

CITY OF DEL MAR

(This Measure will appear on the ballot in the following form.)

MEASURE R

Shall the ordinance which proposes to amend the Del Mar Community Plan, Housing Element, and Municipal Code to require voter approval for certain development projects be adopted?

This measure requires approval by a simple majority (over 50%) of the voters voting on the measure. Full text of this measure follows the arguments and rebuttals.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE R: VOTER APPROVAL REQUIREMENT FOR CERTAIN DEVELOPMENT PROJECTS

Measure R is a measure placed on the ballot by a petition signed by the requisite number of voters of the City of Del Mar. Currently, development-related approvals such as increases in permitted height structure, floor area ratio, lot coverage, or the residential density permitted; variances; zone code amendments; tentative subdivision map approval; specific plan adoptions; or density bonuses do not require voter approval, regardless of the development size. The exception is properties subject to Measure B, which requires voter approval of specific plans adopted for development in the Central Commercial zone.

With respect to variances, tentative subdivision maps, and density bonuses, state law provides the standard for approvals. Similarly, state law places certain requirements on the City's Housing Element related to affordable housing. In order to comply with state law, the City has included various implementation strategies in its Housing Element. A question exists as to the impact of the proposed measure on such implementation strategies and the consequences should the measure prevent the strategies contemplated.

The proposed measure would require voter approval of certain development projects of 25,000 or more square feet in any commercial zone by amending the Community Plan, Housing Element, and Municipal Code. The square footage threshold would be met either if the individual parcel is 25,000 square feet or more or if adjacent parcels developed together meet or exceed 25,000 square feet. The actions that would require voter approval for qualifying parcels pursuant to the measure include increases in permitted height structure; increases in floor area ratio and lot coverage allowed; increases in the residential density permitted, whether by general plan amendment, community plan amendment, local coastal program amendment, specific plan, planned development, zone change, tentative subdivision map, or other discretionary land use approval; approval of a specific plan; and variances. Any action requiring voter approval requires a simple majority. If a special election were requested for voter approval, the costs would be borne by the project proponents.

Additionally, the measure would amend the Community Plan to delete goals to explore mixed residential commercial land uses within the commercial area adjacent to Stratford Court and to allow mixed residential commercial land uses within other areas of the commercially zoned downtown area. Because such changes are without respect to project size, a legal question exists as to whether the measure violates the single subject limitation for initiatives, where the declared purpose of the initiative pertains to large scale development projects.

CITY ATTORNEY'S IMPARTIAL ANALYSIS (CONTINUED)

Because initiative powers extend only to legislative actions (not administrative actions), a legal question also exists as to whether the proposed measure is valid with respect to the approval of variances, tentative subdivision maps, and density bonuses, which involve the application of pre-established standards and conditions and are thus administrative in nature.

Further, a legal question exists as to whether portions of the measure conflict with state law, particularly with respect to variances, tentative subdivision maps, and density bonuses, and as to the effect of the Coastal Commission's jurisdiction over and required approval of the changes proposed.

/s/ Leslie E. Devaney, City Attorney

ARGUMENT IN FAVOR OF MEASURE R

Protect Our Community Plan and Small Town Character - Vote “YES” on “R” - Ensure Your Right to Vote

WHAT DOES THIS INITIATIVE DO: It allows our Del Mar citizens to have the final say in changes to our Community Plan regarding Commercial Zone properties of 25,000 square feet or larger.

If a developer wants to change the zoning to create a Specific Plan where the allowed density, height of buildings, floor area ratio and lot coverage are changed, the development must be submitted to the voters for their approval.

WHY IS THIS INITIATIVE IMPORTANT TO DEL MAR RESIDENTS: We do not want our Community Plan changed without a vote of the people.

Our Community Plan defines what we want our community to be; it serves to protect our quality of life now and into the future. We cannot take our Community Plan for granted. As citizens of Del Mar, we are all in this together and we should do everything possible to protect our Community Plan by voting “YES” on this Initiative. **Changing our Community Plan SHOULD BE DECIDED BY THE VOTERS, NOT FOUR CITY COUNCIL MEMBERS.**

If the developer of Watermark wants to change the density of a North Commercial Zone property to 48 homes where only 1 home is presently allowed, where sacred Torrey Pines will be cut down and natural bluffs destroyed, where very little open space is preserved and the height of homes exceed the existing zoning code, **that plan would have to be approved by the voters.**

On Election Day, November 8th, please join us and many other Del Mar citizens in voting “YES” to enact this Initiative so that all registered voters of Del Mar can have a part in protecting our Community Plan.

