "The purpose of the acquisition is to preserve the current open space and recreational uses of the property, including the ball field, and to permit the continued operation of the private Winston School …. The City's long term goal is to maximize the open space and recreational uses on the property. Although other public uses are permitted on the property under current zoning, the City Council has no intention of pursuing other uses not consistent with the purpose of the acquisition…"

We strongly object to any consideration of this option of housing on the Shores Park, in fulfilling the city's 6th Cycle Housing Element.

Sincerely,

Drew & Nitza Cady
903 Stratford Ct, Del Mar

[redacted]

From: Barbara <bfmyers@gmail.com>
Sent: Sunday, October 04, 2020 4:51 PM
To: City Clerk Mail Box
Subject: Red Dot-Density

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The proposed density increases are counter to what Del Mar stands for nd has always been. Del Mar has held the line at high density in the 35 years we have lived here. The many committees and boards have always adhered to the standards that have been in place. This proposed change causes dangerous changes for many Del Mar residents and it has not been thought out at all. Currently, the roundabout causes traffic backups when there are more than five cars on the road in the area and the proposed addition of high density housing will make any kind of evacuation a dangerous and impossible situation. Then there is the fair and racing traffic and each year we find ourselves in unsafe situations due to the increased traffic. We have had emergencies in the past and Jimmy Durante becomes a parking lot and not an evacuation route. Residents in that area, including us, cannot get out of our street and safely seek help or shelter, nor do emergency vehicles have access to us or our property. This is an unnecessary risk to put the population of Del Mar in. There is no need for high density housing and there are other avenues to explore before making drastic unsafe decisions. It is our hope the council will not make a quick and risky decision on a very serious issue with consequences for all.

Thank you for listening,
Barbara & Doug Myers

Sent from my iPad

[redacted]

From: Rex Pickett <rexpickett@gmail.com>
Sent: Sunday, October 04, 2020 4:43 PM
To: City Clerk Mail Box
Subject: In Opposition

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose the plan to add high-density units to Del Mar and agree with the Deputy Mayor that the vote needs to be postponed.

Del Mar Resident
Rex Pickett
460 Camino Del Mar
#13

[redacted]

From: Brad Becker <brad@beckerdev.com>
Sent: Sunday, October 04, 2020 7:47 AM
To: City Clerk Mail Box
Subject: Opposition to Cycle 6th and 7th

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am adamantly opposed at the potential up zone of the Shores park and Winston School and the Tennis Courts.And I am however for the up zone of the Jimmy Durante and Camino Del Mar Properties.

I have separated those out because they shouldn't be lumped into this up zone to find the affordable housing.The Shores and Tennis Courts are in primarily single family neighborhoods and in the case of the the Shores property was purchased with money donated by a generous individual to preserve the open space-park like nature.Not to profit from building a 200 plus unit apartment complex.Thats absurd, reckless and will be challenged.

I do approve of the up zone of the Jimmy Durante property.This makes by far the most sense.The property is situated next to the fair grounds(already a huge traffic generator) and is mixed use currently.Its not adjacent to single family housing and has mixed uses on it already.I dont believe this will affect the character of the city nor burden anyone.The reality is that a traffic study would probably show that the majority of the traffic will never hit Del Mar and be from the area to the freeway.

I am also support the Camino Del Mar up zone similar to the approved project on the old gas station site at 10th.The fact is that section of Camino Del Mar will never support retail.It never really has.Its being done in every Coastal city and with a fair amount of success.

I hope the Council does the right thing to provide for the needed housing.We have suitable areas.The Shores Park is not one of them.The Jimmy Durante area in my opinion is suitable for density.So is the area along Camino Del Mar for residential.

Sincerely,

Brad Becker

152 8th st and 153 Shippey lane.

Brad Becker
President
BECKER PROPERTIES
687 S. Coast Highway 101, Suite 233

Encinitas, CA 92024
C: 858.395.4075

brad@beckerdev.com
www.becker-properties.net

[redacted]

From: Nathan McCay <nmccay@me.com>
Sent: Sunday, October 04, 2020 4:55 PM
To: City Clerk Mail Box
Subject: Opposition to 6th Cycle Housing Element and EIR allowing housing at Shores Park.

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council

I oppose housing in the Shores Park. The property was purchased to acquire open space, create recreational use, and to continue the operation of the Winston School.

The Shores Committee has spent a good deal of effort to see that the design of the Park fit the purposes for which it was purchased. Our work is on hiatus, but I'd be extremely surprised to find any members of that Committee to support housing on that property, much less a majority.

As I think about it, I would be surprised to find people in town who would support such a proposal.

The purposes for this purchase consider the present, the near future and many years beyond. The Council needs to do that also.

Nate McCay
Shores Committee Member

[redacted]

From: Penelope Nicholas <delmarpenny@gmail.com>
Sent: Sunday, October 04, 2020 6:19 PM
To: City Clerk Mail Box
Subject: Item 7 tomorrow Oct. 5, 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Whatever it is that you plan to vote on tomorrow, STOP!! This is too important an issue for our city. Have you been to the beach lately?????? Elbow to elbow.
Let's not get into other issues affecting our town. We've been here since 1984 as residents. Let's try and get things under control. Adding all those units would create chaos!!!

Thank you.

Penelope Nicholas
133 23rd St.
Del Mar, Ca. 92014
858-481-2625 (H)
858-354-5863 (C)
delmarpenny@gmail.com

[redacted]

From: Ann Williamson <ann.williamson@gmail.com>
Sent: Sunday, October 04, 2020 8:19 PM
To: City Clerk Mail Box
Subject: Red Dot, Item 7, Del Mar City Council Meeting October 5, 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In regard to Item 7 City Council Meeting October 5, 2020, I believe this is too much blanket rezoning. It has the appearance of wanting to make deals with one or more very large developers. We do need more affordable housing in Del Mar, but we do not need this much. We need to select particular parcels where affordable housing can be built and specify just those pieces of land.

---Ann Williamson
1352 Oribia Rd

[redacted]

From: S. Gill Williamson <gill.williamson@gmail.com>
Sent: Sunday, October 04, 2020 8:45 PM
To: City Clerk Mail Box
Subject: Red Dot re Oct. 5, 2020, 4:30 pm, Council agenda item 7:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I object to putting this item on the agenda in the middle of an election for new City Council members. Rightly or wrongly, this action can be viewed by citizens as interfering with an election, thus creating more divisions in our community. The tactic of using a self created state of urgency to push partisan items during an election is in full sway nationally, making people even more suspicious of the actions of the Del Mar City Council.

Gill Williamson
1352 Oribia Road

[redacted]

From: Ruth Evans <evans.ruthtodd@gmail.com>
Sent: Sunday, October 04, 2020 9:06 PM
To: City Clerk Mail Box
Subject: #VII--6th Cycle Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I **urge** you to table this matter until after the election. I believe that the number of jobs in Del Mar needs to be verified. I believe that the smallest city in San Diego that has staunchly defended its community plan for years should not re-zone now. Please listen. Thank you, Ruth Evans 2115 Balboa Avenue

[redacted]

From: John Daley <johndalaigh@icloud.com>
Sent: Sunday, October 04, 2020 9:23 PM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland
Subject: RED DOT comment re: Item 7—High Density Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The proposed legislation to add roughly 599 high density housing units in Del Mar needs further study and evaluation. It is a plan that will change the character of this city, and if rushed through it may indeed turn into a lame-duck project on a grotesque scale, since the proposal would add 599 densely situated high rise accommodations to a city of 2,157 households. Why the hurry, why not let this project be talked about and considered by those who will have to implement it's development, those who will sit on next year's city council? Why not share the proposed facts on the ground, its scale and its vision, with the citizens of Del Mar and not just jamb it down our throats?

John Daley

Sent from my iPad

From: Mary Lee Moser <maryleemoser@gmail.com>
Sent: Sunday, October 04, 2020 9:36 PM
To: City Clerk Mail Box
Subject: red dot letter (Ref: Agenda Item #VII- 6th Cycle Program)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have been Del Mar homeowners/residents since 1994, and are opposed to any upzoning or rezoning to meet affordable housing unit requirements without an updated, independently validated report on Del Mar jobs statistics. We don't want to see the character and quality of life in Del Mar changed forever. If public open space is sacrificed and height limits and density are increased significantly, visitors and residents would both suffer extreme negative consequences. We wish to have a city council that solves problems, taking time to acquire and use updated information, including working with the Fairgrounds to ensure they meet their responsibilities.

Karl Newmeyer
Mary Lee Moser
319 El Amigo Road

[redacted]

From: Rex Pickett <rexpickett@gmail.com>
Sent: Sunday, October 04, 2020 10:11 PM
To: City Clerk Mail Box
Subject: Opposition to Item #7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members and City Clerk,

I write regarding Item 7 on the October 5, 2020, Council Agenda - Housing Element.

Please step back and rethink priorities. Sacrificing all of our remaining open spaces to fulfill State mandated housing is not the Del Mar way. I implore you to work with the Fairgrounds and ask HCD for 5 years to work out a housing plan with them. I also ask that you ask HCD for a clear commitment that at least 50% of the affordable units assigned to Del Mar be enabled through Fairgrounds housing.

Please also consider legalizing non-compliant dense apartment buildings in our south bluff neighborhood and requiring that any renovation include a stipulation that 20 or 25% of their current unit count be deeded as affordable.

Please also ask HCD to agree to a larger number of affordable ADUs.

These are the goals that will lead to a better Del Mar with more equitable housing in a way that will keep our village as the quaint place we all love.

Thank you.

Sincerely,

Rex Pickett
Del Mar City resident
460 Camino Del Mar
#13

[redacted]d

From: Herb Montgomery <herb@herbandjan.net>
Sent: Sunday, October 04, 2020 10:16 PM
To: Terry Gaasterland; Del Mar Voters; City Clerk Mail Box; Dan Quirk
Subject: YOUR VOICE IS NEEDED - Proposed Housing Plan adds 599 high-density homes to yield 113 affordable units

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Terry, for sending out a communication about the Proposed High-Density Housing Plan. I greatly appreciate your openness and inclusion of the Del Mar Community with this information.

Additional understanding is needed to the List of the Proposed Plan "UP Zones" for our Del Mar Community.

Del Mar City Council, of which you are a member, are referring to "Tennis Courts" in the list of possible sites to locate some of your "**HIGH-DENSITY HOMES TO YIELD 113 AFFORDABLE UNITS"** this is beyond comprehension.

What needs to be understood by our Del Mar Community, is that building any High-Density Homes anywhere in this tiny location, next to the Sewer Pumping Station, will absolutely require:

1) "Demolishing" at least one of the two Tennis Courts (most likely both).
2) "Demolishing" the Basketball Court.
3) "Demolishing" the present small parking area used by Tennis, Basketball, and Park visitors.
3) "Demolishing" the Brand-New Park, completed just this year on Court and 21st Street, after at least 21 years of procrastination and delay by the City, that we taxpayers, paid well in excess of $500,000 for, makes absolutely no sense at all.
4) Also recognize that Court Street must be significantly widened. Presently it is barely 2 cars wide, with no parking on either side of the street, to handle the increased volume of vehicles and Emergency vehicles. It will involve relocating Camino Del Mar westward in order to accomplish the widening.

Our Del Mar Community is grossly lacking adequate Park Environments throughout for our residents to enjoy and utilize for family gatherings and restful enjoyment of nature. The Demolition of these recreational and park areas is in opposition to our Del Mar Community Plan.

Including the Tennis Courts tiny area for any Homes in this plan will be a very costly alternative, a loss
of Community environments and travesty of good judgement, and severe weakness in maintaining the importance of Del Mar's Community Plan.

Herb Montgomery
211 22nd Street
Del Mar

From: Terry Gaasterland <terrygaasterland@knowledgeforthevote.org>
Sent: Sunday, October 4, 2020 4:33 PM
To: Del Mar Voters <delmarvoters@knowledgeforthevote.org>
Subject: YOUR VOICE IS NEEDED - Proposed Housing Plan adds 599 high-density homes to yield 113 affordable units

A MESSAGE FROM DEPUTY MAYOR TERRY GAASTERLAND:
Please see the attached PDF.

BOTTOM LINE:
TOMORROW'S PROPOSED HOUSING PLAN FOR DEL MAR ADDS 599 HIGH-DENSITY HOMES TO YIELD 113 AFFORDABLE UNITS

THE PROPOSED PLAN "UP-ZONES" *ALL OF THE FOLLOWING*:

North Commercial

North Bluff

South Bluff

Central Commercial

Professional Commercial
... plus adds housing at the Tennis Courts and Shores Park

YOU CAN HELP PREVENT THIS … CITY COUNCIL VOTES TOMORROW 10/5/2020

This important decision should wait until the newly elected Council is seated.

Please help challenge the plan and ask for more time:

- SEND your "red dot" public comment on Item 7 by NOON MONDAY to cityclerk@delmar.ca.us
- SIGN UP to call in by NOON MONDAY at http://www.delmar.ca.us/telecomment
- CALL in to the City Council meeting on MONDAY October 5, 2020. It starts at 4:30pm.

Please find attached a one-page letter that reviews what is happening.

If you would like more details, please let me know and I will send you a 2-pager.

Best regards,
Terry

Terry Gaasterland, Ph.D.
Deputy Mayor
gaasterland@gmail.com
646-207-4600

--
To unsubscribe from this group and stop receiving emails from it, send an email to delmarvoters+unsubscribe@knowledgeforthevote.org.

Red Dot Public Comments on the
Proposed Housing Element Plan, Item 7

October 4, 2020

Dear City Council Members,

The State of California is imposing housing requirements on Del Mar.

The State of California, DBA, the 22nd Agricultural District owns 340 acres of land in the City of Del Mar. Much of the land could be better utilized.

The 22nd Agricultural District employs approximately 2000 part-time workers and an additional number of full-time workers.

The 22nd Agricultural District has a responsibility, and as a State Entity, to come forward and work with the City of Del Mar to meet Del Mar's obligation for Housing.

The State Fairgrounds has acres of underutilized land that could easily accommodate all of Del Mar's
Housing requirements.

NOW is the time for the City of Del Mar and the State 22nd Agricultural District to work together on the housing issue.

It is your responsibility to demand cooperation from the 22nd Agricultural District.

A vote now on the Proposed Housing Plan is premature.

Sincerely,

Al Tarkington
100 11th Street, Del Mar

[redacted]

From: Neuman, Tom <tneuman@health.ucsd.edu>
Sent: Sunday, October 04, 2020 11:37 PM
To: City Clerk Mail Box
Subject: Affordable housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members and City Clerk,

I write regarding Item 7 on the October 5, 2020, Council Agenda - Housing Element.

Please step back and rethink priorities. Sacrificing our remaining open spaces to fulfill State mandated housing is not appropriate. I request you work with the Fairgrounds and ask HCD for 5 years to work out a housing plan with them. I also ask that you ask HCD for a clear commitment that at least 50% of the affordable units assigned to Del Mar be enabled through Fairgrounds housing.

Please also ask HCD to agree to a larger number of affordable ADUs.

These are the goals that will lead to a better Del Mar with more equitable housing in a way that will keep our village as the quaint place we all love.

Thank you.

Sent from my iPhone
Tom Neuman

[redacted]

From: George Beatty <george@ssivc.com>
Sent: Monday, October 05, 2020 12:07 AM
To: City Clerk Mail Box
Cc: Terry Gaasterland
Subject: Red Dot Letter. Item number 7.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members and City Clerk,

I write regarding Item 7 on the October 5, 2020, Council Agenda - Housing Element.

Please step back and rethink priorities. Sacrificing all of our remaining open spaces to fulfill State mandated housing is not the Del Mar way. I implore you to work with the Fairgrounds and ask HCD for 5 years to work out a housing plan with them. I also ask that you ask HCD for a clear commitment that at least 50% of the affordable units assigned to Del Mar be enabled through Fairgrounds housing.

Please also consider legalizing non-compliant dense apartment buildings in our south bluff neighborhood and requiring that any renovation include a stipulation that 20 or 25% of their current unit count be deeded as affordable.

Please also ask HCD to agree to a larger number of affordable ADUs.

These are the goals that will lead to a better Del Mar with more equitable housing in a way that will keep our village as the quaint place we all love.

Thank you.

Sincerely,

George L Beatty

157 9th Street

Del Mar CA 92014

[redacted]

From: Kavin Bloomer <kavinbloomer@gmail.com>
Sent: Monday, October 05, 2020 5:31 AM
To: City Clerk Mail Box
Cc: Kavin Bloomer
Subject: RED DOT = Housing Element is Agenda Item #7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Thank you in advance for your review and consideration.

If you would be so kind as to advise the Council that I urge them to not vote on Item #7 at this point. The number of Del Mar employees used in the assessment is clearly overstated by seasonal fairgrounds staff members. This calculation and how it affects our allocation of required new housing units needs to be deliberated further. And the fairgrounds itself needs to be allocated some of these units. Moreover, this important decision should be tabled until the newly elected Council is seated and can take the time to review all possible options available to Del Mar.

Thank you.

Kavin Bloomer
151 8th Street
Del Mar, CA

To: The City Council of Del Mar
From: Debbie Hecht

RE: UPZONING OF PROPERTIES TO ACCOMMODATE AFFORDABLE HOUSING

Hello Council members:

I believe that up -zoning these properties is in conflict with the Community Development Plan. I have heard all council members say that you support the existing Community Development Plan, so how can you support up-zoning these properties?

1. North Commercial
2. North Bluff
3. South Bluff
4. Central Commercial
5. Professional Commercial
6. and adding housing at the Tennis Courts and Shores Park

Are you over-reacting to the "FEAR" that the state will step in and re-zone our last remaining pieces of open space and parklands? I read that this will add 28% more housing to the City of Del Mar. Traffic engineers estimate that each home adds 10 car trips per day per home. This will impact our already overcrowded roads, especially in the Beach Colony. Who will pay for 28% more infrastructure? Taxpayers, probably?

The City of Del Mar **MUST** challenge SANDAG's affordable housing numbers. It has been shown that these numbers were incorrectly computed. What are the real job numbers? Please hire an independent auditor to ascertain the accurate jobs numbers to challenge the flawed data. The City of Del Mar can join with other cities to do audits and legally challenge these calculations.

If you want to challenge something in court, please spend money on challenging the affordable housing requirements instead of adding more legal costs on top of the $180,000 to sue the Coastal Commission for vacation rental requirements, without trying to compromise first.

Sincerely,
Debbie Hecht
27th Street

[redacted]

From: Peter Cramton <pcramton@gmail.com>
Sent: Monday, October 05, 2020 7:03 AM
To: City Clerk Mail Box
Subject: Red Dot letter Ref: Agenda Item #VII- 6th Cycle Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I have recently moved to Del Mar because of its beauty and small-town charm near a vibrant urban community. I am deeply concerned by the SANDBAG assignment of affordable housing units. The proposed approach would lead to a 28% increase in housing. Such rapid and unprecedented growth is unacceptable.

The council should carefully review the approach of such a major decision and only consider proposals for vote after detailed analysis supported by extensive data collection. Taking such a vote *during an election* (I should receive my ballot today) is completely unacceptable. This is clearly a matter for the next council as it has obvious long-term implications.

Local governments must act in a responsible way during an election, especially when democracy is in crisis at the national level.

Kind regards,
Peter Cramton
901 Highland Ave, Del Mar, CA 92014

Peter Cramton
pcramton@gmail.com www.cramton.umd.edu +1 240 479 9345
University of Cologne and University of Maryland

*** Currently I am in Del Mar, California; nine hours behind Germany ***

[redacted]

From: Loretta Morris <lmorris456@gmail.com>
Sent: Sunday, October 04, 2020 7:00 PM
To: City Clerk Mail Box
Subject: Red Dot Housing Plan

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I find the purpose 600 new housing units, which will increase our density by 30%, is too much to ask of a small, mature city with fixed borders. I believe this increase would violate the Community Plan intent to preserve the "village" culture.

[redacted]

From: Stephanie Tarkington <tarkingtonsteve@gmail.com>
Sent: Monday, October 05, 2020 7:19 AM
To: City Clerk Mail Box
Subject: RED DOT Item 7, City Council Meeting, Oct 5, 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council members,

I ask you to consider all of your responsibilities and hopes for your City of Del Mar, not just the single one of this Housing Issue. That includes preserving our scarce Open Space for current and future generations to enjoy using.

Our North Bluff and South Bluff are treasures to be protected & not a bargaining chip. Our tennis courts allow free play for anyone, no club membership required. The Shores Park was purchased, partially with citizens funds, because citizens saw a need for open space in the south end of our city for family & visitor use.

With these iconic open spaces on the table for high density homes, whether affordable or not, goes against everything I have heard said by the current sitting council members.

It makes me wonder when Seagrove Park and Powerhouse Park will be put on the chopping block. After all, they would not be part of Del Mar life but for citizen action to save them from developers wanting hotels, condo's, and restaurants.....

Please rethink your options, including consulting further with the State for a compromise on the number of affordable housing units Del Mar should be honored to supply for its citizens

Thanks for listening,
Stephanie Tarkington
858.755.6564

[redacted]

From: Susan Instone <slinstone@icloud.com>
Sent: Sunday, October 04, 2020 6:48 PM
To: City Clerk Mail Box
Subject: Tomorrow's city council vote on approving development for low income housing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am totally against approving this proposal as it is currently written. We should wait to determine the best approach to meeting our low-income housing obligation until after our up-coming election.

Sincerely,
Susan Instone, D.N.Sc., CPNP

Sent from my iPhone

[redacted]

From: yan lavrovsky <yan.lavrovsky@gmail.com>
Sent: Monday, October 05, 2020 7:47 AM
To: City Clerk Mail Box
Subject: Housing element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members and City Clerk,

I write regarding Item 7 on the October 5, 2020, Council Agenda - Housing Element.

Please step back and rethink priorities. Sacrificing all of our remaining open spaces to fulfill State mandated housing is not the Del Mar way. I implore you to work with the Fairgrounds and ask HCD for 5 years to work out a housing plan with them. I also ask that you ask HCD for a clear commitment that at least 50% of the affordable units assigned to Del Mar be enabled through Fairgrounds housing.

Please also consider legalizing non-compliant dense apartment buildings in our south bluff neighborhood and requiring that any renovation include a stipulation that 20 or 25% of their current unit count be deeded as affordable.

Please also ask HCD to agree to a larger number of affordable ADUs.

These are the goals that will lead to a better Del Mar with more equitable housing in a way that will keep our village as the quaint place we all love.

Thank you.

Sincerely,
Yan Lavrovsky
1969 Zapo street
Del Mar

Sent from my iPhone

[redacted]

From: Bill Carpenter <bill@bcarpenter.com>
Sent: Monday, October 05, 2020 8:02 AM
To: City Clerk Mail Box
Subject: City Council meeting 10/5/20 Agenda Item #7 - Housing Element - public comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We're in the middle of electing a new City Council, with November 3 less than 30 days away. This strategically important issue with long term consequences should be decided by the same Council that owns the decision and manages its implementation. We encourage discussion and consideration of alternatives, but adopt no resolution until November at the earliest.

Bill & Debbie Carpenter
1149 Luneta Dr

[redacted]

From: rolande fyfe <rolandefyfe622@gmail.com>
Sent: Monday, October 05, 2020 8:24 AM
To: City Clerk Mail Box
Subject: ADDS599 item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am strongly against making any decisions on this item 7. I believe the right thing to do is wait till the new election of city councils is done. Two people on the city council have done a lot of damage to our city, they are resigning, and their attitude is I DON'T CARE ANYMORE. Please delay this vote. Thank you

Rolande Fyfe
1339 Ocean Ave.,
Del Mar, Ca. 92014
858-259-3865

[redacted]

From: Harvey Checkoway <hcheckoway@gmail.com>
Sent: Monday, October 05, 2020 8:46 AM
To: City Clerk Mail Box
Cc: Anne Checkoway
Subject: Red Dot letter concerning Agenda Item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

My wife, Anne, and I are residents of 428 Dyke Ave., Del Mar. We would like to comment on Agenda Item 7, the Housing Element. We have two points to make.

1) Del Mar is too small to add 599 new high density housing units. We object to any re-zone that would allow this.
2) The vote regarding Item 7 should be delayed until after the election for the new City Council.

Thank you for your consideration.

Regards,
- Harvey and Anne Checkoway

[redacted]

From: Mark Ives <markhives@earthlink.net>
Sent: Monday, October 05, 2020 8:58 AM
To: City Clerk Mail Box
Subject: "RED DOT " Letter Agenda VII-6th Cycle Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Del Mar City Council,

I am writing regarding the impending vote on the "6th Cycle Program":

I am in opposition to the implementation of the 6th Cycle Program as it stands. Specifically the "Up Zoning" of the North Bluff which is in obvious disregard of the wishes of Del Mar Registered voters as evidenced by the results of the Measure G initiative. This action alone would be a breach of trust and the fiduciary responsibility of the City Council to work on the behalf of Del Mars' Citizens. We have voted on this issue and WE do not want high density on this site. Not even the potential for it. The Environmental Damage from potential high density development has already been addressed by numerous organizations including the Sierra Club and Surfrider Organization.

I am also opposed to the rezoning of any Park or Open Space that is part of Del Mar. These spaces are what gives Del Mar its Villiage Character and are used and enjoyed by all of its residents as well as Visitors. Even subjecting these spaces as "potential" for development would be the first step toward irreversible decline in the quality of life in Del Mar.

The City Council has the Duty to go back to SANDAG and challenge the RHNA numbers. The number of "Jobs in Del Mar" is highly overstated.

I also believe that the recommendation letter "City of Del Mar Agenda Report" is flawed in stating that no CEQA is required "ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required."

This "Up Zoning" DOES have POTENTIAL to result in "physical change in the environment"!

It is also such an important issue that is should not be rushed to a vote by a Council that will substantially change in membership in less than a month but rather should be put as a Priority Agenda Item for the incoming Council after the November Election thereby ensuring that the current Citizens of Del Mar are properly represented.

Thank You for Your Consideration,
Mark Ives

[redacted]

From: Edward Fyfe <edfyfesd@gmail.com>
Sent: Monday, October 05, 2020 8:59 AM
To: City Clerk Mail Box
Cc: Terry Gaasterland; rolande fyfe
Subject: FW: YOUR VOICE IS NEEDED - Proposed Housing Plan adds 599 high-density homes to yield 113 affordable units

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

Please delay the vote on adding 599 High Density homes in Del Mar until the4 new City Council elected.

Regards,

Ed Fyfe
1339 Ocean Avenue,
Del Mar,CA 92014
Edfyfesd@gmail.com
858-353-2458

From: Terry Gaasterland <terrygaasterland@knowledgeforthevote.org>
Date: Sunday, October 4, 2020 at 11:27 PM
To: Del Mar Voters <delmarvoters@knowledgeforthevote.org>
Subject: Re: YOUR VOICE IS NEEDED - Proposed Housing Plan adds 599 high-density homes to yield 113 affordable units

The Housing Element is Agenda Item #7 tomorrow.

Thank you.
Terry

On Sun, Oct 4, 2020 at 4:32 PM Terry Gaasterland <terrygaasterland@knowledgeforthevote.org> wrote:

> **A MESSAGE FROM DEPUTY MAYOR TERRY GAASTERLAND:**
> Please see the attached PDF.
>
> **BOTTOM LINE**:

TOMORROW'S PROPOSED HOUSING PLAN FOR DEL MAR ADDS 599 HIGH-DENSITY HOMES TO YIELD 113 AFFORDABLE UNITS

THE PROPOSED PLAN "UP-ZONES" *ALL OF THE FOLLOWING*:

North Commercial

North Bluff

South Bluff

Central Commercial

Professional Commercial
... plus adds housing at the Tennis Courts and Shores Park

YOU CAN HELP PREVENT THIS … CITY COUNCIL VOTES TOMORROW 10/5/2020

This important decision should wait until the newly elected Council is seated.

Please help challenge the plan and ask for more time:

- SEND your "red dot" public comment on Item 7 by NOON MONDAY to cityclerk@delmar.ca.us
- SIGN UP to call in by NOON MONDAY at http://www.delmar.ca.us/telecomment
- CALL in to the City Council meeting on MONDAY October 5, 2020. It starts at 4:30pm.

Please find attached a one-page letter that reviews what is happening.

If you would like more details, please let me know and I will send you a 2-pager.

Best regards,
Terry

Terry Gaasterland, Ph.D.
Deputy Mayor
gaasterland@gmail.com
646-207-4600

--
To unsubscribe from this group and stop receiving emails from it, send an email to delmarvoters+unsubscribe@knowledgeforthevote.org.

[redacted]

From: Kurt Snider <kurt@solanaproductions.com>
Sent: Monday, October 05, 2020 9:00 AM
To: City Clerk Mail Box
Subject: Housing Vote

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor & Council,
It's obvious there are sharp disagreements on the council and in our city regarding the housing element. Any further action should be delayed until after the election. This issue needs to be decided by people who put Del Mar, and not SANDAG, first.

Kurt Snider

[redacted]

From: ACWmd@lapbypass.com
Sent: Sunday, October 04, 2020 11:21 PM
To: City Clerk Mail Box
Subject: Red Dot Letter
Attachments: Red Dot Oct 20.docx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing this Red Dot letter for the council meeting Monday 5 October 2020.

Alan Wittgrove MD
2152 David Way
Del Mar

I am writing this red dot letter to voice my concerns about this city Council voting on issues that will change our community plan by rezoning major portions of our community during this election cycle. I feel as though it is completely inappropriate for this city Council to tie the hands of the next city Council as the election has already started. The citizens of Del Mar, by way of their vote, should thoughtfully produce a city Council that can deal with the concerns facing Del Mar, including the affordable housing issue. The truth is, past city councils have made promises that they didn't keep and probably couldn't keep which has created the affordable housing crisis as it now stands. As we have all now had our ballads mailed to us by the state the voting has begun. It is very clear that the complexion of the city Council may change significantly during this election cycle. The new city Council should be able to explore all options available and not be hamstrung by the actions of the outgoing Council.

Some members of the city staff and the current city Council would like the residents of Delmar to believe that the affordable housing issue has become a crisis because of inactivity in just the past month or two. The facts are these:

- Back in 2010, the city Council at that time, promise the state conditions about the development of the "Watermark property" that they could not fulfill.
- The city has been in noncompliance, with the affordable housing issue, since 2013
- Many conditions have changed since 2010 and 2013 including but not limited to climate change being better appreciated as a science, sea level rising, FEMA declaring parts of the North Commercial Zone as being in a flood zone, etc.
- First and foremost, it must be pointed out that the "jobs numbers", on which the affordable housing mandate is based, is flawed data that the current Mayor refuses to address.
- Since it is not profitable for a developer to create a project solely of affordable housing in the city such as Del Mar, the affordable housing units would be a fraction of the total units developed. This means for the city to obtain over 100 affordable housing units a developer would have to develop more than 500 total units. 500 new units being built in Del Mar would be a significant fraction of the total number of dwellings in Del Mar thus changing the community dramatically.
- The Watermark property is not currently being developed. This is not because the adjacent neighborhood has in some way band the project. It is because the project has serious environmental issues that need to be addressed in the developer is not moving forward on those issues.
- Approximately half of the jobs numbers have been attributed to the Del Mar Fairgrounds. This is a significant issue that has not been well addressed. Though the city Council has representatives to the fairgrounds no action has been taken to have the fairgrounds participate in providing affordable housing. The city Council representatives to the fairgrounds have failed to report any of their activities in this regard.

Because of all the issues listed above, and others that have not been listed, the city Council should not vote on changing our community plan by rezoning as our election cycle has already begun. It is time for the city Council to truly listen to the residents of Del Mar.

[redacted]

From: Debbie Ershler <debbie.ershler@gmail.com>
Sent: Sunday, October 04, 2020 8:24 PM
To: City Clerk Mail Box
Subject: South bluff vote

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have serious concerns about this project and believe the vote should be postponed

Thank you

Debbie ershler
247 Stratford CT
Del Mar Ca 92014

Sent from my iPad

[redacted]

From: Glynn Bolitho <gbolitho@mac.com>
Sent: Sunday, October 04, 2020 6:23 PM
To: City Clerk Mail Box
Subject: Opposition to planned use of Shores Park

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

The current proposal to incorporate the Shores Park in a plan to provide high-density housing is entirely contrary to both its historical, and proposed use. Retention of the existing parks and open spaces is critical if we are to retain the character of Del Mar. We, like many others, contributed to the purchase of the Shores property and find this proposal highly unacceptable.

Regards,

Glynn and Colette Bolitho.
11th St
Del Mar.

[redacted]

From: Tim mills <tmills1956@aol.com>
Sent: Monday, October 05, 2020 9:03 AM
To: City Clerk Mail Box
Subject: City Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No vote should be conducted on the proposed housing plan (that includes the element of upzoning) until there is validation of the data being used to support the Council's decision. For instance, temporary fairground employees should NOT be included in the calculations.

Timothy and Debra Mills
308 Ocean View Avenue

Sent from my iPhone

[redacted]

From: Jennifer <jmcd3766@gmail.com>
Sent: Monday, October 05, 2020 9:25 AM
To: City Clerk Mail Box
Subject: Item 7: Opposition to 6th cycle

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members
I am writing you to state my opposition to the path some of you are taking our small city down. Please note that for determining number of jobs in Del Mar you allowed them to inflate numbers using fairgrounds seasonal employees, I strongly disagree with this choice by Mayor Haviland.

It seems that City is not honoring commitments made to citizens when they accepted monies fundraised to keep the shores property for community use as a playing field, school and public rooms available for event rental.

I feel City needs to join with our neighboring coastal Administrations and challenge the extremely high housing requirements assigned to Del Mar.

I am deeply concerned that some of the state housing rules can overturn parking requirements and potentially impact building heights. Del Mar must be able to communicate community requirements with all developers.

Please do not give up tennis courts and playing field; or our small city will not be able to attract families with young children that can be our citizens of the future.

Sincerely
Jennifer C. McDowell
20 year DM resident, from a San Diego family

Sent from my iPad

From: Julie Pinney <juliepinney@icloud.com>
Sent: Monday, October 05, 2020 9:43 AM
To: City Clerk Mail Box
Subject: Red Dot / Housing 6th Cycle Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members

Ask yourselves; politics aside. Does it really make any rational sense to approve an element where the numerical count may be flawed?

Do you really think what is happening in California in terms of taxes, debt and job losses, that the Fairgrounds should be part of this equation. Not only should the seasonal workers not be counted, these seasonal workers, along with potentially the Fairgrounds itself may cease to exist. If it's debt doesn't sink it, the Sea might.

Why upend an entire small village until
the correct number of low income housing is known. This should be done by an independent audit.

Private properties, like the Staver property, are just that. Private. Is the City going to be involved in a " taking" of property and thus be involved in more lawsuits.

The bottom line is that the Council is elected to represent its citizens. ThIs item should not go forward until a realistic number of low income housing needs is verified. This in and of itself is enough to vote NO, and should be recognized by all the appropriate agencies as trying to correct a numerical mistake.

My best

Julie Pinney
727 Kalamath Drive
Del Mar, Ca 92014

Sent from my iPhone

[redacted]

From: Erin Malecha <erinmalecha@yahoo.com>
Sent: Monday, October 05, 2020 10:11 AM
To: City Clerk Mail Box
Subject: "RED DOT " Letter Agenda VII-6th Cycle Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Del Mar City Council,

I am writing regarding the impending vote on the "6th Cycle Program":

I am asking that the 6th Cycle Program is not approved as it is written. The "Up Zoning" of the North Bluff is against the wishes of Del Mar registered voters. Registered voters recently made their wishes clear by striking down the Measure G initiative. Considering and putting into action the 6th cycle program would be a breach of trust and the fiduciary responsibility of the City Council to work on the behalf of Del Mars' Citizens.

It has become very clear that residents of Del Mar/ Registered voters of Del Mar do NOT want high density planning on the North Bluff site. The Environmental Damage from potential high density development has already been addressed by numerous organizations including the Sierra Club and Surfrider Organization.

I am also opposed to the rezoning of any Park or Open Space that is part of Del Mar. These spaces are what gives Del Mar its Villiage Character and are used and enjoyed by all of its residents as well as Visitors. Even subjecting these spaces as "potential" for development would be the first step toward irreversible decline in the quality of life in Del Mar.

The City Council has the duty to go back to SANDAG and challenge the RHNA numbers. The number of "Jobs in Del Mar" is highly overstated. The number of temporary jobs that the Race tracks brings into Del Mar needs to be reconsidered and contested with the state.

I also believe that the recommendation letter "City of Del Mar Agenda Report" is flawed in stating that no CEQA is required "ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required."

This "Up Zoning" DOES have POTENTIAL to result in "physical change in the environment"!

It is also such an important issue that is should not be rushed to a vote by a Council that will substantially change in membership in less than a month.

Thank you for your consideration,

Erin Malecha

Sent from my iPhone

[redacted]

From: Francesca Campi <francesca.campi@gmail.com>
Sent: Monday, October 05, 2020 10:17 AM
To: City Clerk Mail Box
Subject: Item #7 - PROPOSED HOUSING PLAN FOR DEL MAR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: RED DOT PUBLIC COMMENT - City Of Del Mar's Agenda 5 October 2020, item#7

With regards to the Proposed Housing Plan for Del Mar - item #7-
please add my name to the PROTEST LIST.
This important decision should wait until the newly elected Council is seated.

Respectfully,
Francesca Campi

_____
Francesca Campi
154 9th Street
Del Mar, CA 92014
francesca.campi@gmail.com

[redacted]

From: Piper Underwood <piper.underwood@gmail.com>
Sent: Monday, October 05, 2020 9:19 AM
To: City Clerk Mail Box
Subject: Red Dot - Del Mar Housing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please give thoughtful, deliberate consideration to how we integrate affordable housing into our small village. Since these changes will be permanent, we need more time to thoroughly vet and consider our options. I understand that with the new mandate our housing density will increase by 28%. One of Del Mar's most enduring resources are our open spaces - lagoons, beaches, parks, trails, bluffs, and canyons. Our building ordinances have also helped preserve a nature like setting in our residential neighborhoods. We must protect these treasures and integrate affordable housing thoughtfully.

I was for Prop J, and I was pro the original "Gas Station" project, but I was not for the Marisol project for this very reason. One need only drive west on La Costa Blvd to 101 to see the impact of a bluff being carved out and replaced with a giant parking structure and buildings. The north bluff would have been lost forever, not to mention the traffic. It makes sense that we would integrate affordable housing on the second floor of our downtown business district, or below grade on the west side of Camino del Mar (think Bully's parking lot), and that we would incentivize property owners to improve their properties while integrating affordable housing.

I also understand that seasonal jobs at the Fairgrounds were counted as year-long, part-time work and were factored into our affordable housing numbers. This is CRAZY. Apparently, we don't have much recourse now, but we can hold the State-owned Fairgrounds to account for their fair share of affordable housing units. It's 330 acres of State land in Del Mar!

I am also concerned that the Shores Park is on the list of land being considered for affordable housing. I think you are asking for a lawsuit should it be staked as a location for affordable housing. Money was raised based on a clear definition of how that land would be used (park and school), and any changes to this zoning could provoke more legal acrimony, which none of us wants.

Thoughtfully,

Piper Underwood
Del Mar, Ca.

[redacted]

From: Udo Wahn <caboandcoral@gmail.com>
Sent: Monday, October 05, 2020 10:43 AM
To: City Clerk Mail Box
Subject: Red Dot RE: Agenda Item VII- 6th cycle

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members;

I am concerned that the jobs data for the 6th Housing Cycle has not been validated.

A yes on this agenda item would have a profound negative impact on our small village.
I think the Fairgrounds should step up and be held accountable for more affordable housing. The burden should not fall on Del Mar considering that we have many seasonal jobs that were counted toward the City. Doing so this makes it wrongfully onerous to the City.
The jobs data should be given another look by unbiased auditors.

Please vote NO on this agenda item.
Thank you!

Udo Wahn M.D.
1227 Strtaford Court
Del Mar

[redacted]

From: john imperato <jimperato@hotmail.com>
Sent: Monday, October 05, 2020 10:45 AM
To: City Clerk Mail Box; David Druker; Ellie Haviland; Dwight Worden; Terry Gaasterland; Sherryl L. Parks
Subject: Red Dot Agenda Item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

Please do not proceed with the aggressive proposal to rezone the most beautiful areas of Del Mar. The areas designated for re-zoning are the very areas that make Del Mar special for all who visit.

Please consider removing any and all provisions from the 6th Cycle Housing Element that would allow housing development in our PF-zoned property including the Shores, our only public tennis courts, and our library.

It is a huge disappointment that Council members Parks, Haaviland and Worden, in particular, have failed to push back against the state's pressure to force us into a completely wrong and disproportionate and unbalanced situation. There efforts by the council voting block to achieve more accurate job reporting numbers or to protect the interests of Del Mar in this housing/rezoning have been paltry. You were elected to protect the interest of the community and to advocate for Del Mar having its fair share of housing allotments -- one that accurately reflects actual jobs in Del Mar. The answer is not to just roll over to the state demands and re-zone. Not very good advocacy on our behalf!

This process has been very disheartening.

AGE DISCRIMINATION: Many of my elderly neighbors who have lived in Del Mar for years would like to speak publicly to city council on this important issue, but lack the confidence and computer knowledge to navigate the online speaking process. They are frustrated that they are not being heard and that council is moving too quickly and too aggressively on this MAJOR issue, in these hard times. They feel like they should be able to weigh in on the re-zoning of our city gems.

Please be considerate and either delay this vote, or create a forum where the elderly and less computer literate can participate.

Sincerely,

John Imperato
2034 Santa Fe

[redacted]

From: Stefanie Zable <stef@thezablefamily.com>
Sent: Monday, October 05, 2020 10:56 AM
To: City Clerk Mail Box
Subject: Red Dot Re: Oct. 5, 2020, 4:30 pm, Council agenda item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

We are firmly opposed to Item 7 - The City of Del Mar's 6th Cycle Housing Element. The proposed legislation has consequences that have not been carefully thought out such as all the rezoning that will take place. Del Mar has defended its community plans for years and should not be rezoned at this time.

Sincerely,

Walter & Stefanie Zable
497 Pine Needles Drive
Del Mar, Ca 92014

461 Hidden Pines Dr.
Del Mar, Ca 92014

Karen Cox
13202 Caminito Del Mar Villa
Del Mar, Ca 92014

13203 Caminito Del Mar Villa
Del Mar, Ca 92014

Jeff & Lauren McLean
465 Hidden Pines Dr.
Del Mar, Ca 92014

Sean & Elise Walcott
342 10th Street
Del Mar, Ca 92014

[redacted]

From: Brent Cook <brentcook@explorationinsights.com>
Sent: Monday, October 05, 2020 10:59 AM
To: City Clerk Mail Box
Subject: Red Dot

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am very concerned with these proposed possible additional 599 units to get 113 affordable units.
There has been insufficient research and study into possible options.
The job counts for Del Mar are overstated and inaccurate.
The housing would take up almost all the open space in Del Mar and is not in sync w/ either the town or its character.

Brent Cook and Kim Cook
750 Hoska Dr
Del Mar, CA

Exploration Analyst/Geologist
cell: +1 858-736-7994
www.explorationinsights.com
brentcook@explorationinsights.com

[redacted]

From: tubularyou100 <tubularyou@gmail.com>
Sent: Monday, October 05, 2020 11:02 AM
To: City Clerk Mail Box
Subject: Re: RED DOT COMMENT

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For Agenda Item Number 7

The whole concept of the state controlling local zoning codes is wrong, but I know that doesn't matter. At the very least the jobs numbers should absolutely be revised to reflect reality.

A question I have is, who in Del Mar is for building affordable housing, besides the developers and maybe some businesses? Everyone I know is against it. Why is the city of Del Mar not fighting harder to mitigate and reduce the impact of this?

Regards

David Brooks
131 21st Street

On Mon, Oct 5, 2020 at 11:01 AM tubularyou100 <tubularyou@gmail.com> wrote:

> The whole concept of the state controlling local zoning codes is wrong, but I know that doesn't matter. At the very least the jobs numbers should absolutely be revised to reflect reality.
>
> A question I have is, who in Del Mar is for building affordable housing, besides the developers and maybe some businesses? Everyone I know is against it. Why is the city of Del Mar not fighting harder to mitigate and reduce the impact of this?
>
> Regards
>
> David Brooks
> 131 21st Street

[redacted]

From: Linda Judd <lindadearlinda@gmail.com>
Sent: Monday, October 05, 2020 11:07 AM
To: City Clerk Mail Box
Cc: Linda Judd
Subject: Red Dot Letter Item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Council Members,

I purchased my condo in Del Mar Woods in 2004 with an extensive ocean view. I strongly object to the city planning department's recommended plan to add high density to the South Bluff/Staver property across the street. This recommendation would add 20 units per acre on 5 acres of high density residential housing. On the Staver property, this would allow 99 total units, with 19 affordable units. This property and Del Mar Woods is on a private dead end street. On this street, there is already Del Mar Woods with 126 condos and townhouses, a gated community on Stratford Circle and several very large lots with homes. To add 99 units on the Staver property would be disastrous. There will be increased noise and traffic. Will our ocean views be protected under the Sunlight and View Ordinance or will we see loss of property value because our views will be eradicated by 99 units across the street. How will emergency vehicles enter and exit in a timely manner when they have to negotiate speed bumps and a large Torrey Pine in the middle of the road? Will this road have to be extended to meet S. Camino Del Mar? When the fire burned down the building behind my residence in Del Mar Woods, it took 11 minutes for the fire trucks to respond. Can you imagine if there are multiple fires within Del Mar Woods and in the proposed 99 units on the Staver property at the same time, as in the case of an earthquake? How will we all evacuate safely?

Affordable Housing was assigned regionally based on 4,484 jobs in Del Mar. Over two thousand of these jobs are transient, seasonal jobs at the Del Mar Fairgrounds. The fairgrounds is state owned and not owned by the city of Del Mar. In fact, Del Mar has well under 2,500 jobs. The job counts upon which the 113 affordable housing units assigned by SANDAG are based is invalid. Del Mar currently has only 2,157 households and many of these households consist of retirees. Before pursuing this any further, an audit needs to be performed to accurately count the number of jobs in Del Mar. Once this is performed and an accurate number counted, then this information needs to be sent to SANDAG so that the number of affordable units can be accurately assigned.

Why should the residents of Del Mar accept flawed data and bear the burden of extra affordable units in our small community? Why aren't all council members insisting on this? Why the rush to push this through before the election in November? Three members of the city council will not be running for re-election so they won't even bear the consequences of their decision.

After the election, the city council members can find a solution after the number of jobs are accurately counted and the correct number of affordable housing units assigned.

Kind regards,

Linda Judd
234 Dolphin Cove Ct.
Del Mar Woods

[redacted]

From: Karen Wroan <DmarChaos@aol.com>
Sent: Monday, October 05, 2020 9:30 AM
To: City Clerk Mail Box
Subject: Housing Plan for Del Mar

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: The Mayor and City Council of Del Mar

I am requesting that you delay the vote on this housing plan. It includes a very high increase in dense housing units and deserves more scrutiny and diverse opinions which could be introduced with the November Election results. As a resident I feel we need more communication and discussion on the impact on our existing properties and our treasured community before you vote on such a dramatic change to our Del Mar.

Thank you,

Karen L Wroan
Del Mar Resident

Sent from my iPad

[redacted]

From: Linda Holland <lzholland@ucsd.edu>
Sent: Monday, October 05, 2020 9:32 AM
To: City Clerk Mail Box
Subject: red dot: proposed housing plan; city council agenda 10/5

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council Members:

I am writing to urge the city council to reject the proposed low income housing plan to add 599 high density homes including 113 affordable units. Instead, I urge the city to reopen negotiations with the coastal commission and other involved state agencies to reduce the number of mandated housing units to a reasonable level. The current proposed 599 units would result in an approximately 20-25% increase in the number of homes in Del Mar, which is already very densely populated. The city should advocate recalculation of the number of jobs in the city by eliminating from the calculation the seasonal,temporary jobs at the fair grounds and with the lifeguard department in summer. Many, if not most, employees with the County Fair or concert events typically move to other cities as the events move there. The summer life-guards are typically local college students. I have some first-hand knowledge of the situation. When in high school and college, my children had temporary jobs at the fair and with the lifeguards.

In sum, the proposed housing element is way, way over the top. Del Mar should reject it and renegotiate the terms.

Linda Holland

2102 Coast Blvd

Del Mar, CA 92014-2122

858-259-0771 (H)

858-534-5607 (w)

To Del Mar City Council Members

From Gay Hugo-Martinez – 1366 Via Alta, Del Mar

Subject – Item #7 – 6th cycle HEU

Council members,

In agreeing with SANDAG's figures needed for our affordable housing this council would be using incorrect data that skewed the projected demand of affordable housing units to almost twice the number actually required. SANDAG has grossly overestimated our city's housing needs.

Recently an article in the Union Tribune by Michael Smolens is captioned "Study finds state housing targets for San Diego, other regions are too high." This article refers to the Embarcadero Institute, a small, Palo Alto based think tank, which released a report that contends the 2018 law that established the housing needs formula used incorrect vacancy rate and inadvertently double-counted data that skewed the project demand upward. This report also noted that a conventional economist approach suggests San Diego County would need 112,000 homes by 2030 instead of the nearly 172,000 the state's updated Regional Housing Needs Assessment (RHNA). This think tank study stated that the report in 2018 which created a housing-need formula was flawed in several ways.

Not only did this report show SANDAG's overestimating the housing need for our city, but in addition, SANDAG incorrectly counted all of the part time county fair and racing season workers as full time employees.

Those are two very good reasons to challenge the methodology of SANDAG's allocation. Yet, the majority of this council chose to ignore what is in the best interest of the residents of Del Mar and NOT challenge these outrageous calculations on overestimated needs.

One final thought – why isn't this majority acting in the best interest of the residents of Del Mar?

Re Item 7: 6th Cycle Program EIR and Draft Housing Element Update – General Plan Amendment (GPA 20-003), 10/5/2020 City Council Hearing, Site 98(a-c)

Statement from the Staver Family:

We did not ask the City to upzone our property on Stratford Court, nor were we notified by the City about the potential plans to upzone it. We currently have no plans to develop or sell the property for development. However, we have trouble envisioning a scenario where we would develop the property or sell the property for development with a requirement to include 25% inclusionary housing. This criterion makes development appear uneconomical compared to the current use of the land as a private residence along with the single-family home on a contiguous parcel. Furthermore, the potential increase of the inclusionary percentage is not supported by any studies of the economic impact of such a policy, and is inconsistent with studies of inclusionary housing rates in nearby cities, such as San Diego and Encinitas, that have recently updated their housing element and/or inclusionary policies.

Dan Staver
Tom Staver
Ann Irwin
John Staver
Larry Staver

[redacted]

From: Lin Chao <chao2001@yahoo.com>
Sent: Monday, October 05, 2020 11:28 AM
To: City Clerk Mail Box; Terry TG. Gaasterland
Subject: Item 7. Opposition to 6th Cycle Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I feel that we are acting too quickly and have not given everyone a chance to discuss and consider the benefits and costs that such actions. Del Mar is unfortunately a space impacted area. We all appreciate the beauty of the space and want to share it, but the process has to be done carefully, with planning, and intelligently.

Best,
Lin Chao

[redacted]

From: Jeffrey Barnouw <barnouw@yahoo.com>
Sent: Monday, October 05, 2020 11:30 AM
To: City Clerk Mail Box
Subject: red dot letter for Agenda item 7 at City Council Meeting October 5

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the members of the City Council,

In your previous meeting (Sept 8) you were unable to pass the North Commercial zone amendment to allow up to 20 housing units because of the negative votes of Councilmembers Druker and Gaasterland, and as City Staff and later the Planning Commission (Sept 15) made clear, this put the City in a very risky situation in our relation to the State of California. Two City Staff slides from the previous meeting made clear the frightening array of dangers we/you are courting. I hope we/you can turn this around and bring the City into compliance with State law with respect to its Fifth and Sixth Cycle Housing Elements.

Ironically, in thwarting passage of the zoning amendment for the NC zone, Councilmembers Druker and Gaasterland are gambling with the City's autonomy, its future control of its own zoning, and may well bring about the disasters they misleadingly claim would follow from approving the amendment. I would ask them to rethink their positions and ask all of you to try to work together to maintain Del Mar's independence and control of its development destiny (density) as far as that is possible.

Thank you,

Jeff Barnouw

From: becky beckywalkerinc.com <becky@beckywalkerinc.com>
Sent: Monday, October 05, 2020 11:35 AM
To: City Clerk Mail Box
Subject: RED DOT LETTER - ITEM #7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It has come to our attention that City Council seems to be trying to rush through Re-Zoning that will affect the city for many years to come on the eve of an important and possibly altering election. It's much like what's going on in a very partisan National election. It seems that special interests are in play here and perhaps the special interests are working effectively with the current council. For this reason (or the way it appears) we believe that the decision about re-zoning should be made by the new City Council after they are sworn in, whoever they turn out to be.

We are citizens of Del Mar and will be voting in the upcoming election. We want our voices heard!

Thank you for your consideration,

Wade and Rebecca (Becky) Walker
1440 Oribia Rd.
Del Mar, CA 92014

[redacted]

From: Joel Holliday <jh@thehollidays.com>
Sent: Monday, October 05, 2020 11:40 AM
To: City Clerk Mail Box
Cc: Dwight Worden-Private; Sherryl Parks-Private; havilandellen@gmail.com; David Druker (davidd@yahoo.com); Terry TG. Gaasterland
Subject: Item No. 7 on City Council Agenda for Meeting on October 5, 2020-In Favor

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk, and Honorable Council Members

We commend the City Staff, under the guidance of the City Council for the monumental work that has gone into the 6th Cycle PEIR and the Draft Housing Element Update. This issue is extremely complex, as well as being very impactful on our community. This requires difficult decisions that have to be made by the Council under the constraints imposed by aggressive State housing mandates.

Del Mar became an independent city driven by a fierce desire to retain local control over our land use ordinances that define the character of our residential community. The new reality is that the State has both the power and the will to deal forcefully with mandates that intrude on some of our local land use control. Ignoring/postponing compliance with the State mandates is not a realistic, sensible option. This will lead to the State imposing financial and other penalties on the City and taking virtually complete control of the manner in which the State mandates are met.

We support in general the staff proposal, with the exception that we do not believe that any housing should be considered for inclusion in the Shores Park (i.e., remove Parcels 63 and 64 on the Shores Property from the PEIR's consideration as potential for housing).

Thank you for your consideration.

Joel & Rosanne Holliday
1233 Crest Rd.

[redacted]

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Monday, October 05, 2020 11:41 AM
To: Ellie Haviland; Dwight Worden; Sherryl L. Parks; Terry Gaasterland; David Druker
Cc: CJ Johnson; Amanda Lee; Joseph Smith; City Clerk Mail Box
Subject: Items 7: Opposition to 6th Cycle Housing Element and EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

The 6th Cycle Housing Element EIR does not adequately address the wildfire risk in the NC, PC, CC and South Bluff areas, the increased traffic congestion along critical evacuation routes, and the delays and potential blockages created to thousands of fleeing evacuees and responding firefighters in 20' long and 10' wide fire apparatus, in the narrow single-lane Jimmy Durante Blvd. (JDB) roundabout with no emergency lane.

The EIR leaves out the fact that the Del Mar Fire Department's wildfire simulation model shows that a fire starting in Crest Canyon under Santa Ana conditions with 50 mph winds would engulf the entire North and South Hills and jump Camino Del Mar (CDM) to the ocean within 45 minutes. This would quickly lead to closures of two evacuation routes on Del Mar Heights Rd. and southern Camino Del Mar adjacent to flammable Anderson Canyon. The only remaining evacuation routes for over 4,000 residents and visitors would be the single northbound lanes on JDM and CDM.

The hazard is compounded by the fact that our flammable hillside is filled with many very elderly residents like my three 90-year old neighbors who don't like to drive even in ideal conditions let alone in the dense thick smoke, panic and confusion of a wildfire evacuation. One could easily have an accident in the JDM roundabout which would block that evacuation route. This would also trap the 100 families off San Dieguito Drive whose only escape route is on JDB. Remember the hundreds of cars backed up when JDB was blocked by the bluff slide? Now visualize thousands more and 20' long and 10' wide fire engines blocked from getting through to fight the fire and to rescue the home-bound elderly who can't drive.

In addition, the 6th Cycle Housing Element does not adequately address the preservation of housing currently occupied by 510 low-income households (22.6% of total households in Del Mar). Most live primarily in rental housing despite the city having no "deed restricted" affordable housing units. Many are renters of units that are non-conforming according to current zoning.

A prime example are the inexpensive rental units in duplexes and triplexes in zones that now only allow single-family housing. Previously, they were allowed when they were built over 30 years ago. As a result, this inexpensive rental housing is being increasingly replaced by single-family homes. Further, because they are not "deed restricted", they don't count toward Del Mar's affordable housing.

Please preserve these existing affordable multi-family rental units by adding them back as an allowed use. This will help the hundreds of low-income renters in Del Mar living in these multi-family units increasingly threatened by new development.

Lastly, please work with the Fairgrounds to implement the long-delayed housing partnership between the 22nd DAA and Del Mar. This is only fair as Del Mar's 113 affordable housing units are a state mandate with almost half of them being the result of almost 2,000 seasonal jobs at the state-owned Fairgrounds.

Another option is to work with the state legislature, HCD, and the governor's office to remedy the unfairness of counting almost 2,000 seasonal jobs of employees housed primarily at the Fairgrounds to determine Del Mar's regional housing needs assessment (RHNA) for new permanent affordable housing. A law should be passed that counts the housing provided by an employer (Fairgrounds, military, university, etc.) as being affordable if it is occupied by low income employees. This law would be widely supported by other cities like Coronado and Imperial Beach with large numbers of military jobs counted in their RHNA despite housing being provided on- and off-base and on ships. If the legislature is not willing to pass such a law, then HCD needs to remedy this unfairness by deducting all these jobs from impacted cities like Del Mar.

Thanks for your consideration,

Laura

[redacted]

From: Christy HAHN <Seahahn@adelphia.net>
Sent: Monday, October 05, 2020 11:42 AM
To: City Clerk Mail Box
Subject: Red dot - agenda item #7 Upzoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council people,
To pull the "Chicken Little Upzoning" tactic on the citizens of Del Mar is unthinkable!
Everyone knows your data is incorrect. The state's undated RHNA numbers state that San Diego County would need 112,000 homes by 2030, NOT 172,000. This discrepancy will make a difference to Del Mar.
Everyone also knows that the employment numbers assigned to Del Mar were grossly grossly overstated.
Please step back and take a breath.
Del Mar should not be a social experiment taking place with incorrect numbers.
Sincerely,
Christy Hahn
2027 Coast Blvd. Del Mar

Sent from my iPad

[redacted]

From: Roger Reynolds <reynolds@rogerreynolds.com>
Sent: Sunday, October 04, 2020 8:30 PM
To: City Clerk Mail Box
Subject: RED DOT objection

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wish to register a RED DOT objection to the move to pass an extremely unwise unnecessary and inappropriate measure that will lead to an unnecessary amount of high-density building in our community.

My wife and I have been residence of Del Mar for over 50 years. We worked for more than a year just after arriving here on the task force that wrote the original Del Mar Plan, a document that has protected this unique community for all these decades now.

While the move to provide appropriate amounts of High-Density housing to accommodate less affluent citizens is completely understandable and reasonable, the process that has been followed to get the City where it currently is has been sloppy and ill-advised.

Roger Reynolds
624 Serpentine Drive

[redacted]

From: Isla Cordelae <icordelae@hotmail.com>
Sent: Monday, October 05, 2020 11:55 AM
To: City Clerk Mail Box
Subject: Council Meeting Item #7

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On LOW INCOME HOUSING VOTE: Item #7

Please do not commit Del Mar to an adjenda TODAY that will turn our open space & COMMUNITY recreation areas into housing. I have rented
In Del Mar for 50 years in the current low income units available. High density housing and redevelopment is the biggest threat to the continue
availability for our younger and older residents.
Please look into the following:

- ✓ How many rental units already are serving our low income housing requirements? Make a thorough **assessment of current housing**.
- ✓ Verify that **the number of units** required by the State is accurately based upon permanent resident employment, not temporary residents.
- ✓ Remember that ALL our open space, No & So Bluff, beaches, parks, tennis courts **serves ALL OF SAN DEIGO COUNTY residents**. Take that away for housing
and coastal access will be in jeopardy all throughout Del Mar, for all the county.

Isla Cordelae
106 11th St
Del Mar, CA 92014

Sent from Mail for Windows 10

[redacted]

From: Don Instone <don@instoneinvestments.com>
Sent: Monday, October 05, 2020 11:55 AM
To: City Clerk Mail Box
Cc: Sue Instone; Don Instone
Subject: Red Dot Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am NOT in favor of The proposed housing plan for Del Mar to add 599 high density homes to yield 113 affordable units. It is only common sense to challenge the short seasonal state jobs on state land that was used to calculate the number of affordable housing units Del Mar would be mandated to fulfill. This plan has been supported by Haviland, Worden and Parks, in spite of the will of the populace of Del Mar to at least put this item to a belt. This is another end run around the voters of Del Mar to appease a very select group of Del Mar residents. I believe the answer would be in putting off this agenda item until after the election when the voting Delmar public can again weigh in on challenging the numbers and working with fairgrounds on housing.
Since I have written several red dot letters in the past regarding other situations to the biased city Council I am certain this letter and all the others you have received condemning this action will fall on deaf ears. That is a shame because The citizens of Del Mar have a right to a vote on the issue and have a right to have their voices counted, heard and respected. Then, the people would make the decisions and not the three city council members that support this and run around the voting public of Del Mar.

Sincerely,

Don Instone

Sent from my iPhone

[redacted]

From: K Lare <karen.lare@yahoo.com>
Sent: Monday, October 05, 2020 12:00 PM
To: City Clerk Mail Box
Cc: Eddie Lare
Subject: Re: Red Dot for tonight's City Council Meeting Item number 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On Monday, October 5, 2020, 11:50:45 AM PDT, K Lare <karen.lare@yahoo.com> wrote:

Dear Mayor and City Council - thank you all for the work you are doing on the topic of housing in Del Mar but I ask that everyone take a step back and really understand what is right for the community, not self interest groups or developers or even your own interests or beliefs but this City we all live in. Upzoning all of the open land and all of the downtown corridor is not the answer. We all know the fairgrounds are. Let's go to work on getting the right type of affordable housing built there to house those that need it and in a place where we can get more than 20% of the units produced to be designated "Affordable Housing" for the lowest categories. Meanwhile let's get to building some units on City Owned property to show that we are serious about getting it done. The community will come together to help in this cause!

The upper levels of the RHNA requirement are not the issues as our ADU production will take care of that and if the Staff follows through with an amnesty program and issues permits for all those not permitted to date (but existing) we will more than hit those numbers. it is the lowest levels that are the issue as I believe you all know.

I ask you and implore you as a citizen of Del Mar to work with not just the fairgrounds board but the state government to make the housing happen on the fairgrounds land.

Karen Lare
526 Stratford Court Unit B
Del Mar, CA

[redacted]

From: Hayley Brooks <hayleybrooks12@gmail.com>
Sent: Monday, October 05, 2020 12:00 PM
To: City Clerk Mail Box
Subject: Comment on Item 7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

I'm a resident of Del Mar and I do not support the new housing plan that adds 113 affordable care units. Please wait until the newly elected Council is seated.

Hayley

Hayley M. Brooks
hayleybrooks12@gmail.com
(858) 405-0887

[redacted]

From: Shelley Duncan <shelleyjd12@gmail.com>
Sent: Monday, October 05, 2020 12:05 PM
To: City Clerk Mail Box
Subject: Agenda item #7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to input my feelings in regard to Item #7 on the City Council agenda.

First, discussion and any decision regarding the proposed housing plan for Del Mar should be postponed until the newly elected Council is seated.

Second, I strongly oppose the plan to "up-zone" all of the sites listed in the plan.

I live just north of the South Bluff (Staver) property and the impact on our community would be immense. Traffic would be a nightmare. And in the setting of a scenario in which a fire was threatening the area, exiting via Stratford Ct. and 4th St. would take far too long in this emergency situation.

Thank you,

Shelley Duncan
114 Spinnaker Ct.

[redacted]

From: City Clerk Mail Box
Subject: FW: Red Dot Submission from Dan Quirk for Item #7

From: Dan Quirk <dquirk@gmail.com>
Sent: Monday, October 5, 2020 11:45 AM
To: Ashley Jones <ajones@delmar.ca.us>
Cc: David Druker-Private <ddruker@dataskill.com>; Terry Gaasterland <tgaasterland@delmar.ca.us>; Dwight Worden <dworden@delmar.ca.us>; Ellie Haviland <ehaviland@delmar.ca.us>; Sherryl L. Parks <sparks@delmar.ca.us>
Subject: Red Dot Submission from Dan Quirk for Item #7

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council Members,

I am strongly opposed to the deeply flawed housing proposal before City Council today. It is a critical issue that gets to the very heart of Del Mar's Community Plan. The biggest flaw in the housing proposal is its reliance on a very incorrect and inflated calculation of the number of jobs in Del Mar, which determines our state-mandated affordable housing requirement. To get our housing plan right, we first need to use the correct and appropriate data.

Earlier this year, our citizen-led housing task force also identified many creative and far less impactful solutions to achieve progress on our affordable housing requirements. We need to focus on these solutions that do not create such a significant increase in development, density, and negative impacts to our quality of life.

We have an important City Council election coming up in less than 30 days, and two of you, Ellie Haviland and Sherryl Parks, are not seeking re-election. This proposal is a key issue for the election and should be deferred until after a new City Council is in place. Let the people decide.

Respectfully,

Dan Quirk, candidate for Del Mar City Council

23rd Street

https://danquirkdelmar2020.com/

[redacted]

From: Karen Reynolds <karen@rogerreynolds.com>
Sent: Monday, October 05, 2020 11:55 AM
To: Melinda Gould
Subject: RED DOT Objection

Follow Up Flag: Follow up
Flag Status: Flagged

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To Melinda Gould
City of Del Mar | Administrative Services

With this message, I want to register a RED DOT objection to Item 7 on the agenda, where — as I understand it — an unwise unnecessary and measure that involves substantial increases in the amount of high-density building in Del Mar.

While I am not opposed to some High-Density housing to accommodate les
well off citizens the current size of the numbers is not well-founded.

Karen Reynolds
624 Serpentine Drive

[redacted]

Subject: FW: Red Dot

> -----Original Message-----
> From: flandry19@magic-flight.com <flandry19@magic-flight.com>
> Sent: Monday, October 05, 2020 11:55 AM
> To: City Clerk Mail Box <CityClerk@delmar.ca.us>
> Subject: Red Dot
>
> CAUTION: This email originated from outside of the organization. Do
> not click links or open attachments unless you recognize the sender
> and know the content is safe.
>
>
> To Whom it may concern,
>
> I am given to understand that there will be a vote to re-zone Del Mar
> today, so as to allow 20 units of residential development per acre in
> nearly all of the Del Mar space, so as to provide for 113 units of
> affordable housing, as per state mandate.
>
> It seems that the vote should be postponed as the count of 113 units
> may be wrong.
>
> If it is the case that these affordable units can only be 20% of new
> high-density development on each property, then Del Mar would have to
> approve nearly 500 units to be built to get the 113 affordable ones.
> That is a lot of new units, given that Del Mar has been described as
> currently having only 2,157 households currently.
>
> Rather than voting to change the zoning, perhaps we should change the
> requirement that only 20% of new high-density development be for
> affordable units? What about requiring that 100% of the new units be
> made affordable?
>
> Moreover, I am given to understand that the number of affordable
> Housing units is assigned regionally based on jobs, as defined by
> SANDAG, and that there was an assessment that Del Mar was counted as
> supporting
> 4,484 jobs. Given that there are fewer than that many households, in
> Del Mar, that number of jobs clearly cannot be right.
> It is hard for me to see that Del Mar itself has even 1500 jobs
> altogether.
> Given that the population of resident voters is well below 4000, it is
> hard to believe the suggestion that even 1 out of 4 of all of these
> people are working in town.
>
> The job counts are significantly higher than expected.
> Therefore, there is a question as to if these numbers are valid and

> correct.
>
> What is needed to establish correct job counts?
> What would be necessary to challenge the job count data?
>
> If there are over 2,000 are transient/seasonal jobs at the State-owned
> Del Mar Fairgrounds, and moreover if the housing requirement is based
> on seasonal jobs, and if Covid has required that the fairgrounds not
> be employing nearly as many people this year, then why should these
> actually non-occurring seasonal jobs be counted against our affordable
> housing requirement?
>
> Given the very significant reductions in the numbers of seasonal jobs
> occurring here in Del Mar, any reactive vote regarding zoning should
> be delayed.
>
> Moreover, if it is the fairgrounds that is generating the significant
> majority of the job counts, why not require that such housing be
> placed How do we get the Fairgrounds to help, by building affordable
> units on the 320 acres of state-owned Fairgrounds property?
> What would be required to get the Fairgrounds to build their fair
> share?
>
> I believe Del Mar has a fraction of the jobs after backing out the
> Fairgrounds jobs out. We need an auditor to find the real jobs
> numbers and challenge the count data, and have the number of housing
> units recomputed. And we should also change the 20% rule so as to
> further minimize the impact.
>
> We need to find a way to get the Fairgrounds to build affordable
> housing through effective representation at the Fairgrounds Board
> meetings.
> Otherwise, requiring us to bear their burden is effectively taxation
> without representation. Last time that happened, the USA separated
> itself from England. What would it take for us to separate ourselves
> from the unfair obligations placed upon us by the state fairgrounds?
>
> Forrest Landry
> 2186 San Dieguito Rd,
> Del Mar, CA.
> 858-776-7733

[redacted]

From: Patricia Brutten <pmbrutten@yahoo.com>
Sent: Monday, October 05, 2020 12:23 PM
To: City Clerk Mail Box; Terry Gaasterland; Dwight Worden; Ellie Haviland; Sherryl L. Parks; David Druker
Cc: Marc Brutten
Subject: Agenda Item #7

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,
I am writing on behalf of Marc and me, as community members and as owners of Del Mar's largest commercial center. We are very concerned regarding the information being circulated about the housing issue.

Firstly, if it is true that the housing requirement has been falsely inflated due to the fairgrounds, addressing that issue should be the first priority what ever that takes.

Secondly, rather than making additional selections of parcels within the City of Del Mar, and rezoning them to high density does not make any sense what soever, when the entire down town area is blighted. If you are planning to rezone any area of Del Mar, the downtown area should be a primary consideration. This is the area that needs the attention and impetus most right now, to help on all fronts, particularly financially. (9th street to 15th street).

Thirdly, and as many others have pointed out, to loose both of our small limited recreation areas is also a bad decision, and would rob Del Mar of the little park and recreation space that it currently has, by the way it is those areas of cities across the country that make GREAT cities, not just high density zoning.

Please vote against this rezoning proposition, until a more fair and balanced plan can be implemented.

Respectfully,
Patty & Marc Brutten

sent by email only

5 October 2020

City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

October 5, 2020 City Council Meeting
Agenda Item 7 – 6th Cycle Housing Element Update
Shores Park in the Crosshairs

Dear Mayor and Council:

Council voted last month to ***renege*** on a longstanding promise to the State, that Del Mar would up-zone North Commercial to comply with State housing law.

I do not write to quibble with Council's decision. Others have already spoken to that.

I write to magnify that ***because of Council's decision***, the crosshairs have shifted to North Bluff, South Bluff, and inevitably Shores Park – which will surely be the ***Park of Last Resort*** once the State brings down the hammer as they have done successfully against other wealthy coastal cities that have resisted legal compliance.

For while Shores Park today might be merely ***Dog Park*** in the eyes of some, at some point Dog Park will grow up. The question for Del Mar is whether it will grow up to be a ***Real Park***, or whether instead it will grow up to be affordable housing because Council refused to do its job to protect it.

Surely I do not need to tell you how dire the situation is for kids in Del Mar. There are precious few green recreational play areas left for Del Mar's kids. This has only been worsened recently by the demise of 2.1 acres of play areas in the recent Del Mar Heights Elementary rebuilt. If you care to know the math, you can find it on the About page of our website at Play Outside.

For the kids of today and tomorrow, I urge you to take yourself back in time and to feel their needs – and to keep the ***Park of Last Resort*** intact.

Sincerely,

John E. Gartman, President
Play Outside Del Mar
john@playoutsidedelmar.org
619. 517.1010

[redacted]

From: warrengs@gmail.com
Sent: Monday, October 05, 2020 3:30 PM
To: City Clerk Mail Box
Subject: Item 7 Red Dot for October 5 City Council meeting

Follow Up Flag: Follow up
Flag Status: Flagged

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October 5, 2020

To: Honorable Mayor Ellie Haviland and Honorable Member of the City Council
Re: Item 7--6th Cycle Program Environmental Impact Report and Draft Housing Element Update – General Plan Amendment (GPA 20-003)

There is no question that Del Mar is under the gun from the State of California with regard to affordable housing. Del Mar deserves a reasoned debate on this difficult issue. Disappointingly, Deputy Mayor Terry Gaasterland has sent out an alarmist email that ignores the findings and recommendations of Planning staff and misrepresents the facts. She presents no reasonable alternative to the recommendations of staff.

Deputy Mayor Gaasterland claims that the 6th Housing Element plan adds 599 total new units in Del Mar. This is simply false. While affordable units frequently represent 20 percent of a total project (100 new units would yield 20 affordable units), there are areas in Del Mar where affordable units could be built independent of a larger project. A prime example is the Fairgrounds. Staff has recommended trying to reach an agreement that would result in 51 affordable units. This would not be part of a larger housing development.

Deputy Mayor Gaasterland asserts that the plan proposed by staff would add high-density housing to, among other areas, the North Bluff, the South Bluff (Staver) and Shores Park. This again is false. What staff actually does is present a menu of possibilities for affordable housing. Chief among these is the North Commercial zone and the Fairgrounds. Together, these areas can produce over 70 of the 113 affordable units called for in the 6th Housing Element. The number of total new units would be far less than 599.

The Del Mar community does not want housing in the Shores property. It does not want dense housing in the North Bluff and the South Bluff. To avoid this, we need to follow the recommendations of staff. This includes a change in the Community Plan to allow mixed use residential and commercial in the North Commercial zone, which Deputy Mayor Gaasterland and Council member Druker voted against at the September 8 City Council meeting, and vigorous efforts to reach an agreement with the Fairgrounds.

We're not living in 1958, when Del Mar incorporated, and the State of California barely knew Del Mar existed. The State has made clear that if we don't work to satisfy housing mandates, we may be sued, fined, and forced to rezone in areas like the North Bluff and South Bluff. Ironically, opponents of the 5th and 6th Housing elements, who claim to want to protect Del Mar from development in these areas, may in the end be responsible for that very development.

I learned a long time ago that leadership is only as good as its staff. Del Mar has an excellent and expert planning staff who have studied these issues for years and worked with California's Housing and Community Development to come up

with plans that will protect our community from new, high-density developments to the extent possible. We should rely on our staff and not on the alarmist and misleading assertions of non-experts, even if they happen to be Council members.

Glenn Warren
27th Street

[redacted]

From: Jan McMillan <janmcmillan@sbcglobal.net>
Sent: Monday, October 05, 2020 3:32 PM
To: City Clerk Mail Box
Subject: Agenda Item #7 for October 5 City Council meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Haviland and City Councilmembers:

Having learned very recently of a study that found errors in the number of affordable housing units the State is requiring of Del Mar, I urge you not to vote on tonight's proposal to rezone our North Commercial zone or any other zone that would be affected by the proposal. Instead, please examine the calculations that were done in the past to determine our quota, determine the correct number, ask the State to give us more time to submit our application, and if needed, hire extra legal counsel to support our city's final position. And last, do not be afraid. Do not be intimidated by threats. Affordable housing is a major issue. We deserve a small amount of time to use the correct calculations.

Jan McMillan

[redacted]

From: Glenn Warren <warrengs@gmail.com>
Sent: Monday, October 05, 2020 3:32 PM
To: City Clerk Mail Box
Subject: Fwd: Item 7 Red Dot for October 5 City Council meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I sent this at 11:45 and just discovered it got stuck in my outbox. Please submit.

Thank you, Glenn Warren

---------- Forwarded message ---------
From: <warrengs@gmail.com>
Date: Mon, Oct 5, 2020 at 3:29 PM
Subject: Item 7 Red Dot for October 5 City Council meeting
To: <cityclerk@delmar.ca.us>

October 5, 2020

To: Honorable Mayor Ellie Haviland and Honorable Member of the City Council

Re: Item 7--6th Cycle Program Environmental Impact Report and Draft Housing Element Update – General Plan Amendment (GPA 20-003)

There is no question that Del Mar is under the gun from the State of California with regard to affordable housing. Del Mar deserves a reasoned debate on this difficult issue. Disappointingly, Deputy Mayor Terry Gaasterland has sent out an alarmist email that ignores the findings and recommendations of Planning staff and misrepresents the facts. She presents no reasonable alternative to the recommendations of staff.

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larger project. A prime example is the Fairgrounds. Staff has recommended trying to reach an agreement that would result in 51 affordable units. This would not be part of a larger housing development.

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We're not living in 1958, when Del Mar incorporated, and the State of California barely knew Del Mar existed. The State has made clear that if we don't work to satisfy housing mandates, we may be sued, fined, and forced to rezone in areas like the North Bluff and South Bluff. Ironically, opponents of the 5th and 6th Housing elements, who claim to want to protect Del Mar from development in these areas, may in the end be responsible for that very development.

I learned a long time ago that leadership is only as good as its staff. Del Mar has an excellent and expert planning staff who have studied these issues for years and worked with California's Housing and Community Development to come up with plans that will protect our community from new, high-density developments to the extent possible. We should rely on our staff and not on the alarmist and misleading assertions of non-experts, even if they happen to be Council members.

Glenn Warren

27th Street

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Thursday, October 01, 2020 11:47 AM
To: City Clerk Mail Box
Subject: Oct 5 City County meeting, zone changes, Item 7-8

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

Thank you for all that you are doing for us Del Mar citizens and for always trying to find the best solution for all. I have tried to figure out which areas that are suggested for rezoning so that we can fulfill our affordable housing quota (where I do think we were unfairly treated since we are such a small town but with lots of seasonal jobs, but it is what it is). I am not at all against affordable housing, but it should and could be done with some creativity instead of pushing a lot of units into areas where people, and other species, are using as open and available spaces for their leisure and enjoyment. That will only create hostility between the residents already living in Del Mar using those areas, and the people who will move into the units.

I am against most of the suggested re-zonings, but not all. I am against overcrowding areas, I am also an environmentalist. I do not think we should sacrifice precious nature such as down by the San Dieguito river mouth, home to many birds, fish, and amphibian species. It has become a hot spot for bird watchers and naturalists. Let's leave the area alone to nature. Therefore, I am asking you to not include 2126 Jimmy Durante Blvd, 2148 Jimmy Durante Blvd, and 2236 Jimmy Durante. Also, that area is prime real estate and worth a fortune. That seems unnecessary luxurious as affordable housing. It is one of the prime spots California can offer in regards to real estate. If it were to be rezoned as housing, wouldn't it be better to sell it as prime real estate for less footprint and then use some of the money for affordable housing in a more creative way?

2002 Jimmy Durante Blv is farther away from the river mouth and might be a possible site for a few units (again, don't over crowd!)

I am not sure what is going on with the Watermark planned on the east side of Jimmy Durante/ corner San Dieguito Blv. If apartment complexes are already planned there, that seems to be a good place to make some of them into affordable housing (as suggested). I hear people are worried about the traffic around the round-about there, so an increase in that area is probably not safe.

Please leave the Shores Park alone. It's the only green and open area we have! Please, no apartments there. That is not what The Shores Park was meant for and that is not what many citizens who paid a huge amount of money for. It is a park, meant for everyone to

enjoy, stretch their legs, play some ball, play with our dogs. Not to be eaten up by housing complexes. However, I read somewhere that a second story of the offices could be used for a few, small affordable housings for the elderly. That is OK with me (and I would like to reserve one for myself in 30 year 😊).

Up by the old gas station, I think it's 941 Camino del Mar, a couple of units would be ok, but ELEVEN!? No. At 807 Camino del Mar you suggested three already, so how about two at each place instead?

I can think of other ways to create affordable housings. For example, there are lots of people who rent out their houses. If they were to rent them out within the range of "affordable housing" cost, perhaps they could get some kind of tax break or any other creative way from Del Mar to make up for it. Same could go for people with large lots. If they were to build a small, 2 bedroom house in their backyard and rent it out as affordable housing, they could get some kind of tax break or in another way get rewarded for the lower rent. They could for example pay less property tax as a Thank you. The same thing could be applicable for apartment complexes that are already there. There are lots of rentals and condos along Stratford Ct between 9th Street and all the way over to Del Mar Woods. Perhaps a negotiation could be done with the owners and the landlords to reward them somehow if some of the apartments/condos are offered as affordable housing.

From my experience, Del Mar is filled with good people who would be willing to give some of their own comfort to help those that are less fortunate. I do think that if there was a way to make it easy for people to rent out and/or build a small backyard home as affordable housing, many large lot owners would do it.
I also think many condo owners who live in Del Mar but own and rent out an extra unit, would be more than willing to rent out their condos as affordable housing if they were rewarded in one way or the other from the City. At least it's worth a discussion and a brain storm with house and condo owners.

The other thing is that I don't even think people know this is going on. I just happened to stumble over it. Shouldn't it be better announced? I'm not sure whether I read it correctly, but is it true that these affordable units do not have to follow the same DRB rules as others in Del Mar? If so, that is just wrong and I would be against ALL of them. I hope I got that wrong.

Please, do not take away the few open spaces we have left, and please, do not build more housing down by our precious San Dieguito river mouth. We have to leave some areas for nature! Let's be creative and use what we have.

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

[redacted]

From: Matt Weiss <gotweiss@yahoo.com>
Sent: Friday, October 2, 2020 4:39 PM
To: Melinda Gould
Subject: Monday counsel meeting Agenda Items 7-8

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ellie, Dwight and Sherryl,

I'm writing to lodge my complaint, concern and disgust that you all think you can once again push through what is absolutely the most important and serious change to our community plan that I've seen in 53 years of being a part of del mar and my family for over 64 years, 3 generations. You've had 6 years to address this issue, reach out to the community and work out a viable solution. The problem is that any viable solution suggested by David, or Terry doesn't seem to meet yours, or your crony developer friends agenda's. So now in the middle of a pandemic that requires social distancing, you decide it's the most important issue and needs to be ram rodded through while everyone is locked in their houses, or asleep at the wheel, unable to talk over the fence, or on the streets as we usually do. Very sneaky and treacherous if you ask me.

Not only has this amendment already been voted down in early September, the parties that voted it down offered compromises that sound like they should have at least been heard and considered by the community, much less evaluated and explored before moving any further with this type of change to our zoning and community plan. Our community plan has withstood the likes of Nancy Hoover and many others just like you!!! Now it seems your punishing Dave and Terry for their no vote with a "we'll teach you" move by adding the heart of the village, the Central Commercial zone?

You now want to include the Central Commercial zone on top of the other zones that were already voted down. This is a blatant end around and won't be tolerated by me or my neighbors and neighborhood. I know for a fact that the doctors office property between 13th and 14th st on Camino Del Mar is being sold, if it hasn't already, to a big developer out of Canada. I'm told it's the same developer who bought the realty office on the southwest corner of 13th and Camino Del Mar and you already rubber stamped his height request and plans. Sounds like you all get along a little too well if you ask me. More research confirmed to me that they have billions of dollars and specialize in condo's and mixed use. We know retail won't work when even without Covid, as half the main drag was already empty for years, and for years the plaza has been empty. Simple deduction and your sudden excitement and irrational desire to expedite and shove this zonal change down everyone's throat seems mighty suspicious.

My source who is one of the selling parties, told me in early August that the buyer is a developer who plans on scraping it and building retail below and condo's on top, or condo's if they can get the zone changes passed! How could they already be planning that in August when the Central Zone wasn't even added to your list or made public until mid-September??? All of this before they closed on the property and the current zoning and FAR's don't allow for

it? Hmmm...? Doesn't take a genius to add it up. They've obviously got the 3 of you in their back pocket! It's shameful that you are trying this blatant end around on behalf of an out of town, out of state, and even worse out of country developer. You are now trying to include this zone in your new request in an expedited hush-hush manner. It's pretty obvious as it always has been that you're in the developers corner not the residents of Del Mar, and this proves it.

Del Mar is a village not a sprawling Santa Monica, Huntington Beach, Newport Beach, PB, Encinitas or dozens of other once sleepy beach towns that are now condo corridors, outdoor strip malls and homogenized cracker jack box, tourist trap, smelly eyesores. These cities are over crowded, over trafficked, and over polluted with noise, cars, drunks from bars, restaurants and trash and transients. If you succeed, all of this is coming to Del Mar just so you and your out of town cronies can make a fast buck. How do you call yourself a public servant? That's what you are in case you've forgotten!

A real city counsel member/public servant should be filing an injunctive relief motion, or even a class action lawsuit against the state fighting and questioning they're ridiculous matrix that works for Huntington Beach, Santa Monica and other large coastal cities. It's like ramming a football through a garden hose for Del Mar. Instead you lay blame on Dave and Terry, or try to scare everyone with the **big bad voodoo state** that's going to take over if we don't do as big brother commands us. Basically, you'd rather punt on first down instead of doing what you were elected to do, fight it! Getting the fairy dust sprinkling approval of the planning dept. is a joke! Do they work for you, or do you work for them? Funny, I thought you all worked for us, the residents and citizens of Del Mar!!! In your tenure, all you've managed to do, is mis-manage and put us in debt with your poor decisions and un-needed city halls and streetscapes, all the while not a single power line has been touched while the measure Q fund has been drained so your pals get to build and make money. **Great Job, NOT!!!!**

You're threat of state control doesn't scare me, or most other citizens. It's the same frying pan your asking us to jump into, no matter how you season it... Rotten meat is still rotten! Good job of backing our city into an untenable position where we fight each other when instead, we need to fight the state and it's ridiculous matrix, not each other! There have been several study's well known research groups and universities that would support our position to fight and lay the groundwork for a solid case. I'm sure other cities facing this same ridiculous mandate would be happy to join our suit and call for change. But instead you guys stuck your heads in the sand for the last 6 years acting like there was nothing you could do. In reality we all know and it's now been proven, you've just had your own agenda and developers backs not ours.

The gig is up, you have been found out and proven to be the worst counsel members in Del Mar history and that's pretty bad, when you think about the Hoovers and other corrupt politicians that have tried to dismantle our community plan for decades before you, and failed. You will fail too!

I'll be immediately contacting every person and neighbor I know in Del Mar to let them what kind of wolves are wearing our counsel persons clothing as they rob our chicken coup for self gain. You should all be ashamed of yourselves.

Do your job and do whats right for everyone in Del Mar and our future generations. No common sense Del Martian will stand for it, you shouldn't either!

Matt Weiss

328 13th st.

Del Mar

619-408-2929

Matt Weiss
619-408-2929

[redacted]

From: Shannahoff, David <dshannahoffkhalsa@ucsd.edu>
Sent: Friday, October 2, 2020 10:33 PM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland; David Druker; PAMELA SLATER-PRICE; Hershell Price; Checkoway, Harvey; S Gay Hugo-Martinez; Gary Hardke; Kelly Kaplan; Kristen Druker; Laura DeMarco; Ralph DeMarco
Subject: Red Dot Letter - NO on Items 7 & 8 !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To quote Matt Weiss, who kindly posted this to Next-door

"Dear Ellie, Dwight and Sherryl, I'm writing to lodge my complaint, concern and disgust that you all think you can once again push through what is absolutely the most important and serious change to our community plan that I've seen in 53 years of being a part of del mar and my family for over 64 years, 3 generations. You've had 6 years to address this issue, reach out to the community and work out a viable solution. The problem is that any viable solution suggested by David, or Terry doesn't seem to meet yours, or your crony developer friends agenda's. So now in the middle of a pandemic that requires social distancing, you decide it's the most important issue and needs to be ram rodded through while everyone is locked in their houses, or asleep at the wheel, unable to talk over the fence, or on the streets as we usually do. Very sneaky and treacherous if you ask me. Not only has this amendment already been voted down in early September, the parties that voted it down offered compromises that sound like they should have at least been heard and considered by the community, much less evaluated and explored before moving any further with this type of change to our zoning and community plan. Our community plan has withstood the likes of Nancy Hoover and many others just like you!!! Now it seems your punishing Dave and Terry for their no vote with a "we'll teach you" move by adding the heart of the village, the Central Commercial zone? You now want to include the Central Commercial zone on top of the other zones that were already voted down. This is a blatant end around and won't be tolerated by me or my neighbors and neighborhood. I know for a fact that the doctors office property between 13th and 14th st on Camino Del Mar is being sold, if it hasn't already, to a big developer out of Canada. I'm told it's the same developer who bought the realty office on the southwest corner of 13th and Camino Del Mar and you already rubber stamped his height request and plans. Sounds like you all get along a little too well if you ask me. More research confirmed to me that they have billions of dollars and specialize in condo's and mixed use. We know retail won't work when even without Covid, as half the main drag was already empty for years, and for years the plaza has been empty. Simple deduction and your sudden excitement and irrational desire to expedite and shove this zonal change down everyone's throat seems mighty suspicious. My source who is one of the selling parties, told me in early August that the buyer is a developer who plans on scraping it and building retail below and condo's on top, or condo's if they can get the zone changes passed! How could they already be planning that in August when the Central Zone wasn't even added to your list or made public until mid-September??? All of this before they closed on the property and the current zoning and FAR's don't allow for it? Hmmm...? Doesn't take a genius to add it up. They've obviously got the 3 of you in their back pocket! It's shameful that you are trying this blatant end around on behalf of an out of town, out of state, and even worse out of country developer. You are now trying to include this zone in your new request in an expedited hush-hush manner. It's pretty obvious as it always has been that you're in the developers corner not the residents of Del Mar, and this proves it. Del Mar is a village not a sprawling Santa Monica, Huntington Beach, Newport Beach, PB, Encinitas or dozens of other once sleepy beach towns that are now condo corridors, outdoor strip malls and homogenized cracker jack box, tourist trap, smelly eyesores. These cities are over crowded, over trafficked,

and over polluted with noise, cars, drunks from bars, restaurants and trash and transients. If you succeed, all of this is coming to Del Mar just so you and your out of town cronies can make a fast buck. How do you call yourself a public servant? That's what you are in case you've forgotten! A real city counsel member/public servant should be filing an injunctive relief motion, or even a class action lawsuit against the state fighting and questioning they're ridiculous matrix that works for Huntington Beach, Santa Monica and other large coastal cities. It's like ramming a football through a garden hose for Del Mar. Instead you lay blame on Dave and Terry, or try to scare everyone with the big bad voodoo state that's going to take over if we don't do as big brother commands us. Basically, you'd rather punt on first down instead of doing what you were elected to do, fight it! Getting the fairy dust sprinkling approval of the planning dept. is a joke! Do they work for you, or do you work for them? Funny, I thought you all worked for us, the residents and citizens of Del Mar!!! In your tenure, all you've managed to do, is mis-manage and put us in debt with your poor decisions and un-needed city halls and streetscapes, all the while not a single power line has been touched while the measure Q fund has been drained so your pals get to build and make money. Great Job, NOT!!!! You're threat of state control doesn't scare me, or most other citizens. It's the same frying pan your asking us to jump into, no matter how you season it... Rotten meat is still rotten! Good job of backing our city into an untenable position where we fight each other when instead, we need to fight the state and it's ridiculous matrix, not each other! There have been several study's well known research groups and universities that would support our position to fight and lay the groundwork for a solid case. I'm sure other cities facing this same ridiculous mandate would be happy to join our suit and call for change. But instead you guys stuck your heads in the sand for the last 6 years acting like there was nothing you could do. In reality we all know and it's now been proven, you've just had your own agenda and developers backs not ours. The gig is up, you have been found out and proven to be the worst counsel members in Del Mar history and that's pretty bad, when you think about the Hoovers and other corrupt politicians that have tried to dismantle our community plan for decades before you, and failed. You will fail too! I'll be immediately contacting every person and neighbor I know in Del Mar to let them what kind of wolves are wearing our counsel persons clothing as they rob our chicken coup for self gain. You should all be ashamed of yourselves. Do your job and do what's right for everyone in Del Mar and our future generations. No common sense Del Martian will stand for it, you shouldn't either!”

Sincerely,

David Shannahoff-Khalsa
507 1/2 Van Dyke
Del Mar, CA 92014

[redacted]

From: MIssy V. <gmissy@gmail.com>
Sent: Saturday, October 3, 2020 6:22 AM
To: City Clerk Mail Box
Subject: NO CONDO CANYON DEL MAR / NO to items 7 & 8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ellie, Dwight & Sheryl,

Please take your outdated desire to make loads of money by cramming condominiums into our charming beach town that still has open spaces, wildlife, quiet nights and happy people.

Del Mar does not want your condos. Camino Del Mar was not designed to house thousands of people in a condo setting. The greedy and aggressive idea to place your condo cash cows here has not been thought out. Densifying Del Mar will cause problems and stress on us, the environment and you because we are going to fight it.

Please re-think your desires and re-examine your heart and let us live as we have for generations. Let Del Mar be. You must be able to appreciate that it is little bit country and a little bit beach town and tons of charm.

Don't turn us into Santa Monica.

It's a short drive to Wilshire Blvd if we want to experience everything condo-life and density brings.

The phrase: Ten pounds of [poop] in a five pound bag is the visual your Condo Canyon Del Mar brings.

Please think better.

Missy Simms
619-405-5050
6th Street Del Mar

[redacted]

From: mario ammirati <lemoko60@me.com>
Sent: Saturday, October 3, 2020 9:33 AM
To: City Clerk Mail Box
Subject: I am against Items #7 and# 8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No to Ellie, Dwight and Sherryl,
I am against Items 7 and 8 listed on Del Mar City Council Meeting Agenda to be discussed on 10/5/2020

Mario and Nadia Ammirati
610 KALAMATH DRIVE DEL MAR CA 92014

Sent from my iPhone

[redacted]

From: Carter Chappell <wckc52@cox.net>
Sent: Sunday, October 4, 2020 7:45 AM
To: City Clerk Mail Box
Subject: 10/5/20 City Council Meeting Agenda Items 7 and 8 Opposition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen,

The City of Del Mar has done an awful job in advising and educating its residents on proposed options, timing and actions regarding meeting the City's housing goals. The City is now proposing to ram through new and significant zoning changes that alter the Community Plan and will change the character of Del Mar. This is unacceptable.

Now is not the time for the City to panic. Changes of this magnitude require thoughtful consideration and robust community input. All options need to be considered and if we miss a deadline, so be it. The state is in no position to swiftly enact penalties, Covid-19 has delayed everything including the state's ability to act.

We need to find the correct solution for Del Mar, not a solution that responds to threats of fines and penalties. I strongly urge the City Council to reject Agenda items 7 and 8.

Carter Chappell
Hoska Drive

Sent from my iPad

[redacted]

From: The Idea Guy <kp@theideaguy.us>
Sent: Sunday, October 4, 2020 10:04 AM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 / 6th Cycle Housing Element and EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council -

I am writing to share my concern about the modification of the Community Plan in regards to the "upzoning" proposed.

From what I have learned, there are modifications planned, based on controversial data and assumptions, that would dramatically impact our community in negative ways. The areas affected include our community open areas, as well as locations in the midst of our village. The result would be far outside the scope and spirit of the Community plan, and in my opinion, that's not right or in the best interest of our city.

I, like so many of our community, am asking for the council, as individuals, reconsider their positions on this, and maintain the clear direction that has been provided - and defended - to ensure Del Mar remains the gem that attracts so many as residents, visitors and tourists.

In addition to this email, I have requested time to speak at the upcoming meeting to formally voice my concerns as a long time resident.

Respectfully,

kp

Kevin Popović | The Idea Guy® | Creating new ideas that solve problems.™
https://TheIdeaGuy.us | kp@TheIdeaGuy.us | 858.353.6627
Join my Meeting: https://www.gotomeet.me/TheIdeaGuy
Schedule a Meeting: https://calendly.com/theideaguy

Watch my video: How To Create A Problem Statement

[redacted]

From: Heather Lindsey <hdlindsey@gmail.com>
Sent: Sunday, October 4, 2020 10:40 AM
To: City Clerk Mail Box
Subject: red-dot: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing in opposition to items 7&8.

Given that any developer that includes affordable housing units can build with little oversight from the DRB or City Council, I think the areas selected need to be reviewed and edited. The California Density Bonus Law (found in California Government Code Sections 65915 – 65918) essentially states that they the city or county **is required to** grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions (the onus is on the City to prove this), would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. What this really means is that unless the development causes a health or safety threat, there is no way for the City to stop the project. Any other concern such as traffic, parking, bulk and mass, style, fit, view protections, green space, and other factors often heard in conversations around new development in Del Mar will be irrelevant when the City must legally approve the developments.

There is currently a condo development being built in Carlsbad in an entirely residential neighborhood. The developer added 3 affordable units to the complex, and thus was allowed to significantly increase the number of non affordable units higher than what would have been authorized under normal circumstances and to do an end run around other planning requirements. The City Council cannot stop the development, except based on health and safety reasons. The majority of the Council was against the project (as stated on the record), but all had to pass it because the City attorney told them that unless there is a health/safety threat, they legally need to pass the development. The new development's lowest point is almost 80 feet higher than the highest point of the building next to it, the colors and style are not in conformity with the rest of the neighborhood (think Miami Vice in old La Costa), there are bulk and mass concerns, it is going to compound parking scarcity in a neighborhood where parking is already difficult, etc. There was no provable healthy and safety concern (even soil movement in the past was not a concern because of the way the project is being constructed), and the project will pass despite the wishes of the City Council and community.

Given the potential sites selected, it is unclear as to whether Council has fully run the scenarios as to out how this will impact Del Mar when the City has little control of what is developed. My understanding is that the DBL addresses development built on raw land differently than developments built on tear down projects; this might be a factor in selecting sites. There are many other nuances to the DBL laws that Council should understand prior to passing this.

I am not against affordable housing units, however, the manner in which the State law is written overrides local control. This means that local governments have to be extremely careful in how they plan. Del Mar's prudent growth in the past places it in a position, unlike its neighbors, where it can plan in a manner that best serves its current residents along with its future residents and make decisions to allow it to continue to serve all members of its community well.

Respectfully,

Heather Lindsey

[redacted]

From: Margaret Mahoney <mommahoney@roadrunner.com>
Sent: Sunday, October 4, 2020 11:10 AM
To: City Clerk Mail Box
Subject: items 7 and 8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Del Mar City Council

This is to inform you all of my OPPOSITION to items 7 and 8 - the sixth cycle Housing Element EIR allowing housing on the tennis court property, Shores Park property, the Winston School and the Staver property. These changes are NOT in the best interest of Del Mar.

Marnie Mahoney (Margaret)
1370 Crest Road

[redacted]

From: tomgrindle@gmail.com
Sent: Sunday, October 4, 2020 2:45 PM
To: City Clerk Mail Box; Ellie Haviland; Terry TG. Gaasterland; 'David Druker'; Dwight Worden-Private; Sherryl Parks-Private
Subject: Red Dot for items 7 & 8 - 6th Cycle Housing Element and EIR allowing housing at Shores Park/Winston School and tennis courts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor and City Council Members,

We are writing to urge you to NOT change the zoning in Del Mar unless and until you are directed to change it via a public vote. We understand the dilemma Del Mar faces under the State Housing Mandate but to make the drastic changes you are contemplating in response to this mandate directly impacts the character of Del Mar as a small sea side village. It also would be against the Community Plan and really should only be done after the citizens of Del Mar vote on the issue. Finally, to consider utilizing the Shores Park for development would go against the intent of the many generous donors who made the purchase of that property possible. Thank you for hearing us.

Tom and Jerri Grindle
Melanie Way, Del Mar

Regards,
Tom Grindle

[redacted]

From: Sharon Scheele <sharonscheele@icloud.com>
Sent: Sunday, October 4, 2020 2:54 PM
To: City Clerk Mail Box
Subject: Opposition to item 7 and8/ red dot letter

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6th cycle housing element andEIR allowing housing at Shores Park,Winston School, and tennis courts.
Thank you
Sharon and Bill Scheele
1640 Stratford Way
Sent from my iPad

[redacted]

From: Susan Schneider <scs416@outlook.com>
Sent: Sunday, October 4, 2020 3:18 PM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR at Shores Park/Winston School/tennis courts and Central Downtown Commercial Zone/ District.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a long time Del Mar resident I am vigorously opposed to any up-zoning of properties in Olde Del Mar.

Do not change our Community Plan.

Do fight any and all attempts to increase residential units that will overburden our already overburdened infrastructure.

Emergency egress for residents is a concern now.
Our streets are congested all year with parked vehicles.
Gridlock during the summer is common place.
Our power lines are not under grounded nor fire safe.
The bluffs are eroding.
Our beaches, wildlife, canyons and estuaries must be protected from overpopulation and increasing man made pollutants.

No to increasing density.

Susan Schneider
1305 Luneta Drive Del Mar

Sent from my iPad

[redacted]

From: Dixie Welsh <dixiecruise@yahoo.com>
Sent: Sunday, October 4, 2020 3:49 PM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 Housing Elements

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a resident of 40 years and faithful taxpayer, I oppose any changes in zoning in Del Mar. Up-zoning to 20 units per acre + density bonus of up to 35%, will ruin the character of our town ,and is not in line with our Community Plan. A realignment of job numbers must be done, in order to re-assess the State mandated number of units.

The Fairgrounds is State owned & needs to partner with City of Del Mar for an equitable solution to State mandates, that are presently wrong. This is not a Socialist State...at least, not yet.

Thank you for your kind attention,
Mary D. Welsh
155 15th St # 26
Del Mar, CA 92014

Dear City Council Members,

I am writing to register my opposition to building affordable housing at Shores Park, The Winston School, North Bluffs, the Staver Property and City Hall. I vigorously support rezoning the North Commercial Zone, Southfair, and the Fairgrounds to meet Del Mar's state-mandated requirement for affordable housing. Thank you for your consideration.

Very truly yours,

Rosemary O'Toole
Stratford Court
Del Mar, CA 92014

[redacted]

From: annette wiesel <awiesel1@yahoo.com>
Sent: Sunday, October 4, 2020 4:44 PM
To: City Clerk Mail Box
Subject: 7. 6th Cycle Program Environmental Impact Report and Draft Housing Element Update and 8. Proposed Alternative Community Plan Amendment for the North Commercial Zone to Bring the City Back into Compliance with the Approved 5th Cycle Housing Element a...

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Council members,

I am opposition to any action on agenda item **#7**

I oppose any action or decision on the housing element untill an after an **independent audit** is made on the affortable housing assigned to Del mar due to possible **faulty employment counts.**

I am in strong opposition to the agenda **#8**

1) Adopt a Resolution (Attachment A) which includes the following revised language for the North Commercial (NC) Community Plan Amendment that failed to receive a 4/5 majority vote of the City Council on September 8, 2020:

" Development **should** be of low intensity and profile, offering substantial open space."

*This verbage means **they will be allowed** - if a specific plan is used, or using affortable housing, or 'by right' - to increase the density of the developement in the North Commercial Zone. to 20 to 25 residential units per acre with no DRB reviews.*

I opose high density residential in this area due to:

* Fire safety emergency exit issues
* Traffic concerns during San Diego fair ground events
* Effects on lagoon wildlife and environment not aaadressed in EIR
* It does not adhere not to Community Plan
* This does not represent the concerns of the citizens of Del Mar

Most importantly I oppose any action or decision on the housing element untill an after audit is made on the assigned affortable housing assigned to Del mar due to possible faulty employment counts.

Annette Wiesel
2139 Heather Lane
Del Mar, CA 92014

[redacted]

From: Craig Reeves <creeves858@gmail.com>
Sent: Sunday, October 4, 2020 4:53 PM
To: City Clerk Mail Box
Subject: Red Dot - Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR allowing housing at Shores Park and 21st tennis courts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Evening -

My family and I are residents at 239 22nd St in Del Mar. I strongly object to housing replacing our already limited "green spaces" in Del Mar, specifically at Shores Park and 21st tennis courts. It is clear Ellie Haviland acted irresponsibly and had no idea what she was doing when she voted against everyone's wishes. Please join our respected neighbor Solana Beach and other small cities in our fight against SANDAG. The #'s she was using are simply not accurate.

The Affordable Housing and rezone issue should be taken off the agenda until the new Council Members are sworn in.

Regards,
Craig Reeves

[redacted]

From: Tanya Blackshaw <blackshaw.tanya@gmail.com>
Sent: Sunday, October 4, 2020 5:18 PM
To: City Clerk Mail Box
Subject: Red Dot Ltr Sj: Opposition to items 7 & 8 - 6th Cycle Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

October 4, 2020

To: cityclerk@delmar.ca.us

Fm: Concerned Taxpayer, Tanya Blackshaw

Sj: Opposition to items 7 & 8 - 6th Cycle Housing Element

Once again the Three Musketeers Haviland, Worden, and Parks are up to their secret-shenanigans representing big developers and turning their backs on the resident taxpayers of Del Mar by deceitfully and urgently trying to rezone the City for God knows what reason this time. I believe Elle Haviland in the her fiduciary responsibility as Del Mar's Elected Mayor went rogue when she arbitrarily voted WITH SANDAG against the wishes of her constituents and the tax payers of our small City. We would not be facing these hurdles nor be in this situation if it had not been for her greedy personal agenda. The Resident taxpayers of Del Mar, need to hold her accountable both jointly and severally.

In the mean time, the Council needs to file an urgent Injunction Relief Motion with the State of California and join in on any small Coastal Cities Class Action Lawsuit against California and Governor Newsom for their incredible Government-overreach with their arbitrary demands of Low Income Housing Requirements using a data source full of inaccuracies. This is where an honest City Council would have taken the lead and protected a small City of 4,000. Both Haviland and Warden should be held accountable for their gross fiduciary negligence, which has already cost the Taxpayers a ton of money and will continue as lawsuits are filed. Why is it that people who are so keen on changing the unique allure of Our tiny City of Del Mar, never think of consequences? Hmmm?

One way to make this better in the short run is to vote for Dave Drucker (incumbent), Tracy Martinez and Daniel Quirk as our new City Council Members filling the vacant seats in the November 3, 2020, Election. These three candidates have shown their love and respect for the residents and our small City, and they will refuse to be "cow-tailed" or "weak-kneed" when it comes to "Career Politicians" and "Big Developers" who already have their greedy, envious eyeballs focused in on the One and Only DEL MAR, California.

Go Trump!
--
Regards, Tanya Blackshaw

RED DOT LETTER FOR OCT. 5 DEL MAR CITY COUNCIL MEETING
REF: AGENDA ITEM #VII - 6TH CYCLE PROGRAM and #VIII - REZONING

Dear Del Mar City Council;

The Del Mar City Council has had years to address state mandated housing requirements and have failed to act or fight for what is right for Del Mar. Now, less than 30 days away from the City Council election, the Council majority led by Ellie Haviland, Sherryl Parks (both lame-ducks and not running for reelection) and Dwight Worden are using scare tactics to force a vote in favor of major rezoning – before two leave office. Only Terry Gaasterland and Dave Druker are looking for solutions – realistic ones – that will help us meet our commitment without severely impacting our Community.

I, for one, am tired of the bullying and threats of state takeovers and such. We need to stop this vote!

You clearly understand that the reason our numbers for affordable housing are so high is due to high number of seasonal workers at the Fairgrounds – but Ms. Haviland failed to make the case for Del Mar when meeting with the Fairgrounds year after year – with the right people on the council, our elected representatives can work hard with the State to allocate property to meet our requirements.

Beyond this being portrayed as a "last-minute crisis" why are you not discussing:

1. There is ground water and environmental concerns on developing Watermark with such high density
2. The property in North Commercial is flood plain identified as part of Del Mar's Sea Level Rise Mitigation
3. These properties being discussed are NOT city owned but privately held parcels – and there is no commitment made by the owners to sell or develop at this juncture

A final question – What is the role of our City Manager is this debacle? Should she be held accountable? The City Manager is tasked with supervising and implementing the policies and decisions of the City Council – why has no action been taken for the past 10 months since she was hired? And why, was no action taken by Scott Huth, the previous City Manager for more than 5+ years? Shameful.

I strongly feel that this current City Council should **not** have the right to vote on Monday. We cannot afford to destroy our fragile bluffs, our parks and flood areas (the little vacant land we have) because you have failed in your duties for Del Mar.

Sincerely,
Lacey Logan
David Way
Del Mar, CA 92014

[redacted]

From: Jan and Dave Ulrey <ulrey2@gmail.com>
Sent: Sunday, October 04, 2020 5:38 PM
To: City Clerk Mail Box
Subject: OPPOSITION TO ITEMS 7 and 8 - 6th CYCLE HOUSING ELEMENT and EIR at Shores Park/Winston School/Tennis Courts and Central Downtown Commercial Zone/District

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As long term residents of Del Mar, we are writing in strong opposition to any up-zoning of properties in Del Mar. The impact on our city would be huge. We urge you to retain the integrity of beautiful Del Mar.

Thank you,
Dave and Jan Ulrey
377 13th St.

Sent from my iPad

[redacted]

From: Mark Schneider <markbschneider@hotmail.com>
Sent: Sunday, October 04, 2020 6:25 PM
To: City Clerk Mail Box
Cc: Susan Schneider
Subject: Opposition to items 7&8 - 6th Cycle Housing Element and EIR at Shores Park/Winston School/tennis Courts and Central Downtown Commercial Zone /Districkt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk-

I read the proposals of Items 7 & 8 by the city council and am outraged and up in arms about it. I am a thirty year resident of Olde Del Mar.

Why would you try and change the character and charm of the city we love with higher density, more traffic, and more residential units? The community plan was purposely put in place to preserve what we have, not destroy it. This is an outrage!!

Changing our zoning and community plan will do nothing but adversely affect everything we cherish. Have you not been here during the summer, the racing season or the Fair. It is very crowded and congested as it is. Adding density with more residential units will only make things worse. It's called quality of life, why would you reduce our quality of life?

Traffic is a nightmare as it is. Absolutely **no** to increasing density!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Mark Schneider
1305 Luneta Drive, Del Mar, Ca.

[redacted]

From: Dixie Welsh <dixiecruise@yahoo.com>
Sent: Sunday, October 04, 2020 8:45 PM
To: City Clerk Mail Box
Subject: Fw: Opposition to items 7 & 8 Housing Elements RED DOT

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded Message -----
From: Dixie Welsh <dixiecruise@yahoo.com>
To: cityclerk@delmar.ca.us <cityclerk@delmar.ca.us>
Sent: Sunday, October 4, 2020, 3:48:30 PM PDT
Subject: Opposition to items 7 & 8 Housing Elements

As a resident of 40 years and faithful taxpayer, I oppose any changes in zoning in Del Mar. Up-zoning to 20 units per acre + density bonus of up to 35%, will ruin the character of our town ,and is not in line with our Community Plan. A realignment of job numbers must be done, in order to re-assess the State mandated number of units.

The Fairgrounds is State owned & needs to partner with City of Del Mar for an equitable solution to State mandates, that are presently wrong. This is not a Socialist State...at least, not yet.

Thank you for your kind attention,
Mary D. Welsh
155 15th St # 26
Del Mar, CA 92014

[redacted]

From: Joseph Potocki <jpotocki@bph-law.com>
Sent: Monday, October 05, 2020 6:47 AM
To: City Clerk Mail Box
Subject: Opposition to 10/5/2020 council hearing agenda item #s 7 & 8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Madam Clerk and City Council Members-

We are strongly opposed to the changes to the community plan which are being discussed and voted on tonight. These are items #s 7 & 8 on the agenda. The proposed rezoning of areas should be rejected. There are other ways and means to meet the affordable housing requirements unilaterally imposed by the State. Affordable Housing should be made available but not through the current proposals. We are perplexed why certain members appears to be continually pushing for something their constituents opposed. Please respect the wishes of the people of Del Mar and vote no. Thank you.

Respectfully

JOSEPH P. POTOCKI
Shareholder

BALESTRERI POTOCKI & HOLMES

401 B Street, Suite 1470 San Diego, CA 92101-4223
T: 619.686.1930 | F: 619.497.1052
bph-law.com

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OUR OFFICE IS TRANSITIONING TO REMOTE WORK OPERATIONS EFFECTIVE MARCH 20, 2020. PLEASE TRANSMIT ALL CORRESPONDENCE VIA E-MAIL IF POSSIBLE UNTIL FURTHER NOTICE.

