



# 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: 6<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element Update (HEU) – see Attachment A
  - o Final PEIR: [www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020)
  - o Draft HEU: [www.delmar.ca.us/DocumentCenter/View/7143/Draft-6th-Cycle-Housing-Element-Update-2021-2029](http://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 6<sup>th</sup> Cycle HEU has been in process for over one year. The City Council's initial direction was to develop a Housing Element that is:

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## City Council Action:

See attached for action taken.

## **ACTION TAKEN – ITEM 7:**

**IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO ADOPT RESOLUTION 2020-51, “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.” (VOTE 3-2)**

Ayes: Mayor Haviland, and Councilmembers Parks and Worden; Noes: Deputy Mayor Gaasterland and Councilmember Druker; Absent: 0; Abstain: 0.

Council discussion focused on the contents of the draft Housing Element and each provided insight as to their thoughts about what is being proposed by staff and possible alternative options.

**IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS, TO ADOPT RESOLUTION 2020-52, “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)”, WITH THE REMOVAL OF THE TENNIS COURTS AND SHORES PARK PROPERTY. (VOTE 3-2)**

Ayes: Mayor Haviland, and Councilmembers Parks and Worden; Noes: Deputy Mayor Gaasterland and Councilmember Druker; Absent: 0; Abstain: 0.

- 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 6<sup>th</sup> Cycle HEU is consistent with this City Council direction as well as recommendations provided by the Planning Commission and the 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Cycle planning period which covers 2013-2021. The next planning period is the 6<sup>th</sup> Cycle, which covers 2021-2029. The 6<sup>th</sup> 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 5<sup>th</sup> Cycle production period ended on June 29, 2020. The 6<sup>th</sup> 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 5<sup>th</sup> Cycle to the 6<sup>th</sup> Cycle:

<b>5<sup>th</sup> Cycle Production of Units at Specified Household Income Levels</b>			
<b>Income Level</b>	<b>Assigned Units</b>	<b>Units Produced (by 6/29/2020)</b>	<b>5<sup>th</sup> Cycle Results</b>
<b>Above Moderate</b>	34	40	Exceeded target
<b>Moderate</b>	20 (15 + 5 penalty*)	22	Exceeded target
<b>Low**</b>	15 (5 + 10 penalty*)	1	<b>Deficit of 14 units</b>
<b>Very Low**</b>	7	0	<b>Deficit of 7 units</b>
<b>TOTAL</b>	76	63	

\* Penalty units were assigned to the City for failing to be in compliance during its 4<sup>th</sup> Cycle planning period.  
 \*\*Low and Very Low are considered “Affordable” units. Combined, the City only produced 1 of 22 required affordable units during its 5<sup>th</sup> Cycle planning period from 2013-2021 and had not produced any affordable units in its previous housing cycles.

The City met its 5<sup>th</sup> Cycle obligation for above moderate and moderate units and will likely meet the targets for these income categories again during the 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> Cycle HEU:

<b>City’s Progress on 5<sup>th</sup> Cycle Housing Programs</b>		
<b>Housing Action Program</b>	<b>Status</b>	
<b>North Commercial</b>	5 <sup>th</sup> Cycle 2E 6 <sup>th</sup> Cycle 1A	Required carryover program from 5 <sup>th</sup> Cycle to 6 <sup>th</sup> 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.

		<i>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.</i>
<b>Professional Commercial</b>	5 <sup>th</sup> Cycle 2F 6 <sup>th</sup> Cycle 1B	Required carryover program from 5 <sup>th</sup> Cycle to 6 <sup>th</sup> 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 6 <sup>th</sup> Cycle by April 2022.
<b>Rezone of “Watermark” Lots in NC Zone</b>	5 <sup>th</sup> 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.
<b>Fairgrounds</b>	5 <sup>th</sup> Cycle 2J 6 <sup>th</sup> Cycle 3A	Incomplete Program 2J is proposed to be expanded in scope and covered by proposed 6 <sup>th</sup> Cycle HEU Program 3A to partner with 22 <sup>nd</sup> District Agricultural Association (22 <sup>nd</sup> DAA) to build and obtain credit for at least 51 affordable units on the State Fairgrounds property. The City cannot obtain credit toward its 6 <sup>th</sup> Cycle affordable housing requirements without executed agreements in place from the City and 22 <sup>nd</sup> DAA, as well as formal concurrence from HCD that this program will be acceptable for compliance with State Housing law.
<b>ADU Amnesty Program</b>	5 <sup>th</sup> Cycle 3F 6 <sup>th</sup> Cycle 2B	Proposed carryover program with the intent to count any participating units (that obtain building permits) towards the City’s 6 <sup>th</sup> 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 6 <sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 through 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 6<sup>th</sup> Cycle HEU, the City will be required to modify some of its zones (similar to past commitments in its 5<sup>th</sup> 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 6<sup>th</sup> Cycle affordable unit requirements or, in the absence of executed agreements with the 22<sup>nd</sup> DAA, the City cannot rely upon the Fairgrounds to accommodate its 6<sup>th</sup> 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 5<sup>th</sup> Cycle Housing Element. For 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> Cycle (and continuing into its 6<sup>th</sup> Cycle) affordable housing obligation.

On September 8, 2020, the City Council also considered the second required “adequate sites” program in the City’s 5<sup>th</sup> 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 5<sup>th</sup> Cycle (and continuing into its 6<sup>th</sup> 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 6<sup>th</sup> Cycle HEU, including the carryover program from the 5<sup>th</sup> 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 6<sup>th</sup> 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 22<sup>nd</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> Cycle HEU. The City Council must also demonstrate to HCD that its diversified housing programs implement State Housing law and are realistic and feasible.

<b>6<sup>th</sup> Cycle Housing Element Update – Units Assigned to Del Mar</b>			
	<b>RHNA Assigned</b>	<b>Estimated Affordable Unit Carryover Penalty</b>	<b>Total</b>
<b>Above Moderate</b>	31	0	31
<b>Moderate</b>	31	0	31
<b>Low Income</b>	64	12 low income	113 affordable
<b>Very Low Income</b>	37	0	
	163 RHNA	12 penalty units	<b>175 units</b>

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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Cycle obligation of 175 total units:

- 1 of 31 above-moderate units assigned – new single dwelling on 26<sup>th</sup> Street
- 5 of 31 moderate units assigned – 5 ADUs located on Avenida Primavera, Crest Road, Ocean Front, and 26<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 it 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 6<sup>th</sup> Cycle RHNA), including 8 affordable units (out of 113 required affordable units for the 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Cycle HEU and repeatedly raised during the public participation process. As such, the 6<sup>th</sup> 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 22<sup>nd</sup> DAA to include with its 6<sup>th</sup> Cycle HEU for HCD’s consideration.

- *HEU Strategy #3 includes a priority strategy to execute an agreement with the 22<sup>nd</sup> DAA to accommodate a minimum of 51 affordable units (or more) within three years following certification of its 6<sup>th</sup> Cycle HEU (by April 2024).*

Therefore, while the City plans to vigorously pursue this priority strategy immediately following certification of its 6<sup>th</sup> 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 6<sup>th</sup> Cycle planning period. However, as proposed, should the City and 22<sup>nd</sup> DAA execute an agreement within the first three years following certification of its 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 22<sup>nd</sup> DAA) is not achieved within three years following certification (by April 2024). The 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Cycle Housing Element to the 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 9<sup>th</sup> 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 28<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 9<sup>th</sup> Street lots) from the list of 6<sup>th</sup> 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 9<sup>th</sup> Street lots entirely and keep "half" of the 201 Court Street site on the list of 6<sup>th</sup> 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 6<sup>th</sup> Cycle adequate sites (201 Court Street, 9<sup>th</sup> Street lots, 28<sup>th</sup> 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):

<b>Affordable Unit “Adequate Sites” Comparison of HEU Proposal to Alternatives</b>					
	<b>Proposed HEU</b>	<b>No Parkland Alternative</b>	<b>Partial Parkland Alternative</b>	<b>No City Property Alternative</b>	<b>No NC Zone Alternative</b>
<b>ADUs</b>	<b>8 affordable</b>	8	8	8	8
<b>PC Zone</b>	<b>3 affordable</b>	3	3	3	3
<b>CC Zone</b>	<b>3 affordable</b>	3	3	3	3
<b>941 CDM</b>	<b>2 affordable</b>	2	2	2	2
<b>NC Zone</b>	<b>20 affordable</b>	<i>32 affordable</i>	<i>32 affordable</i>	<i>32 affordable</i>	<i>0 affordable</i>
<b>Rezone</b>	<b>51 affordable</b>	<i>55 affordable</i>	51	<i>65 affordable</i>	<i>71 affordable</i>
<b>City-owned Property</b>	<b>26 affordable</b>	<i>10 affordable</i>	<i>14 affordable</i>	<i>0 affordable</i>	26
<b>TOTAL</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>

*Proposed HEU Housing Plan – Other Programs*

In addition to the programs described above, which are all designed to accommodate the City’s assigned 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Cycle HEU would preserve all required development standards.*
- Insures adequate housing for diverse age and socio-economic groups within the community;
  - *The 6<sup>th</sup> 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 6<sup>th</sup> Cycle unit obligations throughout the community including its main commercial corridor.*
- Facilitates housing for seniors close to the Village Center; and
  - *The 6<sup>th</sup> 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 6<sup>th</sup> Cycle HEU includes programs to implement the City's 6<sup>th</sup> 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 5<sup>th</sup> 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 22<sup>nd</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Housing Element with the 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Cycle HEU (State Clearinghouse (SCH) No. 2020029064). The 6<sup>th</sup> Cycle PEIR is available at: [www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020). The PEIR found that all potentially significant environmental effects of the proposed 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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](http://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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> Cycle HEU and the Community Plan
- Attachment D – Letters from HCD Dated September 30, 2020 and July 31, 2020
- Attachment E – Resolution Approving Draft 6<sup>th</sup> 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

## 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 6<sup>TH</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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.

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Ellie Haviland, Mayor  
City of Del Mar

APPROVED AS TO FORM:

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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:

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

# City of Del Mar 6th Cycle Housing Element Update

Findings of Fact  
September 2020



Prepared By  
**Kimley»Horn**



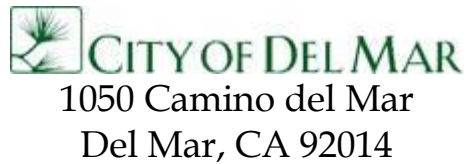
*Findings of Fact*

**Del Mar 6th Cycle Housing Element Update**

**2021-2029 Housing Element Update**

(SCH # 2020029064)

*Findings by:*



*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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Cycle).<sup>1</sup> The HEU will include goals, policies, and implementation programs for the 6<sup>th</sup> Cycle. It will also include revisions to goals, policies, and modified or continuing implementation programs carried over from the existing 5<sup>th</sup> Cycle Housing Element for completion in the first year of the 6<sup>th</sup> 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 6<sup>th</sup> Cycle RHNA allocation and the 46 estimated carryover DUs from the 5<sup>th</sup> 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 6<sup>th</sup> Cycle RHNA planning period (2021-2029), as assigned by

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<sup>1</sup> 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](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 22<sup>nd</sup> District Agricultural Association (22<sup>nd</sup> DAA) State-owned Fairgrounds. Planning and zoning amendments for the PC zone are currently underway as part of a 5<sup>th</sup> 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 5<sup>th</sup> 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 – 5<sup>th</sup> Cycle Program 2-E (carryover program)
- PRIORITY: Complete Processing of Amendments to Professional Commercial (PC) Zone – 5<sup>th</sup> 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 22<sup>nd</sup> 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.<sup>2</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> Cycle “carryover” housing program, which is required to be addressed in addition to the 6<sup>th</sup> Cycle RHNA. The City’s estimated “carryover” is 46 DUs from the 5<sup>th</sup> Cycle Housing Element.

