

RESOLUTION NO. 2023-12

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, IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW; 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, State Housing Element Law (Government Code Sections 65580 et seq) requires that the City Council adopt a Housing Element for the eight year period 2021-2029 to accommodate the City of Del Mar regional housing need allocation (RHNA) of 163 housing units, comprised of 37 very-low income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units and an additional 12 low income unit "carryover" from the 5th Cycle planning period (2013-2021) for a total 6th Cycle obligation of 175 units including 113 lower income units; and

WHEREAS, the City of Del Mar has prepared Housing Element 2021-2029 (6th Cycle Housing Element) in compliance with State Housing Element Law and by this action the City has identified sites that can accommodate housing units to meet the City's RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires the City to continue its diligent efforts to include all economic segments of the community; and

WHEREAS, on February 21, 2020, the City mailed letters to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed providing notification of the Housing Element Update project and offering tribal consultation in accordance with Government Code Sections 65352 – 65352.5 and the requirements of the California Environmental Quality Act and California Assembly Bill AB52, and Senate Bill SB18; and

WHEREAS, in response to the City's notifications, some tribes inquired about the project, however, no California Native American tribe requested consultation; and

WHEREAS, the City conducted extensive community outreach over the last 40 months which included nine public meetings of the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (including one Saturday in-person public workshop), a community survey, and multiple additional public meetings, informational sessions, and formal public hearings with the Planning Commission and the City Council; and

WHEREAS, the 6th Cycle Housing Element involved a multi-year planning and public outreach work plan and reflects input from the City Council, Planning Commission, 6th Cycle Housing Element Update Ad-Hoc Citizens' Task Force, HCD, and public comments; and

WHEREAS, on September 15, 2020, the Planning Commission recommended approval of the 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program (MMRP) (State Clearinghouse (SCH) No. 2020029064) in a duly noticed public hearing and recommended approval of the draft Housing Element update;

WHEREAS, on October 5, 2020 the City Council adopted Resolution 2020-51 certifying the 6th Cycle HEU Final Program Environmental Impact Report (PEIR) and MMRP (State Clearinghouse (SCH) No. 2020029064) in a duly noticed public hearing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) 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) that was adopted by the City Council as Resolution 2020-47 on September 8, 2020; and

WHEREAS, on October 5, 2020, the City Council adopted Resolution 2020-52 approving the draft 6th Cycle Housing Element and authorizing staff to submit it to HCD for review and comment in accordance with Housing Element certification procedures set forth by State law; and

WHEREAS, the draft Housing Element was posted on the City's website by September 8, 2020, which was at least six weeks prior to City Council approval and submittal of the approved draft to HCD for review and comment; and

WHEREAS, on October 20, 2020, the City posted a copy of the approved Draft 6th Cycle Housing Element Update on the City website and submitted it to HCD for review and comment in accordance with State Housing Element Law; and

WHEREAS, on December 14, 2020, the City held an informational public discussion/workshop concerning the 6th Cycle Housing Element and State Housing Element Law at a duly noticed public meeting of the City Council; and

WHEREAS, on December 17, 2020, HCD provided a letter to the City reporting the results of its review of the draft Housing Element and identifying data and corrections needed for compliance with State Housing Element Law; and

WHEREAS, the HCD response letter was posted on the City website for public review; and

WHEREAS, on January 19, 2021, the City held a public discussion at a duly noticed public meeting of the City Council to discuss the 6th Cycle Housing Element comments provided by HCD and remaining process required for adoption of a final Housing Element by April 15, 2021 in accordance with State Housing Element Law; and

WHEREAS, on February 16, 2021, the City Council held a public discussion and provided direction to staff relating to completion of the 6th Cycle Housing Element; and

WHEREAS, on March 9, 2021, in a duly noticed public hearing the Planning Commission reviewed the 6th Cycle Housing Element and recommended approval to the City Council; and

WHEREAS, on March 25, 2021, in a duly noticed public hearing, the City Council adopted Resolution 2021-14 for 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, the revised draft Housing Element was posted on the City's website on March 2, 2021, which was at least three weeks prior to City Council adoption and submittal of the adopted Housing Element to HCD for review in accordance with State Housing Element Law; 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, the revised draft Housing Element was posted on the City's website on November 2, 2021, which was at least six weeks prior to City Council adoption and submittal of the re-adopted Housing Element to HCD for review in accordance with State Housing Element Law; and

WHEREAS, on November 9, 2021, in a duly noticed public hearing the Planning Commission recommended that the City Council adopt the revised 6th Cycle Housing

Element with the revisions that reflect the feedback provided in HCD's July 9, 2021 review letter and clarifications provided by HCD staff in coordination meetings; and

WHEREAS, on December 13, 2021, in a duly noticed public hearing the City Council unanimously voted to adopt Resolution 2021-56 to re-adopt the 6th Cycle Housing Element as revised and directed staff to submit it to HCD for review and comment in accordance with Housing Element certification procedures set forth by State law; and

WHEREAS, HCD reviewed the revised Housing Element and responded with a letter dated March 21, 2022, reporting the results of its review and identifying additional data and corrections needed for its certification; and

WHEREAS, City staff and HCD staff have participated in multiple meetings and have been in close coordination during all development stages of the Housing Element in order to reach an understanding of the final modifications needed to obtain HCD's concurrence that the 6th Cycle Housing Element is in substantial compliance with State Housing Element Law; and

WHEREAS, the City completed 6th Cycle Program 3B Phase I planning studies in June 2022 that demonstrated feasibility of the public sites in the City's adopted sites inventory, including the Fairgrounds and two City-owned vacant, small sites; and