Ashley Jones
Administrative Services Director/City Clerk
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

October 5, 2020

Re: **Red Dot Letter in opposition to agenda Items 7 and 8, Del Mar Regular Meeting**

Dear Ashley,

I am submitting this letter in *opposition* to adoption of the Resolution to certify the Program Environmental Impact Report (PEIR) and adopt Findings of Fact and a Mitigation, Monitoring, and Reporting (MMRP) for the Draft 6th Cycle Housing Element Update (HEU) and adoption of the Resolution to approve the draft HEU. (*Agenda Item 7*)

I am also in *opposition* to adoption of the Resolution (Attachment A) which includes the following revised language for the North Commercial (NC) Community Plan Amendment that failed to receive a 4/5 majority vote of the City Council on September 8, 2020 and opposed to the Ordinance amending the Del Mar Municipal Code (DMMC) Chapter 30.24 (NC Zone) and the Local Coastal Program (LCP) (Attachment B). (*Agenda Item 8*)

Sincerely,

Jeffrey G. Sturgis
150/152 6th Street
Trustee, W.G. & M.B. Sturgis Trust
101 & 107 11th Street

[redacted]

From: Angelina Neglia <angie.neglia@gmail.com>
Sent: Monday, October 05, 2020 9:07 AM
To: City Clerk Mail Box
Subject: Red Dot Letter for City Council Meeting Tonight Oct 5th, 2020 - Opposition to Items 7 & 8 (6th Cycle Housing Element & EIR)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I am opposed to Items 7 & 8. The affordable Housing and rezone issue should be taken off the agenda, until the new Council Members are sworn in. To date, during all the Council Hearing on housing that issue and its repercussions have never been discussed.

1. As part of its plan to rezone the North Commercial to 20 units to the acre, the 2013 sitting council promised to upzone the Watermark 2.3 acres to 20 to 25 units to the acre "by right".

By right means that the maximum # of units can be built on the Watermark without input or oversight by the DRB, PC or city council as long as the developer abides by the Del Mar zoning ordinances. This is a frightening situation, as we already have to absorb the $18m spent without a vote on the Civic Center. How could the City Council burden Del Mar with a $16m debt? We already know we have a challenge with retail in our town, and searching for ways to create revenue.

How can the city council think it is responsible to build this many units, when there is only one road access to this area, with a round about? Also you can look at the One Paseo Project where the developers created a huge over built plan, and knew the community would fight it, so to appease the public, the developers played the game to downsize the project. What is built is frightening and blocks out the sun, trees and surrounding community. If this is their idea of downsized, we don't want it. We saw the same game played with the Mirasol Project, so Watermark would be the same game.

The three city council majority of Haviland, Worden and Parks have controlled the Council since 2014, and they have done nothing to solve the mandated affordable housing problem. They made the issue worse for Del Mar, which we will now have to spend money and fight SANDAG to try to lower the number of affordable units. Their decision made no sense, and increased Del Mar's debt exposure long term. Then you add the huge debt of new Civic Center to their list of bad decisions, it is obvious they have made damaging decisions for the little village of Del Mar, to try to climb out of a huge hole.

Del Mar, is a small village, and we are limited to the west with the ocean, and the northern and southern boundaries are bordered with water. Our town can only grow so far, so this decision is incredibly important for the density of Del Mar. So I am opposed to items 7 & 8 on the Agenda.

I do hope the City Council realizes the impact these decisions have already caused our little town. These decision have increased our debt, and now they want to take away our parks, open space, tennis courts, and ram rod through dense developments on any open land, to try to dig their way out of the penalty their decision caused regarding low income housing. What a stupid decision to agree to increase the low income housing number, and mis stating the number of workers in Del Mar, with seasonal workers from the track.

You cannot blame Dave or Terry for the decisions that Haviland, Worden and Parks made. We need to oppose these items 7 & 8, Thank you for your consideration and listening to my opinion.

Kind Regards,

Angelina
Angelina Neglia
1955 Seaview Avenue,
Del Mar, CA. 92014
angie.neglia@gmail.com
mobile (858) 945 8827

[redacted]

From: Payson Stevens <payson.stevens@gmail.com>
Sent: Monday, October 05, 2020 8:04 AM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Ellie Haviland; Sherryl L. Parks; Dwight Worden
Subject: RED DOT: Re Oct 5 voting on up-zoning city

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the DEL MAR CITY COUNCIL:

My wife and I urge the Del Mar City Council to delay any vote on up-zoning until more negotiation and community input can be given, especially in light of the November 3 Council elections. Let the newly elected council, reflecting our residents majority positions, be the ones to debate these critical issues, including:
• Review options and negotiate remedies with HCD
• Validate DM jobs with accurate auditors
• Have effective DM representation on the Fairgrounds so the City can work with them for affordable housing.

A vote now is Del Mar's version of what is happening with the SCOTUS appointment decision and reflects poorly on our town.

Thank you,
Payson R. Stevens
Kamal K. Kapur
48 year resident and homeowner

Red Dot Oct. 5, 2020 City Council Meeting, 6th C HEU, **Items 7 & 8.**

Del Mar must immediately:
1) Bring itself into compliance with the State Dept. of Housing and Community Development (HCD) in its 5th Cycle Housing Element (HE) by approving the rezone of the North Commercial Zone; and,
2) Focus on the 6th Cycle HE by working with the Fairgrounds to identify sites there to meet the vast majority of our affordable housing obligations.

5th Cycle Housing Element, 2013- present:
In 2013 Del Mar committed to HCD that it would rezone specific parcels throughout the City, including the North Commercial zone, in its 5th Housing Cycle. The City Council, at its Sept. 8 meeting, was one vote shy of amending the North Commercial zone to 20 units per acre. As a result, Del Mar is out of compliance with its 2013 legal obligation, is in violation of state law, and risks losing local control over its land use decisions.

The State HCD has issued a notice to Del Mar to comply with its 5th Cycle commitments by Oct. 30, 2020, or risk the dire loss of local control and other penalties. The state could take over zoning for the North Commercial zone, rezone it to 25 units per acre or more, all without considering Del Mar's view protections to neighbors, and other property protections usually afforded to neighbors. Further, Del Mar's non-compliance gives the "Watermark" owners certain "by right" opportunities to build a much denser project than presently contemplated. Some have suggested that reciting these consequences is "fear mongering", but we see it as a recognition of the perilous realities of the situation.

By failing to rezone the North Commercial zone to meet our 5th Cycle Housing obligations, the City is not only out of compliance with State law, but it also shifts the burden of meeting our housing numbers to other neighborhoods that may be even less desirable for increased density, such as the tennis courts, Shores Park, the North Bluff (where about 60% of voters opposed the massive resort development "Marisol") and the South Bluff, next door to dense Del Mar Woods.

Members of the City Council, we urge you to complete our 5th Cycle, and get back into compliance (avoiding dire consequences) by rezoning the North Commercial zone tonight!

6th Cycle Housing Element, 2020-
In its 6th Cycle HEU, the City must demonstrate to HCD that Del Mar has sufficient residential zoning (which for Del Mar is a minimum of 20 dwelling units per acre) and enough adequate sites in its proposed programs to add 113 affordable housing units over the next eight years.

We all agree that the rezoned residential parcels should be distributed throughout the City. Each neighborhood must accept a share of these changes. For example, we live one block from the Central Commercial zone, scheduled tonight to be rezoned to 20 dwelling units per acre, adding a potential 19 units, 3 of which would be affordable.

There are no easy solutions. 1) **As an immediate priority, the Council should approve the North Commercial rezoning tonight to meet our commitment to the State, and to protect the North Bluff from ever being zoned for 20 units per acre density. 2) Also, at this time, The Council should focus on working with the Fairgrounds to get an agreement for a major portion of our affordable housing commitment.**

Respectfully Submitted, Tom and Claire McGreal Stratford Ct.

[redacted]

From: Richard Cohen <rcohengm@gmail.com>
Sent: Sunday, October 04, 2020 4:49 PM
To: City Clerk Mail Box
Subject: Vote on Proposed Housing Plan

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I challenge the Plan and ask the City Council to delay voting until the new Council is seated, Richard Cohen 313 7th St, DM.

[redacted]

From: Diane Salyer <dcs719@msn.com>
Sent: Monday, October 05, 2020 9:20 AM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR at Shores Park/Winston School/tennis courts and Central Downtown Commercial Zone/ District.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR at Shores Park/Winston School/tennis courts and Central Downtown Commercial Zone/ District.

I have lived in Del Mar for fourteen years and members of my extended family have lived here longer . I am strongly opposed to any up-zoning of properties in Olde Del Mar.

Do not change our Community Plan!
Our infrastructure is already overburdened. An increase in residential units will impact our way of life and safety in a massive way.
We are already unprepared for a emergency egress and live in fear of danger from fire or earthquake or other disaster.
Our streets are unrepaired and congested .
Already there is traffic gridlock with summer visitors.
Our power lines are not under grounded nor fire safe. That is despite our votes to underground power lines !
The bluffs are eroding.
Our beaches, wildlife, canyons and estuaries must be protected from overpopulation and increasing man made pollutants. That is our duty as citizens of this beautiful area.

It is difficult to believe that's our city council will/has promoted increased density!!!!!!

Diane Salyer

777 Kalamath Drive

[redacted]

From: Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Monday, October 05, 2020 10:39 AM
To: City Clerk Mail Box; Arnold Wiesel
Subject: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RED DOT LETTERS - 10/5/20 PUBLIC HEARING - CITY OF DEL MAR:

RE: OBJECTING TO ITEM #7 AND ITEM #8

TO: City Clerk, City Council and all others concerned,

ITEM #7
I object to any action taken on Agenda item #7 at this time.
All I have written concerning objecting to ITEM#8 below, is hereby incorporated by reference into my objecting to ITEM#7 including the following:

Technically:
For the City Council of Del Mar to re-hear and vote on this Item#7, which is extremely similar to the item which had failed in the last City Council Meeting only four weeks ago, is wrong and should not be allowed.

The citizens of Del Mar, after just recently being subjected to and engaged in this most contentious matter, winning the vote, are now being subjected to a rehearing and vote by those same City Council members who lost last month's vote.

The citizens of Del Mar have not even had a chance to catch their breath.

Item#7 on this City Council Agenda 10/5/20 is a violation of Due Process / Notice. Many people have not received notice. Common practice of notice under law and as practiced in Del Mar has not been followed. The City is simply jamming and surprising it's own community in order to usurp the outcome of a vote it did not like from last month's City Council meeting.

This deceptive re-hearing is a surprise (attack) to do that which has already been voted upon - this need be stopped now.

Substantively:
I object to any further action concerning this Housing Element until an independent audit can be had to substantiate and justify, the correct accurate number of full time employees in Del Mar as utilized by SANDAG in order to compute affordable housing requirements in Del Mar.

Additionally, the City of Del Mar needs to have representatives who are strong advocates to engage the fairgrounds, to locate Del Mar HCD housing requirements on the Fairgrounds property. As a city, our City Council representatives (Dwight and Elli), to date have failed. The only information we have ever heard about concerning any progress is that their meetings are not recorded and not open to others and they cannot get anywhere with the fairgrounds. This is unacceptable and need be changed urgently.

AS A CITY, WE CANNOT ACCEPT UNVALIDATED JOB NUMBERS, WHICH ARE BLATANTLY INACCURATE !

ITEM #8
I object to any action taken on Agenda item #8 at this time.
All I have written concerning objecting to ITEM#7 above, is hereby incorporated by reference into my objecting to ITEM#8 including the following:

a) Fire safety - emergency exit concerns;
Providing ITEM#7 and/or ITEM#8 would be approved, high density residential would be permitted to surround our single lane roundabout. This will further overburden our single lane roundabout during the summer fair season with hundreds of families, creating more gridlock than ever before.
Hence, we would be guilty for setting the stage and opportunity for our own Del Mar 'Paradise Fires' tragedy. The EIR fails to investigate and study the consequences of not being able to run for one's life in the event of fires down San Dieguito Rd. within Crest Canyon.

We cannot be in denial here! This is a real situation and environment that could result in horror. It is our governments duty to protect the health, safety and welfare of its people. And, as I and many, many others in Del Mar, we are demanding you do not set the community up for such a tragedy.

b) Traffic gridlock - impacting ability for Del Mar citizens, residents and guests and tourists to enter and exit Del Mar

c) Effects on lagoon wildlife and environment are not sufficiently addressed in the EIR.

d) Does not comply and/or conform to our Community Plan.

e) I like most others in Del Mar believe we are not herein represented by the majority rule of a 3 to 2 City Council vote. Our concerns are being relegated to unimportant and/or ignored.

Thank goodness, changing our Community Plan requires a super majority vote of 4 to 1 - OBVIOUSLY OUR MOST IMPORTANT VOTE...AND WE DO NOT APPRECIATE THE PRESENT CITY COUNCIL TRYING PASS PIECE MEAL PARTS, SO THEY CAN ULTIMATELY GAIN HIGH DENSITY WITH A STRAIGHT UP MAJORITY 3 TO 2 VOTE Vs. THE REQUIRED SUPER MAJORITY 4 to 1 VOTE.

Respectfully,
Arnie Wiesel
2139 Heather Ln.
Del Mar, Ca 92014

[redacted]

From: Suzanne Bevash <sbevash@pacbell.net>
Sent: Monday, October 05, 2020 10:46 AM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council Members:

My family understands the dilemma that Del Mar faces under the State Housing Mandate. We also understand the need for affordable housing in Del Mar and the number of meeting you have had relating to this issue. However, we don't understand how Del Mar will meet the Mandate in a manner that isn't devastating to the character of our City. Most residents don't even know that enormous changes are being voted on.

You have failed to ensure that the residents of this City understand what is at stake, what options there are, and what they should expect. In the midst of a pandemic, more needs to be done to ensure Del Mar residents have been provided with information and solicited for their input.

Is there still an opportunity to challenge the number of affordable units Del Mar was allocated? What is at stake if we miss deadlines? The loss of City control over development inherent in the new State housing laws requires robust consideration of options, community education and debate. It requires a plan that ensures that our community is enhanced by increased housing, not destroyed by opportunistic development free from the constraints of our Design Review Board and city requirements. What is that plan?

We urge the City Council to reject Agenda items 7 and 8.

More specifically, we do not believe that the Shores Park property should be considered for housing development as part of the proposed 6th Cycle Housing Element. It was purchased by donations and the City Council specified the purchase would ensure the preservation of open space and recreational uses.

Also, we believe the City should engage the new head of the Fairgrounds to see what can be worked out in terms of affordable housing units, as the infrastructure there could better deal with the impacts of dense housing.

Thank you,
Suzanne Bevash & family
232 4th Street, Del Mar, CA

[redacted]

From: GEORGIA DUTRO <dgeorgia9@yahoo.com>
Sent: Monday, October 05, 2020 10:54 AM
To: City Clerk Mail Box
Cc: arnold wiesel; Tracy & Alan Martinez
Subject: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I agree with Mr. Wiesel!

Georgia Dutro
2127 Heather Ln
Del Mar, CA 92014.

Begin forwarded message:

From: Arnold Wiesel <delmarhillside@yahoo.com>
Date: October 5, 2020 at 10:42:28 AM PDT
To: tracy Martinez <tmartinezrn@lapbypass.com>, Terry Gaasterland <gaasterland@gmail.com>, Hershell Price <hershell.price@gmail.com>, Dail Pierce <dailp@roadrunner.com>, Georgia / Dennis Shields <dgeorgia9@yahoo.com>, Aaron Goldberg <lostgold@gmail.com>, Nga Le <ngatle1953@yahoo.com>
Subject: Fw: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

----- Forwarded Message -----
From: Arnold Wiesel <delmarhillside@yahoo.com>
To: City Clerk Mail Box <cityclerk@delmar.ca.us>; Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Monday, October 5, 2020, 10:38:46 AM PDT
Subject: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

RED DOT LETTERS - 10/5/20 PUBLIC HEARING - CITY OF DEL MAR:

RE: OBJECTING TO ITEM #7 AND ITEM #8

TO: City Clerk, City Council and all others concerned,

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The citizens of Del Mar have not even had a chance to catch their breath.

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This deceptive re-hearing is a surprise (attack) to do that which has already been voted upon - this need be stopped now.

Substantively:
I object to any further action concerning this Housing Element until an independent audit can be had to substantiate and justify, the correct accurate number of full time employees in Del Mar as utilized by SANDAG in order to compute affordable housing requirements in Del Mar.

Additionally, the City of Del Mar needs to have representatives who are strong advocates to engage the fairgrounds, to locate Del Mar HCD housing requirements on the Fairgrounds property. As a city, our City Council representatives (Dwight and Elli), to date have failed. The only information we have ever heard about concerning any progress is that their meetings are not recorded and not open to others and they cannot get anywhere with the fairgrounds. This is unacceptable and need be changed urgently.

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a) Fire safety - emergency exit concerns;
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will further overburden our single lane roundabout during the summer fair season with hundreds of families, creating more gridlock than ever before. Hence, we would be guilty for setting the stage and opportunity for our own Del Mar 'Paradise Fires' tragedy. The EIR fails to investigate and study the consequences of not being able to run for one's life in the event of fires down San Dieguito Rd. within Crest Canyon.

We cannot be in denial here! This is a real situation and environment that could result in horror. It is our governments duty to protect the health, safety and welfare of its people. And, as I and many, many others in Del Mar, we are demanding you do not set the community up for such a tragedy.

b) Traffic gridlock - impacting ability for Del Mar citizens, residents and guests and tourists to enter and exit Del Mar

c) Effects on lagoon wildlife and environment are not sufficiently addressed in the EIR.

d) Does not comply and/or conform to our Community Plan.

e) I like most others in Del Mar believe we are not herein represented by the majority rule of a 3 to 2 City Council vote. Our concerns are being relegated to unimportant and/or ignored.

Thank goodness, changing our Community Plan requires a super majority vote of 4 to 1 - OBVIOUSLY OUR MOST IMPORTANT VOTE...AND WE DO NOT APPRECIATE THE PRESENT CITY COUNCIL TRYING PASS PIECE MEAL PARTS, SO THEY CAN ULTIMATELY GAIN HIGH DENSITY WITH A STRAIGHT UP MAJORITY 3 TO 2 VOTE Vs. THE REQUIRED SUPER MAJORITY 4 to 1 VOTE.

Respectfully,
Arnie Wiesel
2139 Heather Ln.
Del Mar, Ca 92014

[redacted]

From: Debbie Church <debbchurch@gmail.com>
Sent: Monday, October 05, 2020 11:04 AM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - Please read during the meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Del Mar City Council -

I would like to voice my opposition to listing any portion of the Shores Park and the Tennis Courts Property for up-zoning to residential and that any re-zoning of other properties is delayed until our jobs numbers are challenged.

These 2 public park locations are treasures for our city and are the only public parks that the city owns with sport facilities. The current pandemic has reinforced the need for recreation opportunities outside that encourage health and physical activity. We should be looking for more areas to be turned into recreation facilities and not eliminating them. As a parent who has raised three children in Del Mar, I can tell you how much these facilities are used. We have been to the tennis courts and partial basketball court hundreds and hundreds of times. It is the only public park in the beach area. The courts are well used and in constant demand, in fact, it is hard to find an hour when they are not in use. We find that we have personally used the park even more during the winter months when the tides are extremely high and we are looking for other activity opportunities when the beach is unusable. We have used the basketball court to play 4-square, dodge ball and of course to shoot baskets as many other families have done as well.

I also ask that you delay and take much more time before rezoning any other properties until the city has stood with Solana Beach and Coronado to challenge the incorrect job numbers. As our representatives, you should be leaving no stone unturned before you change the character of Del Mar forever.

thank you

Debbie and Brian Church

[redacted]

From: Karen Powell <kapow1@me.com>
Sent: Monday, October 05, 2020 11:11 AM
To: City Clerk Mail Box
Cc: Ellie Haviland; Sherryl L. Parks; Dwight Worden; David Druker-Private; Terry TG. Gaasterland
Subject: Red Dot ~ Opposition to Items #7 and 8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madam Mayor and Members of the Council,

I am asking that you consider the wishes of your constituents and the future of our Village and postpone your decision on the 6th Cycle Housing Element (items #7 & 8) until after the election when the new Council is seated. Inaccurate numbers and flawed data need researching and validation so that we can implement our fair share of affordable housing. Mass upzoning of public facilities and the downtown is **NOT** in line with our community plan and is **NOT** an option!

For 16 years the Del Mar City Councils have made commitments to produce affordable housing and failed. Now we see a last ditch effort to jam high density development (599 new housing units) into our tiny town so that we can get the 113 mandated affordable dwellings. Seriously? Increase Del Mar housing by 28%??? What happened to the thoughtful preservation of our charming seaside village that has always been paramount in Del Mar's history? How could this issue been allowed to spiral out of control? Were you and previous Councils too preoccupied with other self interests? Its time to get it right. Postpone your vote, challenge the erroneous state mandated numbers and get this thing corrected. We cannot and do not want to become one of those seaside communities littered with high rise condos and apartments buildings!

Please don't Pillage Our Village!

Respectfully,

Karen Powell
329 10th Street

[redacted]

From: Esther Hicks <ejhicks@abraham-hicks.com>
Sent: Monday, October 05, 2020 8:54 AM
To: City Clerk Mail Box
Subject: Red Dot Letter: What is the BEST for the MOST

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am new to this part of Del Mar having purchased my home one year ago yesterday.

Because I own property adjacent to the development being considered, I hesitated to contact you because, of all people, I would be seen as someone with specific personal interest, so you could think that it would be obvious why I would want to persuade you not to make changes to the current laws and agreements. However, in the process of purchasing my house, I was given all of the well thought out agreements of the previous owner (Al Corte) and I decided that I could live with those agreements.

You have a difficult job, because so many are clamoring at you with their points of view. I couldn't do your job. I certainly appreciate that you are willing to do it.

I just have one brief, impactful, experience to relay to you:

Right after I bought this house, my sister was visiting me in Del Mar. We were exploring the roads around here and we were on San Diequito Dr. looking for a possible way out to I-5, which of course, we didn't find because it dead ends. My sister lived for 25 years in Paradise, CA, and she told me the following that day.

"Living in Paradise, the people in the community often spoke of the fact that there was only one way in and out of the area. We said all the time, that if something bad ever happened here, like an earthquake, or fire, we would be trapped here. All those years we worried about it, and no one addressed it, and then it happened. This scares me, she said to me."

I don't want to wish bad things on us here, in the paradise we live in. But if we have the opportunity to "get out ahead of it" and make sure that we are all keeping our odds up for best case scenarios, I think it is worth considering.

So, I asked myself once I decided to send my thoughts to you, "What would I do, if I were in the position of this decision, with opposing opinions coming at me." And the answer came to me in a strong way: I would try to do what is best for most. You are in a much better position to make that decision than I am.

Again, that you very much for doing the hard work you do. There is no place I would rather be, and you and those like you deserve far more credit that you get.

Sincerely,
Esther Hicks

210 863-5241

[redacted]

From: Virginia Frankum <delmargini@aol.com>
Sent: Monday, October 05, 2020 11:35 AM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR allowing housing at Shores Park/Winston School and tennis courts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council Members,

If you decide to remove Del Mar's heart and soul by developing our town into a pre planned tenement housing development, using inflated job numbers to obtain your goal, you will be doing all of the residents and yourselves an unnecessary blatant injustice.

Our density and height limits have defined our community as a sea side village which we, as residents, enjoy all year and where our friends, relatives and tourists from the desert come to vacation and escape summer heat.

We need to fulfill our housing requirements without sacrificing the ambiance of our unique town.

Sincerely,

Virgina Frankum
259 Sea Forest Ct

[redacted]

From: McRoskey <bmcroskey@gmail.com>
Sent: Monday, October 05, 2020 12:00 PM
To: City Clerk Mail Box
Subject: Opposition to items 7 & 8 - 6th Cycle Housing Element and EIR allowing housing at Shores Park/Winston School and tennis courts.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Honorable City Council,

Due to time constraints, my comments are brief.

Our household is strongly opposed to the upzoning the above mentioned properties to 20 units per acre.
We also believe that the current allocation of number of low income housing units are based on erroneous information regarding the number of jobs in Del Mar.

While we are in favor of a reasonable number of units to be constructed, this is not the way to do it.

Barbara and Pete McRoskey
26th Street

Melinda Gould

From: delmartravel@aol.com
Sent: Monday, October 05, 2020 12:01 PM
To: City Clerk Mail Box
Subject: Oct. 5th council meeting

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I Have been a Del Mar resident since l957, and am quite disturbed at the fact that the City Council is attempting to change our zoning laws. Therefore, I would like to add my vote to Item 7 and Item 8,
Thank you,
Madeline Green
635 Nob Ave.

[redacted]

From: Dail Peirce <dailpeirce@gmail.com>
Sent: Monday, October 05, 2020 1:29 PM
To: City Clerk Mail Box
Subject: Fwd: Fw: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm forwarding the following letter to provide additional support to the objections voiced by Arnold Wiese . My objections mirror those expressed in the following letter.

Sincerly, Dail M. Peirce, 2124 Heather Lane, Del Mar, CA 92014l

----- Forwarded Message -----
From: Arnold Wiesel <delmarhillside@yahoo.com>
To: City Clerk Mail Box <cityclerk@delmar.ca.us>; Arnold Wiesel <delmarhillside@yahoo.com>
Sent: Monday, October 5, 2020, 10:38:46 AM PDT
Subject: RED DOT LETTER - OBJECTING TO ITEM #7 AND #8....

RED DOT LETTERS - 10/5/20 PUBLIC HEARING - CITY OF DEL MAR:

RE: OBJECTING TO ITEM #7 AND ITEM #8

TO: City Clerk, City Council and all others concerned,

ITEM #7
I object to any action taken on Agenda item #7 at this time.
All I have written concerning objecting to ITEM#8 below, is hereby incorporated by reference into my objecting to ITEM#7 including the following:

Technically:
For the City Council of Del Mar to re-hear and vote on this Item#7, which is extremely similar to the item which had failed in the last City Council Meeting only four weeks ago, is wrong and should not be allowed.

The citizens of Del Mar, after just recently being subjected to and engaged in this most contentious matter, winning the vote, are now being subjected to a rehearing and vote by those same City Council members who lost last month's vote.

The citizens of Del Mar have not even had a chance to catch their breath.

Item#7 on this City Council Agenda 10/5/20 is a violation of Due Process / Notice. Many people have not received notice. Common practice of notice under law and as practiced in Del Mar has not been followed. The City is simply jamming and surprising it's own community in order to usurp the outcome of a vote it did not like from last month's City Council meeting.

This deceptive re-hearing is a surprise (attack) to do that which has already been voted upon - this need be stopped now.

Substantively:
I object to any further action concerning this Housing Element until an independent audit can be had to substantiate and justify, the correct accurate number of full time employees in Del Mar as utilized by SANDAG in order to compute affordable housing requirements in Del Mar.

Additionally, the City of Del Mar needs to have representatives who are strong advocates to engage the fairgrounds, to locate Del Mar HCD housing requirements on the Fairgrounds property. As a city, our City Council representatives (Dwight and Elli), to date have failed. The only information we have ever heard about concerning any progress is that their meetings are not recorded and not open to others and they cannot get anywhere with the fairgrounds. This is unacceptable and need be changed urgently.

AS A CITY, WE CANNOT ACCEPT UNVALIDATED JOB NUMBERS, WHICH ARE BLATANTLY INACCURATE !

ITEM #8
I object to any action taken on Agenda item #8 at this time.
All I have written concerning objecting to ITEM#7 above, is hereby incorporated by reference into my objecting to ITEM#8 including the following:

a) Fire safety - emergency exit concerns;
Providing ITEM#7 and/or ITEM#8 would be approved, high density residential would be permitted to surround our single lane roundabout. This will further overburden our single lane roundabout during the summer fair season with hundreds of families, creating more gridlock than ever before.
Hence, we would be guilty for setting the stage and opportunity for our own Del Mar 'Paradise Fires' tragedy. The EIR fails to investigate and study the consequences of not being able to run for one's life in the event of fires down San Dieguito Rd. within Crest Canyon.

We cannot be in denial here! This is a real situation and environment that could result in horror. It is our governments duty to protect the health, safety and welfare of its people. And, as I and many, many others in Del Mar, we are demanding you do not set the community up for such a tragedy.

b) Traffic gridlock - impacting ability for Del Mar citizens, residents and guests and tourists to enter and exit Del Mar

c) Effects on lagoon wildlife and environment are not sufficiently addressed in the EIR.

d) Does not comply and/or conform to our Community Plan.

e) I like most others in Del Mar believe we are not herein represented by the majority rule of a 3 to 2 City Council vote. Our concerns are being relegated to unimportant and/or ignored.

Thank goodness, changing our Community Plan requires a super majority vote of 4 to 1 - OBVIOUSLY OUR MOST IMPORTANT VOTE...AND WE DO NOT APPRECIATE THE PRESENT CITY COUNCIL TRYING PASS PIECE MEAL PARTS, SO THEY CAN ULTIMATELY GAIN HIGH DENSITY WITH A STRAIGHT UP MAJORITY 3 TO 2 VOTE Vs. THE REQUIRED SUPER MAJORITY 4 to 1 VOTE.

Respectfully,
Arnie Wiesel
2139 Heather Ln.
Del Mar, Ca 92014

CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 21, 2020 – VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER
Mayor Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL
Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks, and Dwight Worden

PLEDGE OF ALLEGIANCE
Councilmember Parks led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS
None.

CITY COUNCIL COMMENTS
Councilmember Worden announced the recent death of Del Mar resident Richard (Dick) Rypinsky; and that there will be only one-polling place for Del Mar in the upcoming election. Councilmember Druker announced that voting in-person will be available from October 31 through November 3, 2020; and that posts are being installed in the bluff between 9th and 11th Streets over the next few days. Deputy Mayor Gaasterland announced that election ballots will be delivered to homes starting on October 5, 2020.

COMMUNITY ANNOUNCEMENTS
Councilmember Parks announced that flu shots will be available to the public through Del Mar Community Connections (DMCC) starting on October 9, 2020, by reservation only which can be done on their website. Councilmember Druker explained that the flu shots available through DMCC will be administered at the City Hall parking lot in a safe drive-thru/walk-thru fashion.

REGIONAL ORGANIZATION REPORTS
Councilmember Worden provided an update on the 22nd DAA Community Relations Committee; and the San Dieguito Riverpark Joint Powers Authority. Councilmember Druker reported on the North County Transit District. Mayor Haviland reported on the Clean Energy Alliance (CEA) Board and the San Diego Association of Governments (SANDAG) Board.

CITY MANAGER'S REPORT

City Manager Johnson reported on changes to beach nourishment fees for next fiscal year, which will result in significant savings for the City; planned activities for Fire Prevention Week; the fall program to move sand deposited on the beach and ensure continued safe beach access; and the newly launched Dine on the Deck Program being put on by the City of Del Mar in collaboration with the Del Mar Village Association (DMVA).

PRESENTATIONS

ITEM 1: UPDATE FROM DEL MAR SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE (CLERK'S FILE NO. 1506-3)

A presentation was provided by Mel Katz, Del Mar's appointed representative to the San Diego County Water Authority (SDCWA) Board, and Kelly Rogers, Ph.D., Director of the Colorado River Program.

Council questions focused on the independent, third party report that was prepared regarding the proposed Regional Conveyance System (RCS) project and the environmental concerns that have been raised; insight on ongoing energy costs associated with transporting water; how the pure water program plays into the RCS project; and when Phase B of the RCS Study will be up for SDCWA Board consideration.

The Council thanked Mr. Katz and Ms. Rogers for their presentation.

CONSENT CALENDAR

Mayor Haviland opened Items 2 through 7 for public comment and there were no comments. Item 11 was added to the Consent Calendar for Council consideration. Council questions focused on Item 5 and how many units will be enabled with the proposed actions to be taken and whether those units will be counted for the 5th or 6th Cycle Housing Element.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 7, AND 11. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 2: APPROVAL OF MINUTES: SEPTEMBER 8, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED SEPTEMBER 21 2020 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 4: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

DRAFT

ITEM 5: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE ZONING CODE AND LOCAL COASTAL PROGRAM FOR THE PROFESSIONAL COMMERCIAL ZONE (CLERK'S FILE NO. 401-4, 401-9)

Council adopted Ordinance 971, " AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTER 30.25 AND THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM CONSISTENT WITH PROGRAM 2-F REQUIRED BY THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT RELATING TO A TOTAL OF 4 EXISTING PARCELS LOCATED IN THE PROFESSIONAL COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA", on consent.

ITEM 6: FIRST AMENDMENT TO THE CITY'S COOPERATION AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR A COMMUNITY DEVELOPMENT PROGRAM (CLERK'S FILE NO. 406-1, 1503-17)

Council approved the First Amendment to the City's Cooperation Agreement with the County of San Diego for a Community Development Program effective July 1, 2021; and 2) Authorized the City Manager to execute the Amendment, on consent.

ITEM 7: APPROVAL OF AMENDMENTS TO THE MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL COMPENSATION PLAN (CLERK'S FILE NO. 502-1)

Council adopted Resolution 2020-50, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR MANAGEMENT PROFESSIONAL AND CONFIDENTIAL EMPLOYEES TO ADD PARKING ENFORCEMENT SERGEANT AND REMOVE PARKING ENFORCEMENT LIEUTENANT; PARK RANGER; AND LAW ENFORCEMENT MANAGER POSITONS ", on consent.

STANDING DISCUSSION ITEMS

ITEM 8: HOUSING (CLERK'S FILE NO. 303-1)

Planning & Community Development Director Joseph Smith provided an update on the number of Accessory Dwelling Unit applications received for 2020; and the status of the 6th Cycle Housing Element document and related Program Environmental Impact Report.

Council questions focused on the number of units that will need to be achieved as part of the 6th Cycle Housing Element; and whether staff have received any communications from the State Department of Housing and Community Development regarding the actions that were and were not taken by the City Council on September 8, 2020, related to the 5th Cycle Housing Element; and a request for an update on housing related legislative actions.

PUBLIC HEARING

ITEM 9: INTRODUCTION OF AN ORDINANCE AMENDING SECTION 23.08.035 OF THE DEL MAR MUNICIPAL CODE REGARDING ADMINISTRATIVE DESIGN REVIEW PERMIT COMPONENTS AND NOTICING (CLERK'S FILE NO. 401-4, 401-9)

A presentation was provided by Planning & Community Development Director Joseph Smith.

DRAFT

There were no public speakers for this item.

Council questions focused on light well requirements; and whether there should be a sunset clause or a specified period to report back to Council.

Council discussion focused on support for making the change permanent, but it was requested that staff report back to the City Council within 12 months.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO APPROVE INTRODUCTION OF AN ORDINANCE AMENDING SECTION 23.08.035 OF THE DEL MAR MUNICIPAL CODE (DMMC) REGARDING ADMINISTRATIVE DESIGN REVIEW (ADR) PERMIT COMPONENTS AND NOTICING, WITH AMENDMENT TO SECTION 11 WHICH CLARIFIES THAT BASEMENT LIGHTWELLS WOULD ONLY BE ELIGIBLE AS AN ADR WHEN LOCATED WITHIN AN INTERIOR SIDE YARD OR REAR YARD, AND NOT WITHIN A STREET SIDE YARD SETBACK. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:
There was no recess taken by the Council during the meeting.

CITY COUNCIL OTHER BUSINESS

ITEM 10: CLEAN WATER RATE STUDY UPDATE/STATUS REPORT (CLERK'S FILE NO. 906-2)

A presentation was provided by Assistant City Manager Kristen Crane.

There were no public speakers for this item.

Council questions focused on whether the NCTD, Fairgrounds, or City pay this fee for properties they own; what entities, if any, are exempt from paying this fee; and whether the fees are scaled.

Council discussion focused on feedback and general support for the construction inspection fee and what the range that a typical fee would fall within; ideas on how to approach public education, including a breakdown on what is being charged now versus what is proposed; some concern about choosing Council liaisons that are not up for reelection to ensure the study can continue to move forward without a transition in liaisons due to changes in Council make up; interest in identifying Councilmember Druker as one of the liaisons; and public interest in knowing what their fees will be and what the benefits will be associated with the new fee.

The Council identified Dave Druker and Terry Gaasterland as the Council liaisons to work with staff on the Clean Water Rate fee update.

ITEM 11: APPROVAL OF AN AGREEMENT AMENDMENT WITH THE DEL MAR VILLAGE ASSOCIATION FOR ADDITIONAL DOWNTOWN BUSINESS ASSISTANCE USING A PREVIOUSLY ACCEPTED COMMUNITY DONATION (CLERK'S FILE NO. 201-16, 1104-3)

DRAFT

There were no public speakers for this item. This item was moved to the Consent Calendar for consideration. The City Council approved an agreement amendment with the Del Mar Village Association (DMVA) to provide them with an additional $20,000, increasing the City's funding for DMVA from $25,000 to $45,000 for Fiscal Year 2020-21, using the previously accepted community donation to apply $10,000 toward Downtown community improvements and $10,000 toward a "Shop Local" e-gift card initiative, and authorized the City Manager to execute the agreement amendment, on consent.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

Councilmember Worden reported on the Council Planning Subcommittee and the San Dieguito Lagoon Committee. Councilmember Parks reported on the CSA-17 Board.

UPCOMING AGENDA ITEMS

Council discussed planned items for the October 5, 2020, City Council meeting.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 6:22 p.m.

_____

Ashley Jones, Administrative Services
Director/City Clerk

DRAFT

Del Mar City Council Special Meeting Agenda

VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Members of the public may listen to the meeting by logging on to the City's website at: https://delmar.12milesout.com/video/live-virtual

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Dan Quirk
Council Member

Tracy Martinez
Council Member

CJ Johnson
City Manager

Leslie E. Devaney
City Attorney

Ashley Jones
Administrative Services Director

NOTICE AND CALL OF SPECIAL MEETING OF THE DEL MAR CITY COUNCIL

MONDAY, December 14, 2020, 3:00 P.M.
City of Del Mar, VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California
****

NOTICE IS HEREBY GIVEN that the Mayor of the City of Del Mar has called a Special Meeting at the time and place listed above to consider the following:

Please refer to the attached agenda.

CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk of the City of Del Mar, hereby certify that a copy of this notice was posted at City Hall and distributed to the City Council on December 9, 2020, at approximately 4:30 p.m.

Ashley Jones, Administrative Services Director/City Clerk

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

Del Mar City Council **December 14, 2020**
Special Meeting Agenda

I. CALL TO ORDER/ROLL CALL

II. PUBLIC COMMUNICATIONS
Public comment is restricted to only items listed on the Special Meeting Agenda. Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. **The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting.** For more information please visit: www.delmar.ca.us/publiccomment.

III. COUNCIL BUSINESS

1. City Council Local and Regional Appointments for 2021

Recommended Action: Staff recommends that the City Council review the current list of Del Mar City Council regional and local and appointments (Attachment A) and make or reaffirm appointments from among its members to the identified regional and local boards, commissions, committees and subcommittees; and identify and authorize the elimination of any committees or subcommittees that are no longer deemed necessary.

Reference: Clerk's File No. 401-1

2. 6th Cycle Housing Element Informational Discussion

Recommended Action: Staff recommends the City Council receive and discuss this informational report. There is no formal action to be taken by the City Council.

Reference: Clerk's File No. 304-7

IV. ADJOURNMENT

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner
Via CJ Johnson, City Manager

DATE: December 14, 2020

SUBJECT: 6th Cycle Housing Element Informational Discussion

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council receive and discuss this informational report. There is no formal action to be taken by the City Council.

BACKGROUND:
The Housing Element is a State-mandated policy document within the Del Mar Community Plan, which is the General Plan for the City of Del Mar. It serves as the City's guidance document for how the City will implement State-mandated housing programs and policies, institute the community's housing goals, and address the City's assigned share of housing in the San Diego region. Once locally adopted, the Housing Element requires certification by the State Department of Housing and Community Development (HCD). A certified Housing Element must be updated every eight years and allows the City competitive access to State and regional grant funds, reduced risk of legal challenge, and more certainty for retaining local control over the development process. When a Housing Element is not certified or an existing Housing Element is decertified, the document must be updated every four years for two consecutive cycles resulting in an added fiscal impact to the City's General Fund and additional demand upon City resources. Further, a jurisdiction with a decertified Housing Element is subject to limited access to State funding, loss of local control over development, and increased risk of potential legal costs and financial penalties.

The City's current Housing Element is for the 5th Cycle planning period which covers 2013-2021 and, pursuant to HCD, ends on April 15, 2021. The next planning period is the 6th Cycle, which covers 2021-2029 and begins on April 15, 2021. However, due to the State's annual reporting process on housing production, the 5th Cycle "production period" ended on June 29, 2020. The 6th Cycle production period began on June 30, 2020, and runs until April 2029. This means that any new housing unit with a building permit approved since the 6th Cycle production period began on June 30, 2020, will be credited

toward the 6th Cycle housing production targets. Housing units that received a building permit approval prior to June 30, 2020, and during the 5th Cycle planning period will be credited toward the 5th Cycle.

- A copy of the 5th Cycle Housing Element is available here: www.delmar.ca.us/DocumentCenter/View/257/Housing-Element---2013---2021?bidId=

Preparation of the City's draft 6th Cycle Housing Element Update (HEU) is listed as a City Council priority in Fiscal Years (FY) 2019-20 and 2020-21, with a budget of more than $400,000 allocated toward this important work effort. In order to meet the State's April 15, 2021, deadline for Housing Element certification, the City worked expeditiously from January to October 2020 to prepare a draft 6th Cycle HEU and accompanying Environmental Impact Report (EIR). Both documents were completed on-time and on-budget. Development of the draft 6th Cycle HEU was framed around housing goals set by the City Council and integrated feedback received from a Community Housing Survey, recommendations provided by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force and the City's Planning Commission, feedback received from HCD staff, and certain criteria necessary for Housing Element certification per State 2020 Housing law. Based on the information received and the City's record of performance meeting State housing mandates over the last 20 years, staff and its housing consultant, Kimley Horn Associates, prepared a draft 6th Cycle HEU with the goal of obtaining certification from HCD by April 15, 2021, in accordance with the City Council's stated direction.

Throughout this process, City staff has been operating under the following objectives:

1. Ensure that the current 5th Cycle Housing Element remains certified; and
2. Draft a 6th Cycle HEU that has the highest chance of success for certification by HCD.

Related to Objective 1 for the 5th Cycle, two key programs have yet to be adopted by the City Council: 1) Program 2-G to rezone two vacant parcels in the North Commercial zone, referred to as "Watermark," to by-right development at a density of 20-25 dwelling units per acre du/ac; and 2) the Community Plan Amendment portion of Program 2-E to allow residential in the North Commercial land use designation at 20 du/ac. See Attachment A for a summary of uncompleted 5th Cycle programs that have been carried over into the draft 6th Cycle HEU.

On September 30, 2020, the City received an enforcement letter from HCD putting the City on notice that its 5th Cycle Housing Element is at risk of being decertified and that referral to the California Attorney General's is pending. The letter further provides HCD's written findings of the City's existing status in violation of State Housing law and gives reference to an earlier letter sent to the City dated July 31, 2020.

- A copy of the HCD Enforcement letter is available here: www.delmar.ca.us/DocumentCenter/View/7215/HCD-Enforcement-Letter-9302020

- A copy of HCD's prior July 2020 correspondence is available here: www.delmar.ca.us/DocumentCenter/View/7216/HCD-Letter-7312020

In response to the enforcement letter, on October 5, 2020 the City Council issued a response to HCD identifying the City's plan to cure its non-compliance and avoid further enforcement actions.

- A copy of the City's response to HCD is available here: www.delmar.ca.us/DocumentCenter/View/7263/City-Response-Letter-to-HCD-Enforcement-Letter-10-20-2020-PDF

Specifically, the City's response summarized local actions that had been taken toward compliance and steps it would take before the April 15, 2021 official close of the 5th housing cycle. Completed actions include: 1) all local actions necessary to complete Program 2-F to allow residential in the Professional Commercial Zone at 20 du/ac; and 2) the adoption of an ordinance amending the Municipal Code (Zoning) and Local Coastal Program for Program 2-E to allow residential in the North Commercial Zone at 20 du/ac. However, related to Program 2-E, the City had not completed the Community Plan Amendment portion as part of its action.[1]

The remaining actions needed were outlined in the City's response. This included City Council authorization for staff to process, expeditiously, Program 2-G (rezone of "Watermark" parcels) and the Community Plan Amendment portion of Program 2-E. Further, the City Council committed to HCD that it would consider local action on both of these programs by April 15, 2021. Final approval of the Local Coastal Program Amendments from the California Coastal Commission for Programs 2-E, 2-F, and 2-G is also still pending.

On December 4, 2020, HCD confirmed that it accepted the City's response and would be closely monitoring the City's progress in meeting the commitments as outlined – specifically Programs 2-G and 2-E. Based on HCD's response, staff believes that if the City Council completes its remaining local actions on Programs 2-G and 2-E by April 15, 2021, its 5th Cycle Housing Element will remain certified, referral to the Attorney General would not occur, and the City would have a greater chance of success for 6th Cycle certification since the draft 6th Cycle HEU relies upon completed 5th Cycle programs.

[1] Note that a referendum has been filed on the City's adoption of an ordinance to implement a portion of the Program 2-E actions consisting of amendments to the Local Coastal Program and Municipal Code (Zoning). Further discussion on the referendum, including its potential impacts to the City's land use and housing decisions will be subject to future City Council discussion and action in January/February 2021.

- A copy of HCD's response to the City is available here: www.delmar.ca.us/DocumentCenter/View/7369/HCD-response-to-Del-Mar-Response-12-4-20-PDF

Related to Objective 2 for the 6th Cycle HEU, the City Council recently completed an extensive deliberative process that resulted in approval of a draft 6th Cycle HEU for submission to HCD on October 5, 2020. The approved draft demonstrates to HCD, per State Housing law, the City's plan to realistically and feasibly accommodate at least 175 total housing units, including 113 affordable units through implementation of diversified housing programs for the 6th Cycle planning period from 2021-2029.

On July 10, 2020, the San Diego Association of Governments (SANDAG) Board of Directors approved the final Regional Housing Needs Assessment (RHNA) plan with the housing unit allocations for each jurisdiction. On July 21, 2020, HCD approved SANDAG's final RHNA plan.

- A copy of SANDAG's final RHNA plan is available here: www.sandag.org/uploads/projectid/projectid_189_27782.pdf

- A copy of HCD's approval of SANDAG's final RHNA plan is available here: www.sandag.org/uploads/projectid/projectid_189_27783.pdf

The following table summarizes the City's 6th Cycle housing obligations assigned by the RHNA with an estimated carryover penalty of affordable units from its 5th Cycle.

6th Cycle Housing Element Update – Units Assigned to Del Mar			
	RHNA Assigned	**Estimated Affordable Unit Carryover Penalty**	**Total**
Above Moderate	31	0	31
Moderate	31	0	31
Low Income	64	12 low income	113 affordable
Very Low Income	37	0	
	163 RHNA	12 penalty units	**175 units**

An "affordable" unit is considered a unit that is made available to "extremely low," "very-low," and "low" income households who earn an annual household income no greater than a given percentage of the area median income (AMI) for the San Diego County region ($92,700 in 2020).

- More information on the percentages of AMI based on family size is available here: www.sandiegocounty.gov/content/sdc/sdhcd/rental-assistance/income-limits-ami.html

As required by State Housing law, including robust new 2020 housing legislation such as Assembly Bill (AB) 1397, the City was required to specify a list of adequate sites at sufficient density (which in Del Mar must be no less than 20 du/ac) to meet its assigned RHNA units and estimated carryover penalty. For sites identified in the draft 6th Cycle HEU, HCD will evaluate whether the sites meet the State's criteria and whether the number of projected units per each identified site can realistically accommodate the development of the specified number of affordable housing units over the next eight years. However, the most significant obstacle to the production of affordable housing in Del Mar, and constraint of most concern to HCD, continues to be the fact that the City does not have any zones in effect that meet the State's criteria for adequate sites (referred to as "Default Density" with a minimum density of 20 du/ac). Therefore, the City needed to demonstrate to HCD how it will address the existing obstacles to affordable housing with programs to create adequate sites at sufficient density to meet its 113 affordable unit obligation during the 6th Cycle.

In response, the City developed a draft 6th Cycle HEU that included a diversified strategy with four main production-related components. These include:

1) **Accommodating Accessory Dwelling Units (ADUs) citywide**. This strategy relies upon new housing opportunities, made available by 2020 ADU legislation, throughout all of the City's residential zones and in each of the Community Plan residential districts;

2) **Creating housing opportunities along the City's main commercial corridor by modifying existing non-residential zones to accommodate housing up to 20 du/ac**. This places new housing opportunities in the center of Del Mar and creates adequate sites at sufficient density, in non-environmentally sensitive locations, that can be counted toward the City's RHNA obligation per State Housing law;

3) **Partnering with the 22nd District Agricultural Association to locate affordable housing on State-owned Fairgrounds properties.** This is the City's preferred program in lieu of implementing its contingency plan that is otherwise required by State Housing law that would result in the rezoning of several vacant sites on the City's North Bluff and South Stratford properties to 20 du/ac (reference Government Code Sections 65583(c)(1) and 65583.2(h) and (i) in order to create adequate sites at sufficient density); and

4) **Identifying available City-owned properties (non-surplus) that can be relied upon by the City.** This allows the City flexibility to pursue a future affordable housing project on City-owned property during the 6th Cycle, if needed, to make up a small portion of the affordable unit obligation.

Since the City does not have any existing dwelling units that meet the State's definition of "affordable," throughout the 6th Cycle public participation process there was a general consensus and support for the inclusion of strategies that can produce a more economically and socially diverse balance of housing options in Del Mar, including units

reserved for rental to lower income households. Preservation of existing housing in residential neighborhoods is also an important strategy (i.e., via amnesty or home improvement programs), but these types of programs would not count towards the City's adequate sites requirement or RHNA targets per the State's criteria. The proposed combination of strategies demonstrates to HCD how the City can realistically and feasibly produce 113 affordable units per the City's obligation.

The table below summarizes these strategies and the production of units that is estimated between 2021-2029.

STRATEGY	**PROJECTED UNITS FOR 2021-2029**
Accessory Dwelling Units	**100 total / 85 moderate, 15 low income affordable**
PC Zone at 20 du/ac	**17 total / 3 lower income affordable**
NC Zone at 20 du/ac	**154 total / 32 lower income affordable**
CC Zone at 20 du/ac	**19 total / 3 lower income affordable**
941 CDM Specific Plan	**11 total / 2 low income affordable**
Fairgrounds –or– Contingency Plan: Vacant Land at 20-25 du/ac	**51 total / 51 lower income affordable** (Contingency requires 20% inclusionary: 165 total units on Vacant North Bluff and 99 total units on Vacant South Stratford)
City-Owned Properties **- 28th Street (RM-East Zone)** **- City Hall Expansion C (PF Zone)** **- Does not include Shores Park or 201 Court St public parkland sites**	**7 total / 7 lower income affordable**
Total	**355 total / 113 lower income affordable** (Unit count is based on Fairgrounds priority of 51 lower income units)

In addition to the programs described above, which are designed to accommodate the City's assigned 6th Cycle RHNA obligations and estimated carryover penalty, the draft 6th Cycle HEU also includes other programs such as preservation and housing assistance strategies that are not directly related to housing unit production.

A summary of the programs is provided as follows:

- Provide information and maintain a database of housing resources including the senior housing and shared housing programs administered by Del Mar Community Connections, the solar panel installation partnership administered by Renewable Cities San Diego, Interfaith Partnership opportunities including the St. Peter's Episcopal Church Helping Hands program, the Housing Choice Voucher rent subsidy program administered by the San Diego County Housing Authority, student housing resources and assistance, and other housing assistance programs run by local non-profit organizations to assist in the distribution of information on available housing services and programs for individuals with special needs.
- Require a "Housing Impact Statement" be included in staff reports to help inform discretionary land use and planning decisions.
- Process several Municipal Code Amendments to clarify State Housing law requirements related to manufactured housing and density bonus, to allow housing in the Public Facilities (PF) Zone, and to clarify the regulations applicable to "tiny homes."
- Ensure compliance with State Housing law requirements related to community care facilities, residential care facilities, emergency shelters, transitional and supportive housing, low barrier navigation centers (service-enriched shelters focused on moving people into permanent housing), Senate Bill (SB) 35 streamlining requirements, and Fair Housing law requirements.
- Improve and preserve existing housing by establishing an ADU amnesty program, accommodating the renovation and improvement of existing multiple dwelling unit structures with non-conformities, and developing policies and programs that more effectively provide for the use of existing housing stock for long term housing needs (i.e., addressing threat of short term rentals to long term housing in residential zones).
- Coordinate with HCD and Coastal Commission regarding housing needs in the coastal zone.

On October 5, 2020, the City Council adopted Resolution No. 2020-52 that approved the draft 6th Cycle HEU and authorized staff to submit the document to HCD for review and comment in according with Housing Element certification procedures set forth by State Housing law. The City's draft document has since been received by HCD and is currently under their review. Staff anticipates formal comments back from HCD in January 2021.

- For further details on the draft 6th Cycle HEU and associated analysis, view the October 5, 2020 City Council report here: www.delmar.ca.us/DocumentCenter/View/7314/October-5-2020-Item-7-Agenda-Report-PDF

- The draft 6th Cycle HEU as submitted to HCD is available here: www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029 *(Note that Appendix B of the document will be revised once comments are received from HCD)*

As noted, the draft 6th Cycle HEU was designed around the City Council's overall housing goal 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."*

Further, the draft 6th Cycle HEU was framed around the following seven City Council goals:

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

The substantive Chapters of the draft 6th Cycle HEU are organized as follows:

Chapter 1: Introduction and summarizes the role of the Housing Element, a background on State Housing law, the HEU's relationship to other elements of the City's Community Plan, public participation, and data sources.

Chapter 2: Identifies the existing community character and profile, explains that Del Mar is a small, generally built-out coastal city with high land costs, and notes that the City's assigned growth projections for the next eight years are likely overstated due to the recession that is expected to occur as a result of the global COVID-19 pandemic.

Chapter 3: Includes an analysis of constraints (governmental and non-governmental) and impediments to fair housing in light of the fact that Del Mar has an obligation to provide housing opportunities for all economic segments per fair housing law requirements, but

currently only has housing options available for moderate income and above moderate income households.

Chapter 4: Proposed Housing Plan which includes a variety of strategies (e.g., partnership with the 22nd DAA, rezone/upzone programs, ADUs and incentive programs) that can accommodate units on private and public lots dispersed throughout the community. The Housing Plan is the City's proposal to the State for how it will comply with State Housing law and provide new housing opportunities and assistance programs to varying income levels. The Housing Plan identifies the City's proposed actions to meet each of its seven stated housing goals per State Housing law. Further, the Housing Plan takes a more targeted approach to encourage the infill of affordable housing units along the City's main commercial corridor by creating a sufficient capacity of "adequate sites" in zones that allow housing up to 20 dwelling units per acre (du/ac). In order to spread units throughout the community, the NC, Central Commercial (CC), and PC zones are proposed to accommodate a portion of the City's 6th Cycle affordable unit requirements. State Housing law will not allow the City to rezone/upzone to a density less than 20 du/ac to satisfy the State's "adequate sites" requirements.

6th Cycle HEU Timelines and Obligations

Implementation of the draft 6th Cycle HEU programs will require various local actions and future amendments to the Community Plan (General Plan), Municipal Code (Zoning), and Local Coastal Program (LCP) that will be subject to future City Council approval during the implementation phase.

Amendments are split into two categories: 1) Non-housing related Community Plan amendments per other State laws; and 2) Implementation actions related to 6th Cycle HEU programs. A summary of each commitment follows. **See Attachment B for a detailed summary of each of the programs listed below. See Attachment C for a matrix that provides further information on the programs' intent, current policy or regulation, benefit, and tradeoff.**

1. Non-housing Community Plan amendments – these are separate but related local actions triggered by Housing Element updates as part of State law:

    a. **By April 2022** (one year post-certification):
        i. Program Not Listed – Community Plan Safety Element Update
        ii. Program 6E – Community Plan Environmental Justice Element

2. Implementation actions per the 6th Cycle HEU – these are commitments the City is making to the State in the form of various housing programs with associated timelines for implementation:

a. **By April 2022** (one year post-certification):
    i. Program 1A – North Commercial Zone Amendments[2]
    ii. Program 1B – Professional Commercial Zone Amendments[3]
    iii. Program 5B – Housing Impact Statement

b. **By April 2023** (two years post-certification):
    i. Program 1F – Manufactured Housing and Mobile Homes Ordinance
    ii. Program 1G – Density Bonus Ordinance Update
    iii. Program 2A – ADU Incentive Pilot Program
    iv. Program 2B – ADU Amnesty Program
    v. Program 2F – Tiny Houses Ordinance
    vi. Program 4A – Residential Care Facilities Ordinance
    vii. Program 4B – Emergency Shelters, Transitional and Supportive Housing, and Low Barrier Navigation Centers Ordinance

c. **By April 2024** (three years post-certification):
    i. Program 3A – Fairgrounds Housing Agreement (Program 1E is contingency plan)
    Program 1C – Central Commercial Zone Amendments
    ii. Program 1H – Public Facilities Zone Amendments
    iii. Program 1D – Affordable Housing Overlay Zone
    iv. Program 1I – Affordable Housing Incentives

d. **By October 2024** (three and one-half years post-certification) – Proceed only if Program 3A (Fairgrounds Agreement) is not finalized:
    i. Program 1E – Vacant North Bluff and/or South Stratford Property Rezone

e. **By April 2025** (four years post-certification):
    i. Program 2E – Mid-Cycle ADU Production Evaluation

f. **Ongoing** (2021-2029)
    i. Program 2C – Promotion of ADU Construction
    ii. Program 2D – Tracking of ADU Progress
    iii. Program 4C – City's Shared Housing Program
    iv. Program 4E – City's Affordable Housing Mitigation
    v. Program 5A – Renovation and Improvement of Existing Multiple Dwelling Unit Structures

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[2] Action by the California Coastal Commission (CCC) on the LCP Amendment. Note: this item still requires one local action as indicated in the City Council's response to HCD's September 2020 Enforcement Letter. Completing the Community Plan Amendment portion of this Program by April 15, 2021 is preferable because it preserves the City's ability for land use control over housing projects. As staff has understood from HCD, if the local actions on this program are not completed by April 2021, this program will turn into a "by right" required zoning action per Government Code 65583(c)(1) and 65583.2(h) and (i) in the 6th Cycle Housing Element – similar to the 5th Cycle Program 2G.

[3] Action by the CCC on the LCP Amendment.

vi. Program 5C – Long Term Housing Stock Preservation
vii. Program 6A – SB 35 Permit Streamlining
viii. Program 6B – Actions to Further Fair Housing
ix. Program 6C – Coastal Zone Housing Element Data
x. Program 6D – Solar Panels on Multiple Unit, Low Income Housing
xi. Program 7A – City's Housing Assistance Reserve
xii. Program 7B – Local Faith-based Organizations
xiii. Program 7C – Community Care Facilities
xiv. Program 7D – Housing Choice Vouchers
xv. Program 7E – Fee Waivers for Affordable Projects
xvi. Program 7G – Local Non-profits and Housing Assistance
xvii. Program 7H – Del Mar Community Connections
xviii. Program 7I – Student Housing Resources
xix. Program 7J – City's Database of Community Assistance Programs

Pending Schedule and Deadlines for Completion of the HEU per State Housing Law

The draft 6th Cycle HEU is currently under a 60-day review period with HCD. Following HCD review, the draft will be returned to the City with comments and clarification as to what modifications will be necessary in order for the City to gain final certification of the Housing Element by the State. These comments are expected in early January 2021. City staff will then prepare the necessary amendments for public review and processing for consideration in noticed public hearings via the Planning Commission (if needed in February 2021) and City Council (anticipated for March and/or April 2021).

An amendment to the Community Plan (GPA20-003) will be required as part of the City Council's final adoption to replace its existing 5th Housing Element with the 6th Cycle HEU in accordance with State Housing law. This action will need to occur before April 15, 2021 so that staff could submit the locally adopted HEU to the State for final certification by the April 15, 2021 deadline. Failure to meet the State's deadline can result in penalties. See Attachment D for the penalties applicable for non-compliance with State Housing law.

Community Plan (General Plan) Conformance

The draft 6th Cycle HEU reinforces and implements existing goals and policies in the Community Plan as follows:

- **Goal 3**: Preserves and enhances the special residential character and small-town atmosphere of Del Mar…;
    - *The draft 6th Cycle HEU does not include any programs to modify existing development standards in any residential or commercial zone. The ongoing application of the City's development standards would continue to preserve the special residential character and small-town atmosphere of Del Mar. The intent of proposed programs is to maintain local control over all future housing development, including application of the City's Design Review process, to the maximum extent feasible and allowed by State Housing law.*

- **Goal 3, Objective A** (reference to Policies 1-6): Maintains the existing development standards related to design, scenic view protection, floor area ratio, lot coverage, height, setbacks, etc.;
    - *See finding above. The draft 6th Cycle HEU would preserve all required development standards.*
- **Goal 3, Objective D**: Insures adequate housing for diverse age and socio-economic groups within the community;
    - *The draft 6th Cycle HEU includes a variety of programs to provide for new housing opportunities for varying income levels and vulnerable populations, as well as spreads out the City's 6th Cycle unit obligations throughout the community including its main commercial corridor.*
- **Goal 3, Objective D, Policy 2**: Facilitates housing opportunities for seniors close to the Village Center with easy access to services, facilities and transit; and
    - *The draft 6th Cycle HEU includes programs to allow residential as a primary or accessory use along the City's main commercial corridor and specifically in the NC zone, CC zone, PC zone, and PF zone; as well as programs to facilitate ADUs in all zones that allow residential as a primary use including those adjacent to the City's commercial areas.*
- **Goal 3, Objective E**: Facilitates lower cost housing for low- and moderate-income households.
    - *The draft 6th Cycle HEU includes programs to implement the City's 6th Cycle unit obligation which includes 101 affordable units (64 low income and 37 very low income), including an additional 12 low income unit carryover from the 5th Cycle (total of 113 affordable units to be accommodated throughout the community), and 31 moderate income units.*

ENVIRONMENTAL IMPACT:

On October 5, 2020, the City Council approved Resolution No. 2020-51 certifying a Program EIR (PEIR) and Mitigation, Monitoring and Reporting Program (MMRP) for the draft 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064). The PEIR found that all potentially significant environmental effects of the draft 6th Cycle HEU can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the HEU.

The 6th Cycle PEIR is available for review at:
www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

Housing Programs in the draft 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to Programs 2-E (NC zone) and 2-F (PC zone) of the City's current 5th Cycle Housing Element. The separate NC/PC PEIR analyzed future housing in the NC, PC, and PF Zones, and was certified by the City Council on September 8, 2020 by Resolution No. 2020-47.

The NC/PC PEIR is available for review at: www.delmar.ca.us/Archive.aspx?ADID=1428

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council related to this agenda item. Future final adoption of the 6th Cycle HEU would minimize the City's risk of fiscal impacts to the General Fund associated with a range of potential State-imposed penalties for not having an approved 6th Cycle Housing Element. It should be noted that the City is currently not in compliance with State Housing law and is already at risk of enforcement by the State and significant fiscal impacts due to uncompleted 5th Cycle Program 2-G ("Watermark" rezone) and Programs 2-E (NC Zone Community Plan Amendment).

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This special project is a City Council Priority through Fiscal Year 2020-2021.

ATTACHMENTS:

Attachment A – Detailed Summary of Draft 6th Cycle HEU Timelines and Obligations
Attachment B – Status of Uncompleted 5th Cycle Programs Carried into the Draft 6th Cycle HEU
Attachment C – Matrix of 6th Cycle Housing Programs Intent, Current Policy/Regulation, Benefit, and Tradeoff
Attachment D – Summary of Potential Enforcement Actions

Status of Uncompleted 5th Cycle Programs Carried into the Draft 6th Cycle HEU

Following is a summary of the status of action-oriented 5th Cycle Housing Programs that were not completed. These have resulted in the City being out of compliance with State Housing law and, as a result, must be addressed in the 6th Cycle HEU:

City's Progress on 5th Cycle Housing Programs		
Housing Action Program		**Status**
North Commercial	5th Cycle 2E 6th Cycle 1A	Required carryover program from 5th Cycle to 6th Cycle HEU to create adequate sites at 20 du/ac by April 2022. On 9/8/2020, the City Council did not take the action necessary for local approval of this program. On October 19, 2020, the City Council approved an ordinance amending the LCP and Municipal Code (Zoning); however, did not approve the associated Community Plan Amendment. As part of the City's response to the HCD Enforcement Letter, the City will consider local action on the related Community Plan Amendment prior to April 15, 2021 in order to avoid penalties by the State for bring out of compliance with its 5th Cycle Housing Element. *The City Council will consider the final action needed (Community Plan Amendment) on Program 2E by April 15, 2021.*
Professional Commercial	5th Cycle 2F 6th Cycle 1B	Required carryover program from 5th Cycle to 6th Cycle HEU to create adequate sites at 20 du/ac by April 2022. On 9/8 and 9/21/2020, the City Council adopted the required PC amendments. LCPA certification by the Coastal Commission is still needed to complete this carryover program during the first year of the 6th Cycle by April 2022.
Rezone of "Watermark" Lots in NC Zone	5th Cycle 2G	This required rezone program was applied to two vacant lots in the NC zone to allow 20-25 du/ac by-right (meaning, no discretionary permits can be required such as Design Review). No local action was taken to implement this rezone program. Therefore, the City is at risk of penalties set forth per State law, including decertification of the 5th Cycle Housing Element and referral to the State Attorney General for further enforcement. As part of the City's response to the HCD Enforcement Letter, the City will consider local actions needed

		to implement this program to April 15, 2021 in order to avoid enforcement by the State. These local actions include amendments to the LCP, Community Plan, and Municipal Code (Zoning). *The City Council will consider local actions on Program 2G by April 15, 2021.*
Fairgrounds	5th Cycle 2J 6th Cycle 3A	Incomplete Program 2J is expanded in scope and covered by proposed 6th Cycle HEU Program 3A to partner with 22nd District Agricultural Association (22nd DAA) to build and obtain credit for at least 51 affordable units on the State Fairgrounds property. The City cannot obtain credit toward its 6th Cycle affordable housing requirements without formal concurrence from HCD that this program will be acceptable for compliance with State Housing law and executed agreements in place from the City and 22nd DAA within three years following Housing Element certification (by April 2024). In the event this program is not finalized by April 2024, a contingency plan is included in the draft 6th Cycle HEU under Program 1E to rezone the vacant North Bluff and South Stratford properties pursuant to State Housing law including AB 1397.
ADU Amnesty Program	5th Cycle 3F 6th Cycle 2B	Proposed carryover program with the intent to count any participating units (that obtain building permits) towards the City's 6th Cycle Regional Housing Needs Assessment (RHNA). Note: HCD does not typically count amnesty program units towards RHNA. So while this program may provide new housing opportunities in the City for varying income levels, it may not receive credit toward its 6th Cycle RHNA.

Detailed Summary of Draft 6th Cycle HEU Timelines and Obligations

As noted in the Agenda Report, implementation of the draft 6th Cycle HEU programs will require various local actions and future amendments to the LCP, Community Plan (General Plan), and Municipal Code (Zoning) that will be subject to future City Council approval during the implementation phase.

Amendments are split into two categories: 1) Non-housing related Community Plan amendments per other State laws; and 2) Implementation actions related to 6th Cycle HEU programs. A summary of each commitment follows:

1. Non-housing Community Plan amendments – these are separate but related local actions triggered by Housing Element updates as part of State law:

    a. **By April 2022** (one year post-certification):

        i. Program Not Listed – Local action on an amendment to the existing Community Plan Safety Element to address fire risk and protection in high fire hazard severity zones per Senate Bill (SB) 1241. The amendment is anticipated to update policies related to protections of life, property, and natural resources from unreasonable wildland fire risk as well as a requirement for certain findings regarding available fire protection and suppression services before the City could approve a subdivision map.

        ii. Program 6E – Local action to adopt a new Community Plan Environmental Justice Element per Senate Bill 1000 (2016) that amended Government Code Section 65303(h) that will help establish policies for more effective implementation of Fair Housing law requirements and to reduce community health risk per the City's Climate Action Plan. This new Element would also include policies and programs to address access to public facilities, healthy food access, safe and sanitary homes, and physical activity.

2. Implementation actions per the 6th Cycle HEU – these are commitments the City is making to the State in the form of various housing programs with associated timelines for implementation:

    a. **By April 2022** (one year post-certification):

        i. Program 1A – Completion of the North Commercial Zone Amendments, specifically the final certification of the LCP amendment component. This program assumes all local actions on the related 5th Cycle Program 2E are completed by April 15, 2021 including the pending Community Plan Amendment (the related LCP and Municipal Code (Zoning) actions have already been adopted by City Council on October 19, 2020 via

Ordinance No. 973). Program 1A is relied upon to realistically produce 32 of 113 affordable units during the 6th housing cycle. Additional parcels may be relied upon as part of the City's future 7th housing cycle (2029-2037).

ii. Program 1B – Completion of the Professional Commercial Zone Amendments, specifically the final certification of the LCP amendment component. All local actions related to 5th Cycle Program 2F have been completed by the City Council on September 8, 2020 via Resolution No. 2020-48 and on September 21, 2020 via Ordinance No. 971 (the LCPA is currently pending review and certification by the Coastal Commission). Program 1B is relied upon to realistically produce 3 of 113 affordable units during the 6th housing cycle. Additional parcels may be relied upon as part of the City's future 7th housing cycle (2029-2037).

iii. Program 5B – Implement a "Housing Impact Statement" in all staff reports for discretionary land use and planning decisions, including Design Review Board, Planning Commission, and City Council. This statement will expressly state how proposed actions meet the City's housing goals and describe any potential impacts that the proposed actions may have on the City's current housing supply.

b. **By April 2023** (two years post-certification):

i. Program 1F – Local action to define Manufactured Housing and Mobile Homes in the Municipal Code (Zoning) consistent with State law.

ii. Program 1G – Local action to update the City's Density Bonus Ordinance in the Municipal Code consistent with State law.

iii. Program 2A – Local action to extend and enhance the City's existing ADU Incentive Pilot Program. The current incentive program expires in May 2022 unless extended by the City Council. This program will evaluate the current program and consider additional incentives to further the production of ADUs and, specifically, ADUs that can be counted as affordable units.

iv. Program 2B – Local action to establish an ADU amnesty program. This would allow property owners the ability to legalize existing unpermitted ADUs. Once permitted, these units would count toward the City's moderate (or affordable if deed restricted) RHNA obligations.

v. Program 2F – Local action to allow for the development of Tiny Houses on non-residential and residential sites in the Municipal Code (Zoning).

vi. Program 4A – Local action to define Residential Care Facilities in the Municipal Code (Zoning) consistent with State law.

vii. Program 4B – Monitor and local action, as needed, on policies related to Emergency Shelters, Transitional and Supportive Housing, and Low Barrier Navigation Centers.

c. **By April 2024** (three years post-certification):

i. Program 3A – Execute an agreement between the City and 22nd District Agricultural Association to develop housing on the State-owned Del Mar Fairgrounds property. Program 3A is the City's priority strategy to produce up to one-half of its required affordable RHNA units (51 of 101 units); however, in the event Program 3A is not finalized by April 2024, Program 1E is included as a contingency plan that will require a rezone of vacant North Bluff and South Stratford properties pursuant to State Housing law including AB1397. Program 3A (or 1E as a contingency) is relied upon to realistically produce 51 affordable units during the 6th housing cycle.

ii. Program 1C – Local action on the Central Commercial Zone Amendments, including amendments to the LCP, Community Plan, and Municipal Code (Zoning). Program 1C is relied upon to realistically produce 2 of 113 affordable units during the 6th housing cycle. Additional parcels may be relied upon as part of the City's future 7th housing cycle (2029-2037).

iii. Program 1H – Local action on the Public Facilities Zone Amendments, including amendments to the LCP, Community Plan, and Municipal Code (Zoning). Program 1H is relied upon to realistically produce 7 of 113 affordable units (if needed) during the 6th housing cycle. The targeted sites for unit production are City-owned parcels that include Expansion Area C at the Civic Center and a vacant parcel at 28th Street (currently zoned RM-East). Shores Park is <u>not</u> included in this program, nor are any parcels in the Public Parkland Zone including the Court Street tennis court parcels.

iv. Program 1D – Local consideration and action on an Affordable Housing Overlay Zone, including amendments to the LCP, Community Plan, and Municipal Code (Zoning). This strategy is intended to encourage certain property owners, such as retail, apartment, and hotel, to pursue permit applications to accommodate affordable units on their properties.

v. Program 1I – Local action on streamlining incentives for projects proposing more affordable units than required by the City's inclusionary housing requirements. This would consist of measures to reduce or

eliminate potential constraints to the development of affordable housing including such components as expedited processing, exemptions, and fee subsidies/payment deferrals.

d. **By October 2024** (three and one-half years post-certification) – Proceed only if Program 3A (Fairgrounds Agreement) is not finalized:

    i. Program 1E – Local action on the rezone of vacant North Bluff and/or South Stratford properties, including amendment to the LCP, Community Plan, and Municipal Code (Zoning). Program 1E is a contingency plan to Program 3A. In the event Program 3A is not finalized by April 2024, Program 1E is relied upon to realistically produce 51 affordable units during the 6th housing cycle.

e. **By April 2025** (four years post-certification):

    i. Program 2E – Evaluate ADU production. This evaluation would occur half-way through the 6th housing cycle to understand if production estimates are being achieved. Depending on the findings, amendments to the Housing Element may be considered pursuant to Government Code Section 65583.2. Construction of ADUs is relied upon to realistically produce 15 affordable units and 75 moderate-income units during the 6th housing cycle.

f. **Ongoing** (2021-2029)

    i. Program 2C – Promote ADU construction. This includes the promotion of other ADU programs and new outreach materials. As noted in Program 2E above, the construction of ADUs is relied upon to realistically produce 15 affordable units and 75 moderate-income units during the 6th housing cycle.

    ii. Program 2D – Monitor and improve ADU progress, including construction, rental stock and affordability levels, and deed-restricted units.

    iii. Program 4C – Ongoing participation and support for the City's Shared Housing program including collaboration with Community Connections to continue administration of this program.

    iv. Program 4E – Ongoing implementation of the City's affordable housing mitigation requirements, such as inclusionary housing, in Municipal Code Section 24.21.025 including conversions of existing dwelling units into condominiums and subdivisions.

v. Program 5A – Ongoing accommodation for the renovation and improvement of existing multiple dwelling unit structures with structural and/or residential density non-conformities. This program also includes an education/outreach program to apprise property owners of these accommodation measures.

vi. Program 5C – Consideration of local actions to establish policies and programs that more effectively address regulations for short term vacation rentals in residential zones as a means to preserve the City's long term housing stock. The local actions will be focused on reducing current vacancy rates (24%) to lower levels by increasing the use of existing housing for long term housing needs.

vii. Program 6A – Local action on establishing procedures to comply with SB 35 Permit Streamlining provisions pursuant to Government Code Section 65913.5. SB 35 requires the City to process development projects with at least 50% affordable units through a streamlined permit process and provides certain exemptions from discretionary permits and parking requirements. It is staff's understanding that the City's status with regard of SB 35 can change over time with a record of good progress toward the 6th Cycle RHNA and timely reporting.

viii. Program 6B – Local actions to address potential constraints to fair housing within Del Mar including an analysis of barriers to entry into homeownership or rental, review of historic policies or restrictions that may have prevented or may still prevent disadvantaged groups from locating in Del Mar, or specific actions that contribute to Del Mar being more inclusive to all racial, social and economic groups.

ix. Program 6C – Continue data collection and compliance with Coastal Zone Housing Element-related requirements.

x. Program 6D – Partner with Renewable Cities San Diego to create a program to install solar panels on multi-unit, low income housing units as described in the City's Climate Action Plan.

xi. Program 7A – Ensure that the City's Housing Assistance Reserve is available for implementation of existing affordable housing, such as acquisition of land and construction of affordable units.

xii. Program 7B – Continue to encourage local faith-based organizations to participate with the Interfaith Shelter Network Rotating Shelter and St. Peter's Episcopal Church to continue its Helping Hands program.

xiii. Program 7C – Continue to permit Community Care Facilities through the same zoning provisions applicable to residential units in the zone they are proposed.

xiv. Program 7D – Continue to work with the Housing Authority of the County of San Diego (HACSD) to administer and allocate Housing Choice Vouchers within the City. As part of this program, the City will promote the Voucher program with owners of ADUs.

xv. Program 7E – Continue to offer the availability of fee waivers for projects with an affordable housing component.

xvi. Program 7G – Ongoing participation and support for partnerships with local non-profits to promote and coordinate access to housing and assistance programs, including targeted programs for the City's elderly and special needs population.

xvii. Program 7H – Ongoing participation and support for a partnership with the Del Mar Community Connections non-profit organization to create and distribute housing assistance resources to local seniors including information on financial assistance programs and community resources.

xviii. Program 7I – Develop informational materials on available affordable housing options and housing assistance for students of colleges and universities in proximity to the City. This program includes connecting owners of ADUs who are seeking renters with students.

xix. Program 7J – Ongoing updates to the City's database of Community Assistance Programs available to residents. This database was prepared by the Community Assistance Subcommittee of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force.

Matrix of 6th Cycle Housing Programs

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
Nine Adequate Sites / Production Programs				
6th Cycle Program 1A: North Commercial (NC) Zone (5th Cycle Program 2-E)	Create adequate sites at 20 du/ac for sufficient capacity at sufficient density to accommodate lower income RHNA units. This program directly relates to creation of adequate sites and achievement of the City's RHNA targets. If program is not completed prior to end of 5th Cycle planning period in April 2021, then sites are anticipated to be required to be rezoned by HCD to allow by-right housing per Government Code Section 65583(C)(1) and 65583.2(h) and (i).	Housing is not permitted as a primary use in the NC Zone. The NC Zone allows one accessory unit maximum on each lot developed with a primary commercial use. This type of unit is not considered an Accessory Dwelling Unit (ADU) per State law. No affordable units are required based on the existing uses allowed in the NC zone.	This program was a City commitment to the State as part of its 5th Cycle Housing Element. Program is needed to meet State law requirements for adequate sites for lower income households needed at the required 20 du/ac density for the unmet need in 5th Cycle and portion of pending 6th Cycle HEU. City is projecting 32 affordable units during the 6th Cycle. Completion of Program minimizes risk of 5th Cycle enforcement penalties and 6th Cycle impacts. Additional units could be considered as part of the City's next housing cycle (7th Cycle from 2029-2037).	Program will allow housing as part of a mixed use development or as a stand-alone primary use, which may result in sites being developed as 100% housing instead of commercial use. This may lead to displacement of existing commercial uses. The NC Zone does not have any existing coastal dependent commercial uses. There is no alternative to this required Program type (adequate sites in zone at sufficient density).

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
6th Cycle Program 1B: Professional Commercial (PC) Zone (5th Cycle Program 2-F)	Create adequate sites at 20 du/ac for sufficient capacity at sufficient density to accommodate lower income RHNA units. This program directly relates to creation of adequate sites and achievement of the City's RHNA targets.	Housing is not permitted as a primary use in the PC Zone. The PC Zone allows one accessory unit maximum on each lot developed with a primary commercial use. This type of unit is not considered an ADU per State law. No affordable units are required based on the existing uses allowed in the PC zone.	This program was a City commitment to the State as part of its 5th Cycle Housing Element. If the existing small sites (less than 0.5 acre) with existing development are accepted by HCD as adequate sites, the program can meet a small portion of the overall adequate sites for lower income households needed at the required 20 du/ac density for pending 6th Cycle HEU. The City is projecting 3 affordable units during 6th Cycle. Additional units could be considered as part of the City's next housing cycle (7th Cycle from 2029-2037).	Program will allow housing as part of a mixed use development or as a stand-alone primary use, which may result in sites being developed as 100% housing instead of commercial use. This may lead to displacement of existing commercial uses. The PC Zone does not have any existing coastal dependent commercial uses. There is no alternative to this required Program type (adequate sites in zone at sufficient density).

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
6th Cycle Program 1C: Central Commercial (CC) Zone	Create adequate sites at 20 du/ac for sufficient capacity to accommodate lower income RHNA units. State law requires creation of adequate sites early in the housing cycle. This program directly relates to creation of adequate sites and achievement of the City's RHNA targets.	Housing is not permitted as a primary use in the CC Zone. The CC Zone allows one accessory unit maximum on each lot developed with a primary commercial use. This type of unit is not considered an ADU per State law. Housing is not permitted in street level tenant spaces along Camino del Mar and 15th Street due to City "horizontal zoning" requirement. No affordable units are required based on the existing uses allowed in the CC zone.	If the existing small sites (less than 0.5 acre) with existing development are accepted by HCD as adequate sites, this Program can meet a small portion of overall adequate sites needed for lower income households at the required 20 du/ac density for pending 6th Cycle HEU. The City is projecting 3 affordable units during 6th Cycle. Additional units could be considered as part of the City's next housing cycle (7th Cycle from 2029-2037).	Program will allow housing as part of mixed-use development. The existing "horizontal zoning" requirement will continue to apply to ensure that street level tenant spaces in the center of the Downtown Village are occupied by active commercial uses. There is no alternative to this required Program type (adequate sites in zone at sufficient density).
6th Cycle Program 1D: Affordable Housing Overlay	Evaluate whether to create overlay zone with incentives for owners to create affordable units (i.e., economic study, stakeholder interviews).	Some property owners have indicated that the City's existing use and development standards and permit procedures in various zones are a regulatory barrier that	The program will focus on opportunity sites with multiple dwelling units (e.g., existing apartment buildings), hotels, or retail centers (e.g., Del Mar Plaza)	The desired incentives identified by stakeholders during the initial evaluation phase may raise community concerns about potential Community

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	Bring forward code amendments through public hearing process if the City is unable to secure housing agreements/deed restrictions for at least 30 affordable units within the first 3 years (by April 2024) of 6th Cycle. This program itself would not achieve the City's adequate sites or RHNA targets, but could eventually facilitate projects with lower income affordable units.	inhibits their ability to incorporate affordable housing units on their properties. Examples cited include insufficient provisions for residential use, density, height, floor area ratio, and lot coverage.	where there is potential to match up operational needs of local employers with the housing needs of employees and housing obligations of the City.	Plan conflicts (i.e., increased height or story allowances or design review exemptions) that render this housing strategy infeasible.
6th Cycle Program 1E: Rezone Vacant North Bluff and/or South Stratford Properties	This is proposed as a <u>contingency</u> program, which must be included in the HEU to meet State law criteria for at least 51 lower income affordable units in case the City's preferred	State law that came into effect in January 2020 requires that the City accommodate at least half of its lower income unit RHNA obligation on vacant parcels between 0.5 and 10 acres. For	Program meets the criteria necessary for 6th Cycle HEU certification in terms of demonstrating that adequate sites on vacant land will be created to facilitate 51	If the City does not successfully reach an agreement to build at least 51 lower income units at the Fairgrounds within the first 3 years of the 6th Cycle, the City must process a rezone

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	strategy (Program 3A) to build at least 51 affordable units at the Fairgrounds is not able to be secured via an agreement within first 3 years of housing cycle (by April 2024). If the City must implement this contingency program, the sites will be required to be rezoned to allow (anticipated) "by-right" housing per Government Code Section 65583(C)(1) and 65583.2(h) and (i). This program directly relates to creation of adequate sites and achievement of the City's RHNA targets.	the 6th Cycle HEU, the City was assigned a total of 101 RHNA units for lower income households rendering 51 units to be designated in a compliant program.	lower income units if the City is not successful in securing an agreement to build the 51 lower income units at the State Fairgrounds (Program 3A). As approved and submitted to HCD, the City would be released of the obligation for this program upon successfully reaching an agreement to build at least 51 lower income units at the Fairgrounds by April 2024.	of vacant lots to meet State law. Further, the rezone must allow for multiple dwelling unit housing development (anticipated) "by-right" up to 20-25 du/ac. There is no alternative to this required Program type (rezone of vacant land at sufficient density due to a lack of adequate sites at sufficient density meeting the State legislative criteria).
6th Cycle Program 1F: Manufactured Housing	Clarify that the City allows manufactured housing on a	The Del Mar Municipal Code does not identify a special process for	Program meets a required component of HEU per State law.	There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	foundation through the same permit approval process as traditional construction per State law requirement. This program would not achieve adequate sites or RHNA targets.	manufactured homes. Therefore, a proposed application for a manufactured home would be processed in the same manner as a traditional home and subject to the Design Review Ordinance.		
6th Cycle Program 1G: Update Density Bonus	Update of the existing local density bonus regulations to meet current State law as most recently amended in September 2020. Any density bonus, concessions, incentives, waivers or reductions of development standards or parking ratios must be consistent with the Coastal Act. City's code will be amended to demonstrate there will be adequate protection of coastal resources consistent with the certified LCP.	The City's existing density bonus regulations are not consistent with State law. The City is pre-empted from applying DMMC Chapter 30.90 as currently published. Density bonus applications are subject to the State density bonus law in effect at the time of application. Local discretion is preempted. Coastal Development Permits are subject to staff-level approval in accordance with DMMC Chapter	Program meets a required component of HEU per State law (Government Code 65915), which requires that the City publish current density bonus provisions to facilitate applications for development of affordable housing.	There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	This program would not achieve adequate sites or RHNA targets.	30.75 that requires findings for approval to demonstrate consistency with the City's certified LCP.		
6th Cycle Program 1H: Public Facilities Zone Amendment	Amend the Public Facilities (PF) Zone to allow housing as a use. The PF zone applies to many City-owned properties. Clarify exception for Shores Park where the City Council clarified in October 2020 that housing is <u>not</u> intended as an allowed use (nor is the Court Street tennis court parcel which is currently zoned Public Parkland). The City identified City Hall expansion lot C on 10th Street and a vacant lot on 28th Street (which is currently zoned RM-East) as an adequate site for future	Currently, the PF zone does not list housing as an allowed use on the City-owned properties that are zoned PF. The Ad Hoc Citizens Task Force identified multiple City-owned water tower sites within the PF zone in their recommendation for proposed affordable housing sites. While the water tower facilities are currently needed for water and fire protection services, this Program would facilitate processing of a future housing project on PF sites if and when appropriate.	Program facilitates the process for future projects proposing development of affordable units (e.g., City Hall expansion lot C and/or 28th Street). The City identified that up to 7 small affordable units could be built at the City Hall expansion lot C on 10th Street and on 28th Street if needed to meet the City's lower income RHNA obligation.	While the Program does not commit the City to any development project, it would facilitate future development projects by identifying housing as an allowed alternative to non-residential use of the site. Future housing would be subject to the typical discretionary review and environmental review processes. The City explicitly stated that at this time the City does not have any surplus City-owned property in this zone.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	development of small affordable units if needed. This program could help City meet adequate sites and RHNA targets if needed during the 6th Cycle.			
6th Cycle Program 1I: Streamlining and Incentives for Projects that Create Affordable Units	Develop and implement criteria for project streamlining and incentives when affordable units are proposed as part of the project. This type of action program is expected to be needed to encourage property owners to actually commit to build affordable units. This program itself would not achieve the City's adequate sites or RHNA targets, but could eventually facilitate	Currently, the City has an incentive program for owners who commit to deed restrict an ADU for 30 years as a rental to low income households. The City also refers to an existing streamlining program in its inclusionary housing regulations, which requires an affordable housing agreement for 55 years; however, it does not define project eligibility, the permit procedures that would be streamlined, or any other incentives that	Program would build from the information learned in the stakeholder discussions in the early phase of Program 1D to identify a range of permit streamlining procedures and development incentives that could be made available depending on the type of project and number/level of affordability of the affordable units.	Implementation of meaningful incentives to secure new affordable housing unit agreements will likely require some tradeoffs in terms of height, floor area ratio allowances, and design review streamlining, which to date have been difficult to gain community support for even where limited to affordable housing. The quality/type of incentives will be a strong factor for Program effectiveness.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	projects with affordable units.	would be available to such projects with affordable units.		

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
Six Accessory Unit Production Programs				
6th Cycle Program 2A: Extend and Enhance ADU Pilot incentive Program	Develop and implement new project streamlining and incentives to encourage development of deed restricted affordable ADUs. This program is intended to help the City meet its lower income RHNA targets.	The City's existing ADU Pilot Incentive Program was adopted in May 2018 and to-date produced only one affordable ADU unit (still unoccupied by an eligible tenant). The current incentive is a 500 square foot floor area bonus that requires DRB approval to build, unless the 500 square feet is used to build the ADU per the State-mandated ministerial process.	Program most feasible approach to seamlessly incorporate affordable units into the community as needed to meet the City's assigned RHNA targets for moderate and low income households. The City is projecting that during the 6th Cycle the City will be able to produce 85 moderate income ADUs and 15 low income ADUs. So far the City appears on track to meet the target for moderate units; however, additional incentives are likely needed to meet the target for 15 deed restricted low income ADUs.	Since the program has not generated much interest in participation from property owners, an increase in the range of incentives offered should be considered to try and increase participation. The quality/type of incentives will be a strong factor for Program effectiveness.
6th Cycle Program 2B: Establish an ADU Amnesty Program	Develop an ADU amnesty program that offers incentives for	The existing 5th Cycle Housing Element listed this approach as a	If the City is able to successfully convince HCD, Amnesty Program	Program may raise concerns of fairness as this program targets

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	owners with existing unpermitted ADUs to legalize those units by obtaining permits. This program itself would not achieve the City's adequate sites or RHNA targets, but could eventually facilitate conversion of existing ADU units to be rented as deed restricted affordable units.	proposed housing action program. However, since HCD has not counted such units towards a jurisdictions RHNA obligation, the City prioritized the required Programs with strategies necessary to meet State law.	units once legalized could be an opportunity to try and meet the City's target for 85 moderate income units; or could be counted towards the City's target of 15 low income ADUs if the owner commits to deed restrict their ADU and rent restrict it to lower income households for 30 years.	properties that are currently in violation of the Municipal Code. To make the Program work, the City will need to encourage owners to come forward with applications to legalize their units and record a deed restriction with a commitment to rent the ADU to lower income households. The quality/type of incentives will be a strong factor for Program effectiveness.
6th Cycle Program 2C: Promotion of ADU Construction	Accommodate and promote the construction of affordable ADUs by increasing the public awareness of the Incentive Program, Amnesty Program and new provisions in State law expanding	Currently, the City has a dedicated web page for ADUs with information on the current regulations, the affordable ADU incentive program, and templates to facilitate construction of new ADUs.[1]	Each new ADU is able to be counted towards the City's RHNA for moderate income units, or for lower income units if there is a deed restriction recorded that requires rental of the unit to lower income households.	This is a standard Housing Element Program component. There is no alternative to this required Program.

[1] https://www.delmar.ca.us/642/Accessory-Dwelling-Units-ADUs

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	opportunities for ADU development. Develop public outreach material. This program itself would not achieve the City's adequate sites or RHNA targets.			
6th Cycle Program 2D: ADU Monitoring Program	Maintain an ADU monitoring program to track ADU development, including affordability levels and deed-restricted affordable units. This program would not create any new units that would achieve the City's RHNA targets.	Currently, the City monitors and tracks the number of ADU applications and ADUs with final signoff. Of the two existing ADUs none have reported whether or not they are even renting the ADUs.		This is a standard Housing Element Program component. There is no alternative to this required Program.
6th Cycle Program 2E: Mid Cycle ADU Production Evaluation	Conduct a mid-cycle review of local ADU development (June 29, 2020-2024) to evaluate if production estimates are being achieved. If progress is not being achieved, amendments	The City's projection for the 6th Cycle Housing Element is 15 lower income ADUs and 85 moderate income ADUs. The tracking of new housing units towards the 6th Cycle began on	The mid-cycle evaluation will allow the City time to consider the ADU progress to date and adjust accordingly. This will be particularly important in relation to	This is a standard Housing Element Program component. There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	to the Housing Element may be necessary pursuant to Government Code 65583.2. This program would not create any new units that would achieve the City's RHNA targets.	June 29, 2020. The City is showing good progress towards the moderate unit target, but no progress towards lower income target.	the City's overall lower income unit obligation.	
6th Cycle Program 2F: Tiny Houses	Tiny houses are small (typically less than 500 sf), often mobile, independent dwelling units. The City will amend the code to clarify that tiny houses are allowed in accordance with the ADU regulations and will further accommodate tiny houses on non-residential properties (i.e., hotels, retail centers, public facilities, city-owned properties) as well as	Tiny houses typically fit the City's definition of ADU and are currently allowed per DMMC Chapter 30.91 as an accessory unit in zones that allow ADUs.	The Program will create new opportunities for tiny houses, particularly on non-residential properties. Tiny houses can be counted towards the City's moderate unit count, or if a deed restriction is recorded can be counted towards the City's lower income unit obligation. This Program is expected to help owners incorporate tiny houses into underutilized areas on existing developed properties and in	The expansion of locations where this type of small housing unit is allowed (i.e., City-owned properties and other non-residential properties) may raise concerns from adjacent neighbors.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	circumstances on other lots where residential is allowed. This program is intended to help the City meet its lower income RHNA targets in combination with Program 2A.		conjunction with vacant or underutilized City-owned properties.	

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
One State Fairgrounds Housing Program				
6th Cycle Program 3A: Pursue Development Agreement and Memorandum of Understanding with the State 22nd District Agricultural Association to develop Housing on the Fairgrounds Property	Pursue partnership with 22nd DAA, an affordable housing developer, and other agencies to execute an agreement to develop housing for lower income households on State Fairgrounds property. Process Memorandum of Understanding to identify how units will accommodate the City's RHNA (and other cities RHNA if applicable). This program will not count towards adequate sites at Housing Element certification. However, any housing units that are produced on Fairgrounds during 6th Cycle could be counted towards RHNA pursuant to an executed MOU.	The State Fairgrounds property is under the authority of the State and is not subject to local zoning or permit procedures. The Fairgrounds has a Master Plan and is required to obtain development approvals for the California Coastal Commission. Currently, the City is unable to count any housing on the State-owned Fairgrounds towards its RHNA obligation.	If implemented within first 3 years of adoption of Housing Element (by April 2024), the City would meet a significant portion of its lower income RHNA obligation on State Fairgrounds property. In addition, it would allow for the City to be released from the requirement to rezone vacant land on the North Bluff and South Stratford per Program 1E.	This Program will take significant financial investment and City resources to implement. The State will need to be convinced that the Program is feasible and that the Program is in the State's best interest as well as the City's. The City will need to identify with interested development partners.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
Four Programs to Address Supportive Housing and Balanced Options for Affordable Housing				
6th Cycle Program 4A: Residential Care Facilities	Update the Del Mar Municipal Code to clearly define the term "residential care facilities" to provide greater consistency with the State's definition and limitation on permit processing and development standards per State law. This program will not count towards adequate sites or RHNA.	State law defines residential care facilities as any family home, group care facility or similar facility for 24-hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining activities in daily living for the protection of the individual. State law requires the City permit such uses consistent with the same process/standards required for residential development in the residential zone where the use would be located.	Program will demonstrate Municipal Code compliance with State law.	This is a standard Housing Element Program component. There is no alternative to this required Program.
6th Cycle Program 4B: Emergency, Transitional and	Implementation of various Municipal Code amendments to provide	• Government Code Section 65583(a)(4) requires local	Program will demonstrate Municipal	This is a standard Housing Element Program component.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
Supportive Housing and Low Barrier Navigation Centers	greater consistency with the State's definition and limitation on permit processing and development standards per State law that are applicable to various special needs groups. This program will not count towards adequate sites or RHNA.	governments to identify one or more zones that allow emergency shelters (year round shelters for the homeless) without discretionary review. Emergency shelters are permitted in the NC zone (2013 Ordinance 888). The City can apply limited conditions to the approval of ministerial permits for emergency shelters. • State law mandates that local jurisdictions allow transitional and supportive housing in residential zones in accordance with same process/development standards as residential in the zone where use would be located. See 2014 Ordinance 893.	Code compliance with State law.	There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
		• State law requires approval of supportive housing (up to 50 units) and low barrier navigation centers by-right. DMMC does not address this use type currently, but must allow per State law.		
6th Cycle Program 4C: Shared Housing Program	Continue to offer shared housing services to Del Mar residents through the existing shared housing program that is administered by Del Mar Community Connections. This program will not count towards adequate sites or RHNA.	Since 1995 Del Mar has had a shared housing program to provide free roommate referral service to Del Mar residents to help them find a roommate (i.e., local seniors and university students).	Program is able to help accommodate housing choices for a range of housing needs.	To obtain State certification, it is expected that the Housing Element facilitate a wide range of housing choices particularly in support of housing for vulnerable and special needs populations.
Note: No Program 4D	N/A	N/A	N/A	N/A

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
6th Cycle Program 4E: Condominium Conversion Ordinance	Continue to implement the existing affordable housing mitigation requirements relating to condominium conversions. This program will not count towards adequate sites or RHNA.	DMMC Chapter 24.40 establishes criteria for the conversion of existing rental housing to condominiums for ownership. Further, to reduce the impact of such conversions on existing rental tenants, the City requires procedures for notification and adequate time and assistance for relocation per State law. The Ordinance also requires disclosure of the existing physical conditions of the existing structure offered for purchase. Chapter 24.21 requires that a portion of the units converted to condos be restricted for rental to low income households or payment of an in-lieu fee for each unit converted.	The Program provides a means for the City to gain affordable housing units available for rent to low income households or collection of in-lieu fee mitigation funds to be used towards affordable housing.	Counter to the overall intent to increase housing stock available to moderate and low income households, condominium conversions instead typically displace existing rental tenants (often moderate to low income households) and replace existing housing stock that is already more affordable than the new housing created.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
Three Housing Stock Preservation Programs				
6th Cycle Program 5A: Accommodate the Renovation and Improvement of Existing Multiple Dwelling Unit Structures with Non-Conformities	Continue existing practice of allowing non-conforming multiple dwelling unit structures containing three or more units to perform major remodel and renovation improvements without a requirement to abate such non-conformities. This program will not count towards adequate sites or RHNA.	The City currently allows for the retention of structural and residential density non-conformities for multiple dwelling unit structures containing three or more units without a requirement to abate such non-conformities when the structure undergoes major renovation or replacement.	The program allows for preservation of existing multiple dwelling unit housing by accommodating necessary repair, maintenance, and major improvements without threat of losing the right to the existing legal non-conforming density.	This Program relates to preservation of existing housing units and will not be able to be counted towards the City's RHNA production targets.
6th Cycle Program 5B: Require a "Housing Impact Statement" for Discretionary Land Use and Planning Decisions	Will create a new policy/procedure whereby a "Housing Impact Statement" is included in all staff reports for discretionary land use and planning decisions. This statement will expressly state how the proposed actions meet	The program would impose a new City policy/procedure to identify a stand-alone housing impact statement similar to the existing procedure for fiscal impact statements, environmental	Staff reports currently do not contain a stand-alone "housing impact statement". Such analysis is typically included in the analysis section. The program would impose a new City policy/procedure to identify a stand-alone housing impact	Would add an additional section to staff reports.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	the City's housing goals and will describe any potential impacts to the current housing supply. This program will not count towards adequate sites or RHNA.	determination statements, etc.	statement to facilitate review and consideration of housing impacts.	
6th Cycle Program 5C: Preserve the City's Existing Housing Stock	Continues ongoing program to preserve existing housing stock. This Program will also include efforts to establish policies and programs to more effectively address short term vacation rentals in residential zones as a means to preserve long term housing stock. This program will not count towards adequate sites or RHNA.	Currently, "short term rental" (rentals for less than 30 consecutive days) is not a permitted use in residential zones. However, the City has a forbearance period in place that has allowed for short term rental operations that pre-dated the April 2016 moratorium to temporarily continue operating without being subject to code enforcement until further action by the City Council to establish	Would help the City to reduce its current high vacancy rate (24%) where 20% of the vacancies are attributed to seasonal and short term vacation rentals. See Housing Element Chapter 2 analysis of the City's vacancy rate trend compared to other jurisdictions.	This Program relates to preservation of existing housing units and will not be able to be counted towards RHNA housing production targets. The regulation of short term rentals is a complex and controversial land use issue that the City has struggled with for multiple years.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
		new policies or regulations.		
Five programs address a Sustainable Approach to New Housing				
6th Cycle Program 6A: Compliance with SB 35 Permit Streamlining Provisions	Program will establish written procedures to demonstrate compliance with State law applicable to jurisdictions that have not met State mandated requirements for progress and reporting on RHNA. This program will not count towards adequate sites or RHNA.	Currently the City is subject to compliance with Senate Bill (SB) 35. However, the City does not have any published procedures to facilitate processing of eligible development applications with at least 50% affordable units through a streamlined permit process. Eligible projects must comply with objective standards of the DMMC and State Codes, but are exempt from the City's Design Review Ordinance.	Preparation of written procedures will help disclose the applicable process and requirements applicable to such applications. Since the City's status with regard to SB 35 can change over time with a record of good progress, it makes sense to publish in the form of informational procedures instead of formally codifying a special process that is subject to change.	This is a standard Housing Element Program component. There is no alternative to this required Program.
6th Cycle Program 6B: Affirmatively Further Fair Housing	Pursuant to Assembly Bill (AB) 686, the City will work with the community to address potential constraints to	Currently, the City does not have an Environmental Justice Element in its General Plan and does not	Implementation of this program will help the City to better align with its Community Plan and 6th Cycle Housing	This is a standard Housing Element Program component. There is no alternative

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	fair housing by taking meaningful actions. The main constraint identified to date by HCD is the City's lack of zones that provide sufficient density to support development of affordable housing. This program will not count towards adequate sites or RHNA.	contain any policies or analysis of barriers to fair housing other than the analysis prepared for the draft 6th Cycle Housing Element. The main constraint identified is the lack of zones of sufficient density to support development of affordable housing.	Element goals for provision of a more economically and socially diverse balance of housing options that are affordable for a variety of income levels and housing needs and to ensure a sustainable approach to new housing opportunities that protects the quality of life and future of Del Mar.	to this required Program.
6th Cycle Program 6C: Continue Data Collection and Compliance with Coastal Zone Housing Element-Related Requirements	Continue to monitor and track development applications relating to low and moderate income housing units per State law. The City will also continue to work with the Coastal Commission and HCD to identify a strategy for future housing development in the coastal zone in a way that aligns State	Government Code Section 65588(d) requires that coastal cities monitor and track certain records relating to the affordability of new construction, conversion, and demolition of residential units at specified income levels (low and moderate).	This program involves coordination meetings with the Coastal Commission and Housing and Community Development (HCD) to help identify a strategy for future housing development in the coastal zone in a way that aligns State Housing law and the Coastal Act. This will	This is a standard Housing Element Program component. There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	Housing law and the Coastal Act. The Coastal Act prioritizes coastal dependent non-residential uses over housing whereas HCD prioritizes housing over other uses. This program will not count towards adequate sites or RHNA.		facilitate local implementation of permits in circumstances, which often involve conflicting State laws such as related to ADUs, reduced parking requirements, and increased density requirements.	
6th Cycle Program 6D: Solar Panel installation Partnership	Consistent with the Climate Action Plan, City will partner with Renewable Cities San Diego to create a program to install solar panels on local multi-unit residential low income units. This program will not count towards adequate sites or RHNA.	Climate Action Plan contains multiple policies that target energy reduction, including a goal to achieve a 50% energy reduction in 20% of multiple dwelling unit homes (approximately 160 homes) by year 2035; and encourage solar-based energy sources to supplement the energy grid and	Program supports sustainability and cost savings for low income households through facilitation of solar energy infrastructure for low income households. This will assist City in meeting its renewable energy goals.	Renewable Cities San Diego is a local non-profit organization. Other energy programs available to affordable housing include San Diego Gas and Electric's Go Solar Initiative; and SANDAG's Home Energy Renovation Opportunity program to assist residents in financing residential energy efficiency and solar retrofits.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
		reduce peak demand on the grid.		
6th Cycle Program 6E: Environmental Justice Element	Program will involve preparation of a new Community Plan Environmental Justice Element that will help establish policies for more effective implementation of Fair Housing law requirements and to reduce community health risk per the City's Climate Action Plan. This program will not count towards adequate sites or RHNA.	SB 1000 (2016) that amended Government Code Section 65303(h) requires that jurisdictions adopt an Environmental Justice Element when they are amending two or more Elements of the General Plan. In this case, Del Mar is amending its Housing Element and Safety Element to meet other State mandates. Therefore, this new General Plan Element must be prepared as well.	In addition to establishing policies for more effective implementation of Fair Housing law requirements and reduction of community health risk per the City's Climate Action Plan, this new Element would also include policies and programs to address access to public facilities, healthy food access, safe and sanitary homes, and physical activity.	This is a State law requirement. There is no alternative.
6th Cycle Program 7A: Housing Assistance Reserve	Continue to fund and use the City's Housing Assistance Reserve Fund for creation of affordable housing (i.e., rent subsidy, acquisition of land, and	Currently this fund has not collected sufficient resources to fund acquisition of land or constriction of affordable units. It has been used to provide	Program is a funding source to apply towards creation of affordable housing.	Funds collected by this fund have not been sufficient to create any new affordable units for which the City would receive RHNA credit for.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	construction of affordable units). This program will not count towards adequate sites or RHNA.	rent subsidy for 4-8 affordable units during the past housing cycle.		
6th Cycle Program 7B: Interfaith Partnership Opportunities	Continue to encourage local faith-based organizations to participate with the Interfaith Shelter Network Rotating Shelter and other community assistance programs. This program will not count towards adequate sites or RHNA.	Currently St Peter's Episcopal Church provides a Helping Hands program to assist vulnerable and special needs populations.	Program helps the City provide community assistance opportunities, which is a required component of the Housing Element.	This is a standard Housing Element Program component. There is no alternative to this required Program.
6th Cycle Program 7C: Community Care Facilities	Continue to permit community care facilities through the same zoning provisions applicable to residential units in the zone in	The City currently does not have regulations specific to "community care facilities" or "residential care facilities" in the	Program when implemented together with programs 4A and 4B will bring the City's code into compliance with State law.	This is a standard Housing Element Program component. There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	which they are proposed. This action is related to programs 4A and 4B, which will also require processing of code amendments. This program will not count towards adequate sites or RHNA.	Municipal Code. However, State law requires that they be allowed in residential zones without special use permits. The City has a definition of "rest home" in DMMC Section 30.04.170, which is a similar use type.		
6th Cycle Program 7D: Housing Choice Voucher Program	Consider contract with the Housing Authority of the County of San Diego for administration of housing choice voucher program for rental assistance to low income and very low income families, elderly, and disabled persons who spend more than 30 percent of their income on rent. This program will not count towards	The Housing Choice voucher program is a rent subsidy program that utilizes federal Section 8 funds for rental assistance to low income households to facilitate rental of private units. The May 2020 County Analysis of Impediments to Fair Housing Choice indicated that 36,337 households in the County are on a growing waitlist of households still seeking assistance.	Program will help provide access to fair housing choice for households that qualify as low income or very low income or with elderly or disabled persons who spend more than 30 percent of their income on rent.	This is a standard Housing Element Program component. There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	adequate sites or RHNA.			
6th Cycle Program 7E: Fee Waiver Program	Continue the application processing fee waiver program and related policies that remove or reduce governmental constraints for those projects that include an affordable housing component. This program will not count towards adequate sites or RHNA.	City currently offers project review application fee waivers for projects with an affordable housing component. This includes reduction of all or a portion of the planning fees for projects with affordable housing per the Housing Element. See 2020 fee schedule (Ordinance 837).	Program will help to remove governmental constraints to affordable housing.	This is a standard Housing Element Program component. There is no alternative to this required Program.
Note: No Program 7F	N/A	N/A	N/A	N/A
6th Cycle Program 7G: Housing and Assistance Programs Run By Local Non-Profits	Continue to work with local non-profits to promote and coordinate access to housing and assistance programs; and continue to collaborate and assist in the distribution of information to the	Currently the City collaborates with multiple non-profit organizations on a variety of housing and community assistance programs.	Program will facilitate community access to housing and assistance programs, particularly including the City's elderly and special needs population.	This is a standard Housing Element Program component. There is no alternative to this required Program.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	community about available programs. This program will not count towards adequate sites or RHNA.			
6th Cycle Program 7H: Senior Housing Resources and Assistance	Continue to partner with Del Mar Community Connections (non-profit) to create and distribute housing assistance resources (e.g., information packets on financial assistance) to local seniors. This program will not count towards adequate sites or RHNA.	Del Mar Community Connections currently distributes housing assistance resources to local seniors some of whom are on fixed incomes and would be interested in seeking affordable housing opportunities once made available.	Program will facilitate community access to housing and assistance programs, particularly including the City's elderly and special needs population.	This is a standard Housing Element Program component. The City could consider coordinating with other non-profits in addition to or in place of Del Mar Community Connections as part of this Program.
6th Cycle Program 7I: Student Housing Resources and Assistance	Develop a program to better connect students to affordable housing options in Del Mar through coordination	Del Mar is home to many students of varying income levels and housing needs. Currently, there is no	Program will help provide access to fair housing choice for households that qualify as low income or very	This housing assistance program is a standard Housing Element Program component.

Action	Intent	Current Policy or Regulations	Benefit	Tradeoff
	with colleges and universities in proximity (e.g., UCSD). This program will not count towards adequate sites or RHNA.	formal program in place in Del Mar to facilitate affordable housing options for qualifying students.	low income. In addition, as local production of ADUs continues, the City will be able to connect ADU property owners with interested students who are seeking moderate income housing opportunities.	
6th Cycle Program 7J: Maintain a Database of Community Assistance Programs Available to Residents	Continue to maintain and periodically update a list of community assistance programs and make the information available to the public. This program will not count towards adequate sites or RHNA.	The City's 6th Cycle Ad Hoc Citizens' Task Force created an expansive list of federal, state, regional, and local community assistance programs that may be available to residents dependent on certain qualification criteria. The list is posed on the City's 6th Cycle Housing Element web page.[2]	Program will help to connect residents with the extensive list of available community assistance programs that was put together by the Housing Task Force in 2020.	This community assistance program is a standard Housing Element Program component.

[2] https://www.delmar.ca.us/DocumentCenter/View/6920/Community-Assistance-Subcommittee-Report

Summary of City's Risk of Enforcement Penalties

A range of enforcement penalties set forth per State Housing law could negatively impact the City:

1. **Lawsuits and Court Orders** – Developers and advocates have the right to sue jurisdictions if their Housing Element is not compliant with State Housing law. In addition, Assembly Bill (AB) 72 provides additional methods for the State and local jurisdictions to be held accountable for Housing Element compliance.

   There are several avenues of legal exposure, including:

   a. Court Order for Mandatory compliance – The court can order the City to bring the Housing Element into compliance within 120 days. This was the case with the City of Encinitas.

   b. Fair Housing Risk – The City has the obligation to make housing available to all income segments. If the Housing Element is decertified, the City is at risk of lawsuits based on fair housing claims under State and Federal law.

   c. Private Parties May Sue the City – As evidenced by the three lawsuits brought against the City of Encinitas for their Housing Element, private parties or interest groups can sue local jurisdictions and the record of evidence can further support plaintiff claims if the City does not have a certified Housing Element. Because of this, it would leave the City with constant exposure to legal challenge if the Housing Element were to be decertified. In fact, the City has already received (June 2016) a "Notice of Intent to Sue the City of Del Mar" if the NC and PC zone amendments (carryover housing programs in the HEU) are not implemented by the City. A copy of this letter was attached to the September 8, 2020 City Council report for the NC/PC Amendments.

   d. Fiscal Impacts to the General Fund – If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it will be subject to substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. These fees would be substantial and can easily exceed $100,000.

   e. Potential Loss of Local Control over Housing Development – The City's Housing Element must contain a Housing Plan to create adequate sites for 113 affordable units. Pursuant to Government Code Section 65583(g), failure to complete the actions needed for the HEU can trigger limits on the City's ability to deny a multiple-dwelling unit development project with an affordable housing component if that project otherwise would have been allowed had the actions been completed pursuant to the Housing Element.

2. **Levy of Fines**

   The State has authority to fine a jurisdiction anywhere from $10,000 to $100,000 per month for non-compliance with its respective Housing Element. Per AB 72, jurisdictions with non-compliant and decertified Housing Elements can be referred to the Attorney General who can impose penalty fees that can potentially exceed thousands of dollars on a daily basis until compliance is reached.

3. **Future Housing Element Updates Follow a 4-Year Cycle instead of 8-Year Cycle**

   If the City is unsuccessful in obtaining certification from the State for the 6th Cycle HEU within 120 days of the statutory deadline, the City will be placed on a more frequent 4-year Housing Element Cycle. Once this occurs, the City will need to successfully process two (2) consecutive 4-Year Cycle Housing Element updates before being placed back on the regular 8-year cycle. HCD often uses the phrase: "If you're late, you don't get eight". If this were to occur, it would result in significant fiscal and operational impacts to the City that would reduce available workload capacity that otherwise could be made available for other special projects.

4. **Limited Access to State Funding Including Grants**

   Due to the State's priorities related to housing, City's with certified Housing Elements have the most access to grant funding sources. For example, Del Mar has been awarded two State housing grants under Senate Bill (SB) SB 2 for $160,000 and Local Early Action Planning (LEAP) grant for $65,000. The City currently is relying on SB 2 and anticipated LEAP grant funds to cover tasks related to its required housing programs. If the City's 5th Cycle Housing Element is decertified or if the 6th Cycle HEU fails to gain certification, the City would have limited access to new State funding, including potential grant funds for the City's priority 6th Cycle Program 3A for a housing agreement at the Fairgrounds. Also, the City may be required to pay back the grants in progress if the City is determined to be ineligible and in breach of the contract.