Vote “YES” on Measure “R” - Ensure Your Right to Vote

PAMELA SLATER-PRICE
SD County Supervisor 1992-2013

BROOKE D. EISENBERG
Former Mayor/Formal Design
Review Member

ARNIE WIESEL
President-Del Mar Hillside Cmnty Ass.

HERSHELL T. PRICE
Former Del Mar Planning Commissioner

DAVID S. DRUKER
Former Del Mar Mayor

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE R

Some Del Mar residents may favor requiring an election for every Specific Plan and Zoning Code change, including the pending Watermark Project application. But requiring an election for *every* project is both costly and unnecessary.

Del Mar's rigorous review process requires every project to go through hearings by the Design Review Board, Planning Commission, and City Council, with many opportunities for public input. If an unpopular project were approved by the City Council, opponents have the remedy of referendum petition, requiring only 10% voter signatures.

Measure R proponents oppose the Watermark project, which remains in the early stages of the review process. No EIR has yet been prepared; and *NO APPROVALS HAVE YET BEEN GIVEN*. After public hearings and the review process are completed, if Watermark were approved over residents' objections, opponents could submit a petition for a *referendum* election, requiring either a vote of the people, *or* rejection of the project by the City.

But if Measure R is approved, it could put Del Mar in conflict with current State law and create additional conflicts within our own Community Plan, zoning ordinances, Measure B, and existing Specific Plans. Litigation over these conflicts could involve the City in lengthy and costly lawsuits. In the worst case, courts could intervene to force Del Mar's compliance with State laws by suspending the City's planning and zoning authority.

Measure R would protect the self-interest of a few -- not the best interests of our community.

PLEASE – VOTE NO ON MEASURE R!

D. DWIGHT WORDEN
Member, Del Mar City Council

JOSEPH E. SULLIVAN

TERRY L. SINNOTT
Member, Del Mar City Council

JAMES E. EMERSON (BUD)
Member, Del Mar Finance Committee

NANCY K. FISHER

ARGUMENT AGAINST MEASURE R

Measure R is BAD FOR DEL MAR:

It's Illegal

- Measure R conflicts with State laws, including the Affordable Housing law, the Subdivision Map law, and State Planning laws.
- Measure R interferes with the City's legal duties under State law, which violates the Constitutional requirement that initiatives concern only *legislative* matters, not *administrative duties*.
- It's overly broad and violates the Constitutional one- subject requirement;
- If approved by voters, Measure R would still not become effective until and unless it is approved by the California Coastal Commission – a lengthy, uncertain and expensive process.

It Changes Our Community Plan

- Measure R is a barrier to providing affordable housing in Del Mar;
- It eliminates Community Plan goals for mixed use residential housing;
- It would invalidate our State certified Housing Element;
- It undermines the Planning Commission, Design Review Board, and City Council in upholding the Community Plan;
- It conflicts with Del Mar voter-approved Specific Plans for The Plaza, Garden Project, and L'Auberge.

It's Bad Government

- Because Measure R means Del Mar would no longer comply with State housing requirements, the State could petition courts to take judicial control over Del Mar's planning and zoning authority.
- Measure R would make upgrades or replacements of commercial development in Del Mar prohibitively expensive, resulting in commercial blight and decay.

It's Expensive

- Measure R exposes Del Mar to costly litigation, potential loss of State and federal revenues, and reduced sales and property tax revenues.

Measure R is *unnecessary* - voters already have the power to force unpopular City Council-approved projects to referendum election. Measure R conflicts with California laws; exposes the City to costly litigation, potential loss of state and federal grants, possible court administered planning and zoning requirements; and would result in blight and decay in our commercial areas. For our future – REJECT MEASURE R!