WHEREAS, on November 10, 2022, the City submitted a revised draft for HCD review, which HCD deemed as filed for a review period beginning November 13, 2022; and

WHEREAS, in January 2023, the City completed 6th Cycle Program 1K Phase II planning studies that demonstrated feasibility of the privately-owned sites in the City's adopted sites inventory, including non-vacant sites and small sites; and

WHEREAS, on January 13, 2023, HCD responded with a letter reporting the results of its review of the revised Housing Element (November 2022) and shared public correspondence related to the City's Housing Element that had been submitted to HCD but not the City; and

WHEREAS, the HCD letter (January 2023) and November 2022 draft Housing Element documents have been posted on the City's website since January 13, 2023, with the revised Housing Element being made available for public review for at least fifteen weeks prior to City Council re-adoption action in a duly noticed public hearing and prior to submittal of the re-adopted Housing Element to HCD for review and certification in accordance with State Housing Element Law; and

WHEREAS, since January 2023, City staff and HCD staff have participated in multiple meetings to further refine and supplement the revised draft Housing Element

and reach an understanding of the final modifications needed to obtain a HCD “finding of substantial compliance”; and

WHEREAS, on March 15, 2023, the City posted a revised draft of the 6th Cycle Housing Element on the City’s website with notification to the public of the City’s intent to schedule a public hearing on April 3, 2023 for adoption of a revised Housing Element which was provided to the public at least three weeks prior to the scheduled City Council re-adoption action and prior to submittal to HCD for final certification review in accordance with State Housing Element Law; and

WHEREAS, on March 16, 2023, the City sent emails notifying interested persons that the revised draft 6th Cycle Housing Element is available for public review and included a website link to the revised draft; and

WHEREAS, on March 20, 2023, the City Manager announced availability of the draft Housing Element to the public during the City Council meeting; and

WHEREAS, on March 21 and 24, 2023, the City posted and distributed a Newsflash article to the community linking to the revised draft and notifying the public of the City’s intent to schedule a public hearing on April 3, 2023 to adopt a revised Housing Element; and

WHEREAS, on March 23, 2023, the City posted, published, and mailed notice of a public hearing of the City Council on April 3, 2023 to adopt a revised 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 Housing Element revisions reaffirm the City’s commitment to Affirmatively Furthering Fair Housing (AFFH) and clarify the adopted housing actions that are planned to create new affordable housing opportunities and improve housing choice and affordability; and

WHEREAS, one goal that was added to the revised Housing Element to demonstrate the City’s commitment to AFFH is to create 100 additional housing opportunities for moderate income, lower income, and special needs households in reliance on the outcomes of a suite of programs and actions included in the Housing Element implementation plan; and

WHEREAS, the proposed Housing Element revisions also include a reformat of the Appendix B “Candidate Sites Analysis” and a new Housing Element Appendix H “Public Participation” record that supplements the community engagement record

previously included in the adopted Housing Element to better identify the comprehensive record of public participation; and

WHEREAS, every Community Plan planning district is accounted for in the "Housing Plan" actions identified to meet the City's housing obligations which means there are potential opportunities for creation of lower income units in geographic areas citywide; and

WHEREAS, the Chapter 4 "Housing Plan" identifies actions to meet each of the City's stated housing goals related to production, Accessory Dwelling Units (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, the proposed "Housing Plan" includes a variety of strategies (i.e. 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, the housing programs identify specific metrics, targets, and timelines for actions that are planned to create new affordable housing opportunities and improve housing choice and affordability; 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, during the 5th Cycle the Del Mar City Council adopted zoning ordinances that created sites in the North Commercial Zone and Professional Commercial Zone meeting the minimum density standard applicable to the City of Del Mar per State law by allowing a residential density of 20 du/ac and thereby creating sites with sufficient density that could be relied on to meet the RHNA; and

WHEREAS, sites in the North Commercial Zone and Professional Commercial Zone have been consistently identified as land suitable for residential development that can meet the City's 6th Cycle RHNA and provide additional housing capacity; and

WHEREAS, the 6th Cycle Housing Element sites inventory identifies specific sites within the North Commercial Zone and Professional Commercial Zone as well as sites in other locations throughout the community that are being relied upon to meet the City's 6th Cycle RHNA; and

WHEREAS, one key strategy in the 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 binding agreement with

the State for a partnership to facilitate City site control and the ability to build affordable housing on a portion of the State Fairgrounds property; and

WHEREAS, another key strategy involves amending existing zones to accommodate affordable housing, including amending the Central Commercial Zone to allow at least 20 du/ac and amending the Public Facilities Zone to clarify that residential use is an allowed 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, all of the proposed Housing Element revisions are substantially consistent with the prior adopted Housing Element reviewed by the Planning Commission, therefore no additional Planning Commission review and recommendation is required prior to City Council adoption of the revised Housing Element; and

WHEREAS, by March 23, 2023, notice of public hearing of the City Council was posted, published, and mailed in accordance with State law informing the public of the scheduled meeting of the City Council on April 3, 2023 to re-adopt the 6th Cycle Housing Element; and

WHEREAS, on April 3, 2023, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, which reflects the City Council's review and consideration of the Housing Element and all pertinent maps, documents and exhibits, including HCD's written findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the following:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The 6th Cycle Housing Element substantially complies with State Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law, as shown in "Exhibit A" to this resolution, and hereby incorporated herein.
3. The existing uses on non-vacant sites and small sites identified in the Housing Element sites inventory do not constitute an impediment to planned residential

development on the sites and are either likely to be discontinued or are feasible for development without discontinuation of existing uses, during the planning period based on substantial evidence in the record including:

- a. The analysis and data contained in Housing Element Chapter 3; and
 - b. Completion of 6th Cycle Program 3B Phase I planning studies in June 2022 that demonstrated architectural design and financial feasibility of the public sites listed in the City's adopted sites inventory, including the State Fairgrounds and two City-owned vacant, small sites; and
 - c. Completion of 6th Cycle Program 1K Phase II planning studies that demonstrated architectural design and financial feasibility of the privately-owned sites in the City's adopted sites inventory, including non-vacant sites and small sites in the North Commercial zone and the Professional Commercial zone.
4. In accordance with State Housing Element Law, the City of Del Mar has identified sites throughout the community that can be developed within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels. This determination of adequate sites is based on the meaning set forth per State Housing Element Law and is independent of and not reliant upon completion of any rezoning action.
 5. The 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and Mitigation, Monitoring, and Reporting Program (MMRP) was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). Further, the 6th Cycle Housing Element Programs 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, and was certified by the City Council on September 8, 2020.

No subsequent or supplemental EIR is required, in that no substantial evidence has been submitted, pursuant to CEQA Guidelines Section 15162, demonstrating that substantial changes are proposed in the revised Housing Element involving new significant effects or an increase in the severity of previously identified effects; that substantial changes have occurred with respect to the circumstances under which the Housing Element is being revised and re-adopted; or that new information has demonstrated that new significant effects will occur.

BE IT FURTHER RESOLVED, as required by Government Code Section 65585(e), the City Council has considered all comments and findings made by HCD in the Department's letter to the City of Del Mar dated January 13, 2023, reviewing the most recent Housing Element draft submitted to HCD for formal review, consistent with

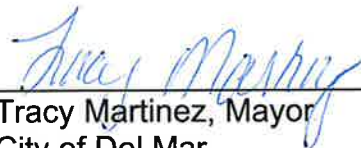
Government Code Section 65585(f), and as described in "Exhibit B" to the resolution, incorporated herein, the City Council has modified the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element law as interpreted by HCD.

BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar, does hereby re-adopt General Plan Amendment GPA 20-003 adopting the revised 6th Cycle Housing Element on file with the City Clerk and posted on the City's website: <https://www.delmar.ca.us/772/Housing-Element-Update-6th-Cycle-Housing>

BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, that this resolution shall become effective 30-days post adoption of this action, and that the City Council does hereby authorize staff to submit the re-adopted 6th Cycle Housing Element to HCD to find that the 6th Cycle Housing Element is in substantial conformance with State Housing Element Law, and to distribute copies of the Housing Element in the manner provided by Government Code Sections 65357 and 65589.7, in accordance with the procedures set forth by State law, and to make all non-substantive changes to the Housing Element to make it internally consistent and to address any non-substantive changes or amendments requested by HCD to achieve a finding of substantial conformance.

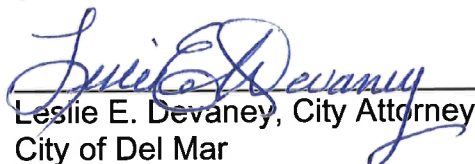
BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby authorize staff to submit the re-adopted 6th Cycle Housing Element to HCD for certification, in accordance with the procedures set forth by State law upon the effective date of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 3rd day of April 2023.



Tracy Martinez, 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, NESTOR MACHADO, 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. 2023-12, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 3rd day of April 2023 by the following vote:

AYES: Mayor Martinez, Deputy Mayor Quirk, Councilmembers Druker, Gaasterland, and Worden

NOES: None

ABSENT: None

ABSTAIN: None



Nestor Machado, Acting City Clerk
City of Del Mar

Resolution "EXHIBIT A"

Housing Element Statutory Provisions Checklist (2022)

Section 65583

Government Code Provision	Housing Element Compliance
<p>The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.</p>	Chapters 1, 2, 3, 4
<p>The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.</p>	Chapters 2, 3, 4 and Appendix B
<p>The element shall contain all of the following:</p>	
<p>(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:</p>	Chapters 2 and 3
<p>(a)(1) An analysis of population and employment trends and documentation of projections.</p>	Chapter 2 Addresses population trends p. 2-1 to 2-4 and employment/wages p. 2-4 to 2-6
<p>(a)(1) A quantification of the locality's existing and projected housing needs for all income levels.</p>	Chapter 2 Addresses existing and projected housing for seniors p. 2-14 to 2-16, disabled persons p. 2-16 to 2-20, large households p. 2-20, single parent 2-1, farmworkers p. 2-21 to 2-22, ELI 2-22 to 2-23, homeless p. 2-24 to 2-27, and students p. 2-27 and housing growth projection p. 2-27 and affordable housing needs p. 2-37 to 2-39

Government Code Provision	Housing Element Compliance
<p>(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.</p>	<p>Chapter 2 Household characteristics p. 2-6 to 2-27, overcrowding (p. 2-13 to 2-14), housing stock characteristics p. 2-27 to 2-31, housing costs/ability to pay p. 2-31 to 2-37</p>
<p>(a)(3) 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, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing. Note: Please see Section 65583.2 regarding the land inventory.</p>	<p>Chapter 3 p. 3-53 to 3-83 and Appendix B</p>
<p>(a)(4) Emergency shelters:</p>	<p>Chapter 3 p. 3-20 and 3-23 to 24</p>
<p>(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.</p>	<p>Identifies adequate capacity for emergency shelters in NC zone.</p>
<p>(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	<p>Ministerial approval process.</p>
<p>(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.</p>	<p>Ordinance in place per 5th Cycle Housing Element</p>
	<p>Chapter 4 Program 4B identifies actions to ensure compliance with State law (News standards per AB 2339 not applicable)</p>

