On February 16, 2016, the City Council received a first quarter update from the Ad-Hoc Development Review Process Citizens’ Advisory Committee. At that meeting, Committee Chair Feder presented the Council with a preliminary list of nine distinctive problem areas related to the effectiveness of the DRB and the City’s Design Review processes. These problem areas were established from information presented to the Committee during months of public testimony gathered from applicants and neighboring residents of past residential Design Review projects. The Council directed the Committee to work on potential solutions for some of the problem areas that could be immediately addressed.

On June 6, 2016, the Committee’s first three work products for addressing the preliminarily identified problem areas were presented to the Council for review and feedback. The documents included: 1) a proposed revision to the Citizens’ Participation Process (CPP); 2) a Community Guide to Understanding the Design Review Process; and 3) “Good Neighbor” Handbook for Navigating the Design Review Process. The City Council adopted the informational Community Guide and Good Neighbor Handbook, with direction given to Planning and Legal staff to review the documents for any needed changes and to submit the final documents to the Committee liaisons for approval of any revisions prior to public release.

Regarding the Committee’s proposed revisions to the CPP process, Council directed Planning staff to review the proposed revisions to the CPP process and return to the Council with advisory comments and potential draft language for future municipal code amendments. Council expressed concerns regarding several items, and asked for additional information to be provided regarding the role of the ombudsman; specificity about the type of 3D models expected; and measurements of the revised processes’ success. Staff is currently following Council’s direction and after working with the City Attorney’s Office on proposed language will be returning to the September 6, 2016 Council meeting with comments and suggestions for implementing the Committee’s proposed CPP revisions.
The Committee is now presenting to the City Council its second 2016 quarterly update. Attached to this memo is a transmittal from Chair Feder containing the Committee’s “Phase 2 List of Problems and Concerns.” Following the preliminary list presented to the Council in February, the Committee’s updated list narrows the focus of the issues identified through research and public testimony to five main areas of concern regarding the City’s residential design review processes.

Staff recommends that the City Council provide the Committee with feedback, affirmation of the issues/problems presented, and direction for proceeding with the formulation of potential solutions to the problems identified with the residential design review processes.

Attachment: Committee Executive Report/Transmittal
EXECUTIVE REPORT / TRANSMITTAL MEMO

DATE: JULY 18, 2016

TO: DEL MAR CITY COUNCIL

FROM: AD HOC DEVELOPMENT REVIEW PROCESS CITIZEN'S ADVISORY COMMITTEE
       HAROLD FEDER, CHAIR

RE: QUARTERLY REPORT/PHASE 2 PROBLEMS AND CONCERNS

The Ad Hoc Committee’s Work Plan, which was affirmed by the City Council on September 22, 2015, specifies that quarterly reports be made to the City Council. On February 16, 2016, the Council approved a quarterly report, which included a “Preliminary List of Problems and Concerns” relative to the residential Design Review process. At this time, the Council also directed the Ad Hoc Committee to recommend potential solutions to the nine problems identified in the “Preliminary List,” and to continue working to complete the list of problems.

Recommended solutions to some of the problems on the “Preliminary List,” including modifications to the Citizen’s Participation Program (CPP), were approved by the Council on June 6, 2016. The Committee has now prepared a “Phase 2 List of Problems and Concerns,” which brings the problem-identification stage of the Ad Hoc Committee’s work to a close.

Phase 2 List of Problems and Concerns

At its meeting on June 28, 2016, the Ad Hoc Committee approved a “Phase 2 List of Problems and Concerns,” which is attached as Exhibit A. The Phase 2 List includes citations that reference most of the relevant chapters of the Design Review Ordinance, Community Plan, and Land Conservation Ordinance.

The Committee believes that many of the identified problems stem from a lack of understanding and inadequate education for neighbors, applicants, and DRB members, as well as insufficient transparency and objectivity in the process and ordinances.

The Ad Hoc Committee is requesting that the Council affirm the Phase 2 List and provide additional direction to the Ad Hoc Committee so that it can proceed with identifying potential solutions to the problems.
Preliminary List of Problems and Concerns & Presentation of Remaining Solutions

Unresolved problems on the “Preliminary List of Problems and Concerns,” such as subjectivity, application requirements, etc., are directly related to the problems on the Phase 2 List. The Committee intends to provide recommended solutions to the unresolved problems on the “Preliminary List” as part of the Phase 2 problem-solving exercise.

Progress of the Committee

To date, the Committee has conducted 20 public meetings, including special workshops with the following stakeholder groups: applicants’ representatives (architects, planners, etc.); Design Review Board members; applicants and neighbors who have participated in the Design Review process; Planning Commission members, and Del Mar residents.

A summary of the feedback received by the Committee at these meetings has been organized by topic (“Design Review Issues Outline”) and is accessible from the Ad Hoc Committee’s web page on the City’s website: http://www.delmar.ca.us/DocumentCenter/View/2140.