DONALD E. MOISER
Member, Del Mar City Council

JOSEPH W. DERNETZ
Former Del Mar City Manager

TERRY L. SINNOTT
Member, Del Mar City Council

JAMES E. EMERSON
Member, Del Mar Finance Committee

JAMES WATKINS
Community Developer

REBUTTAL TO ARGUMENT AGAINST MEASURE R

MEASURE "R" IS NOT ILLEGAL:

The opposition statement that Measure "R" is illegal is false. Two signers of the Argument Against Measure "R" are City Council Members who **voted to put Measure "R" on the ballot**. At that Council meeting, neither mentioned that Measure "R" was illegal. **Neither did the Del Mar City Attorney.**

Additionally, the City Attorney wrote the Impartial Analysis of Measure "R" and not once stated that it was illegal.

It is disingenuous for these opponents to now claim Measure "R" is illegal. **This is a scare tactic;** they do not want our citizens to have the **Right to Vote** on changes to our Community Plan and large development projects.

MEASURE "R" DOES NOT NEED TO BE APPROVED BY THE COASTAL COMMISSION:

The City Attorney **only** questions the Coastal Commission's jurisdiction over Measure "R" and to the extent any parts may be reviewed, does not make Measure "R" illegal.

THE FUNDAMENTAL CHANGE TO OUR COMMUNITY PLAN IS:

Measure "R" gives the citizens of Del Mar the **Right to Vote** on proposed Community Plan changes to Commercial Property developments of 25,000 square feet or larger, as is the case with the Watermark development.

Nothing in Measure "R" changes our ability to comply with State housing law.

Measure "R" does not undermine City government; Measure "R" improves our City government by providing a level of public review and approval through our Right to Vote.

Protect our Community Plan:

VOTE "YES" on Measure "R" - Ensure Your Right to Vote

ARNOLD WIESEL
President, Del Mar Hillside
Community Association

WADE H. WALKER

PAMELA SLATER PRICE
SD County Supervisor 1192-2013

JOHN H. WEARE
Mayor of Del Mar during
General Plan adoption

BARBARA MYERS

FULL TEXT OF MEASURE R

CHARACTER PROTECTION INITIATIVE

Shall an ordinance of the City of Del Mar be adopted which would require voter approval of any proposed development of a parcel of land. Or adjacent parcels of land taken together, in any commercial zone that contain 25,000 square feet or more and allows a density bonus or requires a specific plan, or zoning code to change, or an increase of the building height limit, the floor area ratio, or lot coverage, from that of the existing underlying zone, prior to the issuance of a discretionary permit?

Section 1. Amendment to the Del Mar Community Plan

A. The Community Development Element of the Community Plan of the City of Del Mar shall be amended as hereinafter set forth. This amendment shall not be modified or rescinded without approval of a simple majority of the voters of the City of Del Mar voting at a special or general election.

B. Underlined text shall be added and strikethrough text shall be deleted from the following Objectives and Policies of the Community Development Element of the Community Plan as shown below:

Goal 3

PRESERVE AND ENHANCE DEL MAR'S SPECIAL RESIDENTIAL CHARACTER AND SMALL TOWN ATMOSPHERE WITH IT'S HARMONIOUS BLENDING OF BUILDINGS AND LANDSCAPE IN PROXIMITY TO A BEAUTIFUL SHORELINE.

Objectives and Policies:

C. ~~ADOPT POSITIVE CONTROLS TO PREVENT FUTURE COMMERCIAL DEVELOPMENT WHICH IS INCOMPATIBLE WITH THE EXISTING RESIDENTIAL CHARACTER OF THE COMMUNITY.~~

1. Strengthen height controls to protect the transition from commercial to residential development. Permitted structure height in any commercial zone for developments of parcels of land, or adjacent parcels of land taken together, of 25,000 square feet or more shall be increased only when the voters of Del Mar approve such increase.

2. The floor area ratio and lot coverage allowed in the commercial zone for developments of parcels of land, or adjacent parcels of land taken together, of 25,000 square feet or more shall be increased only when the voter of Del Mar approve such increase.

3. No general plan amendment, community plan amendment, local coastal program amendment, specific plan, planned development, zone change, tentative subdivision map or other discretionary land use decision shall be adopted which would increase the residential density permitted by law; or increase the structure height, floor area ratio, or lot coverage permitted by law on property in the commercial zone for developments of parcels of land or adjacent parcels of land taken together of 25,000 square feet or more unless and until such action is approved by ordinance adopted by the voters of the City of Del Mar at a special or general election.

