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# 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, April 21, 2025 at 4:30 PM**

**Terry Gaasterland**  
Mayor

**Tracy Martinez**  
Deputy Mayor

**Dan Quirk**  
Council Member

**John W. Spelich**  
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 in-person or via written comment (Red Dot). 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.

**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 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. COMMUNITY ANNOUNCEMENTS
- VI. CITY MANAGER'S REPORT
- VII. PRESENTATIONS
  1. **Del Mar Public Safety Presentation (Sheriff/Fire)**

Recommended Action: Receive presentation from Sheriff Captain Shane Watts and Fire Chief Josh Gordon.

Reference: Clerk's File No. 1101-2, 1101-8

2. **FY 2023-24 Measure Q Citizen Oversight Committee Review**

Recommended Action: Receive presentation from Measure Q Citizen Oversight Committee Chair.

Reference: Clerk's File No. 401-5

- 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.

**3. Approval of Minutes: April 7, 2025 Regular and Special Meeting**

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

**4. Ratification of List of Demands dated April 21, 2025**

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

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

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

**6. Second Reading and Adoption of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Amend Del Mar Municipal Code (DMMC) Chapters 30.22 (Central Commercial Zone) and 30.31 (Public Facilities Zone) in Local Coastal Program Amendment Ordinance No. 1006 Adopted by the City Council on April 15, 2024, for Consistency with the February 6, 2025, Coastal Commission Conditional Certification Decision**

Recommended Action: Staff recommends the City Council adopt the Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Central Commercial (CC) Zone regulations in DMMC Chapter 30.22 and Public Facilities (PF) Zone regulations in DMMC Chapter 30.31 to increase local housing capacity.

Reference: Clerk's File No. 303-1, 401-4, 401-9, 1502-14

**7. Appointment to the Sustainability Advisory Committee**

Recommended Action: The City Council Liaisons to the Sustainability Advisory Committee recommend that the City Council appoint Ann Feeney as a voting member to serve a full three-year term beginning April 21, 2025, and ending on April 30, 2028.

Reference: Clerk's File No. 401-5

**8. Approval of Grant Agreements with the Del Mar Foundation to Purchase SCUBA Equipment and Automated External Defibrillators**

Recommended Action: Staff recommends that the City Council: 1) Accept grant funds from the Del Mar Foundation in the amount of \$6,500 for new SCUBA equipment and \$17,500 for seven new automated external defibrillators; 2) Authorize the City Manager to execute the necessary grant agreements (Attachments A & B); and 3) Amend the Fiscal Year 2024- 2025 Operating and Capital Budget to reflect the grant funds.

Reference: Clerk's File No. 201-3, 1202-11

**IX. PUBLIC HEARING**

**9. Introduction of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Ordinance No. 1002 Adopted by the City Council on December 18, 2023, to Amend Del Mar Municipal Code (DMMC) Chapters 30.91 (Accessory Dwelling Unit Regulations) and 30.75 (Coastal Development Permits) in the Local Coastal Program for Consistency with the March 13, 2025, CCC Conditional Certification Decision**

Recommended Action: Staff recommends the City Council take the following actions:

1) Confirm staff's determination that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to various statutory and categorical exemptions in the CEQA Guidelines and prior environmental analysis in the 6th Cycle Housing Element Program Environmental Impact Report as further described in the Environmental Impact statement in the Agenda Report below; and 2) Introduce an Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Accessory Dwelling Unit (ADU) regulations in DMMC Chapter 30.91 and Coastal Development Permit regulations in DMMC Chapter 30.75.

Reference: Clerk's File No. 303-1, 401-4, 401-9

**10. Request to Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; and to Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 related to amending recorded Parcel Map (TPM-77-03) for purposes of reducing the area of an existing Scenic Easement on the Property located at 1201 Cuchara Drive, Del Mar.**

Applicants/Owners: Mark and Laura Weber Trust dated April 2009

Assessor Parcel Number (APN): 300-143-38-00

Property Location: 1201 Cuchara Drive, Del Mar

Recommended Action: Staff recommends that the City Council adopt a Resolution (Attachment A) to: 1) Adopt a Mitigated Negative Declaration (MND) (State Clearinghouse (SCH) No. 2024080103) and associated Mitigation Monitoring and Reporting Program (MMRP); and 2) Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 to amend a recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the area of an existing scenic easement on property located at 1201 Cuchara Drive (Property).

Reference: Clerk's File No. 301-18

X. COUNCIL MEETING RECESS

XI. CITY COUNCIL OTHER BUSINESS

**11. Undergrounding Program Update, Utility Undergrounding District 1A (Stratford Court South) San Diego Gas & Electric Cost Agreement, Approval of Task Order Amendment with Utility Specialists Southwest, Inc. for Utility Undergrounding District X1A (Crest Canyon), and First Amendment to the Agreement with Utility Specialists Southwest, Inc.**

Recommended Action: Staff recommends that the City Council:

1) Receive an Undergrounding Program update from City staff with construction updates for Utility Undergrounding District (UUD) 1A (Stratford Court South); 2) Approve the San Diego Gas & Electric (SDG&E) Cost Agreement for UUD 1A (Stratford Court South) with a cost of \$1,592,881 (Attachment A); 3) Approve a Task Order Amendment (Attachment B) with Utility Specialists Southwest, Inc. for UUD X1A pre-construction services; 4) Approve the First Amendment to the Agreement with Utility Specialists Southwest, Inc. for as-needed specialized electrical engineering services (Attachment C); 5) Authorize the City Manager to execute the SDG&E Cost Agreement, and Utility Specialists Task Order and Agreement amendments; and 6) Amend the Fiscal Year 2024-2025 Operating and Capital Budget as described in the Fiscal Impact section below.

