

## **WATERMARK DEL MAR – PROJECT FAQ**

### **1. What is the Watermark Project?**

Watermark is a multiple dwelling unit development proposed at the corner of Jimmy Durante Blvd and San Dieguito Drive. The project is considered a rental apartment project as it does not include a condominium subdivision request.

Following submittal of a “Preliminary Development Application” in November 2020, on April 8, 2021 Planning staff received a formal development application (Administrative Coastal Development Permit CDP21-005) and related fees for the Watermark multiple-dwelling unit project. On May 6, 2021, Planning staff determined the application to be “Incomplete” and requested additional information. Additional submittals, each resulting in a staff determination of [continued] “incompleteness” were submitted on July 28, 2021, August 26, 2021, and November 24, 2021. On February 18, 2022, following City review of application materials/information submitted on January 21, 2022, Planning staff determined the application to be “Complete.” Copies of Planning staff’s correspondence is available at [www.delmar.ca.us/Watermark](http://www.delmar.ca.us/Watermark)

Preliminary information from the application indicates the following components:

- 50 total rental units which includes 10 lower income set aside units, representing a density of approximately 21 dwelling units per acre on a 2.37 acre site
- The 10 lower income units include two extremely low, two very low, and six low-income units, comprised of one studio, five 1 bedroom (BDs), four 2BDs, and two 3BDs ranging from 596 square feet to 1,225 square feet
- Studio, 1BD, 2BD and 3BD units ranging from 580 square feet to 2,541 square feet, with an average unit size of 1,335 square feet
- Four-story development with three residential levels over a parking podium/garage
- Maximum height up to 47 feet, 6 inches with a Base Flood Elevation (BFE) of 18 feet
- 79,559 square feet (0.77 FAR) within three residential stories above a 53,335 square foot (0.52 FAR) parking podium, for a total square footage of 132,894 square feet (total FAR of 1.29)
- Lot coverage of 51%
- 105 vehicular parking stalls

The applicant is requesting various “concessions” and “waivers” from zoning requirements under State Density Bonus Law as follows:

#### Requested Concessions:

- Increase in maximum lot coverage from 40% to 51%
- Reduction in wetland buffer from 100 ft to 50 ft

#### Requested Waivers:

- Increase in maximum number of stories from two to four
- Increase in maximum height from 14 ft (BSC Overlay) to 47 ft, 6 inches

- Allowance for up to 10% encroachment into steep slopes (slopes  $\geq 25\%$  per the BSC Overlay)
- Increase in maximum floor area ratio (FAR) from 0.3 to 1.29 (0.52 for garage and 0.77 for habitable floors)

The application filed was for an Administrative Coastal Development Permit (CDP) and is being processed as a ministerial or “by-right” application due to State law requirements as part of the City’s 5<sup>th</sup> Cycle Housing Element (Program 2G). This means that staff is reviewing the project against objective criteria including conformance with the applicable zoning requirements. Decisions on Administrative CDPs are made at the staff level by the Planning Director per the City’s Municipal Code. Since this project is ministerial, it cannot be subject to the City’s typical Design Review process, conditional use permitting, public hearings, or local appeal process to City Council. However, due to its location in proximity to the lagoon, the City’s decision on an Administrative CDP will be subject to a 10 working day appeal period with the California Coastal Commission.

Appeals to the Commission can be filed by a member of the public or any two Coastal Commissioners. Details on the CCC’s appeal process is available at: <https://coastal.ca.gov/cdp/cdp-forms.html> and also described in another question.

As the applicant has filed the project under a “Preliminary Development Application” pursuant to Senate Bill (SB) 330 in November 2020, this project will not be subject to the recently approved Housing Element Implementation Overlay Zone (HEI-OZ) or objective design standards included therewith.

**2. What is the difference between a “concession” and a “waiver” under State Density Bonus Law?**

**Response:** Concessions result in identifiable and actual cost reduction(s) to a project that allow for the development of affordable housing. Waivers are relief from development standards that would otherwise physically preclude the development of affordable housing as part of an overall project.

**3. If the Watermark Project were to receive City approval, would it then go to the Coastal Commission?**

**Response:** Yes, in the form of an appeal window due to the project’s location. Because this project involves an Administrative Coastal Development Permit, yet is also required by State law to be processed as a “ministerial” or “by right” project (meaning no discretionary review can be required, such as subjective Design Review), following a decision the City has seven days to mail a Notice of Final Action of the decision to the Coastal Commission, to property owners within 300 feet of the subject parcels, to occupants within 100 feet of the subject parcels, and to any interested parties who have requested notice in writing describing the action taken by the City (DMMC 30.75.100). Once the notice is received, the Coastal Commission will open a 10 working day appeal period.