The City’s RHNA allocation for the 6<sup>th</sup> Cycle HEU and estimated carryover from the 5<sup>th</sup> Cycle is 209 DUs. In addition, for the purpose of the analysis in this PEIR, the City planned for additional units as a buffer

<sup>2</sup> 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 5<sup>th</sup> Cycle Housing Element + 49-unit buffer), but the Final HEU will only incorporate capacity no higher than 209 DUs needed for RHNA and the 5<sup>th</sup> 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 6<sup>th</sup> 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). 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 4.8-13 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 5<sup>th</sup> 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 statutes 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 be 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 6<sup>th</sup> 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 22<sup>nd</sup> 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 6<sup>th</sup> Cycle RHNA and 5<sup>th</sup> 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 PEIR, 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 6<sup>th</sup> Cycle Housing Element Update Mitigation Monitoring and Reporting Program

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September 2020

***Lead Agency:***

**City of Del Mar**

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## 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 6<sup>th</sup> Cycle Housing Element Update Program Environmental Impact Report. The Del Mar 6<sup>th</sup> 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 lead agency for the Del Mar 6<sup>th</sup> 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 mitigation measure 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 monitoring. The completed MMRP and supplemental documents will be kept on file at the City of Del Mar Planning and Community Development Department

The following list provides definitions for acronyms used in the mitigation monitoring and reporting program

<i><b>Acronyms/Abbreviation</b></i>	<i><b>Description</b></i>
	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

<p>– 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:</p> <p>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.</p>	Pre Construction (prior to issuance of any permit)	Pre Construction Biological Resources Survey  Biological Resources Report	Planning and Community Development Manager		
<p>– 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:</p>	rior ssuance f Permit for Grading r Vegetation Removal	Biological Resources Survey	Planning and Community Development Manager		

<p>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 <i>Wetlands Delineation Manual</i> and the <i>Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region</i>. 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.</p>		<p>Jurisdictional Wetlands Delineation</p> <p>Riparian Habitat Limits Delineation</p> <p>Special Aquatic Sites Delineation</p>	<p>Army Corps of Engineers</p> <p>Coastal Commission and RWQCB</p>		
<p>– 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.</p> <p>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).</p>	<p>Pre onstruction (if ground disturbance occurs within bird breeding season January through July for raptors and February through August for other avian species</p> <p>Pre onstruction (if active nests are found during nesting season January through July for raptors and February through August for other avian species</p>	<p>Pre Construction Nesting Bird Survey</p> <p>Active Nest Buffer</p>	<p>Planning and Community Development Manager</p> <p>Qualified Biologist</p>		

<p>– 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:</p> <p>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.</p>	Pre Construction	Historical Resource Report	Qualified Historian  Planning and Community Development Manager		
<p>– 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:</p> <p>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.</p>	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		

<p>– 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:</p> <p>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.</p>	<p>During Construction Phases Involving Ground Disturbing Activities (i.e., pavement removal, Pot Holing/ Auguring, Grubbing Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching)</p>	<p>Tribal Monitor/ Consultant Agreement</p> <p>Construction Site Monitoring &amp; Completion of Daily Monitoring Logs</p>	<p>Planning and Community Development Manager</p>		
<p>– <b>Paleontological Monitoring and Compliance Program</b></p> <p>For future housing developments facilitated by the HEU and in areas identified as having high paleontological sensitivity, the applicant shall:</p> <p><u>Retain a Qualified Project Paleontologist.</u> 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.</p> <p>b. <u>Paleontological Monitoring and Compliance Program.</u> 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</p>	<p>Prior to Ground Disturbance</p> <p>Prior to Ground Disturbance</p> <p>During Construction Phases Involving Ground Disturbing Activities (i.e., pavement removal, Pot Holing/ Auguring, Grubbing, Tree Removals, Boring,</p>	<p>Paleontological Monitoring and Compliance Program</p> <p>Construction Site Monitoring</p> <p>Final Paleontological Monitoring and Compliance Report</p>	<p>Qualified Project Paleontologist</p> <p>Planning and Community Development Manager</p> <p>Project Paleontologist</p> <p>Planning and Community</p>		

<p>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.</p> <p>Ground disturbing activities where paleontological sensitivity has been identified shall be monitored full time by a qualified paleontological monitor during initial ground disturbing activities.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Grading, Excavation, Drilling, and Trenching)</p> <p>Post Ground Disturbance</p>		<p>Development Manager</p> <p>Planning and Community Development anager</p>		

<p>significant, the qualified paleontologist shall complete the following conditions:</p> <ul style="list-style-type: none"> <li>i. <u>Salvage of Fossils</u>. 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.</li> <li>ii. <u>Preparation and Curation of Recovered Fossils</u>. 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.</li> <li>e. <u>Final Paleontological Monitoring and Compliance Report</u>. 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.</li> </ul>					

<p>– 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.</p>	<p>Prior to Demolition, Grading or Building Permit Issuance</p> <p>Or Prior to Land Acquisition, Demolition or Construction</p>	<p>Phase I ESA</p> <p>Phase II ESA</p>	<p>qualified hazardous materials Environmental Professional</p>		
<p>– 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:</p> <p>Immediately cease work in the suspected contaminant’s vicinity, remove workers and the public from the area, and secure the area;</p> <p>Notify the applicant’s Environmental Professional and immediately implement proper remedial activities as recommended;</p> <p>Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area;</p> <p>The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.</p>	<p>During Construction</p>	<p>Implement Recommended Remedial Activities and Measures to Secure Area</p>	<p>Environmental Professional City Engineer and Planning and Community Development Director</p>		
<p>– 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</p>	<p>Pre Construction and during</p>	<p>Noise Reduction Program</p>	<p>Planning and Community</p>		

<p>implement a site specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> </ul> <p>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</p>	<p>construction activities</p>		<p>Development Director</p>		
<p>– 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:</p> <ul style="list-style-type: none"> <li>▪ A procedure to the public for notifying the City’s Code Compliance Officer and Sheriff’s Department (during regular construction hours and off hours);</li> <li>▪ 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</li> </ul>	<p>Prior to Demolition, Grading or Building Permit Approval and Construction</p>	<p>Create a list of measures to respond to and track complaints</p>	<p>Planning and Community Development Director</p>		

<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>					
<p>– 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:</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> </ul>	<p>Prior to Building Permit Approval Prior to and During Construction Activities (i.e., Demolition, Grading)</p>	<p>Preconstruction Survey</p>	<p>Planning and Community Development Director</p>		
<p>– <b>Unanticipated Discovery of Tribal Cultural and Archaeological Resources:</b> 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</p>	<p>Prior to any Ground Disturbance  During Construction Phases Involving ground disturbing</p>	<p>Tribal Monitor/ Consultant Agreement  Construction Site Monitoring &amp; Completion of</p>	<p>Planning and Community Development Director</p>		

<p>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.</p> <p>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</p>	<p>activities (i.e., pavement removal, Pot Holing Auguring, Grubbing, Tree Removals, Boring, Grading, Excavation, Drilling, and Trenching</p>	<p>Daily Monitoring Logs</p>			



# Del Mar 6<sup>th</sup> Cycle Housing Element Update 2021-2029

Draft September 2020

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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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.

### **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 5<sup>th</sup> 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)
  - 6<sup>th</sup> Cycle Allocation: 64 Units
  - 5<sup>th</sup> 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.

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.

<b>Housing Goal #1:</b>
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 6<sup>th</sup> 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 5<sup>th</sup> Cycle planning period. Any additional adequate sites created by the NC zone amendments may be counted towards the 6<sup>th</sup> Cycle Housing Element adequate sites.

**Timeframe:** Within 12 months of adoption of the 6<sup>th</sup> 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 5<sup>th</sup> Cycle Housing Element.

**Timeframe:** Within 12 months of adoption of the 6<sup>th</sup> 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

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 6<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

### **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 22<sup>nd</sup> District Agricultural Association are not finalized within 36 months of the adoption of the 6<sup>th</sup> 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 6<sup>th</sup> 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 %
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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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

**Housing Program 1H: Public Facilities 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 6<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

**Housing Program 11: 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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

<b>Housing Goal #2:</b>
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 (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 6<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

**Housing Program 2C: Promotion of Accessory Dwelling Unit Construction**

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 6<sup>th</sup> 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.

**Timeframe:** Within 24 months of adoption of the 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

<b>Housing Goal #3:</b>
Vigorously Pursue Housing Opportunities on 22 <sup>nd</sup> District Agricultural Association Property (State Fairgrounds).

**Housing Policy 3.1:** Coordinate with local public agencies and stakeholders to pursue affordable housing opportunities with the 22<sup>nd</sup> District Agricultural Association (DAA).

**Housing Policy 3.2:** Establish a regular meeting and update schedule with the City Council to track consultations with 22<sup>nd</sup> 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 22<sup>nd</sup> District Agricultural Association to Develop Housing on the Fairgrounds Property**

Pursue a partnership with the 22<sup>nd</sup> 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 22<sup>nd</sup> 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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

**Projected RHNA Accommodation:** 51 lower income dwelling units

<b>Housing Goal #4:</b>
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 6<sup>th</sup> 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

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 6<sup>th</sup> 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.
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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

<b>Housing Goal #5:</b>
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:**

**Housing Program 5A: Accommodate the Renovation and Improvement of Existing Multiple Dwelling Unit Structures with Non-Conformities**

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 6<sup>th</sup> 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

<b>Housing Goal #6:</b>
Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.

**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

**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

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

**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 6<sup>th</sup> Cycle Housing Element

**Responsible Agency:** Planning and Community Development

**Funding Sources:** TBD

<b>Housing Goal #7:</b>
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 6<sup>th</sup> 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

**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**

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**

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 6<sup>th</sup> 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**

<b>Income Group</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
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.						

**Relationship between Draft 6<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element Update (HEU) will amend the Community Plan by replacing the prior 5<sup>th</sup> Cycle Housing Element, that is currently part of the existing Del Mar Community Plan, with the 6<sup>th</sup> 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 26<sup>th</sup> 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

**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](http://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 5<sup>th</sup> 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 4<sup>th</sup> cycle need within the first year of the 5<sup>th</sup> cycle planning period and was required to rezone for the 5<sup>th</sup> 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 4<sup>th</sup> and 5<sup>th</sup> 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](mailto: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

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95833  
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[www.hcd.ca.gov](http://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 6<sup>th</sup> 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 6<sup>th</sup> 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.<sup>1</sup>

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 5<sup>th</sup> cycle housing element, Del Mar identified a shortfall of 12 units to accommodate

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<sup>1</sup> 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 section 65585.

the need of lower-income households in the 5<sup>th</sup> cycle and an unaccommodated need of 10 units from the 4<sup>th</sup> cycle for a total of 22 units. To address this shortfall, the City's 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 4<sup>th</sup> cycle need within the first year of the planning period and was required to rezone for the 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> cycle planning period, prior to 6<sup>th</sup> 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 6<sup>th</sup> 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](mailto:Jose.Ayala@hcd.ca.gov) for any additional information and assistance.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West  
Land Use & Planning Unit Chief

RESOLUTION NO. 2020-XX

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.

---

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.

<b>Table 1-1: Housing Element Requirements</b>		
<b>Issues Requiring Analysis</b>	<b>Gov. Code Section</b>	<b>Reference in Housing Element</b>
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

<b>Table 1-1: Housing Element Requirements</b>		
<b>Issues Requiring Analysis</b>	<b>Gov. Code Section</b>	<b>Reference in Housing Element</b>
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

<b>Table 1-1: Housing Element Requirements</b>		
<b>Issues Requiring Analysis</b>	<b>Gov. Code Section</b>	<b>Reference in Housing Element</b>
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 (28<sup>th</sup> Street and City Hall vacant lot on 10<sup>th</sup> 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 9<sup>th</sup> 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 11<sup>th</sup> 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
<i>Subcommittee High Priority Recommendations</i>			
<b>1a. Zuni Water Reservoir</b>	√ (Candidate Site 21)	<i>Not recommended</i>	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.
<b>1b. 12<sup>th</sup> Street/Luneta Open Space Lot</b>	<i>Not included</i>	<i>Not included</i>	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.
<b>2. 28<sup>th</sup> Street Vacant Lot</b>	√ (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.
<b>3. 10<sup>th</sup> Street City Hall Expansion Property</b>	√ (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.
<b>4. Fairgrounds – Surf and Turf RV Lot</b>	√ (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.
<b>5. Central Commercial Zone</b>	√ (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.
<b>6. Pine Needles Water Tank</b>	√ (Candidate Site 100)	<i>Not recommended</i>	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.
<b>7. 10<sup>th</sup> Street/Highland Water Tank</b>	√ (Candidate Site 94)	<i>Not recommended</i>	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.
<b>8. Fairgrounds - “Track” Housing</b>	√	√ (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.
<b>9. Fairgrounds – Convert Livestock and Horse Barn to Housing</b>	√ (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.
<i>Subcommittee Medium Priority Recommendations</i>			
<b>1. 9<sup>th</sup> Street lots where DMF and DMCC offices are located</b>	√ (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 9 <sup>th</sup> Street lots are selected as adequate sites in the HEU and the Master Plan is subsequently approved during the 6 <sup>th</sup> Cycle in a manner that would preclude the 9 <sup>th</sup> 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".
<b>2. Fairgrounds – Lot South West of Jimmy Durante Blvd/Via de la Valle</b>	√ (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.
<b>3. Water Tower on Crest Road</b>	√ (Candidate Site 95)	<i>Not recommended</i>	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.
<i>Subcommittee Low Priority Recommendations</i>			
<b>1. Maintenance Yard (Public Works Facility)</b>	<i>Not included</i>	<i>Not included</i>	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.

<b>2. Fairgrounds – Units over Fairgrounds Offices</b>	√ (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.
<b>3. Fairgrounds – Units over Fire Station</b>	√ (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.
<b>4. Second Homes – Housing Preservation</b>	N/A	√ (Program 5C)	This preservation strategy applies to properties in residential zones citywide.
<b>5. Pump Station by Tennis Courts (201 Court Street)</b>	√ (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.
<i>Extremely Low Priority Recommendations</i>			
<b>1. Shores Park</b>	<i>Not included</i>	<i>Not included consistent with Task Force recommendation</i>	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.
<b>2. Fairgrounds - Practice Track</b>	√ (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.
<b>3. City Hall 11<sup>th</sup> Street northeast parcel</b>	√ (Candidate Site 56)	<i>Not recommended</i>	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.
<b>4. Camino del Mar/Border Avenue west of Brigantine</b>	√ (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.
<b>5. Fairgrounds – Lay down lot</b>	√	√ (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.
<i>Public Properties Recommended by Subcommittee to be Excluded from Consideration</i>			
<b>1. Existing City Hall Buildings</b>	<i>Not included</i>	<i>Not included per Task Force</i>	Existing City Hall facilities were not considered for housing with the HEU.
<b>2. Del Mar Library</b> (San Diego County Library)	<i>Not included</i>	<i>Not included per Task Force</i>	This lot was not considered for housing with the HEU.
<b>3. Powerhouse Park</b>	<i>Not included</i>	<i>Not included per Task Force</i>	These lots (Powerhouse Park and Seagrove Park) were not considered for housing with the HEU.
<b>4. Del Mar Post Office</b> (United States Postal Service)	<i>Not included</i>	<i>Not included per Task Force</i>	This lot was not considered for housing with the HEU.
<b>5. Most City Easements &amp; Street Ends</b>	<i>Not included</i>	<i>Not included per Task Force</i>	Various public right-of-way properties were considered with the HEU, but none have been identified as proposed adequate sites in the HEU.
<i>Recommendations related to ADUs</i>			
<b>1. ADU Amnesty Program</b>	√	√ (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.
<b>2. Implement and Communicate Recent Change in State Law</b>	√	√ (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.
<b>3. Tracking of Annual Survey Data</b>	√	√ (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.
<b>4. Expand Current ADU Pilot Program</b>	√	√ (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.
<b>5. Create Tiny Home Program</b>	√	√ (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.
<b>6. Student ADU Rental Program</b>	√	√ (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
<i>Preservation of Existing Housing Stock Recommendations</i>			
<b>1. Recommendation for Preservation of Existing Housing Stock</b>	√	√ (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 of 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.
<i>Community Assistance and Resources Subcommittee Recommendations</i>			
<b>1. Recommendations for Community Assistance and Housing Resources</b>	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.
<i>Communications Subcommittee Recommendations</i>			
<b>1. Recommendations for Communications related to the proposed 6<sup>th</sup> Cycle HEU</b>	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.

