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City of Del Mar
Design Review Board Agenda
Del Mar Town Hall – VIA TELECONFERENCE ONLY
1050 Camino Del Mar
6:00 P.M. (or as soon thereafter as practicable)
Wednesday, November 16, 2022

John Goodkind
Chair

Tina Thomas
Vice Chair

Amy Isackson
Board Member

Beth Levine
Board Member

Glenn Warren
Board Member

Greg Rothnem
Board Member

Philip Szymanski
Ex-Officio (Primary)

Elena Oanta
Ex-Officio (Alternate)

Karen Brindley
Planning and
Community
Development Director

Matt Bator
Principal Planner

***Civility Works: The Del Mar Code of Civil Discourse:
Together we will promote inclusion; listen to understand;
show respect; be clear and fair; and focus on the issue.***

**Remote Regular Meeting
VIA TELECONFERENCE ONLY
Wednesday, November 16, 2022, at 6:00 PM**

In the interest of public health, and consistent with the provisions of Assembly Bill 361 (AB 361) and related resolutions adopted by the Del Mar City Council, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding Design Review Board Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Public Participation/Comment

Members of the public can participate in the meeting by either submitting a written red dot comment via email to planning@delmar.ca.us or by speaking live using the Zoom link and/or dial-in information provided below. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on. Those wishing to comment live should join the Zoom meeting when the item(s) they wish to speak on is announced or at the meeting start time for items not on the agenda.

Zoom Link:

<https://us02web.zoom.us/j/89670991856?pwd=bkZvRTlDM1FqREMxeVE2c0czdndGUT09>

Phone: (669) 900-6833
Meeting ID: 896 7099 1856

While registration is not required, staff recommends members of the public submit an optional tele-comment request form (www.delmar.ca.us/telecomment) to assist with speaker management during the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

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 <http://www.delmar.ca.us/AgendaCenter>.

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

The Design Review Board is composed of seven (7) Del Mar residents appointed by the City Council and an eighth member known as an ex-officio member. The ex-officio is a design professional appointed by the City Council to provide the DRB members with input on architectural questions. The ex-officio is not a voting member of the Design Review Board.

Regular Meetings of the Design Review Board are held on the fourth Wednesday of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the City's web-site at www.delmar.ca.us, or call the Planning Department's office at 858-755-9313.

Consent Calendar: Items are eligible to be placed on the Consent Calendar if no concerns regarding their consistency with the Design Review Ordinances are raised by the Design Review Board members or the public. Agenda items on the Consent Calendar will be voted on as a block and these items will not have full public hearings. In placing an item on the Consent Calendar, the Board members are making the determination that after reading the staff report and visiting the site, the project as conditioned by staff, is consistent with the DRO. Any member of the public can have an item removed from the Consent Calendar and given a full hearing by sending an email expressing their concern. The Consent Calendar is considered by the Design Review Board near the beginning of the agenda.

Final Action: The decision of the Design Review Board 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 Design Review Board'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 Administrative Services Department via email at cityclerk@delmar.ca.us or by calling 858-755-9313, preferably at least 48 hours in advance of the meeting if possible.

Correspondence: Please direct correspondence to the Planning staff member noted as the "Contact Person" under the agenda item. Staff will distribute correspondence received on application items to DRB members based on the following schedule:

- Received prior to the Wednesday of the week before the DRB hearing: Reproduced and included in the exhibits(s) for the corresponding staff report.
- Received starting on Thursday of the week prior to the DRB meeting up until 3:30 p.m. on the day of the DRB hearing: Scanned, e-mailed to DRB members and uploaded to City's website.
- Received after 3:30 p.m. on the day of the DRB meeting: Uploaded to City's website

NOTE: The DRB members have expressed their preference that correspondence be submitted as early as possible so that they may have adequate time to review the material.

All correspondence is maintained in [active] application files for review by applicants and interested parties.

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. Design Review Board Hearing Minutes of October 26, 2022.

