



City of Del Mar



SPECIAL MEETING AGENDA PLANNING COMMISSION/DESIGN REVIEW BOARD JOINT WORKSHOP

Del Mar Town Hall – 1050 Camino del Mar
Wednesday, October 17, 2018
5:00 pm

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

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Commissioners Chambers.

1. **CALL TO ORDER; ROLL CALL**

Planning Commission and Design Review Board

2. **AGENDA BRIEFING**

Explanation of Workshop Organization and Format

3. **DISCUSSION ITEM**

A request for Planning Commission and DRB issue identification and feedback regarding the conceptual design plans for the Del Mar Resort Specific Plan, and related land use/zoning changes that would be required for development proposed at the northwestern corner of the City of Del Mar immediately south of Border Avenue and west of Camino del Mar. **Please note: the Planning Commission and Design Review Board will not take any formal action on this agenda item. This workshop is solely intended to give the Planning Commission, Design Review Board, and the public an opportunity to provide early comments on the project's conceptual design and to identify potential issues relative to the City's Design Review Ordinance (Del Mar Municipal Code Chapter 23.08), Community (General) Plan, Local Coastal Program, and existing zoning regulations.**

4. **ORAL COMMUNICATIONS** (NON-ACTION ITEMS)

State law precludes the Planning Commission or Design Review Board from acting on any topic that is not an action item on the posted agenda. Your information may be received and placed on the next available agenda of the appropriate City Board or Commission

5. **ADJOURNMENT**

CERTIFICATION

I, Sarah Krietor, Management Analyst for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 12th day of October 2018, at approximately 2:30 P.M.

A handwritten signature in cursive script that reads "Sarah Krietor".

Sarah Krietor, Management Analyst

10/12/2018

Date



City of Del Mar



DEL MAR

PLANNING COMMISSION/DESIGN REVIEW BOARD
OCTOBER 17, 2018 - JOINT PUBLIC WORKSHOP
STAFF MEMORANDUM

TO: Planning Commission, Design Review Board, and Interested Parties

FROM: Matt Bator, AICP, Principal Planner

DATE: October 17, 2018

RE: Agenda Item #3 - A request for Planning Commission and Design Review Board issue identification and feedback regarding the conceptual design plans for the Del Mar Resort Specific Plan, and related land use/zoning changes that would be required for development proposed at the northwestern corner of the City of Del Mar immediately south of Border Avenue and west of Camino del Mar.

PLEASE NOTE: THE PLANNING COMMISSION AND DESIGN REVIEW BOARD WILL NOT TAKE ANY FORMAL ACTION ON THIS AGENDA ITEM. THIS WORKSHOP IS SOLELY INTENDED TO GIVE THE PLANNING COMMISSION, DESIGN REVIEW BOARD, AND THE PUBLIC AN OPPORTUNITY TO PROVIDE EARLY COMMENTS ON THE PROJECTS CONCEPTUAL DESIGN AND TO IDENTIFY POTENTIAL ISSUES RELATIVE TO THE CITY'S DESIGN REVIEW ORDINANCE (DEL MAR MUNICIPAL CODE CHAPTER 23.08), COMMUNITY (GENERAL) PLAN, LOCAL COASTAL PROGRAM, AND EXISTING ZONING REGULATIONS.

BACKGROUND

On June 19, 2017, the City Council adopted Resolution 2017-38, initiating a Specific Plan process (rezone), Community (General) Plan amendment (GPA), and a Local Coastal Program amendment (LCPA) to consider whether to assign a resort use designation rather than the current Residential Zone designations to the properties (Attachment A). The three legislative actions listed above require action by the Planning Commission and the City Council, as well as Coastal Commission action on the LCPA at noticed public hearings. City legislative acts would be subject to environmental review pursuant to the California Environmental Quality Act (CEQA). This process is underway.

In addition to the legislative changes, the resort project would also require discretionary actions: a Design Review Permit (DRB), Coastal Development Permit (CDP) and a Land Conservation (LC) Permit, each subject to review and recommendation by the Design Review Board for

consideration by the City Council for final action. The site is located within the Coastal Commission Appeals Zone, and the City's final action on the CDP would be appealable to the Coastal Commission. As with local legislative actions, the discretionary permits and authorizations would also be subject to environmental review per CEQA.