### 6<sup>th</sup> Cycle Affordable Housing Production Strategy with Timeline

#### YEAR 1 – by April 2022

- Complete implementation of carryover zoning action programs from the 5<sup>th</sup> 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 6<sup>th</sup> Cycle and begin preparing for the 7<sup>th</sup> 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 28<sup>th</sup> Street are recommended to be adequate sites if needed (total capacity of 10 small affordable units)
  - 201 Court Street and 9<sup>th</sup> 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 6<sup>th</sup> Cycle to address a State law no-net loss requirement, if applicable.

## Draft 6<sup>th</sup> Cycle HEU Adequate Sites for Affordable Units

	<u>Total Units</u>	<u>Affordable Units</u>	
<b>ADUs</b>	77 units	8 affordable	Assumes 8 affordable units will participate in the ADU incentive program including one approved affordable ADU (Luzon Avenue)
<b>PC Zone</b>  <i>If LCP amendment is certified by CCC to allow 20 du/acre</i>	10-17 units	3 affordable	<ul style="list-style-type: none"> <li>• 807 Camino del Mar: 4-6 units, 1 affordable (0.30 acre)</li> <li>• 853 Camino del Mar: 6-11 units, 1-2 affordable (0.56 acre)</li> </ul>
<b>CC Zone</b>  <i>If land use and zone amended to allow 20 du/acre</i>	16-19 units	3 affordable	<ul style="list-style-type: none"> <li>• 1135 Camino del Mar: 4 units, 1 affordable (0.30 acre)</li> <li>• 1234 Camino del Mar: 6-7 units, 1 affordable (0.14 acre)</li> <li>• 10<sup>th</sup> Street: 6-8 units, 1 affordable (0.22 acre each lot)</li> </ul>
<b>941 CDM Specific Plan</b>	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 6 <sup>th</sup> RHNA obligation at the time building permits are issued)
<b>SUBTOTAL</b>	114-124 units	16 affordable	<b>ADUs + PC + CC + 941CDM meets only 14% of need; and most are from ADUs. Additional strategies/sites are needed.</b>
<b>NC Zone</b>  <i>If land use and zone amended to allow 20 du/ac</i>	71-94 units	20 affordable  <i>(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)</i>	<ul style="list-style-type: none"> <li>• 2002 Jimmy Durante Blvd: 18-28 units, 4-6 affordable (1.42 acres)</li> <li>• 2126 Jimmy Durante Blvd: 8-10 units, 1-2 affordable (0.51 acres)</li> <li>• 2148 Jimmy Durante Blvd: 5-8 units, 1 affordable (0.38 acres)</li> <li>• 2236 Jimmy Durante Blvd: 5-8 units, 1 affordable (vacant 0.42 acres)</li> <li>• Watermark: 35-40 units, 7-10 affordable (vacant 2.68 acres)</li> </ul> <p><i>Alternative to add/assign 12 affordable units:</i></p> <ul style="list-style-type: none"> <li>• 2120 Jimmy Durante Blvd: (0.90 acres)</li> <li>• 2010 Jimmy Durante Blvd: (2.12 acres)</li> </ul>

**ATTACHMENT H**

	<b>Total Units</b>	<b>Affordable Units</b>	
<p><b>Rezone of Vacant Land: North Bluff and South Stratford</b></p> <p><i>The rezone will not be required if Fairgrounds strategy is successfully implemented within 3 years (by 2024).</i></p>	<p>Up to 248 units on North Bluff</p> <p>Up to 99 units on South Stratford</p>	<p>At least 51 affordable units total – proposal assigns 32 affordable to North Bluff and 19 affordable to South Stratford</p> <p><i>(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%)</i></p>	<ul style="list-style-type: none"> <li>• 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)</li> <li>- Proposal reduces assigned affordable units on southernmost North Bluff site 1F to increase distance from Bluff Preserve. Affordable assigned at 20%: <ul style="list-style-type: none"> <li>1A- 9 affordable (2.46 ac)</li> <li>1B- 2 affordable (0.63 ac)</li> <li>1C- 4 affordable (1.21 ac)</li> <li>1D – 5 affordable (1.25 ac)</li> <li>1E – 8 affordable (2.02 ac)</li> <li>1F – 4 affordable assigned instead of 19 possible (4.82 ac)</li> </ul> </li> <li>- <i>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.</i></li> <li>• 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: <ul style="list-style-type: none"> <li>98A – 8 affordable (2.14 ac)</li> <li>98B – 4 affordable (1.0 ac)</li> <li>98C – 7 affordable (1.8 ac)</li> </ul> </li> </ul>
<p><b>“Adequate sites” on City-Owned Properties</b></p>	N/A	<p>26 affordable</p> <p><i>(Reduced alternative to remove lots in public parkland zone would yield only 10 affordable)</i></p>	<ul style="list-style-type: none"> <li>• 28<sup>th</sup> Street: 2-4 units on vacant lot in RM-East zone (2,500 sf)</li> <li>• City Hall Expansion Lot “C” on 10<sup>th</sup> Street in PF zone: 4-6 units on vacant lot (4,500 sf)</li> </ul> <p>City Properties on Public Parkland:</p> <ul style="list-style-type: none"> <li>• 201 Court Street: 4-8 units in PP zone (1.06 acres)</li> <li>• 9<sup>th</sup> Street: 4-8 units on two lots with non-profit offices in PF zone (0.19 acre each lot)</li> </ul>
<b>Total</b>	Varies	<b>113 affordable units</b>	

**Comparison of HEU Proposal for Adequate Sites to Various Alternative Options Available**

	Proposed	No Parkland	Partial Parkland	No City Property	No NC Zone	Notes
<b><u>Section 1. Strategies to Account for Affordable ADUs Citywide and Affordable Housing in Commercial Zones have General Consensus</u></b>						
<b>Affordable Accessory Dwelling Units</b> (HEU Housing Plan Program 2A)	8	8	8	8	8	Goal is to produce at least 8 affordable ADUs with incentives
<b>Professional Commercial (PC) Zone at 20 du/ac</b> (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
<b>Central Commercial (CC) Zone at 20 du/ac</b> (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
<b>941 Camino Del Mar Specific Plan</b>	2	2	2	2	2	941 Specific Plan allows 2 affordable – will need approved building permits to count as produced units
<b>SUBTOTAL (Section 1)</b>	16	16	16	16	16	
<b><u>Section 2. Affordable Housing in North Commercial Zone – Strategy with some opposition</u></b>						
<b>North Commercial (NC) Zone at 20 du/ac</b> (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: <ul style="list-style-type: none"> <li>• 2120 JDB – 4 affordable</li> <li>• 2010 JDB – 8 affordable</li> </ul>
<b>SUBTOTAL (Sections 1 and 2)</b>	36	48	48	48	16	
<b><u>Section 3. Rezone is Required by State law if Fairgrounds Program 3A is not implemented – Strategy with some opposition</u></b>						
<b>Rezone is Required by State law for min. 51 affordable – Some Opposition</b> (HEU Housing Plan Program 1E) <i>Note: All counts reflect 20% inclusionary except for the “No NC zone” option which will require 25%.</i>	51	55	51	65	71 <i>(Requires 25% inclusionary)</i>	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.
<b>SUBTOTAL (Total of Sections 1-3)</b>	87	103	99	113	87	
<b><u>Section 4. City-Owned Properties – Strategy with some opposition</u></b>						
<b>Identifies Non-Surplus City-Owned Properties as “adequate sites”:</b> 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 28 <sup>th</sup> Street lots only (removes 201 Court Street and 9 <sup>th</sup> street lots). “Partial Parkland” option allows selection of only one Parkland lot and reduced units (from 16 to 4).
<b>TOTAL Affordable on Adequate Sites</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>	

### 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 6<sup>th</sup> Cycle Housing Element Update (HEU)**

The 6<sup>th</sup> 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:

<b><u>PEIR Issue Areas with MMRP Requirements</u></b>	
<b>Biological Resources</b> (PEIR §4.4)	<ul style="list-style-type: none"> <li>• Site specific biological resources survey</li> <li>• Riparian habitat and jurisdictional wetlands delineation</li> <li>• Avoid the bird breeding season or nesting bird surveys</li> </ul>
<b>Cultural Resources (PEIR §4.5) and Tribal Cultural Resources</b> (PEIR §4.18)	<ul style="list-style-type: none"> <li>• Determination of historical significance for structure over 50 years of age</li> <li>• Archaeological survey on undisturbed sites</li> <li>• Protocols to stop work and seek forensic experts, monitors, and tribal consultation or other expert consultation if human remains discovered</li> </ul>
<b>Geology and Soils</b> (PEIR §4.7)	<ul style="list-style-type: none"> <li>• Qualified paleontologist and monitoring and compliance requirements in areas of high paleontological sensitivity</li> <li>• Protocols to stop work and seek consultation with paleontologist if fossils discovered for recovery monitoring and compliance</li> </ul>

<b>Hazards and Hazardous Materials</b> (PEIR §4.9)	<ul style="list-style-type: none"> <li>• Environmental Site Assessment for any vacant, commercial or industrial properties involving hazardous materials or waste</li> <li>• Protocols to stop work and notify environmental professional and City and seek consultation of hazardous waste/materials coordinator if unknown wastes or suspect materials are discovered</li> </ul>
<b>Noise and Vibration</b> (PEIR §4.13)	<ul style="list-style-type: none"> <li>• Site-specific noise reduction program if needed to comply with the Noise Ordinance during demo, grading, and consultation</li> <li>• Implementation of pre-construction meeting plan</li> <li>• Tracking of complaints and code enforcement response</li> <li>• Alternative method requirements if pile driving is proposed within 50 feet of vibration sensitive structures</li> <li>• Location of stationary construction-related noise sources as far away as possible from sensitive noise receptors</li> <li>• Use of sound insulation barriers and other measures to the extent feasible</li> </ul>

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 9<sup>th</sup> 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 22<sup>nd</sup> 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](http://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: 6<sup>th</sup> Cycle Program EIR and Housing Element Update

Please remove Sites 63 and 64 on 9<sup>th</sup> 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 6<sup>th</sup> 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

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.

6/29/2020

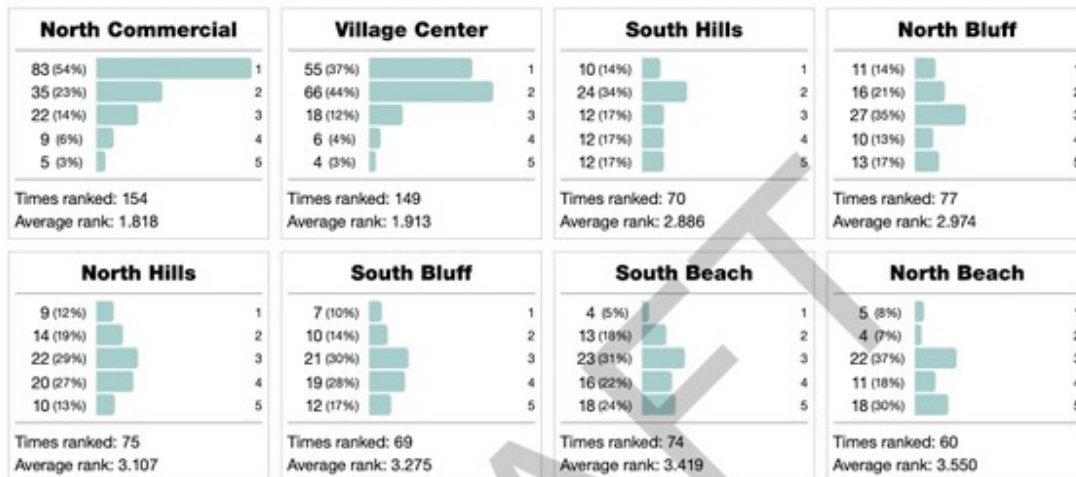
Del Mar 6th Cycle Housing Element - Data Center - MetroQuest Studio



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.



