



**CITY OF DEL MAR
DESIGN REVIEW BOARD REGULAR MEETING
ACTION MINUTES
February 27, 2019**



Del Mar Town Hall 1050 Camino Del Mar, Del Mar, California

The minutes set forth the actions taken by the Design Review Board on the matters stated. Audio/video recordings of the Design Review Board proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the Design Review Board, including Red Dots (materials provided to the Design Review Board after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Chair Haviland called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Present: Chair Tim Haviland, Vice Chair Beth Levine, Board Members Julie Maxey-Allison, Bill Michalsky, Glenn Warren, and Ed Yuskiewicz

Absent: Board Members John Goodkind and Chris Moore

Staff Members Present:

Principal Planner Matt Bator, Assistant Planner Adriana Jaramishian, Associate Planner Evan Langan, and Management Analyst Shaun McMahon

APPROVAL OF MINUTES

IT WAS MOVED BY MEMBER YUSKIEWICZ, SECONDED BY BOARD MEMBER MAXEY-ALLISON, TO APPROVE THE MINUTES OF JANUARY 23, 2019 AS AMENDED. (VOTE 5-0-1-1, Vice Chair Levine abstaining and Board Member Goodkind absent).

Ayes: Chair Haviland, Board Members Maxey-Allison, Michalsky, Warren and Yuskiewicz

Abstaining: Vice Chair Levine

Absent: Board Member Goodkind

STAFF UPDATE

None.

ORAL COMMUNICATIONS

None.

DESIGN REVIEW BOARD/STAFF DISCUSSION (Non-Application Items)

1. Form 700 Presentation from Management Analyst Sarah Krietor
Management Analyst Krietor discussed the filing requirements.
2. Subcommittee/staff update regarding project plan set submittal requirements.

Principal Planner Bator provided an update, indicating staff was working with the subcommittee and anticipated it would be complete in the next couple weeks.

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Bator reviewed the items on the agenda, indicating Item 4 was eligible for the Consent Calendar.

CONSENT CALENDAR

IT WAS MOVED BY VICE CHAIR LEVINE, SECONDED BY BOARD MEMBER YUSKIEWICZ, TO APPROVE ITEM 4 ON CONSENT. (VOTE 6-0, Board Member Goodkind absent).

Ayes: Chair Haviland, Vice Chair Levine, Board Members Maxey-Allison, Michalsky, Warren and Yuskiewicz

Absent: Board Member Goodkind

ITEM 4 **Location:** Camino del Mar (9th – 15th Street)
MOD19-001 **Owners/Applicants:** City of Del Mar / DMVA
(DRB17-031) **Zone:** Central Commercial (CC)

Environmental Status: Pursuant to requirements to the California Environmental Quality Act (CEQA) and the City of Del Mar's adopted CEQA Supplemental Regulations, an addendum to the adopted Mitigated Negative Declaration (SCH No. 2014111010) was prepared and adopted by the City Council.

Contact Person: Shaun McMahon, Management Analyst

Description: A recommendation on modifications to a previously approved Design Review Board Permit DRB17-031; Modifications include, revisions to selected street furnishings (benches, trash cans, and newspaper racks) as well as revisions to the bus shelters on 9th and 13th Streets, and the removal and installation of a new bus shelter on the corner of Camino del Mar and 15th Street.

Member Michalsky expressed concern about potential trip and fall conditions and use of native landscape species.

ADMINISTRATIVE APPLICATION(S):

ITEM 1 APN: 300-321-56-42
ADR18-098 Location: 116 Spinmaker Court
 Owners/Applicants: Shirli Weiss
 Zone: RM-South
 Overlay Zone: Coastal (Appeals Jurisdiction)
 Environmental Status: Exempt
 Contact Person: Adriana Jaramishian, Assistant Planner
 Description: A request for an Administrative Design Review Permit to construct a new opening in the wing wall of an existing balcony at an existing residence.

Chair Haviland stated he was asked to recuse himself but he did not have a conflict, therefore he would participate.

