

ORDINANCE NO. 1011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING NEW CHAPTER 23.06 TO THE CITY OF DEL MAR MUNICIPAL CODE, ESTABLISHING MULTI-UNIT AND MIXED-USE OBJECTIVE DESIGN STANDARDS FOR LAWFULLY REQUIRED "BY-RIGHT" HOUSING DEVELOPMENT

WHEREAS, the City of Del Mar is a charter city and certain constitutionally enacted State Housing laws apply to general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that "Housing is a matter of statewide concern" considering that California faces a housing crisis, and that local jurisdictions were therefore mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City of Del Mar and has an overall goal to "preserve and enhance the special character of Del Mar," this includes maintaining the "village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach" as well as preserving and enhancing "Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline;" and

WHEREAS, the City's certified Housing Element is one of many required components that is part of the Del Mar Community Plan which requires consistency with State laws applicable to General Plans; and

WHEREAS, the certified Housing Element identifies programs and resources required for the preservation, improvement, and production of housing to meet the existing and projected needs of its population and it requires the creation of additional affordable housing stock; and

WHEREAS, the certified Housing Element for the 6th Cycle years 2021-2029 requires the City to accommodate a Regional Housing Need Allocation (RHNA) of 163 housing units, comprised of 37 very-low income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units and an additional 12 low income unit "carryover" from the 5th Cycle planning period (2013-2021) for a total obligation of 175 units including 113 lower income units as well as 100 additional opportunities for moderate income households, lower income households, and special needs households; and

WHEREAS, the proposed amendment to the Del Mar Municipal Code (DMMC) is required per State law to implement the City's 6th Cycle Housing Element commitment identified in Program 6G (Objective Design Standards) in order to maintain compliance with State law and avoid decertification of the Housing Element; and

WHEREAS, the City has made and continues to make progress toward its housing programs and housing production targets in its certified Housing Element; and

WHEREAS, adoption of this Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods and coastal resources; and

WHEREAS, a duly noticed special public workshop/joint meeting of the Design Review Board and Planning Commission was held on December 6, 2023, to initiate the creation of the Multi-Unit and Mixed-Use Objective Design Standards, at which time information regarding the Objective Design Standards creation process, timing/steps, and an overview of a public survey was provided and discussed; and

WHEREAS, the Design Review Board held a duly noticed public workshop to review the draft Multi-Unit and Mixed-Use Objective Design Standards Manual on March 19, 2024 that necessitated revisions that have sensed been incorporated into the Ordinance; and

WHEREAS, on April 24, 2024, the Design Review Board reviewed a revised (second) draft of the Multi-Unit and Mixed-Use Objective Design Standards Manual and recommended that the City Council approve the document; and

WHEREAS, on May 12, 2024, the Planning Commission held a duly noticed public hearing to review the proposed the Multi-Unit and Mixed-Use Objective Design Standards Manual and associated municipal code amendment, at which time the staff report was presented, public testimony was received, and the Planning Commission voted to recommend that the City Council adopt an Ordinance to implement the Multi-Unit and Mixed-Use Objective Design Standards for By-Right Housing Development; and

WHEREAS, the 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). These proposed amendments have been analyzed and it has been determined that this Ordinance would not result in significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final PEIR. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary. Individual development projects will be analyzed for potential impacts on the environment pursuant to the CEQA Guidelines at the time of their application and processing; and

WHEREAS, on September 9, 2024, the City Council held a duly noticed public hearing for introduction of the Ordinance.

NOW THEREFORE, the City Council of the City of Del Mar does hereby ordain as follows:

SECTION ONE

That a new Chapter of the Municipal Code shall be added as follows:

Chapter 23.06 – MULTI-UNIT AND MIXED-USE RESIDENTIAL OBJECTIVE DESIGN REVIEW STANDARDS

23.06.010 - Purpose

- A. State Housing law requires streamlining of permit applications through an administrative process at the local level, including limitations that require objective design standards for certain classes of housing development.
- B. The purpose of this Chapter is to set forth the objective design standards that apply under the special circumstance where the City is precluded by State law from applying its typical discretionary design review criteria and permit approval processes identified in Chapter 23.08.
- C. The intent of this Ordinance is to facilitate the objective review and approval of eligible proposed housing development to implement the City of Del Mar Community Plan (General Plan) and Local Coastal Program (LCP) in a manner that harmonizes adopted local policies with State mandated housing laws.

23.06.020 – Applicability

Chapter 23.06 shall apply to proposed multi-unit residential and mixed-use development projects in circumstances where the City is precluded by State Law from otherwise applying the City’s standard discretionary design review criteria and permit approval processes as identified in DMMC Chapter 23.08.

23.07.030 – Process for Objective Design Review and Approval

Notwithstanding the standard discretionary design review permit process provisions in Chapter 23.08 of the Del Mar Municipal Code, the process for objective design review and approval in accordance with Chapter 23.06 shall be issued in accordance with an administrative level ministerial approval process where the proposed development is found to be consistent with standards indicated in Section 23.06.040 and is required by State housing laws.

23.07.040 – Standards for Objective Design Review Approval

Proposed development eligible pursuant to Section 23.06.020 shall be subject to consistency with the standards indicated in the “Multi-Unit and Mixed-Use Residential Objective Design Standards Manual” adopted by the City Council and on file with the City Clerk.

23.07.050 – Severability

Should any section, subsection, sentence, clause, or phrase of this Ordinance codified by this Chapter be held, for any reason, to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance so codified by this Chapter.

SECTION TWO

The “Multi-Unit and Mixed-Use Residential Objective Design Standards Manual” provided as “Attachment B” of Del Mar City Council agenda report dated July 8, 2024, is adopted

and may be updated and modified from time to time by resolution of the City Council upon review and recommendation of the Planning Commission.

SECTION THREE

This Ordinance was introduced by the City Council on August 26, 2024.

SECTION FOUR

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION FIVE

This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Del Mar, California, held on the 23rd day of September 2024.



Dave Druker, Mayor
City of Del Mar

APPROVED AS TO FORM:



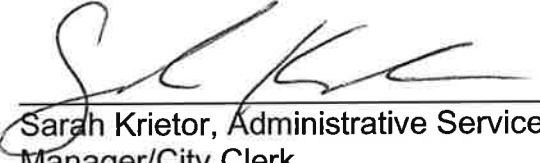
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.1011, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 23rd day of September, 2024, by the following vote:

AYES: Mayor Druker, Councilmembers Martinez, Quirk, and Worden
NOES: None
RECUSE: Deputy Mayor Gaasterland
ABSENT: None
ABSTAIN: None



Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar