On February 16, 2016, the City Council received a report from Harold Feder, the Chair of the Ad-hoc Development Review Process Citizens’ Advisory Committee. The Chair’s presentation highlighted the first phase of the Committee’s Council-adopted work plan, “problem identification.” The Committee report identified nine distinctive problem areas within the City’s development review processes that it felt could be addressed to make the processes more effective.

The first three work products to address the Committees’ identified problem areas are now being presented to the Council for review and feedback. The documents, developed by subcommittee and refined by review and discussion of the full Committee, include the following:

1. A proposed revision to the Citizens’ Participation Process (CPP)

As an additional informational item for Council review, the Committee has prepared a memo and associated table to update the City Council on the comparative research efforts that have been conducted with other jurisdictions within the state. The memo give a brief summary of how information from some of the jurisdictions studied could be useful in finding solutions to address problems identified in Del Mar’s development processes.

Attachment: Committee Report
TRANSMITTAL REPORT

DATE: June 6, 2016
TO: Del Mar City Council
FROM: Ad Hoc Development Review Process Citizens’ Advisory Committee
       Harold Feder, Chair
RE: Work Product Submitted for Review

The Ad Hoc Committee, through the work of its subcommittees, has prepared the following documents for the City Council’s review and deliberation. They have been developed based on extensive research of best practices in other jurisdictions as well as in response to the public testimony received in a series of Workshops, and the work of Ad Hoc Committee members based on their own experiences as former DRB members, architects, Planning Commission members, and members at large.

1) PROPOSED REVISION OF CPP PROCEDURES
While the existing CPP has many excellent elements, it has not been followed as carefully as it should be applicants and not been monitored adequately by planning staff to ensure that all steps are taken (for example, sending a follow-up report on the CPP meeting to all participants, as it is required in the existing CPP). The proposed revisions are intended to make the process more transparent and less contentious.

2) COMMUNITY GUIDE TO UNDERSTANDING THE DESIGN REVIEW PROCESS
This guide is designed to put into lay terms the basics of the design review process in the City of Del Mar.

3) “GOOD NEIGHBOR” HANDBOOK: NAVIGATING THE DESIGN REVIEW PROCESS
This handbook is meant to provide tips and suggestions to build better relationships between neighbors as they go through the design review process.

The Ad Hoc Committee recommends the City Council’s adoption of these three items.

In addition, for your information, we are sharing the Research Subcommittee’s data on comparable jurisdictions, upon which some of this work was based. No City Council action is needed on this document.
REPORT TO THE CITY COUNCIL

Del Mar Ad Hoc Development Review Process Citizens’ Advisory Committee

Harold Feder, Chair

June 6, 2016
Del Mar Ad Hoc Development Review Process Citizens’ Advisory Committee

City Council Liaisons:
Don Mosier and Dwight Worden
Harold Feder, Chairman
Richard Jamison, Vice-Chairman
Anne Farrell, Secretary
Nancy Banning Doyle
Patricia Bone
John Giebink
John Graybill
Arthur Olson
Dean Meredith
THREE RECOMMENDATIONS TO THE CITY COUNCIL

Based on the work of the Ad Hoc Committee’s subcommittees, there was a unanimous vote of the Committee on May 17, 2016 to present the following three documents to the City Council for their consideration:

1) Proposed Revisions to the Citizens’ Participation Program (CPP)

2) Community Guide to Understanding the Design Review Process

3) “Good Neighbor” Guide: Navigating the Design Review Process
RECOMMENDATION (1)   PROPOSED REVISIONS TO THE CPP

The existing CPP has many strong elements—it just needs to be followed by applicants and more closely monitored by the City.

However, some modifications to 23.08.067 and 23.08.068 are recommended.
GOAL OF THE REVISED CPP PROCESS

Transparency, Objectivity, and Education/Information

The goal of these revisions is to essentially “front load” the process. For the applicant, it means being up-front with no “gaming the system;” for the neighbors, it means that they are obliged to participate early, communicate clearly, and not come into the process late with their complaints. Everyone has had a chance from Day 1 to understand the proposed new development. The CPP process should:

• ... make the DRB hearings less contentious.

• ... allow the DRB to act in their judicial capacity, and not as mediators or designers.

• ... encourage applicants to present projects that don’t require costly hearing continuances for incremental design changes.
TWO-STEP PROCESS FOR CPP

We propose instituting a two-Step Process, with a “pre-CPP”—a noticed meeting to neighbors within the 300-ft. radius.

STEP #1: PRE-CPP MEETING:

This takes place before plans are drawn, and is a chance for more open, informal communication between project applicants or their representative (usually the architect) and interested neighbors.

• Meant to inform neighbors about the applicant’s vision for the proposed development

• Chance for the applicant to hear neighbor or community concerns about development at the project site.

• The meeting would be a conceptual discussion, with no plans, story poles, or drawings.
STEP #2: AFTER THE PRE-CPP MEETING...the CPP:

A notice is sent out announcing the CPP meeting with a letter including a description for the project and a copy of the most recent preliminary plans. In addition, this CPP meeting is noticed publicly and city-wide, via email to subscribers, and posted on the city website.

At the meeting: In order for everyone to understand and see how the project is viewed from different angles, various tools are required including 3-D modeling/imaging, story poles with mesh to better represent volume/massing, and a 2-dimensional streetscape to show neighborhood compatibility.

At the CPP, a volunteer Ombudsperson is present—role is to educate those present on the process, but not advocate any particular point of view. Acts as neutral observer ensuring that proceedings of the CPP are accurately represented, recorded, and distributed.
3-D MODELING DEMONSTRATION
RECOMMENDATION (2) COMMUNITY GUIDE TO UNDERSTANDING THE DESIGN REVIEW PROCESS

The purpose of this guide is to offer a concise overview of the process, step-by-step, in laypersons’ language.

Contents:

1. Purpose of Design Review in Del Mar
2. The Design Review Ordinance
3. Types of Design Review Permits
4. Milestones in the Design Review Process
5. The DRB Hearing
6. Resubmittal of Denied Project
7. Appeals
8. DRB Resolution
9. Post-DRB Project Changes
RECOMMENDATION (3)  “GOOD NEIGHBOR” HANDBOOK: NAVIGATING THE DESIGN REVIEW PROCESS

The purpose of this handbook is to help neighbors communicate better and deal with conflict in a constructive way.

Contents

1. Introduction
2. If You Learn There is a Project Pending in Your Neighborhood -- What Should You Do First? What Is the Design Review Process in Del Mar?
3. Applicants: Before Completing a Design
4. Some Basic “Good Neighbor” Principles
5. Helpful Tips for a Successful Neighbor Meeting: If you are developing a project, what information can you provide that neighbors will find useful? How Will Neighbors See Your Project? Ways to Respond to Neighbor Concerns
6. Tips Regarding View Blockage
7. Tips for Minimizing Construction Impacts
8. Tips for Managing Conflict
The Ad Hoc Committee has concluded that the CPP is fraught with animosity and fails to promote friendliness among neighbors. It is our finding that some changes could be made to make the process more fair and transparent in order to facilitate understanding among all parties. We also hope that the additional time and notifications will leave no community member feeling as though they hadn't the time or opportunity to review the project before the final DRB meeting. We suggest the following:

1. **That there be a pre-CPP meeting** with the same notifications to the neighbors as required for the CPP meeting (DMC 23.08.067). This meeting would be a time for applicants and their representatives to give their vision of the project and for them to hear and understand the concerns of their neighbors. At this meeting, there would be no story poles, plans, etc. This would be a conceptual discussion.

2. **At some time subsequent to that meeting, additional notifications would be sent out to the same required recipients, notifying them of the CPP meeting.** This notification letter would include a description of the project and a copy of the most recent preliminary plans for the project.

3. **At the CPP meeting, 3-D images, as seen from adjoining houses, should be required** so that neighbors and applicants are able to see how the project is viewed from different angles. The applicant/representative would also be required to provide a site plan, floor plan, all exterior elevations including a two-dimensional streetscape showing neighborhood compatibility including but not limited to three residences on each side of the property. Meshed story poles would be placed on the site at least one week before the CPP meeting. An ombudsperson would be present to educate but not advocate. This Ombudsperson, ideally a former DRB member, could facilitate understanding about design review in the City of Del Mar.

4. **Applicants should be required to follow the code.** The committee has noted that the portion of the code requiring preliminary plans has not been followed or enforced. Likewise, the committee has noted the code requires that the applicant/representatives must report back to the City and to the CPP attendees all results of the CPP meeting; however, this requirement has seldom been followed or enforced. In fact, the code states: “This information, and any additional comments by the interested neighbors, shall be
sent to all CPP attendees and shall be included in the CPP report submitted to the Director of Planning and Community Development as a requirement of this Code.”

5. **Better meeting notification is needed.** Notices of meetings should be sent by US mail as they are now but the time for mailing the notices would be changed from 14 to 28 days by postmark. Notices should be sent by email to anyone who requests notifications of CPP meetings. Additionally, notices should be posted on the Del Mar website.

6. **No binding agreements or requests for binding agreements should take place at these meetings.**

Following are suggested revisions to the CPP code items 23.08.067 and 23.08.068:

---

**23.08.067 Required Components of a Citizens’ Participation Program**

A. Implementation of a Citizens’ Participation Program shall include all of the following steps: [Ord. 872]

1. First, an informal Pre-CPP meeting shall be held at the site where everyone has been noticed, as in 23.08.067 A.1, and A.4 (notice on the Del Mar website [www.delmar.ca.us](http://www.delmar.ca.us)). The informal meeting, like the formal meeting, should be at a time after the normal workday or on a non-holiday weekend. This would be a simple discussion of concept—an opportunity for the applicant/representative to explain their vision of the project. It is an exploratory stage to promote an understanding of the project to the neighbors and an understanding of the neighbors’ concerns by the applicant. Story poles and 3-D images are not required at this time. Following this meeting, at a time when more is known about the project, applicant may proceed to scheduling the CPP Meeting.

2. A notice package shall be mailed to the parties on a distribution list consisting of: owners of properties located within 300 feet of the project site, residents of properties located within 300 feet of the project site, and any persons who have submitted a written request to the City that they be given notice about development proposals at the project site. The notice package shall include a description of the project and a copy of the (most recent) preliminary plans for the project.

3. A letter shall be mailed to the parties on the distribution list inviting them to a meeting with the project applicant and/or their representatives to present and discuss the development proposal. The invitation shall include a convenient meeting time (not to be during working hours or holidays in order to promote participation by all who care to attend) and location. The applicant shall have the flexibility to coordinate the required meeting either as a single meeting with all the parties on the distribution list, or as a series of meetings with smaller groups from the distribution list.

4. The notice/letter required by this Code shall be mailed at least fourteen (14) twenty eight (28) days by postmark before the proposed CPP meeting.

---
(5) Applicant shall contact the City 21 days before the CPP to post a notice of the CPP meeting so that it is up on the website at least 14 days before the meeting. Additionally an E-blast will be sent by the City to whoever has requested notification of CPP meetings.

(6) At this second meeting, an ombudsman will be present to answer questions from either side. The committee recommends the applicant be present for this meeting.

(7) At this meeting, no binding agreements will be presented by applicant or neighbor.

(8) Applicant or his/her representative will present 3 D images of the proposed project as seen from adjoining houses. This is required so that neighbors and applicants are able to see how the project is viewed from different angles. The applicant/representative would also be required to provide a site plan, floor plan, all exterior elevations including a two-dimensional streetscape showing neighborhood compatibility including but not limited to three residences on each side of the property. Meshed story poles would be placed on the site at least one week before the CPP meeting.

B. Within fourteen (14) days following the CPP meeting, the project applicants or representatives shall provide a written response to any concerns raised during the CPP meeting process explaining how the draft project plans would be modified as a result of the concerns that the neighbors raised at the Citizens’ Participation Meeting, or if not, the rationale thereof. This information, and any additional comments by the interested neighbors, shall be sent to all CPP attendees and shall be included in the CPP report submitted to the Director of Planning and Community Development as a requirement of this Code.

C. The requirements for notice of a Citizens’ Participation Program are separate and distinct from the noticing requirements for provision of notice of a Design Review Board hearing, as required in this chapter.

