



City of Del Mar Staff Report



TO: Honorable Mayor and City Council Members

FROM: Kathleen A. Garcia, Planning and Community Development Director
Via Scott W. Huth, City Manager
Prepared by Matt Bator, AICP, Senior Planner

DATE: September 6, 2016

SUBJECT: Staff Review and Discussion of Potential Citizen's Participation Program (CPP) Revisions Proposed by the Ad-Hoc Design Review Process
Citizen's Advisory Committee

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council receive staff's advisory analysis, issue identification, and draft code language for the Ad-Hoc Committee's proposed revisions to the Citizens' Participation Program of the City's Design Review Ordinance. Staff also recommends that the Council discuss the issues and options identified within the report and provide specific direction for Staff's return to the City Council with a formal municipal code amendment to enact the Ad-Hoc Committee's proposed revisions and develop a formal CPP application submittal and staff monitoring process.

EXECUTIVE SUMMARY:

In November of 2010, the City Council adopted Ordinance No. 849 amending Chapter 23.08 of the Municipal Code to establish the requirement and process for conducting Citizens' Participation Programs (CPP) for specified Design Review Permit applications. The ordinance created a process which gives neighbors the opportunity to provide input on development proposals early in their design phase, before the projects' formal Design Review Board hearings. The ordinance established new sections in the Design Review Ordinance (DMMC Sections 23.08.065 – 23.08.068) requiring that applicants' approval for any new [detached] structure greater than 500 sq. ft. in size or any second-story addition to an existing structure implement a Citizens' Participation Program.

On June 6, 2016, the Ad-Hoc Committee presented the City Council with proposed revisions to the CPP process. The proposed revisions were a Committee work product developed in response to community testimony received indicating that the process needed to be improved in order to foster better neighbor-applicant communication and

City Council Action:

understanding of the potential impacts a proposed project could have on its neighboring properties and the larger community.

Council discussed the proposed revisions to the CPP, expressed concerns regarding some of the changes, and asked for additional information to be provided regarding the role of the ombudsman; specificity about the type of 3D models expected; and measurements of success. Council also directed Planning staff to review the proposed revisions to the CPP process and return to the Council with advisory comments and potential draft language for future municipal code amendments.

Staff is now returning to the City Council with analysis of the Ad-Hoc Committee's June 6th proposal. The following items have been addressed within this report: areas of the Committee's proposal that raise implementation issues, options for addressing those issues, and draft code language that would procedurally implement the most of the changes desired by the Ad-Hoc Committee.

DISCUSSION/ANALYSIS:

At the City Council meeting of June 6, 2016 the Ad-Hoc Committee presented the City Council with suggested revisions to the City's Citizen's Participation Program, DMMC Chapter 23.08 (Design Review Ordinance). The minutes from that meeting have been included as Attachment "A". The proposed changes that were identified within the Committee's recommendation report have been summarized below and are included as Attachment "B" of this report:

1. Inclusion of a noticed "Pre-CPP" meeting for the potential DRB applicant/property owner and their representatives discuss the envisioned project and gain neighbor feedback regarding potential concerns that could guide the design and development of the project plans.
2. Changing the required notice period for CPP meetings from 14 to 28 calendar days.
3. Specification of acceptable days/times CPP meetings should be held in order to gain maximum neighbor participation.
4. Posting of CPP meeting notices on the City Hall website, allowing residents interested in viewing all notices to sign up for "E-Blasts" from the City.
5. The addition of specific exhibits that must be provided for the second, more formal CPP meeting. These requirements are lettered below:
 - a. Provision of conceptual project plans, to include site plan, floor plans, and all exterior elevations.

- b. A two-dimensional street elevation to show neighborhood compatibility. Must include three residences to each side of the subject property.
 - c. Provision of 3-D images of the proposed project as seen from adjoining houses.
 - d. A requirement that story poles, using 12-inch-wide meshed material (construction/snow netting) be installed one week prior to the second CPP meeting.
6. A requirement that an ombudsperson, potentially a former DRB member, be present at the second CPP meeting to answer question from either the potential DRB applicant or neighbors.
 7. A recommendation that the property owner of the potential project be present at second CPP meeting.
 8. A prohibition from offering or presenting binding with neighbors at the second CPP meeting.

STAFF'S ADVISORY COMMENTS AND DISCUSSION ITEMS:

As directed by the City Council at the June 6th meeting, staff has reviewed the Committee's suggested revisions to the CPP process to: 1) identify areas of the Committee's proposal that raise implementation issues; 2) provide discussion and options for addressing those issues; and 3) develop potential code language that would procedurally implement most of the changes recommended by the Committee.

Draft Code Language:

Del Mar Municipal Code (DMMC) Sections 23.08.065 – 23.08.068 enact the CPP process within the Design Review Ordinance. Staff has reviewed each of Committee's suggestions and has provided draft language for most of Committee's revisions. In order to effectively insert the recommended changes into the CPP process, staff has reorganized the procedural formatting of the above-cited Code sections within the Design Review Ordinance. With the exception of the items specifically discussed below, all of the Committee's recommendations can be found in the draft language that has been provided for Council's review in both strikeout/underline format (Attachment C) and as a "clean" version (Attachment D). The draft code language was additionally developed with "placeholders" for inclusion items staff feels is in need of further refinement and/or discussion, if so directed by the City Council. This language will also require additional review by the City Attorney's office.

