



## CITY OF DEL MAR CITY COUNCIL POLICY BOOK

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### POLICY

Pursuant to the State of California Government Code §65450 – 65457, the City of Del Mar utilizes the Specific Plan process as a means to ensure development complies with the intent and goals of the Del Mar Community Plan when addressing zoning changes and Central Commercial (Measure B) development.

Any Specific Plan, regardless of whether it is prepared by an applicant or the City of Del Mar, becomes the City of Del Mar’s legislative policy. The City of Del Mar holds the final discretion as to the preparation and acceptance of any draft or final Specific Plan. As such, the final document is at the discretion of the City of Del Mar and the final decision as to initiate and/or adopt a Specific Plan lies with the City Council.

This policy sets forth processing guidelines to formalize the community outreach, legislative and discretionary actions required for, and during, the processing of a Specific Plan. The policy is intended to provide consistency to the application process and to set orderly scheduling parameters for applications involving both legislative and discretionary review. This policy shall be applicable to all Specific Plan applications, including those in process at the time of Policy adoption. This policy does not supersede required contents or actions of the State of California Government Code, CEQA, Resolution 87-114 Downtown Initiative, commonly known as Measure B, or other ordinances of the City of Del Mar.

This policy identifies two processes that may be undertaken, depending upon any Del Mar discretionary review permits (DRB, Coastal Development Permit, etc.) necessary.

**Concurrent Process:** The Concurrent Process processes any Del Mar discretionary permits concurrently with the Specific Plan and other legislative actions. This process could be utilized in most Measure B Specific Plans as well as Specific Plans developed for particular projects in other zones than the Central Commercial (CC) to which Measure B applies.

**Sequential Process:** The Sequential Process processes the Del Mar discretionary permits at a point in time after the adoption of the Specific Plan and other legislative actions. The Specific Plan will still specify the overall massing (height, bulk, mass, floor area ratio, setbacks/step-backs), general siting and other zoning stipulations as appropriate with the legislative action. Future discretionary review for Del Mar permits and entitlements will occur against these adopted legislative criteria and must be in compliance with such.



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## SPECIFIC PLAN PROCESSING GUIDELINES

### PROCESSING ACRONYMS:

<b>CC = City Council</b>	<b>PC = Planning Commission</b>
<b>CEQA = Environmental Review/Document</b>	<b>DRB = Design Review Board</b>
<b>CPP =Community Participation Program</b>	<b>LCPA = Local Coastal Program Amendment</b>
	<b>SP = Specific Plan</b>

## PROCESS BEFORE APPLICATION IS DEEMED COMPLETE

**[SP 1] Legislative Action Initiation:** Interested land owner(s)/developer(s) (Applicant) seeks City Council approval to either: process a Specific Plan for a project subject to Measure B as required by the Municipal Code for a Measure B development project; or to change the existing land use designation and zoning of property outside the CC zone as applicable through the use of a Specific Plan. Specific information regarding the processing of a Specific Plan pursuant to Measure B is located at the end of this policy document.

The City Council may, at its discretion, also initiate a Specific Plan for one or more properties within the City regardless of ownership. This process would follow the same processing guidelines and is referred to as a “City Initiated Specific Plan” where needed throughout this policy.

The determination of whether or not to initiate the Specific Plan process is a decision of the City Council. Such decision will occur at a regularly noticed meeting of the City Council and be initiated by resolution of the City Council. At such initiation, a determination of the processing option will be made by the City Council (either Concurrent with any Del Mar discretionary permits; or Sequential processing with Del Mar discretionary permits processed at a later date). At any time, the City Council reserves the right to assign two City Councilmember Liaisons to the process.

**[SP 2] Specific Plan Application:** Applicant shall submit all necessary applications and establish a deposit account for the Specific Plan, other legislative actions as applicable (e.g. General Plan Amendment, Local Coastal Program Amendment) and the Environmental Assessment, as required by the City’s adopted Fee Schedule. All costs associated with the preparation of the Specific Plan, all related CEQA documentation, permit documents, and all other technical studies as required by staff, discretionary review bodies or the City Council, as well as staff time for management and review shall be borne in full by the project applicant(s) as stipulated in the City’s adopted Planning Fee Schedule. This includes any independent (third party) analysis of materials submitted by the applicant, specialty technical studies necessary for the decision makers, or review materials requested by the City.

Note that a complete project description will be required to begin the City’s process of initiating CEQA review as required.