Subcommittees

The Committee’s five subcommittees—CPP; DRO; Related Development Ordinances; Zoning Code; and Research—have been meeting since December 2015.

The Research subcommittee developed a Comparative Jurisdictions Research table on May 14, 2016, which was reviewed by the Council on June 28, 2016. The Comparative Jurisdictions Research table includes links to planning department websites, design guidelines, design review ordinances, and design review applications for 22 “income peer” cities in California, and is an important tool in our efforts to recommend possible solutions to identified problems, based on proven solutions that are used in other jurisdictions. The Comparative Jurisdictions Research table has been attached for your reference.

Attachments:

A. Phase 2 Problems and Concerns List
B. Research Table: Comparable Jurisdictions
C. PowerPoint for Chairman Harold Feder’s presentation before the Council on 7/19/2016
Del Mar Ad Hoc Development Review Process
Citizens’ Advisory Committee

DRAFT: PHASE 2 PROBLEMS & CONCERNS LIST

Discussed at Ad Hoc Meeting 6/28/2016; revised 7/1/2016 per Committee consensus

PROBLEM 1): Ensuring that new residential development is similar in mass, bulk, and scale to the immediate neighborhood

SPECIFIC EXAMPLES

a) Single family residential building bulk/mass as viewed from the street and adjacent properties
b) Definition of Neighborhood/Neighborhood Compatibility
c) Reducing the effective bulk of hillside development
d) Encouraging the retention/remodeling of existing homes to preserve neighborhood character
e) The lack of zoning design standards that reflect neighborhood diversity within our community
f) Non-FAR bulk and mass/definition of “Floor Area”

RELEVANT CITATIONS

1) DRO 23.08.077 C. The design is out of scale with other structures in the neighborhood.
2) DRO 23.08.077 D. The design is not harmonious with or is functionally incompatible with the surrounding neighborhood in one or more of the following respects: 2. Structural siting on the lot; 3. Existing improvements or natural elements in the area; Architectural features and ornaments; 5. Type and quality of material.
3) DRO 23.08.077 E. The component elements of the design are not in proportion to one another.
4) DRO 23.08.078 A. The proposed development fails to coordinate the components of exterior building design on all elevations with regard to color, materials, architectural form, and detailing to achieve design harmony and continuity.
5) DRO 23.08.078 B. The proposed development fails to limit the number of materials on the exterior face of the building resulting in inharmonious design and lack of continuity.
6) DRO 23.08.078 E. The proposed development fails to limit the amount of design components that unnecessarily add bulk and mass to the building but which are not calculated as floor area ratio (FAR) pursuant to DMMC Title 30, the Zone Code. [Ord. 647, Sec. 2]
7) DRO 23.08.076 I. The proposed development fails to utilize landscaping to effectively compliment building elevations and soften the appearance of structures.
8) DRO 23.08.077 L. The proposed development fails to avoid similar or identical building facades on the same or adjacent parcels.
9) DRO 23.08.072 I. The proposed development does not functionally use open space between separate structures.
10) DRO 23.08.077 B. The design detracts from the natural beauty of the coastal area.
PROBLEM 2): Retaining and enhancing the open and natural atmosphere of Del Mar

SPECIFIC EXAMPLES

a) Protecting the Del Mar streetscape.

b) Achieving water efficiency and consistency with Climate Action Plan goals in landscape plans.

c) Environmental impact/Protecting natural landforms and established landscaping from unreasonable modification.

d) Preserving access to public views.

RELEVANT CITATIONS

1) DRO 23.08.072 B. The design will create a private or public nuisance.

2) DRO 23.08.072 E. The design will cause the surrounding neighborhood to depreciate materially in appearance or value.

3) DRO 23.08.076 K. The proposed development fails to minimize hardscape surfaces and limit excessive paving.

4) DRO 23.08.076 A. The natural state topography or landscaping is not being preserved insofar as practical, by minimizing tree and soil removal.

5) DRO 23.08.076 C. The proposed development does not minimize the disruption of existing natural features such as trees and other vegetation, natural ground forms, and view.

6) DRO 23.08.076 D. The proposed development fails to blend the proposed grading with the contours of adjacent properties.

7) DRO 23.08.076 F. The proposed development unreasonably disrupts the existing natural topography or vegetation.

8) DRO 23.08.076 J. The proposed development uses landscaping which is not well suited to Del Mar’s climate without the use of extensive irrigation.

9) Community Plan Environmental Management Element Goal 3.F.4. Promote site development that Limits impact on and protects the natural integrity of topography, drainage systems, and water bodies.

10) Community Plan Environmental Management Element Goal 1.G.8. Hazard and resource areas with the following characteristics shall be considered questionable and in some areas possibly unsuited for urban development and should only be allowed to develop if development can be done in accordance with the City of Del Mar and NPDES requirements: flood prone areas: wetlands; riparian corridors and areas generally with slopes of 25% grade or greater.