UPDATE

HEARING FROM AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (ORAL COMMUNICATIONS)

DESIGN REVIEW BOARD/STAFF DISCUSSION (Non-Application Items)

1. The impact of ADUs on Del Mar (Chair Goodkind).
2. Selection of new subcommittee member for DRB21-025 (692 Rimini Rd).

DISCUSSION AND BRIEFING (Application Items)

CONSENT CALENDAR

The Design Review Board 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 DRB, 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 DRB prior to the meeting expressing why the application should be taken off the Consent Calendar.

NEW APPLICATIONS:

ITEM 1
MOD22-001

APN: 300-074-05-00

Location: 1205 Stratford Court

Owner/ Applicant: Randall Baron

Applicant Representative: Brian Grove, Stone Grove Landscape Architects

Zone: R2

Environmental Status: Exempt

Staff Contact: Jennifer Gavin, Associate Planner

Description: A request for a Modification to Design Review Permit DRB19-016 and Land Conservation Permit LC19-007 to make minor modifications to the design of the house including minor changes to windows; to add a door to the garage; to increase roof lines up to 8"; to make modifications to

the landscape plan; and to make modifications to retaining walls and grading on site.

ITEM 2
DRB22-010

APN: 300-321-03

Location: 510 Stratford Court

Owner/ Applicant: Capital Asset Management

Applicant Representative: Scott Spencer

Zone: RM-South

Overlay: Appeals

Environmental Status: Exempt

Staff Contact: Madeline Shute, Assistant Planner

Description: A request for a *Design Review Permit* to install a rolling vehicle entry gate, 7'7" in height, in the required southern side yard setback, and a pedestrian entry gate, 8'10" in height, in the northern side yard setback.

ADJOURNMENT

I, Madeline Shute, Assistant Planner for the City of Del Mar, certify that a copy of the foregoing was posted at the Del Mar City Hall on Thursday November 3, 2022.



Madeline Shute, Assistant Planner



**CITY OF DEL MAR
DESIGN REVIEW BOARD REGULAR MEETING
DRAFT ACTION MINUTES
October 26, 2022 – VIA TELECONFERENCE ONLY
Del Mar Town Hall
1050 Camino Del Mar, Del Mar, California**

The minutes set forth the actions taken by the Design Review Board on the matters stated. Audio/video recordings of the Design Review Board proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the Design Review Board, including Red Dots (materials provided to the Design Review Board after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Planning Department at (858) 755-9313.

CALL TO ORDER

Chair Goodkind called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Present: Chair John Goodkind, Vice Chair Tina Thomas, Board Members, Greg Rothnem, Amy Isackson, Glenn Warren, Gala Yayla, Beth Levine, and Ex-Officio Philip Szymanski

Absent: None

Staff Members Present: Principal Planner Matt Bator, Associate Planner Jennifer Gavin, and Assistant Planner Madeline Shute

APPROVAL OF MINUTES

Design Review Board Hearing Minutes of September 28, 2022.

IT WAS MOVED BY BOARD MEMEBER LEVINE, SECONDED BY BOARD MEMBER WARREN, TO APPROVE THE SEPTEMBER 28, 2022, MINUTES (VOTE 7-0-0).

UPDATES

Principal Planner Bator gave the following updates to the Board:

1. The City Council determined that in person meetings will be resume beginning in December 2022.

HEARING FROM AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA (ORAL COMMUNICATIONS)

Mark Yeager – ADUs have impacted Del Mar in a negative way.

DESIGN REVIEW BOARD/STAFF DISCUSSION

Board Member Levine discussed Administrative Design Review (ADR) applications associated with ADUs.

Chair Goodkind requested that the impact of ADUs on Del Mar be put on the November agenda.

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Bator reviewed the agenda and indicated items 3 and 4 was eligible for the consent calendar.

CONSENT CALENDAR:

ITEM 3

DRB22-017

APN: 299-182-04

Location: 457 Culebra Street

Owner/ Applicant: Morgan Scudi

Applicant Representative: Daniel Jensvold, Jensvold Associates

Zone: R1-10

Environmental Status: Exempt

Staff Contact: Madeline Shute, Assistant Planner

Description: A request for *Design Review Permits* to expand two (2) existing decks by 280 square-feet, construct a new 132 square foot wood awning at the east side, and a less than 6-foot-high storage pop-out on the existing garage at the north elevation.