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Upon receipt of the application, an initial meeting will be conducted between City Staff and applicant(s) to review the application of these guidelines to their specific project. The applicant will also provide an anticipated timeline for submission of required documents, including the draft Specific Plan and any supporting technical studies. Following the meeting, a memorandum will be prepared by staff in order to document the application of these guidelines and the target schedule. Said memorandum will be signed and accepted by the applicant and maintained in the project file. Based upon project information, the City retains the right to modify the memorandum. Absent any signed agreement, the City retains the right to interpret and apply the guidelines accordingly. The Specific Plan document and any associated plans (as required) must be provided for the application to be deemed complete [SP 5].

The applicant must provide an adequate project description and associated exhibits to initiate the CEQA compliance documents.

**[SP 3] Specific Plan Scoping:** Staff-level project scoping meeting with applicant to identify potential issues regarding:

- Contents of the Specific Plan, including all State required elements as well as local content necessary for the decision maker.
- Requirements for the Community (General) Plan Amendment, Local Coastal Program Amendment and other legislative actions, as necessary for the particular project
- Public infrastructure, streets, engineering issues
- Relationship to adjacent public rights-of-way, City property (if any)
- Impact on City services, public resources and programs, etc.
- Requirement for Exceptional Public Benefits for those projects requesting development rights in excess of current city zoning on the property (development bonus). Evidence shall be provided and justification and specific findings shall be made in the Specific Plan to support that the development bonus is justified by exceptional public benefits provided by the Plan.
- Other topics as dictated by the application and conditions set by the city.

**[LCPA 1] Coastal Commission Staff Early Discussion:** Staff meeting with California Coastal Commission staff, if needed, for early discussion of the project proposal and to solicit early concerns or comments from Coastal staff

**[CPP 1] First Citizens' Participation Program Meeting:** The applicant is required to conduct a public outreach meeting in conformance with the "Initial Public Outreach" provisions of DMMC Section 23.08.068 (A-1-a) "Citizens' Participation Program". Refer to DMMC 23.08 for complete requirements.

**[CEQA 1] CEQA Initiation:** City of Del Mar Selection of Environmental consultant for completion of Initial Study and appropriate CEQA compliance documentation, including an Environmental Impact Report (EIR) or other required environmental documentation.

The CEQA process will follow the City's CEQA guidelines and State Law and will be the City's environmental compliance documentation. CEQA documentation will be prepared by the City's consultant at the expense of the applicant(s).



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**[CEQA 2] CEQA Scoping:** A CEQA Notice of Preparation (NOP) of any CEQA compliance documentation such as an Environmental Impact Report (EIR) will be prepared by the City (City’s consultant) with information provided by the applicant. A public Scoping Meeting will be conducted, if required.

**[PC 1] Planning Commission Introductory Workshop:** Staff and applicant presentation provided to the Planning Commission, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting (if applicable).

**[DRB 1] Design Review Board Introductory Workshop:** Staff and applicant presentation provided to the Design Review Board, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting.

**[CEQA 3] Draft CEQA Documentation Preparation:** Concurrent preparation of the Specific Plan document/project design (by applicant) with the CEQA processing and preparation of the appropriate environmental documentation (by City’s CEQA consultant or staff), as required.

**[SP 4] Specific Plan Community Outreach:** Additional public outreach is performed at various stages of the development project design in accordance with the applicant’s project specific processing plan, adopted by City Council in step SP-1 of this processing document. This is recommended at the time when conceptual building location(s), massing, and heights are created.

**[SP 5] Draft Specific Plan:** Draft Specific Plan document and accompanying conceptual design plan is submitted by the Applicant for City Staff review and incorporation into the environmental review (project deemed “complete.”). The level of detail and contents of the Specific Plan and any associated conceptual design plans will be specified on a project by project basis as early in the process as practicable and in consultation with the applicant.

### **FORMAL PROCESSING (APPLICATION DEEMED COMPLETE)**

**[LCPA 2] Coastal Commission Staff Discussion:** Second staff initiated meeting with California Coastal Commission staff to review conceptual design (if appropriate).

**[CEQA 4] Draft CEQA documentation review:** Public review of draft CEQA documentation, as required

**[PC 2] Planning Commission Workshop:** Non-action, noticed public hearing with the Planning Commission conducted for input during the CEQA public review period of the draft CEQA documentation.