Government Code Provision	Housing Element Compliance
<p>(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels (i.e., multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, transitional housing, and persons with disabilities).</p>	<p>Chapter 3 p. 3-19 to 3-27</p>
<p>(a)(5) Analysis of land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures and any locally adopted ordinances that directly impact the cost and supply of residential development and analysis of local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584.</p>	<p>Chapter 3 p. 3-5 to 3-19, 3-33 to 3-40, 3-55 to 3-67</p>
<p>(a)(5) Analysis of constraints meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.</p>	<p>Chapter 3 p. 3-21 to 3-27</p>
<p>(a)(6) 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, and the cost of construction.</p>	<p>Chapter 3 p. 3-1 to 3-5, 3-67 to 3-69</p>
<p>(a)(6) Analysis of requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2.</p>	<p>Chapter 3 p. 3-13</p>
<p>(a)(6) Analysis of 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 Section 65584.</p>	<p>Chapter 3 p. 3-37</p>
<p>(a)(6) Analysis that demonstrates 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.</p>	<p>Chapters 3 and 4 Identifies various programs including new incentives, financial resources, and assistance resources</p>

Government Code Provision	Housing Element Compliance
<p>(a)(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.</p>	<p>Chapter 2 Addresses special housing needs for seniors p. 2-14 to 2-16, disabled persons p. 2-16 to 2-20, large households p. 2-20, single parent 2-1, farmworkers p. 2-21 to 2-22, ELI 2-22 to 2-23, homeless p. 2-24 to 2-27, and students p. 2-27</p>
<p>(a)(7) Analysis of homelessness The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.</p>	<p>Chapter 2 p. 2-24 to 2-27 Homeless analysis and multiple point-in-time counts show adequate capacity</p>
<p>(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.</p>	<p>Chapter 3 p. 3-85 to 3-87</p>
<p>(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.</p>	<p>Chapter 2 p. 2-37</p>

Government Code Provision	Housing Element Compliance
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(b)(1) A statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.

Primarily
Housing goals
#6 and #7

Chapters 3 (AFFH)
p. 3-87 to 3-136

Chapter 4
p. 4-30 to 4-36
Program 6B

(b)(2) A statement of the quantified objectives.

Chapter 4
p. 4-47

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that 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. Includes programs with new land use and development controls, programs for the provision of regulatory concessions and incentives, utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).

Chapter 4

45 total programs
address each of the
eight stated housing
goals

In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(c)(1) 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 Section 65584.09. Sites shall be identified as needed to affirmatively further fair housing (c)(1) and 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.

Chapters 3 and 4
and
Appendix B

Adequate sites are
identified as
available with
sufficient zoning
and capacity
without the need
for rezoning

Government Code Provision	Housing Element Compliance
<p>(c)(1) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.</p>	<p>Chapter 4 and Appendix B</p> <p>Adequate sites are identified as available with sufficient zoning and capacity without the need for rezoning</p>
<p>(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.</p>	<p>Chapters 3 and 4 and Appendix B</p>
<p>(c)(3) 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</p>	<p>Chapters 3 and 4 Various programs</p>
<p>(c)(3) Address 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.</p>	<p>Chapters 3 and 4 Programs 7C and 7F p. 4-42 to 4-44</p>
<p>(c)(3) 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. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).</p>	<p>Chapter 3 and 4 Programs 4A and 4B p. 4-23 to 4-25</p>
<p>(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.</p>	<p>Chapter 3 and 4 Programs 5A, 5B, and 5C p. 4-28 to 4-29</p>
<p>(c)(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.</p>	<p>Chapter 3 and 4</p>

Government Code Provision	Housing Element Compliance
<p>(c)(6) Preserve for lower income households the assisted housing developments. The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.</p>	<p>Chapter 3 and 4 Program 7A</p>
<p>(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.\</p>	<p>Chapter 4 Programs 2A and 2C</p>
<p>(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.</p>	<p>Chapter 1 addresses consistency with other general plan elements and community goals (p. 1-5 to 1-6)</p>
<p>(c)(9) Include a diligent effort by the local government 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.</p>	<p>Chapter 4 identifies for each program a responsible agency/department, the committed action(s) and timeframe, and funding source</p>
<p>(c)(10) Include a diligent effort by the local government 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.</p>	<p>Chapter 1 (p. 1-7 to 1-9) and Appendices C and H</p>
<p>(c)(10)(A) 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:</p>	<p>Chapter 3 includes the AFFH analysis</p> <p>Chapter 4 identifies the implementing programs. Program 6B is primary program that identifies action plan to implement fair housing goals</p>

Government Code Provision	Housing Element Compliance
(c)(10)(A)(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.	Chapter 3 (AFFH) p. 3-87 to 3-136
(c)(10)(A)(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 and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction and compare the jurisdiction to the region in which it is located, based on race 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) and Section 65008.	Chapter 3 (AFFH) p. 3-87 to 3-136
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Chapter 3 (AFFH) p. 3-87 to 3-137
(c)(10)(A)(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,	Chapter 3 (AFFH) p. 3-87 to 3-136
(c)(10)(A)(iv) Identify the metrics and milestones for determining what fair housing results will be achieved.	Chapter 4 Program 6B p. 4-31 to 4-36
(c)(10)(A)(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.	Chapter 4 Program 6B and Goal #7 resource and assistance programs
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Chapter 3 (AFFH) p. 3-87 to 3-136
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	Chapter 3 (AFFH) p. 3-87 to 3-136

Government Code Provision	Housing Element Compliance
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(d) and (e) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

[Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]

See Chapter 4 Program 4B for program concerning emergency shelters p. 4-24

City amended Del Mar Municipal Code 30.24.035 in November 2013 (Ordinance 888) during the 5th Cycle to meet State law.

