

## **CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
FAX (619) 767-2384



# TH13d

## **LCP-6-DMR-20-0079-3 (North Commercial and Professional Commercial Land Use and Zoning)**

**February 9 - 11, 2022**

### **EXHIBITS**

#### **Table of Contents**

- EXHIBIT 1: Ordinance 971**
- EXHIBIT 2: Ordinance 973**
- EXHIBIT 3: Proposed Text Changes in Strikeout/Underline**
- EXHIBIT 4: Professional Commercial (PC) Zone Parcels**
- EXHIBIT 5: North Commercial (NC) Zone Parcels**
- EXHIBIT 6: NC Zone and 2019 FEMA FIRMS**
- EXHIBIT 7: NC Zone Parcels where Multi-Unit Dwelling Unit Residence  
Prohibited**
- EXHIBIT 8: 2019 FEMA FIRMS**
- EXHIBIT 9: Final Revised Suggested Modification #2**

ORDINANCE NO. 971

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTER 30.25 AND THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM CONSISTENT WITH PROGRAM 2-F REQUIRED BY THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT RELATING TO A TOTAL OF 4 EXISTING PARCELS LOCATED IN THE PROFESSIONAL COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA

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

EXHIBIT NO. 1

Ordinance 971



Del Mar LCP-6-DMR-20-0079-3  
California Coastal Commission

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 certification of the PEIR and adoption of the Mitigation, Monitoring and Reporting Program, and adoption of amendments to the Del Mar Community Plan, DMMC Chapters 30.24 and 30.25, and Local Coastal Program; 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; and

WHEREAS, on September 8, 2020, the City Council adopted a Resolution certifying a Program Environmental Impact Report (PEIR SCH No. 2019029058) and adopting a Mitigation, Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA) that analyzes and discloses the known potential impacts associated with the land use plan and code amendments covered by this Ordinance and identifies a mitigation framework that will apply to future housing development; and

WHEREAS, on September 8, 2020, the City Council adopted Resolution 2020-48 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 the land use designation relating to a total of four existing parcels located in the Professional Commercial Zone; and

WHEREAS, on September 8, 2020, the City Council introduced the Ordinance;  
and

WHEREAS, the proposed amendments constitute a Zone Code Amendment and Local Coastal Program Amendment and following City Council action will be subject to review and unconditional certification by the Coastal Commission.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, does hereby ordain as follows:

**SECTION ONE:** That DMMC Section 30.25.010 (PC Zone) be amended to read as follows:

**30.25.010 Purpose**

The PC Zone is designed to allow office and residential use within the village center in a manner that will not detract from the area's predominantly retail character. Office and professional uses should be geographically concentrated so as to minimize retail parking problems, disruption of pedestrian-oriented shops, and to soften the transition from retail to medium and low density residential at the south end of the village center.

**SECTION TWO:** That DMMC Section 30.25.030 (PC Zone) be amended to read as follows:

**30.25.030 Allowable Uses**

The following uses are allowable in the PC Zone:

- A. Offices, professional, medical, and dental.
- B. Banks and financial institutions, exclusive of drive-thru facilities.
- C. Parking lots and parking garages.
- D. Multiple dwelling unit residential up to a density of 20 dwelling units per acre.
- E. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.
- F. Short term rental of a dwelling unit.
- G. Any similar enterprise or business which conforms to the description and purpose of the PC Zone, and is not detrimental to the welfare of the community.

**SECTION THREE:** That DMMC Section 30.25.070 (PC Zone) be amended to read as follows:

**30.25.070 Development Standards**



A. Density: Up to a maximum of 20 dwelling units per acre.

1. All residential development or conversions shall provide affordable housing pursuant to Chapter 24.21.
2. Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set-aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.

[No change to subsections B. (Lot Dimensions) through C. (Construction Standards)]

**SECTION FOUR:** That the Chapter II Land Use Development "section B" policies in the Del Mar certified Local Coastal Program be amended to add a new Policy II-4 and amend existing Policy II-8 to read as follows:

Policy II-4: Increase the City's overall housing capacity and capability to accommodate housing units in commercial zones while minimizing potential land use compatibility conflicts and assuring priority for coastal-dependent and coastal related development.

Policy II-8: Retain a pedestrian-oriented downtown which groups housing, retail services, and commercial services with facilities for civic and community activities.

**SECTION FIVE:** That the Chapter II Land Use Development "section C" policies in the Del Mar certified Local Coastal Program be amended to amend the Village District policies to read as follows:

#### 9. Village Center District

This area is designated primarily as Central Commercial (CC) and is Del Mar's principal commercial, visitor serving and professional area. It extends along both sides of Camino del Mar, beginning at 9th Street and reaching north to 15th Street. The District contains the site of the U.S. Post Office, City Hall, and City of Del Mar's branch of the County of San Diego Library designated as PF (Public Facilities) on the Land Use Map.

Multiple specific plan areas are also included in the Village District. The Specific Plan for the Del Mar Hotel, (HSP west side of Camino del Mar at 15th Street) generally limits the uses on the site to a hotel, timeshare and short term rental units and associated retail uses. The Specific Plan for the Del Mar Plaza, (PSP east side of Camino del Mar at 15th Street) generally limits the uses on site to restaurant and retail uses with a small percentage allowed for office use. The 941 Camino del Mar Specific Plan (941SP east side of Camino del Mar at 10th Street) generally limits the uses to a combination of restaurant, retail, short term rental, and residential uses. Each of the Specific Plan areas

devotes a portion of the property to public and quasi-public use. Each of these specific plans was voter approved and requires a recorded Development Agreement between the City and the developer/property owner. Where a particular conflict arises between the provisions of a valid and recorded Development Agreement and any policies of this Land Use Plan subsequently adopted, the former shall continue to be binding and shall supersede the subsequently adopted policies of this Land Use Plan. Subsequent development agreements or amendments to existing Development Agreements shall be consistent with the Land Use Plan in effect at the time.

The CC (Central Commercial) designation encompasses the majority of land within the Village District. The CC designation allows for a variety of commercial uses aimed at serving the needs of both residents and visitors to the area. Due to the City's popularity as a visitor-destination point, the majority of the property in the CC Zone has been developed with uses that serve both residents and visitors.

In order to facilitate the demand for more goods and services, the following policies have been developed to better utilize the commercially designated land in the Village Center District.

**SECTION SIX:** The City Council finds that approval of this ordinance is covered by the Program Environmental Impact Report (PEIR) document (SCH No. 2019029058) that was prepared and certified pursuant to the California Environmental Quality Act. The City Council bases this finding upon the record prepared by the City and the City's analysis of the potential environmental effects of this ordinance.

