

# Table of Contents

1-22-2024 Regular Meeting Agenda.pdf .....	2
Item 1 - Draft Action Minutes Regular Meeting 1-8-2024.pdf .....	8
Item 2 - List of Demands.pdf .....	14
Item 4 - Second Reading Ordinance Authorizing Dog Area FINAL.pdf .....	32
Item 5 - Amendment for Water Quality Services.pdf .....	38
Item 6 - Agenda Report - TPAC.pdf .....	61
Item 7 - Short Term Rentals.pdf .....	77
Item 8 - Facilities Operation Plan Update.pdf .....	127
Item 9 - Concerns Re DMB5 Mitigation Funding.pdf .....	161
Item 10 - City Council Goal Setting Workshop- Agenda Report.pdf .....	165



# Del Mar City Council Meeting Agenda

City of Del Mar, Town Hall  
1050 Camino del Mar, Del Mar, California

***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.***

## Regular Meeting

Monday, January 22, 2024 at 4:30 PM

**Dave Druker**  
Mayor

**Terry Gaasterland**  
Deputy Mayor

**Tracy Martinez**  
Council Member

**Dan Quirk**  
Council Member

**Dwight Worden**  
Council Member

**Ashley Jones**  
City Manager

**Leslie E. Devaney**  
City Attorney

**Sarah Krietor**  
Administrative Services  
Manager/City Clerk

**Public Participation/Comment:** Members of the public can participate in City Council meetings remotely and in-person. Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

**In-Person Participation:** Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

**Remote Participation:** Members of the public can participate in the meeting remotely using the Zoom link and/or dial-in information provided below. Those wishing to comment live should join the Zoom meeting when the item(s) they wish to speak on is announced or at the meeting start time for items not on the agenda. **Zoom Link:** <https://us02web.zoom.us/j/88383029647>; **Phone: (669) 0003; Meeting ID: 883 8302 9647**

**Written Comments:** Members of the public can participate in the meeting by submitting a written red dot comment via email to [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us). The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

**Viewing the Meeting and Access to Agenda Materials:** Members of the public can watch the meeting live on the City's website at: <http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: <http://www.delmar.ca.us/AgendaCenter> and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

**Assistance for Persons with Disabilities:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- I. CALL TO ORDER/ROLL CALL
- II. CITY ATTORNEY CLOSED SESSION REPORT
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk or raise their hand in Zoom when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

- V. CITY COUNCIL COMMENTS
- VI. COMMUNITY ANNOUNCEMENTS
- VII. CITY MANAGER'S REPORT
- VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk or raise your hand in Zoom.

**1. Approval of Minutes: January 8, 2024 Regular Meeting**

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

**2. Ratification of List of Demands, dated January 22, 2024**

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

**3. Waiver of Reading of Ordinances on Agenda**

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

**4. Second Reading and Adoption of an Ordinance Reauthorizing Terms and Conditions for Off-Leash Dog Hours at the Del Mar Shores Park**

Recommended Action: Staff recommends the City Council adopt an Ordinance (Attachment A) authorizing the terms and conditions for off-leash dog hours at the Del Mar Shores Park until such time that the park is redeveloped.

Reference: Clerk's File No. 307-8, 401-4, 1401-10

**5. Approval of First Amendment to Agreement for Water Quality Testing Services**

Recommended Action: Staff recommends that the City Council: 1) Approve the First Amendment (Attachment A) to the Agreement for Water Quality Testing Services with ALS Group USA, Inc. (ALS) to extend the term of the Agreement for an additional two years expiring February 1, 2026; and 2) Authorize the City Manager to execute the First Amendment.

Reference: Clerk's File No. 406-1

**6. Traffic and Parking Advisory Committee Appointments**

Recommended Action: The City Council Liaisons to the Traffic and Parking Advisory Committee recommend that the City Council reappoint Katherine White as a voting member to the committee to serve a second full three-year term effective March 3, 2024, and ending March 31, 2027, and appoint James (JP) McDermott as a voting member to the Committee to serve a full three-year term effective January 22, 2024, and ending January 31, 2027.

Reference: Clerk's File No. 401-5

**IX. COUNCIL MEETING RECESS**

**X. CITY COUNCIL OTHER BUSINESS**

**7. Discussion of Draft Regulatory Framework and Policy Direction for Short Term Rental Regulation**

Recommended Action: Staff recommends that the City Council review a draft regulatory framework of short-term rental (STR) regulations (Attachment A) and

provide policy direction to staff to prepare a draft Ordinance for processing through the formal public review and adoption process.

Reference: Clerk's File No. 301-19

**8. Proposed City Facilities Operations and Special Event Plan**

Recommended Action: Staff recommends the City Council: 1) Adopt the Resolution (Attachment A) approving an City Facilities Operations and Special Event Plan (Plan) (Exhibit A to Attachment A); and 2) Direct Mayor Druker and Deputy Mayor Gaasterland as the City Council Planning Subcommittee or another subcommittee of the Council to work with staff on additional updates to the Plan for City Council consideration at a future meeting.

Reference: Clerk's File No. 103-4

**9. Concerns Regarding SANDAG Funding for the Del Mar Bluffs Stabilization Project 5 Required Mitigation**

Recommended Action: Mayor Druker and Deputy Mayor Gaasterland request that the City Council discuss and authorize the submittal of a letter to the SANDAG Board expressing concern regarding the redirection of funding for construction of the required mitigation for the Del Mar Bluffs Stabilization Project 5 to other SANDAG projects (Attachment A).

Reference: Clerk's File No. 1506-1

**10. Preparations for 2024 City Council Goals & Priorities Setting Workshop**

Recommended Action: Staff recommends that the City Council provide feedback on the proposed 2024 City Council Goals & Priorities Setting Workshop (Workshop) (Attachment A) and provide direction to staff as needed.

Reference: Clerk's File No. 401-1

**XI. REGIONAL ORGANIZATION REPORTS**

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

- A. 22<sup>nd</sup> District Agricultural Association Community Relations Committee (Martinez/Worden)
- B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
- C. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
- D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Druker)
- E. League of California Cities – San Diego Chapter (Martinez/Worden)
- F. League of California Cities – Coastal Cities Group (Worden)

- G. North County Transit District (NCTD) (Martinez/Druker)
- H. Regional Solid Waste Association (Worden/Quirk)
- I. San Diego Association of Governments Board (SANDAG)  
(Gaasterland/Martinez/Druker)
- J. SANDAG Borders Committee (Druker)
- K. SANDAG Regional Planning Committee (Gaasterland)
- L. SANDAG Shoreline Preservation Working Group  
(Worden/Gaasterland/Martinez)
- M. SANDAG LOSSAN Executive Task Force (Druker/Gaasterland)
- N. San Diego Metropolitan Wastewater Commission/JPA (Worden/Quirk/Druker)
- O. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee  
(Worden/Quirk)
- P. Other Regional Organization Reports

**XII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS**

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

- A. Arts Advisory Committee (Druker)
- B. Clean Water Rate Project
- C. Del Mar Community Connections (Martinez/Worden)
- D. Del Mar Village Association (Gaasterland/Martinez)
- E. Finance Committee (Druker/Worden)
- F. Housing Subcommittee (Gaasterland/Martinez)
- G. Human Resources Subcommittee (Druker/Worden)
- H. Legislative Subcommittee (Gaasterland/Martinez)
- I. Measure Q Citizen Oversight Committee (Gaasterland/Quirk)
- J. Parks and Recreation Committee (Martinez/Gaasterland)
- K. Del Mar Railroad Committee (Druker/Gaasterland)
- L. Lagoon Committee (Quirk/Worden)
- M. Sea-Level Rise Adaptation Plan Implementation Subcommittee  
(Gaasterland/Martinez)
- N. Shores Advisory Committee
- O. Sustainability Advisory Committee (Martinez/Worden)
- P. Traffic and Parking Advisory Committee (Quirk/Worden)
- Q. Undergrounding Project Advisory Committee (Druker/Gaasterland)
- R. Other Committee-Subcommittee Reports

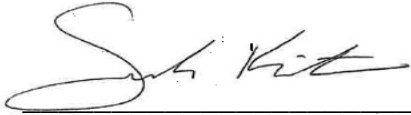
**XIII. UPCOMING AGENDA ITEMS**

The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: [www.delmar.ca.us](http://www.delmar.ca.us) for City Council Agendas.

<b>February 5, 2024</b>
2023 Law Enforcement Summary/2024 Forecast
SANDAG LOSSAN Rail Realignment Project Update
2024 Legislative Policy Guidelines
Pavement Condition Assessment Results

XIV. CERTIFICATION

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 18th day of January, 2024 at approximately 5:35 p.m.



\_\_\_\_\_  
Sarah Krietor, Administrative Services Manager/  
City Clerk

1/18/2024

Date



**CITY OF DEL MAR  
CITY COUNCIL REGULAR MEETING MINUTES  
JANUARY 8, 2024  
City of Del Mar Town Hall  
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](http://www.delmar.ca.us/AgendaCenter) or by contacting the Administrative Services Department at (858) 755-9313.

**CALL TO ORDER**

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

**ROLL CALL**

Present: Mayor Dave Druker; Deputy Mayor Terry Gaasterland; Councilmembers Tracy Martinez, Dan Quirk (left the meeting at 6:37 p.m.), and Dwight Worden

**PLEDGE OF ALLEGIANCE**

Mayor Druker led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

Mayor Druker opened the item to public comment and the follow people spoke:

- 1) Angelina Neglia
- 2) Monica Meredith

Mayor Druker closed the item to public comment.

**CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS**

Councilmember Quirk reported on a countywide sales tax measure planned for the November 2024 ballot. Mayor Druker reported on the successful Penguin Plunge event held on January 1, 2024, and expressed appreciation for the Friends of the Powerhouse and Poseidon Restaurant's sponsorship of the event.

**CITY MANAGER'S REPORT**

City Manager Ashley Jones reported the Regional Task Force on Homelessness (RTFH) is actively seeking volunteers for the 2024 Point in Time Count, which will take place on January 25, 2024, and announced that the City once again was awarded the Certificate of Excellence for financial reporting by the Government Finance Officers Association for Fiscal Year 2021-22.

**CONSENT CALENDAR**

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

**IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 8 AND ITEM 10. (VOTE 5-0)**

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden;  
Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

**ITEM 1: APPROVAL OF MINUTES: DECEMBER 18, 2023 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JANUARY 8, 2024 (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: APPOINTMENT TO THE SUSTAINABILITY ADVISORY COMMITTEE AND AMENDMENT TO COMMITTEE CHARTER RELATED TO MEMBERSHIP (CLERK'S FILE NO. 401-5, 401-13)**

Council appointed Dolores Davies Jamison as a voting member to the SAC to serve a full three-year term beginning January 8, 2024, and ending January 31, 2027; and adopted Resolution 2024-01, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND RESTATING THE SUSTAINABILITY ADVISORY COMMITTEE CHARTER TO REDUCE MEMBERSHIP SIZE FROM NINE TO SEVEN MEMBERS", on consent.

**ITEM 5: ADOPTION OF AN ORDINANCE AMENDING CHAPTERS 14.16 AND 14.20 OF THE DEL MAR MUNICIPAL CODE RELATED TO PROCEDURES AND ESTABLISHMENT OF PUBLIC AND PRIVATE PROPERTY PARKING ZONES (CLERK'S FILE NO. 401-4, 401-9, 905-3)**

Council adopted Ordinance 1004, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 14.16 AND 14.20 OF THE DEL MAR MUNICIPAL CODE AUTHORIZING PROCEDURE AND ESTABLISHING OF PUBLIC AND PRIVATE PROPERTY PARKING ZONES", which would allow the City to expand parking zones to include public lots and private property contractually permitting the City to provide enforcement, pursuant to its authority under the California Vehicle Code, on consent.

**ITEM 6: ACCEPTANCE OF A DONATION FROM THE ROTARY CLUB OF DEL MAR TO PURCHASE AN AUTOMATIC EXTERNAL DEFIBRILLATOR (CLERK'S FILE NO. 201-16)**

Council accepted a donation of \$2,937 from the Rotary Club of Del Mar to purchase an Automatic External Defibrillator; and amended the Fiscal Year 2023-24 Operating and Capital Budget to reflect the donation, on consent. Council expressed appreciation for the donation.

**ITEM 7: TASK ORDER WITH PARADIGM MECHANICAL CORPORATION FOR HEATING VENTILATION AND AIR CONDITIONING SYSTEM REPAIRS AT THE DEL MAR CIVIC CENTER (CLERK'S FILE NO. 406-1)**

Council questions focused on the basis for vendor selection. Council approved a \$25,250 Task Order with Paradigm Mechanical Corporation (Paradigm) to perform Heating Ventilation and Air Conditioning (HVAC) system repairs at the Del Mar Civic Center; authorized the City Manager to execute the Task Order for Paradigm; and amended the Fiscal Year (FY) 2023-2024 Operating and Capital Budget as described in the Fiscal Impact section of this report, on consent.

**ITEM 8: AUTHORIZATION TO ACCEPT 2023 ROY & MARIAN HOLLEMAN FOUNDATION GRANT FUNDS FOR DEL MAR FIRE HEALTH AND WELLNESS EQUIPMENT (CLERK'S FILE NO. 201-16)**

Council accepted \$10,000 in grant funds from the Roy & Marian Holleman Foundation for the purchase of needed Del Mar Fire Station health and wellness equipment; authorized the City Manager to sign the required grant agreement and other necessary documents; and amended the Fiscal Year 2023-2024 Operating and Capital Budget as indicated in the Fiscal Impact section of this report, on consent. Council also expressed appreciation for the donation.

**PUBLIC HEARING**

**ITEM 9: ENCROACHMENT PERMIT EP23-094: REQUEST TO PERMIT THE RETENTION AND MAINTENANCE OF PRIVATE VEGETATIVE, STRUCTURAL, AND DRAINAGE-RELATED ENCROACHMENTS WITHIN A PORTION OF UNIMPROVED PUBLIC RIGHT-OF-WAY (ALLEY) ADJACENT TO 919 KLISH WAY, 1035 KLISH WAY, AND 964 CREST ROAD**

**APPLICANTS: TANYA YOUNG AND MICHAEL MCMANUS  
ADDRESS: 919 KLISH WAY, DEL MAR, CA 92014  
APN #: 300-263-20 (CLERK'S FILE NO. 802-1)**

City Attorney Leslie Devaney provided an overview of the hearing procedure. Councilmember Worden disclosed that he met with the applicants and their representative Mr. Matthew Peterson, met with Mr. McNulty, and read the agenda materials. Councilmember Gaasterland met with the applicants and their representative Matthew Peterson, met with Mr. McNulty at his property, walked the easement area/public right of way, and was briefly at the property at the same time as Councilmember Martinez. Councilmember Martinez met with the applicant and their representative Matthew Peterson, and reviewed the agenda materials. Mayor Druker disclosed he met with Mr. McNulty, viewed the site, and served on the City Council when a prior encroachment permit for the site was issued. Councilmember Quirk disclosed that he met with Mr. McNulty and that he previously met with the applicants and their representative in November 2023.

A presentation was provided by Principal Planner Matt Bator.

Council questions focused on why the paper alley exists; whether it's possible for the City to vacate the paper alley; number of paper of alleys in the City limits; location of the power line in the area; status of the separate encroachment permit application for which an initial consideration was held on October 16, 2023, that is currently being held in abeyance; what services are run from the adjacent utility pole; whether the City performs maintenance in the subject paper alley; whether shrubbery can be cut if it encroaches onto private property; invasive Arundo and potential fire hazard; and possible restructuring of the encroachment permit hearing procedure.

Matthew Peterson provided a presentation on behalf of the applicant.

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

- 1) John McNulty with a donation of time from Alana McNulty
- 2) Mary Friestedt
- 3) Candace Kohl
- 4) Warren Otto
- 5) Harvey Chekoway
- 6) Nicholas Frost
- 7) Alice Brown
- 8) Tanya Schneiderman
- 9) Ann Marie Borman
- 10) David Borman
- 11) Lee Andelin with a donation of time from Anastasia Rose

Randee Warren, Jeffrey Friestedt, Phyllis Mirsky, Edward Mirsky, Leslie Cady, Michael McManus, Madeline McManus, and Tanya Young filled speaker slips in support of the encroachment permit application but did not wish to speak.

Mayor Druker closed the item to public comment.

Council discussion focused on pittosporum hedge; whether the encroachment permit gives the appearance of private property; consideration to require additional signage as part of the encroachment permit; current height of the pittosporum hedge; and need for access to the alley for neighboring properties and the public.

The Council directed that staff bring back a resolution with findings to support the requested encroachment permit, and include language requiring removal of every other pittosporum shrub and a maximum height of fifteen feet for the pittosporum hedge.

**IT WAS MOVED BY COUNCILMEMBER WORDEN TO APPROVE ENCROACHMENT PERMIT EP23-094 APPLICATION WITH ADDITIONAL CONDITION THAT EVERY OTHER ONE OF THE PITTOSPORUM HEDGES BE REMOVED AND THAT THE HEIGHT LIMIT OF 15 FEET MEASURED STARTING WHERE TRUNK GOES INTO GROUND, BE SET AND THAT THE STAFF BE ASKED TO COME BACK WITH A RESOLUTION MEMORIALIZING THAT DECISION REFLECTING THE FINDINGS BASED ON THE DISCUSSION TAKEN PLACE AT THIS COUNCIL MEETING.**

**DEPUTY MAYOR GAASTERLAND MADE AN AMENDMENT TO THE MOTION THAT HEDGES THAT HAVE RECENTLY BEEN REMOVED BE COUNTED AMONG THE TOTAL TO BE REMOVED.**

**COUNCILMEMBER WORDEN APPROVED THE AMENDED MOTION, SECONDED BY DEPUTY MAYOR GAASTERLAND. (VOTE 3-2 WITH MAYOR DRUKER AND COUNCILMEMBER QUIRK OPPOSED.)**

Ayes: Deputy Mayor Gaasterland, and Councilmembers Martinez and Worden; Noes: Mayor Druker and Councilmember Quirk; Recuse: 0; Absent: 0; Abstain: 0.

**ITEM 10: INTRODUCTION OF AN ORDINANCE REAUTHORIZING TERMS AND CONDITIONS FOR OFF-LEASH DOG HOURS AT THE DEL MAR SHORES PARK (CLERK'S FILE NO. 307-8, 401-4, 1401-10)**

City Manager Jones provided a brief presentation and Community Services Director/Lifeguard Chief Jon Edelbrock provided an overview of the regulations. Mayor Druker open and closed the public hearing. There were no public speakers for the item. The ordinance was introduced on consent.

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 7:37 to 7:42 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 11: DRAFT WORK PLAN FOR UPDATING THE CITY'S PUBLIC TREE POLICY MANUAL, MUNICIPAL CODE SECTIONS RELATED TO TREE PROTECTION, AND THE TREES, SCENIC VIEWS, AND SUNLIGHT ORDINANCE (CLERK'S FILE NO. 401-4, 401-9, 1403-7)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Principal Planner Bator. Planning and Community Development Director Karen Brindley was available to answer questions.

Council questions and discussion focused on incorporating public outreach and workshops into the process; desire for staff to compile a list of tree, scenic view applications that have gone to City Council over the last 10 years; creation of a database of primary living spaces that have come before the Design Review Board; consideration of issues such as view, fire, greenhouse gas regulation, bugs and disease; consideration to incorporate voluntary compliance options into regulations; relationship to the City's tree removal permit process; relationship to the Sustainability Advisory Committee and Climate Action Plan (CAP); desire to include guiding principles in process; and consideration to do an urban canopy survey.

There were no public speakers for the item.

Council consensus was to proceed with the work plan as recommended by staff with the inclusion of Council development of guiding principles as part of Phase 1.

**ITEM 12: 2024 CITY COUNCIL LOCAL AND REGIONAL APPOINTMENTS (CLERK'S FILE NO. 401-1, 401-5)**

An introduction to the item was provided by City Manager Jones. Council consensus was to appointment Terry Gaasterland as a liaison to the Parks and Recreation Committee, replacing Dwight Worden; to appointment Dwight Worden to the 22<sup>nd</sup> District Agricultural Association – Community Relations Committee replacing Terry Gaasterland; and to appoint Dave Druker to the Fire Governance Board, replacing Dan Quirk.

**IT WAS MOVED BY MAYOR DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO APPOINT COUNCILMEMBER MARTINEZ AS PRIMARY TO NCTD. (VOTE 3-1-1 WITH COUNCILMEMBER MARTINEZ RECUSED AND COUNCILMEMBER QUIRK ABSENT.)**

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmember Worden; Noes: 0; Recuse: Councilmember Martinez; Absent: Councilmember Quirk; Abstain: 0.

**IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER WORDEN TO APPOINT MAYOR DRUKER AS ALTERNATE TO NCTD. (VOTE 3-1-1 WITH MAYOR DRUKER RECUSED AND COUNCILMEMBER QUIRK ABSENT.)**

Ayes: Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden; Noes: 0; Recuse: Mayor Druker; Absent: Councilmember Quirk; Abstain: 0.

**REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS**

City Council representatives reported on the League of California Cities; San Diego Association of Governments Audit Committee (SANDAG); and SANDAG Board of Directors.

**ADJOURNMENT**

Mayor Druker adjourned the meeting at 7:42 p.m.


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Sarah Krietor, Administrative Services Manager/  
City Clerk



**LIST OF DEMANDS**  
**CITY OF DEL MAR**  
*for*  
**City Council Meeting**  
**January 22, 2024**

Vendor Payment Checks	\$ 220,738.77
Voids	(3,936.38)
Electronic Fund Transfers (EFT)	482,846.98
Electronic Wires	-
Total	<u>\$ 699,649.37</u>

Approved by:  
  
\_\_\_\_\_  
Monica Molina  
Finance Manager/Treasurer

Date:  
1/16/2024

Approved by:  
\_\_\_\_\_  
Dave Druker  
Mayor

Date:  
\_\_\_\_\_

Attachments: Check Registers

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
5526	1/5/2024	kay01 Voucher: 5526	ADAM KAYE DEC-23	12/1/2023	COMM SRVCS DEC	3,975.00	3,975.00
5527	1/5/2024	cal81 Voucher: 5527	CALLTOWER INC 201743593	12/25/2023	TELEPHONE JAN	3,137.07	3,137.07
5528	1/5/2024	cha71 Voucher: 5528	CHARTER COMM HOLDINGS 18448410060151	12/14/2023	INTERNET CH DEC	1,257.52	
			8448410060153	12/24/2023	VIDEO TRANSPORT/PEG JAN	453.71	
			8448410060151	12/14/2023	METRO ETHERNET CS DEC	358.52	
			8448410060151	12/15/2023	FIBER CONNECTION CS DEC	358.52	
			8448410060152	12/14/2023	METRO ETHERNET FIRE DEC	294.50	
			8448410060151	12/15/2023	FIBER CONNECTION FIRE DE	294.50	
			8448410060153	12/21/2023	PUBLIC WIFI JAN	119.98	
			8448410060151	12/15/2023	INTERNET TV STUDIO DEC	84.31	3,221.56
5529	1/5/2024	cor15 Voucher: 5529	CORONADO MOBILE STORAGE JAN-24	1/1/2024	STORAGE CONTRS JAN	255.00	255.00
5530	1/5/2024	del02 Voucher: 5530	DEL MAR BLUE PRINT CO, INC 591623	12/20/2023	CLIFF SIGNS CS	588.72	
			591786	12/26/2023	CUSTOM SIGNS CS	196.84	
			591885	12/27/2023	PENGUIN PLUNGE SIGNS	91.35	876.91
5531	1/5/2024	dix01 Voucher: 5531	DIXIELINE LUMBER CO 06-0535030	12/20/2023	25TH ST FLAG POLE SUPP	145.31	
			06-0535285	12/20/2023	OPERATING SUPP BCPO	28.92	174.23
5532	1/5/2024	iba02 Voucher: 5532	IBANK 16-113-224	1/2/2024	DEBT INTEREST CH	218,766.22	
			15-110-224	1/2/2024	DEBT INTEREST WSTR	24,956.11	243,722.33
5533	1/5/2024	ips02 Voucher: 5533	IPS GROUP INC INV92369	12/31/2023	PRKG MTR TRANS FEE DEC	3,259.75	3,259.75
5534	1/5/2024	mot05 Voucher: 5534	MOTOROLA SOLUTIONS, INC 8281793437	12/30/2023	MOTOROLA BATTERIES CS	659.46	659.46
5535	1/5/2024	red04 Voucher: 5535	REDFLEX TRAFFIC SYSTEMS INV0067839	12/31/2023	REDLIGHT CAMERA DEC	5,284.44	5,284.44
5536	1/5/2024	uni03 Voucher: 5536	SAN DIEGO - UNION TRIBUNE 7965907	12/21/2023	AD PUBLIC HEARING	593.28	
			7964577	12/11/2023	AD PUBLIC HEARING	115.69	708.97
5537	1/5/2024	san56 Voucher: 5537	SAN ELIJO JOINT POWERS, A 11062023	11/6/2023	RECLAIMED WATER SEP/OC	26,642.13	26,642.13
5538	1/5/2024	wex01 Voucher: 5538	WEX BANK 0496-00-496745	12/23/2023	GAS & OIL CS DEC	965.34	965.34

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Sub total for EFT GENERAL ACCOUNT US BANK: 292,882.19

Bank : gusbnk GENERAL ACCOUNT US BAN

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
137630	1/5/2024	adt02	ADT SECURITY SERVICES	1033987385	12/13/2023	ALARM 1700 COAST JAN/MAF	143.82	143.82
		Voucher:	137630					
137631	1/5/2024	asc03	ASCENT ENVIRONMENTAL IN	20230114.01-1	10/24/2023	CONSULTING SRVCS SEP	4,606.25	
		Voucher:	137631	20230114.01-2	11/29/2023	CONSULTING SRVCS OCT	3,812.82	8,419.07
137632	1/5/2024	sbc03	AT&T	9391054486	12/20/2023	TELEPHONE DEC	185.28	185.28
		Voucher:	137632					
137633	1/5/2024	sbc03	AT&T	9391031502	12/20/2023	TELEPHONE DEC	65.40	65.40
		Voucher:	137633					
137634	1/5/2024	sbc03	AT&T	9391026230	12/20/2023	TELEPHONE DEC	58.02	58.02
		Voucher:	137634					
137635	1/5/2024	sbc03	AT&T	9391026231	12/20/2023	TELEPHONE DEC	56.96	56.96
		Voucher:	137635					
137636	1/5/2024	sbc03	AT&T	9391031506	12/20/2023	TELEPHONE DEC	56.96	56.96
		Voucher:	137636					
137637	1/5/2024	sbc03	AT&T	9391026228	12/20/2023	TELEPHONE DEC	29.25	29.25
		Voucher:	137637					
137638	1/5/2024	sbc03	AT&T	9391065054	12/27/2023	TELEPHONE DEC	27.70	27.70
		Voucher:	137638					
137639	1/5/2024	sbc03	AT&T	9391065053	12/27/2023	TELEPHONE DEC	27.70	27.70
		Voucher:	137639					
137640	1/5/2024	sbc03	AT&T	9391065056	12/27/2023	TELEPHONE DEC	27.70	27.70
		Voucher:	137640					
137641	1/5/2024	sbc03	AT&T	9391065055	12/27/2023	TELEPHONE DEC	27.70	27.70
		Voucher:	137641					
137642	1/5/2024	del06	DEL MAR AUTOMOTIVE SERV	46539	12/21/2023	VEHICLE MAINT CS #393	94.52	94.52
		Voucher:	137642					
137643	1/5/2024	gal02	GALLS LLC	026611378	12/21/2023	UNIFORM BELT/TACTICAL PA	103.50	
		Voucher:	137643	026569014	12/16/2023	UNIFORM HATS PRKG ENF	36.37	139.87
137644	1/5/2024	ats01	GARDA CL WEST LOCKBOX #	10763411	1/1/2024	ARMORED SRVCS JAN	710.58	710.58
		Voucher:	137644					
137645	1/5/2024	hin06	HINDERLITER DE LLAMAS AN	SIN034243	12/27/2023	SALES TAX SRVCS OCT/DEC	1,205.42	
		Voucher:	137645	SIN034302	12/27/2023	SALES TAX SRVCS OCT/DEC	300.00	1,505.42
137646	1/5/2024	nct01	NCTD	703814	12/26/2023	NCTD FY24 RENT	41,040.00	41,040.00
		Voucher:	137646					

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
137647	1/5/2024	nob02	NOBEL SYSTEMS	15824	11/30/2023 GEOVIEWER SBSRPTN JAN/	6,000.00	6,000.00
		Voucher:	137647				
137648	1/5/2024	occ01	OCCUPATIONAL HEALTH SERA0139901		12/14/2023 PRE-EMPLOYMENT SCREENI	258.75	258.75
		Voucher:	137648				
137649	1/5/2024	por10	PORTABLE STORAGE CORP 155964		12/20/2023 STORAGE CS JAN	176.00	176.00
		Voucher:	137649				
137650	1/5/2024	san107	SAN DIEGO DIVERS	190	10/20/2023 SCUBA EQUIP MAINT	349.34	349.34
		Voucher:	137650				
137651	1/5/2024	sdg02	SAN DIEGO GAS & ELECTRIC 0092 4576 5583		12/20/2023 UTILITIES NOV	153.96	
		Voucher:	137651	0012 6209 1548	12/29/2023 UTILITIES DEC	91.91	245.87
137652	1/5/2024	san112	SAN DIEGO HUMANE SOCIET JAN-24		1/1/2024 ANIMAL SRVCS JAN	4,048.00	4,048.00
		Voucher:	137652				
137653	1/5/2024	shr01	SHRED -IT US JV LLC, DBA SH-8005758847		12/31/2023 ON-SITE SHREDDING DEC	106.17	106.17
		Voucher:	137653				
137654	1/5/2024	sig12	SIGNA DIGITAL SOLUTIONS IN31756834		12/12/2023 COPIER - CH DEC	766.91	
		Voucher:	137654	31756833	12/12/2023 COPIER - PW DEC	138.74	
				31756835	12/12/2023 COPIER - CS DEC	45.73	951.38
137655	1/5/2024	spa01	SPARKLETTS	18139543 12312	12/31/2023 WATER CH	26.98	26.98
		Voucher:	137655				
137656	1/5/2024	ver03	VERIZON WIRELESS	570653198-000C	12/18/2023 TELEPHONE DEC	1,979.16	1,979.16
		Voucher:	137656				
137657	1/5/2024	ver03	VERIZON WIRELESS	570653198-000C	12/18/2023 TELEPHONE DEC	367.43	367.43
		Voucher:	137657				
137658	1/5/2024	ver03	VERIZON WIRELESS	872374736-000C	12/18/2023 TELEPHONE DEC	226.49	226.49
		Voucher:	137658				
137659	1/5/2024	ver03	VERIZON WIRELESS	570653198-000C	12/18/2023 TELEPHONE DEC	114.03	114.03
		Voucher:	137659				
137660	1/5/2024	ver03	VERIZON WIRELESS	570653198-000C	12/18/2023 TELEPHONE DEC	38.01	38.01
		Voucher:	137660				

**Sub total for GENERAL ACCOUNT US BANK: 67,503.56**

44 checks in this report.

Grand Total All Checks: 360,385.75

*AC 1/4/24*

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
5539	1/5/2024	als02	ALS GROUP USA CORP	522306335	12/27/2023 WATER SAMPLING DEC	496.00	496.00
	Voucher:	5539					
5540	1/5/2024	cha71	CHARTER COMM HOLDINGS	18448410060151	12/15/2023 FIBER CONNECTION PW DEC	358.52	358.52
	Voucher:	5540					
5541	1/5/2024	kle01	KLEINFELDER	1459130	12/22/2023 CDM BRIDGE NOV	70,845.33	
	Voucher:	5541		1459577	12/22/2023 CDM BRIDGE NOV	1,125.48	71,970.81
5542	1/5/2024	sou07	SOUTHERN CALIFORNIA FLEETS	18929	12/15/2023 VEH MAINT PW #77	522.66	522.66
	Voucher:	5542					
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>73,347.99</b>

Bank : gusbnk GENERAL ACCOUNT US BANF

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
137661	1/5/2024	all23	ALL TIME FENCE CO INC	5726	11/22/2023	INSTALL FENCE SHORES	12,800.00	12,800.00
		Voucher:	137661					
137662	1/5/2024	bad01	BADGER METER INC	1625843	12/21/2023	MAINT/REPAIR SUPP PW	1,383.38	1,383.38
		Voucher:	137662					
137663	1/5/2024	hds01	CORE & MAIN LP	U151769	12/22/2023	WATER PARTS PW	258.22	258.22
		Voucher:	137663					
137664	1/5/2024	hac01	HACH COMPANY	13866583	12/29/2023	MAINT/REPAIR SUPP PW	731.89	731.89
		Voucher:	137664					
137665	1/5/2024	pac28	PACIFIC MOBILE STRUCTUREINV-00347502	1/1/2024	MOBILE OFFICE PW JAN	226.20	226.20	
		Voucher:	137665					
137666	1/5/2024	pac05	PACIFIC PIPELINE SUPPLY	S100456499.001	10/4/2023	WATER METER PARTS	518.17	
		Voucher:	137666	S100457378.001	10/31/2023	WATER METER PARTS	211.04	
				S100456495.001	10/4/2023	WATER METER PARTS	201.85	
				S100457377.001	10/31/2023	WATER METER PARTS	44.63	975.69
137667	1/5/2024	par35	PARADIGM MECHANICAL COF6089	12/28/2023	HVAC SRVCS CH	6,975.00		
		Voucher:	137667	6088	12/28/2023	QTRLY MAINT SRVCS CH	2,062.00	9,037.00
137668	1/5/2024	por05	PORTILLO CONCRETE INC	2	12/21/2023	BEACH COLONY PED IMP PR	49,922.50	49,922.50
		Voucher:	137668					
137669	1/5/2024	rcp01	RCP BLOCK & BRICK INC.	33021736	12/20/2023	BULK FERTILIZED SOIL PW	382.64	
		Voucher:	137669	33021624	12/20/2023	BULK FERTILIZED SOIL PW	382.64	765.28
137670	1/5/2024	san138	SAN DIEGO ELEVATOR & LIFT4191		12/29/2023	ELEVATOR MAINT CH DEC	200.00	200.00
		Voucher:	137670					
137671	1/5/2024	sou02	SOUTHCOAST HEATING & AIF1364807		12/31/2023	HVAC SRVCS LIBRARY	285.00	285.00
		Voucher:	137671					
137672	1/5/2024	sta31	STATE WATER RESOURCES, WD-0263230		12/15/2023	ANNUAL FEE FY24	692.00	692.00
		Voucher:	137672					
137673	1/5/2024	ter01	TERMINIX INT CO LTD, PARTM441974790	1/2/2024	PEST CONTROL SRVCS CH	140.00		
		Voucher:	137673	441977585	1/2/2024	PEST CONTROL SRVCS PW	124.00	
				441973143	1/2/2024	PEST CONTROL SRVCS CS	113.00	
				441975960	1/2/2024	PEST CONTROL SRVCS LIBR	100.80	
				441973079	1/2/2024	PEST CONTROL SRVCS PHC	94.00	571.80
137674	1/5/2024	t-mo01	T-MOBILE USA INC	980755647	12/21/2023	TELEPHONE DEC	11.90	11.90
		Voucher:	137674					
137675	1/5/2024	und01	UNDERGROUND SERVICE ALI1220230219	1/1/2024	CONT SRVCS DEC	43.25	43.25	
		Voucher:	137675					

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
137676	1/5/2024	ust03 US TURF	23320	12/19/2023	ARTIFICIAL TURF CH	13,831.19	13,831.19
		Voucher: 137676					
137677	1/5/2024	ver12 VERIZON	72787285	12/20/2023	SCADA SECURE CLOUD NOV	128.54	128.54
		Voucher: 137677					
137678	1/5/2024	ver03 VERIZON WIRELESS	872374736-0000	12/18/2023	TELEPHONE DEC	227.68	227.68
		Voucher: 137678					
137679	1/5/2024	ver03 VERIZON WIRELESS	542070053-0000	12/20/2023	TELEPHONE DEC	166.86	166.86
		Voucher: 137679					
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>92,258.38</b>

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23 checks in this report.