Pursuant to adopted City Council policy, the Applicant has elected for concurrent processing of discretionary review permits (including the project's DRB permit), the Specific Plan and other legislative changes. City outreach processes have been initiated (including to date, two Citizens' Participation Program meetings), prior to formal consideration of the Specific Plan or Design Review permits. To gain further public input, the Applicant has also undertaken informal outreach by meeting with adjacent homeowner associations (HOAs) and other interested parties from the communities of both Del Mar and Solana Beach.

Site Description:

The Del Mar Resort Specific Plan Area is located in the northwestern portion of the City of Del Mar on the coastal bluffs, south of Border Avenue and west of Camino del Mar. The Plan Area consists of eleven parcels:

- Eight privately owned (APNs 298-241-06, 07, 29, 34, 35, and 36, and 299-030-14, 15);
- Two publically owned, and which comprise the City's North Bluff (James G. Scripps) Preserve parkland (APNs 299-030-07 and 16);
- One public parcel (APN 298-241-18) that serves as a public coastal viewing access, west of Border Avenue.

Much of the Specific Plan Area is disturbed and vacant land, however, one parcel located at 101 Border Avenue (APN 299-030-15), the southernmost private property in the Plan Area, is currently developed with a 5,800-square-foot residence with a detached garage and pool cabana building. The Specific Plan Area is generally flat near the center of the site and surrounded by steep cliffs to the east, south, and west. Public beach is located at the base of the bluffs to the west and south.

Existing Community Plan and Zoning Designations:

The privately owned properties comprising the proposed Resort development are designated for Very Low Residential and Modified Low Density Residential in the City of Del Mar Community Plan, and zoned as R1-40 and R1-14, respectively. The southernmost parcels, which comprise the North Bluff Preserve, are zoned Public Parkland.

The Community Plan designates the R1-40 Zone for Very Low Density Residential uses at a maximum density of one dwelling unit per 40,000 square feet. The Community Plan states that "this land use category is intended to allow single-family development that preserves an open character on land within areas that include steep slopes, bluffs and/or canyons."

The standards of the R1-14 Zone are “intended to preserve an open and uncrowded character and protect the unique residential environment of Del Mar. The standards are intended to promote and protect those special amenities associated with a district of single-family homes. Factors of topography and environmental sensitivities, the character of existing, low-density residential areas, and the need to identify Del Mar as a distinct and separate community shall be taken into account in administering the standards contained herein.”

The Specific Plan Area is further located within following Overlay Zones:

- Bluff, Slope and Canyon (BSC-OZ) (Del Mar Municipal Code Chapter 30.52), which is intended to “preserve and protect the sandstone bluffs, canyons, and steep slopes that bring diversity to Del Mar’s natural environment.”
- Coastal Bluff (Del Mar Municipal Code Chapter 30.55), which is intended to “protect Del Mar’s fragile coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion.”
- Beach Overlay (Del Mar Municipal Code Chapter 30.50), which is intended (in part) “...to protect public access to and along the shoreline, while promoting public safety, health and welfare, and providing for the protection of private property.

Surrounding Land Uses:

Residences are located to the north in the City of Solana Beach and are comprised, primarily, of multifamily condominiums. A commercial area is also located to the north and includes a two-story structure and; single-family and multifamily development exists to the northeast.

In the City of Del Mar, the San Dieguito River and low-density single-family residential uses are located south of the Plan Area and; the Del Mar Fairgrounds, railroad tracks and the Brigantine Seafood Restaurant are located to the east, between the Plan Area and the Del Mar Fairgrounds.

SPECIFIC PLAN/PROJECT PROPOSAL:

The proposed project, as currently conceptualized by the Applicant, consists of a Specific Plan that would allow for a multiple-building resort complex on the eight privately owned lots. A Specific Plan is a planning document that includes development standards that apply to a particular geographical area, carrying out the intent and goals of the City’s General (Community) Plan. Requirements for preparation of a Specific Plan are enumerated in California Government Code Sections 65450-65457. The adoption of a Specific Plan is a legislative action that assigns a new land use designation to the property within the Specific Plan Area (Plan Area), along with accompanying regulatory development parameters. In short,

it creates land use designations and zones for the property or properties. In addition to laying out the zoning parameters, a Specific Plan identifies any deviations from the otherwise applicable (existing) zoning regulations, as well as the community benefits that would be derived from the development of a project consistent with the Specific Plan.

While a formal Specific Plan document has not been deemed “complete” by the City for public review, as conceptually proposed, the Plan would provide standards and guidelines for development of a resort to include 251 hotel rooms and 76 residential units (villas). The resort would include a main building on the northeast portion of the project site, as well as individual guestrooms and residential units throughout the center of the project site. Low-cost visitor accommodations and employee housing are also proposed.