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
DECEMBER 14, 2020
Via Teleconference
1050 Camino del Mar, Del Mar, California

CALL TO ORDER
Mayor Gaasterland called the meeting to order at 3:00 P.M.

ROLL CALL
Present: Mayor Terry Gaasterland; Deputy Mayor Dwight Worden; Councilmembers Dave Druker, Tracy Martinez and Dan Quirk

PUBLIC COMMUNICATIONS
There were no public speakers.

COUNCIL BUSINESS

ITEM 1: CITY COUNCIL LOCAL AND REGIONAL APPOINTMENTS FOR 2021 (CLERK'S FILE NO. 401-1)

A presentation was provided by Administrative Services Director Jones and Mayor Gaasterland. There were no public speakers for this item.

Council questions focused on clarification regarding representation for the Local Area Formation Commission (LAFCO); League of CA Cities – San Diego Chapter; and Fire Governance Board.

Council discussion focused on the potential to create a Council legislative relations subcommittee, roles and responsibilities of the different Council subcommittees; nominations being made by the Mayor; and which appointments each Councilmember was interested in and those that they would be agreeable to if needed.

It was the consensus of the City Council that the Administrative Services Director Jones include the final list of local/regional appointments on the City Council meeting agenda for January 11, 2021, and for Mayor Gaasterland and Councilmember Druker to develop the mission/scope of a proposed legislative relations committee and bring it back to the City Council for consideration at a future meeting.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER MARTINEZ TO APPOINT MAYOR GAASTERLAND AS THE PRIMARY REPRESENTATIVE TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) BOARD; AND AS AN ALTERNATE REPRESENTATIVE TO THE NORTH COUNTY TRANSIT DISTRICT (NCTD). (VOTE 4-0, WITH MAYOR GAASTERLAND RECUSED FROM VOTING)

Ayes: Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: Mayor Gaasterland.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPOINT COUNCILMEMBER QUIRK TO SERVE AS THE PRIMARY REPRESENTATIVE TO THE NCTD BOARD AND SAN DIEGO METRO WASTEWATER JOINT POWERS

AUTHORITY; AND AS THE SECOND ALTERNATE REPRESENTATIVE TO THE SAN DIEGO SANDAG BOARD. (VOTE 4-0, WITH COUNCILMEMBER QUIRK RECUSED FROM VOTING)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker and Martinez; Noes: 0; Absent: 0; Abstain: Councilmember Quirk.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER MARTINEZ TO APPOINT DEPUTY MAYOR WORDEN TO SERVE AS THE PRIMARY REPRESENTATIVE TO THE REGIONAL SOLID WASTE AUTHORITY. (VOTE 4-0, WITH DEPUTY MAYOR WORDEN RECUSED FROM VOTING)

Ayes: Mayor Gaasterland, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: Deputy Mayor Worden

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPOINT COUNCILMEMBER DRUKER TO SERVE AS THE FIRST ALTERNATE REPRESENTATIVE TO THE SANDAG BOARD AND AS THE PRIMARY REPRESENTATIVE TO THE CLEAN ENERGY ALLIANCE (CEA) JPA BOARD. (VOTE 4-0, WITH COUNCILMEMBER DRUKER RECUSED FROM VOTING)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Martinez and Quirk; Noes: 0; Absent: 0; Abstain: Councilmember Druker

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO APPOINT DEPUTY MAYOR WORDEN TO SERVE AS AN ALTERNATE REPRESENTATIVE TO THE CEA JPA BOARD; PRIMARY REPRESENTATIVE TO THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JPA; AND PRIMARY REPRESENTATIVE TO THE SANDAG SHORELINE PRESERVATION WORKING GROUP. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPOINT COUNCILMEMBER DRUKER TO SERVE AS PRIMARY REPRESENTATIVE AND COUNCILMEMBER MARTINEZ AS ALTERNATE REPRESENTATIVE TO THE FIRE GOVERNANCE BOARD; AND COUNCILMEMBER QUIRK TO SERVE AS AN ALTERNATE REPRESENTTIVE ON THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JPA. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN TO APPOINT COUNCILMEMBERS MARTINEZ AND QUIRK TO SERVE AS COUNCIL LIAISONS TO DEL MAR COMMUNITY CONNECTIONS; COUNCILMEMBERS DRUKER AND QUIRK TO SERVE AS COUNCIL LIAISONS TO THE DEL MAR VILLAGE ASSOCIATION; AND MAYOR GAASTERLAND AND DEPUTY MAYOR WORDEN TO SERVE AS COUNCIL LIAISONS TO THE DEL MAR NON-PROFITS. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK TO APPOINT MAYOR GAASTERLAND AND COUNCILMEMBER MARTINEZ TO SERVE AS COUNCIL LIAISONS TO THE HOUSING SUBCOMMITTEE. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0

ITEM 2: 6TH CYCLE HOUSING ELEMENT INFORMATIONAL DISCUSSION (CLERK'S FILE NO. 304-7

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee. There were no speakers on this item.

Council questions and discussion focused on the Watermark project timeline and potential State of California Department of Housing & Community Development (HCD) penalties; how the referendum may impact the Watermark development; interpretation of the letters received from HCD; housing production and adequate zoning requirements; any remaining actions to be taken regarding Housing Element Program 2F included in the 5th Cycle Housing Element; why penalties were issued by HCD related to the 4th Cycle Housing Element; density bonus law requirements; what happens if the City can't reach compliance on the 5th Cycle and how that may affect the 6th Cycle Housing Element; identified unit requirements; by right development; which sites were included when tabulating the unit count; what the requirements are in order to complete the remaining 5th Cycle Housing Element rezone program; how facilitating units at the Fairgrounds within a three-year period may affect the City's 5th and 6th Cycle Housing Element requirements and whether additional time could have been requested; how incentives for accessory dwelling units and projected unit counts included in the 6th Cycle Housing Element were derived; existing apartment units in Del Mar and potential for deed restrictions; potential grant funds to implement housing programs; impacts of potential future housing legislation; possible alternatives to meet unit requirements; specifics of the proposed programs included in the 6th Cycle Housing Element; and need for a certified Housing Element.

The Mayor and each Councilmember thanked staff for the presentation and provided individual remarks.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 7:00 P.M.

Ashley Jones, Administrative Services
Director/City Clerk

Del Mar City Council
Special Meeting Agenda
VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Members of the public may listen to the public portion of the meeting by logging on to the City's website at: https://delmar.12milesout.com/video/live-virtual

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Daniel Quirk
Council Member

CJ Johnson
City Manager

Leslie E. Devaney
City Attorney

Ashley Jones
Administrative Services Director

NOTICE AND CALL OF SPECIAL MEETING OF THE DEL MAR CITY COUNCIL

TUESDAY, JANUARY 19, 2021, 3:00 P.M.
City of Del Mar, VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California
****

NOTICE IS HEREBY GIVEN that the Mayor of the City of Del Mar has called a Special Meeting at the time and place listed above to consider the following: Please refer to the attached agenda.

CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk of the City of Del Mar, hereby certify that a copy of this notice was posted at City Hall and distributed to the City Council on January 13, 2021, at approximately 5:10 p.m.

Ashley Jones, Administrative Services Director/City Clerk

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

Del Mar City Council **January 19, 2021**
Special Meeting Agenda

I. CALL TO ORDER/ROLL CALL

II. PUBLIC COMMUNICATIONS

Public comment is restricted to only items listed on the Special Meeting Agenda. Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

III. COUNCIL BUSINESS

1. Accept Comments from the California Department of Housing and Community Development on 6th Cycle Housing Element Update

Recommended Action: Staff recommends the City Council accept the comments provided by the California Department of Housing and Community Development (HCD) and discuss the desired approach to timely collect the missing data, revise the draft, and process a final Housing Element by April 15, 2021, for submittal to HCD for certification.

Reference: Clerk's File No. 304-7, 1502-18

2. Consideration and Feedback Regarding Clean Energy Alliance Product Offerings

Recommended Action: Staff recommends the City Council review the Clean Energy Alliance (CEA) Power Supply Products Memorandum (Attachment A) and provide input to its Board Representative regarding CEA's power supply product options.

Reference: Clerk's File No. 1403-4

3. Utility Undergrounding Project

Recommended Action: Mayor Gaasterland and Councilmember Quirk recommend that the City Council discuss and, if consensus is reached, direct the City Manager to return to the City Council with options for re-starting the Utility Undergrounding Project including identification of the associated resources required to do so. **There is no report included in the agenda packet for this item.**

Reference: Clerk's File No. 401-5, 1001-2

IV. ADJOURNMENT

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner
Via CJ Johnson, City Manager

DATE: January 19, 2021

SUBJECT: Accept Comments from the California Department of Housing and Community Development on 6th Cycle Housing Element Update

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council accept the comments provided by the California Department of Housing and Community Development (HCD) and discuss the desired approach to timely collect the missing data, revise the draft, and process a final Housing Element by April 15, 2021, for submittal to HCD for certification.

DISCUSSION/ANALYSIS:
On December 17, 2020, the City received a letter from HCD with their formal review comments and requested edits on the City's submitted draft 6th Cycle Housing Element (Attachment A). Overall, HCD is supportive of the City's proposed approach to gain certification of the Housing Element Update. Their comments generally request clarifying information and accept the proposed programs as outlined in the draft HEU.

A matrix was prepared to identify a general description of HCD's comments and the required action that will be needed to timely address each comment (see Attachment B). In summary, HCD is asking for additional clarifying detail and analysis to address the following:

- New Affirmatively Furthering Fair Housing requirements per State Housing law
- Sites inventory of land suitable and available for adequate sites and realistic capacity and detail to support the assumptions, including redevelopment potential on non-vacant sites and whether maximum density can be achieved with development standards
- Program status/completion of North Commercial and Professional Commercial
- Basis for assumed affordability of Accessory Dwelling Units (ADUs)
- Zoning and availability of the two City-owned sites listed as adequate sites

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City Council Action:

- Statement of suitability and availability of infrastructure to support the number of units planned to occur during the 6th Cycle planning period (2021-2029)
- Discussion of environmental constraints within applicable Overlay Zones to address whether the assumed capacity calculations are realistic and feasible
- Confirmation of ministerial permit process for emergency shelters in NC Zone
- Definitions of transitional housing and supportive housing use types
- Local efforts planned to remove non-governmental and governmental constraints (i.e., design review, development standards and permit procedures, reasonable accommodations, and other barriers to affordable housing and care facilities)
- Information on permit trends to show typical project densities and approval times
- Information on special needs populations and strategies for supportive housing
- Details and context for Fairgrounds Program (3A) and Contingency Rezone (1E) to ensure the proposed affordable housing would be integrated in the community
- Earlier timelines for completion of various program tasks during the 6th Cycle
- Program for regular outreach/incentives for affordable housing developers
- Quantified objectives for housing units by income category that can be constructed, rehabilitated, and conserved over the planning period
- Confirm no low income or moderate income units were demolished over 5th Cycle

Preparation of a response to HCD comments will involve additional data collection and analysis, which will involve coordination with the City's consultant Kimley Horn to collect and identify the requested details. If the City proceeds with the 6th Cycle HEU programs as submitted to HCD, it appears that additional review by the Planning Commission may not be necessary, which means the City is on track to timely gain certification.

It should be noted; however, that if the City must pursue a replacement program for the previously assumed adequate sites in the North Commercial zone, there will be a gap in the total number of adequate sites and likely a significant delay in processing that will push the City into the enforcement process with HCD. In their letter, HCD reiterates that any deviation from the City's plan to implement the outstanding 5th Cycle Programs 2E, 2F, and 2G in order to satisfy State Housing Element law (as identified in the City's October 20, 2020 letter to HCD) will trigger immediate HCD review and potential enforcement action.

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council for this agenda item. There are sufficient funds available in the project budget to cover the consultant and legal costs related to addressing the comments received from HCD in order to finalize the 6th Cycle Housing Element document for submittal by the April 2021 deadline. However, additional funds may be necessary should the City Council direct staff to analyze new and/or revised 6th Cycle housing programs outside of the comments raised by HCD.

ENVIRONMENTAL IMPACT:

The proposed City Council actions do not constitute an "approval" or a "project" under the definitions set forth in CEQA Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the City adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project as a result of the City Council's action that requires the City Council's discretionary action resulting in a physical change to the environmental will be analyzed in accordance with CEQA prior to such approval.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This special project is a City Council priority to obtain certification of the 6th Cycle Housing Element through Fiscal Year 2020-2021.

ATTACHMENTS:

Attachment A – HCD Letter dated 12/17/2020

[redacted]

From: Gmail <clark2347@gmail.com>
Sent: Saturday, January 16, 2021 7:11 PM
To: City Clerk Mail Box
Subject: Rezoning North Commercial

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

This communication is to respond at the Tuesday 1/19/2020 Del Mar City Council Mtg regarding the NC rezoning. As a resident on San Dieguito Drive, we were warned by our Del Mar Fire Dept. some 20 years ago, to not call 911 in the event of a canyon fire. We were instructed to get out as fast as possible because they likely would not be able to save us. This was due to a narrow single access road with one way in and out. It seems contrary to any serious safety considerations to plan developments that could make matters worse.

Yet, already, we have Watermark, a 48 unit development located right at the mouth of our access point, clearly putting us at greater risk for exiting our community or getting necessary emergency responders. And now, the City Council of 2020, in all its wisdom, has decided the environmental fire risks of northern neighborhoods in Del Mar are not of any value.

Will someone please make sense of this? We have yet to see the traffic mayhem of Watermark and the Del Mar Fairgrounds summer activities combined. It is very likely the summer months will require relocating to a safer community, similar to the Fire Dept that routinely moves their trucks to alternate locations during fairground congestion.

Please end our nightmare. We are under-grounding our wires, the fire department moves their trucks, and Watermark has yet to be built. I think San Dieguito has made their contribution to Del Mar congestion. It's time for some other community to help out.

Eric and Susan Clark
1441 San Dieguito Drive
619.742.1920

[redacted]

From: Barbara <bfmyers@gmail.com>
Sent: Sunday, January 17, 2021 4:58 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Tracy Martinez; Dan Quirk; Dwight Worden
Subject: Red Dot re High Density Development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are 35 year residents of Del Mar and have abided by the laws and rules of the city throughout our time. Thirty years ago, we needed a consultant to help us through all of the regulations to do a small addition to our home. We completed all the steps and did all that was required so it is with great dismay that we see the attempt to step over and around all of the requirements to build high density projects. Over our years of living here, we have experienced increased traffic, noise and risks to our safety. The Del Mar Fair was originally 15 days and is now a month long with traffic dangerously impeding our access to our own home and even worse access to us by emergency vehicles. We have seen the races increase in events and length of time and other high attendance events that again, endanger our safety. The addition of the roundabout creates a traffic standstill during busy times and again risks or blocks access for emergency vehicles. Every minute of delay for 911 services decreases the survival of the patient by 10% and that is a frightening statistic. With all of these additions, no provisions or traffic control measures have taken place, thus the addition of large scale developments in the very area of the busiest roads makes us fearful for our safety. It has gotten to the point that we now try to go out of town on the busiest traffic days such as opening day of the races, part of the month of the fair, but we're unable to be gone a month so we must endure these days with trepidation.

How is it that building on a flood plain is even a possibility when the city has been trying to move Public Works and the fire department off those very pieces of land? The EIR must be clearly outdated and was never certified for the Watermark development so isn't it clear that since the lagoon project has been completed, endangered species and other species may have returned? It seems that all requirements must be met, especially when personal safety is involved, traffic will increase exponentially without mitigation and views may be obstructed as well.

Thank you for listening and we hope you will be able to address these serious concerns for all residents of Del Mar to protect our safety.

Sincerely,
Barbara & Doug Myers
2143 Heather Lane

Sent from my iPad

[redacted]

From: Josie Miller <josieandjohn@gmail.com>
Sent: Monday, January 18, 2021 1:58 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Tracy Martinez; Dan Quirk; Dwight Worden
Subject: re: Red Dot Agenda item #1, North Commercial area, High Density Development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We reside on Heather Lane, south of the subject development, which is strictly a residential area. It is my understanding that the North Commercial area is intended for commercial and professional development that would provide services to the community. The General Plan amendment would allow high density residential dwellings. This type of development would create unbearable traffic and dangerous 911 emergency response delays.
Our traffic is at times very dangerous. The infrastructure for this type of development is inadequate and would add a tremendous amount of new traffic creating more difficult situations. Our narrow, one lane, roundabout barely handles normal traffic during the winter months and in the summer months it causes more delays then I'm sure was not intended. How will the city mitigate these traffic problems?

In addition to the traffic problems and the development in a flood plain, I am concerned that my view of the ocean at dog beach will be obstructed. Del Mar has always protected our views, what about now?

Thank you for your time and your attention to the concerns of the Del Mar residents.

Respectfully,

Josie Miller McMahon
John J. McMahon

Angelina Neglia
[redacted]
Angie.neglia@gmail.com
(858) 945 8827

Red Dot Letter for City Council Meeting Tuesday January 19, 2021 regarding "Overlay Zone" and allowing up to 200 high density apartment homes in the north end of Del Mar.

Dear City Council Members,

I am writing because I am very concerned about the City Planning Staff trying to do an "Overlay Zone" to allow up to 200 high density apartment housing from the Free Flight Sanctuary and all the properties south of that, and it also allowing the Watermark property to have multiple buildings standing 54 feet tall. I have attended the Watermark "workshops" and was shocked at the height and density. I understand their motivation is to build as many apartments they can on the land as possible to increase their return on the property. This is not the same goal as Del Mar.

I am concerned with both of these projects because firstly the land is officially flood plain, so why would any city allow construction on a flood plain next to the river? Also no matter what the builders say, that they listen to the residents and have downsized their plans, I witnessed the same scenario with One Paseo. That monstrosity is the downsized version, which blocks out the sky. The developers just wore down the residents and made minor changes to get the finished product they wanted. The place is an eye sore and has terrible design elements and has totally overbuilt that area of Carmel Valley and increased traffic.

We cannot just rubber stamp the "Overlay Zone" and think this will help Del Mar in obtaining its Low Income housing commitment made by the previous city council members. The streets cannot handle the increased traffic during the Del Mar Fair, let alone having over 200 residents living

at that intersection. There are one-lane streets in every direction at the north end of town, and the round about is a still a hazard for large trucks and the fire department, which impacts the fire department to responding to calls to the south. I saw a large truck demolish one of the lights at the round about just two weeks ago. So we have to question who designed the dimensions of the round about when a truck or the fire trucks cannot pass through safely without going up on to the curbs?

This oversight doesn't give me a pleasant feeling that the City Planners have taken into consideration the constraints of the streets, the river plain, round about, safety of the residents in time of emergency, and increased traffic in this area. I am totally against this plan as it needs to be reviewed with fresh eyes, who aren't driven just to add high density low income housing to Del Mar just because the previous administration made the ignorant decision to increase the number of low income housing. We should not just rubber-stamp this.

The other issue is right now we don't have any building or high density housing at that end of town now, yet whenever the Fairgrounds has any functions, including the Fair, Races, concerts, Holiday of Lights etc., Jimmy Durante and Camino Del Mar are always blocked. So adding this amount of residences would compound the problem.

We as Del Mar citizens are bound to follow design rules and regulations, so why shouldn't the builders and developers follow the same rules? We would not be allowed to build a home in a flood plain. The city would require us to have the proper access to our home. We cannot be held hostage as a city to big developers just to get tax revenue. We have to find a happy medium for all parties, which include the tax paying residents of Del Mar. We need to find a mutually acceptable option and alternative.

Kind Regards

Angelina Neglia

[redacted]

From: amyacheshire@gmail.com
Sent: Monday, January 18, 2021 4:44 PM
To: City Clerk Mail Box
Subject: Red Dot Letter - January 19, 2021 MEETING - Agenda Item #1 - North Commercial District

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

18 Jan 2021

Dear Del Mar City Council:

I am very concerned about up-zoning the North Commercial District.

The fire hazard in Crest Canyon is of great concern to me as a San Dieguito Drive resident. I volunteered to be a member of the Undergrounding Committee so that I can help facilitate the process of undergrounding our utilities and reduce the fire hazard in our community. Increased housing density in this area increases the fire hazard. Ingress and egress for the Crest Canyon neighborhood is limited by the roundabout at San Dieguito Drive and Jimmy Durante Blvd and the narrow road running along the lagoon. Emergency services (fire and medical) would be delayed by traffic congestion at this intersection if there is an increase in housing density to the level supported by up-zoning this area.

Sea level rise will soon be impacting this neighborhood. San Dieguito Drive is already underwater in places and at times when peak tides coincide with rainfall. I understand that the North Commercial District is also part of our Sea Level Rise Adaption Plan and I'm not sure how adding so many housing units in a flood zone that is expected to be underwater eventually makes any sense.

I'm also very concerned about the sensitive habitat in our wetlands area. Increased traffic congestion and noise and light pollution will have a negative impact on the wildlife living around the lagoon, as well as the humans.

I understand the need to develop a few parcels of land in our community with increased density to meet our affordable housing goals but I think that up-zoning the entire North Commercial District creates a possibility of massive over-building in this area and is unnecessary in order to reach our community goals and very possibly dangerous to the current residents.

Sincerely,

Amy Cheshire
1561 San Dieguito Drive
Del Mar, CA 92014

[redacted]

From: becky beckywalkerinc.com <becky@beckywalkerinc.com>
Sent: Monday, January 18, 2021 5:08 PM
To: City Clerk Mail Box
Cc: Wade Walker
Subject: RED DOT LETTER - Rezoning North Commercial

Follow Up Flag: Follow up
Flag Status: Flagged

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RED DOT LETTER - Rezoning North Commercial District - Del Mar

TRAFFIC JAM AND FIRE EVACUATION OUT OF CREST CANYON: We live on Oribia Rd in Crest Canyon. Our only way in and out of our neighborhood is along San Dieguito Rd and thru the round-about at Jimmy Durante and San Dieguito. By adding the level of housing density that is being proposed (20 homes per acre) at the opening into and out of San Dieguito, you are risking the lives of all that live in this Crest Canyon neighborhood (about 60 homes)! If we have to evacuate in an emergency, the traffic backup alone could be the factor that determines our survival in a Crest Canyon fire. Also, besides being able to evacuate, Emergency services (fire and medical) would be delayed by traffic congestion at this intersection if there is an increase in housing density to the level supported by this re-zoning proposal.

FIRE HAZARD: The Crest Canyon is the highest risk fire area in Del Mar. Increased Density in this area will only increase that risk.

FLOOD ZONE - the area slated for increased density in the North Commercial Zone has already been marked as an area vulnerable to flooding with ongoing (and near future) sea level rise as a matter of fact.

Given these facts, it is impossible to understand how an environmental impact report would not site these issues and deem this level of density as safe. Something simply doesn't make sense.

With Grave Concern,

Wade Walker & Becky Walker
1440 Oribia Rd.
Del Mar, CA 92014

(619)884-6095

[redacted]

From: GOLDIE CLAUS <goldala@hotmail.com>
Sent: Tuesday, January 19, 2021 10:00 AM
To: City Clerk Mail Box
Cc: Terry Gaasterland; Dwight Worden; David Druker; dquirl@delmar.ca.us; Tracy Martinez
Subject: Red Dot Letter 1/19/21

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are writing this red dot letter to object to the overreaching and character altering development plans for the North area of Del Mar.

We have been enjoying the quaint town of Del Mar for over 20 years. The changes in the past has been reasonable thus far and has definitely improved the city and it has been in alignment with the environment and small town character of this town.

Now this North side of Del Mar is being proposed to being overbuilt. The height restrictions, density, and lack of protection of environment, as well as safety is about to come to fruition. Don't we have enough problems with the Fair, Races, and concerts that have gotten longer, louder and more crowded. We on the North will be extremely impacted and it is not fair.

A couple years ago we tried to remodel and include an elevator for our three story home, like other people in Del Mar has done. We were entirely within code. We were denied by the Design Review Board on a subjective, whimsical decision ("we don't like elevators that are on the outside of the house"). John had a stroke a few years ago and we are in our 70's and wanted to age in place in our home. There was no consideration for that. Also we were denied skylights as they would put too much light out at night. Really? What would high density, 54 ft, structures do to the light?

Because of poor planning and disregard to codes and zoning laws, as well as pressure to add more affordable units, we are now faced with these behemoth projects. I ask you to pursue alternative solutions and not greedy, overreaching projects. This would be impacting our section of the neighborhood disproportionately. Be creative and distribute any reasonable changes throughout all of Del Mar not just to us here. Our tiny North neighborhood is being forced to take the brunt of poor planning by the City of Del Mar in past years and it is disproportionally unfair.

Thank you for consideration of this letter.

Sincerely,

Goldie and John Claus
2037 Christy Lane

[redacted]

From: Lucy Eskeland <nleskeland@gmail.com>
Sent: Tuesday, January 19, 2021 10:45 AM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Dwight Worden; Tracy Martinez; Dan Quirk
Subject: Item III-1) Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

This letter expresses our concern to the city planning staff's draft to allow high-density housing from the Free Flight Sanctuary and all the commercial area south of it.

It seems to us that the staff keeps ignoring the wishes of the majority of Del Mar residents who moved here for the quietness and the beauty of the tiny city, including the San Dieguito Lagoon. It's beyond our comprehension why the staff believes a massive 200 apartment complex south of the lagoon, in addition to the Watermark development, is good for Del Mar. This proposal would exponentially increase traffic (we strongly believe the traffic assessment was flawed), noise, and pollution. Moreover, the large increase in population would cause an additional hazard around the train tracks.

The area is also in the 100-year floodplain zone. Since underground parking isn't allowed, would there be enough parking spaces for the residents? Public transportation isn't easily accessible. The proposal will also impact wildlife in the San Dieguito Lagoon due to its proximity to the city compared to larger lagoons, such as the expansive San Elijo Lagoon in Solana Beach or the Agua Hedionda Lagoon in Carlsbad. The people who would primarily benefit are the developers and their representatives at the expense of the residents' quality of life.

Mayor Terry Gaasterland and council member Tracy Martinez are working hard on sensible alternatives that will not significantly impact traffic, noise, pollution, and quality of life. We hope the staff would give them serious consideration. A couple of suggestions: low density homes, each with an ADU, or an affordable one level senior living community.

We purchased our home in Del Mar over twenty years ago for its beauty and serenity. Please, don't ruin it for us by ramming through this proposal.

Thank you,

Lucy and Steve Eskeland

2015 Seaview Ave

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[redacted]

From: Ann Williamson <ann.williamson@gmail.com>
Sent: Tuesday, January 19, 2021 10:59 AM
To: City Clerk Mail Box
Subject: Red Dot Item 1, Monday Nov 18, 2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,
In regard to Item 1 City Council Meeting January 19, 2021, I believe it is a good idea to give the Council time to find solutions to this complex task of providing low income housing while also protecting the emergency fire evacuation routes for Crest Canyon neighborhood residents. There may be some options to add trails for escape from the Canyon or escape routes through the Watermark as I believe has been suggested. These need to be addressed carefully.
Thank you.
---Ann Williamon

City of Del Mar
Memorandum

TO: Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner

DATE: January 15, 2021

RE: Supplement to City Council Agenda Item 1 for the January 19, 2021 Meeting to Describe Scenarios in Finalizing the 6th Cycle Housing Element Update Due to Potential Outcomes of the Referendum on Ordinance 973 (North Commercial Zone)

This memo is a supplement to Item 1 of the January 19, 2021 City Council meeting as a result of the Monday, January 11, 2021 City Council meeting related to a Referendum of North Commercial Ordinance 973. This memo explains the relationship between the timing of the Referendum on North Commercial Ordinance 973 in process and the 6th Cycle Housing Element Update (HEU) that is also in process. The purpose of this memo is to provide background and facts for the City Council to consider at the January 19, 2021 meeting related to next steps in finalizing the 6th Cycle HEU. The 6th Cycle HEU is due to the California Department of Housing and Community Development (HCD) for certification by April 15, 2021. Finalizing the 6th Cycle HEU will require adoption of a General Plan (Community Plan) Amendment and has certain other important timing considerations for submittal of an adopted Housing Element to HCD for certification.

The planned allowance for multiple dwelling unit housing in the North Commercial Zone at a density of 20 dwelling units per acre is currently a part of the City's existing 5th Cycle Housing Element (Program 2E) and proposed 6th Cycle HEU (Program 1A). In light of the Referendum on North Commercial Ordinance 973, City staff has identified three potential scenarios that should be considered as the City Council makes decisions related to next steps.

Scenario #1 (Maintains the Proposed 6th Cycle Strategies and Avoids Penalties) – This would allow the City to process minor modifications to the current draft 6th Cycle HEU, which will allow the City to adopt a General Plan Amendment for the final Housing Element and submit it to HCD by April 15, 2021, thereby avoiding State enforcement and penalties. The assumed steps are as follows:

- City Council adopts the General Plan Amendment for North Commercial (5th Cycle Housing Element Programs 2E) and the two vacant "Watermark" parcels (5th Cycle Housing Element Program 2G) on February 16, 2021. These will require a 4/5 vote. City Council also adopts Ordinances for the Housing Element Implementation

(HEI) Overlay Zone and Rezone (these are specific to Program 2G only) on March 1, 2021. These will require a 3/5 City Council vote. All of these actions were unanimously recommended for City Council approval by the Planning Commission at their meeting on January 12, 2021; and

- Referendum is withdrawn by proponent as soon as possible (before April 2021); and

- California Coastal Commission (CCC) issues final certification for 5th Cycle Housing Element Programs 2E and 2F (Professional Commercial Zone) by April 15. Both of these Local Coastal Program amendments (LCPA) are currently pending CCC review. Also, the City submits the LCPA application for the related Program 2G Ordinances to CCC for final certification by April 15, 2021.

Scenario #2 (Requires Changes to the 6th Cycle Contingencies and Assumes Potential Penalties) – This would allow the City to process minor modifications, including modifications to the existing "contingency plan" in the current draft 6th Cycle HEU (i.e., rezone of North Bluff and South Stratford if a Fairgrounds Housing Agreement were not executed by April 2024), in order to accommodate a public vote on the Referendum that would occur as soon as possible (e.g., June 2021). This would allow the City to adopt a General Plan Amendment for the final 6th Cycle HEU and timely submit it to HCD by April 15, 2021, thereby minimizing the risk and scope of anticipated State penalties and enforcement. The assumed steps are as follows:

- City Council adopts the General Plan Amendment for North Commercial (5th Cycle Housing Element Programs 2E) and the two vacant "Watermark" parcels (5th Cycle Housing Element Program 2G) on February 16, 2021. These will require a 4/5 vote. City Council also adopts Ordinances for the Housing Element Implementation (HEI) Overlay Zone and Rezone (these are specific to Program 2G only) on March 1, 2021. These will require a 3/5 vote. All of these actions were unanimously recommended for City Council approval by the Planning Commission at their meeting on January 12, 2021; and

- City sets a special election for a public vote on the Referendum to occur as soon as possible (e.g., June 2021) with a fiscal impact estimated at $25,000; and

- City modifies the 6th Cycle HEU to identify the three South Stratford vacant lots (APNs 300-321-14, 301-010-01, and 301-010-02) as a "contingency rezone requirement" with increased density to 25 dwelling units per acre (with an associated yield of 25 affordable units) and "by-right" development to create sufficient adequate sites (Govt Code 65583.2(h) and (i)). This "contingency rezone requirement" is a result of State Housing law and necessary to replace 6th Cycle Program 1A (North Commercial Zone) since Ordinance 973 is pending the result of a public vote on the Referendum. The three South Stratford vacant lots were previously analyzed as candidate sites in the certified 6th Cycle Program Environmental Impact Report (PEIR) and no further environmental analysis is

anticipated as part of this action. If the Referendum does not pass a public vote, then this modified contingency program would revert back to the originally proposed Program 1E contingency rezone program included in the proposed 6th Cycle HEU. If the Referendum does pass a public vote, then this modified contingency program would need to be implemented via amendments to the Community Plan, Zoning Code, and LCP within 180 days following the public vote. This is a requirement of the State's "No Net Loss" law (Govt Code 85863); and

- City modifies the originally proposed contingency rezone program (Program 1E to rezone six North Bluff lots) in the 6th Cycle HEU. This contingency program would be required if Fairgrounds Housing Program 3A is not successfully implemented within three years (by April 2024). The proposed modification would identify that (pending the result of a public vote on the Referendum) density on the six North Bluff lots (APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36, 298-241-06, 298-241-07) would be increased to a contingency rezone to 25 dwelling units per acre (with an associated yield of 61 affordable units) and "by-right" development to create sufficient adequate sites (Govt Code 65583.2(h) and (i)). This modification would be necessary as a result of State Housing law if the three vacant South Stratford sites become otherwise encumbered due to a public vote that nullifies North Commercial Program 1A. The six North Bluff vacant sites were previously analyzed as candidate sites in the certified 6th Cycle PEIR; and

- CCC issues final certification for 5th Cycle Program 2F (Professional Commercial Zone) by April 15, 2021 and issues conditional certification for 5th Cycle Program 2E (North Commercial Zone) pending result of a public vote. Also, the City submits the LCPA application for related 5th Cycle Program 2G Ordinances to CCC for final certification by April 15, 2021.

Scenario #3 (Requires Substantive Changes to the 6th Cycle Strategies and Assumes Significant Penalties) – This would allow the City to analyze more alternatives to include in the 6th Cycle HEU. However, it also means that the City will miss the State's deadline for timely certification of the 6th Cycle HEU by April 15, 2021. Missing this deadline carries significant penalties and consequences, as well as an associated financial impact much greater than the estimated $25,000 cost to hold a special election as soon as possible pursuant to Scenario #2. The assumed steps are as follows:

- If a public vote on the Referendum is set for a later date, such as the next General Election in November 2022, then HCD enforcement and penalties will be triggered; and

- The City will need to immediately address the State penalties and enforcement actions taken by HCD at that time; and

- Within 180 days, the City will need to establish a new Housing work program to analyze and identify new rezone programs up to 20-25 dwelling units per acre and "by-right" development to create sufficient adequate sites (Govt Code 65583.2(h)

and (i)). These will be required to replace 32 affordable units currently being relied upon in the proposed 6th Cycle housing strategies (Program 1A in the North Commercial Zone). This is a requirement of the State's "No Net Loss" law (Govt Code 85863); and

- The City may also need to include additional rezone programs to create adequate sites for more than 32 affordable units to add to the City's ability to affirmatively further fair housing in the community above the minimum RHNA obligations for lower income units (Govt Code 65583(c)(10)(A)). This requirement will depend on the scope of the penalty and enforcement actions taken by HCD; and

- The City will need to prioritize staffing resources and allocate additional Special Projects budget. This is necessary to conduct policy and environmental analysis, as well as community outreach, to address 5th Cycle and 6th Cycle penalties and work program requirements. Further, the City will need to plan for a shift into a four-year Housing Element cycle in lieu of the current eight-year cycle due to the City missing the certification deadline for the 6th Cycle. This means that the City will need to prepare and obtain certification for Housing Element updates for two consecutive four-year cycles (may be expanded to three consecutive four-year periods to catch up to the next eight-year cycle).

As identified in the Agenda Report for January 19, 2021, staff is seeking direction from the City Council as to next steps for finalizing the 6th Cycle HEU in process. Also, staff from HCD will be participating in the City Council meeting and will be available to help provide further clarity on the Government Code requirements and remaining Housing Element certification process to help manage expectations and facilitate City Council decision making.

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
JANUARY 19, 2021
Via Teleconference
1050 Camino del Mar, Del Mar, California

CALL TO ORDER

Mayor Gaasterland called the meeting to order at 3:00 P.M.

ROLL CALL

Present: Mayor Terry Gaasterland; Deputy Mayor Dwight Worden; Councilmembers Dave Druker, Tracy Martinez and Dan Quirk

CITY COUNCIL OTHER BUSINESS

ITEM 1: ACCEPT COMMENTS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ON 6TH CYCLE HOUSING ELEMENT UPDATE (CLERKS FILE NO. 304-7, 1502-18)

A presentation was provided by Planning & Community Development Director Smith and Principal Planner Lee. Paul McDougall and Jose Ayala from the California Department of Housing & Community Development (HCD) were also present at the meeting and answered questions from the City Council.

Council questions focused on why the Housing Element or the City's approach to the Housing Element is a good thing; clarification on additional site information and identified impediments being requested by HCD; authority for HCD to take action for Housing Element non-compliance; guidance on timing for and how to deal with referendum in light of Housing Element requirements and timing; potential to develop affordable housing at the Fairgrounds and whether it could be limited to Fairgrounds employees who qualify; how HCD defines a subdivision; provisions related to State density bonus law and by-right development; why penalties were levied against the City related to Housing Element Program 2G; whether the City has housing data going back to 1992; why HCD did not identify deficiencies sooner: jobs numbers being generated from the Fairgrounds and nexus to affordable housing being developed for Fairgrounds seasonal workers; whether HCD be willing to give the City more time to explore housing at the Fairgrounds; how units would be counted and hurdles to overcome; residential zoning requirements and potential for apartment unit conversion; feasibility of unit affordability calculations; guidance on how to handle situations of absentee ownership; ability for staff to meet April 2021 deadline based on current comments from HCD; and if the City makes the April 2021 deadline, is there an opportunity to amend the 6th Cycle Housing Element in the future.

Mayor Gaasterland opened the item to public comment and Barbara Gordon spoke, the Mayor then closed public comment on this item.

Council discussion focused on what actions are needed by April 15, 2021; ability to bifurcate items 2E and 2G, and focus on the other items/comments that staff needs to respond to from HCD; potential to stay on track and remain in compliance; thoughts and feedback on

alternatives presented by staff; need for Housing liaisons to bring forward potential alternatives by February 16, 2021, for Council consideration.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND TO DIRECT STAFF TO DO EVERYTHING IN THEIR POWER TO ASSIST THE COUNCIL IN MEETING THE APRIL 15, 2021, DEADLINES. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0.

ITEM 2: CONSIDERATION AND FEEDBACK REGARDING CLEAN ENERGY ALLIANCE PRODUCT OFFERINGS (CLERK'S FILE NO. 1403-4)

A presentation was provided by Clean Energy Alliance (CEA) Executive Director Barbara Boswell.

Council questions focused on how the process for procuring energy works and options available to Del Mar residents for their selection; concerns about confusion for customers; sensitivity to cost when considering options; ability to compete with San Diego Gas & Electric; and how local impact rates are calculated.

Mayor Gaasterland opened the item to public comment and Karl Aldinger spoke on behalf of the San Diego Chapter of the Sierra Club. Mayor Gaasterland closed the item to public comment.

Council discussion focused on opportunities to provide lower rates to small businesses; ability to provide competitive rates; ability for Del Mar residents to be able to have solar energy; the idea of keeping it simple for residents; concerns about the viability of the CEA; and Council support for 50% and 100% options.

There was Council consensus for the Finance Committee to review the CEA financial proforma and provide feedback to the City Council.

ITEM 3: UTILITY UNDERGROUNDING PROJECT (CLERK'S FILE NO. 401-5, 1001-2)

A presentation was provided by Mayor Gaasterland and Councilmember Quirk.

Council questions focused on what information the City Manager would return to the Council with for consideration in March, and whether the City would need to provide reimbursement to residents for the demonstration project design.

Mayor Gaasterland opened the item to public comment and Jerry Hoffmeister spoke; the Mayor then closed the item to public comment.

Council discussion focused on the potential to hire additional staffing resources using Measure Q funds; basis of cost information provided by Mayor Gaasterland and Councilmember Quirk; concern about moving forward now, and clarification about what the City Council is being asked to do; changes to the existing project scope by adding a new area that was not previously

considered; why the Council is being asked to consider this now, and potential to hold off until looking at Council priorities in late February; potential for doing a demonstration project using consultants only with no impact to City staffing.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND TO ASK THE CITY MANAGER TO RESEARCH AND STUDY OPTIONS FOR RESTARTING THE UTILITY UNDERGROUNDING PROJECT, INCLUDING THE USE OF CONSULTANTS TO THE MAXIMUM EXTENT POSSIBLE, AND RETURN TO THE CITY COUNCIL IN MARCH 2021. (VOTE 5-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 6:35 P.M.

_____
Ashley Jones, Administrative Services Director/City Clerk

Del Mar City Council Meeting Agenda

VIA TELECONFERENCE ONLY

1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: ***Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.***

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, February 16, 2021 at 4:30 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Dan Quirk
Council Member

Leslie E. Devaney
City Attorney

Ashley Jones
Acting City Manager/
Administrative
Services Director

Sarah Krietor
Deputy City Clerk

Public Participation/Comment
Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

Viewing the Meeting and Access to Agenda Materials
Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website and at the Del Mar Library during their limited hours of operation. http://www.delmar.ca.us/AgendaCenter

Consent Calendar: Items on the Consent Calendar will be enacted in accordance with the recommendations in one motion unless removed from the Consent Calendar by Council, staff, or a member of the public.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PUBLIC ORAL COMMUNICATIONS

Each person wishing to comment to the City Council on any matter not on the agenda may submit a written comment to cityclerk@delmar.ca.us or a tele-comment request to speak by 12 p.m. on the day of the meeting. Please note "Public Oral" in the subject line of your email or tele-comment request form.

IV. CITY COUNCIL COMMENTS

V. COMMUNITY ANNOUNCEMENTS

VI. CITY MANAGER'S REPORT

VII. PRESENTATIONS

1. **Presentation by Mike Hastings, Executive Director of the Los Peñasquitos Lagoon Foundation Regarding a Study on Sea Level Rise and Potential Adaptation of the Torrey Pines North Beach Parking Lot Being Conducted with California State Parks**

   Recommended Action: Receive the presentation.

   Reference: Clerk's File No. 1404-1

VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council, staff, or the public so requests, in which event, the item will be considered separately.

2. **Approval of Minutes: January 23, 2021, Special Meeting, Closed Session; January 23, 2021 Special Meeting; January 27, 2021 Special Meeting; February 1, 2021 Regular and Special Meeting, February 3, 2021 Special Meeting**

   Recommended Action: Approve Minutes.

   Reference: Clerk's Minutes Book

3. Ratification of List of Demands, dated February 16, 2021

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

IX. PUBLIC HEARINGS

5. Adoption of Resolution and Introduction of Ordinances for Implementation of 5th Cycle Housing Element Programs 2G and 2E

Recommended Action: Staff recommends the City Council take the following actions for compliance with the 5th Cycle Housing Element and State Housing law (California Government Code Sections 65583.2(h) and (i)):

1) Adopt a Resolution 2021-XX Version A (Attachment A) to adopt General Plan (Community Plan) Amendment (GPA 20-004) to: a) amend the North Commercial (NC) land use designation for real property that is identified as APNs 299-100-47 and 299-100-48, owned by Watermark LP, per 5th Cycle Housing Element Program 2G (residential as an allowed use for "by right" residential development at 20-25 dwelling units per acre (du/ac)) in accordance with State Housing law; and b) amend the NC land use designation per 5th Cycle Housing Element Program 2E (residential as an allowed use at 20 du/ac) in accordance with State Housing law. Alternatively, the City Council may approve a modified Resolution (Version B) that addresses only Program 2G (as described in subsection 1a above and as further described within the discussion/analysis section of this report);

2) Introduce an Ordinance (Attachment B) to amend the Del Mar Municipal Code (DMMC) by adding a new Zoning Code Chapter 30.92 and an ancillary amendment to existing DMMC Section 30.75.080 to implement Government Code §65583.2(h) and (i) per 5th Cycle Housing Element Program 2G via Zone Code Amendment (ZA 20-003) to create a new Housing Element Implementation (HEI) Overlay Zone and clarify the required "by right" local permit process that applies; and to reflect said code amendments in the City's Local Coastal Program (LCP) via Local Coastal Program Amendment (LCPA 20-003) to demonstrate compliance with State Housing law and the Coastal Act; and

3) Introduce an Ordinance (Attachment D) to approve Rezone (RP 20-001) to rezone real property that is identified as APNs 299-100-47 and 299-100-48, owned by Watermark LP, and located in the NC Zone. The rezone will apply the new HEI Overlay Zone to implement Government Code §65583.2(h) and (i) per 5th Cycle Program 2G.

Reference: Clerk's File No. 304-7, 401-4, 401-9

6. Introduction of an Ordinance Amending Chapter 14.24 of the Del Mar Municipal Code Authorizing the Removal of Vehicles from Public Property

Recommended Action: It is recommended that the City Council introduce an Ordinance (Attachment A) amending Chapter 14.24 of the Del Mar Municipal Code authorizing the removal of vehicles from public property, which would allow the City to tow vehicles from off-street public property, pursuant to its authority under the California Vehicle Code.

Reference: Clerk's File No. 401-4, 401-9

X. COUNCIL MEETING RECESS

XI. CITY COUNCIL OTHER BUSINESS

7. Compliance with State of California Mandated Organics Recycling Regulations

Recommended Action: Staff requests the City Council receive an informational update on 1) the City's compliance with mandatory State organics recycling regulations; and 2) provide feedback on staff's recommended approach for moving forward to achieve compliance.

Reference: Clerk's File No. 401-7, 1403-4

8. City Council Direction to Complete the 6th Cycle Housing Element Update

Recommended Action: Staff requests the City Council consider the options available, as discussed in this report, and address the following:

1) Provide direction to complete the City's final 6th Cycle Housing Element Update (HEU) by the April 15, 2021 State deadline to minimize risk to the City and General Fund. This deadline is set by statute and cannot be negotiated. Final action must be taken by the Planning Commission March 9, 2021, and City Council April 5, 2021, in order to meet the deadline. Due to a Referendum of Ordinance 973 (filed November 18, 2020), the City is unable to complete 5th Cycle Program 2E (required upzone of North Commercial to create adequate sites at 20 dwelling units per acre (du/ac)) by the State deadline. Ordinance 973 is effectively "stayed" until a public

vote occurs, which impacts the 6th Cycle HEU. The timing of the public vote, which by default has been set for November 2022, directly correlates to the degree of options available for completing the 6th Cycle HEU and scope of penalties (in addition to the by-right rezone penalty for unmet Program 2E).

2) Provide direction on a plan to address the 5th Cycle Program 2E penalty in the 6th Cycle, including identification of preferred contingency plans. The City must identify a back-up plan (contingency plan) in the 6th Cycle HEU that will be implemented if needed to replace North Commercial after the public vote. In addition, due to the missed 5th Cycle deadline, the City will also incur a rezone penalty per State Housing law that requires implementation of a rezone program that allows housing at 20-25 du/ac "by right" (i.e., with no local discretion or Design Review). This rezone can be addressed in the North Commercial Zone (6th Cycle Program 1A) or by rezoning an alternative location to create an equivalent number of adequate sites for lower income affordable units within the first year of the 6th Cycle.

Reference: Clerk's File No. 304-7

9. Approval of the 2021 Legislative Policy Guidelines

Recommended Action: Staff requests that the City Council review and approve the proposed changes to the City's Legislative Policy Guidelines (Attachment A).

Reference: Clerk's File No. 101-2, 401-7, 401-8

10. Proposal to Create a City Council Legislative Subcommittee

Recommended Action: Mayor Gaasterland and Councilmember Druker recommend that the City Council: 1) Approve the creation of a City Council Legislative Subcommittee as further described in this report; and 2) Appoint two members of the City Council to serve on the Legislative Subcommittee.

Reference: Clerk's File No. 401-1

11. City Council Vision & Values Workshop Recap and Adoption of Revised Del Mar Core Values & Value Statements

Recommended Action: Staff recommends that the City Council approve the revised Del Mar Core Values & Value Statements included as Attachment B.

Reference: Clerk's File No. 401-1

XII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. 22nd District Agricultural Association Community Relations Committee (Gaasterland/Martinez)
B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
C. CSA-17 Ambulance District Advisory Board (Martinez/Druker)
D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Druker/Martinez)
E. League of California Cities – San Diego Chapter (Gaasterland/Worden)
F. North County Transit District (NCTD) (Quirk/Gaasterland)
G. Regional Solid Waste Association (Worden/Quirk)
H. San Diego Association of Governments Board (SANDAG) (Gaasterland/Druker/Quirk)
I. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
J. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Quirk/Bride)
K. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
L. Other Regional Organization Reports

XIII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Ad-Hoc Referendum Subcommittee (Gaasterland/Druker)
B. Arts Advisory Committee (Druker/Worden)
C. Business Support Advisory Committee (Gaasterland/Martinez
D. Clean Water Rate Project (Druker, Quirk)
E. Del Mar Community Connections (Martinez/Quirk)
F. Del Mar Housing Corporation (Gaasterland/Martinez)
G. Del Mar Village Association (Druker/Quirk)
H. Finance Committee (Gaasterland/Quirk)
I. Housing Subcommittee (Gaasterland/Martinez)
J. Human Resources Subcommittee (Druker/Worden)
K. Long Term Rail Relocation Subcommittee (Gaasterland, Quirk)
L. Measure Q Citizen Oversight Committee (Druker/Quirk)
M. Parks and Recreation Committee (Druker/Worden)
N. Planning Process Subcommittee (Druker/Gaasterland)
O. Safe Rail Crossing and Bluff Stabilization Subcommittee (Gaasterland/Quirk)
P. San Dieguito Lagoon Committee (Quirk/Worden)
Q. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
R. Shores Advisory Committee (Gaasterland/Martinez)
S. Sustainability Advisory Board (DrukerWorden)
T. Traffic and Parking Advisory Committee (Martinez/Worden)
U. Undergrounding Project Advisory Committee (Gaasterland/Quirk)
V. Other Committee-Subcommittee Reports

XIV. UPCOMING AGENDA ITEMS

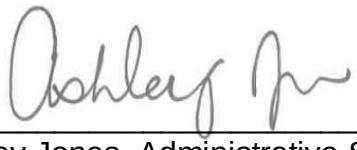
The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

February 27, 2021 Special Meeting
FY 2020/21 Midyear Update
City Council Priorities During COVID Times
Review and Discussion of the City's Vision Statement

March 1, 2021
Second Reading of Ordinances for Housing Element Implementation Overlay Zone and Rezone of Watermark Lots for Implementation of 5th Cycle Housing Element Program 2G
EP20-068 (705 Amphitheatre) - Railing in the Right of Way
Update to the Design Review Board Policy Manual

XV. CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 10th day of February, 2021, at approximately 4:00 p.m.



_____ 2/10/2021

Ashley Jones, Administrative Services Director/City Clerk Date

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

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

DATE: February 16, 2021

SUBJECT: City Council Direction to Complete the 6th Cycle Housing Element Update

REQUESTED ACTION/RECOMMENDATION:
Staff requests the City Council consider the options available, as discussed in this report, and address the following:

1) Provide direction to complete the City's final 6th Cycle Housing Element Update (HEU) by the April 15, 2021 State deadline to minimize risk to the City and General Fund. This deadline is set by statute and cannot be negotiated. Final action must be taken by the Planning Commission March 9, 2021, and City Council April 5, 2021, in order to meet the deadline. Due to a Referendum of Ordinance 973 (filed November 18, 2020), the City is unable to complete 5th Cycle Program 2E (required upzone of North Commercial to create adequate sites at 20 dwelling units per acre (du/ac)) by the State deadline. Ordinance 973 is effectively "stayed" until a public vote occurs, which impacts the 6th Cycle HEU. The timing of the public vote, which by default has been set for November 2022, directly correlates to the degree of options available for completing the 6th Cycle HEU and scope of penalties (in addition to the by-right rezone penalty for unmet Program 2E).

2) Provide direction on a plan to address the 5th Cycle Program 2E penalty in the 6th Cycle, including identification of preferred contingency plans. The City must identify a back-up plan (contingency plan) in the 6th Cycle HEU that will be implemented if needed to replace North Commercial after the public vote. In addition, due to the missed 5th Cycle deadline, the City will also incur a rezone penalty per State Housing law that requires implementation of a rezone program that allows housing at 20-25 du/ac "by right" (i.e., with no local discretion or Design Review). This rezone can be addressed in the North Commercial Zone (6th Cycle Program 1A) or by rezoning an alternative location to create an equivalent number of adequate sites for lower income affordable units within the first year of the 6th Cycle.

City Council Action:

DISCUSSION/ANALYSIS:

State law requires that the City adopt a 6th Cycle HEU and submit it to the California Department of Housing and Community Development (HCD) for certification by April 15, 2021. The required criteria and deadlines are set by State law. HCD has sent multiple letters to the City that identified the City's non-compliance with State law (supported by HCD's findings of non-compliance) due to the City's unmet 5th Cycle Housing Element implementation requirements and certain deficiencies separately identified in the draft 6th Cycle HEU that must be addressed for certification to occur. The City's draft 6th Cycle HEU has already been reviewed by HCD. As part of their review, HCD clarified that the outstanding 5th Cycle Programs 2E (North Commercial), 2G (two Watermark-owned vacant parcels), and the City's final 6th Cycle HEU must be adopted by the City Council and submitted to HCD by April 15, 2021 to avoid penalties. Though initially required for completion in 2014 (Program 2G) and 2016 (Program 2E), HCD has provided the City a reasonable grace period to complete these final programs by the April 2021 deadline.

In addition to the letters, HCD staff participated in the City Council's meeting on January 19, 2021 to provide further clarification on the City's status with respect to State Housing law and the City's draft 6th Cycle HEU. At this point, staff does not anticipate receiving any further comments, warnings of non-compliance, or leniency from the State. The deadlines and "no net loss" requirements are fixed per State law. As clarified by HCD, penalties and State enforcement will be triggered upon any City Council decision that prohibits completion of its 5th Cycle obligations by the April 15, 2021 deadline. In addition, such decisions would impact the City's ability to timely complete its 6th Cycle HEU, which would have separate and additional associated penalties for the City to address.

In consideration of required Housing Element mandates and compliance requirements per State law, the North Commercial (NC) Zone is a critical piece of the City's housing strategy that must be implemented to avoid significant impacts. As a result of the Referendum that has been filed and the related stay on Ordinance 973 until a public vote occurs, the City will incur a "by-right" rezone penalty at 20-25 du/ac in its 6th housing cycle. This is because Program 2E (NC Zone) was necessary in the City's 5th housing cycle to create "adequate sites" that allow residential as an allowed use at a minimum density of 20 du/ac. This minimum density is a State-mandate referred to as "default density" (i.e., any less density is not recognized by State law as sufficient for providing "adequate sites" for affordable housing production).

Three Scenarios and Anticipated Outcomes:

The City must modify draft 6th Cycle Program 1A (North Commercial) in order to gain certification of a final 6th Cycle HEU in accordance with the following scenarios:

Scenario 1: On January 11, 2021, City Council considered a Referendum repealing Ordinance 973, which was filed on November 18, 2020, and certified by the City Clerk. Based on the outcome of the January 11, City Council meeting, the Referendum will be submitted to the Del Mar voters for consideration, by default, at a General Election to be held in November 2022 (although the City Council could take action to hold a special election at an earlier date if so

desired). As such, City staff is operating under Scenario 1, as further described below for the sake of finalizing the 6th Cycle HEU.

Due to the timing of the General Election, an additional "replacement" rezone program that allows housing by-right at 20-25 du/ac must be incorporated into the final 6th Cycle HEU. To gain certification of the 6th Cycle HEU by HCD, this replacement rezone program must be added in addition to the required 6th Cycle Program 1A (North Commercial) rezone program currently in progress. This is because the outcome of Program 1A will not be known until a public vote to occur in 2022, which is well outside of a reasonable timeframe to propose a "contingency" rezone program (in lieu of a replacement rezone program) for the creation of "adequate sites" as further described in Scenario 2. The new replacement rezone program must be applied to vacant sites identified as "Candidate Sites" analyzed in the City's 6th Cycle Program Environmental Impact Report (PEIR) with a lot size between 0.5 acres and 10 acres. The replacement rezone program must further demonstrate that it would be able to create adequate sites at 20-25 du/ac of by-right development to yield at least 22 lower income affordable units.

Scenario 2: If the City Council were to take action to set a Special Election for the public to consider the Referendum, to occur as soon as possible in 2021, then Scenario 2, as further described below, would reduce the scope of potential penalties associated with Scenario 1. However, the draft 6th Cycle Program 1A (North Commercial) would still need to be modified to reflect a new "contingency" rezone program (in lieu of a "replacement" rezone program as described in Scenario 1) that allows housing "by-right" at 20-25 du/ac. This is due to a State law penalty for delay past April 15, 2021, caused by the Referendum.

Under Scenario 2, the City would have to include a provision that the new contingency rezone program would be implemented within 180 days if the public vote repeals Ordinance 973. If the Ordinance is repealed, the City would be prevented from relying on the NC Zone for "adequate sites" at sufficient density to satisfy a portion of its 6th Cycle requirements. The new contingency rezone program would then be triggered and must be completed within 180 days. This timing is a result of a State law referred to as "no net loss" authorized by Senate Bill (SB) 166. The contingency rezone program must demonstrate how the City will create adequate sites at 20-25 du/ac of by-right development to yield at least 22 lower income affordable units.

Scenario 3: If the Referendum were to be withdrawn by the proponent in the immediate future, the North Commercial Program 1A (allowing a maximum of 20 du/ac) could be completed and local permitting discretion maintained for any future development application for housing in the NC zone. This would further reduce the scope of potential penalties associated with Scenarios 1 and 2.

The timing and criteria referenced above is entirely based on requirements set by State law and affirmed by HCD staff. Unless the Referendum were to be withdrawn by the proponents, allowing for Ordinance 973 to be implemented, the City should not anticipate any further flexibility or discretion from HCD. Depending on the timing of a public vote, the City will need to demonstrate to HCD in its final 6th Cycle HEU how it will provide for sufficient by-right rezone programs at 20-25 du/ac to replace 5th Cycle Program 2E and carry-over 6th Cycle Program 1A related to the NC Zone.

Coordination with City Council Housing Liaisons:
On January 19, 2021, the City Council directed staff to address HCD's comments and corrections needed to the draft 6th Cycle HEU as identified in the December 17, 2020 letter. In light of the Referendum and the pending City Council actions on 5th Cycle Programs 2G and 2E (scheduled for City Council action on February 16, 2021), the Council also directed staff to meet with the City Council Housing Liaisons (Mayor Gaasterland and Councilmember Martinez) to consider potential alternatives. Since the January 19, 2021 meeting, three working sessions were held between City staff and the Council liaisons on January 26, January 29, and February 4, 2021.

In these work sessions, staff and the Council liaisons reviewed the City's status with respect to State Housing law and considered various scenarios the City may be under depending on the outcome of the Referendum/public vote, uncompleted 5th Cycle Programs 2G and 2E, and a delayed 6th Cycle submittal to HCD. Further, staff and the Council liaisons vetted options for how an uncompleted 5th Cycle Program 2E (North Commercial Zone) would need to be addressed as part of the City's final 6th Cycle HEU. Information shared with the Council liaisons related to alternate sites is included as Attachment A. As previously described, options to effectively replace the NC Zone must comply with the State law requirement for implementation of a rezone program that allows a residential density of 20-25 du/ac and "by-right" development.

Rezone Options – New Contingency Plan/Replacement Program for 6th Cycle Program 1A (North Commercial) due to Pending Public Vote on Referendum

Options: 1) Border Avenue Option (Candidate Sites 1A, 1B, 1C, and 1D); or
2) South Stratford Option (Candidate Sites 98A, 98B, and 98C)

The Referendum filed to repeal Ordinance 973 has essentially required the City to revise its initial plan for 6th Cycle HEU Program 1A (North Commercial). This is because submittal of the Referendum for voter consideration will prevent the City from timely completing 5th Cycle Program 2E (upzone of North Commercial to allow 20 du/ac). As a result, the City will need to amend the 6th Cycle HEU to reflect the penalty "by-right" rezone to 20-25 du/ac that will be imposed per State law (either within Program 1A or as additional rezone). As previously described in Scenario 1, City staff is finalizing the 6th Cycle HEU on the basis that a public vote on the Referendum would not occur until the General Election in November 2022.

The City can continue to propose North Commercial as its preferred 6th Cycle rezone program, but must modify it to require a rezone action to allow 20-25 du/ac by-right. The City will also need to identify a new replacement program per Scenario 1 (or a new contingency

plan per Scenario 2) under 6th Cycle Program 1A (North Commercial Rezone) in case the public vote ends up repealing the adopted North Commercial Ordinance. In the draft 6th Cycle HEU, the City was relying on the North Commercial Zone to yield a total of 32 affordable units during the 6th Cycle (this includes 10 affordable units on the two vacant Watermark-owned parcels). This means that a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2), must be able to yield at least 22 (of the 32) affordable units to make up the potential deficit.

Option 1: Border Avenue– Candidate Sites 1A, 1B, 1C, and 1D (Attachment B)

As part of the Candidate Sites analyzed in the City's 6th Cycle PEIR, six vacant developable parcels between 0.5 and 10 acres in size were identified as part of the City's North Bluff area (Candidate Sites 1A through 1F). Combined, the six parcels are anticipated to yield between 47 and 61 affordable units if required to be rezoned to 20-25 du/ac by-right. Since 22 affordable units is the target minimum yield for a contingency/replacement rezone program for North Commercial, not all sites are necessary for a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2). However, the remaining sites would still be required for inclusion in the City's Fairgrounds Contingency Plan (Program 1E rezone to 20-25 du/ac "by-right"), which would only be triggered if the City is unable to implement the priority program (Program 3A) to execute an agreement with the 22nd District Agricultural Association to provide at least 51 affordable units on the Fairgrounds.

The six candidate sites located on the North Bluff are described as follows:

Site	APN	Address	Lot size	Zoning (Base and Overlays)	If Rezone to minimum 20 du/ac	If Rezone to maximum 25 du/ac
1A	298-241-34	Border Ave	2.46 acre	R1-14, Coastal Bluff OZ, BSC OZ	49 max units (includes 9 affordable)	62 max units (includes 12 affordable)
1B	298-241-29	Camino del Mar	0.63 acre	R1-14, BSC OZ	13 max units (includes 2 affordable)	16 max units (includes 3 affordable)
1C	298-241-35	Border Ave	1.21 acre	R1-40, Coastal Bluff OZ, BSC OZ	24 max units (includes 4 affordable)	30 max units (includes 6 affordable)
1D	298-241-36	Camino del Mar	1.25 acre	R1-40, BSC OZ	25 max units (includes 5 affordable)	31 max units (includes 6 affordable)
1E	298-241-06	Border Ave	2.02 acre	R1-40, Coastal Bluff OZ, BSC OZ	40 max units (includes 8 affordable)	51 max units (includes 10 affordable)
1F	298-241-07	929 Border Ave	4.82 acre	R1-40, Coastal Bluff OZ, BSC OZ	96 max units (includes 19 affordable)	121 max units (includes 24 affordable)

			12.39 acre		**247 max units total (includes 47 affordable)**	**311 max units total (includes 61 affordable)**

These six sites are vacant and fit the criteria to be identified as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) for 6th Cycle Program 1A (Rezone of North Commercial to allow 20-25 du per acre by right). All six sites were analyzed in the certified 6th Cycle PEIR, which means the CEQA analysis is already covered for this recommended modification to the HEU.

Based on lot size and the target density, the Border Avenue Option (Candidate Sites 1A, 1B, 1C, and 1D) can yield a range between 20 and 27 affordable units if rezoned to 20-25 du/ac, which would be sufficient for a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2). As previously described, this would be needed to replace the deficit in adequate sites for 22 affordable units that would result if the North Commercial Ordinance 973 is repealed or invalidated through the referendum process.

If the Border Avenue Option is added as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) for 6th Cycle Program 1A (North Commercial), the City's Fairgrounds Contingency Plan (6th Cycle Program 1E) would also need to be amended to reflect that Candidate Sites 1A, 1B, 1C, and 1D would no longer be available for that contingency plan. This is because the draft 6th Cycle HEU relies upon all six vacant parcels on the North Bluff as a contingency in the event the City cannot complete its priority program (Program 3A) within three years following certification of the 6th Cycle HEU. If four of the six candidate sites are used as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) for North Commercial, this means the remaining two sites (1E and 1F) would be needed as a part of Program 1E. Combined, these two sites are anticipated to yield a range of 27 to 34 affordable units if rezoned to 20-25 du/ac by right. As these two parcels alone are not sufficient to accommodate at least one-half of the City's affordable RHNA requirements (as required by Assembly Bill 1397), equal to 51 affordable units, the Fairgrounds Contingency Plan also requires additional vacant candidate sites. These are identified as South Stratford Candidate Sites 98A, 98B and 98C which are anticipated to yield a range of 19 to 25 affordable units if rezoned to 20-25 du/ac by right. Therefore, the City would need to modify its Fairgrounds Contingency Plan (Program 1E) to reflect Candidate Sites 1E, 1F, 98A, 98B, and 98C for a total contingency of 46 to 59 affordable units.

Should the City Council select the Border Avenue Option, which would also require a modification to the Fairgrounds Contingency Plan (Program 1E), staff would identify for HCD that these vacant sites have the potential to accommodate at least 22 affordable units. However, as summarized below, the feasibility of this approach may trigger further consideration by HCD for the following reasons:

- The Border Avenue Candidate Sites 1A and 1B are currently zoned R1-14 which is a modified low density residential zone; and North Bluff Candidate Sites 1C, 1D, 1E, and 1F are zoned R1-40, which is a very low density residential zone. A change in density

to 20-25 du/ac is considerable. However, in context, the proposed density is keeping within character to existing development located to the north in the City of Solana Beach that is currently developed with a density that would be greater than the 20-25 du/ac proposed as a contingency plan.

- Reliance on the Candidate Sites 1A, 1B, 1C, and 1D would require successful implementation of rezones on properties under separate property ownership.

- The target minimum number of adequate sites for affordable housing that must be achieved (22 affordable units) means the City would be relying on development exceeding the minimum 20 du/ac range (up to 25 du/ac). To date, the City has not demonstrated success in implementing plan or permit approvals that meet a density in this range.

- The most recent development proposal to locate affordable housing on the North Bluff sites (Marisol project) was voted down by the Del Mar voters in March 2020.

- Candidate Sites 1A, 1C, 1E, and 1F are located in the Coastal Bluff Overlay Zone and were identified as vulnerable to bluff erosion due to projected sea level rise through year 2100. This determination of projected bluff vulnerability is based on the City's Coastal Hazards, Vulnerability and Risk Assessment (Environmental Science Associates 2016; Addendum 2018). As a result, these sites are subject to applicable Coastal Act and Local Coastal Program requirements which may be considered an indicator that the projected density and provision of lower income affordable units may not be able to be realized to the full extent on these sites due to potential environmental constraints.

- All of the candidate sites in the City's North Bluff and South Stratford areas are located within the Bluff, Slope, and Canyon (BSC) Overlay Zone, which is a City-mandated limit on development potential. The BSC Overlay Zone was established to implement the Del Mar Community Plan.

Option 2: <u>South Stratford– Candidate Sites 98A, 98B, and 98C (Attachment C)</u>

As part of the Candidate Sites analyzed in the City's 6th Cycle PEIR, three vacant developable parcels between 0.5 and 10 acres in size were identified as part of the City's South Stratford area (Candidate Sites 98A through 98C). Combined, the three parcels are anticipated to yield between 19 and 25 affordable units if required to be rezoned to 20-25 du/ac by-right. Since 22 affordable units is the target minimum yield for North Commercial, the three sites would be necessary as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2). This means they would no longer be included in the City's Fairgrounds Contingency Plan as further described in draft 6th Cycle Program 1E.

The three candidate sites located as part of South Stratford are described as follows:

Site	APN	Address	Lot size	Zoning (Base and Overlays)	If Rezone to minimum 20 du/ac	If Rezone to maximum 25 du/ac
98A	300-321-14	Stratford Ct	2.14 acre	R1-40, BSC OZ	43 max units (includes 8 affordable)	54 max units (includes 11 affordable)
98B	301-010-01	Stratford Ct	1.00 acre	R1-40, BSC OZ	20 max units (includes 4 affordable)	25 max units (includes 5 affordable)
98C	301-010-02	Stratford Ct	1.80 acre	R1-40, BSC OZ	36 max units (includes 7 affordable)	45 max units (includes 9 affordable)
			4.94 acre		**99 max units total (includes 19 affordable)**	**124 max units total (includes 25 affordable)**

These three sites are vacant and fit the criteria to be identified as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) for 6th Cycle Program 1A (Rezone of North Commercial to allow 20-25 du/ac by-right) and were already analyzed in the certified 6th Cycle PEIR, which means the CEQA analysis is already covered for this recommended modification to the HEU.

Based on lot size and the target density, South Stratford Candidate Sites 98A, 98B, and 98C are anticipated to yield between 19 to 25 affordable units if rezoned to 20-25 du/ac, which would be sufficient as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) to include if needed to replace the deficit in adequate sites for 22 affordable units that would result if the North Commercial Ordinance 973 is repealed or invalidated through the referendum process.

If the South Stratford sites are added as a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2) for Program 1A, the City would need to modify its Fairgrounds Contingency Plan (Program 1E) to reflect that the South Stratford sites would no longer be available for this contingency if the Referendum repeals Ordinance 973 (North Commercial). This means that the remaining sites the City would need to implement for the Fairgrounds Contingency Plan (Program 1E) would be Candidate Sites 1A through 1F in the North Bluff area. As shown above, Candidate Sites 1A through 1F are anticipated to yield between 47 to 61 affordable units if required to be rezoned to 20-25 du/ac by-right. As a reminder, the Fairgrounds Contingency Plan (Program 1E) would only be triggered if the City is unable to implement the City's priority program (Program 3A) to execute an agreement with the 22nd District Agricultural Association to provide a minimum of 51 affordable units on the Fairgrounds property.

Should the City Council select the South Stratford Option, which would also require a modification to the Fairgrounds Contingency Plan (Program 1E), staff would identify for HCD that these vacant sites have the potential to accommodate at least 22 affordable units.

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

- The existing base zone for the three South Stratford sites is R1-40, which is very low density residential, and a change in density to 20-25 du/ac is considerable. However, in context, the proposed density is keeping within character to the sites immediately adjacent (north and east) to the RM-South zone, which is currently developed with the City's highest residential density.

- The three South Stratford sites are under common ownership. As a result, potential future development will be at will of a single property owner (as opposed to the Border Avenue Option, which has multiple owners).

- In comparing the Border Avenue Option versus the South Stratford Option, the South Stratford sites have fewer environmental constraints. This is because the three parcels are not located within the Coastal Bluff Overlay Zone and were not identified as sites vulnerable to bluff erosion due to projected sea level rise through year 2100. However, vehicular access to the South Stratford sites may be more problematic than access to the Border Avenue sites due to existing roadway configurations.

- All of the candidate sites on City's South Stratford and North Bluff areas are located within the BSC Overlay Zone, which is a City-mandated limit on development potential. The BSC Overlay Zone was established to implement the Del Mar Community Plan.

- Should the City Council select the South Stratford Option, the Fairgrounds Contingency Plan (Program 1E) will need to be amended as previously noted. This amendment will result in the entire balance of 51 affordable units being required solely on the City's North Bluff Candidate Sites 1A through 1F (as opposed to diversifying locations of affordable housing throughout the community). Program 1E would be required should the City's priority program (Program 3A) not be completed within three years following certification of the 6th Cycle HEU.

Summary of North Commercial Zone Sites for Future Residential Development
Some additional consideration of developable sites in the NC Zone is summarized below.

- There are nine developable sites in the NC Zone that are potentially suitable for multiple dwelling unit residential use at 20-25 du/ac. These sites are anticipated to yield at least 32 affordable units between years 2021 to 2029.

- Six of the nine NC Zone sites are currently developed with commercial uses with potential for conversion to residential uses with prospective projects ranging in size of approximately eight units, 10 units, 18 units, 24 units, or 42 units per lot.

- Three of the nine NC Zone sites are vacant, including the two Watermark-owned lots. The two Watermark-owned lots currently have a development application in process under SB 330 for a multiple dwelling unit, by-right development at 20 to 25 du/ac that is anticipated to accommodate at least ten affordable units. The third site was

previously developed, but currently vacant. This site is anticipated to accommodate eight dwelling units, including at least one affordable unit.

- The NC Zone sites are located in a developable portion of the Floodplain Overlay Zone with the corresponding Flood Insurance Rate Map (FIRM) Zone of "AE". Under the floodplain requirements, development must be designed so that all habitable spaces are developed at or above the base flood elevation (BFE). This is a common regulatory constraint applicable to about 25-30% of the property in Del Mar, including the residential properties in the North Beach neighborhood and a vast majority of the State Fairgrounds property (where the City is prioritizing affordable housing as part of 6th Cycle Program 3A). As part of the City's Sea Level Rise Planning efforts, the City adopted an Adaptation Plan that identifies construction of a living levee along the San Dieguito River as a priority adaptation measure to minimize flood risk for properties mapped in the FIRM's AE zone. The City's Adaptation Plan, which is adopted by reference in the Del Mar Community Plan, did not include any policies or plans to remove development rights on properties in the Floodplain Overlay zone with base zones that are residential or commercial based on the projected changes in wetland habitat due to sea level rise. This was because the City Council rejected "managed retreat" as a strategy in Del Mar. As such, only properties that are in the Floodway Zone are expressly precluded from developing housing. The NC Zone is not located in the Floodway.

Timing of Next Steps:
To meet the State mandated criteria and timelines needed for 6th Cycle certification, the following proposed schedule would allow for timely submission to the State:

- February 16, 2021 – Obtain City Council approval of the Community Plan Amendment needed for 5th Cycle Housing Element Programs 2G and 2E; introduce the Ordinances needed for implementation of the required rezone of the two Watermark-owned, vacant lots located in the North Commercial Zone (note that all these actions are further described in a separate Agenda Report for the City Council's consideration on February 16, 2021); and

- March 1, 2021 – Obtain City Council approval of the Ordinances for implementation of the required rezone of the two Watermark-owned, vacant lots located in the North Commercial Zone; and

- March 8, 2021 – Submit the Local Coastal Program Amendment application package for 5th Cycle Program 2G to Coastal Commission for certification; and

- March 9, 2021 – Obtain recommendation from Planning Commission on the revised 6th Cycle HEU, including revisions to the required Program 1A North Commercial rezone and a new replacement program per Scenario 1 (or a new contingency plan per Scenario 2); and.

- March 15, 2021 – Obtain City Council approval of the Housing Element Annual Progress Report (APR) for calendar year 2020, which will indicate City progress

towards production of units through the end of the 5th Cycle production period (January 1, 2020 through June 29, 2020) and units already accrued towards the 6th Cycle (June 30, 2020 through December 31, 2020). State law requires the APR be presented to the City Council prior to submittal to HCD by April 1, 2021; and

- April 5, 2021 – Obtain City Council approval of Community Plan Amendment adopting the Final 6th Cycle Housing Element Update; and

- By April 15, 2021 – Complete any revisions if necessary per final City Council action on April 5, 2021, and submit to HCD for certification.

The City Council is asked to: 1) confirm the proposed schedule for timely completion of the final 6th Cycle HEU by April 15, 2021; and 2) provide direction on proposed Program 1A (North Commercial), specifically what the new replacement rezone program will be per Scenario 1 if Ordinance 973 is repealed by the voters in November 2022 (or a new contingency rezone plan per Scenario 2).

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council as part of this agenda item. Any consulting costs related to finalizing the 6th Cycle Housing Element are included in the approved FY2020-21 budget. To date, the City has successfully received $215,000 from HCD in housing grant funds. These grants were used to reimburse City expenses related to the preparation of Accessory Dwelling Unit (ADU) floor plans for public use, the CEQA analysis to implement 5th Cycle Programs 2E, 2F, and 2G, and a portion of the policy development for the 6th Cycle HEU. Should the City obtain a certified 6th Cycle HEU, staff will continue to pursue grant opportunities with the State and SANDAG to offset implementation costs for priority Program 3A (Fairgrounds).

ENVIRONMENTAL IMPACT:
The requested City Council action to provide direction to complete the City's final 6th Cycle HEU does not constitute an "approval" or a "project" under the definitions set forth in CEQA Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. Consideration by the City Council to formally adopt a final 6th Cycle HEU as part of a Community Plan Amendment would occur at a later date following a recommendation hearing by the City's Planning Commission.

On October 5, 2020, the City Council approved Resolution No. 2020-51 certifying a Program EIR (PEIR) and Mitigation, Monitoring and Reporting Program (MMRP) for the draft 6th Cycle HEU (State Clearinghouse (SCH) No. 2020029064). The PEIR found that all potentially significant environmental effects of the draft 6th Cycle HEU can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the HEU.

The 6th Cycle PEIR is available for review at:
www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

Housing Programs in the draft 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to Programs 2-E (NC Zone) and 2-F (PC Zone) of the City's current 5th Cycle Housing Element. The separate NC/PC PEIR analyzed future housing in the NC, PC, and Public Facilities (PF) Zones, and was certified by the City Council on September 8, 2020 by Resolution No. 2020-47.

The NC/PC PEIR is available for review at: www.delmar.ca.us/Archive.aspx?ADID=1428

Furthermore, CEQA requires that the City adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of a project. Any project as a result of the City Council's action that requires the City Council's discretionary action resulting in a physical change to the environmental will be analyzed in accordance with CEQA prior to such approval.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
This item relates to the 6th Cycle Housing Element Update which is a special project listed on the City Council's goals and priorities that is required to meet State law.

ATTACHMENTS:
Attachment A – Alternate Sites Information Discussed
Attachment B – Site Map of Border Avenue Option (Candidate Sites 1A, 1B, 1C, 1D)
Attachment C – Site Map of South Stratford Option (Candidate Sites 98A, 98B, 98C)

STAFF'S NOTES FOR ALTERNATIVE SITES WE DISCUSSED ON 1/26/21

1. RM-Central

- Similar to the R1-5 zone, both of these zones could potentially be options for a rezone program to allow "by right" at 20-25 du/acre as necessary to meet State criteria (meaning, sites that could serve as a replacement program for North Commercial in the 6th Cycle Housing Element).

- Note that staff had these zones on our list of sites to explore as part of the future 7th Cycle Housing Element cycle – as part of a potential new "transition zone" between the easterly side of Camino del Mar/Central Commercial and the R1-10 zone in North Hills District at a lower density no more than 20 du/acre to address potential compatibility issues.

- However, turning back to the 6th Cycle, if the City were to use these zones as an alternative, they would need to be a rezone to the higher density of 20-25 du/acre and "by right". Therefore, staff is not recommending this as a rezone program in the 6th Cycle.

- Furthermore, including these new sites in the 6th Cycle would require additional CEQA analysis as they were not part of the certified Program EIR. This is because, at the time, including rezone/upzone programs in these zones felt aggressive and would have also triggered the City increasing development standards (FAR, lot coverage, etc). Also, the zones are built out and do not have any vacant parcels to rely upon for AB1397 requirements (bill that required 50% RHNA to be provided on vacant sites).

- If the City wanted to consider RM-Central and/or R1-5 later in the 6th Cycle or in prep for 7th Cycle, the City needs to have data to support the sites as "adequate sites" due to existing development (e.g., have any CPPs occurred signaling a future redevelopment, has an owner formally expressed intent to sell/redevelop that could be documented), as opposed to the opposite (e.g., recent building permits for a major renovation). Neither the RM-Central or R1-5 zone will provide any vacant sites as necessary for compliance with AB1397 requirements.

2. Visitor Commercial – beach level

- Visitor Commercial Zone (along with adjacent Beach Commercial zone) is prioritized for visitor serving ("coastal dependent") use under the Coastal Act and City's LCP. Residential use is not a priority coastal use. Staff does not expect CCC support due to inconsistency with Coastal Act provisions. VC and BC zone cannot be a replacement rezone program for "adequate sites" to replace the NC zone.

- That said, 6th Cycle Program 1D is designed to work with property owners, including those in the VC zone to learn what types of incentives would encourage them to incorporate small affordable units into their existing development and see if they would participate in an affordable housing overlay zone that provides incentives for such projects.

3. Visitor Commercial – CDM (e.g., Best Western site)

- This is a part of the Visitor Commercial zone – same rationale as No. 2 above.

4. RM-South

- This zone is characterized by existing multiple dwelling unit development that greatly exceeds the density of the underlying zone and exceeds the 20 du/ac density that has raised concern in regard to North Commercial.

- In order for this zone to be feasible for existing owners to pursue redevelopment to produce new affordable housing units, there would need to be a significant increase in the allowable density of the zone to at least 30 du/ac.

- As mentioned above for RM-Central, including these new sites in the 6th Cycle would require additional CEQA analysis (as they were not part of the certified Program EIR). Likewise with RM-Central and R1.5, this zone is also on the list to explore our future 7th housing cycle.

- Similar to VC zone above (No. 2 and 3), draft 6th Cycle program 1D would involve the property owners of the existing RM-South complexes, and other multi-dwelling unit complexes in the City, to learn what types of incentives would encourage them to incorporate small affordable units into their existing development and see if they would participate in an affordable housing overlay zone that provides incentives for such projects.

5. R1-14 (North Bluff)

- These are Candidate Sites 1A and 1B, lot sizes 2.46 ac and 0.63 ac, with following assumptions: Site 1A would render at 20 du/ac = 49 max units (9 affordable); and 25 du/ac = 62 max units (12 affordable). Site 1B would render at 20 du/ac = 13 max units (2 affordable); and 25 du/ac = 16 max units (3 affordable).

- These sites are currently part of the City's "Fairgrounds Contingency Plan" and could be relied upon for 11-15 affordable units.

- Note that in order for these sites to serve as a sufficient replacement for the North Commercial rezone program (in and of themselves), the sites would need to be able to yield at least 22 affordable units.

6. R1-40 (South Stratford)

- These are Candidate Sites 98A, 98B and 98C, combined lot sizes 4.94 ac, with following assumptions: 20 du/ac = 99 max units (19 affordable); and 25 du/ac = 124 max units (25 affordable).

- These sites are currently part of the City's "Fairgrounds Contingency Plan".

- However, assuming the Referendum is not withdrawn, it is recommended that these sites be identified as a contingency rezone pending the outcome of the Referendum vote (assuming the vote occurs ASAP, such as summer 2021). The contingency rezone would have to meet all of the same criteria that is required of North Commercial in the 6th Cycle Housing Element which means it must allow up to 25 du/ac and "by-right" housing development due to State penalties for not completing 5th Cycle Program 2E prior to April 15, 2021.

- This would also require the City amend its 6th Cycle Program 1E "Fairgrounds Contingency Plan" to replace the affordable units on these South Stratford sites that were otherwise identified as part of the Fairgrounds Contingency Plan if execution of the priority Program 3A Fairgrounds Agreement does not occur within three years of 6th Cycle certification.

- However, if the Referendum vote occurs in 2022, the recommendation would be to remove these sites from 6th Cycle Program 1E (Fairgrounds Contingency Plan) and include them as a new rezone program to be implemented within 180 days of the 6th Cycle certification as necessary to meet the timeline stipulated by State law.

- The program would have to allow 20 to 25 du/ac and "by-right" housing development.

- Under either scenario, the City must show how it will produce at least 22 affordable units (of the total 32 to be accommodated by NC zone). These three sites at 20-25 du/ac would result in 19-25 affordable units, which could be accepted as a sufficient replacement rezone program for North Commercial if desired.

SO WHAT DOES THIS LEAVE US WITH?

- **Depends if we are talking about "vacant" sites (AB1397 requirements between 0.5 to 10 ac) or "non-vacant" sites.**

  - This distinction matters as we look at contingency planning and what was covered in the Program EIR.

  - For vacant sites, options are limited because we do not have many vacant sites between 0.5 to 10 ac.

  - We had to look at **North Bluff and South Stratford** because the properties are vacant and developable per Federal, State, and local regulations. For example:

    - North Bluff just had a developer spend a considerable amount of resources to develop a project there – even recognizing the potential environmental constraints with the site. Also there is an existing residence to the south of the vacant lots and none of the vacant lots are "protected" by mechanisms that preclude development (e.g., open space easement). Even considering concerns for bluff erosion, potential housing development still appears feasible and the sites are eligible under AB1397. Therefore, the City had to analyze and include these vacant sites in the 6th Cycle Housing Element to meet the criteria for certification per State law.

    - South Stratford has an existing residence on 1 of the 4 lots, along with high density housing to the north in DM Woods and to the south with the residences on the edge of Anderson Canyon, and a railway seaward of the 3 vacant South Bluff parcels which is being stabilized by NCTD via SANDAG. Even considering concerns for bluff erosion, potential housing development still appears feasible and the sites are eligible under AB1397. Further, the parcels to the north and northeast contain high-density housing so a potential rezone appears consistent

with the immediate area. Therefore, the City had to analyze and include these vacant sites in the 6th Cycle Housing Element to meet the criteria for certification per State law.

- Because the City also has the Fairgrounds, for the 6th Housing Cycle, it appears that HCD will accept the City's Program 3A for development of at least 51 affordable units at the State Fairgrounds in lieu of rezoning North Bluff and South Stratford per AB 1397. However, the rezone of vacant sites to support an equivalent number of affordable units is required to be included in the 6th Cycle Housing Element as a contingency plan, particularly because the City does not have ultimate control over whether or not a development agreement is executed.

- **Other key parcels considered:**

  - **Vacant lots within the snake wall subdivision south of San Dieguito Drive in the North Hills District** (vacant yes, but also problematic given the applicable high fire hazard severity mapping and local zoning overlays and concerns with fire and public safety access that make this an infeasible location for housing at a density of 20-25 du/ac).

  - **Train Depot parcel** (not included in analysis due to location in the City's Historic Preservation Overlay Zone and Beach Commercial (BC) zone. Similar to No. 2 above ("Visitor Commercial – beach level"), the BC zone is a specialty commercial zone in the certified LCP where a rezone to multi dwelling unit housing is explicitly inconsistent with the LCP and Coastal Act requirements that prioritize coastal-dependent commercial over housing. The site is 2.93 acres but half of it is constrained by slope and pedestrian path to a public park and beach so likely can only yield 30 units maximum including 6 affordable units, which makes this an infeasible replacement for the required rezone to 20-25 du/ac and "by right" housing development).

  - **Shores Park – large public park parcel** in process of Master Plan (not included in analysis due to prior City Council direction).

  - Though not vacant, **Shores Park NE parcels** including DMCC office (were initially included in the Program EIR analysis and 6th Cycle Housing Element at the recommendation of the Housing Task Force, but removed from the 6th Cycle Housing Element per Council direction on October 5, 2020 in response to community concerns).

- Though not vacant, **Court Street tennis courts** (were initially included in the Program EIR analysis and 6th Cycle Housing Element at the recommendation of the Housing Task Force, but removed from the 6th Cycle HEU per Council direction on October 5, 2020 in response to community concerns regarding the sites underlying Public Parkland zone).

- **City Water Tank sites** (were included in the Program EIR analysis at the recommendation of the Housing Task Force, but were not included in the 6th Cycle Housing Element upon further understanding of the City's fire protection and water service needs).

- **More Housing at the Fairgrounds** including Surf N Turf lot etc (considered but City needs to first show it can produce housing at the Fairgrounds – target is minimum 51 affordable units – and perhaps can build on that later, as well as needing to spread options for affordable housing throughout the City as part of furthering "fair housing" (Surf N Turf lot is located in the City of San Diego which means the City would need to successfully complete the annexation process to gain HCD approval to count housing on that site to count towards Del Mar's housing obligation, or if not annexed, to pursue and successfully enter into an agreement with HCD and the City of San Diego to allow Del Mar to receive RHNA credit).

- **ADUs in CC zone** (not considered because ADUs, as defined by State law, cannot be located in the CC zone under current zoning).

- **More affordable ADUs in the overall count** (considered and already pushed to 15% of total projected units; no further can be considered because the City does not have data/track record to justify a greater number until the incentive program is expanded and greater participation occurs- only one affordable ADU has been created so far through the pilot program established in 2018).

- **Upzone of existing Residential Commercial (RC) zone** to allow 20 du/ac was considered, but lots are small and all are developed, which makes this an infeasible strategy as a replacement program for the required NC rezone.

- **Rezone of NC zone to RC zone** was considered but zone only allows single units and duplex development. Also, it would not meet State requirement for adequate sites capacity (minimum density of 20 du/ac) and would create potential conflict with certified LCP and Coastal Act priorities for coastal-dependent commercial over residential and other NC zoning provisions in place for compliance with State law

such as emergency shelters and serving as the City's only zone that allows heavy commercial and light industrial uses.

- **Other key factors considered:**

  - **Increasing development standards (FAR, lot coverage, etc) as part of PC, NC, and CC 20 du/ac rezone programs** (not considered due to City Council and community preference to focus on change to allow 20 du/ac density as a first step to meet State law requirements before modifying other development standards).

  - **Increasing zoning density above 20 du/ac** (consideration for 30 du/ac or 40 du/ac in RM-South; not included due to strong community opposition to 5th Cycle programs that required the minimum State allowed 20 du/ac density; also unclear if there would be a "net" gain if existing high-density development was upzoned to higher density – needs additional outreach and study.

NORTH BLUFF – CANDIDATE SITES 1A THROUGH 1F (6 DEVELOPABLE SITES)

		Address	Lot size	Zoning (Base and Overlays)	If Rezone of North Bluff Sites min 20 du/ac	If Rezone of North Bluff Sites max 25 du/ac
1A	298-241-34	Border Ave	2.46 ac	R1-14, Coastal Bluff OZ, BSC OZ	49 max units (includes 9 affordable)	62 max units (includes 12 affordable)
1B	298-241-29	Camino del Mar	0.63 ac	R1-14, BSC OZ	13 max units (includes 2 affordable)	16 max units (includes 3 affordable)
1C	298-241-35	Border Ave	1.21 ac	R1-40, Coastal Bluff OZ, BSC OZ	24 max units (includes 4 affordable)	30 max units (includes 6 affordable)
1D	298-241-36	Camino del Mar	1.25 ac	R1-40, BSC OZ	25 max units (includes 5 affordable)	31 max units (includes 6 affordable)
1E	298-241-06	Border Ave	2.02 ac	R1-40, Coastal Bluff OZ, BSC OZ	40 max units (includes 8 affordable)	51 max units (includes 10 affordable)
1F	298-241-07	929 Border Ave	4.82 ac	R1-40, Coastal Bluff OZ, BSC OZ	96 max units (includes 19 affordable)	121 max units (includes 24 affordable)
			12.39 ac		**247 max units total (includes 47 affordable)**	**311 max units total (includes 61 affordable)**

SOUTH STRATFORD – CANDIDATE SITES 2A THROUGH 2C (3 DEVELOPABLE SITES)

		Address	Lot size	Zoning (Base and Overlays)	If Rezone of South Stratford min 20 du/ac	If Rezone of South Stratford max 25 du/ac
98A	300-321-14	Stratford Ct	2.14 ac	R1-40, BSC OZ	43 max units (includes 8 affordable)	54 max units (includes 11 affordable)
98B	301-010-01	Stratford Ct	1.00 ac	R1-40, BSC OZ	20 max units (includes 4 affordable)	25 max units (includes 5 affordable)
98C	301-010-02	Stratford Ct	1.80 ac	R1-40, BSC OZ	36 max units (includes 7 affordable)	45 max units (includes 9 affordable)
			4.94 ac		**99 max units total (includes 19 affordable)**	**124 max units total (includes 25 affordable)**

SUMMARY: RECOMMENDED CONTINGENCY PLAN FOR NORTH COMMERCIAL DUE TO REFERENDUM ON NC ORDINANCE 973 IN PROCESS:

- **SOUTH STRATFORD CANDIDATE SITES 98A -98C**

The Referendum on North Commercial Ordinance 973 has essentially pushed the City into revising its initial plan for Program 1A in the draft 6th Cycle Housing Element Update (HEU). Unless withdrawn immediately, the Referendum will prevent the City from timely completing 5th Cycle Housing Element Program 2E (Upzone of North Commercial to allow 20 du/ac).

As a result, the City will need to amend the 6th Cycle HEU accordingly to reflect the anticipated penalty rezone program HCD will require to accommodate 20-25 du/ac and "by-right" housing development per State law. The City can continue to propose North Commercial as its preferred program under Program 1A, but must modify it to require a rezone action to allow 20-25 du/ac and "by right" housing development in North Commercial. The City will also need a new contingency plan option identified under Program 1A in case the public vote ends up invalidating the adopted North Commercial Ordinance. Currently, the City is relying on the North Commercial Zone to yield a total of 32 affordable units during the 6th Cycle (this includes 10 affordable units from the Watermark lots). This means the new contingency program must be able to cover at least 22 affordable units. This new contingency program is separate from the Fairgrounds Contingency Plan (identified as Program 1E) in the 6th Cycle HEU.

As shown in the table above, the three vacant South Stratford sites can yield between 19 and 25 affordable units if required to be rezoned to 20-25 du/ac by-right (in place of North Commercial). These vacant sites fit the criteria to be identified as a contingency plan for 6th Cycle Program 1A (Rezone of North Commercial to allow 20-25 du per acre "by right") and were already analyzed in the certified 6th Cycle Program EIR, which means the CEQA analysis is already covered for this recommended modification to the HEU. If added as a new contingency plan for Program 1A, it would need to reflect that South Stratford sites would no longer be available for the 6th Cycle Program 1E contingency plan for the preferred Fairgrounds Housing Program 3A. As shown in the table, even with the modification of Program 1A (to reflect South Stratford as the contingency), the North Bluff Candidate Sites 1A-1F which can yield between 47 and 61 affordable units if required to be rezoned to 20-25 du/ac "by right" (if the Fairgrounds Program 3A fails) is sufficient as a contingency under Program 1E to cover 51 affordable units.

Border Avenue Option
(Candidate Sites 1A, 1B, 1C, 1D)

		Address	Lot size	Zoning (Base and Overlays)	If Rezone of North Bluff Sites min 20 du/ac	If Rezone of North Bluff Sites max 25 du/ac
1A	298-241-34	Border Ave	2.46 ac	R1-14, Coastal Bluff OZ, BSC OZ	49 max units (includes 9 affordable)	62 max units (includes 12 affordable)
1B	298-241-29	Camino del Mar	0.63 ac	R1-14, BSC OZ	13 max units (includes 2 affordable)	16 max units (includes 3 affordable)
1C	298-241-35	Border Ave	1.21 ac	R1-40, Coastal Bluff OZ, BSC OZ	24 max units (includes 4 affordable)	30 max units (includes 6 affordable)
1D	298-241-36	Camino del Mar	1.25 ac	R1-40, BSC OZ	25 max units (includes 5 affordable)	31 max units (includes 6 affordable)
1E	298-241-06	Border Ave	2.02 ac	R1-40, Coastal Bluff OZ, BSC OZ	40 max units (includes 8 affordable)	51 max units (includes 10 affordable)
1F	298-241-07	929 Border Ave	4.82 ac	R1-40, Coastal Bluff OZ, BSC OZ	96 max units (includes 19 affordable)	121 max units (includes 24 affordable)
			12.39 ac		247 max units total (includes 47 affordable)	311 max units total (includes 61 affordable)

South Stratford Option
(Candidate Sites 98A, 98B, 98C)

		Address	Lot size	Zoning (Base and Overlays)	If Rezone of South Stratford min 20 du/ac	If Rezone of South Stratford max 25 du/ac
98A	300-321-14	Stratford Ct	2.14 ac	R1-40, BSC OZ	43 max units (includes 8 affordable)	54 max units (includes 11 affordable)
98B	301-010-01	Stratford Ct	1.00 ac	R1-40, BSC OZ	20 max units (includes 4 affordable)	25 max units (includes 5 affordable)
98C	301-010-02	Stratford Ct	1.80 ac	R1-40, BSC OZ	36 max units (includes 7 affordable)	45 max units (includes 9 affordable)
			4.94 ac		99 max units total (includes 19 affordable)	124 max units total (includes 25 affordable)

City of Del Mar
Memorandum

TO: Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner

DATE: February 16, 2021

RE: Supplement to City Council Agenda Item 8 for the February 16, 2021 Meeting to Describe Scenarios in Finalizing the 6th Cycle Housing Element Update Due to Potential Outcomes of the Referendum on Ordinance 973 (North Commercial Zone)

This memo is a supplement to Item 8 on the February 16, 2021, City Council meeting agenda to provide additional detail related to State Housing law and implications for the 6th Cycle Housing Element Update (HEU) in progress. The purpose of this memo is to provide clarification on details for the City Council to consider related to the timeline for adoption of the final 6th Cycle HEU to meet State law and the requirement for "by right" rezone programs to be included within the HEU. The 6th Cycle HEU is due to the California Department of Housing and Community Development (HCD) for certification by April 15, 2021.

1. Timeline for Adoption of 6th Cycle HEU

Finalizing the 6th Cycle HEU will require a Planning Commission review and recommendation followed by City Council adoption of a General Plan (Community Plan) Amendment. HCD confirmed that the deadline for City Council to adopt the 6th Cycle HEU and submit it to HCD is April 15, 2021. Staff received inquiries about whether or not there is an opportunity for a 120-day "grace period" to this April deadline. While there is a 120-day period following the April deadline, as further explained below, HCD confirmed the City should not consider it a "grace period". If the City does not adopt and submit its 6th Cycle HEU to HCD by April 15, 2021, the City will be subject to penalties and enforcement by HCD per Government Code Section 65585.

The 120-day period relates to other important timing considerations for submittal of an adopted Housing Element to HCD for certification. Simply put, should the City fail to adopt its final 6th Cycle HEU within the 120-day period, it would shift into a four-year Housing Element cycle in lieu of the current eight-year cycle. In addition to penalties and enforcement noted above, if the City shifted into a four-year cycle, the City Council would need to prioritize staffing resources and allocate necessary funding in order to conduct policy and environmental analysis, as well as community outreach. Further, the City would need to prepare and obtain certification for Housing Element updates for two consecutive

four-year cycles (may be expanded to three consecutive four-year periods to catch up to the next eight-year cycle) before shifting back to an eight-year cycle.

2. *Requirement for "By Right" Rezone Programs to be Included Within the HEU*

Throughout the agenda report for Item 8, several references are made to rezoning requirements to include "by right" development at a density range of 20-25 dwelling units per acre (du/ac). This type of rezone program further stipulates that density must be a minimum of 20 du/ac (and must allow up to 25 du/ac to further incentivize affordable unit production), must provide a minimum of 20% lower income units, may only include residential use (no commercial), and sites shall be zoned with minimum density and development standards that permit at least 16 units per site. This requirement is authorized by Government Code Section 65583.2(h) and (i), which is triggered by Section 65583(C)(1). In the City's 5th Cycle Housing Element, this type of program was required under Program 2G (rezone of the two vacant lots known as "Watermark").

For the 6th Cycle, the City should anticipate the need to include this type of "by right" rezone program to address the following circumstances:

a. Any replacement rezone programs triggered by the State Housing law known as "No Net Loss". For example, due to the Referendum, the City will be unable to complete 5th Cycle Program 2E (residential at 20 du/ac in the North Commercial zone) by April 15, 2021. As described in the agenda report for Item 8, the City Council will need to provide direction to staff on a replacement rezone program to make up for the unaccommodated need of 22 lower income units (low and very low income). These options are presented in the report as either the Border Avenue Option or the South Stratford Option.

b. Any contingency rezone programs triggered as a result of the City being unable to execute an agreement with the 22nd District Agricultural Association (22nd DAA) to provide a minimum of 51 units of affordable housing on the State Fairgrounds property. This is further described as draft 6th Cycle Program 3A. If the City is unable to execute this agreement within three years following certification of the City's 6th Cycle Housing Element, draft 6th Cycle Program 1E would be triggered. Program 1E would require the City to rezone vacant parcels located in the City's North Bluff and/or South Stratford areas to make up for the unaccommodated need of 51 lower income units at the Fairgrounds. This is why draft Program 1E is referred to as the "Fairgrounds Contingency Program".

c. Any "candidate sites" being relied upon in the 6th Cycle to meet the City's assigned lower income units through the Regional Housing Needs Assessment (RHNA). The City's draft 6th Cycle Housing Element includes a diversified housing strategy to meet its assigned RHNA for lower income units. As part of this strategy, draft Program 1C includes a zoning amendment for the Central Commercial (CC) zone to allow residential up to 20 du/ac while preserving ground-floor commercial along Camino del Mar. Future development on any parcels ("candidate sites") within the CC zone that

are being relied upon to meet the City's lower-income RHNA would be subject to the "by right" rezone program. Any development on the remaining parcels in the CC zone would not be subject to "by right". Instead, proposed housing development on the remaining parcels would be subject to discretionary permit review via the City's Design Review process. As part of the draft diversified strategy for the 6th Cycle, the City would be relying upon three lower income units in the CC zone.

Based on the City's 6th Cycle candidate sites list, the following three parcels could have the potential to produce a total of three lower-income units. Two of the parcels are vacant (APNs 300-172-13 and 300-0172-14) and one is developed (910 Camino del Mar):

Three other CC zone parcels were included in the draft 6th Cycle Housing Element as shown below. These could also be considered as part of a by right rezone program strategy proposed to HCD.

One parcel is developed at 1135 Camino del Mar.

The second parcel is a vacant lot at the corner of 13th Street and Camino del Mar (APN 300-074-10). The third parcel is under common ownership and is the adjacent commercial building to the south identified as 1234 Camino del Mar.

Options to Preserve Local Permitting Discretion In Lieu of "By Right" Rezone of CC Zone Parcels

If the City Council is concerned that sites in the CC zone may be required to become a by right rezone program at 20-25 du/ac (to accommodate three lower income units relied upon for RHNA), the Council may consider one of the following two options to avoid a trigger for by right rezoning in the CC zone:

Option A: Increase the minimum unit count by three under draft Program 3A (Fairgrounds) from a minimum of 51 affordable units to 54 units. This direction would require an increase in the number of units for draft Program 1E (Fairgrounds Contingency Plan). If that adjustment is made, then draft Program 1C (CC zone) would be subject to the City's existing discretionary review process as is currently proposed; or

Option B: Increase the number of units by three relied upon for the two City-owned vacant City parcels (Expansion Area "C" on 10th Street and the vacant lot at 28th Street) from seven affordable units to 10 units. If that adjustment is made, then draft Program 1C (CC zone) would be subject to the City's existing discretionary review process as is currently proposed.

[redacted]

From: rick ehrenfeld <rick.ehrenfeld@gmail.com>
Sent: Tuesday, February 16, 2021 12:13 PM
To: Joseph Smith; City Clerk Mail Box
Subject: Comment on your Red dot item #8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Joseph,
Hope you are doing well. I noticed that your update to the housing element agenda item included a potential increase in the number of units to be allowed in expansion area "C" - I would ask that you reference these units, not only by number, but also include the number of units per acre.
Thanks,
Rick Ehrenfeld

[redacted]

From: janice batter <janicebats@sbcglobal.net>
Sent: Friday, February 12, 2021 11:29 AM
To: City Clerk Mail Box
Subject: Amendment on North Commercial rezone

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Del Mar City Council Members,

RE: City of Del Mar LCP Amendment No. LCP-6-DMR-20-0079-3 (North Commercial Land Use and Zone Amendments)Time Extension

We object to the change in land use and zone change for the following reasons. We do not believe that this change is in the best interest of the citizens of our city or of the newly restored lagoon. It would seem that imaginative planners could do better…like looking at the fairgrounds where the health and safety of the citizens would not be at risk.

Please consider the following before the rezone.

1. Environmental
   a. There are wetlands on some of the properties to be rezoned and the Army Corp of Engineers requires a 100' setback from wetlands unless there is
   an exemption to reduce to 50'.
   b. Over half of the area proposed for rezone is in the Flood Plain Overlay zone and necessitates the first floor being raised significantly above the
   natural ground level.
   c. The San Dieguito River Conservatory borders much of this land and high density housing with its related noise and lights is incompatible with the a
   wildlife sanctuary.
   d. The area of "local coastal bluff scrub" has been erased from the area and will not be map and is not being protected.

2. Health and Safety
   a. The access in this area is two-lane roads which are not equipped to handle emergency exiting from the high-fire area to the east, especially during
   fair and race periods.
   b. The roundabout installed by the city virtually makes it impossible for fire trucks to operate in the area they cannot easily make the circle around the
   intersection and exiting citizens will have no way out in a timely fashion..

Within the last 15 years we have been property owners in the area and have been told there was no way to build housing in the zone. It will be an environmental disaster and a severe safety hazard to change the zone to allow high-density housing. Please do everything you can to delay and stop the rezone of the area.

[redacted]

From: Joel Holliday <jh@thehollidays.com>
Sent: Tuesday, February 16, 2021 9:44 AM
To: City Clerk Mail Box
Cc: Dwight Worden; Terry Gaasterland; David Druker; Tracy Martinez; Dan Quirk
Subject: Items 5 and 8 on Council Agenda for 2/16/21 Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and City Council Members:

- We are in full support of the Staff Recommendations on Items 5 and 8 on the agenda tonight and ask that you adopt these recommendations in their entirety.
- With respect to the 6th Cycle Compliance, we ask that you support Scenario #1.
- In setting your priorities, please prioritize the North Commercial and the Fairgrounds as solutions that are realistic and will avoid the requirement to look to the North Bluff and the South Stratford areas for housing solutions .
- Work with the proponents of the Referendum (loyal supporters of most of you) to convince them that for the sake of the City, to remove the referendum as an obstacle to coming up with a timely set of actions that will avoid decertification of the City's housing plan. Failing that, put this issue to a vote of the citizens (although the timing of this may not avoid State actions that may be detrimental to the City).
- It is always hard to not acquiesce to the demands of a vocal portion of your constituency. However, it would be irresponsible to be pressured into accepting their preferred action when this would gravely endanger the City being decertified by the State. Ultimately, as elected officials, your current responsibility is to do what's right for the entire citizenry, not to cave into a group that is focused on stopping a near-by housing development that they perceive will impact their neighborhood.
- Concerns about congestion at the roundabout and emergency evacuation of residents in Crest Canyon can be dealt with by traffic flow alterations, and studies have shown that the residential units that could be realistically be built in the North Commercial area generate less traffic than purely commercial uses.
- We are fortunate to have a qualified, competent, dedicated, hard working Staff that has studied, and studied again virtually all the options for coming into compliance with the State requirements. You have attempted to find other acceptable alternatives, but regrettably, none were to be found. **Now is the time to support the recommendations of the Staff and get on with the positive thrust of taking concrete actions to come into compliance**.
- The City cannot afford the fines, the loss of staff time dealing with more frequent housing plans (each 4 years, not 8 year plans, the loss of DRB review of projects, and wasting time fighting with the State, rather than attending to local priorities such as undergrounding utilities, completing the Shores Park, and dealing with beach erosion issues.

Thank you for your consideration.

Rosanne and Joel Holliday
1233 Crest Rd.
Del Mar

[redacted]

From: City Clerk Mail Box
Subject: FW: Red Dot: Agenda Items 5 and 8 relating to the 5th and 6th Housing Elements

From: Tom McGreal <tommcg@roadrunner.com>
Date: February 16, 2021 at 9:34:42 AM PST
To: Ashley Jones <ajones@delmar.ca.us>
Cc: Dwight Worden <dworden@delmar.ca.us>, Terry Gaasterland <tgaasterland@delmar.ca.us>, David Druker <ddruker@delmar.ca.us>, Tracy Martinez <tmartinez@delmar.ca.us>, Dan Quirk <dquirk@delmar.ca.us>
Subject: Red Dot: Agenda Items 5 and 8 relating to the 5th and 6th Housing Elements

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

Please take the actions recommended by the Staff to comply with our 5th Cycle Housing Element:
1) Amend the Community Plan (Version A) to allow 20 units per acre in the North Commercial Zone.
2) Adopt the proposed Housing Overlay Zone and apply it to Watermark.
3) Urge the proponents of the Referendum to withdraw it, so the City can adopt the 20 unit per acre zoning for the North Commercial Zone. (If not withdrawn, the State could impose 20 to 25 unit per acre by-right development in the North Commercial Zone.)

Please adopt Scenario 1 to achieve compliance on the 6th Housing element.

The consequences for not meeting our housing obligations are significant.
1) The financial penalties for not meeting our obligations to the State will be very costly for the City at a time when we can least afford it.
2)The loss of local control over development may even be more damaging with greater imposed density and by-right development.
3) Failure to rezone the North Commercial Zone creates pressure to develop dense housing on the North Bluff and the South Stratford properties, which is a much worse alternative.

The various options for meeting our housing obligations have been studied and fully considered. Time is of the essence in meeting our obligations to HCD. Please act responsibly and get this done.

Respectfully,

Tom & Claire McGreal

WAYNE AND LIZ DERNETZ
421 9TH STREET, DEL MAR, CA 92014

February 16, 2021

Del Mar City Council
Sent Via Email

In re: Red Dot Communication on Today's Council Agenda, Items 5 and 6

Honorable Council Members,

As longtime residents of Del Mar, more than thirty years, we want to express our concerns to you about Items 5 and 6 on today's Council Agenda. We have read the staff reports in detail on these items, and we have been closely following the events concerning the City's compliance with State law on the mandatory Housing Elements and on the Regional Housing Needs Allocations (RHNA) over the past several years. We believe we are as well informed on the issues as anyone.

We urge you to take the responsible action today and approve the recommendations in the staff reports.

Given recent events, the City is now on the precipice of being declared in "non-compliance" with the housing mandates for failure to implement the affordable housing commitments made in 2013 under our fifth cycle Housing Element approval. A commitment is a commitment. We cannot wantonly disregard contractual and legal obligations the City has made to secure a compliance designations without incurring legal and financial penalties, and risking the loss of control over our discretionary authority in the development review process.

Mayor Gaasterland recently assured the community that there were ways to avoid implementing the commitments made by other means than the increase in densities for North Commercial and along with the 9th Street/Camino Del Mar business/commercial zones. Time has passed and there remains less than nine weeks before our "grace period" expires on April 15th. The Mayor has not produced any new suggestions or plans for satisfying our obligations.

The City recently approved a $20,000 contract for special legal services to provide advice on how to satisfy the Housing elements in ways other than those in our 2013 commitment. So far, no results of the review have been made public, and the public has not been made aware of when the special counsel's report will be completed and made known.

Running up against the deadline which may result in substantial financial and legal penalties, as well loss of discretionary control over the development process, is not the way to protect the City's interests. Please do the right thing and approve the staff recommendations.

Sincerely,

Wayne Dernetz and Liz Dernetz

[redacted]

From: City Clerk Mail Box
Subject: FW: Support for staff report recommendations concerning 5th and 6th cycle housing elements

-----Original Message-----
From: Kate Zimmer <kategzimmer@gmail.com>
Sent: Tuesday, February 16, 2021 11:39 AM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Support for staff report recommendations concerning 5th and 6th cycle housing elements

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear CouncilMembers,

We are writing this morning to offer our support for passing the staff recommendations for the North Commercial District zoning including Option A for the Community Plan Amendment. We also support the staff recommendations for Scenario 1 for completing the 6th Cycle Housing Element.

We are long time Del Mar residents, in fact Kevin's father is a former City Manager of Del Mar (Paul G. Zimmer), so we are both well aware of the challenges faced by the City and the work and research done by City staff in this area. It's not lost on us that there have been eight years of hearings and no proposals made during that time by this now aggrieved group of residents. This issue has been extremely well studied, debated and considered by the Council and Staff. It's time to move forward with their recommendations. The North Commercial and the Fairgrounds are our best options as concluded by the City's own staff. We support the staff judgements, based on years of research and encourage Council to pass their recommendations.

We encourage the withdrawal of the Referendum preventing completion of 5th Cycle Housing Elements and therefore 6th Cycle as well.

Thank you for your consideration,

Kevin & Kate Zimmer
275 Stratford Park Circle

February 16, 2021

RED DOT FOR FEBRUARY 16 CITY COUNCIL MEETING
[emailed to the City Clerk]

TO: Del Mar City Council

FROM: Eight (8) residents living in South Del Mar

SUBJ: Support for staff report recommendations concerning 5th and 6th cycle housing elements

We urge the council to **fully adopt** the staff report recommendations concerning the **increasingly desperate** situation we face regarding State housing mandates.

We were **alarmed** by the recent "no" votes of Councilmembers Drucker and Gasterland concerning the North Commercial area. We are **dismayed** by the **last-minute, bold-faced attempt** of an organized group of referendum proponents to push required development out of their neighborhood and into South Del Mar -- a community which is not as well politically organized. **Is this what eight years of work has come to?** Power plays pitting one neighborhood against another? **We dearly hope not.**

The State is **not going to play our game**. As a wealthy, privileged city, Del Mar is a perfect "mark" for the State. From Governor Newsom to Senate President Toni Atkins on down, the State is poised for a **harsh and vituperative** response to Del Mar's noncompliance.

Please do the right thing and fully adopt the staff report recommendation.

Respectfully submitted,

Giles Bateman, 251 Stratford Park Circle
Liz Bateman, 251 Stratford Park Circle
Monica Berlin, 227 Stratford Park Circle
Katie Militello, 203 Stratford Park Circle
Michael Militello, 203 Stratford Park Circle
Amy Snyder, 227 Stratford Park Circle
Kate Zimmer, 275 Stratford Park Circle
Kevin Zimmer, 275 Stratford Park Circle

[redacted]

From: City Clerk Mail Box
Subject: FW: Red Dot for Housing Item on tonight's CC agenda

Importance: High

From: Sherryl Parks <sherryl.parks@gmail.com>
Sent: Tuesday, February 16, 2021 8:55 AM
To: Ashley Jones <ajones@delmar.ca.us>
Subject: Red Dot for Housing Item on tonight's CC agenda

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Ashley,
Please give this the correct item number and send out to all council. Thanks.