Grand Total All Checks: 165,606.37

 1.4.24

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
5543	1/12/2024	ace02	ACE UNIFORMS LLC	VS0112383	12/18/2023 UNIFORMS FIRE	400.50	400.50
	Voucher:	5543					
5544	1/12/2024	all01	ALLSTAR FIRE EQUIPMENT	252469	12/14/2023 TURNOUT UNIFORMS - FIRE	8,144.82	8,144.82
	Voucher:	5544					
5545	1/12/2024	civ01	CIVICPLUS LLC	277892	12/7/2023 CIVICPLUS SBSCRPTN	3,108.00	3,108.00
	Voucher:	5545					
5546	1/12/2024	cor11	CORODATA MEDIA STORAGE DS1307425		12/31/2023 STORAGE SRVCS DEC	233.33	233.33
	Voucher:	5546					
5547	1/12/2024	cor07	CORODATA RECORDS MGT INRS4972831		12/31/2023 STORAGE SRVCS DEC	155.36	155.36
	Voucher:	5547					
5548	1/12/2024	cor22	CORVEL CORPORATION	1510204	11/15/2023 FNOL FEES - OCT	111.00	
	Voucher:	5548		1508672	11/1/2023 WC - MED NOV	37.00	
				1512429	11/20/2023 FEE WC - NOV	37.00	
				1512426	11/20/2023 WC - MED NOV	1,495.00	
				1510382	11/15/2023 MED MAINT FEE - NOV	250.00	1,930.00
5549	1/12/2024	del14	DEL MAR VILLAGE ASSOCIATI6		1/4/2024 DMVA AGRMNT NOV	20,365.11	20,365.11
	Voucher:	5549					
5550	1/12/2024	dev02	DEVANEY PATE MORRIS & CA8873		12/14/2023 LEGAL FEES NOV	25,246.80	25,246.80
	Voucher:	5550					
5551	1/12/2024	dix01	DIXIELINE LUMBER CO	06-0534956	12/19/2023 CEMENT PW	20.11	
	Voucher:	5551		06-0536513	1/4/2024 BLDG MAINT SUPP FIRE	10.74	
				06-0536005	12/30/2023 CREDIT	-57.26	
				06-0535612	12/26/2023 BLDG MAINT SUPP FIRE	115.78	
				06-0535573	12/22/2023 MAINT/REPAIR SUPP PW	88.05	
				06-0536006	12/29/2023 BLDG MAINT SUPP FIRE	63.41	
				06-0535167	12/20/2023 PAINT SUPP PW	38.70	
				06-0535940	12/29/2023 PAINT SUPP PW	30.80	
				06-0535318	12/21/2023 PAINT SUPP PW	29.84	340.17
5552	1/12/2024	ful01	KURT MORGAN	41671	12/22/2023 BUSINESS CARDS	179.63	179.63
	Voucher:	5552					
5553	1/12/2024	mik03	MIKHAIL OGAWA ENGINEERIN	11117	12/4/2023 CLEAN WATER SRVCS NOV	20,164.51	
	Voucher:	5553		11118	12/4/2023 SAN DIEGUITO TMDL NOV	1,153.85	21,318.36
5554	1/12/2024	nat21	NATIONWIDE MEDICAL/SURGIN	32492	12/27/2023 AMBULANCE SUPP FIRE	72.25	
	Voucher:	5554		IN32055	12/7/2023 AMBULANCE SUPP FIRE	60.74	132.99

Bank : eusbnk EFT GENERAL ACCOUNT US E (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
5555	1/12/2024	nv501	NV5 INC	366977	12/29/2023 BEACH COLONY PED DESIGN	577.50	577.50
		Voucher: 5555					
5556	1/12/2024	pho01	PHOENIX GROUP INFO SYSTI112023036	1/2/2024	CITE SRVCS NOV	6,904.38	
		Voucher: 5556	1120231036	1/2/2024	ADMIN CITE SRVCS NOV	298.37	7,202.75
5557	1/12/2024	pru01	PRUDENTIAL OVERALL SUPP132229945	12/29/2023	UNIFORMS PW	74.10	
		Voucher: 5557	132228697	12/22/2023	UNIFORMS PW	74.10	
			132229944	12/29/2023	SHOP TOWELS PW	3.72	151.92
5558	1/12/2024	pru01	PRUDENTIAL OVERALL SUPP 132229943	12/29/2023	FLOOR MATS PW	15.47	15.47
		Voucher: 5558					
5559	1/12/2024	uni03	SAN DIEGO - UNION TRIBUNE7965691	12/19/2023	AD ADOPT ORD 1002	52.53	
		Voucher: 5559	7965692	12/19/2023	AD ADOPT ORD 1003	48.67	
			7965690	12/20/2023	AD ORDIN INTRO	37.07	138.27
5560	1/12/2024	tru09	TRUE NORTH COMPLIANCE SDM23-12	1/5/2024	BLDG CODE PC & INSP DEC	25,613.33	25,613.33
		Voucher: 5560					
5561	1/12/2024	wex01	WEX BANK	0496-00-495760	1/6/2024 GAS & OIL FIRE DEC/JAN	1,362.49	1,362.49
		Voucher: 5561					
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>116,616.80</b>

Bank : gusbnk GENERAL ACCOUNT US BANF

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
137680	1/12/2024	zep01	ACUITY SPECIALTY PRODUC	9009265904	12/7/2023	CLEANING SUPP FIRE	1,188.69	1,188.69
		Voucher:	137680					
137681	1/12/2024	ame50	AMERICAN MEDICAL RESPONDMF12142023-0	12/14/2023	AMBULANCE SUPP FIRE	452.55	452.55	
		Voucher:	137681					
137682	1/12/2024	lew02	ARNOLD A LEWIN	12312023	12/31/2023	CERT TRAINING CY2023	980.00	980.00
		Voucher:	137682					
137683	1/12/2024	asc03	ASCENT ENVIRONMENTAL IN:20230114.01-3	12/26/2023	CONSULTING SRVCS NOV	11,690.41	11,690.41	
		Voucher:	137683					
137684	1/12/2024	sbc03	AT&T	9391059863	1/1/2024	TELEPHONE DEC	399.96	399.96
		Voucher:	137684					
137685	1/12/2024	cal67	CALIFORNIA BUILDING STAND	OCT - DEC 2023	1/9/2024	BLDG STANDARDS FEE OCT/	234.00	234.00
		Voucher:	137685					
137686	1/12/2024	sol01	CITY OF SOLANA BEACH	01052024	1/5/2024	OFF TRACK DEC	1,004.24	1,004.24
		Voucher:	137686					
137687	1/12/2024	cla15	CLAIMS MANAGEMENT ASSO	522109	12/25/2023	CLAIMS ADMIN OCT	636.00	
		Voucher:	137687	522104	12/25/2023	CLAIMS ADMIN OCT	524.70	
				522100	11/26/2023	CLAIMS ADMIN AUG/SEP	286.20	
				522110	12/25/2023	CLAIMS ADMIN OCT	246.45	
				522107	12/25/2023	CLAIMS ADMIN OCT	214.65	
				522113	12/25/2023	CLAIMS ADMIN SEP/NOV	214.65	
				522111	12/25/2023	CLAIMS ADMIN OCT	127.20	
				522108	12/25/2023	CLAIMS ADMIN AUG/OCT	87.45	
				522106	12/25/2023	CLAIMS ADMIN OCT	63.60	
				522112	12/25/2023	CLAIMS ADMIN OCT	63.60	
				522105	12/25/2023	CLAIMS ADMIN OCT	63.60	2,528.10
137688	1/12/2024	cli04	CLIFTONLARSONALLEN LLP	L241003353	1/8/2024	AUDIT FY 23	4,000.00	4,000.00
		Voucher:	137688					
137689	1/12/2024	cou01	COUNTY OF SAN DIEGO	DEC-23	1/9/2024	PARKING BAIL DEC	18,988.00	18,988.00
		Voucher:	137689					
137690	1/12/2024	cou16	COUNTY OF SAN DIEGO - RE	24CTOFDMC06	1/1/2024	RCS PAGING SRVCS - DEC	70.00	70.00
		Voucher:	137690					
137691	1/12/2024	del06	DEL MAR AUTOMOTIVE SERV	46606	1/4/2024	VEHICLE MAINT CS #370	341.37	
		Voucher:	137691	46582	1/2/2024	VEHICLE MAINT PW #71	85.05	426.42
137692	1/12/2024	dep07	DEPT OF CONSERVATION	OCT - DEC 2023	1/9/2024	SMIP FEES OCT/DEC	811.47	811.47
		Voucher:	137692					

Bank : gusbnk GENERAL ACCOUNT US BAN# (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
137693	1/12/2024	dyn02	DYNAMITE ELECTRIC BIKES I220000009918	10/25/2023	ELECTRIC BIKE PRK ENF	232.94	232.94
		Voucher: 137693					
137694	1/12/2024	gal02	GALLS LLC	026631223	12/27/2023 UNIFORMS PRKG ENF	170.38	170.38
		Voucher: 137694					
137695	1/12/2024	gol04	GOLDEN NEEDLE TAILOR	1857	11/17/2023 EMBROIDERY SRVCS CS	60.00	60.00
		Voucher: 137695					
137696	1/12/2024	pur07	PURDY TREE FARMS, LLC	Ref000173857	1/9/2024 UB Refund Cst #00008285	2,093.25	2,093.25
		Voucher: 137696					
137697	1/12/2024	san66	SAN DIEGO COUNTY ASSESS01102024	1/10/2024	WTR/WSWTR/STORM DRAIN	50.00	
		Voucher: 137697	01102024	1/10/2024	BEACH COLONY PED IMP PR	50.00	100.00
137698	1/12/2024	san107	SAN DIEGO DIVERS	716	12/22/2023 SCUBA EQUIP MAINT	428.45	
		Voucher: 137698	282	11/1/2023	SCUBA EQUIP MAINT	8.89	437.34
137699	1/12/2024	sdg02	SAN DIEGO GAS & ELECTRIC 0081 7377 2988	1/5/2024	UTILITIES DEC	6,752.88	
		Voucher: 137699	0066 5491 6833	1/5/2024	UTILITIES DEC	4,443.02	
			0066 5392 2766	1/5/2024	UTILITIES DEC	1,043.20	
			0069 0908 1676	1/5/2024	UTILITIES DEC	386.69	
			0067 3735 0888	1/5/2024	UTILITIES DEC	290.49	
			2100 0065 8024	1/5/2024	UTILITIES DEC	124.02	
			0096 3381 7034	1/5/2024	UTILITIES DEC	22.66	
			0099 5222 5392	1/3/2024	UTILITIES DEC	20.18	
			0085 7750 3585	1/5/2024	UTILITIES DEC	17.77	
			0066 5491 5032	1/3/2024	UTILITIES DEC	11.45	
			0065 9549 9411	1/5/2024	UTILITIES OCT/DEC	5.05	13,117.41
137700	1/12/2024	san20	SAN DIEGUITO RIVER PARK, /01052024	1/5/2024	OFF TRACK DEC	502.12	502.12
		Voucher: 137700					
137701	1/12/2024	ses01	SESAC	10703795	1/1/2024 ANNUAL SESAC FEE	581.00	581.00
		Voucher: 137701					
137702	1/12/2024	sig12	SIGNA DIGITAL SOLUTIONS INAR-S304067	1/8/2024	COPIER - CS QTRLY MAINT	181.50	181.50
		Voucher: 137702					
137703	1/12/2024	soc05	SOCAL PPE LLC	5870	11/9/2023 UNIFORMS FIRE	55.22	55.22
		Voucher: 137703					
137704	1/12/2024	sou02	SOUTHCOAST HEATING & AIF1364839	12/31/2023	HVAC SRVCS PW	359.00	359.00
		Voucher: 137704					
137705	1/12/2024	two02	TWORK, LYNN	Ref000173856	1/9/2024 UB Refund Cst #00007836	3.13	3.13
		Voucher: 137705					

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Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>
137706	1/12/2024	sic01 VIOLET SICARD	01082024	1/8/2024	REFUND REF B2023-0343	309.70	309.70
	Voucher:	137706					
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>60,976.83</b>

46 checks in this report.

Grand Total All Checks: 177,593.63

*Adelle Caspell*  
1/11/24

VoidCkEP  
01/02/24 10:56AM

Void Check Posting List  
City of Del Mar

Document #: 856096      Void Date: 12/29/2023      Posting #: 32355      Group: dgarcia  
Check #: 137621      Bank code: gusbnk      Check Date: 12/22/23  
Vendor: sig12 SIGNA DIGITAL SOLUTIONS INC  
Post into: 06/2024      Check amount: 951.38

<u>Doc Source</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
disb	B 01.2110.0000	A/P GENERAL	905.65 CR
disb	B 21.2110.0000	A/P-GENERAL	45.73 CR
disb	S* B 21.1100.0000	CASH AND INVESTMENT	45.73 DB
disb	S* B 01.1100.0000	CASH AND INVESTMENTS	905.65 DB
disb	S* B 72.1160.0000	UNION BANK - GENER	951.38 DB
disb	S* B 72.1100.0000	CASH AND INVESTMENTS	951.38 CR
<b>Balance Sheet Totals:</b>		1,902.76 DB      1,902.76 CR	Difference: 0.00

S\* = Automatic Summary

VoidCKEP  
01/03/24 2:51PM

**Void Check Postings List**  
City of Del Mar

**Document #:** 856177      **Void Date:** 01/03/2024      **Posting #:** 32369      **Group:** dgarcia  
**Check #:** 137596      **Bank code:** gusbnk      **Check Date:** 12/22/23  
**Vendor:** cal55 CALIFORNIA REGIONAL WATER  
**Post into:** 07/2024      **Check amount:** 2,985.00

<u>Doc Source</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
disb	B 40.2110.0000	CIP A/P GENERAL	2,985.00 CR
disb      S*	B 40.1100.0000	CASH AND INVESTMENT	2,985.00 DB
disb      S*	B 72.1160.0000	UNION BANK - GENER	2,985.00 DB
disb      S*	B 72.1100.0000	CASH AND INVESTMENTS	2,985.00 CR
<b>Balance Sheet Totals:</b>	5,970.00 DB	5,970.00 CR	Difference: 0.00



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Jon Edelbrock, Director of Community Services and Lifeguard Chief  
Via Ashley Jones, City Manager

DATE: January 22, 2024

SUBJECT: Second Reading and Adoption of an Ordinance Reauthorizing Terms and Conditions for Off-Leash Dog Hours at the Del Mar Shores Park

## REQUESTED ACTIONS:

Staff recommends the City Council adopt an Ordinance (Attachment A) authorizing the terms and conditions for off-leash dog hours at the Del Mar Shores Park until such time that the park is redeveloped.

## DISCUSSION/ANALYSIS:

On January 8, 2024, the City Council conducted a public hearing and voted unanimously to introduce an Ordinance (Attachment A) authorizing the terms and conditions for off-leash dog hours at the Del Mar Shores Park (Shores Park). The Ordinance makes permanent the current terms and conditions that have been in place on a temporary basis, via multiple previously adopted ordinances, for the last twelve years at Shores Park. The City Council may reevaluate and potentially modify the terms and conditions for use of the Park in the future as part of a planned Park redevelopment.

The Shores Park athletic field has many shared uses throughout the week. The Winston School, as part of their lease with the City, has exclusive use of the field Monday through Friday, 8:30 am to 3:30 pm, year-round when school is in session. The field is also available for use by youth athletic teams, such as a local baseball program that has recently operated several days per week with plans to continue. Additionally, the public has opportunities to access the field and adjacent areas when not in use during school hours or City-permitted activities.

The proposed Ordinance continues with the previous hours and regulations set forth for the off-leash area, which is exclusive to the athletic field area of the Park. Off-leash dog hours are Monday through Sunday, from 6:00 am – 8:30 am, and Tuesday, Thursday, and Saturday, from 3:30 pm to dusk.

Regulations regarding dog use include:

- Dog is license and under voice control
- Dog is not biting or harassing a person or other animal

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City Council Action:

- Dog is not interfering with another person's lawful use of the park
- Dog waste is removed and disposed of properly
- An owner may not bring more than two dogs at one time
- Dogs are not allowed when the field is in use by the Winston School or organized sports activities, whether on or off-leash

In general, dog owners have done a good job abiding by the designated hours and regulations. Complaints and violations have been infrequent, and many issues have been curbed by staff patrols, enforcement, and the recent fencing off of the athletic field. Staff and the Sheriff's Department have responded to feedback and calls for assistance, as requested, and will continue to provide patrols and assistance with identified issues, both proactively and in response to calls for service. Updated signage with the dog use hours and rules will also be installed early this year.

If adopted, the Ordinance will be effective thirty (30) days after adoption.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Amending the City's parking regulations to abate public nuisances and continue protecting the health, safety and welfare of the public is considered an operational item.

FISCAL IMPACT:

There is no fiscal impact or fiscal action to be taken by the City Council related to this agenda item.

ENVIRONMENTAL REVIEW:

The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment. Therefore, this Ordinance is further exempt from the provisions of CEQA pursuant to Section 15308 of the State CEQA Guidelines as an action to assure the maintenance, restoration, enhancement, or protection of the environment.

ATTACHMENTS:

Attachment A – Ordinance Authorizing Off-Leash Dog Area at Shores Park

## ORDINANCE No. XXXX

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING AN OFF-LEASH DOG AREA AT THE DEL MAR SHORES PARK

WHEREAS, on August 6, 2007, the City Council of the City of Del Mar (“City Council”) adopted Resolution 2007-35 authorizing the purchase of the Del Mar Shores Property (“Shores Property”); committing to continue the current uses on the Shores Property including The Winston School; and setting forth the master planning process as the means for determining future uses for the Shores Property; and

WHEREAS, on May 15, 2008, the City completed the purchase of the Shores Property from the Del Mar Union School District; and

WHEREAS, the City entered into a 55-year lease with The Winston School commencing on July 1, 2008, and amended on September 27, 2023, for a portion of the Shores Property. The Lease provides for Winston’s exclusive use of the athletic field and sport court area during school hours; and

WHEREAS, on December 5, 2011, the City Council directed staff to return to the City Council with a proposal for a six-month trial of a Shared Use Program to accommodate the range of users of the park including The Winston School, off-leash dogs, Little League or other organized sports, and the use of the park by residents and children for other recreational activities and establish terms and conditions for use; and

WHEREAS, on January 23, 2012, the City Council of the City of Del Mar enacted Ordinance 865 allowing off-leash dog hours for a six-month trial period; and

WHEREAS, the trial period was deemed successful and the City Council enacted Ordinance 875 for a thirty-six month period expiring on January 3, 2016; and

WHEREAS, on November 16, 2015, the City Council enacted Ordinance 910 for an additional thirty-six month period expiring on December 16, 2018; and

WHEREAS, on December 7, 2020, the City Council enacted Ordinance 974 for an additional thirty-six month period expiring on January 6, 2024; and

WHEREAS, staff has observed that the off-leash area has been adequately maintained by the off-leash dog owners; that few complaints from the public have been received regarding off-leash dog use; and that the athletic field does not appear to have significant other uses by the public when not being used by The Winston School, dog owners or by organized sports; and

WHEREAS, Ordinance 974 expired on January 6, 2024, and a new ordinance must be enacted to be able to continue to regulate the use of the Del Mar Shores Park athletic field and allow for appropriate enforcement.

NOW, THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

**SECTION ONE:**

An off-leash dog area is hereby established within the fenced athletic field of the Del Mar Shores Park beginning on the effective date of this Ordinance. The conditions and terms of the off-leash dog area may be modified or terminated as may be needed by the City Council, such as following redevelopment of Shores Park.

**SECTION TWO:**

The City Council hereby establishes the following hours for the use of the fenced athletic field for the various activities as follows:

- Monday, Wednesday and Friday: Organized sports use including Little League or other organized sports licensed by the City from 3:30 p.m. to dusk.
- Monday through Sunday: Off-leash dog hours from 6:00 a.m. – 8:30 a.m.
- Tuesday, Thursday and Saturday: Off-leash dog hours from 3:30 p.m. to dusk.
- Sundays and all other daylight hours not included above when The Winston School is not in session: general park use including on-leash dogs without organized sports leagues.

**SECTION THREE:**

Regulations regarding dog use:

1. The dog is licensed and under direct and effective voice control sufficient to ensure that the dog is not involved in a violation of any other provision of this Ordinance; and
2. The dog is not biting or harassing a person or other animal; and
3. The dog is not interfering with another person's lawful use of public property; and
4. The dog is not urinating or defecating on public property unless the dog is curbed and any feces is immediately removed to a proper receptacle; and
5. An owner may not bring more than two dogs at one time to the off-leash area; and
6. No dogs are permitted on the athletic field during the times reserved for The Winston School, Little League or other organized sports activities, whether on-leash or off-leash.

**SECTION FOUR:**

Conspicuous signage setting forth these regulations shall be posted at the off-leash dog area, including a phone number where violations can be reported.

**SECTION FIVE:**

Any person(s) violating any of the provisions of this Ordinance shall be subject to enforcement and penalties as prescribed in Chapter 1.08 of the Del Mar Municipal Code and the loss of off-leash dog privileges up to six months for the first infraction and a permanent loss of off-leash dog privileges for biting or a second infraction.

**SECTION SIX:**

This Ordinance was introduced by the City Council on January 8, 2024.

**SECTION SEVEN:**

Upon adoption, the Ordinance will take effect and be in force 30 days from the date of City Council adoption (“Effective Date”).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 22nd day of January, 2024.

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David Druker, Mayor  
City of Del Mar

**APPROVED AS TO FORM:**

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Leslie E. Devaney, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 22nd day of January, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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Sarah Krietor, Administrative Services  
Manager/City Clerk  
City of Del Mar



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director  
Via Ashley Jones, City Manager

DATE: January 22, 2024

SUBJECT: Approval of First Amendment to Agreement for Water Quality Testing Services

**REQUESTED ACTION/RECOMMENDATION:**

Staff recommends that the City Council: 1) Approve the First Amendment (Attachment A) to the Agreement for Water Quality Testing Services with ALS Group USA, Inc. (ALS) to extend the term of the Agreement for an additional two years expiring February 1, 2026; and 2) Authorize the City Manager to execute the First Amendment.

**DISCUSSION/ANALYSIS:**

The City of Del Mar issued a Request for Proposals and executed an Agreement for Water Quality Testing Services with ALS on February 1, 2021, for an initial three-year term ending on February 1, 2024 (Attachment B). These services include conducting water sampling and analytical testing throughout the City's water distribution system, which are necessary to ensure that the potable water delivered to residents and businesses is safe and meets the environmental standards required by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB).

Section 2.1 of the Agreement allows for a two-year extension to the term upon agreement of the parties and contingent upon satisfactory performance by ALS. During the initial term of the Agreement, ALS provided high quality water quality testing services to the City.

**FISCAL IMPACT:**

There is no fiscal action to be taken by the City Council related to this agenda item. There are sufficient funds available in the Fiscal Year 2023-2024 and Fiscal Year 2024-2025 Operating and Capital Budgets.

**ENVIRONMENTAL IMPACT:**

The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" per Section 15378(b)(5) of CEQA Guidelines. The

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City Council Action:

action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

NEXUS TO COUNCIL GOALS AND PRIORITIES:

This is an operational item and is not related to Council Goals and Priorities.

ATTACHMENTS:

Attachment A – First Amendment to Agreement for Water Quality Testing Services

Attachment B – Original Agreement with ALS Group

**FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF DEL MAR  
AND ALS GROUP USA, CORP. FOR WATER QUALITY TESTING SERVICES**

THIS FIRST AMENDMENT to the Agreement (First Amendment) is made and entered into effective the 1<sup>st</sup> day of February, 2024, by and between the City of Del Mar, a Charter City and municipal corporation (“City”), and ALS Group USA, Corp. (“Contractor”) (collectively “Parties”).

**RECITALS**

WHEREAS, on February 1, 2021, the City and Contractor entered into an Agreement (Agreement), by which the City and Contractor established the terms and conditions for providing water quality testing services (“Water Testing Services”) for a three-year period terminating February 1, 2024; and

WHEREAS, the Parties now desire to extend the term of the Agreement for an additional two-year period as provided for in Section 2.1; and

NOW, THEREFORE, the Parties hereby agree to amend the Agreement as follows:

Section 1. Section 2.1 of the Agreement is amended as follows:

**2. DURATION OF AGREEMENT**

**2.1 Term, Time for Performance.** The term of the Agreement is for a period commencing on September 1, 2021, and terminating February 1, 2026 (“Termination Date”) unless terminated earlier as set forth herein.

Section 2. Except as otherwise provided in this First Amendment, all terms and conditions, and attachments and exhibits thereto, of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be effective as of the date first written above.

CITY OF DEL MAR,  
a municipal corporation

ALS Group USA, Corp.

By: \_\_\_\_\_  
Ashley Jones, City Manager

By: \_\_\_\_\_  
Randy Gates, Regional Manager

ATTEST:

By: \_\_\_\_\_  
Sarah Krietor, Administrative Services  
Manager/City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Leslie E. Devaney, City Attorney

**AGREEMENT BETWEEN THE CITY OF DEL MAR AND ALS GROUP USA, CORP.  
FOR WATER QUALITY TESTING SERVICES**

This Agreement (“Agreement”) is made and entered into this 1<sup>st</sup> day of February, 2021 by and between the City of Del Mar, a Charter City and a municipal corporation (“City”), and ALS Group USA, Corp. (“Contractor”) (collectively “Parties”).

**WHEREAS**, the City desires to employ a Contractor to provide water quality testing services (“Water Testing Services”). Said work is to be performed in accordance with the terms and conditions set forth below and as described in the scope of services, attached hereto as Exhibit “A” and incorporated herein; and

**WHEREAS**, the City has initially determined that Contractor is qualified by experience and ability to perform the services desired by City, and Contractor is willing to perform such services; and

**WHEREAS**, Contractor will conduct all the work as described and detailed in this Agreement to be provided to the City.

**NOW, THEREFORE**, the Parties hereto mutually covenant and agree with each other as follows:

**1. CONTRACTING SERVICES.**

**1.1 Scope of Services.** The Contractor shall perform the Water Testing Services as set forth in the written Scope of Services, attached hereto as **Exhibit “A”** and incorporated herein. Such services shall be provided at the direction of the City.

**1.2. City Modification of Scope of Services.** City may order changes to the Scope of Services within the general scope of this Agreement consisting of additions, deletions, or other revisions. If such changes cause a change in the Contractor’s cost of, or time required for, completion of the Scope of Services, an equitable adjustment to Contractor’s compensation and/or contract time shall be made, subject to the City’s approval. All such changes shall be authorized in writing, executed by Contractor and City. If such a change results in an extension of the term of this Agreement or increases the maximum amount to be paid under this Agreement, no such change shall have any force or effect unless an amendment to this Agreement is approved by the City Council.

**2. DURATION OF AGREEMENT.**

**2.1 Term, Time for Performance.** This Agreement shall be effective for a period of three years beginning on February 1, 2021, and terminating on February 1, 2024. Upon written agreement of both parties, this Agreement may be extended for an additional two-year period.

Time is of the essence for this Agreement and each provision of this Agreement, unless otherwise specified in this Agreement.

**2.2 Delay.** Any delay occasioned by causes beyond the control of Contractor may merit an extension of time for the completion of the Scope of Services. When such delay occurs, Contractor shall immediately notify the Project Coordinator in writing of the cause and the extent of the delay, whereupon the Project Coordinator shall ascertain the facts and the extent of the delay and grant an extension of time for the completion of the Water Testing Services when justified by the circumstances provided that no extension of time shall be granted which would extend the time for performance beyond the date specified in section 2.1 above.

**2.3 City's Right to Terminate for Default.** Should Contractor be in default of any covenant or condition hereof, City may immediately terminate this Agreement for cause if Contractor fails to cure the default within ten (10) calendar days of receiving written notice of the default.

**2.4 City's Right to Terminate without Cause.** Without limiting its rights in the event of Contractor's default, City may terminate this Agreement, without cause, by giving written notice to Contractor. Such termination shall be effective upon receipt of the written notice. Contractor shall be compensated for all effort and material expended on behalf of City under the terms of this Agreement, up to the effective date of termination. All personal property remaining in City facilities or on City property thirty (30) days after the expiration or termination of this Agreement shall be, at City's election, considered the property of City.

**3. PERFORMANCE AFTER TERMINATION.** Upon termination of this Agreement as provided herein, Contractor shall, within such reasonable time period as may be directed by City Manager, complete those items of work which are in various stages of completion and which City Manager determines are necessary to be completed by Contractor to allow the project to be completed in a timely, logical, and orderly manner. Upon termination, all finished or unfinished documents, data, studies, surveys, drawings, models, photographs, reports, and other materials prepared by Contractor shall be delivered to the City Manager, upon his request, as property of City.

#### **4. COMPENSATION.**

**4.1 Total Amount.** Compensation to Contractor shall be provided on a task order basis at the rates described in the Fee Schedule contained in **Exhibit "B"**. Contractor shall bill the City for work provided and shall present a written request for such payment monthly. City shall pay all invoices in arrears and shall in no event be required to pay for any services provided by Contractor in advance. Contractor acknowledges that it is not guaranteed any particular amount of work.

**4.2 Additional Services.** City may, as the need arises or in the event of an emergency, request additional services of Contractor. Should such additional services be required, Compensation therefore shall be paid to the Contractor in accordance with Fee Schedule contained in Exhibit "B." City and Contractor shall agree to the costs prior to commencement of such work.

**5. INDEPENDENT CONTRACTOR.** Contractor is, for all purposes arising out of this Agreement, an independent contractor. The Contractor has and shall retain the right to exercise full control and supervision of all persons assisting the Contractor in the performance of said services hereunder, the City only being concerned with the finished results of the work being performed. Neither Contractor nor Contractor's employees shall in any event be entitled to any benefits to which City employees are entitled, including, but not limited to, overtime, any retirement benefits, workers' compensation benefits, any injury leave or other leave benefits, Contractor being solely responsible for all such matters, as well as, compliance with social security and income tax withholding and all other regulations and laws governing such matters.

**6. STATEMENT OF EXPERIENCE.** Contractor agrees that it has the financial resources, service experience, completion ability, personnel, and experience in dealing with public agencies necessary for performing the Scope of Services and that such performance shall be in accordance with the standards customarily adhered to by an experienced and competent Contractor using the degree of care and skill ordinarily exercised by reputable Contractors practicing in the same field of service in the State of California. By executing this Agreement, Contractor represents that it has demonstrated trustworthiness and possesses the quality, fitness, and capacity to perform the Agreement in a manner satisfactory to City. Additionally, Contractor and all of Contractor's employees or agents shall secure and maintain in force such permits and licenses as are required by law in connection with the furnishing of services pursuant to this Agreement.

**7. AUDIT OF RECORDS.**

**7.1** At any time during normal business hours and as often as may be deemed necessary, the Contractor shall make available to a representative of City for examination all of its records with respect to all matters covered by this Agreement and shall permit City to audit, examine, and/or reproduce such records. Contractor shall retain such financial and program service records for at least four (4) years after termination or final payment under this Agreement.

**7.2** The Contractor shall include the City's right to audit under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

**8. CONFIDENTIALITY.** All Water Testing services performed by Contractor, including, but not limited to, all drafts, data, correspondence, proposals, reports, research and estimates compiled or composed by Contractor, pursuant to this

Agreement, are for the sole use of the City, its agents and employees. Neither the documents nor their contents shall be released to any third party without the prior written consent of the City. This provision does not apply to information that (a) was publicly known, or otherwise known to Contractor, at the time that it was disclosed to Contractor by the City, (b) subsequently becomes publicly known through no act or omission of Contractor or (c) otherwise becomes known to Contractor other than through disclosure by the City. Except for any subcontractors that may be allowed upon prior agreement, neither the documents nor their contents shall be released to any third party without the prior written consent of the City. The sole purpose of this section is to prevent disclosure of City's confidential and proprietary information by Contractor or subcontractors.

## **9. CONFLICTS OF INTEREST.**

**9.1** Contractor shall at all times comply with all federal, state and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices, including, but not limited to, California Government Code §§ 81000 et seq. (Political Reform Act) and §§ 1090 et seq. Contractor shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the City in which the Contractor has a financial interest as defined in Government Code § 87103. Contractor represents that it has no knowledge of any financial interests, which would require it to disqualify itself from any matter on which it might perform services for the City.

**9.2** Contractor shall comply with all of the reporting requirements of the Political Reform Act. The Contractor shall file a Fair Political Practices Commission Form 700 (Assuming Office Statement) within thirty (30) calendar days of the City's determination that the Contractor is subject to a conflict of interest code, if applicable. The Contractor shall also file a Form 700 (Annual Statement) on or before April 1, disclosing any financial interests held during the previous calendar year for which the Contractor was subject to a conflict of interest code.

**9.3** If, in performing the Water Testing Services set forth in this Agreement, the Contractor makes, or participates in, a "governmental decision" as described in Title 2, section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for the City that would otherwise be performed by a City employee holding a position specified in the department's conflict of interest code, the Contractor shall be subject to a conflict of interest code requiring the completion of one or more statements of economic interests disclosing the Contractor's relevant financial interests.

**10. OWNERSHIP OF DOCUMENTS.** All documents, data, studies, drawings, maps, models, photographs and reports prepared by Contractor under this Agreement shall be considered the property of City. Contractor shall be permitted to reference and use said materials for use in future studies, work, and marketing so long as said

materials are considered “public documents” and are not subject to attorney-client privilege, or the subject of pending closed or executive session discussions.

## 11. INSURANCE

**11.1** Contractor shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best’s rating of no less than “A” and “VII” and are admitted to do business in the State of California, unless otherwise approved in writing by the City’s Risk Manager.

**11.2** Contractor’s liabilities, including but not limited to Contractor’s indemnity obligations, under this Agreement, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the City is entitled to thirty (30) days prior written notice (ten (10) days for cancellation due to non-payment of premium) of cancellation or non-renewal of the policy or policies. Maintenance of specified insurance coverage is a material element of this Agreement.

**11.3 Types and Amounts Required.** Contractor shall maintain, at minimum, the following insurance coverage for the duration of this Agreement:

**11.3.1 Commercial General Liability (CGL).** Insurance written on an ISO Occurrence form CG 00 01 07 98 or equivalent providing coverage at least as broad which shall cover liability arising from any and all personal injury or property damage in the amount of **\$1,000,000** per occurrence and subject to an annual aggregate of **\$2,000,000**. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy.

**11.3.2 Commercial Automobile Liability.** For all of the Contractor's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing coverage at least as broad for bodily injury and property damage for a combined single limit of **\$300,000** per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).

**11.3.3 Workers' Compensation.** For all of the Contractor's employees who are subject to this Agreement and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum **\$1,000,000** employers' liability coverage. The Contractor shall provide an endorsement that the insurer waives the right of subrogation against the City and its respective elected officials, officers, employees, agents and representatives.

**11.4 Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions are the responsibility of the Contractor and must be declared to and approved by the City. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers, or (2) the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

**11.5 Additional Required Provisions.** The commercial general liability and automobile liability policies shall contain, or be endorsed to contain, the following provisions:

**11.5.1** The City, its officers, officials, employees, and representatives shall be named as additional insureds. The City's Additional Insured status must be reflected on additional insured endorsement form which shall be submitted to the City.

**11.5.2** The policies are primary and non-contributory to any insurance that may be carried by the City, as reflected in an endorsement which shall be submitted to the City.

**11.6 Verification of Coverage.** Contractor shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this Section 11. The endorsement should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

## **12. DEFENSE AND INDEMNIFICATION.**

**12.1** Contractor agrees to indemnify, defend (with attorneys approved by City), and hold harmless the City, and its officers, officials, agents and employees (the "Indemnified Parties") from any and all claims, demands, costs or liability that arise out of, or pertain to, or relate to the Contractor, its employees, agents, and subcontractors performance of services under this Agreement. Contractor's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the City or its elected officials, officers, agents, and employees. Contractor's indemnification obligations shall not be limited by the insurance provisions of this Agreement. The Parties expressly agree that any payment, attorney's fees, costs or expense City incurs or makes to or on behalf of an injured employee under the City's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this Agreement.

**12.2** This indemnity is in addition to any other rights or remedies which City may have under the law or this Agreement. In the event of any claim or demand made against any party which is entitled to be indemnified hereunder, City may, at its sole discretion, reserve, retain or apply any monies due to Contractor under this Agreement for the purpose of resolving such claims; provided however, that City may release such funds if Contractor provides City with reasonable assurances of protection of the City's interest. The City shall, in its sole discretion determine whether such assurances are reasonable.

**12.3** Contractor agrees that its duty to defend arises upon an allegation of liability based upon the performance of services under this Agreement by Contractor, its officers, agents, representatives, employees, sub-Contractors, or anyone for whom Contractor is liable and that an adjudication of Contractor's liability is not a condition precedent to Contractor's duty to defend.

### **13. SUBCONTRACTORS.**

**13.1** The Contractor's hiring or retaining of third parties (i.e. subcontractors) to perform services related to the Project is subject to prior approval by the City.

**13.2** All contracts entered into between the Contractor and its subcontractor shall also provide that each subcontractor shall obtain insurance policies, which shall be kept in full force and effect during any and all work on this Project and for the duration of this Agreement. The Contractor shall require the subcontractor to obtain all policies described in section 11 of this Agreement in the amounts required by the City, which shall not be greater than the amounts required of the Contractor.

**13.3** In any dispute between the Contractor and its subContractors, the City shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The Contractor agrees to defend and indemnify the City as described in section 12 of this Agreement should the City be made a party to any judicial or administrative proceeding to resolve any such dispute or should the City incur any costs in responding to third-party discovery requests.

**14. NON-DISCRIMINATION.** Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, military or veteran status, gender, gender identity, gender expression, sexual orientation, or any other class protected under state, federal, or local law. Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to any class or category protected under state, federal, or local law and shall make reasonable accommodation to qualified individuals with disabilities. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, transfer, recruitment, or recruitment

advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places available to employees and applicants for employment any notices provided by City setting forth the provisions of this non-discrimination clause.

**15. NOTICES.** All communications to either party by the other party shall be delivered to the persons listed below. Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) calendar days after the deposit thereof in the United States Mail, postage prepaid and properly addressed as noted below.

If to City:  
City of Del Mar  
City Clerk  
1050 Camino del Mar  
Del Mar, CA 92014

If to Contractor:  
ALS Group USA, Corp.  
Shelly Brady  
3337 Michelson Dr., Suite CN750  
Irvine, CA 92612

**16 ASSIGNABILITY.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Contractor's duties be delegated or sub-contracted, without the express written consent of the City.

**17. RESPONSIBILITY FOR EQUIPMENT.** City shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by Contractor or any of Contractor's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to Contractor by City. The acceptance or use of any such equipment by Contractor, Contractor's employees, or subcontractors shall be construed to mean that Contractor accepts full responsibility for and agrees to exonerate, indemnify and hold harmless City from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

**18. CALIFORNIA LAW; VENUE/MISC.** This Agreement shall be construed and interpreted according to the laws of the State of California. Any action brought to enforce or interpret any portion of this Agreement shall be brought in the county of San Diego, California. Contractor hereby waives any and all rights it might have pursuant to California Code of Civil Procedure section 394.

**19. COMPLIANCE WITH LAWS.** The Contractor shall comply with all laws, ordinances, regulations, and policies of the federal, state, and local governments applicable to this Agreement, including California Labor Code section 1720, et seq., relating to payment of prevailing wages for public works projects, if applicable. Contractor shall indemnify and defend the Indemnified Parties from and against any liability incurred due to any failure on the part of Contractor to comply with any applicable Laws.