#### **4. Will Coastal Commission's determination be ministerial only or will it go to a hearing of the Coastal Commission?**

**Response:** If appealed by a member of the public or by the Coastal Commission, the Coastal Commission's appeal process would not be ministerial and would follow a two-step approach. Upon receipt of an appeal, the Coastal Commission must begin the public hearing on the appeal within 49 days of the filing of the appeal to determine whether it raises a "substantial issue" relative to conformance with the City's Local Coastal Program (LCP) and/or with Coastal Act public access and recreation policies. If the Coastal Commission finds that the local action does not raise a substantial issue, the City's decision stands and there are no further hearings. If the Coastal Commission finds that the local action raises a substantial issue, the Coastal Commission takes jurisdiction over the application through a "de novo" hearing. This means that the City's decision is rendered null and void, and the applicant will now work with Coastal Commission staff to address all the issues raised in the appeal, and potentially other issues related to LCP and Coastal Act compliance.

The Coastal Commission appeals process is more fully described at [www.coastal.ca.gov/cdp/cdp-forms.html](http://www.coastal.ca.gov/cdp/cdp-forms.html) and in two documents (Appeal FAQ and Info Sheet) uploaded to the project webpage at [www.delmar.ca.us/Watermark](http://www.delmar.ca.us/Watermark)

#### **5. How will residents of Del Mar be notified of each step in the development review, City decision, and Coastal Commission appeal process?**

**Response:** Informally and formally. Informally and prior to a City decision being made, information will be made available via the City's website at a dedicated project information webpage [www.delmar.ca.us/Watermark](http://www.delmar.ca.us/Watermark). Note that this webpage was recently published, so content will continue to be added as appropriate. For notifications, the public is encouraged to click a box on the webpage titled "Sign Up for Email Notifications" where they will be prompted to add an email address. This active list of interested parties will be emailed as milestones are reached, such as notice of the City decision and the Notice of Final Action to the Coastal Commission.

Formally, once a City decision is made, a formal notice will be mailed to all property owners within 300 feet of the subject parcels, to all occupants within 100 feet of the subject parcels, and to any parties requesting notice of the City's decision. Interested parties can provide their contact information as follows: 1) register their email at the project webpage [www.delmar.ca.us/Watermark](http://www.delmar.ca.us/Watermark); and/or 2) send an email with a mailing address to [planningadmin@delmar.ca.us](mailto:planningadmin@delmar.ca.us) requesting to be placed on the interested parties list for mailed noticing.

As for the Coastal Commission's noticing process related to an appeal, they maintain a listing of "open" appealable projects at their webpage [www.coastal.ca.gov/cdp/cdp-forms.html](http://www.coastal.ca.gov/cdp/cdp-forms.html) under "Review Appealable Projects / Statewide" on the upper right of the screen. Once a City decision is made and the Commission receives the City's Notice of Final Action, they will add this decision to their ongoing list of appealable projects. If appealed, the Commission will develop their own notification list for those that have contacted them.

**6. What is the timing of each step in the development review and appeals process?**

**Response:** The City has 30 calendar days to review each submittal provided by the applicant to determine whether or not the application is deemed “complete.” Once the application has been deemed complete, Senate Bill (SB) 330 to which this project is being processed under, requires the City to render a decision within 60 days of deeming an application complete. Once a decision is made, the City has seven days to mail a Notice of Final Action to the Coastal Commission. Once received, the Commission will open a 10 working day appeal period (equates to approximately 14 calendar days with weekends).

**7. Since the application has been determined to be “Complete” on February 18, 2022, what happens next?**

**Response:** The City will make a decision on Administrative CDP21-005 on or before April 19, 2022. As indicated in responses #3 and #5 above, following the decision a notice of the City’s decision will be mailed out to property owners within 300 feet of the subject parcels, to occupants within 100 feet of the subject parcels, and to any interested parties who have requested notice in writing. The required processes for City notification of final local action to the California Coastal Commission and appeal of the City’s decision to the Coastal Commission are outlined in previous response #5.

**8. Can the public see the proposed project plans?**

Yes, the proposed project plans are available for public review. The plans can be accessed for viewing on the City’s project webpage at [www.delmar.ca.us/Watermark](http://www.delmar.ca.us/Watermark) or at the City Hall public counter during Planning Department service hours of 1:00 pm – 5:30 pm, Mondays and Wednesdays. **Please note, the project plans are draft design documents and are not available to copy or to be distributed in paper or electronic form.**

**9. Who is the staff contact for this project?**

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**10. When roof peak heights are shown as 3-digit numbers (e.g. Ridge: +58.570’ or Parapet: +59:000’), what do these numbers mean?**

Those numbers indicate the “elevation,” or height of those building design elements, as measured above mean sea level.