**23.08.068 Submittal of Report Documenting Implementation of a Citizens’ Participation Program.**

Following implementation of the Citizens’ Participation Program, the applicant or applicant’s agent shall submit a written report to the Director of Planning and Community Development documenting the steps taken to implement, and the results of, the Citizens’ Participation Program. The report required herein shall include all of the following information: {Ord. 872}

A. The distribution list for the notice package;

B. The dates and content of the notice package sent to the neighbors and other parties as required by this section;

C. The dates and locations of all meetings to which interested parties were invited to discuss the development proposal;
D. The contents, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other writings distributed by the applicant or his/her representatives as part of the Citizens’ Participation Program;

E. A list of the parties who attended meetings or otherwise participated in the Citizens’ Participation Program and the addresses where the CPP reports were sent;

F. A list of the comments raised at the Citizens’ Participation Program meeting(s), along with any correspondence received as part of the Citizens’ Participation Program; and

G. An explanation as to how the project was modified as a result of those comments, from the Citizens’ Participation meetings(s), or if not, the rationale thereof.
CPP CHECKLIST

The Citizens’ Participation Program is an important step in the Design Review Process. The following is a checklist of steps to complete that part of Design Review.

1) **Prepare a package to be sent to parties on the distribution list.** The packet should include:
   a) The address of the property to be developed.
   b) The date, time, and location of the meeting.
   c) A description of the project and a copy of the most recent preliminary plans of the project.

2) **Send package at least 28 days by postmark to everyone who:**
   a) owns property located within 300 feet of the project site
   b) is a resident of a property located within 300 feet of the project site
   c) has submitted a request to the City to be informed of development proposals for this site

3) **Contact the Planning Department to post the packet on the City of Del Mar website at www.delmar.ca.us.** The City should be notified 28 days in advance so the packet could be posted no less than 21 days before the meeting.

4) **Story poles, when required, should be placed no less than 21 days before the CPP meeting.** Presently, there is no requirement for story poles previous to the CPP meeting but there is one for before the DRB meeting. (Story poles shall be removed within seven (7) calendar days after the ten-day DRB appeal period expires or within seven (7) calendar days after the final appeal and hearing. Story poles associated with a formal application, which has been inactive for three (3) months, shall be removed until the application review returns to an “active” status. Informal story poles may be placed as part of a pre-application “evaluation phase,” however, they may be in place for only a maximum of 30 days.) This pre-application evaluation phase would conflict with the total number of days under a new guideline.

5) **Conduct the meeting.**
   a) Ask all attendees for their name and address so they can be sent the applicant’s written response about the meeting.
   b) It is highly recommended that applicants or their representatives explain why they feel their house is compatible with the neighborhood.

6) **Within 14 days of the meeting, send response as outlined in 23.08.067-B.**
1. Purpose of Design Review in Del Mar

Design Review is used as a means to implement the goals contained in the Del Mar Community Plan to preserve and improve Del Mar as a beautiful, pleasant residential community in which to live, work, shop, and pursue leisure time activities.

The Design Review process also serves to maintain property values, preserve the natural environment, protect primary scenic views, and ensure a high aesthetic quality for the community.

The Design Review process encourages good design, including the use of harmonious materials and colors, compatible proportional relationships, and appropriate use of landscaping.

It also determines whether a project is compatible with the Del Mar Community (General) Plan and Zoning Ordinance

Single Family Residential Design Review is not unique to Del Mar; it is widely practiced by many jurisdictions in California and elsewhere.
2. The Design Review Ordinance


The Design Review Board (“DRB”) is the citizen’s committee comprised of seven residents of Del Mar appointed by the Del Mar City Council to examine a structure’s placement and size, the materials and colors to be used, and, in the case of new structures, the type, and extent of the landscaping proposed. The Design Review Board also evaluates the project’s compatibility with the uses and design of structures on surrounding properties, all based on the standards of review contained in the DRO.

The DRO’s Regulatory Conclusions are written in the positive, meaning that a project application will be approved unless the project is found to be inconsistent with one or more of the Regulatory Conclusions in the DRO. Areas of potential inconsistency outlined in the Regulatory Conclusions include privacy, bulk and scale of structures, view obstruction, neighborhood compatibility, etc. A conclusion that a proposed design element is "unreasonable," must be supported by findings of fact by the DRB.

A project approval generally includes a set of conditions that address health and safety issues and ensure a project’s continued compliance with the Del Mar Community Plan, Zoning Ordinance, and DRO.

Construction standards such as setbacks, lot coverage, Floor Area Ratio (“FAR”), and building height are contained in the Zoning Ordinance of the DMMC (Title 30). Depending on a project’s location, it may also be subject to additional design review standards contained in the underlying zoning chapter for the property. There are 12 residential zones plus special overlay zones in Del Mar. Zoning information concerning a specific parcel can be obtained from the Planning Department.

It is possible for a project to be consistent with the Zoning Ordinance and inconsistent with the DRO and thereby denied by the Design Review Board.

3. Types of Design Review Permits

a) Administrative Design Review (ADR) permit applications are intended for projects that are minor, but not exempt, to gain Design Review approval based on neighborhood input rather than in a hearing before the Design Review Board. The ADR offers a streamlined process as the decision is made by the Director of Planning and Community Development (unless an objection is filed in a timely fashion during the 10-day notice period, in which case the project would be placed upon the next available agenda for a public notice hearing before the Design Review Board).


b) Some projects and activities are exempt from the Design Review process. Examples include the repair, restoration, or reconstruction of an existing structure (where the work maintains the outer dimensions and surface relationships of the existing structure; i.e., “like-for-like”). Planning Department staff is ultimately responsible for determining if a project is exempt from Design Review.

c) Regular DRB permit applications are required for all other projects that are neither minor nor exempt and are reviewed by the Design Review Board at noticed public hearings.

d) Related permits under the jurisdiction of the DRB involve the Protected Tree (23.50) and the Land Conservation (23.33) Chapters of the DMCC.
4. Milestones in the Design Review Process

a) As an initial step, the Planning Department can provide essential and helpful information and guidance to applicants who request a pre-application conference.


c) A Design Review Application is filed with the Planning Department.

d) A Design Review Application is deemed “complete” by the Planning Department and placed on the agenda of the next available DRB meeting.