Goal 4

B. ~~INSURE THAT THE DOWNTOWN AREA IS WELL INTEGRATED INTO THE RESIDENTIAL FABRIC OF THE COMMUNITY~~

3. ~~Explore mixed residential commercial land uses within the commercial area that is adjacent to Stratford Court.~~

FULL TEXT OF MEASURE R (CONTINUED)

~~4. Allow mixed residential-commercial land uses within other areas of the commercially zoned downtown area.~~

D. MAINTAIN ARCHITECTURAL DESIGN AND LOW MASS-INTENSITY SCALE WITHIN THE DOWNTOWN AREA THAT IS IN KEEPING WITH THE TRADITIONAL CHARACTER OF THE COMMUNITY.

~~5. Limit the height, floor area ratio and lot coverage of structures of parcels of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more in commercial zones to the current permitted height, floor area ratio and lot coverage. No increase in permitted height, floor area ratio or lot coverage for development of parcels of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more in commercial zones shall be allowed unless approved by a majority of the voters in Del Mar at a special or general election.~~

Goal 6

ASSURE CONTINUING PUBLIC PARTICIPATION IN CITY PLANNING BY DEVELOPING PROCEDURES IN WHICH CITIZENS CAN PARTICIPATE IN UPDATING GENERAL PLAN GOALS AND POLICIES AND HELP IN IMPLEMENTING PROGRAMS INCLUDING CONSULTATION AND ADVICE ON ENABLING LEGISLATION.

SPECIFIC RECOMMENDATIONS

SPECIFIC PLANNING AREAS

Specific Plans can be adopted by Ordinance or Resolution subject to public hearings and review by the Planning Commission and City Council. Any Specific Plan or any development of a parcel of land, or adjacent parcels of land taken together, of 25,000 square feet or more with any commercial designation or in any commercial zone as of March 15, 2016 shall be not approved unless approved by a majority of voters in Del Mar at a special or general election. Specific Plans are generally used for areas of the City which demand specific planning attention that cannot otherwise be provided through conventional zoning procedures.

Section 2. Amendment to the Housing Element

A. The Housing Element of the Community Plan of the City of Del Mar shall be amended as hereinafter set forth. This amendment shall not be modified or rescinded without approval of a simple majority of voters of the City of Del Mar voting at a special or general election.

B. Underlined text shall be added and strikethrough text shall be deleted from the following Objectives and Policies of the Community Development Element of the Community Plan as shown below:

B. Future Residential Development Potential (Sites Inventory)

2. Areas with Potential to Accommodate Additional Residential Units

ASSIGNMENT OF NEW ZONING DESIGNATION FOR VACANT PROPERTIES IN THE NORTH COMMERCIAL (NC) ZONE

There are two, commonly owned adjoining vacant sites, in the NC Zone (also with a North Commercial designation in the Community Plan) for which the owner has expressed an interest in having a new land use designation applied to the property, one of which would allow residential development by right, at a density range of 20-25 du/ac. Combined, the properties are roughly 2.3 acres in size (APNs 299-10-47 and 48). Using projections for a development proposal with a density of 18 units per acre, these 2.3 acres would accommodate 41 units. The properties are shown in Appendix B

FULL TEXT OF MEASURE R (CONTINUED)

Pursuant to Government Code Sections 65583.2(h) and (i), at least 50 percent of the lower income need must be accommodated on sites designated for residential use and for which nonresidential uses or mixed use are not permitted. To accommodate the City's RHNA for lower income units (22 units – see Table 36), within 12 months of adoption of the 2013-2021 Cycle Housing Element, the City will pursue a zone code amendment and associated actions to assign a new land use designation for these two properties allowing residential development at a density of 20 du/ac or greater, this change will require a majority vote of the people of Del Mar at a special or general election. The parcels will be rezoned to permit owner-occupied and rental multi-family residential use by right (without discretionary approval for the use and allowable density). These new land use designation will allow a density of 20 du/ac or greater and will accommodate at least 16 units per site.

