



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
MAY 18, 2020
VIA TELECONFERENCE ONLY
1050 Camino del Mar, Del Mar California 92014**

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Mayor Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks, and Dwight Worden

PLEDGE OF ALLEGIANCE

Councilmember Worden led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

The following comment was read into the record:

- 1) Arthur Olson – Expressed concern about the current inability of the public to participate live in City Council, Design Review Board, and Planning Commission meetings.

CITY COUNCIL COMMENTS

Councilmember Parks asked that Community Services Director/Lifeguard Chief Jon Edelbrock provide the details of a life-saving cliff rescue that was performed by Del Mar lifeguard staff over the weekend, and she provided an update on the Helping Hands Program and St. Peter's Episcopal Church. Deputy Mayor Gaasterland announced that activity at the Farmer's Market is going well; and provided an update on the success of the Del Mar Village Association's (DMVA) Fuel the Frontlines Program. Councilmember Worden thanked everyone who submitted a red dot for the meeting; announced that the Del Mar Foundation is hosting an online presentation about the San Dieguito Lagoon; he asked for an update from staff on the City's Sea Level Rise Local Coastal Program Amendment; and he thanked Chief Edelbrock for his prompt response to an illegal fishing issue. Mayor Haviland provided an update on the County's plans for reopening businesses in accordance with State guidelines; continued need for individuals to keep themselves safe; and consideration by the County Board of Supervisors to allocate some of the County's CARE Act funds to cities within San Diego County; and she discussed the details of a presentation that focused on the impacts of COVID-19 on non-profit agencies.

COMMUNITY ANNOUNCEMENTS

There were no community announcements.

CITY MANAGER'S REPORT

City Manager Johnson provided an update on the Court Street and Seagrove Park projects; work being done by San Diego Gas & Electric work in the community; green waste recycling; and the annual beach sand dredging project.

REGIONAL ORGANIZATION REPORTS

Councilmember Worden reported on the San Dieguito Riverpark JPA; San Diego Association of Governments (SANDAG) Shoreline Preservation Working Group; LOSSAN Regional Rail Task Force and related subcommittees; and the 22nd DAA Community Relations Committee. Mayor Haviland reported on the Clean Energy Alliance (CEA); SANDAG Board; SANDAG Public Safety Committee; and LOSSAN Board.

CONSENT CALENDAR

Mayor Haviland opened Items 1 through 6 for public comment, and there were no comments to be read into the record. Item 5 was pulled from the Consent Calendar for discussion.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 4, AND 6. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 1: APPROVAL OF MINUTES: MAY 1, 2020 SPECIAL MEETING, MAY 4, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED MAY 18, 2020 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: ADOPTION OF AN ORDINANCE (SECOND READING) REGULATING THE USE OF UNMANNED AIRCRAFT SYSTEMS IN THE CITY OF DEL MAR (CLERK'S FILE NO. 401-4, 401-9)

Council adopted Ordinance 963, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING CHAPTER 9.40 AND AMENDING CHAPTER 8.12.030 OF THE CITY OF DEL MAR MUNICIPAL CODE REGULATING

THE USE OF UNMANNED AIRCRAFT SYSTEMS IN CITY PARKS, OPEN SPACES, AND DURING EMERGENCY SITUATIONS”, on consent.

ITEM 5: AUTHORIZATION FOR THE CITY MANAGER TO ACCEPT PUBLIC WORKS PROJECTS AND FILE NOTICES OF COMPLETION WITH THE SAN DIEGO COUNTY RECORDER (CLERK’S FILE NO. 1306-5)

This item was pulled from the Consent Calendar for discussion. The Council confirmed that while this item provides the City Manager with authority to accept and file the required Notices of Completion, it does not require her to do so, and that she has the ability to bring any projects to the Council for consideration that she deems necessary.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2020-22, “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA AUTHORIZING THE CITY MANAGER TO ACCEPT COMPLETED PUBLIC WORKS PROJECTS AND FILE NOTICES OF COMPLETION WITH THE SAN DIEGO COUNTY RECORDER.” (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 6: TERMINATION OF THE CITY’S EVALUATION AND PROCESSING OF THE MARISOL SPECIFIC PLAN AND DRAFT ENVIRONMENT IMPACT REPORT (CLERK’S FILE NO. 301-6)

Council adopted Resolution 2020-23, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA TERMINATING THE CITY’S EVALUATION AND PROCESSING OF THE MARISOL SPECIFIC PLAN AND ALL ENVIRONMENTAL REVIEW, INCLUDING THE DRAFT ENVIRONMENT IMPACT REPORT (EIR)”, on consent.