Assistant Planner Jaramishian presented the staff report.

The Board provided disclosures.

Shirli Weiss, applicant, stated the objection was related to the kitchen sink and was merely neighbor opposition. She discussed the necessary findings to reject the application related to privacy. She discussed the lawsuit related to reestablishing her view. She addressed proposed conditions and requested the condition regarding indemnification of the City be removed.

In response to Council inquiries, Ms. Weiss stated the indemnification was invalid for her project.

Principal Planner Bator stated the DRB had the ability to remove the condition but it was also included in the application.

Lori Ritman indicated support for the proposed project.

Jennifer Roy, Latham and Watkins, representing the Torrey Pacific Corporation, discussed concerns regarding invasion of privacy and requested denial of the project.

Brian Staver discussed his family's use of the property.

Ms. Weiss stated her scenic view applications did not concern the south view, rather that her view corridor be restored. She requested her application be granted.

In response to Board inquiries, Principal Planner Bator stated the DRB could enact a covenant but it had to relate to the DRB actions.

The Board determined there was no unreasonable invasion of privacy and discussed the requested removal of the indemnification condition.

IT WAS MOVED BY CHAIR HAVILAND, SECONDED BY BOARD MEMBER WARREN, TO APPROVE ADR18-098. (VOTE 6-0, Board Member Goodkind absent).

Ayes: Chair Haviland, Vice Chair Levine, Board Members Maxey-Allison, Michalsky, Warren and Yuskiewicz

Absent: Board Member Goodkind

CONTINUED APPLICATION(S):

ITEM 2

DRB18-023

CDP18-014

Location: 1047 Stratford Court

Owners/Applicant: Jean-Jacques Abitbol, Trustee of the Jean-Jacques Abitbol Living Trust Dated December 17, 2008

Zone: R2

Environmental Status: Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Contact Person: Evan Langan, AICP, Associate Planner

Board Member Maxey-Allison recused herself due to the location of the project to her home.

Associate Planner Langan presented the staff report.

The Board provided disclosures.

Bob Scott, representing the application, discussed the January 23, 2019 DRB hearing, design revisions,

Rich Bokal discussed the proposed air conditioning units and sound mitigation.

In response Board questions, Mr. Bokal discussed the possibility of installing grasscrete for the parking space. He confirmed the 24 foot roof height. He stated they had agreed to resolve the tree and hedge issues with Ms. Patidar and would agree to downward directed lighting and replacement of trees of concern.

Leena Patidar discussed her concern with Magnolia Trees and Christmas Trees, views from outdoor space.

Mr. Scott stated he had not received a red dot letter from Ms. Patidar. Ms. Patidar stated she sent a letter to Associate Planner Langan.

Mr. Scott stated the view matter was resolved the first hearing. He stated a committee on landscape and lighting was acceptable.

Jean-Jacques Abitbol, owner, stated the requests continued to come in.

The Board agreed that the bulk and mass had been adequately addressed.

Vice Chair Levine suggested approval subject to landscaping and lighting subcommittee.

Chair Haviland suggested the landscape agreements be handled prior to approval.

IT WAS MOVED BY CHAIR HAVILAND, SECONDED BY BOARD MEMBER YUSKIEWICZ, TO APPROVE DRB18-023 AND CDP18-014, conditioned to limit tree height to 15 feet, establish a subcommittee for landscaping to address the size of the tree, lacing of the tree on the east end of the property, hedge on east fence be no higher than 2 inches, add landscaping to parking spot north of condenser and exterior lights downward directed and no more than 27K. (VOTE 4-1-1, Board Member Warren dissenting and Board Member Maxey-Allison recused).

Ayes: Chair Haviland, Vice Chair Levine, Board Members Michalsky, and Yuskiewicz
Noes: Board Member Warren
Recused: Board Member Maxey-Allison

Chair Haviland and Vice Chair Levine agreed to serve on the subcommittee.

RECESS

Chair Haviland called a recess. The meeting reconvened with all Board members present.