MODIFICATION OF ZONING STANDARDS TO ALLOW INCREASED RESIDENTIAL DENSITY IN THE NORTH COMMERCIAL (NC) ZONE

The City's North Commercial (NC) Zone is located along Jimmy Durante Boulevard. Excluding the two vacant properties noted in the section above, it consists of 13 parcels with a total land area of 12.94 acres. Currently, the NC Zoning designation allows a mixture of uses, including, to a limited extent, residential uses. A single dwelling is allowed per building site as an accessory to another allowed use on the site. The NC Zone allows development at a maximum Floor Area Ratio (FAR) figure of 0.30. The properties in the NC Zone are shown in Appendix B.

Within 24 months of adoption of the 2013-2021 Cycle Housing Element, the City will pursue a zone code amendment to the NC Zone's development standards to increase the allowable residential density to 20 du/ac, this zone code amendment will require the approval of a majority of the voters in the City of Del Mar at a special or general election. Not every parcel, if and when redeveloped, would include a residential component. Assuming only 10 percent of the acreage would be redeveloped as a mixed use and assuming an average density of 15 units per acre, an estimated 19 units could be expected to be built in mixed use projects in the NC zone. The zone code amendment will include consideration for allowance of additional mixed use developments and activities such as live work units of the type frequently found in artists' colonies. This potential rezone is listed as one of the Sites Inventory Housing Programs contained in a subsequent section of the Housing Element.

MODIFICATION OF ZONING STANDARDS TO ALLOW INCREASED RESIDENTIAL DENSITY IN THE PROFESSIONAL COMMERCIAL (PC) ZONE

The City's Professional Commercial (PC) Zone is located along Camino del Mar and consists of four parcels with a total land area of 1.28 acres. Currently, the PC Zoning designation allows a mixture of office uses and, to a limited extent, residential uses. A single dwelling is allowed per building site as an accessory to another allowed use on the site. The PC Zone allows development at a maximum Floor Area Ratio (FAR) figure of 0.60, the highest FAR of any of the City's zones. The properties in the PC Zone are shown in Appendix B.

Within 24 months of adoption of the 2013-2021 Cycle Housing Element, the City will pursue a zone code amendment to the PC Zone's development standards to increase the allowable residential density to 20 du/ac, this zone code amendment will require approval by a majority of the voters of the City of Del Mar in a special or general election. Assuming only 25 percent of the acreage will include a residential component and using a conservative assumption of 15 units per acre as an average density (75 percent of maximum), five units could be expected to be built in mixed projects in the PC zone. This potential rezone is listed as one of the Sites Inventory Housing Programs contained in a subsequent section of this Housing Element.

FULL TEXT OF MEASURE R (CONTINUED)

4. Summary of Sites Inventory and RHNA Obligations

The City of Del Mar has the capacity to accommodate additional housing growth via new construction on vacant residential sites, construction of additional units on High-Density Residential sites, re-designation and subsequent development of vacant properties in the North Commercial Zone, and, to a limited extent, development in the downtown area (Central Commercial Zone). Additional housing opportunities will also be provided via modification of the development standards of the Professional Commercial and North Commercial Zones to allow residential development at a density of 20 du/ac development and via consideration of modifying the provisions of the Public Facilities (PF) Zone to allow residential uses. Any specific plan or zoning code change of a parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, with any commercial land use designation or commercial zoning designation in the Community Plan or zoning code as of March 15, 2016 will require approval by a majority of the voters of Del Mar in a special or general election.

A. Housing Goals

2. Encourage and Support the Development of a Wide Range of Housing Opportunities

Policy 2.3: Encourage and support the development of affordable housing by offering incentives for housing projects that provide housing at established affordable sales and rental rates with such incentives to include, but not be limited to: density and floor area ratio bonuses; reduced processing fees; expedited permit processing and reduced parking requirements. No density bonus will be allowed on any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, with any commercial designation in the Community Plan or zoning code as of March 15, 2016 unless approved by a majority of the voters of the City of Del Mar in a special or general election.

B. Housing Programs

Objective #2 - Provide adequate sites to achieve a variety of housing types.