Reference: Clerk's File No. 1001-2

**12. Recap of the 2025 City Council Goals and Priorities Setting Workshop and Council Approved FY 2025-26 and FY 2026-27 City Work Plan**

Recommended Action: Staff recommends that the City Council receive this report, which includes the approved Fiscal Year (FY) 2025-26 and FY 2026-27 City Work Plan reflecting Council feedback from the 2025 City Council Goals and Priorities Setting Workshop, and provide direction to staff as appropriate.

Reference: Clerk's File No. 401-1

### **13. Fiscal Year 2025-2026 Advisory Committee Work Plans**

Recommended Action: Staff requests that the City Council: 1) Review the proposed Fiscal Year (FY) 2025-2026 work plans for the City's advisory committees (Attachment A); 2) Consider the work plan recommendations provided by staff included in Attachment B; and 3) Provide direction to staff as may be needed to approve the FY 2025-2026 advisory committee work plans.

Reference: Clerk's File No. 401-5

## **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. Clean Energy Alliance JPA (CEA) Board of Directors (Spelich/Gaasterland)
- B. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
- C. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Spelich)
- D. League of California Cities – San Diego Chapter (Gaasterland/Martinez)
- E. North County Transit District (NCTD) (Martinez/Spelich)
- F. Regional Solid Waste Association (Spelich/Quirk)
- G. San Diego Association of Governments Board (SANDAG)  
(Gaasterland/Martinez/Spelich)
- H. SANDAG Borders Committee
- I. SANDAG Regional Planning Committee
- J. SANDAG Shoreline Preservation Working Group  
(Spelich/Gaasterland/Martinez)
- K. SANDAG LOSSAN Executive Task Force (Gaasterland/Martinez)
- L. San Diego Metropolitan Wastewater Commission/JPA (Worden)
- M. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee  
(Gaasterland/Martinez)
- N. 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. Arts Advisory Committee (Gaasterland/Spelich)
- B. Del Mar Community Connections (Martinez/Spelich)
- C. Del Mar Village Association (Gaasterland/Martinez)
- D. Finance Committee (Gaasterland/Spelich)
- E. Housing Subcommittee (Gaasterland/Martinez)
- F. Human Resources Subcommittee (Gaasterland/Martinez)
- G. Legislative Subcommittee (Gaasterland/Martinez)
- H. Measure Q Citizen Oversight Committee (Quirk/Gaasterland)
- I. Parks and Recreation Committee (Martinez/Quirk)
- J. Del Mar Railroad Subcommittee (Gaasterland/Martinez)

- K. Lagoon Committee (Gaasterland/Spelich)
- L. Planning Process Subcommittee (Includes Sea-Level Rise Adaptation Plan Implementation (Gaasterland/Spelich)
- M. Shores Advisory Committee
- N. Sustainability Advisory Committee (Martinez/Gaasterland)
- O. Traffic and Parking Advisory Committee (Quirk/Spelich)
- P. Undergrounding Program Advisory Committee (Gaasterland/Spelich)
- Q. Other Committee-Subcommittee Reports

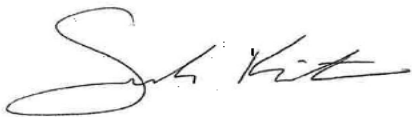
**XIV. UPCOMING AGENDA ITEMS**

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](http://www.delmar.ca.us) for City Council Agendas.

<b>May 5, 2025</b>
Agreement for As-Needed Specialized Legal Services
Initial Recommendations from Committee Efficiencies Task Force
Second Reading/Adoption of Ordinance to Accept California Coastal Commission Modifications to ADU LCPA (HE Programs 2F and 6B)
Amendments to Reclaimed Water Agreements with San Elijo JPA and 22nd District Agricultural Association
Second Reading/Adoption of Bike/E-Bike Ordinance
Design Review Board Interviews and Appointments
Jimmy Durante Boulevard Bluff Stabilization Project Informational Update

**XV. 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 16th day of April, 2025 at approximately 6:55 p.m.



Sarah Krietor, Administrative Services Manager/  
City Clerk

4/16/2025  
Date

# MEASURE Q CITIZEN OVERSIGHT COMMITTEE ANNUAL REPORT

FY 2023-24

April 21, 2025

# MEASURE Q OVERVIEW

- Measure Q passed on November 8, 2016
- 1% sales tax for purpose of providing general city services and infrastructure projects
- City Council committed to use Measure Q funds for:
  - Downtown Streetscape Project
  - Shores Park Development
  - Citywide Utility Undergrounding
- Measure Q Citizen Oversight Committee established
  - Verify revenues are properly set aside
  - Verify expenditures are for approved projects and accurately tracked
  - Committee Mandate does not include providing input on how Measure Q funds are spent
- Current Committee Members
  - Alan Lonbom, Chair; Steven McDowell, Vice Chair; Tom McGreal, Secretary, and Nancy Stoke
- Current Council Liaisons
  - Councilmember Dan Quirk (primary) and Mayor Terry Gaasterland (alternate)