Chapter 3 shows the existing code allows emergency shelters in the NC zone without discretionary action P. 3-19 to 3-20 and shows there is sufficient capacity in the NC zone p. 3-23 to 3-24

The City adopted its 6th Cycle Housing Element in 2021 prior to the January 1, 2023 change in law. Proposed modifications since that time have not substantially modified the Housing Element as adopted in 2021.

(AB 2339 is not applicable)

(f) – (j): Not applicable

Section 65583.1(a)

Government Code Provision	Housing Element Compliance
<p>(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.</p>	<p>Chapter 3 p. 3-6 to 3-7 3-21 3-58 to 3-65 Appendix B</p>
<p>(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.</p>	<p>Housing Element Appendix B does not list any sites on military bases</p>
<p>Note: If communities are using the provisions of Section 65583.1(c), which allow RHNA credit for conversion of non-affordable to affordable housing and for preservation of existing affordable housing at risk of loss, the applicable provisions need to be added to this table.</p>	

Section 65583.2

Government Code Provision	Housing Element Compliance
<p>(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):</p>	<p>Certified Final PEIR and Chapter 3 p. 3-53 to 3-83 and Appendix B</p>
<p>(a)(1) Vacant sites zoned for residential use.</p>	<p>Chapter 3 p. 3-66 to 3-68 and Appendix B</p>
<p>(a)(2) Vacant sites zoned for nonresidential use that allows residential development.</p>	<p>Chapter 3 p. 3-68 to 3-69 and Appendix B</p>
<p>(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county</p>	<p>Chapter 3 p. 3-66 to 3-68 and Appendix B</p>

Government Code Provision	Housing Element Compliance
<p>(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.</p>	<p>Chapter 3 p. 3-68 to 3-69 and Appendix B</p>
<p>(b) The inventory of land shall include all of the following:</p>	<p>Appendix B</p>
<p>(b)(1) A listing of properties by assessor parcel number.</p>	<p>Appendix B</p>
<p>(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.</p>	<p>Appendix B</p>
<p>(b)(3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.</p>	<p>Appendix B</p>
<p>(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.</p>	<p>Certified Final PEIR and Chapter 3 p. 3-45 to 3-52 and Appendix B B-2</p>
<p>(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.</p>	<p>Certified Final PEIR and Chapter 3 p. 3-40 to 3-42 and Appendix B B-2 to B-3</p>
<p>(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.</p>	<p>Certified Final PEIR, Chapter 3 p. 3-40 to 3-42, and Appendix B</p>
<p>(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.</p>	<p>Appendix B B-49</p>
<p>(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.</p>	<p>Chapter 3 p. 3-49, 3-52, 3-75, 3-123, and Appendix B</p>

Government Code Provision	Housing Element Compliance
<p>(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.</p>	<p>Appendix B p. B-43 to B-50</p>
<p>(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households.</p>	<p>Appendix B</p> <p>City is not relying on any sites previously relied on for prior housing element cycles</p>
<p>(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.</p>	<p>City has adequate sites per Chapter 3 and Appendix B and no rezoning actions are pending per Chapter 4</p>
<p>(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing and whether the inventory affirmatively furthers fair housing. The city or county shall determine the number of housing units that can be accommodated on each site.</p>	<p>Chapter 3 p. 3-20 to 3-24 and Appendix B</p>

Section 65583.3

Government Code Provision	Housing Element Compliance
<p>(a) For a housing element or amendment adopted on or after January 1, 2021, the planning agency shall submit to the department an electronic copy of its inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of Section 65583 and subdivision (b) of this section with the copy of its housing element or amendment submitted pursuant to subdivision (g) of Section 65585. The local government shall ensure, to the best of its knowledge, that the inventory of land submitted to the department is true and correct.</p>	<p>Appendix B and HCD Spreadsheet</p>
<p>(b) Notwithstanding subdivision (a) of Section 65301, each local government shall prepare the inventory required under paragraph (3) of subdivision (a) of Section 65583 using standards, forms, and definitions adopted by the department.</p>	

“EXHIBIT B”

Matrix of City Responses to January 13, 2023 HCD Letter

	HCD COMMENT	CITY RESPONSE
1.	<p>Goals, Actions, Metrics, and Milestones: The element clarifies some information regarding actions to affirmatively furthering fair housing (AFFH) but does not address this requirement. As noted in the December 17, 2020 and subsequent reviews, goals and actions must have a strong connection to the complete analysis and contributing factors and must not be limited to the regional housing need allocation (RHNA).</p>	<p><u>The City’s AFFH analysis can be found in Chapter 3 on pages 3-135 to 3-137. Chapter 4 pages 4-31 to 4-35 includes a comprehensive list of programs and actions to Affirmatively Further Fair Housing that are <i>NOT limited to RHNA</i>.</u></p> <ul style="list-style-type: none"> • Program 6B identifies the overall approach and implementation framework, which involves a suite of actions to create new opportunities for housing mobility and relocation to and within Del Mar with a goal of creating 100 additional housing opportunities beyond RHNA to improve housing choice and affordability options for moderate income, lower income, and special needs households. • The strategies focus on expanding zoning capacity, creating additional fair housing opportunities, and facilitating assistance, resources, and opportunities for special needs individuals and households. • Included are AFFH-related education, training, and administrative commitments and resources for the City, landlords, and tenants to facilitate delivery of housing services and associated management, marketing of lower income units for occupancy in accordance with applicable laws and resources to facilitate the processing and resolution of fair housing inquiries and complaints. • A mid-term evaluation is included to facilitate adjustments (i.e., additional marketing strategies or consideration of additional land use strategies) by 2026 to continue to demonstrate a good faith effort. <p><u>Some of the additional AFFH actions in Program 6B and others include:</u></p> <ul style="list-style-type: none"> • Beach Parking Pass Program to Expand Coastal Access for Lower Income Households by June 2023 – Will allow qualified individuals to use paid parking spaces without charge as additional option to the existing free on-street parking spaces (available to general public)