Programs to Implement Objective #2

4. Program for Implementing the Community Development Element and Zoning Ordinance:

A. Land Use Re-designations and Modification of Zoning Standards to Accommodate Higher Density Residential Development.

1. Within 12 months of adoption of the Housing Element, the City will apply a new land use designation to two vacant parcels roughly 2.3 acres in size and currently zoned as North Commercial Zone (APNs 299-10-47, 48) to allow residential development by right, at a density of 20-25 du/ac. Any change to this property that will require a change in the zoning code, or a specific plan, or allow a density bonus, or allow an increase in floor area ratio, lot coverage, or building height from the underlying zone will require approval by a majority of the voters of the City of Del Mar through a special or general election.

2. In addition to the land use re-designation noted immediately above, the City will also, within 24 months of adoption of the Housing Element, pursue amendments to the City's North Commercial (NC) and Professional Commercial (PC) Zones expanding the list of uses allowed by right in those zones to include residential uses at a density of 20 du/ac for projects that include an affordable housing component. Any change to the land use and zoning policies of a parcel of land or adjacent parcels of land taken together, totaling 25,000 square feet or more in the North Commercial (NC) and Professional Commercial (PC) Zones from the underlying zone permitted as of March 15, 2016 will require the approval of a majority of the voters in the in the City of Del Mar at a special or general election.

FULL TEXT OF MEASURE R (CONTINUED)

3. Within two years of the Housing Element adoption, the City will establish appropriate development standards to facilitate high-density residential development in the NC and PC zones, allowing potential development to reach 20 units per acre as outlined above. Any change in the development standards of the of the NC and PC zones for development of a parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more over that permitted in the underlying zone as of March 15, 2016 will require approval by the majority of the voters in Del Mar in a special or general election.

Cumulative Ability of City Land Use Designations to Accommodate Housing Needs

Based on the land use measures described above and summarized below, the City provides sufficient land to meet Del Mar's remaining 61-unit share of regional housing growth needs for the 2013-2021 period. Measures 2 and 3 will require approval by a majority of the voters in the City of Del Mar through a special or general election; similarly, any increase in floor area ratio, lot coverage, or building height limits for development of a parcel of land or adjacent parcels of land taken together, totaling 25,000 square feet or more in any commercial zone as of March 15, 2016 will require approval by a majority of the voters in the City of Del Mar in a special or general election.

- 1) The allowable development capacity for residential units as designated for the City's various land use districts and zones in the Community (General) Plan and Zoning Code/Map;
- 2) The adoption of amendments to the zoning standards of the North Commercial (NC) and Professional Commercial (NC) Zones to include, among the list of uses by right, residential development at a density of 20 du/ac;
- 3) The assignment of a new land use designation for a set of vacant properties in the North Commercial Zone to allow residential development at a density of 20-25 du/ac.
- 4) Exploration of the assignment of modified land use designations to other properties in the community to accommodate residential development at a density of 20 du/ac.
- 5) Inclusion of a housing component in the 22nd DAA Fairgrounds Master Plan at a residential density of not less than 20 dwelling units per acre.

Eight-Year Objectives:

2-E. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the North Commercial (NC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component. Said amendment will require approval by a majority of the voters in the City of Del Mar through a special or general election.

2-F. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the Professional Commercial (PC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component. Said amendment will require approval by a majority of the voters in the City of Del Mar through a special or general election.

2-G. Pursuant to Government Code Sections 65583.2(h) an (i), within 12 month of City Council adoption of the 2013-2021 Housing Element, the City will assign a new land use designation to two adjacent vacant parcels, roughly 2.3 acres in size in the NC Zone, to allow, by right, residential development of the properties at a density of 2025 du/ac with such density allowance to include a requirement for a percentage of the residential units to be available, long-term, at affordable rates, either through dedication to a non-profit housing advocacy organization or through deed restrictions for no less than the minimum duration required under state housing law applicable to affordable dwelling units. Any change in the land use designation or zoning

FULL TEXT OF MEASURE R (CONTINUED)

designation of these parcels will require approval by a majority of the voters in the City of Del Mar through a special or general election.

C. Summary of Quantified Objectives

Programs:

3. Land Use re-designation of two properties in the North Commercial Zone to a zoning classification that allows, by right, residential development at a density of 20 du/ac, Said re-designation will require approval by a majority of the voters in the City of Del Mar through a special or general election if it will be development of a parcel of land, or adjacent parcels of land taken together, totaling 25,000 feet or more:

4. Identification and designation of other appropriate locations for higher density residential development, Said re-designation may require approval by a majority of the voters in the City of Del Mar through a special or general election if any of the properties are parcels of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, currently designated with any type of commercial land use designation and/or zoning;

5. Modification of the development standards of the North Commercial (NC) and Professional Commercial (PC) Zones allow residential uses at a density of 20 du/ac, said modification will require approval by a majority of the voters in the City of Del Mar through a special or general election.

