



Del Mar City Council Meeting Agenda

VIA TELECONFERENCE ONLY

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.

**Remote Regular Meeting
VIA TELECONFERENCE ONLY
Tuesday, February 16, 2021 at 4:30 PM**

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Dan Quirk
Council Member

Leslie E. Devaney
City Attorney

Ashley Jones
Acting City Manager/
Administrative
Services Director

Sarah Krietor
Deputy City Clerk

Public Participation/Comment

Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

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 and at the Del Mar Library during their limited hours of operation. <http://www.delmar.ca.us/AgendaCenter>

Consent Calendar: Items on the Consent Calendar will be enacted in accordance with the recommendations in one motion unless removed from the Consent Calendar by Council, staff, or a member of the public.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

- I. CALL TO ORDER/ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC ORAL COMMUNICATIONS

Each person wishing to comment to the City Council on any matter not on the agenda may submit a written comment to cityclerk@delmar.ca.us or a tele-comment request to speak by 12 p.m. on the day of the meeting. Please note "Public Oral" in the subject line of your email or tele-comment request form.

- IV. CITY COUNCIL COMMENTS
- V. COMMUNITY ANNOUNCEMENTS
- VI. CITY MANAGER'S REPORT
- VII. PRESENTATIONS

- 1. **Presentation by Mike Hastings, Executive Director of the Los Peñasquitos Lagoon Foundation Regarding a Study on Sea Level Rise and Potential Adaptation of the Torrey Pines North Beach Parking Lot Being Conducted with California State Parks**

Recommended Action: Receive the presentation.

Reference: Clerk's File No. 1404-1

- 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, staff, or the public so requests, in which event, the item will be considered separately.

- 2. **Approval of Minutes: January 23, 2021, Special Meeting, Closed Session; January 23, 2021 Special Meeting; January 27, 2021 Special Meeting; February 1, 2021 Regular and Special Meeting, February 3, 2021 Special Meeting**

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

3. Ratification of List of Demands, dated February 16, 2021

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

IX. PUBLIC HEARINGS

5. Adoption of Resolution and Introduction of Ordinances for Implementation of 5th Cycle Housing Element Programs 2G and 2E

Recommended Action: Staff recommends the City Council take the following actions for compliance with the 5th Cycle Housing Element and State Housing law (California Government Code Sections 65583.2(h) and (i)):

1) Adopt a Resolution 2021-XX Version A (Attachment A) to adopt General Plan (Community Plan) Amendment (GPA 20-004) to: a) amend the North Commercial (NC) land use designation for real property that is identified as APNs 299-100-47 and 299-100-48, owned by Watermark LP, per 5th Cycle Housing Element Program 2G (residential as an allowed use for "by right" residential development at 20-25 dwelling units per acre (du/ac)) in accordance with State Housing law; and b) amend the NC land use designation per 5th Cycle Housing Element Program 2E (residential as an allowed use at 20 du/ac) in accordance with State Housing law. Alternatively, the City Council may approve a modified Resolution (Version B) that addresses only Program 2G (as described in subsection 1a above and as further described within the discussion/analysis section of this report);

2) Introduce an Ordinance (Attachment B) to amend the Del Mar Municipal Code (DMMC) by adding a new Zoning Code Chapter 30.92 and an ancillary amendment to existing DMMC Section 30.75.080 to implement Government Code §65583.2(h) and (i) per 5th Cycle Housing Element Program 2G via Zone Code Amendment (ZA 20-003) to create a new Housing Element Implementation (HEI) Overlay Zone and clarify the required "by right" local permit process that applies; and to reflect said code amendments in the City's Local Coastal Program (LCP) via Local Coastal Program Amendment (LCPA 20-003) to demonstrate compliance with State Housing law and the Coastal Act; and

3) Introduce an Ordinance (Attachment D) to approve Rezone (RP 20-001) to rezone real property that is identified as APNs 299-100-47 and 299-100-48, owned by Watermark LP, and located in the NC Zone. The rezone will apply the new HEI Overlay Zone to implement Government Code §65583.2(h) and (i) per 5th Cycle Program 2G.

Reference: Clerk's File No. 304-7, 401-4, 401-9

6. Introduction of an Ordinance Amending Chapter 14.24 of the Del Mar Municipal Code Authorizing the Removal of Vehicles from Public Property

Recommended Action: It is recommended that the City Council introduce an Ordinance (Attachment A) amending Chapter 14.24 of the Del Mar Municipal Code authorizing the removal of vehicles from public property, which would allow the City to tow vehicles from off-street public property, pursuant to its authority under the California Vehicle Code.

Reference: Clerk's File No. 401-4, 401-9

X. COUNCIL MEETING RECESS

XI. CITY COUNCIL OTHER BUSINESS

7. Compliance with State of California Mandated Organics Recycling Regulations

Recommended Action: Staff requests the City Council receive an informational update on 1) the City's compliance with mandatory State organics recycling regulations; and 2) provide feedback on staff's recommended approach for moving forward to achieve compliance.