To the extent Contractor is required to comply with prevailing wage requirements, Contractor does hereby acknowledge that they are aware of, have read, and understand the terms and implications of SB 854 and Contractor and any sub-Contractors ensure that they are familiar with and comply with its requirements. Such requirements include, but are not limited to, the registration requirement with the Department of Industrial Relations, State of California (DIR), pursuant to Labor Code section 1725.5. As of March 1, 2015, in compliance with SB 854, the City requires all affected contractors and Contractors to be registered with the DIR prior to submitting a bid or proposal on any eligible District project. As of April 1, 2015, failure to comply with the requirements of SB 854 by any contractor or Contractor, including registration with the DIR pursuant to Labor Code section 1725.5, shall be a material breach of this Agreement which may be terminated by the City in its sole and absolute discretion. Where applicable, this project is subject to compliance monitoring and enforcement by the DIR.

**20. CONTRACTOR'S CERTIFICATION OF AWARENESS OF IMMIGRATION REFORM AND CONTROL ACT OF 1986.** Contractor certifies that Contractor is aware of the requirements of the Immigration Reform and Control Act of 1986 (8 USC §§ 1101-1525) and has complied and will comply with these requirements, including, but not limited to, verifying the eligibility for employment of all agents, employees, subcontractors, and Contractors that are included in this Agreement.

**21. ENTIRE AGREEMENT.** This Agreement sets forth the entire understanding of the Parties with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein.

**22. AMENDMENTS.** This Agreement may be modified or amended only by a written document executed by both Contractor and City and approved as to form by the City Attorney. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless agreed to in writing by both Parties.

**23. NO WAIVER.** No failure of either the City or the Contractor to insist upon the strict performance by the other of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement shall constitute a waiver of any such breach of such covenant, term or condition.

**24. SEVERABILITY.** The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render any other provision unenforceable, invalid, or illegal.

**25. DRAFTING AMBIGUITIES.** The Parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of

counsel with respect to this Agreement is a decision which is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

**26. LEGAL FEES.** In the event of the bringing of any action or suit by either party hereto against the other party hereunder to enforce or interpret any of the provisions, covenants or conditions of this Agreement, or arising out of any tortuous conduct by either party incident to this Agreement, the prevailing party in such action or suit shall be entitled to recover all costs and expenses of suit, including reasonable attorneys' fees. In any action or suit brought to enforce this Agreement, the damages available shall be limited to specific performance or other such equitable relief that the court may order.

**27. CONFLICTS BETWEEN TERMS.** If an apparent conflict or inconsistency exists between the main body of this Agreement and the Exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the Exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.

**28. EXHIBITS INCORPORATED.** All Exhibits referenced in this Agreement are incorporated into the Agreement by this reference.

**29. SIGNING AUTHORITY.** The representative for each Party signing on behalf of a corporation, partnership, joint venture, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or entity and agrees to hold the other Party or Parties hereto harmless if it is later determined that such authority does not exist.


**[SIGNATURES ON THE FOLLOWING PAGE]**

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

**CITY OF DEL MAR,**  
a municipal corporation

**ALS Group USA, Corp.**

By:   
~~Christa Johnson, City Manager~~

By:   
Randy Gates, Regional Manager

Ashley Jones, Interim City Manager

ATTEST:

  
~~Ashley Jones, Administrative Services  
Director/City Clerk~~  
Sarah Krietor, Deputy City Clerk

APPROVED AS TO FORM:

  
Leslie E. Devaney, City Attorney

## **EXHIBIT "A"** **SCOPE OF WORK**

City requires the services of a Contractor certified under the Environmental Laboratory Accreditation Program (ELAP) from the California State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW) to sample, analyze and report the quality of the drinking water provided by the City.

([http://www.waterboards.ca.gov/drinking\\_water/programs/](http://www.waterboards.ca.gov/drinking_water/programs/); and  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/labs/ELAP.html](https://www.waterboards.ca.gov/drinking_water/certlic/labs/ELAP.html))

The scope of services to be provided includes the following:

1. Water Quality Sampling Schedule provides locations and sample schedule for contractor to physically take samples, provide containers, flush and sterilize sampling location, test water quality through analysis and provide reports as described.
2. Contractor shall submit test results with Electronic Data Transfer (EDT), use Write-On Utility, or LIMS Program to output text type file in EDT format, or as directed or approved by SWRCB-DDW. Reference PWS ID: 3710004-001, name of sender, company name, address, telephone number. EDT water quality analytical results are sent to DDW by e-mail to [edt@waterboards.ca.gov](mailto:edt@waterboards.ca.gov). More information at: [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/EDT.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/EDT.shtml).
3. Courtesy call: Before leaving the office, the Laboratory or Lab Technician will call the Public Works department at (858) 755-3294, and notify that they are on their way to perform the water sample grabs at specified locations, so that Public Works personnel can assist, if necessary.
4. Copies of test reports to be provided to the Public Works Department, in email, when test results are known. And also by submitting a hard copy of test results, including the invoice, to arrive in US mail, addressed to the Public Works Department, 2240 Jimmy Durante Blvd., Del Mar, CA 92014, within five (5) calendar days from date of known test results.
5. When positives are detected in samples, an immediate call to the Public Work Department is required. After the Public Works Department's work hours (4:30 PM to 7:00 AM), the Department will establish a call procedure, shared with lowest responsible bidder.
6. In case of Coliform positive bacte test, Laboratory to resample immediately (within 24 hours) per 22 CCR 64424 (b), at locations defined in Repeat Sampling schedule, see Attachment 1. This is also necessary when the department explicitly needs this service, i.e. in case of main break repairs, or other recovery act, where bacteriological tests are required to determine if water lines can be put back in service. The department, at its discretion, will determine the type of tests needed,

depending on the time frame and severity of the emergency, and in contact with its Primacy Agency, the SWRCB-DDW District 14 – San Diego. The cost price for rush samples shall include the following: Contractor to physically take repeat samples at locations per 2021-2023 Water Repeat Sampling schedule, perform Cl2 and Colilert-18 hour test (unless requested otherwise), the results of the repeat samples shall be communicated immediately when they are available, during work hours, called in to City of Del Mar Public Works Department at (858) 755-3294, or fax at (858) 481-0254, and (after hours) to the PW Maintenance Superintendent at (760) 855-3875, and emailed to [PublicWorks@delmar.ca.us](mailto:PublicWorks@delmar.ca.us) and to the DDW in the same prompt manner as described above.

7. The Contractor may charge the City a "Wait Fee" of twenty-five dollars (\$25) per incident at (between) locations for each occurrence of group of tests (Bacterial or Physical), when the laboratory is unable to have access or perform sampling, beyond the scope of its Contractual obligations, when delays are caused by the City. Communication between the Contractor and City is of the essence. The Wait Fee can only be applied if the delay, or the response or wait time between call-in from the Contractor or his Representative to the Public Works Department is greater than 15 minutes, per incident/test location (Bacterial or Physical Test).
8. The Contractor may charge a one-time "Recall Fee" of twenty-five dollars (\$25) (for re-mobilization the next scheduled recall time and day), when the laboratory was unable to have access or perform sampling and test at the last or final location sample site, before leaving the City, beyond the scope of its Contractual obligations, when delays are caused by the City. Communication between the Contractor and City is of the essence. The Recall fee can only be applied if delay or response wait time between call-in from the Contractor or his Representative to the Public Works Department is greater than 15 minutes while the Contractor or Representative is at the remaining final location.
9. During this contract term, in the month of June 2021, the City of Del Mar will organize the Triennial Lead and Copper analysis program. Contractor to provide Unit Prices (U.P.) for Lead and Copper analysis performed for 23 samples each, plus two (2) samples at the Winston School (U.P. to be provided in the CY2021 bid schedule). This includes delivery of the 1 liter Sodium Thiosulfate coated bottles, (City will distribute to participating residents) and return the refrigerated filled bottles for further analysis and reporting.
10. All test results, chain of custody records, and invoices should be sent via U.S. Mail to the City of Del Mar - Public Works Department, 2240 Jimmy Durante Blvd., Del Mar, CA 92014 or via email to [PublicWorks@delmar.ca.us](mailto:PublicWorks@delmar.ca.us).

**2021 Water Quality Sampling Schedule**  
**2021**

DATE		CYCLE	ID	LOCATION	DATE		CYCLE	ID	LOCATION
1/4/2021	Monday	5	I-3	133 SPINNAKER COURT	7/12/2021	Monday	2	R-2	CITY HALL
			L-3	STRATFORD COURT				H-1	15TH & VIA ALTA
			Z-3	BELLAIRE AND SEAVIEW				Z-1	2134 DAVID WAY
1/19/2021	Tuesday	1	R-1	CREST RESERVOIR	7/26/2021	Monday	3	I-2	OCEANVIEW & PINE NEEDLES
			I-1	DEL MAR PLAZA, BACKFLOW VALVE				R-3	ZUNI RESERVOIR
			L-1	221 26TH STREET				L-2	LIFEGUARD STATION
2/1/2021	Monday	2	R-2	CITY HALL	8/9/2021	Monday	4	R-4	TORREY PINES RESERVOIR
			H-1	15TH & VIA ALTA				H-2	SERPENTINE AND PRIMAVERA
			Z-1	2134 DAVID WAY				Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW
2/16/2021	Tuesday	3	I-2	OCEANVIEW & PINE NEEDLES	8/23/2021	Monday	5	I-3	133 SPINNAKER COURT
			R-3	ZUNI RESERVOIR				L-3	STRATFORD COURT
			L-2	LIFEGUARD STATION				Z-3	BELLAIRE AND SEAVIEW
3/8/2021	Monday	4	R-4	TORREY PINES RESERVOIR	9/7/2021	Tuesday	1	R-1	CREST RESERVOIR
			H-2	SERPENTINE AND PRIMAVERA				I-1	DEL MAR PLAZA, BACKFLOW VALVE
			Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW				L-1	221 26TH STREET
3/22/2021	Monday	5	I-3	133 SPINNAKER COURT	9/20/2021	Monday	2	R-2	CITY HALL
			L-3	STRATFORD COURT				H-1	15TH & VIA ALTA
			Z-3	BELLAIRE AND SEAVIEW				Z-1	2134 DAVID WAY
4/5/2021	Monday	1	R-1	CREST RESERVOIR	10/4/2021	Monday	3	I-2	OCEANVIEW & PINE NEEDLES
			I-1	DEL MAR PLAZA, BACKFLOW VALVE				R-3	ZUNI RESERVOIR
			L-1	221 26TH STREET				L-2	LIFEGUARD STATION
4/19/2021	Monday	2	R-2	CITY HALL	10/18/2021	Monday	4	R-4	TORREY PINES RESERVOIR
			H-1	15TH & VIA ALTA				H-2	SERPENTINE AND PRIMAVERA
			Z-1	2134 DAVID WAY				Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW
5/3/2021	Monday	3	I-2	OCEANVIEW & PINE NEEDLES	11/1/2021	Monday	5	I-3	133 SPINNAKER COURT
			R-3	ZUNI RESERVOIR				L-3	STRATFORD COURT
			L-2	LIFEGUARD STATION				Z-3	BELLAIRE AND SEAVIEW
5/17/2021	Monday	4	R-4	TORREY PINES RESERVOIR	11/15/2021	Monday	1	R-1	CREST RESERVOIR
			H-2	SERPENTINE AND PRIMAVERA				I-1	DEL MAR PLAZA, BACKFLOW VALVE
			Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW				L-1	221 26TH STREET
6/7/2021	Monday	5	I-3	133 SPINNAKER COURT	12/6/2021	Monday	2	R-2	CITY HALL
			L-3	STRATFORD COURT				H-1	15TH & VIA ALTA
			Z-3	BELLAIRE AND SEAVIEW				Z-1	2134 DAVID WAY
6/21/2021	Monday	1	R-1	CREST RESERVOIR	12/20/2021	Monday	3	I-2	OCEANVIEW & PINE NEEDLES
			I-1	DEL MAR PLAZA, BACKFLOW VALVE				R-3	ZUNI RESERVOIR
			L-1	221 26TH STREET				L-2	LIFEGUARD STATION

1) The LAB will take routine samples on Mondays of each month as indicated above (except on holidays) then on following day Tuesday.  
 2) Physical samples are taken at 11th & Camino del Mar, Crest Reservoir, and L-2 (near Lifeguard Station) at the time of first sample round of each month.  
 3) Any re-samples are done per bid schedule Resampling Addresses

**Sample Station Rotation Plan**

CYCLE	ID	LOCATION	ADDRESS	Description of sample point
1	R-1	CREST RESERVOIR	706 Crest Rd.	Cu Spigot
	I-1	DEL MAR PLAZA, BACKFLOW VALVE	@ backflow on Luneta Dr. at 15th St.	Test valve
	L-1	221 26TH STREET	221 26th Street	Cu spigot
2	R-2	CITY HALL	1050 Camino Del Mar	Cu spigot
	H-1	15TH & VIA ALTA	@ 565 15th Street	Cu spigot
	Z-1	2134 DAVID WAY	2134 David Way	Cu spigot
3	I-2	OCEANVIEW & PINE NEEDLES	@ 120 Ocean View Ave.	Cu spigot
	R-3	ZUNI RESERVOIR	627 Zuni Drive	Cu spigot
	L-2	LIFEGUARD STATION	@ 1700 Coast	Cu spigot
4	R-4	TORREY PINES RESERVOIR	487 Pine Needles Drive	Cu spigot
	H-2	SERPENTINE AND PRIMAVERA	@ 544 Avenida Primavera	Cu spigot
	Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW	@1604 San Dieguito Drive	Cu spigot
5	I-3	133 SPINNAKER COURT	133 Spinnaker Court	Cu spigot
	L-3	STRATFORD COURT	@155 Stratford Court	Cu spigot
	Z-3	BELLAIRE AND SEAVIEW	@320 Bellaire Street	Cu spigot

+ Physical samples taken by technician on every 1st Monday of the month (except holidays) as indicated in the sample schedule

Samples are taken at:

PS1	11th Street at Camino Del Mar	Sample Station at City Hall on 11th Street at 1050 Camino del Mar
PS2	Crest Reservoir	Sample Station at 706 Crest Road
L-2	Lifeguard Station	Sample Station on walkway to Beach Safety Center at 1700 Coast Blvd.

### ADDRESSES FOR SAMPLING AND RESAMPLING

NUMBER	ID	LOCATION	ADDRESS
1	R-1	CREST RESERVOIR	706 Crest Rd.
1U			City of San Diego Supply Connection
1D			715 Crest Rd.
2	I-1	DEL MAR PLAZA, BACKFLOW VALVE	Backflow on Luneta Drive at 15th Street
2U			462 15th Street
2D			1610 Luneta Dr.
3	L-1	221 26TH STREET	221 26th Street
3U			221 25th Street
3D			223 28th Street
4	R-2	CITY HALL	1050 Camino Del Mar
4U			521 Tewa Street (11th Street reservoir is located between Sample Station of #4 and 4U)
4D			1105 Stratford Ct.
5	H-1	15TH & VIA ALTA	505 15th Street
5U			1367 Via Alta
5D			507 15th Street
6	Z-1	2134 DAVID WAY	2134 David Way
6U			2048 Seaview Avenue
6D			2155 David Way
7	I-2	OCEANVIEW & PINE NEEDLES	120 Ocean View Ave.
7U			City of San Diego Supply Connection
7D			123 Nob Ave (corner of Ocean View)
8	R-3	ZUNI RESERVOIR	Sampling station at 627 Zuni Drive
8U			446 15th Street (Zuni Reservoir is located between Sample Station #8 and 8U)
8D			478 Zuni Drive
9	L-2	LIFEGUARD STATION	1700 Coast Blvd. (at lifeguard station)
9U			Backflow at Seagrove Park (South end by the irrigation timer)
9D			1742 Coast Blvd.
10	R-4	TORREY PINES RESERVOIR	487 Pine Needles Drive
10U			City of San Diego Supply Connection
10D			437 Pine Needles Drive
11	H-2	SERPENTINE AND PRIMAVERA	544 Avenida Primavera
11U			650 Avenida Primavera (corner of 15th)
11D			450 Serpentine Drive (corner with Forest Way)
12	Z-2	SAN DIEGUITO RD. AT RACETRACK VIEW	1604 San Dieguito Drive
12U			1505 San Dieguito Drive (this is only 1 up)
12D			2195 San Dieguito Drive
13	I-3	133 SPINNAKER COURT	133/135 Spinnaker Court
13U			130 Spinnaker Court
13D			125 Spinnaker Court
14	L-3	STRATFORD COURT	155 6th Street
14U			157 8th Street
14D			526 Stratford Court
15	Z-3	BELLAIRE AND SEAVIEW	320 Bellaire Street
15U			376 Bellaire Street (Call Debbie Negulescu first at (858) 353-9009 (cell) or (858) 509-0380 to let her know that we have to resample at her parent's home at 376 Bellaire, because they are afraid of intruders on their property...)
15D			1912 Seaview Avenue (corner of Balboa & Culebra)

U= Upstream; D= Downstream; SS=Sample Station

**EXHIBIT "B"  
 FEE SCHEDULE**

<b>Year 1</b>				
Company Name: <u>ALS Global USA, Corp</u>			ELAP Certification #: <u>1237</u>	
Task	Method	# of Samples/year (a)	Year 1 Unit Prices (b)	Subtotal
<b>Potable Water Routine tests (Per schedule and at locations as shown in Attachment 1)</b>				
<b>Coliform Total (2-5) Colilert (24 hour test)</b>				
Chlorine Residual	SM 4500-CI G	72	\$ 15	\$ 1,080.00
Coliform, E. Coli	SM 9223	72	\$ 20	\$ 1,440.00
Total Coliform	SM 9223	72	\$ 20	\$ 1,440.00
Heterotrophic Plate Count (48 hour test)	SM 9215 B	72	\$ 25	\$ 1,800.00
<b>General Physical TEST * (First biweekly of each month).</b>				
Color, Visual	SM 2120 B	36	\$ 15	\$ 540.00
Odor	SM 2150 B	36	\$ 15	\$ 540.00
Turbidity	EPA 180.1	36	\$ 15	\$ 540.00
<b>Total</b> (in letters): <u>Thirteen Thousand Five Hundred Twenty Four Dollars</u> (Includes \$512 Monthly Sampling and Field Services Fee)				<b>\$ 13,524.00</b>
<b>*Physical samples are taken at 1050 Camino del Mar, Crest Reservoir, 1700 Coast Blvd., at time of 1st sample each month</b>				
Task	Method	# of Samples/year (a)	Unit Prices (b)	Subtotal
<b>Expected repeat (rush) samples without HPC:</b>				
<b>Coliform Total (2-5) Colilert 18 (18 hour test)</b>				
Chlorine Residual	SM 4500-CI G	1	\$ 15	\$ 15.00
Coliform, E. Coli	SM 9223	1	\$ 20	\$ 20.00
Total Coliform	SM 9223	1	\$ 20	\$ 20.00
Heterotrophic Plate Count (48 hour test) by request only	SM 9215 B	1	\$ 25	\$ 25.00
<b>Total</b> (in letters): <u>Eighty Dollars</u>				<b>\$ 80.00</b>
Task	Method	# of Samples (a)	Unit Prices (b)	Subtotal
<b>Triennial Lead and Copper Analysis (to be performed in June 2021)</b>				
<b>Analysis of 23 tapwater samples + 2 samples at Winston School for:</b>				
Lead	EPA 200.8	25	\$ 15	\$ 375.00
Copper	EPA 200.8	25	\$ 15	\$ 375.00
<b>Total</b> (in letters): <u>One Thousand Six Dollars</u> (Includes \$256 Sampling and Field Services Fee)				<b>\$ 1006.00</b>
<b>Grand Total Year 1</b> (in letters): <u>Fourteen Thousand Six Hundred Ten Dollars</u>				<b>\$ 14,610</b>

<b>Year 2</b>				
Company Name: <u>ALS Global USA, Corp</u>			ELAP Certification #: <u>1237</u>	
Task	Method	# of Samples/year (a)	Year 2 Unit Prices (b)	Subtotal
<b>Potable Water Routine tests (Per schedule and at locations as shown in Attachment 1)</b>				
<b>Coliform Total (2-5) Colilert (24 hour test)</b>				
Chlorine Residual	SM 4500-CI G	72	\$ 15	\$ 1,080.00
Coliform, E. Coli	SM 9223	72	\$ 20	\$ 1,440.00
Total Coliform	SM 9223	72	\$ 20	\$ 1,440.00
Heterotrophic Plate Count (48 hour test)	SM 9215 B	72	\$ 25	\$ 1,800.00
<b>General Physical TEST * (First biweekly of each month).</b>				
Color, Visual	SM 2120 B	36	\$ 15	\$ 540.00
Odor	SM 2150 B	36	\$ 15	\$ 540.00
Turbidity	EPA 180.1	36	\$ 15	\$ 540.00
<b>Total</b> (in letters): <u>Thirteen Thousand Five Hundred Twenty Four Dollars</u> (Includes \$512 Monthly Sampling and Field Services Fee)				<b>\$ 13,524.00</b>
<b>*Physical samples are taken at 1050 Camino del Mar, Crest Reservoir, 1700 Coast Blvd., at time of 1st sample each month</b>				
Task	Method	# of Samples/year (a)	Unit Prices (b)	Subtotal
<b>Expected repeat (rush) samples without HPC:</b>				
<b>Coliform Total (2-5) Colilert (18 hour test)</b>				
Chlorine Residual	SM 4500 G	1	\$ 15	\$ 15.00
Coliform, E. Coli	SM 9223	1	\$ 20	\$ 20.00
Total Coliform	SM 9223	1	\$ 20	\$ 20.00
Heterotrophic Plate Count (48 hour test) by request only	SM 9215 B	1	\$ 25	\$ 25.00
<b>Total</b> (in letters): <u>Eighty Dollars</u>				<b>\$ 80.00</b>
<b>Special Fees (per occurrence)</b>				
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	
Wait Fee, defined in the Contract Scope of work	\$25.00	\$25.00	\$25.00	
One-time Recall Fee, as defined in the Contract	\$25.00	\$25.00	\$25.00	
<b>Grand Total Year 2</b> (in letters): <u>Thirteen Thousand Six Hundred Four Dollars</u>				<b>\$ 13,604.00</b>

<b>Year 3</b>				
<b>Company Name:</b> ALS Global USA, Corp			<b>ELAP Certification #:</b> 1237	
Task	Method	# of Samples/year (a)	Year 3 Unit Prices (b)	Subtotal
<b>Potable Water Routine tests (Per schedule and at locations as shown in Attachment 1)</b>				
<b>Coliform Total (2-5) Colilert (24 hour test)</b>				
Chlorine Residual	SM 4500-CI G	72	\$ 15	\$ 1,080.00
Coliform, E. Coli	SM 9223	72	\$ 20	\$ 1,440.00
Total Coliform	SM 9223	72	\$ 20	\$ 1,440.00
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<b>Total (in letters):</b> Thirteen Thousand Five Hundred Twenty Four Dollars (Includes \$512 Monthly Sampling and Field Services Fee)				<b>\$ 13,524.00</b>
<b>*Physical samples are taken at 1050 Camino del Mar, Crest Reservoir, 1700 Coast Blvd., at time of 1st sample each month</b>				
Task	Method	# of Samples/year (a)	Unit Prices (b)	Subtotal
<b>Expected repeat (rush) samples without HPC:</b>				
<b>Coliform Total (2-5) Colilert (18 hour test)</b>				
Chlorine Residual	SM 4500 G	1	\$ 15	\$ 15.00
Coliform, E. Coli	SM 9223	1	\$ 20	\$ 20.00
Total Coliform	SM 9223	1	\$ 20	\$ 20.00
Heterotrophic Plate Count (48 hour test) by request only	SM 9215 B	1	\$ 25	\$ 25.00
<b>Total (in letters):</b> Eighty Dollars				<b>\$ 80.00</b>
<b>Grand Total Year 3 (in letters):</b> Thirteen Thousand Six Hundred Four Dollars				<b>\$ 13,604.00</b>
<b>Sum Total of Grand Total of Year 1, 2, and 3 (in letters):</b> Forty One Thousand Eight Hundred Eighteen Dollars				<b>\$ 41,818.00</b>



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Councilmember Dan Quirk and Council Member Dwight Worden, Council Liaisons to the Traffic and Parking Advisory Committee  
Prepared by Denise Galvan, Management Analyst

DATE: January 22, 2024

SUBJECT: Traffic and Parking Advisory Committee Appointment

## REQUESTED ACTION/RECOMMENDATION:

The City Council Liaisons to the Traffic and Parking Advisory Committee recommend that the City Council reappoint Katherine White as a voting member to the committee to serve a second full three-year term effective March 3, 2024, and ending March 31, 2027, and appoint James (JP) McDermott as a voting member to the Committee to serve a full three-year term effective January 22, 2024, and ending January 31, 2027.

## DISCUSSION/ANALYSIS:

The Traffic and Parking Advisory Committee (TPAC) was established with the purpose of developing advisory recommendations to the City Council on specified traffic and parking items referred to the Committee by City staff or the City Council. The Committee relies on the advice of City staff, including the City's traffic and engineering consultants, and the Sheriff's Department. TPAC also has the authority to refer specific concerns to the City's contract traffic engineer, upon approval by the City Manager. TPAC consists of seven voting members, one of which is a business representative member representing a business located in Del Mar. The business representative may be a non-resident. Geographic diversity is desirable and is considered when the Council appoints members to the Committee.

There are three upcoming vacancies on the Committee due to term expirations for Kenneth Barrett on February 29, 2024, Jeffrey Dysart on March 1, 2024, and Katherine White on March 2, 2024. Two Citizen Interest Forms were received during the recruitment period from Katherine White and James (JP) McDermott (Attachment A). The Council Liaisons to the Committee have reviewed the applications and recommend that the City Council reappoint Katherine White and appoint James (JP) McDermott as voting members to the Committee as further described above.

If the recommended appointments are approved by the City Council, the Committee will have one remaining vacancy. The City is currently soliciting applications for this vacancy. A copy of the current Traffic and Parking Advisory Committee roster is included as Attachment B.

## ATTACHMENTS:

Attachment A – Citizen Interest Form  
Attachment B – Current Traffic and Parking Advisory Committee Roster

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City Council Action:

# DEL MAR CITIZEN INTEREST FORM



## I. APPLICANT INFORMATION

White	Katherine	D
_____ Last Name	_____ First Name	_____ Middle Initial

_____	Del Mar, CA
Home Street Address*	City, State

*\*Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

_____	_____
Business Street Address (if applicable)	City, State

_____	_____	_____
Home Phone Number	Business Phone Number	E-mail Address

## II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1<sup>st</sup>, 2<sup>nd</sup> choice, etc.):

- |  |  |
|--|--|
| <input type="checkbox"/> Design Review Board                   | <input type="checkbox"/> Planning Commission                               |
| <input type="checkbox"/> Arts Advisory Committee               | <input type="checkbox"/> Parks and Recreation Committee                    |
| <input type="checkbox"/> Finance Committee                     | <input checked="" type="checkbox"/> Traffic and Parking Advisory Committee |
| <input type="checkbox"/> Measure Q Citizen Oversight Committee | <input type="checkbox"/> Lagoon Committee                                  |
| <input type="checkbox"/> Other(s) (please indicate): _____     | <input type="checkbox"/> Sustainability Advisory Committee                 |

**Qualifications for appointment and/or reasons for application (attach additional pages as needed):**

Current TPAC VP/Secretary, former member DMUSD school board, former PTA president DM Heights, former PTA president Earl Warren, former PA president The Winston School, serve current on boards for The Grauer School and YMCA Encinitas. Prior boards include The Winston School, Girl Scouts, Tech Trek. Served on Boundary committee for DMUSD. Long time resident of Del Mar greater area. Lived on Del Mar Heights since 1998 and off Carmel Valley road since 2016. I believe people should give back to their community and I enjoy serving on TPAC.

**Education:**

BS Mathematics BA American Studies 1981 UC Davis  
MSEE Computer Science University of Santa Clara 1986

**Relevant Experience (job or volunteer etc.):**

See qualifications section.

**Name all of the Del Mar Committees/Boards/Commissions that you now serve on:**

TPAC

**Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:**

No other DM City Boards

**Optional: Please list three Del Mar residents who can provide a reference\*\*:**

NAME	STREET NAME (no house number)	Phone Number
Jennifer McDowell	Forest	858-354-9866

*\*\*Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

**Residency**

	Month	Year
I have been a resident of California since:	March	1968
I have been a resident of San Diego County since:	September	1972
I have been a resident of Del Mar since:	December	2015

Are you a full-time or part-time resident of Del Mar?  Full-time  Part-time

Is Del Mar your primary place of residence?  Yes  No

Are you a register voter in Del Mar?  Yes  No

**III. COMMITTEE SPECIFIC QUESTIONS**

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. **Arts Advisory Committee**

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

- Resident with an art background
- Resident without an art background
- Business Owner- Art related business
- Del Mar Foundation Representative
- Del Mar Village Association Representative
- Ex-Officio (non-voting) – with Art related expertise
- Other (please explain): \_\_\_\_\_

**Describe your experience and skills as they relate to the world of community art and fine art.**

**Why in your opinion is public art valuable to the Del Mar community?**

**What is your public art philosophy?**

2. **Finance Committee**

The Finance Committee is looking for applicants with financial expertise and background.

**Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.**

**What aspects of the City's finances most interest you and why?**

3. **Measure Q Citizen Oversight Committee**

Membership on the Measure Q Citizen Oversight Committee is set by category. To avoid conflicts of interest, members of the Measure Q Citizen Oversight Committee cannot concurrently serve on the Undergrounding Project Advisory Committee. Which membership category do you best fit in? (Select all that apply)

- Current (or within past 5 years) Finance Committee Member
- Business Community Member
- At-large Resident Member
- Other (please explain): \_\_\_\_\_

4. **Traffic and Parking Advisory Committee**

Which membership category do you best fit in? (Select all that apply)

- Business representative (can be a non-resident)
- Resident
- Other (please explain): \_\_\_\_\_

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the [neighborhood map](#) to verify your neighborhood.

- |   |   |
|---|---|
| <input type="checkbox"/> North Bluff    | <input checked="" type="checkbox"/> South Bluff |
| <input type="checkbox"/> North Beach    | <input type="checkbox"/> South Hills            |
| <input type="checkbox"/> South Beach    | <input type="checkbox"/> North Hills            |
| <input type="checkbox"/> Village Center | <input type="checkbox"/> Valley                 |

**Do you have any special expertise or experience related to traffic and parking? If yes, please explain:**

Currently serve on TPAC

Worked in logistics arena during tenure at QUALCOMM with OmniTRACS

5. **Parks and Recreation Committee**

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

**Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.**

**What aspects of the City's parks and recreation most interest you and why?**

6. [Lagoon Committee](#)

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

**What aspect(s) of being on the Lagoon Committee most interest you and why?**

7. [Shores Advisory Committee](#)

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

**What aspects of being on the Shores Advisory Committee most interest you and why?**

**Please describe your vision for the future of Shores Park.**

8. [Sustainability Advisory Committee](#)

The Sustainability Advisory Committee members are community leaders on environmental issues.

**In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?**

**Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?**

9. [Undergrounding Project Advisory Committee](#)

The Undergrounding Project Advisory Committee is seeking applicants with an interest in the citywide undergrounding project. To avoid conflicts of interest, members of the Undergrounding Project Advisory Committee cannot concurrently serve on the Measure Q Citizen Oversight Committee.

Geographic diversity is desirable and will be taken into account. What part of town do you live in? Check the [neighborhood map](#) to verify your neighborhood.

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> North Bluff | <input type="checkbox"/> North Beach    |
| <input type="checkbox"/> South Beach | <input type="checkbox"/> Village Center |
| <input type="checkbox"/> South Bluff | <input type="checkbox"/> South Hills    |
| <input type="checkbox"/> North Hills | <input type="checkbox"/> Valley         |

**Is your utility service undergrounded? What involvement did you have, if any?**

**What aspects of being on the Utility Undergrounding Advisory Committee most interest you?**

**Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?**

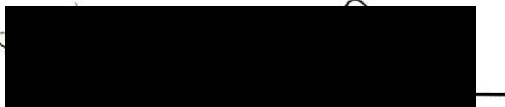
**IV. SIGNATURE AND ACKNOWLEDGEMENT**

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the [Council Liaisons to that Committee](#). The appointments are then placed on the consent calendar for consideration for approval by the full City Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the [City's Conflict of Interest Code](#) webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.



30 Dec 2023  
Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us) or call (858) 755-9313 and a staff member will get back to you promptly.



# CITY OF DEL MAR

## CITIZEN INTEREST FORM



**IMPORTANT:** Save the form on your computer prior to filling it out. Do not fill out the form in the Internet browser.

Thank you for your interest in serving the Del Mar Community. Please use this Citizen Interest Form to apply to serve on a City of Del Mar advisory committee, Planning Commission, or Design Review Board. The City of Del Mar greatly values the many talented citizens who volunteer to serve in city government. We encourage you to get involved. Please indicate whether you are seeking to serve on the Del Mar Planning Commission, Design Review Board, or one or more of the City's many advisory committees, and please note your order of preference indicating 1<sup>st</sup>, 2<sup>nd</sup> choice, etc.

Before making your selection, we encourage you to spend some time learning about what each entity does, what its mission is, and what your role would be if you were appointed. Please note that in addition to the general questions below to be answered by all applicants, there are also specific questions tailored to service on the Planning Commission, Design Review Board, or an advisory committee to be answered as well.

Before applying, you are encouraged to attend or watch a [committee meeting](#) and review recent committee [agendas and meeting minutes](#). If appointed, you will be expected to attend the meetings, which typically last about 2 hours in length, or more depending on the agenda, and require about 1 hour of preparation time for each meeting. Please note that in accordance with City Council Policy 200, committee members must not miss more than three meetings in a given calendar year. Committee meeting times vary, so please review the website calendar to make sure the meeting times for the committee you are applying for work for your schedule: [Public Meeting Calendar](#).

You can also view current [committee webpages, charters, and member rosters](#) to get more information about each committee. In accordance with *Council Policy 200- City Council Advisory Committees, Boards and Commissions* members of the public may serve on two boards, committees or commissions concurrently except in special circumstances as determined by the Council. Additionally, the number of consecutive terms that an individual may serve on a committee is two unless the City Council makes an exception if they feel it is to the benefit of the committee to re-appoint an individual to a third term. Please note that ex-officio members are non-voting and may be non-residents.

**Form Submittal:** Citizen Interest Forms must be submitted by the [published deadline](#). Forms can be submitted in-person or by mail at: Del Mar City Hall, 1050 Camino del Mar, Del Mar 92014; or via email: [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us).

# DEL MAR CITIZEN INTEREST FORM

## I. APPLICANT INFORMATION

McDermott

Last Name

James

First Name

P

Middle Initial

Home Street Address\*

Del Mar, CA

City, State

*\*Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

Business Street Address (if applicable)

City, State

Home Phone Number

Business Phone Number

E-mail Address

## II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1<sup>st</sup>, 2<sup>nd</sup> choice, etc.):

Design Review Board

Planning Commission

Arts Advisory Committee

Parks and Recreation Committee

Finance Committee

Traffic and Parking Advisory Committee

Measure Q Citizen Oversight Committee

Lagoon Committee

Other(s) (please indicate): \_\_\_\_\_

Sustainability Advisory Committee

**Qualifications for appointment and/or reasons for application (attach additional pages as needed):**

Long time volunteer when I lived in Danville, CA as Arts Commissioner, Citizen Representative to the Contra Costa Transit Authority, reporting back to the Town Council of Danville.

Living in the Beach Colony for the past 4 years, I have would like to provide input on tarnspotation and traffic flow through the twon.

**Education:**

BA - UCSD  
MBA - St. Mary's College of California  
ChFC - American College of Finance

**Relevant Experience (job or volunteer etc.):**

Arts Commissioner - Town of Danville 20010-2014  
 Citizen Advisory Committee (CAC) to Contra Costa Transportation Authority 2014 - 2019  
 Board Member/President - Diablo Theatre Company - 2002 - 2017  
 Board Mmber/Volunteer - Junior Acheivement NorCal - 2006 - 2019  
 Board Member - St. Mary's Alumni Assn. - 2011 - 2018

**Name all of the Del Mar Committees/Boards/Commissions that you now serve on:**

None currently

**Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:**

See exprience

**Optional: Please list three Del Mar residents who can provide a reference\*\*:**

NAME	STREET NAME (no house number)	Phone Number

*\*\*Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

**Residency**

	Month	Year
I have been a resident of California since:	04	1954
I have been a resident of San Diego County since:	10	2019
I have been a resident of Del Mar since:	1974-88, 2019	2019

Are you a full-time or part-time resident of Del Mar?  Full-time  Part-time

Is Del Mar your primary place of residence?  Yes  No

Are you a register voter in Del Mar?  Yes  No

**III. COMMITTEE SPECIFIC QUESTIONS**

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. **Arts Advisory Committee**

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

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**Describe your experience and skills as they relate to the world of community art and fine art.**

**Why in your opinion is public art valuable to the Del Mar community?**

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4. [Traffic and Parking Advisory Committee](#)

Which membership category do you best fit in? (Select all that apply)

- Business representative (can be a non-resident)
- Resident
- Other (please explain): \_\_\_\_\_

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the [neighborhood map](#) to verify your neighborhood.

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> North Bluff            | <input type="checkbox"/> South Bluff |
| <input checked="" type="checkbox"/> North Beach | <input type="checkbox"/> South Hills |
| <input type="checkbox"/> South Beach            | <input type="checkbox"/> North Hills |
| <input type="checkbox"/> Village Center         | <input type="checkbox"/> Valley      |

**Do you have any special expertise or experience related to traffic and parking? If yes, please explain:**

Experience on CAC of the CCTA (see above) and in the midst of very busy traffic area in Beach Colony.