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
	<ul style="list-style-type: none"> • Environmental Justice Element with documentation of historic policies that may have prevented disadvantaged groups from locating in Del Mar as educational component to inform decision making • Provide Fair Housing Training (i.e., Legal Aid Society) for City staff by December 2023 and conduct this staff training on an annual basis. • Provide brochures/links to fair housing materials (i.e., FEHA, HUD). Make available on the City web page, City Hall, library, and post office. Where materials are not already available in multiple languages, use available resources to translate and publish in English and Spanish. • Participate in ongoing regional efforts (i.e., to reduce homelessness) • Facilitate equal and fair housing opportunities for all persons by providing information, coordination, and education on fair housing laws and practices to residents and landlords. Information will be available at City Hall and on the City web page and reviewed and updated on an annual basis to ensure accuracy. • Provide brochures/links on how to file a complaint and access the investigation and enforcement activities of the State Fair Employment and Housing Commission. Make materials available at City Hall and on web page and review annually to ensure accuracy. • Partner with organizations to review and refer 100% of discrimination complaints as complaints are received and follow up to confirm resolution. If a complaint is not resolved, the City will refer the complaint to HCD to ensure that housing laws are actively enforced. • Conduct public education and outreach to reach protected groups and present information regarding fair housing laws twice a year. • Conduct periodic reviews of the regulatory process and analysis of barriers to homeownership or rental and report findings in annual progress reports. If any barriers to fair housing are identified, implement corrective actions accordingly (i.e., local ordinance or referral to responsible agencies).

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
<p>In the fair housing analysis, the City cites a need for increased affordable housing several times as a contributing factor to fair housing in the City. However, the element generally limits programs to increase affordable housing opportunities to the lower-income RHNA, of which the rezone to accommodate sufficient sites does not take place until April 2024, three years into the planning period.</p>	<p><u>The Housing Element analysis provides a historical context and explanation of why the City had no lower income units at the time of adoption. Consistent with the adopted plan, the City has already established adequate sites with sufficient zoning to meet 6th Cycle RHNA. Planned Housing Element programs will create additional new opportunities and capacity for moderate income, lower income, and special needs households beyond the RHNA.</u></p> <ul style="list-style-type: none"> • Historically, the biggest obstacle to creation of lower income and multifamily units was the lack of zones with a density of at least 20 du/ac. However, the City already completed zoning actions that removed this obstacle. The NC and PC zones allow 20 du/ac on the eight sites relied on to meet lower income RHNA and applies to additional sites that provide additional capacity in these zones. The City also identified public sites (Fairgrounds and two vacant City-owned sites) where housing can be developed without a rezone action. • Actions to create additional opportunities include Programs 1C (CC zone), 1D (overlay), 1I (Incentives), 2A (ADU Incentives), 2B (ADU Amnesty), 2B (Tiny Houses), and 5A (additions to existing apartment and condo complexes). These programs have implementation deadlines as early as December 2023 and no later than April 2024. • A significant and exponential increase in the number of units for all income levels will occur as a result of these programs. To generate the projected lower income units, a much larger number of market rate units must also be produced and will result in much more housing production than what was assigned in terms of RHNA. • Note that the Program 1E “rezone” referenced is a contingency action. It is only required if the City does not secure a binding agreement with the State by April 2024. The City is already making progress towards this priority housing program (3A), which is the most feasible strategy for the City to pursue to create lower income housing as identified in the Program 3B feasibility studies completed in June 2022.

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
<p>The element includes potential programs: Programs 1C (Central Commercial), 2B (ADU Amnesty), 2F (Tiny Homes), 5A (Adaptive Reuse), 7A (Funding), 7B (Interfaith Partnerships), 7C (Persons with Disabilities), 7D (Housing Choice Vouchers), 7G (Senior Housing), 7H (Student Housing)</p> <p>However, these programs lack specific commitment to housing outcomes and metrics or numeric targets.</p>	<p>Each housing program specifies planned actions to achieve the specified Housing Element goal. The programs to address RHNA (generally goal categories 1, 2, 3) state the targeted number of lower income units, the specific action(s) that will be completed, the deadline(s), and the funding source(s).</p> <ul style="list-style-type: none"> • Program 1C (CC Zone) – Ordinance by April 2024 to create additional opportunities beyond RHNA in a commercial zone for future housing cycles. The zone currently only allows one unit per lot. Program will increase the base zone density to allow multi-unit development with a lower income unit component and density bonus projects, which are not currently allowed by the existing CC zone. See edits on pages 3-68, 4-10. • Program 2A (ADU Incentive Program) – City has extended its existing incentive program and completed zoning/economic studies to identify new incentives. The program will be modified by Ordinance by December 2023. • Program 2B (ADU Amnesty) – Ordinance by December 2023 to allow owners with unpermitted (and previously unreported) ADUs to legalize their ADUs so the City can report them in annual progress reports (APR) and count them toward its RHNA and housing inventory. This program is intended to supplement the RHNA production strategy identified by Program 2A (ADU Incentive Program) in that “amnesty program” participation could facilitate owner participation in the Incentive Program to meet the goal of at least 15 low income ADUs. See edits on page 4-17. • Program 2F (Tiny Homes) – Ordinance by December 2023 to create an additional means for the City to address the 15 low income unit target set by Program 2A (ADU Incentive Program) by allowing “tiny houses” on non-residential properties. See edits on page 4-19.