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) to **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.*

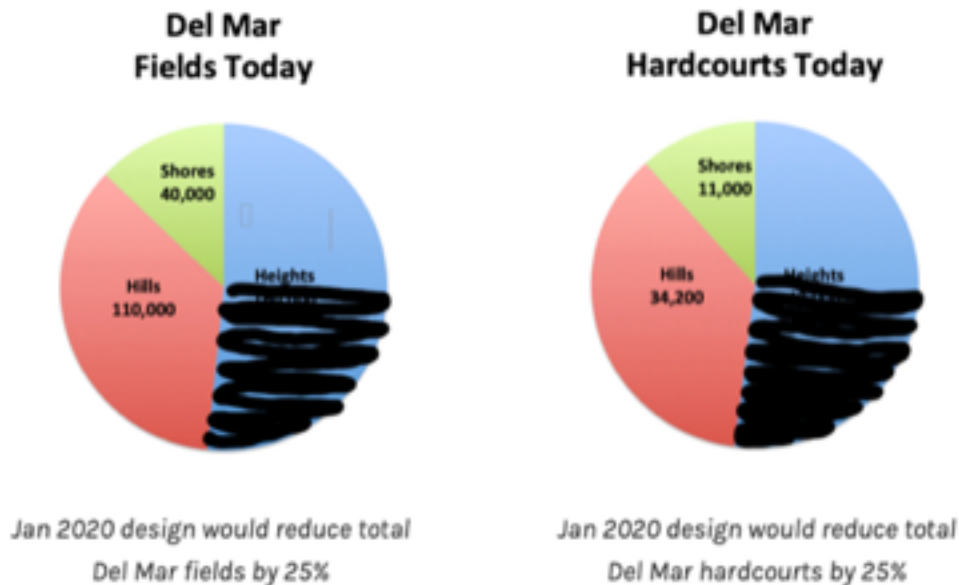
If North Commercial is not rezoned, and North and South bluff are rezoned instead, what will be the back up plan if Fairgrounds housing does not happen in 36 months for those 51 affordable units?

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.



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

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**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 9<sup>th</sup> 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 9<sup>th</sup> 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

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**From:** Joseph Smith  
**Sent:** Tuesday, September 15, 2020 12:04 PM  
**To:** Jennifer Gavin  
**Subject:** FW: Planning Commission red dot

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**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:

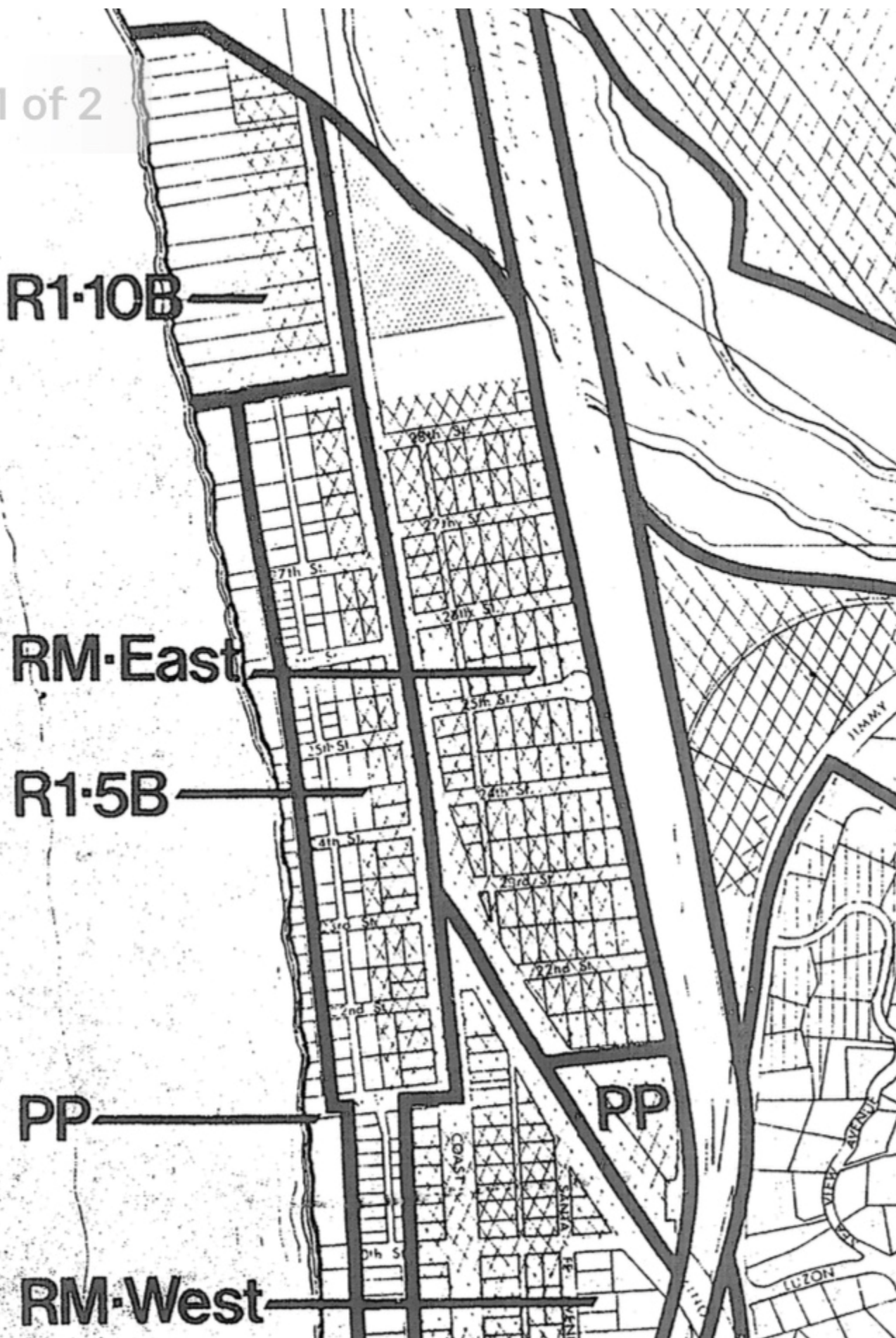
R1-10B

RM-East

R1-5B

PP

RM-West



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 grassy 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 as a 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

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](mailto:jsmith@delmar.ca.us)

**Re: Draft 6<sup>th</sup> 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 6<sup>th</sup> 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

# Draft 6<sup>th</sup> Cycle Housing Element Update: Certification of PEIR & Approval of Draft HEU

Item 7: City Council  
October 5, 2020



CITY OF DEL MAR  
CALIFORNIA

## Requested Actions

### Request for the City Council to:

- Certify Program EIR, Findings, MMRP
- Approve the Draft HEU
- Confirm NC zone is part of 6<sup>th</sup> Cycle HEU strategy for affordable units for compliance with State law
- Authorize staff to submit the draft HEU to the State for review and comment

# Overview

- State law requires Housing Element Updates every eight years
- City was assigned 163 units by SANDAG + 12 units due to failure to create adequate sites for affordable units during the 5<sup>th</sup> Cycle
- City must accommodate 113 affordable units in HEU housing plan
- Proposed HEU reflects the input from Task Force, Community survey, PC, and Council and criteria needed for HCD certification

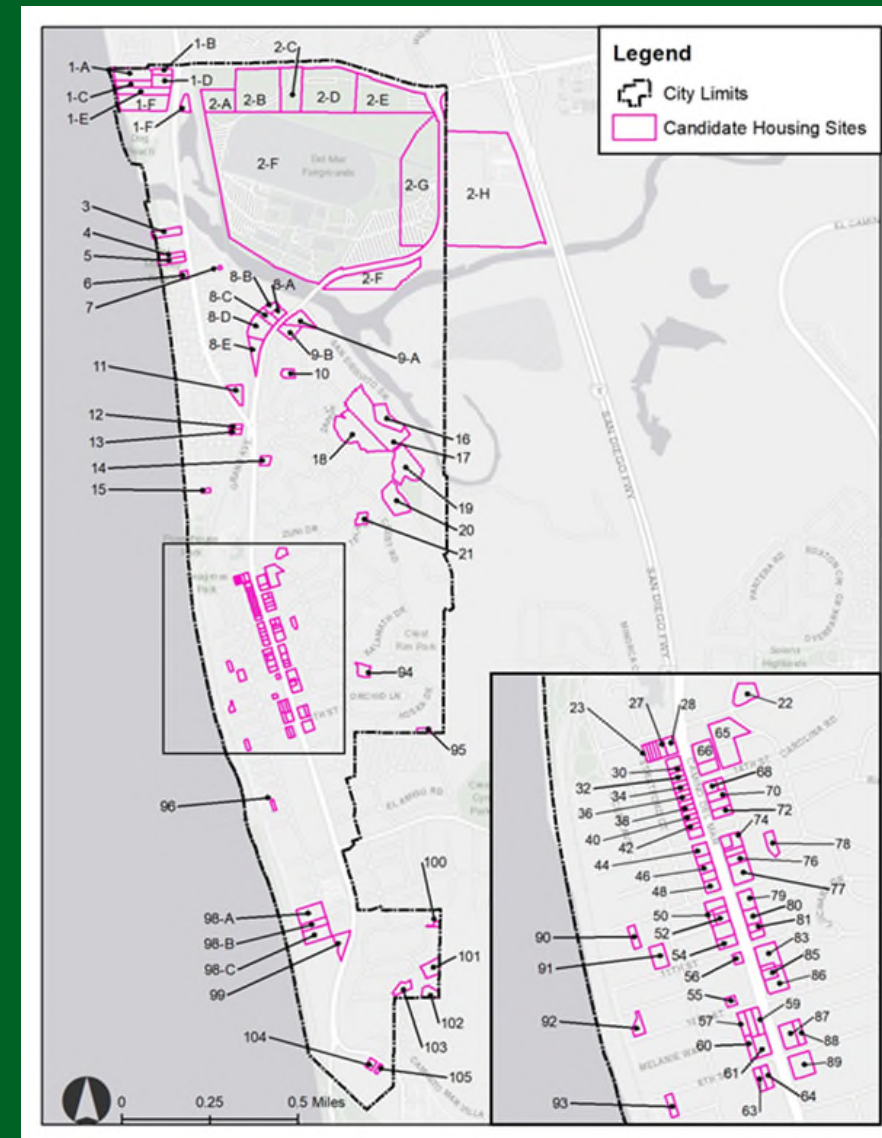
# Program Environmental Impact Report (PEIR)

- PEIR analyzed candidate sites and housing programs
- Concluded less than significant impacts with MMRP
- Program level analysis (of known and available details)
- Project level details of future development – unknown
  - Each permit request must comply with City's plan policies, development standards, permit process, MMRP measures

# Candidate Sites Map (Potential Parcels)

Proposed strategy to spread units citywide and in focus areas:

- **Accessory Dwelling Units**
- **Commercial Corridor**
  - CDM & Jimmy Durante Blvd
- **State-owned Fairgrounds**
- **Large vacant sites**
  - North Bluff & South Bluff
- **City-owned parcels**



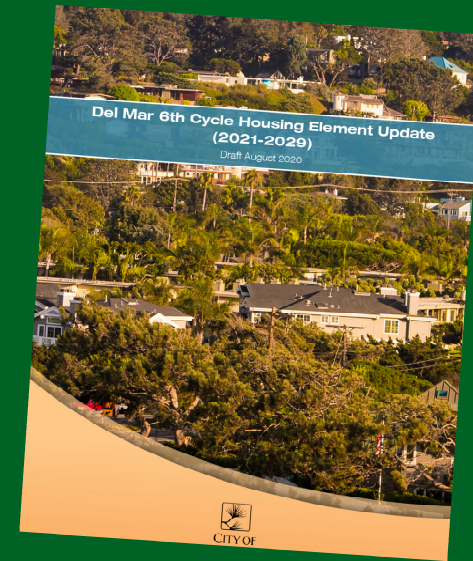
# Public Outreach & Community Participation

- Ad Hoc Citizens' Task Force – 9 meetings & subcommittee meetings
- Community Workshop – held on a Saturday
- Community Survey – over 5 weeks March-April 2020
- Dedicated Housing Element Web Page
- Regular updates/presentations to PC & City Council
- Regular email blasts, newsflash articles, mailers, newspaper ads, and notices



# What's in the Housing Element?

- **Ch 1 Introduction** – HEU is based on community input and State law requirements per Council direction
- **Ch 2 Community Profile** – Demographics and trends; notes growth projections could be overstated due to COVID-19 pandemic
- **Ch 3 Constraints, Resources, \*Furthering Fair Housing\*** (new)
- **Ch 4 Housing Plan** – Action Programs to be implemented



## City's Overall Housing Goal

*Inspire a more diverse, sustainable, and balanced community through implementation strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of the community*

## Housing Element Goals (Goals 1, 2, 3)

- #1 Variety of strategies to meet production targets and complement existing community character
- #2 Prioritize production of Accessory Dwelling Units (ADUs)
- #3 Vigorously pursue housing opportunities on the State Fairgrounds property

## Housing Element Goals (Goals 4, 5, 6, 7)

- #4 Provide economically and socially diverse balance of housing options at a variety of income levels and needs
- #5 Improve and preserve the City's housing stock
- #6 Ensure a sustainable approach to new housing opportunities to protect quality of life
- #7 Promote housing resources and assistance opportunities

## 5<sup>th</sup> Cycle Assigned Units (2013-2021)

• Very Low	= 7	}	+ 10 penalty units (4 <sup>th</sup> Cycle)
• Low	= 5		= 22 affordable units
• Moderate	= 15	}	+ 5 penalty units (4 <sup>th</sup> Cycle)
• Above Moderate	= 34		= 20 moderate units
TOTAL	= 61		(76 with penalty units)

# 5<sup>th</sup> Cycle Progress on Assigned Units

- City met its obligation for Moderate units
  - 22 of 20 permitted
    - Includes 18 new moderate income ADUs (January-June 2020)
- City met its obligation for Above Moderate units
  - 40 of 34 permitted