Both vehicular and pedestrian access to the resort would be from Border Avenue, and resort amenities would include space for events and conferences, restaurants, ancillary retail shops, a fitness center and pool/spa, and public recreational facilities. Public access to the Plan area’s coastal bluffs would be facilitated by inclusion of a paved multi-use trail circumnavigating the perimeter of the resort. Both public and private parking facilities would be located within on-site subterranean parking garages.

While the broader Plan area would encompass both private and public lands, the resort development itself would be limited only to privately owned land. New landscaping and the aforementioned public access (trail) improvements are envisioned within a portion of the Camino del Mar right-of-way currently utilized for vehicular access to 101 Border Avenue, and landscaping would be performed on the City-owned public coastal viewing strip adjacent to the condominium residences immediately northwest of the site.

The conceptual architectural design plans for the proposed Del Mar Resort, as submitted by the Applicant at the October 27, 2018 Citizens’ Participation Meeting, can be viewed [here](#).

While the North Bluff Preserve properties are included in the Specific Plan Area, no development or improvements are envisioned for that City-owned land.

PLANNING EFFORTS FOR ADJACENT PUBLIC LANDS

At its September 18, 2017 meeting, the City Council directed staff to include adjacent public lands, including the Camino del Mar, Border Avenue and Via de la Valle Rights-of-Way, the Coastal Access Walkway, James G. Scripps Bluff (North Bluff Preserve); and North Beach into the Specific Plan study area for purposes of context and CEQA environmental review.

To effect an analysis that is both comprehensive and holistic, all areas will be included and addressed in the Plan, as well as in the project’s analysis pursuant to the CEQA. However, to ensure fulfillment of specific City Council goals of ensuring that any future development does not adversely impact the North Bluff Preserve, a separate planning process for the North Bluff

Preserve is being developed by City staff (under direction of the City Council), with feedback sought from City advisory committees. Ultimately, guidelines and standards to be included in the Specific Plan will provide for the long-term preservation and protection of the Preserve, while ensuring its clear separation from any future resort development. Staff is scheduled to present these draft goals, policies and standards to the City Council at a future meeting in the early Fall of 2018. A copy of the draft goals, policies, and standards are attached as Attachment A.

While the focus of this workshop is on the proposed development of the private land within the Specific Plan study area, Commissioner and Board comments and input regarding the draft goals, policies and standards proposed for the North Bluff Preserve are welcome and appreciated.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act [CEQA] (California Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations (CCR) 15000 et seq.), and the City of Del Mar CEQA Supplemental Guidelines, the City of Del Mar, with a City-contracted environmental consultant, is currently preparing a draft Environmental Impact Report (DEIR) for the Del Mar Resort Specific Plan. All CEQA study areas will be evaluated and significant impacts will be identified in the DEIR, as applicable; with a focus on the following probable environmental effects: Aesthetics, Air Quality, Biological Resources, Cultural Resources (including Tribal Cultural Resources), Geology and Soils (including bluff erosion/instability), Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use (including Coastal Zone requirements), Noise, Public Services, Transportation/Traffic, and Utilities, Service Systems, and Energy. Other environmental effects including Agriculture and Forestry Resources, Mineral Resources, Population and Housing, and Recreation are not anticipated to result in significant impacts and are expected to be discussed in the EIR as Effects Found Not to be Significant.

Upon completion, the DEIR will be available for responsible agency and public review for a period of 90 (calendar) days. Pursuant to the aforementioned CEQA Supplemental Guidelines, a (non-action) public meeting will be conducted with the Planning Commission for public information/review of the DEIR at the approximate midpoint of the DEIR agency/public review period.

PUBLIC INPUT RECEIVED

Pursuant to requirements of the DMMC, the Applicant has conducted two required Citizens' Participation Program (CPP) meetings. Prior to submitting their formal application for Design Review, the applicants will provide the City with 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 raised at the Citizens' Participation meeting, or if not, the rationale thereof. Ultimately, this information will be mailed to all recorded CPP attendees, as well as included in a final CPP process report.

While the Applicant's required reporting on the CPP process has yet to be formally submitted to the City, the Planning and Community Development Department has received approximately eighty pieces of correspondence during the CPP period, much of it voicing concerns of varying degree. Correspondence received as of the writing of this report can be viewed [here](#).