Reference: Clerk's File No. 401-7, 1403-4

8. City Council Direction to Complete the 6th Cycle Housing Element Update

Recommended Action: Staff requests the City Council consider the options available, as discussed in this report, and address the following:

1) Provide direction to complete the City's final 6th Cycle Housing Element Update (HEU) by the April 15, 2021 State deadline to minimize risk to the City and General Fund. This deadline is set by statute and cannot be negotiated. Final action must be taken by the Planning Commission March 9, 2021, and City Council April 5, 2021, in order to meet the deadline. Due to a Referendum of Ordinance 973 (filed November 18, 2020), the City is unable to complete 5th Cycle Program 2E (required upzone of North Commercial to create adequate sites at 20 dwelling units per acre (du/ac)) by the State deadline. Ordinance 973 is effectively "stayed" until a public

vote occurs, which impacts the 6th Cycle HEU. The timing of the public vote, which by default has been set for November 2022, directly correlates to the degree of options available for completing the 6th Cycle HEU and scope of penalties (in addition to the by-right rezone penalty for unmet Program 2E).

2) Provide direction on a plan to address the 5th Cycle Program 2E penalty in the 6th Cycle, including identification of preferred contingency plans. The City must identify a back-up plan (contingency plan) in the 6th Cycle HEU that will be implemented if needed to replace North Commercial after the public vote. In addition, due to the missed 5th Cycle deadline, the City will also incur a rezone penalty per State Housing law that requires implementation of a rezone program that allows housing at 20-25 du/ac “by right” (i.e., with no local discretion or Design Review). This rezone can be addressed in the North Commercial Zone (6th Cycle Program 1A) or by rezoning an alternative location to create an equivalent number of adequate sites for lower income affordable units within the first year of the 6th Cycle.

Reference: Clerk’s File No. 304-7

9. Approval of the 2021 Legislative Policy Guidelines

Recommended Action: Staff requests that the City Council review and approve the proposed changes to the City’s Legislative Policy Guidelines (Attachment A).

Reference: Clerk’s File No. 101-2, 401-7, 401-8

10. Proposal to Create a City Council Legislative Subcommittee

Recommended Action: Mayor Gaasterland and Councilmember Druker recommend that the City Council: 1) Approve the creation of a City Council Legislative Subcommittee as further described in this report; and 2) Appoint two members of the City Council to serve on the Legislative Subcommittee.

Reference: Clerk’s File No. 401-1

11. City Council Vision & Values Workshop Recap and Adoption of Revised Del Mar Core Values & Value Statements

Recommended Action: Staff recommends that the City Council approve the revised Del Mar Core Values & Value Statements included as Attachment B.

Reference: Clerk’s File No. 401-1

XII. 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. 22nd District Agricultural Association Community Relations Committee (Gaasterland/Martinez)
- B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
- C. CSA-17 Ambulance District Advisory Board (Martinez/Druker)
- D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Druker/Martinez)
- E. League of California Cities – San Diego Chapter (Gaasterland/Worden)
- F. North County Transit District (NCTD) (Quirk/Gaasterland)
- G. Regional Solid Waste Association (Worden/Quirk)
- H. San Diego Association of Governments Board (SANDAG) (Gaasterland/Druker/Quirk)
- I. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
- J. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Quirk/Bride)
- K. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
- L. Other Regional Organization Reports

XIII. 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. Ad-Hoc Referendum Subcommittee (Gaasterland/Druker)
- B. Arts Advisory Committee (Druker/Worden)
- C. Business Support Advisory Committee (Gaasterland/Martinez)
- D. Clean Water Rate Project (Druker, Quirk)
- E. Del Mar Community Connections (Martinez/Quirk)
- F. Del Mar Housing Corporation (Gaasterland/Martinez)
- G. Del Mar Village Association (Druker/Quirk)
- H. Finance Committee (Gaasterland/Quirk)
- I. Housing Subcommittee (Gaasterland/Martinez)
- J. Human Resources Subcommittee (Druker/Worden)
- K. Long Term Rail Relocation Subcommittee (Gaasterland, Quirk)
- L. Measure Q Citizen Oversight Committee (Druker/Quirk)
- M. Parks and Recreation Committee (Druker/Worden)
- N. Planning Process Subcommittee (Druker/Gaasterland)
- O. Safe Rail Crossing and Bluff Stabilization Subcommittee (Gaasterland/Quirk)
- P. San Dieguito Lagoon Committee (Quirk/Worden)
- Q. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
- R. Shores Advisory Committee (Gaasterland/Martinez)
- S. Sustainability Advisory Board (Druker/Worden)
- T. Traffic and Parking Advisory Committee (Martinez/Worden)
- U. Undergrounding Project Advisory Committee (Gaasterland/Quirk)
- V. Other Committee-Subcommittee Reports

XIV. 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 for City Council Agendas.

February 27, 2021 Special Meeting
FY 2020/21 Midyear Update
City Council Priorities During COVID Times
Review and Discussion of the City's Vision Statement

March 1, 2021
Second Reading of Ordinances for Housing Element Implementation Overlay Zone and Rezone of Watermark Lots for Implementation of 5th Cycle Housing Element Program 2G
EP20-068 (705 Amphitheatre) - Railing in the Right of Way
Update to the Design Review Board Policy Manual

XV. CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 10th day of February, 2021, at approximately 4:00 p.m.



Ashley Jones, Administrative Services Director/City Clerk

2/10/2021
Date