IT WAS MOVED BY BOARD MEMBER WARREN, SECONDED BY VICE CHAIR THOMAS TO APPROVE ITEM 3 ON THE CONSENT CALENDAR (VOTE 7-0-0).

ITEM 4

DRB22-021

APN: 300-242-09

Location: 1090 Klish Way

Owner/ Applicant: Scott & Marci Duhs

Applicant Representative: Kevin Farrell, Farrell Design Associates, Inc.

Zone: R1-10

Overlay: Wildland Urban Interface (WUI)

Environmental Status: Exempt

Staff Contact: Madeline Shute, Assistant Planner

Description: A request for a *Design Review Permit* to: enlarge an existing raised deck at the west side of the home 145 square-feet and construct a new planter and glass screen wall at the western extent of the deck; install an approximately 180 square-foot retractable awning and replace a ground level picture window with a sliding patio door all at the home's west elevation.

IT WAS MOVED BY BOARD MEMBER WARREN, SECONDED BY VICE CHAIR THOMAS TO APPROVE ITEM 4 ON THE CONSENT CALENDAR (VOTE 6-0-1, BOARD MEMBER LEVINE RECUSED).

CONTINUED APPLICATIONS:

ITEM 2

DRB22-001

CDP22-001

APN: 300-182-12-00

Location: 118-120 6th Street

Owner/ Applicant: Mary VonderReith

Applicant Representative: Warren W. Scott

Zone: R2

Environmental Status: Exempt

Staff Contact: Jennifer Gavin, Associate Planner

Description: A request for *Design Review and Coastal Development Permits* to demolish a unit from an existing duplex and to construct a new one-story residential unit over basement with detached garage and associated grading and other site improvements.

Associate Planner Gavin gave a staff presentation and answered questions from the Board.

The Board provided disclosures.

Chair Goodkind opened the public hearing.

Warren Scott spoke to the Board and answered questions.

Chair Goodkind opened the item to public testimony, and the following spoke:

- Rich Amen, 144 Sherrie Lane
- Mark Yeager, 137 Sherrie Lane
- Rob Martens, 126 6th Street
- Holly Martens, 126 6th Street
- Lois Lund, 133 6th Street
- Christine Ross, 133 6th Street

Warren Scott gave rebuttal to the public testimony.

Chair Goodkind closed the public hearing.

Board Members discussed the project including concerns related to unreasonable scenic view blockage, harmonious design with surrounding neighborhood, and lack of landscaping.

The Board asked the Applicant's representative (Bret VonderReith) if they were willing to accept a continuance and the Applicant's representative said no, that they would like a vote on the project.

The following motion was made:

IT WAS MOVED BY BOARD MEMBER ROTHNEM, SECONDED BY VICE CHAIR THOMAS TO DENY ITEM 2 BASED ON DMMC 23.08.77 D. AND H.

Prior to a vote on this motion, a separate motion was made as follows:

IT WAS MOVED BY BOARD MEMBER WARREN, SECONDED BY BOARD MEMBER YAYLA TO DENY ITEM 2 BASED ON DMMC 23.08.77 H. (VOTE 3-4-0, CHAIR GOODKIND, VICE CHAIR THOMAS AND BOARD MEMBERS ISACKSON AND ROTHNEM VOTING NO).

The Board asked the Applicant's representative one more time if he would rather have a continuance and it was confirmed that they wanted a vote on the project.

Principal Planner Bator called the vote for the original motion and the vote was 7-0.

ADJOURNMENT

Chair Goodkind adjourned the meeting at 8:17pm.

A handwritten signature in cursive script, appearing to read "M Shute".