11) Community Plan Environmental Management Element Goal 1.E.5. Establish special controls to protect the natural environment in areas of bluffs, slopes, and canyons having special conservation sensitivity.

12) Community Plan Environmental Management Element Goal H.4. Insure that future development results in a minimum disturbance of existing or natural terrain and vegetation and does not create soil erosion, silting of lower slopes, slide damage, flooding problems and/or severe cutting or scarring.

13) Land Conservation Permit DMMC 23.33.040 Denial of Application. The application shall be approved unless the Design Review Board makes one or more of the following findings based upon the evidence submitted at the public hearing: B. The proposed excavation or grading project will force the topography to be subservient to the development of the site; D. The excavation or grading project will alter the natural formations unnecessarily; E. The excavation or grading project does not provide for the restoration of the natural state of the site, to the degree feasible; F. The excavation or grading project does not minimize the loss of major vegetation, to the degree feasible.
PROBLEM 3): Need for “Good Neighbor” design principles / Relationship to adjacent properties

SPECIFIC EXAMPLES
a) Minimizing the privacy intrusions on adjacent homes from new development including the placement, location, and size of decks, doors and windows, etc.
b) Minimizing nuisance noise impacts and impacts from outdoor lighting such as glare, light trespass, sky-glow.

RELEVANT CITATIONS
1) DRO 23.08.072 D. The design will create an unreasonable invasion of the privacy of neighboring properties.
2) DRO 23.08.072 J. The proposed development locates structures so as to unreasonably, adversely impact upon outdoor areas on adjacent properties.
3) DRO 23.08.077 F. The design would adversely affect the lighting or noise quality of the local neighborhood.
4) DRO 23.08.077 I. The proposed development fails to minimize noise created by the proposed project (traffic, air conditioning, use, etc.) that may negatively impact the proposed project.
5) DRO 23.08.077 K. The exterior lighting is not functional, subtle or architecturally integrated with the building’s style, materials, or colors.

PROBLEM 4): Preserving access to private views

SPECIFIC EXAMPLES
a) Documentation of view obstruction and primary view determination.
b) Design/placement of structures and landscaping to maximize and preserve views.

RELEVANT CITATIONS
1) DRO 23.08.077 H. The proposed development unreasonably encroaches upon primary scenic views of neighboring property.

PROBLEM 5): De Novo City Council hearings for DRB appeals

SPECIFIC EXAMPLES
a) The appeals process can undermine the authority of the DRB.

RELEVANT CITATIONS
1) DMMC Chapter 1.12 APPEALS: 1.12.050 Matter Set For Hearing. If the City Council determines to hear the matter:
   A. The determination of the subordinate authority shall be deemed advisory only.
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**CITIES WITH RELATED ISSUES BUT OUTSIDE THE STATED CRITERIA**

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* SPECIAL NOTE: Carmel does a site assessment & survey before design starts to determine property issues. City reached out to real estate agents to get them on board with strict guidelines so people buying homes have realistic remodel/rebuild expectations; most applicants have attorneys who resolve problems less emotionally than homeowners.
REPORT TO THE CITY COUNCIL

Phase 2 Problems & Concerns

Del Mar Ad Hoc Development Review Process Citizens’ Advisory Committee

Harold Feder, Chair

July 18, 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
PHASE 2 PROBLEMS & CONCERNS

Discussed at Ad Hoc Meeting 6/28/2016
Revised per Committee consensus

Based on the work of the Ad Hoc Committee’s subcommittees and Committee discussion, there was a unanimous vote of the Committee on June 28, 2016 to present the following five Phase II problems and concerns to the City Council for their consideration and direction in terms of finding solutions.
PROBLEM 1):
Ensuring that new residential development is similar in mass, bulk, and scale to the immediate neighborhood

SPECIFIC EXAMPLES

a) Single family residential building bulk/mass as viewed from the street and adjacent properties
b) Definition of Neighborhood/Neighborhood Compatibility
c) Reducing the effective bulk of hillside development
d) Encouraging the retention/remodeling of existing homes to preserve neighborhood character
e) The lack of zoning design standards that reflect neighborhood diversity within our community
f) Non-FAR bulk and mass/definition of “Floor Area”
PROBLEM 2):
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SPECIFIC EXAMPLES

a) Protecting the Del Mar streetscape.

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d) Preserving access to public views
PROBLEM 3):
Need for “Good Neighbor” design principles
Relationship to adjacent properties

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a) Minimizing the privacy intrusions on adjacent homes from new development including the placement, location, and size of decks, doors and windows, etc.

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SPECIFIC EXAMPLES

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*De Novo* City Council hearings for DRB appeals

SPECIFIC EXAMPLES

a) The appeals process can undermine the authority of the DRB.