ITEM 3

DRB18-024

CDP18-015

LC18-017

TRP18-019

APN: 299-294-06

Location: 423 Luzon Avenue

Owners/Applicants: Lisa Tam and Everett T. Love

Applicant's Representative: Edinger Architects (Patrick Edinger, AIA)

Zone: R1-10

Overlay Zone: None

Environmental Status: Categorically Exempt pursuant to CEQA Guidelines Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures)

Contact Person: Evan Langan, AICP, Associate Planner

Description: Demolition of an existing single-family residence and removal of one Monterey Cypress Tree, and the construction of a new, two-story single-family residence with an attached, partially subterranean four-vehicle garage, in conjunction with site improvements to include a new pool and spa, retaining walls and site grading.

Associate Planner Langan presented the staff report.

In response to Board questions, Associate Planner Langan stated he had not reviewed potential impacts to view from 2026 Balboa residence.

The Board provided disclosures.

Everett Love, owner, presented the existing house and natural lot and response to concerns regarding bulk and mass.

Lisa Tam discussed proposed accessory dwelling unit and affordable housing.

Sam Blick, representing neighbors Betty and John, stated the design changes were not substantive and the views were still impacted.

Betty McDonald expressed concern about pergola removing their white water view.

John Bonadeo stated some portions of the drawing appeared to improve but they were still not satisfied.

Mr. Love stated they met with the neighbors and they listened and modified based on their concerns.

The Board indicated it appreciated the reduction of bulk and mass, but was concerned with view blockage from pergola, trellis and deck activity. It suggested the stairwell be modified to reduce bulk and mass and include more landscaping and the project step down the natural slope.

The applicant accepted the proposed continuance.

IT WAS MOVED BY VICE CHAIR LEVINE, SECONDED BY BOARD MEMBER YUSKIEWICZ, TO CONTINUE DRB18-024, CDP18-015, LC18-017 and TRP18-019 due to inconsistency with design review standards 23.08.078e, 23.08.077d4, 23.08.077h and 23.08.072j. (VOTE 6-0).

Ayes: Chair Haviland, Vice Chair Levine, Board Members Maxey-Allison, Michalsky, Warren and Yuskiewicz

NEW APPLICATION(S):

ITEM 5 APN: 299-192-15
DRB18-019 Location: 2074 Gatun Street
Owners/Applicants: Patricia A. McLoughlin and Michal P. McLoughlin
Applicant's Representative: Robert J. Scott, AICP, LEED AP (RJS Planning + Land Use Solutions, Inc.)
Zone: R1-10
Overlay Zone: None
Environmental Status: Categorically Exempt pursuant to Section 15301 (Class 1 - Existing Facilities) and Section 15303 (Class 3 - New Construction or Conversion of Small Structures).
Contact Person: Evan Langan, AICP, Associate Planner
Description: After-the-fact improvements within a front-yard, including a 93 square-foot expansion of an existing wooden deck, new water features (koi pond and fountain), fire-pit, fixed BBQ, elevated wood deck, concrete surfacing and stonework, as well as a 32 square-foot prefabricated greenhouse. No grading and no new landscaping are proposed.

The Board provided disclosures.

Mac McLoughlin, applicant, discussed the bluff and need for the wall due to erosion. He explained deferred maintenance to the backyard and damage from construction. He presented the post wall construction and support from the abutting neighbors.

In response to Board questions, Mr. McLoughlin explained the previously existing tiles.

John Gillies requested the greenhouse be removed or screened with vegetation.

Mr. McLoughlin stated Mr. Gillies agreed to landscaping to block the greenhouse.

IT WAS MOVED BY BOARD MEMBER MICHALSKY, SECONDED BY CHAIR HAVILAND, TO APPROVE DRB18-019 with the applicant softening the appearance of the greenhouse. (VOTE 6-0).

Ayes: Chair Haviland, Vice Chair Levine, Board Members Maxey-Allison, Michalsky, Warren and Yuskiewicz

ADJOURNMENT

Chair Haviland adjourned the meeting at 9:36 p.m.



Adriana Jaramishian, Assistant Planner