5. [Parks and Recreation Committee](#)

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

**Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.**

**What aspects of the City's parks and recreation most interest you and why?**

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**Please describe your vision for the future of Shores Park.**

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**In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?**

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- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> North Bluff | <input type="checkbox"/> North Beach    |
| <input type="checkbox"/> South Beach | <input type="checkbox"/> Village Center |
| <input type="checkbox"/> South Bluff | <input type="checkbox"/> South Hills    |
| <input type="checkbox"/> North Hills | <input type="checkbox"/> Valley         |

**Is your utility service undergrounded? What involvement did you have, if any?**

**What aspects of being on the Utility Undergrounding Advisory Committee most interest you?**

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By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the [City’s Conflict of Interest Code](#) webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

---

Signature

01/05/2024

---

Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us) or call (858) 755-9313 and a staff member will get back to you promptly.



City of Del Mar

# Traffic & Parking Advisory Committee

## Board Roster



**Kenneth E Barrett**

**1st Term** May 07, 2018 - Feb 29, 2024

**Appointing Authority** City Council



**Jeffrey H Dysart**

**1st Term** Jun 01, 2018 - Mar 01, 2024

**Appointing Authority** City Council



**Katherine White**

**1st Term** May 06, 2019 - Mar 02, 2024

**Appointing Authority** City Council

**Position** Vice Chair/Secretary



**Zach Groban**

**1st Term** Jul 10, 2023 - Jan 30, 2025

**Appointing Authority** City Council

**Category** Business Owner/Representative



**Ajit Venkatraman**

**1st Term** Jul 24, 2023 - May 31, 2025

**Appointing Authority** City Council

**Position** Voting Member

**Category** Voting Member



**Robin Crabtree**

**3rd Term** Sep 02, 2019 - Jun 01, 2025

**Appointing Authority** City Council



**John L Imperato**

**1st Term** Sep 02, 2019 - Jun 01, 2025

**Appointing Authority** City Council

**Position** Chair



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner  
Karen Brindley, Planning and Community Development Director  
Wendy House, Deputy City Attorney  
Via Ashley Jones, City Manager

DATE: January 22, 2024

SUBJECT: Discussion of Draft Regulatory Framework and Policy Direction for Short Term Rental Regulation

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council review a draft regulatory framework of short-term rental (STR) regulations (Attachment A) and provide policy direction to staff to prepare a draft Ordinance for processing through the formal public review and adoption process.

## DISCUSSION/ANALYSIS:

The creation of new STR regulations is a City Council priority special project. For reference, Attachment B to this report provides a summary of prior STR related actions. In consideration of the extensive Council direction provided to staff on October 2, 2023, staff and the City Attorney's office prepared a draft regulatory framework to align with the Council-adopted guiding principles and objectives which are to:

1. Honor the existing policies in the Del Mar Community Plan.
2. Maintain the residential character of neighborhoods in residential zones.
3. Honor the tradition of vacation rentals during the summers, holidays, and horse-racing season.
4. Ensure protection of the public health, safety, and general welfare.
5. Ensure the City's natural resources will be preserved and protected.
6. Ensure STRs will not overburden public improvements, facilities, and services.
7. Minimize adverse impacts to adjacent private properties and the surrounding neighborhood.
8. Consider distribution and concentration of STRs throughout the community.
9. Craft regulations that are easy to understand and implement.
10. Communicate expectations for civil conduct in line with "good neighbor" policies.
11. Establish enforcement protocols, and ensure regulation of short-term rentals is, at a minimum, revenue neutral to the City.

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City Council Action:

12. Work towards a solution for STRs that works for Del Mar and will pass muster with the Coastal Commission.

Below is a summary of the draft STR regulatory framework included as Attachment A:

- **Sets the maximum number of STRs at 5% of the City's total dwelling units**
  - The cap will be 129 STRs maximum based on the 2020 US Census per Section 30.96.050(B).
  - The cap will apply citywide in residential and commercial zones and may initially be exceeded if necessary to accommodate existing STRs.
  - Once the cap is reached (or exceeded through accommodation of existing STRs), any applications for new STRs would be placed on a waiting list in the order in which the STR permit applications are received.
  - By comparison, Carmel by the Sea and Laguna Beach immediately reached the STR caps set in their certified Local Coastal Programs through accommodation of existing STRs.
  
- **Accommodates existing STRs that are timely registered in City database**

Owners of existing STRs were encouraged to register by December 5, 2023, at: <https://www.delmar.ca.us/FormCenter/Planning-6/ShortTerm-Rental-Registry-51>

The registry has remained open for owners to register. Currently, only 60 existing STRs have been documented by owners with existing STR operations. See Attachment E for the locations of the existing STRs. The City estimates this may only be half of the existing operations based on prior data that identified 125 STRs were advertised for rent in Del Mar in June 2023.

  - Permit applications for existing STRs will be processed as first priority per Section 30.96.050(A).
    - Owners must timely register by March 1, 2024, to be eligible for processing as "existing STRs" under the new Ordinance.
  - Accommodation of nonconformities would include:
    - Owners with more than one STR (on same lot or separate lots).
    - Owners operating full-time STRs (not in a primary residence).
    - Owners who are business entities.
  - Existing STRs with non-conforming operations would be accommodated for up to five years from the effective date of the Ordinance, or if the property is sold must come into compliance with the transfer of property ownership. It is intended that prior to the end of the five years, which coincides with the next housing cycle that begins in 2029, the City Council would consider whether to accommodate additional time for Existing STRs. Alternatively, the City Council may consider setting a longer period (i.e., 10 years).

- Once STR Permit is obtained, Section 30.96.050(A) requires the owner to demonstrate evidence of active STR operations (i.e., within prior 12 months) to maintain eligibility as an existing STR.
- **Requires valid STR Permit for STR operations (Section 30.96.030)**
  - Requires STR permit for rental of dwelling unit, or portion thereof, for dwelling, lodging, or sleeping purposes for not more than 30 days.
  - STR permits only issued to “Owner” with recorded interest in the property.
  - Limits issuance to one STR permit per owner consistent with prior Council direction. For reference, San Diego, Dana Point, Trinidad, Newport Beach, Laguna Beach, Oceanside, Pismo Beach, Santa Cruz, Carpinteria, San Clemente, Avalon and Palm Springs also limit permit issuance to one per owner.
  - Limits new STR operations to only one STR unit per owner. The City of San Diego also limits owners to operation of one STR unit at a time. As proposed, Owners with more than one Existing STR would be accommodated for up to five years from the effective date of the Ordinance.
  - Limits STR ownership to non-business entities, which includes property owned by a personal or family trust.
  - Prohibits business entities (corporations or limited liability companies) from being STR owners.
  - Requires STR permit renewal every two years similar to City of San Diego.
  - Notice of STR permit approval provided to owners within 300 feet.
  - Prohibits subletting of the unit for STR use.
  - Exempts non-commercial home exchanges, L’Auberge Vacation Villas, Wavecrest Resort Timeshares, and hotels from STR permit requirement. Local hotels, L’Auberge Vacation Villas, and Wavecrest Resort Timeshares would continue to be subject to payment of Transient Occupancy Taxes.
- **Limits new STRs in residential zones to maintain the residential character of neighborhoods and maintain housing as primary use of residential dwelling units consistent with Housing Element Program 5C (Section 30.96.060)**
  - Maximum of one STR per lot on lots with one-unit or two-unit in R1 zones (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, Carmel Valley Precise Plan) and the RM-East, RM-West, RM-Central, RM-South, and R2 zones.
  - The limit of one STR per lot applies to all lots developed with just one unit or two units per lot and lots with one or two primary units plus Accessory Dwelling Unit (ADU) development.
  - Limits new STRs to primary residences occupied by the owner as principal place of residence for more than six months per year. For reference, Half Moon Bay and Pismo Beach LCPs similarly limit new STRs to primary residences. Item 5 at the CCC meeting on December 14, 2023, was a public

workshop on State Housing law and Coastal Act authority with testimony from various panelists and members of the public. CCC recommended local jurisdictions limit new STRs in residential zones to an owner's primary residence as a measure to minimize displacement of long-term housing tenants, avoid exacerbation of high cost of rental housing, and maintain rental housing for moderate- and lower-income households in coastal zone.

- Prohibits new full-time STRs that are not the owner's primary residence.
  - Prohibits STRs in dwelling units subject to affordable housing restrictions.
  - Prohibits STRs in ADUs in residential zones per State law.
- **Limits STRs in multi-unit condos and prohibits STRs in apartments in residential zones as measures to preserve the City's existing older, more affordable rental units for housing consistent with Housing Element (Section 30.96.060)**
    - Prohibits STRs in existing apartments in the RM-South, RM-West, RM-East, and R2 residential zones to preserve these units for housing. There are nine existing apartment complexes with 327 total apartment units (see Attachment D). By comparison, Newport Beach does not allow any new STRs in residential zones; and Laguna Beach limits STRs in condos and apartments to 20%.
    - Limits STRs in multi-unit condos in the RM-South, RM-East, RM-West, and R2 residential zones to a maximum of 10% of the total primary dwelling units and requires written consent of the homeowner's association.
    - Creates capacity for 42 STRs total in the sixteen existing condo complexes that range in size from 5-unit to 126-unit complexes with 393 total units (see Attachment D).
  - **Allows new STRs in commercial zones (except the BC zone) for consistency with the Coastal Act, which prioritizes visitor serving uses over residential (Section 30.96.060)**
    - Allows STRs in commercial zones that allow residential including: Residential-Commercial (RC), Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), 941 Camino del Mar Specific Plan.
    - Allows STR use in ADUs in the commercial zones.
    - Currently, there are six lots developed with one-unit and two-unit residential in the RC zone and three dwelling units with single units that are accessory to commercial uses in the CC zone.
    - Limits STRs in apartments and condos in commercial zones to 10% of the primary dwelling units. (There are currently no existing apartment complexes in the RC, CC, NC, or PC zones.)

- Visitor Commercial (VC) zone allows STR use. The Terraces Apartments in the VC zone is an existing non-conforming 53-unit complex of older studio apartments. Would limit STRs to 10% to preserve as lower cost housing.
- Continues to allow visitor accommodation use in the Wavecrest Resort Timeshares, Hotel Specific Plan, 941 Camino del Mar Specific Plan, Visitor Commercial Zone and Central Commercial Zone per applicable entitlements and zoning. For reference, Del Mar has 400 hotel guest rooms/units and more than 1,979 additional guest rooms/units in 13 hotels within 5 miles of Del Mar in the cities of San Diego and Solana Beach and County of San Diego for a total of 2,379 guest rooms. By comparison, Solana Beach has 294 hotel rooms/units.
- See Attachment D for analysis of potential in apartment/condos in commercial zones (up to 15 STRs) and Attachment E for potential in commercial zones on lots with one or two dwellings per lot:
  - VC zone: Allows STR use. Existing capacity for 53 STRs in Terraces Apartments. Limits capacity to 5 STRs to accommodate visitor serving use per certified LCP and preserve 90% of units as housing (nonconforming use).
  - NC Zone: Allows STR use. Creates capacity for 4 STRs in 50-unit residential project (pending building permit approval and construction), which includes 10 deed-restricted affordable units that are prohibited from being used as STRs.
  - PC Zone: Allows STR use. There are no existing dwelling units in zone.
  - 941 Camino del Mar Specific Plan: Allows STR use. Capacity for 6 STRs in 8-unit residential/STR development project (pending building permit approval and construction), which includes two deed-restricted affordable housing units that are prohibited from being used as STRs.
  - CC zone: Allows STR use. Existing capacity for 3 STRs on three lots that have one unit per lot that is accessory to existing commercial uses.
  - RC zone: Allows STR use. Existing capacity for 6 STRs on six lots, including three lots with single units and three with two units per lot.
- **Establishes Neighborhood Caps to Mimic Historic Use Patterns and Minimize Potential for Overconcentration (Section 30.96.060)**
  - Sets neighborhood concentration limits as maximum percentage of the total 129 STRs allowed per citywide cap. Attachment E identifies the location/distribution of the 60 existing STRs registered to-date and maps showing the boundaries of the neighborhoods with caps.
  - **Sets 60% cap in North Beach neighborhood (R1-5B, R1-10B, RM-East, RM-West) – Capacity for 77 STRs.** The City has record of only 41 existing North Beach STRs registered and 71 STRs advertised in June 2023.

- **Sets 25% cap in South Bluff neighborhood** (R1-40, R2 south of 15<sup>th</sup> Street, RM-South, RC) – Capacity for 32 STRs. The City has record of 13 existing South Bluff STRs registered and 32 STRs advertised in June 2023.
- **Sets 15% cap in Hills neighborhood** (R1-40, R1-10, R1-5, RM-Central, northerly R2, CVPP) – Capacity for 19 STRs. The City has record of only four existing Hills STRs registered and 19 STRs advertised in June 2023.
- Where no special concentration limit is set (i.e., North Bluff or commercial zones), STRs would still count towards the citywide cap and be subject to residential or commercial zone limits as applicable. For example, any new STRs in the North Bluff neighborhood would be limited to one primary residence STR per lot; and new STRs in apartments or condos in commercial zones would be limited to 10% of total non-deed restricted units.
- **To minimize potential impacts, the STR regulations protect the public health, safety, and welfare in surrounding neighborhoods (Section 30.96.070)**
  - Would require a minimum 3-night stay.
  - Limits STR occupancy to two per bedroom plus two additional persons.
  - Limits additional guests to visits during the hours of 8 a.m. and 10 p.m. daily.
  - Requires primary rental guest to be at least 25 years of age.
  - Requires rental agreements specify occupancy, parking and other details.
  - Requires prompt response to complaints within 30 minutes.
  - Requires compliance with noise, trash, and parking regulations and avoidance of public nuisance.
  - Requires interior display of STR permit, Transient Occupancy Tax rate, and Good Neighbor Policy (see Attachment C for Draft Good Neighbor Policy).
  - Requires exterior display of the designated 24-hour local contact person.
  - Requires inspection of unit and safety requirements (i.e., smoke alarm, carbon monoxide detector, fire extinguisher, and first aid kit).
  - Limits use to lodging and prohibits events (i.e., weddings, receptions, commercial functions, bachelor/bachelorette parties, and similar events).
  - Prohibits STR use in non-dwelling units (i.e., garages or vehicles).
  - Requires general liability insurance (\$1 million minimum).
- **Communicates expectations for civil conduct and good neighbor policies**
  - Upon STR permit application, Owner must provide their standard rental agreement to confirm inclusion of required content per STR regulations.
  - Owner must acknowledge review of Good Neighbor Policy (Attachment C).
  - Public notice of STR permit approvals would be provided including posting on City website and mailed notice to owners within 300 feet.

- **Establishes enforcement protocols (Section 30.96.080)**
  - Sets forth the violations, penalties, and enforcement provisions consistent with the citywide enforcement regulations in DMMC Chapter 1.10.
  - Sets forth the procedures and the required grounds for decisions to suspend or revoke a STR permit.
  - Identifies the process to appeal a permit denial, suspension, or revocation.
  - The City Attorney recommends the STR Ordinance apply fine amounts per Government Code Section 36900(d), which includes fines that relate specifically to violations of STR ordinances
  
- **To ensure STR regulations will be revenue neutral to the City, would require payment of Transient Occupancy Tax (TOT)**
  - Permit fee would establish cost recovery consistent with City fee schedule.
  - Section 30.96.070 identifies the process for collection of TOT.

### ***Next Steps***

Below is an outline of the planned next steps identified by the City Council:

- Prepare draft Ordinance per Council direction consistent with guiding principles.
- Prepare environmental analysis of the draft Ordinance and consider alternatives.
- Conduct public outreach including to local hotels/motels and other stakeholders.
- Hold noticed public hearing of the Planning Commission (tentatively April 2024) to review the draft Ordinance and provide a recommendation to the City Council.
- Hold noticed City Council public hearings to introduce and adopt an ordinance (tentatively May and June 2024).
- Submit the adopted Ordinance to the CCC for certification.

### **HOUSING IMPACT:**

STRs involve commercial use of a dwelling unit that can displace long term housing stock. The City's Housing Element Program 5C commits the City to implement measures to reduce current vacancy rates (units with off-site property owners reported as unoccupied with no long-term housing tenant) with the intent to maintain dwelling units in residential zones for long term housing.

### **FISCAL IMPACT:**

There is no fiscal action to be taken by the City Council for this agenda item.

### **ENVIRONMENTAL IMPACT:**

The requested action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) because CEQA only applies to projects

with the potential for causing a significant effect on the environment. For the purpose of CEQA, there is no change in baseline environmental conditions as a result of the action.

**NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:**

The STR Regulations special project is a City Council identified priority for completion in FY 2023-2024.

**ATTACHMENTS:**

- Attachment A – Draft STR Regulatory Framework
- Attachment B – STR Background Summary
- Attachment C – Draft Good Neighbor Policy
- Attachment D – Multi-Unit Development Site Analysis
- Attachment E – Maps of Existing STR Locations

## Chapter 30.96 – Short-Term Rentals

### 30.96.010 – Purpose

The City of Del Mar has experienced an increase in the number of residential properties offering dwelling units on residential properties for rent as Short-Term Rentals (STRs) for visitor lodging involving timeframes less than thirty consecutive days. The purpose of this Chapter is to provide a permitting process and reasonable standards regulating the use and operation of STRs with the intent to maintain long term housing stock; honor the existing policies in the Del Mar Community Plan; maintain the residential character of neighborhoods in residential zones; honor the tradition of vacation rentals during the summers, holidays, and horse-racing season; ensure protection of the public health, safety, and general welfare; ensure the City's natural resources will be preserved and protected; ensure STRs will not overburden public improvements, facilities, and services; minimize adverse impacts to adjacent private properties and the surrounding neighborhood; establish distribution and concentration of STRs throughout the community; establish enforcement protocols; and ensure regulation of STRs is, at a minimum, revenue neutral to the City.

### 30.96.020 – Definitions

For purposes of Chapter 30.96, the following definitions shall apply:

*Accessory Dwelling Unit (ADU)* shall have the same meaning as Section 30.04.010(C).

*Bedroom* shall be defined as an enclosed space within a dwelling unit that is designed or could be used for sleeping and has or is designed to have a door permitting complete closure and separation from kitchen, living room, and hallway areas.

*Designated Local Contact Person* means the person designated by the Owner to be available 24 hours per day, 7 days per week, for the purpose of responding within 30 minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR and taking remedial action to resolve any such complaints.

*Existing Short-Term Rental (Existing STR)* means a STR in operation prior to adoption of the City's STR Ordinance where the Owner timely registered the existing STR with the City as of March 1, 2024.

*Home Exchange* means an agreement between two parties for exclusive use of each other's homes for living and sleeping purposes for a set period of time, with no monetary exchange or other consideration exchanged between the parties.

*Hosted Unit* means a STR whereby the Owner remains on-site during the STR rental period (except during daytime and/or working hours).

*Non-Hosted Unit* means a STR whereby there is no Owner that remains on-site during the STR rental period.

*Owner* means a person who holds a recorded interest in the property on which a STR is located.

*Primary Residence* means a dwelling unit owned and occupied as the Owner’s principal place of residence, where the Owner lives more than six (6) months per year. For purposes of this Chapter, an Owner can only have one Primary Residence at any given time.

*Short-Term Rental (STR)* means the rental of a dwelling unit, or any portion thereof, for dwelling, lodging, or sleeping purposes, for not more than thirty (30) consecutive calendar days. For purposes of this Chapter, Home Exchanges (as defined by this Chapter) are not considered STRs.

**30.96.030 – When a Short-Term Rental Permit is Required**

- A. Any person operating a STR in the City of Del Mar must have a valid STR permit issued by the City pursuant to Section 30.96.050. Notwithstanding Section 30.96.060(A) and (B), the following properties have existing entitlements for visitor accommodations that are subject to payment of Transient Occupancy Tax, but are not subject to the requirement to obtain a STR Permit:
  - 1. Hotels in the Visitor Commercial Zone including the Best Western Premier (720 Camino del Mar), Del Mar Beach Hotel (1702 Coast Boulevard), Hotel Indigo (710 Camino del Mar), Hotel L’Auberge (1540 Camino del Mar), Les Artistes (944 Camino del Mar), and Secret Garden Inn (1140 Camino del Mar);
  - 2. L’Auberge Vacation Villas (1570 Camino del Mar) in the Hotel Specific Plan Zone; and
  - 3. Wavecrest Resort Timeshares (1400 Ocean Avenue) in the R2 Zone.
- B. A STR permit will only be issued to the Owner(s) of the property.
- C. No person shall rent, offer to rent, or advertise a STR without a valid STR permit.
- D. A STR permit shall be valid for a period of two years from the date of issuance and must be renewed every two years thereafter to maintain a valid permit for STR operations.

- E. The subletting of a STR is prohibited. Only an Owner with a valid STR permit issued by the City is permitted to rent out a property as a STR.
- F. A STR permit shall not be transferred, sold or assigned to any other person or entity. Upon transfer of property ownership, the STR permit shall automatically terminate and the unit shall not be used as a STR until a new permit is issued to operate a STR at the property.
- G. A new STR permit is not required for changes in title to the property resulting from marriage, death, or transfer into a trust where an original Owner under the STR permit remains an owner or trustee under the new title. In such an event, notice of the change of title shall be provided to the City within 30 days of such transfer.

### **30.96.040 – Application Requirements**

An application for a STR permit, or renewal thereof, shall be filed on a form provided by the City, shall be signed by the applicant(s) under penalty of perjury, and must include all of the following information, which shall be updated when there is any change to ensure that the City has current information on file at all times relating to the STR:

- A. Legal name, address, telephone number, and email address of each Owner and the STR Assessor's Parcel Number and Address.
  - 1. All persons listed in the property deed that have an ownership interest in the property are required to sign the STR permit application and acknowledge that (i) all information contained in the STR permit application is true and correct; (ii) all Owner(s) and the Designated Local Contact Person have reviewed, understand and are familiar with the requirements of this Chapter; (iii) all Owner(s) and the Designated Local Contact Person are responsible for ensuring compliance with this Chapter; (iv) failure to comply with this Chapter and all applicable provisions of the Del Mar Municipal Code may result in suspension and/or revocation of a STR permit. Each Owner shall be held jointly and severally liable for any violations of this Chapter.
  - 2. If the property is held in a personal or family trust, the trustee must sign the STR permit application.
  - 3. Any Owners of one STR, or multiple Existing STRs, in the City of Del Mar shall disclose the names and contact information for each person holding the legal, equitable, and/or beneficial interest of each of their respective STR ownership properties as applicable. This requirement applies to business entities and non-business entities.
  - 4. Documentation that the STR will operate at a Primary Residence shall be demonstrated by providing at least two of the following documents:

- a. Proof of address listed on the homeowner's federal and state tax returns, bank account, car registration, driver's license, voter registration, or employment records; and/or
    - b. Proof of residence address used for purposes of a homeowner's tax exemption.
  5. Written consent from the homeowners' association if applicable or acknowledgement that there are no CC&Rs, private covenants, deed restrictions, or any other governing documents that prohibit or limit STR use of the property.
- B. Legal name, address, telephone number, and email address of the Designated Local Contact Person, if different from the Owner, and written consent to act as the responsible person designated by the Owner to be available 24 hours per day, 7 days per week, for the purpose of responding within 30 minutes to complaints regarding the condition, operation, and/or conduct of occupants and guests of the STR and taking remedial action to resolve any such complaints.
- C. Owner shall provide a Title Report for the property to confirm ownership interests.
- D. STR Rental Agreement and Site-Specific Details.
1. Owner(s) shall provide a copy of their standard STR rental agreement which shall include the STR Address and details regarding the maximum STR occupancy, parking capacity, noise restrictions, trash disposal requirements, and rules and regulations that will be distributed to STR occupants and acknowledgment of receipt and review of the City's Good Neighbor Policy.
  2. Site plan and/or photos showing the number and location of designated off-street parking spaces for the exclusive use of the STR.
  3. Floor plan(s) showing the layout of the dwelling unit, including all bedrooms and bathrooms; and the location of fire extinguishers, smoke alarms, and carbon monoxide alarms.
  4. Acknowledgement that the STR permit does not authorize STR lodging in non-dwelling units such as garages or vehicles (e.g., recreational vehicles, motor homes, travel trailers, truck campers, tent trailers, tree-houses, tents and other temporary shelter, etc.)
  5. Authorization for the City to conduct an inspection of the STR for safety compliance in accordance with Section 30.96.070(F).

- E. Evidence of general liability insurance in the amount of at least One Million Dollars (\$1,000,000), combined single limit, which insurance shall be maintained during the entire term of any STR permit issued by the City. Evidence of insurance renewal must be provided to the City before expiration of the policy.
- F. Any other information as the City Manager, or designee, deems reasonably necessary to administer this Chapter.
- G. Permit Application Fee as applicable for initial application or permit renewal in accordance with the fee schedule established by the City Council.

### **30.96.050 – Permit Issuance**

- A. STR permits shall be issued on a first-come, first-served basis, except that any STRs operating in the City as of the effective date of this Ordinance, which are identified by the City as an Existing STR by inclusion on the City's STR database as of March 1, 2024, shall be granted priority to obtain a STR permit.
  - 1. Notwithstanding the Chapter 30.96 permit issuance and locational requirements applicable to new STRs, Existing STR owners shall be temporarily accommodated as allowable uses in accordance with a valid STR permit issued pursuant to Section 30.96.050 for a period of five years from the effective date of the Ordinance or the date of transfer of property ownership, whichever occurs first. Thereafter, Owners of Existing STRs shall be subject to compliance with the requirements applicable to new STRs.
  - 2. Owners shall lose their right to apply for and operate as an Existing STR if there is no evidence of STR operations within the previous 12 months or longer of the effective date of the Ordinance or date of STR permit applications, including permit applications for initial issuance and renewal.
- B. The maximum number of STR permits issued by the City shall be limited to not more than five percent (5%) of the total number of dwelling units located in the City based on the most current United States Census data.
  - 1. After the maximum number of permits has been issued, the owners of any applications submitted that would exceed the cap shall be placed on a waiting list in the order in which the applications were received.
  - 2. Once a permit becomes available, application submittals will be accepted by the City in the order on the waiting list.
- C. STR permits issued by the City shall be restricted to one per Owner and STR Owners shall be non-business entities. A business entity, including a corporation, partnership or other legal entity shall not be a permitted "Owner" for any new STRs.

Any business entity that owns an Existing STR shall be required to transfer the ownership of such STRs to a non-business entity Owner who can comply with the requirements of Chapter 30.96 within five years of the effective date of the Ordinance.

- D. A STR permit shall be issued if the applicant meets the conditions and requirements of Chapter 30.96.
- E. A STR permit shall not be issued if:
1. The maximum number of STR permits issued already meets or exceeds the citywide cap on new STRs established by Section 30.96.050(B).
  2. The STR is a new STR is proposed in a prohibited location as set forth in Section 30.96.060 or in a location that would exceed the neighborhood cap on new STRs established by Section 30.96.060(A)(5).
  3. The Owner has a pending enforcement action by the City for any violation of the Municipal Code relating to the operation of a STR, unless the approval is required to resolve the enforcement action.
  4. The property had a STR permit revoked in the previous 12 months, unless the property ownership has since been transferred to a new Owner that meets the eligibility requirements.
- F. Following the issuance of a STR permit, the City will provide written, mailed notice of the STR permit approval to all property owners located within 300 feet of the STR. Such notice shall include the address of the STR, number of bedrooms available for rent, number of available on-site parking spaces, and contact information for the STR's Designated Local Contact Person.
- G. STR permits may be suspended, revoked, or not renewed in accordance with Section 30.96.080.

### **30.96.060 – STR Locational Requirements**

- A. Residential Zones.
1. STRs may be permitted in the following residential zones where provided within an Owner's Primary Residence:
    - a. Single dwelling unit zones
      - Very low Density Residential (R1-40)
      - Modified Low Density Residential (R1-14)

- Low Density Residential (R1-10)
  - Low Density Residential-Beach (R1-10B)
  - Medium Density Single Family Residential (R1-5)
  - Medium Density Single Family Residential-Beach (R1-5B)
  - Carmel Valley Precise Plan (CVPP)
- b. Multiple dwelling unit zones
- Medium Density Single-Mixed Residential-East (RM-East)
  - Medium Density Mixed Residential-West (RM-West)
  - Medium Density Mixed Residential-Central (RM-Central)
  - Medium Density Mixed Residential-South (RM-South)
  - High Density Mixed Residential (R2)
2. New STRs that are not within a primary residence shall be prohibited.
3. STRs are a prohibited use within:
- a. Multi-dwelling unit rental apartment development located in residential zones.
  - b. Any dwelling units that are subject to deed restrictions or affordable housing covenants.
  - c. An Accessory Dwelling Unit located in residential zones.
  - d. Non-dwelling units including, but not limited to, garages or vehicles or temporary shelters such as tents.
4. The maximum number of STRs per lot shall be restricted to:
- a. Maximum of one STR per lot developed with one dwelling unit, including lots developed with one primary dwelling unit and ADU development.
  - b. Maximum of one STR per lot developed with two dwelling units, including lots developed with two primary dwelling units and ADU development.
  - c. Maximum of 10% of the total primary dwelling units on a lot developed with multi-unit condominium development (three or more units). Lots with condominium development must provide documentation of written consent by the homeowner's association.
5. The total number of STRs permitted shall be further limited as follows to minimize the potential for overconcentration:

- a. A maximum of 60% of the total number of STRs may be located in the North Beach neighborhood, which includes the R1-5B, R1-10B, RM-East and RM-West zones.
- b. A maximum of 25% of the total number of STRs may be located in the South Bluff neighborhood, which includes the R1-40, R2, RM-South, and RC zones.
- c. A maximum of 15% of the total number of STRs may be located in the Hills neighborhood, which includes the R1-5, R1-10, R1-14, R1-40, and RM-Central zones and the northerly R2 zone located north of 15<sup>th</sup> Street.

**B. Commercial Zones.**

1. STRs may be permitted within the following commercial zones where provided within an owner's Primary Residence or as a full-time STR (Non-hosted unit):

Residential-Commercial (RC)  
 Central Commercial (CC)  
 North Commercial (NC)  
 Professional Commercial (PC)  
 Visitor Commercial (VC)  
 941 Camino del Mar Specific Plan (941SP)

2. STRs in commercial zones are subject to the requirements in Section 30.96.060(A)(3)(b) and (d), 30.96.060(A)(4), and 30.96.060(A)(5).
3. STRs are a prohibited use in the BC zone.

**C. STRs are a prohibited use in the Public Facilities (PF), Public Parkland (PP), Railroad Right-of-Way (RR), and Floodway zones.**

**30.96.070 – Operating Requirements**

STRs shall comply with all of the following operating requirements:

- A. Owner shall ensure that STR occupants and guests comply with all federal, state, and local laws, rules, and regulations including local regulations specific to noise, trash disposal, parking, coastal resources, and disclosure:
  1. Noise Control.
    - a. It shall be unlawful and shall constitute a public nuisance for any Owner(s) of a STR to cause, allow or permit the emission or

transmission of any loud noise from any sound-making equipment or sound-amplifying device to occur or be maintained at a STR, which may include, but is not limited to, the following: yelling, screaming, shouting, or other disturbing noises which unreasonably interfere with the peace and quiet of the nearby residents or members of the public. Owner(s) shall ensure that STR occupants and guests comply with the noise provisions set forth in Del Mar Municipal Code Chapter 9.20 (Noise Regulations). DMMC Section 9.20.090 specifies that any noise that is plainly audible at a distance of 50 feet between the hours of 10PM and 8AM is considered a prima facie violation.

- b. STRs are for overnight lodging. Hosting of weddings, receptions, corporate events, commercial functions, bachelor or bachelorette parties, and any other similar events or gatherings that have the potential to cause a public nuisance are strictly prohibited.
  - c. Guest hours at the STR shall be limited from 8:00 a.m. to 10:00 p.m. daily.
2. Trash Disposal. Trash and recycling shall not be left or stored within public view, except at a location that is designated for collection from 4:00 p.m. on the day prior to trash pick-up until up to 12:00 p.m. on the day following the day designated for pick-up. All trash and recycling shall be in approved receptacles pursuant to Del Mar Municipal Code Chapter 11.20 (Management of Solid Waste).
3. Parking. Owner(s) shall limit the number of vehicles at the Short-Term Rental to the number designated in the permit, which shall be determined by the City at the time of permit issuance based on the number of available on-site parking spaces. All garage, driveway, and designated on-site parking spaces shall be made available for the vehicles of Short-Term Rental occupants and guests. Vehicles shall not impede access to sidewalks and neighboring properties or driveways.
4. Coastal Resource Protection. The coastal resource protections in the California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240) and the City's certified Local Coastal Program are not to be superseded or lessened in any way through implementation of the Chapter 30.96 STR regulations. The Owner shall disclose, if the property contains environmentally sensitive habitat areas, and identify STR operational requirements as applicable to avoid potential impacts to coastal resources.
5. Disclosure of Site-Specific STR Requirements and Contact Information.

- a. The primary STR occupant must be at least twenty-five (25) years of age, provide the Owner(s) with a telephone number, and shall be accessible to the Owner(s) or Local Designated Contact Person by telephone at all times during the STR rental period.
  - b. Interior Display of STR Permit. Owner(s) shall affix the valid STR permit provided by the City, which shall include reference to the City's Good Neighbor Policy and Transient Occupancy Tax rate, for interior display on the inside of the main entry door of the STR.
  - c. Exterior Display of STR Notice. Owner(s) shall affix a sign on the exterior of the STR during operation, at a minimum size of 8.5 inches by 11 inches, identifying the STR Permit Number, Designated Local Contact Person, the maximum number of STR occupants, and the maximum number of vehicles allowed. The notice shall be located on-site in plain view of the general public and/or common areas and shall be maintained in good condition.
  - d. Signs advertising availability of the STR for rent are not permitted on the property.
- B. Minimum Night Stay. STRs shall have a minimum night stay of three (3) consecutive calendar nights.
- C. Overnight Occupancy. Owner(s) shall limit overnight STR occupancy to a specific number of occupants, not to exceed two (2) persons per bedroom plus two (2) additional persons per unit. All other applicable occupancy laws shall apply.
- D. Avoidance of Public Nuisance. Owner(s) shall ensure that the STR occupants and/or guests do not create a public nuisance. Owner(s) shall ensure that any unreasonable noise disturbances, unruly gatherings, disorderly conduct, or other violations are timely abated.
- E. Prompt Response to Complaints. Owner(s) and/or the Designated Local Contact Person shall respond within thirty (30) minutes of the time a complaint of public nuisance at the STR property is filed to take corrective action to address and resolve the complaint. This includes the filing of a complaint with the City, a Designated Local Contact person, or the County Sheriff's Department. It is not intended that an Owner or Designated Local Contact Person act as a peace officer or place themselves in an at-risk situation. In follow up, Owner(s) shall provide documentation to the City on what steps were taken to mitigate the issue. Failure to timely respond to complaints is grounds for enforcement as set forth in Section 39.96.080.
- F. Safety Compliance.

1. The property must meet basic life safety requirements, including but not limited to, operable smoke alarms and carbon monoxide alarms, fire extinguisher, and first aid kit.
  2. All Bedrooms within a STR shall meet all applicable California Building Code life safety requirements.
  3. The Owner shall permit the City to inspect the STR prior to the issuance of a STR permit and/or for the purpose of making a reasonable inspection to observe and enforce compliance with the provisions of Chapter 30.96. Prior to the renewal of a STR permit, at the City's sole discretion, in lieu of a City inspection, the Owner(s) may submit a request for self-inspection certification on a form provided by the City.
- G. Advertisements. All STR advertisements, including those posted on or by hosting platform sites, must include the STR permit number provided by the City.
- H. Payment of Transient Occupancy Tax. Owner(s) shall comply with all provisions of Del Mar Municipal Code Chapter 3.12 concerning the payment of Transient Occupancy Tax (TOT). The TOT calculation shall include cleaning fees, resort fees, and other fees as part of the total rent charged for the STR. If the STR Owner uses a hosting platform, the hosting platform shall be considered an agent of the STR Owner for purposes of collecting and remitting the TOT to the City.
- I. Record Keeping, Audit. STR Owner(s) shall maintain records related to use and occupancy of the STR for the purpose of inspection and/or audit to demonstrate compliance with Chapter 30.96.

### **30.96.080 – Enforcement**

- A. It shall be unlawful for any person to fail to comply with any of the requirements of this Chapter or with any standards/conditions of a STR permit, or to operate a STR within the jurisdiction of the City contrary to or in violation of any of the provisions of this Chapter, any applicable provisions of this Municipal Code, or any other applicable laws, rules, and regulations.
- B. Any person who violates any provision of this Chapter shall be subject to the fine amounts set forth in Government Code Section 36900(d), as that Section may be amended from time to time.
- C. Violations of this Chapter may be enforced by any method allowed in Del Mar Municipal Code Chapter 1.10 (Administrative Citations), or any other applicable enforcement mechanism available to the City.