Madeline Shute, Assistant Planner



City of Del Mar Staff Report

DESIGN REVIEW BOARD
STAFF REPORT
November 16, 2022

APPLICATION: MOD22-001

REQUEST: A request for a Modification to Design Review Permit DRB19-016 and Land Conservation Permit LC19-007 to make minor modifications to the design of the house including minor changes to windows; to add a door to the garage; to increase roof heights up to 8"; to make modifications to the landscape plan; and to make modifications to retaining walls and the amount of grading on site.

APPLICANTS/OWNERS: Randall and Kandace Baron

OWNERS' AGENT: Dean Meredith, AIA

SITE LOCATION: 1205 Stratford Court

ASSESSOR PARCEL NUMBER (APN): 300-074-05

COMMUNITY PLAN DESIGNATION: High Density Residential (Village Center)

ZONE: R-2

ENVIRONMENTAL STATUS:

Pursuant to requirements of the California Environmental Quality Act (CEQA), the Project has been determined to be Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures), in that the Project proposes modifications to the construction of one new single-family residence, and further; it has been determined that none of the six exceptions to the use of a Categorical Exemption are applicable (Guidelines Section 15300.2).

HOUSING IMPACT: The approval of the requested discretionary development applications would have no impact on the City of Del Mar's housing supply or housing affordability in that the request is to make modifications to a previously approved residence and does not result in the gain or loss of a housing unit.

BACKGROUND:

Previous Design Review Board Hearings and Actions

1050 Camino Del Mar, Del Mar, California 92014-2698
Telephone: (858) 755-9313
www.delmar.ca.us

On May 27, 2020, the Design Review Board conditionally approved, Design Review Permit DRB19-016, Coastal Development Permit CDP19-012 and Land Conservation Permit LC19-007 to allow the demolition of an existing residential unit and detached garage, and the construction of a new residential unit and associated grading, landscaping, and site improvements at the subject property. The previous staff report can be found on the City website here: https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_05272020-2445

On August 25, 2021, the DRB conditionally approved MOD21-007 for revisions to the design and floor-plan of the dwelling, revisions to the previously approved landscape plan, and revisions to various outdoor living elements including the addition of an outdoor kitchen, fire pit and seating areas. The previous staff report can be found on the City website here: https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_08252021-2808

On December 15, 2021, the DRB conditionally approved TRP21-006 to remove a mature Torrey Pine Tree in the rear yard. The previous staff report can be found on the City website here: https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_12152021-2882

ANALYSIS:

Project Description:

The applicants are now requesting additional modifications to the previously approved plans, which can be broken into two areas, those related to the structure and those related to site/yard improvements.

1. Proposed modifications to the residence including:

- To increase roof ridge heights between 5-8 inches (highest overall roof ridge elevation to remain);
- To make modifications to windows including to remove three windows at the stairwell and to lower and reduce windows on the east side of the residence; and
- To add a door to the attached garage and reduce the size of the storage area on the north side of the garage.

2. Proposed modifications to the landscape and grading include:

- Retaining walls in the south-eastern portion of the rear yard are proposed to be relocated so that they are further to the south and east which results in approximately 63 CY more cut than approved (123 CY total; no increase to height of cut) and 8 CY more of fill (48 CY total);
- Modifications to plant specifications as shown on Sheet L6 of the plans;

- Modifications to lights including five additional path lights (12 total), six additional wall/step lights (11 total); and to add 1 downlight at the entry trellis (See sheet L8 for lighting details);
- Minor modifications to landscape accessory structures including to relocate the fire feature and to remove the outdoor kitchen (See sheet L-1 for details)

PROJECT CONSISTENCY WITH THE DESIGN REVIEW ORDINANCE (DRO):

The modifications to the residence appear to be minor in scope and will not increase the overall height of the tallest roof ridge and therefore does not appear to be in conflict with the Design Review Ordinance.

The modifications to the rear yard grading and landscape appear to also be minor in scope and still results in a grading quantity that appears to be minimal, reasonable, and does not appear to be in conflict with one of the seven findings of the Land Conservation Ordinance (DMMC 23.33.040). The landscape coverage is proposed to be 3,708 square feet which is approximately 45% of the lot (consistent with the Design Guidelines).