**SECTION SEVEN:** This Ordinance was introduced by the City Council on September 8, 2020.

**SECTION EIGHT:** 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 NINE:** Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

**SECTION TEN:** The City shall file a copy of the adopted Ordinance with the State Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held this 21st day of September, 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 Ordinance No. 971, 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 21st 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



---

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

ORDINANCE NO. 973

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTERS 30.24 AND THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM CONSISTENT WITH PROGRAM 2-E REQUIRED BY THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT RELATING TO A TOTAL OF 16 EXISTING PARCELS LOCATED IN THE NORTH COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA

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-E relating to the North Commercial Zone that requires the City amend its Community Plan, Del Mar Municipal Code (Zoning) Chapter 30.24, 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-E 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

EXHIBIT NO. 2

**Ordinance 973**



Del Mar LCP-6-DMR-20-0079-3  
California Coastal Commission

WHEREAS, the State expected Housing Element Program 2-E 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-E, 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-E 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 certification of the PEIR and adoption of the Mitigation, Monitoring and Reporting Program, and adoption of amendments to the Del Mar Community Plan, DMMC Chapters 30.24 and 30.25, and Local Coastal Program; 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; and

WHEREAS, on September 8, 2020, the City Council adopted a Resolution certifying a Program Environmental Impact Report (PEIR SCH No. 2019029058) and adopting a Mitigation, Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA) that analyzes and discloses the known potential impacts associated with the land use plan and code amendments covered by this Ordinance and identifies a mitigation framework that will apply to future housing development; and

WHEREAS, on September 21, 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 October 5, 2020; and

WHEREAS, on September 30, 2020, the City received an enforcement letter from the California Department of Housing and Community Development indicating that the City's existing Housing Element is out of substantial compliance with State law because the City had failed to implement program actions in the 5<sup>th</sup> Cycle Housing Element; and

WHEREAS, adoption of this Ordinance will directly address one of the identified program actions (Program 2-E North Commercial Zone) needed to bring the City into compliance with its existing Housing Element and State law; and

WHEREAS, on October 5, 2020, the City Council introduced the Ordinance; and

WHEREAS, the proposed amendments constitute a Zone Code Amendment and Local Coastal Program Amendment that is consistent with the Housing Element of the City's Community (General) Plan and following City Council action will be subject to review and unconditional certification by the Coastal Commission.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, does hereby ordain as follows:

**SECTION ONE:** That Del Mar Municipal Code (DMMC) Section 30.24.010 (NC Zone) be amended as follows:

**30.24.010 Purpose**

The NC Zone serves as a northerly gateway to the community south of the San Dieguito River and Lagoon. The NC Zone is designed to allow activities that provide a service to the community, including a range of commercial and light industrial uses, and residential where compatible with adjacent land uses. Development in the NC Zone shall be of low intensity profile, offering a lively open air environment with substantial open space.

**SECTION TWO:** That DMMC Section 30.24.030 (NC Zone) be amended to read as follows:

**30.24.030 Allowable Uses**

The following uses are allowable in the NC Zone:

**A. Commercial uses provided that:**

1. The use does not involve the sale of alcohol for on-site consumption between the hours of 11:00 p.m. and 6:00 a.m. and further provided that the use does not involve the provision of goods, food or beverages, or services in a drive-in or drive-thru manner.
2. The retailing of goods, foods and beverages, the dispensing of services and light manufacturing from the following:

[No change to the listed uses]

3. Outdoor display areas located on the exterior of a structure housing a retail sales operation, where goods or commodities otherwise available for sale in

the associated retail sales operation are displayed but not sold; provided all of the following requirements are met:

- a. The outdoor display area is located entirely on the same lot as the associated retail sales operation;
  - b. The area devoted to outdoor display does not encroach upon required parking or access areas;
  - c. The outdoor display area is contiguous and not more than four feet in width measured from a point perpendicular to the exterior wall of the adjacent structure housing the associated retail sale operation and not more than ten feet in length measured along the exterior wall of the adjacent structure housing the associated retail sale operation; and
  - d. The display of goods or commodities and placement of display structures is limited to the hours of operation of the associated retail sales operation.
- B. Any principal use permitted in the CC Zone (excludes those uses which, under CC Zone provisions, would require a conditional use permit).
- C. Multiple dwelling unit residential up to a density of 20 dwelling units per acre.
- D. Emergency shelters pursuant to Section 30.24.035.
- E. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.
- F. Short term rental of a dwelling unit.
- G. Any similar enterprise or business which conforms to the description and purpose of the NC Zone, and is not detrimental to the welfare of the community.

**SECTION THREE:** That DMMC Section 30.24.070 (NC Zone) be amended to read as follows:

**30.24.070 Development Standards**

In the NC Zone, the following development standards apply:

- A. Density: Up to a maximum of 20 dwelling units per acre
1. All residential development or conversions shall provide affordable housing pursuant to Chapter 24.21.

2. Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set-aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.

[No change to subsections B. (Lot Dimensions) through C. (Construction Standards)]

**SECTION FOUR:** That the Chapter II Land Use Development "section B" policies in the Del Mar certified Local Coastal Program be amended to add a new Policy II-4 and amend existing Policy II-8 to read as follows:

Policy II-4: Increase the City's overall housing capacity and capability to accommodate housing units in commercial zones while minimizing potential land use compatibility conflicts and assuring priority for coastal-dependent and coastal related development.

Policy II-8: Retain a pedestrian-oriented downtown which groups housing, retail services, and commercial services with facilities for civic and community activities.

**SECTION FIVE:** That the Chapter II Land Use Development "section C" policies in the Del Mar certified Local Coastal Program be amended to amend the Valley District, North Hills District, and Village District policies to read as follows:

## 2. Valley District

This district is located in the northern section of the City and includes the San Dieguito River and Lagoon area, the majority of which is designated as Floodway (FW). It also contains an area designated as North Commercial (NC). Any future use of this district shall be consistent with this Land Use Plan. When reviewing future development proposals, special attention shall be given to the preservation of sensitive wetland habitat and its immediate uplands, and protection against and avoidance of seismic and flooding hazards.

Most of the property which comprises the 22nd District Agricultural Association lies within the overall boundaries of the Valley District. However, it is given its own separate designation on the Land Use Map and is assigned the corresponding land use policies in Section #3 below.

## 8. North Hills District

The majority of this district is designated for single-family residential development. The District also contains a small area designated as R2 with the same restrictions for such use as described in the South Beach District. The central portion of this district, as shown on Figure II-A, is designated for R1-10 (Low Density) with a maximum allowable density



of 4.3 du/ac. Any future development within this area shall be compatible and harmonious with the existing character of this single family-residential neighborhood.

A large portion within this district is located on steep hillside areas above the San Dieguito Lagoon and its watershed. This area is designated for larger lot single family development at R1-40 (Very Low 1 du/ac). Much of the area is also within the Bluff, Slope, and Canyon Overlay Zone. Accordingly, development within this area shall be designed to minimize the disruption of topography and to preserve the open space character of these highly visible and sensitive areas. All development shall be consistent with the Bluff, Slope and Canyon and Open Space Policies of this Land Use Plan, where applicable. Some of the area now assigned the designation of R1-40 has been acquired by public interests. The public acquisition of these areas, as shown on Figure V-A, may warrant the future reassignment of a corresponding land use designation.

That area within the district immediately adjacent to the Village Center District is designated as RM-Central (Medium Density Mixed-Central) where residential uses are allowed at a maximum density of 6.3 du/ac. This designation also allows for duplex development on parcels greater than 5,000 square feet with the receipt of a Conditional Use Permit.

The district also contains two commercially designated areas that allow for multiple-dwelling unit residential development at a maximum density of 20 du/ac, one located near Camino del Mar, south of 9th Street (Professional Commercial-PC) and one in the northern portion of the district adjacent to Jimmy Durante Boulevard (North Commercial-NC). Because of its proximity to the adjacent wetlands and flood-prone areas of the San Dieguito River/Lagoon, development in the North Commercial area shall be carefully reviewed for its consistency with the provisions of Chapters III and VI of this Land Use Plan regarding the minimizing of hazards and the preservation of sensitive lands. Much of the northern section of this district also lies within the plan area of the San Dieguito River Valley Regional Open Space Park. All development proposals shall be reviewed for their consistency with the provisions of the San Dieguito River Valley Regional Open Space Park Plan.