February 16, 2021

To: Del Mar City Council
From: Sherryl Parks, former Del Mar City Council Member

Our Housing Elements are on the agenda again tonight. The pressures to adopt the staff recommendations are critical as you are all aware. Del Mar is facing serious threats including lawsuits and certainly an increase in our housing numbers.

The fantasy that Council could find units outside of the North Commercial zone promise of 20 units per acre has been proven to be just that – a fantasy. The "22 in 5" report, written by skilled consultants, provided our council many creative opportunities to support housing. In fact no rock was unturned when investigating Del Mar which is a very small town! This report was the foundation used by our staff to write our 6th Cycle Plan.

Since the housing planning for each city is a step by step operation the promises of the 5th cycle are essential to moving into the 6th cycle. Since our 5th cycle plan is now non-compliant the City really can't move forward with our 6th cycle. "Your feet are to the fire."

Remember your leadership choices are for the entire community and not single neighborhoods. Also, this housing demand is not going away.

When SANDAG, representing all their cities, appealed to Governor Newsom to delay the deadlines for submission of the 6th Cycle element due to the COVID Pandemic the Governor said "No. There will be no delay."

The drum is beating to get the 6th Cycle submitted and approved. The staff recommendation will get us back into compliance and no longer the bull's eye for the California Housing Commission.

--
Sherryl Parks

RED DOT
CITY COUNCIL QUESTIONS & STAFF RESPONSES
RE: CITY COUNCIL MEETING AGENDA FOR 2/16/21

A. ***Agenda Item 3 - List of Demands*:**

Is the demand item for $33k+ from July to Dec. for televising meetings covered by PEG fees, or out of the general fund? Fees for services provided by Del Mar TV are paid out of the City's General Fund. PEG funds can only be used to purchase equipment or for capital or special projects like infrastructure repair or renovations.

B. ***Agenda Item 6 - Abandoned Vehicle Ordinance Update:***

(1) Who pays the cost of towing? The registered owner of the vehicle is responsible for paying the cost of towing.

(2) Where would the vehicles be taken? City Parking staff works with the Sheriff's Traffic Deputy to perform the tow as this helps with both the administrative and safety functions of performing a tow. The Sheriff's Department has multiple contracts in place with local tow agencies. The preferred agency to tow a vehicle in Del Mar is RoadOne Towing in Encinitas. They are preferred because of their proximity and response times of nearly half the time as other contracted tow agencies due to distance of travel. The RoadOne impound lot is located at: 1205 South Coast Highway, Encinitas, CA.

(3) Are we having this problem of dilapidated/abandoned cars/car parts? If so, where? We are not currently having a problem with abandoned vehicles. In 2019 and early 2020, we were having multiple issues of vehicle storage in the Town Hall parking lot. At that time we both modified and added some signage reflecting that vehicles are not to be abandoned and/or stored in that lot. The signs and more frequent patrols ameliorated most of the issues at that time and we have had few since the changes.

(4) Who pays the cost of storage? If the owner does not reclaim the vehicle or part thereof, does the city eat the bill? The vehicle's Registered Owner is responsible for the paying for the cost of storage. If the registered owner does not reclaim the vehicle, RoadOne places a lien on the vehicle after 72 hours. They then make every attempt to make contact with the vehicle. If the vehicle is not claimed, they are able to sell at auction when given permission from the DMV and may only recoup up to $4,000. The only circumstance where the City may be responsible for the cost of the tow would be due to a wrongful tow. The most likely scenario for this would be for not being registered for six months or greater and doing so in error. The City and Sheriff's Department mitigate this risk by double verifying the vehicles registration which query the DMV's database. Most likely this scenario presents more risk for the Sheriff's Department as we are reliant on them as the towing authority as they ultimately verify the registration information and complete the filing forms.

C. Agenda Item 7 - Solid Waste/Organics Recycling:

What happens if Del Mar does everything required, but a prop 218 vote fails? Is the city required to pay the increased costs? Complying with these laws is not optional, right? Background: Compliance with SB 1383 is mandatory; however, SB 1383's enforcement structure allows CalRecycle to focus on compliance assistance first and dedicate enforcement efforts to serious offenders. The implementing regulations allow for flexibility and deadline extensions in some instances when there are extenuating circumstances causing compliance issues despite a jurisdiction's substantial efforts such as COVID-19 and natural disasters. If CalRecycle takes enforcement action, it can consider extenuating circumstances and well as substantial efforts made by a jurisdiction and place it on a Correct Action Plan. In total, the regulations allow for extended timelines (under certain circumstances) giving jurisdictions up to the 3 years to come into compliance before penalties are issued. As to the specific scenario of the City doing everything within its authority and ability to comply but the Prop 218 vote to raise the solid waste rates to cover the costs fails, staff would argue that the substantial effort threshold has been met and the City could be placed on a longer compliance timeline. The additional time can be used to further educate the community on the importance of the regulations and attempt another rate increase to generate the funding needed to implement a compliant organics program. Ultimately, the City will have to comply with the regulations and pay the increased compliance costs via other funding sources if it is not able to pass those costs to ratepayers via a successful Prop 218 process. Attached is PDF summary of CalRecycle's SB 1383 compliance process for reference.

D. **Agenda Items 5 & 8 – 5th & 6th Cycle Housing Elements:**

(1) HCD required DM to report monthly on progress. Do we have those reports? Staff has kept in frequent communication with HCD staff via email and telephone "office hours" since the City Council's October 19 direction to respond to HCD's 30-day enforcement letter. Staff has compiled a series of emails between HCD and the City that act as "reports". For reference, a combined PDF is attached that includes emails dated 10/20/20, 12/4/20, 12/17/20, 1/12/21, 1/13/21, 1/19/21, 2/4/21, and 2/10/21.

(2) Council allocated $20k for special counsel Kautz---has that been spent, do we have a report on what she was asked to do and what she advised? To-date, one Zoom call has occurred with Ms. Kautz on 2/10/21. City staff in attendance were Ashley Jones, Joseph Smith, and Amanda Lee. Mayor Gaasterland and Councilmember Martinez were also in attendance in their role as Council Housing Liaisons. Prior to the meeting, questions prepared by the Council Liaisons were routed via City staff to Ms. Kautz. For reference, see the attached PDF of these questions and information sent to Ms. Kautz. Several of these questions were discussed, including much discussion on the City's status with respect to State housing law and the 5th and 6th Cycle Housing Elements. There was also discussion on the 120-day timeframe, what may trigger the "by-right" rezoning

requirement, and how the proposed Overlay Zone for 5th Cycle Program 2G would work. Ms. Kautz was provided copies of the City Council's 2/16/21 Agenda Reports after they published. The next call with Ms. Kautz is scheduled for 2/17/21.

(3) Do we have a report from the two council members tasked to see if the referendum proponents would consider withdrawal? No information has been provided to staff.

(4) Staff's Red Dot for Item 8 doesn't expressly say that "by right" is triggered in North Commercial if the City Council doesn't complete 5th Cycle Program 2E by the April deadline. Is this the case? Should North Commercial (Program 2E) not be completed by the April deadline, the City should expect the State will require rezoning in North Commercial for "by right" development of 20-25 du/ac on enough of the parcels to accommodate a minimum of 22 affordable units (32 affordable with the two Watermark sites included). If the City were to complete Program 2E by the April deadline, which requires adoption of the Community Plan Amendment and the Referendum being withdrawn, then the City would be able to maintain local discretion over the North Commercial zone sites (Watermark excluded), meaning Design Review, CUPs, CEQA etc. for any future development. This was noted in the Agenda Report under Scenario 3.

(5) Is an Overlay Zone the only way to implement the addition of "residential use as primary use" and "20-25 dwelling units per acre density" on the Program 2G (Watermark-owned) properties? From staff's experience, the Overlay Zone is most expeditious and efficient way to implement the rezone program by April 15. An Overlay Zone essentially "sits on top of" the underlying base zone (in this case, North Commercial), which means the underlying North Commercial zone development standards, parking requirements, etc would all still apply (unless the Overlay Zone is otherwise amended during the 6th Cycle to include "overlay zone specific" standards). Generally, the alternative to an Overlay Zone is to formally develop a "new zone" that applies only to the properties, in this case the two Watermark-owned parcels. The difficulty here is that new development standards would need to be identified since it would be an entirely new zone (as opposed to an overlay which sits on top of the underlying zone). Also, if a new zone were developed, it would need to be processed through a public hearing process via Planning Commission, City Council, and Coastal Commission. Following Council direction in October as part of the City's response to HCD's 30-day letter, staff launched immediately into development of the Overlay Zone as the way to get Program 2G completed before the deadline. This process allows the City to keep the existing development standards of the North Commercial zone which staff has taken as the City Council's preference throughout this whole housing process. Note that for several years the City has been requested by the Watermark LP ownership group to modify development standards at their two lots. Also, there is active litigation against the City in the North Commercial zone by the Del Mar Hillside Association. Aside from timing constraints, the overlay zone continues forward the underlying NC zone development standards.

(6) Does "by right" need to be in the Community Plan amendment language? Since SB 330 confers "by right" anyway if it is 20% affordable and not subdivided, it seems the inclusion of the words "by right' is redundant. The need for the Community Plan language on the two Watermark-owned parcels is to convey that this is a mandated change in "land use designation" (i.e., General Plan) per State Housing law and the specific requirement is the by-right housing at 20-25 du/ac. This change makes it clear to the State and the community what the basis is of that policy change and explains why the density and permit process is different for those two parcels than for other similarly situated properties in North Commercial.

(7) Will staff be editing the two places in the Del Mar Municipal Code that refer to permits to make explicit that "by right" happens only if no subdivision? Or will we need to discuss and edit during the Council meeting? The Ordinance ties the administrative process within the overlay zone to the Housing Element Program criteria specified per State law. If the City Council chooses to add clarification about the density range and affordability it could go in the first sentence of Section 30.92.030(A) to read (new text shown in underline):

> (A) Notwithstanding the standard permit process provisions of the Del Mar Municipal Code, permit approvals for proposed multiple dwelling unit housing development <u>at 20-25 dwelling units per acre where at least 20 percent of the dwelling units are dedicated affordable for lower income households</u> within the Housing Element Implementation Overlay Zone shall be issued in accordance with an administrative level ministerial approval process where the proposed development is consistent with the applicable Housing Element program indicated in Section 30.92.020 and development standards in Section 30.92.040.
>
> A subdivision is subject to discretionary approval per State law (Subdivision Map Act). State Housing law does not provide an exception from discretionary processing of the map approval. If a property owner were to apply for a condo conversion (to convert apartments to condo ownership) the proposed Parcel Map is subject to discretionary review and Planning Commission approval for a waiver of a Parcel Map in accordance with DMMC Section 24.64.050. The housing project at 20-25 du/ac with 20% affordable is still eligible for by-right processing. Per State law it is also subject to special noticing requirements and tenant protections, which are reflected in the City's existing condo conversion regulations in DMMC Chapter 24.20.
>
> If the Council chooses to add a clarifying statement to the overlay zone, it could go in Section 30.92.030(A) as an added sentence following the intro sentence (shown above) to read:

A proposed condominium conversion subdivision to convert apartments to condominium ownership is subject to discretionary review and approval of a Parcel Map waiver by the Planning Commission in accordance with the Subdivision Map Act requirements, DMMC Section 24.64.050, and DMMC Chapter 24.20.

(8) Can Ordinance 973 only be reversed via election vote on the referendum? Or can the Council still choose to reverse at some point in the future and not put the referendum on the ballot? The City Council can take action to repeal Ordinance 973, or submit it to the voters for consideration. Either action by the City Council would require a 3-0 vote, since Councilmembers Martinez and Quirk are recused from taking action on the referendum. Since the referendum has been deemed sufficient and certified by the City Clerk, and because the City Council failed to take specific action to repeal Ordinance 973 or set it for election, by default the referendum will be submitted to the Del Mar electorate for consideration at the next general election in November 2022. The Council has until 88 days prior to the date of the November 2022 election to take action on the referendum. The Council can take action to repeal Ordinance 973 at any time prior to setting the referendum for a special or general election and submitting the necessary resolutions to the County Registrar of Voters (and potentially for some period thereafter, which needs to be further researched by staff).

E. Agenda Item 9 - 2021 Legislative Guidelines

(1) What does "short lived-climate pollutant goals" mean in the context of proposed new item 10 on page 18. "Support measures that provide flexibility for local jurisdictions to meet mandated short lived-climate pollutant goals set by the State through SB 1383 and other mandatory organics recycling regulations." Don't these measures address both short lived and long-term issues? "Short lived-climate pollutant goals" is a specific reference to SB 1383 as the title of the bill is "Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills." SB 1383 defines "short lived-climate pollutants" as black carbon, fluorinated gases, and methane, that are powerful climate forcers that have a dramatic and detrimental effect on air quality, public health, and climate change.

(2) Why is proposed new item 11 limited to "redundant"? We want state funding on all these items, redundant or not, no? "11. Oppose redundant solid waste regulations without coordinated support and funding from the State and waste haulers." Staff agrees that the word "redundant" should be removed to reflect that the City would oppose any new solid waste regulation that did not come with coordinated support and funding from the State.

Joseph Smith

From: Amanda Lee
Sent: Tuesday, October 20, 2020 4:20 PM
To: Kirkeby, Megan@HCD; McDougall, Paul@HCD; Mehmood, Sohab@HCD; Ayala, Jose@HCD
Cc: CJ Johnson; Joseph Smith
Subject: City of Del Mar: Submittal of Draft 6th Cycle Housing Element Update
Attachments: Submittal Letter for 6th Cycle HEU_10.20.2020.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Megan and HCD team,
Please find attached our submittal for the City of Del Mar's approved Draft 6th Cycle Housing Element Update. This is intended as the formal submittal of the City's Draft HEU for HCD review and comment. Links are provided within the letter and included below because the certified environmental document and approved Draft Housing Element are large documents. Please let me know if you would like us to send the HEU document in an alternate format to facilitate your review.

- **Draft 6th Cycle Housing Element Update** - https://www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029

- **Certified Final Program Environmental Impact Report** (PEIR) (two files) –

  - https://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

  - https://www.delmar.ca.us/Archive.aspx?ADID=1416

- **Resolution Certifying the Final PEIR** - https://www.delmar.ca.us/DocumentCenter/View/7264/Resolution-2020-51-Certifying-PEIR-10-5-2020-PDF

- **Resolution Approving the Draft 6th Cycle Housing Element** - https://www.delmar.ca.us/DocumentCenter/View/7265/Resolution-2020-52-Approving-Draft-6th-Cycle-HEU-10-5-2020-PDF

Thanks again for the time HCD staff spent coordinating with us in advance of the October 5, 2020 City Council approval action. We look forward to receiving your comments and feedback for incorporation into a final Housing Element draft for certification. If you have any follow up questions, please contact me via the contact information below, or Joseph Smith, Planning and Community Development Director at jsmith@delmar.ca.us or (858) 704-3642.
Thanks,
Amanda

Amanda Lee | Principal Planner
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
Del Mar, CA 92014
858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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Joseph Smith

A copy of HCD's letter accepting the City's proposal of 5th Cycle programs prior to April 15 is available at: www.delmar.ca.us/HousingElement

From: Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>
Sent: Friday, December 4, 2020 5:07 PM
To: Joseph Smith; CJ Johnson; Amanda Lee
Cc: McDougall, Paul@HCD
Subject: RE: City of Del Mar Response to HCD Enforcement Letter
Attachments: HCD response to Del Mar Response.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

Please see the letter attached regarding HCD's response. Thank you, and have a good weekend.

Sincerely,

Jose Ayala
Housing Policy Analyst
Housing and Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833
Phone: 916.263.5116

HOUSING IS KEY

From: Joseph Smith <jsmith@delmar.ca.us>
Sent: Tuesday, October 20, 2020 7:50 AM
To: Kirkeby, Megan@HCD <Megan.Kirkeby@hcd.ca.gov>
Cc: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>; CJ Johnson <cjohnson@delmar.ca.us>; Amanda Lee <alee@delmar.ca.us>
Subject: City of Del Mar Response to HCD Enforcement Letter

Ms. Kirkeby,

Please find attached a letter from the City Manager on behalf of the Del Mar City Council in response to HCD's Enforcement Letter to the City dated September 30, 2020. An original signed hard copy is in the mail.

We sincerely appreciate your consideration of this City's response and look forward to bringing forward our remaining items to City Council for local action as described in the letter. We would also appreciate confirmation of HCD's acceptance of the City's approach at your earliest convenience. In the meantime, please feel free to reach out to me if you have any questions or need any further information.

Sincerely,

Joseph D. Smith, AICP | Director
City of Del Mar | Planning & Community Development
1050 Camino del Mar
Del Mar, CA 92014
☎ 858.704.3642 | 🖷 858.755.2794 | jsmith@delmar.ca.us

Joseph Smith

From: Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>
Sent: Thursday, December 17, 2020 4:10 PM
To: CJ Johnson; Amanda Lee; Joseph Smith
Cc: McDougall, Paul@HCD
Subject: City of Del Mar Draft Housing Element
Attachments: Del Mar_Draft_HE ltr.pdf

A copy of HCD's formal comment letter on the City's draft 6th Cycle is available at: www.delmar.ca.us/HousingElement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find the attached letter regarding the City's Draft Housing Element.

Sincerely,

Jose Ayala
Housing Policy Analyst
Housing and Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833
Phone: 916.263.5116

Joseph Smith

From: Amanda Lee
Sent: Tuesday, January 12, 2021 10:01 PM
To: McDougall, Paul@HCD; Ayala, Jose@HCD
Cc: Joseph Smith
Subject: Check In and Prep for 1/19 City Council

Hi Paul and Jose,
We hope that all is well with you. Joseph and I just finished back to back nights of City Council and Planning Commission hearings. Tonight our Planning Commission reviewed and recommended approval of the actions needed to implement 5th Cycle Program 2G, including a Community Plan Amendment that will also address the missing action needed for Program 2E. That item is now scheduled for City Council consideration on February 16 so we are feeling good about making progress on that.

We are looking forward to having you participate at the City Council meeting on Tuesday, January 19 and are hoping to schedule a check in meeting with you in prep for that meeting to go over some logistics and give some insight about what we are expecting you may be asked. Do you have any availability to meet this Friday between 10 and 3 preferably? Otherwise, let us know what time Wed or Thurs works for you and we can see what we can do about getting something scheduled.
Thanks,
Amanda

Amanda Lee | **Principal Planner**
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
Del Mar, CA 92014
858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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Joseph Smith

From: Amanda Lee
Sent: Wednesday, January 13, 2021 6:26 PM
To: McDougall, Paul@HCD; Ayala, Jose@HCD
Cc: Joseph Smith
Subject: RE: Check In and Prep for 1/19 City Council
Attachments: Item 1 - Acceptance of HCD Comments.pdf

Thanks for sending the meeting invite for Friday morning Jose! Attached is a copy of the staff report that went out to the Council tonight to give you a heads up on how item is set for the discussion. We are planning on running through a quick powerpoint to kick off the item. Think about if there are any slides you want in the deck to help answer anticipated questions and we are happy to have those incorporated in the back up and ready to go for use as needed.

Thanks again. We are looking forward to our check-in call with you on Friday at 10am.
Amanda

Amanda Lee | Principal Planner
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
Del Mar, CA 92014
858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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From: Amanda Lee
Sent: Tuesday, January 12, 2021 10:01 PM
To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>
Cc: Joseph Smith <jsmith@delmar.ca.us>
Subject: Check In and Prep for 1/19 City Council

Hi Paul and Jose,
We hope that all is well with you. Joseph and I just finished back to back nights of City Council and Planning Commission hearings. Tonight our Planning Commission reviewed and recommended approval of the actions needed to implement 5th Cycle Program 2G, including a Community Plan Amendment that will also address the missing action needed for Program 2E. That item is now scheduled for City Council consideration on February 16 so we are feeling good about making progress on that.

We are looking forward to having you participate at the City Council meeting on Tuesday, January 19 and are hoping to schedule a check in meeting with you in prep for that meeting to go over some logistics and give some insight about what we are expecting you may be asked. Do you have any availability to meet this Friday between 10 and 3 preferably? Otherwise, let us know what time Wed or Thurs works for you and we can see what we can do about getting something scheduled.
Thanks,
Amanda

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Joseph Smith

From: Amanda Lee
Sent: Tuesday, January 19, 2021 8:30 AM
To: McDougall, Paul@HCD; Ayala, Jose@HCD
Cc: Joseph Smith
Subject: Information for Today's Del Mar City Council Meeting
Attachments: Item 1 - Red Dot Memo from City Staff (6th Cycle Housing Element Update).pdf

Good morning,
Please find attached a copy of additional correspondence that we distributed to the City Council on Friday for our item on today's City Council meeting. It helps to explain the relationship between the referendum in process and the timing of the 6th Cycle work effort. This is something we will be asking for City Council direction on.

Also, I hope you each received a link this morning from the City Clerk for your participation in the City Council meeting today via zoom starting at 3pm. Thanks again for your willingness to participate.
Amanda

Amanda Lee | Principal Planner
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
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858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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Joseph Smith

From: Amanda Lee
Sent: Thursday, February 4, 2021 12:33 PM
To: McDougall, Paul@HCD; Ayala, Jose@HCD
Cc: Joseph Smith
Subject: Progress on 5th Cycle Programs 2E, 2F, and 2G
Attachments: 4224_001.pdf

Hi Paul and Jose,
I hope you are having a good week! Joseph and I just wanted to provide a quick update on our progress with the 5th Cycle Housing programs. We received the attached notice from Coastal Commission which indicates their intent to approve a one year time extension on 2/10/2021 to allow additional time for them to process the item and take action. This is a pretty routine part of their process. We continue to reiterate to Coastal staff that this is priority for the City, but completely understand that their agency also has been heavily impacted during the pandemic and like each of our agencies is facing an overflowing workload and reduced staff/budget resources to get the items completed. As soon as we know a CCC hearing date where they will take action to certify the submitted LCPAs for Program 2E (North Commercial Zone) and 2F (Professional Commercial Zone) we will let you know.

Also, for Program 2G, on 2/16 we will be presenting a Resolution (general plan amendment) and two ordinances for City Council action: one ordinance to create a Housing Element Implementation Overlay Zone as a zoning tool to implement 20-25 du/ac by right (zoning amendment/local coastal program amendment) and the second ordinance to rezone the two watermark parcels to apply the new overlay zone per Program 2G. The General Plan Amendment Resolution also will address the Program 2E requirement to reflect 20 du/ac in the City's Community Plan (General Plan).

On 2/16, as part of a separate item we will also be asking the Council to indicate their intention on a date for the public vote on the referendum (vote whether to uphold the adopted North Commercial Zone Ordinance) and for Council direction on the associated contingency plan(s) that will need to be incorporated into the 6th Cycle HEU as a result of the referendum in process.

That's it for now. Let us know if you have any questions.
Thanks,
Amanda

Amanda Lee | Principal Planner
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
Del Mar, CA 92014
858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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Joseph Smith

From: Amanda Lee
Sent: Wednesday, February 10, 2021 5:45 PM
To: McDougall, Paul@HCD; Ayala, Jose@HCD
Cc: Joseph Smith; Ashley Jones
Subject: Council Reports for February 16
Attachments: Item 5 - 5th Cycle Programs 2G and 2E.pdf; Item 8 - Direction on 6th Cycle HEU.pdf

Thanks so much for setting up the call with us for Friday. Please find attached copies of the two staff reports that were published for our 5th Cycle and 6th Cycle housing items that are being heard at City Council.

Also, today the Coastal Commission approved a one year time extension for our LCPA applications for 5th Cycle Programs 2E (North Commercial) and 2F (Professional Commercial) that are pending CCC certification. As we had shared in a previous email this is a pretty routine action for the CCC to take on LCPA applications.

Thanks again. We look forward to speaking with you on Friday.
Amanda

Amanda Lee | Principal Planner
City of Del Mar | Planning and Community Development Department
1050 Camino del Mar
Del Mar, CA 92014
858.755.9313 ext. 1167 | 858.704-3645 | alee@delmar.ca.us

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Gaasterland & Martinez – High Density Overlay Questions – February 8, 2021

QUESTIONS regarding the proposed Housing Element Implementation Overlay:

1. Can we, and should we, add more protections to Del Mar's proposed Housing Element Implementation Overlay? (See next page for examples.)

2. Is this overlay necessary to implement the 20-25 du/acre (by right) for 5th Cycle project 2-G? Or can the 20-25 dwelling units (du) per acre density be added a different way to the 5th Cycle program 2-G parcels?

3. As written, the overlay applies generally, but contains a table with the two parcel numbers to which it will apply initially. If this overlay is passed by Council, will it be used for future 20-25 du/ac parcels?

4. Can the overlay be written to omit the APN numbers from 2-G ("Watermark") so that all council members can vote on it whether or not they own property <500 feet from 2-G?

5. Will the Housing Element Implementation Overlay apply to Watermark? (The plan has already been submitted for review.)

6. The Planning Commission did not review the LCP amendment text. Did they need to review that and recommend it to Council? Does Council need to review it before voting on it?

7. What will be the process to amend this overlay in the future?

QUESTION regarding substituting an alternative set of parcels (Border Avenue alternative) for the North Commercial upzone:

8. The North Commercial upzone was expected to generate 22 affordable units in Program 2-E of the 5th Cycle Housing Element.

   If 5.5 acres along Border Avenue at 20-25 du/acre are substituted for the North Commercial zone's 20 du/acre (16 acres with wetlands protection overlay to specify 10 buildable acres), it would yield 27 affordable units.

   The 6th Cycle anticipates generating 3 affordable units from Central Commercial upzone (20 units per acre; with retail facing Camino Del Mar).

   Can the "extra" 5 units from the Border Avenue alternative to North Commercial (with penalty) be used to substitute for the Central Commercial upzone?

QUESTION 9. Is there value to add the following overlay zone protections, or similar protections, to Del Mar's Housing Element Implementation Overlay?

From Encinitas R-30 Overlay:

Maximum Average Unit Size. Maximum average size of dwelling units in the project shall not exceed 1,000 square feet of floor area for rental projects and 1,150 square feet of floor area for ownership projects.

Additional setback required. The third story of residential uses in the R-30 Overlay zone shall be setback 30 feet from any property line adjacent to a parcel with an existing single family residential use or duplex units.

Facade Wall Plane Requirements. Articulation of the wall plane shall be required for all front elevations, and for all side and rear elevations visible from a public right-of-way.

No more than. 75% of a building facade shall be in a single plane. An average of a five-foot (5') offset, with a minimum of one-foot, is required for the remaining 25% of the building face.

Requirements for Transitions of R-30 Overlay if Adjacent to Existing Single-Family Development. If parcels in the R-30 Overlay zone share a property line with an adjacent parcel developed with an existing single-family residential use or duplex units, the following additional setback requirements apply to proposed projects in the R-30 Overlay zone to provide an appropriate transition to the existing use.

Private Storage Space. A minimum of 200 cubic feet of lockable, enclosed storage area per unit shall be provided.

Private Open Space. A minimum of 100 square feet per unit shall be provided.

Common Amenity Space. A minimum of 200 square feet per unit shall be provided as common amenity open space to be made available for use by all residents and/or tenants.

From Encinitas R-11/…/R-25 Overlay:

(Also applies to R-30, R-30 supercedes if conflicting)

A minimum of 10% of the floor area of the unit shall be **provided as private open space** for both ground floor units and units contained wholly on the second floor

Architecturally compatible **trash enclosures**, and adequate areas for collecting and loading recyclable materials, **screened from view of the roadway**

A minimum of 15 feet wide of screen type landscaping shall be provided and maintained on the project side of **any property line separating the project from a rural residential or single-family residential zone**

A minimum of 250 cubic feet of lockable, enclosed storage area per unit

A minimum of 30 trees per net acre shall be required as part of the project landscaping
The following **recreation facilities** shall be provided unless waived during the design review process:

a. **Children's play area;**
b. **Swimming pool;**
c. **Family picnic area**

Auxiliary Structures/Equipment and Utilities (list of restrictions, Section D for details)

Included for reference, Encinitas Code 30.16.010 (Development Standards) Sections A, B, D, E

ENCINITAS - SECTION A

http://www.qcode.us/codes/encinitas/?view=desktop&topic=30-30_16-30_16_010

30.16.010 Development Standards. *

* CodeAlert: This topic has been affected by Ordinance No. 2020-10 and 2020-16. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

A. The development standards described in the tables below shall apply to the residential zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. In addition to the development standards provided in this chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for residential zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in residential zones within adopted specific plans.

For building height, see Section 30.16.010B6. For off-street parking requirements, see Chapter 30.54.

1. Rural Residential Zones.

ZONE REQUIREMENTS	RR	RR-1	RR-2
a. Density (maximum dwelling units per net acre)	0.123 (8 acres for floodplain); 0.26—0.50 (2-4 acres depending on slope)	1.0	2.0
b. Midrange Density (See Section 30.16.010B1 & B2)	0.125 (8 acres for floodplain); 0.38 (3 acres depending on slope)	0.75	1.5
c. Net Lot Area	2,4, or 8 acres	1.0 acre	21,500 sq. ft.
d. Lot Width (ft.)	110	110	100
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20
g. Lot Depth (ft.)	150	150	150
h. Front Yard Setback (ft.)	30	30	30
i. Side Yard Setback (ft.) for each interior side[4,5]	15/15	15/15	10/10

j. Side Yard Setback (ft.) street side[5]	20	15	15
k. Rear Yard Setback (ft.)	25	25	25
l. Lot Coverage (maximum percentage)	35%	35%	35%

2. Single-Family Residential Zones.

ZONE REQUIREMENT	**R-3**	**R-5**	**R-8**	**R-11/RS-11**
a. Density (maximum dwelling units per net acre)	3.0	5.0	8.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	2.5	4.0	6.5	9.5
c. Net Lot Area (sq. ft.)	14,500	8,700	5,400	3,950
d. Lot Width (ft.)	80	70	60	40
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20	20
g. Lot Depth (ft.)	100	100	90	90
h. Front Yard Setback (ft.)	25	25	25	20[2]
i. Side Yard Setback (ft.) for each interior side[4,5]	10/10	10/10	5/10	(RS-11) 5/5; (R-11) 5/0-5[1]
j. Side Yard Setback (ft.) street side[5]	10	10	10	10
k. Rear Yard Setback (ft.)	25	25	25	20
l. Lot Coverage (maximum percentage)	35%	35%	40%	40%
m. Floor Area Ratio		0.6	0.6	0.6 (Standard Lot Sizes); 0.5 (Substandard Lot)[3]

3. Higher Density Single-Family and Multiple-Family Residential Zones.

ZONE REQUIREMENT	R-15	R-20	R-25	R-30 OL[6]	MHP
a. Density (Maximum dwelling units per net acre)	15.0	20.0	25.0	30.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	13.0	17.5	22.5	N/A	9.5
c. Net Lot Area (sq. ft.)	20,000	20,000	20,000	30,000	
d. Lot Width (ft.)	100	100	100	100	
e. Lot Depth (ft.)	150	150	150	150	
f. Front Yard Setback (ft.)	20	20	20	10	
g. Side Yard Setback (ft.) for each interior side (Standard Lot)[5]	15/15	15/15	15/15	10	
h. Side Yard Setback (Substandard Lot) street side[3,5]	5/5	5/5	5/5	N/A	
i. Street Side Yard Setback (Standard Lot) (ft.)[5]	20	20	20	10	
j. Street Side Yard Setback (Substandard Lot)[3,5]	10	10	10	N/A	
k. Rear Yard Setback (ft.)	15	15	15	10	
l. Rear Yard Setback Where Alley Exists	20	20	20	10	
m. Lot Coverage (maximum percentage)	40	40	40	65	
n. Building Height (See 30.16.010B6)					
o. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	15	
p. Distance between buildings on the same lot greater than 16 ft. in height	20	20	20	15	

FOOTNOTES

1. Requires a minimum 5-foot side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5-foot minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls.
2. See Section 30.16.010C4 and D10.
3. Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area.
4. See Section 30.16.010B9.
5. See "Lot, Interior" in Section 30.04.010.
6. A minimum net density of 25 dwelling units per acre is required in the R-30 OL Zone.

ENCINITAS - SECTION B

http://www.qcode.us/codes/encinitas/?view=desktop&topic=30-30_16-30_16_010

30.16.010 Development Standards.

B. All Residential Zones. The following development standards shall apply to all residential zones:

1. In determining the mid-range or maximum number of dwelling units allowed for a property, multiply net acreage by the mid-range density or maximum density given in Section 30.16.010A. Any fraction of a dwelling unit shall be reduced to the next lower whole unit not less than one. However, for properties located in and developing in conformance with the provisions of the R-30 Overlay, or properties requesting a density bonus, any fraction of a dwelling unit shall be rounded up to the next whole unit.

2. Net acreage is the slope adjusted gross acreage not including acreage of the flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, existing and future rights-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less. The portion of access roadways or easements internal to a project that are used exclusively to provide access to rear-loaded garages are not required to be deducted from gross acreage. Driveways providing access to dwelling unit(s) on one lot are not deducted from gross acreage. For properties located in and developing in conformance with the provisions of the R-30 Overlay, private access roads, parking lots, driveways, and drive aisles are not deducted from gross acreage.

   a. The slope adjustment shall be required and is as follows:

      i. All land in 0-25% slope of natural grade is allowed to use 100% of acreage.

      ii. All land in 25-40% slope of natural grade is allowed to use 50% of acreage.

      iii. All land in 40% + slope of natural grade is allowed to use 0% of acreage.

      iv. Five-foot contour maps available from the City shall be used for calculating the slope adjustment.

   b. The density of development shall be based on net acreage.

3. Street setbacks shall be measured from the ultimate street right-of-way according to the City Engineer or the maximum required street width if the street is proposed to be private or is now a private street.

4. When landscaping is required, landscaping shall consist predominantly of trees, shrubs, ground cover and decorative rocks, except for necessary walks, drives and fences. All required landscaping shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris.

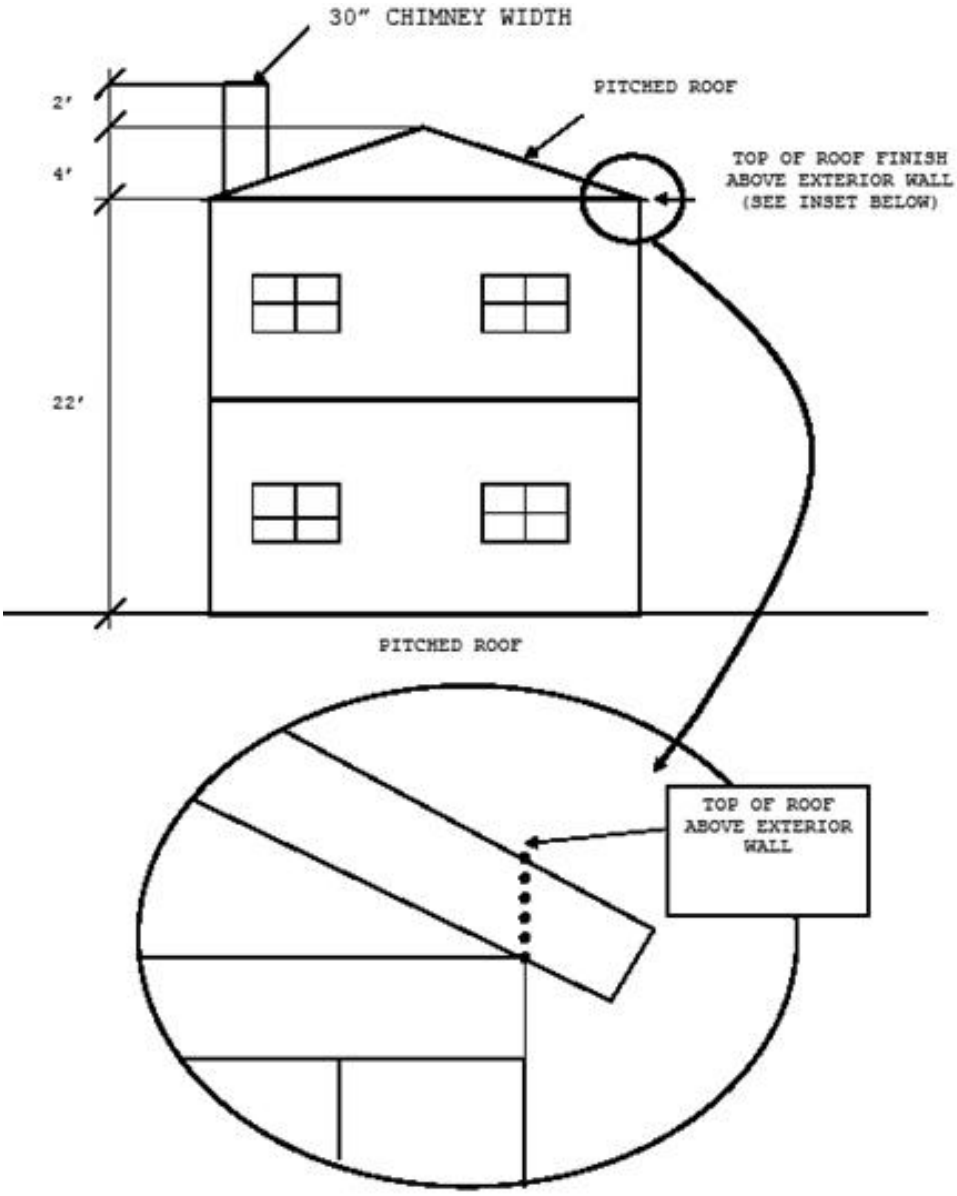
5. Varieties of plants chosen for landscaping may be restricted through the development review process to protect or preserve views. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with required landscaping, buffering, and screening requirements. All required landscaping shall be maintained in a manner that will not depreciate adjacent property values or otherwise adversely affect adjacent properties.

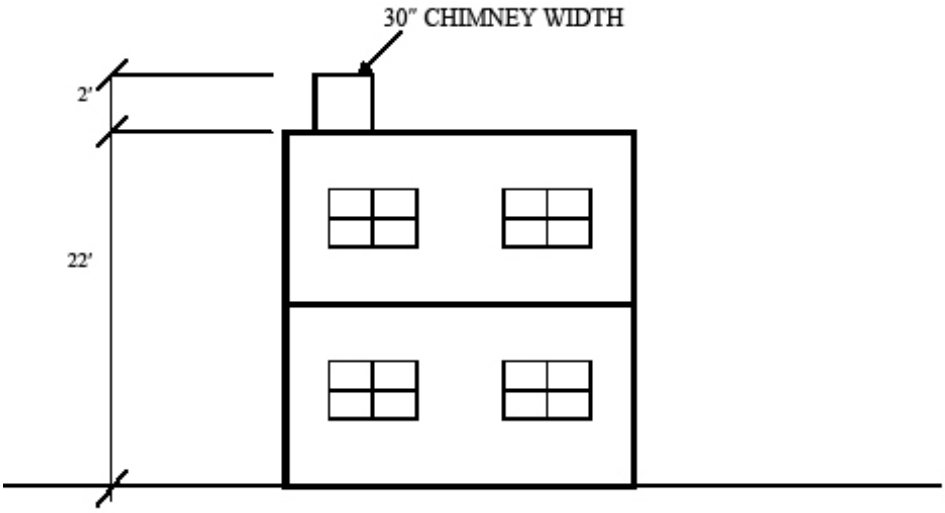
6. The following standards shall apply to building height limits for residential buildings.

a. The standard height limit for residential buildings, shall be the lesser of two stories in the RR through R-25 and MHP zones and shall be the lesser of three stories in the R-30 Overlay zone or the following height, all as measured to the top of a flat roof (or in the case of a pitched roof to the top of the roof immediately above the exterior plane of the wall below, including roofing material):

- 26 feet—RR to RR-1 zones citywide, RR through RR-2 in the Olivenhain Community.
- 22 feet—RR-2 (except Olivenhain Community) through R-25 and MHP zone, and substandard lots in the Olivenhain Community.
- 35 feet – R-30 Overlay zone.

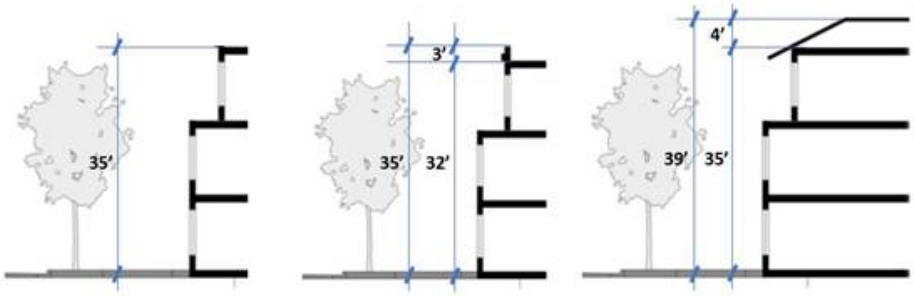
This height standard is subject to the following exceptions:





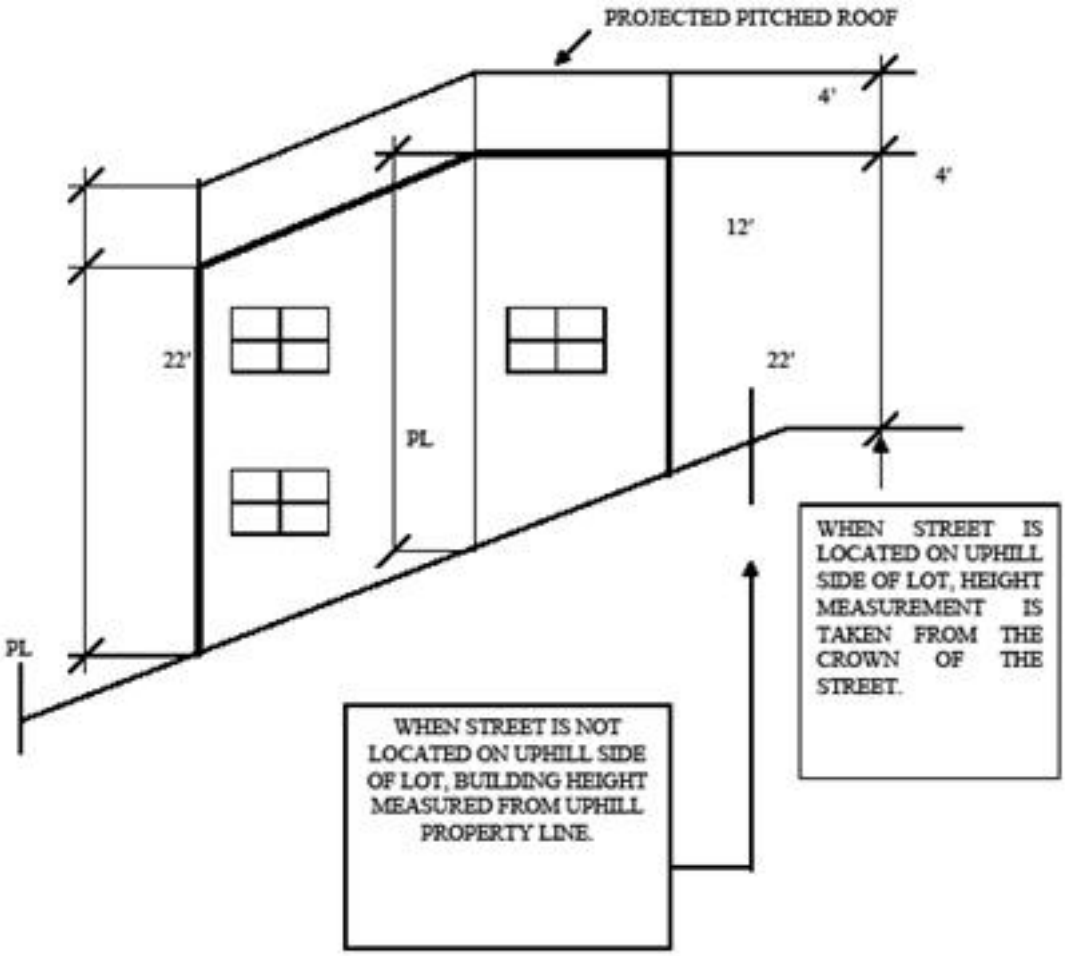
FLAT ROOF

R-30 OL Zone Building Height*



* Projections meeting the standards of Section 30.16.040B.6.a.iii may exceed the 35-foot or 39-foot height limit, by a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening.

i. On lots in R-3 to R-25 zones with greater than 10% slope, the building height at the uphill side of the lot shall not exceed 12 feet above the crown of the right-of-way. Where a street does not abut the uphill side of the sloped lot or a panhandle portion of a lot exists, this measurement shall be made at the property line located at the uphill side of the lot (excluding the panhandle of a lot) except as provided below. In no case shall the building exceed the applicable standard height limit at any point unless provided by the Code. Lot slope shall be determined in accordance with Section 30.16.010B6e.



ii. In all zones, elements such as towers (maximum diagonal dimension of 12 feet), hips, gables, and spires may extend no more than four feet above the permitted standard height limit. A roof that extends above the permitted standard height limit shall have a minimum 3:12 pitch. Barreled roofs and roof decks shall be permitted provided the design of the roof or deck railings do not extend beyond the envelope of a projected pitch roof as authorized by this section. An additional maximum of a two-foot projection (beyond the elements extending up to four feet listed above) may be authorized by staff for chimneys, provided: (1) the perimeter of the chimney does not exceed 120 linear inches; and (2) the width of the chimney is no wider than 40 inches in any direction; and (3) a required non-decorative spark arrestor assembly may be added to the two-foot chimney; and (4) the building height plus projections do not exceed 30 feet in height for the RR through R-25 and MHP zones and 35 feet (flat roof) or 39 feet (pitched roof) for the R-30 Overlay zone.

iii. In addition to the allowed projections specified in Section 30.16.010B.6.a.ii above, buildings in the R-30 Overlay zone may exceed the 35-foot or 39-foot height limit, as applicable, a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening, as long as any projections do not occupy more than 25% of the roof area and are set back a minimum of 10 feet from the edge of the wall plane on all sides.

iv. Existing residential structures in the New Encinitas Community constructed at a height exceeding the aforementioned 22-foot/26-foot height may be remodeled or added to at the height of the existing structure. The height of the existing structure shall be documented

Proposed Housing Element Implementation Overlay Zone

Issue: The City is required to adopt a rezone in accordance with 5th Cycle Housing Element Program 2-G pursuant to Government Code §65583.2(h) and (i). In future housing cycles, the City may need to implement similar rezone programs on other property. An overlay zone is proposed to implement Program 2-G and facilitate implementation of such rezones as needed.

Proposed Overlay Zone:

Chapter 30.92 Housing Element Implementation Overlay Zone

30.92.010 Purpose

The purpose and intent of the Housing Element Implementation Overlay Zone is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City of Del Mar's adopted Housing Element where required for compliance with State Housing Element law.

30.92.020 Areas of Applicability

The areas of applicability for the Housing Element Implementation Overlay Zone shall include the following properties:

APN Location	Housing Element Program Description	Base Zone
299-100-47-00 299-100-48-00	5th Cycle Program 2-G – Two Parcels further described in DMMC Section 30.92.030(E)	North Commercial (NC)

30.92.030 Process for Permit Approval

A. Notwithstanding the standard permit process provisions of the Del Mar Municipal Code, permit approvals for proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone shall be issued in accordance with an administrative level ministerial approval process where the proposed development is consistent with the applicable Housing Element program indicated in Section 30.92.020 and development standards in Section 30.92.040.

B. Proposed development on property in the Housing Element Implementation Overlay Zone that does not meet the criteria stated in Section 30.92.030(A) shall be subject to the standard procedures for permit approval pursuant to the Del Mar Municipal Code.

C. An administrative Coastal Development Permit (CDP) shall be required for proposed development.

(1) The administrative CDP shall be obtained in accordance with Section 30.75.080(E).

(2) The Planning Director shall prepare written findings of fact in accordance with Section 30.75.140 as necessary to support any decision to grant permit approval.

(3) No public hearing shall be required.

(4) Public notice shall be required in accordance with Section 30.75.120.

(5) Once a final decision of approval, conditional approval, or denial is issued by the Planning Director, the notice of final action shall be provided within seven calendar days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing in accordance with Section 30.75.100.

(6) Within the appealable area of the coastal zone (Section 30603 of the Coastal Act and as generally shown on the City Post Certification Map) property that is located between the first public road and the sea, within 300 feet of a beach or the mean high tide line, and all areas within 100 feet of wetlands and streams), the Planning Director's decision to approve an Administrative CDP in the Housing Element Implementation Overlay Zone may be appealed to the Coastal Commission within 10 calendar days in accordance with Section 30.75.110. Proposed development in the Housing Element Implementation Overlay Zone that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.

D. Upon issuance of an administrative CDP, the applicant may apply for an administrative level approval of Construction Permits as applicable in accordance with DMMC Chapter 23.05 (Construction Permits).

E. 5th Cycle Housing Element – Housing Program 2-G

Pursuant to Government Code Sections 65583(c)(1)(A) and 65583.2(h) and (i), the City will rezone two adjacent vacant parcels at the south corner of Jimmy Durante Boulevard and San Dieguito Drive, roughly 2.3 acres in size in the NC Zone, to allow, "by right", residential development of the properties at a density of 20-25 du/ac with such density allowance to include a requirement for a percentage of the residential units to be available, long-term, at affordable rates, either through dedication to a non-profit housing advocacy organization or through deed restrictions for no less than the minimum duration required under state housing law applicable to affordable dwelling units.

30.92.040 Development Standards

The development standards applicable to proposed development in the Housing Element Implementation Overlay Zone shall be in accordance with the applicable base zone and overlay zones, unless otherwise indicated.

30.92.050 Mitigation, Monitoring, and Reporting

All proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone shall be subject to the following objective standard protocols for mitigation, monitoring, and reporting as necessary to avoid a significant impact to the environment in accordance with applicable State and Federal laws.

A. Cultural Resources

(1) Historic Resources

a. Where development would involve the alteration or demolition of a structure greater than 50 years old, a historic evaluation by a Secretary of Interior's Standards for Architectural Historian or Historic Architect shall be provided to determine if the resource meets the definition of a Historic Resource as defined in CEQA Guidelines Section 15064.5. If the structure is determined to be a Historic Resource, any proposed alteration shall follow mitigation guidelines contained in CEQA Guidelines Section 15126.4(b). Mitigation standards may include, but are not limited to avoidance and preservation, conducting alterations in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (including as applicable, standards for Preservation, Rehabilitation, Restoration and Reconstruction), and documenting resources. The approach to comply with these standards shall be prepared by an Architectural Historian or Historic Architect and provided to the City.

b. Demolition and/or significant diminution of designated historic landmarks shall be prohibited.

(2) Native American Consultation

Upon receipt of a development proponent's preliminary application, the City shall request consultation regarding the proposed development with any California Native American Tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, and contact the Native American Heritage Commission for assistance in identifying any California Native American Tribe. The City shall provide formal notice for each Tribe traditionally and culturally affiliated with the geographic

area of the project site including the location and a description of the proposed development, and an invitation to engage in scoping consultation. Each Tribe that receives this notice has 30 calendar days to accept the invitation to engage in consultation. The local government must initiate consultation within 30 calendar days of a Tribe's acceptance of the invitation to engage in consultation. Consultation occurs between the City and the tribe(s) and must comply with the confidentiality requirements. Tribal consultation concludes either 1) upon documentation of an enforceable agreement regarding the treatment of tribal resources at the project site (Government Code §65913.4(b)(2)(D)(i)), or 2) one or more parties to the consultation, acting in good faith and after a reasonable effort, conclude that a mutual agreement cannot be achieved (Government Code §65913.4(b)(2)(D)(ii)).

(3) Archaeological Survey

a. Where a site has been disturbed from prior development or grading activities, eliminating the possibility of surface archaeological resources to be encountered, an archaeological survey shall not be required.

b. For all other sites, an archaeological survey report shall be submitted by a Registered Professional Archaeologist.

i. The survey report shall include a record search of known archaeological resources and document results of the field survey including any resources encountered.

ii. If the surveys find the potential for significant resources, the Registered Professional Archaeologist shall develop and implement an archaeological testing program. The testing program shall be adequate to allow a determination of significance pursuant to CEQA Guidelines Section 15064.5(b) and shall include a Native American monitor. Should the testing find significant resources are present, a mitigation program shall be implemented consistent with CEQA Guidelines Section 15126.4(b)(3). Mitigation may include, but is not limited to, conservation and protection of the site in perpetuity, implementation of a data recovery plan, or other on-site preservation methods such as capping.

iii. A Native American monitor shall be consulted regarding the proposed mitigation plan. If there is disagreement regarding the culturally affiliated tribal government, the Native American Heritage Commission shall be consulted. All reports, methods, testing programs, curation, and other aspects of the archaeological investigation shall follow the Secretary of the Interior's Guidelines for Archaeological Documentation.

(4) Archaeological and Native American Monitoring

a. Archaeological monitoring is required in accordance with Section 30.92.050(A)(3)(b), unless a Registered Professional Archaeologist and Native American Monitor provide written recommendation that monitoring is not recommended.

b. Prior to the start of any ground-disturbing activity, an archaeological and Native American monitor shall be retained to monitor ground-disturbing activities including, but not limited to, grading, excavation, brush clearance, and grubbing. The archaeological monitor shall conduct preconstruction cultural resources worker sensitivity training to bring awareness to personnel of actions to be taken in the event of a cultural resources discovery.

c. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the City and the Native American Monitor. Initially, all ground-disturbing activities shall be monitored. However, the qualified archaeologist, based on observations of soil stratigraphy or other factors, and in consultation with the City and the Native American Monitor, may reduce the level of monitoring as warranted.

d. In the event that archaeological resources are accidently discovered or unearthed during construction activities, all earth-disturbing work within a 25-meter radius shall be temporarily suspended or redirected until the qualified archaeologist has identified and evaluated the nature and significance of the find, in compliance with CEQA Guidelines Section 15064.5(f). Construction activities shall be redirected to other work areas until the archaeologist determines that work can resume in the vicinity of the find. If the artifact that is accidentally discovered or unearthed is of Native American origin, the certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources shall be consulted for identification and evaluation. If the discovery is determined significant, a data recovery program or other treatment method determined in consultation with the City and Native American with knowledge of the cultural resources, if applicable, shall be implemented in order to mitigate impacts to the resource.

e. In the event that human remains are discovered or unearthed during construction activities, all earth-disturbing work within a 25-meter radius of the human remains shall be temporarily suspended or redirected and the county coroner must be contacted as required by California Health

and Safety Code Section 7050.5. If the remains are determined by the coroner to be Native American in origin, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours. California PRC Sections 5097.94 and 5097.98 require consultation with the NAHC, protection of Native American remains, and notification of most likely descendants to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.

B. Biological Resources

(1) The applicant shall provide information with the development application detailing the biological resources present on-site including identification of jurisdictional resources such as State or Federal wetland, environmentally sensitive habitat area (as defined in DMMC Section 30.75.030). If wetlands are present as defined in DMMC Section 30.53.030, a jurisdictional wetland delineation shall be provided. If there is a potential for sensitive plant or wildlife species to be present, applicable protocol surveys shall be conducted.

(2) If wetlands are present on-site the project design shall ensure wetlands are preserved and where appropriate restored, along with a minimum 100-foot wetland buffer. If wetlands are located off-site, a 100-foot wetland buffer shall be provided from the edge of the off-site wetland to the edge of the development footprint. The wetland buffer may be reduced to no less than 50-feet with written concurrence from the California Department of Fish and Wildlife (CDFW). Permitted uses in wetlands are specified in DMMC Section 30.53.080. Wetland buffers shall be consistent with DMMC Section 30.53.090. Public access to wetlands and wetland buffer areas shall be restricted as necessary to maintain the biological productivity of the wetland. This may be accomplished by landscape berms, fencing, or other suitable barriers.

(3) Sensitive habitat areas (including wetlands and wetland buffers) shall be retained or restored to their natural state to ensure the future protection of the designated area(s) from encroachment, disturbance, or degradation. Prior to the issuance of Certificate(s) of Occupancy, protected habitat areas shall be preserved through recordation of an open space deed restriction, conservation easement, or open space easement over the protected area(s) to ensure their protection and to serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property.

(4) Impacts to Environmentally Sensitive Habitat Areas shall be avoided to the maximum extent feasible. Where impacts cannot be avoided, the applicant shall

identify and implement the mechanism(s) proposed to offset impacts, which may include one or more of the following:

a. Implementation of on-site restoration, including a monitoring and long-term management component.

b. Conservation of habitat on-site.

c. Purchase of habitat credits at an off-site mitigation bank if onsite restoration and/or conservation of habitat on-site is deemed not suitable by a qualified biologist due to site constraints and/or vegetation.

(5) Removal of protected trees as defined in DMMC Section 23.50.020(E) shall be replaced consistent with the ratios provided in DMMC Section 23.50.090 or through payment into the City's Tree Mitigation Fund if on-site replacement is deemed not suitable by a qualified arborist due to site constraints and/or vegetation.

(6) The clearing and grading of trees and shrubs shall occur outside of the avian and raptor breeding season of January 1 through August 31 to avoid damage to nests and nesting birds consistent with the Migratory Bird Treaty Act. If clearing and grading during the avian breeding season is proposed, then a focused nest survey shall be conducted by a qualified biologist 72 hours prior to the vegetation removal. If active nests are discovered during the nest survey, those nests shall be avoided until the young have fledged. The qualified biologist shall recommend appropriate nest setback distances to be implemented during construction that are based on the species of bird and applicability of noise attenuation measures, the topography between the nest and the proposed disturbance activity, and the surrounding vegetation.

(7) Where habitat for California gnatcatcher is present within or adjacent to the project site, breeding season avoidance measures shall be implemented. If project-related work is to occur during the breeding season for California gnatcatcher (February 15 through August 31), pre-construction protocol-level surveys for California gnatcatcher shall be performed to determine the status of breeding California gnatcatchers on site and within 500 feet of the site. If a nesting California gnatcatcher pair is detected on site or within 500 feet of the site, noise attenuation measures shall be implemented to ensure that ambient noise levels are equal to or less than 60 decibels at the nest. Nest monitoring by an individual holding a Section 10(a) U.S. Fish and Wildlife Service recovery permit for California gnatcatcher shall be conducted to ensure that the nesting California gnatcatchers remain undisturbed by construction.

(8) Where landscaping or revegetation is proposed in proximity to native vegetation on- or off-site, the landscaping and/or revegetation plan shall not include any invasive plant species listed on the California Invasive Plant Council's Invasive Plant Inventory Database.

C. Noise

(1) Construction Noise. The applicant shall provide a construction noise mitigation program to the City that demonstrates how construction activities will comply with DMMC Section 9.20.050. Construction noise reduction measures may include, but are not limited to the following:

a. Temporary sound barriers/shielding adjacent to sensitive receivers. The required location, height, and materials of the barrier shall be specified.

b. Siting of staging areas, stationary noise sources, and other noise generators away from sensitive receivers.

c. Reduction of construction equipment idling time and fitting of construction equipment with noise reducing devices.

d. Resident notification of construction schedule.

(2) On-site Noise.

a. Project designs shall ensure all outdoor noise generating equipment is shielded to provide noise attenuation to achieve noise level limits at the nearest property line consistent with DMMC Section 9.20.040 - Sound Level Limits.

b. Project outdoor use areas shall be shielded from roadway noise through building attenuation or other methods.

D. Paleontological Resources

(1) Applicants shall be required to provide the following supporting information as part of a development application to determine applicability of this section:

a. The types and depth of geological formations present.

b. The paleontological sensitivity of each geologic formation.

c. Proposed grading depths into each formation.

(2) Any project that requires disturbance into high or moderate sensitivity paleontological formations shall be required to provide a paleontological monitor during ground disturbing activities. The requirement shall be as follows:

a. A qualified paleontologist (an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological mitigation project supervisor in the County for a least one year) shall attend the preconstruction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues.

b. A paleontological monitor (an individual who has experience in the collection and salvage of fossil materials, working under the direction of a qualified paleontologist) shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high paleontological resource potential to inspect exposures for contained fossils.

c. Grading activities in previously undisturbed deposits of moderate paleontological resource potential shall be monitored on a part-time basis. In the event that paleontological resources are discovered or unearthed during project subsurface activities, all earth-disturbing work within a 100-meter radius shall be temporarily suspended or redirected until a certified paleontologist has recovered, identified, and/or evaluated the nature and significance of the find, in compliance with CEQA Guidelines Section 15064.5(f). After the find has been appropriately mitigated, work in the area may resume.

d. During the monitoring and recovery phases of the mitigation program, the qualified paleontologist and/or the paleontological monitor shall routinely collect stratigraphic data (e.g., lithology, vertical thickness, lateral extent of strata, nature of upper and lower contacts, and taphonomic character of exposed strata). Collection of such data is critical for providing a stratigraphic context for any recovered fossils.

e. Fossil remains collected during monitoring and salvage shall be cleaned (removal of extraneous enclosing sedimentary rock material), repaired (consolidation of fragile fossils and gluing together broken pieces), sorted (separating fossils of the different species), and cataloged (scientific identification of species, assignment of inventory tracking numbers, and recording of these numbers in a computerized collection database) as part of the mitigation program. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. Donation of the fossils shall be accompanied by financial support for preparation,

curation, and initial specimen storage, if this work has not already been completed.

f. A final summary report shall be completed that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

E. Public Views

Projects shall be designed to ensure that no primary scenic views or scenic views from public streets, roads or pedestrian trails are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that the bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site. Protection of public views will be evaluated based on consistency with public view protection policies IV-22 through IV-27 of the City of Del Mar Local Coastal Program (LCP) Land Use Plan.

F. Steep Slopes

Construction, grading, or other encroachment of any kind on substantial steep slopes exceeding 25 percent grade, or within 20 feet of the top or 10 feet of the bottom of substantial steep slopes exceeding 25 percent grade, or the construction of structures which overhang such steep slopes or steep slope setbacks, shall be prohibited except as specified in DMMC Section 30.52.060(A).

G. Wildfire

To ensure protection of the public health and safety from wildfire, all development within or adjacent to a “Very High” or “High” Fire Hazard Severity Zone shall be required to incorporate enhanced fire safety measures consistent with the State Fire Code and Building Code to the satisfaction of the Fire Marshall and Building Official.

Ancillary clean up amendment:

30.75.080 Coastal Development Permits Issued by the City – Issuing Authority, Public Hearing Required

A. through D. [No change]

E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:

1. through 3. [No change]

4. Applications for by-right multiple dwelling unit development in accordance with the Housing Element Implementation Overlay Zone pursuant to Chapter 30.92.

Staff note: Ms. Kautz was also provided a copy of the 1/19/21 Planning Commission Agenda Report which included the draft LCP amendment text for the HEI Overlay Zone. Due to size, it has not been included in this PDF but is the same document included in the 2/16/21 City Council Packet for Item 5

CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 16, 2021 – VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER
Mayor Gaasterland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL
Present: Mayor Terry Gaasterland; Deputy Mayor Dwight Worden; Councilmembers Dave Druker, Tracy Martinez and Dan Quirk

PLEDGE OF ALLEGIANCE
Councilmember Quirk led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS
None.

CITY COUNCIL COMMENTS
Deputy Mayor Worden reported on four cities who filed a suit against the San Diego Association of Governments (SANDAG) citing their Regional Housing Needs Assessment (RHNA) housing numbers were inaccurate; he spoke about his disapproval of the content of a red dot pertaining to newly appointed Interim City Manager Ashley Jones; and he requested an update on the Jimmy Durante Bluff slide area. Mayor Gaasterland spoke about temporary fencing installed by SANDAG related to the Del Mar Bluffs 4 project.

COMMUNITY ANNOUNCEMENTS
None.

CITY MANAGER'S REPORT
Interim City Manager Ashley Jones reported on a recently completed Eagle Scout bench project completed by Griffin Symans at the southeast corner of Stratford Court and 15th Street; details of a Vaccine Super Center now open at the Fairgrounds; and information about temporary fencing installed by the SANDAG related to the Del Mar Bluffs 4 project.

PRESENTATIONS

ITEM 1: PRESENTATION BY MIKE HASTINGS, EXECUTIVE DIRECTOR OF THE LOS PEÑASQUITOS LAGOON FOUNDATION REGARDING A STUDY ON SEA LEVEL RISE AND POTENTIAL ADAPTATION OF THE TORREY PINES NORTH BEACH

PARKING LOT BEING CONDUCTED WITH CALIFORNIA STATE PARKS (CLERK'S FILE NO. 1404-1)

A presentation was provided by Executive Director Mike Hastings from the Los Penasquitos Lagoon Foundation.

Council questions and discussion focused on the preliminary concepts for managed retreat specific to the Torrey Pines North Beach Parking Lot area.

CONSENT CALENDAR

Mayor Gaasterland opened Items 2 through 4 for public comment and there were no comments. The Council added items 6 and 9 to the Consent Calendar for consideration.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND, TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 4, 6 AND 9. (VOTE 5-0)

Ayes: Mayor Gaasterland Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0.

ITEM 2: APPROVAL OF MINUTES: JANUARY 23, 2021, SPECIAL MEETING, CLOSED SESSION; JANUARY 23, 2021 SPECIAL MEETING, OPEN SESSION; JANUARY 27, 2021 SPECIAL MEETING; FEBRUARY 1, 2021 REGULAR AND SPECIAL MEETING, FEBRUARY 3, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 16, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 4: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

PUBLIC HEARING

ITEM 5: ADOPTION OF RESOLUTION AND INTRODUCTION OF ORDINANCES FOR IMPLEMENTATION OF 5TH CYCLE HOUSING ELEMENT PROGRAMS 2G AND 2E (CLERK'S FILE NO. 304-7, 401-4, 401-9)

At the start of this item City Attorney Leslie Devaney provided the results of a conflict analysis completed by the City Attorney's office, which indicated that Councilmembers Martinez and Quirk are conflicted and recused from participating in the vote on action item 5.1 of the recommended action, and Councilmember Martinez is conflicted and recused from participating in action items 5.2 and 5.3 of the recommended action. Because action item 5.1 of the recommended action is a change to the City's General Plan, at least four members of the City Council must participate in the vote. To facilitate this, a random drawing was conducted with assistance from the Interim City Manager, and Councilmember Martinez was randomly selected to participate in the vote for action item 5.1.

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However, upon further discussion with City Attorney Leslie Devaney and Assistant City Attorney Christina Cameron, the Council decided to divide the actions and presentations by program, discussing the 2G program and 2E program separately. This allowed Councilmember Quirk to participate in the actions associated with 2G without conflict and Councilmember Martinez to participate in the actions related to program 2E as the conflicted Councilmember randomly drawn to participate.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee.

Council questions focused on the timing for Coastal Commission certification of zoning ordinances and working with the Fair Political Practices Commission (FPPC) on a conflict analysis with the goal of allowing the full Council to participate in the Housing Element process.

Mayor Gaasterland opened the item to public comment and Rose Ann Sharp spoke. The Mayor then closed the item to public comment.

Council discussion focused on the desire to adopt design standards/guidelines and the relationship between overlay zones and design standards and the timing and noticing requirements to execute various options prior to the April 15, 2021, State deadline.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADD DESIGN STANDARDS TO THE OVERLAY FOR 2G, DRAWING FROM THE DESIGN STANDARDS THAT HAVE BEEN CIRCULATED IN VARIOUS FORMS IN THE RED DOTS IN ORDER TO COMPLETE 2G BY APRIL 15, 2021. (VOTE 3-1)

Ayes: Mayor Gaasterland, and Councilmembers Druker, and Quirk; Noes: Deputy Mayor Worden; Absent: 0; Recused: Councilmember Martinez.

IT WAS MOVED BY DEPUTY MAYOR WORDEN TO MAKE A SUBSTITUTE MOTION TO ADOPT THE RESOLUTION AMENDING THE COMMUNITY PLAN, DELETING THE NON-2G AREAS TO COVER ONLY THE WATERMARK PROJECT, WHICH IS THE RESOLUTION VERSION B IN THE AGENDA REPORT. FOLLOWING DISCUSSION OF THE SUBSTITUTE MOTION, DEPUTY MAYOR WORDEN WITHDREW HIS SUBSTITUTE MOTION.

The Council and Planning & Community Development Department staff discussed the rezoning action noticing requirements and timing in order to meet the April 15, 2021 HCD deadline.

IT WAS MOVED BY DEPUTY MAYOR WORDEN TO MAKE A SECOND SUBSTITUTE MOTION THAT THE COUNCIL APPROVE THE COMMUNITY PLAN AMENDMENT RESOLUTION VERSION B APPLICABLE TO THE WATERMARK PROPERTY WITH DIRECTION TO STAFF TO WORK WITH THE SUBCOMMITTEE OF MAYOR GAASTERLAND AND COUNCILMEMBER DRUKER TO BRING BACK DESIGN GUIDELINES AS SOON AS POSSIBLE WITHOUT A DEADLINE DATE. THE MOTION FAILED TO RECEIVE A SECOND.

The Council then began discussion of the 2E programs and Councilmember Martinez rejoined the meeting and Councilmember Quirk recused.

Council questions and discussion focused on the relationship between the Referendum of Ordinance 973 and 5th Cycle Housing Element Program 2E; and emergency evacuation routes in the subject area.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO DISCUSS THE REFERENDUM AND HOW TO PLACE IT ON THE BALLOT AND WHEN. (VOTE 3-1-1)

Ayes: Mayor Gaasterland and Councilmembers Druker and Martinez; Noes: Deputy Mayor Worden; Absent: 0; Recused: Councilmember Quirk

ITEM 6: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 14.24 OF THE DEL MAR MUNICIPAL CODE AUTHORIZING THE REMOVAL OF VEHICLES FROM PUBLIC PROPERTY (CLERK'S FILE NO. 401-4, 401-9)

The public hearing for this item was opened and closed, and the item was moved to the Consent Calendar for consideration. There were no public comments on this item. The Council introduced the ordinance, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 14.24 OF THE DEL MAR MUNICIPAL CODE AUTHORIZING THE REMOVAL OF VEHICLES FROM PUBLIC PROPERTY, on consent.

COUNCIL MEETING RECESS:
The City Council took a meeting recess from approximately 6:40 p.m. to 7:00 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 7: COMPLIANCE WITH STATE OF CALIFORNIA MANDATED ORGANICS RECYCLING REGULATIONS (CLERK'S FILE NO. 401-7, 1403-4)

A presentation was provided by Clem Brown and Roberta Goldenpenny from CalRecycle.

Council questions focused on whether an analysis was conducted by the State regarding economic impacts to jurisdictions related to State mandates pertaining to organics recycling; whether the City will have enforcement responsibility at the Fairgrounds; who will do enforcement from the State; examples of how other small communities are achieving compliance; how many Tier 2 businesses there are in Del Mar, and whether there is a Tier 3; how progress to achieve compliance will be measured for Del Mar; thoughts on how close proximity of homes to restaurants in town creates a challenge and how that could be addressed; what the definition of 75% recovery is, and how that will be measured; and what can be done to reduce methane waste up front.

Mayor Gaasterland opened the item to public comment and the following people spoke:
1) Jessica Toth
2) Charles Koll
3) Lori Somers

Mayor Gaasterland closed the item to public comment.

Council discussion focused on the potential to extend the existing franchise agreement with Waste Management and renegotiate contract terms; support to issue a Request for Qualifications (RFQ) to hire a consultant to assist with determining whether to go out to bid for a new franchise agreement or extend the existing agreement with Waste Management; potential to roll consulting costs into a new franchise agreement; going through Request for Proposal (RFP) process to enter into new franchise agreement is not a Tier 1 essential work item at this time; need for assistance from a consultant to help with implementing State mandates and conducting outreach/education with local business community; and how undertaking a competitive bidding process will ensure the best rates for the Del Mar community.

There was support from the entire Council to conduct a Request for Qualification (RFQ) process to hire a consultant to assist with implementation of State mandates and determining next best steps regarding the City's franchise agreement for waste hauling services.

ITEM 8: CITY COUNCIL DIRECTION TO COMPLETE THE 6TH CYCLE HOUSING ELEMENT UPDATE (CLERK'S FILE NO. 304-7)

At the start of this item City Attorney Leslie Devaney provided the results of a conflict analysis completed by the City Attorney's office, which indicated that Councilmembers Druker, Martinez and Quirk are conflicted and recused from participating in the vote on the recommended action. However, a quorum of the Council, or three Councilmembers, must participate in the vote in order to provide direction to staff. To facilitate this, a random drawing was conducted with assistance from the Interim City Manager, and Councilmember Druker was randomly selected to participate in the vote for this item. Councilmembers Quirk and Martinez were recused.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee.

Council questions focused on specific parcels and various strategies to complete the 6th Cycle Housing Element Update and the relationship between the Council actions on Item 5 to the 6th Cycle Housing Element Update.

There were no public comments for this agenda item.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND, IN ACCORDANCE WITH COUNCIL POLICY 317 CITY COUNCIL MEETING ADJOURNMENT, TO CONTINUE THE MEETING PAST 10:00 P.M. (VOTE 3-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmember Druker; Noes: 0; Absent: 0; Recused: Councilmembers Martinez and Quirk

Council discussion focused on the pros and cons of the South Stratford and Border Avenue sites; the Council's desire to adopt programs 2E and 2G prior to the April 15, 2021 deadline in order to avoid the need for an alternative program that would include South Stratford and/or Border Avenue sites; and general agreement that focusing on achieving units at the Fairgrounds is the most desirable option.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER, TO APPROVE BORDER AVENUE OPTION AS PREFERRED OVER THE SOUTH STRATFORD OPTION. (VOTE 3-0)

Ayes: Mayor Gaasterland, Deputy Mayor Worden and Councilmember Druker; Noes: 0; Absent: 0; Recused: Councilmembers Martinez and Quirk

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO CHOOSE FOR THE CENTRAL COMMERCIAL ZONE, FOR THE THREE UNITS THAT WOULD HAVE BEEN COUNTED IN CENTRAL COMMERCIAL ZONE TO 54 AFFORDABLE UNITS INSTEAD OF 51. (VOTE 3-0)

DRAFT

Ayes: Mayor Gaasterland, Deputy Mayor Worden and Councilmember Druker; Noes: 0; Absent: 0; Recused: Councilmembers Martinez and Quirk

ITEM 9: APPROVAL OF THE 2021 LEGISLATIVE POLICY GUIDELINES (CLERK'S FILE NO. 101-2, 401-7, 401-8)

This item was moved to the Consent Calendar for consideration, which included minor suggested changes identified by staff. Council approved the 2021 Legislative Policy Guidelines, on consent.

ITEM 10: PROPOSAL TO CREATE A CITY COUNCIL LEGISLATIVE SUBCOMMITTEE (CLERK'S FILE NO. 401-1)

This item was continued to the special meeting scheduled for February 22, 2021.

ITEM 11: CITY COUNCIL VISION & VALUES WORKSHOP RECAP AND ADOPTION OF REVISED DEL MAR CORE VALUES & VALUE STATEMENTS (CLERK'S FILE NO. 401-1)

This item was continued to a future meeting, to also include a recap from the City Council Workshop to be held on February 27, 2021.

REGIONAL ORGANIZATION REPORTS
There were no reports.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS
There were no reports.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 10:42 p.m.

_____
Sarah Krietor, Acting City Clerk

DRAFT

City of Del Mar
Planning Commission Agenda
Del Mar Town Hall - **VIA TELECONFERENCE ONLY**
1050 Camino Del Mar
Tuesday, March 9, 2021 at 6:00 PM
(or as soon thereafter as practicable)

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, March 9, 2021 at 6:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Ted Bakker
Chair

Philip Posner
Vice Chair

Don Countryman
Commissioner

John Farrell
Commissioner

Claire McGreal
Commissioner

Joseph D. Smith, AICP
Planning & Community Development Director

Amanda Lee
Principal Planner

Agenda

It is the intention of your Planning Commission to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

Public Participation/Comment
Members of the public can participate in the meeting in writing or telephonically.

Written Comments
Members of the public can participate in the meeting by e-mailing comments to planning@delmar.ca.us by 12:00 p.m. the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. All comments will be transmitted to the Planning Commission prior to the start of the meeting. Comments will not be read into the record

Telephonic Participation
Members of the public wishing to make comment telephonically at the meeting must submit a tele-comment form www.delmar.ca.us/telecomment through the City's website by 12:00 p.m. the day of the meeting. After you

complete the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

Project Applicants/Representatives
Applicants/representatives will be provided a link to participate in the meeting and, unless otherwise noted, for items on the agenda, **applicants and their team of representatives shall limit their [total] presentations to 10 minutes or less.**

Viewing the Meeting and Access to Agenda Materials
Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website only, as City Hall and the Del Mar Library are currently closed to the public. http://www.delmar.ca.us/AgendaCenter.

Regular Meetings of the Planning Commission are generally held on the second Tuesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the **City's website at www.delmar.ca.us**, or call the Planning Department's office at 858-755-9313. A full Planning Commission agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's web site the Friday before each Planning Commission meeting.

Meeting will end at 11:00 p.m. unless extended by a majority vote of the Commissioners. If all the items on the agenda are not heard, the remaining items will be heard the following Tuesday (if facilities are available) at 1050 Camino Del Mar.

Consent Calendar: The Consent Calendar is considered by the Planning Commission near the beginning of the agenda. Items placed on the Consent Calendar will be approved in accordance with the staff recommendations for the item unless removed from the Consent Calendar by Commissioners, staff, or a member of the public. If you wish to keep an item from being placed on the Consent Calendar, please submit an email to planning@delmar.ca.us or to the staff member prior to the meeting by 3:30 p.m. the day of the meeting.

This notice will be the only written notice sent. Items, which are continued by the Planning Commission from one Planning Commission meeting to another "date certain" meeting date, will not be re-noticed through the mail.

Final action. The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until the 10-day appeal period has expired. The appeal is then forwarded to

the City Council, which determines at the Initial Consideration whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (de novo) public hearing review. If a de novo public hearing is set by the City Council, an additional fee will be required.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Decorum:
All persons attending the Planning Commission meeting shall conduct themselves in a courteous and respectful manner. Comments shall be directed to the members of the Commission, rather than to others in attendance at the meeting. The Chairperson (or Vice Chair or Chair pro-tem in their absence), is designated as the parliamentarian for the meeting. As deemed appropriate, they may interrupt a speaker with instruction to redirect their remarks to relevant points on the agenda item before the Commission. They may also terminate a speaker's oral presentation if comments continue to be non-relevant or become disrespectful.

Note: The entirety of the City of Del Mar is located within the Coastal Zone. Some of the development projects listed on this agenda, as noted, require the receipt of a Coastal Development Permit. Some of these projects may also lie in what is known as the "Coastal Development Appeals Area". For the projects located in the appeals area, the City's action on the requested Coastal Development Permit may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission within the ten calendar days following the Coastal Commission's receipt of a notice from the City of its final action on the Coastal Development Permit application. However, before an appeal may be filed with the Coastal Commission, the City's action on the CDP application must be final, meaning that all of the City's [separate and internal] appeals processes must first be exhausted.

ROLL CALL

APPROVAL OF MINUTES

1. Approval of January 12, 2021 Planning Commission Meeting Minutes

UPDATE

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (Oral Communications)

Each person wishing to comment to the Planning Commission on any matter not on the agenda can do so in writing or telephonically. To submit a written comment, email the

Planning Department at planning@delmar.ca.us by 12:00 p.m. the day of the meeting. Please note "Public Oral" in the subject line of your email.

If you desire to make comment telephonically, submit a tele-comment form www.delmar.ca.us/telecomment though the City's website by 12:00 p.m. the day of the meeting. After completing the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

DISCUSSION AND BRIEFING (Application Items)

CONSENT CALENDAR:

The Planning Commission at the beginning of the meeting can place any item on the agenda upon the Consent Calendar. Consent Calendar items are not subject to public testimony. If you have a concern and wish to present information to the PC, you must be present at the beginning of the meeting to ensure the item will not be placed on consent or write a letter to the PC prior to the meeting expressing why the application should be taken off the Consent Calendar.

NEW APPLICATION(S):

ITEM 1
LCPA20-003
ZA20-003

Project: Proposed Housing Element Implementation Overlay Zone for implementation of 5th Cycle Housing Element Program 2G Rezone
Location: Citywide (including two North Commercial Zone parcels identified as APNs 299-100-47-00 and 299-100-48-00 as part of a separate rezone action to implement 5th Cycle Housing Element Program 2G)
Applicant: City of Del Mar, Planning Department
Description: The proposed zoning actions are required pursuant to the City's existing 5th Cycle Housing Element. State Housing law (Government Code Sections 65583.2(h) and (i)) required the City implement a rezone as part of the 5th Cycle Housing Element Program 2G to allow housing "by-right" at a density of 20-25 dwelling units per acre on APNs 299-100-47-00 and 299-100-48-00. The proposed implementation actions include: (1) Local Coastal Program Amendment (LCPA 20-003) to reflect a new Housing Element Implementation Overlay Zone with design criteria applicable to parcels where the Overlay Zone will be applied pursuant to the City's Housing Element and State Housing law; and (2) Zone Code Amendment (ZA 20-003) to create and implement a new Housing Element Implementation Overlay Zone in the City's Zoning Code. The Planning Commission initially reviewed and recommended approval of the zoning actions on January 12, 2021. The Overlay Zone has since been revised to include objective design standards and ancillary changes pursuant to City Council direction on February 16, 2021, which means an updated Planning Commission review and recommendation to the City Council is required. The City Council will

consider whether to adopt the proposed amendments in a future noticed public hearing.

Environmental Status: Pursuant to the California Environmental Quality Act (CEQA), the proposed actions have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) to facilitate the implementation of Government Code Section 65583.2 (h) and (i) pursuant to State Housing law. CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of a LCP amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Del Mar LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code. The proposed actions include a corollary amendment to the City's Municipal Code (Zoning). The future application of the Overlay Zone to certain parcels as required by the City's Housing Element to implement Government Code Section 65583.2 (h) and (i), including 5th Cycle Program 2G for multiple-dwelling residential use on two vacant parcels in the North Commercial Zone that requires the City Council's discretionary approval resulting in a physical change to the environment, will be analyzed in accordance with CEQA prior to such approval.

Contact Person: Joseph D. Smith, AICP, Director of Planning and Community Development jsmith@delmar.ca.us.

ITEM 2
GPA20-003

Project: 6th Cycle Housing Element Update – General Plan Amendment

Location: 6th Cycle HEU will facilitate housing citywide and may include the following sites:

- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- City-owned land: 28th Street (Candidate Site 7 APN 299-030-02 - RM East Zone) and 10th Street City Hall Expansion Lot (Candidate Site 55 APN 300-093-17 - PF Zone)
- Border Avenue Rezone (APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36)
- North Commercial (NC) (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, 2236 JDB, and Watermark APNs 299-100-47 and -48)
- Professional Commercial (PC) Zone (807 Camino del Mar (CDM) and 853 CDM)
- Central Commercial (CC) and 941 Camino del Mar Specific Plan Zones
- Public Facilities (PF) Zone
- State Fairgrounds properties (Candidate Sites 2A-2H)

- North Bluff (Candidate Sites 1E-1F APNs 298-241-06 and 298-241-07) and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and 301-010-02) as a contingency program for the State Fairgrounds

Applicant: City of Del Mar, Planning Department

Description: This is a request for the Planning Commission to review the proposed 6th Cycle Housing Element Update (HEU) General Plan Amendment (GPA 20-003), including revised Housing Programs to address direction provided by the City Council on February 16, 2021, and comments provided by HCD for compliance with State law. The revisions include a new program to meet the State-mandated rezone requirement on Border Ave parcels 298-241-34, 298-241-29, 298-241-35, 298-241-36 per Government Code 65583.2(h) and (i) to allow residential at 20-25 du/ac "by-right" and other changes to meet State law. The Planning Commission is asked to provide a recommendation to the City Council. The City Council will consider whether to adopt the 6th Cycle HEU General Plan Amendment (GPA 20-003) at a future public hearing.

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

Contact Person: Amanda Lee, Principal Planner alee@delmar.ca.us

ADJOURNMENT:

I, Jennifer Gavin, Associate Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday, February 25, 2021.

_____
Jennifer Gavin
Associate Planner

City of Del Mar
Staff Report

PLANNING COMMISSION
STAFF REPORT
March 9, 2021

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

REQUEST: The Planning Commission is asked to review the proposed 6th Cycle Housing Element Update (HEU), including the revised Housing Programs in the proposed Housing Plan (Chapter 4 of the HEU), Adequate Sites Inventory, required rezone programs, and other revisions necessary to address comments provided by the California Department of Housing and Community Development (HCD) and direction provided by the City Council on February 16, 2021, for preparation of a replacement rezone program for the North Commercial Zone. The Planning Commission is also asked to provide a recommendation for consideration by the City Council in a future noticed public hearing to adopt the 6th Cycle HEU General Plan Amendment (GPA 20-003). Link to revised HEU: https://www.delmar.ca.us/DocumentCenter/View/7488/Revised-Draft-6th-Cycle-Housing-Element-Update-March-4-2021-PDF

APPLICANT: City of Del Mar

STAFF CONTACTS: Amanda Lee, Principal Planner
Joseph D. Smith, AICP, Planning & Community Development Director

LOCATION: The 6th Cycle HEU will facilitate housing citywide and may include the following:

- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- Housing opportunities for 113 lower income units spread across the following sites:
  - City-owned land: 28th Street (Candidate Site 7 APN 299-030-02 - RM East Zone) and 10th Street City Hall Expansion Lot (Candidate Site 55 APN 300-093-17 - PF Zone)
  - Border Avenue Rezone (Candidate Sites 1A-1D APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36)
  - North Commercial (NC) Zone (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, 2236 JDB, and Watermark APNs 299-100-47 and -48)
  - Professional Commercial (PC) Zone (807 Camino del Mar (CDM) and 853 CDM)
  - 941 Camino del Mar Specific Plan
  - State Fairgrounds properties (Candidate Sites 2A-2H)
  - North Bluff (Candidate Sites 1E-1F APNs 298-241-06 and 298-241-07) and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and 301-010-02) as a contingency program for the State Fairgrounds
  - Public Facilities Zone
- Mixed use opportunities in the Central Commercial (CC) Zone

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

BACKGROUND:
The Housing Element is a State-mandated policy document within the Del Mar Community Plan, which is the General Plan for the City of Del Mar. State Housing law requires the Housing Element to be updated at least every eight years. For over one year, the City of Del Mar has been working on the 6th Cycle HEU, which covers planning period years 2021-2029. The 6th Cycle HEU is reliant upon completion of certain implementation actions as set forth in the City's existing 5th Cycle Housing Element (certified by the State in 2013 for the planning period 2013-2021 that ends on April 15, 2021). Three of the required 5th Cycle actions have not yet been completed as final, which means the City remains out of compliance with State law. This has complicated processing of the 6th Cycle HEU because the City is required to submit its adopted Final 6th Cycle HEU to HCD by April 15, 2021 (a deadline set by State law that is non-negotiable). It is the City Council's stated intent to have the 5th Cycle Programs and 6th Cycle HEU approved by the April 15, 2021 deadline.

The City's stated housing goals, as set by the City Council in 2020, are as follows:

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

On October 5, 2020, the City Council certified the 6th Cycle HEU Final PEIR and approved the draft 6th Cycle Housing Element Update (Resolution 2020-52) after substantial public outreach and participation, including a community survey and recommendations provided by an Ad Hoc Citizens' Task Force Advisory Committee (Citizens' Task Force), and Planning Commission. Even in light of the Coronavirus (COVID-19) pandemic, the City ensured that public input remained at the forefront of this important work effort. For example, the City maintained a website dedicated to the 6th Cycle HEU process and incorporated a standing "Housing Discussion Item"

as part of most virtual City Council meetings during the pandemic to provide a forum for ongoing public dialogue related to the housing work program.

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

Also, on October 5, 2020, in response to an enforcement letter from HCD dated September 30, 2020, the City Council issued a response to HCD identifying the City's plan to cure its non-compliance with State Housing law and avoid further enforcement actions. A copy of the City Council's response is available at: www.delmar.ca.us/DocumentCenter/View/7263/City-Response-Letter-to-HCD-Enforcement-Letter-10-20-2020-PDF. Specifically, the City Council summarized local actions that had been taken toward compliance and steps it would take before the April 15, 2021 official close of the 5th housing cycle. To-date, the remaining actions still include: 1) City Council adoption of a mechanism to implement rezone actions requiring by-right multiple-dwelling unit development at 20-25 du/ac (currently referred to as the "Housing Element Implementation Overlay Zone") ; 2) City Council adoption of 5th cycle Program 2G that would apply the Overlay Zone to the two parcels owned by "Watermark LP" via a Rezone action; and 3) City Council adoption of the Community Plan Amendment portion of 5th Cycle Program 2E related to the North Commercial land use designation. Further, the City Council committed to HCD in its response that it would consider local action these items by April 15, 2021. On December 4, 2020, HCD confirmed that it accepted the City's response and would be closely monitoring the City's progress in meeting the commitments as outlined – specifically Programs 2G and 2E.

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

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

On January 19, 2021, the City Council received a report regarding the additional data collection and changes needed in response to HCD's written comments. A copy of the Agenda Report is available at (see Item 1): www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_01192021-2655

HCD staff participated in the City Council meeting and responded to City Council questions related to State Housing law, the City's Housing Element, and the City's HEU in process.

On February 16, 2021, the City Council directed staff to prepare the "Border Avenue Option" (applicable to four vacant parcels located in the North Bluff area identified as APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36). The Border Avenue Option is a replacement rezone program for the 6th Cycle as a result of an active Referendum of Ordinance 973 (North Commercial zoning ordinance required for implementation of 5th Cycle Housing Element Program 2E) that was filed on November 20, 2020. The current status of Program 2E includes local actions relating to the NC Zone, including the Community Plan Amendment action necessary to complete local approval of Program 2E and the Community Plan Amendment and Rezone actions necessary to complete Program 2G (two vacant "Watermark" parcels) before the 5th Cycle ends April 15, 2021. On February 22, 2021, the City Council discussed the Referendum of Ordinance 973 and indicated there would be a status report on the Referendum and potential decisions on the Community Plan Amendment portion of Program 2E at the City Council meeting on March 15, 2021.

The unresolved 5th Cycle issues all directly affect which sites the City is able to rely on as "adequate sites" for the 6th Cycle HEU and future housing cycles. The NC Zone has been a part of the City's adopted housing plan since the 5th Cycle was adopted in 2013. Based on the plan to create adequate sites in the NC Zone during the 5th Cycle via Ordinance 973, the City identified six sites in the NC Zone at 20 dwelling units per acre that could yield 22 affordable units to count towards the 6th Cycle Regional Housing Needs Assessment (RHNA) allocation of lower-income units (very low and low). However, the remaining uncertainty related to the Referendum and unfinished local actions relating to the NC Zone, including Program 2G, has forced the City to expeditiously develop various contingency rezone plans and replacement rezone plans for consideration by the Planning Commission and City Council prior to formal HEU adoption. Staff was directed by the City Council to bring forward the Border Avenue Option replacement rezone program as a new option for the 6th Cycle HEU. This replacement rezone program would make up for the potential affordable unit deficit of 22 lower income units in the NC Zone depending on what direction the City Council takes on related actions in March 2021. Analysis for the Border Avenue Option is included in the Analysis section of this report with the discussion related to rezones.

ANALYSIS:

The City's proposed approach to the 6th Cycle HEU reflects a desire to obtain State certification of the Housing Element and maintain local control (i.e., the ability to process multiple-dwelling unit projects via the City's Design Review Process and CEQA) over housing decisions where afforded per State Housing law. The main items for the Planning Commission to focus on as part of this review include: 1) modifications to the HEU and the revised list of housing programs; 2) the adequate sites inventory; and 3) rezone actions needed to demonstrate adequate sites at sufficient density.

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

HEU Chapter 1

This Chapter identifies the City's assigned portion of RHNA, which for the 6th Cycle is 31 above moderate units, 31 moderate units, 64 low income units, and 37 very low income units for a total

of 163 units. Combined, very low and low income units represent 101 lower income affordable units. California Government Code Section 65863 requires that the City create and maintain a capacity of adequate sites that can accommodate its assigned housing obligation. In addition, due to unmet obligations for the 5th Cycle, the City has planned for an anticipated penalty of an additional 12 lower income units, which brings the overall total units for planning purposes to 175, including 113 lower income affordable units. Minor modifications were made to clarify the public outreach conducted for the HEU and the timeline for other required actions to update the General Plan Safety Element and add a new Environmental Justice Element subsequent to 6th Cycle HEU certification by HCD. The Safety Element Update is required for compliance with Senate Bill (SB) 1241 and Government Code Section 65302(g)(3); and the new Environmental Justice Element is required for compliance with SB 1000 and Government Code Section 65302(h)(2). It is anticipated that completion of these work program tasks will occur in 2022.

HEU Chapter 2

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

- Clarifies that persons with physical and developmental disabilities in Del Mar who participate in services offered by the San Diego Regional Center live in the home of a parent or guardian. There are no community care or intermediate care facilities located in Del Mar.
- Incorporates data to confirm that there is no local demand or need for specialized farm worker housing. No Del Mar residents have reported employment as farm workers and there is no evidence of significant farming-related employment in the community.
- Incorporates local data provided by the St. Peter's Church "Helping Hands" program regarding services provided in 2020 to the homeless and unsheltered population, which indicates most individuals travel by public bus transit from outside of the community to access their services.
- Clarified the State's responsibility for existing group quarters on the State Fairgrounds property; and identified proposed Program 3A is opportunity to improve the condition of existing housing on the State Fairgrounds property.

HEU Chapter 3

This Chapter analyzes constraints (governmental and non-governmental) and impediments to "fair housing." Under State fair housing law, the City has an obligation to provide housing opportunities for all economic segments, but it currently only has housing options for moderate income and above moderate income households. Chapter 3 was revised to incorporate additional data and analysis to address HCD's request for additional information related to the following:

- Additional data related to development standards, zones, and overlay zones.
- Data related to the City's Design Review process and processing times and zone deviation requests associated with Specific Plan applications processed during the 5th Cycle.
- Analysis related to various special needs housing types.
- Data on approved reasonable accommodations permits for persons with disabilities.
- Analysis of condominium conversions and inclusionary housing requirements.
- Analysis of water/sewer infrastructure capacity.

- Data on City-owned sites and projections for Accessory Dwelling Units (ADUs).
- Projected increase in development interest in zones that allow 20 du/ac (even non-vacant sites).
- Analysis of City's supermajority ("four-fifths") vote requirement for Community Plan Amendments (note that State law only requires a simple majority vote for General (Community) Plan Amendments.
- Analysis on "Affirmatively Furthering Fair Housing" or AFFH as required by State law.

HEU Chapter 4 – Housing Programs

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

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

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

The priority strategy for affordable housing is 6th Cycle Program 3A. This goal of this program is to secure an agreement with the State 22nd District Agricultural Association (22nd DAA) within the first three years of HEU certification for the development of at least 54 lower income affordable units on the State Fairgrounds property located within the City of Del Mar. To initiate this effort, the City Council approved a "Housing Agreement Considerations Memorandum" on October 19, 2020 and is in progress of pursuing 22nd DAA support and eventual approval of an agreement to satisfy Program 3A. Ultimately, since the City does not have regulatory control over the State Fairgrounds nor owns the sites, HCD requires that a traditional rezone program be required on other properties in the event Program 3A is not completed within the three year timeframe. This rezone program is referred to as the "Fairgrounds Contingency Plan" and is further described in Program 1E. The Fairgrounds Contingency Plan would only be implemented if the City is unable to secure a binding agreement with the State to locate housing at the Fairgrounds. However, if the City successfully completes Program 3A, it will not need to proceed with Program 1E.

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

- Programs 1A (NC Zone) and 1B (Professional Commercial) revised language to keep programs from shifting to a "by right" development requirement and clarify that Coastal Commission certification is needed within the first six months of the 6th Cycle to complete these programs – see discussion below for discussion of an alternative rezone program that may be needed to replace NC Zone sites.
- Program 1C (Central Commercial Zone) clarifies the City is not relying on any specific sites in the CC Zone to meet its 6th Cycle RHNA lower income housing need. Notwithstanding, this program is part of the City's diversified housing strategy to facilitate the production of affordable units throughout the City. Further, this program would create new adequate sites during the 6th Cycle to count towards the 7th Cycle (2029-3037) by creating new opportunities for mixed use development (i.e., projects with housing and a ground floor commercial component along Camino del Mar street frontage) in the downtown village center. The intent is to meet the City's goals for a sustainable approach to future housing locations and to help set the City up for successful completion of the forthcoming 7th Cycle HEU in 2029 in reliance on sites where local control over permit approval can be maintained. It is not the City's intent that Program 1C authorizes any "by-right" development in its 6th Cycle or future 7th Cycle.
- Program 1D (Affordable Housing Overlay Zone) clarifies that rezoning action to apply this overlay zone would be processed mid cycle only if the City determined it needed additional incentive to increase the production of affordable units.
- Program 1E (North Bluff/South Stratford – Fairgrounds Contingency Plan) clarifies the contingency rezone program must allow 20-25 du/ac "by-right" if Program 3A is not implemented within three years. This type of contingency rezone program (i.e., "back-up plan") is required by HCD because the rezone would create sites needed for the lower income RHNA during the 6th Cycle.
- Program 1G was revised to remove outdated density bonus law references.
- Program 1I clarifies the program will evaluate constraints and create new incentives and streamlining opportunities for affordable housing.
- New Program 1J was added to create a system for regular outreach and coordination with affordable housing developers for mutual benefit, including housing objective at the State Fairgrounds property.
- Program 2C clarified the RHNA projection for new ADUs to reflect a mix of above moderate, moderate, and low income units.
- Program 3A (State Fairgrounds Agreement) clarified the RHNA projection increased from 51 to 54 units. This was modified so that the City would not be relying on any specific sites in its CC Zone per Program 1C.
- Programs 4A and 4B were revised to address residential care facilities, emergency shelters, transitional housing, supportive housing, and low barrier navigation centers.
- New Program 4D was added to update the City's Inclusionary Housing Ordinance.
- Program 6A (SB 35 Policy) modified the timeline for completion of this policy.
- Program 6B was modified to address various Affirmatively Furthering Fair Housing (AFFH) requirements in response to the analysis added to HEU Chapter 3.
- Program 6C confirmed no moderate or low income units were demolished per Coastal Act.

- New Program 6F was added for potential modification to vote threshold for Housing Element and HE program implementation.
- New Program 6G was added to create objective design standards that would apply to future multiple dwelling unit housing projects that are eligible for "by-right" processing with no discretionary review by the Design Review Board, Planning Commission, or City Council (i.e., density bonus and affordable housing projects on lots subject to HEU required rezones)
- New Program 7C (Resources for Persons with Disabilities) was added to replace the prior community care facility program that was inconsistent with Program 4A.

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

Within the first 3 years of certification, the City will be required to complete most of its programs. This will include exploring and implementing various streamlining measures and incentives with a focus on production of affordable units. The City will be coordinating with owners of key sites with opportunities to accommodate affordable units including local hotel owners, owners of existing multiple dwelling buildings, and the Del Mar Plaza located in the downtown village center. This may also include implementation of an affordable housing overlay zone if needed (Program 1D).

Adequate Sites Inventory

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

The combined 175 unit obligation, including at least 113 lower income units is being addressed through a combination of the following strategies and as shown in the Tables below:

- Unit credits for new units that have been issued building permits since June 30, 2020.
- Continued production of ADUs (at least 100 total) on lots that allow residential citywide.
- 941 Camino del Mar Specific Plan adequate sites created during 5th Cycle.
- City-owned vacant site on 10th Street City Hall expansion lot in PF zone (APN 300-093-17).
- City-owned vacant site in the RM-East Zone on 28th Street (APN 299-030-02).
- Professional Commercial Zone sites created during the 5th Cycle (807 Camino del Mar and 853 Camino del Mar).
- North Commercial Zone Watermark lots (APNs 299-100-47 and -48) in process of being rezoned during the 5th Cycle to allow 20-25 du/ac "by-right" (Gov Code 65583.2(h) and (i)).

- North Commercial Zone sites per 5th Cycle Housing Element -or- the Border Avenue Option Replacement Rezone
  - North Commercial "other sites" include six lots along westerly portion of Jimmy Durante Boulevard (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB), unless public vote on the Referendum of Ordinance 973 removes this option in which case the Border Avenue Option Replacement Rezone must be implemented.
  - If NC Zone is removed from the Housing Plan, the Border Avenue Option Replacement Rezone would be implemented to allow 20-25 du/ac "by-right" (APNs 298-241-29, 298-241-34, -35, -36).
- Housing on State Fairgrounds properties -or- Fairgrounds Contingency Rezone of North Bluff and South Stratford Lots
  - An affordable housing agreement with the Fairgrounds must be reached within three years.
  - Rezones of vacant sites for the North Bluff (Candidate Sites 1E-1F) APNs 298-241-06 and -07 and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and -02 to allow housing at 20-25 du/ac "by right", if an agreement is not reached.

6th Cycle Obligation for Dwelling Units by Household Income Category				
	Lower Income Units	**Moderate Income Units**	**Above Moderate Income Units**	**Total**
6th Cycle Obligation	101	31	31	163
Unit Credits[1]		-13	-1	-14
5th Cycle Carryover	+12	-	-	+12
Total Obligation	113	18	30	161

Adequate Sites Identified to Meet 6th Cycle Obligation				
	Lower Income Units	**Moderate Income Units**	**Above Moderate Income Units**	**Total**
Accessory Dwelling Units (ADUs)	15	45	40	100
941 Camino del Mar Specific Plan	2	-	9	11
City-owned vacant site on 10th Street in Public Facilities Zone	4	-	-	4
City-owned vacant site on 28th Street in RM-East Zone	3	-	-	3
Professional Commercial	3	-	14	17
North Commercial Watermark	10	-	38	48
North Commercial – Other Sites	22 or 0	-	92 or 0	114 or 0
Border Avenue Rezone (if replacement for NC other sites)	0 or 22	-	0 or 112	0 or 134

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

State Fairgrounds Housing	54 or 0	-	-	54 or 0
Rezones of North Bluff and South Stratford (if Fairgrounds agreement not reached)	0 or 27-34 (North Bluff) and 19-25 (South Stratford)	-	0 or 109-138 (North Bluff) and 80-99 (South Stratford)	0 or 136-172 (North Bluff) and 99-124 (South Stratford)
Total Units	113 or more	45	193 or more	351 or more

As shown above, the proposed Housing Plan can produce at least 113 affordable units to meet the City's assigned RHNA (and penalty obligations). Note that the rows indicating an option show the total for the NC Zone sites on the left and the Border Avenue Option Replacement Rezone option on the right.

Inclusionary Housing Requirements

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

Required Zoning and Rezone Actions

During the process, there understandably has been some community concern and hesitation with regard to the zoning actions needed to create "adequate sites" at sufficient density (at least 20 du/ac). However, these programs are part of the City's current Housing Element, which is part of the Community Plan, and required by State Housing law for the City to gain Housing Element certification in its 6th housing cycle. When jurisdictions like Del Mar do not have adequate vacant sites available to accommodate multiple-dwelling unit development, they are required per State law to create zones of a sufficient density through upzone or rezone actions. These types of programs are intended by State law to facilitate the development of the City's required number of affordable units by the private sector during the eight-year planning cycle. As previously noted, the State (not the City) has set 20 du/ac as the minimum density for these types of upzone or rezone programs.

For certification of the 6th Cycle HEU, the City is required to commit to modify some of its zones (similar to past commitments made by the City in its 5th Cycle) to allow residential development at a minimum density of 20 du/ac. These upzone or rezone programs must be applied to properties until the City has sufficient sites available that can accommodate multiple dwelling unit development sufficient to cover the City's affordable housing obligation per State Housing law. The target for the 6th Cycle is 113 affordable units. In the 6th Cycle HEU, the City is relying on upzone actions (5th Cycle Programs 2E, 2F, and 2G) that will have local approvals complete by the end of the 5th Cycle on April 15, 2021. This would allow the City to rely on the City's approved

density of 20 du/ac (5th Cycle Program 2E in NC Zone and 2F in PC Zone) and the City's typical permit approval process, which includes DRB review and when applicable, Planning Commission and City Council approvals as well.

The City of Del Mar continues to learn from its past experience with its 4th Cycle (uncertified) and 5th Cycle (certified) Housing Elements, the consistent pattern of new State Housing laws enacted since 2016 focused on affordable housing[2], and the experience of cities not in compliance with State Housing law. For example, the City of Encinitas has experienced a series of rezone penalties that have forced "by-right" multiple dwelling unit housing approvals and other HCD enforcement penalties on the City. Similarly, the City of Del Mar is also facing "by-right" rezone requirements (i.e., meaning no DRB, PC, or City Council authority over permits) due to a lack of sites with zoning that can provide at least 20 du/ac. This is why the City was required during the 5th Cycle to rezone the two vacant "Watermark" owned lots in the NC Zone to 20-25 du/ac under 5th Cycle Program 2G. This is also the reason why additional sites may be required to be rezoned to 20-25 du/ac for "by right" development as part of the City's 6th Cycle.

As noted above, State Housing law requires that these types of 20-25 du/ac rezones must allow for development of the affordable units through "by right" development, meaning with no discretion or ability for the City to limit or deny the housing development if it meets the program standards. This State requirement is most comparable to the mechanism required by the State in Program 2G in the City's 5th Cycle Housing Element (i.e., rezone of the two vacant lots owned by Watermark LP at Jimmy Durante Blvd and San Dieguito Drive in the NC Zone to allow for "by-right" development up to 20-25 du/ac with an affordable housing component).

Proposed Housing at the State Fairgrounds and Required Rezone Program as Contingency Plan

The City does not have sufficient sites that allow for 20 du/ac to cover the City's RHNA obligation for 101 lower income units. Therefore, State Housing law requires that the City's housing plan include programs to rezone vacant parcels to accommodate projects with affordable housing. While the City of Del Mar has prioritized preferred creative solutions, HCD emphasized that a rezone program must be included in the housing plan as a contingency plan in case the preferred program (housing at the Fairgrounds) is not implemented. Through 6th Cycle Program 3A, the City is targeting a significant portion of its assigned housing obligation on the State Fairgrounds property. However, without an agreement in place with the State within three years, the City must include a back-up rezone program to rezone vacant land on the North Bluff (six parcels on 10.22 "net" acres) and South Stratford (three parcels on 4.39 "net" acres) to accommodate an equivalent number of units (54 units per the proposed HEU).

As mentioned above, this is due to State Housing law because the City currently does not have adequate sites to meet its RHNA obligation, the City must have a program included in its Housing Element to rezone a sufficient amount of vacant land to accommodate at least half of its affordable units (which is equal to 51 units based on the assigned RHNA of 101 lower income units). The

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

City's initial approved 6th Cycle HEU sufficiently met this criteria. The revised HEU also meets the criteria where it includes the Program 1A (NC Zone) sites and a slight increase in the number of affordable units at the Fairgrounds from 51 units to 54 units per City Council direction on February 16, 2021. At this meeting, the City Council also directed staff to prepare an alternative option (Border Avenue Rezone) as an option to replace the Program 1A (NC Zone) sites. The details for this alternative rezone option are described below.

Border Avenue Replacement Rezone Option

As mentioned above, a replacement rezone option was prepared and brought forward for consideration per City Council direction. Based on lot size and the target density, the Border Avenue Option (Candidate Sites 1A, 1B, 1C, and 1D) can yield a range between 20 and 27 affordable units if rezoned to 20-25 du/ac by right, which would be sufficient for the City Council to select as a new replacement rezone program to replace the deficit in adequate sites for 22 affordable units if the Program 1A (NC Zone) sites needs to be replaced.

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

Should the City Council select the Border Avenue Option and modification to the Fairgrounds Contingency Plan (Program 1E), staff would identify for HCD that these vacant sites have the potential to accommodate at least 22 affordable units. However, as summarized below, the feasibility of this approach may trigger further consideration by HCD for the following reasons:

- The Border Avenue Candidate Sites 1A and 1B are currently zoned R1-14 which is a modified low density residential zone; and North Bluff Candidate Sites 1C, 1D, 1E, and 1F are zoned R1-40, which is a very low density residential zone. A change in density to 20-25 du/ac is considerable. However, in context, the proposed density is keeping within character to existing development located to the north in the City of Solana Beach that is currently developed with a density that would be greater than the 20-25 du/ac proposed.

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

Further, in addition to the need to demonstrate to HCD that it is a sufficient replacement for six sites in the NC Zone (Program 1A), the Border Avenue Option also requires a modification to the Fairgrounds Contingency Plan (Program 1E) as described above. As such, there is some concern that the modified Fairgrounds Contingency Plan and the Border Avenue Option Replacement Rezone for the NC zone sites may not be considered to be sufficient by HCD. This is because the revised programs would each rely on a range of potential units where the lower end of the range in each case is less than what is needed to be deemed adequate. If this option is selected, the City will put its best justification forward, but it should be noted that the City would be taking a risk in pursuing this modified strategy because there is uncertainty until certified by HCD. Further, there is known opposition in the community to potential housing on the NC Zone sites (per the adopted 5th Cycle Element) and opposition to potential housing on the North Bluff sites and South Stratford sites (per the proposed 6th Cycle HEU). Unfortunately, there are no other areas of the City with vacant land of a sufficient size or that meet the other criteria to be counted as adequate sites with sufficient density as necessary for certification of the Housing Element in place of these options.

COMMUNITY PLAN (GENERAL PLAN) ANALYSIS AND CONFORMANCE FINDING:
The Community Plan as a whole seeks to maintain quality of life in Del Mar through an overall goal to "preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single-family residential character, a picturesque and rugged site, and a beautiful beach." The Housing Element identifies the City's long-term vision for housing as it relates to policies in other required General Plan elements for land use, circulation, environment, energy, open space, and safety, which are organized into three main Community Plan sections: Environmental Management, Community Development, and Transportation. The Housing

Element is published under separate cover from the rest of the Community Plan, but is required to be consistent with the other elements per State law.

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

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

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

RECOMMENDATION:
Staff recommends that the Planning Commission provide a recommendation to the City Council to adopt the Final 6th Cycle Housing Element Update (GPA 20-003) for submittal to HCD by the statutory deadline of April 15, 2021.

Respectfully submitted,

Amanda Lee
Principal Planner

Attachments:
Exhibit A – Candidate Housing Sites (excerpt from Final 6th Cycle Program EIR)
Exhibit B – HEU Appendix B Adequate Sites List and Analysis
Exhibit C – Letter from Dept. of Housing and Community Development (HCD) Dated 12-17-20
Exhibit D – Matrix Showing City's Response to HCD Comments

Links:
1. 6th Cycle HEU Clean copy: https://www.delmar.ca.us/DocumentCenter/View/7488/Revised-Draft-6th-Cycle-Housing-Element-Update-March-4-2021-PDF
2. 6th Cycle HEU Redline copy: https://www.delmar.ca.us/DocumentCenter/View/7489/Redline-of-Revised-Draft-6th-Cycle-March-4-2021-PDF
3. 6th Cycle Final Program EIR (certified October 5, 2020): www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

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

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

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

"MM Cul- ~~2~~ 3"

SECTION 3.0 PROJECT DESCRIPTION

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

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

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

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

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

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

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

See attached modified Figure 3-2: Focus Areas.