# 5<sup>th</sup> Cycle Progress on Assigned Units

City did not meet its obligation for Affordable units

- 1 of 22 permitted
  - 0 of 7 Very Low
  - 1 of 15 Low

❖ 5<sup>th</sup> Cycle production period ended on 6/29/2020

# 5<sup>th</sup> Cycle Progress on Action Programs

- No local action taken:
  - Program 2-G Rezone of “Watermark” lots
    - Two lots located in NC zone
    - Program 2-G resulted from the 4<sup>th</sup> Cycle shortfall and unaccommodated need per Gov’t Code 65583.2(h) & (i)
    - Allows “by-right” housing at a density of 20-25 du/ac

Triggered HCD  
Enforcement

# 5<sup>th</sup> Cycle Progress on Action Programs

- Approved locally but not completed:
  - Program 2-F (Professional Commercial)
  
- Local action taken but not approved:
  - Program 2-E (North Commercial)
  - Required to create adequate sites
  - If not completed, moves City to more “by-right” in NC zone

Triggered HCD  
Enforcement

# Transition to 6<sup>th</sup> Cycle

- Per HCD, failure to implement Program 2-G rezone for 4<sup>th</sup> Cycle shortfall adds “by-right” areas that must be implemented now
- Per HCD, failure to implement Program 2-E to provide adequate sites carries over as “by-right” development in 6<sup>th</sup> Cycle
- 5<sup>th</sup> Cycle unit counts ended on June 29, 2020
- 6<sup>th</sup> Cycle unit production began counting June 30, 2020

## 6<sup>th</sup> Cycle Assigned Units (2021-2029)

• Very Low	= 37	}	+ 12 penalty units (estimated)
• Low	= 64		= 113 affordable units
• Moderate	= 31		
• Above Moderate	= 31		
TOTAL	= 163		(175 with estimated penalty units)

# 6<sup>th</sup> Cycle Progress on Units to Date

- 1 of 31 Above Moderate units
- 5 of 31 Moderate units
  - ADUs on Avenida Primavera, Crest Rd, Ocean Front, 26<sup>th</sup> St
- 0 of 113 Affordable units
  - 2 pending as part of 941 CDM – will count at building permit issuance

# 6<sup>th</sup> Cycle Housing Element Update

- Task Force subcommittee recommendations included in HEU
  - Subcommittee recommendation requires a supplement to meet State Housing law and gain State certification
- Planning Commission recommended approval on 9/15/2020
  - Included North Commercial Program to create adequate sites
  - Included “back-up plan” with bluff re-zones if Fairgrounds agreement is not reached

# 6<sup>th</sup> Cycle Proposed Housing Strategy

## 15 Core Action Programs

- Fairgrounds Agreement – Program 3A
  - Bluff Rezone Contingency – Program 1E (if not seeing success)
- ADU Production – Programs 2A, 2B, 2C, 2D, 2E, 2F
- Commercial zones and Public Facilities – Programs 1A, 1B, 1C, 1H
- Streamlining & Incentives – Program 1I (applies to all housing)
  - Affordable Housing Overlay – Program 1D (targeted if not seeing success)
  - Density Bonus per State Law – Program 1G

# Affordable Housing Strategies with General Consensus

	<u>Total Units</u>	<u>Adequate Sites for Affordable Units</u>
ADUs	<del>77 units</del> <u>100 units</u>	<del>8</del> <u>15</u> affordable
PC Zone (20 du/ac)	17 units	3 affordable
CC Zone (20 du/ac)	19 units	3 affordable
941 CDM SP	11 units	2 affordable
<b>Total</b>	<b>147 total units</b>	<b>*23 affordable units</b>

\*Shortage of 90 of 113 affordable units

# Affordable Housing Strategies with Controversy: NC Zone

	<u>Total Units</u>	<u>Adequate Sites for Affordable Units</u>
Option 1 NC Zone if 20 du/ac	94 units	20 affordable
Option 2 NC Zone if 20 du/ac (adds 2 more lots)	112 units	32 affordable
Option 3 No NC Zone	*0 units	*0 affordable
<b>Total</b>	<b>94-112 total units</b>	<b>**20-32 affordable units</b>

\*Per HCD, not including in HEU still moves City to “by-right” NC lots

\*\*Shortage of 58-70 of 113 affordable units (Consensus + NC Zone)

# Affordable Housing Strategies with Controversy: Fairgrounds w/Contingency

	<u>Total Units</u>	<u>Adequate Sites for Affordable Units</u>
Fairgrounds (Priority Strategy)	51-113 units (no market rate needed)	<b>*51-113 affordable</b>
Contingency: Vacant Land at 20-25 du/ac "by-right"	248 units on North Bluff 99 units on South Bluff (347 total units)	<b>51-85 affordable</b>
<b>Total</b>	<b>51-113 units</b>	<b>*51-113 affordable units</b>

\*51 affordable units are minimum required for this program

\*\*Shortage of 39 of 113 affordable units (Consensus + Fairgrounds)

# Affordable Housing Strategies with Controversy: City-Owned Sites

	Total Units (no market rate units)	Adequate Sites for Affordable Units
28 <sup>th</sup> Street	2-4	2-4 small affordable units
City Hall Expansion C	4-6	4-6 small affordable units
201 Court Street	4-8	4-8 small affordable units
9 <sup>th</sup> Street Offices at Shores	4-8	4-8 small affordable units
<b>Total</b>	<b>14-26</b>	<b>*14-26 small affordable units</b>

\*This is non-surplus City land to identify as adequate sites to meet 113

# Alternatives Discussion

	<u>Alternative 1</u> No 9 <sup>th</sup> St	<u>Alternative 2</u> No 9 <sup>th</sup> St or 201 Court St	<u>Alternative 3</u> No 9 <sup>th</sup> St, 201 Court St, or City Hall	<u>Alternative 4</u> No 9 <sup>th</sup> St or NC Zone
Consensus	<b>143 total / 23 affordable</b>	<b>143 total / 23 affordable</b>	<b>143 total / 23 affordable</b>	<b>143 total / 23 affordable</b>
NC Zone at 20 du/ac	<b>94 total / 20 affordable</b>	<b>112 total / 32 affordable</b>	<b>112 total / 32 affordable</b>	<b>0 total / 0 affordable</b>
Fairgrounds or Contingency Plan: Vacant Land at 20-25 du/ac	<b>52 total / 52 affordable</b> (Contingency plan requires 20% inclusionary: 165 North Bluff/99 South Bluff)	<b>51 total / 51 affordable</b> (Contingency plan requires 20% inclusionary: 165 North Bluff/99 South Bluff)	<b>55 total / 55 affordable</b> (Contingency plan requires 20% inclusionary: 180 North Bluff/99 South Bluff)	<b>72 total / 72 affordable</b> (Contingency Plan requires 25% inclusionary: 192 North Bluff/96 South Bluff)
City-Owned Properties	<b>18 total / 18 affordable</b> (28 <sup>th</sup> St, City Hall, and 201 Court St)	<b>7 total / 7 affordable</b> (28 <sup>th</sup> St, City Hall)	<b>3 total / 3 affordable</b> (28 <sup>th</sup> St)	<b>18 total / 18 affordable</b> (28 <sup>th</sup> St, City Hall, and 201 Court St)
Total	<b>307 total / 113 affordable</b> (Unit count is based on Fairgrounds priority)	<b>313 total / 113 affordable</b> (Unit count is based on Fairgrounds priority)	<b>313 total / 113 affordable</b> (Unit count is based on Fairgrounds priority)	<b>233 total / 113 affordable</b> (Does not include estimated 112 units allowed “by-right” in NC zone = <b>345 total</b> )

# State's Criteria for Affordable Housing Capacity

## City Receives Credit For:

- Zones that allow 20 du/ac to create “adequate sites” for affordable units
- Rezones to 20-25 du/ac to allow housing by-right (vacant lots)
- Adequate sites on City property
- Agreements/commitments to build affordable units

## City does not get Credit For:

- Sites in zones allowing less than 20 du/ac - does not meet “adequate sites” criteria
- Rezones that do not allow housing by-right
- Strategies that produce only above-moderate and moderate units
- Plans for affordable with no commitment in place (i.e. State Fairgrounds)

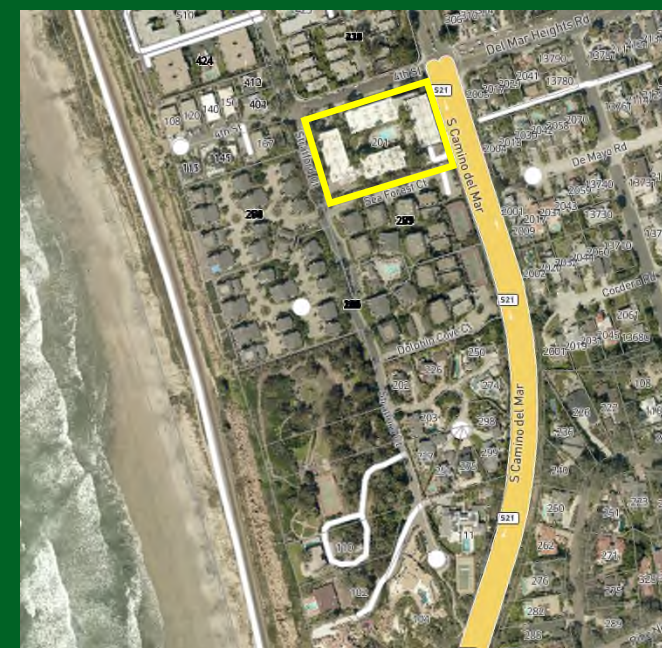
# Compare Potential Future Housing to Existing Multi-Dwelling Projects in Del Mar

**20 du/ac in commercial zones =**

- 4-8 du/lot in Central Commercial
- 4-11 du/lot in Professional Commercial
- 5-42 du/lot in North Commercial

# Compare Potential Future Housing to Existing Multi-Dwelling Projects in Del Mar

Los Arboles - 97 units in RM-South (in proximity to South Stratford)





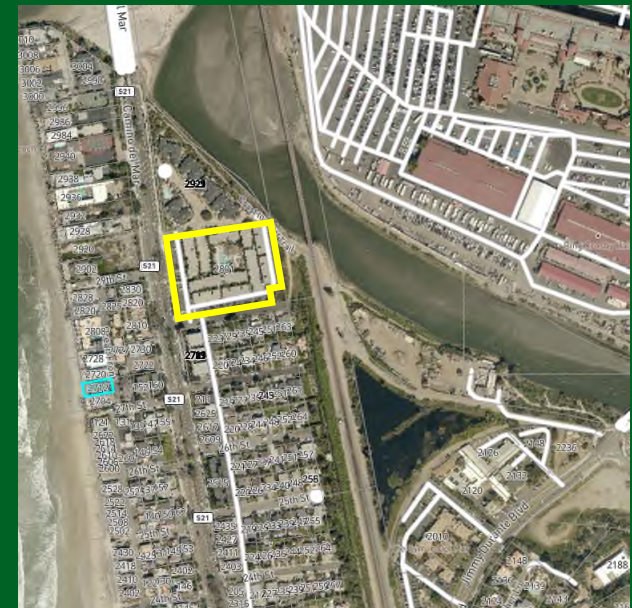
# Compare Potential Future Housing to Existing Multi-Dwelling Projects in Del Mar

**Wave Crest - 31 units in R2 (westerly portion of R2)**



# Compare Potential Future Housing to Existing Multi-Dwelling Projects in Del Mar

Beach Colony - 86 units in RM-East (in proximity to NC zone)





# No Construction is Proposed with HEU

- Any future housing development must meet plan policies (Community Plan and LCP) and zoning requirements
- Existing discretionary permit processes will continue to apply
  - Includes DRB, PC, and City Council
- Except that penalties for City's non-compliance with State Housing law can affect permit process/standards

## Intensity in Commercial Zones Will Not Increase under HEU

- Any housing per amendments must meet plan policies (Community Plan and LCP) and zoning requirements
- Existing zone height, FAR, lot coverage, setbacks apply
- By comparison, commercial use occupancy is higher than dwelling unit same size (residential is less intense)

# HEU Proposes No Intensity Increase

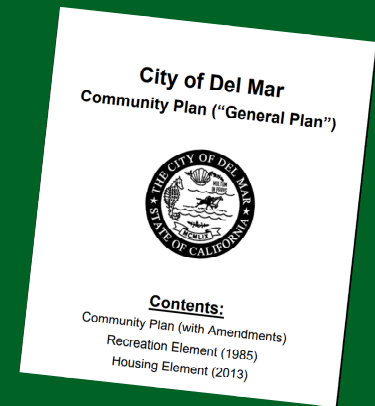
## Exception: If contingency plan is triggered

- City does not have existing adequate sites for required 113 affordable
- HEU programs would amend commercial zones to create adequate sites – with no increase in the existing allowable intensity
- Fairgrounds is proposed approach – but required rezone program on bluffs (20-25 du/ac) – would increase existing zone intensity if that contingency plan must be implemented to meet State law