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
	<ul style="list-style-type: none"> • Program 5A (Adaptive Reuse of Existing Apartments/Condos) – Modified this program to add a new commitment to process an Ordinance by December 2023 to expand the allowance for nonconforming multi-unit development to improve existing units and grant the ability to expand upon existing development as necessary to add lower income units. This is consistent with the findings of the Phase II studies completed per Program 1K in January 2023. The amendments are anticipated to be processed together with Program 1I (Incentives). See edits on page 4-27. <p>Other programs such as Program 4C (Shared Housing) and the goal category 7 programs identify assistance and resources and are not tied to RHNA.</p> <ul style="list-style-type: none"> • Program 4C (Shared Housing) – Commits to improve upon existing programs and partner with non-profits (i.e., Del Mar Community Connections and Elderhelp) to create shared housing opportunities and connect the public with available resources to support special needs households. See edits on page 4-25. • Program 7A (Funding) – Ensures that the funds accrued remain available during the 6th Cycle for 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 is also addressed in the quantified objectives. • Program 7B (Interfaith Partnerships) – References Interfaith Shelter Network and St Peters Church Helping Hands Program • Program 7C (Persons with Disabilities) – City will monitor and respond to 100% of complaints of constraints to housing for persons

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
	<p>with disabilities through coordination and assistance from local non-profits. See edits on page 4-41</p> <ul style="list-style-type: none"> • Program 7D (Housing Choice Vouchers) –The City will obtain information about the County voucher program from HACSD and make it available to the public. This includes a commitment to post information about the voucher program on the City web page and utilize the weekly newsletter to share the information with residents, property owners (i.e., apartments, condominiums), and applicants building affordable units. See edits on pages 4-41 to 4-42 • Program 7F (Response to Complaints) – Will monitor and respond to 100% of fair housing complaints. Where submitted complaints identify specific local regulatory constraints (i.e., impediments to the maintenance, improvement, or development of accessible housing for persons with disabilities), the City will investigate and take action accordingly to provide accommodation and remove the impediment. See edits on pages 4-42 to 4-43 • Program 7G (Senior Housing) – Connect residents and owners with non-profits that facilitate a range of senior housing resources and assistance opportunities. Continue to partner with non-profit organization, Del Mar Community Connections, and other local non-profit organizations (i.e., Elderhelp). Conduct annual search for additional non-profits and update to the list. See edits on page 4-43 • Program 7H (Student Housing) – Establish program to connect ADU property owners who are seeking renters with students (i.e., UCSD) who are seeking housing. The resource and assistance materials will be posted and distributed to the public as they become available. Establish program by June 2024. Update information annually. See edits on pages 4-43 to 4-44

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
<p>To overcome contributing factors to fair housing and promote housing opportunities throughout the jurisdiction, the City must add programs, policies, and actions to increase housing mobility and housing opportunities (not limited to RHNA), particularly those affordable to lower-income households and modify programs with specific commitment, geographic targeting (e.g., throughout the City) and significant metrics or numeric targets.</p>	<p>There are multiple programs in the Housing Element that increase housing mobility and housing opportunities. The strategies are not just limited to RHNA.</p> <ul style="list-style-type: none"> • As referenced above, the City’s existing shared housing program (Program 4C) is being modified to include non-profits and other organizations, in addition to Del Mar Community Connections, to facilitate the match of individuals who are seeking housing with owners who are seeking assistance with special needs. It commits the City to market the program and actions to assist matching interested tenants and homeowners. See edits incorporated on page 4-25. • An additional existing housing strategy for preservation and adaptive reuse is being expanded to incentivize owners to create lower income units on infill development sites in exchange for the ability to add market rate units and other improvements. Program 5A was modified to commit to an Ordinance by December 2023 to expand the allowance for nonconforming multi-unit development to improve and expand as necessary to add lower income units. See edits on page 4-27. <p>The Phase II feasibility studies completed in January 2023 (Program 1K) identified potential incentives and code amendments to accommodate lower income housing production on sites throughout the City thereby creating new housing choice/mobility opportunities. The implementing ordinances to create new incentives will be presented to the City Council by December 2023.</p> <p><u>To facilitate implementation of new incentives and other high priority programs, an adjustment to the following program timelines was incorporated:</u></p> <ul style="list-style-type: none"> • Modified the timeline for Programs 1G (Density Bonus), 4D (Inclusionary Housing), and 4E (Condo Conversions) to accommodate processing of these items together with consultant selection and contract by Dec 2023; ordinance by June 2024

“EXHIBIT B”

HCD COMMENT	CITY RESPONSE
	<ul style="list-style-type: none"> • Modified the timeline for Programs 4A (Residential Care) and 4B (Emergency Shelters, Transitional/Supportive Housing) to accommodate processing of these items together with consultant selection and contract by Dec 2023; resolution/ordinance by December 2024 • Modified timeline for Program 6G (Objective Design Standards) with consultant selection and contract by July 2023 and ordinance by June 2024
<p>2. Program 1E (Rezone North Bluff and/or South Stratford Properties):</p> <p>The Program serves as a backup program to accommodate the City’s lower-income RHNA shortfall if Program 3A (Pursue a Binding Agreement with the State to Develop Housing on the Fairgrounds Property) deliverables are not met by April 2024. However, Program 1E language appears to add an additional 180 days to the statutorily permitted three-year period to rezone sites for a total of three years and 180 days, which exceeds the allowable timeframe for the City to accommodate the shortfall of sites. Therefore, the City must amend this program to provide adequate sites within the statutorily specified timeframe of three years from the beginning of the planning period (April 15, 2024).</p>	<p>The deadline for the contingency rezone Program 1E was changed to reflect the implementation deadline expectation as clarified by HCD. See page 4-11.</p>
<p>Additionally, Program 1E states the failure to implement Program 3A would result in “no</p>	<p>Any reference to “no net loss” was removed from Program 1E. The contingency rezone Program 1E reflects the associated future implementation</p>