Identified Areas of Concern and Potential Solutions:

1. As proposed, the Committee's suggested revisions to the CPP process create several new regulatory requirements for applicants to follow. The Committee Chair explained that the intent of the new regulation is to "front-load" the development review process at the CPP stage by requiring more information and disclosure of potential neighbor/community issues. This would be accomplished by requiring applicants to provide items such as 3D modeling, neighborhood compatibility exhibits and story poles at the second CPP meeting. But more to the point, the new process would require that the plans contain DRB-level detail at the second CPP meeting.

It is staff's position that additional requirements and steps in the process will result in a more detailed and regulatory CPP process and additional staff time for the education of potential applicants, design professionals, and the public (neighbors) will be needed. It is expected that Staff would also be requested to review required elements of the process such as the notices, 3-D models and neighborhood capability exhibits to ensure conformance with the ordinance. However, as proposed by the Committee, the CPP process would remain "outside" of the City's formal development review processes that are processed and monitored by staff.

Based upon past development applications, there could potentially be between 35 and 65 CPP processes per year within the City, approximately one or more per week. In order to provide a mechanism for cost recovery of the additional staff time spent providing information, notification services and regulatory monitoring/enforcement of the required CPP process components, staff recommends that the City Council consider the implementation of a formal CPP application process. If the City Council agrees with this suggestion, staff envisions a CPP application process that would commence with the applicant's request for meeting notification materials and would close with the submittal of a final CPP report. Like the current process, the final CPP report would be required in order for the applicant to formally submit for Design Review.

Additional staff involvement within the CPP activities would include tracking of all CPP efforts and would facilitate the ability of the City to measure success of the program revisions. At the conclusion of each CPP process, staff would also circulate surveys to development applicants and all members of the public who participated in each of the CPP meetings. Combined with staff's observations while monitoring the Citizens' Participation Programs, this survey information would provide the basis for future reporting to the City Council on the success of the revised CPP process.

If so directed by City Council, staff would revise the draft CPP language included within this report to include application submittal and processing procedures for formal staff review and monitoring of required Citizens' Participation Programs.

2. The Committee recommended that the Ombudsperson would ideally be a former DRB member providing a voluntary service. This person would be required at the second required CPP meeting to facilitate understanding about the development review process in Del Mar, and to educate, but not advocate for the applicant or the neighboring residents. However, no additional detail was presented to the City Council regarding the Ombudsperson role. This lack of detail raised concerns by Council members, specifically regarding selection, qualifications, neutrality and availability of the Ombudsperson.

Similar to the concerns raised at the June 6, 2016 meeting by City Council members, staff has found the requirement for an "Ombudsperson" requirement/role raises questions and concerns, such as:

- How can availability of a volunteer facilitator/educator be assured?
- If one is not available, can the CPP meeting still occur?
- Should the City develop a policy and/or procedure for responsibility of recognized Ombudsperson (i.e. member must be 18 years old and affiliated with the community as a property owner, resident or local business person)? Eligibility may be further defined by this document.
- City Council appointed position?
- Could the DRB Ex-Official member be utilized in this capacity somehow?

After reviewing the issue and considering the issues listed-above, staff recommends that the City Council consider making the presence of an Ombudsperson in the CPP process a "recommended" option, rather than a requirement. Development proposals and project plans can be confusing and perhaps intimidating for those not familiar with reviewing plans or aware of how the City review process works. An impartial third-party facilitator would be a positive addition to the meeting process; however, training and experience in mediation and facilitation may be a more important attribute in this role than DRB experience.

Therefore, staff recommends that the City Council consider replacing the Committee's recommended Ombudsperson with a "Facilitator" certified in mediation or facilitation skills. Staff could request statements of qualifications from interested parties willing to be on a City-approved and maintained list of available meeting Facilitators. Similar to the DRB Ex-Officio position, residence within the City of Del Mar would not be required but participation in a group training about the City's DRB and other development review processes would be a mandatory requirement prior to providing services. While the provision of pro-bono services would be ideal, in order to ensure continued availability of Facilitators, staff also recommends that payment for facilitation service be required. To avoid any perception of impropriety, Facilitator payment could be required on a fixed amount basis, with the City randomly choosing from available Facilitators provided on an on-call list.

3. Story poles are not required by the current CPP process. However, a simplified version of the DRB-required story-pole depiction envelope is often erected to help neighbors visualize whether potential massing and private view blockage issues will occur. DRB-level story poles are expected with the Committee's suggested story-pole requirement for the CPP meeting. Implementation and timing requirements for the erection of story poles are currently regulated by the DRB's Story Pole Policy/Guidelines. Staff recommends that revision of the DRB's Story Pole Policy/Guidelines and all other proposed changes to the CPP be reviewed by the DRB prior to processing any formal Code Amendment of the CPP process.