   1) For those projects that require a separate approval from the Planning Director (e.g., Floodplain Development Permit) or the Planning Commission (e.g., Conditional Use Permit, Variance, or other Planning Commission approval), the DRB permit application will be deemed Incomplete until all other approvals are received. Generally, an Incomplete DRB application will not be placed on an agenda for consideration by the Design Review Board until all other approvals are obtained.

e) Noticing

   1) Notice of the DRB hearing by first class mail is mailed to all property owners within a 300-foot radius of the project site at least 10 days prior to the DRB hearing.

   2) A “Development Permit Pending” sign is posted on the property at least 10 days prior to the DRB hearing.

   3) A notice is posted at City Hall at least 10 days preceding the DRB hearing prior to the matter being first considered.

   4) A notice is published in a newspaper of general circulation at least one week prior to the matter first being considered.

   5) Neighbors may file a request with the Planning Department to receive e-mail notification of the progress of the project by making contact with the Planner assigned to the application.

f) Certain projects require the installation of “Story Poles” to represent the siting and massing of a proposed structure or addition. Story Poles are required to be installed fifteen (15) days prior to the Design Review Board hearing and their heights and locations certified by a licensed land surveyor or civil engineer 10 days prior to the hearing. For a detailed description of the City’s Story Pole requirements, see: [http://www.delmar.ca.us/DocumentCenter/View/91](http://www.delmar.ca.us/DocumentCenter/View/91).

g) A Staff Report will be issued by the Planning Department on the Wednesday before the hearing.

   1) The purpose of the Staff Report is to provide relevant information—based on a review of the application—which can be utilized by the DRB in their quasi-judicial function of fact finding, deliberation, and decision making. The Staff Report is included in a packet, along with letters of support and opposition from interested parties and other pertinent information. The Staff Report will generally not recommend approval or denial of a project unless planning staff find that a project’s compliance or non-compliance with the DRO is definitive.

   2) Letters not submitted to the Planning Department prior to the issuance of the Staff Report are deemed “red dot” letters. Red dot letters are posted to the DRB website and delivered in hard copy form to DRB members prior to the hearing. It is desirable to have letters delivered to
the Planning Department prior to the issuance of the Staff Report so that they may be included in the packet.

h) DRB members visit the project site after receiving the Staff Report packet. Neighbors can meet with DRB members at this time to discuss the project.

5. The DRB Hearing

a) The DRB typically meets once a month on the fourth Wednesday.

b) The DRB consists of seven members, including a Chairperson and Vice Chairperson. A quorum consists of four members. The Design Review Board also includes an eighth, ex-officio member and an ex-officio alternate, neither of which participate in the votes on applications. One or more DRB members may be disqualified from voting due to a conflict of interest or failure to attend the entire public hearing. For information on the DRB see: http://www.delmar.ca.us/DocumentCenter/Home/View/337

c) At the discretion of the Chairperson, or by motion adopted by the DRB, an agendized item may be taken out of order.

d) A majority vote shall be necessary for the DRB to take action. Tie votes shall be recorded as a failure of the motion to pass. After two or more tie votes, the application will be placed on the next available agenda of the City Council for action, not as an appeal.

e) An item on the Agenda may be continued at the direction of the DRB or the Planning Staff, or at the request of the Applicant under certain conditions. Continuances will be made to a time certain unless the item is taken off-agenda, in which case it will be re-noticed.

f) At the discretion of the Planning Director, the matter shall either be set as a public hearing or be placed on the Consent Calendar of the agenda. If the matter is placed on the Consent Calendar and not removed therefrom, then by the adoption of the Consent Calendar, the matter shall be acted upon as recommended in the staff report. If the matter is removed from the Consent Calendar, it shall be continued to a date certain for the purpose of conducting a public hearing. A matter will be removed from the Consent Calendar at the request of any member of the Design Review Board, public or staff, either by submission of a written request delivered to the City Clerk at least seven (7) days prior to the Design Review Board's initial consideration of the matter or by oral request made at the first consideration of the matter. At any time, the requesting party may withdraw the request to conduct a public hearing.

g) Phase 1 of the DRB hearing will commence with an oral report by the Planning Staff. Then the applicant or their representatives will have ten minutes to orally present the project (and may be allowed additional time by the Chairperson for good cause shown). After these presentations are complete, members of the public can provide testimony.

h) The Chairperson is authorized to regulate oral presentations to the DRB. The Chairperson may fix reasonable limits on the total time that oral presentations may be made on an item; and may fix a reasonable amount of time that each speaker has to make an oral presentation. Notwithstanding the above, members of the public are generally allowed three minutes to complete their presentation, and may be allowed additional time by the Chairperson for good cause shown.

i) After the public testimony is completed, the applicant is allowed five minutes for rebuttal. At this point in time, the applicant has an opportunity to announce an amendment to the proposed design. The DRB has different options for considering the amendment depending on the complexity of the proposed change.
j) After the applicant’s rebuttal, the public hearing is closed and the DRB begins deliberation and decision making (Phase 2). During Phase 2, the DRB shall address only how the proposed design conforms to the DRO and Zoning Code. During Phase 2, the DRB shall consider only the information presented during Phase 1. Phase 1 can be reopened by the Chairperson if a new fact or issue arises in Phase 2.

k) The DRB may, by majority vote,
   1) Approve; or
   2) Disapprove in accordance with the provisions of the DRO; or
   3) Conditionally approve; or
   4) Continue the application.

For more information on the DRB Process, see [http://www.delmar.ca.us/DocumentCenter/View/1037](http://www.delmar.ca.us/DocumentCenter/View/1037)

6. Resubmittal of Denied Project

a) At least one year shall have elapsed since the effective date of disapproval of the application or revocation of a Design Review Permit before filing a new application seeking substantially the same Design Review Permit for any of the same property.

7. Appeals

a) The decision of the Design Review Board is final unless a written appeal is filed with the City Administrative Services Department, accompanied with a processing fee, within ten (10) business days from the date action is taken on the application.

b) If an appeal is filed with the Administrative Services Department during this period, it will be placed on an agenda of the City Council for an Initial Consideration hearing. At an Initial Consideration hearing, the Council will determine to either:
   1) Reject the appeal, thereby upholding the Design Review Board’s decision;
      or
   2) Set the matter for a for a new (de novo) public hearing review at a subsequent City Council meeting.

c) Certain projects may be appealed to the Coastal Commission.