MODIFICATIONS TO TABLE 38: Summary of Housing Programs

Objective #2: Provide Adequate Sites to Achieve a Variety of Housing Types

Program #4: Implement the Community Development Element and Zoning Ordinance Provide a range of opportunities for various housing types and different economic segments of the community.

2-E. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the North Commercial (NC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component. Said amendment will require approval by a majority of the voters in the City of Del Mar through a special or general election if it will involve parcel of land, or adjacent parcels of land taken together, of 25,000 feet.

2-F. Within 24 months of City Council adoption of the Housing Element, the City will amend the provisions of the Professional Commercial (PC) zone to allow residential development at a density of 20 du/ac for projects that include an affordable housing component. Said amendment will require approval by a majority of the voters in the City of Del Mar through a special or general election if it will involve parcel of land, or adjacent parcels of land taken together, of 25,000 feet or more.

2-G. Pursuant to Government Code Sections 65583.2(h) an (i), within 12 month of City Council adoption of the 2013-2021 Housing Element, the City will assign a new land use designation to two adjacent vacant parcels, roughly 2.3 acres in size in the NC Zone, to allow, by right, residential development of the properties at a density of 2025 du/ac with such density allowance to include a requirement for a percentage of the residential units to be available, long-term, at affordable rates, either through dedication to a non-profit housing advocacy organization or through deed restrictions for no less than the minimum duration required under state housing law applicable to affordable dwelling units. Any change in the land use designation or zoning designation of these parcels will require approval by a majority of the voters in the City of Del Mar through a special or general election if the parcel of land, or adjacent parcels of land taken together, total 25,000 square feet or more.

FULL TEXT OF MEASURE R (CONTINUED)

Section 3. Amendment to the Del Mar Municipal Code

A. The Zoning Development Code of the City of Del Mar, codified at Title 30 of the Del Mar Municipal Code, shall be amended by adding the language shown as underlined hereinafter set forth. The language hereby added shall not be modified or rescinded without the approval of a simple majority of the City voting in a special or general election.

Chapter 30.21

RESIDENTIAL-COMMERCIAL ZONE (RC)

30.21.070 Development Standards.

Once approved by the City Council of the City of Del Mar, any increase in the permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the Residential Commercial (RC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.22

CENTRAL COMMERCIAL ZONE

30.22.010 Purpose.

The Central Commercial Zone (CC Zone) allows activities that preserve and enhance the style and quality of the village center district of Del Mar. The CC Zone is the City's principal location for retail, restaurant, personal service and office uses serving the needs of both residents and visitors. Development in the CC Zone shall be compatible with the intellectual, social and material needs of the community. Development shall emphasize pedestrian orientation. [Ord. 824, 863]
Once approved by the City Council of the City of Del Mar, any increase in the permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the Central Commercial Zone (CC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.23

BEACH COMMERCIAL ZONE (BC)

30.23.070 Development Standards.

Once approved by the City Council of the City of Del Mar, any increase in the floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the Beach Commercial Zone (BC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.24

NORTH COMMERCIAL ZONE (NC)

30.24.070 Development Standards.

FULL TEXT OF MEASURE R (CONTINUED)

Once approved by the City Council of the City of Del Mar, Any increase in the permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the North Commercial Zone (NC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.25

PROFESSIONAL COMMERCIAL ZONE (PC)

30.25.070 Development Standards.

Once approved by the City Council of the City Del Mar, any increase in the permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the Professional Commercial Zone (PC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.26

VISITOR COMMERCIAL ZONE (VC)

30.26.070 Development Standards.

Once approved by City Council of the City of Del Mar, any increase in the permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in the Visitor Commercial Zone (VC) as of March 15, 2016 shall require approval by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.78

VARIANCES

30.78.030 Standards.

Once approved by the City Council of the City of Del Mar, any variance that will allow any increase in permitted floor area ratio, lot coverage, and/or building height limit for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in any commercial zone as of March 15, 2016 shall approved by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.86 S

SUPPLEMENTAL REGULATIONS

30.86.220 Zoning Amendments.

A. The City Council may amend, supplement or change the regulations and zones herein or subsequently established after recommendation thereupon by the Planning Commission, and after public hearings as required by law. An amendment, supplement or change may be initiated by resolution of the City Council or the Planning Commission or by petitioning of the owners of the subject property.