- D. Suspension or Revocation of STR Permit. In addition to any other remedy provided by Chapter 30.96, a STR permit may be suspended or revoked by the City Manager, or designee pursuant to this Section.
1. The decision shall be based on at least one of the following grounds:
    - a. A material misrepresentation, false or misleading information was included on the application for a STR permit.
    - b. A violation of any applicable provision of the Del Mar Municipal Code or other applicable law.
    - c. An authorized official has given notification of existing health or safety violations on the STR property or non-compliance with applicable laws, rules or regulations relating to fire, building, health or safety.
    - d. An applicant is delinquent in the payment of any outstanding fees, assessments or taxes owed to the City related to any property located in the City that is owned by the applicant, including, but not limited to, Transient Occupancy Taxes (TOT).
  2. If a STR permit is revoked, the Owner(s) shall not operate a STR at the property for a period of twelve (12) months from the date of such revocation; and no STR permit that is revoked may be transferred to any other person or entity to operate a STR at the property during such period of revocation.
  3. The appeal procedures for the denial, suspension or revocation of a STR permit are as follows:
    - a. A STR permit applicant or STR permit holder may request an administrative hearing to appeal the denial, suspension or revocation of a STR permit by the City. The request for a hearing shall be submitted to the City Clerk within 15 days from the date the denial, suspension or revocation of the STR permit is provided in writing.
    - b. The City Manager shall designate a fair and impartial administrative hearing officer to determine whether to uphold the City's decision to deny, suspend or revoke the STR permit. Compensation for the hearing officer, if any, shall be paid by the City.
    - c. An administrative hearing shall be set for a date that is not sooner than 30 days and not more the 60 days from the date the request for the hearing is filed with the City. The appellant shall be notified of the time and place set for the hearing at least 15 days prior to the date of the hearing, unless the hearing date has been expedited.

- d. The City and the appellant shall each submit all documents relating to the denial, suspension or revocation of the STR permit that the respective party intends to discuss during the administrative hearing to the hearing officer and the other party at least 7 days in advance of the hearing date.
- e. At the hearing, the hearing officer shall only consider evidence that is relevant to determine whether the denial, suspension or revocation of a STR permit is warranted. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the hearing officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing officer in accordance with the fundamentals of due process. The hearing officer may limit the total length of the hearing to one hour, at the hearing officer's discretion, and shall allow the appellant at least as much time to present its case as is allowed the City.
- f. The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the denial, suspension or revocation of the STR permit. The appellant may be represented by counsel. The City's case shall be presented by a Code Enforcement Officer or by any other authorized agent of the City.
- g. The hearing officer may continue the hearing and request additional information from the City or the appellant prior to issuing a written decision.
- h. After considering all of the testimony and evidence submitted at the hearing, the hearing officer may announce a decision orally, but in any event, shall prepare a written decision. The decision shall be provided to the parties within 10 days of the hearing and shall either uphold the denial, suspension or revocation of the STR permit or withdrawal the denial, suspension or revocation of the STR permit. The decision shall briefly state the reason for the conclusion of the hearing officer. The City shall serve the decision on the appellant. The decision of the hearing officer shall be final and shall not be subject to further appeal to the City.
- i. The failure of the appellant to appear at the administrative hearing shall result in the hearing officer issuing a final decision to uphold the City's denial, suspension or revocation of the STR permit and the appellant's exhaustion of administrative remedies.

## BACKGROUND

This City Council priority special project initially began in 2016 and resumed in January 2023 after various processing delays due to the timing of court decisions rendered during the COVID-19 pandemic. Following is a summary of actions that have occurred to date:

### ***Council Guiding Principles & Objectives for STR Regulations***

On July 24 and September 5, 2023, the City Council determined the twelve guiding principles and objectives to guide the process for development of new STR regulations:

1. Honor the existing policies in the Del Mar Community Plan.
2. Maintain the residential character of neighborhoods in residential zones.
3. Honor the tradition of vacation rentals during the summers, holidays, and horse-racing season.
4. Ensure protection of the public health, safety, and general welfare.
5. Ensure the City's natural resources will be preserved and protected.
6. Ensure STRs will not overburden public improvements, facilities, and services.
7. Minimize adverse impacts to adjacent private properties and the surrounding neighborhood.
8. Consider distribution and concentration of STRs throughout the community.
9. Craft regulations that are easy to understand and implement.
10. Communicate expectations for civil conduct in line with "good neighbor" policies.
11. Establish enforcement protocols, and ensure regulation of short-term rentals is, at a minimum, revenue neutral to the City.
12. Work towards a solution for STRs that works for Del Mar and will pass muster with the Coastal Commission.

### ***STR Data and Database of Existing STRs to Identify Baseline Conditions***

In January 2023, the City contracted with consulting firm DTA to collect STR data specific to the City of Del Mar. DTA collected data between January 1, 2023, through June 30, 2023, to provide a general understanding of existing STRs in Del Mar (i.e., number, type, average length of stay, rental rate, and occupancy rates; and general location in the City). The STR data sets (April 2023 and June 2023) were presented to the City Council on July 10 and September 5, 2023, as described below.

- The number of STRs in Del Mar increased from 107 (April 2023) to 125 (June 2023), which represents an increase in the percentage of STRs compared to total dwelling units from 4.2% to 4.9% of the City's total 2,574 dwelling units per the 2020 Census. This comparison does not include the 43 STRs advertised in the Wavecrest Resort Timeshares (31 units) or L'Auberge Vacation Villas (12 units).
- For the greater 92014 zip code, which includes the City of Del Mar and portions of the cities of San Diego and Solana Beach and County of San Diego, following is a

summary of the change in trends identified between the April 2023 and June 2023 data related to length of stay, daily rental costs, and availability:

- An increase in the average days per rental from three to five days;
  - A slight decrease in average daily rental rate from \$630 to \$625; and
  - An increase in the average STR occupancy rate (occupancy compared to availability) from 62% to 82%.
- The breakdown of existing STRs in the City of Del Mar by location is as follows:
- 57-59% of the existing STRs are operating in residential zones in the North Beach neighborhood (RM-West, RM-East, and R1-5 zones);
  - 26-28% of the existing STRs are operating in residential zones in the south bluff neighborhoods (R2 and RM-South zones);
  - 15% of the existing STRs are operating in residential zones in the hills neighborhoods (R1-10 and CVPP); and
  - The Wavecrest Resort and L’Auberge Villas provide an additional 43 STR options allowed per existing entitlements (R2 zone and Hotel Specific Plan).

On September 5, 2023, the City Council provided direction to staff to establish a database of existing STRs in operation within the last 10 years to inform the City of a reasonable baseline to use for future City Council determinations of the number of existing STRs that need to be accommodated. The intent of the registry is to ensure that the City has STR data that is as accurate as possible. Multiple newsflash articles were published and distributed in the City’s weekly update beginning September 8, 2023, to encourage existing STR owners to add their properties to the database. Existing STRs that register will be more likely to secure priority status and ability to continue operations under new STR regulations (i.e., if cap applies in residential zones). Owners are encouraged to register existing STRs at following link:

<https://www.delmar.ca.us/FormCenter/Planning-6/ShortTerm-Rental-Registry-51>

To-date, the City has received documentation for 60 existing STRs.

***Consideration of Benchmarks: Other Cities, Coastal Commission, and the Courts***

On September 5, 2023, the City Council received a report with an overview of past Coastal Commission actions, court decisions, and legal parameters to help guide community discussions focused on the creation of a new STR regulatory framework.

*General Description of Coastal Act*

The Coastal Act requires public access to be protected, provided, and maximized. The CCC considers STRs as a means for visitors to access the coast. The relevant policy Section 30213 of the Coastal Act states “Lower cost visitor and recreation facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.” The CCC has interpreted that STRs are a type of lower cost visitor accommodation, more

affordable than traditional hotels that can facilitate members of the public with low or moderate incomes to access and recreate at the coast. Further, the CCC has taken the position that coastal jurisdictions should expressly accommodate STRs within Local Coastal Program policies and regulations. The CCC has generally interpreted STRs to be both a visitor-serving use and a form of residential use. In terms of length of stay, CCC staff has indicated an expectation in the past that the local regulations accommodate the ability for a weekend getaway to provide visitor opportunities during the most common times individuals are able to travel. That being said, the CCC has expressed recognition that each community is unique and may address STRs differently.

***Local Policy Context***

Del Mar Community Plan (General Plan)

The Del Mar Community Plan expresses the community’s policy vision to guide development. It is the main point of reference for all land use-related decisions. The Community Development section of the Community Plan includes the City’s Land Use Element and the most relevant land use policies related to the topics of STRs and housing included below:

Overall Goal: Preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach.

Community Development Goal 3: Preserve and enhance Del Mar’s special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline.

Goal 3 Objective C: Adopt strong positive controls to prevent future commercial development which is incompatible with the existing residential character of the community.

Goal 3 Objective D: Preserve existing and insure adequate housing for diverse age and socio-economic groups within the community.

Goal 3 Objective E: Encourage and facilitate provision of lower cost housing for low- and moderate-income households.

Community Development Goal 5: Preserve the economic integrity of the community.

Goal 5 Objective A: Maintain a balanced philosophy toward commercial growth which permits the City’s income to keep pace with its expenditures while insuring compatibility with all other goals and objectives of the Community Plan.

Goal 5 Objective B: Promote those uses of the commercial area which will be of greatest economic benefit to the community while insuring compatibility with all other goals and objectives of the Community Plan.

Goal 5 Objective D: When feasible and appropriate, require an economic analysis on any future proposed community plan revisions.

Community Development Goal 6: Assure continuing public participation in city planning by developing procedures in which citizens can participate in updating General Plan goals and policies and help in implementing programs including consultation and advice on enabling legislation.

City of Del Mar Community Plan - Housing Element (6<sup>th</sup> Cycle 2021-2029)

The Housing Element identifies the following goals, policies, and programs:

- Provide new types of housing opportunities and housing capacity for a greater range of income levels by pursuing development at the State Fairgrounds, promoting accessory dwelling units, and incorporating multiple dwelling unit development in various commercial zones;
- Remove governmental constraints to create new opportunities for affordable housing through modified regulations, incentives, and streamlining of processes;
- Establish a regulatory framework that supports the maintenance and improvement of existing housing, including the preservation of affordable housing;
- Provide equal opportunities and access to housing options within the community for residents of all abilities consistent with the City’s overall housing policy goal to “Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Del Mar.”;
- Provide affordable housing assistance resources and information to residents, property owners, and individuals seeking to remain living in the community or to relocate to Del Mar; and
- Identify the challenges faced by special needs groups working and/or living in the community and taking actionable steps towards assisting those groups consistent with the City’s housing goals.

Housing Element Program 5C commits the City to implement measures to reduce current vacancy rates in units that off-site property owners report as unoccupied and having no long term housing tenant.

Local Coastal Program (LCP) Land Use Plan (LUP)

Any proposed land uses must conform with the policies of the Coastal Act. The standard of review for any prospective STR Ordinance will be the City’s certified LCP LUP. Relevant LCP policies include:

LUP Goal IV-A: Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

LUP Policy II-6: Encourage visitor-serving and recreation-oriented businesses that blend harmoniously with the traditional small-town character of the community.

LUP Goal V-B: Provide the public with quality overnight accommodations and other visitor-serving facilities which enhance the unique village character of the community.

LUP Policy V-10: The City shall ensure that development of visitor-serving facilities is compatible with surrounding development and is consistent with the policies of this Land Use Plan intended to preserve environmentally sensitive resources.

***Regulatory Context – Zoning Code/Certified Local Coastal Program (LCP)***

Title 30 of the Del Mar Municipal Code sets forth the City's Zoning regulations. The DMMC Title 30 regulations and associated maps applicable to base zones, overlay zones, permitted/allowed uses, required discretionary permit types, public access, and coastal resources comprise the City's certified LCP implementing ordinances. Until new STR regulations are adopted and become effective, new STR's are only an allowed use in commercial zones, including the Residential-Commercial (RC), Central Commercial (CC), North Commercial (NC), Professional Commercial (PC), Visitor-Commercial (VC), Hotel Specific Plan, and 941 Camino Del Mar Specific Plan zones; and as provided for by development entitlement (i.e., Wave Crest Resort Time Shares and L'Auberge Vacation Villas). STRs are currently not an allowed use in any residential zones, including R1-40, R1-14, R1-10, R1-0B, R1-5, R1-5B, RM-east, RM-West, RM-Central, RM-South, and R2 zones.

On October 2, 2023, the City Council considered STR regulation examples from the following 17 jurisdictions:

- *San Diego region:* Cities of Carlsbad, Encinitas, Oceanside, San Diego, and Solana Beach.
- *Other California Jurisdictions:* Cities of Avalon, Carmel by the Sea, Carpinteria, Dana Point, Half Moon Bay, Laguna Beach, Newport Beach, Palm Springs, Pismo Beach, San Clemente, Santa Cruz, and Trinidad.

## ***Prior Actions to Accommodate Existing STRs Until New Regulations Take Effect***

### **Initial Moratorium:**

After experiencing a significant increase in the number of STRs operating in residential zones, on April 4, 2016, the City Council adopted a moratorium on new STRs in residential zones and provided for existing, non-conforming STRs to temporarily continue to operate while new regulations are processed. The moratorium ended on November 6, 2017 (when Ordinance 934 was adopted). The moratorium was replaced with a Council-adopted forbearance policy to accommodate STRs in operation prior to April 4, 2016, until new STR regulations take effect (see forbearance discussion below).

### **STR “7/28 Ordinance” - Ordinance 934:**

November 6, 2017 - The City Council adopted Ordinance 934 to establish new STR regulations. This ordinance, also referred to as the “7/28 ordinance”, never became effective because Zoning/Local Coastal Program Amendments require CCC certification per the California Coastal Act in order to take effect.

June 7, 2018 – After the CCC conditionally certified Ordinance 934 in June 2018, the City processed an extension. However, while the City was waiting for final resolution of litigation, the conditional CCC approval expired on December 13, 2019.

February 7, 2021 - The court dismissed the final case (City of Del Mar v. California Coastal Commission) because the CCC’s conditional approval had expired on December 13, 2019.

### **Adoption of Forbearance Policy Currently in Effect:**

The forbearance policy was adopted by Council Resolution 2017-71 on November 6, 2017, to accommodate STRs in operation prior to April 4, 2016, until new STR regulations take effect. The forbearance has been consistently applied, enforced, and maintained:

<b>Date</b>	<b>City Council Action</b>
Nov 6, 2017	Adopted STR Ordinance 934 and Resolution 2017-71 to establish Forbearance Policy
Sep 4, 2018	Approved 6-month extension to March 2019 (Resolution 2018-61)
Feb 11, 2019	Approved 1-year extension to February 2020 (Resolution 2019-09)
Feb 3, 2020	Approved 1-year extension to February 2021 (Resolution 2020-05)
Feb 1, 2021	Approved 2-year extension to February 2023 (Resolution 2021-04)
Jan 23, 2023	Approved 2-year extension to January 2025 (Resolution 2023-02)

**CITY OF DEL MAR**  
**SHORT-TERM RENTAL GOOD NEIGHBOR POLICY**

This Good Neighbor Policy (Policy) was created to minimize potentially adverse impacts that Short-Term Rental (STR) properties may have on surrounding neighborhoods. STR owners, occupants and guests are responsible for ensuring compliance with the following rules. The capitalized terms in this Policy shall have the same meaning as the definitions in Del Mar Municipal Code (DMMC) Chapter 30.96 (STR Regulations).

**STR Permit #:** \_\_\_\_\_ **Exp.:** \_\_\_\_\_

**STR Address:** \_\_\_\_\_

**Owner Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

- **24/7 Local Contact** – Owner or Owner’s Designated Local Contact Person must be available 24 hours per day, seven days per week, to respond to complaints during STR operations.

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

- **Complaint Response Time** – Complaints received from the City, the Sheriff’s Department, or a resident must be addressed within 30 minutes of receipt of the complaint.
- **Overnight Occupancy** – Maximum overnight occupancy is limited to two persons per bedroom, plus two people for the unit as a whole consistent with the California Building Code.

**Max. Overnight Occupancy:** \_\_\_\_\_

- **Daytime Guests** – Daytime guests are permitted between the hours of 8:00 am and 10:00 pm.
- **Parking** – All garage, driveway, and designated on-site parking spaces must be made available for STR occupants and guests. Vehicles shall not impede access to sidewalks or neighboring properties or driveways.
- **Minimum Night Stay** – A three-night minimum stay is required.
- **Minimum Rental Age** – No person under the age of 25 years shall be permitted to rent a STR.
- **Exterior Signage** – The required exterior display sign identifying the Designated Local Contact Person, maximum number of occupants, and maximum number of vehicles shall be displayed and maintained on-site as a public notice during STR operations per DMMC Section 30.96.070(A)(5).
- **Interior Signage** – A copy of the STR permit, this Policy, and the Transient Occupancy Tax (TOT) rate shall be displayed on the inside of the main entry door of the STR (DMMC Section 30.96.070).
- **Public Nuisance Noise** – Any disturbing, excessive or offensive noises as defined in Chapter 9.20 of the DMMC shall be prohibited.
- **Trash** – STR properties shall be kept clean with no visible trash. All trash receptacles shall be stored out of public view, except in designated locations on collection days (DMMC Chapter 11.20).
- **No Special Events Permitted Onsite** – Includes weddings, commercial functions, parties, etc.
- **Enforcement** – STR permits may be denied, suspended or revoked for violations of the STR Ordinance. Violations are subject to all remedies set forth in DMMC Chapter 1.10. This includes, but is not limited to, misdemeanor criminal prosecution, administrative monetary citations, and/or civil nuisance abatement actions.

**For additional information, visit the City’s STR webpage at: [www.delmar.ca.us/563/Short-Term-Rentals](http://www.delmar.ca.us/563/Short-Term-Rentals)**

## ANALYSIS OF MULT-UNIT PROPERTIES (January 2024) –Tables and Maps

	<b>Multi-Unit Condos in Residential Zones</b>		<b># of Units</b>	<b>Max STRs</b>	<b>Zone</b>
1	Del Mar Woods Condos		126	13	RM-South
2	212 4 <sup>th</sup> Street Condos		18	2	RM-South
3	424 Stratford Court Condos		38	4	RM-South
4	515 Stratford Court Condos		10	1	RM-South
5	519 Stratford Court Condos		18	2	RM-South
6	460 Camino del Mar Condos		18	2	RM-South
7	Sea Cliff Way Condos (Stratford Ct/Sea Cliff)		5	1	RM-South
8	1552 Camino del Mar Condos		24	2	R2
9	1558 Camino del Mar Condos		20	2	R2
10	1562 Camino del Mar Condos		36	4	R2
11	1844 Camino del Mar (Del Mar Villas Condos)		24	2	R2
12	1735 Coast Blvd Condos		5	1	RM-West
13	1757 Coast Blvd Condos		10	1	RM-West
14	1750 Ocean Front Condos		5	1	RM-West
15	Costa Del Rey Condos (2719 Camino del Mar)		16	2	RM-East
16	Sandy Pointe Condos (CDM and 29 <sup>th</sup> Street)		20	2	RM-East
	*10% calculation of total units rounded to nearest whole number		393 units total	<b>Capacity: 42 STRs</b>	

	<b>Apartment Properties in Residential Zones</b>		<b># of Units</b>	<b>Max STRs</b>	<b>Zone</b>
1	Los Arboles Apartments (201 4 <sup>th</sup> Street)		97	-	RM-South
2	167 4 <sup>th</sup> Street Apartments		12	-	RM-South
3	425 Stratford Court Apartments		18	-	RM-South
4	510 Stratford Court Apartments		48	-	RM-South
5	703 Stratford Court Apartments		12	-	RM-South
6	155 15 <sup>th</sup> Street Apartments		28	-	R2
7	El Adobe Apartments (2135 Coast Blvd)		12	-	RM-West
8	2515 Camino del Mar Apartments		14	-	RM-East
9	Beach Colony Apartments (2801 Camino del Mar)		86	-	RM-East
			327 units total	<b>Capacity: 0 STRs</b>	

	<b>Apartments in Commercial Zones that Allow STR Use</b>		<b># of Units</b>	<b>Max STRs</b>	<b>Zone</b>
1	Terraces at Del Mar Apartments (526 Camino del Mar)		53	5	VC
2	941 CDM Multi-Unit – construction pending <i>Includes 2 deed-restricted affordable units that preclude STR use and 6 unrestricted units</i>		8	6	941 CDM SP
3	Watermark Multi-Unit – construction pending <i>Includes 10 deed-restricted affordable units that preclude STR use and 40 unrestricted units</i>		50	4*	NC
	* 10% calculation is based on 40 units total in order to subtract out the 10 deed-restricted affordable units		111 units total	<b>Capacity: 15 STRs</b>	

See Attachment E for additional STR-related zoning maps

# North Beach Multi-Unit Properties



1" = 373 ft

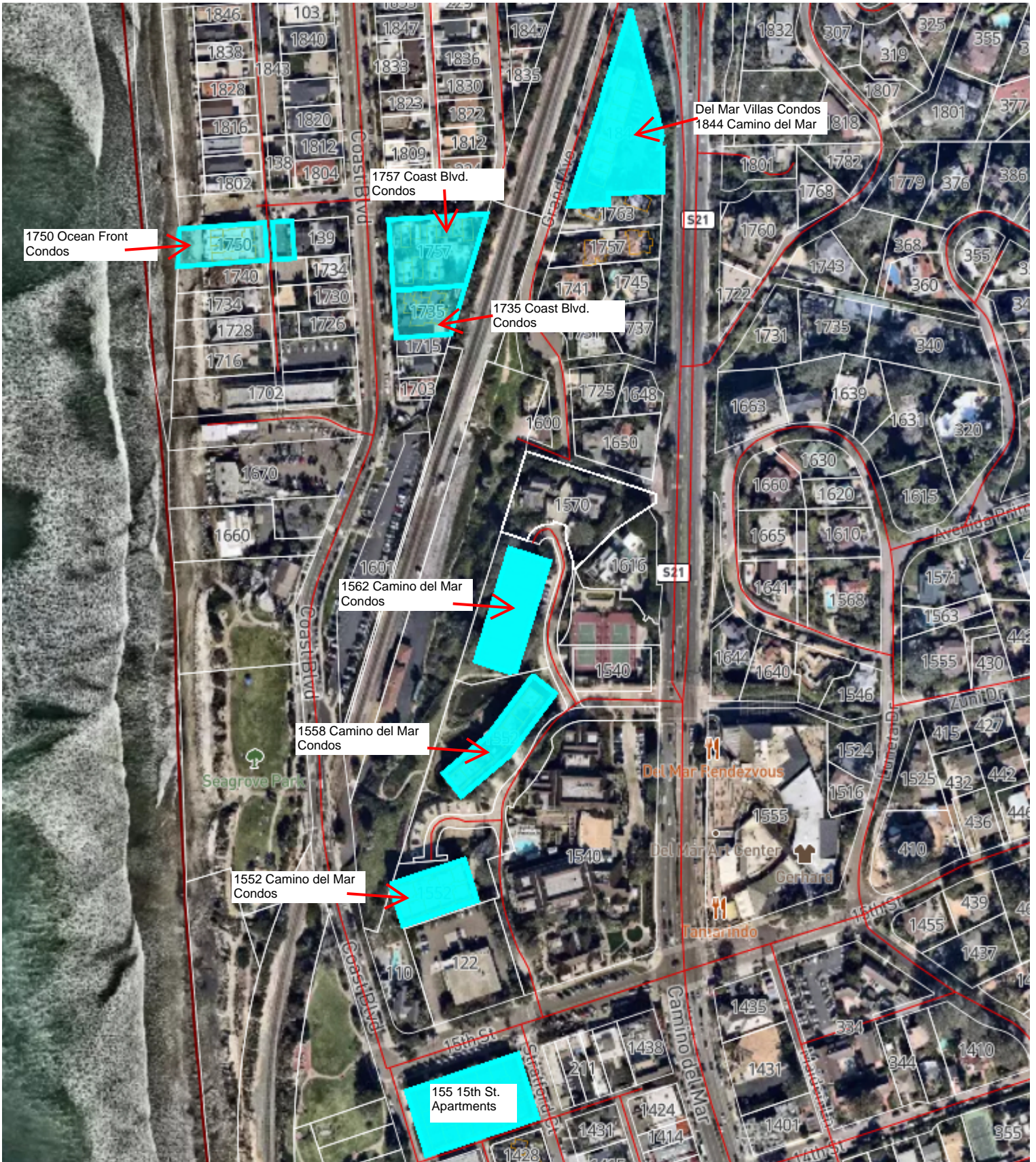
Sub Title

08/23/2023



This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

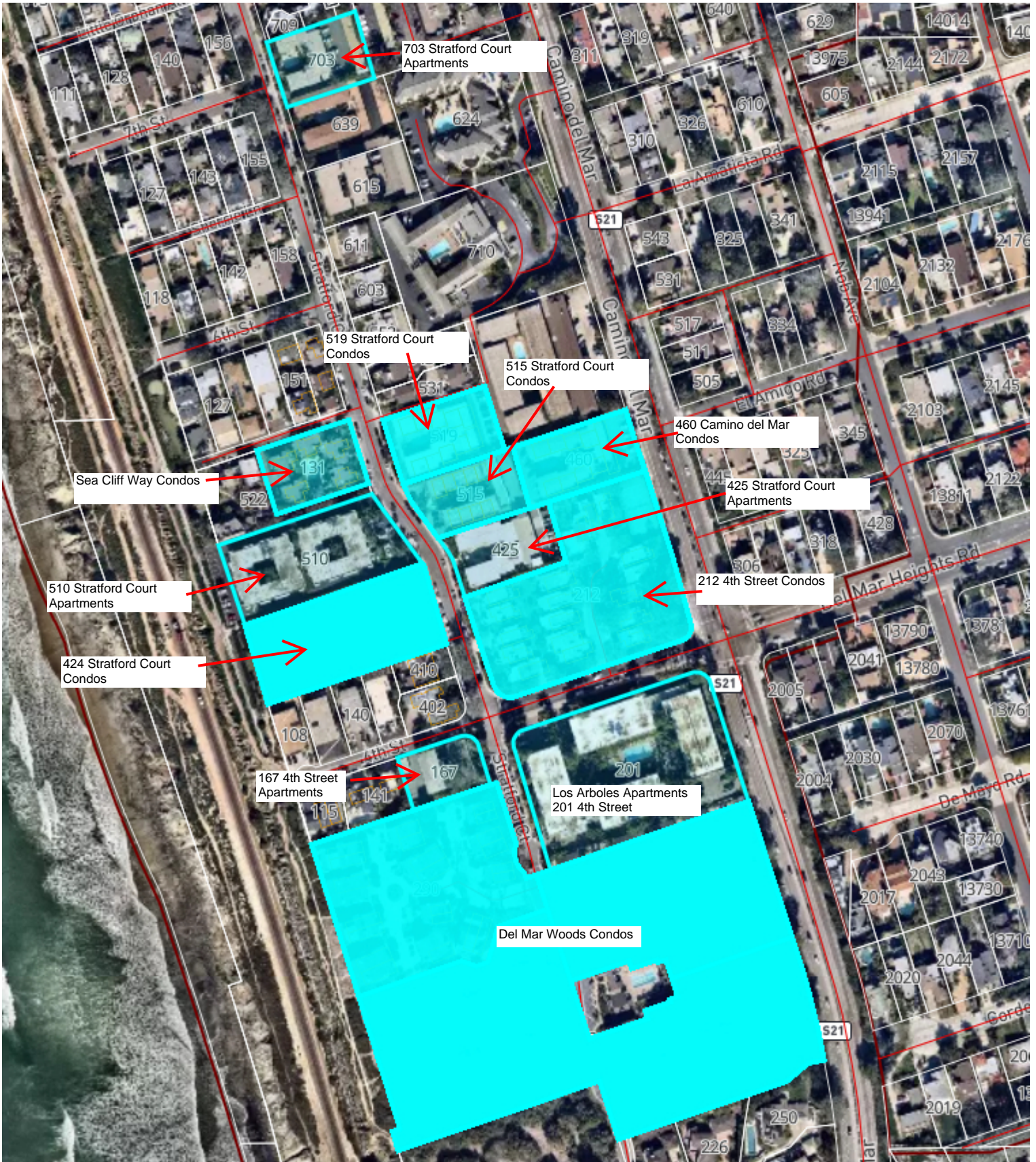
# City Center Multi-Unit Properties



1" = 300 ft	Sub Title	08/30/2023	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# South Stratford Multi-Unit Properties



1" = 290 ft	Sub Title	08/23/2023	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Multi-Unit Property in Visitor Commercial (VC) Zone



1" = 132 ft

Sub Title

10/05/2023



This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

## Analysis of STR Cap, Neighborhood Caps, and Existing STRs

### Citywide Cap on STRs

The draft STR Regulatory Framework sets a 5% cap on the total number of allowed STRs, which would be 129 STRs maximum. The draft also establishes neighborhood caps to mimic historic use patterns and minimize the potential for overconcentration of STRs in one neighborhood. Currently, the City has a record of 60 existing STRs and potential capacity for a maximum of an additional 69 new STRs spread between the North Beach, South Bluff, and Hills neighborhoods and others with limited options (North Bluff/Via de la Valle (R1-14, R1-40 zones) and the 941 CDM Specific Plan, CC, VC, NC, and RC zones).

### North Beach Neighborhood Cap

For the purpose of the STR Ordinance, the North Beach neighborhood includes the RM-West, RM-East, R1-5B, and R1-10B zones. The draft sets a 60% cap on the total number of STRs allowed in the North Beach neighborhood. The percentage is taken from the total 129 STRs maximum allowed citywide. A maximum of 77 STRs would be allowed in North Beach.

### South Bluff Neighborhood Cap

For the purpose of the STR Ordinance, the South Bluff neighborhood includes portions of the R2 and R1-40 zones, and RM-South and RC zones. The draft sets a 25% cap on the total number of STRs allowed. A maximum of 32 STRs would be allowed in the South Bluff neighborhood.

### Hills Neighborhood Cap

For the purpose of the STR Ordinance, the Hills neighborhood includes portions of the R1-40 and R2 zones, R1-10, RM-Central, and Carmel Valley Precise Plan (CVPP) zones. The draft sets a 15% cap on the total number of STRs allowed. A maximum of 19 STRs would be allowed in the Hills Neighborhood.

### Potential STRs in Capped Neighborhoods and Other Locations in Residential and Commercial Zones

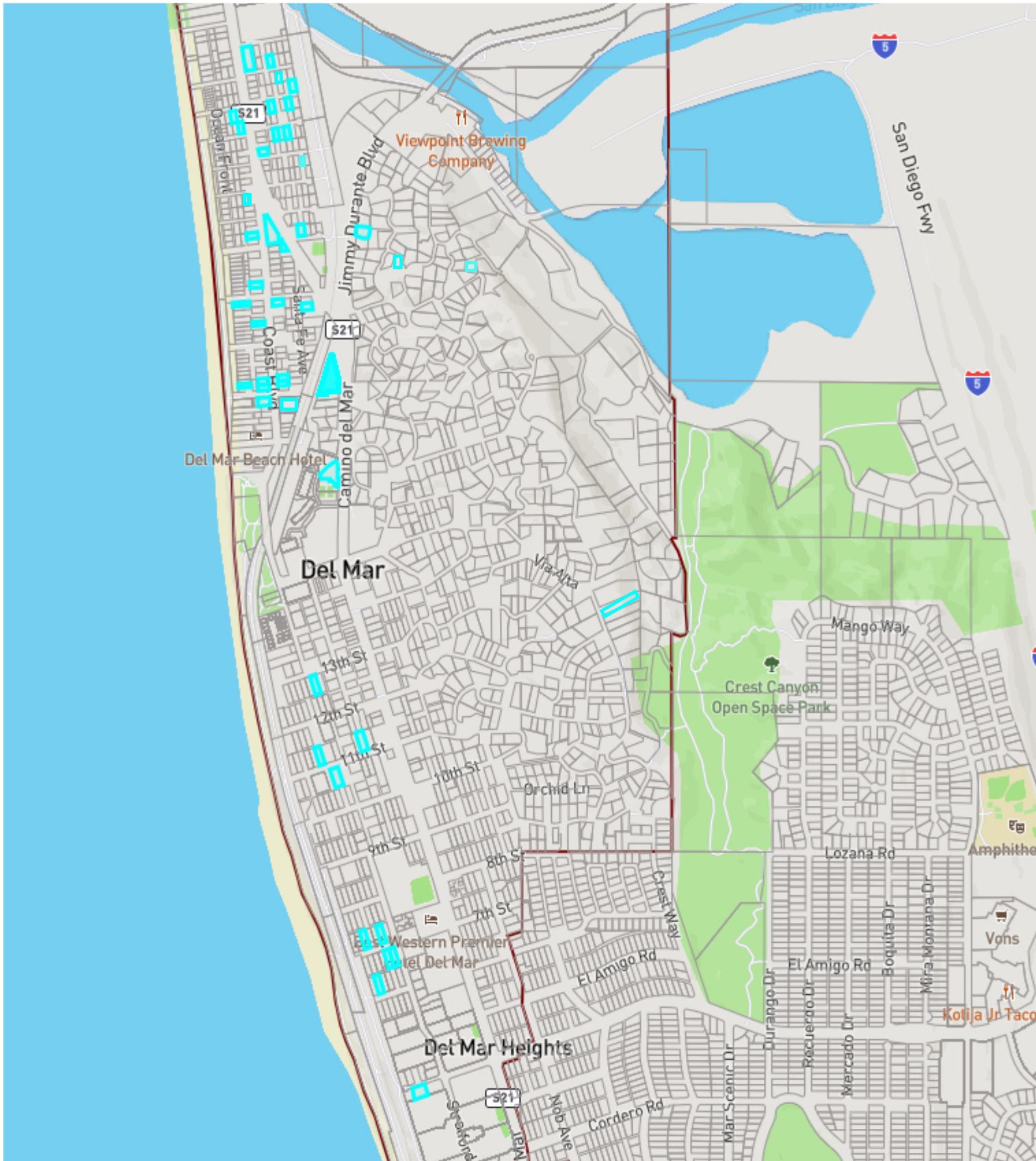
<b>Analysis of STR Potential in Residential Zones</b>			
	<i>Existing STRs</i>	<i>Max STRs per Cap</i>	<i>Potential New STRs</i>
North Beach	41	77	36
South Bluff	13	32	19
Hills	6	19	13
Other: North Bluff and Via de la Valle	0	N/A	16 (One per lot max)

<b>Analysis of STR Potential in Commercial Zones</b>			
	<i>Non-Restricted Dwelling Units</i>	<i>Existing STRs</i>	<i>Potential New STRs</i>
CC Zone	3	0	3 (One per lot)
VC Zone	53	0	5 (at 10% of units)
941 CDM SP	6	0	6 (per entitlement)
NC Zone	40	0	4 (at 10% of units)
PC Zone	0	0	0
RC Zone	9	0	6 (One per lot)

Following is a description of the set of maps in this Attachment which show:

- The locations of the 60 existing STRs
  - Citywide map (60 Existing STRs)
  - Existing STRs in North Beach (41 STRs)
  - Existing STRs in South Bluff (13 STRs)
  - Existing STRs in Hills (6 STRs)
  
- The three neighborhood areas that have neighborhood caps on STRs
  - North Beach neighborhood (cap at 60% - maximum 77 STRs): RM-West, RM-East, R1-5B, and R1-10B zones
  - South Bluff neighborhood (cap at 25% - maximum 32 STRs): portions of the R2 and R1-40 zones, and the RM-South and RC zones
  - Hills zones (cap at 15% - maximum 19 STRs): portions of R1-40 and R2 zones, and the R1-10, RM-Central, and Carmel Valley Precise Plan (CVPP) zones
  
- The commercial zones with additional existing and future capacity for STRs:
  - CC Zone
  - VC Zone
  - 941 CDM SP
  - NC Zone
  - PC Zone
  - RC Zone