# Proposed HEU is Consistent with Community Plan Goals

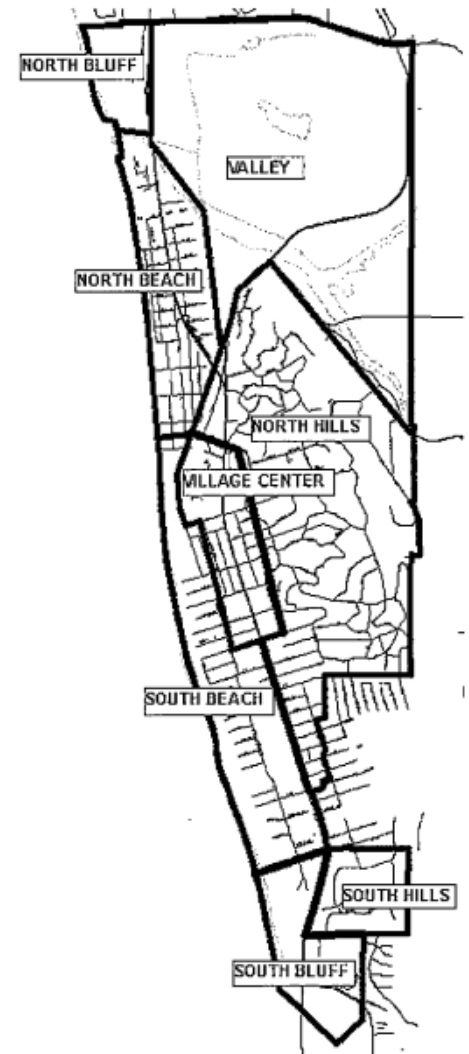
**HEU preserves and enhances the special residential character and small town atmosphere**

- Maintains design/view protection, FAR, height, setbacks
- Insures adequate housing for diverse age and socio-economic groups within the community
- Facilitates housing for seniors close to the Village Center
- Facilitates lower cost housing for low & moderate income households



# Draft HEU Covers all Plan Districts

- Proposed HEU spreads housing across City:
  - Each Community Plan District represented to share a portion of the City's housing obligation
- If NC program is removed from HEU:
  - Penalties for failure to meet 5<sup>th</sup> Cycle; and
  - Valley District (only City area) not contributing to plan for 6<sup>th</sup> Cycle obligation



# Processing Steps for Draft 6<sup>th</sup> Cycle HEU

- Once City approves a Draft 6<sup>th</sup> Cycle HEU - submitted to HCD for required 60 day review
  - HCD will confirm unmet need from 5<sup>th</sup> Cycle and penalties
  - HCD will provide comments & list of corrections needed for certification
- Then revised draft presented to PC (anticipated) and City Council
  - Planning Commission Feb 2021; City Council adoption in March 2021
- Final HEU must be submitted to HCD by April 2021 for certification

# If HEU is Delayed, City Risks Penalties

- **Lawsuits/Court Orders** - substantial risk to general fund over \$1 million (see HCD letter & private party *Notice of Intent to Sue the City of Del Mar*)
- **Loss of Local Control** - limits on City's ability to deny permits for housing
- **Levy of Fines** - \$10,000 to \$100,000 per month for non-compliance
- **More Frequent Housing Element Cycles** - every 4 years (constant tasks)
- **Limited State Funding** - threat to grants (funds received & still pending)

# Risks: Social Equity and Fair Housing

- **Del Mar is socially conscious & believes in social equity**
  - However, City's housing actions do not demonstrate this
  - Trend of keeping barriers in place: allow only single dwellings and duplexes; and preclude multi-dwellings – all prior housing cycles
  - A clear barrier to affordable housing and a balanced community
- **Not complying with State law – unwanted consequences**
  - At risk of becoming State's example of exclusionary housing policy
  - At risk of Fair Housing challenges – see Housing Federation letter

# Staff Recommendation

- Certify the PEIR and adopt the PEIR findings and MMRP
- Approve the HEU for timely submittal to HCD
  - Confirm NC zone is part of HEU strategy for adequate sites; or
  - Determine how strategy should be amended to meet 113 requirement

# Summary of 5<sup>th</sup> Cycle Non-Compliance

- **Failed to rezone Watermark lots by 2014 (Program 2-G)**
  - Must complete to address 5<sup>th</sup> Cycle non-compliance
  - Requires PC, Council, Coastal Commission processing
  
- **Failed to upzone NC zone to allow 20 du/ac (Program 2E)**
  - Must complete to retain local control over NC zone and count adequates sites towards 6<sup>th</sup> Cycle
  - Requires PC, Council, Coastal Commission processing





# Central Commercial (CC) Zone - North

Adequate Sites: 1 affordable



	APN	Owner	Address
<b>CC Zone</b>			
	3000740900	MOUNTAIN JEFFERSON LP	1234 Camino Del Mar
	3000741000	MOUNTAIN JEFFERSON LP	1234 Camino Del Mar

# Central Commercial (CC) Zone - South

Adequate Sites: 2 affordable



APN	Owner	Address
<b>CC Zone</b>		
3004011500	CHRONES THOMAS	1135 Camino del Mar
3001721400	ANGELLO ROBERT&KATHY TRUST 02-11-00	N/A
3001721300	ANGELLO ROBERT&KATHY TRUST 02-11-00	N/A

# Professional Commercial (PC) Zone

Adequate sites: 3 affordable units



	APN	Owner	Address
<b>PC Zone</b>			
1	300-200-24-00	Newberry, Douglas	832 Camino del Mar
2	300-222-31-00	D.M. Building Group LLC	853 Camino del Mar
3	300-222-32-00	Ocean 8 View LLC	322 8th Street
4	300-222-33-00	Wuotan LLC	807 Camino del Mar

# North Commercial (NC) Zone

Adequate sites: 20 affordable



	APN	Owner	Address
<b>NC Zone</b>			
1	299-071-02-00	NCTD	N/A
2	299-100-50-00	City of Del Mar	N/A
3	299-100-49-00	Marten, RT	2236 Jimmy Durante Blvd.
4	299-100-30-00	Matthews, Erin	2148 Jimmy Durante Blvd.
5	299-100-28-00	Read Family LLC	2126 Jimmy Durante Blvd.
6	299-100-29-00	Stonebreaker Trust	2132 Jimmy Durante Blvd.
7	299-100-27-00	Knorr, Donna Trust	2120 Jimmy Durante Blvd.
8	299-071-06-00	Bungalows LLC	2010 Jimmy Durante Blvd.
9	299-071-07-00	Westech Realty	2002 Jimmy Durante Blvd.
10	299-100-48-00	Watermark LP	N/A
11	299-100-47-00	Watermark LP	N/A
12	299-100-32-00	City of Del Mar	N/A
13	299-100-33-00	NCTD	N/A
14	299-100-34-00	2201 Del Mar LLC	2201 San Dieguito Drive
15	299-100-35-00	Scarab Group	2195 San Dieguito Drive
16	299-100-36-00	S.C. Edison	N/A





2002 Jimmy Durante Blvd – Potential conversion of offices to 18-28 units w/ 4-6 affordable (1.42 acres)

# 2010 Jimmy Durante Blvd – Potential conversion of office/commercial to 42 units w/ 8 affordable (2.12 ac)



# 2120 Jimmy Durante Blvd – Potential conversion of office/commercial to 18 units w/ 4 affordable (.89 ac)



# 2126 Jimmy Durante Blvd – Potential conversion of office/commercial to 8-10 units w/ 1-2 affordable (.51 ac)

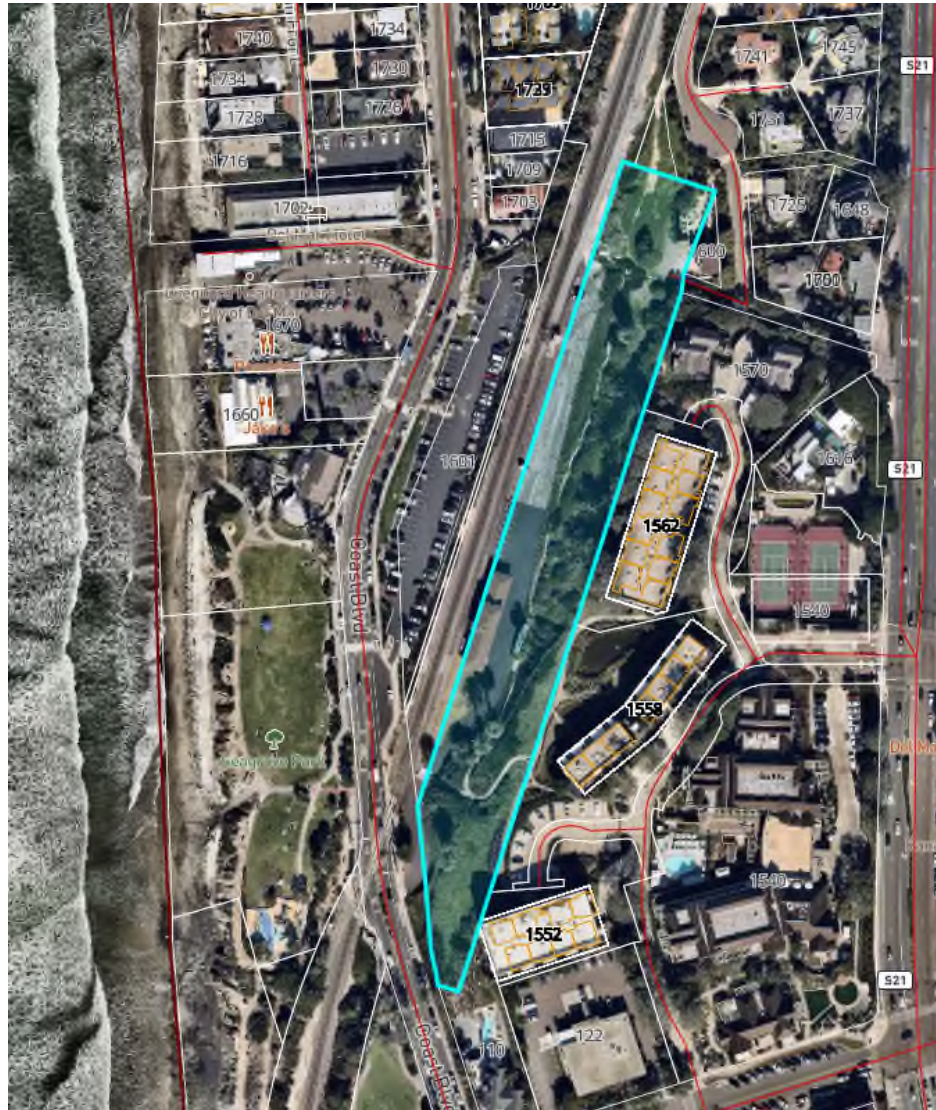


# 2148 Jimmy Durante Blvd – Potential conversion of offices to 5-8 units w/ 1 affordable (.38 acre)



# 2236 Jimmy Durante Blvd – Vacant lot 5-8 units with 1 affordable unit (.42 ac)





# City's Status: Affordable Units

- **City failed to meet its Housing Element obligation:**
  - Did not create adequate sites/opportunities for 22 units
  - And did not otherwise provide the required 22 affordable units
- **City adopted 941 Camino del Mar Specific Plan (two low income units) – but no permits so can't count these units yet**
- **City approved one deed restricted low income ADU: building permit approved, but not constructed/occupied**

# Inclusionary Housing Regulations (DMMC 24.21)

- Subdivision of lot - must pay in-lieu fee for each lot created
- 2-5 units/lot - set-aside one low income unit or pay in-lieu fee
- 6-9 units/lot - set-aside one low income unit (no in-lieu option)
- 10-19 units/lot - 20% set-aside includes one very-low income unit
- 20-29 units/lot - 20% set-aside includes one very-low income unit and one extremely low income unit
- 30 or more units/lot - 20% set-aside includes two very-low income units and two extremely low income units

# Task Force Subcommittee Production Plan

## (Insufficient to meet Adequate Sites & RHNA)

- Vacant City lots at 28<sup>th</sup> St & City Hall – HEU lists as adequate sites for 10 affordable
- CC zone – If 20 du/ac, creates adequate sites for 3 affordable (HEU Program 1C)
- ADUs – HEU Programs 2B-2F produce moderate units; HEU 2A to produce 8 affordable
- Existing zones – zero adequate sites, unless HEU Programs 1A (NC – 20 affordable) and 1B (PC – 3 affordable) are implemented as 5<sup>th</sup> Cycle carryover programs
- Fairgrounds – zero credit for adequate sites (HEU Program 3A helps build affordable)
- City Water Tanks – essential facilities that do not meet 6<sup>th</sup> Cycle adequate sites criteria