CORRESPONDENCE:

No correspondence has been received regarding this item.

RECOMMENDATION:

Staff recommends that the Design Review Board review the project relative to the Regulatory Conclusions of the DMMC, specifically those discussed in this report. Staff recommends the Design Review Board adopt the attached, draft Resolution (Exhibit A), thereby conditionally approving MOD22-001.



Jennifer Gavin
Associate Planner

EXHIBITS:

Exhibit A - Draft Resolution No. DRB-2022-xx

RESOLUTION NO. DRB-2022-xx

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF DEL MAR, APPROVING *MODIFICATION APPLICATION MOD22-001* FOR REVISION TO DEVELOPMENT APPLICATIONS *DRB19-016* AND *LC19-007* WHICH INVOLVE MINOR CHANGES TO: WINDOWS AND DOORS; ROOF HEIGHTS; LANDSCAPE PLAN; RETAINING WALLS AND GRADING AT 1205 STRATFORD COURT, DEL MAR, CALIFORNIA

Assessor Parcel Number (APN): 300-074-05

WHEREAS, Baron Randall and Kandace 2004 Trust (“Applicant”) is the owner of real property commonly referred to as 1205 Stratford Court (APN 300-074-05) (Property); and

WHEREAS, at a publically noticed hearing held on May 27, 2020, the Design Review Board (DRB) did adopt Resolution DRB-2020-10, conditionally approving Design Review Permit DRB19-016, Coastal Development Permit CDP19-012 and Land Conservation Permit LC19-007 (Project) to allow the demolition of an existing residential unit and detached garage, and the construction of a new, two-story residential unit with attached garage and subterranean basement, in conjunction with site grading and surface improvements, on land located within the R2 (Residential High Density) Zone, at the Property; and

WHEREAS, the Applicant proposes to modify the Project by revising the design of the house, landscape, grading, and other site improvements; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City’s adopted CEQA Supplemental Regulations, the Project has been found to be Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures), in that the Project proposes the construction of one new single-family residence, and further; it has been determined that none of the six exceptions to the use of a Categorical Exemption are applicable (Guidelines Section 15300.2); and

WHEREAS, on November 16, 2022, the DRB of the City of Del Mar held a duly noticed public hearing to review the Project, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

- a. Project plans submitted by the Applicant
- b. Written information submitted with the application
- c. Oral testimony from City staff, the Applicant and the public (if any)
- d. Staff Report, dated November 16, 2022, which is incorporated by this reference as though fully set forth herein
- e. Additional information submitted during the hearing (if any); and

NOW, THEREFORE, BE IT RESOLVED by the Design Review Board of the City of Del Mar as follows:

Section 1: Modification

Based upon the substantial evidence presented at the public hearing on November 16, 2022, including written and oral staff reports, public written and oral testimony, Applicant's and Applicant's representative's written and oral testimony, the DRB of the City of Del Mar finds that Modification MOD21-007 will not be detrimental to the Community based on the Regulatory Conclusions Sections of Del Mar Municipal Code (DMMC) Chapter 23.08 (Design Review) and is not in conflict with one of the conclusions of Chapter 23.33 (Land Conservation).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the DRB of the City of Del Mar that MOD22-001 is hereby approved subject to the conditions listed herein.

GENERAL CONDITIONS

** Any gaps in numbering below are intentional.*

G-1 *[Compliance with Conditions of Earlier Approval]*

All conditions of approval for Design Review Permit DRB19-016 and related requests, and as enumerated in Resolution DRB-2020-10, shall apply to this approval.

G-2 *[Business License]*

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain the required Business License and shall retain copies of said permits on site for verification by City staff.