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

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

Table 3-5, Candidate Housing Sites Without Labels

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

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

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

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

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

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

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

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

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

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

Site	Assessor's Parcel Number	Acres	Address
42	3000121400	0.08	1310 Camino del Mar
43	3000121300	0.14	1302 Camino del Mar
44	3000741000	0.20	Camino del Mar
45	3000740900	0.14	1234 Camino del Mar
46	3000740800	0.14	1226 Camino del Mar
47	3000740700	0.14	1212 Camino del Mar
48	3000740600	0.19	1202 Camino del Mar
49	3000921600	0.20	243 12th St
50	3000921500	0.09	Camino del Mar
51	3000920600	0.09	1140 Camino del Mar
52	3000920700	0.16	1130 Camino del Mar
53	3000921300	0.31	1110 Camino del Mar
54	3000921400	0.22	1104 Camino del Mar
55	3000931700	0.1~~0.91~~	10th St
56	3000931500	0.10	Camino del Mar
57	3001720400	0.20	944 Camino del Mar
58	3001721300	0.22	10th St
59	3001721400	0.22	10th St
60	3001720900	0.20	240 9th St
61	3001721700	0.35	910 Camino del Mar
63	3002002200	0.19	9th St
64	3002002300	0.19	9th St
65	3000308700	1.26	334 14th St
66	3000308300	0.44	1431 Camino del Mar
67	3000300400	0.25	1401 Camino del Mar
68	3000200100	0.17	1349 Camino del Mar
69	3000200200	0.09	317 14th St
70	3000200300	0.19	1335 Camino del Mar
71	3000200400	0.19	1327 Camino del Mar
72	3000200500	0.19	Camino del Mar
73	3000750100	0.14	1247 Camino del Mar
74	3000750900	0.19	1237 Camino del Mar
75	3000750400	0.14	1229 Camino del Mar
76	3000750500	0.19	1219 Camino del Mar
77	3000750600	0.45	1201 Camino del Mar
78	3003910800	0.24	1230 Luneta Dr
79	3004011500	0.30	1135 Camino del Mar
80	3004010300	0.24	1125 Camino del Mar
81	3004010900	0.12	1105 Camino del Mar
82	3004011000	0.11	1101 Camino del Mar
83	3004102600	0.51	1047 Camino del Mar
84	3004102700	0.07	Camino del Mar
85	3004102800	0.16	Camino del Mar

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

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

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

SECTION 4.1 AESTHETICS

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

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

SECTION 4.2 AGRICULTURE AND FORESTRY RESOURCES

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

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

SECTION 4.3 AIR QUALITY

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

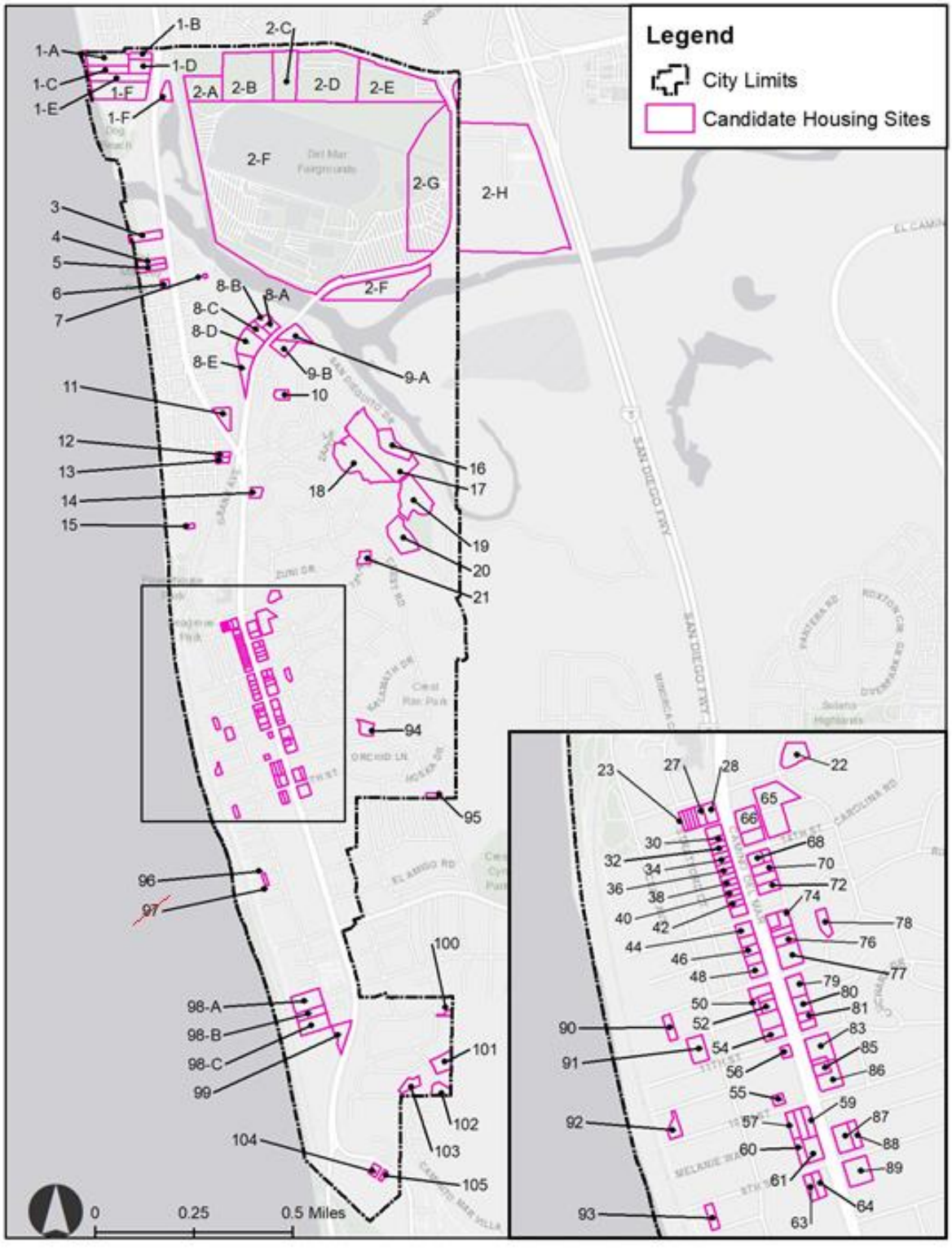

Figure 3-1 Candidate Housing Sites

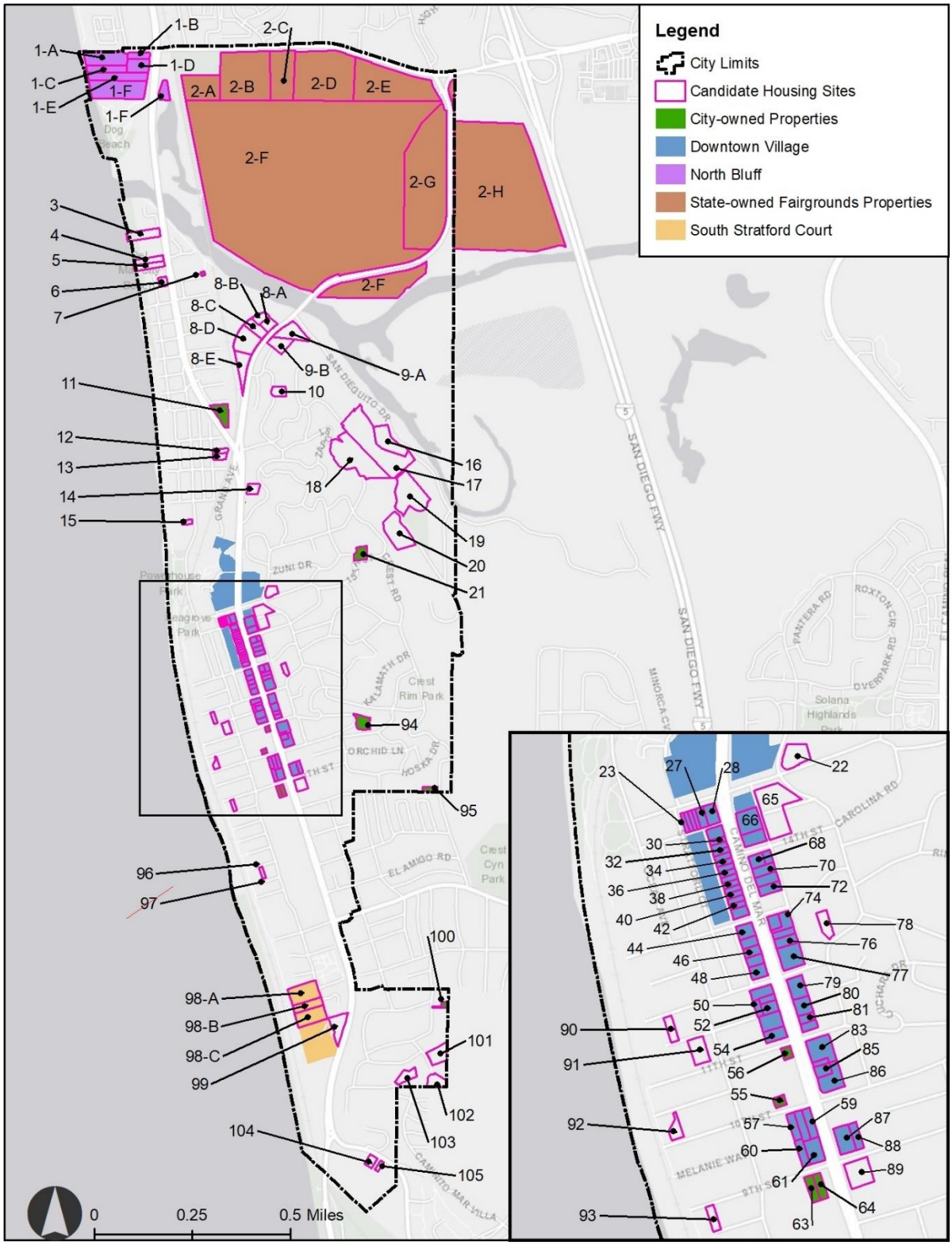

Figure 3-2: Focus Areas

Appendix B:
Candidate Sites Analysis

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

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

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

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

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

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

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

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

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

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

Table B-1a: Summary of RHNA Status and Sites Inventory (Dwelling Units) North Commercial Zone instead of Border Avenue Rezone					
	Extremely Low/ Very Low Income	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations Remaining	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
North Commercial (NC) Zone (not including Watermark lots)	22[2]		--	92	114
Rezoned Watermark Lots	10[3]			38	48
Public Facilities (PF) – City Owned Properties	4[4]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[5]		17[6]	11[6]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**59**		**62**	**204**	**325**
Sites Proposed for Rezoning (if required)	54[7]		0	0	54
Total Sites Available	**113**		**62**	**204**	***379***
Sites Surplus/Shortfall (+/-)[8]	**0**		**+44**	**+174**	**+218**

Notes:

1. Relies on 807 CDM and 853 CDM.
2. Relies on 2002 Jimmy Durante Blvd. (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB.
3. Relies on APNs 299-100-47 and -48.
4. 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
5. 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site it is in the Floodplain overlay zone.
6. Comprised of sites included within Table B-4.
7. 54 lower income units are planned for the State Fairgrounds property. If Program 3A is not timely implemented, then rezone per Program 1E will be required.
8. Calculated by taking the total sites available and subtracting the net RHNA obligation.

Table B-1b: Summary of RHNA Status and Sites Inventory (Dwelling Units) – Alternative – Border Ave Rezone instead of North Commercial (NC) Zone					
	Extremely Low/ Very Low Income	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
Rezoned Watermark Lots (NC)	10[2]			38	48
Public Facilities (PF) – City Owned Properties	4[3]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[4]		17[5]	11[5]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**37**		**62**	**112**	**211**
Sites Proposed for Rezoning (if required)	76[6]		0	112	188
Total Sites Available	**113**		**62**	**224**	***399***
Sites Surplus/Shortfall (+/-)[7]	**0**		**+44**	**+194**	**+238**

Notes:

1. Relies on 807 CDM and 853 CDM.
2. Relies on APNs 299-100-47 and -48
3. These 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
4. These 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site 7. It is in the Floodplain overlay zone.
5. Comprised of sites included within Table B-4.
6. Relies upon 22 lower income affordable units via the Border Avenue Rezone and 54 lower income units at the State Fairgrounds. If Program 3A is not timely implemented, then rezone per Program 1E will be required to address the 54 lower income deficit units from Fairgrounds.
7. Calculated by taking the total sites available and subtracting the net RHNA obligation.

B.1 Very Low and Low Income Candidate Sites Inventory

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

Calculation of Unit Capacity

Sites within the Professional Commercial (PC) Zone

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

Sites within the North Commercial (NC) Zone

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

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

Sites within the 941 Camino del Mar Specific Plan

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

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

Sites within the Public Facilities (PF) Zone

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

Sites within Residential Zones

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

Sites to be Rezoned

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

Table B-2: Residential Capacity on Sites to be Rezoned to 20-25 du/ac

Site Number/Name	Gross Acreage	Potential Units	
		Lower Income	Above Moderate
Site 1(a-f): North Bluff Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	17.33	66	280-349

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

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

Selection of Sites

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

Sites were selected based on their potential viability to accommodate lower income housing within the 2021-209 planning period. This includes an evaluation of vacant land within the City (**Table B-3**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities.

Table B-3: Percentage of VL/L RHNA by Site Type

Site Type	# of Units	% of Lower Income RHNA Allocation (101 Units)
Vacant	59	58%
Non-Vacant	56	55%
Total	115	113%

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

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

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

Figure X-X: Map of Very Low and Low Income Sites

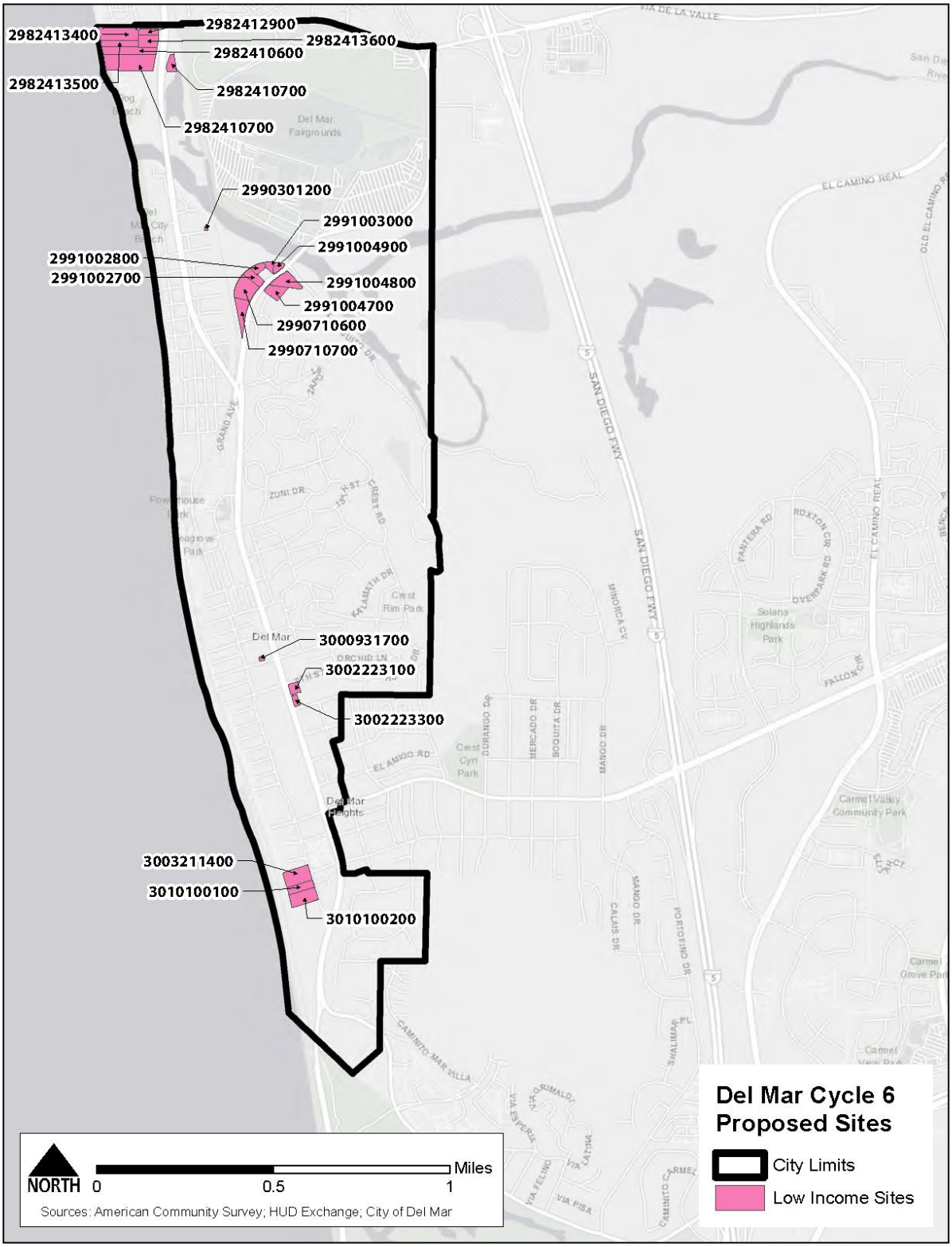

Table B-4: Low and Very Low Income Sites										
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)										
APN	**Address**	**Gross Parcel Acreage**	**Net Parcel Acreage**	**Description (Existing Use)**	**Parcel Specific Comments**	**Ownership**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

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

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

B.2 Moderate/Above Moderate Income Candidate Sites Inventory

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

Calculation of Unit Capacity

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

Selection of Sites

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

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

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

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

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

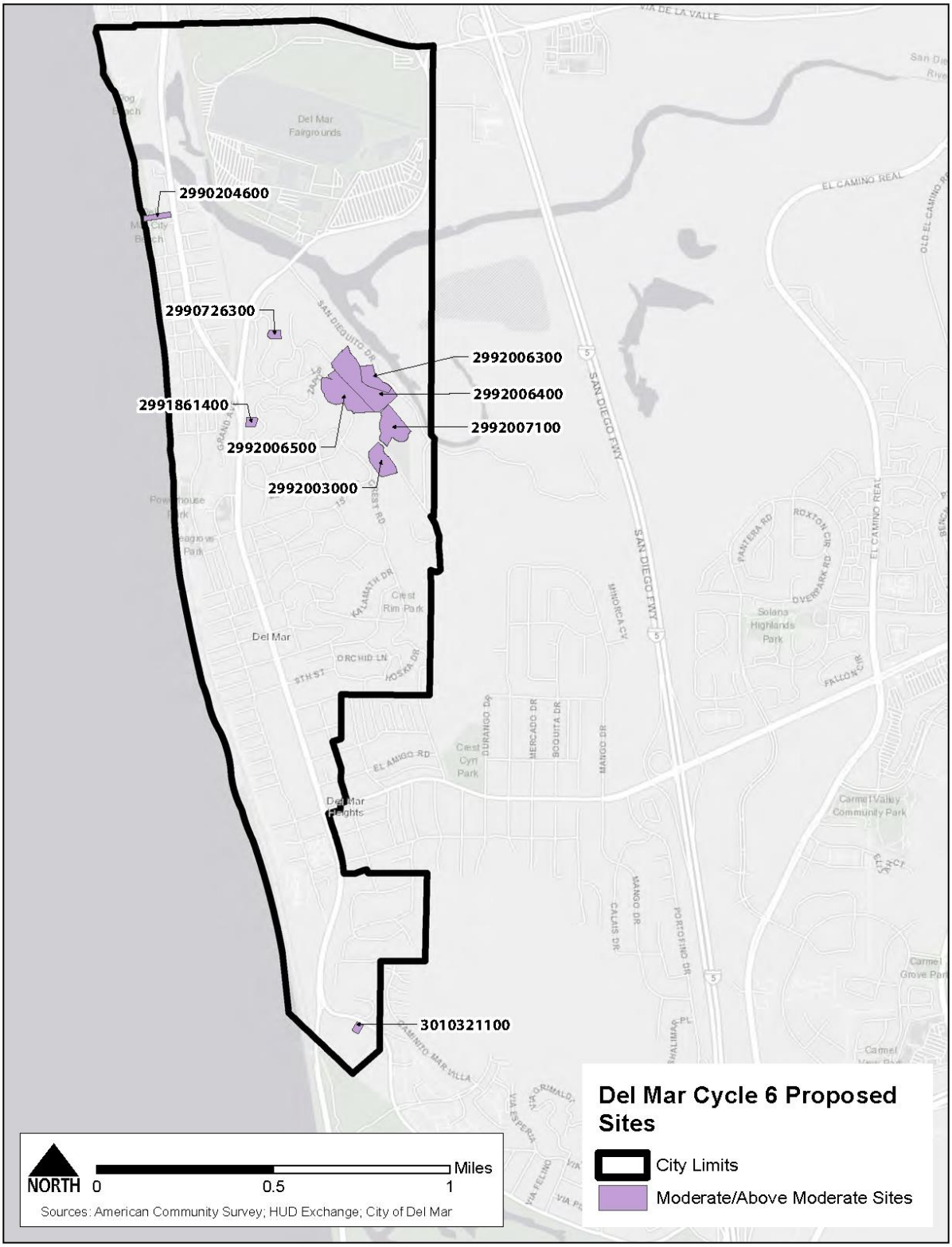

Figure B-5: Above Moderate Sites								
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)								
APN	**Address**	**Parcel Size (AC)**	**Description (Existing Use)**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**
2990726300	2069 SEAVIEW AVE	0.57	Vacant	Part of residential single family but mostly vacant large lot	R1-10		4.3	1
2991861400	DEL MAR CA 92014	0.50	Vacant	Part of residential single family but mostly large lot	R1-10		4.3	2
2990204600	2920 CAMINO DEL MAR	0.71	Residential Single Family	Backyard of Residential Single Family	R1-10B		4.3	1
3010321100	155 CARMEL VALLEY RD	0.38	Non-conforming Commercial	Non-conforming autobody repair shop with rear parking	R1-14	BSC, LG, OS, WUI	3.1	1
2992006500	690 SERPENTINE DR	5.53	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, OS, WUI	1	1
2992006300	SAN DIEGUITO DR	2.14	Vacant	Large lot with structure on it	R1-40	BSC, LG, OS, WUI	1	1
2992007100	1810 SAN DIEGUITO DR	3.91	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, WUI	1	1
2992003000	DEL MAR CA 92014	2.79	Vacant	Large vacant lot	R1-40	BSC, WUI	1	2

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

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

B.3 22nd District Agricultural Association (DAA)

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

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

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

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

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

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

Table B-7: Potential Residential Capacity within the Del Mar Fairgrounds

	Gross Acreage[1]	Net Acreage	Targeted Number of Lower Income Units
Del Mar Fairgrounds	220.45	5.65	54

1. The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

December 17, 2020

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

Dear Christa Johnson:

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

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

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

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

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

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

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

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

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

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX
CITY OF DEL MAR

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

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

A. Housing Needs, Resources, and Constraints

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

   (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
   (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
   (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
   (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
   (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement. (Gov. Code, § 65583, subd. (c)(10)(A))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Housing Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Quantified Objectives

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

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

D. Coastal Zone Localities

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

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

1. The number of new housing units approved for construction within the coastal zone since January 1982.

2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.

3. The number of existing residential dwelling units occupied by low- and moderate-income households required either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.

4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.

Summary of Responses to HCD Preliminary Feedback March 4, 2021

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

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

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

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

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

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

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

CITY OF DEL MAR
PLANNING COMMISSION REGULAR MEETING
(ACTION) MINUTES
March 9, 2021
Via Teleconference

The minutes set forth the actions taken by the Planning Commission on the matters stated. Audio/video recordings of the Planning Commission proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the Planning Commission, including Red Dots (materials provided to the Planning Commission after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Chairperson Bakker called the Regular Meeting to order at 6 p.m.

ROLL CALL

Chair Ted Bakker, Vice Chair Philip Posner, and Commissioners John Farrell, and Claire McGreal.

Absent: Commissioner Don Countryman

Staff Present: Planning and Community Development Director Joseph Smith, Principal Planners Matt Bator and Amanda Lee, and Associate Planner Jennifer Gavin

APPROVAL OF MINUTES

Motion by Commissioner McGreal, second by Commissioner Farrell to approve the meeting minutes for January 12, 2021. Vote passed 4-0-1(Commissioner Countryman absent).

UPDATE - None

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items) - None

ITEMS NOT LISTED ON THE AGENDA (Oral Communications) - None

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Lee confirmed that neither item was eligible for the consent calendar.

REGULAR CALENDAR

ITEM 1
LCPA20-003
ZA20-003

Project: Proposed Housing Element Implementation Overlay Zone for implementation of 5th Cycle Housing Element Program 2G Rezone

Location: Citywide (including two North Commercial Zone parcels identified as APNs 299-100-47-00 and 299-100-48-00 as part of a separate rezone action to implement 5th Cycle Housing Element Program 2G)

Applicant: City of Del Mar, Planning Department

Description: The proposed zoning actions are required pursuant to the City's existing 5th Cycle Housing Element. State Housing law (Government Code Sections 65583.2(h) and (i)) required the City implement a rezone as part of the 5th Cycle Housing Element Program 2G to allow housing "by-right" at a density of 20-25 dwelling units per acre on APNs 299-100-47-00 and 299-100-48-00. The proposed implementation actions include: (1) Local Coastal Program Amendment (LCPA 20-003) to reflect a new Housing Element Implementation Overlay Zone with design criteria applicable to parcels where the Overlay Zone will be applied pursuant to the City's Housing Element and State Housing law; and (2) Zone Code Amendment (ZA 20-003) to create and implement a new Housing Element Implementation Overlay Zone in the City's Zoning Code. The Planning Commission initially reviewed and recommended approval of the zoning actions on January 12, 2021. The Overlay Zone has since been revised to include objective design standards and ancillary changes pursuant to City Council direction on February 16, 2021, which means an updated Planning Commission review and recommendation to the City Council is required. The City Council will consider whether to adopt the proposed amendments in a future noticed public hearing.

Environmental Status: Pursuant to the California Environmental Quality Act (CEQA), the proposed actions have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) to facilitate the implementation of Government Code Section 65583.2 (h) and (i) pursuant to State Housing law. CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of a LCP amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Del Mar LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code. The proposed actions include a corollary amendment to the City's Municipal Code (Zoning). The future application of the Overlay Zone to certain parcels as required by the City's Housing Element to implement Government Code Section 65583.2 (h) and (i), including 5th Cycle Program 2G for multiple-dwelling residential use on two vacant parcels in the North Commercial Zone that requires the City Council's discretionary approval resulting in a physical change to the environment, will be analyzed in accordance with CEQA prior to such approval.

Contact Person: Joseph D. Smith, AICP, Director of Planning and Community Development jsmith@delmar.ca.us.

Planning Director Smith and Principal Planner Bator provided the staff presentation and answered questions from Commissioners. Staff clarified that the proposed design standards would only apply to those properties within the Overlay Zone.

Two comment letters were posted and distributed as red dot correspondence, and filed with the project from:

- Betty McDonald, 2026 Balboa Avenue
- Karen and Roger Reynolds

One comment letter from Ken Olson, 404 Torrey Point Road was received as a red dot correspondence past the distribution time of 12pm the date of the hearing and was not distributed but filed with the project.

The Commission commended staff for their quick turnaround on the design standards and generally approved of the standards as proposed.

MOTION BY COMMISSIONER MCGREAL SECOND BY COMMISSIONER POSNER TO RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE HOUSING ELEMENT OVERLAY ZONE (ZA20-003) AND ASSOCIATED LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-003) INCLUDING THE PROPOSED DRAFT DESIGN STANDARDS (VOTE 4-0-1)

Ayes:	Chair Bakker, Vice Chair Posner, and Commissioners Farrell, McGreal
Noes:	None
Absent:	Commissioner Countryman

ITEM 2
GPA20-003

Project: 6th Cycle Housing Element Update – General Plan Amendment
Location: 6th Cycle HEU will facilitate housing citywide and may include the following sites:

- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- City-owned land: 28th Street (Candidate Site 7 APN 299-030-02 - RM East Zone) and 10th Street City Hall Expansion Lot (Candidate Site 55 APN 300-093-17 - PF Zone)
- Border Avenue Rezone (APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36)
- North Commercial (NC) (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, 2236 JDB, and Watermark APNs 299-100-47 and -48)
- Professional Commercial (PC) Zone (807 Camino del Mar (CDM) and 853 CDM)
- Central Commercial (CC) and 941 Camino del Mar Specific Plan Zones
- Public Facilities (PF) Zone
- State Fairgrounds properties (Candidate Sites 2A-2H)
- North Bluff (Candidate Sites 1E-1F APNs 298-241-06 and 298-241-07) and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and 301-010-02) as a contingency program for the State Fairgrounds

Applicant: City of Del Mar, Planning Department
Description: This is a request for the Planning Commission to review the proposed 6th Cycle Housing Element Update (HEU) General Plan

Amendment (GPA 20-003), including revised Housing Programs to address direction provided by the City Council on February 16, 2021, and comments provided by HCD for compliance with State law. The revisions include a new program to meet the State-mandated rezone requirement on Border Ave parcels 298-241-34, 298-241-29, 298-241-35, 298-241-36 per Government Code 65583.2(h) and (i) to allow residential at 20-25 du/ac "by-right" and other changes to meet State law. The Planning Commission is asked to provide a recommendation to the City Council. The City Council will consider whether to adopt the 6th Cycle HEU General Plan Amendment (GPA 20-003) at a future public hearing.

Environmental Status: The 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020.

Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone). The NC/PC PEIR, which analyzed future housing in the NC, PC, and PF Zones, was certified by the City Council on September 8, 2020. The NC/PC Final PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428.

Contact Person: Amanda Lee, Principal Planner alee@delmar.ca.us

Principal Planner Lee provided the staff presentation and answered questions from Commissioners.

One speaker slip was submitted for Ken Olson, 404 Torrey Point Road however Mr. Olson clarified that he had mistakenly requested to speak on Item 2 when he meant to speak on Item 1 and thus did not provide any further comments.

The Commissioners indicated their support for Housing Program 1A (North Commercial) which provides capacity for lower income units, and made it clear that only if it becomes necessary (due to the Referendum in process) that the Border Avenue Rezone option that applies to four lots on the North Bluff should be the replacement rezone for Program 1A if housing in the North Commercial zone becomes infeasible.

MOTION BY VICE CHAIR POSNER, SECOND BY COMMISSIONER FARRELL TO RECOMMEND THE CITY COUNCIL ADOPT THE REVISED 6TH CYCLE HOUSING ELEMENT UPDATE AS PRESENTED BY STAFF WITH A FURTHER RECOMMENDATION THAT THE NORTH COMMERCIAL HOUSING PROGRAM (1A) BE PRIORITIZED. IN THE EVENT THAT THE CITY CANNOT FUFILL PROGRAM 1A, ONLY THEN SHOULD THE BORDER AVENUE REZONE BE USED AS A REPLACEMENT OPTION. (VOTE 3-0-2)

Ayes:	Chair Bakker, Vice Chair Posner, and Commissioners Farrell, McGreal, and Countryman
Noes:	None
Absent:	Commissioner Countryman and Commissioner McGreal (Recused)

ADJOURNMENT

Chair Bakker adjourned the meeting at 8:45 p.m.

REVISED -Del Mar City Council
Special Meeting Agenda
VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Daniel Quirk
Council Member

Ashley Jones
Interim City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Acting City Clerk

REVISED NOTICE AND CALL OF SPECIAL MEETING OF THE DEL MAR CITY COUNCIL

THURSDAY, MARCH 25, 2021, 4:30 P.M.
City of Del Mar, VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar, California
****

NOTICE IS HEREBY GIVEN that the Mayor of the City of Del Mar has called a Special Meeting at the time and place listed above to consider the following: Please refer to the attached agenda.

CERTIFICATION

I, Sarah Krietor, Acting City Clerk of the City of Del Mar, hereby certify that a copy of this notice was posted at City Hall and distributed to the City Council on March 23, 2021, at 9:30 a.m.

Sarah Krietor, Acting City Clerk

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

I. CALL TO ORDER/ROLL CALL

II. PUBLIC COMMUNICATIONS

Public comment is restricted to only items listed on the Special Meeting Agenda. Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

III. PUBLIC HEARINGS

1. Introduction of Ordinances to Establish the Housing Element Implementation Overlay Zone and Implement 5th Cycle Housing Element Program 2G

Recommended Action: Staff recommends the City Council take the following actions for compliance with the 5th Cycle Housing Element and State Housing law (California Government Code Sections 65583.2(h) and (i)):

1) Introduce an Ordinance (Attachment A) to amend the Del Mar Municipal Code (DMMC) (ZA20-003) and Local Coastal Program (LCP) (LCPA20-003) by adding a new Zoning Code Chapter 30.92 and an ancillary amendment to existing DMMC Section 30.75.080 to create a new Housing Element Implementation Overlay Zone (HEI-OZ) as follows:

   a. To implement Housing Element programs pursuant to Government Code Section 65583.2 (h) and (i), where required, to authorize "by right" multiple-dwelling unit development at 20-25 dwelling units per acre (du/ac) with an affordable unit component; and

   b. To include procedures to clarify the process for development permit approval and development standards, and mitigation, monitoring and reporting requirements; and

   c. To consider the inclusion of objective design standards in the HEI-OZ and/or prioritize the creation of objective design standards under a subsequent work program to be discussed as part of the City Council's review of the 6th Cycle Housing Element; and

2) Introduce an Ordinance (Attachment B) to implement 5th Cycle Program 2G as follows:

   a. To approve a rezone (RP 20-001) of real property identified as Assessor Parcel Numbers (APNs) 299-100-47 and 299-100-48, owned by Watermark LP, (commonly referred to as the "Watermark parcels") and located in the North Commercial Zone to apply the new HEI-OZ to implement Government Code §65583.2(h) and (i) per Program 2G; and

   b. To amend DMMC Sections 30.92.020 and 30.92.030(E) to include references to APNs 299-100-47 and 299-100-48 and 5th Cycle Program 2G requirements.

Reference: Clerk's File No. 304-7, 401-4, 401-9

2. 6th Cycle Housing Element Update – Adoption of General Plan Amendment (GPA 20-003)

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

Reference: Clerk's File No. 304-7

3. Council Discussion Regarding Preservation of Housing Stock in "By Right" and Higher Density Projects

Recommended Action: It is recommended that the City Council discuss the information provided in the agenda report and provide guidance to Planning staff on timing, budget, and approaches to move forward with Del Mar Municipal Code amendments as needed to preserve rental and high density housing stock for its intended purpose.

Reference: Clerk's File No. 304-7

4. Regional Organization Reports

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. 22nd District Agricultural Association Community Relations Committee (Gaasterland/Martinez)
B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
C. CSA-17 Ambulance District Advisory Board (Martinez/Druker)

D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Druker/Martinez)
E. League of California Cities – San Diego Chapter (Gaasterland/Worden)
F. North County Transit District (NCTD) (Quirk/Gaasterland)
G. Regional Solid Waste Association (Worden/Quirk)
H. San Diego Association of Governments Board (SANDAG) (Gaasterland/Druker/Quirk)
I. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
J. SANDAG Borders Committee (Druker)
K. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Quirk/Bride)
L. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
M. Other Regional Organization Reports

5. Council Committees/Subcommittees/Community Org Reports

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Ad-Hoc Referendum Subcommittee (Gaasterland/Druker)
B. Arts Advisory Committee (Druker/Worden)
C. Business Support Advisory Committee (Gaasterland/Martinez
D. City Council Legislative Subcommittee
E. Clean Water Rate Project (Druker, Quirk)
F. Del Mar Community Connections (Martinez/Quirk)
G. Del Mar Housing Corporation (Gaasterland/Martinez)
H. Del Mar Village Association (Druker/Quirk)
I. Finance Committee (Gaasterland/Quirk)
J. Housing Subcommittee (Gaasterland/Martinez)
K. Human Resources Subcommittee (Druker/Worden)
L. Legislative Subcommittee (Gaasterland/Druker)
M. Long Term Rail Relocation Subcommittee (Gaasterland, Quirk)
N. Measure Q Citizen Oversight Committee (Druker/Quirk)
O. Parks and Recreation Committee (Druker/Worden)
P. Planning Process Subcommittee (Druker/Gaasterland)
Q. Safe Rail Crossing and Bluff Stabilization Subcommittee (Gaasterland/Quirk)
R. San Dieguito Lagoon Committee (Quirk/Worden)
S. SANDAG Borders Committee (Druker)
T. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
U. Shores Advisory Committee (Gaasterland/Martinez)
V. Sustainability Advisory Board (Druker/Worden)
W. Traffic and Parking Advisory Committee (Martinez/Worden)
X. Undergrounding Project Advisory Committee (Gaasterland/Quirk)
Y. Other Committee-Subcommittee Reports

IV. ADJOURNMENT

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

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

DATE: March 25, 2021

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

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

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

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

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

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City Council Action:

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMEBR DRUKER TO ADOPT RESOLUTION 2021-14, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT THE 6TH CYCLE HOUSING ELEMENT (GPA 20-003), WHICH IS THE CITY'S HOUSING PLAN COVERING THE YEARS 2021-2029, THAT CONSTITUTES AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN), APPLICABLE CITYWIDE WITHIN THE CITY OF DEL MAR, CALIFORNIA; AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED 6TH CYCLE HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR CERTIFICATION." (VOTE 4-0-1)

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

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

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

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

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

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

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

BACKGROUND:

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

Status of 5th Cycle Housing Element Obligations

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

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

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

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

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

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

- 5th Cycle Program 2G Rezone of Two Vacant Parcels in the NC Zone:
  As part of a separate item on the March 25, 2021, City Council special meeting agenda, the City Council is being asked to introduce an ordinance to create a new Housing Element Implementation Overlay Zone (HEI-OZ) and introduce a second ordinance to apply the new overlay zone via a rezone action to two vacant parcels (referred to as "Watermark") in the North Commercial Zone per 5th Cycle Program 2G. The required rezone action will allow residential "by right" at a density of 20-25 du/ac per State law (specifically Government Code Section 65583.2 (h) and (i)). If adopted, Coastal Commission certification of the associated LCPA will be needed to complete 5th Cycle Program 2G. Once complete, the two vacant parcels are projected to accommodate 10 lower income affordable units during the 6th Cycle.

- 5th Cycle Program 2F Upzone of Lots in the Professional Commercial Zone:
  The City Council adopted a Community Plan Amendment for 5th Cycle Program 2F on September 8, 2020, and adopted an Ordinance to amend the Professional Commercial Zone on September 21, 2020. Coastal Commission certification of the associated LCPA is still needed to confirm the local approval of 5th Cycle Program 2F per State law. The LCPA application was submitted to the Coastal Commission on November 6, 2020. If 5th Cycle Program 2F is completed, it is projected to accommodate three affordable units during the 6th Cycle.

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

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

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

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

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

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

Preparation and Processing of the 6th Cycle Housing Element

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

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

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

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

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

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

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

action on these items by April 15, 2021. On December 4, 2020, HCD confirmed that it accepted the City's response and would be closely monitoring the City's progress in meeting the commitments as outlined – specifically 5th Cycle Programs 2G and 2E. A copy of the City Council's response is available at:
www.delmar.ca.us/DocumentCenter/View/7263/City-Response-Letter-to-HCD-Enforcement-Letter-10-20-2020-PDF

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

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

On January 19, 2021, the City Council received a report regarding the additional data collection and changes needed in response to HCD's written comments. HCD staff participated in the City Council meeting and responded to City Council questions related to State Housing law, the City's Housing Element, and the City's HEU in process. A copy of the January 19, 2021 agenda report is available at (see Item 1):
www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_01192021-2655

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

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

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

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

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

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

DISCUSSION/ANALYSIS:

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

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

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

HEU Chapter 1
This Chapter identifies the City's assigned portion of RHNA, which for the 6th Cycle is 31 above moderate units, 31 moderate units, 64 low income units, and 37 very low income units for a total of 163 units. Combined, very low and low income units represent 101 lower income affordable units. California Government Code Section 65863 requires that the City create and maintain a capacity of adequate sites that can accommodate its assigned housing obligation. In addition, due to unmet obligations for the 5th Cycle, the City has planned for an anticipated penalty of an additional 12 lower income units, which brings the overall total units for planning purposes to 175, including 113 lower income affordable units.

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

HEU Chapter 2
This Chapter identifies the existing community character and profile, explains that Del Mar is a small, generally built-out coastal city with high land costs, notes the City's assigned growth projections for the next eight years are likely overstated due to the expected recession as a result of the COVID pandemic, and added data and clarifications:

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

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

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

HEU Chapter 3

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

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

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

HEU Chapter 4 – Housing Programs

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

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

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

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

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

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

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

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

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

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

Adequate Sites Inventory

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

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

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

  - North Commercial "other sites" include six lots along westerly portion of Jimmy Durante Boulevard (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB); or
  - The Border Avenue Contingency Rezone would be included as a back-up plan for the NC Zone sites in Program 1A to allow 20-25 du/ac on four North Bluff area parcels identified as APNs 298-241-29, 298-241-34, 298-241-35, and 298-241-36) for implementation if a public vote on the Referendum of Ordinance 973 removes the NC Zone sites in which case the Border Avenue Contingency Rezone must be implemented.

- Housing on State Fairgrounds properties **-or-** Fairgrounds Contingency Rezone of North Bluff and South Stratford Lots:
  - An affordable housing agreement with the Fairgrounds must be reached within three years following 6th Cycle HEU certification (estimated April 2024); or
  - Rezones of vacant sites for the North Bluff (Candidate Sites 1E-1F) APNs 298-241-06 and -07 and South Stratford (Candidate Sites 98A-98C) APNs 300-321-14, 301-010-01 and -02 to allow housing at 20-25 du/ac "by right," if an agreement is not reached within three years. Note that the rezone programs must be complete within six months following the three-year timeframe (estimated October 2024).

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

6th Cycle Obligation for Dwelling Units by Household Income Category				
	Lower Income Units	**Moderate Income Units**	**Above Moderate Income Units**	**Total**
6th Cycle Obligation	101	31	31	163
Unit Credits[1]		-13	-1	-14
5th Cycle Carryover	+12	-	-	+12
Total Obligation	113	18	30	161

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

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

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

[2] Unit assumptions for the "Watermark" lots (APNs 299-100-47 and -48) are based on the Preliminary Development Application (PDA 20-001) that was submitted on November 24, 2020, for development of a "by right" 48-unit multiple dwelling unit project with affordable housing pursuant to Senate Bill 330.
[3] These rows show the sites for the NC Zone (Program 1A) on the left and the Border Avenue Contingency Rezone option on the right. Border Avenue is a contingency plan in case NC is removed.
[4] Unit assumptions for the North Bluff and South Stratford rezones reflect a 20-25 du/ac density range.

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

Inclusionary Housing Requirements

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

Required Zoning and Rezone Actions

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

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

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

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

Proposed Housing at the State Fairgrounds and Required Fairgrounds Contingency Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The processing of the 6th Cycle Housing Element Update is a City Council Priority for Fiscal Years 2020 and 2021.

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

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

RESOLUTION NO. 2021-XX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

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

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Acting City Clerk
City of Del Mar

Appendix B:
Candidate Sites Analysis

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

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

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

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

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

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

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

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

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

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

Table B-1a: Summary of RHNA Status and Sites Inventory (Dwelling Units) North Commercial Zone instead of Border Avenue Rezone					
	Extremely Low/ Very Low Income	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations Remaining	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
North Commercial (NC) Zone (not including Watermark lots)	22[2]		--	92	114
Rezoned Watermark Lots	10[3]			38	48
Public Facilities (PF) – City Owned Properties	4[4]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[5]		17[6]	11[6]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**59**		**62**	**204**	**325**
Sites Proposed for Rezoning (if required)	54[7]		0	0	54
Total Sites Available	**113**		**62**	**204**	***379***
Sites Surplus/Shortfall (+/-)[8]	**0**		**+44**	**+174**	**+218**

Notes:

1. Relies on 807 CDM and 853 CDM.
2. Relies on 2002 Jimmy Durante Blvd. (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB.
3. Relies on APNs 299-100-47 and -48.
4. 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
5. 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site it is in the Floodplain overlay zone.
6. Comprised of sites included within Table B-4.
7. 54 lower income units are planned for the State Fairgrounds property. If Program 3A is not timely implemented, then rezone per Program 1E will be required.
8. Calculated by taking the total sites available and subtracting the net RHNA obligation.

Table B-1b: Summary of RHNA Status and Sites Inventory (Dwelling Units) – Alternative – Border Ave Rezone instead of North Commercial (NC) Zone					
	Extremely Low/ Very Low Income	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
Rezoned Watermark Lots (NC)	10[2]			38	48
Public Facilities (PF) – City Owned Properties	4[3]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[4]		17[5]	11[5]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**37**		**62**	**112**	**211**
Sites Proposed for Rezoning (if required)	76[6]		0	112	188
Total Sites Available	**113**		**62**	**224**	***399***
Sites Surplus/Shortfall (+/-)[7]	**0**		**+44**	**+194**	**+238**

Notes:

1. Relies on 807 CDM and 853 CDM.
2. Relies on APNs 299-100-47 and -48
3. These 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
4. These 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site 7. It is in the Floodplain overlay zone.
5. Comprised of sites included within Table B-4.
6. Relies upon 22 lower income affordable units via the Border Avenue Rezone and 54 lower income units at the State Fairgrounds. If Program 3A is not timely implemented, then rezone per Program 1E will be required to address the 54 lower income deficit units from Fairgrounds.
7. Calculated by taking the total sites available and subtracting the net RHNA obligation.

B.1 Very Low and Low Income Candidate Sites Inventory

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

Calculation of Unit Capacity

Sites within the Professional Commercial (PC) Zone

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

Sites within the North Commercial (NC) Zone

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

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

Sites within the 941 Camino del Mar Specific Plan

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

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

Sites within the Public Facilities (PF) Zone

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

Sites within Residential Zones

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

Sites to be Rezoned

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

Table B-2: Residential Capacity on Sites to be Rezoned to 20-25 du/ac

Site Number/Name	Gross Acreage	Potential Units	
		Lower Income	Above Moderate
Site 1(a-f): North Bluff Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	17.33	66	280-349

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

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

Selection of Sites

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

Sites were selected based on their potential viability to accommodate lower income housing within the 2021-209 planning period. This includes an evaluation of vacant land within the City (**Table B-3**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities.

Table B-3: Percentage of VL/L RHNA by Site Type

Site Type	# of Units	% of Lower Income RHNA Allocation (101 Units)
Vacant	59	58%
Non-Vacant	56	55%
Total	115	113%

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

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

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

Figure X-X: Map of Very Low and Low Income Sites

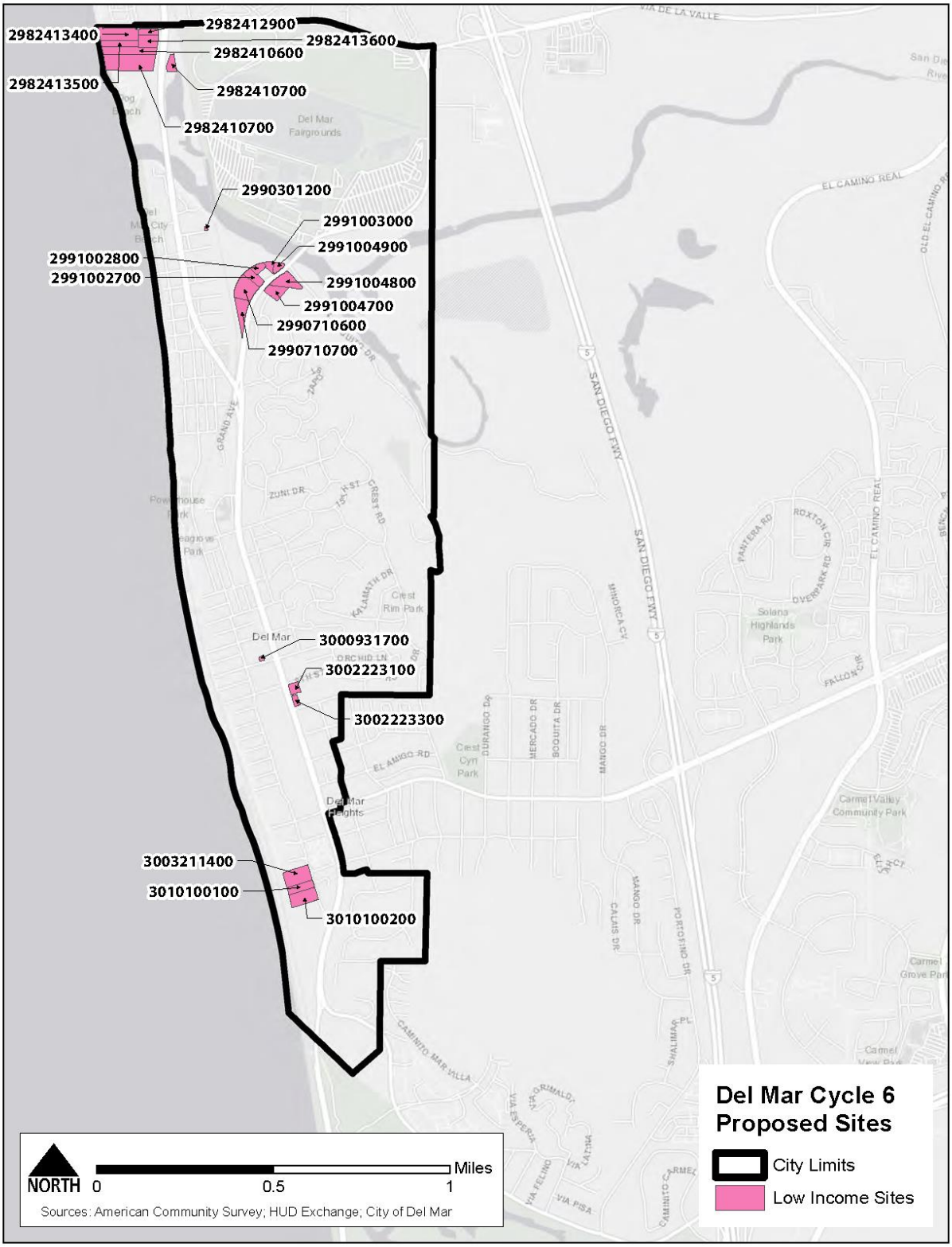

Table B-4: Low and Very Low Income Sites										
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)										
APN	**Address**	**Gross Parcel Acreage**	**Net Parcel Acreage**	**Description (Existing Use)**	**Parcel Specific Comments**	**Ownership**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

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

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

B.2 Moderate/Above Moderate Income Candidate Sites Inventory

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

Calculation of Unit Capacity

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

Selection of Sites

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

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

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

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

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

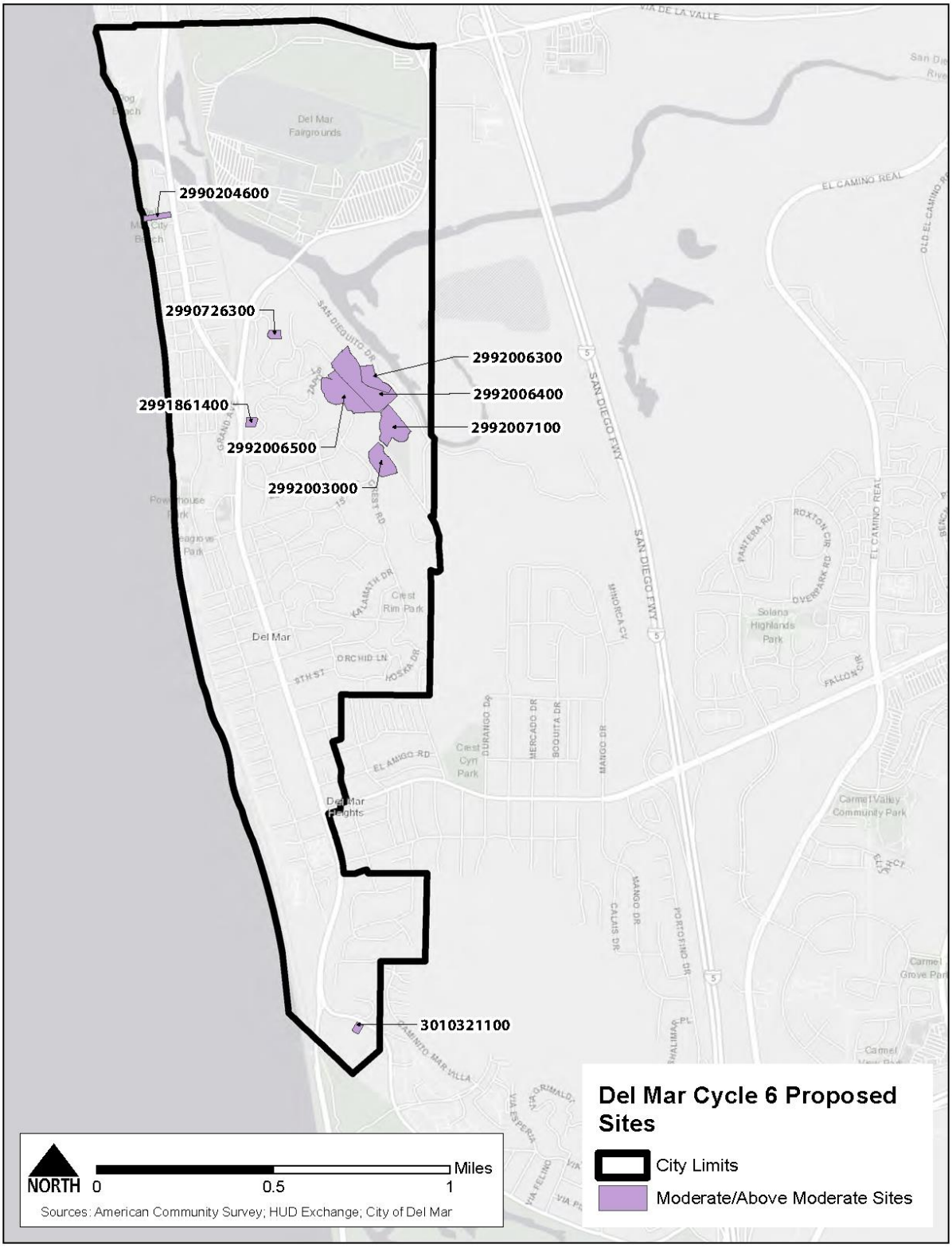

Figure B-5: Above Moderate Sites								
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)								
APN	**Address**	**Parcel Size (AC)**	**Description (Existing Use)**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**
2990726300	2069 SEAVIEW AVE	0.57	Vacant	Part of residential single family but mostly vacant large lot	R1-10		4.3	1
2991861400	DEL MAR CA 92014	0.50	Vacant	Part of residential single family but mostly large lot	R1-10		4.3	2
2990204600	2920 CAMINO DEL MAR	0.71	Residential Single Family	Backyard of Residential Single Family	R1-10B		4.3	1
3010321100	155 CARMEL VALLEY RD	0.38	Non-conforming Commercial	Non-conforming autobody repair shop with rear parking	R1-14	BSC, LG, OS, WUI	3.1	1
2992006500	690 SERPENTINE DR	5.53	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, OS, WUI	1	1
2992006300	SAN DIEGUITO DR	2.14	Vacant	Large lot with structure on it	R1-40	BSC, LG, OS, WUI	1	1
2992007100	1810 SAN DIEGUITO DR	3.91	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, WUI	1	1
2992003000	DEL MAR CA 92014	2.79	Vacant	Large vacant lot	R1-40	BSC, WUI	1	2

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

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

B.3 22nd District Agricultural Association (DAA)

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

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

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

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

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

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

Table B-7: Potential Residential Capacity within the Del Mar Fairgrounds

	Gross Acreage[1]	Net Acreage	Targeted Number of Lower Income Units
Del Mar Fairgrounds	220.45	5.65	54

1. The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.

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

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

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

"MM Cul- ~~2~~ 3"

SECTION 3.0 PROJECT DESCRIPTION

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

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

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

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

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

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

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

See attached modified Figure 3-2: Focus Areas.

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

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

Table 3-5, Candidate Housing Sites Without Labels

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

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

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

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

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

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

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

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

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

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

Site	Assessor's Parcel Number	Acres	Address
42	3000121400	0.08	1310 Camino del Mar
43	3000121300	0.14	1302 Camino del Mar
44	3000741000	0.20	Camino del Mar
45	3000740900	0.14	1234 Camino del Mar
46	3000740800	0.14	1226 Camino del Mar
47	3000740700	0.14	1212 Camino del Mar
48	3000740600	0.19	1202 Camino del Mar
49	3000921600	0.20	243 12th St
50	3000921500	0.09	Camino del Mar
51	3000920600	0.09	1140 Camino del Mar
52	3000920700	0.16	1130 Camino del Mar
53	3000921300	0.31	1110 Camino del Mar
54	3000921400	0.22	1104 Camino del Mar
55	3000931700	0.1~~0.91~~	10th St
56	3000931500	0.10	Camino del Mar
57	3001720400	0.20	944 Camino del Mar
58	3001721300	0.22	10th St
59	3001721400	0.22	10th St
60	3001720900	0.20	240 9th St
61	3001721700	0.35	910 Camino del Mar
63	3002002200	0.19	9th St
64	3002002300	0.19	9th St
65	3000308700	1.26	334 14th St
66	3000308300	0.44	1431 Camino del Mar
67	3000300400	0.25	1401 Camino del Mar
68	3000200100	0.17	1349 Camino del Mar
69	3000200200	0.09	317 14th St
70	3000200300	0.19	1335 Camino del Mar
71	3000200400	0.19	1327 Camino del Mar
72	3000200500	0.19	Camino del Mar
73	3000750100	0.14	1247 Camino del Mar
74	3000750900	0.19	1237 Camino del Mar
75	3000750400	0.14	1229 Camino del Mar
76	3000750500	0.19	1219 Camino del Mar
77	3000750600	0.45	1201 Camino del Mar
78	3003910800	0.24	1230 Luneta Dr
79	3004011500	0.30	1135 Camino del Mar
80	3004010300	0.24	1125 Camino del Mar
81	3004010900	0.12	1105 Camino del Mar
82	3004011000	0.11	1101 Camino del Mar
83	3004102600	0.51	1047 Camino del Mar
84	3004102700	0.07	Camino del Mar
85	3004102800	0.16	Camino del Mar

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

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

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

SECTION 4.1 AESTHETICS

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

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

SECTION 4.2 AGRICULTURE AND FORESTRY RESOURCES

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

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

SECTION 4.3 AIR QUALITY

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

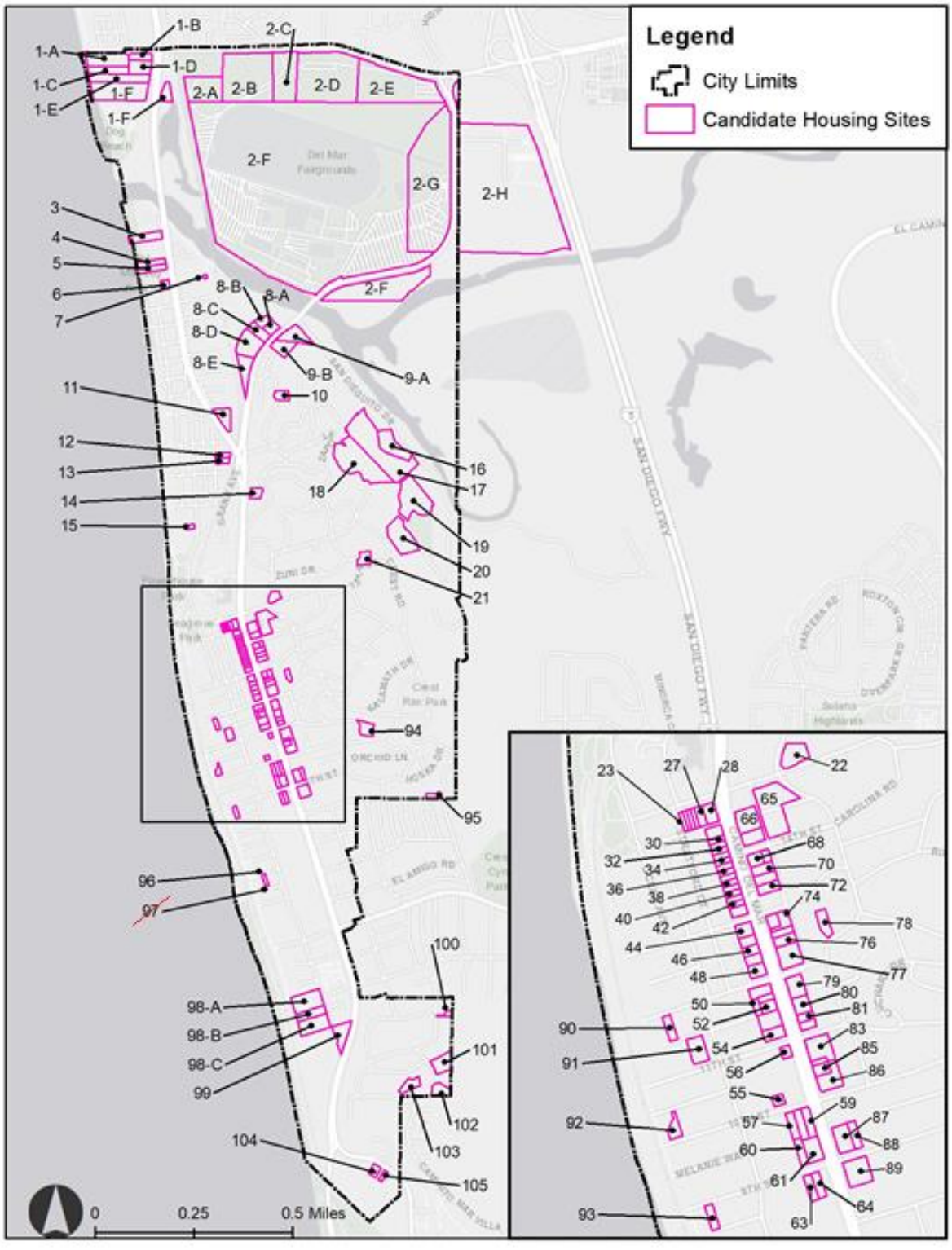

Figure 3-1 Candidate Housing Sites

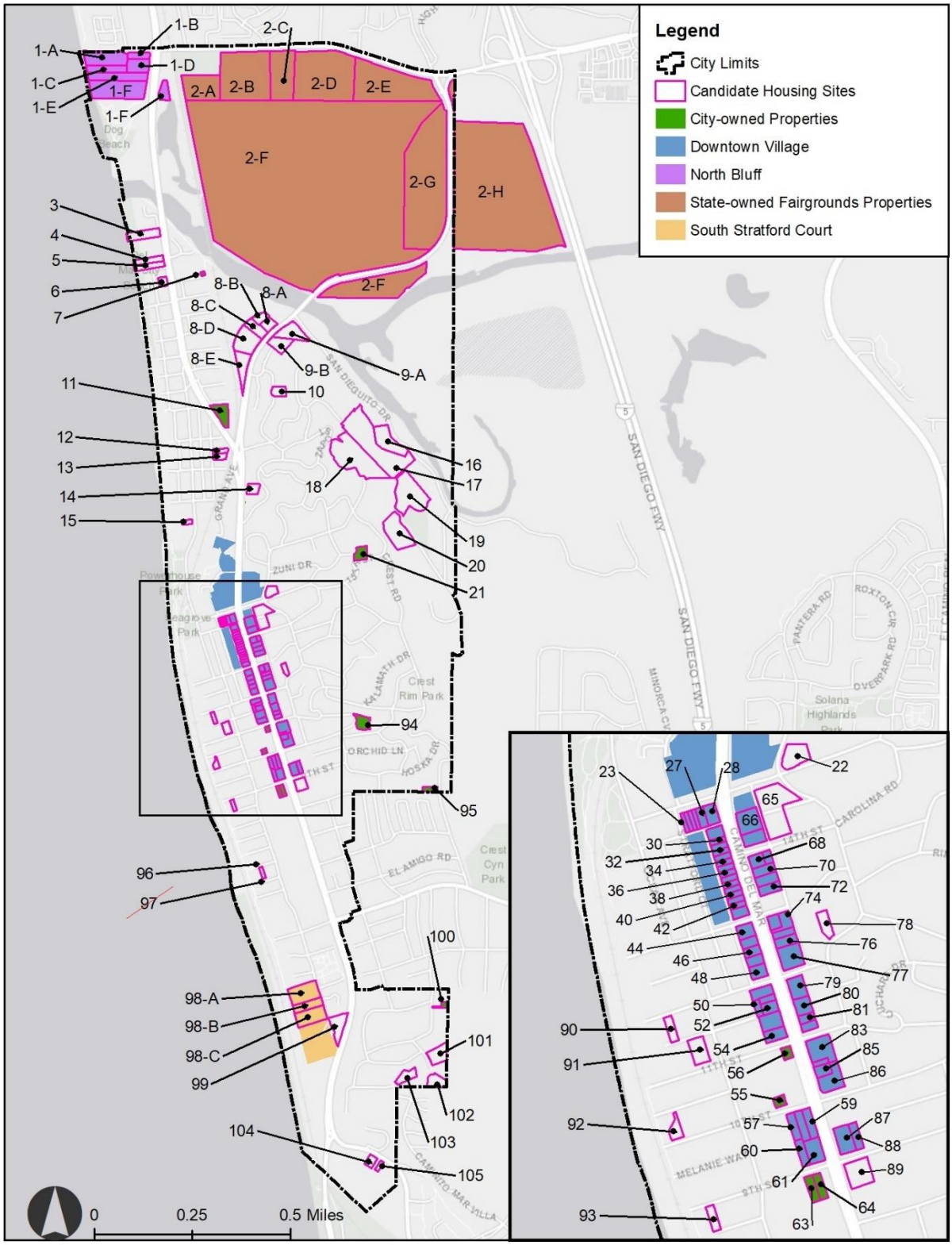

Figure 3-2: Focus Areas

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

December 17, 2020

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

Dear Christa Johnson:

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

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

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

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

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

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

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

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

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

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX
CITY OF DEL MAR

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

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

A. Housing Needs, Resources, and Constraints

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

   (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
   (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
   (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
   (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
   (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.
   (Gov. Code, § 65583, subd. (c)(10)(A))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Housing Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Quantified Objectives

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

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

D. Coastal Zone Localities

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

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

1. The number of new housing units approved for construction within the coastal zone since January 1982.

2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.

3. The number of existing residential dwelling units occupied by low- and moderate-income households required either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.

4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.

Summary of Responses to HCD Preliminary Feedback March 4, 2021

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

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

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

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

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

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

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

The San Diego Union-Tribune

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of San Diego

The Undersigned, declares under penalty of perjury under the laws of the State of California: That he/she is the resident of the County of San Diego. That he/she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that he/she is not a party to, nor interested in the above entitled matter; that he/she is Chief Clerk for the publisher of

The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in said newspaper in accordance with the instruction of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

March 15, 2021

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated in the City of San Diego, California
on this 15th of March 2021

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CITY OF DEL MAR
1050 Camino del Mar, Del Mar, CA 92014 (858) 755-9313

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Del Mar City Council will hold a public hearing on Thursday, March 25, 2021 at 4:30 p.m., by teleconference only, where the City Council will be asked to adopt a Resolution to adopt a General Plan (Community Plan) Amendment for adoption of the 6th Cycle Housing Element in time to meet the April 15, 2021 deadline per State housing law.

Project: 6th Cycle Housing Element – General Plan Amendment 20-003
Location: 6th Cycle Housing Element will facilitate housing citywide and may include the following sites:

- Accessory Dwelling Units (ADUs) on lots that allow residential citywide
- City-owned land: 28th Street (Candidate Site 7 APN 299-030-02 - RM East Zone) and 10th Street City Hall Expansion Lot (Candidate Site 55 APN 300-093-17 - PF Zone)
- Professional Commercial (PC) Zone (807 Camino del Mar (CDM) and 853 CDM)
- North Commercial (NC) (2002 Jimmy Durante Blvd (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, 2236 JDB, and Watermark APNs 299-100-47 and -48)
- Border Avenue Rezone (Candidate Sites 1A-1D APNs 298-241-34, 298-241-29, 298-241-35, 298-241-36) as either a contingency program or replacement rezone program for NC Zone
- Central Commercial (CC) and 941 Camino del Mar Specific Plan Zones
- Public Facilities (PF) Zone
- State Fairgrounds properties (Candidate Sites 2A-2H)
- North Bluff (Candidate Sites 1E-1F APNs 298-241-06, 298-241-07) and South Stratford (Candidate Sites 98A-98C APNs 300-321-14, 301-010-01, 301-010-02) as a contingency program for the State Fairgrounds

Applicant: City of Del Mar, Planning Department
Description: The City Council is asked to adopt a General Plan (Community Plan) Amendment (GPA 20-003) to adopt the 6th Cycle Housing Element. The City Council approved a draft Housing Element on October 5, 2020. The Housing Element has since been revised to address direction provided by the City Council on February 16, 2021, and comments provided by the State Housing and Community Development Department (HCD) for compliance with State law. If the City is unable to rely upon the North Commercial Zone for 22 affordable units in the 6th Cycle, the revisions include a new program on Border Ave parcels 298-241-34, 298-241-29, 298-241-35, 298-241-36 to meet a State-mandated rezone requirement per Government Code Section 65583.2(h) and (i) to allow residential at 20-25 du/ac "by-right" and other changes to meet State law. On March 9, 2021, the Planning Commission recommended approval of the 6th Cycle HEU which included revisions to the programs and the Adequate Sites List, including the North Commercial Program 1A as the preferred option to achieve 22 affordable units. The Planning Commission identified the Border Avenue Rezone option as the contingency plan only in the event the City would be unable to rely upon North Commercial for Program 1A.
Environmental Status: The 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020. Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments related to 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone). The NC/PC PEIR, which analyzed future housing in the NC, PC, and PF Zones, was certified by the City Council on September 8, 2020. The NC/PC Final PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428.
Contact Person: Amanda Lee, Principal Planner alee@delmar.ca.us

PUBLIC HEARING DATE, TIME AND LOCATION:
This item is scheduled on the agenda for a public hearing before the City Council on
March 25, 2021 at 4:30 p.m.
By teleconference only
http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Those desiring to be heard in favor of or in opposition to this item will be given an opportunity to do so by commenting telephonically during the meeting or by submitting written comment. Those desiring to make a telephonic comment should visit the City's website for instructions and to submit a tele-comment request form by 12:00 PM the day of the meeting: http://www.delmar.ca.us/publiccomment. Comments submitted via email should be sent to cityclerk@delmar.ca.us by 12:00 PM the day of the meeting. For emailed comments, the subject line of your email should clearly state the item number you are commenting on. All comments received by the deadline will be transmitted to the City Council prior to the start of the meeting. Written comments may also be submitted by mail to the City Council at 1050 Camino del Mar, Del Mar, CA, 92014. Attention: Administrative Services Director/City Clerk. On any correspondence, please reference the hearing title and date. Materials related to this public hearing, will be available at least 72 hours in advance of the meeting on the City's website, http://www.delmar.ca.us/AgendaCenter, and at the Del Mar Library during their limited hours of operation.

Under California Government Code 65009, if you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised telephonically at the public hearing described in this notice, or written correspondence delivered to the City at, or prior to, the public hearing.

Sarah Krietor, Acting City Clerk — March 10, 2021 Date

[redacted]

From: amyacheshire@gmail.com
Sent: Wednesday, March 24, 2021 3:19 PM
To: City Clerk Mail Box
Subject: Red Dot Letter for March 25 Meeting - Item 2 Approve the 6th Cycle Housing Plan

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council:

Please submit a plan for the 6th Cycle Housing Element that asks the HCD for 8 years instead of 3 years to develop housing at the Del Mar Fairgrounds.

Sincerely,

Amy Cheshire
1561 San Dieguito Drive

[redacted]

From: Ken Ruggiero <Ken@ascentfunding.com>
Sent: Wednesday, March 24, 2021 7:47 PM
To: City Clerk Mail Box
Cc: 'Danette Ruggiero'
Subject: Agenda Item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I understand the need for low income housing and the need to comply with the state laws. Please reject staffs proposal, or accept it with an amendment to the number of years the town has to negotiate with the Fairgrounds.

Thanks you for the hard work you do in navigating these complicated issues.

Ken and Danette Ruggiero
2158 Balboa Ave
Del Mar CA 92014

Ken Ruggiero
Chairman, CEO

619-684-7218 | 858-735-1050 (cell)
ken@ascentfunding.com
ascentfunding.com

Ascent

P.S. To help more students pay for college, we're giving away **over $70,000 in scholarships** this year! See details »

[redacted]

From: Neuman, Tom <tneuman@health.ucsd.edu>
Sent: Wednesday, March 24, 2021 7:48 PM
To: City Clerk Mail Box
Subject: High density housing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to register my strong opposition to the plan being put forward for high density housing that puts the North and South Bluffs at risk should and agreement with the fairgrounds not be reached within 3 years.

Sent from my iPhone
Tom Neuman

[redacted]

From: Pat JaCoby <pat.jacoby96@gmail.com>
Sent: Wednesday, March 24, 2021 7:46 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support the full planning period.

[redacted]

From: Betty McDonald <bettyrmcdonald@gmail.com>
Sent: Wednesday, March 24, 2021 7:12 PM
To: City Clerk Mail Box
Subject: Protect Bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We do not support high-density development on Del Mar's bluffs. Please develop the Fairgrounds properties if necessary.

Betty McDonald
2026 Balboa Ave,
Del Mar, CA 92014

[redacted]

From: Kevin Kinnear <kevin.kinnear8@gmail.com>
Sent: Wednesday, March 24, 2021 7:49 PM
To: City Clerk Mail Box
Subject: No high density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please no high density housing on bluffs. Yes on housing in Fairgrounds.

--
Kevin Kinnear
760-473-5489

[redacted]

From: George Beatty <george@ssivc.com>
Sent: Wednesday, March 24, 2021 8:23 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland
Subject: SAVE THE bLUFFS.-High Density Housing.RED DOT.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wish to **express my opposition to high-density housing on our fragile coastal bluffs**. Your Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended.

George Beatty

157 9th Street

Del Mar.

CA 92014

[redacted]

From: Robert Fried <robertsfried@sbcglobal.net>
Sent: Wednesday, March 24, 2021 8:45 PM
To: City Clerk Mail Box
Subject: Agenda Item #2 for March 25 City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

Regarding Agenda Item #2: **My wife and I want express our very strong opposition to high-density housing on our fragile coastal bluffs. The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.**

Thank you very much for your support on this important issue.
Kind regards,

Robert and Christine Fried
910 Stratford Ct.
Del Mar, CA 92014

[redacted]

From: KAREN BUSH <karenhbush@aol.com>
Sent: Wednesday, March 24, 2021 8:40 PM
To: City Clerk Mail Box
Subject: Save our bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The City Council Members,

As a voter and very concerned resident of Del Mar, I want to express my strong opposition to any consideration of high density housing on our precious , extremely fragile, beautiful bluffs.

In light of recent bluff failures, the idea of building high density housing on them, seems beyond dangerous and patently absurd. I would hope that any plan to consider doing so would be voted down.

Sincerely,

Karen Bush
15th St.

Sent from my iPhone

[redacted]

From: Robin Crabtree <robincrab@gmail.com>
Sent: Wednesday, March 24, 2021 8:54 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to voice my opposition to upzoning high density housing in the north and south bluff properties. Three years is not enough time to reach any agreement with the fairgrounds. We need the full eight years to work this out. I have been trying to help save and reopen horsepark and have been witnessing first hand the speed that the DAA board of directors moves.
Thank you
Robin Crabtree
140 25 th st

Sent from my iPhone

[redacted]

From: Ruth Evans <evans.ruthtodd@gmail.com>
Sent: Wednesday, March 24, 2021 8:58 PM
To: City Clerk Mail Box
Subject: housing on the bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council, Please ask for more time to obtain housing at the Fairgrounds and save our precious, fragile bluffs. Thank you, Ruth Evans, 2115 Balboa Avenue

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Wednesday, March 24, 2021 9:06 PM
To: City Clerk Mail Box
Subject: No high density housing on our bluffs! Support for the 8 year planning period.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I want to again express my support to request the full 8-year planning period in regards to finding a solution to our affordable housing at The Fairground. To think that if we don´t reach an agreement with The Fairground within 3 years will lead to high-density housing on our fragile bluffs is one scary future for Del Mar. We all voted down the development on the bluff just north of dog beach because of that very reason. I cannot imagine we will be there again in 3 years! We just cannot let that happen! Please, do everything you can to plead for the 8 years! Hopefully they can show some compassion now that everything has been standing still for more than a year during COVID.

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

[redacted]

From: Steve Tarkington <tarkingtonsteve@gmail.com>
Sent: Wednesday, March 24, 2021 9:17 PM
To: City Clerk Mail Box
Subject: City Council Agenda item

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to strongly oppose any vote by the city council to keep the north and south bluffs of Del Mar as possible locations for high density housing. There are other options to be considered, including the Fairgrounds for a number of reasons.

Stephanie Tarkington
100 11th St
Del Mar, CA 92014

Sent from my iPhone

[redacted]

From: Isla Cordelae <icordelae@hotmail.com>
Sent: Wednesday, March 24, 2021 9:27 PM
To: City Clerk Mail Box
Subject: AJENDA ITEM 2 SPECIAL CITY COUNCIL MEETING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE DO NOT APPROVE NORTH AND SOUTH BLUFF 'BY RIGHT' HIGH DENSITY HOUSING. DEL MAR HAS A VOTER APPROVED PLANNING AND REVIEW PROCESS, HONOR OUR HISTORY THAT HAS WORKED FOR THE MORE THAN 50 YEARS I HAVE BEEN IN RESIDENCE. ALLOW MORE TIME FOR THE FAIR GROUND PROPOSAL TO BE EVALUATED IN THIS CRITICAL TIME OF ECONOMIC RECOVERY.
ISLA CORDELAE
106 11TH ST. DEL MAR CA 92014

Sent from my iPad

[redacted]

From: Isla Cordelae <icordelae@hotmail.com>
Sent: Wednesday, March 24, 2021 9:32 PM
To: City Clerk Mail Box
Subject: ITEM 2 SPECIAL CITY COUNCIL MEETING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE DO NOT APPROVE THE BY-RIGHT HIGH DENSITY HOUSING. HONOR OUR CITY PLANNING AND REVIEW PROCESS. ALL DEVELOPMENTS REQUIRE THIS GUIDANCE THAT HAS WORKED FOR OVER THE 50 YEARS I HAVE BEEN IN RESIDENCE IN DEL MAR. GIVE THE FIAR GROUNDS PROPOSAL MORE TIME ESPECIALLY IN THESE CRITICAL TIMES OF ECONOMIC CHALLENGE.

ISLA CORDELAE
106 11TH ST.
DEL MAR

Sent from my iPad

[redacted]

From: Cathey Carter <catheycarter@gmail.com>
Sent: Wednesday, March 24, 2021 9:32 PM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on the bluffs

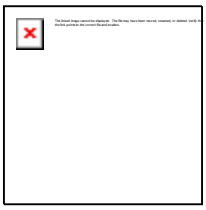
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

As a resident of Del Mar, I want to **express my opposition to high-density housing on our fragile coastal bluffs**. My Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended.

Thank you.

Sincerely,
Cathey Carter
408 858-4903
159 6th St Del Mar, CA 92014



Cathey Carter
Bible 7 and Bible 8
Maranatha Christian Schools
Office Hours 8-10am M-F
Cathey.carter@gomcs1.com
Office: (858) 759-9737 x136
Fax: (858) 759-4001
www.maranathachristianschools.org

Transformed Lives…Transforming the World

Now thanks be to God who always leads us in triumphal procession in Christ, and through us spreads everywhere the fragrance of the knowledge of Him. ~2 Co 2:14~

[redacted]

From: Payson Stevens <payson.stevens@gmail.com>
Sent: Wednesday, March 24, 2021 10:03 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; Dwight Worden; David Druker; Tracy Martinez
Subject: 6th Cycle Housing Element Update (housing plan) March 26, 2021 Agenda

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City of Del Mar and Council Members:

My wife and I, long term residents of Del Mar, would like to voice our opposition to the high density housing proposal for 12 acres of North Bluff and 5 acres of South Bluff.

The on-going, and most recent bluff collapses, are clear examples of the fragility and dangerous aspects of our precious bluffs. They are part of Del Mar's natural "jewels" and don't need any more human impacts to further destroy what's left of their beauty.

Del Mar and its elected officials need to ensure the full eight year planning period to enable detailed solutions and options at the Fairgrounds. Staff's recommendation does not serve our community.

Please protect our bluffs and reject the staff position and support the longer eight year assessment.

Thank you,
Payson R. Stevens
Kamal K. Kapur
7th Street
Del Mar, CA 92014

[redacted]

From: Brian Carter <brian3carter@gmail.com>
Sent: Wednesday, March 24, 2021 10:14 PM
To: City Clerk Mail Box
Subject: Opposition To High Density Housing Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a Del Mar resident I am opposed to high-density housing on our fragile coastal bluffs. The Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended. Thank you for your consideration.

Sincerely,

Brian Carter

Sent from my iPad

[redacted]

From: Lawrence Edward Lare <ed.lare@avidsemi.com>
Sent: Wednesday, March 24, 2021 10:54 PM
To: City Clerk Mail Box
Cc: ed.lare@avidsemi.com; Karen Lare
Subject: oppsed to high density housing on fragile del mar bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I an opposed to high-density housing on our fragile coastal bluffs. Del Mar is a very small city being bullied by careless assignation of housing mandates created with much larger cities in mind by California's incumbent politicians. Much better solutions will become available over the next 8 years in this regard. Please listen to our mayor and facilitate her due diligence in this crucial matter affecting all of Del Mar's citizentry now and in perpetuity.

Respectfully,

Eddie Lare

[redacted]

From: Shannahoff, David <dshannahoffkhalsa@ucsd.edu>
Sent: Wednesday, March 24, 2021 11:40 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Tracy Martinez; Dan Quirk; Dwight Worden
Subject: Red Dot for Special Meeting (Agenda Item 2)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Mayor Gaasterland, Members of the City Council, and City Clerk,

This **Red Dot** is to **STRONGLY** oppose any high-density housing on our fragile coastal bluffs, both the North bluff bordering on Solana Beach, and the South bluff (Staver property), and to instead support housing at the Fairgrounds at any cost. Having been a resident in Del Mar now for 52 years, I have learned to respect the city plan that has worked for us and helped to keep our village the delightful place that we love and adore. Building high density units on those bluffs would be a tragic mistake for many reasons. The votes opposing the Marisol debacle should be a hint to you about how the majority of Del Mar residents feel about building on the North bluff. In addition, it was clear that Solana Beach residents were also opposed to any similar construction. No doubt the same can be said for the majority of Del Mar residents for the south bluff. Please respect the views of the majority.

Sincerely,

David Shannahoff-Khalsa
Van Dyke Ave, Del Mar, CA, 92014

[redacted]

From: alejcisneros <alejcisneros@gmail.com>
Sent: Thursday, March 25, 2021 12:20 AM
To: City Clerk Mail Box
Subject: Too dangerous!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,
I am 100 percent opposed to housing on the north and south bluffs. It's much too dangerous. Tge fairgrounds is an excellent location for housing.
Sincerely
Alejandra Cisneros
336 9th St
Del Mar

Sent from my iPhone

[redacted]

From: Peter Cramton <pcramton@gmail.com>
Sent: Thursday, March 25, 2021 4:41 AM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on fragile coastal bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am strongly opposed to high-density housing on fragile coastal bluffs. The harm to the broad community of San Diego County would be great, especially to those nearest to the bluffs.

The City Council needs more time to consider the plans for the Fairgrounds, a full 8-year planning period.

Allowing "by right" development without proper review would be tragic. This must not happen.

Kind regards,
Peter Cramton
901 Highland Ave, Del Mar, CA 92014

Peter Cramton
pcramton@gmail.com www.cramton.umd.edu +1 240 479 9345
University of Cologne and University of Maryland

*** Currently I am in Del Mar, California; eight hours behind Germany ***

[redacted]

From: Heather Lindsey <hdlindsey@yahoo.com>
Sent: Thursday, March 25, 2021 7:03 AM
To: City Clerk Mail Box
Subject: Agenda Item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to the plan as it stands currently.

Del Mar needs more time, especially as it is an irreversible contingency and by right. I am in favor of the full-8 year planning period.

We know we need to hit our high density housing numbers, which have already been hotly debated. Let us please proceed with caution in this next step.

Sincerely,

Heather Lindsey

[redacted]

From: Al Tarkington <atarkington@hotmail.com>
Sent: Thursday, March 25, 2021 7:32 AM
To: City Clerk Mail Box
Subject: Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The fairgrounds occupies one third of Del Mar. The State owned property must step up to its responsibility, and must provide for additional and low income housing. Not on fragile bluffs.

Al Tarkington
Del Mar

Sent from my iPhone

[redacted]

From: Batter Kay <batterkay@sbcglobal.net>
Sent: Thursday, March 25, 2021 8:33 AM
To: City Clerk Mail Box
Subject: High density housing on north and south bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council Members,

Please do all you can to put the high-density housing required by the state at the fairgrounds and NOT on on bluffs, especially the southern bluff.

Janice and Michael Batter

[redacted]

From: Rory Bennett <rory@solanaproductions.com>
Sent: Thursday, March 25, 2021 8:51 AM
To: City Clerk Mail Box
Subject: Opposition to South Bluff (Staver Property) Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

As a property owner and resident of Del Mar Woods, I want to register my family's opposition to high-density housing on the South Bluff (Staver Property) for Del Mar to meet the state's mandate for so-called "affordable" housing.

First, the negative environmental, traffic and public safety consequences of such a development are monumental.
Second, the notion of building "affordable" or "low-income" housing on one of the last-remaining vacant blufftops in Southern California, with prized ocean views and easy pedestrian beach access, is asinine.
Third, such a development will permanently damage the high property values Del Mar has worked for years to achieve and our family and community has strived to uphold.

Please dismiss this poorly conceived proposal and pursue alternate remedies, challenging though those may be. That is the right thing to do.

Sincerely,

Rory Bennett

[redacted]

From: Viktor Nemeth <vnemeth@yahoo.com>
Sent: Thursday, March 25, 2021 9:13 AM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi and good morning

I am a (12+ year) full time resident of Del Mar and registered to vote at my address here in the city.

I am VERY OPPOSED to any high-density housing on our fragile coastal bluffs.

This is a terrible idea!

We must work harder to find different solutions, and the Fairgrounds seems much more obvious.

Please do not allow any high-density housing on our bluffs, this will ruin Del Mar as we know it (!!)

Viktor Nemeth

Stratford Court

[redacted]

From: Kerridge, Carol <ckerridge@ucsd.edu>
Sent: Thursday, March 25, 2021 9:31 AM
To: City Clerk Mail Box
Subject: Red Dot letter Item #2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

I am very concerned about this important vote you are about to make regarding the North Bluff tonight.

Although this situation has layers upon layers of complexities including mandates from the state, deadlines, City revenues, affordable housing requirements, insidious power struggles, NIMBY concerns and more...please consider some of the issues of which I am extremely concerned.

My opinion is that prior to your vote, you need to review the SIO reports on the stability of the bluffs in our town, particularly at the shoreline of the north bluff. Then during low tide, take a walk along the shore beneath the bluff and pay particular attention to the recent bluff failures, the deep caves that people are walking into (many children playing in them), then take a walk south to walk along the shoreline below the train tracks to see the multiple bluff failures. If that doesn't set off an alarm for you, then take a drive by the precarious situation located as CDM becomes Jimmy Durante Blvd, where the two homes on the cliff above look as though they could crumble down the cliff during the next storm.

The bluff instability in this entire region is becoming more and more dangerous and it's time we put our battles aside and work together to avoid the growing catastrophes. Climate change has brought more frequent severe wind, rainfalls, and higher and stronger wave action.

I find it absolutely dangerous to even be considering building any structures on the North Bluff and I think you should have the same concerns. Please do not let this happen!!

For whatever reasons and situations have brought us to this point, we need to reconsider what got us here. For starters, I for one, resent the fact that residents who want to protect the North Bluff are thought to be opposed to Affordable Housing...perhaps some residents feel that way, but I think the vast majority of Del Mar residents welcome diversity and are eager to find less dangerous areas for financially challenged persons to live safely in our city.

Thanks for all of the time and work you put into making us proud of our city,

Carol Kerridge
El Amigo Rd.

[redacted]

From: Liam Gaarder-Feingold <lgaarderfeingold@sandiego.edu>
Sent: Thursday, March 25, 2021 10:00 AM
To: City Clerk Mail Box
Subject: Agenda Item #2 for March 25 City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

Regarding Agenda Item #2: **I want express my very strong opposition to high-density housing on our fragile coastal bluffs. The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.**

Thank you very much for your support on this important issue.

Best,
Liam Gaarder-Feingold
519 Stratford Ct.

Liam Gaarder-Feingold
J.D. Candidate | Class of 2022
University of San Diego, School of Law

[redacted]

From: Kyle Bober <boberkyle@gmail.com>
Sent: Thursday, March 25, 2021 10:08 AM
To: City Clerk Mail Box
Subject: "Staver Property"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council,

I find it very appalling that you will attempt to destroy what is left of our undeveloped, beautiful bluffs, especially at the Staver property.

I find it very sad that you will attempt to destroy a privately owned, and extremely rare, unique property, that has provided more than than this city understands, to the community.

I hope this city council removes their, personal political agendas" from this vote and VOTES AGAINST the development of the Staver Property.

Thank you, Kyle Bober

[redacted]

From: Karen Morse <zunimorse@yahoo.com>
Sent: Thursday, March 25, 2021 10:27 AM
To: City Clerk Mail Box
Subject: High-density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Clerk,

I'm writing to voice my opposition to high-density housing in the North Bluff and South Bluff areas. Voters have already expressed their concern for the potentially disastrous impact such development could cause, by increasing the fragility of the eroding bluffs. An alternative site at the Fairgrounds seems to be a timely solution that carries a benefit to all parties. Please proceed with researching that possibility and let the bluffs remain in their natural state forever.

Sincerely,

Karen Morse
485 Zuni Drive
Del Mar, CA

[redacted]

From: Miller, Susan <samiller@UCSD.EDU>
Sent: Thursday, March 25, 2021 10:37 AM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland
Subject: High density north and south bluff zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council ,

The council must modify the 6th Cycle Housing Element Update to protect our bluffs.

Given the increased frequency of bluff failures, the Council would be acting irresponsibly if development of Del Mar's fragile bluffs is included in the plan as a contingency. Furthermore, the Council needs eight years for Del Mar to work out a housing agreement with the Fairgrounds.

I am strongly against development of the north and south bluffs. The residents (voters) of Del Mar made it clear with defeat of the Marisol project that we do not want development of our fragile bluffs. You were elected to represent us.

Susan Miller
266 Surfview Ct.

[redacted]

From: Udo Wahn <caboandcoral@gmail.com>
Sent: Thursday, March 25, 2021 10:40 AM
To: City Clerk Mail Box
Subject: Red Dot Agenda item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose any high-density housing on our fragile coastal bluffs and support housing at the Fairgrounds.

Aloha!

Udo Wahn M.D.
Stratford Ct

[redacted]

From: Steve Crothers <scrothers@roadrunner.com>
Sent: Thursday, March 25, 2021 10:50 AM
To: City Clerk Mail Box
Subject: High Density Housing on DM Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We object to this.

Sent from my iPhone

[redacted]

From: wade walker <wadewalker555@gmail.com>
Sent: Thursday, March 25, 2021 11:11 AM
To: City Clerk Mail Box
Subject: 6th cycle housing plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are opposed to high density by right development of the North and South Bluff areas in Del Mar. Three years is too short a time to get the Fairgrounds alternative under way due to the Covid imposed income restrictions the Fairgrounds is operating under. The full eight years is needed to assure this alternative is in place.

We do support high density housing along Border Street.

Wade and Becky Walker
1440 Oribia Road
Del Mar

[redacted]

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Thursday, March 25, 2021 11:10 AM
To: Terry Gaasterland; Tracy Martinez; Dan Quirk; David Druker; Dwight Worden
Cc: Joe Sullivan; Dena Harris; Laura Cunitz; Joseph Smith; Amanda Lee; City Clerk Mail Box
Subject: Item 2: Opposition to residential development at Shores Park, Winston School and Public Parkland

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

Please make any necessary changes to the proposed 6th Cycle Housing Element and EIR that would allow housing development on the 5.3 acre Shores property containing Shores Park and the Winston School, which has served bright children with learning differences for over 30 years.

HCD does not recognize that the entire Shores property was acquired through the largest fundraising campaign in Del Mar history in order to protect and preserve our community's only playing fields and school. This honors the original Kerckhoff deed restriction for "school purposes only" when it was given to the Del Mar School District. We raised $5.5M with the non-profit Winston School, the fiscal sponsor of our campaign and the largest contributor with $3M, based on the City's representations that never included residential development.

Thus, housing cannot be allowed on this PF-zoned property. In addition, allowing residential use triggers a clause in the City's purchase agreement with DMUSD that would result in the City paying millions more for the Shores property.

Since the 6th Cycle Housing Element would allow residential use on all PF-zoned property including the Shores, we request that the entire 5.3 acre Shores property be specifically excluded in the document and/or that it be rezoned to Public Parkland (PP) with the school as an allowed use.

In addition, please remove the following parcels from both the list and map of candidate housing sites in the 6th Cycle Housing Element's final EIR:

- 63 on 9th Street at the Shores
- 64 on 9th Street at the Shores
- 11 at 201 Court Street which is zoned Public Parkland (PP) and contains our City's only tennis courts

Thanks for your consideration,

Laura
Vice President
Friends of Del Mar Parks

Joe Sullivan

President
Friends of Del Mar Parks

[redacted]

From: Noah Gaarder-Feingold <ngaarderfeingold@sandiego.edu>
Sent: Thursday, March 25, 2021 11:20 AM
To: City Clerk Mail Box
Subject: Red Dot, Agenda Item 2, 03/25/2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I want to express my utmost opposition to high-density housing on our fragile coastal bluffs. The recent bluff collapses, which could have injured innumerable people, only further my resolve, as should it yours.

The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.

Best,
Noah Gaarder-Feingold
519 Stratford Ct.

[redacted]

From: Mark Ives <markhives@earthlink.net>
Sent: Thursday, March 25, 2021 11:30 AM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland
Subject: 6th Cycle Housing Element Up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Del Mar City Council,

As a resident and property owner in Del Mar, I am writing to express my displeasure with the “Fairgrounds contingency” in The 6th Cycle Housing Plan Update. It is simply unacceptable to consider jeopardizing our North and South Bluff areas to possibly being up zoned for high density housing. The people of Del Mar have without question spoken to this matter through the voting process. We do not want high density use of any sort on the North Bluff Area. This area is part af a fragile ecosystem and any by right development would have disastrous consequences that would forever change the environment and character of Del Mar. Please DO NOT approve this "6th Cycle Housing Element Update Plan” with any language that would potentially result in High Density and or By Right Development of the North or South Bluff Areas.

Respectfully and with Aloha,
Mark Ives

[redacted]

From: Ken Olson <olson.ken@gmail.com>
Sent: Thursday, March 25, 2021 11:27 AM
To: City Clerk Mail Box
Subject: Red Dot letter for City Council meeting March 25, 2021

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for allowing my quick observations.

- We must comply with state law.
- How to do that is a complex problem. The risk/reward calculations are way beyond my capabilities.
- Providing both market rate and low income properties would enrich Del Mar. More variety among our residents would be welcome.
- Local businesses would gain customers. Existing tax policies would likely provide the required new revenue to the City. Have we fully considered the property rights of the owners of the identified parcels?
- We probably don't fully understand the extent to which bluffs are fragile. Most development would probably occur pretty far from actual bluffs. It seems that the approval process for any proposed development will figure out the fragility questions during all of the reviews required and would not allow risky construction.
- Since the Fairgrounds and the City of Del Mar are so codependent, it seems like the City should be able to offer them financial considerations that would be expensive for Del Mar but might make them eager to help us with new housing.

Ken Olson

Torrey Point Road

olson.ken@gmail.com

[redacted]

From: K Lare <karen.lare@yahoo.com>
Sent: Thursday, March 25, 2021 11:31 AM
To: City Clerk Mail Box
Cc: Eddie Lare; Terry TG. Gaasterland; Tracy Martinez; Dwight Worden-Private; Dan Quirk; Dave Druker
Subject: Affordable Housing Discussion on 3-25-2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and City Council Members,

You all have an opportunity to weigh in and do what makes sense for our city for today and also for the coming decades and the generations who will enjoy its beauty. I appreciate that you are all working hard to understand the issues at hand and to make informed decisions but it really is not that hard if you take a step back and look at facts:
- Del Mar has been given a number of affordable units that must be enabled in our city in part (a large part) because of the jobs at the fairgrounds
- Del Mar is a very small city and a large part of our city land is comprised of the fairgrounds property (approximately 24% - 30% depending on the sources you look at)
- There is land, infrastructure and facilities at the Fairgrounds to support housing for those that work there and others that qualify and may be interested in living there
- The fairgrounds is controlled by the State of California - the same entity who has mandated the new housing requirements
- It is challenging to get government entities to move quickly especially when it means changing status quo and updating or changing permits

Based on these facts, building affordable housing at the Fairgrounds is the best alternative that Del Mar can pursue outside a handful of units that can be accommodated on identified properties listed in the 6th Cycle Housing Element. However, completing an agreement with the Fairgrounds will be a challenge for our City Council but I believe that the political will is there to make it happen. Completing that agreement in 3 years will be very difficult and I encourage you to work to give the Council more time and don't take the easy way out and just end up using the North bluff and Staver properties as our answer to affordable housing. These two fragile beautiful bluff properties should be preserved for years to come and should not be sacrificed over getting the work done to allow for affordable housing at the fairgrounds.

Thank you for your efforts along with the City Staff to complete the necessary steps to finalize the Housing Element but please please give yourselves enough time to be successful at getting to the right answer.

Respectfully submitted,

Karen Lare
Stratford Court

[redacted]

From: Ann Williamson <ann.williamson@gmail.com>
Sent: Thursday, March 25, 2021 11:36 AM
To: City Clerk Mail Box
Subject: Low cost housing at the Fairgrounds

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council:

I am very glad you are working on a plan to have low cost housing at the fairgrounds. This is a much better option than putting any buildings close to a fragile bluff that is being undercut by ocean waves. We don't want buildings to fall into the sea. Also, housing at the fairgrounds is a worthy cause and one the State of California should be pleased with.

---Ann Williamson
1352 Oribia Road

[redacted]

From: Lillian Smalley <bl2244@yahoo.com>
Sent: Thursday, March 25, 2021 11:42 AM
To: City Clerk Mail Box
Subject: High Density Housing on the North and South Bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We would like to express our opposition to the proposed plan for high density housing on our fragile bluffs.

The short time allotted for the decision is not enough.

In addition, the idea of development "by right" of such large projects is ridiculous in our community.

Lillian and Jay Smalley

From: Bill Ritman <bill@billritman.com>
Sent: Thursday, March 25, 2021 9:53 AM
To: City Clerk Mail Box
Subject: High Density Housing on Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,
Kindly note that we are opposed to high density housing on the north and south bluffs here in Del Mar. We are in favor of housing at the Del Mar Fairgrounds.
Sincerely,
William and Lauren Ritman
288 Surfview Ct
Del Mar, CA 92014-3221
(858) 794-6965

[redacted]

From: Drew Cady <cadyarts@gmail.com>
Sent: Thursday, March 25, 2021 11:45 AM
To: Terry Gaasterland; Tracy Martinez; Dan Quirk; David Druker; Dwight Worden
Cc: Joe Sullivan; Dena Harris; Laura Cunitz; Joseph Smith; Amanda Lee; City Clerk Mail Box
Subject: No residential development at Shores Park, Winston School and Public Parkland

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

We write to you today to state our strong objection to the notion that any residential build be considered on the 5.3 Acre Shores Property. As expressed by Laura DeMarco in her recent letter, the State's HCD is not apparently recognizing that this property was purchased by the City, with strong private donations from both the community as well as major support from friends of the Winston School. Not only does this violate the terms of the Kerckhoff deed restriction, that this land be for school purposes only, it would also mean that the original terms would change, forcing the city to pay considerably more for this purchase. And this does not begin to take into consideration the many actions which might ensue by private donors to this purchase, were the city to take such action.

That said, we strongly request that the Shores Property be rezoned to Public Parkland (with an allowance for the Winston School) and removal of the following parcels from both the list and map of candidate housing sites in the 6th Cycle Housing Elements final EIR in order to avoid any such consequences:

- 63 on 9th Street at the Shores
- 64 on 9th Street at the Shores
- 11 at 201 Court Street which is zoned Public Parkland (PP) and contains our City's only tennis courts

Thank you for your serious consideration of this letter.

Sincerely,

Drew & Nitza Cady
903 Stratford Ct

[redacted]

From: Karen Powell <kapow1@me.com>
Sent: Thursday, March 25, 2021 11:57 AM
To: City Clerk Mail Box
Subject: High Density Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council,

I am writing to express my strong opposition to placing high density housing on the fragile coastal bluffs of Del Mar. It is imperative that we have the proper amount of time find a solution for housing on the Fairground property. The Covid crisis has had a devastating effect on everyone, and a full eight year planning period is needed to implement a plan that is ecologically safe and satisfactory for our community.

Thank you,

Karen Powell
329 10th Street
Del Mar

From: Weare, John <jweare@ucsd.edu>
Sent: Thursday, March 25, 2021 11:59 AM
To: City Clerk Mail Box
Subject: Regarding proposed high density on North and South Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Del Mar City Council:

I definitely support any efforts to extend the time period for negotiations with the Fair Grounds to try to get them to accept their responsibility for providing higher density low cost housing in Del Mar. They after all occupy a very large region of our cities area.

A principle reason for the strong environmental movements in Del Mar in the 1970s, that lead to present General Plan and the acquisition of the open space that are now so important to our Del Mar life style, was the protection of the bluffs.

At that time high density development to the North was rapidly deteriorating the environments of communities both to the North and the South.

These inappropriate developments even then were creating hazards to residents and beach users. This inappropriate high density development are still leading to large environmental degradation as well as geological problems.

What is sensible about putting the highest density in the most unstable areas in the city, creating high risk for both public use of the beach area as well as extreme hazards for the occupants of the dwellings on the bluffs.

At this point there is no way to mitagate against bluff instability and natural erosion. We have been told this by the experts in shore processes and experience catastrophic bluff slumps frequently. These cannot be stopped!!

After many years of extraordinary efforts preserve these areas it makes no sense to allow the same kind high density development of these extraordinarily geologically and environmental sensitive areas.

But there is good news as well!

These regions are also our most environmentally valuable regions for public use and time is needed to negotiate and plan development that insure the safety of potential residents and the maximum public use of Del Mars visitors.

Del Mar presently offers to all people a major opportunity to experience remarkably preserved areas. These are heavily used and this is a major contribution of Del Mar!

Finally the Fair Grounds relationship since the incorporation of Del Mar has been difficult to negotiate. This is a special problem for Del Mar and we need time to work out equitable solutions.

Thanks for your efforts,

John Weare

[redacted]

From: Betsy Milich <betsymilich@gmail.com>
Sent: Thursday, March 25, 2021 12:00 PM
To: City Clerk Mail Box
Subject: Support for housing at the Fairgrounds

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am sending this message to express my strong opposition to high density housing on the North Bluff and South Bluff (Staver family property). If the massive amount of high density housing is built, the City of Del Mar will become the laughingstock of California. Can you imagine this kind of construction while we watch our bluffs disintegrate under the train tracks at an unprecedented pace? Can you imagine this outcome after a hotly contested proposal for development--which would have awarded the city substantial tax revenues--was voted down? Can you imagine losing the most valuable land asset that we have because of State requirements that haven't taken our city's unique characteristics into consideration? We currently have plenty of land at the Fairgrounds. It doesn't take much imagination to predict the ridicule we'd face in the future. Is this really what you want your legacy to be?

I realize it's tempting to point fingers at a variety of people for decisions made along the way. That would be a useless waste of time when deadlines loom. City Council members, City staff members, and even our residents both past and present will look like complete fools. How absurd that we find ourselves at an unprecedented possibility of buildings being erected without an environmental study, a design review, Planning Commission study, or input from Del Mar's City Council.

I implore everyone involved in this huge decision to allow more than three years to negotiate a land and housing agreement that will have a *forever* impact on our precious coastal area. There's a location for high density and low income housing and it's not on the bluffs. Please allow much needed additional years before we're forced to default to the Fairgrounds Contingency.

Betsy Milich
1870 Seaview Avenue
Del Mar

[redacted]

From: David Davidson <daveisred@gmail.com>
Sent: Thursday, March 25, 2021 12:05 PM
To: City Clerk Mail Box
Subject: 6th Cycle Housing Element Update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,
My name is David Davidson. I am a mechanical engineer and I have been living in Del Mar since 1994. I would like to formally ask the city council of Del Mar to reconsider this vote today pertaining to the development and conformity to a state plan to accommodate low income housing in our fine city.

It seems imperative to me that we do not rush a final plan that may exclude the best area for this development; the Del Mar Fairground property.

We know that the population of this city is quite against the development of the North bluff, as seen by the public outcry that was realized in the last election. The South bluff property has been a treasured family property for much of the last century to current day.

And, while I am an engineer, and not a city planning specialist or a developer, it is logical to see that there are many power, water, sewage, and traffic problems that seem insurmountable to overcome at either the North bluff or South Bluff sites that make either very feasible. Neither locations are reasonable sites in my opinion due to these reasons alone.

We have years of experience with the high traffic that happens in and around the fairgrounds, so this is clearly the best option traffic-wise. Construction traffic is best suited to this area as there are alternative routes to the existing housing in and around the fairgrounds (which includes me). As I understand that the fairgrounds is a state owned facility, the ability to arrive upon an approved plan would likely take longer than 3 years.

Please, for the sake of all of us who live in and love this fine city, do not unnecessarily limit our ability to make the best plan for all of us by adhering to this tight schedule.

Thank you for your consideration,
Davis Davidson

[redacted]

From: City Clerk Mail Box
Subject: FW: Item 2: 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning (revised)

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Thursday, March 25, 2021 12:20 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Item 2: 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning (revised)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

The 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning. Wildfire forecast models show that a Crest Canyon wildfire being driven by high Santa Ana winds under very dry conditions with the current high fuel load would spread to the ocean within a single hour. The hot, wind-driven embers would quickly engulf Del Mar's heavily forested North Hill neighborhoods where they would fly across Camino Del Mar to the village neighborhoods and Anderson Canyon. In addition, the embers would easily reach the tinder box of the Torrey Pines Preserve which endangers Del Mar's South Hill neighborhood.

Del Mar's topography is very similar to that of Laguna Beach where a wildfire starting in Laguna Canyon reached the oceanfront Emerald Bay neighborhood 6 miles away within two hours in October 1993. This wildfire consumed 16,000 acres, destroyed or severely damaged 400 houses and caused $528M in damage. It took 345 fire engines, 17 bulldozers, 30 aircraft, 11 hand crews and 1,968 fire personnel to put it out.
It important to note that fire engines are 10 feet wide and 20 feet long so that they would block many of Del Mar's narrow streets and evacuation routes for many fleeing residents. Firefighters will also find it very difficult to maneuver with so many dead ends during a wildfire when visibility is so poor.

This is why it is not advisable to build high density housing in or adjacent to hazardous wildfire zones, especially where there is only one road in and out. Where are those in Del Mar? Property on San Dieguito Drive, Oribia Rd, Heather Lane and David Way, and parts of Balboa Ave, Gatun, and Serpentine in or near flammable Crest Canyon and the South Bluff (Staver) property on Stratford Court next to equally high risk Anderson Canyon as shown below in the wildfire risk map below:

Given the high wildfire risk in Del Mar, it is critical that land use planning for high density housing in the 6th Cycle Housing Element EIR require that evacuation routes be widened and major arties include emergency access lanes. For example, high density development in the North Commercial zone should require that Jimmy Durante Blvd. be widened as it the only escape route for all Crest Canyon and most North Hill residents as well as being the only access for fire fighters to combat the fire and for first responders to rescue the many elderly and infirm residents who live there. This would also necessitate the removal of the bottleneck on JDM created by the narrow single lane roundabout that has no emergency access lane.

Thanks for your consideration,

Laura DeMarco

P.S. Following are links for your reference:

Video of the 1993 Laguna fire:

https://m.youtube.com/watch?v=6s67dOe-TOM

Video of the pro-active measures Laguna Beach has taken to minimize wildfire risk and reduce the danger of evacuation:

Laguna Beach Fire Plan Looks to Prevent Another Disaster

Laguna Beach Fire Plan Looks to Prevent Another Disaster

CalFire designated area very high fire hazard severity zone.

[redacted]

From: lroseis@runbox.com
Sent: Thursday, March 25, 2021 9:34 AM
To: City Clerk Mail Box
Subject: High Density Housing on the Bluffs

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my opposition to high density housing on our VERY fragile coastal bluffs. I urge the Council to agree to a 8-year planning period to find a viable solution for housing at the Fairgrounds.
Sincerely,
Linda Rose
Spinnaker Court

[redacted]

From: Diane Salyer <DCS719@msn.com>
Sent: Thursday, March 25, 2021 12:50 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am unequivocally opposed to plans which populate our north and south bluffs.

I cannot understand why the fragile and beautiful Del Mar land, and the rare special nature of our community should be endangered.

Surely, with such a beautiful, and unusual environment, we can take more time to pursue other options for high density housing. Part of the fairground property, which also has the advantage of access to transportation without jamming up the streets and access to Del Mar , seems to be one reasonable alternative that deserves the time to explore fully.

I do not understand why more time cannot be allotted to making a huge decision that forever impacts harshly our community.

Sincerely,

Diane Salyer, MD 777 Kalamath Drive

[redacted]

From: Dan Quirk
Sent: Thursday, March 25, 2021 12:56 PM
To: City Clerk Mail Box
Cc: Joseph Smith; Ashley Jones; Terry Gaasterland
Subject: Red dot regarding Item #2 - 6th Cycle Housing Element Update

All,

#1 I have serious concerns about the 6th housing element condition to upzone all of north bluff (10+ acres) and all of south bluff (4+ acres) to 25 units an acre if we do not reach an agreement with the fairgrounds in three years. Del Mar should seek to negotiate with HCD for alternative methods of satisfying our affordable housing unit requirement. For example, if Del Mar could figure out a way to buy/find 2.5 acres and build 51 affordable units, that should be an allowed option. This would lead to a result where we have only increased density on 2.5 acres instead of 14 acres of sensitive coastal bluffs. HCD should allow flexibility with local agencies such as Del Mar in figuring out how to do this, rather than applying a one size fits all solution in the form of upzoning. Del Mar, and other cities in similar situations, need to expand the playbook of options.

#2 Del Mar's large number of required affordable housing units is being driven significantly by seasonal jobs numbers related to the fairgrounds, which at 370 acres is enormous and has a great deal of underutilized land. As such, this 6th Cycle needs a mechanism to compel the fairgrounds to cooperate. I believe that HCD itself also has an important role to play in requiring the fairgrounds to come to the negotiating table with Del Mar on affordable housing. It is not fair or equitable if the fairgrounds does not suffer penalties or consequences if they do not cooperate.

Respectfully,

Dan Quirk

CITY OF SOLANA BEACH www.cityofsolanabeach.org
635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

March 25, 2021

Ashley Jones, Interim City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: **City of Del Mar – 6th Cycle Housing Element Update**

Dear Ms. Jones,

The City of Solana Beach is in favor of policies and programs that support and promote much needed housing development for all income levels. However, the City is deeply concerned about intensification and densification of future bluff top development that is proposed within the City of Del Mar's 6th Cycle Housing Element Update. Housing Program 1E includes the potential rezoning of the North Bluff site located at Border Avenue and Camino Del Mar, which would allow multiple dwelling unit development at a density of 20-25 dwelling units per acres "by right." A development intensification from estate residential to multi-family housing will have significant adverse effects on both the people and the environment, most specifically on residents and infrastructure within the City of Solana Beach. The Solana Beach Community is extremely concerned with significant, potentially significant and significant and unavoidable adverse impacts that include, but are not limited to, limited water supply, ability to provide wastewater treatment services, negative impacts to the San Dieguito River Valley habitat immediately south of the North Bluff properties, traffic and parking impacts to neighboring communities, impairment and/or elimination of scenic views, destabilization of the coastal bluffs and additional demands on public safety services.

Given the potential adverse impacts listed above, the City of Solana Beach opposes the inclusion of the proposed rezoning of the North Bluff site to meet the City of Del Mar's housing needs. Therefore, we respectfully request that the rezoning of the North Bluff site under Housing Program 1E be removed from the City of Del Mar's Housing Element Update.

Should you have any questions please feel free to contact me or the City of Solana Beach Community Development Director, Joseph Lim at jlim@cosb.org.

Sincerely,

[redacted]

Gregory Wade
City Manager

[redacted]

From: Dixie Welsh <dixiecruise@yahoo.com>
Sent: Thursday, March 25, 2021 1:37 PM
To: City Clerk Mail Box
Subject: oppose high density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am strongly opposed to high density housing on the coastal bluffs at North end and South end of Del Mar.
The recent collapse near 4th Street is a small taste of what is likely to come.
I support this housing at the Fairgrounds.
It also should be considered that if Del Mar Heights area has a Del Mar address, but is in San Diego,
this high density housing belongs there,

Thank you,
Mary Welsh
155 15th St # 26
Del Mar, CA 92014

[redacted]

From: Susan Schneider <scs416@outlook.com>
Sent: Thursday, March 25, 2021 1:39 PM
To: City Clerk Mail Box
Subject: high density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to the plan to allow high density housing on our bluffs, North and South.

Our City Council should use the full 8-year planning period to find better solutions. The Fairgrounds must come into consideration and that will take time especially because the pandemic is still affecting all businesses and organizations.

Our bluffs are fragile and must be protected. Del Mar has limited resources and infrastructure to deal with more problems, increased populations and congestion at both ends of town will put our whole Village and coast at risk. This is a terrible idea.

Susan Schneider
1305 Luneta Drive
Del Mar

[redacted]

Subject: FW: High Density Housing and the Del Mar bluffs.

From: Taylor, Palmer <pwtaylor@health.ucsd.edu>
Sent: Friday, March 26, 2021 3:07 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: High Density Housing and the Del Mar bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City Council:

As a resident and property owner in Del Mar since 1971, I witer to stand with Mayor Gaasterland in registering concens about high density housing in Del Mar. Not only does such construction damage our views from the north and south bluffs but from the very hear of the city. We also raise the concern about heavy construction occurring on these sandstone bluff. We all have been witnesses of fissures, presenting dangers on the beaches and to existing property. It is our hope that these issues can be properly handled by the mayor and city council

Sincerely,

Palmer and Susan Taylor
1408 Via Alta
Del Mar, CA 92014

[redacted]

From: Sheila Sharpe <sasharpe@yahoo.com>
Sent: Thursday, March 18, 2021 3:43 PM
To: City Clerk Mail Box
Subject: Red Dot: 6th Clycle Housing Element Update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Del Mar City Clerk,

My husband and I support the City Council to adopt Resolution A to adopt the "6th Cycle Housing Element Update."

