



City of Del Mar
Department of Planning and Community Development
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FRI 1:00 pm – 4:30 pm
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ADMINISTRATIVE DESIGN REVIEW (ADR)

An applicant's guide to the process

This handout is intended to provide information on the City of Del Mar's process for an Administrative Design Review (ADR) permit. Please contact the Planning Department to obtain any additional information, including a copy of the City's Design Review Ordinance (DRO) which is incorporated as Chapter 23.08 of the Del Mar Municipal Code (DMMC). Administrative Design Review (ADR) is described in DMMC Section 23.08.035.

PURPOSE

Design Review is used as a means to implement the goals contained in the Del Mar Community Plan to preserve and improve Del Mar as a beautiful, pleasant residential community in which to live, work, shop, and pursue leisure time activities. The Design Review process also serves to maintain property values, preserve the natural environment, protect primary scenic views, and ensure a high aesthetic quality for the community. The Design Review process encourages good design including the use of harmonious materials and colors, compatible proportional relationships, and appropriate use of landscaping. It also determines whether a project is compatible with the Del Mar Community (General) Plan and Zoning Ordinance (DMMC Title 30).

The City issues two types of Permits under the Design Review Ordinance (DRO) (DMMC Chapter 23.08): 1) an Administrative Design Review (ADR) permit; and 2) a regular Design Review (DRB) permit. ADR permit applications are intended for projects which are minor, but not exempt, to gain Design Review approval based on neighborhood input rather than in a hearing before the Design Review Board. Typical projects processed under an ADR are summarized on the following page. The ADR offers a streamlined process as the decision is made by the Director of Planning and Community Development (unless an objection is filed in a timely fashion during the 10-day notice period, in which case the project would be placed upon the next available agenda for a public hearing before the Design Review Board). Regular DRB permit applications are required for all other projects which are neither minor nor exempt and are reviewed by the Design Review Board at noticed public hearings.

Most construction projects are subject to some level of Design Review (exemptions are discussed below). As part of the review process, applications are first evaluated by Planning Department staff for consistency with the provisions of the Del Mar Community Plan and Zoning Ordinance. In reviewing an application, staff will evaluate the project's compliance with the Regulatory Conclusions found in the DRO (DMMC Sections 23.08.072 to 23.08.079). Depending on a project's location, it may also be subject to additional design review standards contained in the underlying zoning chapter for the property. Planning staff will examine several components of a project, including a structure's placement and size, the materials and colors to be used, and the type and extent of the landscaping proposed. Staff will also evaluate the project's compatibility with the uses and design of structures on surrounding properties based on the standards of review contained in the DRO.

The DRO's Regulatory Conclusions are written in the *positive*, meaning that a project application will be approved unless the project is found to be inconsistent with one or more of the Regulatory Conclusions. A

project approval generally includes a set of conditions that address health and safety issues and ensure a project's continued compliance with the Del Mar Community Plan, Zoning Ordinance, and DRO.

ADMINISTRATIVE DESIGN REVIEW – TYPES AND PROCESS

As described in DMMC Section 23.08.035, several types of projects may qualify for an ADR as summarized below. Planning staff will ultimately be responsible for determining if an ADR is the appropriate entitlement for the project.

- Pools, spas, and associated mechanical equipment
- Fences and walls
- Shifting an exterior building wall 3 feet in any direction (laterally), with no increase in height
- Small structures (maximum 48 square feet and not to exceed 6 feet in height)
- Skylights (maximum 4 feet by 4 feet with internal mechanical equipment)
- Barbecues and water features (not within the side yard setback)
- Bay windows (maximum 3 foot outset from the building wall; not to exceed 6 feet)
- Some exterior and landscape lighting
- Trellis, arbors, and entry structures
- Some air conditioning units
- Firepits and outdoor fireplaces (chimneys not to exceed 6 feet in height)
- Awnings
- Decks over 12 inches from grade and not to exceed 6 feet to top of the rail. Note that decks on grade, or with a maximum elevation of 12 inches above existing grade, at any point, are exempt from Design Review.

As an example, in reviewing an ADR application for the construction of a new fence or wall, Planning staff would evaluate the proposed alignment of the fence or wall, its height, materials, colors, and vehicle line of sight pursuant to DMMC Chapter 30.86 (Zoning). Staff would also assess its compatibility with adjoining properties and any potential adverse impacts anticipated from its placement, including pedestrian safety and public views pursuant to DMMC Chapter 23.08 (DRO). Conditions may be imposed, as necessary, to ensure the project's compatibility with the Del Mar Community Plan, Zoning Ordinance, and DRO.

ADR applications are generally approved by the Director of Planning and Community Development within one (1) months of a complete application submittal; however, this is a general timeframe. Prior to approval, staff will mail a notice announcing the project application to property owners within 300 feet of the project site and any known interested parties. If no written objection is filed within ten (10) business days of the mailed notice, the the project may be deemed approved. Subsequently, the Planning Department will send the applicant a letter of approval. If a timely written objection is filed during the 10-day review period, the project will be placed upon the next available agenda for a public hearing before the Design Review Board. The Design Review Board typically meets once a month on the fourth Wednesday.