8. DRB Resolution

A Design Review Board Resolution incorporates conditions from the staff report provided to the DRB and voted upon by the Board in approving a project. This DRB Resolution and its specific wording are taken into consideration when staff determines if proposed changes after the DRB hearing are in substantial conformance.

A DRB Resolution is signed by the Chair of the DRB, the property owner or owners, and attested to by the Planning and Community Development Director.
9. Post-DRB Project Changes

a) While staff does have discretion to authorize some minor changes to approved plans, that discretion is extremely limited. More often than not, a proposed change to approved construction drawings will require the submittal of an application for formal authorization to modify the approved plans. The City Council has, therefore, established a procedure to determine whether those proposed changes are insignificant and can be authorized by staff, or if they should be reviewed through a process that involves more oversight and an opportunity for public input.

b) The procedure involves a determination of whether a project, if modified as proposed, would still be in substantial conformance with the project as it was previously authorized by the City and described in the DRB Resolution signed by the Chair of the DRB and the property owners. If the proposed change is deemed to be in substantial conformance, it can be authorized by staff. If it is not deemed to be in substantial conformance, the modification would be subject to a different review, one that would involve the opportunity for public review and comment. Typically, the change would be reviewed through the same type of review process as was originally employed for the review of the project (DRB or Conditional Use Permits etc.). Other times, a more streamlined Administrative Design Review (ADR) process may be applicable. See: Determination of Substantial Conformance - A Guide To the Process [http://www.delmar.ca.us/DocumentCenter/View/59](http://www.delmar.ca.us/DocumentCenter/View/59)
1) Introduction

While the Design Review process of the City of Del Mar has helped preserve neighborhoods, it has not always fostered or preserved positive relationships between neighbors.

It should be remembered that the Design Review process, while regulatory, has the underlying intent to try to protect neighborhoods and the unique character of Del Mar. This Guide is meant to provide some helpful tips that can encourage neighborliness and harmony before, during, and after the completion of new or remodeled homes in Del Mar. Note that many of the issues addressed here (such as view blockage or privacy) are enumerated in the Del Mar Design Review Ordinances. This guide is just meant to draw your attention to areas that may be of special concern to neighbors when a new project is proposed in a neighborhood; but you should also familiarize yourself with the relevant DROs.

These “good neighbor” tips are based very simply on the Golden Rule: **“Do unto others as you would have them do unto you.”** If you follow these guidelines, you may find that going through the Design Review process, as either an applicant or neighbor, will be easier and less disruptive, and lead to better relationships in your neighborhood.
Applicants: if you are building, think about what your concerns would be if your next-door neighbor were proposing to either build a new house or add on to an existing house. Incorporate those concerns into your thinking as you design your own new or remodeled house.

Neighbors: if someone is building next-door or nearby to you, think about what it might be like joining a new neighborhood and wanting to fit in; or wanting to create a new home for your family with specific requirements that meet your needs.

Successful development always involves compromise and reasonableness on both sides, and common themes for successful outcomes include:

- **Consistency** with the Del Mar Community Plan, the existing neighborhood, the Design Review Ordinances, and the Planning/Zoning Codes that were created by Del Mar’s founders and subsequent community stakeholders to maintain the unique character of Del Mar and to preserve the priceless natural environment that makes Del Mar what it is.

- **Transparency** of information about a proposed development (whether provided by the developer, the City of Del Mar, or the neighbors).

- **Effective and predictable methods of communication** between parties.

- **Respectful dialogue and good-faith effort** from all parties involved.

2) If You Learn There is a Project Pending Development in Your Neighborhood

The City of Del Mar has a long-standing and extensive civic process for developing residential real estate. It is called the Design Review process, and the ordinances can be found here on the city’s website: [Del Mar Design Review Ordinances--Chapter 23.08](http://www.delmar.ca.us/141/Design - Review - Board). You are advised to read this document thoroughly, to be familiar with your rights as a neighbor as well as your neighbor’s rights to develop their property.

The Planning Department at the City of Del Mar is always available to you if you have any questions, and can be reached at (858) 755-9313; or you can visit them at City Hall ([www.delmar.ca.us](http://www.delmar.ca.us)). Del Mar is a small city and the staff is there to serve you, so take advantage of that!

**What Should You Do First?**

It is strongly advised that you open lines of communication with your new neighbor as soon as possible. Much of the conflict that can occur in project developing is due to miscommunication or lack of communication.

In this guidebook, we discuss basic “good neighbor” principles that apply to everyone—whether the person developing a property or a person who will be impacted by a new development. You both have rights as well as responsibilities.

**What Is the Design Review Process in Del Mar?**

This is taken from the City’s Website [http://www.delmar.ca.us/141/Design-Review-Board](http://www.delmar.ca.us/141/Design-Review-Board):

*The Del Mar Design Review process is intended to preserve and improve the scenic amenities of Del Mar and to protect the city’s natural environment, its scenic vistas, and the community’s overall aesthetic quality. The Design Review process encourages good design, including the use of harmonious materials and colors, and the appropriate use of landscaping. In addition to protecting the city’s scenic and natural resources, the Design Review process also has the desired effect of protecting property values.*
As part of the review process, application proposals are evaluated for their consistency with the provisions of the Del Mar Community (General) Plan and with the City's Zoning Ordinance as well as consistency with the applicable Design Review standards, found in the Design Review Ordinance (DRO). The Design Review Board's review involves an evaluation of a structure's placement and size, the materials and colors to be used, and in the case of a new structure, the type and extent of the landscaping proposed. It also involves an evaluation of the project's compatibility with surrounding development.

There is a Design Review Board made up of seven Del Mar residents appointed by the Del Mar City Council to serve four-year terms. Anyone can apply to serve on this and any other city committee. The DRB meets on the 4th Wednesday of each month in City Hall, and the meetings are televised on Channel 27 (Time Warner). The Design Review process was developed and is implemented to help preserve the character of Del Mar, which in turn helps preserve property values as well as the overall community’s sense of place.