Thank you,

Sheila & Michael Sharpe
442 15 St.

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Tuesday, March 23, 2021 10:53 PM
To: City Clerk Mail Box
Subject: Item 2 and 3 on March 25 agenda

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

Item 2:
I would like to express my support for requesting the full 8 years in regards to the Fairgrounds Contingency, as opposed to 3. It may take longer than 3 years to establish affordable housing at the Fairground so if we can get 8 years, that would be fantastic.

Item 3:
I definitely support any wording and decision to disallow condo conversion for residential units built "by right" and also to make it illegal to rent out high density area units as STR. It would be complete chaos there! If we want people to come in and live in Del Mar and make this as their home, especially the affordable housing families, it has to serve as a real home and community. Not as a hotel with different people coming and going every other day or week. That´s just wrong.

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

[redacted]

From: amyacheshire@gmail.com
Sent: Wednesday, March 24, 2021 3:19 PM
To: City Clerk Mail Box
Subject: Red Dot Letter for March 25 Meeting - Item 2 Approve the 6th Cycle Housing Plan

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council:

Please submit a plan for the 6th Cycle Housing Element that asks the HCD for 8 years instead of 3 years to develop housing at the Del Mar Fairgrounds.

Sincerely,

Amy Cheshire
1561 San Dieguito Drive

[redacted]

From: Ken Ruggiero <Ken@ascentfunding.com>
Sent: Wednesday, March 24, 2021 7:47 PM
To: City Clerk Mail Box
Cc: 'Danette Ruggiero'
Subject: Agenda Item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I understand the need for low income housing and the need to comply with the state laws. Please reject staffs proposal, or accept it with an amendment to the number of years the town has to negotiate with the Fairgrounds.

Thanks you for the hard work you do in navigating these complicated issues.

Ken and Danette Ruggiero
2158 Balboa Ave
Del Mar CA 92014

Ken Ruggiero
Chairman, CEO

619-684-7218 | 858-735-1050 (cell)
ken@ascentfunding.com
ascentfunding.com

Ascent

P.S. To help more students pay for college, we're giving away **over $70,000 in scholarships** this year! See details »

[redacted]

From: Neuman, Tom <tneuman@health.ucsd.edu>
Sent: Wednesday, March 24, 2021 7:48 PM
To: City Clerk Mail Box
Subject: High density housing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to register my strong opposition to the plan being put forward for high density housing that puts the North and South Bluffs at risk should and agreement with the fairgrounds not be reached within 3 years.

Sent from my iPhone
Tom Neuman

[redacted]

From: Pat JaCoby <pat.jacoby96@gmail.com>
Sent: Wednesday, March 24, 2021 7:46 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support the full planning period.

[redacted]

From: Betty McDonald <bettyrmcdonald@gmail.com>
Sent: Wednesday, March 24, 2021 7:12 PM
To: City Clerk Mail Box
Subject: Protect Bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We do not support high-density development on Del Mar's bluffs. Please develop the Fairgrounds properties if necessary.

Betty McDonald
2026 Balboa Ave,
Del Mar, CA 92014

[redacted]

From: Kevin Kinnear <kevin.kinnear8@gmail.com>
Sent: Wednesday, March 24, 2021 7:49 PM
To: City Clerk Mail Box
Subject: No high density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please no high density housing on bluffs. Yes on housing in Fairgrounds.

--
Kevin Kinnear
760-473-5489

[redacted]

From: George Beatty <george@ssivc.com>
Sent: Wednesday, March 24, 2021 8:23 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland
Subject: SAVE THE bLUFFS.-High Density Housing.RED DOT.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wish to **express my opposition to high-density housing on our fragile coastal bluffs**. Your Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended.

George Beatty

157 9th Street

Del Mar.

CA 92014

[redacted]

From: Robert Fried <robertsfried@sbcglobal.net>
Sent: Wednesday, March 24, 2021 8:45 PM
To: City Clerk Mail Box
Subject: Agenda Item #2 for March 25 City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

Regarding Agenda Item #2: **My wife and I want express our very strong opposition to high-density housing on our fragile coastal bluffs. The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.**

Thank you very much for your support on this important issue.
Kind regards,

Robert and Christine Fried
910 Stratford Ct.
Del Mar, CA 92014

[redacted]

From: KAREN BUSH <karenhbush@aol.com>
Sent: Wednesday, March 24, 2021 8:40 PM
To: City Clerk Mail Box
Subject: Save our bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The City Council Members,

As a voter and very concerned resident of Del Mar, I want to express my strong opposition to any consideration of high density housing on our precious , extremely fragile, beautiful bluffs.

In light of recent bluff failures, the idea of building high density housing on them, seems beyond dangerous and patently absurd. I would hope that any plan to consider doing so would be voted down.

Sincerely,

Karen Bush
15th St.

Sent from my iPhone

[redacted]

From: Robin Crabtree <robincrab@gmail.com>
Sent: Wednesday, March 24, 2021 8:54 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to voice my opposition to upzoning high density housing in the north and south bluff properties. Three years is not enough time to reach any agreement with the fairgrounds. We need the full eight years to work this out. I have been trying to help save and reopen horsepark and have been witnessing first hand the speed that the DAA board of directors moves.
Thank you
Robin Crabtree
140 25 th st

Sent from my iPhone

[redacted]

From: Ruth Evans <evans.ruthtodd@gmail.com>
Sent: Wednesday, March 24, 2021 8:58 PM
To: City Clerk Mail Box
Subject: housing on the bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council, Please ask for more time to obtain housing at the Fairgrounds and save our precious, fragile bluffs. Thank you, Ruth Evans, 2115 Balboa Avenue

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Wednesday, March 24, 2021 9:06 PM
To: City Clerk Mail Box
Subject: No high density housing on our bluffs! Support for the 8 year planning period.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I want to again express my support to request the full 8-year planning period in regards to finding a solution to our affordable housing at The Fairground. To think that if we don´t reach an agreement with The Fairground within 3 years will lead to high-density housing on our fragile bluffs is one scary future for Del Mar. We all voted down the development on the bluff just north of dog beach because of that very reason. I cannot imagine we will be there again in 3 years! We just cannot let that happen! Please, do everything you can to plead for the 8 years! Hopefully they can show some compassion now that everything has been standing still for more than a year during COVID.

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

[redacted]

From: Steve Tarkington <tarkingtonsteve@gmail.com>
Sent: Wednesday, March 24, 2021 9:17 PM
To: City Clerk Mail Box
Subject: City Council Agenda item

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to strongly oppose any vote by the city council to keep the north and south bluffs of Del Mar as possible locations for high density housing. There are other options to be considered, including the Fairgrounds for a number of reasons.

Stephanie Tarkington
100 11th St
Del Mar, CA 92014

Sent from my iPhone

[redacted]

From: Isla Cordelae <icordelae@hotmail.com>
Sent: Wednesday, March 24, 2021 9:27 PM
To: City Clerk Mail Box
Subject: AJENDA ITEM 2 SPECIAL CITY COUNCIL MEETING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE DO NOT APPROVE NORTH AND SOUTH BLUFF 'BY RIGHT' HIGH DENSITY HOUSING. DEL MAR HAS A VOTER APPROVED PLANNING AND REVIEW PROCESS, HONOR OUR HISTORY THAT HAS WORKED FOR THE MORE THAN 50 YEARS I HAVE BEEN IN RESIDENCE. ALLOW MORE TIME FOR THE FAIR GROUND PROPOSAL TO BE EVALUATED IN THIS CRITICAL TIME OF ECONOMIC RECOVERY.
ISLA CORDELAE
106 11TH ST. DEL MAR CA 92014

Sent from my iPad

[redacted]

From: Isla Cordelae <icordelae@hotmail.com>
Sent: Wednesday, March 24, 2021 9:32 PM
To: City Clerk Mail Box
Subject: ITEM 2 SPECIAL CITY COUNCIL MEETING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE DO NOT APPROVE THE BY-RIGHT HIGH DENSITY HOUSING. HONOR OUR CITY PLANNING AND REVIEW PROCESS. ALL DEVELOPMENTS REQUIRE THIS GUIDANCE THAT HAS WORKED FOR OVER THE 50 YEARS I HAVE BEEN IN RESIDENCE IN DEL MAR. GIVE THE FIAR GROUNDS PROPOSAL MORE TIME ESPECIALLY IN THESE CRITICAL TIMES OF ECONOMIC CHALLENGE.

ISLA CORDELAE
106 11TH ST.
DEL MAR

Sent from my iPad

[redacted]

From: Cathey Carter <catheycarter@gmail.com>
Sent: Wednesday, March 24, 2021 9:32 PM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on the bluffs

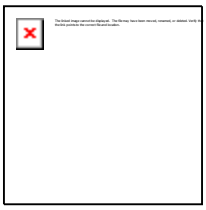
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

As a resident of Del Mar, I want to **express my opposition to high-density housing on our fragile coastal bluffs**. My Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended.

Thank you.

Sincerely,
Cathey Carter
408 858-4903
159 6th St Del Mar, CA 92014



Cathey Carter
Bible 7 and Bible 8
Maranatha Christian Schools
Office Hours 8-10am M-F
Cathey.carter@gomcs1.com
Office: (858) 759-9737 x136
Fax: (858) 759-4001
www.maranathachristianschools.org

Transformed Lives…Transforming the World

Now thanks be to God who always leads us in triumphal procession in Christ, and through us spreads everywhere the fragrance of the knowledge of Him. ~2 Co 2:14~

[redacted]

From: Payson Stevens <payson.stevens@gmail.com>
Sent: Wednesday, March 24, 2021 10:03 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; Dwight Worden; David Druker; Tracy Martinez
Subject: 6th Cycle Housing Element Update (housing plan) March 26, 2021 Agenda

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City of Del Mar and Council Members:

My wife and I, long term residents of Del Mar, would like to voice our opposition to the high density housing proposal for 12 acres of North Bluff and 5 acres of South Bluff.

The on-going, and most recent bluff collapses, are clear examples of the fragility and dangerous aspects of our precious bluffs. They are part of Del Mar's natural "jewels" and don't need any more human impacts to further destroy what's left of their beauty.

Del Mar and its elected officials need to ensure the full eight year planning period to enable detailed solutions and options at the Fairgrounds. Staff's recommendation does not serve our community.

Please protect our bluffs and reject the staff position and support the longer eight year assessment.

Thank you,
Payson R. Stevens
Kamal K. Kapur
7th Street
Del Mar, CA 92014

[redacted]

From: Brian Carter <brian3carter@gmail.com>
Sent: Wednesday, March 24, 2021 10:14 PM
To: City Clerk Mail Box
Subject: Opposition To High Density Housing Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a Del Mar resident I am opposed to high-density housing on our fragile coastal bluffs. The Council needs the full 8-year planning period to find a solution for housing at the Fairgrounds, not the 3 years that staff has recommended. Thank you for your consideration.

Sincerely,

Brian Carter

Sent from my iPad

[redacted]

From: Lawrence Edward Lare <ed.lare@avidsemi.com>
Sent: Wednesday, March 24, 2021 10:54 PM
To: City Clerk Mail Box
Cc: ed.lare@avidsemi.com; Karen Lare
Subject: oppsed to high density housing on fragile del mar bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I an opposed to high-density housing on our fragile coastal bluffs. Del Mar is a very small city being bullied by careless assignation of housing mandates created with much larger cities in mind by California's incumbent politicians. Much better solutions will become available over the next 8 years in this regard. Please listen to our mayor and facilitate her due diligence in this crucial matter affecting all of Del Mar's citizentry now and in perpetuity.

Respectfully,

Eddie Lare

[redacted]

From: Shannahoff, David <dshannahoffkhalsa@ucsd.edu>
Sent: Wednesday, March 24, 2021 11:40 PM
To: City Clerk Mail Box
Cc: Terry Gaasterland; David Druker; Tracy Martinez; Dan Quirk; Dwight Worden
Subject: Red Dot for Special Meeting (Agenda Item 2)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Mayor Gaasterland, Members of the City Council, and City Clerk,

This **Red Dot** is to **STRONGLY** oppose any high-density housing on our fragile coastal bluffs, both the North bluff bordering on Solana Beach, and the South bluff (Staver property), and to instead support housing at the Fairgrounds at any cost. Having been a resident in Del Mar now for 52 years, I have learned to respect the city plan that has worked for us and helped to keep our village the delightful place that we love and adore. Building high density units on those bluffs would be a tragic mistake for many reasons. The votes opposing the Marisol debacle should be a hint to you about how the majority of Del Mar residents feel about building on the North bluff. In addition, it was clear that Solana Beach residents were also opposed to any similar construction. No doubt the same can be said for the majority of Del Mar residents for the south bluff. Please respect the views of the majority.

Sincerely,

David Shannahoff-Khalsa
Van Dyke Ave, Del Mar, CA, 92014

[redacted]

From: alejcisneros <alejcisneros@gmail.com>
Sent: Thursday, March 25, 2021 12:20 AM
To: City Clerk Mail Box
Subject: Too dangerous!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,
I am 100 percent opposed to housing on the north and south bluffs. It's much too dangerous. Tge fairgrounds is an excellent location for housing.
Sincerely
Alejandra Cisneros
336 9th St
Del Mar

Sent from my iPhone

[redacted]

From: Peter Cramton <pcramton@gmail.com>
Sent: Thursday, March 25, 2021 4:41 AM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on fragile coastal bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am strongly opposed to high-density housing on fragile coastal bluffs. The harm to the broad community of San Diego County would be great, especially to those nearest to the bluffs.

The City Council needs more time to consider the plans for the Fairgrounds, a full 8-year planning period.

Allowing "by right" development without proper review would be tragic. This must not happen.

Kind regards,
Peter Cramton
901 Highland Ave, Del Mar, CA 92014

Peter Cramton
pcramton@gmail.com www.cramton.umd.edu +1 240 479 9345
University of Cologne and University of Maryland

*** Currently I am in Del Mar, California; eight hours behind Germany ***

[redacted]

From: Heather Lindsey <hdlindsey@yahoo.com>
Sent: Thursday, March 25, 2021 7:03 AM
To: City Clerk Mail Box
Subject: Agenda Item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to the plan as it stands currently.

Del Mar needs more time, especially as it is an irreversible contingency and by right. I am in favor of the full-8 year planning period.

We know we need to hit our high density housing numbers, which have already been hotly debated. Let us please proceed with caution in this next step.

Sincerely,

Heather Lindsey

[redacted]

From: Al Tarkington <atarkington@hotmail.com>
Sent: Thursday, March 25, 2021 7:32 AM
To: City Clerk Mail Box
Subject: Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The fairgrounds occupies one third of Del Mar. The State owned property must step up to its responsibility, and must provide for additional and low income housing. Not on fragile bluffs.

Al Tarkington
Del Mar

Sent from my iPhone

[redacted]

From: Batter Kay <batterkay@sbcglobal.net>
Sent: Thursday, March 25, 2021 8:33 AM
To: City Clerk Mail Box
Subject: High density housing on north and south bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council Members,

Please do all you can to put the high-density housing required by the state at the fairgrounds and NOT on on bluffs, especially the southern bluff.

Janice and Michael Batter

[redacted]

From: Rory Bennett <rory@solanaproductions.com>
Sent: Thursday, March 25, 2021 8:51 AM
To: City Clerk Mail Box
Subject: Opposition to South Bluff (Staver Property) Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

As a property owner and resident of Del Mar Woods, I want to register my family's opposition to high-density housing on the South Bluff (Staver Property) for Del Mar to meet the state's mandate for so-called "affordable" housing.

First, the negative environmental, traffic and public safety consequences of such a development are monumental.
Second, the notion of building "affordable" or "low-income" housing on one of the last-remaining vacant blufftops in Southern California, with prized ocean views and easy pedestrian beach access, is asinine.
Third, such a development will permanently damage the high property values Del Mar has worked for years to achieve and our family and community has strived to uphold.

Please dismiss this poorly conceived proposal and pursue alternate remedies, challenging though those may be. That is the right thing to do.

Sincerely,

Rory Bennett

[redacted]

From: Viktor Nemeth <vnemeth@yahoo.com>
Sent: Thursday, March 25, 2021 9:13 AM
To: City Clerk Mail Box
Subject: Opposition to high-density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi and good morning

I am a (12+ year) full time resident of Del Mar and registered to vote at my address here in the city.

I am VERY OPPOSED to any high-density housing on our fragile coastal bluffs.

This is a terrible idea!

We must work harder to find different solutions, and the Fairgrounds seems much more obvious.

Please do not allow any high-density housing on our bluffs, this will ruin Del Mar as we know it (!!)

Viktor Nemeth

Stratford Court

[redacted]

From: Kerridge, Carol <ckerridge@ucsd.edu>
Sent: Thursday, March 25, 2021 9:31 AM
To: City Clerk Mail Box
Subject: Red Dot letter Item #2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

I am very concerned about this important vote you are about to make regarding the North Bluff tonight.

Although this situation has layers upon layers of complexities including mandates from the state, deadlines, City revenues, affordable housing requirements, insidious power struggles, NIMBY concerns and more...please consider some of the issues of which I am extremely concerned.

My opinion is that prior to your vote, you need to review the SIO reports on the stability of the bluffs in our town, particularly at the shoreline of the north bluff. Then during low tide, take a walk along the shore beneath the bluff and pay particular attention to the recent bluff failures, the deep caves that people are walking into (many children playing in them), then take a walk south to walk along the shoreline below the train tracks to see the multiple bluff failures. If that doesn't set off an alarm for you, then take a drive by the precarious situation located as CDM becomes Jimmy Durante Blvd, where the two homes on the cliff above look as though they could crumble down the cliff during the next storm.

The bluff instability in this entire region is becoming more and more dangerous and it's time we put our battles aside and work together to avoid the growing catastrophes. Climate change has brought more frequent severe wind, rainfalls, and higher and stronger wave action.

I find it absolutely dangerous to even be considering building any structures on the North Bluff and I think you should have the same concerns. Please do not let this happen!!

For whatever reasons and situations have brought us to this point, we need to reconsider what got us here. For starters, I for one, resent the fact that residents who want to protect the North Bluff are thought to be opposed to Affordable Housing...perhaps some residents feel that way, but I think the vast majority of Del Mar residents welcome diversity and are eager to find less dangerous areas for financially challenged persons to live safely in our city.

Thanks for all of the time and work you put into making us proud of our city,

Carol Kerridge
El Amigo Rd.

[redacted]

From: Liam Gaarder-Feingold <lgaarderfeingold@sandiego.edu>
Sent: Thursday, March 25, 2021 10:00 AM
To: City Clerk Mail Box
Subject: Agenda Item #2 for March 25 City Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

Regarding Agenda Item #2: **I want express my very strong opposition to high-density housing on our fragile coastal bluffs. The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.**

Thank you very much for your support on this important issue.

Best,
Liam Gaarder-Feingold
519 Stratford Ct.

Liam Gaarder-Feingold
J.D. Candidate | Class of 2022
University of San Diego, School of Law

[redacted]

From: Kyle Bober <boberkyle@gmail.com>
Sent: Thursday, March 25, 2021 10:08 AM
To: City Clerk Mail Box
Subject: "Staver Property"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council,

I find it very appalling that you will attempt to destroy what is left of our undeveloped, beautiful bluffs, especially at the Staver property.

I find it very sad that you will attempt to destroy a privately owned, and extremely rare, unique property, that has provided more than than this city understands, to the community.

I hope this city council removes their, personal political agendas" from this vote and VOTES AGAINST the development of the Staver Property.

Thank you, Kyle Bober

[redacted]

From: Karen Morse <zunimorse@yahoo.com>
Sent: Thursday, March 25, 2021 10:27 AM
To: City Clerk Mail Box
Subject: High-density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Clerk,

I'm writing to voice my opposition to high-density housing in the North Bluff and South Bluff areas. Voters have already expressed their concern for the potentially disastrous impact such development could cause, by increasing the fragility of the eroding bluffs. An alternative site at the Fairgrounds seems to be a timely solution that carries a benefit to all parties. Please proceed with researching that possibility and let the bluffs remain in their natural state forever.

Sincerely,

Karen Morse
485 Zuni Drive
Del Mar, CA

[redacted]

From: Miller, Susan <samiller@UCSD.EDU>
Sent: Thursday, March 25, 2021 10:37 AM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland
Subject: High density north and south bluff zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council ,

The council must modify the 6th Cycle Housing Element Update to protect our bluffs.

Given the increased frequency of bluff failures, the Council would be acting irresponsibly if development of Del Mar's fragile bluffs is included in the plan as a contingency. Furthermore, the Council needs eight years for Del Mar to work out a housing agreement with the Fairgrounds.

I am strongly against development of the north and south bluffs. The residents (voters) of Del Mar made it clear with defeat of the Marisol project that we do not want development of our fragile bluffs. You were elected to represent us.

Susan Miller
266 Surfview Ct.

[redacted]

From: Udo Wahn <caboandcoral@gmail.com>
Sent: Thursday, March 25, 2021 10:40 AM
To: City Clerk Mail Box
Subject: Red Dot Agenda item 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose any high-density housing on our fragile coastal bluffs and support housing at the Fairgrounds.

Aloha!

Udo Wahn M.D.
Stratford Ct

[redacted]

From: Steve Crothers <scrothers@roadrunner.com>
Sent: Thursday, March 25, 2021 10:50 AM
To: City Clerk Mail Box
Subject: High Density Housing on DM Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We object to this.

Sent from my iPhone

[redacted]

From: wade walker <wadewalker555@gmail.com>
Sent: Thursday, March 25, 2021 11:11 AM
To: City Clerk Mail Box
Subject: 6th cycle housing plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are opposed to high density by right development of the North and South Bluff areas in Del Mar. Three years is too short a time to get the Fairgrounds alternative under way due to the Covid imposed income restrictions the Fairgrounds is operating under. The full eight years is needed to assure this alternative is in place.

We do support high density housing along Border Street.

Wade and Becky Walker
1440 Oribia Road
Del Mar

[redacted]

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Thursday, March 25, 2021 11:10 AM
To: Terry Gaasterland; Tracy Martinez; Dan Quirk; David Druker; Dwight Worden
Cc: Joe Sullivan; Dena Harris; Laura Cunitz; Joseph Smith; Amanda Lee; City Clerk Mail Box
Subject: Item 2: Opposition to residential development at Shores Park, Winston School and Public Parkland

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

Please make any necessary changes to the proposed 6th Cycle Housing Element and EIR that would allow housing development on the 5.3 acre Shores property containing Shores Park and the Winston School, which has served bright children with learning differences for over 30 years.

HCD does not recognize that the entire Shores property was acquired through the largest fundraising campaign in Del Mar history in order to protect and preserve our community's only playing fields and school. This honors the original Kerckhoff deed restriction for "school purposes only" when it was given to the Del Mar School District. We raised $5.5M with the non-profit Winston School, the fiscal sponsor of our campaign and the largest contributor with $3M, based on the City's representations that never included residential development.

Thus, housing cannot be allowed on this PF-zoned property. In addition, allowing residential use triggers a clause in the City's purchase agreement with DMUSD that would result in the City paying millions more for the Shores property.

Since the 6th Cycle Housing Element would allow residential use on all PF-zoned property including the Shores, we request that the entire 5.3 acre Shores property be specifically excluded in the document and/or that it be rezoned to Public Parkland (PP) with the school as an allowed use.

In addition, please remove the following parcels from both the list and map of candidate housing sites in the 6th Cycle Housing Element's final EIR:

- 63 on 9th Street at the Shores
- 64 on 9th Street at the Shores
- 11 at 201 Court Street which is zoned Public Parkland (PP) and contains our City's only tennis courts

Thanks for your consideration,

Laura
Vice President
Friends of Del Mar Parks

Joe Sullivan

President
Friends of Del Mar Parks

[redacted]

From: Noah Gaarder-Feingold <ngaarderfeingold@sandiego.edu>
Sent: Thursday, March 25, 2021 11:20 AM
To: City Clerk Mail Box
Subject: Red Dot, Agenda Item 2, 03/25/2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I want to express my utmost opposition to high-density housing on our fragile coastal bluffs. The recent bluff collapses, which could have injured innumerable people, only further my resolve, as should it yours.

The Del Mar City Council needs to vote for the full 8-year planning period to find a solution for housing at the Fairgrounds, rather than the 3 years that staff has recommended.

Best,
Noah Gaarder-Feingold
519 Stratford Ct.

[redacted]

From: Mark Ives <markhives@earthlink.net>
Sent: Thursday, March 25, 2021 11:30 AM
To: City Clerk Mail Box
Cc: Terry TG. Gaasterland
Subject: 6th Cycle Housing Element Up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Del Mar City Council,

As a resident and property owner in Del Mar, I am writing to express my displeasure with the “Fairgrounds contingency” in The 6th Cycle Housing Plan Update. It is simply unacceptable to consider jeopardizing our North and South Bluff areas to possibly being up zoned for high density housing. The people of Del Mar have without question spoken to this matter through the voting process. We do not want high density use of any sort on the North Bluff Area. This area is part af a fragile ecosystem and any by right development would have disastrous consequences that would forever change the environment and character of Del Mar. Please DO NOT approve this "6th Cycle Housing Element Update Plan” with any language that would potentially result in High Density and or By Right Development of the North or South Bluff Areas.

Respectfully and with Aloha,
Mark Ives

[redacted]

From: Ken Olson <olson.ken@gmail.com>
Sent: Thursday, March 25, 2021 11:27 AM
To: City Clerk Mail Box
Subject: Red Dot letter for City Council meeting March 25, 2021

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for allowing my quick observations.

- We must comply with state law.
- How to do that is a complex problem. The risk/reward calculations are way beyond my capabilities.
- Providing both market rate and low income properties would enrich Del Mar. More variety among our residents would be welcome.
- Local businesses would gain customers. Existing tax policies would likely provide the required new revenue to the City. Have we fully considered the property rights of the owners of the identified parcels?
- We probably don't fully understand the extent to which bluffs are fragile. Most development would probably occur pretty far from actual bluffs. It seems that the approval process for any proposed development will figure out the fragility questions during all of the reviews required and would not allow risky construction.
- Since the Fairgrounds and the City of Del Mar are so codependent, it seems like the City should be able to offer them financial considerations that would be expensive for Del Mar but might make them eager to help us with new housing.

Ken Olson

Torrey Point Road

olson.ken@gmail.com

[redacted]

From: K Lare <karen.lare@yahoo.com>
Sent: Thursday, March 25, 2021 11:31 AM
To: City Clerk Mail Box
Cc: Eddie Lare; Terry TG. Gaasterland; Tracy Martinez; Dwight Worden-Private; Dan Quirk; Dave Druker
Subject: Affordable Housing Discussion on 3-25-2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and City Council Members,

You all have an opportunity to weigh in and do what makes sense for our city for today and also for the coming decades and the generations who will enjoy its beauty. I appreciate that you are all working hard to understand the issues at hand and to make informed decisions but it really is not that hard if you take a step back and look at facts:
- Del Mar has been given a number of affordable units that must be enabled in our city in part (a large part) because of the jobs at the fairgrounds
- Del Mar is a very small city and a large part of our city land is comprised of the fairgrounds property (approximately 24% - 30% depending on the sources you look at)
- There is land, infrastructure and facilities at the Fairgrounds to support housing for those that work there and others that qualify and may be interested in living there
- The fairgrounds is controlled by the State of California - the same entity who has mandated the new housing requirements
- It is challenging to get government entities to move quickly especially when it means changing status quo and updating or changing permits

Based on these facts, building affordable housing at the Fairgrounds is the best alternative that Del Mar can pursue outside a handful of units that can be accommodated on identified properties listed in the 6th Cycle Housing Element. However, completing an agreement with the Fairgrounds will be a challenge for our City Council but I believe that the political will is there to make it happen. Completing that agreement in 3 years will be very difficult and I encourage you to work to give the Council more time and don't take the easy way out and just end up using the North bluff and Staver properties as our answer to affordable housing. These two fragile beautiful bluff properties should be preserved for years to come and should not be sacrificed over getting the work done to allow for affordable housing at the fairgrounds.

Thank you for your efforts along with the City Staff to complete the necessary steps to finalize the Housing Element but please please give yourselves enough time to be successful at getting to the right answer.

Respectfully submitted,

Karen Lare
Stratford Court

[redacted]

From: Ann Williamson <ann.williamson@gmail.com>
Sent: Thursday, March 25, 2021 11:36 AM
To: City Clerk Mail Box
Subject: Low cost housing at the Fairgrounds

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council:

I am very glad you are working on a plan to have low cost housing at the fairgrounds. This is a much better option than putting any buildings close to a fragile bluff that is being undercut by ocean waves. We don't want buildings to fall into the sea. Also, housing at the fairgrounds is a worthy cause and one the State of California should be pleased with.

---Ann Williamson
1352 Oribia Road

[redacted]

From: Lillian Smalley <bl2244@yahoo.com>
Sent: Thursday, March 25, 2021 11:42 AM
To: City Clerk Mail Box
Subject: High Density Housing on the North and South Bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We would like to express our opposition to the proposed plan for high density housing on our fragile bluffs.

The short time allotted for the decision is not enough.

In addition, the idea of development "by right" of such large projects is ridiculous in our community.

Lillian and Jay Smalley

From: Bill Ritman <bill@billritman.com>
Sent: Thursday, March 25, 2021 9:53 AM
To: City Clerk Mail Box
Subject: High Density Housing on Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,
Kindly note that we are opposed to high density housing on the north and south bluffs here in Del Mar. We are in favor of housing at the Del Mar Fairgrounds.
Sincerely,
William and Lauren Ritman
288 Surfview Ct
Del Mar, CA 92014-3221
(858) 794-6965

[redacted]

From: Drew Cady <cadyarts@gmail.com>
Sent: Thursday, March 25, 2021 11:45 AM
To: Terry Gaasterland; Tracy Martinez; Dan Quirk; David Druker; Dwight Worden
Cc: Joe Sullivan; Dena Harris; Laura Cunitz; Joseph Smith; Amanda Lee; City Clerk Mail Box
Subject: No residential development at Shores Park, Winston School and Public Parkland

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members:

We write to you today to state our strong objection to the notion that any residential build be considered on the 5.3 Acre Shores Property. As expressed by Laura DeMarco in her recent letter, the State's HCD is not apparently recognizing that this property was purchased by the City, with strong private donations from both the community as well as major support from friends of the Winston School. Not only does this violate the terms of the Kerckhoff deed restriction, that this land be for school purposes only, it would also mean that the original terms would change, forcing the city to pay considerably more for this purchase. And this does not begin to take into consideration the many actions which might ensue by private donors to this purchase, were the city to take such action.

That said, we strongly request that the Shores Property be rezoned to Public Parkland (with an allowance for the Winston School) and removal of the following parcels from both the list and map of candidate housing sites in the 6th Cycle Housing Elements final EIR in order to avoid any such consequences:

- 63 on 9th Street at the Shores
- 64 on 9th Street at the Shores
- 11 at 201 Court Street which is zoned Public Parkland (PP) and contains our City's only tennis courts

Thank you for your serious consideration of this letter.

Sincerely,

Drew & Nitza Cady
903 Stratford Ct

[redacted]

From: Karen Powell <kapow1@me.com>
Sent: Thursday, March 25, 2021 11:57 AM
To: City Clerk Mail Box
Subject: High Density Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Del Mar City Council,

I am writing to express my strong opposition to placing high density housing on the fragile coastal bluffs of Del Mar. It is imperative that we have the proper amount of time find a solution for housing on the Fairground property. The Covid crisis has had a devastating effect on everyone, and a full eight year planning period is needed to implement a plan that is ecologically safe and satisfactory for our community.

Thank you,

Karen Powell
329 10th Street
Del Mar

From: Weare, John <jweare@ucsd.edu>
Sent: Thursday, March 25, 2021 11:59 AM
To: City Clerk Mail Box
Subject: Regarding proposed high density on North and South Bluffs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Del Mar City Council:

I definitely support any efforts to extend the time period for negotiations with the Fair Grounds to try to get them to accept their responsibility for providing higher density low cost housing in Del Mar. They after all occupy a very large region of our cities area.

A principle reason for the strong environmental movements in Del Mar in the 1970s, that lead to present General Plan and the acquisition of the open space that are now so important to our Del Mar life style, was the protection of the bluffs.

At that time high density development to the North was rapidly deteriorating the environments of communities both to the North and the South.

These inappropriate developments even then were creating hazards to residents and beach users. This inappropriate high density development are still leading to large environmental degradation as well as geological problems.

What is sensible about putting the highest density in the most unstable areas in the city, creating high risk for both public use of the beach area as well as extreme hazards for the occupants of the dwellings on the bluffs.

At this point there is no way to mitagate against bluff instability and natural erosion. We have been told this by the experts in shore processes and experience catastrophic bluff slumps frequently. These cannot be stopped!!

After many years of extraordinary efforts preserve these areas it makes no sense to allow the same kind high density development of these extraordinarily geologically and environmental sensitive areas.

But there is good news as well!

These regions are also our most environmentally valuable regions for public use and time is needed to negotiate and plan development that insure the safety of potential residents and the maximum public use of Del Mars visitors.

Del Mar presently offers to all people a major opportunity to experience remarkably preserved areas. These are heavily used and this is a major contribution of Del Mar!

Finally the Fair Grounds relationship since the incorporation of Del Mar has been difficult to negotiate. This is a special problem for Del Mar and we need time to work out equitable solutions.

Thanks for your efforts,

John Weare

[redacted]

From: Betsy Milich <betsymilich@gmail.com>
Sent: Thursday, March 25, 2021 12:00 PM
To: City Clerk Mail Box
Subject: Support for housing at the Fairgrounds

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am sending this message to express my strong opposition to high density housing on the North Bluff and South Bluff (Staver family property). If the massive amount of high density housing is built, the City of Del Mar will become the laughingstock of California. Can you imagine this kind of construction while we watch our bluffs disintegrate under the train tracks at an unprecedented pace? Can you imagine this outcome after a hotly contested proposal for development--which would have awarded the city substantial tax revenues--was voted down? Can you imagine losing the most valuable land asset that we have because of State requirements that haven't taken our city's unique characteristics into consideration? We currently have plenty of land at the Fairgrounds. It doesn't take much imagination to predict the ridicule we'd face in the future. Is this really what you want your legacy to be?

I realize it's tempting to point fingers at a variety of people for decisions made along the way. That would be a useless waste of time when deadlines loom. City Council members, City staff members, and even our residents both past and present will look like complete fools. How absurd that we find ourselves at an unprecedented possibility of buildings being erected without an environmental study, a design review, Planning Commission study, or input from Del Mar's City Council.

I implore everyone involved in this huge decision to allow more than three years to negotiate a land and housing agreement that will have a *forever* impact on our precious coastal area. There's a location for high density and low income housing and it's not on the bluffs. Please allow much needed additional years before we're forced to default to the Fairgrounds Contingency.

Betsy Milich
1870 Seaview Avenue
Del Mar

[redacted]

From: David Davidson <daveisred@gmail.com>
Sent: Thursday, March 25, 2021 12:05 PM
To: City Clerk Mail Box
Subject: 6th Cycle Housing Element Update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,
My name is David Davidson. I am a mechanical engineer and I have been living in Del Mar since 1994. I would like to formally ask the city council of Del Mar to reconsider this vote today pertaining to the development and conformity to a state plan to accommodate low income housing in our fine city.

It seems imperative to me that we do not rush a final plan that may exclude the best area for this development; the Del Mar Fairground property.

We know that the population of this city is quite against the development of the North bluff, as seen by the public outcry that was realized in the last election. The South bluff property has been a treasured family property for much of the last century to current day.

And, while I am an engineer, and not a city planning specialist or a developer, it is logical to see that there are many power, water, sewage, and traffic problems that seem insurmountable to overcome at either the North bluff or South Bluff sites that make either very feasible. Neither locations are reasonable sites in my opinion due to these reasons alone.

We have years of experience with the high traffic that happens in and around the fairgrounds, so this is clearly the best option traffic-wise. Construction traffic is best suited to this area as there are alternative routes to the existing housing in and around the fairgrounds (which includes me). As I understand that the fairgrounds is a state owned facility, the ability to arrive upon an approved plan would likely take longer than 3 years.

Please, for the sake of all of us who live in and love this fine city, do not unnecessarily limit our ability to make the best plan for all of us by adhering to this tight schedule.

Thank you for your consideration,
Davis Davidson

[redacted]

From: City Clerk Mail Box
Subject: FW: Item 2: 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning (revised)

From: Laura DeMarco <laurastanleydemarco@yahoo.com>
Sent: Thursday, March 25, 2021 12:20 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Item 2: 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning (revised)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members and Staff,

The 6th Cycle Housing Element EIR does not adequately address wildfire risk and evacuation planning. Wildfire forecast models show that a Crest Canyon wildfire being driven by high Santa Ana winds under very dry conditions with the current high fuel load would spread to the ocean within a single hour. The hot, wind-driven embers would quickly engulf Del Mar's heavily forested North Hill neighborhoods where they would fly across Camino Del Mar to the village neighborhoods and Anderson Canyon. In addition, the embers would easily reach the tinder box of the Torrey Pines Preserve which endangers Del Mar's South Hill neighborhood.

Del Mar's topography is very similar to that of Laguna Beach where a wildfire starting in Laguna Canyon reached the oceanfront Emerald Bay neighborhood 6 miles away within two hours in October 1993. This wildfire consumed 16,000 acres, destroyed or severely damaged 400 houses and caused $528M in damage. It took 345 fire engines, 17 bulldozers, 30 aircraft, 11 hand crews and 1,968 fire personnel to put it out.
It important to note that fire engines are 10 feet wide and 20 feet long so that they would block many of Del Mar's narrow streets and evacuation routes for many fleeing residents. Firefighters will also find it very difficult to maneuver with so many dead ends during a wildfire when visibility is so poor.

This is why it is not advisable to build high density housing in or adjacent to hazardous wildfire zones, especially where there is only one road in and out. Where are those in Del Mar? Property on San Dieguito Drive, Oribia Rd, Heather Lane and David Way, and parts of Balboa Ave, Gatun, and Serpentine in or near flammable Crest Canyon and the South Bluff (Staver) property on Stratford Court next to equally high risk Anderson Canyon as shown below in the wildfire risk map below:

Given the high wildfire risk in Del Mar, it is critical that land use planning for high density housing in the 6th Cycle Housing Element EIR require that evacuation routes be widened and major arties include emergency access lanes. For example, high density development in the North Commercial zone should require that Jimmy Durante Blvd. be widened as it the only escape route for all Crest Canyon and most North Hill residents as well as being the only access for fire fighters to combat the fire and for first responders to rescue the many elderly and infirm residents who live there. This would also necessitate the removal of the bottleneck on JDM created by the narrow single lane roundabout that has no emergency access lane.

Thanks for your consideration,

Laura DeMarco

P.S. Following are links for your reference:

Video of the 1993 Laguna fire:

https://m.youtube.com/watch?v=6s67dOe-TOM

Video of the pro-active measures Laguna Beach has taken to minimize wildfire risk and reduce the danger of evacuation:

Laguna Beach Fire Plan Looks to Prevent Another Disaster

Laguna Beach Fire Plan Looks to Prevent Another Disaster

CalFire designated area very high fire hazard severity zone.

[redacted]

From: lroseis@runbox.com
Sent: Thursday, March 25, 2021 9:34 AM
To: City Clerk Mail Box
Subject: High Density Housing on the Bluffs

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my opposition to high density housing on our VERY fragile coastal bluffs. I urge the Council to agree to a 8-year planning period to find a viable solution for housing at the Fairgrounds.
Sincerely,
Linda Rose
Spinnaker Court

[redacted]

From: Diane Salyer <DCS719@msn.com>
Sent: Thursday, March 25, 2021 12:50 PM
To: City Clerk Mail Box
Subject: High density housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am unequivocally opposed to plans which populate our north and south bluffs.

I cannot understand why the fragile and beautiful Del Mar land, and the rare special nature of our community should be endangered.

Surely, with such a beautiful, and unusual environment, we can take more time to pursue other options for high density housing. Part of the fairground property, which also has the advantage of access to transportation without jamming up the streets and access to Del Mar , seems to be one reasonable alternative that deserves the time to explore fully.

I do not understand why more time cannot be allotted to making a huge decision that forever impacts harshly our community.

Sincerely,

Diane Salyer, MD 777 Kalamath Drive

[redacted]

From: Dan Quirk
Sent: Thursday, March 25, 2021 12:56 PM
To: City Clerk Mail Box
Cc: Joseph Smith; Ashley Jones; Terry Gaasterland
Subject: Red dot regarding Item #2 - 6th Cycle Housing Element Update

All,

#1 I have serious concerns about the 6th housing element condition to upzone all of north bluff (10+ acres) and all of south bluff (4+ acres) to 25 units an acre if we do not reach an agreement with the fairgrounds in three years. Del Mar should seek to negotiate with HCD for alternative methods of satisfying our affordable housing unit requirement. For example, if Del Mar could figure out a way to buy/find 2.5 acres and build 51 affordable units, that should be an allowed option. This would lead to a result where we have only increased density on 2.5 acres instead of 14 acres of sensitive coastal bluffs. HCD should allow flexibility with local agencies such as Del Mar in figuring out how to do this, rather than applying a one size fits all solution in the form of upzoning. Del Mar, and other cities in similar situations, need to expand the playbook of options.

#2 Del Mar's large number of required affordable housing units is being driven significantly by seasonal jobs numbers related to the fairgrounds, which at 370 acres is enormous and has a great deal of underutilized land. As such, this 6th Cycle needs a mechanism to compel the fairgrounds to cooperate. I believe that HCD itself also has an important role to play in requiring the fairgrounds to come to the negotiating table with Del Mar on affordable housing. It is not fair or equitable if the fairgrounds does not suffer penalties or consequences if they do not cooperate.

Respectfully,

Dan Quirk

CITY OF SOLANA BEACH www.cityofsolanabeach.org
635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

March 25, 2021

Ashley Jones, Interim City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: **City of Del Mar – 6th Cycle Housing Element Update**

Dear Ms. Jones,

The City of Solana Beach is in favor of policies and programs that support and promote much needed housing development for all income levels. However, the City is deeply concerned about intensification and densification of future bluff top development that is proposed within the City of Del Mar's 6th Cycle Housing Element Update. Housing Program 1E includes the potential rezoning of the North Bluff site located at Border Avenue and Camino Del Mar, which would allow multiple dwelling unit development at a density of 20-25 dwelling units per acres "by right." A development intensification from estate residential to multi-family housing will have significant adverse effects on both the people and the environment, most specifically on residents and infrastructure within the City of Solana Beach. The Solana Beach Community is extremely concerned with significant, potentially significant and significant and unavoidable adverse impacts that include, but are not limited to, limited water supply, ability to provide wastewater treatment services, negative impacts to the San Dieguito River Valley habitat immediately south of the North Bluff properties, traffic and parking impacts to neighboring communities, impairment and/or elimination of scenic views, destabilization of the coastal bluffs and additional demands on public safety services.

Given the potential adverse impacts listed above, the City of Solana Beach opposes the inclusion of the proposed rezoning of the North Bluff site to meet the City of Del Mar's housing needs. Therefore, we respectfully request that the rezoning of the North Bluff site under Housing Program 1E be removed from the City of Del Mar's Housing Element Update.

Should you have any questions please feel free to contact me or the City of Solana Beach Community Development Director, Joseph Lim at jlim@cosb.org.

Sincerely,

[redacted]

Gregory Wade
City Manager

[redacted]

From: Dixie Welsh <dixiecruise@yahoo.com>
Sent: Thursday, March 25, 2021 1:37 PM
To: City Clerk Mail Box
Subject: oppose high density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am strongly opposed to high density housing on the coastal bluffs at North end and South end of Del Mar.
The recent collapse near 4th Street is a small taste of what is likely to come.
I support this housing at the Fairgrounds.
It also should be considered that if Del Mar Heights area has a Del Mar address, but is in San Diego,
this high density housing belongs there,

Thank you,
Mary Welsh
155 15th St # 26
Del Mar, CA 92014

[redacted]

From: Susan Schneider <scs416@outlook.com>
Sent: Thursday, March 25, 2021 1:39 PM
To: City Clerk Mail Box
Subject: high density housing on bluffs

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to the plan to allow high density housing on our bluffs, North and South.

Our City Council should use the full 8-year planning period to find better solutions. The Fairgrounds must come into consideration and that will take time especially because the pandemic is still affecting all businesses and organizations.

Our bluffs are fragile and must be protected. Del Mar has limited resources and infrastructure to deal with more problems, increased populations and congestion at both ends of town will put our whole Village and coast at risk. This is a terrible idea.

Susan Schneider
1305 Luneta Drive
Del Mar

[redacted]

Subject: FW: High Density Housing and the Del Mar bluffs.

From: Taylor, Palmer <pwtaylor@health.ucsd.edu>
Sent: Friday, March 26, 2021 3:07 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: High Density Housing and the Del Mar bluffs.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City Council:

As a resident and property owner in Del Mar since 1971, I witer to stand with Mayor Gaasterland in registering concens about high density housing in Del Mar. Not only does such construction damage our views from the north and south bluffs but from the very hear of the city. We also raise the concern about heavy construction occurring on these sandstone bluff. We all have been witnesses of fissures, presenting dangers on the beaches and to existing property. It is our hope that these issues can be properly handled by the mayor and city council

Sincerely,

Palmer and Susan Taylor
1408 Via Alta
Del Mar, CA 92014

[redacted]

From: Sheila Sharpe <sasharpe@yahoo.com>
Sent: Thursday, March 18, 2021 3:43 PM
To: City Clerk Mail Box
Subject: Red Dot: 6th Clycle Housing Element Update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Del Mar City Clerk,

My husband and I support the City Council to adopt Resolution A to adopt the "6th Cycle Housing Element Update."

Thank you,

Sheila & Michael Sharpe
442 15 St.

[redacted]

From: Camilla Rang <camillarang@yahoo.com>
Sent: Tuesday, March 23, 2021 10:53 PM
To: City Clerk Mail Box
Subject: Item 2 and 3 on March 25 agenda

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

Item 2:
I would like to express my support for requesting the full 8 years in regards to the Fairgrounds Contingency, as opposed to 3. It may take longer than 3 years to establish affordable housing at the Fairground so if we can get 8 years, that would be fantastic.

Item 3:
I definitely support any wording and decision to disallow condo conversion for residential units built "by right" and also to make it illegal to rent out high density area units as STR. It would be complete chaos there! If we want people to come in and live in Del Mar and make this as their home, especially the affordable housing families, it has to serve as a real home and community. Not as a hotel with different people coming and going every other day or week. That´s just wrong.

Sincerely,

Camilla Rang
159 10th Street, Del Mar, CA 92014
858 353 1948

CITY OF DEL MAR
CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 25, 2021 – VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER
Mayor Gaasterland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL
Present: Mayor Terry Gaasterland; Deputy Mayor Dwight Worden; Councilmembers Dave Druker, Tracy Martinez and Dan Quirk

PUBLIC ORAL
Mayor Gaasterland opened public comment for all agenda items and the following individuals spoke:

1) Jas Grewal - Spoke on items 1 and item 2
2) Arnie Wiesel - Spoke on item 1.

Interim City Manager Ashley Jones noted that Laura DeMarco requested to speak but was not available until later in the meeting.

PUBLIC HEARING

ITEM 1: INTRODUCTION OF ORDINANCES TO ESTABLISH THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AND IMPLEMENT 5TH CYCLE HOUSING ELEMENT PROGRAM 2G (CLERK'S FILE NO. 304-7, 401-4, 401-9)

City Attorney Leslie Devaney provided a conflict analysis for the item and Councilmember Martinez recused herself as she had a conflict due to living within 500 feet of the subject matter of the item.

A presentation was provided by Planning and Community Development Director Joseph Smith and Principal Planner Matt Bator.

Council questions focused on Ordinance 973's relationship to the overlay zone; whether the design standards apply to the Fairgrounds; various administrative revisions to the design standards ordinance proposed by Mayor Gaasterland; various revisions to the design standards ordinance proposed by the referendum proponent; and the process and timing for revising the design standards after they are adopted.

Mayor Gaasterland opened the item to public comment and Laura DeMarco spoke. Jas Grewal and Arnie Wiesel spoke on this item at the start of the meeting. Mayor Gaasterland closed the item to public comment.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO INTRODUCE AN ORDINANCE, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING ZONING CHAPTER 30.92 TO THE DEL MAR MUNICIPAL CODE TO CREATE A NEW HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS AN OVERLAY ZONING TOOL THAT CAN BE APPLIED TO REAL PROPERTY THROUGH FUTURE REZONE ACTIONS AT THE DISCRETION OF THE CITY COUNCIL WHEN NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR HOUSING ELEMENT PROGRAM ACTIONS PER STATE LAW" INCORPORATING THE FINAL CHANGES TO THE ORDINANCE SHOWN BY MAYOR GAASTERLAND DURING THE MEETING. (VOTE 3-1-1)

Ayes: Mayor Gaasterland, Councilmembers Druker and Quirk Noes: Deputy Mayor Worden; Absent: 0; Abstain: Councilmember Martinez.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILEMBER DRUKER TO INTRODUCE AN ORDINANCE, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REZONING REAL PROPERTY IDENTIFED AS ASSESSORS PARCEL NUMBERS 299-100-47 AND 299-100-48 LOCATED IN THE NORTH COMMERCIAL ZONE TO APPLY THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR 5TH CYCLE HOUSING ELEMENT PROGRAM 2G PER STATE HOUSING LAW AND AMENDING ZONING CHAPTER 30.92 TO REFLECT THE REZONE ACTION." (VOTE 4-0-1)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, Councilmembers Druker and Quirk; Noes:0; Absent: 0; Abstain: Councilmember Martinez.

ITEM 2: 6TH CYCLE HOUSING ELEMENT UPDATE – ADOPTION OF GENERAL PLAN AMENDMENT (GPA 20-003) (CLERK'S FILE NO. 304-7)

City Attorney Devaney provided a conflict analysis for the item indicating that Councilmembers Druker, Quirk and Martinez have real property interests within 500 feet of the North Commercial area or one of the proposed replacement parcels that are affected by this action. Therefore, they have disqualifying interests. In February, the 6th Cycle Housing Element was discussed by the Council and Councilmember Druker was randomly selected to be the third Councilmember to establish a quorum. Therefore, he has been designated to participate in the discussion and/or actions related to the 6th Cycle Housing Element. Because this item involved a 4/5th vote, participation of a 4th Councilmember was needed. As a result, a straw vote was conducted by Acting City Clerk Sarah Krietor between Councilmembers Quirk and Martinez to designate the 4th Councilmember. Councilmember Quirk was randomly selected to participate in the item. Councilmember Martinez was recused.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee

Council questions focused on the next steps in the process after the Housing Element is sent to the State of California Department of Housing & Community Development (HCD); various strategies for compelling the Fairgrounds to work with the City on affordable housing; the Memorandum of Understanding (MOU) that was previously proposed to the Fairgrounds; if HCD has a time limit for responding to the City after

the Housing Element is submitted; clarification on the use of the term "development agreement" in the Housing Element related to the Fairgrounds and the requirements of such an agreement including questions about who is responsible for California Environmental Quality Act (CEQA) review and costs; the City Council's position on the potential for changes to single family housing via Senate Bill 1; clarification that HCD requested that the City Council consider removing the 4/5 voting requirement to amend the Community Plan (General Plan); timing for submitting or revising a submitted Housing Element; the feasibility of including a contingency plan without specifics to HCD; the feasibility of removing the Central Commercial Zone from the Housing Element this cycle; clarification about whether the Court Street or Shores Park sites are included in the proposed Housing Element; and incentives programs for deed restricted housing.

Mayor Gaasterland opened the item to public comment and Laura DeMarco spoke. Jas Grewal also spoke on this item at the start of the meeting. Mayor Gaasterland closed the item to public comment.

Council discussion focused on the 1E rezone program; the Council's strong desire to establish affordable housing at the Fairgrounds; various creative options for contingency plans if affordable housing is not established at the Fairgrounds; the Council's disappointment with the State's formulaic approach to affordable housing; and Council desire to send a letter to the State stakeholders related to affordable housing at the Fairgrounds with Mayor Gaasterland and Councilmember Quirk to return to Council at a future meeting with a proposed letter.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMEBR DRUKER TO ADOPT RESOLUTION 2021-14, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT THE 6TH CYCLE HOUSING ELEMENT (GPA 20-003), WHICH IS THE CITY'S HOUSING PLAN COVERING THE YEARS 2021-2029, THAT CONSTITUTES AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN), APPLICABLE CITYWIDE WITHIN THE CITY OF DEL MAR, CALIFORNIA; AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED 6TH CYCLE HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR CERTIFICATION." (VOTE 4-0-1)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, Councilmembers Druker and Quirk; Noes: 0; Absent: 0; Abstain: Councilmember Martinez.

COUNCIL MEETING RECESS:
The City Council took a meeting recess from approximately 6:35 to 6:50 p.m.

ITEM 3: COUNCIL DISCUSSION REGARDING PRESERVATION OF HOUSING STOCK IN "BY RIGHT" AND HIGHER DENSITY PROJECTS (CLERK'S FILE NO. 304-7)

Mayor Gaasterland read the recommended action and provided a brief overview for the item.

There were no public speakers for this item.

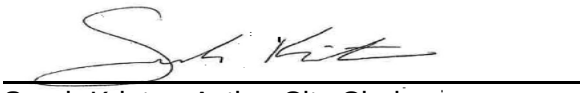
Council questions and discussion focused on working with the City Attorney's Office to determine the City's ability to limit condo conversion and short-term rentals in "by right" or high density projects; the process that would be required; Council desire to maintain housing stock in future high density developments; City's position to take this action in one zone versus citywide; the feasibility of condos being deed restricted affordable in this scenario; and the relationship between this proposal and the City's overall, citywide short-term rental regulations.

Council directed staff to look into this item further with legal counsel and to work with Interim City Manager Jones on the timing, cost and City's ability to incorporate this item into the current work plan.

REGIONAL ORGANIZATION REPORTS
These reports will be provided at the April 5, 2021, City Council regular meeting.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS
These reports will be provided at the April 5, 2021, City Council regular meeting.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 8:48 p.m.



Sarah Krietor, Acting City Clerk

City of Del Mar
Planning Commission Agenda - Revised
Del Mar Town Hall - **VIA TELECONFERENCE ONLY**
Tuesday, November 9, 2021 at 6 PM
(or as soon thereafter as practicable)

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, November 9, 2021 at 6 PM

In the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Ted Bakker
Chair

Philip Posner
Vice Chair

Don Countryman
Commissioner

John Farrell
Commissioner

Claire McGreal
Commissioner

Joseph D. Smith, AICP
Planning & Community Development Director

Amanda Lee
Principal Planner

Agenda

It is the intention of your Planning Commission to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

Public Participation/Comment

Members of the public can participate in the meeting by either submitting a written red dot comment via email to planning@delmar.ca.us or by speaking live using the Zoom link and/or dial-in information provided below. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on. Those wishing to comment live should join the Zoom meeting when the item(s) they wish to speak on is announced or at the meeting start time for items not on the agenda.

Zoom
Link: https://us02web.zoom.us/j/85719416064?pwd=U3lOMUNYcDVER0duYlpQZTNtRWpNUT09
Phone: (669) 900-6833
Meeting ID: 857 1941 6064

While registration is not required, staff recommends members of the public submit an optional tele-comment request form (www.delmar.ca.us/telecomment) to assist with speaker management during the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

Project Applicants/Representatives

Applicants/representatives will be provided a link to participate in the meeting and, unless otherwise noted, for items on the agenda, **applicants and their team of representatives shall limit their [total] presentations to 10 minutes or less.**

Viewing the Meeting and Access to Agenda Materials

Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website only, as City Hall and the Del Mar Library are currently closed to the public. http://www.delmar.ca.us/AgendaCenter.

Regular Meetings of the Planning Commission are generally held on the second Tuesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the **City's website at www.delmar.ca.us**, or call the Planning Department's office at 858-755-9313. A full Planning Commission agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's web site the Friday before each Planning Commission meeting.

Meeting will end at 11:00 p.m. unless extended by a majority vote of the Commissioners. If all the items on the agenda are not heard, the remaining items will be heard the following Tuesday (if facilities are available) at 1050 Camino Del Mar.

Consent Calendar: The Consent Calendar is considered by the Planning Commission near the beginning of the agenda. Items placed on the Consent Calendar will be approved in accordance with the staff recommendations for the item unless removed from the Consent Calendar by Commissioners, staff, or a member of the public. If you wish to keep an item from being placed on the Consent Calendar, please submit an email to planning@delmar.ca.us or to the staff member prior to the meeting by 3:30 p.m. the day of the meeting.

This notice will be the only written notice sent. Items, which are continued by the Planning Commission from one Planning Commission meeting to another "date certain" meeting date, will not be re-noticed through the mail.

Final action. The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the Initial Consideration whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (de novo) public hearing review. If a de novo public hearing is set by the City Council, an additional fee will be required.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Decorum:
All persons attending the Planning Commission meeting shall conduct themselves in a courteous and respectful manner. Comments shall be directed to the members of the Commission, rather than to others in attendance at the meeting. The Chairperson (or Vice Chair or Chair pro-tem in their absence), is designated as the parliamentarian for the meeting. As deemed appropriate, they may interrupt a speaker with instruction to redirect their remarks to relevant points on the agenda item before the Commission. They may also terminate a speaker's oral presentation if comments continue to be non-relevant or become disrespectful.

Note: The entirety of the City of Del Mar is located within the Coastal Zone. Some of the development projects listed on this agenda, as noted, require the receipt of a Coastal Development Permit. Some of these projects may also lie in what is known as the "Coastal Development Appeals Area". For the projects located in the appeals area, the City's action on the requested Coastal Development Permit may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission within the ten calendar days following the Coastal Commission's receipt of a notice from the City of its final action on the Coastal Development Permit application. However, before an appeal may be filed with the Coastal Commission, the City's action on the CDP application must be final, meaning that all of the City's [separate and internal] appeals processes must first be exhausted.

ROLL CALL

APPROVAL OF MINUTES

1. Approval of October 12, 2021 Planning Commission Meeting Minutes

UPDATE

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

1. TVS20-002 Restoration Plan Update (Staff)

HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (Oral Communications)

DISCUSSION AND BRIEFING (Application Items)

CONSENT CALENDAR:

The Planning Commission at the beginning of the meeting can place any item on the agenda upon the Consent Calendar. Consent Calendar items are not subject to public testimony. If you have a concern and wish to present information to the PC, you must be present at the beginning of the meeting to ensure the item will not be placed on consent or write a letter to the PC prior to the meeting expressing why the application should be taken off the Consent Calendar.

CONTINUED APPLICATION(S):

ITEM 1 **TVS20-002** *Continued to the December PC Meeting*	**Applicants:** Robert and Christine Fried **Applicant's Address:** 910 Stratford Court **Applicant's APN:** 300-174-20 **Tree Owners:** Adam and Mary Cherry **Site Address: (Vegetation Location):** 135 9th Street **Site APN (Vegetation Location):** 300-252-14 **Staff Contact:** Matt Bator, AICP, Principal Planner **Environmental Status:** Exempt **Description:** The applicants are seeking relief under DMMC Chapter 23.51 (Trees, Scenic Views, and Sunlight) for claims of scenic view blockage from vegetation located on the neighboring property. (*Note: Determinations regarding findings of unreasonable scenic view obstruction were made by the Planning Commission at its September 14, 2021 meeting. The purpose of the public hearing at the November 9, 2021 meeting is only to discuss and determine appropriate view restoration actions, in accordance with DMMC Chapter 23.51 and direction given by the Planning Commission at the September 14, 2021 meeting.)*

NEW APPLICATION(S):

ITEM 2 **V21-001**	**Applicant:** Sean McNanie **Applicant's Representative(s):** Jack Smyer (Smyer Architecture) and Bob Scott (RJS Planning) **Location**: 257 26th Street **Zone**: RM-East **APN:** 299-063-08 **Staff Contact:** Adriana Jaramishian, Associate Planner **Environmental Status**: Exempt **Description:** A request for a variance from Del Mar Municipal Code Section 30.16.070 to reduce the required eastern side yard setback to accommodate two second story decks.
ITEM 3 **6th Cycle Housing Element Update GPA20-003**	**Applicant:** City of Del Mar, Planning Department **Location**: Citywide **Staff Contact:** Amanda Lee, Principal Planner **Environmental Status:** The 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020 Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for amendments

	related to 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone). The NC/PC PEIR, which analyzed future housing in the NC, PC, and PF Zones, was certified by the City Council on September 8, 2020. The NC/PC Final PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428 **Description:** The Planning Commission is asked to provide a recommendation to the City Council for re-adoption of the revised 6th Cycle Housing Element Update (HEU)/ General Plan Amendment (GPA20-003). The HEU was initially adopted on March 25, 2021, and submitted to the California Department of Housing and Community Development (HCD) for certification in accordance with State law. HCD provided the City with a written response indicating that the City must incorporate additional analysis and modifications in order to obtain certification. The HEU has since been revised accordingly for re-adoption by the City Council, in consideration of any recommendations provided by the Planning Commission's. Once re-adopted, the revised HEU will be resubmitted to HCD for final certification.

ADJOURNMENT:

I, Jennifer Gavin, Associate Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday, October 28, 2021.

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Jennifer Gavin
Associate Planner

City of Del Mar
Staff Report

PLANNING COMMISSION
STAFF REPORT
November 9, 2021

APPLICATION: Revised 6th Cycle Housing Element Update – General Plan Amendment (GPA20-003)

REQUEST: A request for a recommendation from the Planning Commission to the City Council on the revised 6th Cycle Housing Element Update (HEU) based on formal comments received from California Department of Housing and Community Development (HCD) in July 2021: https://www.delmar.ca.us/DocumentCenter/View/7844/Revised-Housing-Element_1132021

NOTE: The City Council will consider whether to adopt the revised HEU in a future noticed public hearing that is anticipated to occur in December 2021.

APPLICANT: City of Del Mar

STAFF CONTACTS: Amanda Lee, Principal Planner
Joseph D. Smith, Planning & Community Development Director, AICP

LOCATION: Citywide

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

BACKGROUND:
After a multi-year public process, the City Council initially adopted the 6th Cycle Housing Element Update (HEU) on March 25, 2021. This 6th Cycle housing plan covers the planning period years 2021 to 2029. Preparation of the HEU involved extensive public outreach and meaningful community participation including nine meetings (including one public workshop) with the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force; and multiple public meetings, informational sessions, and public hearings with the Planning Commission and City Council. Additional information related to past public participation is described in Chapter 1 of the Housing Element, with additional information also on the City's dedicated Housing Element web page: https://www.delmar.ca.us/772/Housing-Element-Update-6th-Cycle-Housing

Following the initial adoption of the 6th Cycle HEU, HCD reviewed the City's adopted Housing Element and responded with a letter dated July 9, 2021, reporting the results of its review (Exhibit A). The HEU was subsequently revised in response to the corrections requested by HCD. The City must satisfactorily address the requested corrections in order to obtain certification of the HEU and bring the City of Del Mar into compliance with State Housing Law.

HCD's request for revisions generally covers the following three main topics as further described below within the Analysis section of this report:

> Topic 1: "Affirmatively Furthering Fair Housing" analysis to demonstrate compliance with Assembly Bill 686 (2018) and HCD's Guidance Memo that was published by HCD in April 2021.
>
> Topic 2: Sites Inventory modifications to demonstrate the City's plan includes adequate and realistic capacity to meet the assigned RHNA for lower income units.
>
> Topic 3: Housing Program modifications to add specificity regarding timelines/incentives and specify actions targeted to remove identified potential constraints and impediments to affordable housing.

City staff coordinated with its housing consultant Kimley Horn Associates to collect the additional data and prepare the additional analysis. City staff is continuing to coordinate with HCD staff to work through the outstanding issues. Due to timing constraints, HCD staff review is occurring on a parallel track to the Planning Commission review.

ANALYSIS:
Following is a description of the revisions incorporated to address HCD's requested revisions:

Topic 1: "Affirmatively Furthering Fair Housing"

This is a new issue category that was instituted for all 6th Cycle housing elements statewide. State law requires that all Housing Elements include an assessment of fair housing in the jurisdiction. HCD's letter indicated that additional analysis is required including consideration of "trends and patterns at the local and regional level for segregation and integration regarding disability, familial status, and income" and direct analysis of "trends and patterns regarding race at the regional level". In addition, HCD indicated "the element must analyze Racially Concentrated Areas of Affluence (RCAA) and the effects that these concentrated areas have on fair housing issues throughout Del Mar and the region." HCD Guidance Memo (April 2021): https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Accordingly, the City's revised analysis incorporated local data, addressed provisions within the HCD memo related to RCAA trends and effects, compared Del Mar to the regional fair housing data, added analysis of governmental constraints and program actions to address those potential

constraints, and added an explanation of the rationale for the sites selected to further fair housing objectives. The HCD guidance makes it clear that the additional analysis and explanation of meaningful actions to address housing patterns in RCAA's must be included in the AFFH analysis.

Consistent with State law, 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." The revised HEU addresses how the City will take meaningful actions to remove the existing zoning impediments in order to achieve these fair housing goals.

Analysis of the regional and local data shows that the City's existing zoning practices are a contributing factor to fair housing issues in the City, which is a similar finding for other coastal cities in the region. 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 the potential for new development at high densities consistent with the Del Mar Community Plan. The City's existing lack of zoning for higher density units is the main difference between Del Mar and other cities in the region. Data shows that the City of Del Mar is the only city in the region that does not have zoning in place to accommodate development of apartment buildings of at least 2-3 stories in height as needed to accommodate production of new affordable units.

To address existing impediments and further fair housing, the City's 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 that is not currently provided in the community. This can include units that meet the needs of seniors and adult children who want to remain living 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.

Potential zoning constraints will be addressed by multiple Housing Element Programs including:

- Program 1A (North Commercial), Program 2A (Professional Commercial), and Program 3A (Central Commercial) to address density by allowing multiple dwelling unit development as an allowed use at 20 dwelling units per acre

- Program 1I (Streamlining and Incentives for Development of Lower Income Units) to prepare an economic study and zoning assessment to better understand the potential constraints and amend the Del Mar Municipal Code as necessary to provide relief or accommodation from any permit procedures (i.e. conditional use permit requirements) and/or development standards (i.e., height, floor area ratio, and lot coverage) as necessary to facilitate the

development of affordable units to meet the City's assigned Regional Housing Needs Assessment (RHNA) for lower income units

The revisions also clarified that the City's plan will 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 assigned for Del Mar. Affordable housing will be incorporated within existing residential zones as well as commercial zones once amended to allow multiple dwelling unit residential development. This will result in sites that are dispersed throughout the community and will help to further fair housing in Del Mar. As part of the action programs within the HEU, a critical path forward towards fair housing is the City's commitment to amending the Del Mar Municipal Code to permit development of residential units at 20 dwelling units per acre in at least three commercial zones (i.e., North Commercial, Professional Commercial, and Central Commercial).

Finally, the additional analysis helped to clarify the City's priority strategy to locate at least 54 lower income units (which represents over half of the assigned RHNA units including low-, very low- and extremely low-income units) on the State-owned Del Mar Fairgrounds property as a critical strategy that takes advantage of the quality of life opportunities in Del Mar. Further, the analysis clarifies that these prospective units will be integrated within the overall Del Mar community and will enjoy the same access to quality public facilities, amenities, and coastal resources. This is validated by data from the UC Davis center for Regional Change and Rabobank who partnered together to develop the Regional Opportunity Index (ROI). According to the ROI, the City of Del Mar is a very high opportunity area in terms of education, economic, high quality housing, mobility, transportation, health, environment, and civic life opportunities.

Topic 2: Sites Inventory and Analysis of Constraints/Realistic Capacity

The updated sites inventory analysis (Exhibit B) clarifies that the City has sufficient available sites and realistic capacity to meet its RHNA. The initial sites inventory adopted in the March 2021 HEU had several errors and inconsistencies that have been subsequently corrected. This now includes the State Fairgrounds candidate sites to the sites inventory. Additional analysis was incorporated per Government Code Section 65583.2(c)(2)(A) and (B) to justify the City's reliance on the sites identified. The analysis demonstrates that in spite of the fact that some of the sites identified are less than half of one acre and/or are developed with existing uses, there is still a high demand for new housing stock to be developed within the City of Del Mar as required in compliance with State law. The analysis includes a discussion of existing zoning, land use controls, overlay zone requirements, access to facilities, and incentives.

The supporting analysis in Chapter 3 of the Housing Element was revised to incorporate supplemental data and more explicit explanation and detail to demonstrate there is a realistic capacity and likelihood for residential development including affordable housing on the identified sites. This included additional detail related to "small sites" (less than half of one acre) and policy considerations to be implemented to address constraints and facilitate development of multiple dwelling unit residential, including affordable housing, on existing non-vacant (developed) sites.

Small Sites Analysis:

- The owners of 807 Camino del Mar, which is considered a "small site" in an advantageous location, clarified there are no existing limitations or property restrictions that would prevent housing development at this location over the next eight years; and that the owners would be keeping their options open and monitoring opportunities for housing development in the near term.

- The adjacent small sites at 2148 Jimmy Durante Blvd and 2236 Jimmy Durante Blvd are also advantageous locations and in this case present an opportunity for potential lot consolidation to further facilitate multiple dwelling unit development that includes affordable housing.

- The two vacant, City-owned properties at 10th Street and 28th Street are also realistic opportunities for the development of small sites with small affordable units up to a combined capacity of seven units as identified in the sites inventory. This is due to the fact that the sites are City-owned and controlled, which facilitates processing of any prospective project with affordable units. Further, in accordance with Housing Program 1H the City will implement the necessary zoning amendment and processing actions needed to make it clear that development of affordable units is an allowed use in the applicable Public Facilities Zone. As a point of clarification, no parcels associated with Shores Park or the Court Street facility are included as candidate housing sites in the HEU.

Non-Vacant Sites Suitability Analysis:

The analysis of non-vacant sites was supplemented with details to address existing uses, past performance, market demand, whether existing leases are a constraint, and development trends. The HEU notes that correspondence was submitted in 2019 (Exhibit C) representing a majority of the owners in the NC and PC Zones, including owners of candidate sites. The submitted correspondence and petition indicate interest in the City's housing plan (Chapter 4 of the HEU) and identified the City's existing development standards in its Zoning Ordinance as "antequated." The correspondence requested that the City modify its development standards (i.e., parking, floor area ratio, lot coverage, and measurement of height) in order to incentivize construction of housing units. The property owners' concerns are being addressed via Housing Program 1I (Streamlining and Incentives for Lower Income Units).

Most notably, to support Housing Program implementation and mitigate for any potential constraints, the City made a commitment of funding in its adopted Fiscal Year (FY) 2021-2022 Special Projects Budget to prepare economic studies and zoning/market assessments within the first year of the planning period. The information collected from these studies will help identify assumptions about the funding gap and potential funding sources for development of affordable units in Del Mar and will help inform decisions about potential incentives and accommodations that should be considered to make the development of affordable housing feasible. This demonstrates a significant investment and commitment on the part of the City that will facilitate affordable housing development in Del Mar.

In June 2021, the City Council allocated funding with the FY2021-2022 budget to cover implementation of these economic assessment/feasibility studies for:

- Economic and feasibility studies for prospective affordable housing on the State Fairgrounds property (associated with Housing Program 3A) that is projected to yield an identified *RHNA target of 54 lower income units* – Total Fairgrounds budget allotment is $225,000 (note that a portion of this amount would be used for the studies); and

- Economic and zoning assessment studies of citywide incentives – budget allotment of $76,000 for implementation of the following Housing Programs:

    - Program 2A (Incentives for Deed-Restricted Low Income Accessory Dwelling Units or ADUs) – to yield an identified *RHNA target of 15 low income units*; and

    - Program 1D (Economic Study and Potential Affordable Housing Overlay Zone) Program 1I (Streamlining and Incentives for Lower Income Units), and Program 1J (Coordination with Affordable Housing Developers) – to generally yield an identified *RHNA target of at least 44 lower income units* (which is the remaining affordable unit count after subtracting out the RHNA attributed to the Fairgrounds and Accessory Dwelling Unit (ADU) strategies from the total 113 lower income units the City must plan to accommodate)

Accessory Dwelling Units (ADUs):

HEU Goal #2, as adopted by the City Council, is to "Prioritize production of ADUs." This goal utilizes the State's prior mandates for inclusion of ADUs into residential zoning and concludes that integration of ADUs into the existing community would be one of the most non-invasive ways for the City to absorb the required increase in housing capacity to help meet the City's assigned RHNA. This is further highlighted when compared to other required housing strategies such as increasing allowable density to accommodate at least 20 dwelling units per acre. To address HCD's comments related to ADUs, additional explanation and details were added to the applicable ADU sections in Chapter 3.

While the community has expressed concerns about the by-right allowances and zoning deviations for ADUs provided by State law since January 1, 2020 (i.e., meaning that ADUs must be approved outside of the City's current Design Review process), local residents and property owners have shown significant interest in the development of ADUs. This is supported by local data that shows a trending significant increase in the number of ADU inquiries, applications approved since January 2020, and new applications in process. The increase in local interest in ADUs coincided with the public outreach and discussions related to the 6th Cycle HEU which began in 2019. The City's methodology for its 6th Cycle projections took this all into account as well as current rent trends associated with the smallest units (in Del Mar and neighboring communities) and units in locations with more than one dwelling unit per lot. The analysis notes that the City is located in close proximity to the University of California San Diego, which makes this type of housing option one that is in high demand in Del Mar. As part of Housing Programs 7H and 7I, the City will

create informational materials on any ADUs available for rent and make these resources available, particularly for seniors and students of colleges and universities in proximity.

Community and City Council support for the ADU strategy is demonstrated by HEU Goal #2 which affirms this is a priority strategy for the City to meet its entire moderate income unit requirement for RHNA (31 units) as well as meet a RHNA target of 15 low income ADUs. As mentioned above, per the Housing Plan, an economic study and zoning assessment will be conducted within the first year of the planning period to identify and test specific incentive types under various scenarios to ensure Program 2A will be a successful strategy to produce at least 15 deed restricted low income units. Furthermore, Housing Programs 2D and 2E provide for the City and HCD to monitor progress and conduct a mid-cycle review assessment to evaluate whether the City is on target to meet its RHNA. This will help the City to evaluate whether additional policy and/or code amendments may be needed during the 2021-2029 housing cycle.

Additional Housing Constraints/Resources Analysis and Strategies to Remove Constraints:

In addition, the HEU analysis was supplemented with additional details related to potential zoning constraints and specified actions planned to remove those constraints as follows:

- *Sites in the Floodplain Overlay Zone:* The revised analysis includes a more in-depth explanation of floodplain management requirements, and the fact that the added cost for incorporation of flood proofing measures has not been a barrier to development in compliance with federal/state/local floodplain development standards. Further, as a policy consideration to ensure the applicable (non-safety related) floodplain management procedures and standards will not act as a barrier to any residential development identified in the sites inventory, the revised HEU explains that the City will explore whether further accommodation may be needed via Program 1I (Streamlining and Incentives for Lower Income Units). More specifically, Program 1I will consider potential accommodation for the measurement of height in the floodplain in relation to the base flood elevation (i.e., the height at which all habitable development must be located at or above for compliance with safety-related floodplain management standards).

- *Reasonable Accommodations:* The revised analysis clarifies the City's existing procedure, findings for approval, and past reasonable accommodations requests that have been approved by the City. As a policy consideration, the revised HEU explains that Housing 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. With respect to reasonable accommodations, the City will consider amending the Del Mar Municipal Code to address the findings for approval if it is discovered that the findings for approval are being misinterpreted and/or misapplied to deny reasonable accommodations based on claims of neighborhood compatibility instead of based on objective findings and facts related to the public health and safety as is required by law.

Topic 3: Housing Element Action Programs

Chapter 4 of the HEU is the City's Housing Plan that identifies the various Housing Programs and planned actions to implement its goals and meet its RHNA. In developing the Housing Plan, the City considered many factors including:

- Fair housing to create a more diverse, sustainable, and balanced community;
- The implications of new State law requirements (i.e., required increase in the maximum density allowed in various zones, by-right approval processes, density bonuses, and "no net loss");
- Desired adherence to the existing Community Plan where local control is not preempted;
- Analysis of local constraints and opportunities for affordable housing;
- Recommendations by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Citizens' Task Force);
- Comments received at public meetings and public hearings;
- Examples of certified Housing Elements in other coastal cities; and
- Feedback provided by HCD.

In terms of revisions, a new Table was inserted in the Housing Plan with a listing of all 41 housing programs (Exhibit D). For each individual Housing Program, information was added to clarify the timeline, responsible agency, budget source, and targeted RHNA. This included new details on timing for ongoing programs, which involve annual reviews and reporting actions.

Significant implementation details clarified include:

- Clarification that Housing Program 1D will involve an economic study and zoning assessment prior to consideration of a potential Affordable Housing Overlay Zone.

- Clarification that Housing Program 1E (rezone of vacant lots on North Bluff/South Stratford) will be required only if Housing Program 3A (Fairgrounds housing) is not timely implemented; that the deadline for the rezone per State law is three years from the date the HEU is (re)adopted; and that implementation of this contingency program is anticipated to address the City's RHNA and fair housing needs for extremely low income households per Assembly Bill (AB) 2634 in a manner that will integrate lower income units into the overall development and demonstrate connectedness to the greater City of Del Mar community.

- Clarification that Housing Program 1H will facilitate the processing of future affordable housing projects in the PF Zone as needed to meet the City's unmet RHNA obligation on two vacant City-owned lots; that both vacant lots are City-owned, developable, controlled by the City, and have not been identified as surplus property; that one City-owned, vacant lot in the PF zone on 10th Street (APN 300-093-17) is an available expansion lot within the overall City Hall complex; and that the second City-owned, vacant lot on 28th Street (APN 299-030-12) is technically located in the RM-East zone, but is designated a public facility in the Community Plan pursuant to a General Plan Amendment adopted by Resolution No. 97-42 on September 15, 1997; and that the City is in process of bringing forward clean-up actions

via the City Council and Coastal Commission for the associated prior rezone to PF processed in 1997 to become effective.

- Clarification that Housing Program 1I (streamlining and incentives for development of affordable housing) will begin with 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; that consideration will be given to recommendations that were previously provided by property owners of various candidate sites, which includes recommendations from owners in the NC and PC Zones who requested no Conditional Use Permits to be required, reduced parking, a modification where height is measured from in the Floodplain Overlay Zone, and a potential increase in FAR to allow for at least 0.60 FAR in the NC Zone and to allow at least 1.0 FAR in the NC and PC Zones to allow for mixed use and residential development; as well as consideration for input from property owners in the PC and CC zones who have also expressed that limits on the number of stories and the one story height limit on the west side of Camino del Mar significantly limit the potential for affordable housing to be developed.

- Clarification of details related to Housing Program 2A (ADU incentive program to produce deed restricted low income ADUs), which will also be informed by an economic study and zoning assessment; and details for implementation of Housing Program 2C to promote deed-restricted low income ADUs.

- Clarification of the implementation of the City's high priority Housing Program 3A (affordable housing on the State Fairgrounds property), which will involve City preparation of an economic study of market conditions, assessment of multi-unit product types, and identify potential funding sources for development of affordable housing. This will allow the City to vigorously pursue partnerships with the State 22nd DAA and adjacent municipalities and solicit interest from affordable housing developers to develop long-term affordable housing on the State Fairgrounds property. Through this process, the City will pursue an agreement for the development of at least 54 low-income units on the State-owned property. Clarified that execution of a binding agreement within 36 months of (re)adoption of this HEU, shall release the City of the requirement to carry out Housing Program 1E (Rezone of North Bluff and/or South Stratford Properties). Clarified that implementation of Housing Program 3A is anticipated to address the City's RHNA and fair housing needs for extremely low income households per AB 2634 in a manner that will integrate lower income units into the overall development and demonstrate connectedness to the greater community within the City of Del Mar.

- Clarification of Housing Program 4B relating to emergency shelters, transitional housing, supportive housing, single occupancy units, and low barrier navigation centers, including clarification that the City will take action to amend the DMMC Chapter 30.04 Definitions to differentiate between the terms "transitional housing" and "supportive housing" and modify the definition of supportive housing accordingly consistent with State law; that in accordance with AB 2634, the City will be accommodating housing capacity for extremely low income households, including single room occupancy units; that Housing Program 3A describes the

actions the City will take to pursue development of lower income units on the State Fairgrounds property, including extremely low income units; and that the City will also be taking action to accommodate special needs housing. This will include consideration of whether amendments to the Del Mar Municipal Code may be needed pursuant to State law to address single room occupancy units in residential zones.

- Clarification that Housing Program 5C will involve processing an ordinance to address short term rentals to preserve existing housing stock and that the anticipated timing is by December 2024.

- Modified the title and description of Housing Program 6A after discovering that the City of Del Mar is a coastal city that is exempt from Senate Bill (SB) 35.

- Modified the description of Housing Program 6B (AFFH) to reflect the updated AFFH analysis in Chapter 3 and the associated targeted actions to further fair housing. This includes a commitment to monitor and respond to complaints of discrimination and partner with appropriate capable organizations to review housing discrimination complaints, assist in the facilitation of equitable dispute resolution, and, where necessary, refer complainants to appropriate state or federal agencies for further investigation, action and resolution. To address the most significant barrier to fair housing in Del Mar, the City will take action to create new housing choices and opportunities available to moderate and lower income households with the intent to help individuals and families remain living in the community or relocate to Del Mar. This will be addressed by various housing programs including Housing Programs 1A through 1C to accommodate multiple dwelling unit development at a density of 20 dwelling units per acre, Housing Programs 1D and 1I to encourage owners to accommodate dwelling units for lower income households, Housing Program 1H to accommodate affordable housing on City-owned properties, Housing Programs 2A through 2F to accommodate ADUs and tiny homes, and Housing Program 3A to develop multiple dwelling unit housing for lower income households on-site with employment opportunities at the State Fairgrounds. The revised description also references additional housing programs included to address AFFH issues including Housing Programs 6E (Environmental Justice Element).

  The City will continue to work with the community to address potential constraints to fair housing within Del Mar. This will include periodic reviews of the regulatory process to assess whether modifications are needed to accommodate persons with disabilities and may include actions such as an analysis of barriers to entry into homeownership or rental, review of historic policies or restrictions that may have prevented or may still prevent disadvantaged groups from locating in Del Mar, or specific actions that contribute to Del Mar being a more inclusive to all racial, social and economic groups. Further, the City will participate in regional efforts to mitigate impediments to fair housing. In an effort to better connect fair housing information and resources with targeted groups, the City will utilize its web page as well as local non-profits to publish and share information on home financing opportunities and other housing and community assistance resources. Fair housing materials will be published in English and

Spanish. Additional housing programs related to fair housing and community assistance are identified in Housing Programs 7A through 7J.

- Modified Housing Program 6C (Continue Data Collection and Compliance with the Coastal Act and Housing Element-Related Requirements applicable to the Coastal Zone, including State-Mandated Accommodation of Housing Development Capacity), which will involve working with the Coastal Commission and HCD 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 of the potential development constraints associated with the development of affordable housing within the coastal zone and the need for preservation of existing long-term housing in the Coastal Zone per Housing Program 5C.

- Clarified that per Housing Program 6E (Environmental Justice Element) the City is voluntarily committing to adopt an Environmental Justice Element (as a new Element of the City's Community Plan) to further demonstrate its commitment to fair housing and public health.

- Clarified Housing Program 6G (Objective Design Standards) will involve preparation of objective design standards for adoption in a new Chapter under the Title 23 Building and Construction regulations to apply to housing projects where the City's discretion over design review is otherwise preempted per State law. For example, projects requesting a density bonus per State law or projects on a site rezoned per State Housing Element law (Government Code Section 65583.2(h) and (i)). The new objective residential design standards are also intended to address other types of by-right/ministerial single dwelling unit development that is subject to the provisions of State Housing law including SB 9 and Accessory Dwelling Units (ADUs). On October 21, 2021, the City Council identified creation of these objective residential design standards as a priority and directed staff to work with the Design Review Board (DRB) and City Council housing liaisons to prepare the objective standards. Processing of an Ordinance will be subject to review by the City's Design Review Board and Planning Commission, prior to adoption by the City Council. Coastal Commission certification would not be required because the action would not amend the City's Local Coastal Program.

- Modified the title and clarified the description of Housing Program 7A (Housing Funding Resources Including Housing Assistance and Housing Reserve Funds). Explained that the City currently accommodates four lower income households in existing housing through a rental subsidy that is allocated by the City Council from the General Fund. Through Housing Program 7A, the City will ensure that the funds accrued in the City's Housing Reserve Fund and Housing Assistance Fund remain available during the 6th Cycle for implementation of at least four lower income households via rental subsidy and/or new affordable housing (i.e., for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels)

- Clarified that per Housing Program 7C (Resources for Persons with Disabilities) the City will publish an updated resource list that includes any additional opportunities relating to services and facilities available for persons with disabilities after implementation of various housing programs to address special needs housing options including Housing Program 4A (Residential Care Facilities) and Housing Program 4B (Emergency Shelters, Transitional Housing, Supportive Housing, Single Room Occupancy Units, and Low Barrier Navigation Centers). Once created, the City will make the updated list available to the public. Further, the City will monitor and respond to complaints of constraints to housing for persons with disabilities through coordination and assistance from local non-profits via Housing Program 7F.

- Added clarification to Housing Program 7D (Housing Choice Voucher Program) to indicate that there at least 199 persons on the waitlist for local housing assistance and the City continues to receive inquiries for what is an unaccommodated need across the region.

- Modified the title for Housing Program 7F (Monitor and Respond to Complaints of Constraints to Housing for Lower Income Households and Persons with Disabilities) and clarified this will be done through coordination and assistance from local non-profits.

- Clarified under Housing Program 7G (Senior Housing Resources and Assistance) that the assistance will continue to be provided via Del Mar Community Connections and other local non-profit organizations.

- Modified the title for Housing Program 7I (Maintain a Database of Community Assistance Programs Available to Residents, Including Programs Run by Local Non-Profit Organizations).

- Updated the Table Summary of Quantified Objectives to fill in the missing data that was previously marked as "TBD" and correct the Table number to reflect it is part of Chapter 4 (not Chapter 3). The Table now reflects the correct RHNA numbers as well as the four existing lower income households that are currently assisted through rental subsidy via local housing assistance as allocated by the City Council from the General Fund. The revised Table clarifies that through Housing Program 7A, the City will ensure that the funds accrued in the City's Housing Reserve Fund (directly funded by City Council from the General Fund) and Housing Assistance Fund (funded by housing mitigation fees from private development applications) remain available for implementation of at least four lower income households via rental subsidy and/or new affordable housing (i.e. for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels). The Table also clarifies that the City currently does not have any constructed deed-restricted affordable units to be conserved or rehabilitated during the 6th Cycle.

RECOMMENDATION:

The Planning Commission is asked to review the revised 6th Cycle HEU and provide a recommendation to the City Council. The Planning Commission recommendation will be provided to the City Council for consideration at a future noticed public hearing. Meanwhile, City staff will continue to coordinate with HCD to discuss the revised HEU, which will be formally submitted to HCD for certification should the City Council re-adopt the HEU. Final certification by HCD is required in order for the Housing Element to become effective and for the City to be in compliance with State Housing law.

Respectfully submitted,

Amanda Lee
Principal Planner

Exhibit A – HCD Letter with Requested Corrections dated July 9, 2021
Exhibit B – Sites Inventory Analysis
Exhibit C – 2019 Correspondence submitted by Property Owners in NC/PC Zones
Exhibit D – List of all 41 Housing Programs

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 9, 2021

Ashley Jones, Interim City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Dear Ashley Jones:

RE: Del Mar's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Del Mar's (City) housing element, which was adopted March 25, 2021, and received for review on April 9, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted housing element addresses some statutory requirements described in HCD's December 17, 2020; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). In particular, the adopted element requires additional special needs data analysis, analysis regarding Affirmatively Furthering Fair Housing, and additional deliverables for housing programs listed. The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

The revisions must be adopted for the element to comply with State Housing Element Law (Article 10.6 of the Government Code). Therefore, the element will comply with State Housing Element Law when it is readopted to incorporate the revisions enclosed and submitted to HCD for review, pursuant to Government Code section 65585, subdivisions (b) and (g).

The housing element identifies sites smaller than one-half acre to accommodate housing for lower-income households. Absent the analysis required by Government Code section 65583.2, subdivisions (c)(2)(A) and (B), HCD did not consider these sites toward accommodating any portion of the Regional Housing Needs Allocation (RHNA) for lower-income households. Del Mar should not consider them adequate, available or additional sites pursuant to Government Code section 65863 (No-Net Loss Law).

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

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

HCD appreciates the dedication and effort that the City's housing element team provided throughout the course of the housing element review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX
City of Del Mar

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

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

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A).)*

   While the element provides general analysis regarding affirmatively furthering fair housing, such as additional analysis regarding the location of sites in low-to-moderate income neighborhoods, additional analysis is required. For example, the element must look at trends and patterns at the local and regional level for segregation and integration regarding disability, familial status, and income. Additionally, the element must analyze trends and patterns regarding race at the regional level; currently, the element does not provide any direct analysis.

   Furthermore, the element states that there are no Racially/Ethnically Concentrated Areas of Poverty (RECAP) areas in the jurisdiction; however, similar analysis is missing at the regional level. Additionally, though the element states that Del Mar does not have any RECAP areas, the element must analyze Racially Concentrated Areas of Affluence (RCAA) and the effects that these concentrated areas have on fair housing issues throughout Del Mar and the region.

   Detailing the access to opportunity in the jurisdiction, the element analyzes education, transit, and environmental health indicators at the local level, but does not provide similar analysis at the regional level. Moreover, the element must also analyze access to economic opportunity at both the local and regional level.

   When detailing the disproportionate housing need, the element must analyze the effects of cost burdened households, overcrowded households, substandard housing, and homelessness at the local and regional level; the element must also provide additional displacement analysis at the local and regional level.

   While the element relies on Regional Analysis to Impediments (AI) findings, the element must also include local data and knowledge and other relevant factors that contribute to fair housing issues in Del Mar. The element should rely on local expertise to relay

information and data not captured by analysis regarding fair housing issues in the jurisdiction.

Additionally, the element must fully analyze how the sites listed in the inventory affirmatively further fair housing. Currently, the analysis relies on racial analysis for lower-, moderate- and above moderate-income housing, but should also look at the proximity of lower-income sites to transit, schools, and other amenities. In addition, the element provides general contributing factors to fair housing issues based on AI findings, but must also rely on local knowledge and other known relevant contributors to fair housing issues to establish the contributing factors to fair housing issues. Once these have been established, the City should base their programs on the contributing factors and provide targeted actions with quantifiable outcomes to combat these fair housing issues in Del Mar. HCD encourages the City to utilize resources provided by HCD: https://www.hcd.ca.gov/community-development/affh/index.shtml. Please refer to the December 17, 2020 letter for additional information.

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

   Electronic Sites Inventory: While the site inventory now includes most of the required information, it still does not sufficiently describe existing uses to facilitate an analysis of the potential for redevelopment. The site inventory must provide additional narrative regarding the existing uses of the sites listed. Moreover, the sites inventory does not identify all of the sites the City is relying on to accommodate the lower-income Regional Housing Needs Allocation (RHNA). For example, the Fairgrounds site identified on pages 3-46 and 3-47 is not included. The sites inventory must include all sites that have been identified to accommodate the RHNA at all income levels. Additionally, if sites are planning on being consolidated, this information must be made available and must be included in the electronic sites inventory. The full use of the electronic sites inventory will assist Del Mar in fully meeting the analysis requirements of Government Code 65583.2.

   Realistic Capacity: The housing element did not address this finding. As noted in the December 17, 2020 HCD letter to the City, the element must include an analysis to support the number of units estimated on each site in the inventory and the likelihood of residential development in zones allowing non-residential uses (e.g., North Commercial and Professional Commercial zones). Currently, the element assumes full build-out of sites listed for very low- and low-income households but must also adequately support or correct this assumption based on factors such as land-use controls, overlay zone requirements, and other standards. While the element relies on the programs to support these assumptions, the programs does not make any commitments to incentives that will significantly support the development of residential uses on non-residentially zoned sites. Programs must be modified with quantifiable objectives, incentives to promote this development, and a timeline for these incentives to be available within the first portion of the planning period.

Suitability of Nonvacant Sites: While the element provides a statement that revised zoning standards will prompt new interest in the development of nonvacant sites, additional information and analysis is needed to demonstrate potential for additional residential development on these sites. For instance, the element cites general housing trends in the for the current market demand of units but does not relate how those trends relate to the sites listed in the inventory. Additionally, the element must further analyze the likelihood of redevelopment on these sites. Lastly, the element states that it does not have access to private party lease agreements or contractual agreements amongst private parties. However, the element does not relate any efforts made by Del Mar to contact property owners regarding potential residential redevelopment. As noted in the element, lease agreements constitute an impediment to redevelopment of nonvacant sites; Del Mar must explain the mechanisms through which these nonvacant sites were selected as viable sites for housing. Please see HCD's December 17, 2020 review for additional information.

Additionally, the housing element must re-evaluate the sites currently listed as vacant on Table B-3. Site 2991003000 is currently listed as vacant but according to San Diego Association of Government's (SANDAG) Parcel Lookup Tool, this site appears to have existing uses and improvements on the property. Del Mar should re-evaluate this site and appropriately distinguish whether the site is vacant or nonvacant. Depending on a complete site analysis, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period.

Affirmatively Furthering Fair Housing: The element provides general information regarding race and the location of the sites listed in the inventory, but it does not provide any additional analysis. Specifically, Del Mar must analyze the impacts of accommodating a significant portion of the lower-income RHNA at the Fairgrounds site. Additionally, other factors such as access to transit, schools, and employment should be analyzed when identifying sites to foster inclusive communities.

Small Sites: The housing element identifies sites (807 Camino Del Mar, 28th Street, and 10th Street) below the one-half acre threshold for meeting the lower-income RHNA. The element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). Currently, it is unclear by what means these sites will be made affordable, and absent any additional analysis, these sites will not be considered towards accommodating any portion of the lower-income RHNA. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels

suitable and ready for lot consolidation such as common ownership, or information from the owners of each aggregated site. Based on conversations with City staff, the element should describe the role of small sites being City-owned and proposed processes to facilitate development of lower-income housing on these sites.

Accessory Dwelling Units (ADU): The element was not revised to address this requirement. The element must describe the incentives and policies the City will offer to ensure the affordability of ADUs to meet the lower-income RHNA. For example, the element can describe interest in the renewal of the ADU incentive program and provide a justification for the percentage increase in affordable ADUs from 5% to 15%. Please see HCD's December 17, 2020 review for more information.

Environmental Constraints: The element was not revised to address this requirement. The element must provide information regarding the impact of mitigative efforts on the cost and feasibility of development in areas that are environmentally constrained. Please see HCD's December 17, 2020 review for more information.

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

   Housing for Persons with Disabilities: The element was not revised to address the reasonable accommodation procedure and approval findings. Please see HCD's December 17, 2020 review for more information.

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

Identified Densities and Approval Times: The element was not revised to address these requirements. The element must adequately identify these nongovernmental constraints. Please see HCD's December 17, 2020 review for more information.

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

   The housing element was not revised to address the special housing needs of farmworkers and persons with developmental disabilities. The element should look at the special housing needs of farmworkers relative to the region and should include jurisdiction-specific data on the number of persons with a developmental disability. Please see HCD's December 17, 2020 review for more information.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

   While the element was revised to provide timelines for several programs, Programs 6B (Affirmatively Furthering Fair Housing), 7A (Housing Assistance Reserve), 7D (Housing Choice Voucher), and 7G (Non-profit Housing and Assistance Programs) are still in need of a discrete timeline for implementation.

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

   Program 1E: Pursuant to Government Code section 65583, subdivision (c)(1), rezones to accommodate a shortfall must occur within three years of adoption of the housing element. Program 1E states that, should the agreement for the Fairgrounds property not

occur within 36 months of the adoption of the 6th cycle housing element, the City would rezone within 6 months of the end of the 36-month progress period for Program 3A. This timing does not meet statutory requirements. Program 1E's timing must be amended to rezone within three years of adoption pursuant to Government Code section 65583, subdivision (c)(1).

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

   The element was not revised to address this requirement. The element must establish programs that has specific outcomes for the development of extremely low-income households. Please see HCD's December 17, 2020 review for more information.

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

   As noted in Finding B4, the element was not revised to address this requirement. Upon a complete analysis of nongovernmental constraints, the element must add or modify programs, as appropriate. Please see HCD's December 17, 2020 review for more information.

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

   The element was not revised to fully address this requirement. Based on a complete analysis of fair housing issues in the jurisdiction, the element must create programs targeted at reducing impediments to fair housing in the jurisdiction. Please see HCD's December 17, 2020 review for more information.

C. Quantified Objectives

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

The element was not revised to address this requirement. The element must quantify objectives for conservation, rehabilitation and other City-assisted programs. Please see HCD's December 17, 2020 review for more information.

Appendix B: Candidate Sites Analysis

APPENDIX B: CANDIDATE SITES ANALYSIS

A. CANDIDATE SITES ANALYSIS OVERVIEW

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

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

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

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

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

1. WATER, SEWER, AND DRY UTILITY AVAILABILITY

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

2. ACCESSORY DWELLING UNITS (ADUS)

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

New legislation has made it so ADUs can be developed essentially wherever residential uses are permitted. In order to analyze the potential for ADU development within the 2021-2029 planning period, the City

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

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

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

Table B-1a: Summary of RHNA Status and Sites Inventory (Dwelling Units) North Commercial Zone instead of Border Avenue Rezone					
	Extremely Low/ Very Low Income	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations Remaining	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
North Commercial (NC) Zone (not including Watermark lots)	22[2]		--	92	114
Rezoned Watermark Lots	10[3]			38	48
Public Facilities (PF) – City Owned Properties	4[4]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[5]		17[6]	11[6]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**59**		**62**	**204**	**325**
Sites Proposed for Rezoning (if required)	54[7]		0	0	54
Total Sites Available	**113**		**62**	**204**	***379***
Sites Surplus/Shortfall (+/-)[8]	**0**		**+44**	**+174**	**+218**

Notes:
1. Relies on 807 CDM and 853 CDM.
2. Relies on 2002 Jimmy Durante Blvd. (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB.
3. Relies on APNs 299-100-47 and -48.
4. 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
5. 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site it is in the Floodplain overlay zone.
6. Comprised of sites included within Table B-4.
7. 54 lower income units are planned for the State Fairgrounds property. If Program 3A is not timely implemented, then rezone per Program 1E will be required.
8. Calculated by taking the total sites available and subtracting the net RHNA obligation.

Table B-1b: Summary of RHNA Status and Sites Inventory (Dwelling Units) – Alternative – Border Ave Rezone instead of North Commercial (NC) Zone

	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	37	64	31	31	163
2013-2021 Carryover		12			12
RHNA Obligation including Carryover	**37**	**76**	**31**	**31**	**175**
RHNA Credit (Units Built during current projection period)	0	0	13	1	14
Total Net RHNA Obligations	**37**	**76**	**18**	**30**	**161**
Sites Available to meet RHNA					
Professional Commercial (PC) Zone	3[1]		--	14	17
Rezoned Watermark Lots (NC)	10[2]			38	48
Public Facilities (PF) – City Owned Properties	4[3]		--	--	4
941 Camino Del Mar Specific Plan	2		--	9	11
Existing Residentially Zoned Properties	3[4]		17[5]	11[5]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**37**		**62**	**112**	**211**
Sites Proposed for Rezoning (if required)	76[6]		0	112	188
Total Sites Available	**113**		**62**	**224**	***399***
Sites Surplus/Shortfall (+/-)[7]	**0**		**+44**	**+194**	**+238**

Notes:

1. Relies on 807 CDM and 853 CDM.
2. Relies on APNs 299-100-47 and -48
3. These 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
4. These 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This is candidate site 7. It is in the Floodplain overlay zone.
5. Comprised of sites included within Table B-4.
6. Relies upon 22 lower income affordable units via the Border Avenue Rezone and 54 lower income units at the State Fairgrounds. If Program 3A is not timely implemented, then rezone per Program 1E will be required to address the 54 lower income deficit units from Fairgrounds.
7. Calculated by taking the total sites available and subtracting the net RHNA obligation.

B.1 VERY LOW- AND LOW-INCOME CANDIDATE SITES INVENTORY

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

1. CALCULATION OF UNIT CAPACITY

Sites within the Professional Commercial (PC) Zone

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

Sites within the North Commercial (NC) Zone

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

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

Sites within the 941 Camino del Mar Specific Plan
The 941 Camino del Mar Specific Plan is a zone that was adopted by the City Council and certified by the Coastal Commission. Based on the development agreement and various applications in process, the City anticipates two units for low income households to be developed on this site during the planning period (2021-2029).

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

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

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

Table B-2: Residential Capacity on Sites to be Rezoned to 20-25 du/ac

Site Number/Name	Gross Acreage	Potential Units	
		Lower Income	Above Moderate
Site 1(a-f): North Bluff Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	**17.33**	**66**	**280-349**

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

It should be noted that four of the nine vacant sites to be rezoned are located within the Coastal Bluff Overlay zone, which prohibits development within 40' of the edge of the bluff. The Housing Element

anticipates all nine sites will be needed, if a rezone action is necessary, in order to achieve sufficient sites to meet the City's lower income RHNA obligation.

2. SELECTION OF SITES

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

Sites were selected based on their potential viability to accommodate lower income housing within the 2021-209 planning period. This includes an evaluation of vacant land within the City (**Table B-3**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities.

Table B-3: Percentage of VL/L RHNA by Site Type

Site Type	# of Units	% of Lower Income RHNA Allocation (101 Units)
Vacant	59	58%
Non-Vacant	56	55%
Total	115	113%

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

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

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

3. DEVELOPMENT OF NON-VACANT SITES

While the City meets 50 percent of the Low and Very Low income RHNA on vacant sites, there is additional analysis required to support the assumptions for redevelopment of non-vacant sites.

Existing Lease Agreements

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 parties because they are private documents. Therefore, the City has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period, including past performance, an on-the ground existing use analysis and a market analysis to understand cost of land, construction, and development trends in Del Mar.

Experience Developing Non-Vacant

The City of Del Mar is a built-out community, with little vacant land available. Therefore, most recent construction is redevelopment of non-vacant sites. As growth continues, the City will utilize both the Housing Element and its policies to create new housing near economic opportunity and transit. The following approved projects illustrate a past performance and the viability of developing non-vacant sites within Del Mar.

Table B-4: Example Development of Non-Vacant Sites for Residential Uses

Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
941 Camino del Mar	11		Gas Station, Vacant	A mixed-use development with 2 low-income units
915 Camino del Mar	1	CC	Commercial Office, Retail, Restaurant	A commercial office/retail/restaurant with an added second story dwelling unit
320 11th Street	2	R2	Single Family Dwelling unit	A duplex development
1616 Camino del Mar	10	R2	Single Family Dwelling unit	Rezoned to Hotel Specific Plan to allow multiple dwelling units and short-term rental use

Existing Use on Candidate Sites

Table B-5 shows the existing uses on each of the candidate sites identified to meet Del Mar's RHNA need. The majority of the non-vacant sites identified are underutilized or are considered non-vacant per HCD's standards. However, these lots have viable capacity for redevelopment. Each site was analyzed based on viability for redevelopment. The sites were evaluated based on:

- Parcel acreage
- Availability of land for residential development
- Existing use
- Accessibility to resources and transit proximity

Table B-5: Existing Uses on Candidate Sites (Identified to Meet RHNA)				
APN	**Existing Building Square Footage**	**Maximum Buildable Area (Acres)**	**Remaining Buildable Area**	**Analysis**
3010100100	0	1.00	1.00	Privately-owned vacant land to meet lower income RHNA
3010100200	0	1.80	1.80	Privately-owned vacant lot with Tennis Court to meet lower income RHNA
3003211400	0	2.14	2.14	Privately-owned vacant land to meet lower income RHNA
2982410600	0	1.90	1.90	Privately-owned vacant lot with storage shed to meet lower income RHNA
2982410700	0	3.52	3.52	Privately-owned vacant lot with storage shed and paved driveway to meet lower income RHNA
2982412900	0	0.63	0	Privately-owned vacant land to meet lower income RHNA
2982413400	0	2.00	0	Privately-owned vacant land to meet lower income RHNA
2982413500	0	0.98	0	Privately-owned vacant land to meet lower income RHNA
2982413600	0	1.24	0	Privately-owned vacant land to meet lower income RHNA
2991002800	NA	0.51	NA	Construction storage/warehouse building to meet lower income RHNA
2991002700	NA	0.90	NA	Office buildings with associated parking to meet lower income RHNA
2990710600	35,850	2.12	1.30	Office building complex with associated parking to meet lower income RHNA
2990710700	14,550	1.42	1.09	Office building complex
2991003000	996	0.38	0.36	Small commercial beauty salon/office with associated surface parking to meet lower income RHNA
3002223100	10,586	0.56	0.32	Small commercial business/office with associated surface parking to meet lower income RHNA
3002223300	NA	0.30	NA	Office building with associated surface parking lot to meet lower income RHNA
2990301200	0	0.06	0	City-owned vacant lot to meet lower income RHNA
3000931700	0	0.10	0	City-owned vacant lot (part of overall City Hall complex) to meet lower income RHNA
2982603500	NA	12.32	NA	Horse stables for Del Mar Racetrack to meet lower income RHNA
2982710300	NA	10.31	NA	East main stable Parking lot and horse stables for the Del Mar Racetrack to meet lower income RHNA
2990212000	NA	0.31	NA	Privately-owned lot with Tennis court and green house -above moderate income

Table B-5: Existing Uses on Candidate Sites (Identified to Meet RHNA)				
APN	**Existing Building Square Footage**	**Maximum Buildable Area (Acres)**	**Remaining Buildable Area**	**Analysis**
3000910400	0	0.18	0.18	Privately-owned vacant lot used as yard for two adjacent residential parcels – moderate income
3003910800	2655	0.24	0.18	Single Family Home and Yard on lot that allows duplex – above moderate
2991421100	1561	0.29	0.25	Single-Family Home with yard on lot that allows duplex – moderate income
2991421300	4859	0.35	0.24	Single-Family Home with yard on lot that allows duplex – moderate income
2990726300	0	0.57	0.57	Privately-owned vacant lot– above moderate income
3010321100	NA	0.38	NA	Non-conforming Car repair shop with associated parking in R1-14 zone zone – above moderate income
2992006500	12985	5.53	5.23	Subdividable large lot with Single-Family Home – above moderate income
2992006300	NA	2.14	NA	Subdividable privately-owned vacant lot with structure on it – above moderate income
2992007100	2519	3.91	3.85	Subdividable large lot with Single-Family Home – above moderate income
2992006400	3823	6.95	6.86	Subdividable large lot with Single-Family Home – Above moderate income
Note: NA = data not available through local and online sources.				

4. DEVELOPMENT OF SMALL SITE PARCELS

The City of Del Mar has identified 5 parcels that are smaller than half an acre in size and are planned to accommodate units affordable to lower income households. Assembly Bill 1397 identifies general size requirements for candidate housing sites designated to accommodate low- and very low-income units greater than half an acre and less than 10 acres in size.

Two of the "small site" parcels (2990301200 and 3000931700) are city-owned vacant lots that have been identified as part of the Sites Analysis to meet the lower income RHNA need. The City has total site control over these lots which means the City is able to facilitate development of small units for lower income households as needed during the 6th Cycle.

The remaining three "small site" parcels include 2236 Jimmy Durante Blvd (2991004900), 2148 Jimmy Durante Blvd (2991003000), and 807 Camino del Mar (3002223300). These parcels were chosen based on the zones allowable density per the 5th Cycle zone code amendments, interest from property owners, and staff insight of development opportunity. The parcels at 2236 Jimmy Durante Blvd and 2148 Jimmy Durante Blvd are located adjacent to one another and could be developed individually or consolidated. The owner for the parcel at 807 Camino del Mar confirmed that there are no limitations or restrictions that would prevent development of housing on their lot during the 6th Cycle and that they would be keeping their options open in consideration of what potential incentives and accommodations become available as a result of the housing programs. **Program 1I** (Streamlining and Incentives for Development of Lower Income Units) is

included in the housing plan to implement streamlining and incentives to facilitate development of lower income units on these parcels and other identified candidate sites. During the first year of the planning period the City will be conducting an economic study and zoning assessment to evaluate which permit processes (i.e. conditional use permits, lot consolidation) and development standards (i.e. floor area ratio, lot coverage, height) should be considered for incentives. Based on past performance and market trends it is likely for there to be interest in redevelopment of these parcels with multiple dwelling units and/or mixed use, particularly once the incentives become available.