# MEASURE Q COMMITTEE APPROACH

## IDENTIFICATION OF POTENTIAL KEY RISKS

- Revenues – Potential key risks
  - Measure Q revenue misstated by Taxing Authority
  - Measure Q revenues applied to wrong account
- Expenditures – Potential key risks
  - Measure Q funds used for non-City Council approved projects
  - Measure Q project expenditures not accurately tracked
  - Measure Q funds expended were not properly budgeted and approved
  - Measure Q internal costs applied using inappropriate methodology
- Other Potential key risks
  - Other transactions have inappropriately impacted Measure Q Fund balance

# MEASURE Q COMMITTEE PROCEDURES

## PROCEDURES TO ADDRESS IDENTIFIED POTENTIAL KEY RISKS

- Scope of work – Fiscal Year Ended June 30, 2024
- Revenues
  - Compared historical trends/relationship to general sales tax revenues
  - Reconciled revenue reports to Revenue Summary
  - Traced randomly selected periods to supporting source documents
- Expenditures
  - Reconciled expenditure reports to Expenditure Summary
  - Traced randomly selected transactions to supporting source documents
  - Ensured that expenditures selected were properly budgeted and approved
  - Reviewed process for approvals authorizing payment
  - Reviewed internal personnel costs charged to Measure Q
- Transfers/Loans
  - No such activity noted during the reporting period
- Investment Earnings
  - Reviewed investment earnings including fair market value adjustments

# MEASURE Q FUND SUMMARY

YEAR	REVENUES	EXPENDITURES	ENDING FUND BALANCE
2016-2019	\$6,464,867	\$4,109,011	\$2,355,856
2019-2020	2,320,274	3,511,300	\$1,164,830
2020-2021	2,339,901	202,171	\$3,302,560
2021-2022	3,297,998	907,051	\$5,693,507
2022-2023	3,401,946	1,325,554	\$7,769,899
2023-2024	3,780,938	1,174,333	\$10,376,504
<b>TOTALS</b>	<b>\$21,605,924</b>	<b>\$11,229,420</b>	<b>\$10,376,504</b>

## MEASURE Q REVENUE ANALYSIS FY 2023-24

- FY 2019      \$2.9M
  - FY 2020      \$2.3M
  - FY 2021      \$2.3M
  - FY 2022      \$3.3M
  - FY 2023      \$3.4M
  - FY 2024      \$3.8M
- The increase in Revenue from FY23 to FY24 is primarily attributed to investment earnings. Such earnings include \$297,050 in interest and \$156,076 in fair market value changes.
  - Measure Q Revenue exceeded Sales Tax Revenue for FY24 by \$1.1 million (52%), which is consistent with prior year trends.

# SALES TAX COMPONENTS:

Rate	Jurisdiction	Purpose
<b>Sales and Use Tax Rate</b>		
6.00%	State	State's General Fund, Local Funds and Programs
1.00%	Local	City of Del Mar Sales Tax
0.25%	Local	County transportation funds
<b>District Taxes</b>		
0.50%	SANDAG	San Diego County Regional Transportation Commission
1.00%	Del Mar	Measure Q
<b>8.75%</b>	<b>Total</b>	

# SOURCE COMPARISON: MEASURE Q VS. SALES TAX

FY 2023-24	Measure Q	%	Sales Tax	%
Restaurants/Hotels	\$ 1.4M	42%	\$1.3M	59%
General Consumer	0.8M	23%	0.3M	14%
Business	0.4M	12%	0.1M	4.5%
Other (incl. Auto)	0.7M	23%	0.1M	4.5%
Pools	0	0%	0.4M	18%
<b>Total Revenue</b>	<b>\$3.3M</b>	<b>100%</b>	<b>\$2.2M</b>	<b>100%</b>

- The mix from each source is holding constant for the past five years
- Measure Q derived more revenue from online sales and auto sales/leases
- Del Mar’s share of Sales Tax pool revenues was lower than the Measure Q District tax direct collections

# MEASURE Q EXPENDITURES

PROJECT	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Downtown Streetscape	\$3,115,661	\$ -	\$ -	\$ -	\$ -
Shores Park	767	11,402	-	-	-
Undergrounding	240,269	137,510	688,100	1,265,679	1,008,805
Roadway & Sidewalks (MOE)*	-	-	150,000	-	75,000
Staff costs**	154,603	53,259	68,951	59,875	90,528
<b>Total Expenditures</b>	<b>\$3,511,300</b>	<b>\$202,171</b>	<b>\$907,051</b>	<b>\$1,325,554</b>	<b>\$1,174,333</b>

\*Maintenance of Effort (MOE) – Measure Q required portion of street related expenditures.

\*\*Staff costs – Based on actual hours worked by City staff related to Measure Q projects.

# MEASURE Q COMMITTEE CONCLUSIONS

- Revenues
  - Measure Q revenues reasonable in relation to general sales tax revenues
  - Detailed selection of revenue agreed with supporting source documents
- Expenditures analysis
  - Detailed selection of expenditures agreed with supporting transaction documents
  - Selections were for City Council authorized Measure Q projects and did not exceed the approved budgets
  - Staff's process for review and approval of expenditures was consistent with non-Measure Q Projects
  - Method used to apply internal personnel costs charged to Measure Q appears appropriate and reasonable
- Transfers/Loans
  - No transfer or loan activity during reporting period
- Investment Earnings
  - Investment earnings appear reasonable



**DEL MAR CITY COUNCIL  
SPECIAL MEETING MINUTES  
CLOSED SESSION**

**APRIL 7, 2025**

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

**CALL TO ORDER**

Mayor Gaasterland called the meeting to order at 3:00 P.M.