4. The regulatory prohibition of binding agreements prior the formal DRB process may be problematic to regulate and legally enforce. This should be discussed further by the City Council with input by the City Attorney's office. Staff believes the intention of the proposed language is to avoid applicants demanding a neighbor's support of the project in writing when design concessions are made on their behalf. However, many successful, non-controversial projects have been approved at the DRB with little neighborhood concern due to successful private negotiations between neighbors. Therefore, staff has not included the Committee's recommendation regarding a prohibition of binding agreements in the draft code language included with this report.

CORRESPONDENCE:

Email correspondence from planning consultant Robert Scott, commenting on the suggested CPP revisions and supporting staff's recommendation of a City-monitored CPP application process, has been included as Attachment "E".

FISCAL IMPACT:

This implementation of the Ad-Hoc Design Review Process Citizen's Advisory Committee's recommended changes to the Citizen's Participation Process would not create any direct fiscal impacts to the City. However, the additional regulatory components/requirements would result in additional City costs for the staff time that would be involved in providing additional education and information to residents and development professionals, notification services, and monitoring and enforcement of the Code provisions. These additional costs could be absorbed through cost recovery fees in the form of a Citizens' Participation Program application process. However, based on the maximum anticipated amount of CPP applications the City could be processing, staffing needs within the Planning and Community Development Department would be increased an additional .5 full-time employee (FTE) due to the lengthened development review process and additional requirements for each project requiring a CPP.

ENVIRONMENTAL IMPACT:

A (future) legislative item to amend the Municipal Code is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b) (3) of the CEQA Guidelines.

ATTACHMENTS:

- Attachment A: June 6, 2016 City Council Meeting Minutes
- Attachment B: Ad-Hoc DRPCAC Recommendations
- Attachment C: Draft Code Language (Strikethrough and Underline)
- Attachment D: Draft Code Language (Clean Version)
- Attachment E: Correspondence

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AD HOC DESIGN REVIEW PROCESS CITIZENS' ADVISORY COMMITTEE
UPDATE AND WORK PRODUCT REVIEW (Clerk's File No. 401-5)

The Ad Hoc Design Review Process Citizens' Advisory Committee presented a powerpoint presentation, making a series of recommendations.

Mayor Parks opened the item to public comment and the following people spoke:

Greg Rothnem, 9th Street
Howard Gad, Coast Boulevard
Tina Thomas, 22nd Street
Sheila Sharpe, 15th Street
Michael Sharpe, 15th Street
Ann Dempsey, Crest Road
Tim Haviland, Rimini Road
Ellen Haviland, Rimini Road
Ted Shank, 15th Street
Camilla Rang, 10th Street
Dean Meredith, Camino Del Mar

Mayor Parks closed the item to public comment.

Council Member Corti liked the idea of more communication and he would like the CPP to increase to 45 days before a Design Review Board meeting. He stated recommendations need some additional refinement. He said good neighbor policy is a good idea as well as CPP.

Planning and Community Development Director Garcia said CPP process would need to be changed by ordinance since it was established via ordinance. She said with Council direction, staff can work with City Attorney to amend the ordinance as desired and bring back to Council for consideration.

Council Member Mosier asked what is the role of the ombudsman and a better definition of this person's role is needed. He supports making CPP process more formal.

Deputy Mayor Sinnott suggested taking a look at a "facilitator" rather than an ombudsman. He is concerned about expanding notification on residential projects to include a larger area unless it is a very large project.

Council consensus to approve the Good Neighbor Handbook and Community Guide and to encourage homeowner to attend at least one CPP. Council directed staff to first have documents finalized by staff and legal review, as well as have an ordinance to come back as an advisory. Council is supportive of 3-D modeling being a requirement of the process. They supported the idea of identifying measurement tools for success.

IT WAS MOVED BY COUNCIL MEMBER CORTI, SECONDED BY COUNCIL MEMBER MOSIER, TO APPROVE THE GOOD NEIGHBOR HANDBOOK AND COMMUNITY GUIDE DOCUMENTS SUBJECT TO STAFF AND LEGAL APPROVAL. MOTION PASSED 4-0 WITH COUNCIL MEMBER WORDEN ABSENT.

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CONTINUE DISCUSSION ON TRANSACTIONS AND USE TAX MEASURE AND PROVIDE DIRECTION ON BALLOT LANGUAGE (Clerk's File No. 402-1, 402-3)

Assistant City Manager Delin, provided staff report and powerpoint presentation.

Mayor Parks opened the item to public comment and the following people spoke:

Claire McGreal, Stratford Court
Dan Quirk, 23rd St.
Tom McGreal, Stratford Court
K.C.Vafiadis, Camino del Mar
Richard Ernest, Ocean Avenue
Deborah Isackson-Groban, 7th Street
Brooke Eisenberg, Hoska Drive

Mayor Parks closed the item to public comment.

Council Member Corti suggested the language be refined to focus on the three major projects and to include on November ballot.