Basically, applicants must complete a number of steps with the City to put forth their plans for a construction project, and must comply with the City’s Design Review Ordinances. See the City of Del Mar Neighbor Handbook for further detail. (ADD LINK)

3) Applicants: Before Completing a Design

If you are building in Del Mar, before completing a design, consider the following:

- Design your addition or your new house as if you were going to live next door to it.
- Talk with your neighbors and show them your proposed design early in the process.
- Consider organizing a meeting with your neighbors to encourage neighbor discussions before entering into the formal Del Mar process, including the CPP (Citizens Participation Program).

4) Some Basic “Good Neighbor” Principles

If you are an applicant, we recommend that early in the design process of a new or remodeled house, you should initiate discussions with neighbors regarding the project in the hopes that early communication will lead to mutually agreeable project outcomes. There is a Citizen’s Participation Program (ADD LINK) that is designed for this purpose and in some cases, is a required part of the process.

It is strongly encouraged that neighbors themselves can meet very early in the process, so that lines of communication are opened. In any case, prior to filing an application for a land use or building permit, neighbors should be informed of a pending project.

As an applicant, when initiating design review, consider mutual neighborhood privacy in all aspects of your new house design and site layout, including noise, lighting, and sunlight access. Be sure to discuss and show your neighbors placement of second story windows, balconies, and decks in order to resolve any view or privacy problems early in the process.

5) Helpful Tips for a Successful Neighbor Meeting

If you are developing a project, what information can you provide that neighbors will find useful?

- Background information including a complete description of your project and the public process it must go through.
• Site plans, elevations, models, aerial photos, drawings, etc., if you have initial ones to share. If you can provide 3-D imagery, that is very helpful. It will help them visualize the changes you wish to make. Not all laypeople are able to read 2-dimensional architectural plans or renderings.

• Information or other resources that discuss the zoning or land development process.

How Will Neighbors See Your Project?

• Put yourself in the place of the people who surround your property. Will they view your project as an enhancement or unexpected change?

• How might your project affect traffic or pedestrian safety in the area?

• Does your project enhance or complement existing neighborhood character or does it contrast with what surrounds it?

• Will your project alter the natural landscape, topography, trees and landscape, impact views, etc.?

• Might your project reduce the sense of privacy for a neighboring property owner?

Ways to Respond to Neighbor Concerns

• Listen and be respectful—give people the chance to be heard.

• Focus on identifying problems. This meeting is a chance for you to gather input that may be useful to you in getting your project through the review process. The issues that your neighbors raise are often the same issues that may be raised by the Planning and Zoning Commission or the Board of Adjustment.

• Be open to options that could be reasonable or affordable ways to alleviate or address problems.

• Resolving problems at the meeting is not necessary, but it may be helpful to identify areas where there is some flexibility in your plans.

• Know that you won’t necessarily be able to please everyone, but that you are providing an opportunity for dialogue. The neighbors will appreciate your effort and the opportunity to share their views.

6) Tips Regarding View Blockage

• Visit inside your neighbors’ houses to see how your building will affect their views and work to accommodate their concerns.

• Be sensitive to your neighbors’ views in the placement and architectural appearance of your house or addition.

• Identify neighbors’ lines of sight and current views and how both your neighbors’ views and your own can be preserved or enhanced through a good design.

• Where it is possible to preserve a view from a neighbor’s property, achieve your project goals and respond effectively to environmental and other site constraints, then locate new dwellings so they interfere minimally with the neighbors’ views. Where compromise between these various project components must be made, strive to place a new dwelling so that similar amount and quality of private views may be achieved on a neighbor’s property as on your property.
• Reduce height of the new structure to minimize blockage of views.
• Define neighbors’ views and how your new project will affect the views.
• Introduce methods that can be used to limit views blocked due to a building’s height.
• Be sensitive to the existing size and bulk patterns in the neighborhood.
• Locate higher portions of the structures to minimize view blockage.
• Consider views from major living areas as well as other high quality views.
• Avoid tall landscaping, fences or walls that interfere with your neighbors’ views. Consider the mature plant growth height when selecting plants.
• Screen solar panels, satellite dishes, radio antennae and other equipment from neighbors’ views to the maximum amount possible.

7) **Tips for Minimizing Construction Impacts**

If you are an applicant, consider the impacts during the construction process on your neighbors as well. Remodeling and building can be messy processes. Here are a few recommendations:

• Tell your neighbors when work will begin and the approximate completion date; and whom they can contact if any problems or concerns arise.
• Limit the noise of power tools to standard business hours. Del Mar has rules regarding hours of construction; please follow them.
• Have materials dropped in the driveway or yard, not the street, and have dumpsters removed as soon as they are full; only keep them when they are truly needed.
• Confine subcontractors as much as possible to your side of the street
• Keep the construction site neat so as not to affect neighboring properties
• Remind your contractors to be sensitive when parking vehicles

8) **Tips for Managing Conflict**

Conflict can strengthen and enhance relationships, or it can destroy them. Since we tend to regard conflict as negative, the first step toward constructive conflict is to recognize both positive and negative aspects.

Thoughtful dissent (what may appear to be interpersonal conflict) can result in reaching better decisions. Conflict resolution is not about eliminating disagreements, diversity of opinion, or alternate viewpoints that are crucial to good decision making. Too often, “conflict resolution” takes the form of suppressing all disagreements, rather than using them as decision improvement opportunities.

Before you work on a resolution to an issue/problem/conflict, keep in mind these ideas before you start:

• Be sure it is a real problem worth spending the time to resolve.
• Focus on the root causes of the problem - not just the symptoms or personalities.
• Be prepared to work toward a mutually agreeable solution—not just winning your point of view.

• Prepare yourself to listen and understand other points of view on the issue.

• Keep some perspective. Disagreement and conflict are expected whenever people coexist. Relationships are not destroyed, and often can be enhanced, by working towards a mutually agreeable solution.

• Remember that it is OK to disagree, and the other person is not wrong to disagree with you.

• Keep your sense of humor!

Listen for perspective. Understanding other perspectives is a key to finding resolution. Use reflective listening techniques such as paraphrasing, repeating back, and non-verbal signs. Do your best to understand the frame of reference of the speaker; seek out the background and life experiences on which they base their perspective.