Figure B-1: Map of Very Low and Low Income Sites

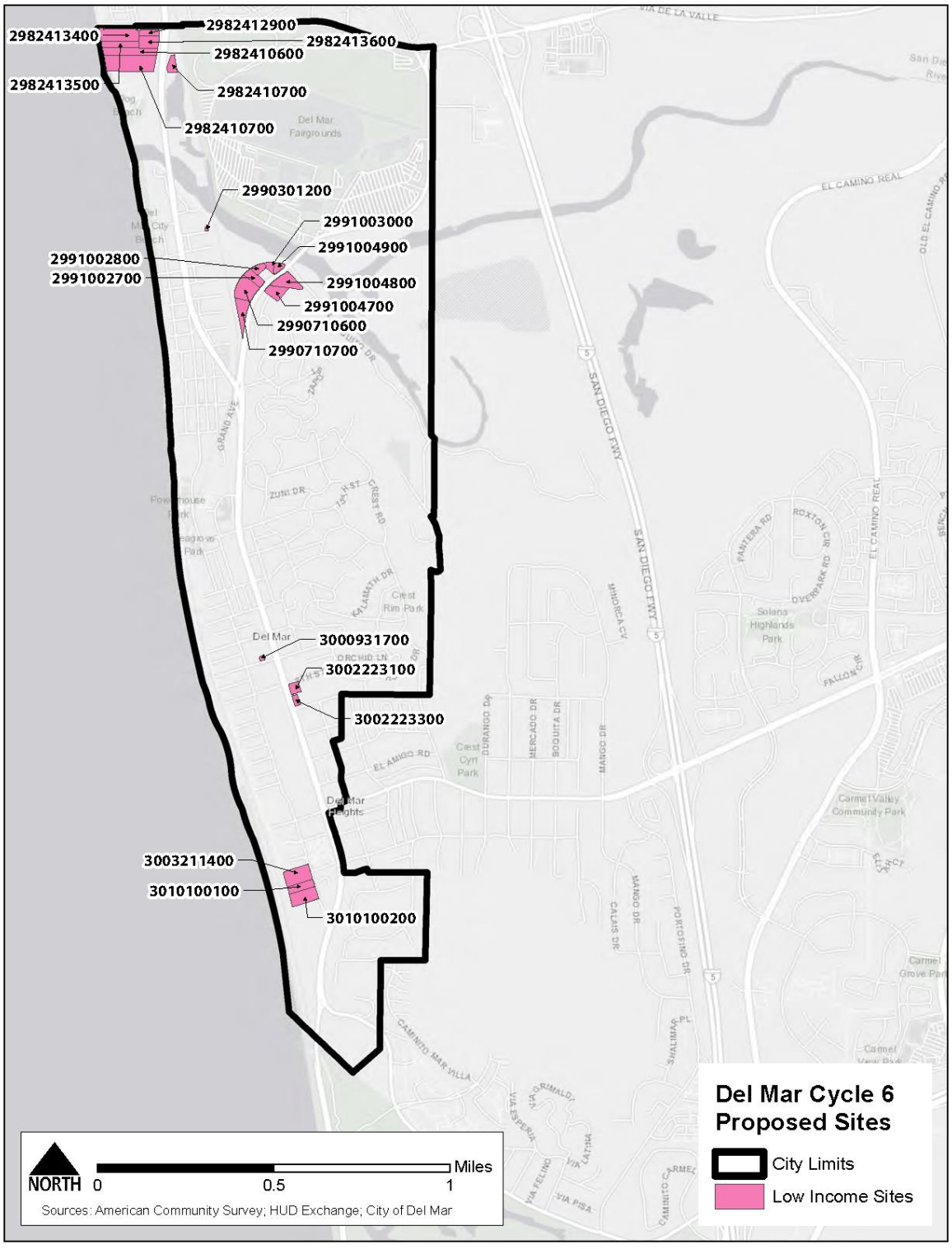


Table B-6: Low and Very Low-Income Sites											
APN	Address	Gross Parcel Acreage	Net Parcel Acreage	Description (Existing Use)	Parcel Specific Comments	Ownership	Zone Designation	Overlay	Density	Potential Lower Income Units	Existing Use
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)											
3010100100	Stratford Ct	1.00	0.90	Staver Family "estate property". PEIR Candidate site 98B	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	4-5	Privately-owned vacant land
3010100200	Stratford Ct	1.80	1.62	Staver Family "estate property". PEIR Candidate site 98C	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	7-9	Privately-owned vacant land with tennis court
3003211400	Stratford Ct	2.14	1.87	Staver Family "estate property". PEIR Candidate site 98A	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	8-11	Privately-owned vacant land
2982410600	Border Ave	1.90	1.88	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1E	Vacant coastal bluff	Stensrud Lazier Holding Trust	R1-40	BSC HEI (Proposed)	20-25	8-10	Privately-owned vacant land with storage shed
2982410700	929 Border Ave	3.52	3.49	Nonvacant parcel in collection of identified vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1F	Single-family residential parcel on a large lot	Stensrud Lazier Holding Trust	R1-40	BSC, HEI (Proposed)	20-25	19-24	Privately-owned vacant land with storage shed and driveway
2982412900	Camino Del Mar	0.63	0.63	Collection of vacant parcels	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	2-3	Privately-owned vacant land

				adjacent to the coast. PEIR Candidate Site 1B							
2982413400	Border Ave	2.46	2.00	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1A	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	9-12	Privately-owned vacant land
2982413500	Border Ave	1.21	0.98	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1C	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	4-6	Privately-owned vacant land
2982413600	Camino Del Mar	1.24	1.24	Collection of vacant parcels adjacent to the coast. PEIR Candidate Site 1D	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	5-6	Privately-owned vacant land
North Commercial Parcels											
2991002800	2126 Jimmy Durante Blvd	0.51	0.51	Light industrial uses	Existing warehouse buildings	Read Family LLC	NC	LG	20	2	Construction storage/warehouse building
2991002700	2120 Jimmy Durante Blvd	0.90	0.90	Office/Light industrial uses	Four existing offices buildings	Knorr Donna M Trust 06-24-92	NC	LG	20	4	Office buildings with associated parking
2990710600	2010 Jimmy Durante Blvd	2.12	2.12	Office uses	Existing office complex	Bungalows Del Mar LLC	NC	LG	20	8	Office building complex with associated parking

2990710700	2002 Jimmy Durante Blvd	1.42	1.42	Commercial/Office uses	Tradewinds Village Retail Center	Hinds Investments LP	NC	LG	20	6	Office building complex
2991004800	Jimmy Durante Blvd	1.55	1.55	Vacant Parcel	Vacant Parcel	Watermark D M LP	NC	BSC, LG	20	6	Privately-owned vacant land
2991004700	Jimmy Durante Blvd	1.13	1.13	Vacant Parcel	Vacant Parcel	Watermark D M LP	NC	BSC	20	4	Privately-owned vacant land
2991004900	2236 Jimmy Durante Blvd	0.42	0.42	Vacant Parcel	Vacant Parcel	Marten R T	NC	LG	20	1	Privately-owned vacant land
2991003000	2148 Jimmy Durante Blvd	0.38	0.38	Commercial/ Office Uses	Small office business with surface parking lot	Matthews Erin M Separate Property Trust 11-23-16 Marten R T	NC	LG	20	1	Small commercial beauty salon/office with associated surface parking
Professional Commercial Parcels											
3002223100	853 Camino Del Mar	0.56	0.56	Commercial/ Office uses	Existing office complex	Del Mar Building Group LLC	PC		20	2	Commercial/office building with associated surface parking lot
3002223300	807 Camino Del Mar	0.30	0.30	Commercial/ Office uses	Existing commercial /office center with surface parking	Wuotan A LLC	PC		20	1	Office building with associated surface parking lot
City-Owned Parcels											
2990301200	28th Street	0.06	0.06	Vacant Parcel	Vacant Parcel	City of Del Mar	RME	LG	10.9	4	City-owned vacant land
3000931700	10th Street	0.1	0.1	Vacant Parcel Adjacent to City Hall Parking	City Hall Expansion Area C (Vacant)	City of Del Mar	PF			4	City-owned vacant land (part of overall City Hall complex)
State-Owned Parcels											

2982	603500	2586 Jimmy Durante Blvd	12.32	12.32	Commercial/Fair ground uses	Multiple horse stables and related buildings	State of California	FR	Floodplain, LG		27	State-owned Horse stables for Del Mar Racetrack
2982	710300	2587 Jimmy Durante Blvd	10.31	10.31	Commercial/Fair ground uses	Parking lot and multiple horse stables and related buildings	State of California	FR	Floodplain, LG		27	State-owned East main stable Parking lot and horse stables for the Del Mar Racetrack

B. 2 MODERATE/ABOVE MODERATE-INCOME CANDIDATE SITES INVENTORY

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

1. CALCULATION OF UNIT CAPACITY

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

2. SELECTION OF SITES

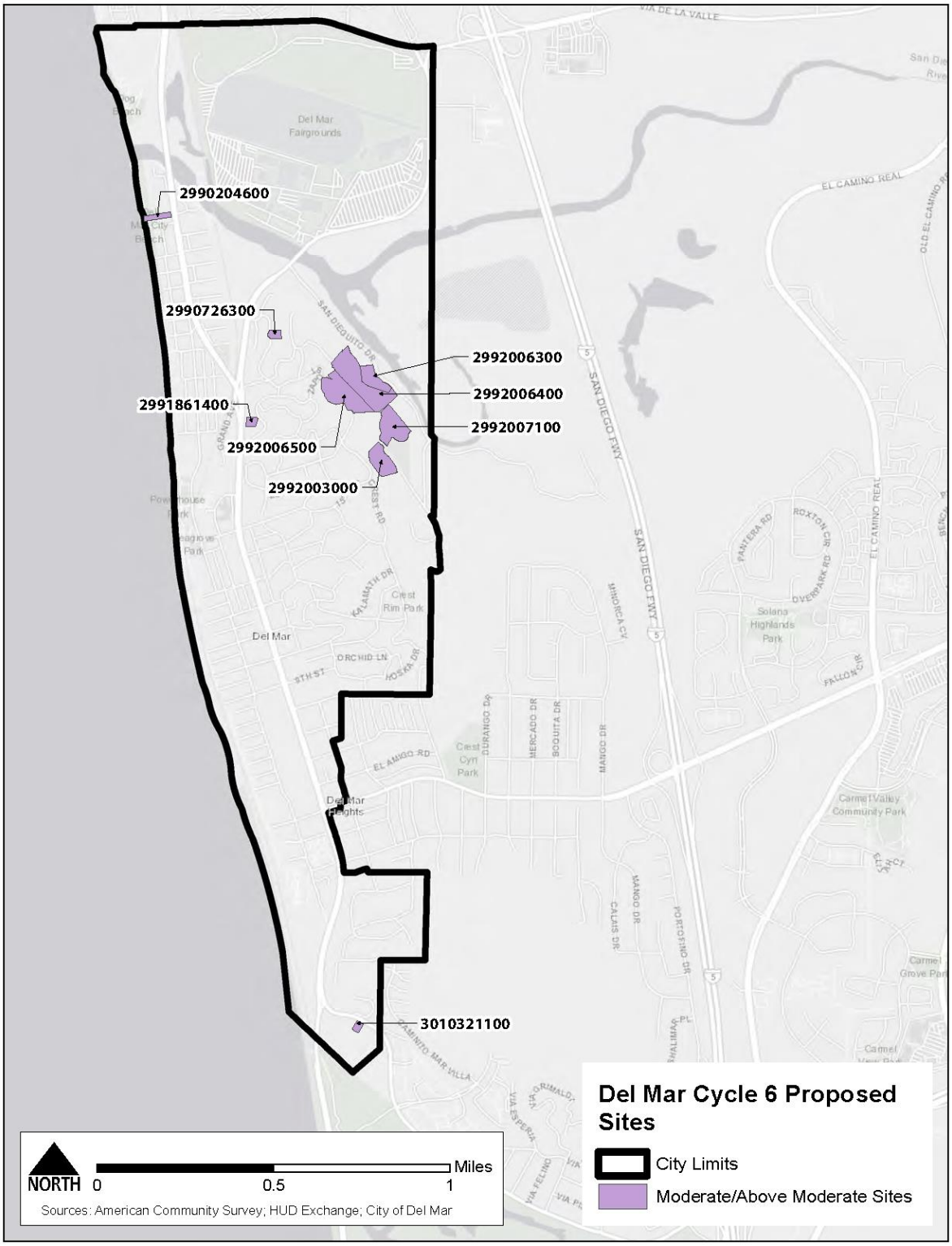
This Appendix B contains a selection of those sites that are most likely to be developed for moderate and above-moderate income housing. For the purpose of identifying sites with the potential to be redeveloped within the planning period, this analysis considered existing residentially zoned parcels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

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

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

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

Figure B-2: Map of Moderate/Above Moderate Sites



~~Figure~~ Table B-~~5~~7: Above Moderate Sites									
APN	**Address**	**Parcel Size (AC)**	**Description ~~(Existing Use)~~**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**	**Existing Use**
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)									
2990726300	2069 SEAVIEW AVE	0.57	Vacant	Part of residential single family but mostly vacant large lot	R1-10		4.3	1	Mostly vacant elevated parcel with driveway
2991861400	DEL MAR CA 92014	0.50	Vacant	Part of residential single family but mostly large lot	R1-10		4.3	2	Vacant
2990204600	2920 CAMINO DEL MAR	0.71	Residential Single Family	Backyard of Residential Single Family	R1-10B		4.3	1	Vacant
3010321100	155 CARMEL VALLEY RD	0.38	Non-conforming Commercial	Non-conforming autobody repair shop with rear parking	R1-14	BSC, LG, OS, WUI	3.1	1	Car repair shop with associated parking
2992006500	690 SERPENTINE DR	5.53	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, OS, WUI	1	1	Single-family residential homes with elevated roads leading to driveway
2992006300	SAN DIEGUITO DR	2.14	Vacant	Large lot with structure on it	R1-40	BSC, LG, OS, WUI	1	1	Large lot with small structure on it
2992007100	1810 SAN DIEGUITO DR	3.91	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, WUI	1	1	Residential Single-Family Home with large lot
2992003000	DEL MAR CA 92014	2.79	Vacant	Large vacant lot	R1-40	BSC, WUI	1	2	Vacant
2992006400	2100 GATUN ST	6.95	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, LG, OS, WUI	1	1	Residential Single Family with Large lot

~~Figure~~ Table B-~~86~~: Moderate Sites									
APN	**Address**	**Parcel Size (AC)**	**Description (Existing Use)**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**	**Existing Use**
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)									
2990212000	2810 CAMINO DEL MAR	0.31	Residential	Tennis Court	R1-5B	FP	8.7	2	Tennis court near residential uses
3000910400	12TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2	Backyard/storage use of neighboring residential parcels
3001740200	9TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2	Vacant
3003910800	1230 LUNETA DR	0.24	Single Family Residential	Single Family Residential with Yard	RMC		12.5	2	Single Family Residential with Yard
2991421100	1935 SANTA FE AVE	0.29	Single Family Residential	Single Family Residential with Yard	RMW		17.6	4	Single-Family Residential with yard
2991421300	1923 SANTA FE AVE	0.35	Single Family Residential	Single Family Residential with Yard	RMW		17.6	5	Single-Family Residential with yard

C. 3 22ND DISTRICT AGRICULTURAL ASSOCIATION (DAA)

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

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

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

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

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

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

Table B-9~~7~~: Potential Residential Capacity within the Del Mar Fairgrounds

	Gross Acreage[1]	Net Acreage	Targeted Number of Lower Income Units
Del Mar Fairgrounds	220.45	5.65	54

1. The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.

Exhibit C

Item 02

WATERMARK DEL MAR

December 2, 2019

Planning Commission Members
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: December 3, 2019 Planning Commission Meeting, Item 2
ZA 18-002
GPA 19-002
LCPA 19-001

Dear Planning Commission Members:

Please review the attached correspondence dated March 14, 2019, and the associated petition from the majority of the NC and PC Zone property owners regarding the above-referenced amendments. The recommendations outlined on page 2 of the March 14, 2019 letter continue to be ignored.

We strongly urge you to take the necessary action to include modifications to the development standards in order to incentivize the construction of new housing units in the NC and PC Zones. We have outlined on page 2, seven specific recommendations for your consideration. Recommendations 1, 3, 4, 5, and 6 are critical to achieving the goals outlined in the Housing Element.

Continuing to apply the antiquated development standards found in the NC and PC Zones is seriously flawed. The rationale and recommendations for new development standards is clearly outlined in the March 14, 2019 letter.

We respectfully request your sincere reassessment of the proposed amendments in order to address numerous flaws and take the appropriate action to meet the Housing Element goals.

Watermark DM, L.P.,
an Arizona limited partnership

By: Watermark Del Mar, LLC
an Arizona limited liability company,
Its: General Partner

By: Kitchell Development Company,
an Arizona corporation
Its: Member

By: _____
Don Glatthorn
Senior Vice President

c: Mayor Haviland
City Council Members
Shaun McMahon

March 14, 2019

Shaun McMahon
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: Professional Commercial and North Commercial Zoning Code Amendments

Dear Shaun:

This letter provides program and EIR scope inputs on the above-referenced zoning code amendment from the undersigned collaboration of property owners in the NC and PC Zones.

As property owners in the NC and PC Zones, we are vital stakeholders who will be subject to any zoning code amendments affecting those zones that are adopted by the City of Del Mar. We appreciate the challenge the City faces in balancing community character concerns with the need for increased densities in order to fulfill the goals of the Housing Element. Our intention is to proactively support the City's efforts to modify these zones in order to achieve more market rate and affordable housing opportunities within Del Mar. We also recognize that the process for evaluating such changes in land use involves substantial costs in staff resources and consultant time for the EIR preparation. Therefore, we believe it is important to enact a zoning amendment that will support your goal of promoting the construction of new housing units. Our concern is that focusing only on adding residential as an approved use (without concurrently addressing development standards) will result in an EIR that may be insufficient to address the effects of the proposed zoning code amendments. (*See*, City of Del Mar Community Plan Housing Element, p.46, stating: "In addition, the City will review its development codes to establish appropriate development standards for facilitating higher density residential development.")

Without modifications to the development standards, it is unlikely that the currently proposed zoning amendment will be sufficient to incentivize the actual construction of new residential units. Additionally, converting market rate commercial space to affordable residential space is a substantial reduction in value and will serve as a disincentive to building residential units. The goal of promoting constructed affordable units requires incentives, not disincentives. Furthermore, the removal of location-specific constraints cannot be accomplished without consideration of modifications to the development standards.

We encourage you to take a comprehensive approach to the zoning code amendment process by determining appropriate development standards as part of the project scope that specifically address known constraints and physical challenges. Below are some suggestions for standards to be considered. The City could study additional options as part of the EIR process. Regardless, we feel incorporating such standards and parameters for future development is critical to completing an EIR that can properly address the effects of the proposed amendment. Our recommendations are as follows:

1. Add residential as a permitted use "by-right" without a CUP requirement in the NC and PC Zones. Any residential use shall require that 20% of the market-rate units be set aside for affordable housing. The minimum size of an affordable unit shall be 400 square feet with no additional requirements for sizes of units.

2. Allow a project to be 100% commercial or 100% residential or any mix of commercial and residential uses.

3. Evaluate the potential of increasing FAR allocated for NC commercial to be consistent with the existing PC zone of 0.60 and allow for additional residential FAR up to 1.0 for a mixed use project or 100% residential project. This should be applicable in both the NC and PC Zones.

4. Consider increasing lot coverage for mixed use and 100% residential projects to 0.90 in both the NC and PC Zones.

5. Allow properties within the 100 Year Flood Plain in the NC Zone to measure maximum height limits from two feet above the base flood elevation, or elevation 20, when existing grade is below elevation 20.

6. Evaluate the potential for increasing height above two stories and 26 feet high in appropriate locations.

7. Evaluate parking requirements including the potential for on-street parking within the public right of way to support on-site parking requirements.

Adopting zoning code amendments which include the above recommendations will provide significant and meaningful incentives to produce affordable and market rate housing units pursuant to the goals and programs of the Housing Element. For reference, we have included an evaluation of development standards on similarly zoned sites in neighboring cities and Del Mar which are as follows:

Neighboring City Commercial & Mixed Use Zones

- Solana Beach FAR: 1.20 ("C" Zone)
- Encinitas FAR: 1.0 ("GC/VSC" Zones)

Current Del Mar Zone with Highest Density

- Del Mar RM West Zone: FAR 0.45 @ 17.6 units/acre, Lot Coverage: 0.60

Proposed New City of Del Mar NC and PC Zones

- Del Mar Proposed NC Zone: FAR 0.30 @ 20 units/acre, Lot Coverage: 0.40
  COMMENT: FAR is significantly below neighboring cities and significantly below existing Del Mar RM West Zone at only 17.6 units/acre.

- Del Mar Proposed PC Zone: FAR 0.60 @ 20 units/acre, Lot Coverage: 0.75
  COMMENT: PC Zone is currently built out, FAR increase will be necessary to obtain housing units.

We urge you to revise the project details to be evaluated by the EIR in order to analyze the data correctly the first time, and provide meaningful input to the City Council in making decisions regarding this proposal.

Respectfully,

c: City Council
Planning Commission

Name/Signature	Ownership Name	Property APN or Address
Jon Glatthorn	Watermark DM, LP	299-100-47 299-100-48
Charles A. Dunn	Del Mar Bldg Group II, LLC	300-222-31-00
Teri Mathys	2201 Del Mar LLC	299-100-34-00 2201 San Dieguito Drive
BRAD JOHNSON	Harbor Associates	299-071-06-00 2010 Jimmy Durante Del Mar
Pamela Stonebreaker, Pamela K Stonebreaker	Pamela K Stonebreaker Trust	299-100-29-00 2137 Jimmy Durante Blvd, Del Mar 92014
RANDALL READ	READFAMILY LLC	299-100-28-00 2126 Jimmy Durante Blvd
GREGORY R. HINDS	HINDS INVESTMENTS L.P.	299-071-07-00 2002 Jimmy Durante Blvd
H. Sushil	Wuotaw LLC 300-222-33-00	807-823 Camino Del Mar
Judy Reichert	Oceans 8 View	322 8th St. Del Mar Ca. 300-222-32-00
Donna Knorr	Donna M Knorr 1992 Trust	2120 Jimmy Durante Blvd Del Mar CA 92014 299-100-27-00

Exhibit D

	Program (and time frame)	**Action**
1	**1A North Commercial** (by June 2022)	Finalize Coastal Commission certification of local approvals gained during 5th Cycle to allow 20 du/ac on select parcels (ordinance/LCPA)
2	**1B Professional Commercial** (by June 2022)	Finalize Coastal Commission certification of local approvals gained during 5th Cycle to allow 20 du/ac (ordinance/LCPA)
3	**1C Central Commercial** (by April 2024)	Amend the CC Zone to allow 20 du/ac (plan amendment and ordinance/LCPA)
4	**1D Economic Study and Affordable Housing Overlay Zone** (Economic study by December 2022; overlay by December 2025 if needed)	Conduct economic study and zoning assessment. Evaluate whether to create overlay zone. Involves coordination with stakeholders (hotels, Plaza, multi-dwelling in RM zones), and present findings to City Council. If City has not secured at least 30 affordable units by December 2025 must proceed with overlay zone. (economic study; potential ordinance/LCPA)
5	**1E Rezone of Vacant Land on North Bluff/South Stratford Properties** (This contingency program is required only if Program 3A is not timely implemented by December 2024)	If City is unable to timely reach agreement with Fairgrounds, then must implement rezone to 20-25 du/ac by right via overlay zone to create capacity for at least 54 lower income units. (potential plan amendment, ordinance/LCPA)
6	**1F Manufactured Housing** (by December 2023)	Update needed per State law (ordinance/LCPA)
7	**1G Density Bonus** (by December 2023)	Update needed per State law (ordinance/LCPA)
8	**1H Public Facilities Zone** (28th Street Clean-up Rezone/LCPA by December 2022; Zone Amendment by December 2024)	Process clean-up Rezone/LCPA for 28th Street lot by December 2022. Amend PF zone by December 2024 to allow residential as primary use to accommodate affordable housing. (ordinance/LCPAs)

9	**1I Streamlining and Incentives for Affordable Housing** (Economic study/zoning assessment by December 2022; and Ordinance/LCPA by December 2024)	Conduct economic study and zoning assessment. Evaluate existing regulations and identify potential changes to remove constraints as necessary to facilitate affordable housing. (Economic study/zoning assessment and ordinance/LCPA)
10	**1J Establish Program for Coordination with Affordable Housing Developers** (by December 2022)	Establish new program for regular outreach with San Diego Housing Federation and affordable housing developers. Use for mutual benefit to gain insight towards development of realistic strategies to facilitate affordable housing, including strategies that can work at the Fairgrounds. Coincide initial outreach with economic study for Programs 1D, 1I, 2A, and 3A (program for outreach/meetings)
11	**2A Extend and Enhance ADU Pilot Program - Incentive Program** (Ordinance to extend program by May 2022; Economic study/zoning assessment by December 2022; Ordinance to add incentives/modify program by December 2023)	Process an extension of the current incentive program by May 2022. Prepare an economic study and zoning assessment. Process ordinance to incorporate additional incentives and/or program modifications to increase participation in the program. (Ordinance to extend ADU Incentive Program, Economic study/zoning assessment, Ordinance to add incentives/modify program)
12	**2B ADU Amnesty Program** (by December 2023)	Establish ADU Amnesty Program to allow owners with unpermitted ADUs to legalize the ADUs so that the City can count them toward its inventory (ordinance)
13	**2C Promotion of Deed-Restricted Low Income ADUs** (by December 2023)	Develop outreach materials to promote deed restricted low income ADUs with goal to reach at least 15 low income ADUs to meet RHNA (web update/outreach)
14	**2D Tracking of ADU Progress** (ongoing annual actions)	This is done as part of Annual Progress Reports (spreadsheet tracking & reports to Council)
15	**2E Mid Cycle ADU Production Evaluation** (by April 2025)	Process additional amendments if needed to spur production of ADUs for low-income households (spreadsheet tracking & potential ordinance)

16	**2F Tiny Houses** (by December 2023)	Process ordinance to clarify tiny houses are allowed per ADU regulations and identify additional circumstances where tiny houses can be allowed. (ordinance/LCPA)
17	**3A Agreement with State to Build Affordable Housing Units on State Fairgrounds property** (Economic study/Assessment by December 2022; MOU and binding agreement by December 2024)	Conduct economic study of market conditions, assessment of multi-unit product types, and identify potential funding sources. Initiate process to secure agreement with 22nd District Agricultural Association (DAA) and affordable housing developer. Identify how housing will count towards RHNA. Binding agreement due by December 2024 or else contingency rezone (Program 1E) will be required. (development agreement, MOU, RFP)
18	**4A Residential Care Facilities** (by December 2023)	Process ordinance for compliance with State law (ordinance/LCPA)
19	**4B Emergency Shelters, Transitional Housing and Supportive Housing, and Low Barrier Navigation Centers** (by December 2023)	Process ordinance for compliance with State law. Develop procedures to connect public with resources. (ordinance/LCPA and policy/procedures)
20	**4C Shared Housing Program** (ongoing)	Continue to offer shared housing program/free roommate referral services via Del Mar Community Connections (outreach)
21	**4D Inclusionary Housing Ordinance** (by December 2024)	Process amendments for compliance with State law (ordinance)
22	**4E Condominium Conversions** (by December 2024)	Continue to implement existing processing requirements of Subdivision Map Act and mitigation requirements per DMMC 24.21.025 (publish procedure/amend ordinance with Program 4D)
23	**5A Monitor the Renovation and Improvement of existing Multi-Unit Structures with Non-Conformities** (ongoing)	Continue to allow retention of non-conforming structures with three or more units to renovate and make improvements to these existing multiple dwelling unit structures. Monitor the number of projects that utilize this program and identify the number of units

		conserved or rehabilitated where applicable. (publish procedure)
24	**5B Require Housing Impact Statement in Reports** (by January 2022)	Establish policy and implement (policy/procedure)
25	**5C Preserve Existing Housing Stock/Short Term Rental Controls** (Ordinance by December 2024)	Continue to establish policies and programs that more effectively address regulations for short term rentals as a means to preserve long term housing stock (ordinance/LCPA)
26	**6A SB 35 Streamlining – Notice of State Law Exemption for Coastal Cities** (by January 2022)	Provide notice to the public that the City of Del Mar is a coastal city that is exempt from SB 35 (post notice on web page)
27	**6B Affirmatively Furthering Fair Housing per AB 686** (ongoing annual reporting requirements)	Participate in regional efforts, partner with organizations to review and refer discrimination complaints, and implement various actions. (outreach and funding)
28	**6C Continue Data Collection and Compliance with the Coastal Act and Housing Element-Related Requirements applicable to the Coastal Zone, including State-Mandated Accommodation of Housing Development Capacity** (ongoing annual reporting requirements)	Continue to collect data and maintain records regarding affordability. Work with the Coastal Commission and HCD 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. (spreadsheet tracking and annual reports)
29	**6D Solar Panel Installation Partnership** (by December 2024	Partner with Renewable Cities San Diego to install solar on housing for lower income households (resolution)
30	**6E Environmental Justice Element** (by December 2022)	Process Community Plan Amendment to establish policies to reduce community health risks and address Affirmatively Furthering Fair Housing Issues per Assembly Bill (AB) 686. (General Plan Amendment)

31	**6F Vote Threshold for Housing-Related General Plan Amendment** (by December 2025)	Explore whether to modify local vote threshold for super majority to apply State's simple majority (study and potential ordinance/public vote)
32	**6G Objective Design Standards** (by June 2023)	Prepare and process objective design standards for housing that is eligible for by-right processing (ordinance)
33	**7A Housing Funding Resources Including Housing Assistance and Housing Reserve Funds** (ongoing)	Continue to make funds accrued in the Housing Assistance Reserve fund available for affordable housing. Continue to support the existing tenants participating in the local rental subsidy program until they leave the program. Transition City assistance towards investment in the development of an equivalent number of permanent affordable housing units (four units for lower income households). (annual report to City Council with budget)
34	**7B Interfaith Partnership Opportunities** (ongoing)	Continue to encourage inter-faith shelter network rotating shelter and St. Peter's Helping Hands (annual report to City Council with budget)
35	**7C Resources for Persons with Disabilities** (ongoing)	Publish a resource list of programs and opportunities for persons with disabilities (updated list to be published within 3-6 months of ordinances processed per Programs 4A and 4B)
36	**7D Housing Choice Voucher Program** (ongoing)	Contract with the County of San Diego for Housing Choice Voucher Program (resolution to process contract)
37	**7E Fee Waiver Program** (ongoing)	Continue the fee waiver program (resolution to extend fee waiver if needed)
38	**7F Monitor and Respond to Complaints of Constraints to Housing for Lower Income Households and Persons with Disabilities** (ongoing)	Monitor and respond to complaints of constraints to housing for lower income households and persons with disabilities such as impediments to maintenance, improvement, or development of such housing.

		Continue to work with local non-profits to connect people with assistance and resources. (annual report to City Council with budget)
39	**7G Senior Housing Resources and Assistance** (ongoing)	Continue to partner with Del Mar Community Connections (resolution to extend contract)
40	**7H Student Housing Resources and Assistance** (ongoing)	Connect students with affordable housing options in Del Mar, including ADUs (outreach/resource list)
41	**7I Database of Community Assistance Programs** (ongoing)	Maintain list of community assistance programs (resource list)

Del Mar City Council Meeting Agenda

VIA TELECONFERENCE ONLY

1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: ***Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.***

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Monday, December 13, 2021 at 4:30 PM

In the interest of public health, and consistent with the provisions of Assembly Bill 361 (AB 361) and related resolutions adopted by the Del Mar City Council, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. This is not an in-person meeting.

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Dan Quirk
Council Member

Ashley Jones
Interim City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Acting City Clerk

Public Participation/Comment
Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or by speaking live using the Zoom link and/or dial-in information provided below. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on. Those wishing to comment live should join the Zoom meeting when the item(s) they wish to speak on is announced or at the meeting start time for items not on the agenda.

Zoom Link: https://us02web.zoom.us/j/84790910014
Phone: (669) 900-6833
Meeting ID: 847 9091 0014

While registration is not required, staff recommends members of the public submit an optional tele-comment request form (www.delmar.ca.us/telecomment) to assist with speaker management during the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

Viewing the Meeting and Access to Agenda Materials
Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: http://www.delmar.ca.us/AgendaCenter and a hard copy of the agenda materials are available at the Del Mar Library during their business hours.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

I. CALL TO ORDER/ROLL CALL

II. CITY ATTORNEY CLOSED SESSION REPORT

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC ORAL COMMUNICATIONS

Public oral communications will take place shortly after the start of the meeting. Those wishing to comment on any matter not on the agenda may join the meeting at 4:30 PM using the Zoom link and dial-in information: https://us02web.zoom.us/j/84790910014; Phone: (669) 900-6833; Meeting ID: 847 9091 0014.

V. CITY COUNCIL COMMENTS

VI. COMMUNITY ANNOUNCEMENTS

VII. CITY MANAGER'S REPORT

VIII. PRESENTATIONS

1. Presentation by San Diego Gas and Electric on the Del Mar Reconfiguration Project

Recommended Action: It is recommended that the City Council receive an informational presentation from San Diego Gas and Electric (SDG&E) on the Del Mar Reconfiguration Project.

Reference: Clerk's File No. 1002-3

IX. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council, staff, or the public so requests, in which event, the item will be considered separately.

2. Approval of Minutes: November 15, 2021 and November 19, 2021 Regular Meetings, November 15, 2021 Special Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

3. Ratification of List of Demands, dated December 13, 2021

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

5. Continuation of Remote Public Meetings in Compliance with Government Code Section 54953 (Assembly Bill 361)

Recommended Action: Staff recommends that the City Council adopt a Resolution (Attachment A) making the findings required by Government Code 54953 related to Assembly Bill 361 (AB 361) to continue with remote public meetings for the next thirty (30) days during the local emergency declared in response to the COVID-19 global pandemic.

Reference: Clerk's File No. 401-7

6. Second Reading and Adoption of an Ordinance: Zone Code Amendment (ZA21-001)/Local Coastal Program Amendment (LCPA21-001) Amending Del Mar Municipal Code Chapter 30.80 (Parking) Relating to Off-Street Parking Requirements

Recommended Action: Staff recommends that the City Council adopt the Ordinance (Attachment A), as introduced on November 19, 2021, amending the parking regulations in the Del Mar Municipal Code (DMMC) Zoning Code Chapter 30.80 and Local Coastal Program.

Reference: Clerk's File No. 401-4, 401-9, 905-2

7. Adopt an Ordinance to Amend Chapter 11.20 of the Del Mar Municipal Code Relating to Solid Waste Handling, Organics Recycling, and Edible Food Recovery

Recommended Action: Staff recommends the City Council adopt an ordinance (Attachment A) to amend Chapter 11.20 of the Del Mar Municipal Code (DMMC) relating to solid waste handling, organics recycling, and edible food recovery.

Reference: Clerk's File No. 401-4, 401-9, 906-9

8. First Amendment to Agreement with Townsend Public Affairs for Legislative Advocacy Services

Recommended Action: Staff recommends the City Council approve the First Amendment to the Agreement between the City of Del Mar and Townsend Public

Affairs for legislative advocacy services (Attachment A), extending the Agreement for an additional two-year period ending January 11, 2024; and authorize the Interim City Manager to execute the First Amendment.

Reference: Clerk's File No. 406-1

9. Resolution Authorizing Submittal of a FY 2023-24 Public Beach Restoration Grant Application to State Parks Division of Boating and Waterways

Recommended Action: Staff recommends the City Council adopt a Resolution (Attachment A) authorizing staff to apply for a California State Parks Division of Boating and Waterways public beach restoration grant in the amount of $150,000 for Fiscal Year (FY) 2023-24 and authorizing the Interim City Manager to execute the necessary grant documents.

Reference: Clerk's File No. 201-13, 1404-1

10. Authorize Submittal of Coastal Development Permit Application to California Coastal Commission for Citywide Paid Parking Facilities

Recommended Action: It is recommended that the City Council adopt a Resolution (Attachment A) authorizing the City Manager to submit a Coastal Development Permit (CDP) Application to the California Coastal Commission for citywide paid parking facilities.

Reference: Clerk's File No. 905-4, 1502-14

11. Authorization to Apply for the FY 2021 Assistance for Firefighters Grant

Recommended Action: Staff recommends that the City Council: 1) Authorize the City of Del Mar Fire Department to be included in the FY21 Assistance to Firefighters Grant regional application for Self-Contained Breathing Apparatus (SCBAs) submitted by the City of Vista, and 2) Authorize the Fire Chief, or his designee, to sign a Memorandum of Understanding between the six agencies (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District) once all participating organizations are authorized to apply.

Reference: Clerk's File No. 201-13, 1101-8

12. Second Reading and Adoption of an Ordinance Amending Section 21.70.110 of the Del Mar Municipal Code to Revise Emergency Water Management Requirements for Drought Watch Condition

Recommended Action: Staff recommends the City Council adopt an Ordinance (Attachment A) amending the Del Mar Municipal Code (DMMC) Section

21.70.110 to revise consumer demand requirements in accordance with recent State and County actions.

Reference: Clerk's File No. 401-4, 401-9, 1506-3

13. Authorization to Apply for and Accept 2021 Roy & Marian Holleman Foundation Grant Funds for Del Mar Fire Station Furniture

Recommended Action: Staff recommends that the City Council authorize the Interim City Manager to submit a grant funding request to the Roy & Marian Holleman Foundation for the purchase of needed Fire Station furniture, and accept the funds on behalf of the City, including signing any necessary grant documents, if awarded.

Reference: Clerk's File No. 201-13, 103-2

14. Recommended Appointment of City Manager and Related Employment Agreement

Recommended Action: The City Council Human Resources Subcommittee, Deputy Mayor Worden and Councilmember Druker, recommend that: 1) The City Council appoint Ashley Jones as City Manager for the City of Del Mar; 2) Approve the related employment agreement (Agreement) included as Attachment A; 3) Authorize the Mayor to execute the Agreement and necessary documents for implementation; and 4) Retroactively authorize the continuation of adjusted salary and benefits approved by the City Council on March 15, 2021, for the Interim City Manager from October 4, 2021 through December 13, 2021.

Reference: Clerk's File No. 102-8

15. Proposed Del Mar Comment Letter on the Draft Congressional District Map

Recommended Action: Mayor Gaasterland and Deputy Mayor Worden recommend that the City Council review the draft comment letter on the draft Congressional District map (Attachment A), provide feedback as needed, and direct staff to submit the letter to the California Citizens Redistricting Commission on behalf of the City of Del Mar.

Reference: Clerk's File No. 401-7, 1502-1

X. PUBLIC HEARINGS

16. Adoption of a Resolution for the 6th Cycle Housing Element to Incorporate Revisions Required by the California Department of Housing and Community Development (HCD) and Re-Adoption of the General Plan Amendment (GPA20-003)

Recommended Action: Staff recommends that the City Council adopt the Resolution for the 6th Cycle Housing Element Update (HEU) to incorporate revisions required by HCD and re-adopt the General Plan Amendment GPA20-003 (Attachment A).

Reference: Clerk's File No. 304-7

XI. COUNCIL MEETING RECESS

XII. CITY COUNCIL OTHER BUSINESS

17. Initial Consideration of an Appeal of the Planning Commission's Denial of Trees, Scenic Views, and Sunlight Application TVS21-001

TVS Applicant/Appellant: Nigel Hook and Janet Wilson
Applicant's Address: 635 Hoska Road (APN: 300-252-16-00)

Tree Owners: Matthew and Chelsea Ziskin
Vegetation Location: 624 8th Street (APN: 300-252-14-00)

Recommended Action: Staff recommends that the City Council uphold the Planning Commission's denial of Trees, Scenic Views, and Sunlight Application TVS21-001 and not set the appeal for a de novo hearing.

Reference: Clerk's File No. 301-12

18. Report on Status of Administrative Design Review Ordinance 972

Recommended Action: Staff recommends that the City Council receive an informational report on the City's status of implementing changes made to its Administrative Design Review (ADR) processing requirements by Ordinance 972.

Reference: Clerk's File No. 401-4

19. Staff Recommendations Regarding Potential Del Mar Climate Actions

Recommended Action: Staff requests the City Council receive and consider staff's recommendations on potential climate actions that could be taken by the City to address the climate emergency as proposed by Deputy Mayor Worden and Councilmember Martinez, and provide direction to staff as may be needed.

Reference: Clerk's File No. 1403-4

20. Resolution of Appreciation for Outgoing Mayor Terry Gaasterland

Recommended Action: Receive public comment and adopt the resolution. A copy of the resolution will be available at the Council meeting and thereafter. There is no copy of the Resolution included with this agenda packet.

Reference: Clerk's File No. Book of Resolutions

21. Selection of the 2022 Mayor and Deputy Mayor

Recommended Action: Staff recommends that the City Council appoint from its members a Mayor and Deputy Mayor to serve for a one-year period beginning on December 13, 2021, through December 2022 in accordance with Council Policy 100.

Reference: Clerk's File No. Clerk's Minutes Book, 401-1

XIII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. 22nd District Agricultural Association Community Relations Committee (Gaasterland/Martinez)
B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
C. CSA-17 Ambulance District Advisory Board (Martinez/Druker)
D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Druker/Martinez)
E. League of California Cities – San Diego Chapter (Gaasterland/Worden)
F. North County Transit District (NCTD) (Quirk/Gaasterland)
G. Regional Solid Waste Association (Worden/Quirk)
H. San Diego Association of Governments Board (SANDAG) (Gaasterland/Druker/Quirk)
I. SANDAG Borders Committee (Druker)
J. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
K. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Quirk/Bride)
L. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
M. Other Regional Organization Reports

XIV. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Ad-Hoc Referendum Subcommittee (Gaasterland/Druker)
B. Arts Advisory Committee (Druker/Worden)

C. Business Support Advisory Committee (Gaasterland/Martinez)
D. Clean Water Rate Project (Druker, Quirk)
E. Committee Efficiencies Task Force (Martinez/Worden)
F. Del Mar Community Connections (Martinez/Quirk)
G. Del Mar Village Association (Druker/Quirk)
H. Finance Committee (Gaasterland/Quirk)
I. Housing Subcommittee (Gaasterland/Martinez)
J. Human Resources Subcommittee (Druker/Worden)
K. Legislative Subcommittee (Gaasterland/Druker)
L. Long Term Rail Relocation Subcommittee (Gaasterland, Quirk)
M. Measure Q Citizen Oversight Committee (Druker/Quirk)
N. Parks and Recreation Committee (Druker/Worden)
O. Planning Process Subcommittee (Druker/Gaasterland)
P. Safe Rail Crossing and Bluff Stabilization Subcommittee (Gaasterland/Quirk)
Q. San Dieguito Lagoon Committee (Quirk/Worden)
R. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
S. Shores Advisory Committee (Gaasterland/Martinez)
T. Solid Waste Procurement Services Ad-Hoc Subcommittee (Quirk/Worden)
U. Sustainability Advisory Board (DrukerWorden)
V. Traffic and Parking Advisory Committee (Martinez/Worden)
W. Undergrounding Project Advisory Committee (Gaasterland/Quirk)
X. Other Committee-Subcommittee Reports

XV. UPCOMING AGENDA ITEMS

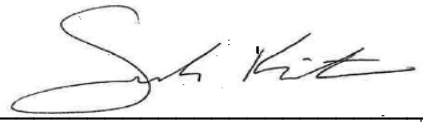
The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

January 10, 2022
Presentation on the San Dieguito River Park's W-19 Project
Proclamation Honoring Shen Yun (Tentative)
Authorization to Apply for Neighborhood Reinvestment Program and Community Enhancement Grants (Riverpath Project)
Authorization to Purchase AutoPulse System (CPR Machine) With Available CSA-17 Funds
Acceptance of Orange Tree Foundation Donation (Tentative)
Council Consideration of CDBG Application for Funding
Fire Department - Standards of Cover Study and Administrative/Management Study (Tentative)
Council Local Appointments for 2022
Council Consideration of Pickleball Pilot Study

Council Discussion and Proposed Resolution in Support of Local Control Ballot Initiative
Continued Discussion Regarding Committee Efficiencies

XVI. CERTIFICATION

I, Sarah Krietor, Acting City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 8th day of December, 2021, at approximately 5:10 p.m.



Sarah Krietor, Acting City Clerk — 12/8/2021 Date

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

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

DATE: December 13, 2021

SUBJECT: Adoption of a Resolution for the 6th Cycle Housing Element to Incorporate Revisions Required by the California Department of Housing and Community Development (HCD) and Re-Adoption of the General Plan Amendment (GPA20-003)

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council adopt the Resolution for the 6th Cycle Housing Element Update (HEU) to incorporate revisions required by HCD and re-adopt the General Plan Amendment GPA20-003 (Attachment A).

BACKGROUND:
The Del Mar City Council adopted the 6th Cycle Housing Element on March 25, 2021. Preparation of the HEU involved a multi-year process that included extensive public outreach and meaningful community participation including nine meetings (including one public workshop) with the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force; and multiple public meetings, informational sessions, and public hearings with the Planning Commission and City Council.

Following the initial adoption of the 6th Cycle HEU, HCD reviewed the City's adopted Housing Element and responded with a letter dated July 9, 2021, reporting the results of its review (Attachment B) and identifying areas for revision. The HEU has been subsequently revised in response to the revisions requested by HCD. The City must satisfactorily address the requested revisions in order to obtain certification of the HEU and bring the City of Del Mar into compliance with State Housing Law.

HCD's request for revisions generally covers the following three main topics:

> Topic 1: "Affirmatively Furthering Fair Housing" analysis to demonstrate compliance with Assembly Bill 686 (2018) and HCD's Guidance Memo that was published by HCD in April 2021.

City Council Action:

Topic 2: Sites Inventory modifications to demonstrate the City's plan includes adequate and realistic capacity to meet the assigned Regional Housing Needs Assessment (RHNA) for lower income units.

Topic 3: Housing Program modifications to add specificity regarding timelines/incentives and actions targeted to remove identified potential constraints and impediments to affordable housing.

The additional data was collected and each of the requested revisions were addressed as further described below within the Analysis section of this report.

ANALYSIS:
Following is a description of the revisions to the HEU based on HCD feedback and requested changes:

Topic 1: "Affirmatively Furthering Fair Housing"
This is a new issue category instituted for all 6th Cycle housing elements statewide. State law requires all Housing Elements include an assessment of fair housing in the jurisdiction. HCD's letter indicated additional analysis is required, including consideration of "trends and patterns at the local and regional level for segregation and integration regarding disability, familial status, and income" and direct analysis of "trends and patterns regarding race at the regional level". In addition, HCD indicated "the element must analyze Racially Concentrated Areas of Affluence (RCAA) and the effects that these concentrated areas have on fair housing issues throughout Del Mar and the region." HCD Guidance Memo (April 2021): https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Accordingly, the City's revised analysis incorporated local data, addressed provisions within the HCD memo related to RCAA trends and effects, compared Del Mar's data to the regional fair housing data, added analysis of governmental constraints and program actions to address those potential constraints, and added an explanation of the rationale for the sites selected to further fair housing objectives. The HCD guidance makes it clear that the additional analysis and explanation of meaningful actions to address housing patterns in RCAA's must be included in the AFFH analysis.

Consistent with State law, 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." The revised HEU addresses how the City will take meaningful actions to remove the existing zoning impediments in order to achieve these fair housing goals.

Analysis of the regional and local data shows the City's existing zoning practices are a contributing factor to fair housing issues in the City, which is a similar finding for other coastal cities in the region. 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 the potential for new development at higher densities consistent with the Del Mar Community Plan. The City's existing lack of zoning for higher density units is the main difference between Del Mar and other cities in the region. Data shows that the City of Del Mar is the only city in the region that does not have zoning in place to accommodate development of apartment buildings of at least 2-3 stories in height as needed to accommodate production of new affordable units.

To address existing impediments and further fair housing, the City's 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 that is not currently provided in the community. This can include units that meet the needs of seniors and adult children who want to remain living 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 for the City to help create a more diverse, sustainable, and balanced community.

Potential zoning constraints will be addressed by multiple Housing Element Programs including:

- Program 1A (North Commercial), Program 1B (Professional Commercial), and Program 1C (Central Commercial) to address density by allowing multiple dwelling unit development as an allowed use at 20 dwelling units per acre.

- Program 1I (Streamlining and Incentives for Development of Lower Income Units) to prepare an economic study and zoning assessment to better understand the potential constraints and amend the Del Mar Municipal Code as necessary to provide relief or accommodation from any permit procedures (i.e. conditional use permit requirements) and/or development standards (i.e., height, floor area ratio, and lot coverage) as necessary to facilitate the development of affordable units to meet the City's assigned Regional Housing Needs Assessment (RHNA) for lower income units.

The revisions also clarify that the City's plan will 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 assigned for Del Mar. Affordable housing will be incorporated within existing residential zones as well as commercial zones once amended to allow multiple dwelling unit residential development. This will result in sites that are dispersed throughout the community and will help to further fair housing in Del Mar. As part of the action programs contained within the HEU, a critical path forward towards fair housing is the City's commitment to amending the Del Mar Municipal Code to permit development of residential units at 20 dwelling units per acre in at least three commercial zones (i.e., North Commercial, Professional Commercial, and Central Commercial).

Finally, the additional analysis helped to clarify the City's priority strategy to locate at least 54 lower income units (which represents over half of the assigned RHNA units including low-, very low- and extremely low-income units) on the State-owned Del Mar Fairgrounds property as a critical strategy that takes advantage of the quality of life opportunities in Del Mar. Further, the analysis clarifies that these prospective units will be integrated within the overall Del Mar community and will enjoy the same access to quality public facilities, amenities, and coastal resources. This is validated by data from the UC Davis Center for Regional Change and Rabobank, who partnered together to develop the Regional Opportunity Index (ROI). According to the ROI, the City of Del Mar is a very high opportunity area in terms of education, economic opportunity, high quality housing, mobility, transportation, health, environment, and civic life opportunities.

Topic 2: Sites Inventory and Analysis of Constraints/Realistic Capacity

The updated sites inventory analysis (Attachment C) clarifies that the City has sufficient available sites and realistic capacity to meet its RHNA. The initial sites inventory adopted in the March 2021 HEU had several errors and inconsistencies that have been subsequently corrected. The sites inventory now identifies details for the State Fairgrounds sites in addition to candidate sites that are subject to citywide base zones and overlay zones. Additional analysis was incorporated per Government Code Section 65583.2(c)(2)(A) and (B) to justify the City's reliance on each site identified. The analysis demonstrates that in spite of the sites inventory including some identified sites being less than half of one acre in size and/or already developed with existing uses, there is still a high demand for new housing stock to be developed within the City of Del Mar as required in compliance with State law. The analysis includes a discussion of existing zoning, land use controls, overlay zone requirements, access to facilities, and incentives.

The supporting analysis in Chapter 3 of the Housing Element has been revised to incorporate supplemental data and more explicit explanation and detail to demonstrate there is a realistic capacity and likelihood for residential development including affordable housing on the identified sites. This included additional detail related to "small sites" (less than half of one acre) and policy considerations to be implemented to address constraints and facilitate development of multiple dwelling unit residential, including affordable housing, on existing non-vacant (developed) sites.

Small Sites Analysis:

- The owners of 807 Camino del Mar, which is considered a "small site" in an advantageous location, clarified there are: 1) no existing limitations or property restrictions that would prevent housing development at this location over the next eight years; and 2) that the owners would be keeping their options open and monitoring opportunities for housing development in the near term.

- The adjacent small sites at 2148 Jimmy Durante Blvd and 2236 Jimmy Durante Blvd are also advantageous locations and present an opportunity for potential lot consolidation to further facilitate multiple dwelling unit development that includes affordable housing.

- The two vacant, City-owned properties located at 10th Street and 28th Street are also realistic opportunities for the development of small sites with small affordable units up to a combined capacity of seven units as identified in the sites inventory. This is due to the fact that the sites are City-owned and controlled, which facilitates processing of any prospective project with affordable units. Further, in accordance with Housing Program 1H, the City will implement the necessary zoning amendment and processing actions needed to make it clear that development of affordable units is an allowed use in the applicable Public Facilities Zone. As a point of clarification, no parcels associated with Shores Park or the Court Street facility are included as candidate housing sites in the HEU.

Non-Vacant Sites Suitability Analysis:
The analysis of non-vacant sites was supplemented with details to address existing uses, past performance, market demand, whether existing leases are a constraint, and development trends. The HEU notes that correspondence was submitted in 2019 (Attachment D) representing a majority of the owners in the NC and PC Zones, including owners of candidate sites. The submitted correspondence and petition indicate interest in the City's housing plan (Chapter 4 of the HEU) and identified the City's existing development standards in its Zoning Ordinance as "antiquated." The correspondence requested that the City modify its development standards (i.e., parking, floor area ratio, lot coverage, and measurement of height) in order to incentivize construction of housing units. The property owners' concerns are addressed via Housing Program 1I (Streamlining and Incentives for Lower Income Units) in the HEU.

Most notably, to support Housing Program implementation and mitigate for any potential constraints, the City made a commitment of funding in its adopted Fiscal Year (FY) 2021-2022 Special Projects Budget to prepare economic studies and zoning/market assessments within the first year of the planning period. The information collected from these studies will help identify assumptions about the funding gap and potential funding sources for development of affordable units in Del Mar and will help inform decisions about potential incentives and accommodations that should be considered to make the development of affordable housing feasible. This demonstrates a significant investment and commitment on the part of the City that will facilitate affordable housing development in Del Mar.

In June 2021, the City Council allocated funding in the FY2021-2022 budget to cover implementation of economic assessment/feasibility studies for the following 6th Cycle housing programs:

- A total of $225,000 was allocated in June 2021 to support implementation of the City's priority Housing Program 3A which seeks to secure an agreement with the State by December 2024 for prospective affordable housing to meet the identified RHNA target of 54 lower income units on the State Fairgrounds property. In November 2021, the City Council authorized the City Manager to use a portion of this amount for preparation of economic and feasibility studies by Spring 2022.

- A total of $76,000 was allocated for economic and zoning assessment studies of citywide incentives for implementation of the following Housing Programs:

    - Program 2A (Incentives for Deed-Restricted Low Income Accessory Dwelling Units or ADUs) – to yield an identified RHNA target of 15 low income units; and

    - Program 1D (Economic Study and Potential Affordable Housing Overlay Zone), Program 1I (Streamlining and Incentives for Lower Income Units), and Program 1J (Coordination with Affordable Housing Developers) – to generally yield an identified RHNA target of at least 44 lower income units (which is the remaining affordable unit count after subtracting out the RHNA attributed to the Fairgrounds and Accessory Dwelling Unit (ADU) strategies from the total 113 lower income units the City must plan to accommodate).

Accessory Dwelling Units (ADUs):
HEU Goal #2, as adopted by the City Council, is to "Prioritize production of ADUs." This goal utilizes the State's prior mandates for inclusion of ADUs into residential zoning and concludes that integration of ADUs into the existing community would be one of the most non-invasive ways for the City to absorb the required increase in housing capacity to help meet the City's assigned RHNA. This is further highlighted when compared to other required housing strategies such as increasing allowable density to accommodate at least 20 dwelling units per acre. To address HCD's comments related to ADUs, additional explanation and details were added to the applicable ADU sections in Chapter 3 of the HEU.

While the community has expressed concerns about the by-right allowances and zoning deviations for ADUs provided by State law since January 1, 2020 (i.e., meaning that ADUs must be approved outside of the City's current Design Review process), local residents and property owners have shown significant interest in the development of ADUs. This is supported by local data that shows a trending significant increase in the number of ADU inquiries, applications approved since January 2020, and new applications in process. The local interest in ADUs coincided with the public outreach and discussions related to the 6th Cycle HEU which began in 2019.

The City's methodology for its 6th Cycle projections took this all into account as well as current rent trends associated with the smallest units in Del Mar and neighboring communities, and units in locations with more than one dwelling unit per lot. The analysis notes that the City is located in close proximity to the University of California San Diego, which makes this type of housing option one that is in high demand in Del Mar. As part of Housing Programs 7H and 7I, the City will create informational materials on any ADUs available for rent and make these resources available, particularly for seniors and students of colleges and universities in proximity to Del Mar.

Community and City Council support for the ADU strategy is demonstrated by HEU Goal #2 which affirms this is a priority strategy for the City to meet its entire 31-unit moderate income unit RHNA requirement as well as a RHNA target of 15 low income ADUs. As mentioned above, per the Housing Plan, an economic study and zoning assessment will be conducted

within the first year of the planning period to identify and test specific incentive types under various scenarios to ensure Program 2A will be a successful strategy to produce at least 15 deed restricted low income units. Furthermore, Housing Programs 2D and 2E provide for the City and HCD to monitor progress and conduct a mid-cycle review to evaluate whether the City is on target to meet its RHNA. This will help the City to evaluate whether additional policy and/or code amendments may be needed during the 2021-2029 housing cycle.

Additional Constraints/Resources Analysis and Strategies to Remove Constraints:
The HEU analysis was also supplemented with additional details related to potential zoning constraints and specified actions planned to remove those constraints as follows:

- *Sites in the Floodplain Overlay Zone:* The revised analysis includes a more in-depth explanation of floodplain management requirements, and the fact that the added cost for incorporation of flood proofing measures has not been a barrier to development in compliance with federal/state/local floodplain development standards. Further, as a policy consideration to ensure the applicable (non-safety related) floodplain management procedures and standards will not act as a barrier to any residential development identified in the sites inventory, the revised HEU explains that the City will explore whether further accommodation may be needed via Program 1I (Streamlining and Incentives for Lower Income Units). More specifically, Program 1I will consider potential accommodation for the measurement of height in the floodplain in relation to the base flood elevation (i.e., the height at which all habitable development must be located at or above for compliance with safety-related floodplain management standards).

- *Reasonable Accommodations:* The revised analysis clarifies the City's existing procedure, findings for approval, and past reasonable accommodations requests that have been approved by the City. As a policy consideration, the revised HEU explains that Housing 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. With respect to reasonable accommodations, the City will consider amending the Del Mar Municipal Code to address the findings for approval if it is discovered that the findings for approval are being misinterpreted and/or misapplied to deny reasonable accommodations based on claims of neighborhood compatibility instead of based on objective findings and facts related to the public health and safety as is required by law.

Topic 3: Housing Element Action Programs
Chapter 4 of the HEU is the City's Housing Plan that identifies the various Housing Programs and planned actions to implement its goals and meet its RHNA. In developing the Housing Plan, the City considered many factors including:

- Fair housing to create a more diverse, sustainable, and balanced community;
- The implications of new State law requirements (i.e., required increase in the maximum density allowed in various zones, by-right approval processes, density bonuses, and "no net loss");

- Desired adherence to the existing Community Plan where local control is not preempted;
- Analysis of local constraints and opportunities for affordable housing;
- Recommendations by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Citizens' Task Force);
- Comments received at public meetings and public hearings;
- Examples of certified Housing Elements in other coastal cities; and
- Feedback provided by HCD.

In terms of revisions, a new Table was inserted in the Housing Plan with a listing of all 41 housing programs (Attachment E). For each individual Housing Program, information was added to clarify the timeline, responsible agency, budget source, and targeted RHNA. This included new details on timing for ongoing programs, which involve annual reviews and reporting actions.

Revisions to significant implementation details include:

- Clarification that Housing Program 1D will involve an economic study and zoning assessment prior to consideration of a potential Affordable Housing Overlay Zone.

- Clarification that Housing Program 1E (rezone of vacant lots on North Bluff/South Stratford) will be required only if Housing Program 3A (Fairgrounds housing) is not timely implemented; that the deadline for the rezone per State law is three years from the date the HEU is (re)adopted; and that implementation of this contingency program is anticipated to address the City's RHNA and fair housing needs for extremely low income households per Assembly Bill (AB) 2634 in a manner that will integrate lower income units into the overall development and demonstrate connectedness to the greater Del Mar community.

- Clarification that Housing Program 1H will facilitate the processing of future affordable housing projects in the PF Zone as needed to meet the City's unmet RHNA obligation on two vacant City-owned lots; that both vacant lots are City-owned, developable, controlled by the City, and have not been identified as surplus property; that one City-owned, vacant lot in the PF zone on 10th Street (APN 300-093-17) is an available expansion lot within the overall Civic Center complex; and that the second City-owned, vacant lot on 28th Street (APN 299-030-12) is technically located in the RM-East zone, but is designated a public facility in the Community Plan pursuant to a General Plan Amendment adopted by Resolution No. 97-42 on September 15, 1997; and that the City is in process of bringing forward clean-up actions via the City Council and Coastal Commission for the associated prior rezone to PF processed in 1997 to become effective.

- Clarification that Housing Program 1I (streamlining and incentives for development of affordable housing) will begin with an economic study and zoning assessment to consider the market and comparative cost-benefit impact to property owners and explore various incentives in support of implementation; that consideration will be

given to recommendations that were previously provided by property owners of various candidate sites, which includes recommendations from owners in the NC and PC Zones who requested no Conditional Use Permits to be required, reduced parking, a modification where height is measured from in the Floodplain Overlay Zone, and a potential increase in FAR to allow for at least 0.60 FAR in the NC Zone and to allow at least 1.0 FAR in the NC and PC Zones to allow for mixed use and residential development; as well as consideration for input from property owners in the PC and CC zones who have also expressed that limits on the number of stories and the one story height limit on the west side of Camino del Mar significantly limit the potential for affordable housing to be developed.

- Clarification of details related to Housing Program 2A (ADU incentive program to produce deed restricted low income ADUs), which will also be informed by an economic study and zoning assessment; and details for implementation of Housing Program 2C to promote deed-restricted low income ADUs.

- Clarification of the implementation of the City's high priority Housing Program 3A (affordable housing on the State Fairgrounds property), which will involve City preparation of an economic study of market conditions, assessment of multi-unit product types, and identify potential funding sources for development of affordable housing. This will allow the City to vigorously pursue partnerships with the State 22nd District Agricultural Association (DAA) and adjacent municipalities and solicit interest from affordable housing developers to develop long-term affordable housing on the State Fairgrounds property. Through this process, the City will pursue an agreement for the development of at least 54 low-income units on the State-owned property. It was also clarified that execution of a binding agreement within 36 months of (re)adoption of this HEU, shall release the City of the requirement to carry out Housing Program 1E (Rezone of North Bluff and/or South Stratford Properties), and that implementation of Housing Program 3A is anticipated to address the City's RHNA and fair housing needs for extremely low income households per AB 2634 in a manner that will integrate lower income units into the overall development and demonstrate connectedness to the greater Del Mar community. It should be noted that work on the economic study and zoning assessment in support of this program are currently underway.

- Clarification of Housing Program 4B relating to emergency shelters, transitional housing, supportive housing, single occupancy units, and low barrier navigation centers, including clarification that the City will take action to amend the DMMC Chapter 30.04 - Definitions to differentiate between the terms "transitional housing" and "supportive housing" and modify the definition of supportive housing accordingly to be consistent with State law; that in accordance with AB 2634, the City will be accommodating housing capacity for extremely low income households, including single room occupancy units; that Housing Program 3A describes the actions the City will take to pursue development of lower income units on the State Fairgrounds property, including extremely low income units; and that the City will also be taking action to accommodate special needs housing. This will include consideration of

whether amendments to the Del Mar Municipal Code may be needed pursuant to State law to address single room occupancy units in residential zones.

- Clarification that Housing Program 5C will involve processing an ordinance to address short term rentals to preserve existing housing stock and that the anticipated timing is by December 2024.

- Modified the title and description of Housing Program 6A after discovering that the City of Del Mar is a coastal city that is exempt from Senate Bill (SB) 35.

- Modified the description of Housing Program 6B (AFFH) to reflect the updated AFFH analysis in Chapter 3 and the associated targeted actions to further fair housing. This includes a commitment to monitor and respond to complaints of discrimination and partner with appropriate capable organizations to review housing discrimination complaints, assist in the facilitation of equitable dispute resolution, and, where necessary, refer complainants to appropriate state or federal agencies for further investigation, action and resolution.

  To address the most significant barrier to fair housing in Del Mar, the City will take action to create new housing choices and opportunities available to moderate and lower income households with the intent to help individuals and families remain living in the community or relocate to Del Mar. This will be addressed by various housing programs including Housing Programs 1A through 1C to accommodate multiple dwelling unit development at a density of 20 dwelling units per acre, Housing Programs 1D and 1I to encourage owners to accommodate dwelling units for lower income households, Housing Program 1H to accommodate affordable housing on City-owned properties, Housing Programs 2A through 2F to accommodate ADUs and tiny homes, and Housing Program 3A to develop multiple dwelling unit housing for lower income households on-site with employment opportunities at the State Fairgrounds. The revised description also references additional housing programs included to address AFFH issues including Housing Program 6E (Environmental Justice Element).

  The City will continue to work with the community to address potential constraints to fair housing within Del Mar. This will include periodic reviews of the regulatory process to assess whether modifications are needed to accommodate persons with disabilities and may include actions such as an analysis of barriers to entry into homeownership or rental, review of historic policies or restrictions that may have prevented or may still prevent disadvantaged groups from locating in Del Mar, or specific actions that contribute to Del Mar being more inclusive to all racial, social, and economic groups. Further, the City will participate in regional efforts to mitigate impediments to fair housing. In an effort to better connect fair housing information and resources with targeted groups, the City will utilize its web page as well as local non-profits to publish and share information on home financing opportunities and other housing and community assistance resources. Fair housing materials will be published in English and Spanish. Additional housing programs related to fair housing and community assistance are identified in Housing Programs 7A through 7J.

- Modified Housing Program 6C (Continue Data Collection and Compliance with the Coastal Act and Housing Element-Related Requirements applicable to the Coastal Zone, including State-Mandated Accommodation of Housing Development Capacity), which will involve working with the Coastal Commission and HCD 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 of the potential development constraints associated with the development of affordable housing within the Coastal Zone and the need for preservation of existing long-term housing in the Coastal Zone per Housing Program 5C.

- Clarified that per Housing Program 6E (Environmental Justice Element), the City is voluntarily committing to adopt an Environmental Justice Element, as a new Element of the City's Community Plan, to further demonstrate its commitment to fair housing and public health. Note that work plans to prepare the Environmental Justice Element and the required update to the Safety Element are both currently in progress.

- Clarified Housing Program 6G (Objective Design Standards) will involve preparation of objective design standards for adoption in a new Chapter under the Title 23 Building and Construction regulations to apply to housing projects where the City's discretion over design review is otherwise preempted per State law. For example, projects requesting a density bonus per State law or projects on a site rezoned per State Housing Element law (Government Code Section 65583.2(h) and (i)).

  The new objective residential design standards are also intended to address other types of by-right/ministerial single dwelling unit development that is subject to the provisions of State Housing law including SB 9 and Accessory Dwelling Units (ADUs). On October 21, 2021, the City Council identified creation of these objective residential design standards as a priority and directed staff to work with the Design Review Board (DRB) and City Council housing liaisons to prepare the objective standards. Processing of an Ordinance will be subject to review by the City's Design Review Board and Planning Commission, prior to adoption by the City Council. Coastal Commission certification would not be required because the action would not amend the City's Local Coastal Program. This is because the new Program 6G objective design standards are not zoning requirements (DMMC Title 30). Instead, the new objective design standards are proposed to be incorporated into a new DMMC Chapter 23.07 in DMMC Title 23 (Building Construction) which sets forth the City's discretionary design review standards in the Design Review Ordinance (DMMC Chapter 23.08). DMMC Title 23 is not a part of the City's certified LCP.

- Modified the title and clarified the description of Housing Program 7A (Housing Funding Resources Including Housing Assistance and Housing Reserve Funds). Explained that the City currently accommodates four lower income households in existing housing through a rental subsidy that is allocated by the City Council from the General Fund. Through Housing Program 7A, the City will ensure that the funds accrued in the City's Housing Reserve Fund and Housing Assistance Fund remain

available during the 6th Cycle for implementation of at least four lower income households via rental subsidy and/or new affordable housing (i.e., for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels).

- Clarified that per Housing Program 7C (Resources for Persons with Disabilities) the City will publish an updated resource list that includes any additional opportunities relating to services and facilities available for persons with disabilities after implementation of various housing programs to address special needs housing options including Housing Program 4A (Residential Care Facilities) and Housing Program 4B (Emergency Shelters, Transitional Housing, Supportive Housing, Single Room Occupancy Units, and Low Barrier Navigation Centers). Once created, the City will make the updated list available to the public. Further, the City will monitor and respond to complaints of constraints to housing for persons with disabilities through coordination and assistance from local non-profits via Housing Program 7F.

- Added clarification to Housing Program 7D (Housing Choice Voucher Program) to indicate that there at least 199 persons on the waitlist for local housing assistance and the City continues to receive inquiries for what is an unaccommodated need across the region.

- Modified the title for Housing Program 7F to *Monitor and Respond to Complaints of Constraints to Housing for Lower Income Households and Persons with Disabilities* and clarified this will be done through coordination and assistance from local non-profits.

- Clarified under Housing Program 7G (Senior Housing Resources and Assistance) that the assistance will continue to be provided via Del Mar Community Connections and other local non-profit organizations.

- Modified the title for Housing Program 7I to *Maintain a Database of Community Assistance Programs Available to Residents, Including Programs Run by Local Non-Profit Organizations*.

- Updated the Table Summary of Quantified Objectives to fill in the missing data that was previously marked as “TBD” and correct the Table number to reflect it is part of Chapter 4 (not Chapter 3). The Table now reflects the correct RHNA numbers as well as the four existing lower income households that are currently assisted through rental subsidy via local housing assistance as allocated by the City Council from the General Fund.

  The revised Table clarifies that through Housing Program 7A, the City will ensure that the funds accrued in the City’s Housing Reserve Fund (directly funded by City Council from the General Fund) and Housing Assistance Fund (funded by housing mitigation fees from private development applications) remain available for implementation of at least four lower income households via rental subsidy and/or new affordable housing

(i.e. for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels). The Table also clarifies that the City currently does not have any constructed deed-restricted affordable units to be conserved or rehabilitated during the 6th Cycle.

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

ENVIRONMENTAL REVIEW:
The 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The 6th Cycle Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

Housing Programs in the 6th Cycle HEU are also covered, in part, by a separate PEIR (SCH No. 2019029058) prepared for the 5th Cycle Housing Element Programs 2E (NC zone) and 2F (PC zone). The NC/PC PEIR, which analyzed future housing in the NC, PC, and PF Zones, was certified by the City Council on September 8, 2020.

The NC/PC Final PEIR is available at: www.delmar.ca.us/Archive.aspx?ADID=1428. As such, no further environmental documentation is necessary.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
Adoption and certification of the City's 6th Cycle HEU was identified as a priority special project in the FY 2021-2022 Operating and Capital Budget.

ATTACHMENTS:
Attachment A – Resolution to Adopt the Revised HEU
Attachment B – HCD Letter Dated July 9, 2021
Attachment C – Sites Inventory
Attachment D – Correspondence from NC Zone and PC Zone Property Owners
Attachment E – List of Housing Programs

Attachment A

RESOLUTION NO. 2021-XX

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

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

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

WHEREAS, after a multi-year planning and public outreach work plan, on March 25, 2021, the City Council adopted General Plan Amendment (GPA 20-003) to adopt the 6th Cycle Housing Element covering the years 2021-2029 to replace the existing 5th Cycle Housing Element, which covers the prior planning period for the years 2013-2021 that ended on April 15, 2021; and

WHEREAS, HCD subsequently reviewed the City's adopted Housing Element and responded with a letter dated July 9, 2021, reporting the results of its review and identifying additional data and corrections needed for certification; and

WHEREAS, City staff in consultation with housing consultant Kimley Horn Associates collected the additional data and addressed the corrections needed; and

WHEREAS, the revisions generally cover three main topics including Topic 1: "Affirmatively Furthering Fair Housing" analysis to demonstrate compliance with Assembly Bill 686 (2018) and HCD's Guidance Memo that was published by HCD in April 2021; Topic 2: Sites Inventory modifications to demonstrate the City's plan includes adequate and realistic capacity to meet the assigned RHNA for lower income units; and Topic 3: Housing Program modifications to add specificity regarding timelines/incentives and specify actions targeted to remove identified potential constraints and impediments to affordable housing; and

WHEREAS, on November 9, 2021, the Planning Commission recommended that the City Council adopt the revised 6th Cycle Housing Element; and

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

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

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

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

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

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

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

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

WHEREAS, one key strategy in the 6th Cycle Housing Element is to vigorously pursue opportunities on the State Fairgrounds property to satisfy a significant portion of the City's required affordable housing which will require securing a Development

Agreement and Memorandum of Understanding with the State 22nd District Agricultural Association for a partnership to build units on the State Fairgrounds property; and

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

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

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

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

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

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

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

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

WHEREAS, notice of public hearing was posted, published, and mailed in accordance with State law informing the public of the scheduled Meeting of the City Council on December 13, 2021 to re-adopt the 6th Cycle Housing Element; and

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

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

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 13th day of December 2021.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2021-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 13th day of December 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Acting City Clerk
City of Del Mar

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 9, 2021

Ashley Jones, Interim City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Dear Ashley Jones:

RE: Del Mar's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Del Mar's (City) housing element, which was adopted March 25, 2021, and received for review on April 9, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted housing element addresses some statutory requirements described in HCD's December 17, 2020; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). In particular, the adopted element requires additional special needs data analysis, analysis regarding Affirmatively Furthering Fair Housing, and additional deliverables for housing programs listed. The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

The revisions must be adopted for the element to comply with State Housing Element Law (Article 10.6 of the Government Code). Therefore, the element will comply with State Housing Element Law when it is readopted to incorporate the revisions enclosed and submitted to HCD for review, pursuant to Government Code section 65585, subdivisions (b) and (g).

The housing element identifies sites smaller than one-half acre to accommodate housing for lower-income households. Absent the analysis required by Government Code section 65583.2, subdivisions (c)(2)(A) and (B), HCD did not consider these sites toward accommodating any portion of the Regional Housing Needs Allocation (RHNA) for lower-income households. Del Mar should not consider them adequate, available or additional sites pursuant to Government Code section 65863 (No-Net Loss Law).

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

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

HCD appreciates the dedication and effort that the City's housing element team provided throughout the course of the housing element review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX
City of Del Mar

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

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

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A).)*

   While the element provides general analysis regarding affirmatively furthering fair housing, such as additional analysis regarding the location of sites in low-to-moderate income neighborhoods, additional analysis is required. For example, the element must look at trends and patterns at the local and regional level for segregation and integration regarding disability, familial status, and income. Additionally, the element must analyze trends and patterns regarding race at the regional level; currently, the element does not provide any direct analysis.

   Furthermore, the element states that there are no Racially/Ethnically Concentrated Areas of Poverty (RECAP) areas in the jurisdiction; however, similar analysis is missing at the regional level. Additionally, though the element states that Del Mar does not have any RECAP areas, the element must analyze Racially Concentrated Areas of Affluence (RCAA) and the effects that these concentrated areas have on fair housing issues throughout Del Mar and the region.

   Detailing the access to opportunity in the jurisdiction, the element analyzes education, transit, and environmental health indicators at the local level, but does not provide similar analysis at the regional level. Moreover, the element must also analyze access to economic opportunity at both the local and regional level.

   When detailing the disproportionate housing need, the element must analyze the effects of cost burdened households, overcrowded households, substandard housing, and homelessness at the local and regional level; the element must also provide additional displacement analysis at the local and regional level.

   While the element relies on Regional Analysis to Impediments (AI) findings, the element must also include local data and knowledge and other relevant factors that contribute to fair housing issues in Del Mar. The element should rely on local expertise to relay

information and data not captured by analysis regarding fair housing issues in the jurisdiction.

Additionally, the element must fully analyze how the sites listed in the inventory affirmatively further fair housing. Currently, the analysis relies on racial analysis for lower-, moderate- and above moderate-income housing, but should also look at the proximity of lower-income sites to transit, schools, and other amenities. In addition, the element provides general contributing factors to fair housing issues based on AI findings, but must also rely on local knowledge and other known relevant contributors to fair housing issues to establish the contributing factors to fair housing issues. Once these have been established, the City should base their programs on the contributing factors and provide targeted actions with quantifiable outcomes to combat these fair housing issues in Del Mar. HCD encourages the City to utilize resources provided by HCD: https://www.hcd.ca.gov/community-development/affh/index.shtml. Please refer to the December 17, 2020 letter for additional information.

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

   Electronic Sites Inventory: While the site inventory now includes most of the required information, it still does not sufficiently describe existing uses to facilitate an analysis of the potential for redevelopment. The site inventory must provide additional narrative regarding the existing uses of the sites listed. Moreover, the sites inventory does not identify all of the sites the City is relying on to accommodate the lower-income Regional Housing Needs Allocation (RHNA). For example, the Fairgrounds site identified on pages 3-46 and 3-47 is not included. The sites inventory must include all sites that have been identified to accommodate the RHNA at all income levels. Additionally, if sites are planning on being consolidated, this information must be made available and must be included in the electronic sites inventory. The full use of the electronic sites inventory will assist Del Mar in fully meeting the analysis requirements of Government Code 65583.2.

   Realistic Capacity: The housing element did not address this finding. As noted in the December 17, 2020 HCD letter to the City, the element must include an analysis to support the number of units estimated on each site in the inventory and the likelihood of residential development in zones allowing non-residential uses (e.g., North Commercial and Professional Commercial zones). Currently, the element assumes full build-out of sites listed for very low- and low-income households but must also adequately support or correct this assumption based on factors such as land-use controls, overlay zone requirements, and other standards. While the element relies on the programs to support these assumptions, the programs does not make any commitments to incentives that will significantly support the development of residential uses on non-residentially zoned sites. Programs must be modified with quantifiable objectives, incentives to promote this development, and a timeline for these incentives to be available within the first portion of the planning period.

Suitability of Nonvacant Sites: While the element provides a statement that revised zoning standards will prompt new interest in the development of nonvacant sites, additional information and analysis is needed to demonstrate potential for additional residential development on these sites. For instance, the element cites general housing trends in the for the current market demand of units but does not relate how those trends relate to the sites listed in the inventory. Additionally, the element must further analyze the likelihood of redevelopment on these sites. Lastly, the element states that it does not have access to private party lease agreements or contractual agreements amongst private parties. However, the element does not relate any efforts made by Del Mar to contact property owners regarding potential residential redevelopment. As noted in the element, lease agreements constitute an impediment to redevelopment of nonvacant sites; Del Mar must explain the mechanisms through which these nonvacant sites were selected as viable sites for housing. Please see HCD's December 17, 2020 review for additional information.

Additionally, the housing element must re-evaluate the sites currently listed as vacant on Table B-3. Site 2991003000 is currently listed as vacant but according to San Diego Association of Government's (SANDAG) Parcel Lookup Tool, this site appears to have existing uses and improvements on the property. Del Mar should re-evaluate this site and appropriately distinguish whether the site is vacant or nonvacant. Depending on a complete site analysis, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period.

Affirmatively Furthering Fair Housing: The element provides general information regarding race and the location of the sites listed in the inventory, but it does not provide any additional analysis. Specifically, Del Mar must analyze the impacts of accommodating a significant portion of the lower-income RHNA at the Fairgrounds site. Additionally, other factors such as access to transit, schools, and employment should be analyzed when identifying sites to foster inclusive communities.

Small Sites: The housing element identifies sites (807 Camino Del Mar, 28th Street, and 10th Street) below the one-half acre threshold for meeting the lower-income RHNA. The element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). Currently, it is unclear by what means these sites will be made affordable, and absent any additional analysis, these sites will not be considered towards accommodating any portion of the lower-income RHNA. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels

suitable and ready for lot consolidation such as common ownership, or information from the owners of each aggregated site. Based on conversations with City staff, the element should describe the role of small sites being City-owned and proposed processes to facilitate development of lower-income housing on these sites.

Accessory Dwelling Units (ADU): The element was not revised to address this requirement. The element must describe the incentives and policies the City will offer to ensure the affordability of ADUs to meet the lower-income RHNA. For example, the element can describe interest in the renewal of the ADU incentive program and provide a justification for the percentage increase in affordable ADUs from 5% to 15%. Please see HCD's December 17, 2020 review for more information.

Environmental Constraints: The element was not revised to address this requirement. The element must provide information regarding the impact of mitigative efforts on the cost and feasibility of development in areas that are environmentally constrained. Please see HCD's December 17, 2020 review for more information.

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

   Housing for Persons with Disabilities: The element was not revised to address the reasonable accommodation procedure and approval findings. Please see HCD's December 17, 2020 review for more information.

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

Identified Densities and Approval Times: The element was not revised to address these requirements. The element must adequately identify these nongovernmental constraints. Please see HCD's December 17, 2020 review for more information.

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

   The housing element was not revised to address the special housing needs of farmworkers and persons with developmental disabilities. The element should look at the special housing needs of farmworkers relative to the region and should include jurisdiction-specific data on the number of persons with a developmental disability. Please see HCD's December 17, 2020 review for more information.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

   While the element was revised to provide timelines for several programs, Programs 6B (Affirmatively Furthering Fair Housing), 7A (Housing Assistance Reserve), 7D (Housing Choice Voucher), and 7G (Non-profit Housing and Assistance Programs) are still in need of a discrete timeline for implementation.

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

   Program 1E: Pursuant to Government Code section 65583, subdivision (c)(1), rezones to accommodate a shortfall must occur within three years of adoption of the housing element. Program 1E states that, should the agreement for the Fairgrounds property not

occur within 36 months of the adoption of the 6th cycle housing element, the City would rezone within 6 months of the end of the 36-month progress period for Program 3A. This timing does not meet statutory requirements. Program 1E's timing must be amended to rezone within three years of adoption pursuant to Government Code section 65583, subdivision (c)(1).

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

   The element was not revised to address this requirement. The element must establish programs that has specific outcomes for the development of extremely low-income households. Please see HCD's December 17, 2020 review for more information.

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

   As noted in Finding B4, the element was not revised to address this requirement. Upon a complete analysis of nongovernmental constraints, the element must add or modify programs, as appropriate. Please see HCD's December 17, 2020 review for more information.

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

   The element was not revised to fully address this requirement. Based on a complete analysis of fair housing issues in the jurisdiction, the element must create programs targeted at reducing impediments to fair housing in the jurisdiction. Please see HCD's December 17, 2020 review for more information.

C. Quantified Objectives

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

The element was not revised to address this requirement. The element must quantify objectives for conservation, rehabilitation and other City-assisted programs. Please see HCD's December 17, 2020 review for more information.

Appendix B: Candidate Sites Analysis

APPENDIX B: CANDIDATE SITES ANALYSIS

A. CANDIDATE SITES ANALYSIS OVERVIEW

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

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

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

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

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

1. WATER, SEWER, AND DRY UTILITY AVAILABILITY

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

2. ACCESSORY DWELLING UNITS (ADUS)

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

New legislation has made it so ADUs can be developed essentially wherever residential uses are permitted. In order to analyze the potential for ADU development within the 2021-2029 planning period, the City

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

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

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

Table B-1: 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		--	9	11
Existing Residentially Zoned Properties	3[5]		17[6]	11[6]	31
Accessory Dwelling Unit Production	15		45	40	100
Total Potential Capacity	**59**		**62**	**204**	**325**
Sites Proposed for Rezoning (if required)	54[7]		0	0	54
Total Sites Available	**113**		**62**	**204**	***379***
Sites Surplus/Shortfall (+/-)[8]	**0**		**+44**	**+174**	**+218**

Notes:
1. Relies on 807 CDM and 853 CDM.
2. Relies on 2002 Jimmy Durante Blvd. (JDB), 2010 JDB, 2120 JDB, 2126 JDB, 2148 JDB, and 2236 JDB.
3. Relies on APNs 299-100-47 and -48.
4. 4 units are attributed to one lot: City Hall expansion lot C (APN 300-093-17). This is candidate site 55.
5. 3 units are attributed to a City owned vacant lot in the RM-East zone (APN 299-030-12). This candidate site is in the Floodplain overlay zone.
6. Comprised of sites included within Table B-4.
7. 54 lower income units are planned for the State Fairgrounds property. If Program 3A is not timely implemented, then rezone per Program 1E will be required.
8. Calculated by taking the total sites available and subtracting the net RHNA obligation.

B.1 VERY LOW- AND LOW-INCOME CANDIDATE SITES INVENTORY

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

1. CALCULATION OF UNIT CAPACITY

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

Sites within the North Commercial (NC) Zone
Sites within the NC zone were primarily selected based on the sites proximity to the State Fairgrounds and connection to the City's main commercial corridor pursuant to the existing housing plan set forth per 5th Cycle Program 2E to create adequate sites in the NC zone. The sites were further evaluated for development potential based on site characteristics such as site size and potential development yield. The City adopted an ordinance in October 2020 and is in the process of gaining Coastal Commission certification of the locally adopted ordinance to allow the development of housing at 20 dwelling units per acre and to permit residential as the sole use within a site in these zones. In November 2020 a Referendum of the adopted Ordinance 973 was filed. In order for the Ordinance to become effective, it must be affirmed by a public vote or must be withdrawn by the Referendum proponent. The Referendum was withdrawn in September 2021, which means the Ordinance will become effective upon unconditional certification by the Coastal Commission.

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

of the potentially developable units (density multiplied by gross parcel acreage) for each site would be affordable at the lower income levels (based on the City's inclusionary housing ordinance requirements).

Sites within the 941 Camino del Mar Specific Plan

The 941 Camino del Mar Specific Plan is a zone that was adopted by the City Council and certified by the Coastal Commission. Based on the development agreement and various applications in process, the City anticipates two units for low income households to be developed on this site during the planning period (2021-2029).

Sites within the Public Facilities (PF) Zone

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

Sites within Residential Zones

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

Sites to be Rezoned

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

Table B-2: Residential Capacity on Sites to be Rezoned to 20-25 du/ac

Site Number/Name	Gross Acreage	Potential Units	
		Lower Income	Above Moderate
Site 1(a-f): North Bluff Properties	12.39	47-61	200-250
Site 98(a-c): South Stratford Properties	4.94	19-25	80-99
Total	**17.33**	**66**	**280-349**

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

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

2. SELECTION OF SITES

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

Sites were selected based on their potential viability to accommodate lower income housing within the 2021-209 planning period. This includes an evaluation of vacant land within the City (**Table B-3**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities.

Table B-3: Percentage of VL/L RHNA by Site Type

Site Type	# of Units	% of Lower Income RHNA Allocation (101 Units)
Vacant	59	58%
Non-Vacant	56	55%
Total	115	113%

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

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

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

3. DEVELOPMENT OF NON-VACANT SITES

While the City meets 50 percent of the Low and Very Low income RHNA on vacant sites, there is additional analysis required to support the assumptions for redevelopment of non-vacant sites.

Existing Lease Agreements

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 parties because they are private documents. Therefore, the City has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period, including past performance, an on-the ground existing use analysis and a market analysis to understand cost of land, construction, and development trends in Del Mar.

Experience Developing Non-Vacant

The City of Del Mar is a built-out community, with little vacant land available. Therefore, most recent construction is redevelopment of non-vacant sites. As growth continues, the City will utilize both the Housing Element and its policies to create new housing near economic opportunity and transit. The following approved projects illustrate a past performance and the viability of developing non-vacant sites within Del Mar.

Table B-4: Example Development of Non-Vacant Sites for Residential Uses

Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
941 Camino del Mar	11		Gas Station, Vacant	A mixed-use development with 2 low-income units
915 Camino del Mar	1	CC	Commercial Office, Retail, Restaurant	A commercial office/retail/restaurant with an added second story dwelling unit
320 11th Street	2	R2	Single Family Dwelling unit	A duplex development
1616 Camino del Mar	10	R2	Single Family Dwelling unit	Rezoned to Hotel Specific Plan to allow multiple dwelling units and short-term rental use

Existing Use on Candidate Sites

Table B-5 shows the existing uses on each of the candidate sites identified to meet Del Mar's RHNA need. The majority of the non-vacant sites identified are underutilized or are considered non-vacant per HCD's standards. However, these lots have viable capacity for redevelopment. Each site was analyzed based on viability for redevelopment. The sites were evaluated based on:

- Parcel acreage
- Availability of land for residential development
- Existing use
- Accessibility to resources and transit proximity

Table B-5: Existing Uses on Candidate Sites (Identified to Meet RHNA)				
APN	**Existing Building Square Footage**	**Maximum Buildable Area (Acres)**	**Remaining Buildable Area**	**Analysis**
3010100100	0	1.00	1.00	Privately-owned vacant land to meet lower income RHNA
3010100200	0	1.80	1.80	Privately-owned vacant lot with Tennis Court to meet lower income RHNA
3003211400	0	2.14	2.14	Privately-owned vacant land to meet lower income RHNA
2982410600	0	1.90	1.90	Privately-owned vacant lot with storage shed to meet lower income RHNA
2982410700	0	3.52	3.52	Privately-owned vacant lot with storage shed and paved driveway to meet lower income RHNA
2982412900	0	0.63	0	Privately-owned vacant land to meet lower income RHNA
2982413400	0	2.00	0	Privately-owned vacant land to meet lower income RHNA
2982413500	0	0.98	0	Privately-owned vacant land to meet lower income RHNA
2982413600	0	1.24	0	Privately-owned vacant land to meet lower income RHNA
2991002800	NA	0.51	NA	Construction storage/warehouse building to meet lower income RHNA
2991002700	NA	0.90	NA	Office buildings with associated parking to meet lower income RHNA
2990710600	35,850	2.12	1.30	Office building complex with associated parking to meet lower income RHNA
2990710700	14,550	1.42	1.09	Office building complex
2991003000	996	0.38	0.36	Small commercial beauty salon/office with associated surface parking to meet lower income RHNA
3002223100	10,586	0.56	0.32	Small commercial business/office with associated surface parking to meet lower income RHNA
3002223300	NA	0.30	NA	Office building with associated surface parking lot to meet lower income RHNA
2990301200	0	0.06	0	City-owned vacant lot to meet lower income RHNA
3000931700	0	0.10	0	City-owned vacant lot (part of overall City Hall complex) to meet lower income RHNA
2982603500	NA	12.32	NA	Horse stables for Del Mar Racetrack to meet lower income RHNA
2982710300	NA	10.31	NA	East main stable Parking lot and horse stables for the Del Mar Racetrack to meet lower income RHNA
2990212000	NA	0.31	NA	Privately-owned lot with Tennis court and greenhouse -above moderate income

Table B-5: Existing Uses on Candidate Sites (Identified to Meet RHNA)				
APN	**Existing Building Square Footage**	**Maximum Buildable Area (Acres)**	**Remaining Buildable Area**	**Analysis**
3000910400	0	0.18	0.18	Privately-owned vacant lot used as yard for two adjacent residential parcels – moderate income
3003910800	2655	0.24	0.18	Single Family Home and Yard on lot that allows duplex – above moderate
2991421100	1561	0.29	0.25	Single-Family Home with yard on lot that allows duplex – moderate income
2991421300	4859	0.35	0.24	Single-Family Home with yard on lot that allows duplex – moderate income
2990726300	0	0.57	0.57	Privately-owned vacant lot– above moderate income
3010321100	NA	0.38	NA	Non-conforming Car repair shop with associated parking in R1-14 zone – above moderate income
2992006500	12985	5.53	5.23	Subdividable large lot with Single-Family Home – above moderate income
2992006300	NA	2.14	NA	Subdividable privately-owned vacant lot with structure on it – above moderate income
2992007100	2519	3.91	3.85	Subdividable large lot with Single-Family Home – above moderate income
2992006400	3823	6.95	6.86	Subdividable large lot with Single-Family Home – Above moderate income
Note: NA = data not available through local and online sources.				

4. DEVELOPMENT OF SMALL SITE PARCELS

The City of Del Mar has identified 5 parcels that are smaller than half an acre in size and are planned to accommodate units affordable to lower income households. Assembly Bill 1397 identifies general size requirements for candidate housing sites designated to accommodate low- and very low-income units greater than half an acre and less than 10 acres in size.

Two of the "small site" parcels (2990301200 and 3000931700) are city-owned vacant lots that have been identified as part of the Sites Analysis to meet the lower income RHNA need. The City has total site control over these lots which means the City is able to facilitate development of small units for lower income households as needed during the 6th Cycle.

The remaining three "small site" parcels include 2236 Jimmy Durante Blvd (2991004900), 2148 Jimmy Durante Blvd (2991003000), and 807 Camino del Mar (3002223300). These parcels were chosen based on the zones allowable density per the 5th Cycle zone code amendments, interest from property owners, and staff insight of development opportunity. The parcels at 2236 Jimmy Durante Blvd and 2148 Jimmy Durante Blvd are located adjacent to one another and could be developed individually or consolidated. The owner for the parcel at 807 Camino del Mar confirmed that there are no limitations or restrictions that would prevent development of housing on their lot during the 6th Cycle and that they would be keeping their options open in consideration of what potential incentives and accommodations become available as a result of the housing programs. **Program 1I** (Streamlining and Incentives for Development of Lower Income Units) is

included in the housing plan to implement streamlining and incentives to facilitate development of lower income units on these parcels and other identified candidate sites. During the first year of the planning period the City will be conducting an economic study and zoning assessment to evaluate which permit processes (i.e. conditional use permits, lot consolidation) and development standards (i.e. floor area ratio, lot coverage, height) should be considered for incentives. Based on past performance and market trends it is likely for there to be interest in redevelopment of these parcels with multiple dwelling units and/or mixed use, particularly once the incentives become available.

Figure B-1: Map of Very Low and Low Income Sites

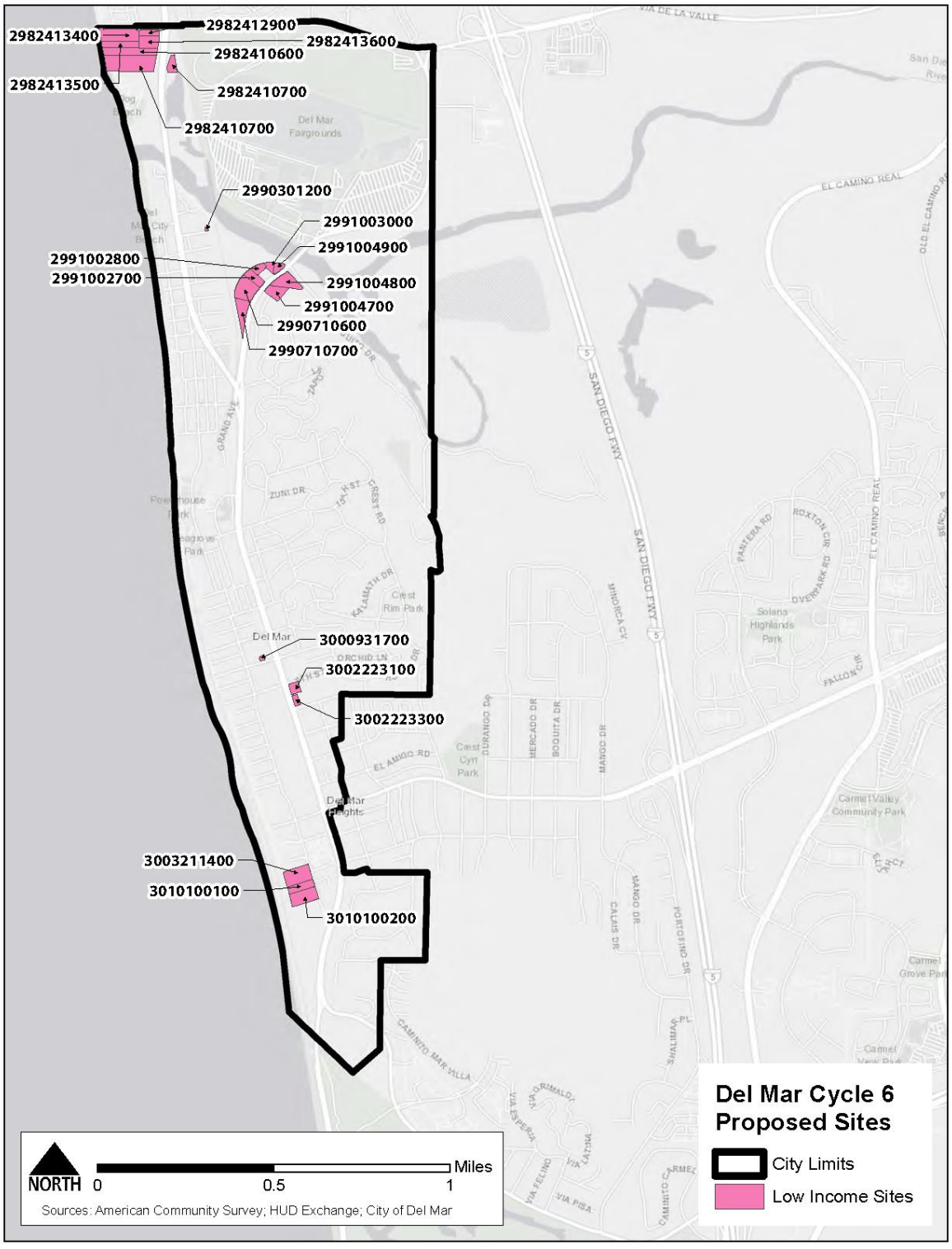


Table B-6: Low and Very Low-Income Sites											
APN	**Address**	**Gross Parcel Acreage**	**Net Parcel Acreage**	**Description (Existing Use)**	**Parcel Specific Comments**	**Ownership**	**Zone Designation**	**Overlay**	**Density**	**Potential Lower Income Units**	**Existing Use**
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)											
3010100100	Stratford Ct	1.00	0.90	Staver Family "estate property". PEIR Candidate site 98B	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	4-5	Privately-owned vacant land
3010100200	Stratford Ct	1.80	1.62	Staver Family "estate property". PEIR Candidate site 98C	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	7-9	Privately-owned vacant land with tennis court
3003211400	Stratford Ct	2.14	1.87	Staver Family "estate property". PEIR Candidate site 98A	Existing private open space area. (Vacant)	Torrey Pacific Group	R1-40	BSC, HEI (Proposed)	20-25	8-11	Privately-owned vacant land
2982410600	Border Ave	1.90	1.88	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1E	Vacant coastal bluff	Stensrud Lazier Holding Trust	R1-40	BSC HEI (Proposed)	20-25	8-10	Privately-owned vacant land with storage shed
2982410700	929 Border Ave	3.52	3.49	Nonvacant parcel in collection of identified vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1F	Single-family residential parcel on a large lot	Stensrud Lazier Holding Trust	R1-40	BSC, HEI (Proposed)	20-25	19-24	Privately-owned vacant land with storage shed and driveway
2982412900	Camino Del Mar	0.63	0.63	Collection of vacant parcels	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	2-3	Privately-owned vacant land

				adjacent to the coast. PEIR Candidate Site 1B							
2982413400	Border Ave	2.46	2.00	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1A	Vacant coastal bluff	Delfina Mar Development C	R1-14	BSC, HEI (Proposed)	20-25	9-12	Privately-owned vacant land
2982413500	Border Ave	1.21	0.98	Collection of vacant parcels adjacent to the coast. (Coastal Bluff Overlay Zone) PEIR Candidate Site 1C	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	4-6	Privately-owned vacant land
2982413600	Camino Del Mar	1.24	1.24	Collection of vacant parcels adjacent to the coast. PEIR Candidate Site 1D	Vacant coastal bluff	Delfina Mar Development C	R1-40	BSC, HEI (Proposed)	20-25	5-6	Privately-owned vacant land
North Commercial Parcels											
2991002800	2126 Jimmy Durante Blvd	0.51	0.51	Light industrial uses	Existing warehouse buildings	Read Family LLC	NC	LG	20	2	Construction storage/warehouse building
2991002700	2120 Jimmy Durante Blvd	0.90	0.90	Office/Light industrial uses	Four existing offices buildings	Knorr Donna M Trust 06-24-92	NC	LG	20	4	Office buildings with associated parking
2990710600	2010 Jimmy Durante Blvd	2.12	2.12	Office uses	Existing office complex	Bungalows Del Mar LLC	NC	LG	20	8	Office building complex with associated parking

2990710700	2002 Jimmy Durante Blvd	1.42	1.42	Commercial/Office uses	Tradewinds Village Retail Center	Hinds Investments LP	NC	LG	20	6	Office building complex
2991004800	Jimmy Durante Blvd	1.55	1.55	Vacant Parcel	Vacant Parcel	Watermark D M LP	NC	BSC, LG	20	6	Privately-owned vacant land
2991004700	Jimmy Durante Blvd	1.13	1.13	Vacant Parcel	Vacant Parcel	Watermark D M LP	NC	BSC	20	4	Privately-owned vacant land
2991004900	2236 Jimmy Durante Blvd	0.42	0.42	Vacant Parcel	Vacant Parcel	Marten R T	NC	LG	20	1	Privately-owned vacant land
2991003000	2148 Jimmy Durante Blvd	0.38	0.38	Commercial/ Office Uses	Small office business with surface parking lot	Matthews Erin M Separate Property Trust 11-23-16 Marten R T	NC	LG	20	1	Small commercial beauty salon/office with associated surface parking
Professional Commercial Parcels											
3002223100	853 Camino Del Mar	0.56	0.56	Commercial/ Office uses	Existing office complex	Del Mar Building Group LLC	PC		20	2	Commercial/office building with associated surface parking lot
3002223300	807 Camino Del Mar	0.30	0.30	Commercial/ Office uses	Existing commercial /office center with surface parking	Wuotan A LLC	PC		20	1	Office building with associated surface parking lot
City-Owned Parcels											
2990301200	28th Street	0.06	0.06	Vacant Parcel	Vacant Parcel	City of Del Mar	RME	LG	10.9	4	City-owned vacant land
3000931700	10th Street	0.1	0.1	Vacant Parcel Adjacent to City Hall Parking	City Hall Expansion Area C (Vacant)	City of Del Mar	PF			4	City-owned vacant land (part of overall City Hall complex)
State-Owned Parcels											

2982603500	2586 Jimmy Durante Blvd	12.32	12.32	Commercial/Fair ground uses	Multiple horse stables and related buildings	State of California	FR	Floodplain, LG		27	State-owned Horse stables for Del Mar Racetrack
2982710300	2587 Jimmy Durante Blvd	10.31	10.31	Commercial/Fair ground uses	Parking lot and multiple horse stables and related buildings	State of California	FR	Floodplain, LG		27	State-owned East main stable Parking lot and horse stables for the Del Mar Racetrack

B. 2 MODERATE/ABOVE MODERATE-INCOME CANDIDATE SITES INVENTORY

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

1. CALCULATION OF UNIT CAPACITY

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

2. SELECTION OF SITES

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

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

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

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

Figure B-2: Map of Moderate/Above Moderate Sites

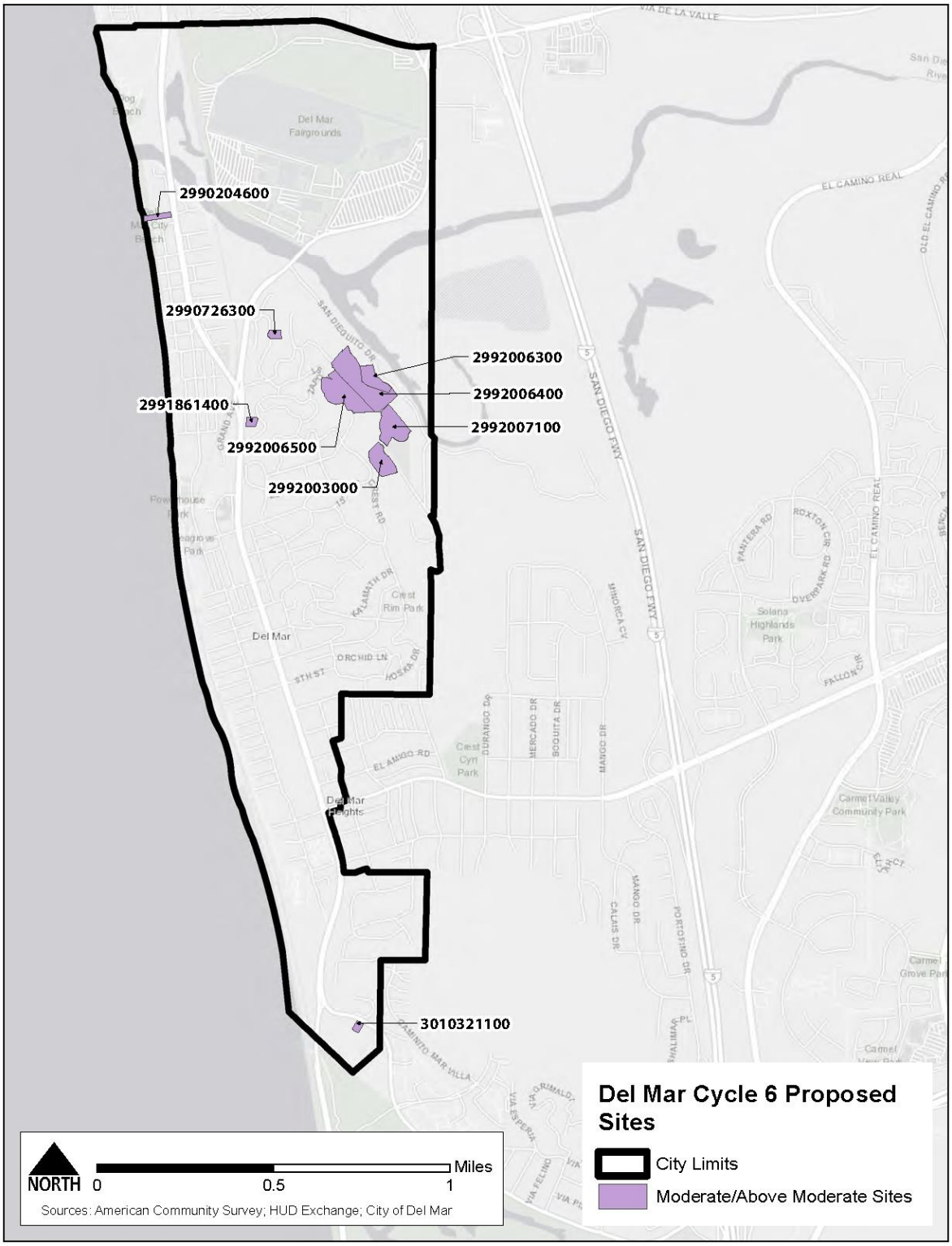


Table B-7: Above Moderate Sites									
APN	**Address**	**Parcel Size (AC)**	**Description**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**	**Existing Use**
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)									
2990726300	2069 SEAVIEW AVE	0.57	Vacant	Part of residential single family but mostly vacant large lot	R1-10		4.3	1	Mostly vacant elevated parcel with driveway
2991861400	DEL MAR CA 92014	0.50	Vacant	Part of residential single family but mostly large lot	R1-10		4.3	2	Vacant
2990204600	2920 CAMINO DEL MAR	0.71	Residential Single Family	Backyard of Residential Single Family	R1-10B		4.3	1	Vacant
3010321100	155 CARMEL VALLEY RD	0.38	Non-conforming Commercial	Non-conforming autobody repair shop with rear parking	R1-14	BSC, LG, OS, WUI	3.1	1	Car repair shop with associated parking
2992006500	690 SERPENTINE DR	5.53	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, OS, WUI	1	1	Single-family residential homes with elevated roads leading to driveway
2992006300	SAN DIEGUITO DR	2.14	Vacant	Large lot with structure on it	R1-40	BSC, LG, OS, WUI	1	1	Large lot with small structure on it
2992007100	1810 SAN DIEGUITO DR	3.91	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, WUI	1	1	Residential Single-Family Home with large lot
2992003000	DEL MAR CA 92014	2.79	Vacant	Large vacant lot	R1-40	BSC, WUI	1	2	Vacant
2992006400	2100 GATUN ST	6.95	Residential Single Family	Residential Single Family with Large lot	R1-40	BSC, LG, OS, WUI	1	1	Residential Single Family with Large lot

Table B-8: Moderate Sites									
APN	**Address**	**Parcel Size (AC)**	**Description (Existing Use)**	**Parcel Specific Comments**	**Zone Designation**	**Overlay Zone**	**Density**	**Potential Units**	**Existing Use**
Overlay Zones: Bluff, Slope and Canyon (BSC), Lagoon (LG), Open Space (OS), Urban/Wildland Interface (WUI)									
2990212000	2810 CAMINO DEL MAR	0.31	Residential	Tennis Court	R1-5B	FP	8.7	2	Tennis court near residential uses
3000910400	12TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2	Backyard/storage use of neighboring residential parcels
3001740200	9TH STREET	0.18	Vacant	Vacant lot with existing trees and landscaping	R2		12.5	2	Vacant
3003910800	1230 LUNETA DR	0.24	Single Family Residential	Single Family Residential with Yard	RMC		12.5	2	Single Family Residential with Yard
2991421100	1935 SANTA FE AVE	0.29	Single Family Residential	Single Family Residential with Yard	RMW		17.6	4	Single-Family Residential with yard
2991421300	1923 SANTA FE AVE	0.35	Single Family Residential	Single Family Residential with Yard	RMW		17.6	5	Single-Family Residential with yard

C. 3 22ND DISTRICT AGRICULTURAL ASSOCIATION (DAA)

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

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

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

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

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

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

Table B-9: Potential Residential Capacity within the Del Mar Fairgrounds

	Gross Acreage[1]	Net Acreage	Targeted Number of Lower Income Units
Del Mar Fairgrounds	220.45	5.65	54

1. The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.

Exhibit C

Item 02

WATERMARK DEL MAR

December 2, 2019

Planning Commission Members
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: December 3, 2019 Planning Commission Meeting, Item 2
ZA 18-002
GPA 19-002
LCPA 19-001

Dear Planning Commission Members:

Please review the attached correspondence dated March 14, 2019, and the associated petition from the majority of the NC and PC Zone property owners regarding the above-referenced amendments. The recommendations outlined on page 2 of the March 14, 2019 letter continue to be ignored.

We strongly urge you to take the necessary action to include modifications to the development standards in order to incentivize the construction of new housing units in the NC and PC Zones. We have outlined on page 2, seven specific recommendations for your consideration. Recommendations 1, 3, 4, 5, and 6 are critical to achieving the goals outlined in the Housing Element.

Continuing to apply the antiquated development standards found in the NC and PC Zones is seriously flawed. The rationale and recommendations for new development standards is clearly outlined in the March 14, 2019 letter.

We respectfully request your sincere reassessment of the proposed amendments in order to address numerous flaws and take the appropriate action to meet the Housing Element goals.

Watermark DM, L.P.,
an Arizona limited partnership

By: Watermark Del Mar, LLC
an Arizona limited liability company,
Its: General Partner

By: Kitchell Development Company,
an Arizona corporation
Its: Member

By: _____
Don Glatthorn
Senior Vice President

c: Mayor Haviland
City Council Members
Shaun McMahon

March 14, 2019

Shaun McMahon
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

RE: Professional Commercial and North Commercial Zoning Code Amendments

Dear Shaun:

This letter provides program and EIR scope inputs on the above-referenced zoning code amendment from the undersigned collaboration of property owners in the NC and PC Zones.

As property owners in the NC and PC Zones, we are vital stakeholders who will be subject to any zoning code amendments affecting those zones that are adopted by the City of Del Mar. We appreciate the challenge the City faces in balancing community character concerns with the need for increased densities in order to fulfill the goals of the Housing Element. Our intention is to proactively support the City's efforts to modify these zones in order to achieve more market rate and affordable housing opportunities within Del Mar. We also recognize that the process for evaluating such changes in land use involves substantial costs in staff resources and consultant time for the EIR preparation. Therefore, we believe it is important to enact a zoning amendment that will support your goal of promoting the construction of new housing units. Our concern is that focusing only on adding residential as an approved use (without concurrently addressing development standards) will result in an EIR that may be insufficient to address the effects of the proposed zoning code amendments. (*See*, City of Del Mar Community Plan Housing Element, p.46, stating: "In addition, the City will review its development codes to establish appropriate development standards for facilitating higher density residential development.")

Without modifications to the development standards, it is unlikely that the currently proposed zoning amendment will be sufficient to incentivize the actual construction of new residential units. Additionally, converting market rate commercial space to affordable residential space is a substantial reduction in value and will serve as a disincentive to building residential units. The goal of promoting constructed affordable units requires incentives, not disincentives. Furthermore, the removal of location-specific constraints cannot be accomplished without consideration of modifications to the development standards.

We encourage you to take a comprehensive approach to the zoning code amendment process by determining appropriate development standards as part of the project scope that specifically address known constraints and physical challenges. Below are some suggestions for standards to be considered. The City could study additional options as part of the EIR process. Regardless, we feel incorporating such standards and parameters for future development is critical to completing an EIR that can properly address the effects of the proposed amendment. Our recommendations are as follows:

1. Add residential as a permitted use "by-right" without a CUP requirement in the NC and PC Zones. Any residential use shall require that 20% of the market-rate units be set aside for affordable housing. The minimum size of an affordable unit shall be 400 square feet with no additional requirements for sizes of units.

2. Allow a project to be 100% commercial or 100% residential or any mix of commercial and residential uses.

3. Evaluate the potential of increasing FAR allocated for NC commercial to be consistent with the existing PC zone of 0.60 and allow for additional residential FAR up to 1.0 for a mixed use project or 100% residential project. This should be applicable in both the NC and PC Zones.

4. Consider increasing lot coverage for mixed use and 100% residential projects to 0.90 in both the NC and PC Zones.

5. Allow properties within the 100 Year Flood Plain in the NC Zone to measure maximum height limits from two feet above the base flood elevation, or elevation 20, when existing grade is below elevation 20.

6. Evaluate the potential for increasing height above two stories and 26 feet high in appropriate locations.

7. Evaluate parking requirements including the potential for on-street parking within the public right of way to support on-site parking requirements.

Adopting zoning code amendments which include the above recommendations will provide significant and meaningful incentives to produce affordable and market rate housing units pursuant to the goals and programs of the Housing Element. For reference, we have included an evaluation of development standards on similarly zoned sites in neighboring cities and Del Mar which are as follows:

Neighboring City Commercial & Mixed Use Zones

- Solana Beach FAR: 1.20 ("C" Zone)
- Encinitas FAR: 1.0 ("GC/VSC" Zones)

Current Del Mar Zone with Highest Density

- Del Mar RM West Zone: FAR 0.45 @ 17.6 units/acre, Lot Coverage: 0.60

Proposed New City of Del Mar NC and PC Zones

- Del Mar Proposed NC Zone: FAR 0.30 @ 20 units/acre, Lot Coverage: 0.40
  COMMENT: FAR is significantly below neighboring cities and significantly below existing Del Mar RM West Zone at only 17.6 units/acre.

- Del Mar Proposed PC Zone: FAR 0.60 @ 20 units/acre, Lot Coverage: 0.75
  COMMENT: PC Zone is currently built out, FAR increase will be necessary to obtain housing units.

We urge you to revise the project details to be evaluated by the EIR in order to analyze the data correctly the first time, and provide meaningful input to the City Council in making decisions regarding this proposal.