While correspondence has been received from residents of both Del Mar and Solana Beach, specific issues raised by the latter have mostly been related to the potential for the project to result in adverse impacts to: traffic and spillover parking; the size, scale and design of the resort; bluff preservation; loss of private views; neighborhood character; noise and security; beach overcrowding; and the appropriateness of the land use/zoning change proposed. An additional issue, raised by Solana Beach and Del Mar residents alike is the need to ensure the protection of the North Bluff Preserve.

The following summarizes the Applicant's public outreach efforts:

- May 6, 2017: Applicant conducted the "Introductory CPP Meeting" required by the DMMC, also referred to as CPP#1.
- May 13, 2017: Applicant conducted another CPP#1 at the project site.
- August 27, 2018: Applicant conducted the "Project Proposal Meeting" required by the DMMC, also referred to as CPP#2, at the (Del Mar City Hall) Town Hall. The Applicant's presentation materials from that meeting can be viewed [here](#).

Additionally, the Applicant has developed an interactive website (thedelmarresort.com) with project information, created a mailing list for interested parties and has conducted informal meetings and workshops with neighbors, stakeholders and other interested members of the public.

PLANNING COMMISSION AND DESIGN REVIEW BOARD ROLES IN THE SPECIFIC PLAN AND PROJECT REVIEW PROCESSES

The purpose of the subject joint public workshop at this early time in the overall development review process is to provide feedback on the conceptual designs brought forward by the Applicant through the CPP process. The workshop is an opportunity for the Planning Commission and Design Review Board to learn about the development the applicant envisions, to receive testimony from the public, ask questions, and provide constructive preliminary feedback.

The workshop is not a public hearing, and as mentioned earlier in this document, no formal action will be taken by the Planning Commission and/or Design Review Board at this meeting.

As previously mentioned, the applicant has elected to concurrently process required discretionary review permits, such as the DRB permit, along with the Specific Plan and legislative changes per City Council Policy #112 (Attachment B). Following this processing option, the City Council would take final action on both the legislative and discretionary entitlement (permit) applications. The Planning Commission and Design Review Board's role on the process is to conduct public hearings, review the project information that is relevant to their respective duties, and provide recommendations for City Council consideration when taken final action.

In the case of the Del Mar Resort Specific Plan and the development of the Resort itself, the Design Review Board would review and make a recommendation to the City Council on the design aspects of the Specific Plan, Design Review Permit, Land Conservation Permit, and Tree Removal Permit.

The Planning Commission would review and make recommendations to the City Council regarding the: Environmental Impact Report (EIR); Specific Plan; Community Plan Amendment; Rezone; Local Coastal Plan Amendment (LCPA); Coastal Development Permit; and Subdivision Tentative Map Applications.

ISSUE IDENTIFICATION AND FEEDBACK BY THE PC AND DRB

In light of the above-discussed information regarding the respective roles of the Planning Commission and Design Review Board throughout the review process for the Del Mar Specific Plan project, it would be appropriate at this workshop for the Planning Commission to provide issue identification and feedback regarding matters related to land use, zoning, and the proposed Specific Plan's consistency with the Del Mar Community Plan and Local Coastal Program. In turn, the Design Review Board should focus its feedback to issues relative to the City's Design Review Ordinance (DMMC Chapter 23.08).

Staff recommends that both the Planning Commission and the Design Review Board consider the following when reviewing the project information presented and public testimony:

- The surrounding built environment;
- The surrounding natural environment/coastal resources; and
- Nearby land uses and zoning densities

The early feedback solicited through this workshop is intended to provide guidance to the Applicant and should be focused on clarifying and identifying issues for anticipated modifications to the

conceptual resort design and the development parameters that would regulate improvement of the site through implementation of the proposed Specific Plan.

PROJECT PROCESSING OUTLINE AND TENTATIVE SCHEDULE

Below are the various components of the Del Mar Resort Specific Plan project and the anticipated timing/future scheduling of reviews and components of each category. This information, along with much of the information provided in this memorandum, is available for review and updated as needed on the City of Del Mar website at <http://www.delmar.ca.us/651/Del-Mar-Resort-Specific-Plan>.

Citizens' Participation Program (CPP):

- The required CPP Project Design Presentation Meeting was conducted on August 27, 2018. CPP comments for inclusion in the required CPP report were collected until September 24, 2018.
- The Applicant's written responses to the comments, along with an explanation of any changes made to the conceptual design based on the CPP comments received is anticipated in late October/early November, 2018.