**SECTION SIX:** The City Council finds that approval of this ordinance is covered by the Program Environmental Impact Report (PEIR) document (SCH No. 2019029058) that was prepared and certified pursuant to the California Environmental Quality Act. The City Council bases this finding upon the record prepared by the City and the City's analysis of the potential environmental effects of this ordinance.

**SECTION SEVEN:** This Ordinance was introduced by the City Council on October 5, 2020.

**SECTION EIGHT:** 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 NINE:** Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

**SECTION TEN:** The City shall file a copy of the adopted Ordinance with the State Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held this 19th 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 Ordinance No. 973, 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 19th day of October, 2020, by the following vote:

AYES: Mayor Haviland, Council Members Parks and Worden  
NOES: Deputy Mayor Gaasterland, Council Member Druker  
ABSENT: None  
ABSTAIN: None



---

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

**Chapter 30.24 - NORTH COMMERCIAL ZONE (NC)****30.24.010 - Purpose.**

The NC Zone serves as a northerly gateway to the community south of the San Dieguito River and Lagoon. The NC Zone is designed to allow ~~commercial~~ activities that provide a service to the community, including a range of commercial and light industrial uses, and residential where compatible with adjacent land uses. Development in the NC Zone shall be of low intensity and profile, offering a lively open air ~~commercial~~ environment with substantial open space.

**30.24.020 - Boundaries. [No change]****30.24.030 - Allowable Uses.**

The following uses are allowable in the NC Zone:

- A. Commercial uses provided that:
  - 1. ~~the~~ The use does not involve the sale of alcohol for on-site consumption between the hours of 11:00 p.m. and 6:00 a.m. and further provided that the use does not involve the provision of goods, food or beverages, or services in a drive-in or drive-thru manner:
  - A. 2. The retailing of goods, foods and beverages, the dispensing of services and light manufacturing from the following:  
[No change to listed uses]
- B. 3. Outdoor display areas located on the exterior of a structure housing a retail sales operation, where goods or commodities otherwise available for sale in the associated retail sales operation are displayed but not sold; provided all of the following requirements are met:
  - 1. a. The outdoor display area is located entirely on the same lot as the associated retail sales operation;
  - 2. b. The area devoted to outdoor display does not encroach upon required parking or access areas;
  - 3. c. The outdoor display area is contiguous and not more than four feet in width measured from a point perpendicular to the exterior wall of the adjacent structure housing the associated retail sale operation and not more than ten feet in length measured along the exterior wall of the adjacent structure housing the associated retail sale operation; and
  - 4. d. The display of goods or commodities and placement of display structures is limited to the hours of operation of the associated retail sales operation.
- ~~C.~~ B. Any principal use permitted in the CC Zone (excludes those uses which, under CC Zone provisions, would require a conditional use permit).
- ~~C.~~ Multiple dwelling unit residential up to a density of 20 dwelling units per acre.
- ~~D.~~ Emergency shelters pursuant to Section 30.24.035.
- ~~D.~~ E. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.
- ~~F.~~ Short term rental of a dwelling unit

- E. G. Any similar enterprise or business which conforms to the description and purpose of the NC Zone, and is not detrimental to the welfare of the community.

30.24.035 - Standards for Emergency Shelters. [No change]

30.24.040 - Accessory Uses. [No change]

30.24.045 - Conditionally Allowed Uses: Conditional Use Permit. [No change]

30.24.050 - Parking Requirement. [No change]

**30.24.070 - Development Standards.**

In the NC Zone, the following development standards shall apply:

A. ~~Reserved.~~ Density. Up to a maximum of 20 dwelling units per acre

1. All residential development or conversions shall provide affordable housing pursuant to Chapter 24.21
2. Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set-aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.

B. Lot Dimensions.

1. Minimum lot size: 6,000 square feet.
2. Minimum street frontage: 35 feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 90 feet.

C. Construction Standards.

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.

**Chapter 30.25 - PROFESSIONAL COMMERCIAL ZONE (PC)****30.25.010 - Purpose.**

The PC Zone is designed to allow office and residential use within the village center in a manner that will not detract from the area's predominantly retail character. Office and professional uses should be geographically concentrated so as to minimize retail parking problems, disruption of pedestrian-oriented shops, and to soften the transition from retail to medium and low density residential at the south end of the village center.

30.25.020 - Boundaries. [No change]

**30.25.030 - Allowable Uses.**

The following uses are allowable in the PC Zone:

- A. Offices, professional, medical, and dental.
- B. Banks and financial institutions, exclusive of drive-thru facilities.
- C. Parking lots and parking garages.
- D. Multiple dwelling unit residential up to a density of 20 dwelling units per acre.
- ~~D. E.~~ One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.
- F. Short term rental of a dwelling unit
- ~~E. G.~~ Any similar enterprise or business which conforms to the description and purpose of the PC Zone, and is not detrimental to the welfare of the community.

30.25.040 - Accessory Uses. [No change]

30.25.050 - Parking Requirements. [No change]

**30.25.070 - Development Standards.**

- A. ~~Reserved. Density: Up to a maximum of 20 dwelling units per acre~~
  - 1. All residential development or conversions shall provide affordable housing pursuant to Chapter 24.21
  - 2. Notwithstanding Section 24.21.030, residential development or conversions of two, three, four or five units on one lot shall set-aside one unit for rental at below market rate to a low income household or donate one off-site unit, within the City's jurisdiction, of a like size and condition to the City or a City approved organization to be reserved for use as Affordable Housing. The option for payment of the In-Lieu Housing Mitigation Fee shall not be allowed.
- B. *Lot Dimensions.*
  - 1. Minimum lot size: 6,000 square feet.
  - 2. Minimum street frontage: 35 feet.
  - 3. Minimum lot width: 50 feet.
  - 4. Minimum lot depth: 90 feet.
- C. *Construction Standards.*

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.

## Local Coastal Program Amendment

### Amendments to certified LCP Land Use Plan (LUP)

The existing LUP land use development goals include the following:

Goal II-A: Preserve and enhance Del Mar's small town atmosphere with its harmonious blending of architecture, landscape and natural landforms in proximity to a beautiful shoreline.

Goal II-B: Focus major retail and office activity into an economically viable, pedestrian-oriented area that serves the needs of both residents and visitors.

Goal II-C: Preserve the economic integrity of the community.

Amends Chapter II Land Use Development "section B" policies as follows:

Adds a new Policy II-4: Increase the City's overall housing capacity and capability to accommodate housing units in commercial zones while minimizing potential land use compatibility conflicts and assuring priority for coastal-dependent and coastal related development.

Amends Policy II-8: Retain a pedestrian-oriented downtown which groups housing, retail services, and commercial services with facilities for civic and community activities.

Amends Chapter II Land Use Development "section C" policies as follows:

Amends Valley District as follows:

#### 2. Valley District.

This district is ~~also~~ located in the northern section of the City and includes the San Dieguito River and Lagoon area, the majority of which is designated as Floodway (FW). It also contains an area designated as North Commercial (NC). Any future use of this district shall be consistent with this Land Use Plan. When reviewing future development proposals, special attention shall be given to the preservation of sensitive wetland habitat and its immediate uplands, and protection against and avoidance of seismic and flooding hazards.