G-3 *[Development Authorization Limited to Plan-Set]*

This permit is granted based on submitted plans dated November 16, 2022, and so identified by staff of the Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-4 *[Encroachment Permit for Work in the Public Right-of-Way]*

Any work (including landscaping) proposed or required within a City of Del Mar public right-of-way (ROW) or access easement, shall be subject to approval of an Encroachment Permit (EP). Applications for EPs shall include plans depicting all proposed private and public improvements including, but not limited to, improvements involving drainage, grading and/or public utilities. The EP shall be subject to review and approval by the City of Del Mar in accordance with the procedures set forth in the DMMC and may include requirements for inspections and/or submittal of a security deposit(s). Please note that DRB approval of plans indicating right-of-way improvements do not constitute approval of the separately required EP.

G-7 *[Code Compliance]*

This approval shall not waive requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

LANDSCAPE CONDITIONS

L-1 *[Landscape Improvements in the Right-of-way]*

Provided an Encroachment Permit is obtained, as may be required by the Municipal Code, the applicant may make landscape improvements in City rights-of-way and easements compatible with those on the adjacent private property. The landscape improvements shall be detailed in a Landscape/Irrigation Plan submitted for City review and approval. Large or fast growing trees or shrubs which could affect power or other utility lines, vehicle travel way, parking, or site distances shall be prohibited. Unless otherwise authorized via written City approval, turf areas shall be limited and maximum use shall be made of drought tolerant ground cover and shrubs. Where no formal improved sidewalk is provided, vegetation to be installed within five (5) feet of the improved street edge shall be “walkable” groundcover appropriate for pedestrian travel. The property owner shall also be required to maintain installed trees, shrubs, turf, ground cover, irrigation, and other improvements in the right-of-way to the City’s satisfaction and may be required to record a Covenant Agreement memorializing this requirement.

L-2 [Torrey Pine tree fencing/replacement of damage trees]

Prior to the issuance of Building Permits, a temporary fence shall be placed around all Protected and mature trees to be retained on-site. The fencing shall conform to the standards of Section 5.15 (E) of the Public Tree Policy Manual for the City of Del Mar. Trees proposed for retention that are irreparably damaged by construction activities and fail within five years of the final project completion shall be replaced in accordance with determinations by the Planning and Community Development Director, in consultation with the City Arborist if necessary, regarding the appropriate size and siting of the replacement tree.

L-3 [Tree Preservation Plan]

Prior to the issuance of Building Permits, the applicant shall submit a “Final” Tree Preservation Plan for the review and approval of the Planning and Community Development Director. The plan shall address construction methodologies and construction-phase measures to be implemented to ensure preservation, in a healthy and thriving condition, of those trees to be retained on the property pursuant to the approved plans for the project and shall comply with Chapters 5 and 6 of the City of Del Mar Public Tree Policy Manual.

PASSED AND ADOPTED by the Design Review Board of the City of Del Mar this 16th day of November, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Goodkind, Chair
Design Review Board
City of Del Mar, California

ATTEST:

Karen Brindley
Director of Planning and Community Development
City of Del Mar, California

THIS RESOLUTION AND AGREEMENT IS VALID WHEN SIGNED BY PARTIES TO THE APPLICATION. DESIGN REVIEW BOARD APPROVAL IS BASED ON COMPLIANCE WITH THE AFOREMENTIONED CONDITIONS. NON-COMPLIANCE WITH ANY STATED CONDITION RENDERS THE PERMIT **MOD22-001** NULL AND VOID AND / OR SUBJECT TO CODE ENFORCEMENT.

I have read and understand the above conditions of approval for **MOD22-001** and hereby agree to abide by all conditions of approval.

_____ Authorized Representative of Baron Randall and Kandace 2004 Trust (Applicant)



City of Del Mar Staff Report

DESIGN REVIEW BOARD
STAFF REPORT
November 14, 2022

APPLICATION: DRB22-010

REQUEST: A request for a *Design Review Permit* to retain two rolling vehicle entry gates and a pedestrian entry gate at a multi-unit residential complex.

APPLICANT/OWNER: Capital Asset Management

APPLICANT'S REPRESENTATIVE: Scott Spencer

SITE LOCATION: 510 Stratford Court

ASSESSOR PARCEL NUMBER: 300-321-03

ZONE: RM-South

OVERLAY ZONE: Appeals

ENVIRONMENTAL STATUS:

This project is listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e) – Existing Structures.

