



City of Del Mar
Department of Planning and Community Development
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TREES, SCENIC VIEWS AND SUNLIGHT

An applicant's guide to the process

This guide is intended to provide information on the City of Del Mar's process for review of a Trees, Scenic Views and Sunlight application. Please contact the Planning Department to obtain any additional information, including a copy of the City's Trees, Scenic Views and Sunlight Ordinance (DMMC Chapter 23.51).

PURPOSE

Trees, scenic views and plentiful sunlight contribute to the special character of Del Mar and to the overall quality of life enjoyed by residents, property owners, and visitors in Del Mar. The purpose of Chapter 23.51 is to acknowledge the benefits derived from trees, scenic views and plentiful sunlight and to balance the goal of maintaining each of them when possible. The Chapter also provides a process by which persons may seek to restore scenic views and/or sunlight that has been unreasonably obstructed by the growth and/or installation of Trees and Vegetation.

PROCESS

Step 1 – Pre-Application Conference

In order to process your application most effectively, a pre-application conference with a member of the Planning staff is highly recommended. The applicant and/or applicant's representative should bring in any information available on the scenic view or sunlight obstruction in question, including but not limited to: photographs, correspondence with the owner of the subject tree(s) and/or vegetation, and evidence of attempted mediation for the matter.

Step 2 – Filing of Application

Applications must be submitted via email to planning@delmar.ca.us. Staff will review each application for completeness at the counter. Accepted applications must contain all information listed below. The following items must be submitted at this time: Incomplete submittals will not be accepted.

*For a fee, City staff will prepare the Notice Map, Notice List and will supply the required envelopes

1. Completed and signed application form (applications must be typed).
2. Application fee (see fee schedule).
3. Evidence that the applicant has made reasonable attempts to resolve the issue on a neighbor to neighbor basis (correspondence, certified letters, etc.).

4. Evidence that the applicant has made reasonable attempts engage in mediation with the tree/vegetation owner in order to resolve the scenic view and/or sunlight obstruction issue.
5. Evidence that documents the existence of a scenic view from the applicant's primary living since the time the applicant purchased or occupied a property or in the last ten years, whichever is shorter.
6. **Public Noticing Package** consisting of:

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- a. **Noticing Map** - *A 300' radius map drawn on assessor's parcel maps and spliced together (when necessary) showing the 300' radius measured from the exterior boundaries of the property of the subject property.
 - b. **Noticing List** - *A typewritten list of property owners that corresponds to the radius map required above. The list shall contain the names, addresses, and assessor's parcel number for all parcels within the radius area (including that of the applicant and/or owner).
 - c. **Noticing Envelopes**- *Stamped business size envelopes with typed address labels for all parties listed on the property owner's list required above. The envelopes must also include a City of Del Mar return address.
7. **Affidavit** - Certification that the Public Notice Mailing List is accurate and up-to-date.

Step 3 – Planning Commission Hearing

The Planning Commission will hold a public hearing on an application at one of its regularly scheduled meetings. The applicant or his agent should obtain a copy of the staff report from the Planning Department or from the City web page (www.delmar.ca.us) prior to the hearing date. The applicant or his agent must attend the hearing to ensure action by the Board.

At the hearing, each party shall be allowed time to present evidence pertinent to the application/claim. The public shall also be given an opportunity to comment on the application. The applicant shall not thereafter raise arguments that were not presented during the public hearing or in the written record.

The Commission shall make a decision on the application based on the criteria listed in DMMC Section 23.51.050. An action approving an application shall be set forth in a resolution and accompanied by conditions of restorative action that identify the specific manner in which the Subject Tree is to be trimmed, pruned, removed or otherwise altered in accordance with DMMC Section 23.51.070.

Step 4 -Appeal Period

The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until proper noticing and the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the *Initial Consideration* whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (*de novo*) public hearing review. If a *de novo* public hearing is set by the City Council, an additional fee will be required.

Step 5 – Recordation of Covenant

If required by the Planning Commission, Conditions of Restorative Action and required term of maintenance shall be recorded in a covenant against the deed for the property on which the Subject Tree is located.

Step 6 – Scenic View and/or Sunlight Restoration

If a decision rendered by the Trees, Scenic Views and Sunlight Board is in the favor of the Applicant, the performance of all restorative work and payment of all associated costs shall be in accordance the procedures set forth in DMMC Section 23.51.080.