Council Member Mosier stated community support needed. He stated some residents will get more benefit from the tax, and others will get none. He recommended to look at 2018 for this tax measure and a better plan is needed before moving forward.



Proposed Revisions to the Citizens' Participation Program (CPP)

*DRAFT: Prepared by the Del Mar Ad Hoc Development Review Process
Citizens' Advisory Committee / CPP Subcommittee*

Note: Items in RED below are suggested modifications to the current code.

The Ad Hoc Committee has concluded that the CPP is fraught with animosity and fails to promote friendliness among neighbors. It is our finding that some changes could be made to make the process more fair and transparent in order to facilitate understanding among all parties. We also hope that the additional time and notifications will leave no community member feeling as though they hadn't the time or opportunity to review the project before the final DRB meeting. This CPP process is a prerequisite to the application moving forward. We suggest the following:

1. **That there be a pre-CPP meeting** with the same notifications to the neighbors as required for the CPP meeting (DMC 23.08.067). This meeting would be a time for applicants and their representatives to give their vision of the project and for them to hear and understand the concerns of their neighbors (such as views, primary living spaces, privacy). At this meeting, there would be no story poles, plans, etc. This would be a conceptual discussion.
2. **At some time subsequent to that meeting, additional notifications would be sent out to the same required recipients, notifying them of the CPP meeting.** This notification letter would include a description of the project and a copy of the most recent preliminary plans for the project.
3. **At the CPP meeting, 3-D images, as seen from adjoining houses, should be required** so that neighbors and applicants are able to see how the project is viewed from different angles. The applicant/representative would also be required to provide a site plan, floor plan, all exterior elevations including a two-dimensional streetscape showing neighborhood compatibility including but not limited to three residences on each side of the property. Meshed story poles would be placed on the site at least one week before the CPP meeting. An ombudsperson would be present to educate but not advocate. This volunteer Ombudsperson, ideally, but not necessarily, a former DRB member, could facilitate understanding about design review in the City of Del Mar.
4. **Applicants should be required to follow the code.** The committee has noted that the portion of the code requiring preliminary plans has not been followed or enforced. Likewise, the committee has noted the code requires that the applicant/representatives must report back to the City and to the CPP attendees all results of the CPP meeting; however, this requirement has seldom been followed or enforced. In fact, the code states: *"This information, and any additional comments by the interested neighbors, shall be*

sent to all CPP attendees and shall be included in the CPP report submitted to the Director of Planning and Community Development as a requirement of this Code.”

5. **Better meeting notification is needed.** Notices of meetings should be sent by US mail as they are now but the time for mailing the notices would be changed from 14 to 28 days by postmark. Notices should be sent by email to anyone who requests notifications of CPP meetings. Additionally, notices should be posted on the Del Mar website.
6. **No binding agreements or requests for binding agreements should take place at these meetings.**

Following are suggested revisions to the CPP code items 23.08.067 and 23.08.068:

23.08.067 Required Components of a Citizens' Participation Program

A. Implementation of a Citizens' Participation Program shall include all of the following steps:
[Ord. 872]

- (1) **First, an informal Pre-CPP meeting shall be held at the site where everyone has been noticed, as in 23.08.067 A.1, and A.4 (notice on the Del Mar website at www.delmar.ca.us). The informal meeting, like the formal meeting, should be at a time after the normal workday or on a non-holiday weekend. This would be a simple discussion of concept--an opportunity for the applicant/representative to explain their vision of the project. It is an exploratory stage to promote an understanding of the project to the neighbors and an understanding of the neighbors' concerns by the applicant. Story poles and 3-D images are not required at this time. Following this meeting, at a time when more is known about the project, applicant may proceed to scheduling the CPP Meeting.**
- (2) A notice package shall be mailed to the parties on a distribution list consisting of: owners of properties located within 300 feet of the project site, residents of properties located within 300 feet of the project site, and any persons who have submitted a written request to the City that they be given notice about development proposals at the project site. The notice package shall include a description of the project and a copy of the (most recent) preliminary plans for the project.
- (3) A letter shall be mailed to the parties on the distribution list inviting them to a meeting with the project applicant and/or their representatives to present and discuss the development proposal. The invitation shall include a convenient meeting time (**not to be during working hours or holidays in order to promote participation by all who care to attend**) and location. The applicant shall have the flexibility to coordinate the required meeting either as a single meeting with all the parties on the distribution list, or as a series of meetings with smaller groups from the distribution list.
- (4) The notice/letter required by this Code shall be mailed at least ~~fourteen (14)~~ **twenty eight (28)** days by **postmark** before the proposed CPP meeting.

- (5) Applicant shall contact the City 21 days before the CPP to post a notice of the CPP meeting so that it is up on the website at least 14 days before the meeting. Additionally an E-blast will be sent by the City to whoever has requested notification of CPP meetings.
- (6) At this second meeting, an ombudsman will be present to answer questions from either side. The committee recommends the applicant be present for this meeting.
- (7) At this meeting, no binding agreements will be presented by applicant or neighbor.
- (8) Applicant or his/her representative will present 3 D images of the proposed project as seen from adjoining houses. This is required so that neighbors and applicants are able to see how the project is viewed from different angles. The applicant/representative would also be required to provide a site plan, floor plan, all exterior elevations including a two-dimensional streetscape showing neighborhood compatibility including but not limited to three residences on each side of the property. Meshed story poles would be placed on the site at least one week before the CPP meeting.