Specific Plan Documents (currently deemed "incomplete"):

- The draft Del Mar Resort Specific Plan is currently under review by City Staff. Based on review to date, a determination of "completeness" is anticipated for October/November, 2018.
- A (non-action) review of the Specific Plan Document by the Planning Commission is anticipated for late 2018.

City Economic Analysis:

- The Del Mar Resort - Economic Impact and Fiscal Analysis can be found at <http://www.delmar.ca.us/DocumentCenter/View/3831/Del-Mar-SP17-001---Economic-Impact-Fiscal-Analysis-Study>
- A presentation of the Analysis for review by City's Finance Advisory Committee is scheduled for October 23, 2018 at 4:30 pm. The meeting will take place at the Del Mar City Hall / Town Hall.

Environmental Impact Report (EIR):

- Review of technical studies and drafting of the environmental analysis is currently underway by the City and its environmental consultant.
- Public Review of a Draft Environmental Impact Report (DEIR) is anticipated for late Fall 2018.
- A (non-action) public meeting will be conducted with the Planning Commission for public information/review of the DEIR. This would occur in the approximate midpoint of the DEIR public review period.
- The City of Del Mar has determined that the public review period of the DEIR shall be 90 (calendar) days.

North Bluff Preserve Planning (City of Del Mar):

- Draft North Bluff Preserve Goals, Policies and Regulations for inclusion in the Del Mar Resort Specific Plan will be presented to the City Council for direction to proceed in November 2018.

Planning Commission and DRB public hearings for recommendations to the City Council: early Spring 2019

- City Council Hearings – Late Spring/Early Summer 2019

ATTACHMENTS

Attachment A – Draft Goals, Policies and Standards for the North Bluff Preserve
Attachment B – Del Mar City Council Policy #112

DRAFT

**GOALS, POLICIES AND REGULATORY STANDARDS
FOR THE NORTH BLUFF PRESERVE USE AREA
OF THE DEL MAR RESORT SPECIFIC PLAN
(8/7/18)**

Overall Goal

The North Bluff Preserve (NBP) shall be permanently maintained as a natural park, providing for native coastal habitat, protection of coastal bluffs, and a passive recreational opportunity for the public to enjoy scenic coastal views to and from the top of the bluff.

Policies

- A. Physical improvement to the NBP shall be limited only to those activities that promote restoration of native habitat, controlled pedestrian access to the bluff top, and the prevention and control of erosion.
- B. Structural improvements within the NBP shall be limited to fencing for perimeter access control and public safety, benches, signage, and drainage control facilities.
- C. All types of fencing utilized within the NBP shall be as natural in character and materials as possible and shall be designed to limit potential obstruction of scenic view, both to and from the Preserve.
- D. When appropriate and possible, fencing and barriers should be screened by, or integrated into, vegetation.
- E. Signage within the NBP shall be for educational and governmental regulation purposes only.
- F. Points of access to the preserve should be limited to control usage and limit the potential for degradation of natural resources.

- G. In the event of alternative southern access being provided, either on or off of the NBP, the City Council shall consider the option of removing existing pedestrian trail and replacing it with restorative natural habitat and vegetative species.**
- H. Access to the southwest, lower bluff area may be provided for temporary lifeguard facilities.**
- I. The NBP is intended for daytime use only.**

Regulatory Standards (Note: the first three standard below are taken directly from the recorded “Declaration of Restrictions” entered into by the City of Del Mar in 1971 upon acquiring the property)

- 1. No road, alley, driveway or other facility providing vehicular ingress or egress may be constructed, erected, placed or permitted on any portion of the NBP.**
- 2. No restrooms, picnic facilities, playground equipment or similar installations may be constructed, erected, placed or permitted on any portion of the NBP.**
- 3. No structure, fence, railing, tree, hedge, shrub or other object constructed, erected, placed or permitted on the Preserve shall have a height in excess of four (4) feet.**
- 4. No lighting fixtures or facilities may be constructed, erected, placed or permitted on any portion of the NBP.**
- 5. In accordance with DMMC Section 8.04.080-C, it shall be unlawful for any person to enter upon the NBP during the hours of darkness.**
- 6. In accordance with DMMC Section 8.04.080-B, it shall be unlawful for dog owners to allow their dogs to enter the NBP.**

