



# DELANO & DELANO

December 23, 2015

VIA E-MAIL

Honorable Mayor and City Council  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

Re: City Hall/Town Hall Civic Plaza Project and Final EIR

Dear Honorable Mayor and City Council:

This letter is submitted on behalf of Steven Mack in connection with the proposed City Hall/Town Hall project ("Project") and related Final Environmental Impact Report ("FEIR"). This Council should reject the Project and FEIR as currently proposed. In addition, the Council should require certain specific limits on the uses of the site.

### The Process is Lacking

The FEIR was issued just before the holidays and this council's hearing is scheduled for the first day of business immediately following the holidays. The California Environmental Quality Act ("CEQA") is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ..." *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. "Environmental review derives its vitality from public participation." *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400. The schedule makes a mockery of public participation; the City cannot expect meaningful participation with such a schedule.

Furthermore, City staff recommended that the Design Review "Board review the project's consistency with the applicable provisions ... and forward any related recommendations on the requested permits to the City Council for their consideration." However, the Design Review Ordinance ("DRO") makes it very clear that the Board's role is to, "by majority vote, approve, disapprove ..., conditionally approve or continue the application." Muni. Code § 23.08.060(E). The City has approached the Board's role improperly.

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The Potential Uses of the Site are Inadequately Discussed

In an October 26, 2015 letter, I noted that the Draft EIR's discussion of the Project is vague. In response, the FEIR claims it "provides adequate information on the proposed development and uses, which are limited to those consistent with the City's Public Facilities land use designation and zone. A conceptual site plan was included ...." FEIR at RTC-39. This response is insufficient for several reasons. For one thing, a site plan is insufficient to identify uses. Additionally, there are a variety of uses allowed within the Public Facilities zone. The FEIR needs to do much more to describe specifically which types of uses allowed within such a zone will actually occur at the site. The FEIR vaguely states that the "outdoor plaza is designed to be an open area with flexible space to support uses including but not limited to, performances, art exhibits, [and] community gatherings ...." FEIR at 3-8. The FEIR states that 250 people could be accommodated in the 3,200-square-foot Town Hall meeting room and a breezeway, but it fails to discuss how many more people might utilize the approximately 15,000-square-foot outdoor public plaza, the Town Hall Overlook, and the Town Hall Terrace. FEIR at S-2. This hardly qualifies as an adequate description of potential or anticipated uses.

If anything, the changes made to the FEIR only make the ambiguities worse. For example, the FEIR now says that certain areas "may be redesigned" and "may be partially removed." FEIR at S-2 – 3. And the FEIR notes that such uses "may utilize amplified sound systems and lighting ...." FEIR at 3-8. It also states that a "future expansion area" is "not defined for specific use ...." These statements leave open a wide variety of possibilities. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. The FEIR fails to provide an adequate description, thereby leaving open a wide variety of possible construction and uses at the site.

This vagueness carries through the entire FEIR. By failing to adequately discuss potential uses, particularly the types of special events anticipated by the Project, the FEIR fails to analyze the impacts associated with such events, including the potential noise, lighting, traffic and other impacts. Enclosed is a letter from RK Engineering identifying traffic and parking concerns associated with the Project.

The Project is Inconsistent with Applicable Requirements

My December 16, 2015 letter to the Design Review Board noted several ways in which the Project is inconsistent with the Design Review Ordinance and the Land Use Plan. A copy of my letter is enclosed for your convenience. At a fundamental level, the Project does not enhance the "small-town village atmosphere" as called for by Policy IV-27.