Most of the property which comprises the 22<sup>nd</sup> District Agricultural Association lies within the overall boundaries of the Valley District. However, it is given its own separate designation on the Land Use Map and is assigned the corresponding land use policies in Section #3 below.

Amends North Hills District as follows:

#### 8. North Hills District.



The majority of this district is designated for single-family residential development. The District also contains a small area designated as R2 with the same restrictions for such use as described in the South Beach District. The central portion of this district, as shown on Figure II-A, is designated for R1-10 (Low Density) with a maximum allowable density of 4.3 du/ac. Any future development within this area shall be compatible and harmonious with the existing character of this single family-residential neighborhood.

A large portion within this district is located on steep hillside areas above the San Dieguito Lagoon and its watershed. This area is designated for larger lot single family development at R1-40 (Very Low 1 du/ac). Much of the area is also within the Bluff, Slope, and Canyon Overlay Zone. Accordingly, development within this area shall be designed to minimize the disruption of topography and to preserve the open space character of these highly visible and sensitive areas. All development shall be consistent with the Bluff, Slope and Canyon and Open Space Policies of this Land Use Plan, where applicable. Some of the area now assigned the designation of R1-40 has been acquired by public interests. The public acquisition of these areas, as shown on Figure V-A, may warrant the future reassignment of a corresponding land use designation.

That area within the district immediately adjacent to the Village Center District is designated as RM-Central (Medium Density Mixed-Central) where residential uses are allowed at a maximum density of 6.3 du/ac. This designation also allows for duplex development on parcels greater than 5,000 square feet with the receipt of a Conditional Use Permit.

The district also contains two commercially designated areas that allow for multiple-dwelling unit residential development at a maximum density of 20 du/ac, one located near Camino del Mar, south of 9<sup>th</sup> Street (Professional Commercial-PC) and one in the northern portion of the district adjacent to Jimmy Durante Boulevard (North Commercial-NC). Because of its proximity to the adjacent wetlands and flood-prone areas of the San Dieguito River/Lagoon, development in the North Commercial area shall be carefully reviewed for its consistency with the provisions of Chapters III and VI of this Land Use Plan regarding the minimizing of hazards and the preservation of sensitive lands. Much of the northern section of this district also lies within the plan area of the San Dieguito River Valley Regional Open Space Park. All development proposals shall be reviewed for their consistency with the provisions of the San Dieguito River Valley Regional Open Space Park Plan.

Amends Village Center District as follows:

9. Village Center District.

This area is designated primarily as Central Commercial (CC) and is Del Mar's principal commercial, visitor serving and professional area. It extends along both sides of Camino del Mar, beginning at 9<sup>th</sup> Street and reaching north to 15<sup>th</sup> Street. The District contains the site of the U.S. Post Office, City Hall, and City of Del Mar's

branch of the County of San Diego Library designated as PF (Public Facilities) on the Land Use Map.

~~Two Multiple~~ specific plan areas are also included in the Village District, ~~and are located on the west and east sides of Camino del Mar in the vicinity of 15<sup>th</sup> Street.~~ The Specific Plan for the Del Mar Hotel, (HSP west side of Camino del Mar at 15<sup>th</sup> Street) generally limits the uses on the site to a hotel, timeshare and short term rental units and associated retail uses. The Specific Plan for the Del Mar Plaza, (PSP east side of Camino del Mar at 15<sup>th</sup> Street) generally limits the uses on site to restaurant and retail uses with a small percentage allowed for office use. The 941 Camino del Mar Specific Plan (941SP east side of Camino del Mar at 10<sup>th</sup> Street) generally limits the uses to a combination of restaurant, retail, short term rental, and residential uses. Each of the Specific Plan areas devotes a portion of the property to public and quasi-public use. Each of these specific plans was voter approved and is accompanied by a recorded Development Agreement between the City and the developer/property owner. Where a particular conflict arises between the provisions of a valid and recorded Development Agreement and ~~the~~ any policies of this Land Use Plan subsequently adopted, the former shall continue to be binding and shall supersede the subsequently adopted policies of this Land Use Plan. Subsequent development agreements or amendments to existing Development Agreements shall be consistent with ~~this~~ the Land Use Plan in effect at the time.

The CC (Central Commercial) designation encompasses the majority of land within the Village District. The CC designation allows for a variety of commercial uses aimed at serving the needs of both residents and visitors to the area. Due to the City's popularity as a visitor-destination point, the majority of the property in the CC Zone has been developed with uses that serve both residents and visitors.

~~The remaining areas of the district are designated as R2 (High Density) with a maximum allowable density of 12.5 du/ac. The site of the existing City Hall offices, the City of Del Mar's branch of the County of San Diego Library and the Del Mar Communications Center is designated as Public Facilities (PF).~~

In order to facilitate the demand for more goods and services, the following policies have been developed to better utilize the commercially designated land in the Village Center District.

#### **Amendments to certified LCP Implementation Program**

See zoning code amendments to the North Commercial and Professional Commercial zones.