- 7. Refuse and recycling containers shall be located only at the controlled access points to the NBP.**
- 8. Drainage facilities may be allowed and constructed within the NBP, subject to review and approval by the City Council.**
- 9. Access to the NBP shall be controlled and limited to no more than two entry points at the top of the Preserve and one point at the bottom (beach level) of the Preserve.**
- 10. With the exception of two, controlled access points, a physical barrier consisting of fencing, vegetation, or a combination thereof, shall separate the NBP from Resort (R) and Passive Recreation (PR) land use areas.**
- 11. All improvements to the NBP shall receive all necessary discretionary approvals applicable and required by the Del Mar Municipal Code. All discretionary applications shall be subject to review and approval by the City Council.**



CITY OF DEL MAR
CITY COUNCIL POLICY BOOK

Table with 2 columns: Policy ID (112) and Title (PROCESSING SPECIFIC PLANS). Sub-table with 2 columns: Field (DATE ADOPTED, BY RESOLUTION, PAGES) and Value (7-17-2017, 2017-49, 1 OF 7).

POLICY

Pursuant to the State of California Government Code §65450 – 65457, the City of Del Mar utilizes the Specific Plan process as a means to ensure development complies with the intent and goals of the Del Mar Community Plan when addressing zoning changes and Central Commercial (Measure B) development.

Any Specific Plan, regardless of whether it is prepared by an applicant or the City of Del Mar, becomes the City of Del Mar’s legislative policy. The City of Del Mar holds the final discretion as to the preparation and acceptance of any draft or final Specific Plan. As such, the final document is at the discretion of the City of Del Mar and the final decision as to initiate and/or adopt a Specific Plan lies with the City Council.

This policy sets forth processing guidelines to formalize the community outreach, legislative and discretionary actions required for, and during, the processing of a Specific Plan. The policy is intended to provide consistency to the application process and to set orderly scheduling parameters for applications involving both legislative and discretionary review. This policy shall be applicable to all Specific Plan applications, including those in process at the time of Policy adoption. This policy does not supersede required contents or actions of the State of California Government Code, CEQA, Resolution 87-114 Downtown Initiative, commonly known as Measure B, or other ordinances of the City of Del Mar.

This policy identifies two processes that may be undertaken, depending upon any Del Mar discretionary review permits (DRB, Coastal Development Permit, etc.) necessary.

Concurrent Process: The Concurrent Process processes any Del Mar discretionary permits concurrently with the Specific Plan and other legislative actions. This process could be utilized in most Measure B Specific Plans as well as Specific Plans developed for particular projects in other zones than the Central Commercial (CC) to which Measure B applies.

Sequential Process: The Sequential Process processes the Del Mar discretionary permits at a point in time after the adoption of the Specific Plan and other legislative actions. The Specific Plan will still specify the overall massing (height, bulk, mass, floor area ratio, setbacks/step-backs), general siting and other zoning stipulations as appropriate with the legislative action. Future discretionary review for Del Mar permits and entitlements will occur against these adopted legislative criteria and must be in compliance with such.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	2 OF 7

SPECIFIC PLAN PROCESSING GUIDELINES

PROCESSING ACRONYMS:

CC = City Council	PC = Planning Commission
CEQA = Environmental Review/Document	DRB = Design Review Board
CPP =Community Participation Program	LCPA = Local Coastal Program Amendment
	SP = Specific Plan

PROCESS BEFORE APPLICATION IS DEEMED COMPLETE

[SP 1] Legislative Action Initiation: Interested land owner(s)/developer(s) (Applicant) seeks City Council approval to either: process a Specific Plan for a project subject to Measure B as required by the Municipal Code for a Measure B development project; or to change the existing land use designation and zoning of property outside the CC zone as applicable through the use of a Specific Plan. Specific information regarding the processing of a Specific Plan pursuant to Measure B is located at the end of this policy document.

The City Council may, at its discretion, also initiate a Specific Plan for one or more properties within the City regardless of ownership. This process would follow the same processing guidelines and is referred to as a “City Initiated Specific Plan” where needed throughout this policy.

The determination of whether or not to initiate the Specific Plan process is a decision of the City Council. Such decision will occur at a regularly noticed meeting of the City Council and be initiated by resolution of the City Council. At such initiation, a determination of the processing option will be made by the City Council (either Concurrent with any Del Mar discretionary permits; or Sequential processing with Del Mar discretionary permits processed at a later date). At any time, the City Council reserves the right to assign two City Councilmember Liaisons to the process.