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The City Should Commit to Certain Limits on Use

The City should commit to specific limits on the type and manner of uses of the site. These should include the following specific limits:

1. Uses for the entire site would be limited to no more than 250 people (FEIR at S-2).
2. Uses for events other than City meetings (e.g., City Council, Design Review Board), such as “performances, art exhibits, community gatherings, and farmers’ market” (FEIR at S-2), would be limited to 8 a.m. to 8 p.m.
3. Uses for events other than City meetings (e.g., City Council, Design Review Board), such as “performances, art exhibits, community gatherings, and farmers’ market” (FEIR at S-2), would be required to submit in advance adequate traffic control and noise control plans to address the anticipated event, and would be required to implement such plans.
4. Uses for all events, including City meetings (e.g., City Council, Design Review Board), would be limited to using the Town Hall and outdoor public plaza north of the Town Hall. No such events may utilize the Town Hall Overlook or Town Hall Terrace.
5. Lighting on the site would be limited to low standards and directed away from residential areas.

Thank you for your consideration of the above concerns.

Sincerely,



Everett DeLano

Encs.

December 21, 2015

Everett DeLano  
DELANO & DELANO  
220 W. Grand Avenue  
Escondido, CA 92025

Dear Mr. Everett DeLano:

**RE: Traffic and Parking Concerns Related to the Proposed City of Del Mar City Hall Project**

RK Engineering Group, Inc. (RK) is pleased to provide this comment letter for the proposed Del Mar City Hall/Town Hall Project. The City of Del Mar is proposing to demolish the existing 1.5 acre City Hall facility and re-develop the site to consist of approximately 9,250 square feet of City Hall building, 3,200 square feet of Town Hall facility and approximately 15,000 square feet of outdoor public plaza use. The project may also add an additional 20,000 square feet of use that has not been determined. The purpose of this letter is to identify areas of concern related to the redevelopment.

On Thursday, December 17, 2015, RK met with representatives of the City Staff (Mr. Scott Huth, City Manager and Ms. Kathleen Garcia Planning and Community Director) in order to discuss the proposed City Hall project. RK has also reviewed the Traffic Impact Study prepared by STC Traffic Inc., dated September 2015 as well as the Design Review Board Staff Report dated December 16, 2015.

Based on our meeting with City Staff, review of the traffic impact study and staff report, RK has identified the following findings and recommendations related to the projects' traffic and parking impacts to the surrounding roadway network:

1. Page 42 of the traffic impact study estimates 750 cubic yards per day would be exported by 5-7 trucks. One truck can export approximately 10-14 cubic yards per trip. Assuming one truck can export 14 cubic yards per trip, 7 trucks per day would account for only 98 cubic yards of export not 750 cubic yards. The traffic impact study grossly underestimates the number of truck trips during the construction phase onto the roadway network. The study should include an accurate analysis of the truck trips and routes for the project.
2. Figure 4-3 (page 23) of the traffic impact study does not provide for a clear and accurate vehicle distribution. Please explain why the distribution changes from am to pm peak hour for the project driveways? Additionally, the distribution

percentages do not correctly calculate the ingress and egress to the site. The distribution should be corrected in the traffic impact study.

3. The LOS (level of service) identified at the intersection of 11<sup>th</sup> Street at Camino del Mar is currently operating at LOS E during pm peak hour conditions. The City should continue to explore a traffic signal or roundabout at this intersection. This will improve the flow of vehicular and pedestrian traffic to and from the City Hall project.
4. The project proposes to allow ingress only from 10<sup>th</sup> street to the subterranean parking structure. In order to reduce additional vehicle trips on 10<sup>th</sup> Street, consider restricting vehicular access from 10<sup>th</sup> street during event times.
5. The frequency of activities, number of guests, special events, etc. has not been identified. As a result, an accurate calculation of vehicle trips, parking demand and pedestrian activities cannot be determined. In order to fully address the potential impacts of the project the size and scope of the activities should be identified.
6. The City should consider developing a special event parking and traffic management plan. The plan would identify additional traffic control devices, traffic direction personnel and preferred routes for visitors.
7. Special events should not be scheduled to occur simultaneously and a gap in time between events should be considered. Staggering start times and limiting the number of guests on-site will avoid increases in parking and traffic to the surrounding roadway network.

RK has reviewed the Del Mar City Hall project from a traffic and parking perspective. Based upon this review, RK has made several suggestions with respect to construction trip generation, vehicle/truck trip distributions, project access and parking for the project. RK would recommend that the City Council include these comments into the final report for the project.

If you have any questions, please call me at (949) 474-0809.

Sincerely,  
RK ENGINEERING GROUP, INC.

Rogier Goedecke  
Vice President, Operations  
RK Engineering Group, Inc.

Cc. Mr. Steve Mack

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JN:2390-2015-03

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# DELANO & DELANO

December 16, 2015

VIA E-MAIL

Design Review Board  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

Re: City Hall/Town Hall Project

Dear Design Review Board:

This letter is submitted on behalf of Steven Mack in connection with the proposed City Hall/Town Hall project ("Project").

In an October 26, 2015 letter to the City, I noted several problems with the Project's draft Environmental Impact Report ("EIR"). To date, I have received no response. The staff report indicates that the final EIR regarding the Project will be issued just before Christmas and that a hearing regarding the EIR will be held on January 4<sup>th</sup>. The California Environmental Quality Act ("CEQA") is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ..." *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. "Environmental review derives its vitality from public participation." *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400. The staff report notes that "the City Council directed staff to proceed with a community input process that would function as an 'expanded CPP' due to the magnitude of the project and its importance to the community." Yet the approach of holding the final EIR until just before the holidays, then rushing to a hearing just after the holidays, makes a mockery of public participation. The City cannot expect meaningful participation with such a schedule.

The staff report recommends this "Board review the project's consistency with the applicable provisions ... and forward any related recommendations on the requested permits to the City Council for their consideration." However, the Design Review Ordinance ("DRO") makes it very clear that this Board's role is to, "by majority vote, approve, disapprove ..., conditionally approve or continue the application." Muni. Code § 23.08.060(E).

The staff report asserts that the Project is consistent with the DRO. However, the DRO prohibits blocking significant public coastal views, prohibits projects that are

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out of scale with the neighborhood, and prohibits a project that “unreasonably encroaches upon primary scenic views of neighboring property.” Muni. Code § 23.08.077. The Project is inconsistent with all of these mandates. Indeed, the Project’s setback to 10<sup>th</sup> Street is less than four feet and its setback to 11<sup>th</sup> Street is less than three feet. Whether or not this is technically consistent with the setback requirements in the Public Facilities zone, the Project is surrounded on three sides by a residential community with residential zoning. Such siting is not “harmonious with or ... functionally compatible with the surrounding neighborhood.” Muni. Code § 23.08.077(D).

Additionally, the Project is inconsistent with DRO Section 23.08.072. For example, the City’s Land Use Plan calls for the protection of public views to the ocean. Land Use Plan at 10. It also discusses protecting public views and vantage points, and specifically discusses scenic view easements from Camino del Mar. *Id.* at 77 – 78. Yet the Project will negatively impact these views, in violation of DRO Section 23.08.072(A). The Project will “cause the surrounding neighborhood to depreciate materially in appearance or value.” Muni. Code § 23.08.072(E). And, as City staff has acknowledged, the Project “will create an unreasonable invasion of the privacy of neighboring properties.” Muni. Code § 23.08.072(D).

Furthermore, the Project will create traffic, parking and pedestrian circulation impacts in violation of DRO Section 23.08.074. For example, the Project’s ingress and egress “will have an adverse effect on traffic conditions on abutting streets,” particularly in this residential neighborhood. Muni. Code § 23.08.074(B). And since many of the streets do not have sidewalks, and therefore residents and visitors routinely walk in the streets, the Project “will cause conflicts among vehicular, bicycle, [and] pedestrian traffic.” Muni. Code § 23.08.074(F). These problems will be particularly acute as a result of the planned special events, where substantial traffic volumes can be expected in a short amount of time.

For these and other reasons, this Board should vote to disapprove the Project as proposed. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

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