Respectfully,

c: City Council
Planning Commission

Name/Signature	Ownership Name	Property APN or Address
Jon Glatthorn	Watermark DM, LP	299-100-47 299-100-48
Charles A. Dunn	Del Mar Bldg Group II, LLC	300-222-31-00
Teri Mathys	2201 Del Mar LLC	299-100-34-00 2201 San Dieguito Drive
BRAD JOHNSON	Harbor Associates	299-071-06-00 2010 Jimmy Durante Del Mar
Pamela Stonebreaker, Pamela K Stonebreaker	Pamela K Stonebreaker Trust	299-100-29-00 2137 Jimmy Durante Blvd, Del Mar 92014
RANDALL READ	READFAMILY LLC	299-100-28-00 2126 Jimmy Durante Blvd
GREGORY R. HINDS	HINDS INVESTMENTS L.P.	299-071-07-00 2002 Jimmy Durante Blvd
H. Sushil	Wuotaw LLC 300-222-33-00	807-823 Camino Del Mar
Judy Reichert	Oceans 8 View	322 8th St. Del Mar Ca. 300-222-32-00
Donna Knorr	Donna M Knorr 1992 Trust	2120 Jimmy Durante Blvd Del Mar CA 92014 299-100-27-00

Attachment E

	Program (and time frame)	**Action**
1	**1A North Commercial** (by June 2022)	Finalize Coastal Commission certification of local approvals gained during 5th Cycle to allow 20 du/ac on select parcels (ordinance/LCPA)
2	**1B Professional Commercial** (by June 2022)	Finalize Coastal Commission certification of local approvals gained during 5th Cycle to allow 20 du/ac (ordinance/LCPA)
3	**1C Central Commercial** (by April 2024)	Amend the CC Zone to allow 20 du/ac (plan amendment and ordinance/LCPA)
4	**1D Economic Study and Affordable Housing Overlay Zone** (Economic study by December 2022; overlay by December 2025 if needed)	Conduct economic study and zoning assessment. Evaluate whether to create overlay zone. Involves coordination with stakeholders (hotels, Plaza, multi-dwelling in RM zones), and present findings to City Council. If City has not secured at least 30 affordable units by December 2025 must proceed with overlay zone. (economic study; potential ordinance/LCPA)
5	**1E Rezone of Vacant Land on North Bluff/South Stratford Properties** (This contingency program is required only if Program 3A is not timely implemented by December 2024)	If City is unable to timely reach agreement with Fairgrounds, then must implement rezone to 20-25 du/ac by right via overlay zone to create capacity for at least 54 lower income units. (potential plan amendment, ordinance/LCPA)
6	**1F Manufactured Housing** (by December 2023)	Update needed per State law (ordinance/LCPA)
7	**1G Density Bonus** (by December 2023)	Update needed per State law (ordinance/LCPA)
8	**1H Public Facilities Zone** (28th Street Clean-up Rezone/LCPA by December 2022; Zone Amendment by December 2024)	Process clean-up Rezone/LCPA for 28th Street lot by December 2022. Amend PF zone by December 2024 to allow residential as primary use to accommodate affordable housing. (ordinance/LCPAs)

9	**1I Streamlining and Incentives for Affordable Housing** (Economic study/zoning assessment by December 2022; and Ordinance/LCPA by December 2024)	Conduct economic study and zoning assessment. Evaluate existing regulations and identify potential changes to remove constraints as necessary to facilitate affordable housing. (Economic study/zoning assessment and ordinance/LCPA)
10	**1J Establish Program for Coordination with Affordable Housing Developers** (by December 2022)	Establish new program for regular outreach with San Diego Housing Federation and affordable housing developers. Use for mutual benefit to gain insight towards development of realistic strategies to facilitate affordable housing, including strategies that can work at the Fairgrounds. Coincide initial outreach with economic study for Programs 1D, 1I, 2A, and 3A (program for outreach/meetings)
11	**2A Extend and Enhance ADU Pilot Program - Incentive Program** (Ordinance to extend program by May 2022; Economic study/zoning assessment by December 2022; Ordinance to add incentives/modify program by December 2023)	Process an extension of the current incentive program by May 2022. Prepare an economic study and zoning assessment. Process ordinance to incorporate additional incentives and/or program modifications to increase participation in the program. (Ordinance to extend ADU Incentive Program, Economic study/zoning assessment, Ordinance to add incentives/modify program)
12	**2B ADU Amnesty Program** (by December 2023)	Establish ADU Amnesty Program to allow owners with unpermitted ADUs to legalize the ADUs so that the City can count them toward its inventory (ordinance)
13	**2C Promotion of Deed-Restricted Low Income ADUs** (by December 2023)	Develop outreach materials to promote deed restricted low income ADUs with goal to reach at least 15 low income ADUs to meet RHNA (web update/outreach)
14	**2D Tracking of ADU Progress** (ongoing annual actions)	This is done as part of Annual Progress Reports (spreadsheet tracking & reports to Council)
15	**2E Mid Cycle ADU Production Evaluation** (by April 2025)	Process additional amendments if needed to spur production of ADUs for low-income households (spreadsheet tracking & potential ordinance)

16	**2F Tiny Houses** (by December 2023)	Process ordinance to clarify tiny houses are allowed per ADU regulations and identify additional circumstances where tiny houses can be allowed. (ordinance/LCPA)
17	**3A Agreement with State to Build Affordable Housing Units on State Fairgrounds property** (Economic study/Assessment by December 2022; MOU and binding agreement by December 2024)	Conduct economic study of market conditions, assessment of multi-unit product types, and identify potential funding sources. Initiate process to secure agreement with 22nd District Agricultural Association (DAA) and affordable housing developer. Identify how housing will count towards RHNA. Binding agreement due by December 2024 or else contingency rezone (Program 1E) will be required. (development agreement, MOU, RFP)
18	**4A Residential Care Facilities** (by December 2023)	Process ordinance for compliance with State law (ordinance/LCPA)
19	**4B Emergency Shelters, Transitional Housing and Supportive Housing, and Low Barrier Navigation Centers** (by December 2023)	Process ordinance for compliance with State law. Develop procedures to connect public with resources. (ordinance/LCPA and policy/procedures)
20	**4C Shared Housing Program** (ongoing)	Continue to offer shared housing program/free roommate referral services via Del Mar Community Connections (outreach)
21	**4D Inclusionary Housing Ordinance** (by December 2024)	Process amendments for compliance with State law (ordinance)
22	**4E Condominium Conversions** (by December 2024)	Continue to implement existing processing requirements of Subdivision Map Act and mitigation requirements per DMMC 24.21.025 (publish procedure/amend ordinance with Program 4D)
23	**5A Monitor the Renovation and Improvement of existing Multi-Unit Structures with Non-Conformities** (ongoing)	Continue to allow retention of non-conforming structures with three or more units to renovate and make improvements to these existing multiple dwelling unit structures. Monitor the number of projects that utilize this program and identify the number of units

		conserved or rehabilitated where applicable. (publish procedure)
24	**5B Require Housing Impact Statement in Reports** (by January 2022)	Establish policy and implement (policy/procedure)
25	**5C Preserve Existing Housing Stock/Short Term Rental Controls** (Ordinance by December 2024)	Continue to establish policies and programs that more effectively address regulations for short term rentals as a means to preserve long term housing stock (ordinance/LCPA)
26	**6A SB 35 Streamlining – Notice of State Law Exemption for Coastal Cities** (by January 2022)	Provide notice to the public that the City of Del Mar is a coastal city that is exempt from SB 35 (post notice on web page)
27	**6B Affirmatively Furthering Fair Housing per AB 686** (ongoing annual reporting requirements)	Participate in regional efforts, partner with organizations to review and refer discrimination complaints, and implement various actions. (outreach and funding)
28	**6C Continue Data Collection and Compliance with the Coastal Act and Housing Element-Related Requirements applicable to the Coastal Zone, including State-Mandated Accommodation of Housing Development Capacity** (ongoing annual reporting requirements)	Continue to collect data and maintain records regarding affordability. Work with the Coastal Commission and HCD 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. (spreadsheet tracking and annual reports)
29	**6D Solar Panel Installation Partnership** (by December 2024	Partner with Renewable Cities San Diego to install solar on housing for lower income households (resolution)
30	**6E Environmental Justice Element** (by December 2022)	Process Community Plan Amendment to establish policies to reduce community health risks and address Affirmatively Furthering Fair Housing Issues per Assembly Bill (AB) 686. (General Plan Amendment)

31	**6F Vote Threshold for Housing-Related General Plan Amendment** (by December 2025)	Explore whether to modify local vote threshold for super majority to apply State's simple majority (study and potential ordinance/public vote)
32	**6G Objective Design Standards** (by June 2023)	Prepare and process objective design standards for housing that is eligible for by-right processing (ordinance)
33	**7A Housing Funding Resources Including Housing Assistance and Housing Reserve Funds** (ongoing)	Continue to make funds accrued in the Housing Assistance Reserve fund available for affordable housing. Continue to support the existing tenants participating in the local rental subsidy program until they leave the program. Transition City assistance towards investment in the development of an equivalent number of permanent affordable housing units (four units for lower income households). (annual report to City Council with budget)
34	**7B Interfaith Partnership Opportunities** (ongoing)	Continue to encourage inter-faith shelter network rotating shelter and St. Peter's Helping Hands (annual report to City Council with budget)
35	**7C Resources for Persons with Disabilities** (ongoing)	Publish a resource list of programs and opportunities for persons with disabilities (updated list to be published within 3-6 months of ordinances processed per Programs 4A and 4B)
36	**7D Housing Choice Voucher Program** (ongoing)	Contract with the County of San Diego for Housing Choice Voucher Program (resolution to process contract)
37	**7E Fee Waiver Program** (ongoing)	Continue the fee waiver program (resolution to extend fee waiver if needed)
38	**7F Monitor and Respond to Complaints of Constraints to Housing for Lower Income Households and Persons with Disabilities** (ongoing)	Monitor and respond to complaints of constraints to housing for lower income households and persons with disabilities such as impediments to maintenance, improvement, or development of such housing.

		Continue to work with local non-profits to connect people with assistance and resources. (annual report to City Council with budget)
39	**7G Senior Housing Resources and Assistance** (ongoing)	Continue to partner with Del Mar Community Connections (resolution to extend contract)
40	**7H Student Housing Resources and Assistance** (ongoing)	Connect students with affordable housing options in Del Mar, including ADUs (outreach/resource list)
41	**7I Database of Community Assistance Programs** (ongoing)	Maintain list of community assistance programs (resource list)

City of Del Mar
Memorandum

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner
Joseph D. Smith, AICP, Planning and Community Development Director

DATE: December 10, 2021

SUBJECT: Red Dot Item 16: Adoption of a Resolution for the 6th Cycle Housing Element to Incorporate Revisions Required by the California Department of Housing and Community Development (HCD) and Re-Adoption of the General Plan Amendment (GPA20-003)

Item 16 on the December 13, 2021 City Council agenda is a request to re-adopt the 6th Cycle Housing Element. Since the distribution of the Council packet, City staff is continuing to coordinate with HCD staff in an effort to confirm that the revised Housing Element presented to the City Council on December 13 will be sufficient to gain HCD certification approval.

The interagency coordination to-date resulted in additional changes to the materials distributed with the Council packet. As summarized below, further revisions were incorporated into the Housing Element to address HCD's requests for additional information:

1) Incorporated additional data related to the three privately-owned "small sites" (candidate sites that are less than one-half acre in size) identified in the City's sites inventory, which included preliminary estimates for construction costs and sales price of the market rate units. This information is necessary to demonstrate to HCD that the City's housing strategy is feasible in spite of the candidate sites being non-vacant or "small sites" and demonstrates there is reasonable capacity – see HEU Chapter 3 p.3-53 to 3-59

2) Incorporated additional data (tables/figures), analysis, and summary conclusions related to fair housing, including data on race composition for jurisdictions in the region. Additionally, the analysis explains how prospective housing on the State Fairgrounds property (Program 3A) would be integrated within the Del Mar community. – see the complete revised AFFH analysis (HEU Chapter 3 p.3-77 to 3-124) and Fairgrounds strategy description (HEU Chapter 3 p.3-68 to 3-70)

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3) Incorporated clarifying information into Chapters 3 and 4 to further reinforce and explain the City's commitment to prepare economic studies/zoning assessments, adopt ordinances to create incentives for projects with an affordable housing component, and follow through with continued monitoring of progress and processing of additional changes to modify/expand the incentives if the City is not meeting its RHNA targets. – see Chapter 3 p. 3-53 to 3-59 and Chapter 4 p.4-14 to 4-18

4) Clarified within Chapter 4, Programs 7G (Resources for Senior Housing) and 7H (Resources for Student Housing) that materials will be posted and distributed as they are created and made available. – see Chapter 4 p.4-38 to 4-39

5) Clarified in the Chapter 4 "Quantified Objectives" table related to unit rehabilitation goals for the 6th Cycle, that the ADU Incentive Program 2A, ADU Amnesty Program 2B, and Tiny Homes Program 2F are intended to facilitate rehabilitation and legalization of existing small accessory structures as habitable buildings that meet the criteria for a dwelling unit. – see Chapter 4 p.4-40

6) Addressed various inconsistencies in the description of candidate sites within the Sites Inventory. – see Sites Inventory (via link to City web page below)

The revised Housing Element, including the revisions to Chapters 3 and 4 and the Sites Inventory described above, will be presented at the Council meeting on December 13.

To facilitate review of the revised documents prior to the public hearing, the pertinent excerpts are attached to this red dot memorandum. The complete revised Housing Element document and revised Chapter components can be reviewed at the following links:

Revised Housing Element: https://www.delmar.ca.us/DocumentCenter/View/7844

Revised Chapter 3: https://www.delmar.ca.us/DocumentCenter/View/7887

Revised Chapter 4: https://www.delmar.ca.us/DocumentCenter/View/7888

Sites Inventory: https://www.delmar.ca.us/DocumentCenter/View/7889

Attachment: Excerpts Specific to the Chapter 3 and 4 Revisions Described Above

- 2992006500 - 690 SERPENTINE DR - 1 UNIT~~S~~
- 2992006300 - SAN DIEGUITO DR - 1 UNIT~~S~~
- 2992007100 - 1810 SAN DIEGUITO DR - 1 UNIT~~S~~
- 2992003000 - DEL MAR CA 92014 - 2 UNITS
- 2992006400 - 2100 GATUN ST - 1 UNIT~~S~~

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 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. Conversion of existing uses to housing with an affordable component is likely to occur during the planning period once the economic studies are completed and additional incentives for development of affordable housing are available. The studies are targeted to be completed within the first year of the planning period and are expected to support successful implementation of the adopted housing strategy.

Small Sites

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. 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. 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. The conceptual designs and information on costs will also help the City evaluate if and when to pursue development of 3-4 affordable units on the

candidate 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 for redevelopment of a former gas station site with mixed use development including, 11 units (9 market-rate, 2 affordable) in 2019
- 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 ~~unit~~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. The Ordinances are pending certification by the Coastal Commission. 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 subsect 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~~) 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 at least 0.60 FAR in the NC Zone and to allow at least 1.0 FAR in the NC and PC Zones 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 1I** 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 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 plan will involve preparation of economic studies/zoning assessments within the first year of the planning period and adoption of ordinances with regulatory incentives for projects with an affordable component. ~~Development~~ Multiple dwelling unit projects with an affordable housing component, ~~in infill areas like the Del Mar commercial corridor~~ that meet the criteria per State law, may currently utilize density bonus provisions to construct 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 ~~can be helpful in bringing~~ is expected to be necessary to incentivize property owners to develop projects with affordable housing units as further described below. ~~to the market~~.

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 18, 2020, 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 square footage allowances for the site. The program will be extended prior to May 2022 and additional incentives will be considered and incorporated as needed to meet the City's target of obtaining deed restrictions for 15 lower income ADUs during the 6th Cycle.

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 at least 0.60 FAR in the NC Zone and to allow at least 1.0 FAR in the NC and PC Zones 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 1D ~~1H,~~ 1I, 1J, 2A and ~~5C~~ 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.

The City has also established **Program ~~1D~~ 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~~, and 1D~~ 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~~ir~~ 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 ~~require the number of affordable units anticipated in the Housing Element,~~ 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 ~~permit the~~clarify that development of housing units is an allowed use on ~~these~~ 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~~ City to meet the~~ir~~ 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. It is reasonable to assume due to location and proximity to major retail and transportation corridors that affordable housing developed on this site would serve the residents of Del Mar.

Development of affordable housing at the State Fairgrounds would require an agreement or memorandum of understanding (MOU) between the State of California and the City of Del Mar, with consideration also for the cities of Solana Beach and/or San Diego, and likely an affordable housing developer. As this agreement does not currently exist, the City cannot rely on potential development within the Fairgrounds towards meeting its RHNA need until such time an agreement is executed. Therefore, the City was required to identify a contingency plan in the Housing Element as an assurance that if the City is unable to timely implement **Program 3A**, the City will process a rezone of vacant land in accordance with **Program 1E** to create adequate sites at sufficient density to meet the City's lower income RHNA need 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 ~~51~~ 54 affordable units. See **Table 3-9~~11~~** 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 ~~site~~ State-owned property will ~~occur~~ include multiple dwelling unit development that yields at least 54 units affordable to lower income households~~a minimum density of 20 dwelling units per acre~~.

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 ~~approximately~~ 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. Further, the development of housing at this location assists 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.

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]	Net Acreage	Max Density (DU/AC)	Potential Units
State Fairgrounds	220.45	5.65	20	54

1. *The Gross Acreage calculation includes only parcels within the fairgrounds property where it is anticipated that future housing may occur with minimal disruption to existing uses.*
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.*

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.

for residents in apartment complexes. This program promotes qualified energy-efficient improvements in apartment dwelling units, common areas of apartment of 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 ~~AI~~ 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 ~~Regional Analysis of Impediments~~ (AI) ~~to Fair Housing Choice~~ 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 ~~develops~~

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 section provides a local analysis of fair housing within Del Mar. Additionally, there are local, regional, and State assistance and resources available to residents and persons looking for affordable housing within Del Mar.~~ 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.

~~This section of the Housing Element references analysis from the FY 2020-2025 AI in order to identify potential impediments to housing that are specific to Del Mar. 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.~~

~~NEEDS ASSESSMENT~~

The AI contains a ~~Countywide~~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.

Table 3-12: Del Mar Lending Patterns by Race/Ethnicity (2017)

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%

Table 3-12: Del Mar Lending Patterns by Race/Ethnicity (2017)			
Race and Income Group	**Approved**	**Denied**	**Withdrawn/Incomplete**
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

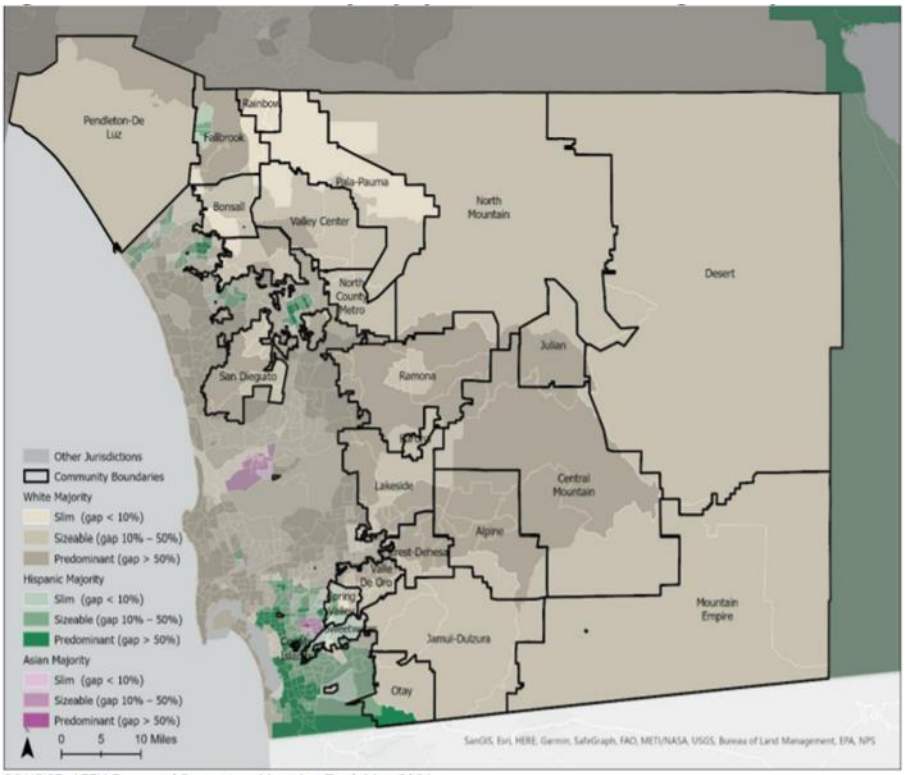
An understanding of the racial and ethnic composition of Del Mar's population compared to the region is important in order to analyze potential impediments to fair housing. **Table 3-13** shows that the population in the City of Del Mar is 96% White, which is similar to other North County coastal jurisdictions 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.

Table 3-13: Racial Composition (2017) – San Diego County Cities and Region							
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 3-3 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).

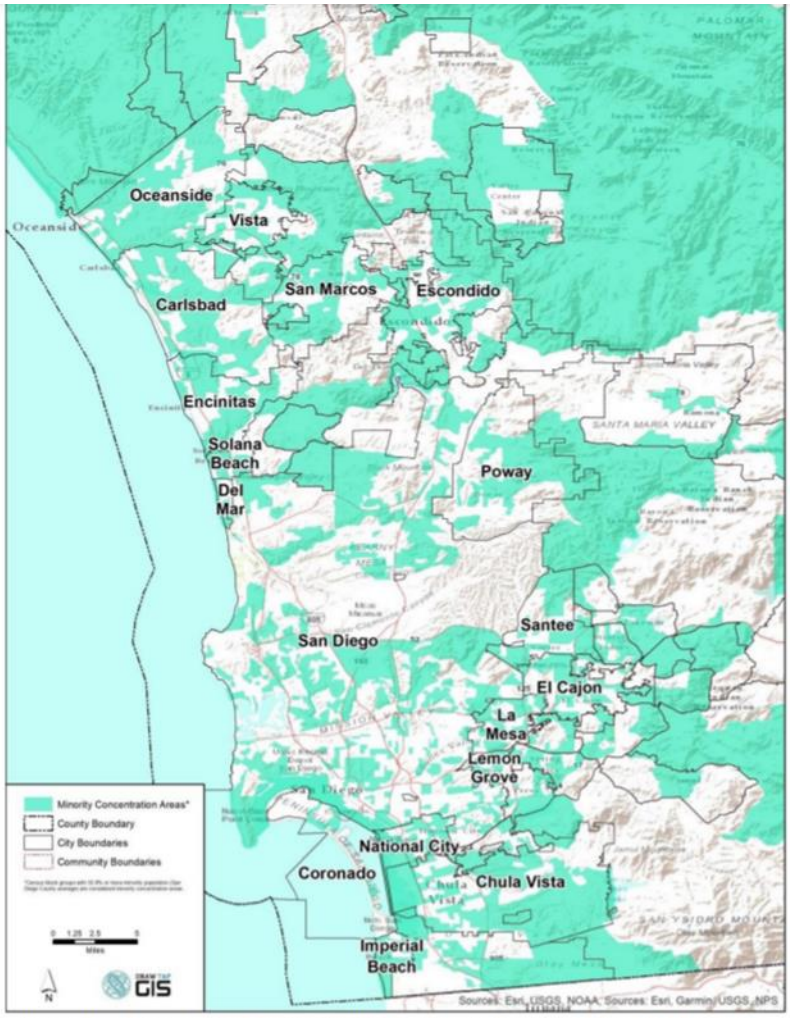
FIGURE 3-3 – RACIAL AND ETHNIC MAJORITY BY CENSUS TRACT – SAN DIEGO COUNTY



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 3-2** demonstrates that there are minority concentration areas located throughout the San Diego region.

Figure 3-4 – Minority Concentration Areas in San Diego Region



SOURCE: San Diego Regional Analysis of Impediments to Fair Housing Choice (based on 2013-2017 ACS), August 2020.

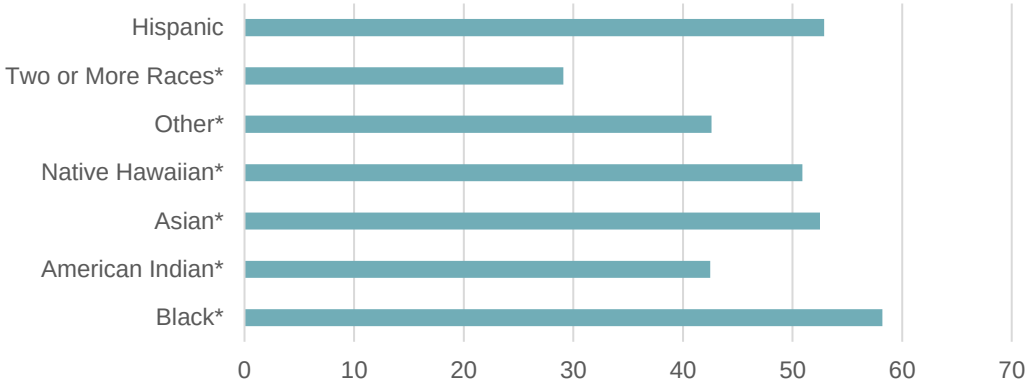
INTEGRATION AND SEGREGATION PATTERNS AND TRENDS

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 country[6]. 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 3-5: Dissimilarity Index with White Population, San Diego Metropolitan Area



	Black*	American Indian*	Asian*	Native Hawaiian *	Other*	Two or More Races*	Hispanic
Dissimilarity with White Population	58.2	42.5	52.5	50.9	42.6	29.1	52.9

*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 3-5** 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.

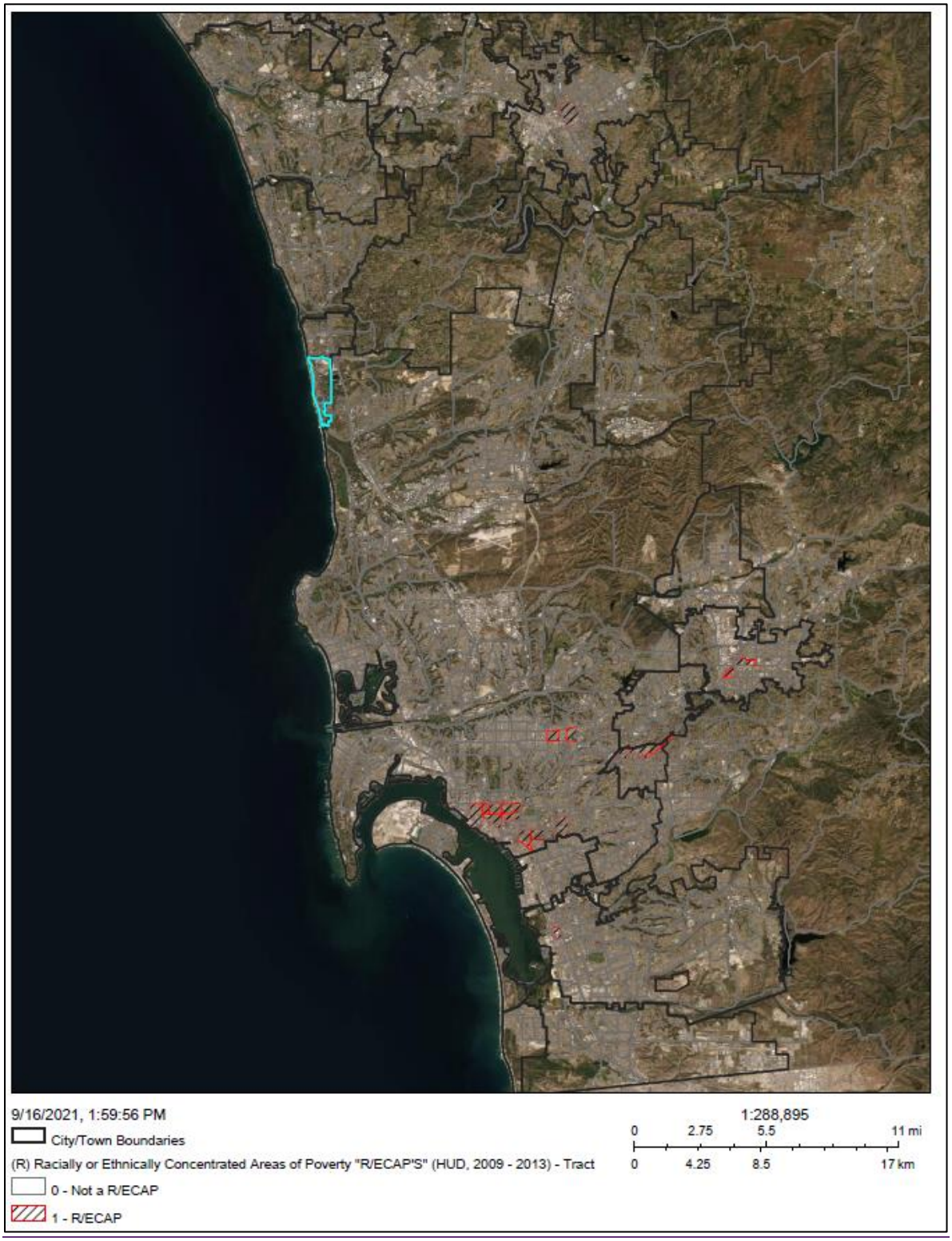
RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAP)

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 Developments 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 3-4 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 3-6: 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).7 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 track 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.

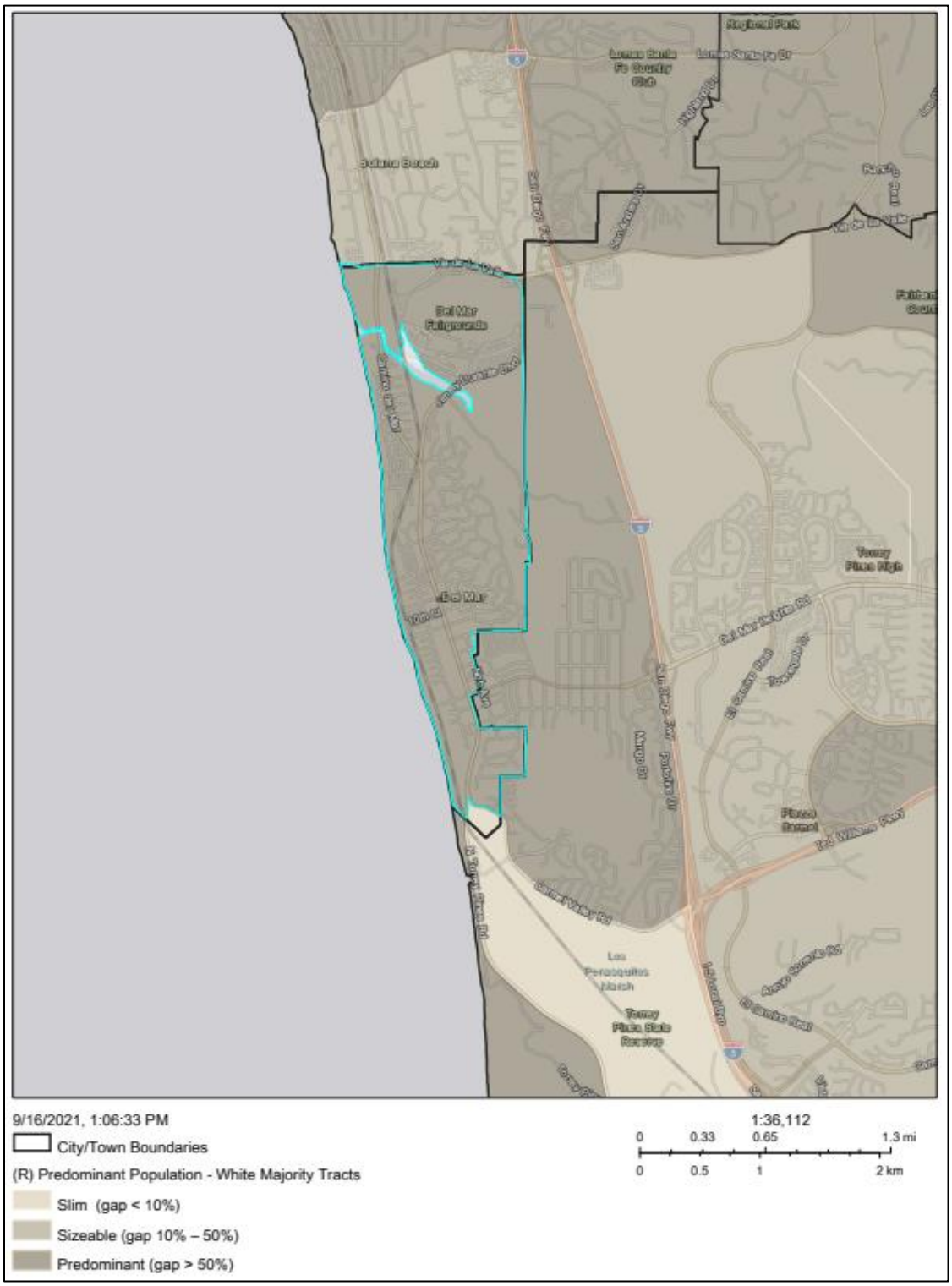
Overall, RCCAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices. Postwar patterns of suburbanization in many metropolitan areas were characterized by White communities erecting barriers to affordable housing and engaging in racially exclusionary practices. **Figure 3-5** shows that almost the entire City is made up of a majority White population. In addition, **Figure 3-6** 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 3-6** 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.

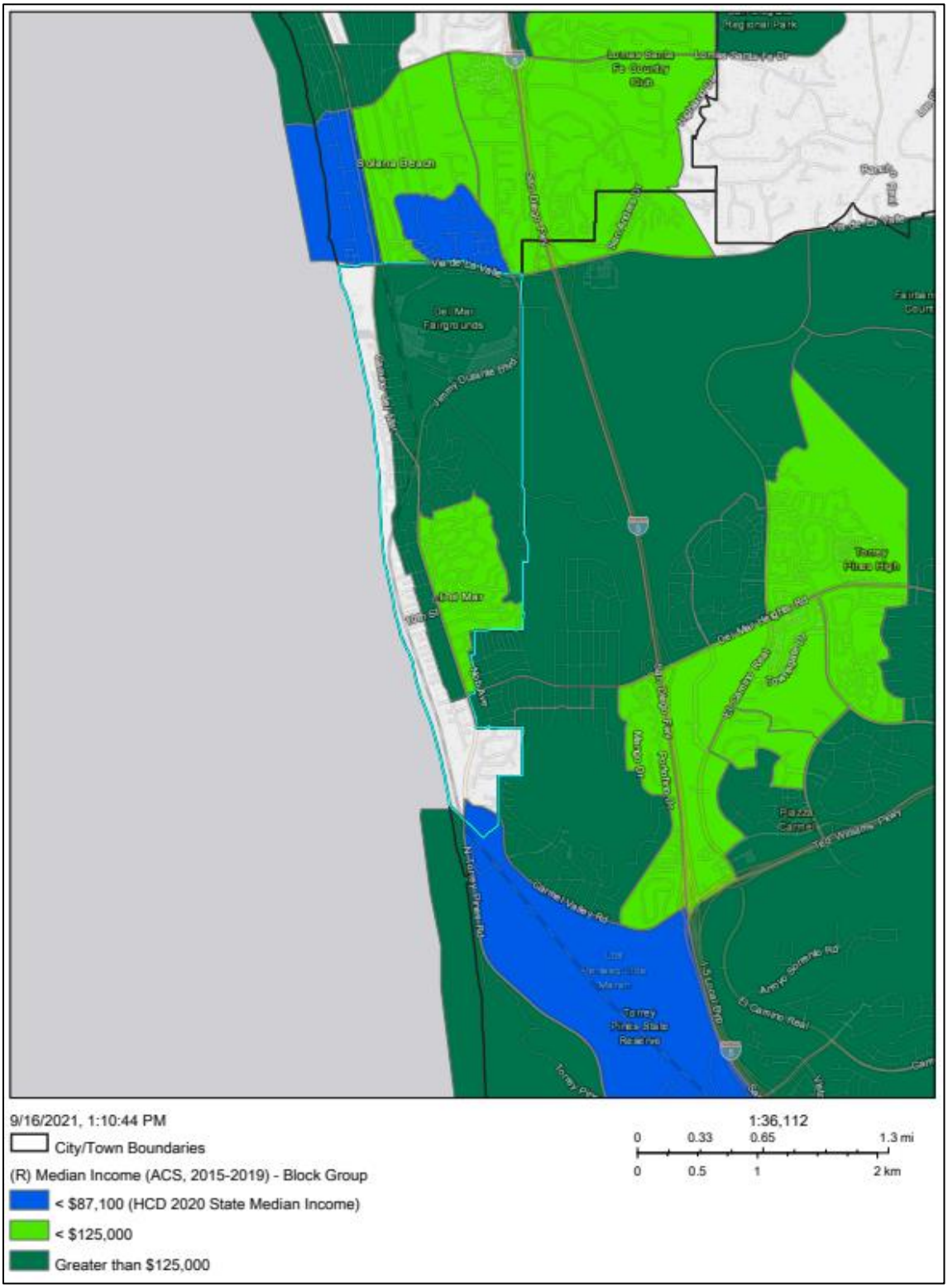
While the data shows many of the candidate housing sites are identified within concentrated areas of affluence, various policies and programs within the Chapter 4 Housing Plan are established to promote affordable housing and greater access to households of all income levels. As the City of Del Mar is 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 3-7: Majority White Population, Del Mar



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

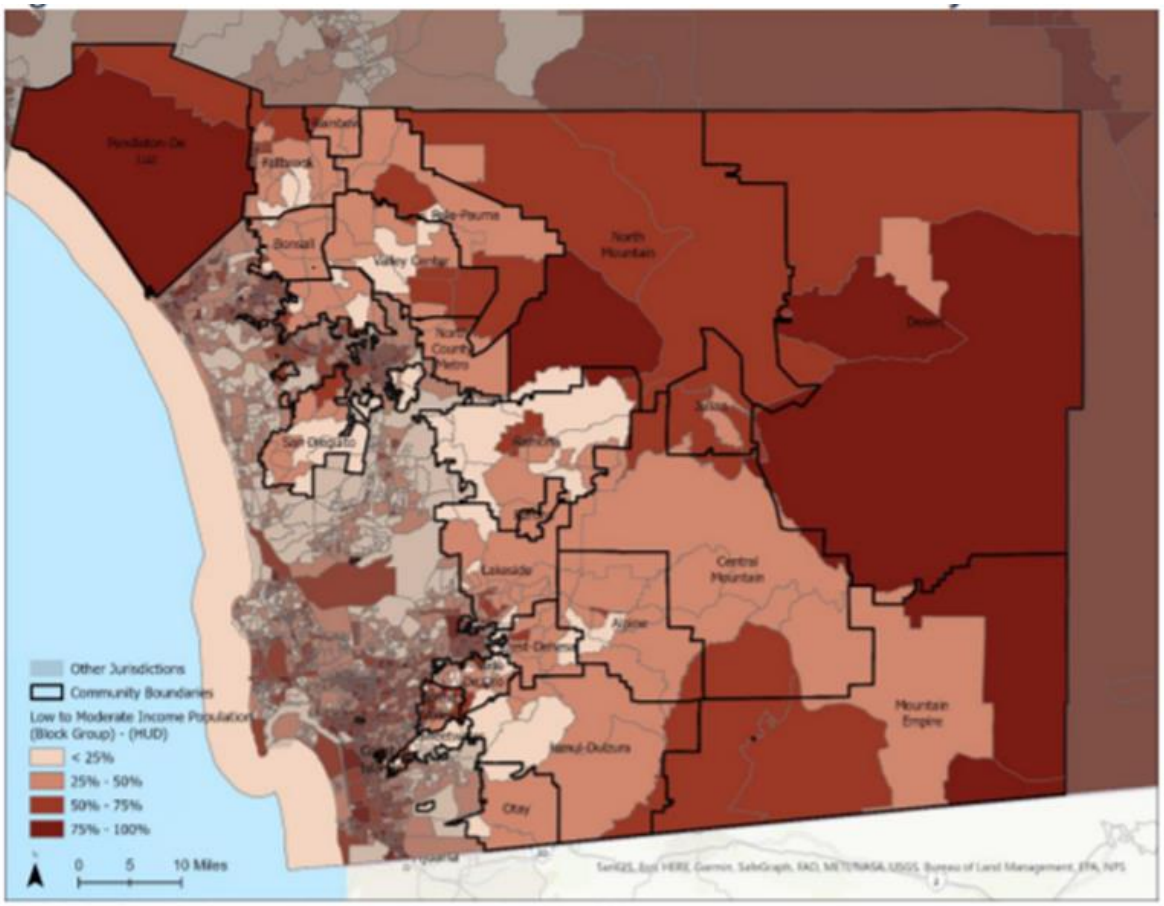
Figure 3-8: Median Income, Del Mar



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

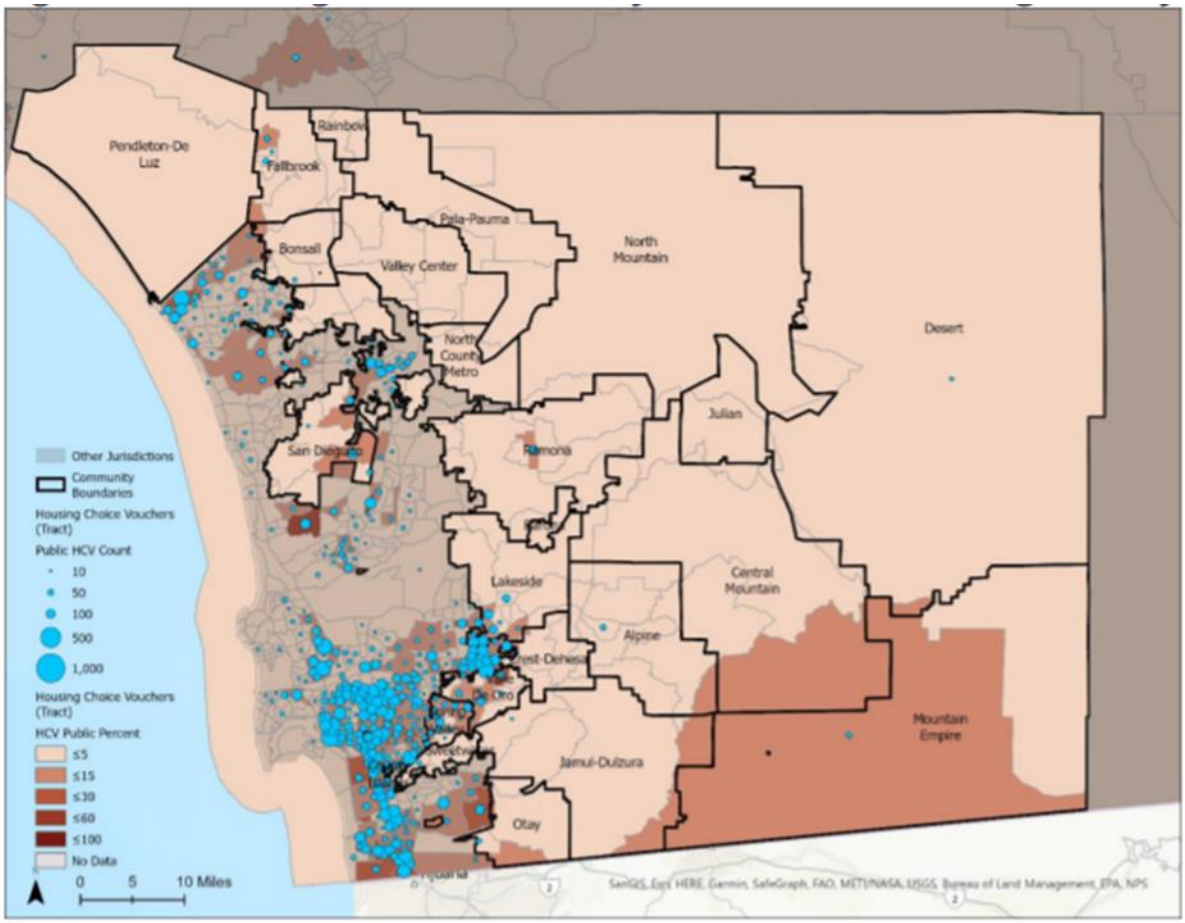
Figure 3-8 and **Figure 3-9** show that the relatively high household incomes in Del Mar are similar to other coastal jurisdictions in North County and suburban areas of the region. Low-income and moderate-income households are predominately concentrated with the urban centers and rural areas of the region.

FIGURE 3-9 - Percent of Low- to Moderate-Income Households by Census Block Group



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

Figure 3-10 - Housing Choice Vouchers by Census Tract



SOURCE: AFFH Data and Resources Mapping Tool.

Figure 3-10 shows that there is 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:

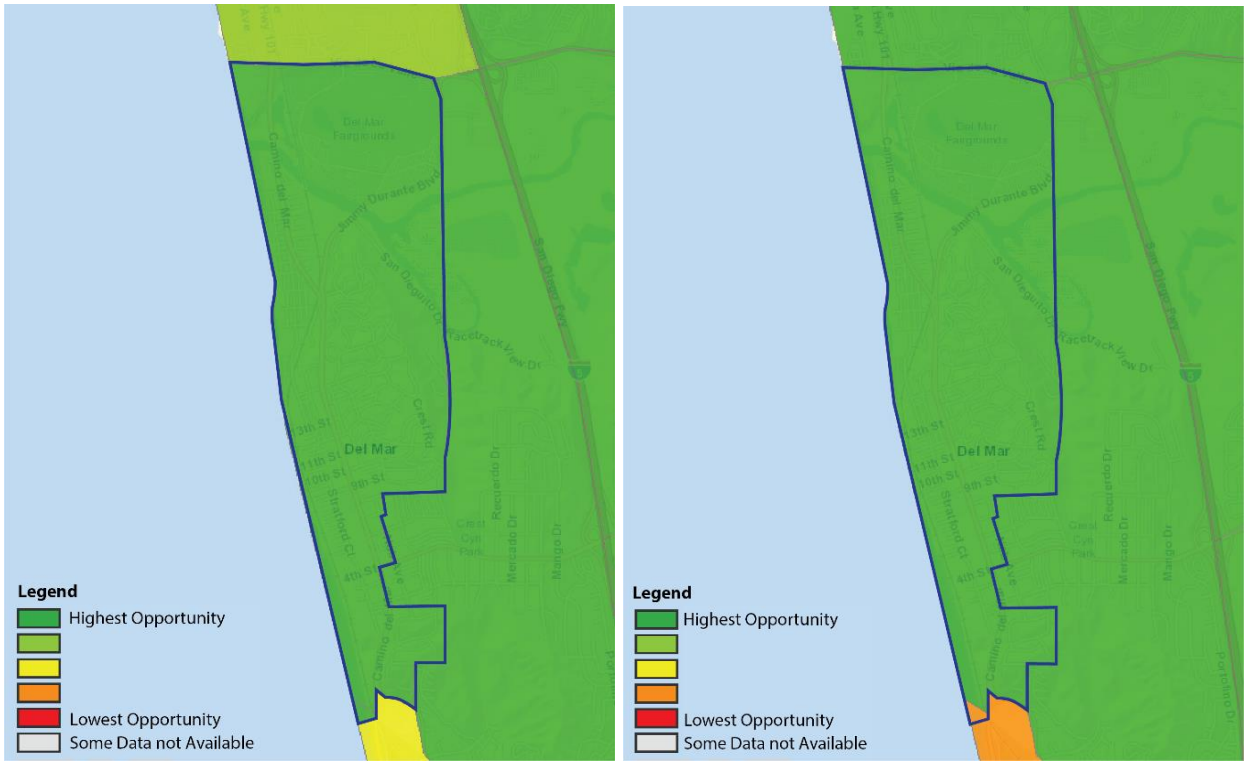
- **Education Opportunity**: Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- **Economic Opportunity**: Measures the relative economic well-being of the people in a community, 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 3-11 (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 3-11 (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 3-12** 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 ~~are~~is lower in Del Mar than compared to other jurisdctions 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 3-9** 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
Hl	**Place**		

Table 3-14: Opportunity Indicators, Del Mar and California			
ROI Indicator		Del Mar	California
	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 3-12: 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%

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

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.

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

~~Additionally, the~~ 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.

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

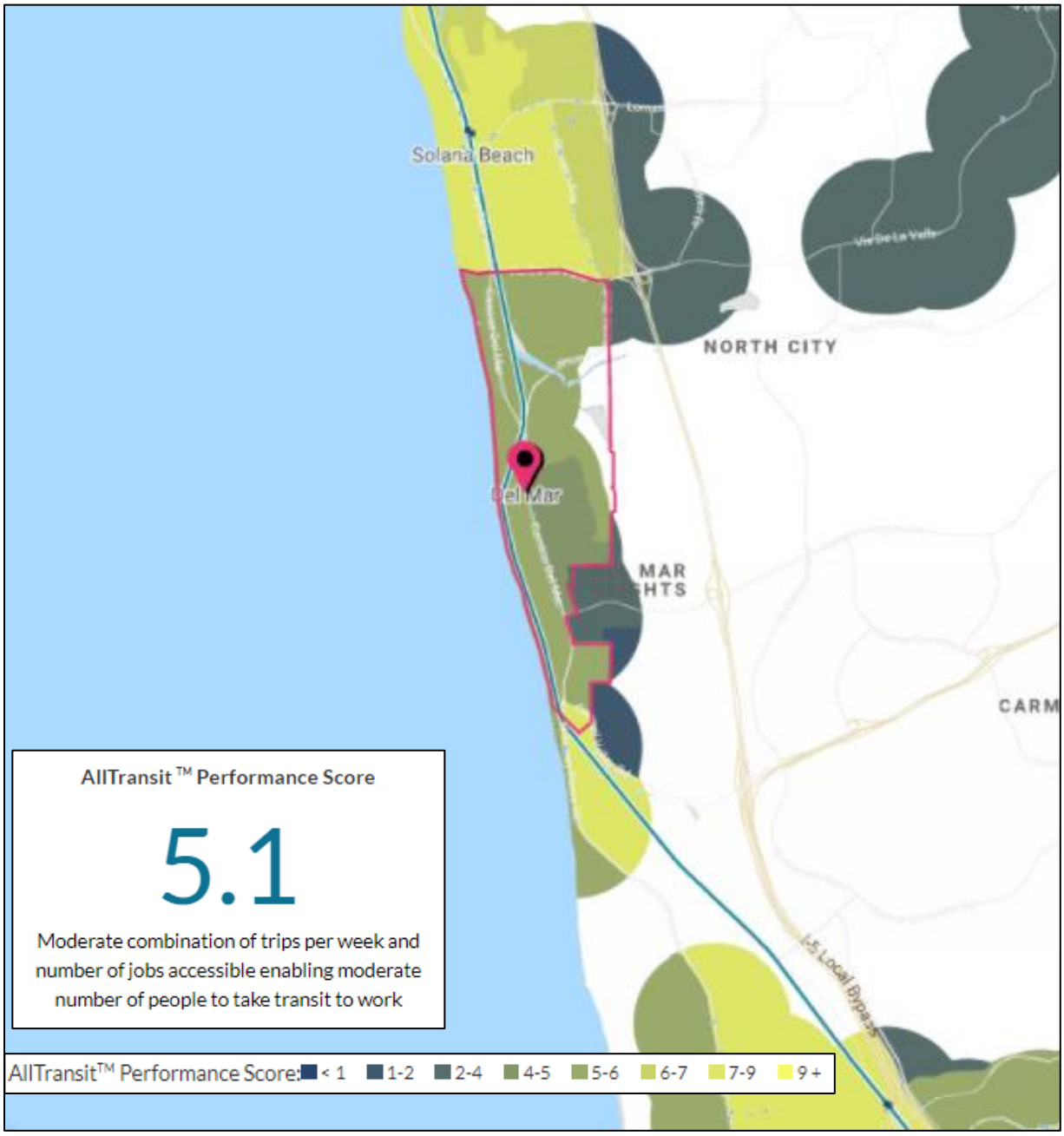
Table 3-16 and **Figure 3-11** below display opportunity indicators based on access transit performance scores. AllTransit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data provided, 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.

Table 3-16: Opportunity Indicators – Transit

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 3-13: 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.

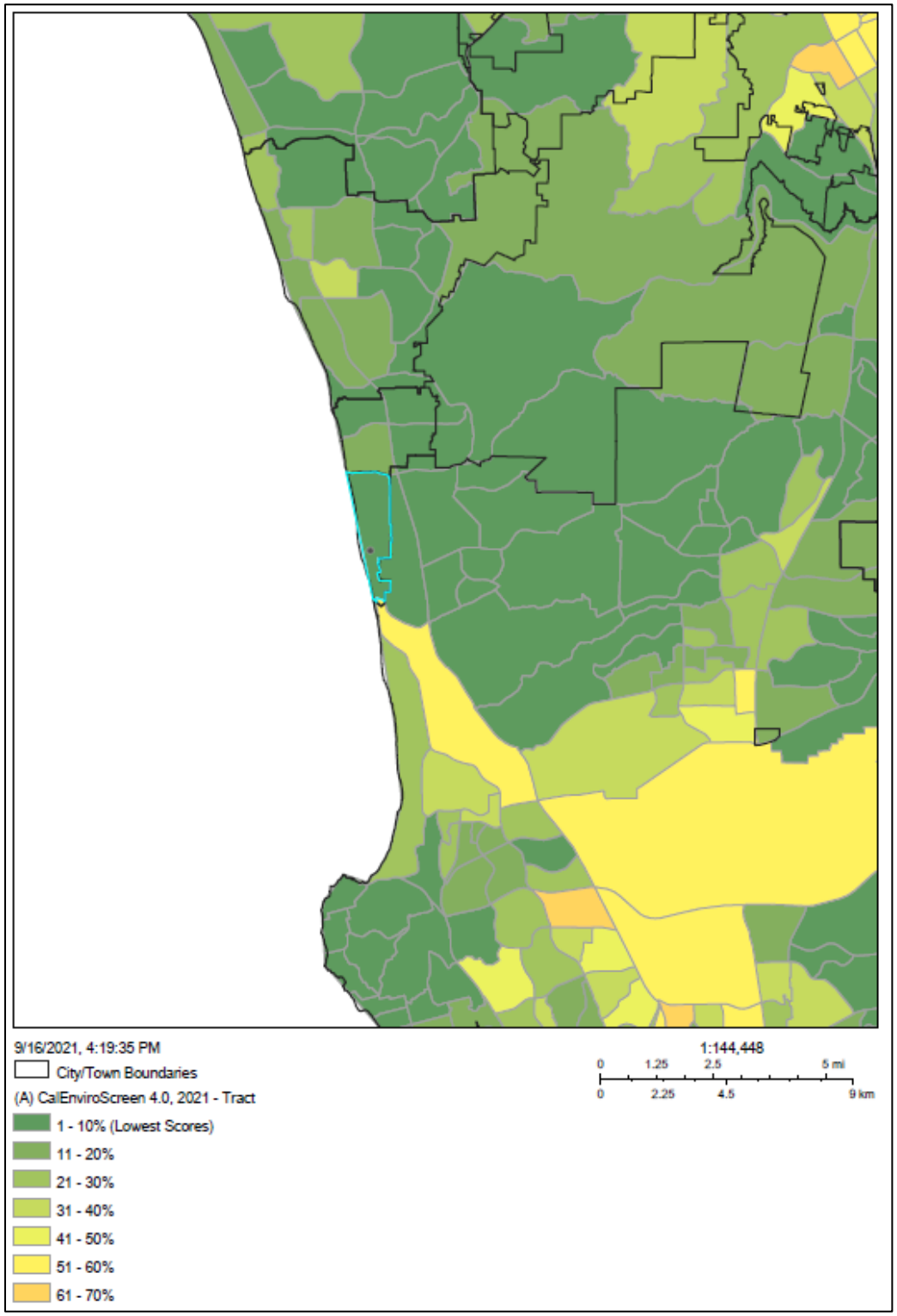
Table 3-17 shows the City of Del Mar's CalEnviroScreen scores by census tract and **Figure 3-12** shows the cores for the City in comparison to the rest of the region. High scoring communities tend to be more burdened by pollution from multiple sources and most vulnerable to its effects, taking into 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.

Table 3-17: Opportunity Indicators – Environmental Health

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 3-14: 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 ~~as~~ 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-** 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 outline 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.

Table 3-18: Population with a Disability, 2019

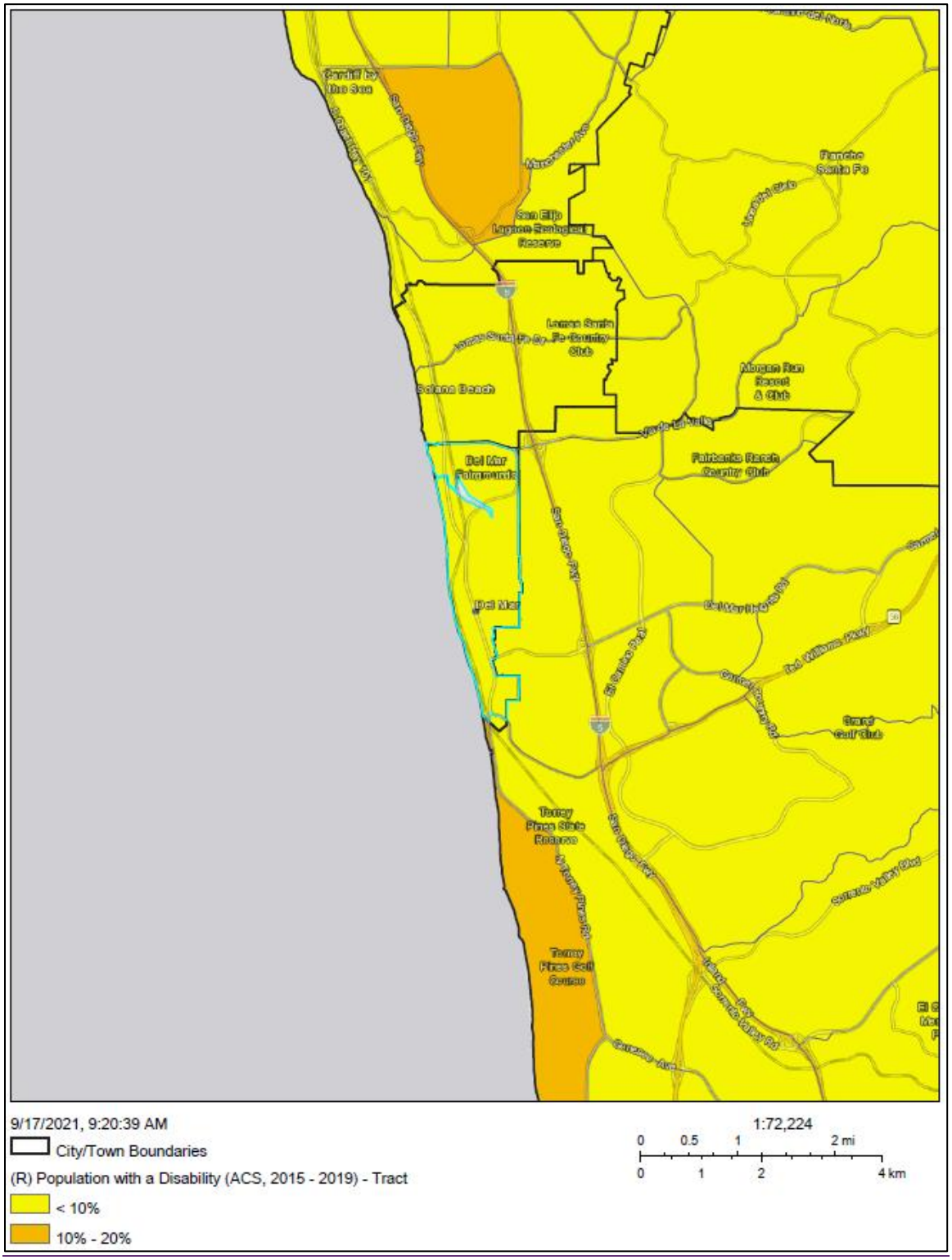
Disability	City of Del Mar	County of San Diego	California
Hearing Difficulty	2.1%	2.8%	2.9%
Vision Difficulty	1.7%	1.7%	2%
Cognitive Difficulty	0.4%	4.2%	4.3%
Ambulatory Difficulty	3.3%	5.4%	5.8%
Self-Care Difficulty	0%	2.3%	2.6%
Independent Living	0.5%	5.1%	5.5%
Total with a Disability	**5.4%**	**9.9%**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

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

Figure 3-13 below identifies the ~~occurrence~~ relative location of population with a disability ~~disabilities~~ throughout the City and nearby communities. The City of Del Mar is shown to have ~~an even distribution~~ 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 (with 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 ~~to live~~ near community resources and services.

Figure 3-15: 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**.

Table 3-19: Population by Familial Status, 2019

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 ~~about double the percent of residents earning~~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.

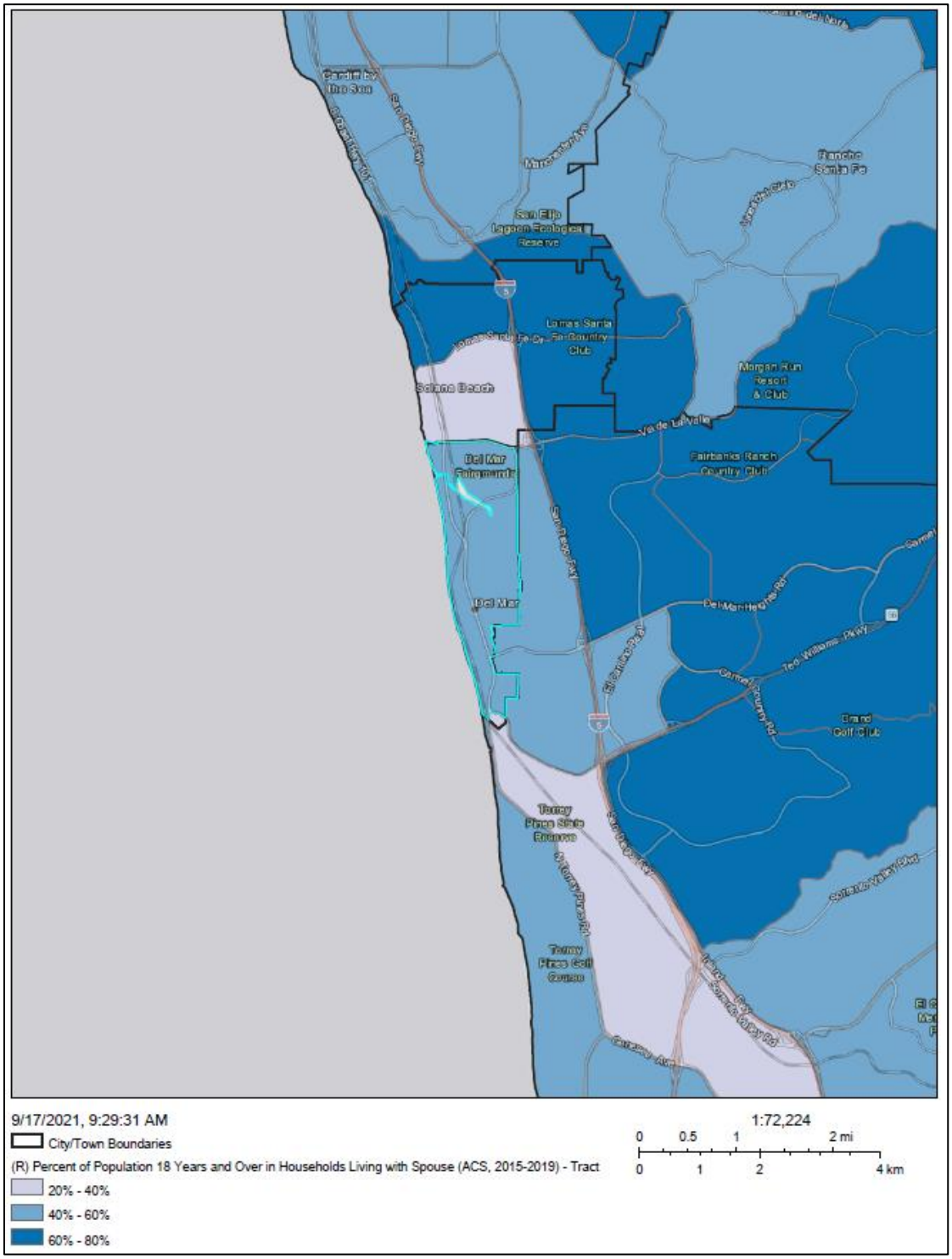
Table 3-20: Households by Income, 2019

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.

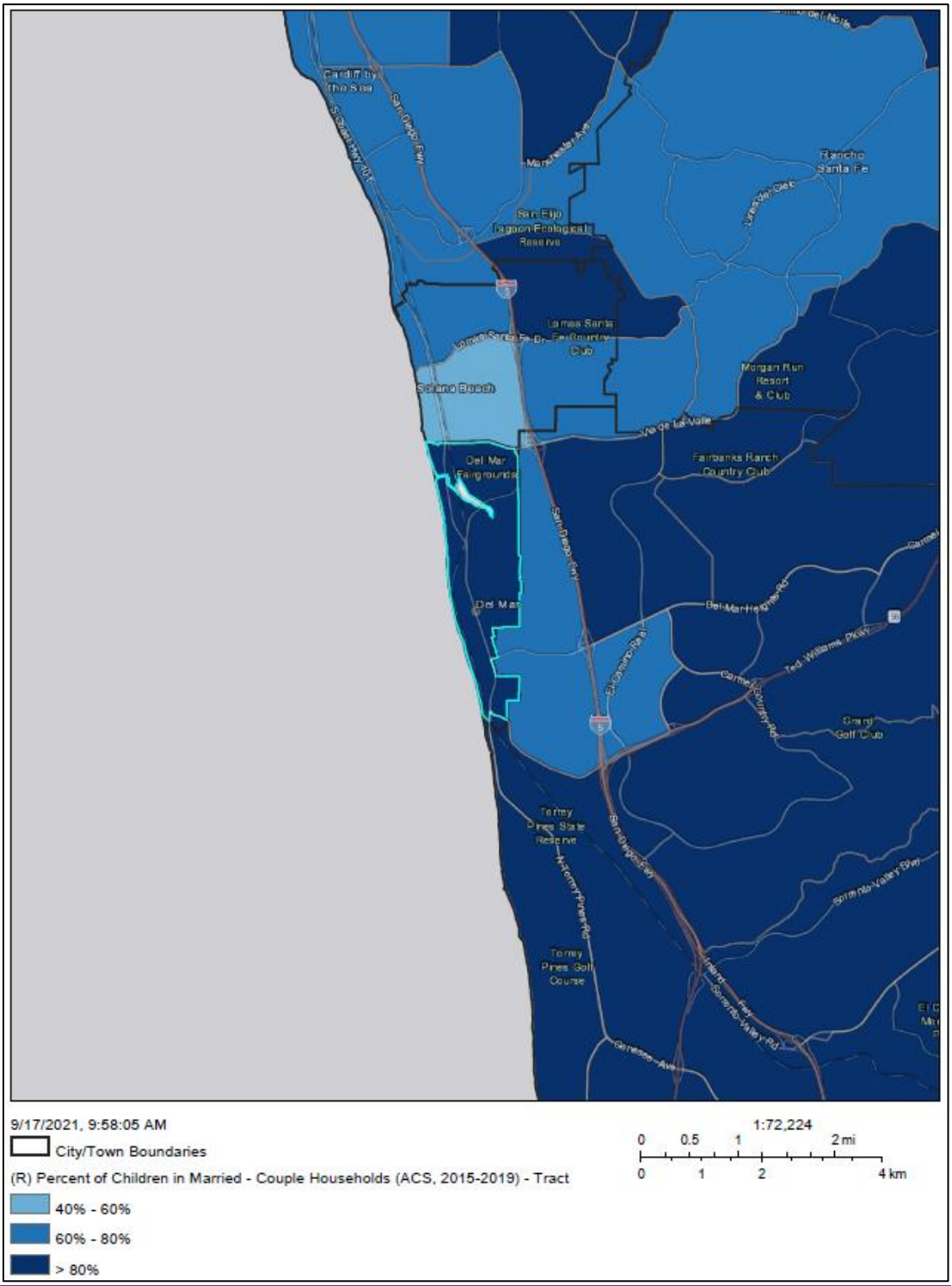
Figure 3-14 illustrates that the City of Del Mar trend for married couple households (40-60% of the population) is similar to the surrounding community to the east within the City of San Diego, and slightly differs from the City of Solana Beach to the north and University of California San Diego community 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 3-16: Married-Couple Households, Del Mar



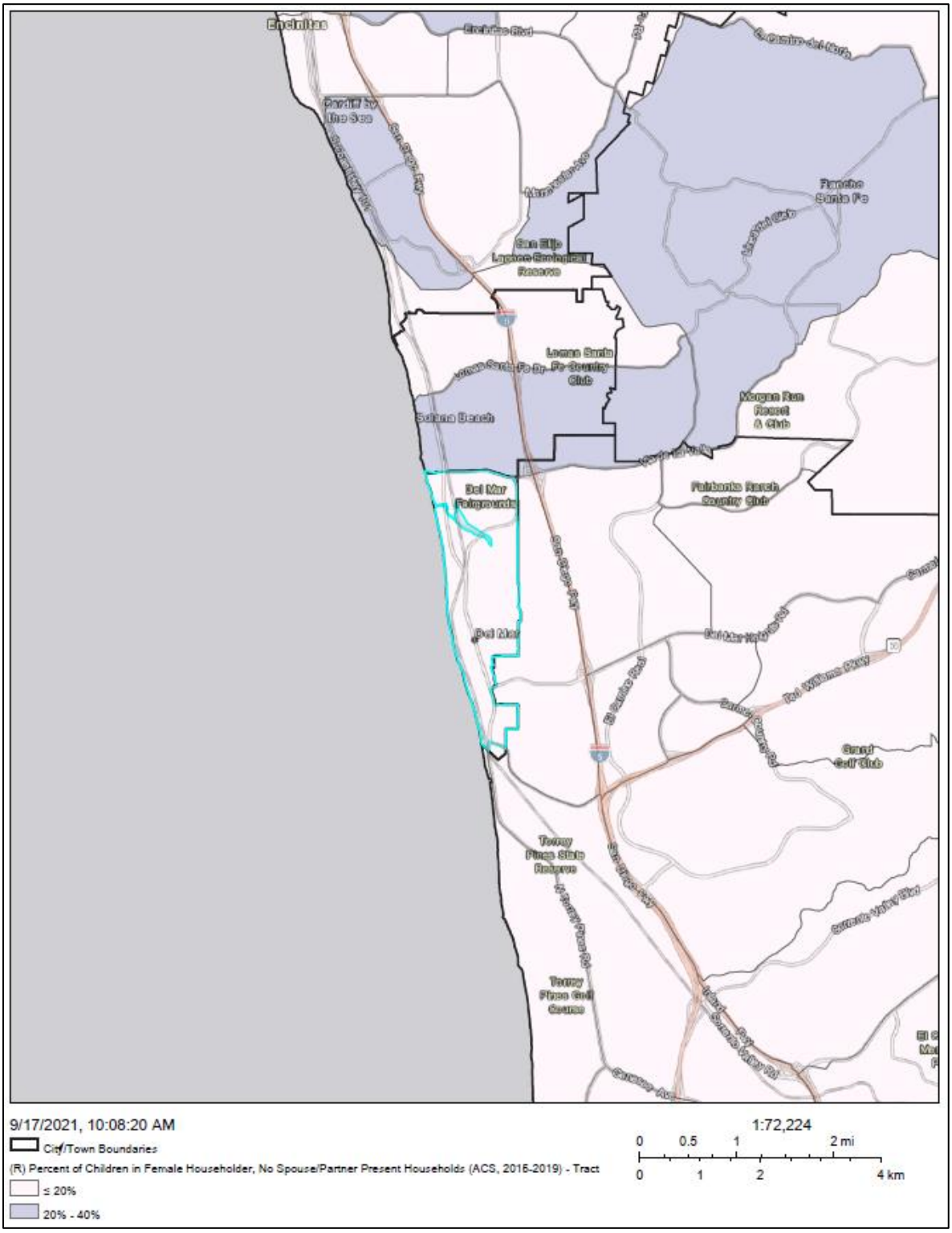
Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-17: Children in Married-Couple Households, Del Mar



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

Figure 3-18: Children in Female-Headed Households, Del Mar



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

Figure 3-19: 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.

Table 3-21: Households by Overpayment, 2019

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.~~,~~ ~~and severe~~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.~~,~~ ~~it~~ Overcrowding also occurs when there are not enough size appropriate housing options for large family households or multi-generational ~~families~~households. The City of Del Mar reports no overcrowding in owner-occupied households, and only one percent of severe overcrowding in renter households.

Table 3-22: Households by Tenure, 2019

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.			

Table 3-23: Households by Overcrowding, 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 the highest percentage of multi-family housing developments with at least 10 units (24 percent).~~ 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.

Table 3-24: Housing Units by Type, 2019

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 ~~or~~ 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~~ 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, ~~it can be deducted that older~~ this does not serve as an impediment to home improvements. ~~housing~~ Housing units in Del Mar ~~may be~~are well maintained.

Table 3-25: Housing Units by Year Built, 2019

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.

Assisted Affordable Housing and At-Risk Units

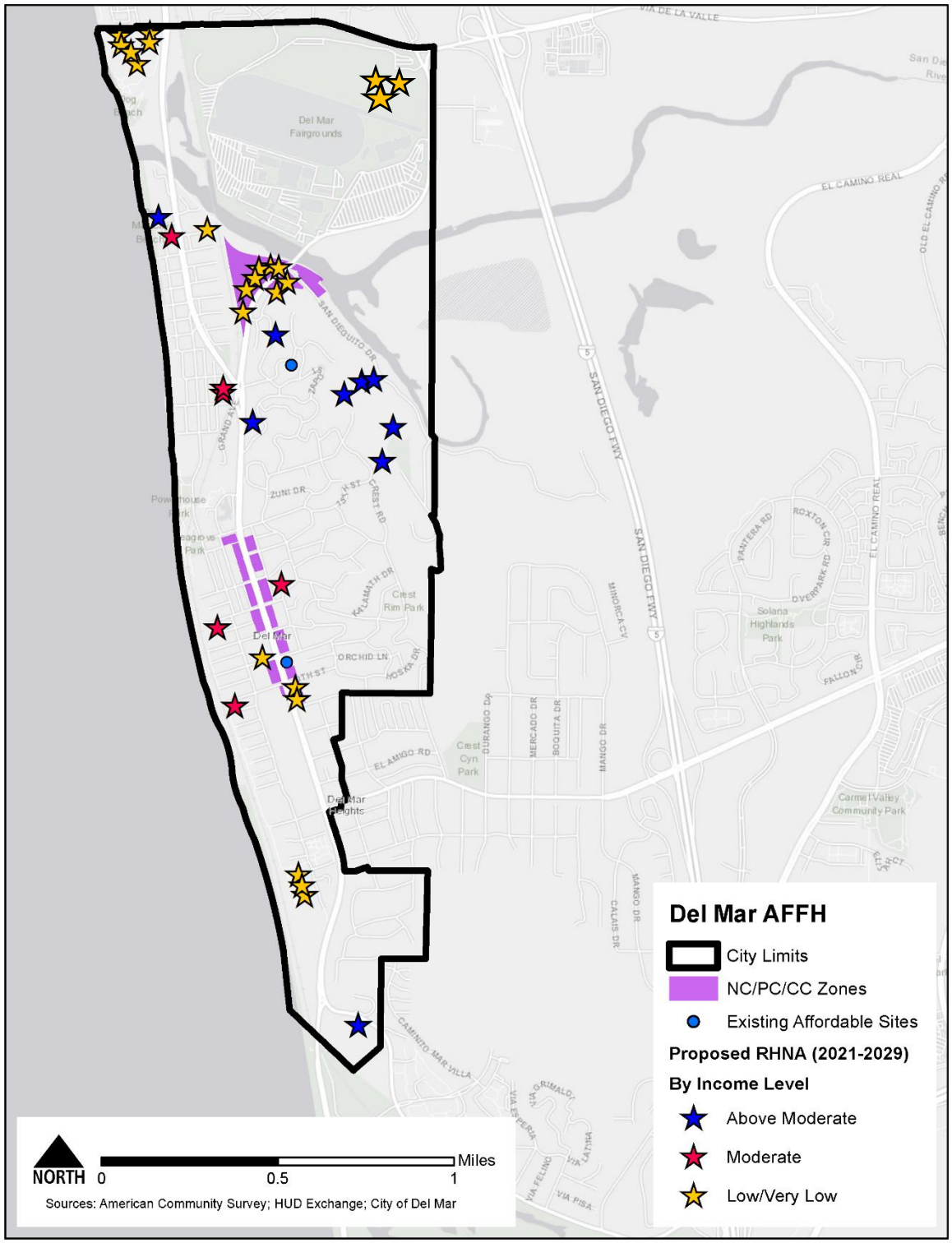
The City currently does not have any deed restricted affordable housing units available for occupancy by lower income households. Residents within the City of Del Mar ~~are~~is eligible to receive financial housing assistance through Section 8 Housing Choice Vouchers, which are distributed by the County 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.

~~Additionally~~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 3-18 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 3-18** 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 3-20: 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.

None of the housing candidate sites contain significant existing housing with low-income tenants who will be displaced if the sites redevelop. To the extent that there is existing housing removed as part of a development project, that housing must be replaced under the City of Del Mar Municipal Code and SB 330's replacement housing provisions (Government Code Section 66300). SB 330 also provides relocation payments to existing low-income tenants. The State has also adopted just cause eviction provisions and statewide rent control 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 ~~regional~~ common impediments to fair housing ~~identified~~ within jurisdictions in the San Diego County region. ~~may assist Del Mar in opening the community up to a broader range of future residents. For example~~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~~, although there are no racially or ethnically concentrated areas of poverty in Del Mar~~.

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 ~~showrings~~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.

~~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.~~

- 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 Relocat**e: 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~~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 l
- 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. 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 ~~existing~~ 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 shows the proposed candidate sites to meet the ~~very low~~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 units, 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. The City chose sites on the Fairgrounds property because it is a smart growth opportunity location, consistent with local and regional policies and objectives, that is desirable for households in any income category. In addition, it is the most feasible strategy for a prospective development project to occur in Del Mar at a density and scale to accommodate at least 51 lower income units (half of the City's assigned lower income RHNA). The sites considered the following:

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

Figure 3-21: Candidate Sites – Ethnicity Analysis

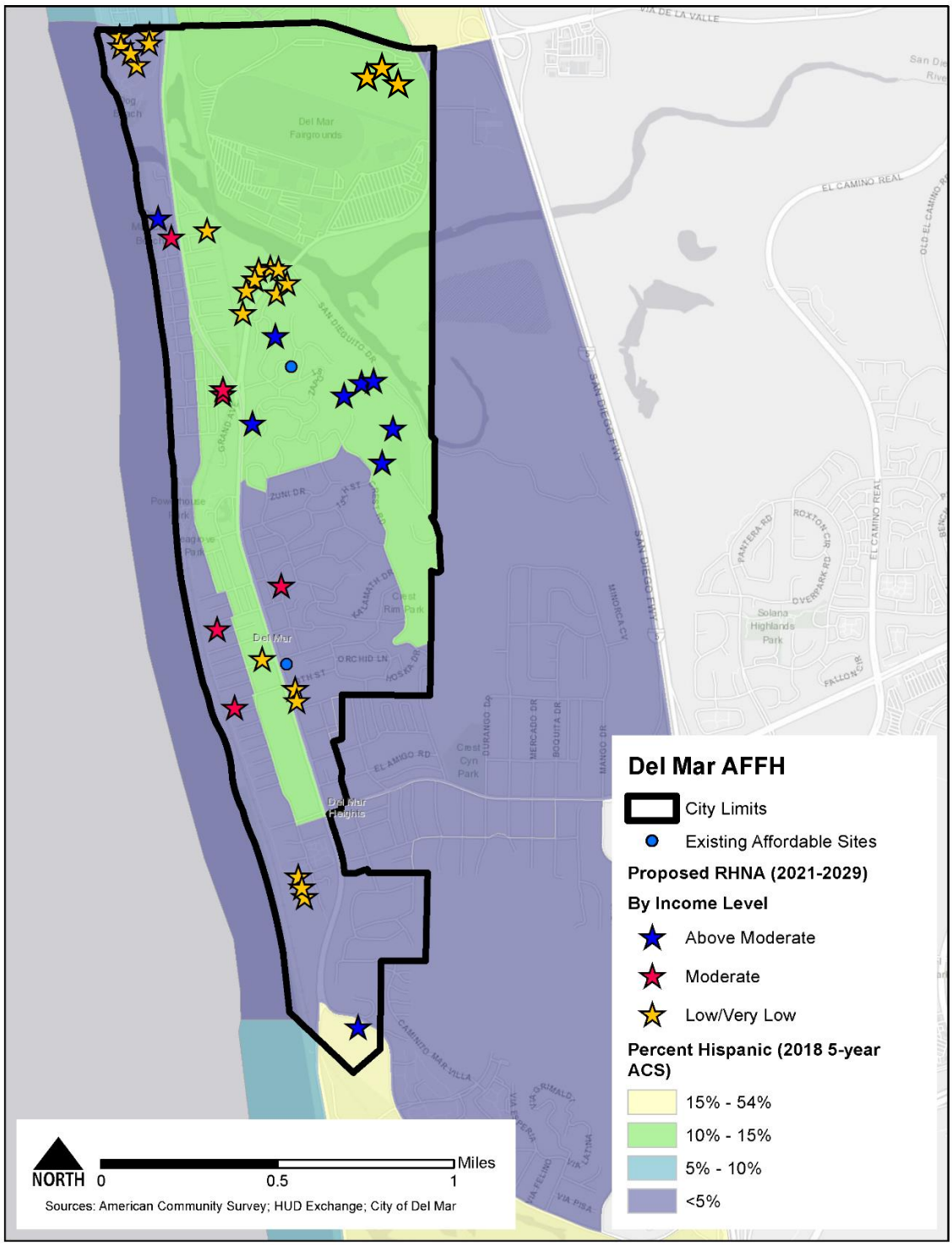


Figure 3-22 shows location of existing and proposed affordable units within Del Mar in comparison with census data showing the percentage of the population within each block group that is non-white. The map shows the following findings:

- Proposed sites (totaling 1 potential unit~~s~~, 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. The City chose the sites on the State Fairgrounds property because it is a smart growth opportunity location, consistent with local and regional policies and objectives, that is desirable for 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 State Fairgrounds property is located within walking distance of the City's downtown village center, Del Mar's public 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.

Figure 3-22: Candidate Sites – Racial Analysis

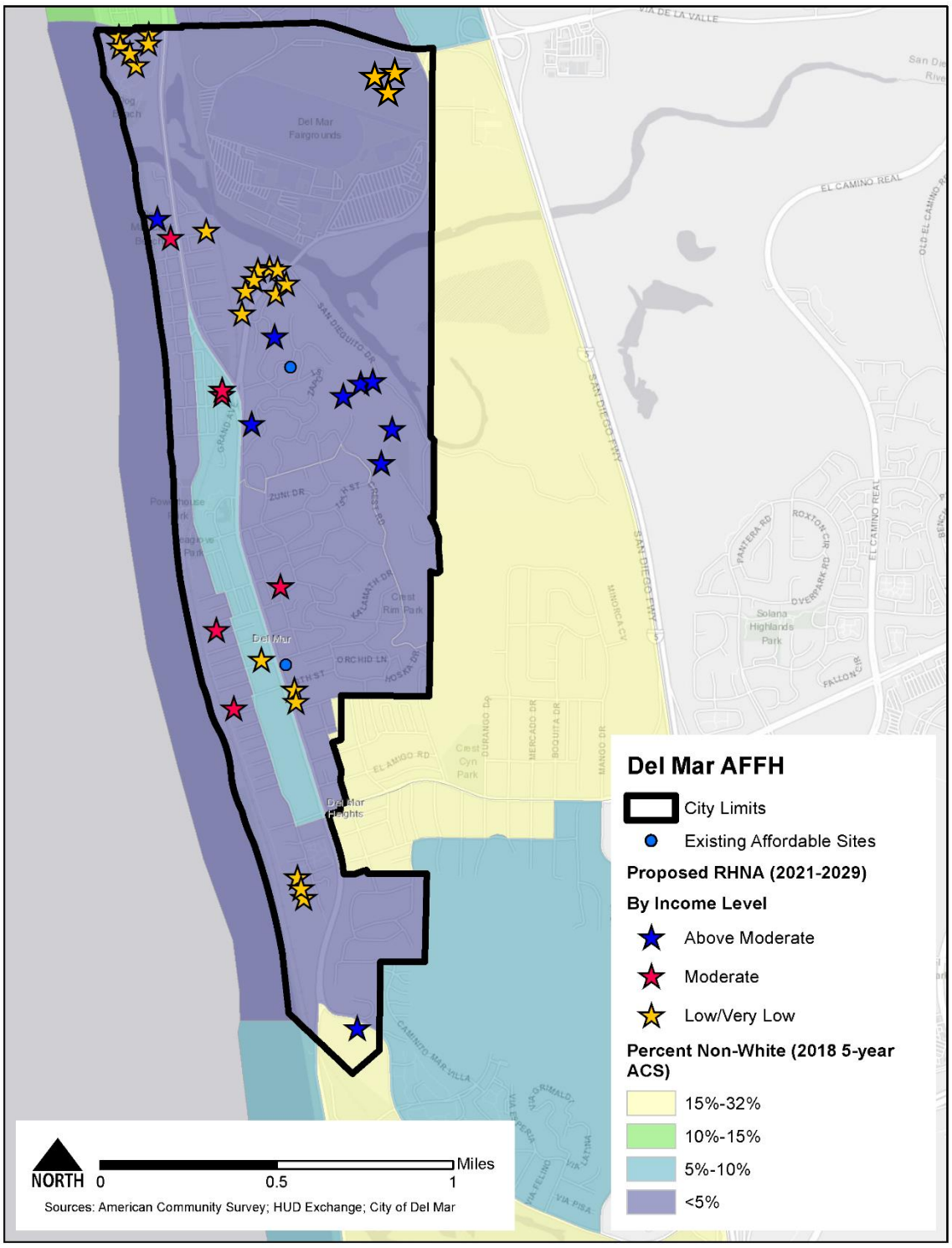
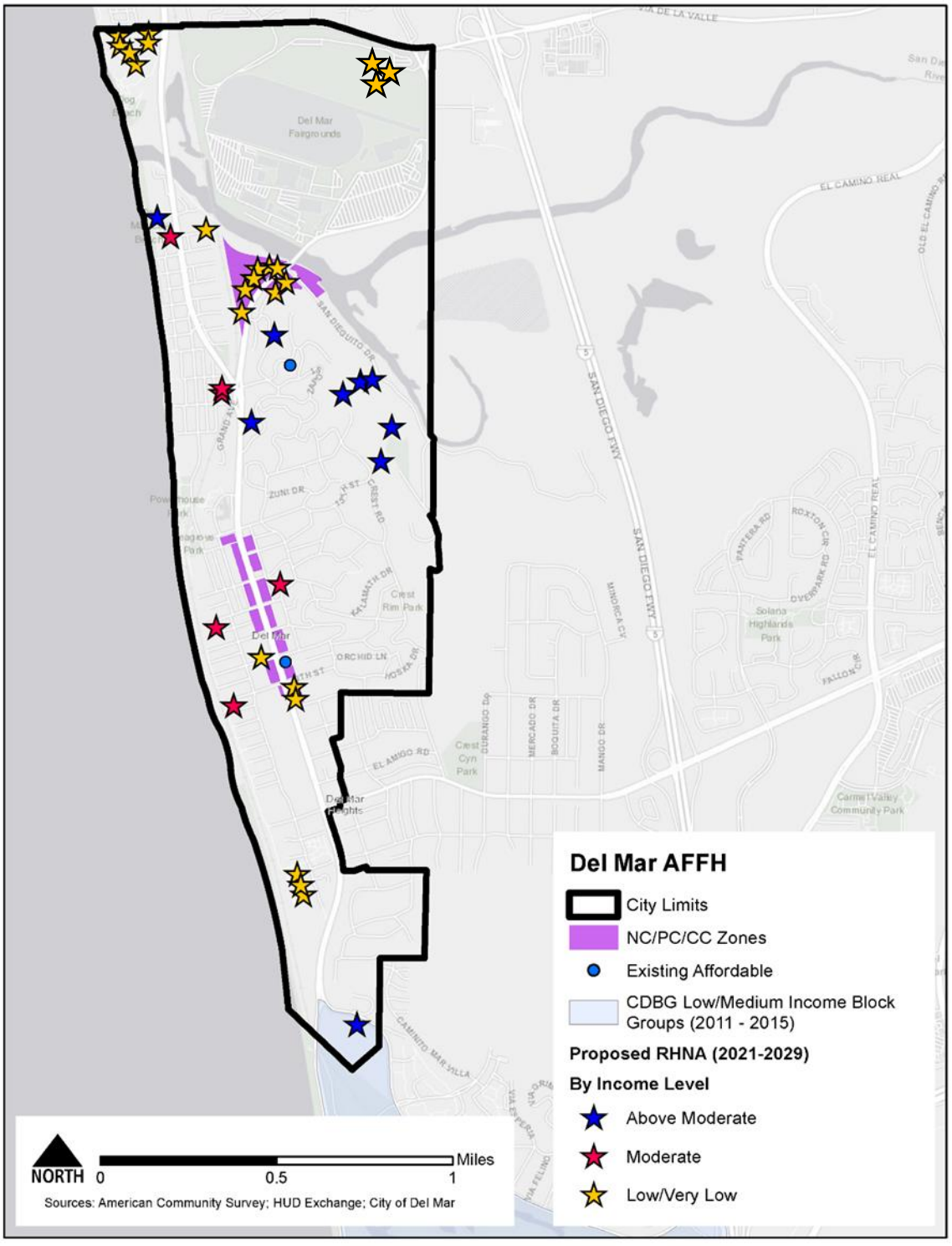


Figure 3-23 shows Low/Moderate Income (LMI) block groups within the City of Del Mar that are eligible for place based CDBG activities. Del Mar has one small area within the community, at the southern end of the City~~,~~ that is part of LMI block group eligible for place based CDBG activities.

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 – **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 – **Program 6B**, **Program 7A, Program 7B, Program 7C, Program 7D, Program 7E, Program 7F, Program 7G, Program 7H,** and **Program 7I**
- 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,

  2) Publishing information on home financing opportunities,

  3) Publishing fair housing materials in English and Spanish, and

  4) Allocating funding for fair housing services through the budget allocation process.

facility in the Community Plan pursuant to a General Plan Amendment adopted by Resolution No. 97-42 on September 15, 1997. On October 6, 1997, the City Council also adopted a corresponding rezone of this parcel from RM-East to the PF Zone. However, the rezone ordinance (Ordinance No. 689) was not certified by the Coastal Commission and was not reflected on the Local Coastal Program Zoning Map that was certified by the Coastal Commission on September 11, 2001. The City is in process of bringing forward clean-up actions via the City Council and Coastal Commission for the rezone to PF to become effective. Regardless, it should be noted that the existing RM-East zoning currently allows for residential development at that location and is planned to continue to allow residential at that location via the zone code amendment per Program 1H.

The Shores Park facility, including the Shores Park lots located along 9th Street, is public park land within the PF Zone that shall be excluded from consideration as potential sites for housing. This exclusion shall be noted as part of the zoning ordinance processed for Program 1H.

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element (target 28th Street lot rezone clean-up by December 2022; PF zone code amendment by December 2024)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments and California Coastal Commission

Funding Sources: ~~TBD~~6th Cycle Zoning Programs/General Fund (FY23)

Projected RHNA Accommodation: 4 lower income units (City Hall expansion lot – APN 300-093-17); and additional 3 lower income units (City-owned 28th Street lot - APN 299-030-12)

Housing Program 1I: Establish Streamlining and Incentives for Affordable Housing

This program will evaluate the City's current applicable regulatory provisions for residential development in the City's Municipal Code and identify any potential constraints to the development of affordable housing. If any potential constraints are identified, the City will employ additional regulatory considerations to reduce or eliminate these potential constraints. The City will specifically identify and evaluate constraints to affordable housing development and propose specific methods and strategies that address and remove identified constraints that may inhibit the production of affordable housing in Del Mar. Results of implementing this program may include but are not limited to consolidated permit processing, entitlement exemptions, streamlined review processes, fee subsidies and/or payment deferrals, or other methods deemed appropriate to support the accommodation future affordable housing units. The program will also explore potential incentives for projects that provide a greater number of affordable housing units than the City's inclusionary housing ordinance would otherwise require.

The City will begin the analysis by conducting 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. Consideration will be given to recommendations that were previously provided by property owners of various candidate sites. This includes recommendations from owners in the NC and PC Zones who submitted correspondence in 2019 requesting 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 at least 0.60 FAR in the NC Zone and to allow at least 1.0 FAR in the NC and PC Zones to allow for mixed use and residential development. Property owners in the PC and CC zones have also expressed that limits on the number of stories and the one-story height limit on the west side of Camino del Mar significantly limit the potential for affordable housing to be developed, which will be explored as part of this housing program. Further, because a small portion of the candidate housing sites are non-vacant and below one half an acre in size, the study will also explore methods to promote incentives for lot consolidation to facilitate use of small sites for affordable housing development.

Within 24 months of adoption of the Housing Element, an ordinance will be processed to make incentives available to facilitate affordable housing. Annual monitoring will occur to measure the City's progress towards its RHNA goals for productions of lower income units. 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 take action to make additional incentives available to projects with affordable housing, including but not limited to processing of actions to implement a new Affordable Housing Overlay Zone to better connect opportunity sites with incentives per **Program 1D**.

Timeframe: Within ~~36~~ 24 months of adoption of the 6th Cycle Housing Element (target economic study by December 2022; Ordinance by December 2023)

Responsible Agency: City of Del Mar, Planning and Community Development Department and California Coastal Commission

Funding Sources: ~~TBD~~ General Fund/Economic Study of Affordable Housing Incentives (FY22 & 23)

Housing Program 1J: Establish Program for Coordination with Affordable Housing Developers

The City will establish a program to proactively and regularly reach out to the San Diego Housing Federation and affordable housing developers. The intent of this program is to engage stakeholders with experience developing affordable housing in a way that can be mutually beneficial. This will enable the City to gain needed insight towards development of realistic strategies and incentives to create affordable housing, including potential opportunities at the State Fairgrounds, and will establish a system of regular communication and public outreach with interested affordable housing developers to help connect them with information on the latest incentives and resources available for projects proposing affordable housing.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element (target December 2022 for initial establishment of outreach program to coincide with economic study)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments

Funding Sources: ~~TBD~~ General Fund/Economic Study of Affordable Housing Incentives FY22 & 23

Housing Goal #2:
Prioritize Production of Accessory Dwelling Units (ADUs).

Housing Policy 2.1: Promote programs and policies that encourage and facilitate Accessory Dwelling Unit production.

Housing Policy 2.2: Promote Accessory Dwelling Units and Junior Accessory Dwelling Units as a readily achievable method for creating affordable housing opportunities in Del Mar.

Housing Policy 2.3: Encourage the rental of Accessory Dwelling Units to provide a source of income for current property owners and meet the City's housing needs for this type of rental unit.

Housing Policy 2.4: Promote design and development standards for Accessory Dwelling Units that preserve and enhance neighborhood character while satisfying State law.

Housing Policy 2.5: Promote programs and policies that streamline and incentivize Accessory Dwelling Unit production.

Housing Policy 2.6: Create programs which facilitate and incentivize the development of Accessory Dwelling Units with associated affordability deed-restrictions.

Housing Policy 2.7: Create a program that allows property owners with existing unpermitted Accessory Dwelling Units to bring these units into compliance and add them to the Del Mar housing stock.

Housing Policy 2.8: Promote the development of "Tiny Houses".

IMPLEMENTING PROGRAMS:

Housing Program 2A: Extend and Enhance the City's Existing Accessory Dwelling Unit Incentive Pilot Program

The City will expand efforts to further enhance and expand participation in the program. Currently, the program grants a 500 square foot floor area ratio (FAR) bonus in exchange for a 30-year affordable Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (Jr ADU). The 500 square foot FAR bonus is subject to discretionary permit approval in order to be developed. The FAR bonus is intended for the primary structure and an ADU or Jr ADU is exempt from FAR including the 500 square foot bonus. The program is set to expire in May 2022 unless extended by the City Council. This program would specifically target the production of affordable units to accommodate RHNA growth need. The City will proactively outreach to property owners in Del Mar to provide greater awareness of program components by utilizing a variety of print and electronic media. This program will involve multiple actions, including processing of an extension to the existing incentive program by May 2022.

Additionally, the City will evaluate the ADU incentive program to explore additional incentives and/or program components that will further support the development ADU's and Jr ADU's in City. The City will undertake an economic study and zoning assessment to understand the market and comparative financial cost-benefit impact in various contexts including single dwelling unit, multiple dwelling ~~unit~~units, or ~~mixed use~~mixed-use development. 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. The exploration and determination incentives will be done in conjunction with the economic study and zoning assessment for **Program 1I** and in consideration of other ADU policies and programs. Annual monitoring of progress will be conducted per **Program 2D** and a mid-cycle review will be conducted within 48 months of adoption of the Housing Element per **Program 2E**. The results of the progress review may trigger additional processing to make additional incentives available via the pilot program in order to reach the target of 15 low income ADUs.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element (target extension of incentive program by May 2022; economic study by December 2022; Ordinance for additional incentives and/or program components by December 2023)

Responsible Agency: City of Del Mar, Planning and Community Development Department

Funding Sources: ~~TBD~~General Fund/ADU Facilitation Measures (FY23)

Projected RHNA Accommodation: 15 lower income units

Housing Program 2B: Establish an Accessory Dwelling Unit Amnesty Program

The City will establish a program to allow owners with existing unpermitted ADUs to obtain permits to legalize the ADUs during the 2021-2029 planning period. The Amnesty Program will provide property owners the opportunity to formally legalize existing unpermitted ADUs of any size.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element (target October 2023)

Responsible Agency: City of Del Mar, Planning and Community Development Department

Funding Sources: ~~TBD~~General Fund/ADU Facilitation Measures (FY23)

Housing Program 2C: Promotion of Deed-Restricted Low Income Accessory Dwelling Units ~~Construction~~

The City will continue to accommodate and promote the construction of deed-restricted affordable ADUs for ~~low income~~low-income households by increasing the public awareness of the ADU and Jr ADU Incentive Program, ADU Amnesty Program, and new provisions in State law expanding opportunities for ADU development. The City will develop outreach material for public dissemination, including updates to the City's website, information at City Hall and via other appropriate print and digital media. The City will utilize the City web page and email distribution via the City's Weekly Update news flash. On an ongoing basis, this program will continue to be developed to further promote ADUs with a goal to reach at least 15 ADUs that are deed restricted affordable for lower income households by the end of the 6th Cycle planning period.

Timeframe: ~~Ongoing, 2021-2029~~Within 24 months of adoption of the 6th Cycle Housing Element (target December 2023)

Responsible Agency: City of Del Mar, Planning and Community Development Department

Funding Sources: ~~TBD~~General Fund/ADU Facilitation Measures (FY23)

Projected RHNA Accommodation: 45 moderate income units and 15 lower income units (see Program 2A incentive program)

Program 2D: Accessory Dwelling Unit Monitoring Program

The City will create and maintain an ADU monitoring program during the planning period that tracks ADU development, including affordability levels and deed-restricted affordable units. The City will report this data in Annual Progress Reports to the City Council and California Housing and Community Development Department (HCD).

Timeframe: Ongoing, 2021-2029 (data will be reported annually to the City Council and HCD)

Responsible Agency: City of Del Mar, Planning and Community Development Department

Funding Sources: ~~TBD~~Department Budget

Program 2E: Mid-Cycle Accessory Dwelling Unit Production Evaluation

The City will conduct a mid-cycle review of ADU development within the 2021-2029 planning period to evaluate if production estimates are being achieved. Depending on the finding of that review, processing of additional incentives for the ADU pilot program (**Program 2A**) and/or amendments to the Housing Element may be necessary pursuant to Government Code Section 65583.2 in order to reach the target of 15 deed restricted low income ADUs.

Timeframe: Within 48 months of adoption of the 6th Cycle Housing Element (target April 2025)

Responsible Agency: City of Del Mar, Planning and Community Development Department

Funding Sources: ~~TBD~~Department Budget

Housing Program 2F: Tiny Houses

"Tiny Houses" are small, independent dwelling units, often mobile, that typically range between 120 and 400 square feet in size. Due to the size and nature of typical Tiny House development, they typically fit the City's definition of an accessory dwelling unit (ADU) and are allowed in accordance with DMMC Chapter 30.91 as an accessory residential use in zones that allow ADUs. However, the City wishes to accommodate Tiny Houses on non-residential properties, including opportunities accessory to hotels, retail centers, and public facilities, and on vacant City-owned properties.

The City will amend the Del Mar Municipal Code to allow for the development of Tiny Houses on non-residential properties, clarify that Tiny Houses are allowed in accordance with the regulations applicable to ADUs, and if ~~necessary~~necessary, will also identify circumstances where Tiny Houses can be allowed on residential properties even if they do not meet the provisions required for an ADU.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element (target December 2023)

Responsible Agency: City of Del Mar, Planning and Community Development Department and California Coastal Commission

Funding Sources: ~~TBD~~General Fund/ADU Facilitation Measures (FY23)

and persons with disabilities (i.e., impediments to the maintenance, improvement, or development of accessible housing).

Timeframe: Ongoing, 2021-2029 (annual reports to City Council and HCD with Annual Progress Report and budget process)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments

Funding Sources: ~~TBD~~Department Budget

Housing Program 7G: Senior Housing Resources and Assistance

The City will continue to partner with non-profit organization, Del Mar Community ~~Connections~~Connections, and other local non-profit organizations to create and distribute housing assistance resources to local seniors, some of whom are on fixed incomes and would be interested in seeking affordable housing opportunities. These materials may consist of informational packets on financial assistance programs and community resources that are available. The resource and assistance materials will continue to be posted and distributed to the public as they become available.

Timeframe: Ongoing, 2021-2029 (annual reports to City Council and HCD with Annual Progress Report and budget process)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments

Funding Sources: ~~TBD~~Department Budget

Housing Program 7H: Student Housing Resources and Assistance

The San Diego region is home to a number of universities and colleges, all of which have students of varying income levels and housing needs. The University of California San Diego is located within 10 miles of Del Mar and as a result generates a high demand for housing to accommodate faculty and students. While in school, many students are not able to secure paid work due to the commitment required to focus on coursework, leaving them with less income available to afford housing.

In order to help connect students with affordable housing options in Del Mar, the City will develop informational materials on available affordable housing options and housing assistance and make these housing resources available to students of colleges and universities in proximity. It is hoped that as the local production of ADUs increases, the City will be able to connect ADU property owners who are seeking renters with students who are seeking housing. The resource and assistance materials will be posted and distributed to the public as they become available.

Timeframe: Ongoing, 2021-2029 (annual reports to City Council and HCD with Annual Progress Report and budget process)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments

Funding Sources: ~~TBD~~Department Budget

Housing Program 7I: Maintain a Database of Community Assistance Programs Available to Residents, Including Programs Run by Local Non-Profit Organizations

As part of their work effort, the City's 6th Cycle Housing Element Ad-Hoc Citizens' Task Force created an expansive list of Federal, State, regional, and local community assistance programs that may be available to residents, dependent on certain qualification criteria. This list is available to the public on the City's website. The City will periodically update this list to ensure information is up-to-date and will keep the list available to the public, both online and in hardcopy format at the Del Mar Town Hall.

Timeframe: Ongoing, 2021-2029 (annual reports to City Council and HCD with Annual Progress Report and budget process)

Responsible Agency: City of Del Mar, City Manager and Planning and Community Development Departments

Funding Sources: ~~TBD~~Department Budget

C. SUMMARY OF QUANTIFIED OBJECTIVES

~~Table 3-2: Summary of Quantified Objectives~~

~~Income Group~~	~~Extremely Low~~	~~Very Low~~	~~Low~~	~~Moderate~~	~~Above Moderate~~	~~Total~~
~~New Construction (RHNA)~~	~~18*~~	~~19~~	~~76~~	~~31~~	~~31~~	~~175~~
~~Accessory Units~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~
~~Conservation~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~
~~Rental Subsidy~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~
~~Rehabilitation~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~	~~TBD~~

~~Extremely is defined as 50 percent of the Very Low Income RHNA need, within the Housing Element these numbers are shown together for a total RHNA need of 37 units.~~

Table 4-2: Summary of Quantified Objectives

Income Group	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	18[1]	19	76	31	31	175
Accessory Units	0	0	15	45	40	100
Conservation[3]	0	0	0	0	0	0
Rental Subsidy[2]	0	0	4	0	0	4
Rehabilitation[3, 4]	0	0	0	0	0	0

1 Extremely Low is defined as 50 percent of the Very Low Income RHNA need, within the Housing Element these numbers are shown together for a total RHNA need of 37 units.

2 Currently, four lower income households are accommodated in existing housing through rental subsidy via local housing assistance allocated by the City Council from the General Fund. Through Housing Program 7A, the City will ensure that the funds accrued in the City's Housing Reserve Fund (directly funded by City Council from the General Fund) and Housing Assistance Fund (funded by housing mitigation fees from private development applications) remain available for implementation of at least four lower income households via rental subsidy and/or new affordable housing (i.e. for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels).

3 Currently, the City does not have any constructed deed-restricted affordable units to be conserved or rehabilitated.

4 Housing Program 2A ADU Incentive Pilot Program, 2B ADU Amnesty Program, and 2F Tiny Homes are programs that are intended to facilitate the rehabilitation and legalization of existing small accessory structures as habitable buildings that meet the criteria for a dwelling unit (i.e., ADUs and Tiny Homes) and that may be more affordable compared to other housing options due to the relative size and age of the structure. The potential for such rehabilitation to lower income dwelling units is unknown at this time.

[redacted]

From: Jas Grewal <jas.grewal@sbcglobal.net>
Sent: Monday, December 13, 2021 10:28 AM
To: City Clerk Mail Box; Terry Gaasterland; Tracy Martinez; Dan Quirk; Dave Druker; Dwight Worden
Subject: RED DOT for Item 16

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Council Members,
As chair of the City's affordable housing task force, I want to bring to your attention a number of **new and material changes** that are being presented in the Red Dot distributed by Amanda Lee at a **late hour** on the Housing Element revisions under the guise of having to provide these revised details to HCD. Since I have never seen these specifics, and having checked with a few residents who have not either, I believe that this document has not been discussed and vetted at a council meeting and I find it especially perturbing that no opportunity has been given to the public for input before commitments are made on behalf of the City to HCD.

The residents made it clear in our last election that they wish to maintain the character of our town while we do our best to comply with state mandates.

It is truly alarming that significant new commitments are being surreptitiously slipped into the housing element. Residents are unaware as little information has been given in advance for consideration. I wonder if certain proposed details (e.g. height increases, far increases, etc. detailed) are really even necessary or required! They appear to be biased views in favor of a few vested interests. It is worrisome to put the City in such a precarious position, especially when they have not been discussed nor approved with input from the residents. Does the City Council now permit making such important decisions unilaterally and without following due process?

One example relates to Programs 1A, B, C which will require that these three zones to be upzoned to 20 units an acre per state law. Now, the revision states "a minimum of 20 units an acre". Who approved this change so more open-ended density is allowed? We are setting up the town to allow for much greater density on our main street contrary to what had been approved. By putting it in the Housing element, you are making a promise to the State which as you know holds us accountable. That's how we got in trouble in the 5th housing element cycle when Council approved staff recommendation for by-right development in 2012 on the Watermark Parcel in a rush to meet the HCD deadline and later denied that Council ever did it even though it's in black and white. **Words have consequences so let's be careful to support recommendations and language so we do not do irreparably harm to the character of this village.**

I urge you not to approve this Housing Element update today and only once you review this item carefully to fully understand the far-reaching implications of the proposed language which makes definitive commitments to HCD contrary to what council and residents approved in the Housing Element Document that was submitted to HCD.

On another important point: Why is the City and Council not pursuing the funds available from the state through project home key where we could easily purchase an existing multi-dwelling building in the city and turn it into affordable and senior housing meeting a big chunk of our RHNA goals without having to upzone large parcels of our town? In fact such a project would produce affordable units than upzoning the central commercial zone, Program C. As I understand it, funding has been available since May 2020 and recently the program was significantly expanded and funded by the Governor. Many cities have embraced this approach and we have not because our Staff say they don't have the resources to pursue this. However, Staff have funding resources in the budget to complete the housing element so why would we not use the allocated resources for the housing element to get hundreds of thousands of free dollars we are eligible for to meet our affordable housing goals and save our town from upzoning? Also, some of us previously suggested as far back as May 2020, it would be prudent to spearhead a committee that can file the application if staff can't so we can meet our affordable unit commitment in a practical and easy way. **I strongly recommend that you please add this home key funding program as Program 1C and keep the upzoning of central commercial as an alternative if we are not successful by the 6th element year.**

Thank you for your consideration.

Respectfully,
Ms. Jas Grewal.

City Council Agenda Questions
December 13, 2021

Item 6: Parking Ordinance 2nd Reading

1. Will the parking revisions in the 2nd reading affect City revenues from our in lieu parking fee program? Specifically, will anyone currently paying annually for in lieu parking be able to stop future payments? If someone paid in full upfront can they get a refund? Am I right that the annual fee is about $1,200 per stall, and the annual budget amount is about $34,000? Do we anticipate that future in lieu fee signups and revenues will decline?

Staff Response: To clarify, assuming the second reading occurs Monday night, the parking changes would not be in effect unless/until the CCC certifies an LCP amendment. Eventually though, there may be some impact to the in-lieu parking program; however, it will be minimal. Currently there are only four in-lieu spaces under agreement with an annual revenue of $4,896.68. There have been others in the past, but for various reasons (e.g., businesses closed), the current tally is four. Of these, one is for the Little Joy Coffee Cart and three are for Tulsi. Current rates are $1,224.17 per stall for the annual recurring fee or $34,674.92 for the one-time fee. Given the low use of the in-lieu program, it is not anticipated that the proposed parking changes would result in a considerable impact on this fee source.

Item 11: FY2021 Assistance Firefighters Grant

1. Regarding the fire SCBA gear grant, does the old equipment bought in 2012 still have value? Can it be used? Can it be sold to cover the cost of the 10% match?

Staff Response: The AFG NOFO does have a section regarding Trade-In Allowance/Credit, but it is based on a case-by-case basis. Staff will work with the vendor to see if the old equipment has any value to be credited by the vendor, which would be applied toward the cost of the new equipment.

2. If the grant is less than 100% funded, will the amount funded be prorated among the City applicants?

Staff Response: It would be dependent on what is written in the regional MOU. AFG has no responsibility on how the funding is divided between each of the agencies. Staff will work with the host agency to ensure that the amount to be funded is prorated among the participating agencies.

3. Hollman fire grant: The City is not a 501(c)(3) [staff report notwithstanding], but is a qualified non-profit, functional equivalent, eligible to receive the grant. IRS Publication

526 states that “Money or property given to federal, state, and local governments, if your contribution is solely for public purposes” is deductible (page 2). Note the grant application in the packet (page 4) incorrectly refers to the City applicant as a 501(c)(5), but this section applies to agricultural organizations.

Staff Response: The initial application, which is attached to the agenda report, was the application submitted by the Firefighters Association, not the City, which is why it includes the 501(c)(5) tax reference. The Holleman Foundation trustees at Well Fargo have been provided with all of the necessary information about the City as a municipal agency and related status for tax purposes.

Item 16: 6th Cycle Housing Element:

1. Can the City take any "credit" for lot splits and units allowed under SB 9? Can we estimate now what Del Mar might expect once the SB 9 city ordinance and CCC LCPA is complete?

Staff Response: Any future lot splits and/or units developed under SB 9 would be reported as part of the required Annual Program Report (APR) due by April for the preceding calendar year. This is due to an express provision in SB 9 that requires reporting on the APR. That said, the type of “credit” we would expect would apply toward our above-moderate requirement. There may be potential to claim a minor percentage toward moderate-income. As for what to expect, it’s too early to tell. For Del Mar, the CCC certification process will need to be completed in order to better understand what options property owners would have for SB 9 development in the City.

2. If the rezone of North Bluff and South Stratford (Program 1E) has to be completed within the three-year window for the Fairgrounds program (Program 3A), when will it have to start? Seems it could be right away if the rezone follows typical Del Mar process, with CEQA, LCPA, community engagement, etc.?

Staff Response: During the FY22 & 23 budget discussions, staff included an estimated $310,000 allocated for CEQA review for Program 1E for FY23 (note that this item is unfunded at this time). The budget would be required if City is unable to reach agreement with Fairgrounds. Program 1E is considered a “contingency” program to the City’s priority Program 3A because the City would be required to implement a rezone to 20-25 dwelling units per acre of “by-right” development per State Housing law. The rezone would be carried out via an Overlay Zone to create capacity for at least 54 lower income units. Since the same three-year implementation timeframe applies to Program 3A (Fairgrounds – priority program) and Program 1E (North/South Bluff rezone – contingency program), the City would need to commence CEQA review and analysis of the rezone action prior to three-year deadline. This is the reason why $310,000 was noted for FY23. Per State

Housing law (i.e., referred to as “No Net Loss”), the local rezone action would need to be completed within 180 days following the three-year deadline.

3. What can give us or our citizens any confidence that new ADUs rented at market rate in Del Mar will meet moderate income, let alone low income, standards? Do we have examples of current actual ADU rental rates in Del Mar?

Staff Response: As previously discussed with Council, HCD staff has explained that jurisdictions cannot require ADUs be rented under current State ADU law. This has limited City staff’s ability of enforcement and/or to elicit information from applicants on how they are using their ADUs. The City will continue to monitor any changes to State law on this front come the next 2022 legislative session. At this time, City staff does not have the resources to track rents in Del Mar.

4. The staff report seems to say (page 11-12) that Del Mar is committed to ongoing rental assistance for the existing 4 tenants, or to provide them with housing in other affordable units. Is that accurate?

Staff Response: This question appears to be in context to the following staff report excerpt:

> Modified the title and clarified the description of Housing Program 7A (Housing Funding Resources Including Housing Assistance and Housing Reserve Funds). Explained that the City currently accommodates four lower income households in existing housing through a rental subsidy that is allocated by the City Council from the General Fund. Through Housing Program 7A, the City will ensure that the funds accrued in the City’s Housing Reserve Fund and Housing Assistance Fund remain available during the 6th Cycle for implementation of at least four lower income households via rental subsidy and/or new affordable housing (i.e., for the acquisition of land and construction of affordable units to be made available for individuals or families of extremely low, very low or low income levels).

This excerpt explains that the City has two different funds and is not specific to the four existing tenants participating in the City’s Rental Assistance Program. The excerpt explains that currently the City’s funds are used for four lower income households via its rental assistance program, but that the funds can also be used towards the future development of new affordable housing.