



**CITY OF DEL MAR
CITY COUNCIL POLICY BOOK**

115	REVIEW PROCESS FOR AMENDMENTS TO PREVIOUSLY APPROVED SPECIFIC PLANS THAT LACK AMENDMENT PROVISIONS	DATE ADOPTED:	10-29-2018
		BY RESOLUTION:	2018-79
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POLICY:

Purpose: As with any land use document, future amendments may be necessary and appropriate, either to modify a policy or regulation of a Specific Plan or to clarify its language or exhibits. This Policy sets forth the review processes for amendments to two existing Specific Plans, the Del Mar Plaza and Del Mar Hotel Specific Plans which were approved in the late 1980s by the Del Mar City Council and the City’s electorate pursuant to the then-applicable Measure B citizens’ initiative. At the time of adoption, neither of the two Specific Plans included a section or chapter on procedures for the review of future Specific Plan amendments. The City Council’s July 2, 2018 determination that the provisions of Measure B were no longer applicable resulted in a need to establish amendment procedures that, in the case of these two Specific Plans, would have otherwise been governed by Measure B. This policy sets forth those procedures. It is applicable solely to the Del Mar Plaza and Del Mar Hotel Specific Plans.

Process for Adoption of Specific Plan Amendments: The procedures for amendment to a Specific Plan subject to this Policy shall be by ordinance or resolution, as specified by State of California Government Code 65453(a), through a public hearing before the City Council and pursuant to the Del Mar Municipal Code.

Classification of Specific Plan Amendments: The review processes for an amendment(s) to a Specific Plan subject to this Policy vary, depending on the extent of the modification to, or deviation from, the approved Specific Plan. Amendments are categorized as Tier-One, Tier-Two or Tier-Three Amendments, as described below.

- A. The following constitutes a Tier-One Amendment:
 1. A modification to the Specific Plan which triggers the requirement for a Community Plan Amendment.
 2. Increases in building height in excess of the existing Specific Plan allowances.

Examples:

- Any increase in building height in excess of the current Specific Plan allowances for either the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- An addition of a use that is not currently allowed by the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- A change in land use designation to either Specific Plan.



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B. Any of the following constitute a Tier-Two Amendment:

1. A change to the geographic boundaries of the Specific Plan, other than to correct typographical or mapping errors.
2. A change to the applicability of a portion or portions of the Specific Plan to reflect changes in circumstances since the Specific Plan's original adoption under the provisions of Measure B.
3. An increase in the allowable Floor Area Ratio or Lot Coverage maximums identified in the Specific Plan.
4. A change to the categories of uses listed as being allowed in the respective Specific Plans, or a change to limitations or requirements regarding the extent, mix or location of uses, as identified in the Specific Plan.
5. A modification to incorporate and apply Municipal Code regulations or standards which the City Council has already adopted and applied to the adjacent Central Commercial Zone.
6. A modification of the manner in which the amount of required off-street parking otherwise regulated in the specific plan, is calculated, provided or utilized.
7. A modification of the signage regulations identified in the Specific Plan.
8. Any other modification that does not qualify as a Tier-One or Tier-Three Amendment, or as an Exemption, as each are described in this Policy.

Examples:

- Any increase in Floor Area Ratio in excess of the current Specific Plan allowances for either Specific Plan; or
- Any reduction in parking requirements for either the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- A change in geographical boundary which does not also trigger a Community Plan Amendment; or
- Any Specific Plan Amendment not explicitly listed in Tier-One, Tier-Two, or Tier-Three.

C. Any of the following constitute a Tier-Three Amendment:

1. A modification required to satisfy an amendment(s) to municipal ordinances mandated by Federal and/or State law.



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2. A modification required to satisfy a Coastal Commission requirement(s) for certification of any future Local Coastal Program amendment(s) applicable to the Specific Plan.
3. A modification to the designation, design or implementation strategies for public improvements identified in the Specific Plan.
4. A modification to clarify the intent or meaning of the narrative or exhibits contained in one or more sections of the Specific Plan.
5. A decrease in the Floor Area Ratio, building height, or lot coverage maximums identified in the Specific Plan’s zoning regulations.

Approval requirements for Tier-One, Tier-Two and Tier-Three Amendments.

- A. Approval of a Tier-One Amendment shall require an affirmative super-majority (4/5) vote of the Del Mar City Council.
- B. Approval of a Tier-Two Amendment shall require an affirmative simple majority (3/5) vote of the Del Mar City Council.
- C. Approval of a Tier-Three Amendment shall require a resolution by the Del Mar City Manager, or designee, after a public hearing, supported by written findings as to consistency of the proposed amendment with the goals and objectives of the adopted Specific Plan and with such determination posted for public notice at Del Mar City Hall and subject to the Appeal process identified in Chapter 1.12 of the DMMC.
- D. The Planning Commission shall review and make a written recommendation to the City Council on all proposed Tier-One and Tier-Two Amendments.

Specific Plan Amendment Application Requirements: An applicant for an amendment to a Specific Plan shall submit a completed application with graphics, statements, or other information as may be required to support the proposed amendment.

Public Noticing Requirements for Amendments to the Specific Plan: All amendments to a Specific Plan shall be subject to the applicable public noticing requirements of State law and of the DMMC, in effect at the time of the amendment request.

Exemptions from Requirements for a Specific Plan Amendment: The following actions are exempt from the requirement for an amendment to a Specific Plan subject to this City Council Policy:

- A. Corrections of typographical or administrative errors found in the Specific Plan



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- B. Minor modifications to a Specific Plan's area boundaries that respond to more accurate or recent data or actual on-site conditions.
- C. Minor modifications to the architectural or landscape elements that do not increase the allowable building height envelope or floor area ratio limitations, as identified in an approved Specific Plan's zoning regulations. Although exempt from a Specific Plan Amendment, such modifications shall be subject to compliance with applicable provisions of the City's Design Review Ordinance (DMMC Chapter 23.08).
- D. Updating of a Specific Plan's maps, exhibits and/or text to accurately reflect changed or previously unknown conditions. Adoption or modification of a Specific Plan's Tenant Design Manual or set of Implementing Guidelines, each of which shall be subject either to the review process identified in the respective Specific Plan, or, where no such process has been adopted, to City Council approval.

Exemption from Requirement for Concurrent Community Plan Amendment: Unless otherwise required based on its content, an amendment to a Specific Plan shall not, in and of itself, trigger a requirement for a concurrent Community (General) Plan or Local Coastal Program Amendment.