- B. Within fourteen (14) days following the CPP meeting, the project applicants or representatives shall provide a written response to any concerns raised during the CPP meeting process explaining how the draft project plans would be modified as a result of the concerns that the neighbors raised at the Citizens' Participation Meeting, or if not, the rationale thereof. This information, and any additional comments by the interested neighbors, shall be sent to all CPP attendees and shall be included in the CPP report submitted to the Director of Planning and Community Development as a requirement of this Code.
- C. The requirements for notice of a Citizens' Participation Program are separate and distinct from the noticing requirements for provision of notice of a Design Review Board hearing, as required in this chapter.

<p>23.08.068 Submittal of Report Documenting Implementation of a Citizens' Participation Program.</p>
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Following implementation of the Citizens' Participation Program, the applicant or applicant's agent shall submit a written report to the Director of Planning and Community Development documenting the steps taken to implement, and the results of, the Citizens' Participation Program. The report required herein shall include all of the following information: {Ord. 872}

- A. The distribution list for the notice package;
- B. The dates and content of the notice package sent to the neighbors and other parties as required by this section;
- C. The dates and locations of all meetings to which interested parties were invited to discuss the development proposal;

- D. The contents, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other writings distributed by the applicant or his/her representatives as part of the Citizens' Participation Program;
- E. A list of the parties who attended meetings or otherwise participated in the Citizens' Participation Program **and the addresses where the CPP reports were sent;**
- F. A list of the comments raised at the Citizens' Participation Program meeting(s), along with any correspondence received as part of the Citizens' Participation Program; and
- G. An explanation as to how the project was modified as a result of those comments, from the Citizens' Participation meetings(s), or if not, the rationale thereof.

CPP CHECKLIST

The Citizens' Participation Program is an important step in the Design Review Process. The following is a checklist of steps to complete that part of Design Review.

- 1) **Prepare a package to be sent to parties on the distribution list.** The packet should include:
 - a) The address of the property to be developed.
 - b) The date, time, and location of the meeting.
 - c) A description of the project and a copy of the most recent preliminary plans of the project.
- 2) **Send package at least 28 days by postmark to everyone who:**
 - a) owns property located within 300 feet of the project site
 - b) is a resident of a property located within 300 feet of the project site
 - c) has submitted a request to the City to be informed of development proposals for this site
- 3) **Contact the Planning Department to post the packet on the City of Del Mar website at www.delmar.ca.us.** The City should be notified 28 days in advance so the packet could be posted no less than 21 days before the meeting.
- 4) **Story poles, when required, should be placed no less than 21 days before the CPP meeting.** Presently, there is no requirement for story poles previous to the CPP meeting but there is one for before the DRB meeting. (Story poles shall be removed within seven (7) calendar days after the ten-day DRB appeal period expires or within seven (7) calendar days after the final appeal and hearing. Story poles associated with a formal application, which has been inactive for three (3) months, shall be removed until the application review returns to an "active" status. Informal story poles may be placed as part of a pre-application "evaluation phase," however, they may be in place for only a maximum of 30 days.) This pre-application evaluation phase would conflict with the total number of days under a new guideline.
- 5) **Conduct the meeting.**
 - a) Ask all attendees for their name and address so they can be sent the applicant's written response about the meeting.
 - b) It is highly recommended that applicants or their representatives explain why they feel their house is compatible with the neighborhood.
- 6) **Within 14 days of the meeting, send response as outlined in 23.08.067-B.**

23.08.065 Citizens' Participation Program - Purpose.

A. The purpose of the Citizens' Participation Program is to ensure that applicants for projects requiring the receipt of a Design Review Permit conduct efforts to notify potentially affected parties of proposed developments early in the design phase of a project. The Citizens' Participation Program is also intended to give the applicants and their agents the opportunity to understand and respond to concerns raised about the project's potential impacts on the community. [Ord. 849, 872]

B. The Citizens' Participation Program is not intended to produce complete consensus on all applications but to facilitate dialogue among applicants and neighbors early in the development review process. Completion of the Citizen's Participation Program shall not be construed as any prejudgment, commitment, or guarantee that an application for a Design Review Permit will be approved with or without any particular conditions. Approval of a Design Review Permit is at the sole discretion of the Design Review Board or City Council on appeal.

23.08.066 Projects Requiring Implementation of a Citizens' Participation Program.

A. The requirement to implement a Citizens' Participation Program, as regulated in this chapter, shall apply to those applications for Design Review Permits that involve one or more of the following: [Ord. 872]

1. Any new detached structure that would contain more than 500 square feet of bulk floor, as bulk floor area is measured pursuant to the DMMC; or

2. Any addition of a second-story element to a one-story structure; or

3. Any project that, in the determination of the Planning Director, working in consultation with the Chairperson of the Design Review Board, holds the potential to cause adverse impacts on the surrounding neighborhood and therefore, warrants the implementation of a Citizens' Participation Program.