AddressLine1	AddressLine2	AddressLine3	AddressLine4
3002223200	OCEAN 8 VIEW L L C	P O BOX 817	Rancho Santa Fe CA 92067
3002223300	WUOTAN A LIMITED LIABILITY CO	2301 RUE DE ANNE	LA JOLLA CA 92037
3002223100	DEL MAR BUILDING GROUP L L C	C/O C A DUNN	P O BOX 2056 Rancho Santa Fe CA 92067
3002002400	NEWBERRY DOUGLAS A REVOCABLE TRU!	528 E 6TH AVE	ESCONDIDO CA 92025
2991003500	SCARAB CORP	2195 SAN DIEGUITO DR #4	DEL MAR CA 92014
2991003400	2201 DEL MAR LLC	2201 SAN DIEGUITO DR #A	DEL MAR CA 92014
2991004700	WATERMARK D M LP	1555 CAMINO DEL MAR #307	DEL MAR CA 92014
2991004800	WATERMARK D M LP	1555 CAMINO DEL MAR #307	DEL MAR CA 92014
2991003000	MATTHEWS ERIN M SEPARATE PROPERTY	1010 ALEXANDRA LN	ENCINITAS CA 92024
2991004900	MARTEN R T	800 KAYENTA PKWY	IVINS UT 84738
2991002700	KNORR DONNA M TRUST 06-24-92	P O BOX 9792	DENVER CO 80209
2991002900	STONEBREAKER PAMELA K LIVING TRUST	1289 BIRMINGHAM DR	ENCINITAS CA 92024
2991002800	READ FAMILY L L C	2126 JIMMY DURANTE BLVD	DEL MAR CA 92014
2990710700	HINDS INVESTMENTS LP	505 LOMAS SANTA FE DR #170	SOLANA BEACH CA 92075
	Alan Whittgrove	2152 David Way	DEL MAR CA 92014
	Alice McNally	1332 Stratford Court	DEL MAR CA 92014
	Anette Weisel	2139 Heather Lane	DEL MAR CA 92014
	Augustus Weisel	2139 Heather Lane	DEL MAR CA 92014
	Arnie Weisel	2139 Heather Lane	DEL MAR CA 92014
	Del Mar Hillside Community Association	2139 Heather Lane	DEL MAR CA 92014
	Barbara Myers	2143 Heather Lane	DEL MAR CA 92014
	Beth Westburg	1439 Oribia Road	DEL MAR CA 92014
	Bette Hayward	1567 San Dieguito Drive	DEL MAR CA 92014
	Georgia Dutro	2127 Heather Lane	DEL MAR CA 92014
	Hershell Price	1763 Grand Avenue	DEL MAR CA 92014
	James Lennon	1435 Oribia Road	DEL MAR CA 92014
	Joseph Potocki	401 B Street, Suite 1470	San Diego CA 92101
	Josie Miller McMahan	2147 Heather Lane	DEL MAR CA 92014
	Julie Kosmeyer	1230 Oribia Road	DEL MAR CA 92014
	Karla Hayward	1567 San Dieguito Drive	DEL MAR CA 92014
	Leigh Ryan	2134 David Way	DEL MAR CA 92014
	Mary Welsh	155 15th St #26	DEL MAR CA 92014
	Chris Daniell	505 LOMAS SANTA FE DR #170	SOLANA BEACH CA 92075
	Paul Donahue	155 15th St #11	DEL MAR CA 92014
	Steve and Lucy Eskeland	2015 Seaview Avenue	DEL MAR CA 92014
	Tracy Martinez	2152 David Way	DEL MAR CA 92014
	Wade and Becky Walker	1440 Oribia Road	DEL MAR CA 92014
	Don Countryman	990 Highland Drive #110D	SOLANA BEACH CA 92075
	Joshua Rubin	2168 San Dieguito Drive	DEL MAR CA 92014
	Gwynn Thomas	803 Amifold Drive	San Diego CA 92017
	Bill Leopold	125 11th Street	DEL MAR CA 92014
	Neal Gobar	258 19th Street	DEL MAR CA 92014
	Everett DeLano	104 W, Grand Avenue Suite A	ESCONDIDO CA 92025
	DeLano & DeLano	104 W, Grand Avenue Suite A	ESCONDIDO CA 92025
	Jonathon and Patricia Polikoff	640 Nob Avenue	DEL MAR CA 92014
	Elizabeth Wohlfold	2102 Ocean Front	DEL MAR CA 92014
	Burnet Wohlfold	2102 Ocean Front	DEL MAR CA 92014
	Ruth Evans	215 Balboa Avenue	DEL MAR CA 92014
	Karen Lare	526 Stratford Court	DEL MAR CA 92014
	Ruth and Ralph Reisner	268 Surfview Court	DEL MAR CA 92014
	Jas Grewal	238 11th St.	DEL MAR CA 92014
	Ann Williamson	1352 Oribia Road	DEL MAR CA 92014
	Laura DeMarco	544 Avenida Primavera	DEL MAR CA 92014
3002223300	CURRENT RESIDENT	807 CAMINO DEL MAR	DEL MAR CA 92014-2810
3002223300	WUOTAN A LIMITED LIABILITY CO	2301 RUE DE ANNE	LA JOLLA CA 92037
3002223200	CURRENT RESIDENT	322 8TH ST	DEL MAR CA 92014-2807
3002002400	CURRENT RESIDENT	832 CAMINO DEL MAR	DEL MAR CA 92014-2808
3002002400	NEWBERRY DOUGLAS A REVOCABLE TRU!	528 E 6TH AVE	ESCONDIDO CA 92025
3002223100	CURRENT RESIDENT	853 CAMINO DEL MAR	DEL MAR CA 92014-2804
3002223100	DEL MAR BUILDING GROUP L L C	P O BOX 2056	RANCHO SANTA FE CA 92067
2991003500	CURRENT RESIDENT	2195 SAN DIEGUITO DR	DEL MAR CA 92014-2259
2991004800	CURRENT RESIDENT	0 JIMMY DURANTE BLVD	DEL MAR CA 92014
2991004800	WATERMARK D M LP	1555 CAMINO DEL MAR #307	DEL MAR CA 92014
2991004700	CURRENT RESIDENT	0 JIMMY DURANTE BLVD	DEL MAR CA 92014

2991004700	WATERMARK D M LP	1555 CAMINO DEL MAR #307	DEL MAR CA 92014
2990710700	CURRENT RESIDENT	2002 JIMMY DURANTE BLVD	DEL MAR CA 92014-2258
2990710700	HINDS INVESTMENTS LP	505 LOMAS SANTA FE DR #170	SOLANA BEACH CA 92075
2990710600	CURRENT RESIDENT	2010 JIMMY DURANTE BLVD	DEL MAR CA 92014-2237
2990710600	BUNGALOWS DEL MAR LLC	1420 BRISTOL ST N #100	NEWPORT BEACH CA 92660
2991002700	CURRENT RESIDENT	2120 JIMMY DURANTE BLVD	DEL MAR CA 92014-2273
2991002700	KNORR DONNA M TRUST 06-24-92	P O BOX 9792	DENVER CO 80209
2991002800	READ FAMILY L L C	2126 JIMMY DURANTE BLVD	DEL MAR CA 92014
2991002900	CURRENT RESIDENT	2132 JIMMY DURANTE BLVD	DEL MAR CA 92014-2215
2991002900	STONEBREAKER PAMELA K LIVING TRUST	1289 BIRMINGHAM DR	ENCINITAS CA 92024
2991004900	MARTEN R T	800 KAYENTA PKWY	IVINS UT 84738
2991003000	CURRENT RESIDENT	2148 JIMMY DURANTE BLVD	DEL MAR CA 92014-2215
2991003000	MATTHEWS ERIN M SEPARATE PROPERTY	1010 ALEXANDRA LN	ENCINITAS CA 92024
	Del Mar Branch Library	1309 Camino Del Mar	Del Mar, CA 92014
	Greg Wade, City Manager	635 S. Hwy 101	Solana Beach, CA 92075
	Kris Michell, COO	202 "C" Street, MS 9B	San Diego, CA 92101
	Helen N. Robbins-Meyer, CAO	1600 Pacific Highway	San Diego, CA 92101
	SANDAG	401 "B" Street #800	San Diego, CA 92101
	San Diego Regional Water Quality Contro	2375 Northside Drive, #100	San Diego, CA 92108
	Deborah Lee, District Manager	7575 Metropolitan Drive, Suite 103	San Diego, CA 92108
	Tim Fennell, CEO/General Manager	2260 Jimmy Durante Blvd	Del Mar, CA 92014
	State Lands Commission	100 Howe Ave, Suite #100	Sacramento, CA 95825
	California Dept of Fish and Wildlife	3883 Ruffin Rd	San Diego, CA 92123
	California Dept of	4050 Taylor St.	San Diego, CA 92110
	California Natural Resources	1416 Ninth St, #1311	Sacramento, CA 95814
	Governor's Office of	1400 10th St.	Sacramento, CA 95814
	U.S. Fish & Wildlife Services	610 W. Ash St #1103	San Diego, CA 92101
	U.S. Army Corps of Engineers	8775 Aero Dr. #232	San Diego, CA 92123
	DOJ/Attorney General	600 West Broadway St. Ste 1800	San Diego, CA 92101
	DOJ/Attorney General	PO Box 85266-5299	San Diego, CA 92186-5266
	San Francisco Bay Conservation/ Develop	455 Golden Gate Avenue	San Francisco, CA 94102
	California Dept of Housing/	2020 West El Camino Avenue	Sacramento, CA 95833
	National Marine Fisheries-Southwest Reg	501 W. Ocean Blvd Suite #4200	Long Beach, CA 90802
	U.S. Dept of Interior	P.O. Box 36098	San Francisco, CA 94102
	Public Utilities Commission	505 Van Ness Avenue	San Francisco, CA 94102
	California Dept of General	707 Third St. Suite 6-100	Sacramento, CA 95605
	Karen Brust, City Manager	505 South Vulcan Ave.	Encinitas, CA 92024
	Department of Conservation	801 K Street MS-2401	Sacramento, CA 95814
	US Dept of Water Resources	1416 Ninth Street	Sacramento, CA 94236
	California Dept of Water Resources	1416 Ninth Street Suite #311	Sacramento, CA 95814
	San Dieguito River Valley	3030 Bunker Hill St, STE 309-1	San Diego, CA 92109
	California Dept- Parks and Rec	4477 Pacific Highway	San Diego, CA 92110
	California Business and	915 Capitol Mall Suite 350B	Sacramento, CA 95814
	North County Transit District	810 Mission Avenue	Oceanside, CA 92054
	California Coastal Conservancy	1330 Broadway 13th Floor	Oakland, CA 94612
	LAFCO	9335 Hazard Way, Ste. 200	San Diego, CA 92123
	San Dieguito Unified District	710 Encinitas Blvd.	Encinitas, CA 92024
	Del Mar Union School District	11232 El Camino Real, Ste. 100	San Diego, CA 92130
	EPA- Region IX- Water D	75 Hawthorne St.	San Francisco, CA 94105
	Amanda Lee	1050 Camino Del Mar	Del Mar, CA 92014-2698
	Joseph Smith	1050 Camino Del Mar	Del Mar, CA 92014-2698
	Manzanita Bar Acting Chairwoman Angela Elliott Santos	PO Box 1302	Boulevard CA 91905
	Viejas Band of Chairman John Christman	1 Viejas Grade Road	Alpine CA 91901
	Sycuan Band c Chairman Cody Martinez	1 Kwaaypaay Cout	El Cajon CA 92021
	Lipay Nation o Clint Linton, Director of Cultural Resource	PO Box 130	Santa Ysabel CA 92070
	Lipay Nation o Chairman Virgil Perez	PO Box 130	Santa Ysabel CA 92070
	La Posta Band Chairwoman Gwendolyn Parada	8 1/2 Crestwood Rd.	Boulevard CA 91905
	Kwaaymii Lagt Attn: Carmen Lucas	PO Box 775	Pine Valley CA 91962
	Jamul Indian V Chairwoman Erica Pinto	PO Box 612	Jamul CA 91935
	Ewiiapaayp B Chairman Robert Pinto Sr.	4054 Willows Road	Alpine CA 91901
	Campo Kumey Chairman Ralph Goff	36190 Church Road	Campo CA 91960
	San Diego Housing Federation	3939 Iowa Street Ste 1	San Diego CA 92104

# PROOF OF PUBLICATION (2015.5 C.C.P.)

State Of California,  
County of San Diego

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am an authorized representative of

## Del Mar Times

a newspaper of general circulation, printed and published weekly in the County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of 05/28/2010, Case Number #37-2010-00051582-CU-PT-NC; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following Dates, to-wit:

**September 24, 2020**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated: **September 24, 2020**

At: San Diego, California



Signature

Cris Gaza

UT Community Press

## Proof of Publication

### CITY OF DEL MAR NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Del Mar City Council will hold a public hearing on Monday, October 5, 2020 at 4:30 p.m. (or as soon thereafter as practicable), by teleconference only, where the City Council will be asked to adopt a Resolution to certify the Program Environmental Impact Report and approve the Draft 6th Cycle Housing Element Update for submittal to the State.

### ITEM 6th Cycle Program EIR and Draft Housing Element Update (GPA20-003)

**Project:** 6th Cycle Housing Element Update

**Location:** Citywide

**Applicant:** City of Del Mar, Planning Department

**Contact Person:** Amanda Lee, Principal Planner alee@delmar.ca.us

**Environmental Status:** A Program Environmental Impact Report (PEIR SCH #2020029064) was prepared for this action by the City as lead agency.

**Description:** A request for the City Council to adopt a Resolution to certify the Program Environmental Impact Report including adoption of the Mitigation, Monitoring, and Reporting Program (MMRP); and a Resolution to approve the draft 6th Cycle Housing Element Update and authorize staff to submit the draft to the California Department of Housing and Community Development (HCD) in accordance with State Housing law. On September 15, 2020, the Planning Commission recommended approval of the draft 6th Cycle Housing Element Update, including the implementation of housing programs at the State-owned Fairgrounds, in the City's North Commercial, Central Commercial, and Professional Commercial zones, various residential zones, and City-owned properties at a minimum residential density of 20 dwelling units per acre as required by State Housing law to meet the City's assigned Regional Housing Needs Assessment (RHNA).

### PUBLIC HEARING DATE, TIME AND LOCATION:

This item is scheduled on the agenda for a public hearing before the City Council on **October 5, 2020 at 4:30 p.m., (or as soon thereafter as practicable)**

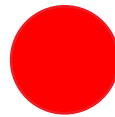
By teleconference only

**<http://delmar.12milesout.com/Vid-eo/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](mailto: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.

/s/ Ashley Jones, Administrative Services Director/City Clerk  
Date: September 21, 2020  
DM7721771 9/24/2020



**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

**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;<sup>1</sup> 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

**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

**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 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

**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

**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 rezoning the Del Mar Community Plan, specifically the 16 parcels in the NC zone.

Respectfully,

Ed Evans

Balboa Avenue

**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)

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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](http://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

## **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 6<sup>th</sup> 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:

6 <sup>th</sup> 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	<b>37 units</b>
Low (51% to 80%)	\$43,151	\$69,040	<b>64 units</b>
Moderate (81% to 120%)	\$69,041	\$103,560	<b>31 units</b>
Above Moderate (120% or more)	\$103,560	> \$103,560	<b>31 units</b>
<b>TOTAL</b>			<b>163 units</b>

\* 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 6<sup>th</sup> Cycle Housing Element Update that can be viewed at the following link: [www.delmar.ca./HousingElement](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.delmar.ca.us/DocumentCenter/View/6771/Wrap-Up-Slide-Comments-and-Inputs)

## **8. What is the 6<sup>th</sup> 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 6<sup>th</sup> 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](http://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](http://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 / 12<sup>th</sup> 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 12<sup>th</sup> 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 28<sup>th</sup> Street Property – see Public Facilities/City owned land Focus Area
  - a. The 28<sup>th</sup> Street site is sufficiently covered under both the NC/PC Final PEIR as well as the Final PEIR prepared for the 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 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
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](http://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 9<sup>th</sup> 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 11<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> Cycle RHNA plus carryover obligations and penalties anticipated for the deficit associated with the 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 rezoning 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](http://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](http://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\\_CH30.24NO\\_COZONC\\_30.24.070DEST](https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.24NO_COZONC_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\\_CH30.25PR\\_COZOPC\\_30.25.070DEST](https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.25PR_COZOPC_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\\_CH30.22CE\\_COZO\\_30.22.080BUDEST](https://library.municode.com/ca/del_mar/codes/municipal_code?nodeId=TIT30ZO_CH30.22CE_COZO_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 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 4<sup>th</sup> 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 5<sup>th</sup> Cycle are required to "carry over" into the 6<sup>th</sup> Cycle.

**42. Is the penalty for the private Watermark property not being developed during the 5<sup>th</sup> 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 5<sup>th</sup> Cycle programs and 12 RHNA units from the 5<sup>th</sup> Cycle are required to "carry over" into the 6<sup>th</sup> Cycle.

**43. Is it correct that the City's 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 jurisdiction's 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](http://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 6<sup>th</sup> 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](http://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 6<sup>th</sup> Cycle Housing Element Update?**

These sites were not included as adequate sites in the 6<sup>th</sup> 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 (6<sup>th</sup> 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 6<sup>th</sup> 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](http://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 6<sup>th</sup> Cycle work effort is running on an already reduced budget resulting City budget reductions on June 1, 2020 which removed \$38,000 from the 6<sup>th</sup> 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](http://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: 6<sup>th</sup> Cycle Program EIR and Housing Element Update

Please remove Sites 63 and 64 on 9<sup>th</sup> 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 ....."

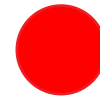
Further

..." 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 6<sup>th</sup> 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

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

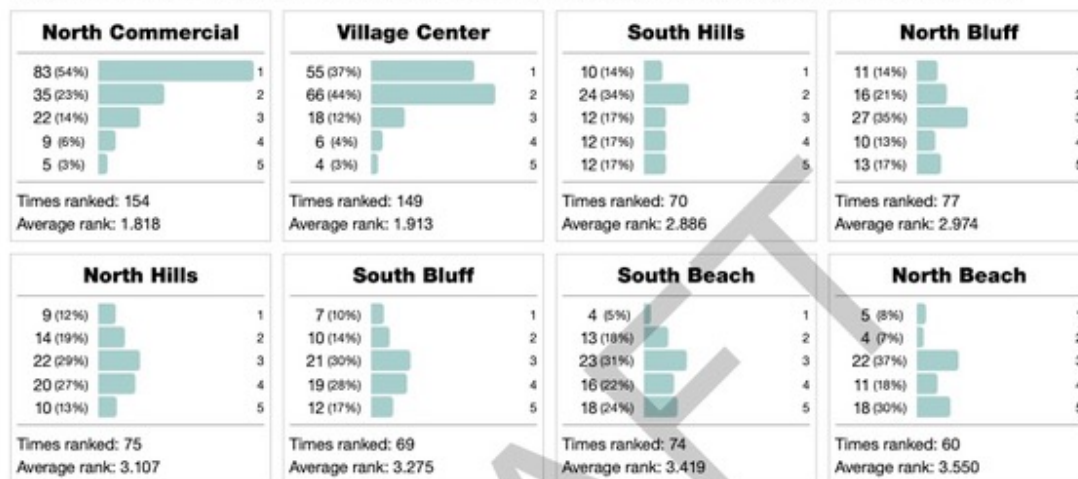
Del Mar 6th Cycle Housing Element - Data Center - MetroQuest Studio



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.



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

**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

**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

**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 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 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> Cycle Housing Element. Again, your Planning Commission voted unanimously to accept these zoning amendments, and furthermore asked the Council to revisit last month’s rejection of the 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> and 6<sup>th</sup> 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

[REDACTED]

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**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

**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 frightening.

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,

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Following are suggested modifications to the 6th Cycle Housing Element and EIR:

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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

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Del Mar’s Public Parkland zoning code excerpted below is especially appropriate to the 5.3 acre Shores property:

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- **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

**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](mailto: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](mailto: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](mailto:cityclerk@delmar.ca.us)) <[cityclerk@delmar.ca.us](mailto: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 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> and 6<sup>th</sup> 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:** 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](mailto:surfvr1@gmail.com)

**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



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**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 and 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

**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

**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. That's 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. It's not adjacent to single family housing and has mixed uses on it already. I don't 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. It's 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*



687 S. Coast Highway 101, Suite 233

Encinitas, CA 92024  
C: 858.395.4075

[brad@beckerdev.com](mailto:brad@beckerdev.com)  
[www.becker-properties.net](http://www.becker-properties.net)

**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

**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

**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

**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

**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]

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**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

**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 deemed 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

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 22<sup>nd</sup> Street  
Del Mar

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**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](mailto: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](mailto:gaasterland@gmail.com)  
646-207-4600

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To unsubscribe from this group and stop receiving emails from it, send an email to [delmarvoters+unsubscribe@knowledgeforthevote.org](mailto: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 22<sup>nd</sup> Agricultural District owns 340 acres of land in the City of Del Mar. Much of the land could be better utilized.

The 22<sup>nd</sup> Agricultural District employs approximately 2000 part-time workers and an additional number of full-time workers.

The 22<sup>nd</sup> 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 22<sup>nd</sup> Agricultural District to work together on the housing issue.

It is your responsibility to demand cooperation from the 22<sup>nd</sup> Agricultural District.

A vote now on the Proposed Housing Plan is premature.

Sincerely,

Al Tarkington  
100 11<sup>th</sup> Street, Del Mar

**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

**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 9<sup>th</sup> Street

Del Mar CA 92014

**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  
27<sup>th</sup> Street

**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](mailto:pcramton@gmail.com) [www.cramton.umd.edu](http://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 \*\*\*

**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.

**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

**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 deemed 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

**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

**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

**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

**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

**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 the 4 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](mailto: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:**

- o SEND your "red dot" public comment on Item 7 by NOON MONDAY to [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us)
- o SIGN UP to call in by NOON MONDAY at <http://www.delmar.ca.us/telecomment>
- o 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.

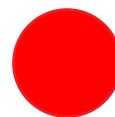
If you would like more details, please let me know and I will send you a 2-pager.

Best regards,  
Terry

**Terry Gaasterland, Ph.D.**  
**Deputy Mayor**  
[gaasterland@gmail.com](mailto: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](mailto:delmarvoters+unsubscribe@knowledgeforthevote.org).



**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

**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 ballots 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.

**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

**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.

**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

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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

**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

**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

**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](mailto:francesca.campi@gmail.com)

**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.

**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

**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. Their 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

**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

**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](http://www.explorationinsights.com)  
[brentcook@explorationinsights.com](mailto:brentcook@explorationinsights.com)

**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](mailto: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]

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**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

**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 – 6<sup>th</sup> 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

**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

**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

**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 6<sup>th</sup> 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.

**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

**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]

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**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

**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 agenda 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 11<sup>th</sup> St  
Del Mar, CA 92014

Sent from [Mail](#) for Windows 10

**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

**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

**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](mailto:hayleybrooks12@gmail.com)  
(858) 405-0887

**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.

**From:** City Clerk Mail Box  
**Subject:** FW: Red Dot Submission from Dan Quirk for Item #7

---

**From:** Dan Quirk <[dquirk@gmail.com](mailto:dquirk@gmail.com)>  
**Sent:** Monday, October 5, 2020 11:45 AM  
**To:** Ashley Jones <[ajones@delmar.ca.us](mailto:ajones@delmar.ca.us)>  
**Cc:** David Druker-Private <[ddruker@dataskill.com](mailto:ddruker@dataskill.com)>; Terry Gaasterland <[tgaasterland@delmar.ca.us](mailto:tgaasterland@delmar.ca.us)>; Dwight Worden <[dworden@delmar.ca.us](mailto:dworden@delmar.ca.us)>; Ellie Haviland <[ehaviland@delmar.ca.us](mailto:ehaviland@delmar.ca.us)>; Sherryl L. Parks <[sparks@delmar.ca.us](mailto: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/>



**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

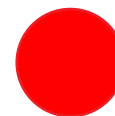
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To Melinda Gould  
City of Del Mar | Administrative Services

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 less well off citizens the current size of the numbers is not well-founded.

Karen Reynolds  
624 Serpentine Drive



**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

>

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>

>

> 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

**From:** Patricia Brutton <pnbrutton@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 Brutton  
**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 Brutton



**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 – 6<sup>th</sup> 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.

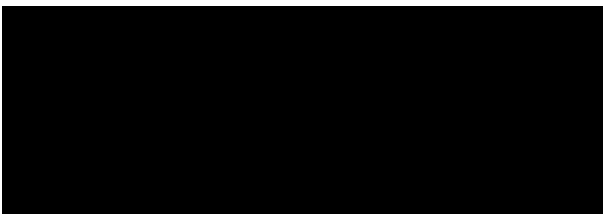
I write to magnify that **because of Council's decision**, the crosshairs have shifted to North Bluff, South Bluff, and inevitably Shores Park – which will surely be the **Park of Last Resort** once the State brings down the hammer as they have done successfully against other wealthy coastal cities that 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](mailto:john@playoutsidedelmar.org)  
619. 517.1010

**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

**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

**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

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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](mailto: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](mailto: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

**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



**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? Hmm...? 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

**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

**From:** Mlssy 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



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**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

**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

**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](mailto: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](#)

**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

**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]

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**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

**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

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.

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]

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**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

**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

**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 until an after an **independent audit** is made on the affordable 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 affordable 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 oppose 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 addressed 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 until an after audit is made on the assigned affordable housing assigned to Del mar due to possible faulty employment counts.

Annette Wiesel  
2139 Heather Lane  
Del Mar, CA 92014

**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

**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](mailto: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.

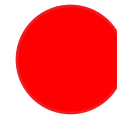
In the mean time, the Council needs to file an urgent Injunction Relief Motion with the State of California and join in on any small Coastal Cities Class Action Lawsuit against California and Governor Newsom for their incredible Government-overreach with their arbitrary demands of Low Income Housing 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

**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

**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 /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.

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.

**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

**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



401 B Street, Suite 1470 San Diego, CA 92101-4223  
T: 619.686.1930 | F: 619.497.1052  
[bph-law.com](http://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.**

# JGS

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 6<sup>th</sup> Street  
Trustee, W.G. & M.B. Sturgis Trust  
101 & 107 11<sup>th</sup> Street

**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.

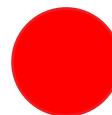
Del Mar, is a small village, and we are limited to the west with the ocean, and the northern and southern boundaries are bordered with water. Our town can only grow so far, so this decision is incredibly important for the density of Del Mar. So I am opposed to items 7 & 8 on the Agenda.

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](mailto:angie.neglia@gmail.com)  
mobile (858) 945 8827



**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, 6<sup>th</sup> 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 5<sup>th</sup> Cycle Housing Element (HE) by approving the rezone of the North Commercial Zone; and,**
- 2) Focus on the 6<sup>th</sup> Cycle HE by working with the Fairgrounds to identify sites there to meet the vast majority of our affordable housing obligations.**

**5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> Cycle, and get back into compliance (avoiding dire consequences) by rezoning the North Commercial zone tonight!

**6<sup>th</sup> Cycle Housing Element, 2020-**

In its 6<sup>th</sup> 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.

**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.

**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

**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

**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:

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**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.

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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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### **ITEM #8**

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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

**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

**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

**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



**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,

Virginia Frankum  
259 Sea Forest Ct

**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

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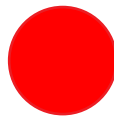
**From:** delmartravel@aol.com  
**Sent:** Monday, October 05, 2020 12:01 PM  
**To:** City Clerk Mail Box  
**Subject:** Oct. 5th council meeting

**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 1957, 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.



**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.

Sincerely, Dail M. Peirce, 2124 Heather Lane, Del Mar, CA 92014I

----- Forwarded Message -----

**From:** Arnold Wiesel <[delmarhillside@yahoo.com](mailto:delmarhillside@yahoo.com)>  
**To:** City Clerk Mail Box <[cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us)>; Arnold Wiesel <[delmarhillside@yahoo.com](mailto: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