Following an ADR approval, the project may require review by the City's Building Department for issue of Building Permit(s). A Building Permit is required in Del Mar for many project components that may not be required in other jurisdictions. For example, Del Mar requires building permits for all new fences, retaining walls, or freestanding masonry walls. You are encouraged to contact EsGil Corporation, which serves as the City of Del Mar's contracted Building Department for more information. EsGil is located at the City of Solana Beach City Hall located at 635 S. Highway 101, Solana Beach 92075. You may also

contact them by phone at (858) 720-4450 or by email at counter@cosb.org. Please note that the Building Department is open Monday to Friday from 1:30 to 5:30 p.m. and closed on alternate Fridays.

EXEMPTIONS FROM DESIGN REVIEW

Some projects and activities are exempt from the Design Review process. Examples include the repair, restoration, or reconstruction of an existing structure (where the work maintains the outer dimensions and surface relationships of the existing structure; i.e., “like-for-like”). Planning Department staff is ultimately responsible for determining if a project is exempt from Design Review.

REVIEW AND APPROVAL PROCESS

Step 1 – Pre-Application Conference

A pre-application conference with a member of the Planning Department is highly recommended. The project applicant should send an email request to planning@delmar.ca.us or call (858) 755-9313 to make an appointment. Please include the project location, the applicant's contact information, a brief description of the project, and any preferred days/times for an appointment. The applicant may also visit the Planning Department during counter hours from 1:00 p.m. to 5:30 p.m. Monday through Thursday, or 1:00 p.m. to 4:30 p.m. on Friday. Be prepared to provide information regarding the project site and the development proposal. This information may include rough plans or sketches of the proposed development and information about existing site conditions. Staff will make a determination if a project is eligible for an ADR permit or will require the submittal of a DRB permit requiring a public hearing before the Design Review Board. For a detailed description of the DRB permit and review process, please refer to the separate handout entitled *Design Review Board: Applicant's Guide to the Process*, or review DMMC Section 23.08.060. Note that a development proposal may require other City permits or authorizations in addition to a Design Review permit if they are located in a special overlay zone or have particular design or operational characteristics. Please consult the Planning Department regarding other requirements.

Step 2 – Filing an Application

ADR applications are accepted without an appointment during regular public counter hours (Monday through Thursday between 1:00 to 5:30 p.m., and Friday between 1:00 to 4:30 p.m.). If you are unable to visit the Planning Department during the hours listed above, an ADR may also be submitted by appointment by sending an email request to planning@delmar.ca.us or calling (858) 955-9313. Include the project location, the applicant's contact information, a brief description of the project, and any preferred days/times for an appointment. Please allow a minimum of 20 minutes for plan submittal and payment of fees. For an application to be accepted, it must contain a completed Uniform Application and contain all the pertinent information listed in the ADR Submittal Checklist. Incomplete submittals will not be accepted.

Please note that a submitted application package is a matter of public record. Therefore, any portion of the application, including plan sets, may be re-produced and distributed to City Staff, other discretionary bodies, and the general public (solely) for the purpose of reviewing and evaluating the project proposal.

Step 3 – Posting of the “Development Permit Pending” Sign

At the time of an application submittal, Planning staff will provide an 11x17-inch “Development Permit Pending” sign that must be posted on the project site. The sign must be posted in a visible location along the property's street frontage at least ten (10) business days prior to a scheduled approval date (or in the

event of an item being referred to the Design Review Board, at least 10 business days prior to the date of the hearing).

Step 4 – Staff Review of Application Submittals – Incomplete Applications

After the initial submittal of the application, the project will be assigned to a member of the Planning Department for a detailed analysis and may also be routed to the City's Public Works Department, the City Engineer, the City's Fire Code plan reviewer, or other agencies/reviewers as deemed necessary by Planning staff. The assigned planner will review the application for completeness and for compliance with the applicable provisions of the Zoning Code and DRO. If it is determined that the application is missing information, or is somehow inconsistent with one or more provisions of the City's regulatory documents, it will be deemed *Incomplete* and a letter will be sent to the applicant identifying the necessary information and/or project changes. The application will be placed on hold until the applicant's team provides the requisite information.

Step 5 – Public Review Period

After the project plans are reviewed and determined to be in compliance with City codes, the City will mail a notice of the project application to property owners within 300 feet of the project site. The notice will include a description of the project and the date range for the ten (10) business day public review period. If no written comments are received for the project during the 10-day public review period, the application will be conditionally approved by the Director of Planning and Community Development. A conditional letter of approval would be sent to the applicant by the Planning Department after the 10-day public review period is complete. However, if written comments are received for the project during the 10-day public review period and the matter cannot be clarified or resolved by Planning staff, the ADR permit will be automatically forwarded to the Design Review Board for review of the application. The application will be heard on the agenda of the next available Design Review Board hearing, unless the complainant and applicant reach an agreement prior. If an agreement is reached, prior to the Design Review Board hearing date, the original letter(s) of concern may be rescinded by the complainant(s) and the ADR permit would be approved without a hearing on the project.