**ROLL CALL**

Present: Mayor Gaasterland; Deputy Mayor Tracy Martinez; and Councilmember John Spelich

Absent: Councilmember Dan Quirk

**CLOSED SESSION**

A) Conference with Legal Counsel - Significant Exposure to Litigation

Number of Cases: Two

Description: 1) San Diego Association of Governments (SANDAG) LOSSAN Rail Realignment Project; 2) SANDAG San Dieguito Double Tracking Project Encroachment Permits

Authority: Government Code Section 54956.9(d)(2)

Action Taken: None.

**ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 4:30 P.M.

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Sarah Krietor, Administrative Services Manager/  
City Clerk



**CITY OF DEL MAR  
CITY COUNCIL REGULAR MEETING MINUTES  
APRIL 7, 2025  
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 Gaasterland called the Regular Meeting to order at 4:32 p.m.

**ROLL CALL**

Present: Mayor Terry Gaasterland; Deputy Mayor Tracy Martinez; and Councilmember John Spelich

Absent: Councilmember Dan Quirk

**CITY ATTORNEY CLOSED SESSION REPORT**

City Attorney Leslie Devaney reported that there were no recusals or reportable actions for the April 7, 2025, City Council Closed Session meeting. Councilmember Quirk was absent from the meeting.

**PLEDGE OF ALLEGIANCE**

Mayor Gaasterland led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

Mayor Gaasterland opened public oral communications and the following individuals spoke:

- 1) Dwight Worden
- 2) Ann Feeney
- 3) Harold Standerfer, representing the Sierra Club
- 4) Peter Lasensky
- 5) Diana Kutlow, representing Senator Catherine Blakespear provided a legislative update

Mayor Gaasterland closed public oral communications.

In response to public comments raised, Councilmember Spelich inquired about the legal implications specific to State law and the City Council's discussion on February 18, 2025, as they pertain to the Mayor's recent participation in the City Selection Committee of the County of San Diego's vote to appoint a District 3 member to the Air Pollution Control District. City Attorney Leslie Devaney provided a response.

**CITY COUNCIL COMMUNITY ANNOUNCEMENTS**

None.

**CITY MANAGER’S REPORT**

City Manager Ashley Jones provided an update on the San Diego Association of Government (SANDAG) Del Mar Bluff 5 (DMB5) project and related mitigation projects and explained that City staff have routine communications with SANDAG staff to stay informed on the Bluff 5 project construction impacts and status of the upcoming mitigation projects.

**CONSENT CALENDAR**

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar.

Eric Sandy provided comment on the donation provided to the City by the Patrick O’Harra Memorial Fund for Item 6.

**IT WAS MOVED BY COUNCILMEMBER SPELICH, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 7 AND ITEM 9. (VOTE 3-1, WITH COUNCILMEMBER QUIRK ABSENT)**

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmember John Spelich; Noes: 0; Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.

**ITEM 1: APPROVAL OF MINUTES: FEBRUARY 27, 2025 SPECIAL MEETING, MARCH 3, 2025 REGULAR AND SPECIAL MEETING, MARCH 5, 2025 SPECIAL MEETING (CLERK’S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED APRIL 7, 2025 (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: AUTHORIZATION TO APPLY FOR SMART GROWTH INCENTIVE PROGRAM GRANT FUNDS FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (CLERK’S FILE NO. 201-13, 1506-1)**

Council adopted Resolution 2025-05, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA AUTHORIZING THE CITY MANAGER TO APPLY FOR SMART GROWTH INCENTIVE PROGRAM GRANT FUNDS FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS” and authorized the City Manager to approve and execute all agreements and related documents necessary for the grants, on consent.

**ITEM 5: PROPOSED COMPENSATION PLAN AMENDMENTS FOR SPECIFIC PUBLIC WORKS AND COMMUNITY SERVICES LIFEGUARD POSITIONS (CLERK’S FILE NO. 502-1)**

Council adopted Resolution 2025-06, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL COMPENSATION PLAN, THE GENERAL EMPLOYEE COMPENSATION PLAN, AND THE MISCELLANEOUS, PART-TIME, TEMPORARY AND HOURLY EMPLOYEES COMPENSATION PLAN", to reflect the proposed changes to specific Public Works and Community Services Lifeguard positions, on consent.

**ITEM 6: ACCEPTANCE OF A DONATION FROM THE PATRICK O'HARRA MEMORIAL FUND TO PURCHASE NEW INFLATABLE RESCUE BOAT (IRB) (CLERK'S FILE NO. 201-16)**

Council accepted a donation of \$10,000 from the Patrick O'Harra Memorial Fund to purchase a new Inflatable Rescue Boat; and amended the Fiscal Year 2024-2025 Operating and Capital Budget to reflect the donation, on consent.

**ITEM 7: ACCEPTANCE OF A DONATION FROM THE ROTARY CLUB OF DEL MAR TO PURCHASE NEW ROPE RESCUE EQUIPMENT (CLERK'S FILE NO. 201-16)**

Council accepted a donation of \$1,997.30 from the Rotary Club of Del Mar to purchase rope rescue equipment; and amended the Fiscal Year 2024- 2025 Operating and Capital Budget to reflect the donation, on consent.

