



CITY OF DEL MAR PLANNING DEPARTMENT  
1050 Camino del Mar, Del Mar, CA 92014 (858) 755-9313

## **NOTICE OF PUBLIC HEARING/NOTICE OF AVAILABILITY**

Notice is hereby given that the City of Del Mar will hold a public hearing on Tuesday, January 12, 2021 at 6:00 p.m. **(Via Teleconference Only)** where the Planning Commission will make a recommendation to the City Council regarding a proposed Housing Element Implementation Overlay Zone, its applicability to two parcels in the North Commercial Zone as required for implementation of the 5<sup>th</sup> Cycle Housing Element Program 2G, and Community Plan Amendment for implementation of Programs 2E and 2G to demonstrate the City's compliance with State Housing law.

### **APPLICATION NUMBERS, PROJECT SITE AND DESCRIPTION OF DEVELOPMENT PROPOSAL:**

**ITEM 2**  
**LCPA20-003**  
**GPA 20-004**  
**ZA20-003**  
**RP20-001**

**Project:** Proposed Housing Element Implementation Overlay Zone and Implementation of Programs 2E and 2G in the North Commercial Zone (5<sup>th</sup> Cycle Housing Element)

**Location:** North Commercial Zone parcels including APNs 299-100-47-00 and 299-100-48-00

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

**Description:** The proposed actions are required pursuant to the City's existing 5<sup>th</sup> Cycle Housing Element. State Housing law (Government Code Sections 65583.2(h) and (i)) required the City as part of the 5<sup>th</sup> Cycle Housing Element Program 2G (required rezone program) to allow housing "by-right" at a density of 20-25 dwelling units per acre on APNs 299-100-47-00 and 299-100-48-00. In order to create additional adequate sites at a sufficient density (allowing at least 20 dwelling units per acre) to accommodate its assigned Regional Housing Needs Assessment (RHNA) obligation for lower income households, the City was also required to take action to allow multiple dwelling unit housing as a use in the North Commercial land use designation per Program 2E. The proposed implementation actions include: (1) Local Coastal Program Amendment (LCPA 20-003) to reflect a new Housing Element Implementation Overlay Zone and change the land use designation and zoning for North Commercial to demonstrate compliance with Housing law and the Coastal Act; (2) Zone Code Amendment (ZA 20-003) to create and implement a new Housing Element Implementation Overlay Zone per Housing Element Program 2G; (3) General Plan (Community Plan) Amendment (GPA 20-004) to amend the North Commercial land use designation per Housing Element Programs 2E and 2G in accordance with State law; and (4) Rezone (RP 20-001) per Housing Element Program 2G that would apply the new Housing Element Implementation Overlay Zone to real property identified as APNs 299-100-47-00 and 299-100-48-00 located in the North Commercial Zone. The proposed Community Plan Amendment will effectively implement 5<sup>th</sup> Cycle Programs 2E and 2G by processing an amended land use designation and map to allow multiple dwelling unit housing on specified parcels within the NC land use designation per 5<sup>th</sup> Cycle Program 2E and explicitly identify the two parcels per 5<sup>th</sup> Cycle Program 2G that allow a higher density of 20-25 dwelling units per acre "by-right". This is a Planning Commission recommendation hearing. The City Council will consider whether to adopt the proposed amendments and rezone in a future noticed public hearing.

**Environmental Status:** Pursuant to the California Environmental Quality Act (CEQA), the proposed actions on Program 2G have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) and CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of a LCP amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Del Mar LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code. The proposed actions on Program 2G include corollary amendments to the City's Community (General) Plan and Municipal Code (Zoning). Notwithstanding the applicability of the Statutory Exemption, future development of the two parcels included in Program 2G for multiple-dwelling residential use as affected by the proposed actions, as well as the proposed action on Program 2E have been the subject of prior environmental analysis including the Final Program Environmental Impact Report (PEIR) for the Professional Commercial and North Commercial Zoning Code Amendment (SCH #2019029058)

certified by the City Council on September 8, 2020 (Resolution 2020-47) and the 6th Cycle Housing Element Update Final PEIR (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52). Anticipated impacts for the proposed actions have been disclosed in these prior environmental documents and the proposed Housing Element Implementation (HEI) Overlay Zone incorporates standard Mitigation Monitoring and Reporting protocols (see proposed Section 30.92.050) to ensure impacts are minimized consistent with prior environmental documents. No new or substantially greater impacts would result from implementation of Programs 2G and 2E, including the HEI Overlay Zone. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Final PEIRs referenced above, the proposed actions do not require further environmental review. Pursuant to CEQA Guidelines Section 15162(b), no further analysis or environmental documentation is necessary. Accordingly and notwithstanding the applicability of the Statutory Exemption referenced above, the proposed actions are merely a step in furtherance of the original programs for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

**Contact Person:** Amanda Lee, Principal Planner [alee@delmar.ca.us](mailto:alee@delmar.ca.us)

**PUBLIC HEARING DATE, TIME AND LOCATION:**

This item is scheduled on the agenda for a public hearing before the Planning Commission on  
**January 12, 2021 at 6:00 p.m.**

**VIA TELECONFERENCE ONLY**

<http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM.

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Planning Commission Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

**Public Participation/Comment:** Members of the public can participate in the meeting in writing or telephonically.

**Written Comments:** Members of the public can participate in the meeting by e-mailing comments to [planning@delmar.ca.us](mailto:planning@delmar.ca.us) by 12:00 PM the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. All comments will be transmitted to the Planning Commission prior to the start of the meeting. Comments will not be read into the record

**Telephonic Participation:** Members of the public wishing to make comment telephonically at the meeting must submit a tele-comment form [www.delmar.ca.us/telecomment](http://www.delmar.ca.us/telecomment) through the City's website by 12:00p.m. the day of the meeting. After you complete the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

The public notice was published, posted, and mailed on **Thursday, December 17, 2020**. Project information is available on the City's web page at the following link: <https://www.delmar.ca.us/829/Implementation-Overlay-Zone--5th-Cycle->

The Staff Report will be available via the City Web Page ([www.delmar.ca.us/agendacenter](http://www.delmar.ca.us/agendacenter)) by the afternoon of **Wednesday, December 23, 2020**.

This notice will be the only written notice that you will receive for this application item. Items that are continued from one meeting date to another "time certain" meeting date will not be renoticed through the mail.

Note: Any item on the agenda, for which there are no objections from Board members or members of the public, may potentially be placed upon the reviewing body's Consent Calendar at the beginning of the meeting to be voted on as part of a block of Consent Calendar items. Items placed on the Consent Calendar are not subject to public comment. If you have an objection or concern and wish to present information at the hearing you must be present at the beginning of the meeting to ensure the item will not be placed on the Consent Calendar. Alternatively, you may write a letter stating your objection to the applicable review board prior to the meeting.

Public speaking time limits at the hearing are three minutes for those members of the public who would like to address the item. 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 at the public hearing described in this notice, or written correspondence delivered to the City at, or prior to, the public hearing.