Step 6 – Building Department Plan Review and Permit Issuance

Following an ADR approval and close of the 10-day public review period, a Building Permit(s) may be required for the approved scope of work. The City contracts with the firm EsGil Corporation to provide building services, including Building Code plan review, Building Permit issuance, and inspections. EsGil operates out of the Solana Beach City Hall located at 635 S. Coast Hwy, Solana Beach. To begin the Building Plan Check, the Planning Department will prepare a *Building Department Transmittal Form* to be taken, together with **three** sets of plans, to the Building Department by the project applicant. Please note that the Building Department will not accept a project into Building Plan Check without a Transmittal Form prepared by Planning Department staff.

Once the Building Plan Check process is complete, three sets of plans will be returned to the applicant, one marked "Planning", one marked "City", and one marked "Owner", for delivery to the Planning Department. A fourth set may be required by the Building Department to be sent to the County Assessor for property tax purposes. Unless otherwise indicated by Planning Department staff on the Transmittal Form, Building Permits are not issued at this time. The "City" and "Owner" sets shall be submitted to the Planning Department for review to ensure compliance with the plans approved by the Director of Planning and Community Development. Planning staff will review the plan sets for conformance with approved ADR plans and also verify that all remaining conditions of approval of the ADR approval letter have been

satisfied (e.g., covenants, fees). It is important to advise Planning staff if any changes were made to the plans during the Building Plan Check process that changed the project scope approved under the ADR.

Generally, there will be at least two remaining fees collected at this point: 1) a construction license tax for all new and/or replaced gross square footage; and 2) a final Planning review and inspection fee. Additional fees may also be required by Planning, Engineering, or the Public Works Department to cover administrative costs incur by those departments. Planning staff will also verify that the property owner(s) has signed the approving Design Review Board Resolution agreeing to abide by the conditions of approval of the project. Once all the information, conditions, and plans are verified, Planning staff will stamp the plan sets as "Approved" and prepare a Transmittal Form for the Building Department. **A DIGITAL COPY of the final approved plan set will be required** – please refer to the separate *Final Plan Approval Copy* handout for the City's requirements. The project applicant will then be contacted by Planning Department staff to pick up the stamped plan sets and transmittal form to take back to the Building Department. The Transmittal Form will indicate that the Building Department may now issue Building Permits for the project and perform required construction-phase inspections. **If the project also involves a Drainage or Grading Plan, FINAL APPROVAL of those plans will be required by the City Engineer PRIOR to the release of plans for Building Permit issuance.**

In Del Mar, Building Permits are required for projects that, in other jurisdictions, may be exempt from permit requirements. For example, Del Mar requires Building Permits for all new fences, retaining walls, or freestanding masonry walls. You are encouraged to contact EsGil for more information on what types of project require Building Permits and the process by phone at (858) 720-4450, by email at counter@cosb.org, or by visiting their public counter. The Building Department is open Monday to Friday from 1:30 to 5:30 p.m. and closed on alternate Fridays.

Step 7 – Permit Expiration/Modifications to Plans

Unless otherwise specified, Design Review permits are valid for a period of three (3) years from the date of the approval and will become null and void if not exercised and "vested" within that timeframe. The conditions of approval included in the ADR approval letter will specify the expiration date and vesting requirements.

Projects approved through the Design Review process may be subject to construction-phase inspections by staff to confirm compliance with approved plans. Changes made to the approved plans after a Design Review approval may require further review by staff and/or the Director of Planning and Community Development with additional fees and/or public noticing required, as necessary.

APPLICATIONS AVAILABLE FOR PUBLIC REVIEW/REPRODUCTION

A submitted application is a matter of public record. With certain exceptions, any portion of the application may be reproduced and distributed to City staff, to other discretionary bodies, or to the general public for the purpose of their review and evaluation of a development proposal. The noted exception involves project plans (architectural, civil or survey) that are stamped and signed by the preparer. Stamped/signed drawings are protected by California copyright laws and are, therefore, subject to a separate set of limitations regarding their reproduction. In short, the copyright protection requires that, prior to releasing plans for reproduction, the party interested in receiving the duplication must provide staff with: 1) written permission from the architect, draftsman, civil engineer, or surveyor who prepared the plans; and 2) written permission from the applicant; and 3) an affidavit that the reproductions will be used solely for the purpose of application review. Plan Reproduction Release forms are available on the Planning Department's webpage at <http://www.delmar.ca.us/138/Development-Applications-Guides>.

ADDITIONAL INFORMATION

These guidelines pertain only to the City of Del Mar Design Review Permit process. A development proposal may require other separate City permits or authorizations. Other common permits/authorizations include: an Encroachment Permit (to work within a public right-of-way or area over which the City has a controlling interest); a Tree Removal Permit (to remove a protected Torrey pine or Monterey cypress); a Variance (to authorize a deviation from a specific Zoning Code requirement); a Conditional Use Permit (to authorize specific uses and development on a parcel); and a Coastal Development Permit (to authorize new development in the Coastal Zone). Please contact City staff for additional information.