

RESOLUTION NO. 2020-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA AMENDING THE CITY OF DEL MAR COMMUNITY PLAN CONSISTENT WITH PROGRAM 2-F IN THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT THAT IS A PART OF THE EXISTING COMMUNITY PLAN (GENERAL PLAN) TO AMEND LAND USE DESIGNATIONS RELATING TO A TOTAL OF FOUR EXISTING PARCELS LOCATED IN THE PROFESSIONAL COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA

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 City's existing certified Housing Element requires implementation of Program 2-F relating to the Professional Commercial Zone that requires the City amend its Community Plan, Del Mar Municipal Code (Zoning) Chapter 30.25, and Local Coastal Program to add residential as an allowed primary use up to a density of 20 dwelling units per acre; and

WHEREAS, 20 dwelling units per acre is the density required by the Housing Element because, per the State, it 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, "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 of Del Mar 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; and

WHEREAS, the City's certified Housing Element for the 5<sup>th</sup> Cycle planning period (2013-2021) obligated the City to provide capacity for 22 affordable units for rent to low income households that factored in 12 affordable units from the regional housing needs allocation (RHNA) for the 5<sup>th</sup> Cycle and the shortfall of 10 affordable units that was a required carry over from the 4<sup>th</sup> Cycle; and

WHEREAS, the intent of Housing Element Program 2-F is to increase the City's planned housing capacity sufficiently to accommodate its RHNA and more specifically to accommodate development of affordable housing; 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 RHNA is a fundamental component of Housing Element law and that HCD may revoke the certification status of the City's Housing Element and trigger further enforcement if the City fails timely implementation of the Program; and

WHEREAS, the State expected Housing Element Program 2-F to have been completed within 24 months of adoption of the 5<sup>th</sup> Cycle Housing Element; and

WHEREAS, if the City does not complete implementation of Program 2-F, 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, in June 2016 the City received a "Notice of Intent to Sue the City of Del Mar" if the Housing Element programs related to North Commercial and Professional Commercial are not implemented by the City; and

WHEREAS, if the City does not implement Program 2-F it also puts the City at risk of not being able to gain certification of the 6<sup>th</sup> Cycle Housing Element Update in process because the program is needed to create a sufficient number of housing sites to accommodate affordable housing as required per State law; and

WHEREAS, on August 11, 2020, the Planning Commission recommended approval of the proposed amendments to the Del Mar Community Plan, Del Mar Municipal Code, and Local Coastal Program for implementation of Housing Element Program 2-F; and

WHEREAS, on August 20, 2020, a notice of public hearing was posted and published and mailed notice was provided informing the public of the scheduled City Council public hearing on September 8, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the City Council does hereby adopt the amendment to the City of Del Mar Community Plan (General Plan) relating to Program 2-F as set forth in Resolution "Exhibit A" attached.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 8th day of September, 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. 2020-48, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 8th day of September, 2020, by the following vote:

AYES: Mayor Haviland, Deputy Mayor Gaasterland, Council Members  
Druker, Parks and Worden

NOES: None

ABSENT: None

ABSTAIN: None



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

**Resolution Amending the Community Plan Relating to Professional Commercial  
EXHIBIT A**

1. That the existing Professional Commercial land use category in the Del Mar Community Plan Community Development Section be amended for consistency with existing certified Housing Element Program 2-F to read as follows:

Professional Commercial

This land use category is intended to allow offices and residential (0-20 dwelling units per net acre) to be located in the southern end of the commercial district, as an orderly transition between the retail and commercial service uses in the village center and the medium and low density residential land use areas located to the south.

2. That the existing Central Commercial land use category in the Del Mar Community Plan Community Development Section be amended to delete the existing reference relating to the Professional Commercial Zone that currently state's "The area along Camino del Mar south of 9<sup>th</sup> Street should be devoted to office/professional usage." By deleting this statement, it will ensure consistency with the Professional Commercial land use category, as amended with this action to allow housing as an allowed use along Camino del Mar south of 9<sup>th</sup> Street per the existing certified Housing Element Program 2-F, and that the amended category read as follows:

Central Commercial

This land use category is intended to allow activities that preserve and enhance the Village Center District of Del Mar. Permitted uses would include pedestrian oriented retail activities, commercial services and a limited number of offices.