**PUBLIC HEARING**

**ITEM 8: ENCROACHMENT PERMIT (EP) 25-019 RELATED TO THE CONSTRUCTION OF THE SAN DIEGUITO DOUBLE TRACK PROJECT PEDESTRIAN UNDERCROSSING AND ASSOCIATED IMPROVEMENTS**

**APPLICANT: SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) (CLERK'S FILE NO. 802-1, 1506-1)**

This agenda item involves a resolution and would require three Councilmembers to participate in hearing the item. However, Deputy Mayor Martinez and Councilmember Spelich were conflicted from participating in the item due to living within 500 feet of the subject location and Councilmember Quirk was absent from the meeting. Therefore, the Council was not able to hear the item.

Therefore, a brief presentation was provided by Planning and Community Development Director Karen Brindley in which she stated that agenda Item 8 involves a request from SANDAG for an Encroachment Permit, (EP 25-019) that includes improvements on City property and right-of-way related to the construction of the San Dieguito Double Track Project. The Encroachment Permit includes water and sewer line relocation and improvements, grading improvements to Coast to Crest Trail in order to allow a pedestrian undercrossing that impacts City of Del Mar property, as well as staging and construction access on and from City of Del Mar property and right-of way. Additionally, this project includes a request for a Utility Agreement between the City of Del Mar and SANDAG and the request to waive planning application fees in the amount of \$2,085.

As such, staff and the City Attorney recommended the City Council take the following four actions:

1. Delegate the decision authority on EP25-019 to the City Manager; and
2. Delegate the determination to execute the associated Utility Agreement between SANDAG and the City of Del Mar to the City Manager; and
3. Delegate the decision on the request to waive planning application fees to the City Manager; and

4. Affirm the CEQA determination this action does not constitute a project under CEQA Guidelines Section 15378 in that the delegation of decision authority on this action does not constitute a "Project" as this administrative activity will not result in direct or indirect physical changes in the environment.

There were no public speakers for this item.

**IT WAS MOVED BY DEPUTY MAYOR MARTINEZ, SECONDED BY MAYOR GAASTERLAND TO DELEGATE DECISION AUTHORITY TO THE CITY MANAGER FOR EP25-019; AUTHORIZE THE CITY MANAGER TO EXECUTE UTILITY AGREEMENT; AUTHORIZE THE CITY MANAGER TO WAIVE ASSOCIATED PLANNING APPLICATION FEES IN THE AMOUNT OF \$2,085, WHICH IS A STANDARD PRACTICE AMONG GOVERNMENT AGENCIES; AND TO AFFIRM CEQA DETERMINATION. (VOTE 3-1, WITH COUNCILMEMBER QUIRK ABSENT)**

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmember John Spelich; Noes: 0; Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.

**ITEM 9: RESOLUTION APPROVING THE DEL MAR PROJECTS FOR INCLUSION IN THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2025-2026 THROUGH 2029-2030 (CLERK'S FILE NO. 901-2, 1506-1)**

Mayor opened the public hearing. There were no public speakers for the item. Mayor Gaasterland closed the public hearing. This item was moved to consent for approval of Resolution 2025-07, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE LIST OF DEL MAR PROJECTS FOR INCLUSION IN THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2025-2026 THROUGH 2029-2030."

**ITEM 10: INTRODUCTION OF ORDINANCE TO REGULATE BICYCLES, INCLUDING ELECTRIC BICYCLES, IN THE CITY OF DEL MAR (CLERK'S FILE NO. 401-4, 401-9)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Management Analyst Ashlea Houston. Assistant City Manager Clem Brown was available to answer questions.

Council questions focused on whether e-bikes and bicycles were permitted for use on sidewalks; clarification regarding circumstances when bikers can bike outside of the bike lane; and clarification on the options to amend the ordinance presented by staff to the City Council.

There were no public speakers for this item.

Council discussion focused on the importance of the ordinance for enforcement purposes; consistency with regulations adopted by Encinitas and Solana Beach; support for the ordinance; and a request to staff to further research the issue of bikes being permitted on the sidewalks in areas other than business districts where the ordinance already prohibits biking on sidewalks.

**IT WAS MOVED BY COUNCILMEMBER SPELICH, SECONDED BY MAYOR GAASTERLAND TO APPROVE THE INTRODUCTION OF THE ORDINANCE WITH THE AMENDMENT IN OPTION TWO IN RED DOT AND WITH STAFF TO RETURN WITH MORE INFORMATION ABOUT BIKES ON SIDEWALKS BY LOOKING AT STATE LAW. (VOTE 3-1 WITH COUNCILMEMBER QUIRK ABSENT)**

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmember John Spelich; Noes: 0; Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.

**ITEM 11: INTRODUCTION OF AN ORDINANCE TO ACCEPT CALIFORNIA COASTAL COMMISSION (CCC) MODIFICATIONS TO AMEND DEL MAR MUNICIPAL CODE (DMMC) CHAPTERS 30.22 (CENTRAL COMMERCIAL ZONE) AND 30.31 (PUBLIC FACILITIES ZONE) IN LOCAL COASTAL PROGRAM AMENDMENT ORDINANCE NO. 1006 ADOPTED BY THE CITY COUNCIL ON APRIL 15, 2024, FOR CONSISTENCY WITH THE FEBRUARY 6, 2025, COASTAL COMMISSION CONDITIONAL CERTIFICATION DECISION (CLERK'S FILE NO. 401-4, 401-9, 1502-14)**

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

Council questions focused on clarification of height above grade versus height above curb; and rationale for inclusion of the 28<sup>th</sup> Street lot located in the Public Facilities Zone in this action.