STANDING DISCUSSION ITEMS

ITEM 7: COVID-19 (CLERK’S FILE NO. 1104-3, 1404-1, 1503-8)

City Manager Johnson provided an update on the City’s response to COVID-19, and Assistant City Manager Kristen Crane provided a presentation on the recommendations included with the agenda report for this item related to continued cancellation of specific public meetings; special event refunds; and support for the business community.

Council questions focused on when the DMVA receives their Transient Occupancy Tax (TOT) allocations and what the distribution process is.

Council discussion focused on when public meetings for the coming fiscal year will be discussed; importance of wearing a mask; potential to allow city committees to begin meeting starting July 1, and ways to minimize impacts on staff; basing the ability and need for committees to meet on the budget; risk in creating unrealistic expectations if committees are allowed to meet with no staff support; if committees are meeting they should be doing so in a transparent and Brown Act compliant

manner; timing for refunds related to cancelled events; need to develop a reopening plan for Powerhouse Community Center prior to allowing future events; revisiting topic of events at City facilities as part of the budget discussion; support for staff's recommendation related to business support; concern about providing advance funding to the DMVA in light of the City's current financial situation; suggestion that the loan be limited to \$25,000 and ask the DMVA to come back if additional funding is needed; interest in seeing an overview of the DMVA's financials to better understand their financial situation; concern about sanitizing of street furniture and the cost to do so; and staff capacity for sanitization and increased staffing costs.

It was the consensus of the City Council to cancel city meetings through June with the exception of City Council, Design Review Board, Planning Commission, and the Finance Committee; and there was no support for downtown sanitation due to cost, staff capacity, and benefit.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO AUTHORIZE THE CITY MANAGER TO CANCEL SPECIAL EVENT RESERVATIONS AND ISSUE REFUNDS THROUGH JULY 31, 2020. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO PROPOSE A SUBSTITUTE MOTION THAT EVENTS AT THE POWERHOUSE AND TOWN HALL BE CANCELLED BETWEEN NOW AND JULY 31. MOTION FAILED 3-2

Ayes: Deputy Mayor Gaasterland, and Council Member Druker; Noes: Mayor Haviland, Councilmembers Parks and Worden; Absent: 0; Abstain: 0.

Councilmember Parks moved approval of staff's recommendation to advance TOT funds to DMVA, including reviewing daily sanitation again in July; which was subsequently withdrawn.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPROVE A LOAN AGAINST FUTURE TOT OF \$25,000 TO DMVA FROM MEASURE Q TO BE REPAID BEFORE ANY FUTURE TOT PAYMENTS. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

Deputy Mayor Gaasterland initiated an amendment to the motion which was subsequently withdrawn and there was no second to the motion.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER PARKS TO APPROVE PREPARATION OF AN URGENCY ORDINANCE FOR A-FRAMED SIGNAGE (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 8: HOUSING

Planning and Community Development Director Joseph Smith provided an update on the Housing Task Force and planned report from the Committee to the City Council at the June 15 City Council meeting; draft Housing Element Environmental Impact Report; implementation of legislative changes related to housing; and opportunity for the City to apply for up to \$65,000 in Local Early Action Planning grant funds.

COUNCIL MEETING RECESS

The City Council took a meeting recess from approximately 6:30 to 6:48 p.m.

PUBLIC HEARING

ITEM 9: INTRODUCTION OF AN ORDINANCE TO AMEND ACCESSORY DWELLING UNIT (ADU) REGULATIONS (CLERK'S FILE NO. 401-4, 401-9)

A presentation was provided by Principal Planner Amanda Lee.

Mayor Haviland opened the item to public comment and comments from the following were read into the record:

- 1) Claire McGreal – Expressed concern about the proposed ordinance providing for only “detached” Accessory Dwelling Units in the R2 Zone.
- 2) Tom McGreal – Comments focused on ADU’s on single-family lots.
- 3) Arthur Olson - Questioned whether an ADU could be built on an existing easement from an adjacent property.

