

City of Del Mar
Planning Commission Agenda
Del Mar Town Hall - **VIA TELECONFERENCE ONLY**
1050 Camino Del Mar
Tuesday, January 12, 2021 at 6:00 PM
(or as soon thereafter as practicable)

Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, January 12, 2021 at 6:00 PM

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Ted Bakker
Chair

Philip Posner
Vice Chair

Don Countryman
Commissioner

John Farrell
Commissioner

Claire McGreal
Commissioner

Joseph D. Smith, AICP
Planning & Community
Development Director

Amanda Lee
Principal Planner

Agenda

It is the intention of your Planning Commission to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

Public Participation/Comment

Members of the public can participate in the meeting in writing or telephonically.

Written Comments

Members of the public can participate in the meeting by e-mailing comments to planning@delmar.ca.us by 12:00 p.m. the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. All comments will be transmitted to the Planning Commission prior to the start of the meeting. Comments will not be read into the record

Telephonic Participation

Members of the public wishing to make comment telephonically at the meeting must submit a telecomment form www.delmar.ca.us/telecomment through the City's website by 12:00 p.m. the day of the meeting. After you complete the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

Project Applicants/Representatives

Applicants/representatives will be provided a link to participate in the meeting and, unless otherwise noted, for items on the agenda, **applicants and their team of representatives shall limit their [total] presentations to 10 minutes or less.**

Viewing the Meeting and Access to Agenda Materials

Members of the public can watch the meeting live on the City's website at: <http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 6:00 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website only, as City Hall and the Del Mar Library are currently closed to the public. <http://www.delmar.ca.us/AgendaCenter>.

Regular Meetings of the Planning Commission are generally held on the second Tuesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the **City's website at www.delmar.ca.us**, or call the Planning Department's office at 858-755-9313. A full Planning Commission agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's web site the Friday before each Planning Commission meeting.

Meeting will end at 11:00 p.m. unless extended by a majority vote of the Commissioners. If all the items on the agenda are not heard, the remaining items will be heard the following Tuesday (if facilities are available) at 1050 Camino Del Mar.

Consent Calendar: The Consent Calendar is considered by the Planning Commission near the beginning of the agenda. Items placed on the Consent Calendar will be approved in accordance with the staff recommendations for the item unless removed from the Consent Calendar by Commissioners, staff, or a member of the public. If you wish to keep an item from being placed on the Consent Calendar, please submit an email to planning@delmar.ca.us or to the staff member prior to the meeting by 3:30 p.m. the day of the meeting.

This notice will be the only written notice sent. Items, which are continued by the Planning Commission from one Planning Commission meeting to another "date certain" meeting date, will not be re-noticed through the mail.

Final action. The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the Initial Consideration whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (de

novo) public hearing review. If a de novo public hearing is set by the City Council, an additional fee will be required.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Decorum:

All persons attending the Planning Commission meeting shall conduct themselves in a courteous and respectful manner. Comments shall be directed to the members of the Commission, rather than to others in attendance at the meeting. The Chairperson (or Vice Chair or Chair pro-tem in their absence), is designated as the parliamentarian for the meeting. As deemed appropriate, they may interrupt a speaker with instruction to redirect their remarks to relevant points on the agenda item before the Commission. They may also terminate a speaker's oral presentation if comments continue to be non-relevant or become disrespectful.

Note: The entirety of the City of Del Mar is located within the Coastal Zone. Some of the development projects listed on this agenda, as noted, require the receipt of a Coastal Development Permit. Some of these projects may also lie in what is known as the "Coastal Development Appeals Area". For the projects located in the appeals area, the City's action on the requested Coastal Development Permit may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission within the ten calendar days following the Coastal Commission's receipt of a notice from the City of its final action on the Coastal Development Permit application. However, before an appeal may be filed with the Coastal Commission, the City's action on the CDP application must be final, meaning that all of the City's [separate and internal] appeals processes must first be exhausted.

ROLL CALL

APPROVAL OF MINUTES

1. Approval of December 8, 2020 Planning Commission Meeting Minutes

UPDATE

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA
(Oral Communications)

Each person wishing to comment to the Planning Commission on any matter not on the agenda can do so in writing or telephonically. To submit a written comment, email the Planning Department at planning@delmar.ca.us by 12:00 p.m. the day of the meeting. Please note "Public Oral" in the subject line of your email.

If you desire to make comment telephonically, submit a tele-comment form www.delmar.ca.us/telecomment through the City's website by 12:00 p.m. the day of the meeting. After completing the form, City staff will email you the dial in number and detailed instruction on how to call into the meeting.

DISCUSSION AND BRIEFING (Application Items)

CONSENT CALENDAR:

The Planning Commission at the beginning of the meeting can place any item on the agenda upon the Consent Calendar. Consent Calendar items are not subject to public testimony. If you have a concern and wish to present information to the PC, you must be present at the beginning of the meeting to ensure the item will not be placed on consent or write a letter to the PC prior to the meeting expressing why the application should be taken off the Consent Calendar.