B. In order for an application for a Design Review Permit to be deemed complete and eligible for inclusion on a noticed agenda of the Design Review Board, the applicant shall submit evidence to the Director of Planning and Community Development that a

Citizens' Participation Program has been implemented, where required and as regulated by this Chapter.

C. For the purposes of this section, a person or their agents/representatives required to implement a Citizen's Participation Program shall be referred to as "property owner."

23.08.067 Required Components of a Citizens' Participation Program.

~~A. Implementation of a Citizens' Participation Program shall include all of the following steps: [Ord. 872]~~

A. Meetings:

1. All Property Owners required by this Chapter to implement a Citizens' Participation Program shall hold two meetings with neighbors and interested parties prior to submittal of any Design Review Permit applications for the project. The meetings shall consist of the following:

a) Introductory Meeting - Prior to any preparation of architectural design plans, the Property Owner shall conduct an informal meeting with neighbors and all interested parties to discuss the development desires and conceptual design ideas of the owner. The purpose of this meeting is to receive initial feedback and identify areas of potential concern from attendees of the meeting. Meeting attendees are encouraged to convey any information during this meeting that may help the Property Owner develop a plan that would avoid adverse impacts to the surrounding neighborhood and community. Every effort shall be taken to hold the meeting at the site of the proposed development.

b) Concept Proposal Meeting - After conducting the Introductory Meeting as discussed in subsection (a) above, the Property Owner shall conduct a second meeting with neighbors and all parties interested in the development project. For this meeting, the Property Owner shall provide the following to help facilitate understanding of the project and development review processing at the meeting:

i. Conceptual architectural plans consisting of a site plan, floor plans, and all exterior building elevations.

ii. A photographic exhibit that depicts structures located on the next three consecutive properties located to each side (left and right) of the subject property to be improved. (Note: this requirement has been altered by staff to be obtainable).

iii. 3-D computer modeling images of the new building(s), or existing building(s) with proposed additions, as viewed from each home located on property directly adjacent to the potential project site. At a minimum, the model shall depict the exterior massing/envelope of the buildings and shall be viewable from all above-ground angles. Architectural details, window/door placements, exterior finishes, etc. are not required for the model.

iv. Story poles, erected in accordance with the Design Review Board's Story Pole Guidelines, shall be erected prior this CPP meeting. (Requires input from the Design Review Board and revision of the DRB Story Pole Guidelines to require for CPP and change string-line requirements to 12" orange snow/construction mesh fencing.

v. The attendance of an Ombudsperson (to be discussed by City Council for potential inclusion).

2. All meetings required by this section shall be scheduled within the following time/date parameters:

- a) Weekdays after 6:00 pm
- b) Non-Holiday weekends after 10:00 am
- c) Not during the City Council, Design Review or Planning Commission meeting times.

3. Property Owners shall provide the opportunity to meet individually with neighbors and interested parties who are unable to attend either of the required meetings at their scheduled time.

B. Provision of Notice for CPP Meetings

1. A notice package shall be mailed to the parties on a distribution list consisting of Notice for all Citizens' Participation Program meetings shall be provided to the owners and current residents of all properties located

~~within 300 feet of the project site. ; residents of properties located within 300 feet of the project site; and any persons who have submitted a written request to the City that they be given notice about development proposals at the project site. Noticing maps and associated mailing addresses (distribution lists) may be obtained from the City of Del Mar Planning and Community Development Department. notice package shall include a description of the project and a copy of the [most recent] preliminary plans for the project.~~

2. Notices must be drafted by the property owner and shall be in the form of an invitation letter to neighbors and interested parties. Notices for each of the required meetings shall: state the purpose of the meeting, as described by this Chapter; briefly describe the property owner's intentions (project description); encourage recipients to participate; and shall contain the date, time and location of the meeting. All notices must also include the property owner's name, mailing address, email address and a telephone number.

3. Notices for the Project Proposal Meeting shall include the most recent preliminary project plans, as required in Section 23.08.067 A.1.a(i) of this Code.

~~A letter shall be mailed to the parties on the distribution list inviting them to a meeting with the project applicant and/or their representatives to present and discuss the development proposal. The invitation shall include a convenient meeting time and location. The applicant shall have the flexibility to coordinate the required meeting either as a single meeting with all of the parties on the distribution list, or as a series of meetings with smaller groups from the distribution list.~~

4. ~~The notice/letter~~ Notices required by this Code shall be mailed and postmarked at least ~~fourteen (14)~~ twenty eight (28) calendar days prior to the proposed [CPP] meeting date.

5. At least twenty one (21) calendar days prior to a required CPP meeting, the Property Owner shall deliver a copy of the meeting notice to the City of Del Mar Planning and Community Development Department. Department staff will post the notice to a designated location on the City's website for public viewing no less than fourteen (14) calendar days prior to the CPP meeting. Parties interested in receiving notice of all CPP meeting posted on the City's website may sign-up to receive "E-Blast" communications from the City regarding scheduled CPP meetings..

