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DESIGN REVIEW PERMIT (DRB)

An applicant's guide to the process

This handout provides information on the City of Del Mar's design review process. Please contact the Planning Department to obtain any additional information, including a copy of the City's Design Review Ordinance (DRO) which is incorporated as Chapter 23.08 of the Del Mar Municipal Code (DMMC).

PURPOSE

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

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

Most construction projects are subject to some level of Design Review (exemptions are discussed below). As part of the review process, applications are first evaluated by Planning Department staff for consistency with the provisions of the Del Mar Community Plan and Zoning Ordinance. In reviewing an application, staff and the Design Review Board, when applicable, evaluate the project's compliance with the Regulatory Conclusions found in the DRO (DMMC Sections 23.08.072 to 23.08.079). Depending on a project's location, it may also be subject to additional design review standards contained in the underlying zoning chapter for the property.

The Design Review Board examines a structure's placement and size, the materials and colors to be used, and, in the case of new structures, the type and extent of the landscaping proposed. The Design Review Board also evaluates the project's compatibility with the uses and design of structures on surrounding properties, based on the standards of review contained in the DRO. The DRO's Regulatory Conclusions are written in the *positive*, meaning that a project application will be approved unless the project is found to be inconsistent with one or more of the Regulatory Conclusions. A project approval generally includes a set of conditions that address health and safety issues and ensure a project's continued compliance with the Del Mar Community Plan, Zoning Ordinance, and DRO.

EXEMPTIONS FROM DESIGN REVIEW

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

REVIEW AND APPROVAL PROCESS

Step 1 – Pre-Application Conference

A pre-application conference with a member of the Planning Department is highly recommended. The project applicant should send an email request to planning@delmar.ca.us or call (858) 755-9313 to make an appointment (morning hours preferred). Please include the project location, the applicant's contact information, a brief description of the project, and any preferred days/times for an appointment. The applicant may also visit the Planning Department during counter hours from 1:00 p.m. to 5:30 p.m. Monday through Thursday, or 1:00 p.m. to 4:30 p.m. on Friday. Be prepared to provide information regarding the project site and the development proposal. This information may include rough plans or sketches of the proposed development and information about existing site conditions. Staff will also assist in determining if the project will require a Citizens' Participation Program (CPP) be completed prior to application submittal. For a detailed description of the CPP process, please refer to the City's separate handout entitled *Citizen's Participation Program: Applicant's Guide to the Process*, or review DMMC Sections 23.08.065 to 23.08.068.

Staff will make a determination if a project requires a public hearing before the Design Review Board or is eligible for an ADR permit. For a detailed description of the ADR permit, please refer to the separate handout entitled *Administrative Design Review: Applicant's Guide to the Process*, or review DMMC Section 23.08.035. Note that a development proposal may require other City permits or authorizations in addition to a Design Review Permit if they are located in a special overlay zone or have particular design or operational characteristics. Please consult the Planning Department regarding other requirements.

Step 2 – Filing an Application

DRB applications must be submitted via email to planning@delmar.ca.us. Include the project location, the applicant's contact information, and a brief description of the project. For an application to be accepted, it must contain a completed Uniform Application and contain all the pertinent information listed in the DRB Submittal Checklist. Incomplete submittals will not be accepted.

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

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

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

Step 4 – Staff Review of Application – Incomplete Applications

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

For projects that require a Citizens’ Participation Program (CPP), the assigned planner will also review the submitted CPP Report for conformance with the CPP requirements, as contained in the DRO. The CPP Report shall include: 1) documentation regarding the information sent about the development proposal to nearby property owners and other interested citizens; 2) meetings held to discuss the development proposal; 3) written and verbal comments received from interested citizens; and 4) a description of changes made or not made to the project design in response to comments. For a detailed description of the CPP process and report requirements, please refer to the separate City handout entitled *Citizen’s Participation Program: Applicant’s Guide to the Process*, or reference DMMC Sections 23.08.065 to 23.08.068. **Note that DRB applications requiring a CPP will not be accepted without concurrent submittal of a complete CPP report.**

For those projects that require a separate approval from the Planning Director (e.g., Floodplain Development Permit) or the Planning Commission (e.g., Conditional Use Permit, Variance, or other Planning Commission approval), the DRB permit application will be deemed *Incomplete* until all other approvals are received. Generally, an *Incomplete* DRB application will not be placed on an agenda for consideration by the Design Review Board until all other approvals are obtained.