There were no public speakers for this item.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR MARTINEZ TO INTRODUCE THE ORDINANCE. (VOTE 3-1, WITH COUNCILMEMBER QUIRK ABSENT)**

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmember John Spelich; Noes: 0; Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 12: FISCAL YEAR 2023-24 FINAL FINANCIAL REPORT AND FISCAL YEAR 2024-25 MID-YEAR FINANCIAL REPORT (CLERK'S FILE NO. 202-5)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Finance Officer Monica Molina. Finance Manager Marco Camacho was available remotely to answer questions.

Council questions and discussion focused on the impact related to economic trends on Del Mar's revenues; timing for the Council to consider projects that could have a budget impact such as the Jimmy Durante Boulevard stripping and repaving project and bluff stabilization project; desire to receive update on Capital Improvement Project (CIP) grant funding as part of the budget process at the Budget Workshop at May 27, 2025; application of the Finnell plan and the City Council's goal; trends in the quarterly sales tax receipts; and clarification on why Measure Q sales tax is slightly higher than regular sales tax.

There were no public speakers for this item.

**IT WAS MOVED BY COUNCILMEMBER SPELICH, SECONDED BY DEPUTY MAYOR MARTINEZ TO RECEIVE REPORTS AND ADOPT RESOLUTION 2025-08, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-2025 OPERATING AND CAPITAL BUDGET." (VOTE 3-1, WITH COUNCILMEMBER QUIRK ABSENT)**

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmember John Spelich; Noes: 0;  
Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.  
Vote:

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

City Council representatives reported on the Clean Energy Alliance (CEA); Del Mar Community Connections (DMCC); North County Transit District (NCTD); San Diego Association of Governments (SANDAG) Board of Director; Finance Committee; Undergrounding Program Advisory Committee; and Housing Subcommittee.

**ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 6:20 p.m.

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Sarah Krietor, Administrative Services Manager/  
City Clerk

DRAFT



**LIST OF DEMANDS**  
**CITY OF DEL MAR**  
*for*  
**City Council Meeting**  
**April 21, 2025**

Vendor Payment Checks	\$ 358,395.45
Voids	-
Electronic Fund Transfers (EFT)	812,018.53
Electronic Wires	178,043.55
Total	<u><u>\$ 1,348,457.53</u></u>

Approved by: 

\_\_\_\_\_  
Marco Camacho  
Finance Manager/Treasurer

Date: 4/15/25  
\_\_\_\_\_

Approved by: \_\_\_\_\_

\_\_\_\_\_  
Terry Gaasterland  
Mayor

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

Attachments: Check Registers

**Bank : eusbnk EFT GENERAL ACCOUNT US BANK**

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6729	3/31/2025	lif06	GEN DIGITAL INC.	10010561345	3/15/2025	VOL LIFELOCK BENEFIT	144.41
	Voucher:	6729					144.41
6730	3/31/2025	leg04	LEGALACCESSPLANS USA,	48863	3/1/2025	VOL LEGAL INS	179.50
	Voucher:	6730					179.50
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>323.91</b>

Bank : qusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
8074	3/31/2025	hea02	HEALTH NET	BFC29AAPR25	3/15/2025	HEALTH INS APR	38,856.83	38,856.83
		Voucher: 8074						
8075	3/31/2025	kai01	KAISER PERMANENTE	475311878987	3/10/2025	HEALTH INS APR	16,016.87	16,016.87
		Voucher: 8075						
8076	3/31/2025	mut01	MUTUAL OF OMAHA	001862477164	3/17/2025	AD&D B&D APR	4,761.06	4,761.06
		Voucher: 8076						
8077	3/31/2025	pri11	PRINCIPAL FINANCIAL GROU	1003938-10001AP	3/17/2025	DENTAL INS APR	5,578.13	5,578.13
		Voucher: 8077						
8078	3/31/2025	sun11	SUN LIFE ASSURANCE CO, (	915639-0001APR2	3/18/2025	FF LIFE INS APR	54.00	54.00
		Voucher: 8078						
139503	3/31/2025	cap01	CAPF CA PUBLIC SAFETY AI	Ben179461	3/21/2025	CAPF: PAYMENT	234.00	234.00
		Voucher: 139503						
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>65,500.89</b>	

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8 checks in this report.