~~B-6.~~ The requirements for notice of a Citizens' Participation Program are separate and distinct from the noticing requirements for provision of notice of a Design Review Board hearing, as required in this Chapter.

23.08.068 Submittal of Reports Documenting Implementation of a Citizens' Participation Program.

A. At least fourteen (14) days prior to the submittal of a Design Review Permit application for the project, the Property Owner shall provide a written response to any concerns raised during the CPP Meeting process explaining how the draft project plans would be modified as a result the concerns that neighbors raised at the Citizens' Participation meeting, or if not, the rationale thereof. This information, and any additional comments by the interested neighbors, shall be sent to all CPP meeting attendees.

B. Following implementation of the Citizens' Participation Program, the applicant or applicant's agent shall submit a written report to the Director of Planning and Community Development documenting the steps taken to implement, and the results of, the Citizens' Participation Program. The report required herein shall include all of the following information: [Ord. 872]

A1. The Map and distribution (address) list for the meeting notices package;

~~— B. The dates and content of the notice package sent to neighbors and other parties as required by this section;~~

C 2. The dates and locations of all meetings to which interested parties were invited to discuss the development proposal;

D 3. The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings distributed by the applicant or his/her representatives as part of the Citizens' Participation Program;

E 4. A list of the parties who attended meetings or otherwise participated in the Citizens' Participation Program;

F 5. A list of the comments raised at each of the Citizen Participation Program meeting(s), along with any correspondence received as part of the Citizens' Participation Program; and

€ 6. An explanation as to how the project was modified as a result of those comments from the Citizens' Participation meeting(s), or if not, the rationale thereof.

F 7. A copy of the written response sent to all meeting attendees.

23.08.065 Citizens' Participation Program - Purpose.

A. The purpose of the Citizens' Participation Program is to ensure that applicants for projects requiring the receipt of a Design Review Permit conduct efforts to notify potentially affected parties of proposed developments early in the design phase of a project. The Citizens' Participation Program is also intended to give the applicants and their agents the opportunity to understand and respond to concerns raised about the project's potential impacts on the community. [Ord. 849, 872]

B. The Citizens' Participation Program is not intended to produce complete consensus on all applications but to facilitate dialogue among applicants and neighbors early in the development review process. Completion of the Citizen's Participation Program shall not be construed as any prejudgment, commitment, or guarantee that an application for a Design Review Permit will be approved with or without any particular conditions. Approval of a Design Review Permit is at the sole discretion of the Design Review Board or City Council on appeal.

23.08.066 Projects Requiring Implementation of a Citizens' Participation Program.

A. The requirement to implement a Citizens' Participation Program, as regulated in this chapter, shall apply to those applications for Design Review Permits that involve one or more of the following: [Ord. 872]

1. Any new detached structure that would contain more than 500 square feet of bulk floor, as bulk floor area is measured pursuant to the DMMC; or

2. Any addition of a second-story element to a one-story structure; or

3. Any project that, in the determination of the Planning Director, working in consultation with the Chairperson of the Design Review Board, holds the potential to cause adverse impacts on the surrounding neighborhood and therefore, warrants the implementation of a Citizens' Participation Program.

B. In order for an application for a Design Review Permit to be deemed complete and eligible for inclusion on a noticed agenda of the Design Review Board, the applicant shall submit evidence to the Director of Planning and Community Development that a

Citizens' Participation Program has been implemented, where required and as regulated by this Chapter.

C. For the purposes of this section, a person or their agents/representatives required to implement a Citizen's Participation Program shall be referred to as "Property Owner."

23.08.067 Required Components of a Citizens' Participation Program.

A. Meetings:

1. All Property Owners required by this Chapter to implement a Citizens' Participation Program shall hold two meetings with neighbors and interested parties prior to submittal of any Design Review Permit applications for the project. The meetings shall consist of the following:

a) Introductory Meeting - Prior to any preparation of architectural design plans, the Property Owner shall conduct an informal meeting with neighbors and all interested parties to discuss the development desires and conceptual design ideas of the owner. The purpose of this meeting is to receive initial feedback and identify areas of potential concern from attendees of the meeting. Meeting attendees are encouraged to convey any information during this meeting that may help the Property Owner develop a plan that would avoid adverse impacts to the surrounding neighborhood and community. Every effort shall be taken to hold the meeting at the site of the proposed development.

b) Project Proposal Meeting - After conducting the Introductory Meeting as discussed in subsection (a) above, the Property Owner shall conduct a second meeting with neighbors and all parties interested in the development project. For this meeting, the Property Owner shall provide the following to help facilitate understanding of the project and development review processing at the meeting:

i. Conceptual architectural plans consisting of a site plan, floor plans, and all exterior building elevations.

ii. A photographic exhibit that depicts structures located on the next three consecutive properties

located to each side (left and right) of the subject property to be improved.

iii. 3-D computer modeling images of the new building(s), or existing building(s) with proposed additions, as viewed from each home located on property directly adjacent to the potential project site. At a minimum, the model shall depict the exterior massing/envelope of the buildings and shall be viewable from all above-ground angles. Architectural details, window/door placements, exterior finishes, etc. are not required for the model.

iv. Story poles, erected in accordance with the Design Review Board's Story Pole Guidelines, shall be erected prior this CPP meeting.

v. The attendance of an Ombudsperson (to be discussed by City Council for potential inclusion).