[SP 2] Specific Plan Application: Applicant shall submit all necessary applications and establish a deposit account for the Specific Plan, other legislative actions as applicable (e.g. General Plan Amendment, Local Coastal Program Amendment) and the Environmental Assessment, as required by the City’s adopted Fee Schedule. All costs associated with the preparation of the Specific Plan, all related CEQA documentation, permit documents, and all other technical studies as required by staff, discretionary review bodies or the City Council, as well as staff time for management and review shall be borne in full by the project applicant(s) as stipulated in the City’s adopted Planning Fee Schedule. This includes any independent (third party) analysis of materials submitted by the applicant, specialty technical studies necessary for the decision makers, or review materials requested by the City.

Note that a complete project description will be required to begin the City’s process of initiating CEQA review as required.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	3 OF 7

Upon receipt of the application, an initial meeting will be conducted between City Staff and applicant (s) to review the application of these guidelines to their specific project. The applicant will also provide an anticipated timeline for submission of required documents, including the draft Specific Plan and any supporting technical studies. Following the meeting, a memorandum will be prepared by staff in order to document the application of these guidelines and the target schedule. Said memorandum will be signed and accepted by the applicant and maintained in the project file. Based upon project information, the City retains the right to modify the memorandum. Absent any signed agreement, the City retains the right to interpret and apply the guidelines accordingly. The Specific Plan document and any associated plans (as required) must be provided for the application to be deemed complete [SP 5].

The applicant must provide an adequate project description and associated exhibits to initiate the CEQA compliance documents.

[SP 3] Specific Plan Scoping: Staff-level project scoping meeting with applicant to identify potential issues regarding:

- Contents of the Specific Plan, including all State required elements as well as local content necessary for the decision maker.
- Requirements for the Community (General) Plan Amendment, Local Coastal Program Amendment and other legislative actions, as necessary for the particular project
- Public infrastructure, streets, engineering issues
- Relationship to adjacent public rights-of-way, City property (if any)
- Impact on City services, public resources and programs, etc.
- Requirement for Exceptional Public Benefits for those projects requesting development rights in excess of current city zoning on the property (development bonus). Evidence shall be provided and justification and specific findings shall be made in the Specific Plan to support that the development bonus is justified by exceptional public benefits provided by the Plan.
- Other topics as dictated by the application and conditions set by the city.

[LCPA 1] Coastal Commission Staff Early Discussion: Staff meeting with California Coastal Commission staff, if needed, for early discussion of the project proposal and to solicit early concerns or comments from Coastal staff

[CPP 1] First Citizens’ Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the “Initial Public Outreach” provisions of DMMC Section 23.08.068 (A-1-a) “Citizens’ Participation Program”. Refer to DMMC 23.08 for complete requirements.

[CEQA 1] CEQA Initiation: City of Del Mar Selection of Environmental consultant for completion of Initial Study and appropriate CEQA compliance documentation, including an Environmental Impact Report (EIR) or other required environmental documentation.

The CEQA process will follow the City’s CEQA guidelines and State Law and will be the City’s environmental compliance documentation. CEQA documentation will be prepared by the City’s consultant at the expense of the applicant(s).



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	4 OF 7

[CEQA 2] CEQA Scoping: A CEQA Notice of Preparation (NOP) of any CEQA compliance documentation such as an Environmental Impact Report (EIR) will be prepared by the City (City’s consultant) with information provided by the applicant. A public Scoping Meeting will be conducted, if required.

[PC 1] Planning Commission Introductory Workshop: Staff and applicant presentation provided to the Planning Commission, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting (if applicable).

[DRB 1] Design Review Board Introductory Workshop: Staff and applicant presentation provided to the Design Review Board, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting.

[CEQA 3] Draft CEQA Documentation Preparation: Concurrent preparation of the Specific Plan document/project design (by applicant) with the CEQA processing and preparation of the appropriate environmental documentation (by City’s CEQA consultant or staff), as required.

[SP 4] Specific Plan Community Outreach: Additional public outreach is performed at various stages of the development project design in accordance with the applicant’s project specific processing plan, adopted by City Council in step SP-1 of this processing document. This is recommended at the time when conceptual building location(s), massing, and heights are created.

[SP 5] Draft Specific Plan: Draft Specific Plan document and accompanying conceptual design plan is submitted by the Applicant for City Staff review and incorporation into the environmental review (project deemed “complete.”). The level of detail and contents of the Specific Plan and any associated conceptual design plans will be specified on a project by project basis as early in the process as practicable and in consultation with the applicant.

FORMAL PROCESSING (APPLICATION DEEMED COMPLETE)

[LCPA 2] Coastal Commission Staff Discussion: Second staff initiated meeting with California Coastal Commission staff to review conceptual design (if appropriate).