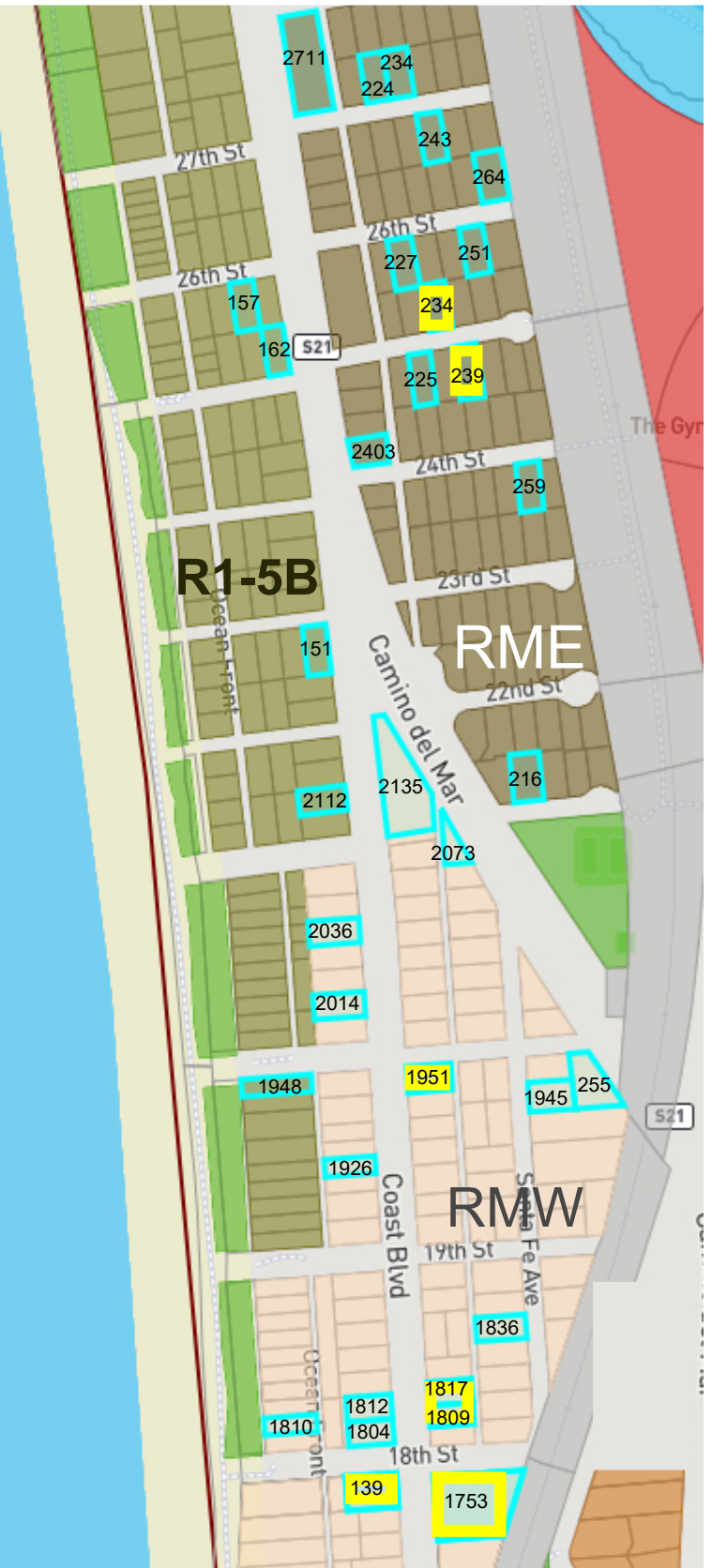
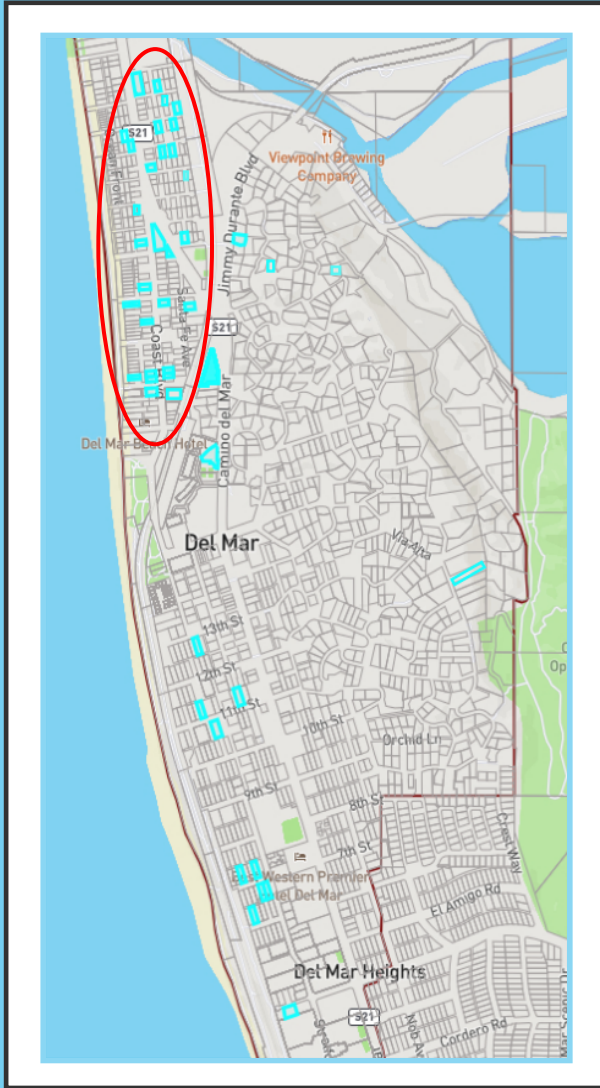
# City of Del Mar - Existing STR's



1" = 1372 ft	STR Total = 60	 Short Term Rental	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

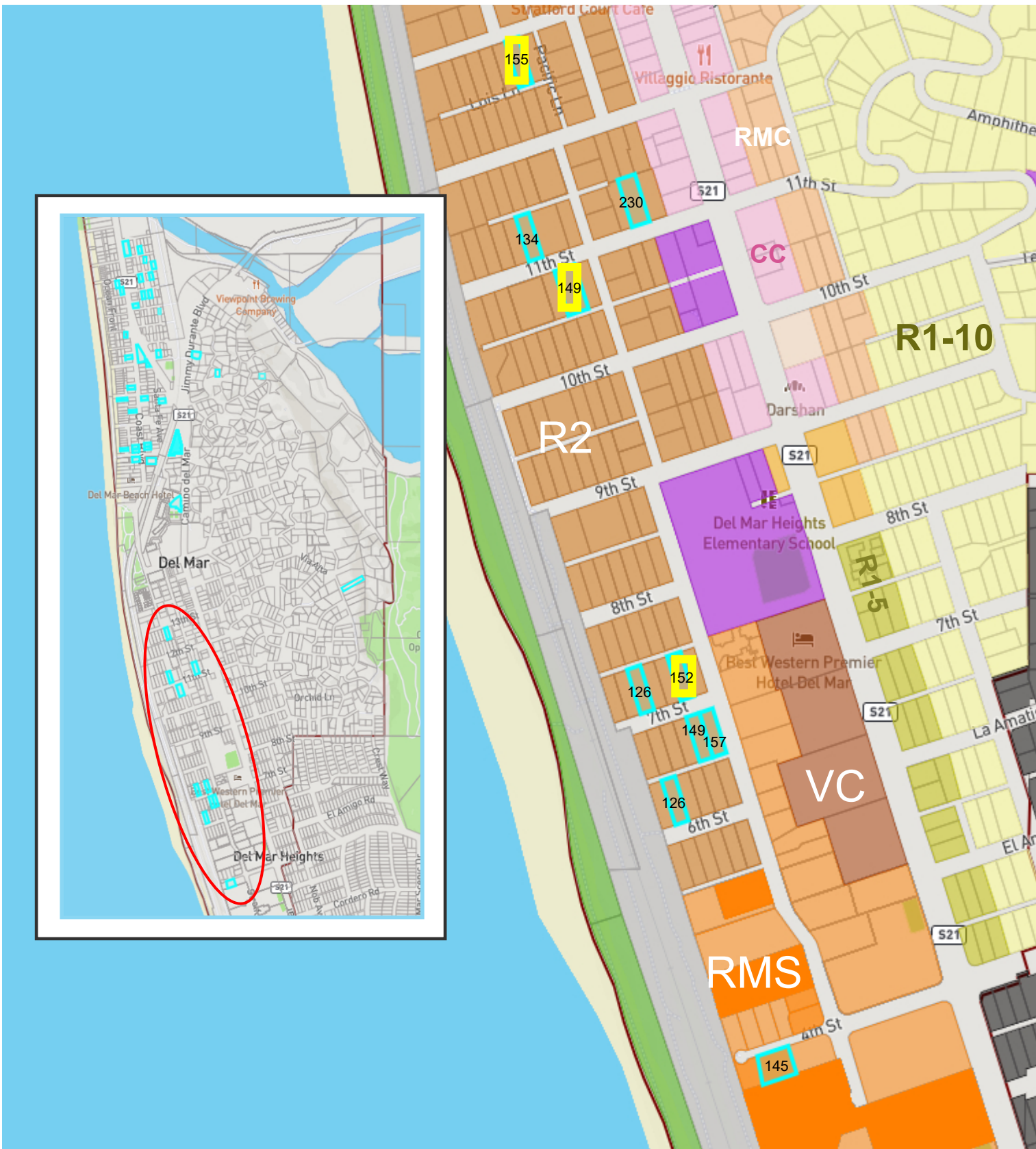
# City of Del Mar - North Beach Existing STR's



<p>1" = 451 ft</p>	<p>STR Total = 41</p>	<p> Short Term Rental</p> <p> Two Short Term Rentals on lot</p>	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

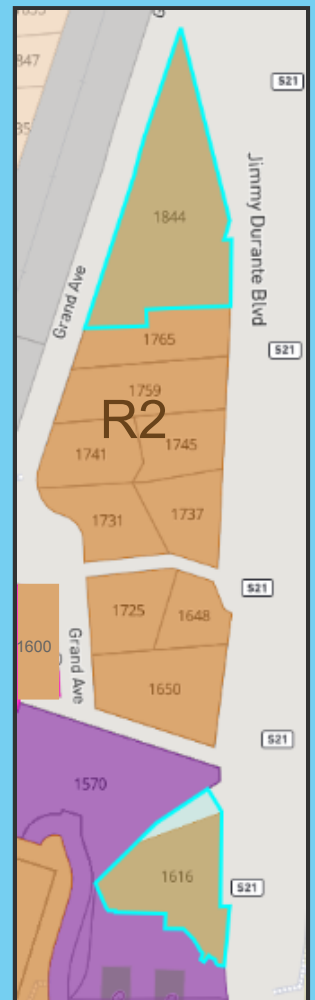
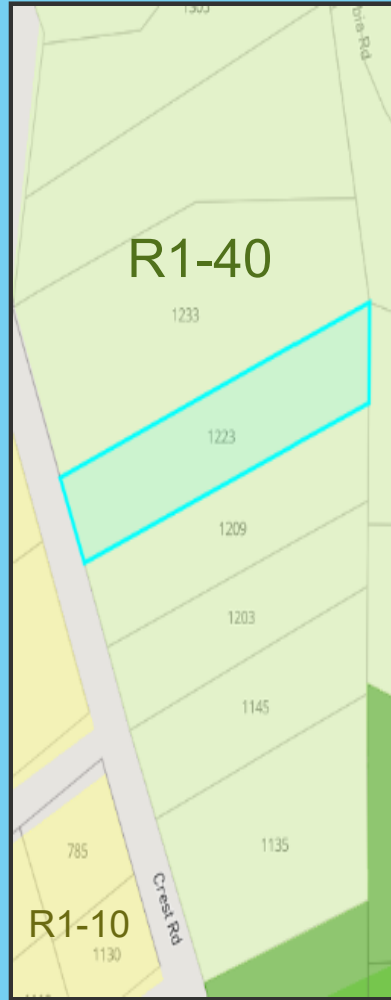
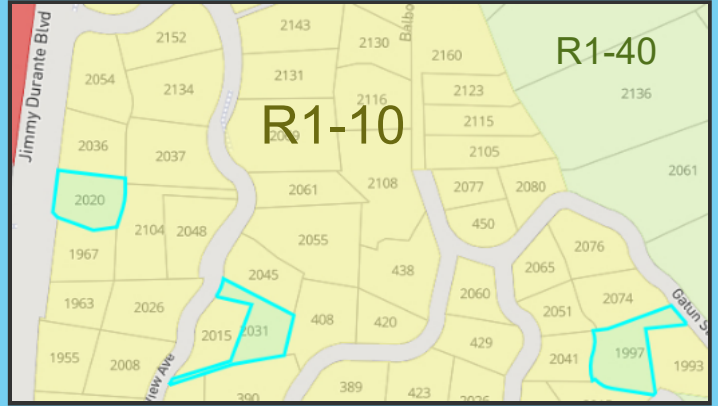
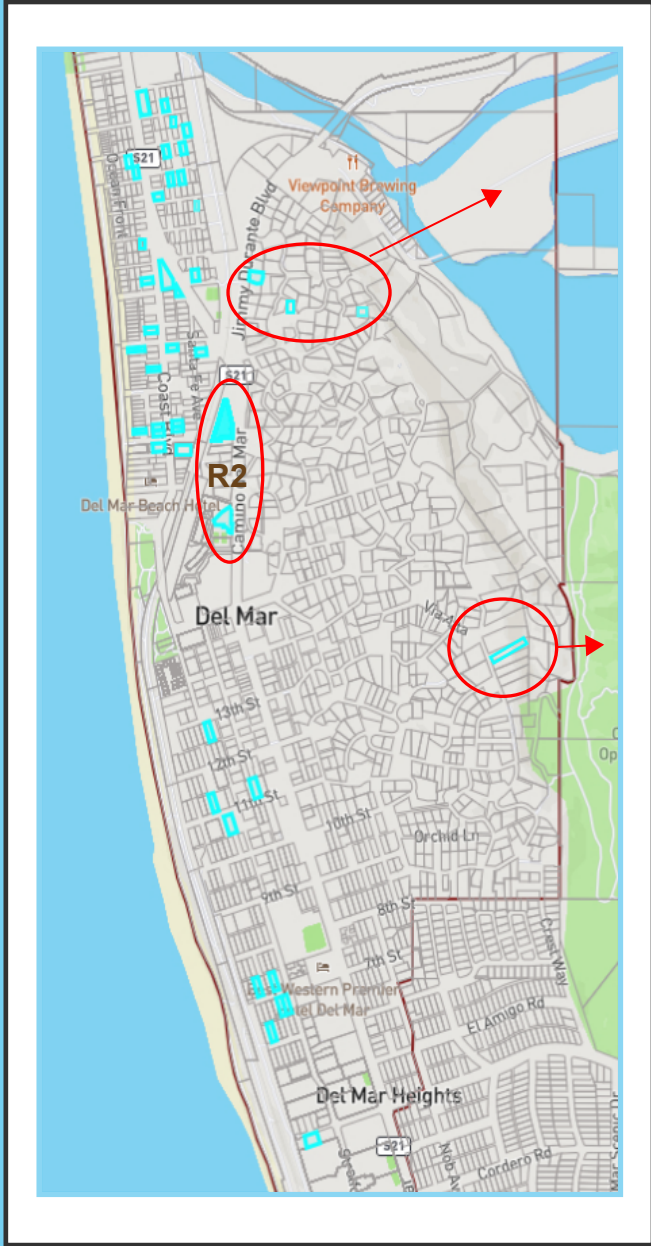
# City of Del Mar - South Bluff Existing STR's



<p>1" = 557 ft</p>	<p>STR Total = 13</p>	<p> Short Term Rental</p> <p> Two Short Term Rentals on lot</p>	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

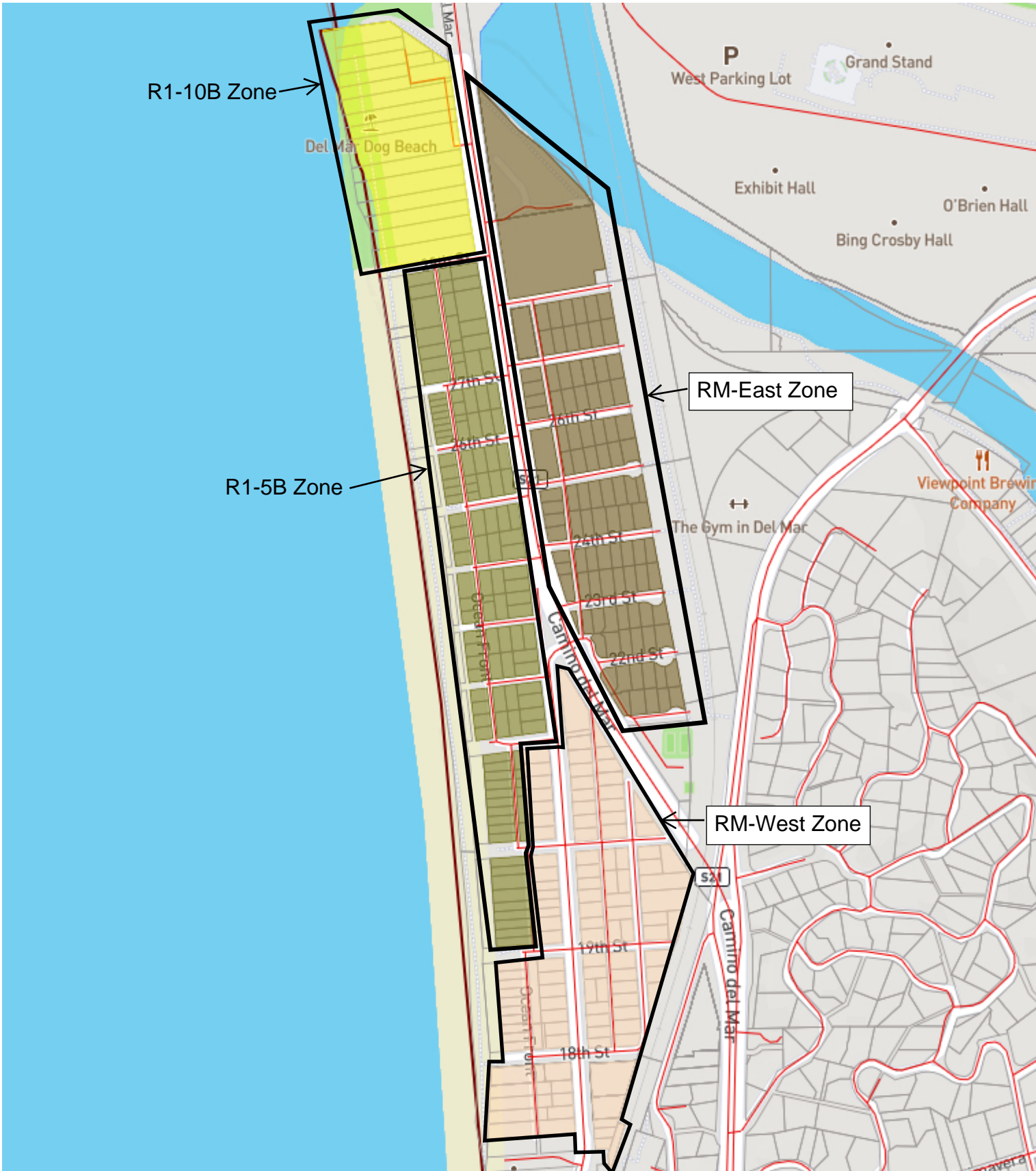
# City of Del Mar - Hills Existing STR's



1" = 236 ft	STR Total = 6	 Short Term Rental	
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This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

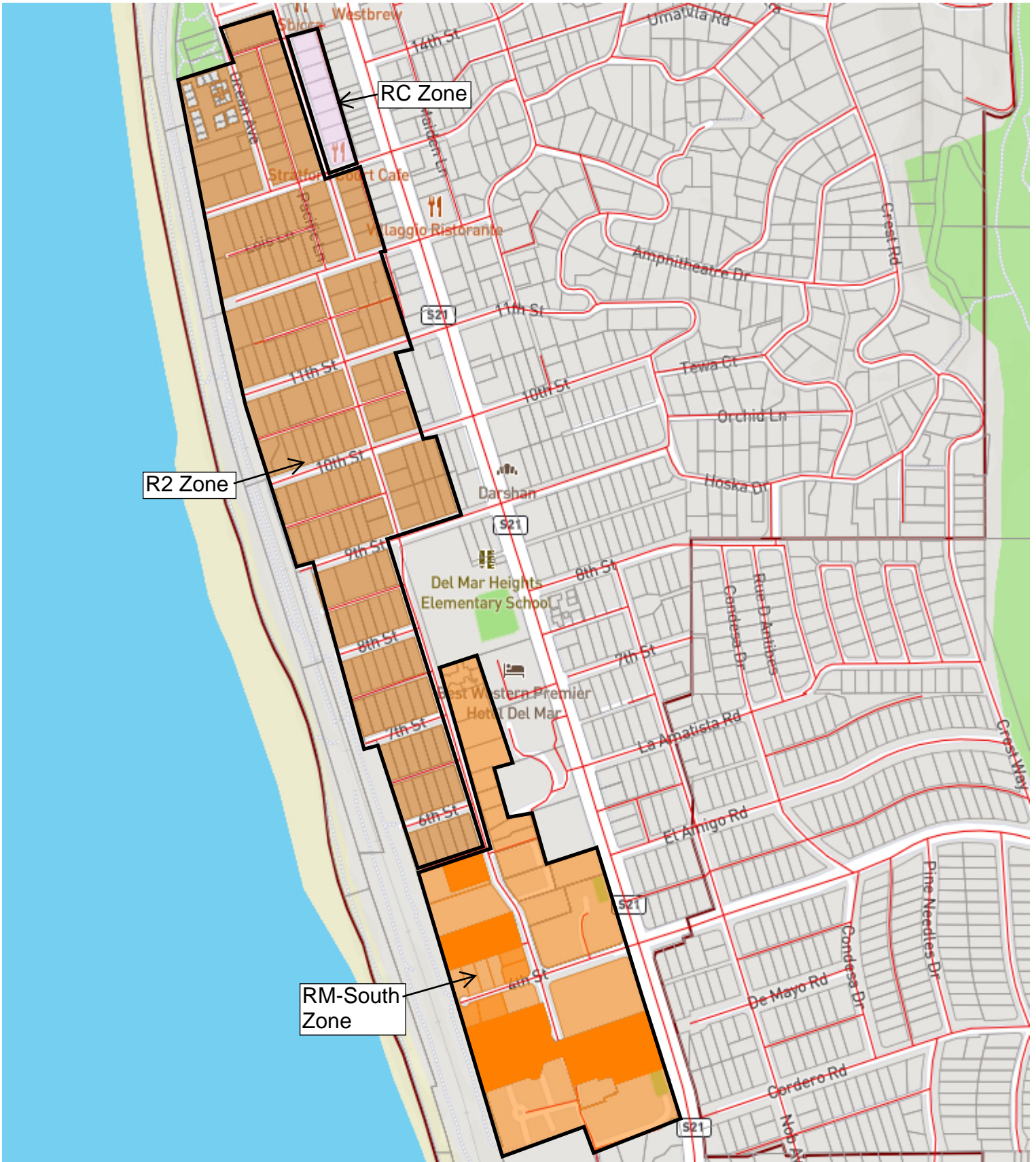
# North Beach Neighborhood



1" = 637 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# South Bluff Neighborhood



1" = 695 ft

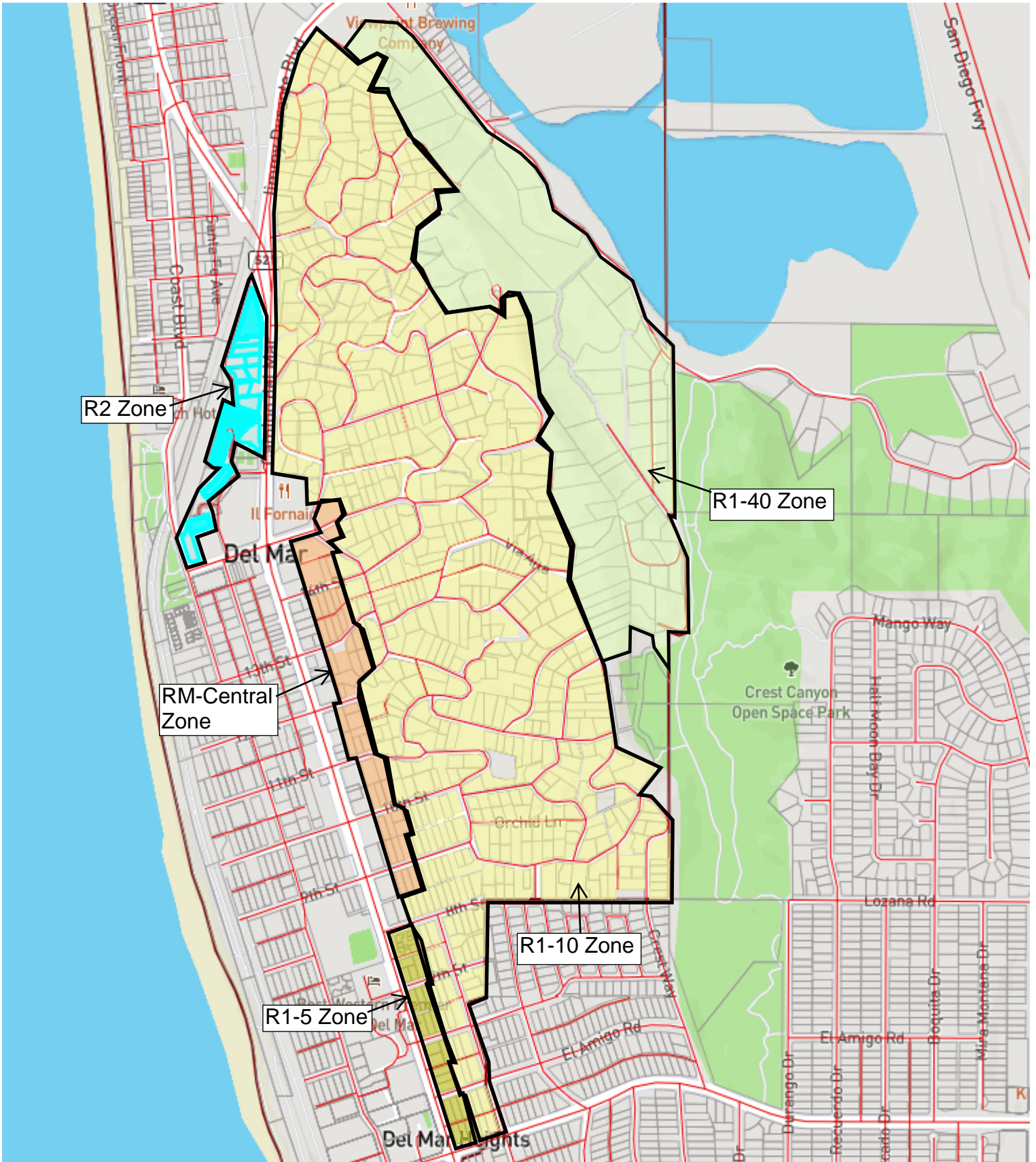
Sub Title

01/16/2024



This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

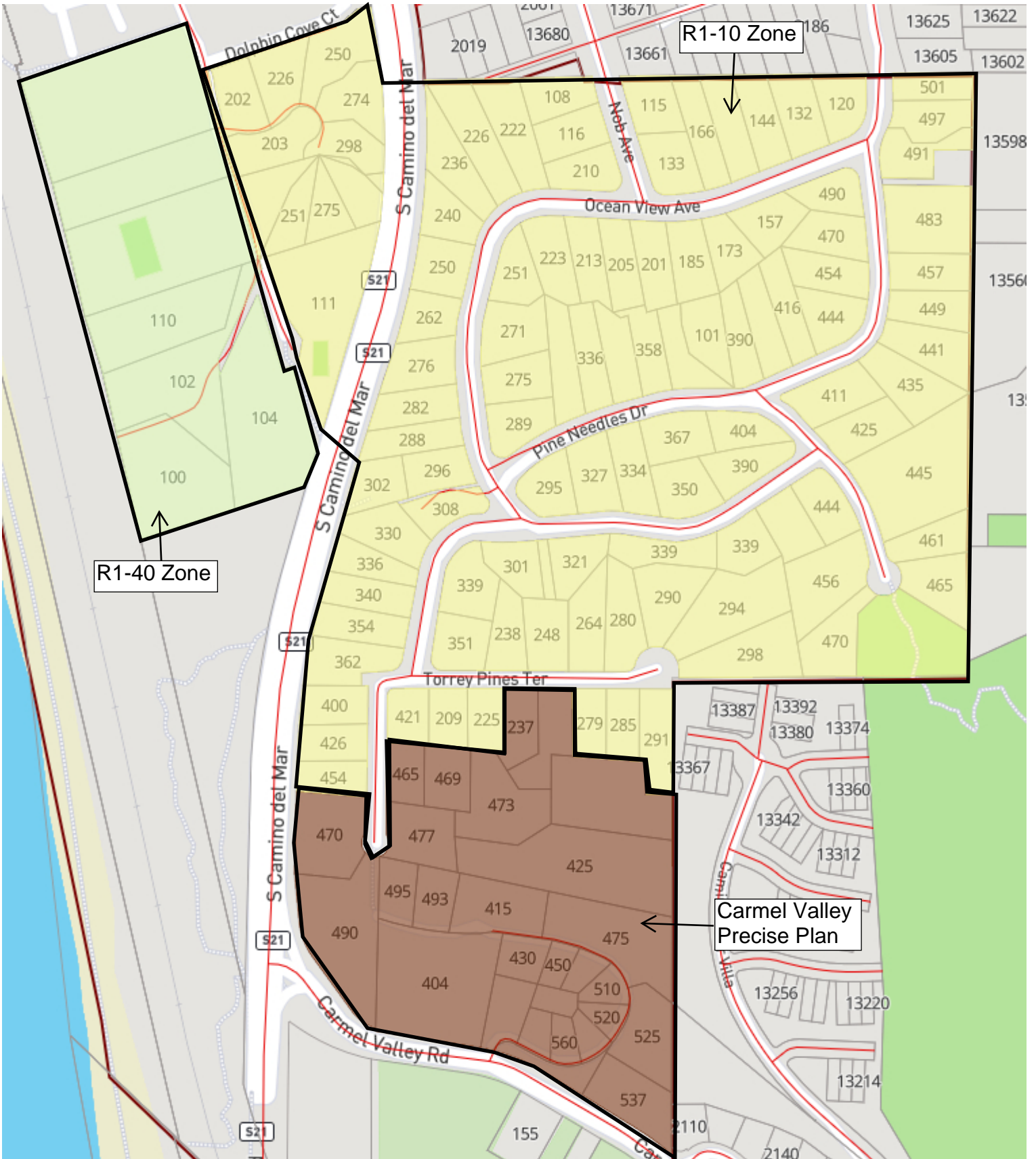
# North Hills Neighborhood



1" = 1112 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

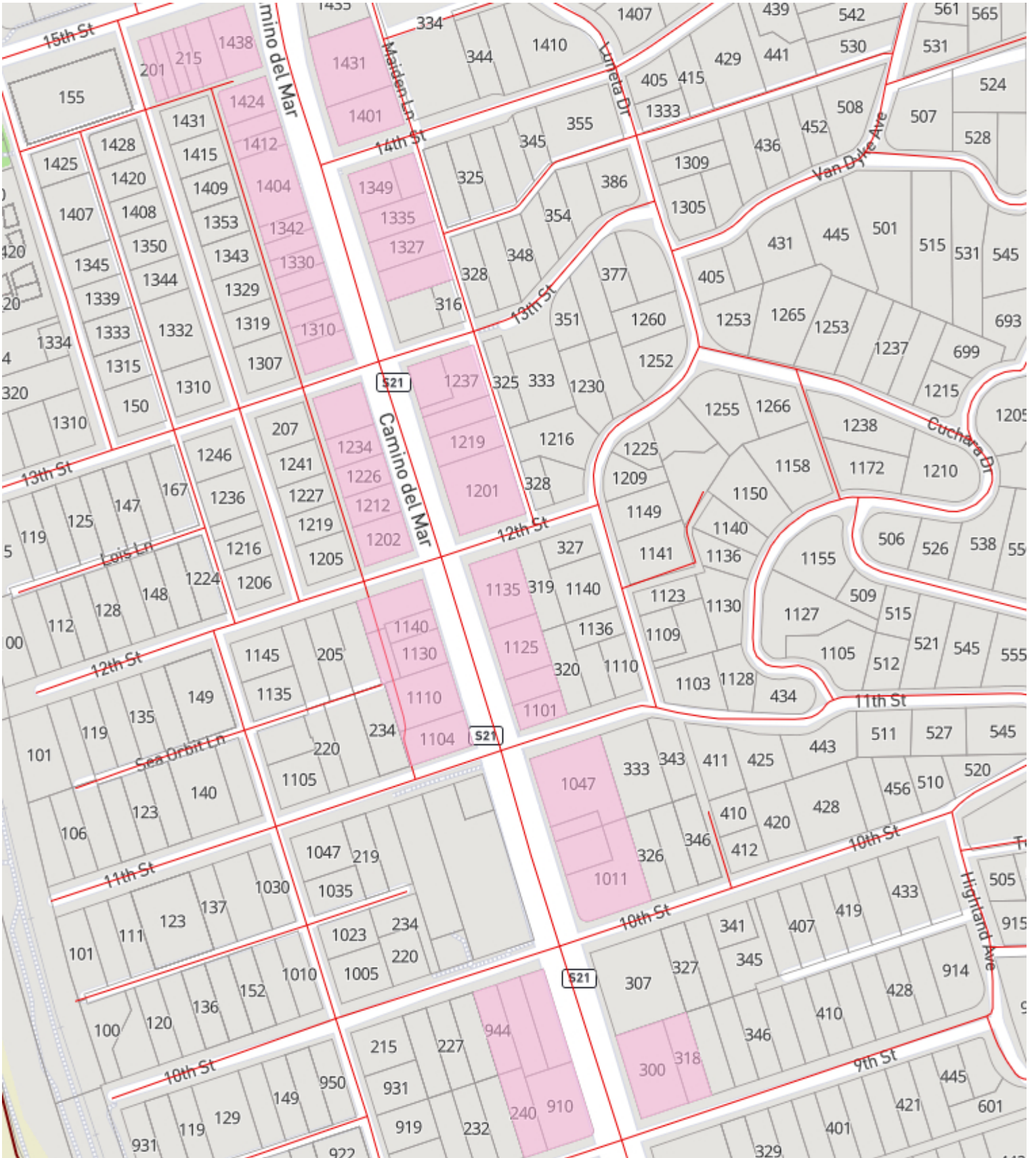
# South Hills Neighborhood



<p>1" = 351 ft</p>	<p>Sub Title</p>	<p>01/16/2024</p>	
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This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Properties in Central Commercial Zone



1" = 315 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

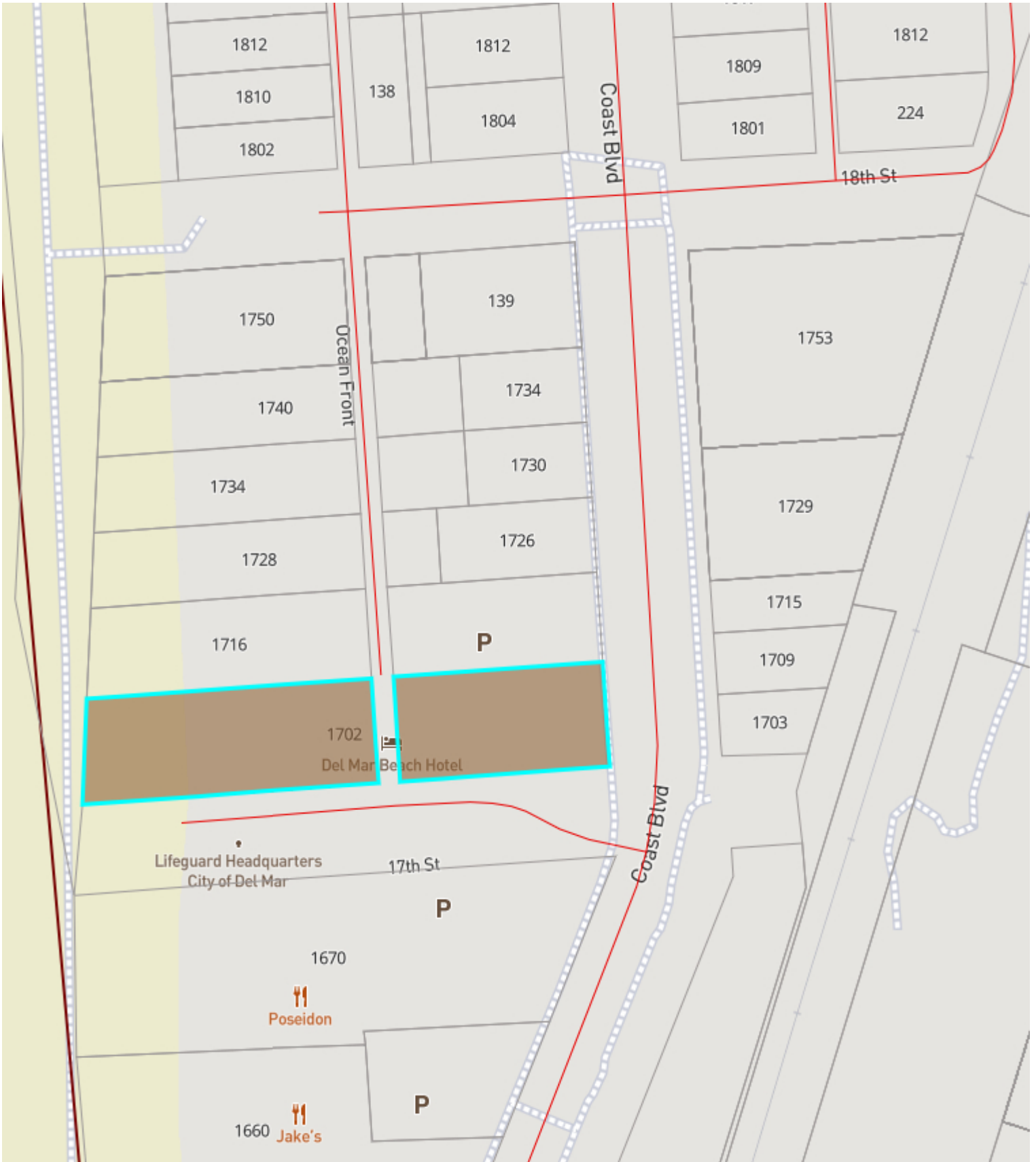
# Properties in Visitor Commercial (VC) Zone



1" = 142 ft	Sub Title	01/17/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Properties in Visitor Commercial - Beach



1" = 107 ft	Sub Title	01/17/2024	
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This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

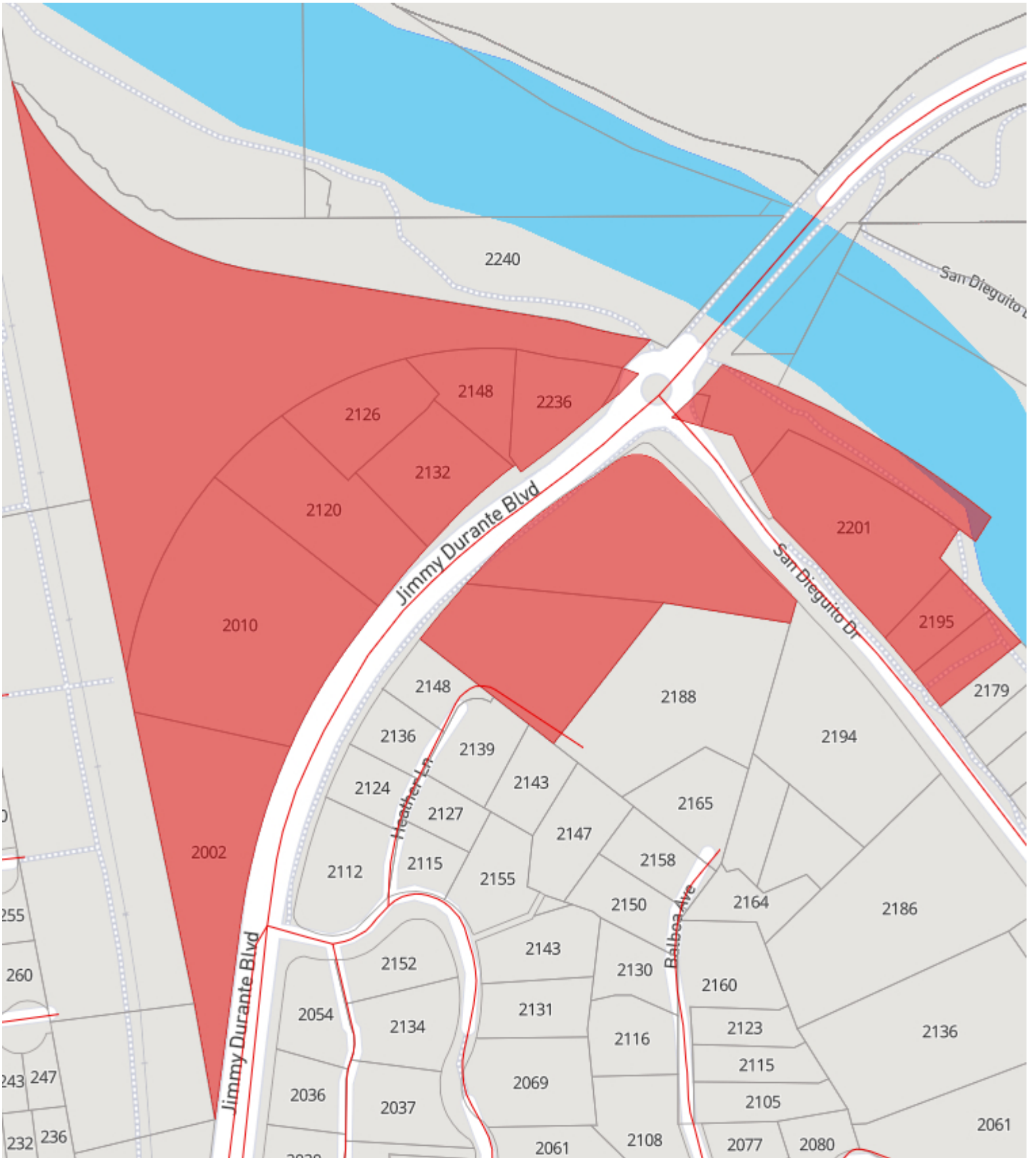
# 941 Camino del Mar Specific Plan



1" = 54 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Properties in North Commercial (NC) Zone



1" = 237 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Properties in Professional Commercial (PC) Zone



1" = 77 ft	Sub Title	01/16/2024	
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This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

# Properties in Residential Commercial (RC) Zone



1" = 90 ft	Sub Title	01/16/2024	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Jon Edelbrock, Community Services Director/Lifeguard Chief  
Sarah Krietor, Administrative Services Manager  
Via Ashley Jones, City Manager

DATE: January 22, 2024

SUBJECT: Proposed City Facilities Operations and Special Event Plan

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council: 1) Adopt the Resolution (Attachment A) approving an City Facilities Operations and Special Event Plan (Plan) (Exhibit A to Attachment A); and 2) Direct Mayor Druker and Deputy Mayor Gaasterland as the City Council Planning Subcommittee or another subcommittee of the Council to work with staff on additional updates to the Plan for City Council consideration at a future meeting.