Step 5 – Installation and Certification of Story Poles

Certain projects require the installation of “Story Poles” to represent the siting and massing of a proposed structure or addition. Story Poles are required to be installed fifteen (15) days prior to the Design Review Board hearing and their heights and locations certified by a licensed land surveyor or civil engineer 10 days prior to the hearing (wet-stamped/signature required). For a detailed description of the City’s Story Pole requirements, please refer to the separate *Story Pole* handout.

Step 6 – Design Review Board Public Hearing

Once a project application has been deemed *Complete*, the application will be scheduled on the next available agenda of the Design Review Board. The Board typically meets once a month on the fourth Wednesday. Meetings begin at 6:00 p.m. The length of time spent by the Board reviewing an application at the meeting varies, depending on the complexity of the proposal and the type of DRO

issues raised. Often, the Board takes action on a project at its first meeting. However, the Board does have the discretion to *continue* an item to a future meeting date if necessary to gain additional information or to allow an applicant the opportunity to address concerns that may be raised by the Board regarding a project's consistency with the provisions of the DRO. Please note that for continued items, an additional fee will be required for each subsequent public hearing to cover the additional costs incurred by the City for staff time associated with preparing for and attending the subsequent meetings.

A staff report is prepared for the DRB on each application. All DRB meeting agendas and staff reports are posted on the City's website prior to the meeting. A hard copy of the report may also be obtained from Planning Department. The applicant and their representatives are encouraged to attend the DRB hearing to offer testimony about the project and answer Board members' questions. The applicant team, including the property owner(s) and any other representatives, are allotted a total of ten (10) minutes for testimony at a public hearing.

Step 7 – Appeal Period

The decision of the Design Review Board is final unless a written appeal is filed with the City Administrative Services Department, accompanied with a processing fee, within ten (10) business days from the date action is taken on the application. An approved DRB permit shall not be valid until the 10-day appeal period has expired. If an appeal is filed with the Administrative Services Department during this period, it will be placed on an agenda of the City Council for an Initial Consideration hearing. At an Initial Consideration hearing, the Council will determine to either: 1) reject the appeal, thereby upholding the Design Review Board's decision; or 2) set the matter for a for a new (*de novo*) public hearing review at a subsequent City Council meeting.

Step 8 – Building Department Plan Review and Permit Issuance

Following a DRB approval and close of the 10-day appeal period, a Building Permit(s) will be required for construction of the approved scope of work. The City contracts with the firm True North Compliance to provide building services, including Building Code plan review, Building Permit issuance, and inspections. True North operates within City Hall on Monday and Wednesday from 1:00pm - 5:30pm. To begin the Building Plan Check, the Planning Department will prepare a *Building Department Transmittal Form* (during Planning counter hours) to be taken, together with **three** sets of plans, to the Building Department by the project applicant. Please note that the Building Department will not accept a project into Building Plan Check without a Transmittal Form prepared by Planning Department staff.

Once the Building Plan Check process is complete, three sets of plans will be returned to the applicant, one marked 'Planning', one marked 'City', and one marked 'Owner', for delivery to the Planning Department. A fourth set may be required by the Building Department to be sent to the County Assessor for property tax purposes. Unless otherwise indicated by Planning Department staff on the Transmittal Form, Building Permits are not issued at this time. The "City" and "Owner" sets shall be submitted to the Planning Department for review to ensure compliance with the plans approved by the Design Review Board. Planning staff will review the plan sets for conformance with approved DRB plans and also verify that all remaining conditions of approval of the Design Review Board Resolution have been satisfied (e.g., covenants, fees). It is important to advise Planning staff if any changes were made to the plans during the Building Plan Check process that changed the project scope approved by the DRB.

Generally, there will be at least two remaining fees collected at this point: 1) a construction license tax for all new and/or replaced gross square footage; and 2) a final Planning review and inspection fee.

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

In Del Mar, Building Permits are required for projects that, in other jurisdictions, may be exempt from permit requirements. For example, Del Mar requires Building Permits for all new fences, retaining walls, or freestanding masonry walls. You are encouraged to contact True North for more information on what types of project require Building Permits and the process by phone at (858) 375-9514, by email at building@delmar.ca.us, or by visiting their public counter. The Building Department is open Monday and Wednesday from 1:00 to 5:30 p.m.

Step 9 – Permit Expiration/Modifications to Plans

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

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

APPLICATIONS AVAILABLE FOR PUBLIC REVIEW/REPRODUCTION

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

ADDITIONAL INFORMATION

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