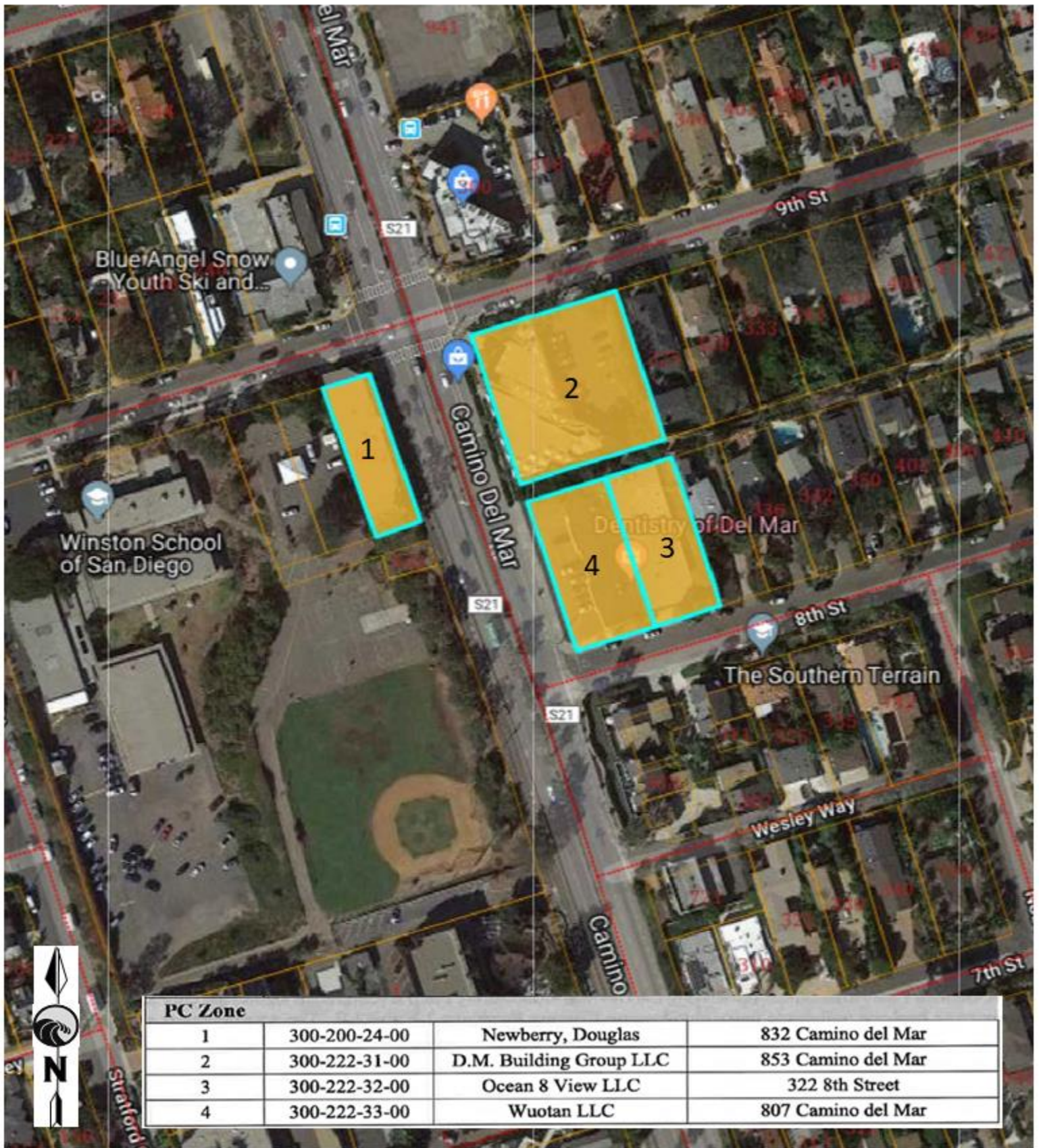


EXHIBIT NO. 4	
<b>Professional Commercial Zone Parcels</b>	
	Del Mar LCP-6-DMR-20-0079-3 California Coastal Commission