[CEQA 4] Draft CEQA documentation review: Public review of draft CEQA documentation, as required

[PC 2] Planning Commission Workshop: Non-action, noticed public hearing with the Planning Commission conducted for input during the CEQA public review period of the draft CEQA documentation.

[CEQA 5] Response to Comments: For projects with CEQA documentation, prepare written responses to public comment on CEQA documentation and prepare the final CEQA documents.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	5 OF 7

FOR SPECIFIC PLANS PROCESSED CONCURRENTLY WITH DISCRETIONARY PERMITS (REQUIRES FULLY DEVELOPED ARCHITECTURAL PLANS), CONTINUE FOLLOWING THE PROCESS BELOW ENTITLED “CONCURRENT PROCESSING.”

FOR PROJECTS WHERE THE APPLICANT AND THE CITY AGREE TO CONDUCT THE DISCRETIONARY PERMITS AFTER SECURING THE LEGISLATIVE ACTIONS, SKIP BELOW TO THE NEXT SECTION ENTITLED “SEQUENTIAL PROCESSING.”

CONCURRENT PROCESSING

[CPP 2A] Second Citizens’ Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the “Project Proposal Meeting” provisions of DMMC Section 23.08.068 (A-1-b) “Citizens’ Participation Program”, which includes, at a minimum, the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility. Refer to DMMC 23.08 for complete requirements.

[DRB 2A] Discretionary Permit Application Materials: Applicant’s submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate) per DMMC requirements.

[DRB 3A] Design Review Board Hearing(s): Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing according to DMMC 23.08 and recommendation to the City Council for action.

[DRB 4A] Additional Design Review Board meeting(s) as needed for recommendation to City Council.

[PC 3A] Planning Commission Hearing(s): Planning Commission review and recommendation to City Council on the certification of the CEQA documentation and approval of the Specific Plan, Community (General) Plan Amendment, Local Coastal Program Amendment (as applicable).

[CC 1A] City Council Adoption/Certification Hearing(s): Noticed public hearing and action on the CEQA documentation, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council. If no public vote is required (non-Measure B project), the Council would also take action on all required discretionary permits. Discretionary permits would be conditioned for those projects requiring a Measure B vote.

[VOTE A] Measure B Vote (if necessary): Public vote required for Measure B Specific Plans only. (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.

[LCPA 3A] LCPA Certification: Review and approval of LCPA by California Coastal Commission. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	6 OF 7

SEQUENTIAL PROCESSING

[DRB 2B] Story Poles for Legislative Hearing: Story poles are to be placed on the development site for consideration of proposed structural massing and location by the Design Review Board in step DRB 3B.

[DRB 3B] Design Review Board Hearing(s): Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing and recommendation to the City Council for action on the Specific Plan design related elements (building height, massing and location only).

[DRB 4B] Additional Design Review Board meeting(s) if needed for recommendation to City Council.

[PC 3B] Planning Commission Hearing(s): Planning Commission review and recommendation to City Council on the certification or adoption of completed CEQA documents and on the Specific Plan, General Plan Amendment, Local Coastal Program Amendment.

[CC 1B] City Council Hearing(s): Noticed public hearing and action on CEQA documents, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council, as needed, for approval, conditional approval, or denial of Legislative actions.

[VOTE B] Measure B Vote (if necessary): *Public vote required for Measure B Specific Plans only.* (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.

[LCPA 3B] Review and approval of LCPA by California Coastal Commission, if needed. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.

City of Del Mar Discretionary Permits: Following the final action on the Specific Plan and LCPA, any applicant within the Specific Plan area may submit for Discretionary Permits. These may happen at any time and may be for all or part of the properties within the Specific Plan area.

[CPP 2B] Citizens' Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the "Project Proposal Meeting" provisions of DMMC Section 23.08.068 (A-1-b) "Citizens' Participation Program", which includes the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility.

[DRB 5B] Discretionary Permit Applications: Submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate).

[DRB 6B] Design Review Board Hearing: Design Review Board meeting and public hearing to review and conditionally approve the architectural plans (DRB) and Coastal Development Permit



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	7 OF 7

(CDP). The DRB approvals/permit entitlements are subject to appeal to the City Council and will not be effective until the Specific Plan is approved by the City Council and unconditionally certified by the Coastal Commission.

Exhibit A – Diagram for “Concurrent” Specific Plan Processing

CONCURRENT PROCESS