Own your part. It takes at least two or more parties for a conflict to exist. Be willing to take responsibility for your contribution to the problem. Acknowledging your contribution (or perceived contribution) can be an important first step in the resolution process by opening communication and lowering barriers.

Be the first to make a concession. Take the lead in making the negotiation work. An early concession in an area important to the other person/group usually results in their reciprocation in other areas or ideas. Take the lead in suggesting trade-offs by giving something another person wants in return for something you want.

Stay objective. In the heat of discussion, it is easy to display your feelings and emotions to a point they block the possibility of resolution. Work on not letting your own feelings block you from hearing what the other person is saying.
DATE: June 6, 2016  
TO: Del Mar City Council  
FROM: Ad Hoc Development Review Process Citizens’ Advisory Committee  
Subject: Transmittal Memo / Comparative Jurisdictions Research

Attached is an updated version of the “Comparative Jurisdictions Research” table prepared by the Research Subcommittee. This document, distributed recently by the City’s Planning Staff to the Ad Hoc Committee, is an ongoing research document and is not intended to advance any alternatives under consideration by the subcommittees. No City Council action is necessary. This memo is intended to provide guidance and additional detail about the data table and its contents.

METHODOLOGY
In addition to the City of Del Mar, the table includes the 22 other incorporated cities in California that had a comparable or higher median household income than Del Mar, according to the most recent census publication (2011). Four additional related jurisdictions outside those criteria are also included, and data is continuing to be accumulated for them, thus the document is marked “draft.”

PURPOSE
The purpose of the attached table is to provide a broad range of comparative data reflecting development practices in comparable California municipalities. These data are critical in supporting the subcommittees reviewing the existing DRO and related ordinances, and provide a useful menu of the options that might be considered for recommendations per the City Council guidance on February 23, 2016 concerning reducing subjectivity in the Design Review process and adding more consistency in application submittal requirements.

In addition, it will behoove the City to “look at the big picture” in terms of how comparable cities are dealing with design review and development projects. Other municipalities with similar socioeconomic profiles are more likely to have development review practices that would be scalable in Del Mar. In addition, some concerns were expressed by stakeholders during the public workshops held last year about the design review process being too restrictive in Del Mar, stating their belief that additional restrictions could result in decreased property values. It was not clear to the Committee if this concern was subjective or based on actual knowledge of design review practices throughout California. In reviewing the data, the Committee has been unable to confirm the validity of such concerns. In fact, the data would seem to illustrate that a stringent design review process may have a favorable impact on property values.

The table provides links that will allow stakeholders to compare design review practices in Del Mar with “upper-income peer” cities elsewhere in California.

DESIGN REVIEW ORDINANCES
Nearly all—21— of the California cities included in the comparison table of 23 have some form of residential design review in place, regardless of whether they call the process “Design Review,” “Site Plan Review,” or “Neighborhood Compatibility Review,” and regardless of whether that process is managed by a Design Review Board, Planning Commission, City Council, or Art Jury. The two cities that do not have design review or comparable processes in place—Malibu and
Manhattan Beach—have complex zoning regulations that address residential bulk and scale as well as other design-related issues.

- **Malibu:** Lots in Malibu tend to be larger than Del Mar and projects can be subject to the additional scrutiny of the Coastal Development Permit process including approval by an Environmental Review Board. An example of the zoning regulations that affect residential bulk and scale is that second stories are limited to 2/3 of the floor area of the ground floor.

- **Manhattan Beach:** With more than 35,000 residents, Manhattan Beach is the largest city in the survey. Zoning regulations that affect residential bulk and scale include open space requirements for beach area lots and additional front setback requirements for non-beach area lots aimed at reducing visual bulk and/or volume at the front of new homes and additions to existing homes. Since 2002, Manhattan Beach has been experimenting—on a trial-and-error basis—with Residential Bulk/Volume and Mansionization Standards. For more information, see: City of Manhattan Beach Residential Bulk Volume & Mansionization Standards.

**RESIDENTIAL DESIGN GUIDELINES**

Seventeen of the 23 cities utilize some form of residential design guidelines, ranging from comprehensive design manuals to a couple of pages of interpretive guidelines. Cities that do not use residential design guidelines typically have a more prescriptive Design Review Ordinance or Zoning Code. The guidelines utilized by cities with a different development landscape than Del Mar, such as Los Altos Hills (1+ acre lots) and Piedmont (>FAR) may not be as useful or relevant to our community as guidelines from cities such as Saratoga and Los Altos, both of which have a preponderance of R-1-10 zoning, similar to Del Mar. While some of the residential design guidelines currently in use are not presented in a user-friendly web format, there are exceptions that we may wish to take note of, including a recently completed (2014) document completed by the city of Saratoga: Saratoga Single-Family Residential Design Review Handbook.

Another observation that should be noted about the 17 cities with residential design guidelines is the clear priority their respective guidelines assign to sensitive hillside design. For example, common points of reference include: the need to minimize the visual impact of the hillside integration of buildings; avoid downhill-facing cantilevered structures and large retaining walls in a uniform plane; and screen foundations and substructures.

For an example of residential design guidelines that include view preservation principles, see the Town of Tiburon: Tiburon Design Guidelines.