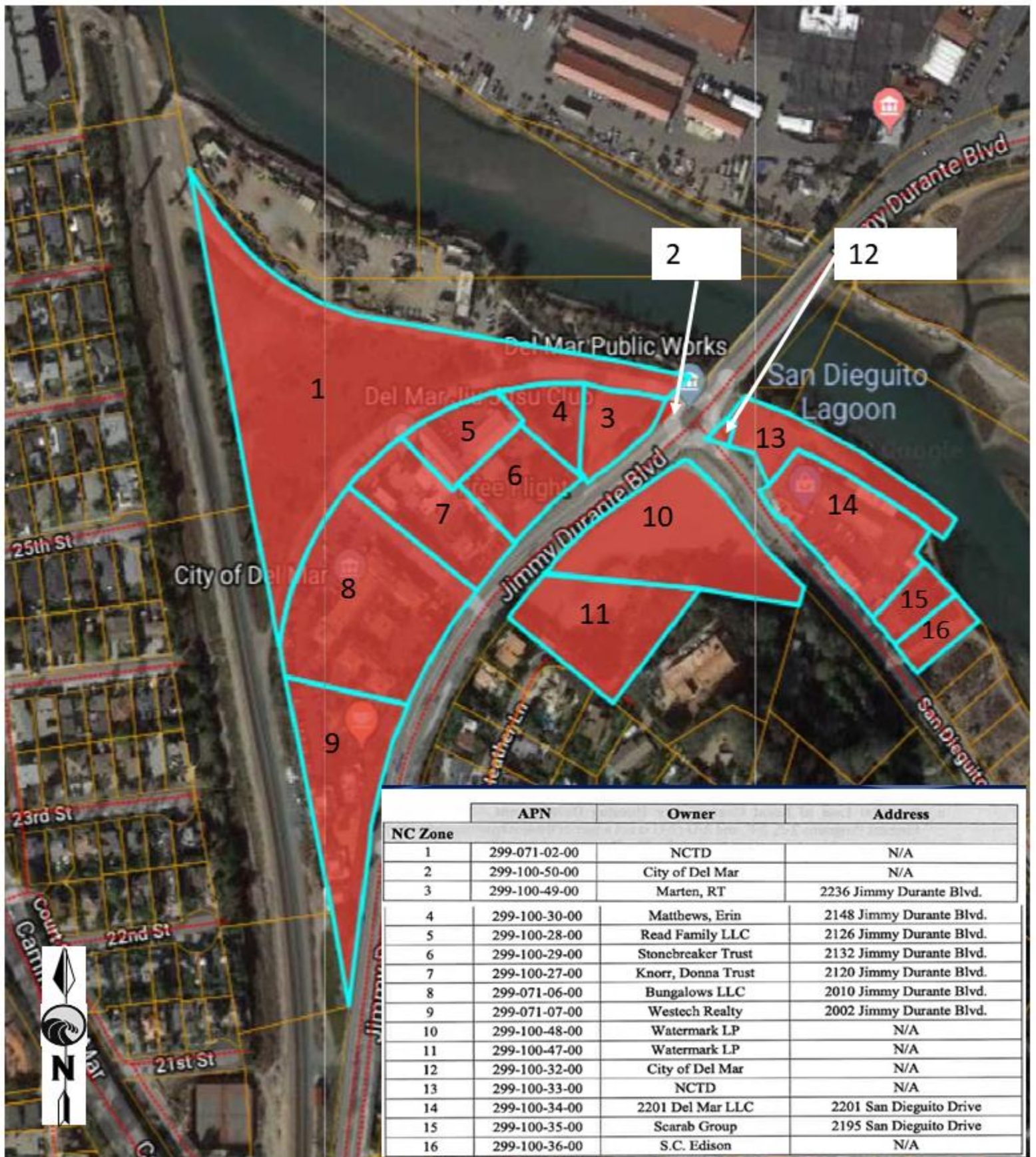


EXHIBIT NO. 5

### North Commercial Zone Parcels



Del Mar LCP-6-DMR-20-0079-3

California Coastal Commission



Approximate boundaries of the NC Zone

EXHIBIT NO. 6

NC Zone and 2019 FEMA FIRM

Del Mar LCP-6-DMR-20-0079-3

California Coastal Commission



Del Mar LCP-6-DMR-20-0079-3  
California Coastal Commission

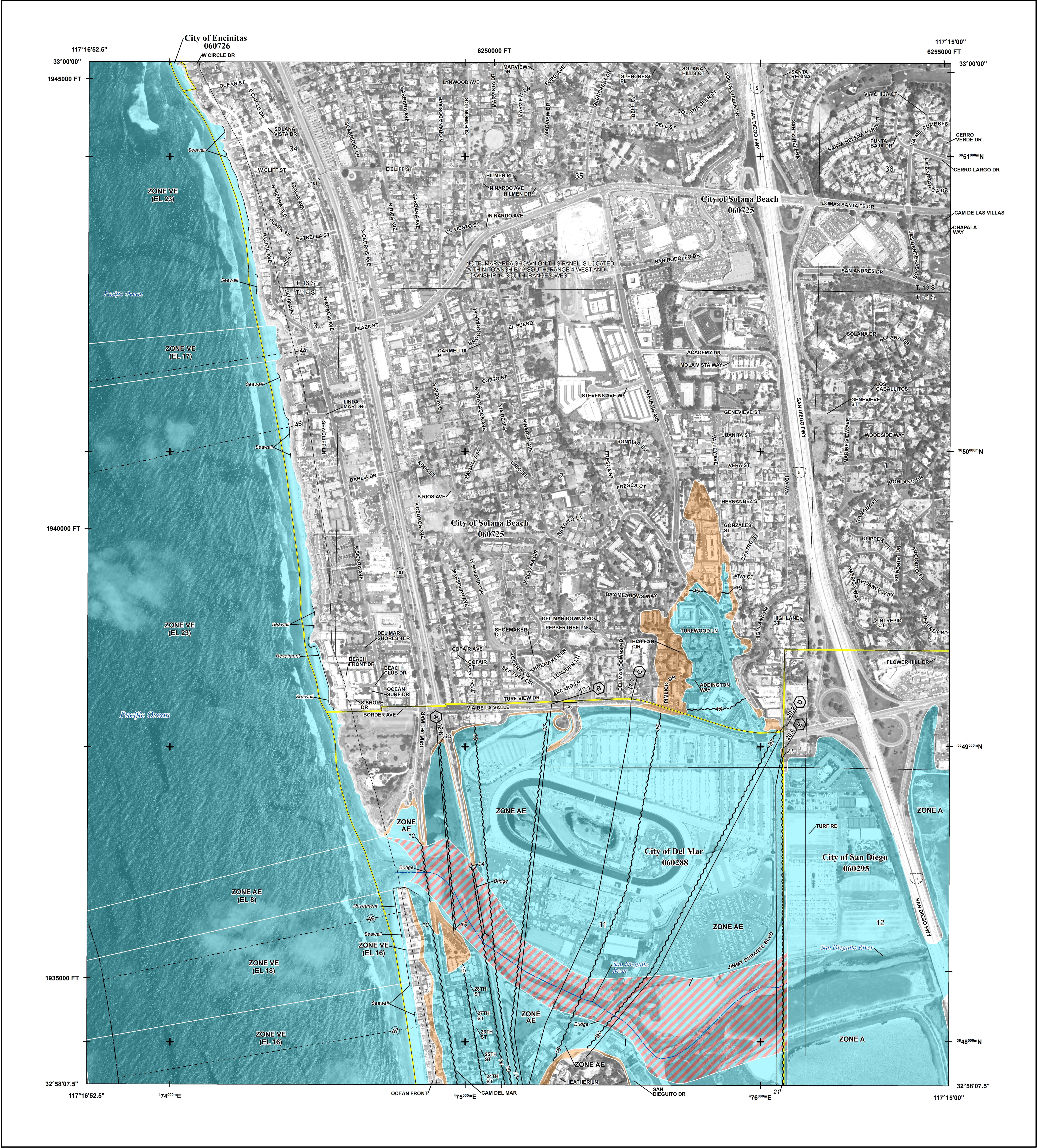




\*With the inclusion of Suggested Modification #2, multi-dwelling residential will be prohibited on the listed parcels

EXHIBIT NO. 7	
NC Parcels – Multi-Dwelling Prohibited	
	Del Mar LCP-6-DMR-20-0079-3 California Coastal Commission





FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT  
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING  
DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT  
[HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A,V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS		Area with Flood Risk due to Levee Zone D
		Area of Minimal Flood Hazard Zone X
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

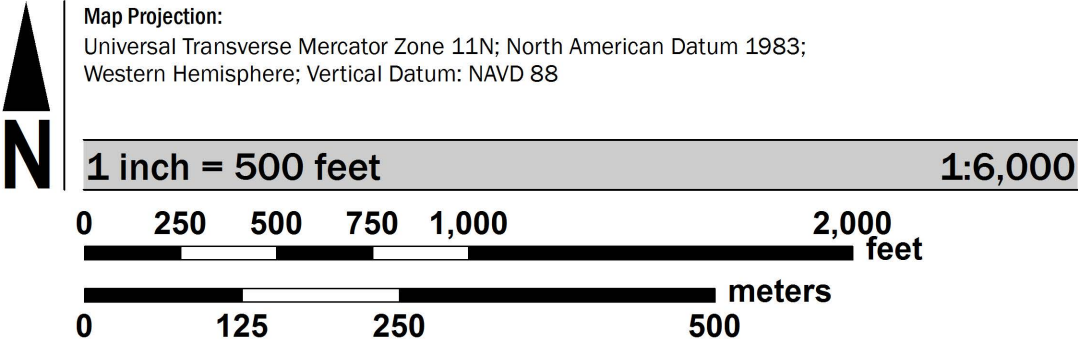
For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

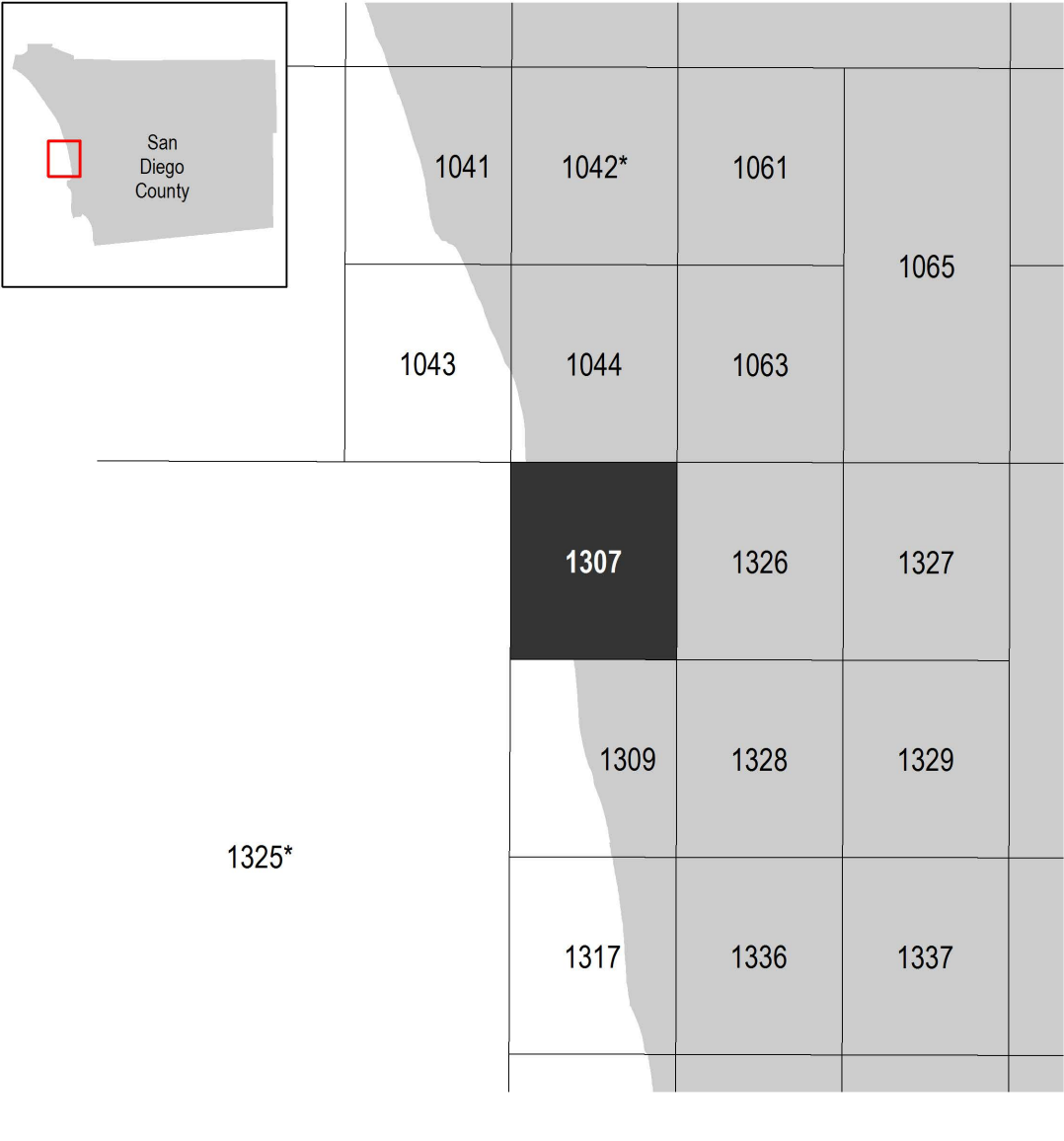
Base map information shown on this FIRM was derived from digital orthophotography collected by the U.S. Department of Agriculture Farm Service Agency. Department of Agriculture imagery was flown in 2016 and was produced with a 1-meter ground sample distance.