Mayor Haviland closed the item to public comment.

Council questions and discussion focused on whether an ADU can block public views; clarification on what is allowed with regard to attached and detached ADU’s; views that have been protected through DRB processes; recording of view easements; different scenarios in which an ADU could be approved; accommodation for architectural protections; review standards for ADU approvals; residential units in commercial zones; how affordable units are credited by the State; proximity of required parking in relation to public transit; how the statute may affect density in Del Mar; appreciation for staff’s work on this item; and need to allow for ADU’s within the dwelling unit instead of needing to be attached.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO INTRODUCE THE ORDINANCE WITH MINOR MODIFICATIONS THAT WERE READ INTO THE RECORD BY THE CITY COUNCIL AND INCORPORATED INTO SECTION EIGHT OF THE ORDINANCE TO AMEND PROSPECTIVE DEL MAR MUNICIPAL CODE (DMMC) SECTION 30.91.060(A) AS SHOWN ON THE POWER POINT SLIDE PRESENTED BY STAFF. AS MODIFIED, LOTS WITH TWO DWELLING UNITS IN THE R2 AND RM ZONES WILL BE ALLOWED TO HAVE ONE ADU FOR EACH DWELLING UNIT THAT CAN BE LOCATED EITHER WITHIN THE PRIMARY DWELLING UNIT, ATTACHED TO THE PRIMARY DWELLING UNIT, OR DETACHED FROM THE PRIMARY DWELLING UNIT. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 10: INTRODUCTION OF AN ORDINANCE TO EXTEND THE ACCESSORY DWELLING UNIT (ADU) PILOT PROGRAM TO ENCOURAGE ADUS THAT ARE DEED RESTRICTED AFFORDABLE UNITS (CLERK'S FILE NO. 401-4)

A presentation was provided by Principal Planner Lee.

Mayor Haviland opened the item to public comment and there were no comments, therefore she closed the item to public comment.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO INTRODUCE AN ORDINANCE TO APPROVE AN EXTENSION OF THE CITY'S ADU PILOT PROGRAM FOR TWO YEARS TO CONTINUE TO ENCOURAGE PRODUCTION OF ADUS AND JUNIOR ACCESSORY DWELLING UNITS (JRADUS) THAT PROPERTY OWNERS AGREE TO DEED RESTRICT FOR 30 YEARS AS AFFORDABLE UNITS IN EXCHANGE FOR A FLOOR AREA BONUS OF 500 SQUARE FEET. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 11: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 1.16 OF THE DEL MAR MUNICIPAL CODE RELATED TO FEES AND CHARGES (CLERK'S FILE NO. 401-4, 401-9)

A presentation was provided by Senior Management Analyst Beth Murray.

Council questions focused on types of applications and fees that would be covered under the proposed ordinance; next steps in the process; current location of fees in the municipal code; timing for final adoption of new fees; and whether proposed fees will be included in the FY 20-21 revenue assumptions.

Mayor Haviland opened the item to public comment and there were no comments.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER WORDEN, TO INTRODUCE AN ORDINANCE TO UPDATE CHAPTER 1.16 OF THE MUNICIPAL CODE RELATED TO FEES AND CHARGES PRIOR TO ADOPTING THE CITYWIDE COMPREHENSIVE FEE SCHEDULE. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

CITY COUNCIL OTHER BUSINESS

ITEM 12: 119 10TH STREET (DUNHAM) HOUSE RELOCATION DISCUSSION (CLERK'S FILE NO. 303-1)

Councilmember Druker recused himself from participating in this item due to the proximity of his home to the subject property and proposed relocation site.

A presentation was provided by Deputy Mayor Gaasterland and Councilmember Worden.

Mayor Haviland opened the item to public comment and the following comment was read into the record:

- 1) Dave Druker – Expressed concern about Del Mar not having a means for preserving historic residences.

Mayor Haviland closed the item to public comment.

Council discussion focused on support for the alternative presented by Deputy Mayor Gaasterland and Councilmember Worden; urging for Historical Society to explore funding opportunities separate from the City to find a suitable site for this home; and support for an update from the Historical Society in July 2020.

COUNCIL PRIORITIES – REPORTS

There were no reports.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 8:17 p.m.



Ashley Jones, Administrative Services
Director/City Clerk