**DESIGN REVIEW APPLICATIONS**

The table also includes links to design review applications for the 21 cities with some form of design review in place. One observation that is apparent from a cursory review of the application forms is how advanced most Northern California cities are in terms of environmentally sustainable practices, and how common the use of technology is compared to Southern California cities. For instance, examples of cities that that have application requirements for advanced visual impact analysis include Monte Sereno (3-D drawing) and Saratoga (streetscape).
<table>
<thead>
<tr>
<th>City/Jurisdiction</th>
<th>Median Income</th>
<th>Population</th>
<th>Link to Design Review Ordinance</th>
<th>Link to Residential Design Guidelines</th>
<th>Link to Design Review Application</th>
<th>City Web Site / Planning Departments</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monte Sereno</td>
<td>$181,719</td>
<td>3,338</td>
<td><a href="https://www2.municode.com/library/ca/monte_sereno/codes/code_of_ordinances?nodeId=MUCO_TIT10PLZO_CH10.08SIDEPE">Link</a></td>
<td><a href="http://www.montesereno.org/DocumentCenter/Home/View/636">Link</a></td>
<td><a href="http://www.montesereno.org/DocumentCenter/Home/View/653">Link</a></td>
<td><a href="http://www.montesereno.org/2152/Planning-Department">Link</a></td>
<td></td>
</tr>
<tr>
<td>Portola Valley</td>
<td>$170,208</td>
<td>4,326</td>
<td><a href="https://www2.municode.com/library/ca/portola_valley/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.64ARSIPLPE">Link</a></td>
<td><a href="http://portolavalley.net/home/showdocument?Id=147">Link</a></td>
<td><a href="http://portolavalley.net/home/showdocument?Id=201">Link</a></td>
<td><a href="http://www.portolavalley.net/building-planning/building-planning-department">Link</a></td>
<td></td>
</tr>
<tr>
<td>Orinda</td>
<td>$157,500</td>
<td>17,599</td>
<td><a href="https://www2.municode.com/library/ca/orinda/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.30DERE">Link</a></td>
<td><a href="https://cityoforinda.app.box.com/s/yh3cgfrwx1gcq5q93xwir9ny45a33gq3">Link</a></td>
<td><a href="https://cityoforinda.app.box.com/s/yh3cgfrwx1gcq5q93xwir9ny45a33gq3">Link</a></td>
<td><a href="http://www.cityoforinda.org/index.aspx?Type=B_BASIC&amp;SEC=%7B9FD1BEA0-D9CB-45EF-46AB-DA3FF5A6DEAA%7D">Link</a></td>
<td></td>
</tr>
<tr>
<td>City/Jurisdiction</td>
<td>Median Income</td>
<td>Population</td>
<td>Link to Design Review Ordinance</td>
<td>Link to Residential Design Guidelines</td>
<td>Link to Design Review Application</td>
<td>City Web Site / Planning Departments</td>
<td>NOTES</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------</td>
<td>------------</td>
<td>---------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>La Canada / Flintridge</td>
<td>$148,214</td>
<td>20,248</td>
<td><a href="http://qc">http://qc</a> ode.us/codes/lacanadanfringe/view.php?topic=11...frames=off</td>
<td><a href="https://docs.google.com/a/lfc.ca.gov/viewer?a=v&amp;pid=sites&amp;srcid=SGQmltnHHmRhidvniXRkWmI...12Y3VnW2i3Z0">https://docs.google.com/a/lfc.ca.gov/viewer?a=v&amp;pid=sites&amp;srcid=SGQmltnHHmRhidvniXRkWmI...12Y3VnW2i3Z0</a></td>
<td></td>
<td><a href="http://www.lcf.ca.gov/design-commission">http://www.lcf.ca.gov/design-commission</a></td>
<td></td>
</tr>
</tbody>
</table>

As of 5/29/2016
<table>
<thead>
<tr>
<th>City/Jurisdiction</th>
<th>Median Income</th>
<th>Population</th>
<th>Link to Design Review Ordinance</th>
<th>Link to Residential Design Guidelines</th>
<th>City Web Site / Planning Departments</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manhattan Beach</td>
<td>$132,752</td>
<td>34,986</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td><a href="http://www.ci.manhattan-beach.ca.us/city-officials/community-development/planning-zoning">http://www.ci.manhattan- beach.ca.us/city-officials/community-development/planning-zoning</a></td>
</tr>
<tr>
<td>Moraga</td>
<td>$121,875</td>
<td>16,033</td>
<td><a href="https://www2.municode.com/library/ca/moraga/codes/code_of_ordinances?nodeid=MOCA_TIT8PLZ00CH8.72DERE">https://www2.municode.com/libra ry/ca/moraga/codes/code_of_ordinances?nodeid=MOCA_TIT8PLZ00 CH8.72DERE</a></td>
<td><a href="http://www.moraga.ca.us/dept/planning/docs/AmendedDesignGuidelines012710appendix.pdf">http://www.moraga.ca.us/dept/pl anning/docs/AmendedDesignGuid elines012710appendix.pdf</a></td>
<td><a href="http://www.moraga.ca.us/dept/planning/docs/Applications/SFRDRBAapp022013.pdf">http://www.moraga.ca.us/dept/pl anning/docs/Applications/SFRDR BAapp022013.pdf</a></td>
<td><a href="http://www.moraga.ca.us/dept/planning/about">http://www.moraga.ca.us/dept/pl anning/about</a></td>
</tr>
<tr>
<td>City/Jurisdiction</td>
<td>Median Income</td>
<td>Population</td>
<td>Link to Design Review Ordinance</td>
<td>Link to Residential Design Guidelines</td>
<td>Link to Design Review Application</td>
<td>City Web Site / Planning Departments</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------</td>
<td>------------</td>
<td>---------------------------------</td>
<td>---------------------------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Del Mar</td>
<td>$114,531</td>
<td>4,175</td>
<td>N/A</td>
<td>N/A</td>
<td><a href="http://www.delmar.ca.us/DocumentCenter/Home/View/422">link</a></td>
<td><a href="http://www.delmar.ca.us/DocumentCenter/View/1318">link</a></td>
</tr>
<tr>
<td>Carmel *</td>
<td>$93,340</td>
<td>3,842</td>
<td>N/A</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>$90,855</td>
<td>13,236</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td><a href="http://www.ci.solana-beach.ca.us/index.asp?SEC=4459C1D7-9FF7-4988-92FF-D6EC82F593E&amp;Type=B_BASIC">link</a></td>
</tr>
<tr>
<td>Laguna Beach</td>
<td>$94,325</td>
<td>23,250</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td><a href="http://lagunabeachcity.net/civicax/filebank/blobdload.aspx?BlobID=8790">link</a></td>
</tr>
<tr>
<td>Santa Barbara</td>
<td>$63,758</td>
<td>90,412</td>
<td><a href="http://www.santabarbaraca.gov/services/planning/design/default.asp">link</a></td>
<td><a href="http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17333">link</a></td>
<td>TBD</td>
<td><a href="http://www.santabarbaraca.gov/services/planning/">link</a></td>
</tr>
</tbody>
</table>

CITIES WITH RELATED ISSUES BUT OUTSIDE THE STATED CRITERIA