2. All meetings required by this section shall be scheduled within the following time/date parameters:

- a) Weekdays after 6:00 p.m.; and
- b) Non-Holiday weekends after 10:00 a.m.; and
- c) Not during the City Council, Design Review or Planning Commission meeting times.

3. Property Owners shall provide the opportunity to meet individually with neighbors and interested parties who are unable to attend either of the required meetings at their scheduled times.

B. Provision of Notice for CPP Meetings

1. Notice for all Citizens' Participation Program meetings shall be provided to the owners and current residents of all properties located within 300 feet of the potential project site. Noticing maps and associated mailing addresses (distribution lists) may be obtained from the City of Del Mar Planning and Community Development Department.

2. Notices must be drafted by the Property Owner and shall be in the form of an invitation letter to neighbors and interested parties. Notices for each of the required meetings shall: state the purpose of the meeting, as described by this

Chapter; briefly describe the Property Owner's intentions (project description); encourage recipients to participate; and shall contain the date, time and location of the meeting. All notices must also include the Property Owner's name, mailing address, email address and a telephone number.

3. Notices for the Project Proposal Meeting shall include the most recent preliminary project plans, as required in Section 23.08.067 A.1.a(i) of this Code.

4. Notices required by this Code shall be mailed and postmarked at least twenty eight (28) calendar days prior to the proposed [CPP] meeting date.

5. At least twenty one (21) calendar days prior to a required CPP meeting, the Property Owner shall deliver a copy of the meeting notice to the City of Del Mar Planning and Community Development Department. Department staff will post the notice to a designated location on the City's website for public viewing no less than fourteen (14) calendar days prior to the CPP meeting. Parties interested in receiving notice of all CPP meeting posted on the City's website may sign-up to receive "E-Blast" communications from the City regarding scheduled CPP meetings.

6. The requirements for notice of a Citizens' Participation Program are separate and distinct from the noticing requirements for provision of notice of a Design Review Board hearing, as required in this Chapter.

23.08.068 Submittal of Reports Documenting Implementation of a Citizens' Participation Program.

A. At least fourteen (14) days prior to the submittal of a Design Review Permit application for the project, the Property Owner shall provide a written response to any concerns raised during the CPP Meeting process explaining how the draft project plans would be modified as a result the concerns that neighbors raised at the Citizens' Participation meeting, or if not, the rationale thereof. This information, and any additional comments by the interested neighbors, shall be sent to all CPP meeting attendees.

B. Following implementation of the Citizens' Participation Program, the applicant or applicant's agent shall submit a written report to the Director of Planning and Community Development documenting the steps taken to implement, and the results of, the

Citizens' Participation Program. The report required herein shall include all of the following information: [Ord. 872]

1. The Map and distribution (address) list for the meeting notices;

2. The dates and locations of all meetings to which interested parties were invited to discuss the development proposal;

3. The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings distributed by the applicant or his/her representatives as part of the Citizens' Participation Program;

4. A list of the parties who attended meetings or otherwise participated in the Citizens' Participation Program;

5. A list of the comments raised at each of the Citizen Participation Program meetings, along with any correspondence received as part of the Citizens' Participation Program; and

6. An explanation as to how the project was modified as a result of those comments from the Citizens' Participation meeting(s), or if not, the rationale thereof.

7. A copy of the written response sent to all meeting attendees.

Matt Bator

From: Robert Scott <rjsplanning@gmail.com>
Sent: Tuesday, August 16, 2016 10:15 AM
To: dwight@dwightworden.com; Dwight Worden; Harold Feder; Matt Bator
Subject: Summary on Proposed Revisions to the CPP Process

Hello Dwight, Harold, and Matt:

Thank you for the opportunity to address the Ad-Hoc Development Review Committee last night re: the CPP process. To summarize my thoughts from last night's meeting, I understand and respect the intention behind the revised CPP proposal; however, I remain reserved that the expected outcome will not live up to the intentions behind the amount of new technical, procedural, noticing, and reporting requirements proposed to be added to the process. That said, I also think that, as discussed by the committee, having the CPP integrated as an early phase into the overall DRB process (vs. having the CPP being a separate but related pre-DRB process in and of itself) would help to allay my concerns about it being a potentially wasted (or simply an informational) effort for all parties. I would also suggest that there be some form of monitoring and reporting on the success of any revamped CPP process over time to make sure the juice is worth the added squeeze. At the heart of the CPP process are people's approach to the process (from all parties involved) which can be a very difficult if not impossible thing to regulate.

Please share these thoughts with the City Council and other members of the Ad-Hoc committee.

Thanks again,

Bob

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