BACKGROUND:

The project site is located at 510 Stratford Court in the RM-South Zone. The subject parcel is 48,552 square-feet in area and contains an apartment complex comprised of two structures. The RM-South Zone allows for single, duplex, and multi-family residential. Surrounding uses are of multi-dwelling units in character.

On October 21, 2022, the Applicant received Planning Commission approval for a Variance (V22-003) from DMMC Section 30.86.090 A.2 in order to retain previously installed vehicular and pedestrian gates that exceed the 6-foot maximum height allowed by zoning regulations. The Planning Commission approved the Variance based on special circumstances in terms of the lot's topography, location and proximity to the heavily trafficked beach bluff, in that the height of the gates provide needed security and discouragement from trespassing to gain access to the bluff..

ANALYSIS:

Project Description

The Applicant is requesting a Design Review Permit to retain a rolling vehicle entry gate, 7'7" in height, in the lot's required southern side yard setback, a similar vehicular gate to the north, and a pedestrian entry gate, 8'10" in height, in the northern side yard setback. The vehicular gates are constructed of black vertical steel pickets of an arching design and are mechanically operated. The pedestrian gateway consists of a black tubular steel frame supporting a stained-wood gate.

No new floor area is proposed with this project.

Correspondence:

As of the writing of this report, the Planning Department has not received any letters of correspondence regarding this project.

PROJECT'S CONSISTENCY WITH THE DESIGN REVIEW ORDINANCE:

Planning staff has reviewed the project to evaluate its consistency with the Design Review Ordinance (DRO). The project, as designed, appears to be consistent with existing materials and colors. The project does not appear to be of any concern of view blockage given that the site slopes down from Stratford Court and the rolling vehicle gates are see through. Overall, the project is consistent with the DRO.

RECOMMENDATION:

As designed, and pursuant to staff's analysis herein, the project appears to be consistent with the applicable provisions of the Design Review Ordinance (DMMC Chapter 23.08). Therefore, staff recommends the Board adopt the attached resolution (Exhibit A), conditionally approving DRB22-010.

Respectfully submitted,



Madeline Shute
Assistant Planner

Exhibit A – Draft Resolution DRB22-XX

RESOLUTION NO. **DRB-2022-XX**

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF DEL MAR, APPROVING DESIGN REVIEW PERMIT **DRB22-010** TO INSTALL TWO ROLLING VEHICLE ENTRY GATES AND A PEDESTRIAN ENTRY GATE AT A MULTI-UNIT RESIDENTIAL COMPLEX WITHIN THE RM-SOUTH ZONE AT 510 STRATFORD COURT, DEL MAR, CALIFORNIA

Assessor Parcel Number (APN): 300-321-03

WHEREAS, Capital Asset Management (Applicant) is the owner of real property commonly referred to as 510 Stratford Court (APN 300-321-03); and

WHEREAS, the Applicant filed an application for Design Review to install a rolling vehicle entry gate between the complex's easterly structure and the lot's southerly property line, and another vehicular gate and pedestrian entry between the building and the lot's northern property line; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City's adopted CEQA Supplemental Regulations, this project is listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 Class 1- Existing Facilities. It has been further determined that none of the six exceptions to the use of a categorical exemption would apply to this project (CEQA Guidelines Section 15300.2); and

WHEREAS, pursuant to DMMC Section 30.75.200(C) (Improvements to Existing Structures), the proposed improvements have been determined to be exempt from the requirements for a Coastal Development Permit (CDP). Further, it has been determined that none of the six exceptions to use of the CDP exemption are applicable (DMMC Section 30.75.200(C)(1-6).