Coastal Base Flood Elevations shown on the map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Coastal flood elevations are also provided in the Coastal Transect Parameters table in the FIS Report for this jurisdiction. Elevations shown in the Coastal Transect Parameters table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on the FIRM.

SCALE



PANEL LOCATOR



National Flood Insurance Program

**EXHIBIT NO. 8**

**2019 FEMA FIRMs**

Del Mar LCP-6-DMR-20-0079-3

California Coastal Commission

**NATIONAL FLOOD INSURANCE PROGRAM**

**FLOOD INSURANCE RATE MAP**

**SAN DIEGO COUNTY, CALIFORNIA**

and Incorporated Areas

PANEL 1307 OF 2375

Panel Contains:

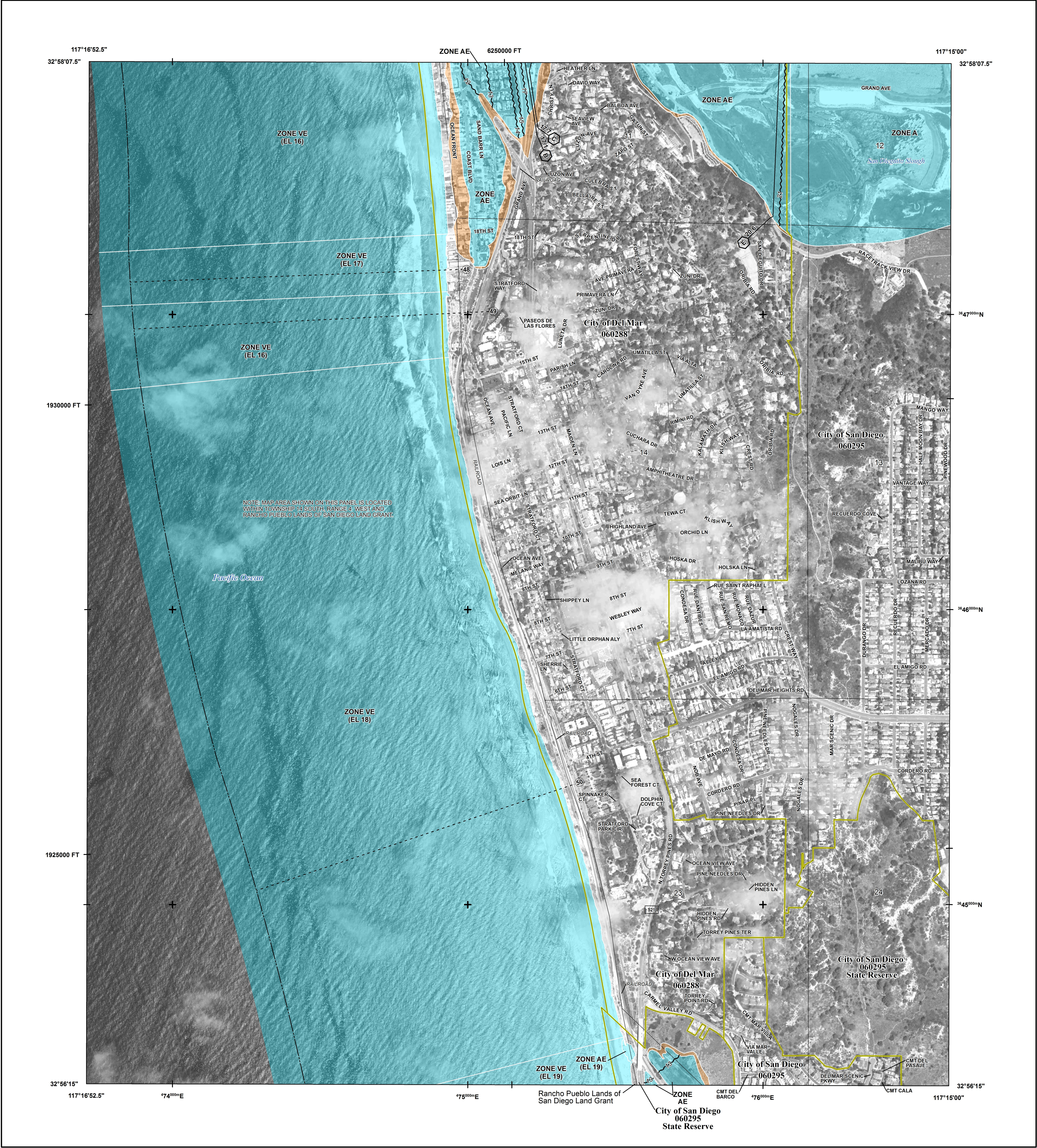
COMMUNITY	NUMBER	PAVEL	SUFFIX
DEL MAR, CITY OF	060288	1307	H
ENCINITAS, CITY OF	060726	1307	H
SAN DIEGO, CITY OF	060295	1307	H
SOLANA BEACH, CITY OF	060725	1307	H

VERSION NUMBER 2.3.3.3

MAP NUMBER 06073C1307H

MAP REVISED DECEMBER 20, 2019





FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT  
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING  
DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT  
[HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A,V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS		Area with Flood Risk due to Levee Zone D
		Area of Minimal Flood Hazard Zone X
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

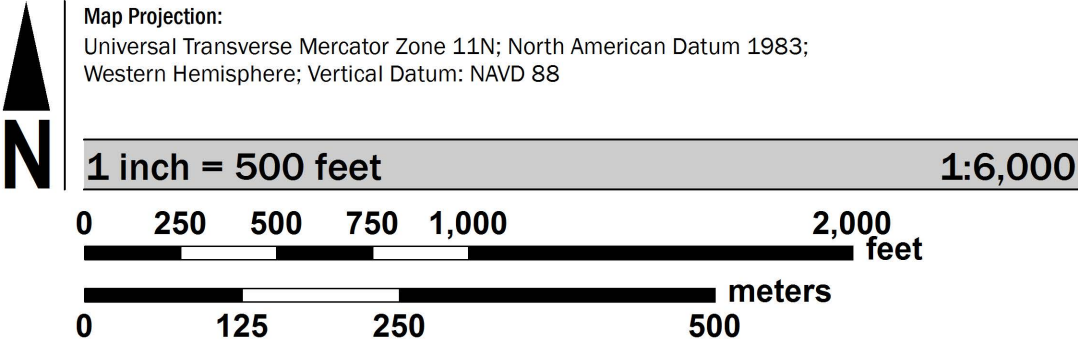
For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