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<p>net loss”, however as previously noted, this should be amended as a shortfall of sites and the Program should include clear commitment to meet by-right requirements for any sites necessary to accommodate the shortfall of adequate sites (e.g., City-Owned).</p>	<p>commitment of “by-right” at 20-25 du/ac by April 2024 if the City fails to timely implement Program 3A. Nine privately-owned parcels are identified as sites that would be used to accommodate a potential shortfall of lower income sites if needed to replace the Fairgrounds. The two City-owned sites are separately designated as lower income sites and are not included in the sites needed to accommodate a potential shortfall of sites. Additional metrics have been added to Program 1H.</p>
<p><i>Program 1K (Nonvacant, Infill Feasibility):</i> The Program should commit to actions beyond studying and identifying potential changes and specifically commit to modify, reduce and remove constraints. The Program should also evaluate the effectiveness of standards and procedures to promote redevelopment at the mid-point of the planning period and commit to alternative actions by a specified date.</p>	<p>The City completed the Program 1K feasibility studies of small sites and non-vacant sites in January 2023. The studies demonstrate the Housing Element sites in the NC zone and PC zone are feasible and identify potential changes to facilitate development of lower income units. Program 1K commits to adopt an ordinance by December 2023 via separate programs already committed to in the Housing Element as Program 1I (Incentives Ordinance) to be adopted by December 2023, and Program 1D (Affordable Housing Overlay Zone) to be adopted by December 2025. The City’s actions in process to implement the findings of the 1K (feasibility studies) via ordinance will occur consistent with or earlier than the deadlines shown in the adopted Housing Element for Programs 1D (Affordable Housing Overlay) and 1I (Incentives) to modify, reduce, and remove constraints. For example, to accommodate existing non-conforming development in addition to new affordable housing development.</p>
<p><i>Program 3B (Publicly-Owned Sites):</i> While the Program commits to studies, zoning assessments and concepts, it should also commit to a schedule of actions to facilitate development, including coordinating with developers, assisting with funding, supporting funding applications, facilitating entitlements and issuing permits. Each action should have a specified target date and alternative actions with a specified date if action do not occur in a timely manner.</p>	<p>The City completed the Program 3B feasibility studies in June 2022. The studies demonstrate that housing development at the State Fairgrounds and on two City-owned vacant sites is feasible. Additional implementation actions for these sites are specified in Program 3A for the State Fairgrounds and Program 1H for the City-owned sites, which each specify target dates and actions that will be implemented.</p> <p>Clarification of the intent of the City’s public sites strategy and associated milestones has been incorporated into Program 3B on p. 4-21 to 4-22.</p>

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<p>Program 6F (Vote Thresholds): The Program should go beyond exploring potential modifications and commit to complete modification to address the identified constraint.</p>	<p>Although the vote threshold requirement for General Plan Amendments is potentially a constraint, to date it has not actually prevented the City from adopting and implementing its Housing Element (6th Cycle and prior cycles). The City has already reviewed and determined that the supermajority vote requirement (adopted by Del Mar voters with the 1976 Del Mar Community Plan) is not inconsistent with State law. Program 6F has been revised to state that the supermajority vote requirement cannot be enforced if it results in an actual conflict with State law. The City cannot commit to complete modification because that would require a vote of the electorate. Clarifying edits to Program 6F were incorporated on p. 3-18 and 4-38 to 4-39.</p>
<p>3. Public Participation: 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 must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate.</p> <p>In addition, HCD understands the City has not made these draft revisions available to the public prior to submittal to HCD. Please note, new public participation requirements pursuant to AB 215 (Chapter 342, Statutes of 2021) requires the City to post draft revisions on its internet website and email a link to the</p>	<p>The City has a dedicated web page for the Housing Element and has made all Housing Element drafts available to the public. The November 2022 drafts have not been reviewed by the Planning Commission or City Council. They were posted to the City’s web page on January 13, 2023 immediately upon receipt and review of the HCD letter. The City understands now that all revised drafts should be posted and made available for public review for a minimum of 7 days before being formally submitted to HCD. All future revised drafts will continue to be posted to the City web page and public notice of the associated public hearing will be posted and mailed in accordance with applicable noticing requirements.</p> <p>The sequencing and timing for processing of public notices and posting of the public drafts for public review prior to decision maker actions and submittal to HCD for review is reflected in the City Council Resolution for adoption.</p> <p>The City created a new Appendix H (Public Participation) to supplement the existing Appendix C (Community Engagement) in order to reflect the processing since initial adoption of the Housing Element in March 2021. This</p>

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<p>draft revision to all individuals and organizations that have previously requested notices relating to the local government’s housing element at least seven days before submitting the draft revision to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD’s review. The City must proactively make future revisions available to the public pursuant to Government Code section 65585 (b), prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD’s future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City’s consideration of public comments must not be limited by HCD’s findings in this review letter.</p>	<p>includes links to all public hearings and submitted public comments relating to the Housing Element.</p>