WHEREAS, on **November 16, 2022**, the DRB of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

- a. Project plans submitted by the Applicant.
- b. Written information submitted with the application.
- c. Oral testimony from City staff, the Applicant and the public (if any).
- d. Staff Report, dated **November 16, 2022**, which is incorporated by this reference as though fully set forth herein.
- e. Additional information submitted during the hearing (if any); and

WHEREAS, Chapter 23.08.070 (Design Regulations) of the Del Mar Municipal Code states:

“An application shall be approved unless the Design Review Board makes findings of fact based upon the information presented during the hearing that support one or more of the Regulatory Conclusions contained in this Chapter;” and

NOW, THEREFORE, BE IT RESOLVED by the DRB of the City of Del Mar as follows:

- a. The above recitations are true and correct.
- b. The, as revised, Project will not be detrimental to the community and will not conflict with any applicable Regulatory Conclusions as stipulated in Chapter 23.08 of the DMMC.
- c. Based upon evidence presented at the public hearing, the DRB approves Design Review Permit **DRB22-010**, subject to the following conditions:

[Note: The conditions listed below may have gaps in numbering or lettering. These gaps are intentional.]

GENERAL CONDITIONS:

G-1 *[Business License]*

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain the required Business License and shall retain copies of said permits on site for verification by City staff.

G-3 *[Development Authorization Limited to Plan Set]*

This permit is granted based on submitted plans dated, **July 27, 2022**, by the Planning and Community Development Department and so identified by staff. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-4 *[Encroachment Permit for Work in Right-of-Way]*

Any work proposed or required within a City of Del Mar public right-of-way or access easement, or required within a public right-of-way or access easements pursuant to the conditions of approval of this Permit, shall be subject to the prior receipt of a City of Del Mar Encroachment Permit. Applications for Encroachment Permits shall include plans depicting all proposed private and public improvements including, but not limited to, improvements involving drainage, grading and/or public utilities. The required Encroachment Permit shall be subject to review and approval by the City of Del Mar in accordance with the procedures set forth in the DMMC and may include requirements for inspections and/or submittal of a security deposit(s). Please note that DRB approval of plans indicating right-of-way improvements does not constitute approval of the separately required Encroachment Permit.

G-5 *[Requirement for Building Permits]*

Prior to commencement of work, the Applicant or agent shall obtain all required Building Permits.

G-7 *[Code Compliance]*

Approval of this application shall not waive the requirement for compliance with the provisions of the DMMC or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this Permit authorization.

G-13 *[Permit Expiration]*

This permit shall expire three years from the date of approval, on **November 16, 2025**, unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10 percent of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the Project site and all costs associated with the preparation and processing of permits or plans.

G-15 *[Statement of Accuracy/Agreement Regarding Third-Party Lawsuits]*

Prior to the issuance of Building Permits or Project commencement, whichever comes first, the Applicant shall submit a statement to the Planning & Community Development Department regarding the accuracy of submitted plans/materials and agreeing to hold the City of Del Mar harmless from third-party lawsuits filed challenging the City's approval of this permit. The agreement shall also include a commitment to defend the City of Del Mar from any third-party lawsuits filed challenging the City's approval of this permit. The form and content of the statement and agreement required herein shall be subject to the review and approval of the Planning and Community Development Director.

G-16 *[Compliance with City Noise Regulations]*

The Applicant and all parties involved with implementation of the Project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 AM and 7:00 PM, Monday through Friday and between 9:00 AM and 7:00 PM on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, DMMC Chapter 9.20, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

PASSED AND ADOPTED by the Design Review Board of the City of Del Mar this **16th**
day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Goodkind, Chair
Del Mar Design Review Board
City of Del Mar, California

ATTEST:

Karen Brindley
Planning and Community Development Director
City of Del Mar, California

THIS RESOLUTION AND AGREEMENT IS VALID WHEN SIGNED BY PARTIES TO THE APPLICATION. DESIGN REVIEW BOARD APPROVAL IS BASED ON COMPLIANCE WITH THE AFOREMENTIONED CONDITIONS. NON-COMPLIANCE WITH ANY STATED CONDITION RENDERS THE PERMIT **DRB22-010** NULL AND VOID AND / OR SUBJECT TO CODE ENFORCEMENT.

I have read and understand the above conditions of approval for **DRB22-010** and hereby agree to abide by all conditions of approval.

Date

Capital Asset Management (Applicant)