**[CEQA 5] Response to Comments:** For projects with CEQA documentation, prepare written responses to public comment on CEQA documentation and prepare the final CEQA documents.



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*FOR SPECIFIC PLANS PROCESSED CONCURRENTLY WITH DISCRETIONARY PERMITS (REQUIRES FULLY DEVELOPED ARCHITECTURAL PLANS), CONTINUE FOLLOWING THE PROCESS BELOW ENTITLED “CONCURRENT PROCESSING.”*

*FOR PROJECTS WHERE THE APPLICANT AND THE CITY AGREE TO CONDUCT THE DISCRETIONARY PERMITS AFTER SECURING THE LEGISLATIVE ACTIONS, SKIP BELOW TO THE NEXT SECTION ENTITLED “SEQUENTIAL PROCESSING.”*

### **CONCURRENT PROCESSING**

**[CPP 2A] Second Citizens’ Participation Program Meeting:** The applicant is required to conduct a public outreach meeting in conformance with the “Project Proposal Meeting” provisions of DMMC Section 23.08.068 (A-1-b) “Citizens’ Participation Program”, which includes, at a minimum, the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility. Refer to DMMC 23.08 for complete requirements.

**[DRB 2A] Discretionary Permit Application Materials:** Applicant’s submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate) per DMMC requirements.

**[DRB 3A] Design Review Board Hearing(s):** Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing according to DMMC 23.08 and recommendation to the City Council for action.

**[DRB 4A]** Additional Design Review Board meeting(s) as needed for recommendation to City Council.

**[PC 3A] Planning Commission Hearing(s):** Planning Commission review and recommendation to City Council on the certification of the CEQA documentation and approval of the Specific Plan, Community (General) Plan Amendment, Local Coastal Program Amendment (as applicable).

**[CC 1A] City Council Adoption/Certification Hearing(s):** Noticed public hearing and action on the CEQA documentation, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council. If no public vote is required (non-Measure B project), the Council would also take action on all required discretionary permits. Discretionary permits would be conditioned for those projects requiring a Measure B vote.

**[VOTE A] Measure B Vote (if necessary):** Public vote required for Measure B Specific Plans only. (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.

**[LCPA 3A] LCPA Certification:** Review and approval of LCPA by California Coastal Commission. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.



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## SEQUENTIAL PROCESSING

**[DRB 2B] Story Poles for Legislative Hearing:** Story poles are to be placed on the development site for consideration of proposed structural massing and location by the Design Review Board in step DRB 3B.

**[DRB 3B] Design Review Board Hearing(s):** Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing and recommendation to the City Council for action on the Specific Plan design related elements (building height, massing and location only).

**[DRB 4B]** Additional Design Review Board meeting(s) if needed for recommendation to City Council.

**[PC 3B] Planning Commission Hearing(s):** Planning Commission review and recommendation to City Council on the certification or adoption of completed CEQA documents and on the Specific Plan, General Plan Amendment, Local Coastal Program Amendment.

**[CC 1B] City Council Hearing(s):** Noticed public hearing and action on CEQA documents, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council, as needed, for approval, conditional approval, or denial of Legislative actions.

**[VOTE B] Measure B Vote (if necessary):** *Public vote required for Measure B Specific Plans only.* (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.)

**[LCPA 3B]** Review and approval of LCPA by California Coastal Commission, if needed. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.

**City of Del Mar Discretionary Permits:** Following the final action on the Specific Plan and LCPA, any applicant within the Specific Plan area may submit for Discretionary Permits. These may happen at any time and may be for all or part of the properties within the Specific Plan area.

**[CPP 2B] Citizens' Participation Program Meeting:** The applicant is required to conduct a public outreach meeting in conformance with the "Project Proposal Meeting" provisions of DMMC Section 23.08.068 (A-1-b) "Citizens' Participation Program", which includes the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility.

**[DRB 5B] Discretionary Permit Applications:** Submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate).

**[DRB 6B] Design Review Board Hearing:** Design Review Board meeting and public hearing to review and conditionally approve the architectural plans (DRB) and Coastal Development Permit



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(CDP). The DRB approvals/permit entitlements are subject to appeal to the City Council and will not be effective until the Specific Plan is approved by the City Council and unconditionally certified by the Coastal Commission.

Exhibit A – Diagram for “Concurrent” Specific Plan Processing

CONCURRENT PROCESS