Grand Total All Checks: 65,824.80



Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
6715	4/1/2025	ace02	ACE UNIFORMS LLC	SD0215655	3/14/2025	UNIFORMS CS - 3/14	203.64	203.64
	Voucher:	6715						
6716	4/1/2025	zep01	ACUITY SPECIALTY PRODUK	9010833334	2/13/2025	CLEANING SUPP FIRE	681.06	681.06
	Voucher:	6716						
6717	4/1/2025	als02	ALS GROUP USA CORP	522501709	3/16/2025	WATER SAMPLING MAR	803.50	803.50
	Voucher:	6717						
6718	4/1/2025	cal81	CALLTOWER INC	202457799	3/25/2025	TELEPHONE APR	634.36	634.36
	Voucher:	6718						
6719	4/1/2025	cha71	CHARTER COMM HOLDINGS	189125601	3/14/2025	INTERNET CH MAR	1,311.74	
	Voucher:	6719		189123101	3/14/2025	LIFEGUARD FIBER MAR	412.74	
				189125301	3/14/2025	CH FIBER MAR	412.74	
				189123801	3/14/2025	LFGRD FIRE MAR	335.35	
				189125701	3/14/2025	CH FIBER TO FIRE MAR	335.35	
				189125801	3/14/2025	VIDEO TRNSPT/PEG MAR	335.35	
				189112801	3/14/2025	VIDEO TRANSPT/PEG MAR	335.35	
				8448 41 006 0171	3/13/2025	PUBLIC WIFI PHCC MAR	166.25	
				189125401	3/14/2025	DMTV INTERNET MAR	119.99	
				189125501	3/14/2025	PUBLIC WIFI CH MAR	119.99	
				189123001	3/14/2025	LFGRD CABLE INTERNET MAR	100.00	
				189125201	3/14/2025	INTERNET TV STUDIO MAR	93.34	4,078.19
6720	4/1/2025	cos06	COSCO FIRE PROTECTION I	1000710588	2/28/2025	QTLY FIRE SPKLR INSP CH	670.00	670.00
	Voucher:	6720						
6721	4/1/2025	dev02	DEVANEY PATE MORRIS & C	10226	3/17/2025	LEGAL FEES FEB	1,146.80	
	Voucher:	6721		10065	2/7/2025	LEGAL FEES JAN	634.40	1,781.20
6722	4/1/2025	dix01	DIXIELINE LUMBER CO	06-0591830	3/24/2025	OPERATING SUPP CS	205.24	
	Voucher:	6722		06-0591165	3/17/2025	OPERATING SUPP PW	122.87	
				06-0590747	3/12/2025	OPERATING SUPP PW	66.88	
				06-0590553	3/11/2025	OPERATING SUPP PW	18.59	
				06-0590672	3/12/2025	OPERATING SUPP PW	10.71	424.29
6723	4/1/2025	duk01	DUDEK & ASSOCIATES	202501368	3/17/2025	HOSKA/STRM DRN IMPVTS	13,500.00	
	Voucher:	6723		202501028	3/10/2025	ENGR SRVCS SD LAGOON	2,655.00	
				202501150	3/10/2025	ENV SRVCS SD LAGOON	1,450.00	17,605.00
6724	4/1/2025	pac28	PACIFIC MOBILE STRUCTUF	INV-00438021	4/1/2025	MOBILE OFFICE PW APR	246.75	246.75
	Voucher:	6724						

Bank : eusbnk EFT GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6725	4/1/2025	pho01	PHOENIX GROUP INFO SYS` 022025036	3/14/2025	CITE SRVCS - FEB	13,315.69	
	Voucher:	6725	0220251036	3/14/2025	ADMIN CITE SRVCS - FEB	135.36	13,451.05
6726	4/1/2025	pru01	PRUDENTIAL OVERALL SUP 132304640	3/14/2025	UNIFORMS PW - 3/14	116.19	116.19
	Voucher:	6726					
6727	4/1/2025	swc01	SWCA ENVIRONMENTAL CO 215426	3/12/2025	ENV ASSESSMT QUALANTONE	1,099.50	1,099.50
	Voucher:	6727					
6728	4/1/2025	wex01	WEX BANK	0496-00495760-1	3/6/2025	GAS & OIL - FIRE	955.53
	Voucher:	6728		0496-00-496745-1	3/23/2025	GAS & OIL CS MAR	904.34
					<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>		<b>43,654.60</b>

Bank : qusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
139479	4/1/2025	adt02	ADT SECURITY SERVICES	1127897731	3/13/2025	ALARM 1700 COAST APR/JUN	143.82	143.82
		Voucher: 139479						
139480	4/1/2025	sbc03	AT&T	9391054486	3/20/2025	TELEPHONE MAR	186.20	
		Voucher: 139480		9391026230	3/20/2025	TELEPHONE MAR	62.95	
				9391031506	3/20/2025	TELEPHONE MAR	61.75	
				9391026231	3/20/2025	TELEPHONE MAR	61.75	
				9391026228	3/20/2025	TELEPHONE MAR	31.65	404.30
139481	4/1/2025	bar29	BARNETT QUALITY CONTRC	24251	3/8/2025	STRATFORD COURT PROJ	5,163.00	
		Voucher: 139481		24252	3/8/2025	HOSKA/STRM DRN IMP PROJ	2,688.00	7,851.00
139482	4/1/2025	cal33	CALOLYMPIC SAFETY	3000015	3/6/2025	GLOVES PW	523.85	523.85
		Voucher: 139482						
139483	4/1/2025	cit07	CITY OF SAN DIEGO	1000411790	2/27/2025	WATER TREATMENT JAN	22,741.91	22,741.91
		Voucher: 139483						
139484	4/1/2025	com20	COMFORT SOLUTIONS GRC	1483	3/14/2025	SENSOR RPLCMNTS PW	2,562.60	2,562.60
		Voucher: 139484						
139485	4/1/2025	cou01	COUNTY OF SAN DIEGO	03112025	3/11/2025	PARKING BAIL FEB	22,741.00	22,741.00
		Voucher: 139485						
139486	4/1/2025	eng12	ENGEO INCORPORATED	299378	2/21/2025	29TH ST SEAWALL SVCS	3,000.00	3,000.00
		Voucher: 139486						
139487	4/1/2025	fri06	FRIEDMAN & SPRINGWATEF	1000877	3/14/2025	UG CONSULT SRVCS	15,636.00	15,636.00
		Voucher: 139487						
139488	4/1/2025	gal02	GALLS LLC	030458802	2/13/2025	UNIFORMS - CS	115.20	
		Voucher: 139488		030658332	3/6/2025	UNIFORMS - CS	181.92	297.12
139489	4/1/2025	par35	PARADIGM MECHANICAL CC	110538	3/12/2025	HVAC SRVCS CH	525.00	525.00
		Voucher: 139489						
139490	4/1/2025	por10	PORTABLE STORAGE CORP	165379	3/18/2025	STORAGE CS APR	176.00	176.00
		Voucher: 139490						
139491	4/1/2025	pre06	PRECISION CONCRETE CUT	25-0038	3/17/2025	TRIP HAZARD ASSESSMT	5,502.31	5,502.31
		Voucher: 139491						
139492	4/1/2025	rus01	RUSTY DEL MAR	00010000000604	3/7/2025	PADDLEBOARDS CS	258.00	258.00
		Voucher: 139492						
139493	4/1/2025	sdg01	SAN DIEGO GAS & ELECTRI	0042 2198 4063 2	3/18/2025	UTILITIES JAN/FEB	10,669.74	10,669.74
		Voucher: 139493						

