

RESOLUTION NO. 2020-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA APPROVING THE DRAFT 6<sup>TH</sup> 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 6<sup>th</sup> Cycle Housing Element Update was prepared based on input from the City Council, Planning Commission, and 6<sup>th</sup> 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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Cycle planning period (2013-2021) to the 6<sup>th</sup> Cycle planning period resulting in a draft HEU plan for a total 6<sup>th</sup> Cycle obligation of 113 affordable units due to the fact the City did not meet its 5<sup>th</sup> Cycle obligation for affordable housing; and

WHEREAS, the draft 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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.



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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. 2020-52, 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: Mayor Haviland, Council Members Parks and Worden

NOES: Deputy Mayor Gaasterland, Council Member Druker

ABSENT: None

ABSTAIN: None



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Ashley Jones, Administrative Services  
Director/City Clerk  
City of Del Mar