NEW APPLICATION(S):

ITEM 1

TTM18-004

CDP18-016

CUP18-004

SV20-001

EA18-002

Location: 690 Serpentine Drive

APNs: 299-192-24, 299-261-14, 299-261-42, 299-261-43, 299-200-62, 299-200-63, 299-200-64, 299-200-65

Applicant: La Atalaya, LLC

Agent: Greg Shannon

Zone: R1-40

Overlay Zone: Bluff, Slope, and Canyon, Lagoon, WUI, Open Space

Staff Contact: Jennifer Gavin, Associate Planner

Environmental Status: The proposed subdivision is subject to review under the California Environmental Quality Act (CEQA). Based on an Initial Study and Determination, staff has prepared a Draft Mitigated Negative Declaration (MND). Pursuant to State Law, the MND was sent to the State Clearinghouse for distribution to appropriate public agencies and was subject to a 30-day review period (SCH Number 2020100558). The review period ended on November 30, 2020.

Description: A request for the Planning Commission's recommendation of City Council approval for: a Tentative Tract Map, Coastal Development Permit, Street Vacation, and Conditional Use Permit to subdivide an existing 18.1 acre site with 8 separate lots into eight (8) reconfigured lots south of San Dieguito Drive, west of Gatun Street, East of Serpentine Drive, and north of Zapo Street and to vacate various public easements. The Planning Commission will also consider an associated draft Mitigated Negative Declaration (EA18-002) for recommendation to the City Council for certification.

ITEM 2
LCPA20-003
GPA 20-004
ZA20-003
RP20-001

Project: Proposed Housing Element Implementation Overlay Zone and Implementation of Programs 2E and 2G in the North Commercial Zone (5th Cycle Housing Element)

Location: North Commercial Zone parcels including APNs 299-100-47-00 and 299-100-48-00

Applicant: City of Del Mar, Planning Department

Description: The proposed actions are required pursuant to the City's existing 5th Cycle Housing Element. State Housing law (Government Code Sections 65583.2(h) and (i)) required the City as part of the 5th Cycle Housing Element Program 2G (required rezone program) to allow housing "by-right" at a density of 20-25 dwelling units per acre on APNs 299-100-47-00 and 299-100-48-00. In order to create additional adequate sites at a sufficient density (allowing at least 20 dwelling units per acre) to accommodate its assigned Regional Housing Needs Assessment (RHNA) obligation for lower income households, the City was also required to take action to allow multiple dwelling unit housing as a use in the North Commercial land use designation per Program 2E. The proposed implementation actions include: (1) Local Coastal Program Amendment (LCPA 20-003) to reflect a new Housing Element Implementation Overlay Zone and change the land use designation and zoning for North Commercial to demonstrate compliance with Housing law and the Coastal Act; (2) Zone Code Amendment (ZA 20-003) to create and implement a new Housing Element Implementation Overlay Zone per Housing Element Program 2G; (3) General Plan (Community Plan) Amendment (GPA 20-004) to amend the North Commercial land use designation per Housing Element Programs 2E and 2G in accordance with State law; and (4) Rezone (RP 20-001) per Housing Element Program 2G that would apply the new Housing Element Implementation Overlay Zone to real property identified as APNs 299-100-47-00 and 299-100-48-00 located in the North Commercial Zone. The proposed Community Plan Amendment will effectively implement 5th Cycle Programs 2E and 2G by processing an amended land use designation and map to allow multiple dwelling unit housing on specified parcels within the NC land use designation per 5th Cycle Program 2E and explicitly identify the two parcels per 5th Cycle Program 2G that allow a higher density of 20-25 dwelling units per acre "by-right". This is a Planning Commission recommendation hearing. The City Council will consider whether to adopt the proposed amendments and rezone in a future noticed public hearing.

Environmental Status: Pursuant to the California Environmental Quality Act (CEQA), the proposed actions on Program 2G have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) and CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of a LCP amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified

City of Del Mar LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code. The proposed actions on Program 2G include corollary amendments to the City's Community (General) Plan and Municipal Code (Zoning). Notwithstanding the applicability of the Statutory Exemption, future development of the two parcels included in Program 2G for multiple-dwelling residential use as affected by the proposed actions, as well as the proposed action on Program 2E have been the subject of prior environmental analysis including the Final Program Environmental Impact Report (PEIR) for the Professional Commercial and North Commercial Zoning Code Amendment (SCH #2019029058) certified by the City Council on September 8, 2020 (Resolution 2020-47) and the 6th Cycle Housing Element Update Final PEIR (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52). Anticipated impacts for the proposed actions have been disclosed in these prior environmental documents and the proposed Housing Element Implementation (HEI) Overlay Zone incorporates standard Mitigation Monitoring and Reporting protocols (see proposed Section 30.92.050) to ensure impacts are minimized consistent with prior environmental documents. No new or substantially greater impacts would result from implementation of Programs 2G and 2E, including the HEI Overlay Zone. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Final PEIRs referenced above, the proposed actions do not require further environmental review. Pursuant to CEQA Guidelines Section 15162(b), no further analysis or environmental documentation is necessary. Accordingly and notwithstanding the applicability of the Statutory Exemption referenced above, the proposed actions are merely a step in furtherance of the original programs for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

Contact Person: Amanda Lee, Principal Planner alee@delmar.ca.us

ADJOURNMENT:

I, Jennifer Gavin, Associate Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday, December 17, 2020.



Jennifer Gavin
Associate Planner