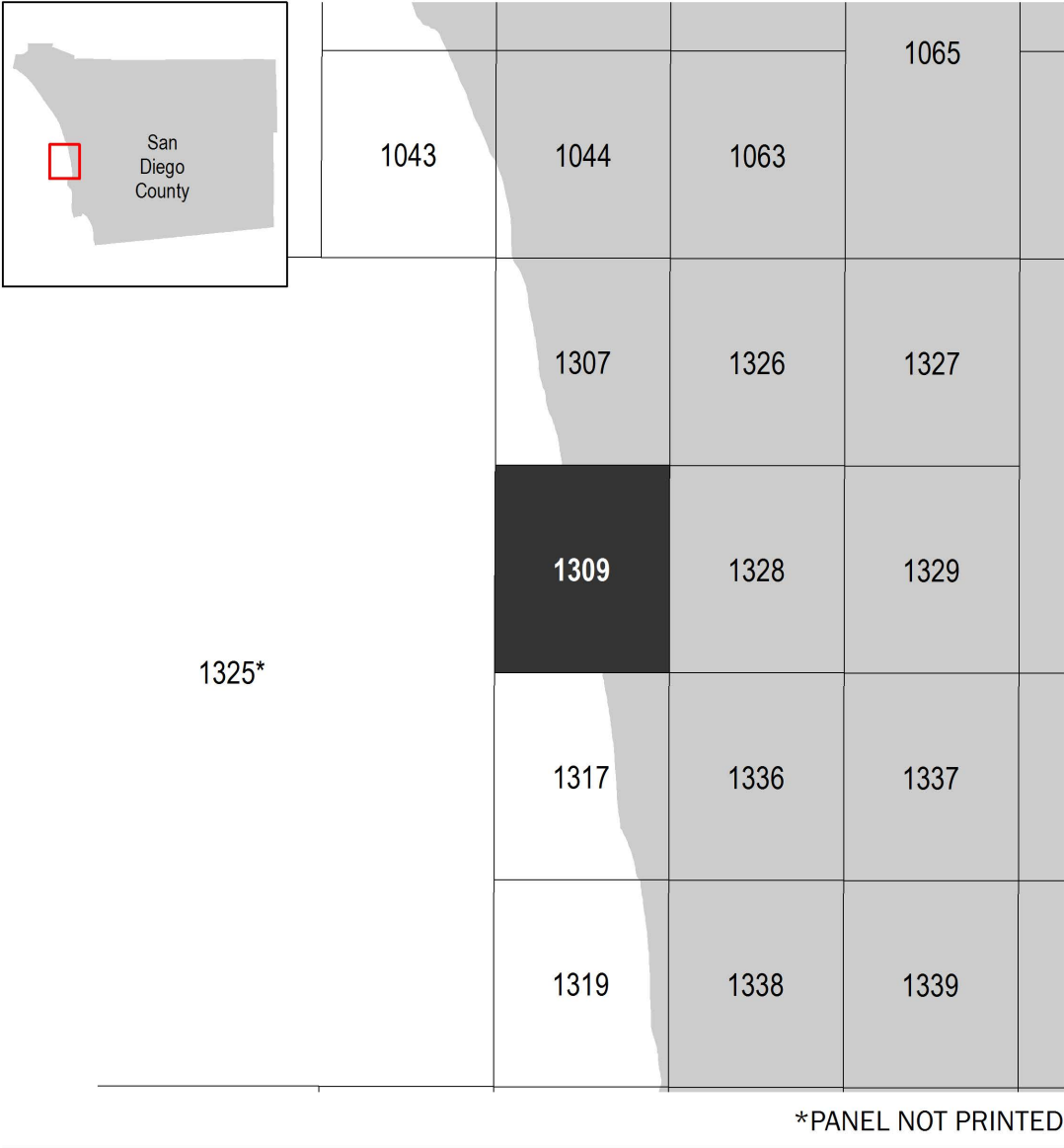
Base map information shown on this FIRM was derived from digital orthophotography collected by the U.S. Department of Agriculture Farm Service Agency. Department of Agriculture imagery was flown in 2016 and was produced with a 1-meter ground sample distance.

Coastal Base Flood Elevations shown on the map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Coastal flood elevations are also provided in the Coastal Transect Parameters table in the FIS Report for this jurisdiction. Elevations shown in the Coastal Transect Parameters table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on the FIRM.

SCALE



PANEL LOCATOR



National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

**SAN DIEGO COUNTY, CALIFORNIA**  
and Incorporated Areas

PANEL 1309 OF 2375

Panel Contains:  
COMMUNITY  
DEL MAR, CITY OF  
SAN DIEGO, CITY OF

NUMBER	PANEL	SUFFIX
060288	1309	H
060295		

VERSION NUMBER  
2.3.3.3

MAP NUMBER  
06073C1309H

MAP REVISED  
DECEMBER 20, 2019



## Final Suggested Modification #2

2. Revise Section 30.24.030(C) as follows:

Multiple dwelling unit residential up to a density of 20 dwelling units per acre subject to the following:

1. Proposed projects shall be consistent with the certified Local Coastal Program;
2. The density allowance of 20 dwelling units per acre may not be located on parcels adjacent to the San Dieguito River and Lagoon as depicted in [incorporate LCP Exhibit reflecting detail from Exhibit 7 of CCC Staff Report].
3. During development permit review, the City shall consider the best available science on sea level rise projections (such as the California State Sea Level Rise Guidance (OPC 2018) and the table for La Jolla in Appendix G of the Coastal Commission's 2018 Sea Level Rise Policy Guidance), the status of associated adaptation measures (planned and/or implemented), and analysis of how those adaptation measures minimize projected flood risk. This should include consideration of how projected sea level rise and flooding could affect future provision of services to the site; whether the boundary between public land (tidelands) and private land is projected to shift onto the subject project with rising seas; whether the creation of new lots via subdivision should be limited; and whether additional adaptation strategies should be required as a condition of permit approval to address sea level rise and flooding consistent with the Coastal Act and certified LCP.
4. If a proposed multiple dwelling unit project is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM), the following shall apply as a condition of Coastal Development Permit approval:
  - a. Development shall be sited and designed, including elevation and floodproofing, to minimize flood damage and avoid flood hazards including those from the impacts of projected sea level rise and flooding over the anticipated lifetime of the proposed structure using the best available science on sea level projections and in consideration of applicable adaptation measures;

EXHIBIT NO. 9

**Final Revised Sugg. Mod. #2**



Del Mar LCP-6-DMR-20-0079-3

California Coastal Commission

- b. The landowner shall record a notice on the property and notice all occupants that:
  - i. The development is located in the Floodplain Overlay Zone (2019 FEMA FIRM), which applies to flood prone properties that are subject to periodic inundation due to flooding, including projected sea level rise;
  - ii. The property owner and all successors in interest waive any rights under Coastal Act Section 30235 and related LCP policies to hard shoreline armoring to protect the development.
- c. Where necessary to ensure coastal resource protection and compliance with the Coastal Act based on the site-specific context, the notice required per Section 30.24.030(C)(4)(b) shall also reflect the following:
  - i. That sea level rise and flooding could render it difficult or impossible to provide services to the site.
  - ii. That the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land.
  - iii. That additional adaptation strategies may be required in the future to address sea level rise and flooding consistent with the Coastal Act and certified LCP.
- d. The permittee shall acknowledge as a condition of permit approval that while the approved development meets all safety requirements applicable at the time of approval, the development may be required to be removed or relocated in accordance with the certified LCP if the Building Official determines the development becomes unsafe for occupancy due to future flood hazard conditions.