DISCUSSION/ANALYSIS:

City facilities available for special events include the Powerhouse Community Center (Powerhouse), Del Mar Civic Center, and City beaches and parks. The City's standard practice has been to allow local, Del Mar-based non-profits free use of these facilities when they are available and with certain limitations. In addition to special events, City facilities and open spaces are used for official City functions, such as public meetings, community events, and public use.

On October 17, 2022, the City Council received a request from the non-profit organization WildCoast to be added to the list of local non-profits eligible to use City facilities which prompted a broader Council discussion of the City's current policies and practices related to the use of City facilities. Council consensus was for staff to bring an item back at a future meeting for the City Council to consider a comprehensive update to the City's facility use policies, including proposed updates to the list of eligible non-profits.

As a first step in the process, staff reviewed relevant background information and updated and merged existing facilities documents into one proposed City Facilities Operations and Special Event Plan (Plan) (Exhibit A to Attachment A). Staff focused its review on developing new proposed criteria for the City Council to evaluate whether to add an organization to the list of eligible non-profits in a clear and transparent way. Based on the recommended criteria, staff is proposing updates to the list for the Council's

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City Council Action:

consideration. Staff is also seeking feedback and direction on both the proposed criteria and any amendments to the list. Additionally, staff conducted an initial review of the events taking place at City facilities and the associated staff and budget impacts to help inform the analysis of the City's current practices.

#### Relevant Background

Council originally established facility regulations and fees for the Powerhouse in 1999 prior to the facility opening in January 2000. After evaluating demand for the facility, staff returned to City Council in September 2000 with a resolution amending fees and regulations. Major changes included eliminating fees for local Del Mar non-profits which was "intended to encourage more frequent use of the facility by community groups" and raising fees for private renters. The overall goals of the changes were to increase use of the facility by the public and to financially "break even" on the facility over time. Managing the facility was a new endeavor for Community Services Department staff who had previously only managed events at City parks and beaches.

On January 19, 2016, the Del Mar City Council adopted Resolution 2016-08 approving permits for the Del Mar Civic Center project. The resolution included a special condition that the Civic Center would not be available for use by private individuals or for-profit entities. It also required the City Council adopt a Civic Center Operations and Special Events Plan, which the Council did on March 19, 2018, in advance of moving into the new facility on May 29, 2018. The Civic Center Operations Plan included a list of non-profits eligible to use the facility free of charge. Council reviewed the Operations Plan in 2019 and added five non-profits to the list. The Civic Center Operations Plan has not been amended since.

The Community Services Department is now responsible for managing events at two facilities and City parks and beaches as well as overseeing the Lifeguard, Parking Enforcement, and Beach & Community patrol divisions. The department has one full-time Facilities Coordinator position dedicated to staffing events. The Community Services Department organization chart is included in this report as Attachment B. Since 2019, the department has been at capacity supporting events at the Powerhouse and Civic Center. As part of the Fiscal Year (FY) 2023-2024 budgeting process, City Council authorized the department to allocate funds to a part-time facilities position. Unfortunately, supporting events with seasonal staff has been unsuccessful due to schedule variability and constraints in the labor market.

#### City Facilities Operations and Special Event Plan

To streamline operations of public facilities, staff is proposing that the City Council adopt a Resolution (Attachment A) approving a City Facilities Operations and Special Event Plan that consolidates and standardizes procedures for special events at all City facilities and open spaces in one document. Consolidating guidelines into one plan will result in operational efficiencies for City staff, create consistent practices across facilities whenever possible, and provide clearer guidelines for the public.

The Plan includes all elements of the Civic Center Operations and Special Events Plan and Resolution 2016-08 that established the Civic Center's development entitlements including use of outdoor space, alcohol and noise regulations, restrictions on event types, and related regulations. The Plan also includes and updates pertinent information from Resolution 2009-46 that governs operations, regulations, and permitting for the Powerhouse Community Center as well as City Parks, beaches, preserves, and tennis courts.

*Proposed Non-Profit List Updates & Proposed Evaluation Criteria/Process*

Under the City's current policy, designated Del Mar non-profits are eligible to use the Del Mar Civic Center and Powerhouse Community Center free of charge and are given priority for use of the facility. Based on Council direction, staff has developed proposed criteria for evaluating the list of eligible non-profits based on the direct benefit they provide to the Del Mar community. Staff is seeking further direction from the City Council on the criteria for inclusion in the final adopted Plan.

*Del Mar Non-Profit (501c3):*

- *Del Mar based; and*
- *Del Mar community serving mission statement and/or mission statement that directly benefits or serves the Del Mar community.*

Based on the proposed criteria, staff recommends Council consider the following changes to the non-profit list shown in redline/strike out below. Staff has included a brief explanation for each change. The initial list of non-profits is taken from the Civic Center Operations and Special Event Plan approved by the City Council on September 30, 2019. Staff is seeking feedback from the City Council on the proposed changes to the non-profit list based on the Council directed criteria.

- ~~City and City Advisory Committees (City use falls under City sponsored use category in the plan; remove from non-profit section)~~
- Del Mar Foundation
- Del Mar Community Connections
- Del Mar Friends of the Library
- Del Mar Friends of the Powerhouse
- Del Mar Village Association
- Del Mar Historical Society
- Del Mar Garden Club
- ~~Friends of Del Mar Parks (no longer an active non-profit)~~
- Friends of the San Dieguito River Valley
- Del Mar Rotary Club (Special Events Only – Max 3/year)

- Del Mar Lifeguard Association
- ~~Del Mar Arts Center~~ (not a registered non-profit; not active in Del Mar)
- ~~San Dieguito River Conservancy~~ (not a Del Mar non-profit)
- ~~Nature and Culture International~~ (mission is not Del Mar focused)
- WildCoast (Del Mar based non-profit; mission includes lagoon research)

From time-to-time staff receives requests from groups to be added to the list. As such, staff is proposing an annual process for the City Council to receive and review requests for non-profits to be added to the list. Staff proposes that requests are submitted to the City Clerk who would review requests against the criteria and verify eligibility. The City Clerk’s analysis would then be provided to the City Council annually for consideration and approval. Amendments to the Plan would be processed in accordance with Council direction. If a request from a non-profit to be added to the list is considered time sensitive, two members of the City Council may direct staff to place the request on a City Council agenda in accordance with City Council Policy 301- Request by Members of City Council to Place an Item on a City Council Agenda.

Analysis of Current Special Events

As part of staff’s review of facility operations, the Community Services Department reviewed the number and types of events hosted at City facilities in 2023. The following table provides a breakdown of events by type for FY 2022-2023 and FY 2023-2024 (to date):

Event Type	Location	FY 23	FY 24*	Details
Non-profit Special Events	Town Hall	33	22*	Non-revenue
Non-profit Special Events	PHCC	23	4*	Mix of non-revenue and discounted revenue events (Del Mar and non-Del Mar)
Non-profit Community Events	Beach, Parks, PHCC	19	4*	Free of charge, non-revenue, concerts, beach clean-ups
Recreation Classes	PHCC	66	47*	Non-revenue
Private Events	PHCC, Parks, Beach, Streets	251	204*	Revenue generating private or commercial events
<b>Total:</b>		<b>392</b>	<b>281*</b>	

\*Event totals for FY 2023-2024 include July 1, 2023 through January 2024

Staff continues to be at capacity supporting the current number of events. While staff anticipates being able to support a similar number of events in 2024, staff is not able to support a higher volume of events with currently available resources. Further, staff is not

able to support the current number of simultaneous events at multiple facilities with because the City only has one full-time employee dedicated to events. To date, staff has only been able to support simultaneous events at multiple facilities by utilizing other seasonal and/or full-time staff from other department divisions such as parking enforcement, lifeguards and beach & community patrol, which has resulted in operational inefficiencies.

It is worth noting that the amount of staff time needed to support an event can vary substantially given the type of event. For example, a meeting style event during business hours requires little staff time (1 hour), while an evening concert or gala at the Civic Center may require up to 40 hours of cumulative staff time. On average, events at the Civic Center utilize an average of 25 hours of staff time from multiple positions in the Community Services Department, with tasks including pre-event planning with the host group, executing the Operations Permit, event set-up, staffing during the event, and post event cleaning. This represents approximately 66% more staff time than the average private special event (15 hours). Staff estimates that the budget impact of staffing non-profit special events at the Civic Center and Powerhouse Community Center is approximately \$75,000 annually based on FY 2023-2024 salaries. Of note, revenues generated from special events and open space permits this fiscal year are projected to be \$360,000 with \$492,430 in operating expenditures.

Additionally, City facilities are heavily utilized for City functions including public meetings, staff meetings, workshops, and intergovernmental functions that require staff time and resources. Private events at the Powerhouse and parks and beaches are revenue generating and typically require less staff time because private event vendors are required for most tasks and routinely used.

#### Next Steps

Given there is a high demand to host events of all kinds at City facilities and limited staff and budgetary resources to support these activities, staff recommends that the City Council direct the Council Planning Subcommittee or another subcommittee of the Council to work with staff to further review the City Facilities Operations and Special Event Plan and return to City Council at a future meeting with additional recommendations for City Council consideration.

Staff is specifically requesting the Council subcommittee work with staff to evaluate policy options to equitably allocate staff and budgetary resources to support the demand for both revenue and non-revenue generating events at City facilities. Some options to consider and provide feedback on include capping the number of events per year, limiting the types of events, limiting the number of events per non-profit, and considering whether additional staff or outside resources to support special events is needed. If Council approves this recommendation, staff would return with an updated proposed Plan later this year.

**FISCAL IMPACT:**

There is no fiscal impact associated with this agenda report.

**ENVIRONMENTAL IMPACT:**

The proposed City Council action does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

**NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:**

This is an operational item and not specifically related to the identified Council goals and priorities for FY 2023-2024.

**ATTACHMENT:**

Attachment A – Resolution Adopting the City Facilities Operations and Special Event Plan  
Exhibit A to Attachment A - City Facilities Operations and Special Event Plan including  
Exhibits A-C

Attachment B – Community Services Department Organization Chart

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A PLAN FOR OPERATIONS, SPECIAL EVENTS, AND USE OF DEL MAR PUBLIC FACILITIES RESCINDING AND REPLACING RESOLUTION 2009-46 AND THE CIVIC CENTER OPERATIONS AND SPECIAL EVENT PLAN

WHEREAS, in order to achieve a balance between the public and private use of the City of Del Mar's beach, parks, and facilities, it is necessary to enact rules, regulations, and fees for special events; and

WHEREAS, the City Council adopted Resolution 2009-46 on June 22, 2009, establishing fees and regulations for special events at the Powerhouse Community Center, beach, and parks and establishes guidelines for use of tennis courts and preserves; and

WHEREAS, on January 19, 2016, the City Council adopted Resolution 2016-08 approving permits for construction of the Civic Center project, which included a special condition that the City Council adopt a Civic Center Operations and Special Event Plan and that individuals and private entities be disallowed from using the facility; and

WHEREAS, on March 19, 2018, the City Council approved the Civic Center Operations and Special Event Plan, which was amended by the Council on September 30, 2019; and

WHEREAS, on July 6, 2020, the City Council adopted Resolution 2020-36 adopting a City of Del Mar Fee Schedule, which included a recital suspending Resolution 2009-46 related facility rental fees; and

WHEREAS, on October 17, 2022, City Council directed staff to look at the non-profit City facility use policy in a broader way and to bring the item back at a future meeting for City Council to consider a comprehensive update to the policy, including proposed updates to the eligible non-profits list; and

WHEREAS, the City Council has reviewed and wishes to adopt a Plan for Operations, Special Events, and Use of Del Mar Public Facilities at their regular meeting on January 22, 2024; and

WHEREAS, the City Council desires to maintain all facility rental fees in the City of Del Mar Fee Schedule and to maintain a list of non-profits eligible to use City facilities free of charge Plan for Operations, Special Events, and Use of Del Mar Public Facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, as follows:

1. Resolution 2009-46 is hereby rescinded and replaced by the Plan for Operations, Special Events, and Use of Del Mar Public Facilities.
2. Resolution 2016-08 approving permits for the Civic Center projects adopted by the City Council on January 19, 2016, remains in effect.

3. The Del Mar Civic Center Operations and Special Event Plan approved by the City Council on March 19, 2018, amended September 30, 2019, is hereby repealed and replaced by the Plan for Operations, Special Events, and Use of Del Mar Public Facilities, which is included as Exhibit A to this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 22nd day of January 2024.

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Dave Druker, Mayor  
City of Del Mar

APPROVED AS TO FORM:

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Leslie E. Devaney, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2024-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 22<sup>nd</sup> January, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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Sarah Krietor, Administrative Services  
Manager/City Clerk  
City of Del Mar

## City of Del Mar

### Plan for Operations, Special Events, and Use of Del Mar Public Facilities

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#### **SECTION 1 – PURPOSE**

- A. The lands and facilities under the control and ownership of the City of Del Mar represent a diversity of resources available for the use and enjoyment of all citizens.
- B. The public lands differ substantially in physical and ecological character, so that appropriate uses vary from low volume, passive activity in the preserves and parks to a higher volume activity at the beach and tennis courts.
- C. The following policies and regulations have been formulated in order to ensure optimal and equitable use of all lands and facilities consistent with the special character of each site. Exceptions to these regulations may be made by the City Manager or by appeal to the City Council. The City of Del Mar possesses the right to restrict individuals or groups the privileges to use these lands and facilities if their behavior is not in compliance with the regulations herein stated.
- D. The City attempts to accommodate all groups; however, there is a limited number of facilities and limited staff resources available to support events. Unfortunately, the demand exceeds the supply. For that reason, a priority system for all City facilities for use, unless otherwise directed for the specific facility, is as follows:
  1. City-sponsored or co-sponsored events;
  2. Del Mar Non-Profit (501c3) including;
    - Del Mar Foundation
    - Del Mar Community Connections
    - Del Mar Friends of the Library
    - Del Mar Friends of the Powerhouse
    - Del Mar Village Association
    - Del Mar Historical Society
    - Del Mar Garden Club
    - Friends of the San Dieguito River Valley
    - Del Mar Rotary Club (Special Events Only – Max 3/year)
    - Del Mar Lifeguard Association
    - WildCoast

Additional City 501(c)(3) or non-profit community organizations will be considered annually upon request of the non-profit(s). Requests will be submitted to the City Clerk and reviewed against the criteria. Requests from non-profits along with staff's analysis will be presented to the City Council for consideration. If a request from a non-profit to be added to the list is considered time sensitive, two members of the City Council may direct staff to place the request on a City Council agenda in accordance with City Council Policy 301- Request by Members of City Council to Place an Item on a City Council Agenda. Approved organizations must meet the following conditions to be considered and remain active:

- Del Mar based and;
- Del Mar community serving mission statement or mission statement that directly benefits the community.

3. Non-Del Mar Non-Profit Organizations (501c3)(No Civic Center use);
4. City of Del Mar resident (or next of kin) group events (No Civic Center use);
5. Public elementary or high school service clubs, sport clubs, or team-related events with direct intra-district draw from Del Mar including the following schools (No Civic Center use):
  - Del Mar Hills Elementary
  - Del Mar Heights Elementary
  - Earl Warren Junior High School
  - Carmel Valley Junior High School
  - Torrey Pines High School
  - Canyon Crest High School
  - San Dieguito High School
6. Any other group(s) (No Civic Center use)

## **SECTION 2 - PUBLIC PROPERTY WITHIN THE CITY OF DEL MAR'S JURISDICTION**

Property included within the scope of this Plan shall be:

1. Civic Center
2. Powerhouse Community Center
3. Beach Area
4. Powerhouse Park
5. Seagrove Park
6. Shores Park
7. Preserves
  - a. James Scripps Bluffs Preserve
  - b. Del Mar Canyon Preserve
  - c. Crest Canyon
  - d. San Dieguito Lagoon
8. Tennis Courts:
9. Court Street
10. All City Streets and Rights-of-Way

## **SECTION 3 - GUIDELINES FOR USE OF PUBLIC LANDS AND FACILITIES**

The following provisions of the Del Mar Municipal Code pertain to the use of public land and facilities. All persons who are issued a permit to use public land and facilities are responsible for the observance of these rules by attendees at the permitted events.

1. Chapter 4.08      Animals on the Beach and in Parks
2. Chapter 6.20      Commercial Filming
3. Chapter 6.48      Commercial Use of Public Property
4. Chapter 6.52      Large Assemblages
5. Chapter 8          Beaches, Waterways, and Parks
6. Chapter 9          Public Safety, Peace and Welfare
7. Chapter 11.16      Handbills
8. Chapter 11.24      Litter Control
9. Chapter 14.50      Skateboards

## **SECTION 4 - GENERAL GUIDELINES & FEES FOR USE OF THE POWERHOUSE COMMUNITY CENTER**

The Facility Use Application for the Powerhouse Community Center outlines the parameters for events at this location.

1. Depending on availability, the Powerhouse Community Center may be rented on an hourly basis with a three (3) hour minimum charge for rental according to the City of Del Mar User Fee Schedule which is updated annually.
2. Del Mar non-profits designated in Section 1(D)(2) may be permitted to use the Powerhouse Community Center free of charge Monday-Thursday.

## **SECTION 5- GENERAL GUIDELINES FOR USE OF PRESERVES**

Park preserves are established for the protection of scenic areas and geological formations which help create and contribute to the special environment of Del Mar. They are fragile areas and are best enjoyed visually. Use of these preserves is intended to be casual and passive. Group use is discouraged. Permits for educational use may be granted, providing that the applicant's use will be consistent with the purpose of the preserve and will not result in degradation of the natural characteristics which the preserve was intended to protect.

## **SECTION 6- GENERAL GUIDELINES FOR USE OF TENNIS COURTS**

1. Municipal tennis court facilities are open to all members of the general public at no charge.
2. Tennis shoes must be worn at all times.
3. The courts are to be used only for tennis, i.e., no skateboards, roller skates, or other wheeled vehicles allowed (accessibility devices, okay).
4. Use of the tennis courts shall be on a first come first serve basis. When all tennis courts at a facility are in use and other players are waiting to play, the following set and time limits shall be in effect: one set of singles, two sets of doubles, or one hour of playing time, whichever occurs first (includes practice play and warm-up).
5. At all the facilities, tennis play shall be continuous and courts may not be held at any time by leaving rackets or other personal articles on the courts.
6. All tennis tournaments conducted on the municipal tennis facilities must have prior approval from the Del Mar City Manager or their designee.
7. Dogs are not permitted on the tennis courts (service dogs are allowed).
8. Per Del Mar Municipal Code 5.32.010 and 3.02.030 private lessons, or other commercial activity, whether for profit or not, is strictly prohibited and subject to fines upwards of \$1,000 per day, per violation.

## **SECTION 7 - FACILITY USE PERMIT PROCEDURES**

Unless specified, provisions in this section apply to all public facilities including the Civic Center and Powerhouse Community Center.

### **A. General Regulations**

1. For activities on public facilities expected to involve a group of more than 24 individuals, or for any event with vendor presence or conduct of business operations on public facilities, a Facility Use Permit is required. If there is an individual operating or promoting a business or enterprise on public space, a Facility Use Permit, Certificate of Insurance, and Del Mar Business License are required. This permit is required for the use of public buildings and spaces, regardless of the number of individuals involved.
2. Individuals in a group must comply with the guidelines aforementioned.

3. Fees may be charged to participate in group event/activities by organizer/representative only to cover the costs of holding the event. Contributions may be accepted by non-profit organizations.
4. Group organizer/representative must follow reservation procedure defined in this Plan.
5. Rules related to catering and alcohol will be the same for all City facilities and in accordance with Alcohol and Beverage Control guidelines.
6. Caterers must have adequate insurance and a City of Del Mar business license, as well as complete a kitchen and facility orientation with City staff prior to using the Civic Center or Powerhouse Community Center Kitchen facilities.

**B. Issuance of Permit**

1. All permit applications for private or non-profit events must be submitted to the Community Services Department in accordance with the deadlines for Minor (Section F), Moderate (Section G) and Major (Section H). Applications are subject to the review and approval of the Community Services Director, as designated by the City Manager.
2. The application will be considered by the City Manager or their designee.
3. Applications will be considered on a first-come, first-served basis.
4. A permit will be issued only to a group's designated organizer/representative 18 years of age or older. Such persons will be responsible for participating minors. At least one adult per fifteen minors must be present during the entire event.
5. Use of public facilities will be limited to the hours between 7 a.m. and 10 p.m. unless otherwise permitted by the City Manager. Use of the Powerhouse Community Center shall be limited to the hours between 12 p.m. and 11 p.m., Friday – Sunday; and the hours of 3 p.m. and 11 p.m., Monday – Thursday.
6. Use of facilities will be limited to the time specified on the permit. This includes time for preparation and clean up.
7. The City Manager or their designee may cancel an approved application for any reason deemed necessary in the public interest. No liability will be incurred by the City for such termination. A rebate of deposits may be made.
8. No permit shall be required under this Plan for any event sponsored or co-sponsored by the City of Del Mar.

**C. Reconsideration of Application**

The City Manager or his/her designee may reconsider all or part of an application for a permit upon request of the applicant.

**D. Fees**

1. A fee shall be collected upon application for a facility use permit based on event type and are designated in the City's fee schedule. If an application is denied, all or a portion of the fee may be refunded. Only the amount equaling actual cost to the City will be retained.

2. Cancellation fees apply when an event is cancelled by the applicant for any reason. One half (50%) of the permit fee deposit will be refunded when notice is given in writing to the Community Services Department no later than ninety (90) days of the event.
3. An optional Cleaning Fee or Set-up Fee in the amount of \$150.00 each may be available for Powerhouse Community Center or Civic Center events. Alternatively, the applicant is responsible for setting up and cleaning the facility immediately after the event.
4. For any event with vendor presence, fees apply regardless of the number of people present.
5. Damage and clean up deposit may be required for group activities.
6. Applicants may be required to post a deposit of \$800 dollars based on event type, which may be refunded. For moderate or high hazard activities, the Community Services Department may set a deposit of greater than \$800.
7. Deposits will be determined at the time of permit review by the Community Services Director, City Manager or their designee. It will then be decided if more deposit is deemed necessary.
8. Deposits are payable to the City of Del Mar.
9. Permittees will be charged for necessary clean up, damage repair, and any unpaid hours of use. Excess deposit will be refunded. Costs exceeding deposit will be billed.

**E. Special Events Insurance is Required**

The purpose of insurance is to protect City property from damages and save and hold the City of Del Mar and/or their employees free and harmless from any loss, claim, and liability of damages and/or injuries to persons and property that is in any way caused by applicant's use or occupancy of City facilities.

**F. Minor Event for Powerhouse Park and the Beach (25-99 people)**

Definition: Any activity for a group of 25-99 people that does not add special burden on city personnel, resources, services, facilities, traffic circulation, or impacts upon the community and/or its citizens.

Event Fees: Event fees are set by the City fee schedule:

<https://www.delmar.ca.us/818/City-Fee-Schedules>

Application: A completed application must be submitted for a minor event. Applications should be submitted no less than thirty (30) days prior to the event.

Applications will be accepted up to two (2) years in advance.

Insurance: Insurance is not required for minor events. At the discretion of the Community Services Director, minor events which pose significant safety risks may be subject to insurance requirements based on risk factors. (See Section I). If the event includes any kind of vendor-presence (i.e. caterer, event coordinator, etc.), the vendor is required to submit insurance naming the City of Del Mar as an additional insured.

Approval: Final approval will be given by the Community Services Director or as designated by the City Manager.

Limits: Limited to no more than one (1) event per weekday and one (1) event per weekend day in Powerhouse Park and Seagrove Park.  
No more than three (3) minor events per day on the beach.  
None if MODERATE or MAJOR event is scheduled.

### **G. Moderate Event for Powerhouse Park and the Beach (100-199 people)**

Definition: An activity which entails 100-199 participants which significantly affects city personnel, resources, services, facilities, traffic circulation or impacts upon the community and/or its citizens and/or when alcohol is served.

Event Fees: Event fees are set by the City fee schedule:

<https://www.delmar.ca.us/818/City-Fee-Schedules>

Events will be monitored as determined by staff.

The applicant will be responsible for cost recovery of monitoring the event.

Application: A completed application must be submitted for a moderate event. Applications should be submitted no less than sixty (60) days prior to the event.

Applications will be accepted up to two (2) years in advance.

Insurance: Depending on risk factors, insurance limits ranging from \$1 Million to \$5 Million dollars may be required.

Approval: Final approval will be given by the Community Services Director or as designated by the City Manager.

Limits: Only one (1) moderate event per week in park areas and three (3) events per week on beach. None if minor or major event is scheduled.

Parking: A parking plan may be required for moderate events.

### **H. Major Event for Powerhouse Park and the Beach (200 or more people)**

Definition: An activity which entails 200 or more participants which significantly affects city personnel, resources, services, facilities, traffic circulation or impacts upon the community and/or its residents.

Event Fees: Event fees are set by the City fee schedule:

<https://www.delmar.ca.us/818/City-Fee-Schedules>

A damage deposit fee may be required. Events will be monitored as determined by staff. The applicant will be responsible for cost recovery of monitoring event.

Additional fees for city monitoring and higher liability amounts will be imposed on the applicant if it appears the city will have substantial safety, traffic, and parking impacts, and to recover other costs.

Application: A letter of intent with a description may be filed with the Community Services Department two (2) years in advance.

A completed application must be submitted for a major event. Applications should be submitted no less than ninety (90) days prior to the event.

- Insurance: Insurance is required for all major events. Insurance limits range from \$1 Million to \$5 Million dollars depending on risk factors.
- Parking: A parking plan will be required.
- Approval: All major events will be approved by the Departments of Community Services, Fire, Sheriffs, Public Works, and final approval will be given by the City Manager.
- Limits: Only twelve (12) major events per year. No major events on weekends if minor or moderate event is scheduled unless approval is given by City Manager or his/her designee.

## **I. Risk Categories for Major Events**

- Low Risk: Required to obtain a \$1 Million-dollar liability policy. A large passive event such as a symphony or sedate concert would require this liability amount.
- Moderate Risk: Required to obtain a \$2 Million-dollar liability policy. Bicycle Tours, Parades, Walks, Runs, or Surf Contests, etc., would require this liability amount.
- High Risk: Required to obtain a \$3 Million-dollar liability policy. Street races of all kinds would require this liability amount.
- Extremely High: Required to obtain a \$5 Million-dollar liability policy. This would include street races with over 1,000 participants, movie production with stunts, parachutists, or similar high-risk activities.

## **J. Insurance and Business License Requirements for Special Events**

- Minor Event: Any event of size or scope with vendor presence or significant risk-based activities shall require insurance naming the City of Del Mar as the additional insured in the amount of \$1,000,000. All vendors must have valid City of Del Mar Business License.
- Moderate Event: Weddings, receptions, or other passive social gatherings with alcohol service shall require a certificate of insurance with Liquor Liability naming the City as additional insured in the amount of \$1,000,000.
- Weddings, receptions, or other passive social gatherings with vendor presence with shall require a certificate of insurance naming the City of Del Mar as the additional insured in the amount of \$1,000,000. Those events without vendor presence or significant risk-based activities shall not require insurance. All vendors must have valid City of Del Mar Business License.
- Major Event: Insurance is required for all major events. Insurance limits range from \$1 Million to \$5 Million dollars depending on risk factors. Organized active events such as, but not limited to, walking, jogging, running, or bicycling events which utilize city streets or right-of-ways shall require a certificate of insurance naming the City as additional insured in the amount of \$5 Million dollars. All vendors must have valid City of Del Mar Business License.

## **SECTION 8 - CIVIC CENTER SPECIAL EVENTS PLAN**

### **A. Definition of Civic Center Special Events**

1. Uses allowed in the City Hall, Town Hall, and TV Studio facilities are not considered “special events.” This includes City office use (24 hours per day/7 days per week); meeting room use for City business, hearings, meetings, staff trainings, workshops and any other operational City activities; meeting room use for Del Mar community serving non-profits during City Hall business hours (when available); fitness classes; Del Mar TV use; Farmers Market; parking for on-site uses and the public, including in-lieu parking; and use of the site as an Emergency Operations Center.
2. Other activities are considered special events.

## **B. Allowed Special Event Users**

Special events may be City sponsored or co-sponsored or may be hosted by a designated Del Mar non-profit listed in Section 1(D)(2) of this Plan. Special events hosted by individuals, for-profit entities, or any other groups are not permitted at the Civic Center.

## **C. Parameters of the Special Events Plan for the Civic Center**

1. All activities on the Civic Center site, including special events, shall comply with existing Del Mar Municipal Code requirements including but not limited to those specified in Section 3(A) of this Plan and the uses defined by the Public Facilities zoning.
2. All activities on the Civic Center site, including special events, shall comply with the parameters used for the Environmental Impact Report (EIR) analysis.
3. No buildings or outdoor areas will be available for special event use by private individuals or for-profit organizations.
4. Activities with less than 25 people, that are not a business or for-profit activity, do not require a special event permit.
5. Outdoor events will be limited to the Town Hall Commons, Entry Garden, the Ocean View Terrace, and lower surface parking lot areas. The Town Hall Overlook will not be used for special events. Town Hall Terrace will not be used for special events with the exception of access to the kitchen. The lower surface parking lot could be used for reasonable community events that could be considered by the City Council in the future on a case-by-case basis.

## **D. Event Size**

1. Special event permits will be required for non-City sponsored events with 25 or more attendees, consistent with the current process for special events at all City facilities, parks, and the beach.
2. Events with greater than 250 anticipated attendees must be approved by the City Council.
3. Up to four large events will be allowed to function under one umbrella Permit (one per quarter) per year.

4. Four large events will be allowed during the year (one per quarter). Additional large events may be considered by the City Manager, subject to final approval by the City Council.
5. Examples of permissible types of events include music events, art shows, lectures, food tasting events, galas or benefit dinners for allowed community groups.
6. Reservation availability will be scheduled based on availability to coordinate around the schedule for City operations, available staffing, and resources.

#### **E. Event Hours**

1. No outside use for special events will be allowed after 10 p.m.
2. Indoor special event activities must end by 10 p.m. Clean-up must start promptly at 10 p.m. All noise generating activity for an event must end by 10p.m. (except clean-up activity).

#### **F. Noise and Music**

1. Any activity on the site (indoors and outdoors) would require compliance with the City's noise regulations identified in Del Mar Municipal Code Chapter 9.20 (Exhibit A). All amplified music (sound) will comply with the guidelines in the EIR, including the placement and direction of speakers.
2. Outside amplified music (sound) will only be allowed on the Town Commons (Plaza). No amplified music shall be allowed on the Ocean View Terrace, Entry Garden, Town Hall Overlook, or Town Hall Terrace, with the exception of the lower parking lot for the Farmers Market.
3. No amplified music shall be allowed outdoors after 10 p.m.

#### **G. Traffic Control Plan**

1. A traffic control plan will be required for events anticipated to have more than 250 attendees (and may be required for smaller events as part of a permit).
2. The traffic control plan is adaptable to various circumstances allowing for consistency, expediency, and cost-effectiveness. The traffic control plan includes a combination of signage and certified trained traffic control personnel depending upon the circumstances.
3. Costs for implementation of the traffic control plan will be paid for by the event host entity.

#### **H. Special Event Fees**

The City Council has set forth that it does not intend to charge approved community groups for use of the meeting spaces or to host special events.

#### **I. Special Event Staffing**

1. A paid City staff member, familiar with the facility, will be on-site during events while events are in progress, to ensure activities go smoothly, permit requirements and safety procedures are followed, and to lock the facility at the conclusion of the event.
2. A staff person will also need to be available to coordinate activities in advance.
3. Use of the City A/V equipment is limited to those trained on use of the equipment. Use of the City soundboard and special event audio equipment is limited to trained professionals approved by the City. Set up and break down of soundboard and special event equipment is the responsibility of the event organizer. Permittees are responsible for setup and breakdown of A/V equipment.
4. Reservations and permitting shall be facilitated by the Community Services Department.

#### **J. Farmers Market**

The Farmers Market operates each Saturday, year-round, in the Town Hall Commons and lower surface parking lot areas. Conditions of operation are defined through an operations permit and use agreement between the City and Farmers Market operators.

### **SECTION 9 - CIVIC CENTER OPERATIONS PLAN**

#### **A. Plaza and Town Hall Overlook Operations**

1. Day-to-Day Use: Hours of Use: 7 a.m. to 10 p.m. (Same as Powerhouse Park)

Use of the Civic Center Plaza and Town Hall Overlook is for passive activities only. Passive use refers to conversation, reading, relaxing, light stretching and exercise, and eating. Areas of the Plaza may be reserved for limited special events in accordance with the Special Event Plan.

(a) Uses that are Not Allowed:

1. Smoking
2. Fires of any kind, including Tiki torches
3. Canopies set-up by private individuals
4. Off-leash dogs
5. Dogs on artificial turf
6. Inflatable jumps, slides, or bounce houses
7. Commercial activities, unless approved through an Operations Permit
8. Amplified music (See section 8(F) above)

(b) Exceptions to these limitations identified above may be considered by the City Council or through an Operations Permit.

#### **B. Breezeway Conference Rooms and Town Hall Operations**

1. The Breezeway Conference Rooms and Town Hall may be reserved for use during City Hall business hours by the approved non-profit organizations subject to availability and scheduled use for City business. Generally, the Breezeway Conference Rooms are not available for use other than City business during City Hall business hours, but

may be made available five days prior to the requested date if not otherwise scheduled based on anticipated need.

2. After-hours use requires presence of a designated City staff person or representative (subject to designation on a case-by-case basis).

### **C. Parking**

1. Garage and Surface Parking Lot
  - a. The garage and surface parking are available for free public parking 24 hours per day/7 days per week. Vehicles may not be parked continuously on the site for more than 72 hours.
  - b. Parking is free to encourage use of the garage and surface parking lot as an alternative to on-street parking in the residential areas, particularly for visitors and employees of downtown businesses.
2. On-Street Parking - Public street parking adjacent to the Civic Center includes spaces designated as "loading zones" and 20-minute parking to provide convenient spaces for visitors and quick deliveries.

### **D. Kitchen**

1. All requirements of the San Diego County Department of Environmental Health must be followed to maintain compliance with the Health Department permit for the kitchen.
2. Protocols for use of the kitchen (such as when a staff person must be present, check-in/check-out procedures, cleaning requirements, accessory equipment available to be used) are set forth in the Civic Center Operations Permit.

### **E. TV Studio Facilities**

1. The TV Studio facilities (cameras and recording equipment) will be available for use by Del Mar TV. The facilities, including the equipment, will not be available for rental. This does not include the audio-visual and sound equipment, though City staff may need to be present for use of this equipment.

There is a separate use agreement with Del Mar TV that addresses their ability to use the TV Studio space and the Town Hall, so long as a DMTV representative is on-site.