FULL TEXT OF MEASURE R (CONTINUED)

Once approved by the City Council of the City of Del Mar, any zoning amendment for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in any commercial zone as of March 15, 2016 shall be approved by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Chapter 30.90

Density Bonus

G. _____ Once approved by the City Council of the City of Del Mar, any density bonus for any parcel of land, or adjacent parcels of land taken together, totaling 25,000 square feet or more, located in any commercial zone as of March 15, 2016 shall be approved by a majority of the voters of the City of Del Mar through a special or general election before becoming effective.

Section 4. City Council Action

A. The City Council shall as quickly as permitted by law following the adoption of this ordinance by voters, take all actions required to carry out the mandates of Section 1, Section 2 and Section 3 hereof.

B. The City Council shall take all steps necessary to defend vigorously any challenge to the validity or constitutionality of this ordinance.

C. In the event that the City Council approves a change, amendment, subdivision map, or other land use decision which must, by the terms of this Ordinance, be adopted by the voters to become effective, the City Council shall set such matter to election by placing in on the ballot as a Council sponsored measure. No initiative petition shall be required to be filed by the proponent of such measure.

D. In the event that the City Council does not first approve a change, amendment, subdivision map, or other land use decision which must, by the terms of this Ordinance, be adopted by the voters to become effective, the proponent shall comply with all requirements of the California Elections Code Division 5, Chapter 3, commencing with Section 4000 of said Code, including qualification of the measure by initiative petition, in order to have the measure placed on the ballot.

E. The City Council shall set any election required by the Ordinance to the next available general municipal election at no cost to the proponent of this land use change requiring the election. If a special election is requested by such proponent and the proponent qualifies therefor, the City Council shall call a special election, the cost of which shall be borne by the proponent, provided, if permitted by State law, that the proponent shall first deposit the estimated cost of such election with the City Clerk, and shall pay the actual costs of such election within forty-five (45) days after the date thereof.

Section 4. Construction

Nothing in this ordinance shall be construed to make illegal any lawful use presently being made of any property, or to prohibit further development of any property in accordance with that property's present zoning and community plan designation at a density and height presently permitted by existing zoning and community plan standards. Nothing contained in this ordinance shall be construed to require more than a simple majority vote for the adoption of this ordinance or for the approval of any future measure required by this ordinance. For purposes of this section, "presently" shall mean as of March 15, 2016.

FULL TEXT OF MEASURE R (CONTINUED)

Section 5. Severability

If any section, sentence, clause, phrase, part, or portion of this initiative measure is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. It is hereby declared that this initiative measure and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

Section 6. Effective Date

The provisions of this initiative measure shall become effective at twelve o'clock noon on the day after it is approved at an election of the voters of the City of Del Mar. It shall be considered as adopted upon the date that the result of the election is declared by the City of Del Mar City Council, and shall go into effect 10 days after that date is specified in Section 9217 of the California Elections Code.

Section 7. Priority

Once this initiative measure becomes effective, its provision shall prevail over and supersede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Del Mar which are in conflict with any provisions of this measure.

Section 8. Conflict with Other Ballot Measures

In the event that any other ballot measure is proposed for voter approval on the same election ballot as this initiative measure, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting the measure that it shall prevail over any such other ballot measure in its entirety to the extent that this measure is approved and receives a great number of votes for approval of the other measure. In such case, no provision of the other measure shall become effective.

Section 9. Amendment or Repeal

Once this initiative measure becomes effective no provision of this measure may be amended or repealed except by a majority of the voters of the City of Del Mar voting on a ballot measure for that purpose.

Section 10. Request for Election

In the event that the initiative petition is signed by not less than 10 percent of the voters of the city according to the last report of registration by county election officials to the Secretary of State, it is hereby requested that this initiative measure be placed on the ballot for the November 2016 General Election.