### **F. Breezeway**

The Breezeway will be closed and locked when City Hall is not open for business, with the exception of during approved special events or for after-hours meetings.

### **G. After-Hours Contacts**

In the event that assistance is required related to the Del Mar Civic Center outside of regular business hours, following are the appropriate contact numbers:

- Emergency 911
- Sheriff's Department Non-Emergency (858) 565-5200

- Community Services Department
  - Non-Emergency (858) 755-1556
  - Emergency (858) 755-1555
- Public Works (After-Hours Emergency) (858) 756-1126
  - Maintenance issue
  - Irrigation repairs
- Parking (858) 755-1556
- Special Events (858)755-1524

**Exhibits**

Exhibit A – Del Mar Municipal Code – Chapter 9.2 – City Noise Regulations

Exhibit B – Recommended Operational Noise Parameters Prepared by Recon – 1-11-16

Exhibit C – Civic Center Map

## Del Mar Municipal Code

## Chapter 9.20 - NOISE REGULATIONS

## 9.20.010 - Purpose.

In order to secure and promote the public health, comfort, safety and welfare, and to protect the rights of its citizens to privacy and freedom from nuisance, it is the purpose of this Chapter to prohibit unnecessary, excessive, and annoying noises at levels which are detrimental to the health and welfare of the community, and to minimize airborne dust and pollen. This Chapter is intended to provide systematic, regulatory controls on noise within the City.

(Ord. No. 452; Ord. No. 535; Ord. No. 686)

## 9.20.020 - Definitions.

Whenever the following words and phrases are used in this Chapter, they shall have the meaning ascribed to them in this Section:

*A-Weighted Sound Level* means the sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Ambient Noise Level* means the composite noise from all sources near and far. In this context, the ambient noise level constitutes a normal or existing level of environmental noise at a given location and time.

*Average Sound Level* means a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in the American National Standard Specifications for Sound Level Meters (see S1.4-1983 or the latest revision thereof). Average sound level is also called equivalent continuous sound level (Leq).

*Construction Equipment* means any tools, machinery, or equipment used in connection with construction operations, including all types of "special construction" equipment as defined in the pertinent sections of the California Vehicle Code when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.

*Decibel (dB)* means a unit measure of sound (noise) level.

*Disturbing, Excessive or Offensive Noise* means:

- A. Any sound or noise which constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area.
- B. Any sound or noise conflicting with the criteria or levels set forth in this Chapter.

*Emergency Work* means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities when restoring utility service.

*Motor Vehicles* mean any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including, but not limited to, "mini-bikes" and "go-carts".

*Noise Control Officer* means the Director of Planning and Community Development of the City of Del Mar or his designated representative.

*Noise Level* means the same as "sound level". The terms may be used interchangeably herein.

*Person* means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private.

*Sound Level* means in decibels, the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for Sound Level Meters (see ANSI S1.4-1983, or the latest version thereof). If the frequency weighting employed is not indicated, the A-weighting is implied.

*Sound Level Meter* means an instrument, including a microphone, an amplifier, a readout, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in the American National Standard Specifications for Sound Level Meters (see S1.4-1983 or the latest revision thereof).

*Supplementary Definitions of Technical Terms.* Definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology (see S1.1-1960; R-1976).

9.20.030 - Sound Level measurement.

- A. Any sound or noise level measurement made pursuant to the provisions of this Chapter shall be measured with a sound level meter using the A-weighting and meter response pursuant to applicable manufacturer's instructions.
- B. The sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth by the American National Standards Institute (see ANSI S1.4-1983 or the latest revision thereof).
- C. For outdoor measurements, the microphone shall be not less than four feet above ground, at least four feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens and the location selected shall be at any point on the affected property. In cases when the microphone must be located within ten feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of the sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within five feet of the noise source.
- D. For indoor measurements, the microphone shall be at least three feet distant from any wall, ceiling or partition, and the average measurement of at least three microphone positions throughout the room shall be determined.

9.20.040 - Sound Level Limits.

- A. Unless otherwise specified, it shall be unlawful for any person(s) to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table at any location in the City of Del Mar beyond the premises on which the noise is produced, as measured pursuant to the provisions of this Chapter. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person(s).

TABLE OF APPLICABLE LIMITS

Property Receiving Noise	Time of Day	One-Hour Average Sound Level (decibels)
1. R1-5, R1-5B, R1-10, R1-10B, R-2, R1-14, R1-40, RM-East, RM-West, RM-Central, RM-South, OS Overlay	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	40

2. NC, RC, CC, PC, BC, VC	7 a.m. to 10 p.m. 10 p.m. to 7 a.m.	60 50
3. RR	7 a.m. to 10 p.m. 10 p.m. to 7 a.m.	60 55

- B. The noise limits specified in Subsection A. above shall be adjusted as follows to account for the effects of time and duration on the impact of noise levels:
1. Noise that is produced for no more than a cumulative period of 30 minutes in any hour may exceed the noise limit by three decibels.
  2. Noise that is produced for no more than a cumulative period of 15 minutes in any hour may exceed the noise limit by six decibels.
  3. Noise that is produced for no more than a cumulative period of ten minutes in any hour may exceed the noise limit by eight decibels.
  4. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limit by 11 decibels.
  5. Noise that is produced for no more than a cumulative period of two minutes in any hour may exceed the noise limit by 15 decibels.
- C. For purposes of this chapter, the peak decibel reading for a noise with a fluctuating noise level (such as live or recorded music) shall be considered as the noise level for the entire cumulative period of noise. Likewise, the time between repetitive intermittent noises (such as banging, pounding, or hammering) shall be included in the cumulative of the noise.
- D. If the measured ambient level exceeds the applicable limit noted above, the allowable one-hour average sound level shall be the ambient noise level.
- E. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits of the two districts.
- F. Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of this Chapter, measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

9.20.050 - Construction Noise.

Any person who operates powered construction or landscape equipment and/or who erects, constructs, demolishes, excavates for, alters or repairs any building or structure within the City of Del Mar in such a manner as to cause noise to be received beyond the boundaries of the property on which the construction work is occurring shall comply with the following:

- A. No construction work shall be performed on Sundays or City holidays.
- B. No construction work shall be performed before 9:00 a.m. or after 7:00 p.m. on Saturday.

- C. No construction work shall be performed before 7:00 a.m. or after 7:00 p.m. on Monday through Friday.
- D. Construction activity shall not cause an hourly average sound level greater than 75 decibels on property zoned or used for residential purposes.
- E. Exception: A person may perform construction work on the person's own property, provided such construction activity is not carried on for profit or livelihood, between the hours of 10:00 a.m. and 5:00 p.m. on Sundays and City holidays.

9.20.060 - Motor Vehicles.

- A. *On- and Off-Highway.* Violations for exceeding applicable noise level limits as to persons operating motor vehicles on- or off-public streets or highways in the City of Del Mar shall be prosecuted under applicable California Vehicle Code provisions.
- B. *Repairs of Motor Vehicles.* It shall be unlawful for any person within the City of Del Mar to repair, rebuild, or test any motor vehicle in such a manner as to cause disturbing, excessive, or offensive noises as defined in this Chapter.
- C. *Engines and Motor Vehicles.* Any disturbing or raucous noises caused off-streets or highways by racing or accelerating the engine of any motor vehicle while moving or not moving, by the willful backfiring of any engine and exhaust from the engine tailpipe or muffler, or from the screeching of tires, is prohibited.
- D. *Emergency Vehicles.* Nothing in this Section shall apply to authorized emergency vehicles when being used in emergency situations.

9.20.070 - Aircraft.

It shall be unlawful for any person to operate aircraft or aircraft engines within or above the City of Del Mar in violation with the provisions of this Chapter.

9.20.080 - Watercraft.

Violations for excessive noise of watercraft operating in waters under the jurisdiction of the City of Del Mar shall be prosecuted under the applicable provisions of the California Harbors and Navigation Code.

9.20.090 - Public Nuisance Noise.

- A. It shall be unlawful for any person to make, continue or cause to be made or continued, within the limits of the City of Del Mar, any disturbing, excessive or offensive noise which causes discomfort or annoyance to any reasonable persons of normal sensitivity residing in the area.
- B. In the absence of objective measurement by use of a sound level meter, the characteristics and conditions which shall be considered in determining whether a violation of the provisions of this Section exists shall include any or all of the following:
  1. The level of the noise;
  2. Whether the nature of the noise is usual or unusual;
  3. Whether the origin of the noise is natural or unnatural;
  4. The level of the ambient noise;
  5. The proximity of the noise to sleeping facilities;
  6. The nature and zoning of the area from which the noise emanates and the area where it is received;
  7. The time of day or night the noise occurs;

8. The duration of the noise; or
  9. Whether the noise is recurrent, intermittent or constant.
- C. Identified Excessive Noises. The following activities, among others, are declared to cause disturbing, excessive, or offensive noises in violation of this Section but said enumeration shall not be deemed to be exclusive, namely:
1. *Horns, Signaling Devices, etc.* Unnecessary use or operation of horns, signaling devices, etc., on automobiles, motorcycles, or any other vehicle.
  2. *Radios, Television Sets, Phonographs, Loud Speaking Amplifiers and Similar Devices.*
    - a. *Uses restricted.* The use, operation or permitting to be played, used, or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivity in any residential or public area is prohibited. This provision shall not apply to any participant in a duly licensed parade, or to any person who has been otherwise duly authorized by the City of Del Mar to engage in such conduct.
    - b. *Prima Facie Violations.* The operation of any such set, instrument, phonograph, television set, machine, loud speakers or similar device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this Section.
  3. *Animals.*
    - a. The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long continued noise, shall cause annoyance or discomfort to reasonable persons of normal sensitivity in the vicinity.
    - b. The written affirmation by two persons having separate residences that violation of this Section disturbs the peace and quiet of said persons shall be prima facie evidence of a violation of this Section.
  4. *Playing of Radios on Buses or Trolleys.* The operation of any radio, phonograph, or tape player on an urban transit bus or trolley so as to emit noise that is audible to any other person in the vehicle is prohibited.
  5. *Playing of Radios, Phonographs, and Other Sound Production or Reproduction Devices in Public Parks and Beach Areas and Public Parking Lots and Streets Adjacent Thereto.* The operation of any radio, phonograph, television set, or any other sound production or reproduction device in any public park or on any public beach or any public parking lot or street adjacent to such park or beach, without the prior written approval of the City Manager, in such a manner that such radio, phonograph, television set or sound production or reproduction device emits a sound level exceeding those found in the following table at any point ten feet or more from the noise source is prohibited:

TABLE OF APPLICABLE LIMITS

Time of Day	Time Average Sound Level Limits
7:00 a.m. to 7:00 p.m.	65 decibels

7:01 p.m. to 6:59 a.m.	55 decibels
------------------------	-------------

- 6. *Portable Engine Motor-powered Leaf Blowers.* It shall be unlawful for any person to use or operate within the City, any portable machine, powered with a gasoline engine or electric motor, to blow leaves, dirt and other debris off sidewalks, driveways, lawns, and other surfaces.
- 7. *Yelling, Shouting, etc.* Disturbing or raucous singing, yelling, shouting, hooting, or whistling on public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of neighboring residents or persons of normal sensitivity within the area for whatever reason is prohibited. The occurrence of such conduct between the hours of 9:00 p.m. and 8:00 a.m. shall be prima facie evidence of a violation of this Section.

(Ord. No. 535)

9.20.110 - Exemptions.

- A. *Emergency work.* The provisions of the chapter shall not apply to any emergency work as defined herein, provided that:
  - 1. The Noise Control Officer has been notified in advance, if possible, or as soon as practical after said emergency, and
  - 2. Any vehicle, device, apparatus, or equipment used, related to, or connected with emergency work is designed, modified, or equipped to reduce sounds produced to the lowest possible level consistent with effective operation of such vehicle, device, apparatus, or equipment.
- B. *Government Preempted Activities.* The provisions of this chapter shall not apply to any activity to the extent regulation thereof has been preempted by Federal, State, or Local law.

9.20.120 - Enforcement.

- A. Any person(s) violating any of the provisions of this Chapter shall be subject to enforcement and penalties prescribed within the Del Mar Municipal Code.



*An Employee-Owned Company*

January 11, 2016

Mr. Scott Huth, City Manager  
 City of Del Mar  
 1050 Camino del Mar  
 Del Mar, CA 92014

Reference: Recommended Operational Noise Parameters for the Proposed City Hall/Town Hall Project  
 (RECON Number 7786)

Dear Mr. Huth:

As part of the environmental analysis for the proposed City Hall/Town Hall Project, RECON Environmental, Inc. (RECON) acoustical engineer, William Maddux, performed a noise analysis as part of the environmental impact report (EIR) (See Section 4.7 and Appendices G-1 and G-2, of the Final EIR). For the analysis, a variety of noise sources were modeled to operate concurrently under both an operational and special events scenarios. For each scenario, the combined activities and equipment resulted in a noise level that could be generated from the site under a worst case condition. For the special events scenario, this included gathering of people and conversation, amplified music/sound, on-site vehicular noise such as car doors closing and start up of vehicles, and mechanical equipment noise associated with the on-site parking garage exhaust and ventilation system.

This analysis was conducted for the refined conceptual site plan that was updated and analyzed within the Final EIR, as well as the two design options of (1) with the internal garage connection between the surface parking lot and the parking garage with no changes in the location of the parking garage exhaust; and (2) with the internal garage connection between the surface parking lot and the parking garage and relocation of the parking garage exhaust to the southeastern site of City Hall. The noise levels for the special events scenario for the refined conceptual site plan and the two design options are shown in the attached noise contour maps with the noise attenuation barriers identified for mitigation below a level of significant. These figures have been excerpted from the Final EIR and included with this letter for reference (Refer to Figures 4.7-14b, 4.7-15b, and 4.7-16b).

Based on the extensive modeling, RECON has determined that the following recommendations should be put into place for amplified music and other noise generators associated with special events on the plaza to ensure the operations are consistent with the analysis conducted for the Final EIR.

The use of amplification devices could result in sound levels that exceed the City's performance standards for residential zones. However, noise levels generated by the amplified sound system can be effectively controlled by location and orientation of the speakers, the use of localized (or satellite) speakers, or installation of an audio compressor and/or limited (i.e., signal processing equipment). As you can see from the attached refined site plan and two design options, six portable, wireless speakers were located throughout the public plazas north and east of City Hall (see yellow/orange circular contours mapped). By requiring all speakers maintain a minimum distance from the property lines and using directional speakers to focus amplified sound towards specific audience areas, noise level compliance can normally be achieved. Satellite speakers further allow the amplified sound system to be set at a lower volume setting and still provide clear announcements and/or music to participants. Signal processing equipment can also be used to control the dynamic range and limit the peak output level of amplified sound. However, signal processing equipment is most effective when installed in an in-house sound system as opposed to a portable system.

Mr. Scott Huth  
Page 2  
January 11, 2016

Additionally, satellite speaker systems are most effective when the amplified sound system allows independent control of each speaker.

For the proposed City Hall/Town Hall Project, directional speaker arrays should be oriented toward the center of the on-site public plazas and generally to the east (toward Camino del Mar) to reduce noise spillover to the residential neighborhood to the north, west, and south. It is further recommended that satellite speakers and horn-mounted multi-cell speakers be required to achieve sufficient directional control of the greater wave lengths associated with lower octave levels, commonly associated with the bass in music.

Should the City choose to install a permanent in-house sound amplification system, the system shall be designed to limit noise levels at the property line to 55 A-weighted decibels average sound level [dB(A)  $L_{eq}$ ] at the nearest residential property line between the hours of 7:00 a.m. and 10:00 p.m., or 45 dB(A)  $L_{eq}$  between 10:00 p.m. and 7:00 a.m. However, if a permanent in-house amplified sound system is not installed, or an alternate amplified sound system is desired for specific events, the further noise abatement measure should be implemented to ensure special event noise levels do not exceed City standards. Those measures may include:

- Contracts with performing groups must contain a statement which allows the City to regulate the level of amplified sound.
- At no time should the speakers be placed within 90 feet of the north, west, or east property line or faced toward these property lines within 160 feet of the subject property line.
- The amplified noise source, to be used during daytime hours, must demonstrate that the noise level will not exceed 66.5 dB(A)  $L_{eq}$  at a distance of 25 feet. Based on a conservative drop-off rate of 6 dB(A) per doubling of distance, limiting the location on noise levels would ensure that the daytime threshold of 55 dB(A)  $L_{eq}$  would not be exceeded at any residential property line. Noise measurements shall comply with the requirements of Section 9.20.030 of the Municipal Code and will be conducted for a minimum of 1 hour and will include 1-minute intervals.

If the noise is a special event limited to indoor space, it is recommended that the breezeway door on the south be closed during special events. Furthermore, any indoor special events would be required to comply with the exterior sound levels for any noise that may emit from open doors or windows.

As stated above, these operational parameters are recommended for the proposed City Hall/Town Hall Project to ensure consistency with the analysis conducted for the Final EIR.

Sincerely,



Alyssa Muto  
Senior Project Manager

AMM:sh

Attachments

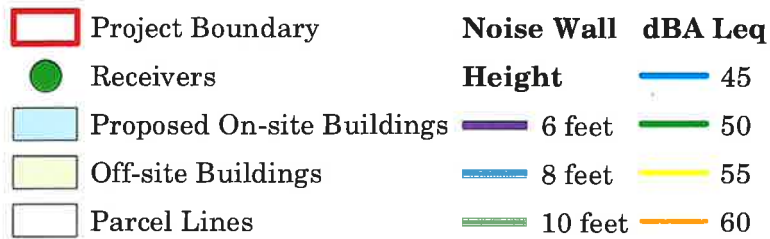


FIGURE 4.7-14b  
Refined Conceptual Site Plan:

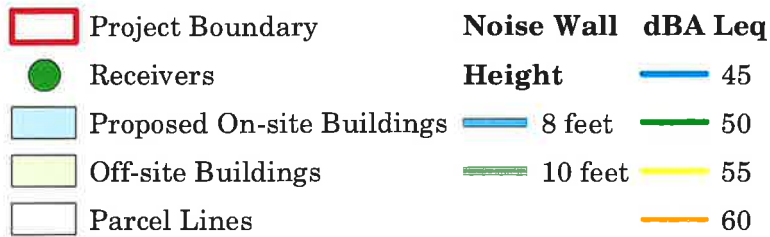


FIGURE 4.7-15b  
Internal Garage Circulation:

Special Event On-site Noise Level Contours with Mitigation

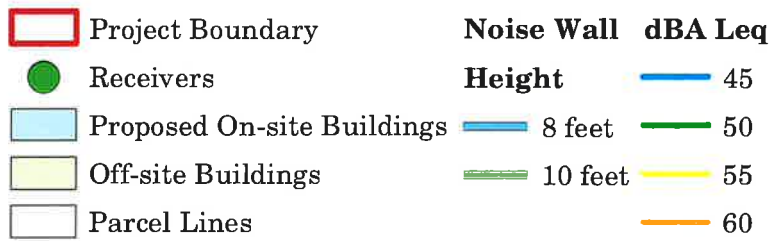


FIGURE 4.7-16b

Internal Garage Circulation with Mechanical Change:  
Special Event On-site Noise Level Contours with Mitigation

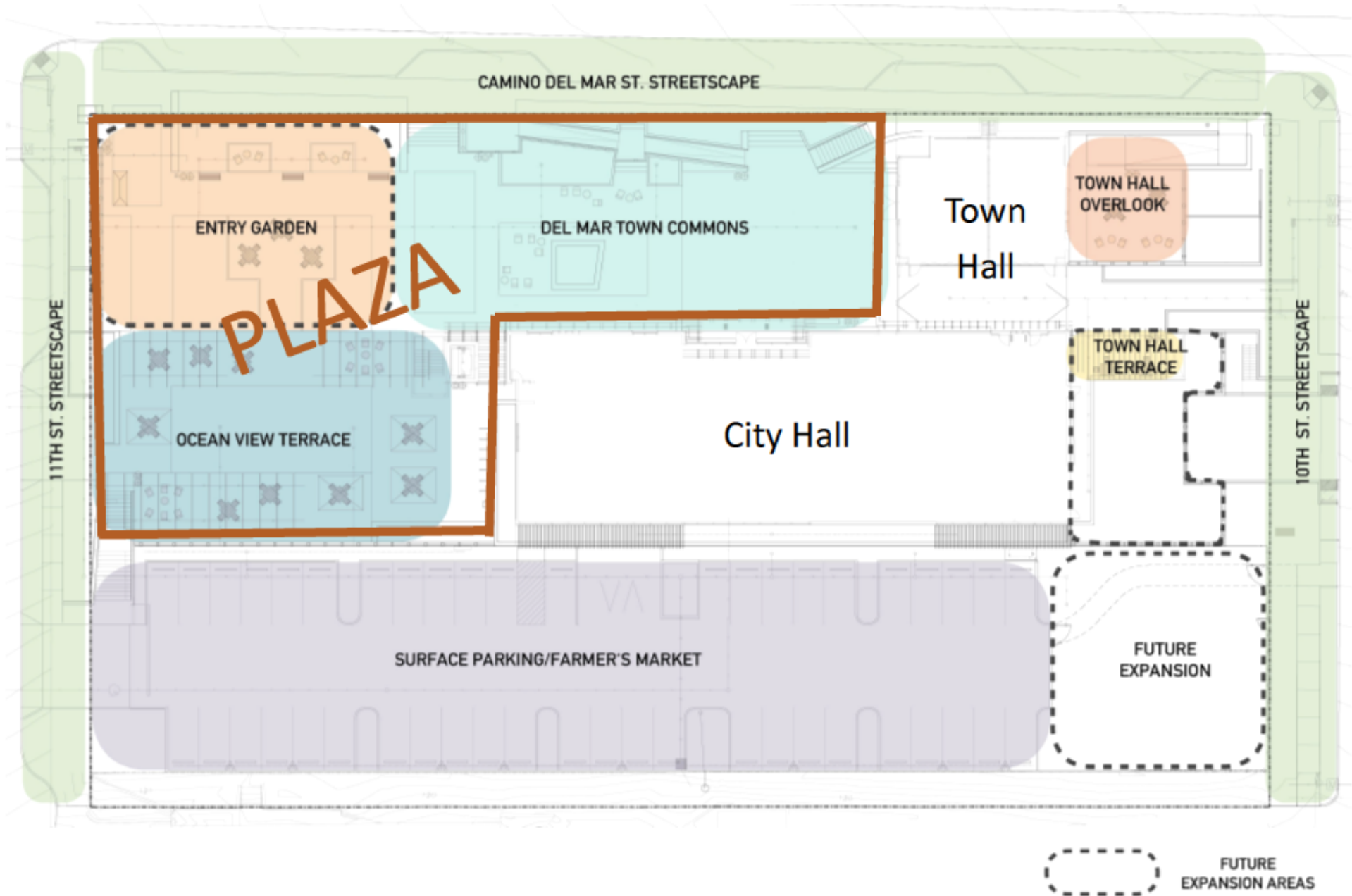
## CFS for City of Del Mar 2015

Priority CFS	# of CFS
1	9
2	1501
3	99
4	619
Grand Total	3119

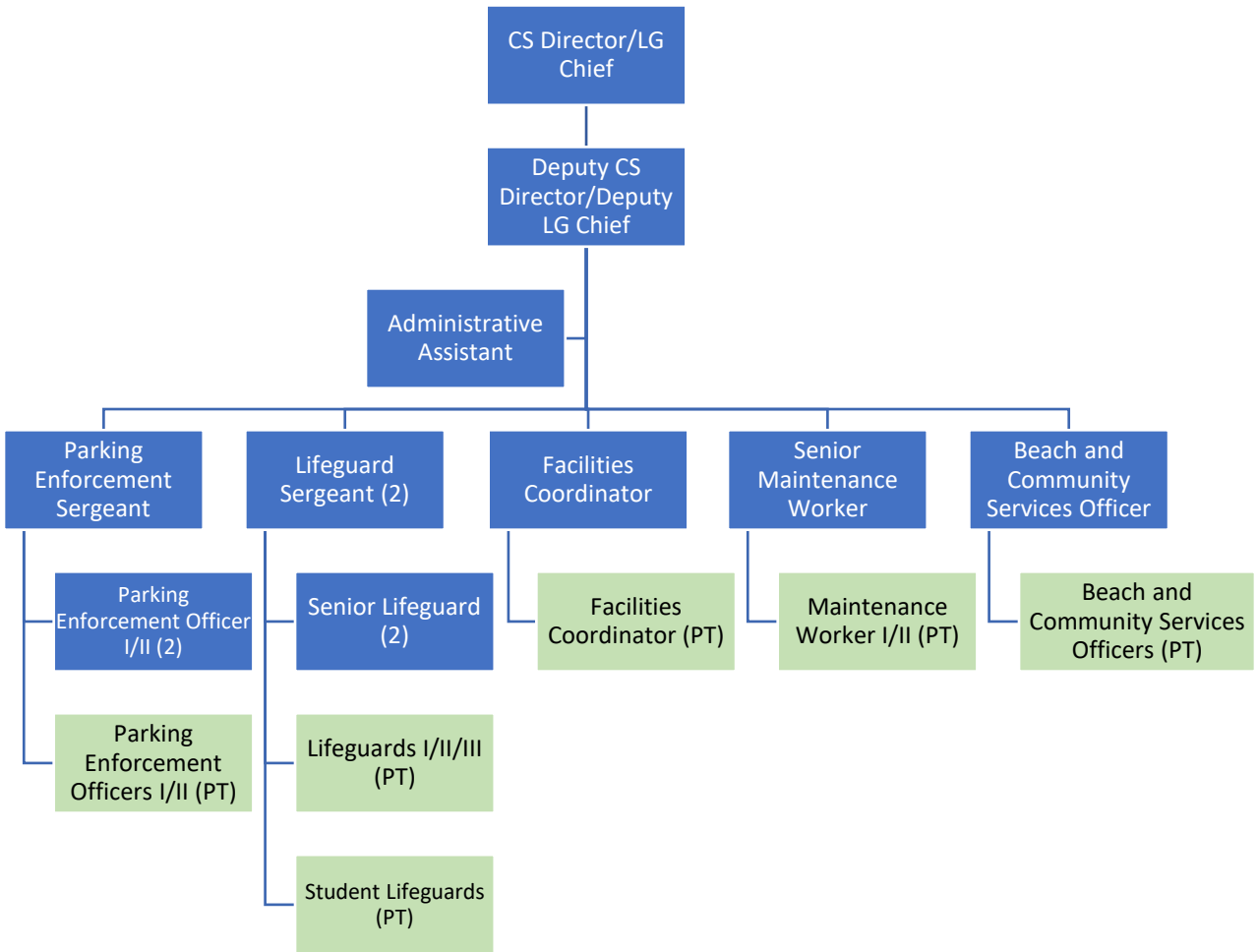
## CFS for City of Solana Beach 2015

Priority CFS	# of CFS
1	12
2	1435
3	1712
4	1225
Grand Total	4384

# Diagram of Del Mar Civic Center



# Community Services Department Organization Chart





# City of Del Mar Agenda Report



TO: Honorable City Council Members

FROM: Mayor Dave Druker and Deputy Mayor Terry Gaasterland, Del Mar  
Representatives to the San Diego Association of Governments (SANDAG)  
Board

DATE: January 22, 2024

SUBJECT: Concerns Regarding SANDAG Funding for the Del Mar Bluffs Stabilization  
Project 5 Required Mitigation

## REQUESTED ACTION/RECOMMENDATION:

Mayor Druker and Deputy Mayor Gaasterland request that the City Council discuss and authorize the submittal of a letter to the SANDAG Board expressing concern regarding the redirection of funding for construction of the required mitigation for the Del Mar Bluffs Stabilization Project 5 to other SANDAG projects (Attachment A).

## DISCUSSION/ANALYSIS:

SANDAG's Del Mar Bluffs Stabilization Project 5 (DMB5) includes drainage, shoring and strengthening improvements between Coast Boulevard and Carmel Valley Road along the Del Mar bluffs. More specifically, the work includes improvements to existing drainage structures, reinforcements to the blufftop with pilings and the addition of bluff toe protection measures such as seawalls. The project is expected to begin in early 2024 and will take approximately three (3) years to complete.

As part of the California Coastal Commission's (Commission) consistency certification for DMB5, the Commission conditioned the development and implementation of a capital improvement project to provide and improve safe public coastal access and recreation in the project area as mitigation for DMB5. The required mitigation, also known as the Del Mar Bluff Access Improvements Project (Access Improvements), includes:

1. Enhancement of the north-south trail system east of the rail track on the top of the bluff between Seagrove Park and 4<sup>th</sup> Street;
2. Construction of a CPUC-approved pedestrian rail crossing near 7<sup>th</sup> Street or 11<sup>th</sup> Street; and
3. Construction of a beach accessway at or between 7<sup>th</sup> Street or 11<sup>th</sup> Street that does not involve significant grade or alteration of the bluff beyond the work that is to be performed as part of DMB5.

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City Council Action:

Preconstruction work is currently underway, and SANDAG is required to begin construction of the required mitigation within (3) years of the start of construction for DMB5 unless an extension is granted by the Commission.

On October 27, 2023, the SANDAG Board considered a total of \$23.7M for the Access Improvements, which included \$9M for pre-construction work (e.g., environmental clearance, preliminary engineering, and final design) and \$14.7M for a portion of the construction and construction support costs. While the Board authorized the allocation of pre-construction funding for the project, the \$14.7M in requested construction funding for the project was instead allocated to other SANDAG shovel ready projects located in the cities of Encinitas and Carlsbad.

With the allocation of the Access Improvements construction funding to other projects and no alternative source of funding identified, the SANDAG Board has put this critically important and legally required mitigation work in jeopardy. Of additional concern is the suggestion by at least one member of the Board that the City of Del Mar could help pay for construction of the mitigation improvements. The City of Del Mar has no responsibility, nor is the City in a financial position, to contribute funds for construction of SANDAG's required mitigation project.

It is recommended that the City Council authorize the Mayor and Deputy Mayor to send a letter to the SANDAG Board raising these concerns on behalf of the City, with a copy to the Coastal Commission for their awareness. A copy of the proposed letter is included with this report as Attachment A.

**FISCAL IMPACT:**

There is no fiscal impact related to this agenda item.

**ENVIRONMENTAL IMPACT:**

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Action (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

**NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:**

Ensuring safe public access to the beach is a City Council priority.

**ATTACHMENTS:**

Attachment A – Letter to the SANDAG Board regarding construction funding for the Del Mar Bluff Access Improvements Project



# CITY OF DEL MAR

DRAFT

January 22, 2024

San Diego Association of Governments Board  
c/o Coleen Clementson, Interim Chief Executive Officer  
401 B Street, Suite 800  
San Diego, California 92101  
[coleen.clementson@sandag.org](mailto:coleen.clementson@sandag.org)

VIA EMAIL

## **Re: Concerns Regarding SANDAG Funding for the Del Mar Bluff Access Improvement Project**

Dear SANDAG Board & Interim CEO Clementson,

On behalf of the City of Del Mar and as Del Mar's representatives to the SANDAG Board, we write to express our concerns about the Board's recent decision to redirect requested construction funding for the Del Mar Bluffs Access Improvement Project (Access Improvements) to other regional transportation projects.

As you should be aware, the Access Improvements are the California Coastal Commission's (CCC) required mitigation for SANDAG's Del Mar Bluffs Stabilization Project 5 (DMB5), which is scheduled to begin construction early this year. The purpose of the Access Improvements is to provide and improve safe public coastal access along the Del Mar bluffs and beach, and is intended to mitigate the anticipated loss of beach sand and impacts to access resulting from the DMB5. Specifically, the required mitigation includes:

1. Enhancement of the north-south trail system east of the rail track on the top of the bluff between Seagrove Park and 4th Street;
2. Construction of a CPUC-approved pedestrian rail crossing near 7th Street or 11th Street; and
3. Construction of a beach accessway at or between 7th Street or 11th Street that does not involve significant grade or alteration of the bluff beyond the work that is to be performed as part of DMB5.

Preconstruction activities are currently underway and as a condition of Commission project certification, SANDAG is required to begin construction of the Access Improvements within three (3) years of the start of construction of the DMB5.

On October 27, 2023, the SANDAG Board considered a total of \$23.7M for the Access

## Del Mar Bluffs Access Improvements Project Funding Concerns

January 22, 2024

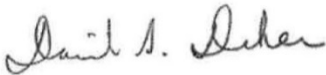
Page 2

Improvements, which included \$9M for pre-construction work (e.g., environmental clearance, preliminary engineering, and final design) and \$14.7M for a portion of the construction and construction support costs. While the Board authorized the allocation of pre-construction funding for the project, the \$14.7M in requested construction funding was instead allocated to other SANDAG shovel ready projects located in the cities of Encinitas and Carlsbad.

With the allocation of the Access Improvements construction funding to other projects and no alternative source of funding identified, the SANDAG Board has put this critically important and legally required mitigation work in jeopardy. Of additional concern is the suggestion by at least one member of the Board that the City of Del Mar could help pay for construction of the mitigation improvements. To be clear, the City of Del Mar has no responsibility, nor is the City in a financial position, to contribute funds for construction of SANDAG's required mitigation project.

Given the importance and time sensitive nature, we are asking that SANDAG staff and the Board identify a plan to meet SANDAG's legally required mitigation obligations for the DMB5 Project as soon as possible.

Respectfully,



Dave Druker  
Mayor



Terry Gaasterland  
Deputy Mayor

cc: Del Mar City Council  
California Coastal Commission & Executive Director  
Ashley Jones, Del Mar City Manager



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Ashley Jones, City Manager  
Clem Brown, Assistant City Manager  
Sarah Krietor, Administrative Service Manager/City Clerk

DATE: January 22, 2024

SUBJECT: Preparations for 2024 City Council Goals & Priorities Setting Workshop

**REQUESTED ACTION/RECOMMENDATION:**

Staff recommends that the City Council provide feedback on the proposed 2024 City Council Goals & Priorities Setting Workshop (Workshop) (Attachment A) and provide direction to staff as needed.

**DISCUSSION/ANALYSIS:**

In the beginning of each calendar year, the City Council typically holds a workshop to establish the City's goals and priorities for the next fiscal year (beginning July 1). This process guides the development of the City's overall work plan and helps identify budgetary needs for the coming fiscal year. The current fiscal year (Fiscal Year 2023-2024) is the first year of the City's adopted two-year budget, and the City will start work this spring to prepare a budget update for the second year of the adopted budget (Fiscal Year 2024-2025). On February 13, 2023, the City Council held its last Goals & Priorities Setting Workshop and approved a two-year City Work Plan for Fiscal Years (FY) 2023-2024 and 2024-2025.

Looking forward to the second year of a two-year budget, the Workshop provides an opportunity for the Council to reaffirm and/or fine tune the FY 2024-2025 City Work Plan, within current staff and resource capacity, and provide direction to staff on any changes that may be needed in order to inform the FY 2024-25 Budget Update. In preparation for the 2024 Workshop, staff met with Mayor Dave Druker and Deputy Mayor Terry Gaasterland to develop a proposed Workshop outline (Attachment A). Consistent with past practice, the purpose of this agenda item is to seek input from the City Council in preparation for the Workshop.

**Proposed Workshop Format**

The proposed format for the Workshop (Attachment A) includes a budget overview and status report; overview and status update on the FY 2023-2024 Work Plan items;

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**City Council Action:**

discussion of the FY 2024-2025 Work Plan, including any items continuing from the current fiscal year; and consideration of new potential work plan items proposed by staff or as Council-identified “wish list” items, as well as any high level Council policy items Councilmembers may wish to discuss.

The Work Plan document will continued to be organized by department and using the City’s “Tier system”, which was established in 2020 in response to COVID related budget constraints and includes Tier 1 (essential services), Tier 2 (important items that support City operations/values) and Tier 3 (non-essential items that could be deferred or eliminated) items. While the prioritization system was developed out of necessity, it has proven to be a simple and effective way to arrange the City Council goals, priorities and operational necessities, and assist with effective development and management of the City’s budget. Based on the positive feedback provided by the Council and others, staff envisions continuing to use this tiered system to help guide the discussion of goals and priorities and potential work plan items moving forward.

### **Workshop Scheduling & Public Outreach**

Staff recommends that the Council hold the Workshop in mid-late February, which would occur prior to the City’s Mid-year Budget Update that is planned for presentation to the City Council on March 18, 2024. It is anticipated that three to four hours will be needed for the Workshop, and staff is proposing to hold the Workshop in the Town Hall. If the City Council is supportive of these recommendations, the City Clerk will poll the Council to determine a date and time for the Workshop.

Recognizing the importance of public input regarding the City’s goals and priorities, information about the Workshop will be posted on the City’s website, featured in the City’s weekly electronic newsletter, and will be the subject of City public e-blasts. As with other City public meetings, members of the public can submit written comments in advance of the meeting or comment during the meeting both in-person and remotely. The meeting will also be televised, live streamed on the internet and recorded/archived on the City’s website.

### **FISCAL IMPACT:**

There is no immediate fiscal impact or action to be taken by the City Council related to this agenda item.

### **ENVIRONMENTAL IMPACT:**

The proposed City Council action does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

### **ATTACHMENTS:**

Attachment A - 2024 Goal Setting Workshop Proposed Agenda Outline

## Proposed 2024 City Council Goal Setting Workshop Agenda

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- A. High Level City Budget Status Report
  - Staff to provide a high-level overview of the City's current financials
- B. Status of Current Fiscal Year 2023-2024 Work Plan - Items that have been or will be completed this fiscal year
- C. Discussion of the FY2024-2025 Work Plan approved by City Council in February 2023
  - Includes multi-year work plan items continuing from the current FY
  - Council to provide direction, reaffirm and/or fine tune Work Plan
  - Discussion of staff proposed new work plan items
  - Discussion of Council-identified "wish list"/policy items