Bank : qusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
139494	4/1/2025	sdg02	SAN DIEGO GAS & ELECTRI	0081 7377 2988 5	3/7/2025	UTILITIES FEB	9,252.89
	Voucher:	139494		0066 5491 6833 1	3/7/2025	UTILITIES FEB	6,195.65
				2100 0065 8024 7	3/7/2025	UTILITIES FEB	732.69
				0067 3735 0888 1	3/6/2025	UTILITIES FEB	325.34
				0085 7750 3585 7	3/6/2025	UTILITIES FEB	20.11
				0066 5491 5032 1	3/5/2025	UTILITIES FEB	11.69
							16,538.37
139495	4/1/2025	spa01	SPARKLETTS	18139543 032325	3/23/2025	WATER CH	122.41
	Voucher:	139495					122.41
139496	4/1/2025	ste08	STEPHEN DALTON ARCHITE	2040-04	3/17/2025	2040 DM ARCHITECT SVCS	2,395.80
	Voucher:	139496					2,395.80
139497	4/1/2025	ter11	TERMINIX COMMERCIAL	457702112	3/17/2025	PEST CONTROL SRVCS PW	140.98
	Voucher:	139497					140.98
139498	4/1/2025	uli02	ULINE	190340854	3/13/2025	SANDBAGS PW	97.73
	Voucher:	139498					97.73
139499	4/1/2025	usb03	US BANK CORP PYMT SYST	4246 0445 5565 0	2/24/2025	US BANK CHARGES FEB	26,260.85
	Voucher:	139499					26,260.85
139500	4/1/2025	ver03	VERIZON WIRELESS	872374736-00004	3/18/2025	TELEPHONE MAR	227.53
	Voucher:	139500		570653198-00007	3/18/2025	TELEPHONE MAR	114.03
				570653198-00009	3/18/2025	TELEPHONE MAR	40.02
							381.58
139501	4/1/2025	wax02	WAXIE'S ENTERPRISES, LLC	83107652	3/18/2025	JANITORIAL SUPP PW	1,133.45
	Voucher:	139501		83107636	3/18/2025	JANITORIAL SUPP PW	331.63
				83107635	3/18/2025	JANITORIAL SUPP PW	198.98
							1,664.06
139502	4/1/2025	act03	WILLIAMS SCOTSMAN INC	9023303432	3/15/2025	MOBILE OFFICE PW MAR/APR	156.12
	Voucher:	139502					156.12
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>140,790.55</b>

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38 checks in this report.

Grand Total All Checks: 184,445.15



**Bank : qusbnk GENERAL ACCOUNT US BANK**

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
4102	4/4/2025	irs01	IRS, UNITED STATES TREAS	Ben179634	4/4/2025	FEDERAL TAX: PAYMENT	42,927.95	42,927.95
	Voucher:	4102						
4103	4/4/2025	per01	PERS	Ben179636	4/4/2025	PERS CONTRIBUTIONS: PAYMEN	54,796.53	54,796.53
	Voucher:	4103						
4104	4/4/2025	edd01	EMPLOYMENT DEVELOPME	Ben179638	4/4/2025	STATE TAX: PAYMENT	12,244.17	12,244.17
	Voucher:	4104						
4105	4/4/2025	per02	PERS 457	Ben179640	4/4/2025	CALPERS 457 DEFERRED COMF	2,580.13	2,580.13
	Voucher:	4105						
4106	4/4/2025	ida01	IDAHO STATE TAX COMMISS	Ben179642	4/4/2025	IDAHO STATE TAX COMMISSION	227.88	227.88
	Voucher:	4106						
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>112,776.66</b>	

**Bank : eusbnk EFT GENERAL ACCOUNT US BANK**

<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>
6731	4/4/2025	mis07	107413 STATE ST BANK & TF Ben179630	4/4/2025	401A PLAN: PAYMENT	539.00	539.00
		Voucher:	6731				
6732	4/4/2025	mis08	303845 STATE ST BANK & TF Ben179622	4/4/2025	MISSION SQUARE 457B: PAYMEI	9,835.27	9,835.27
		Voucher:	6732				
6733	4/4/2025	mis09	803808 STATE ST BANK & TF Ben179632	4/4/2025	RETIREMENT HEALTH SAVINGS	719.97	719.97
		Voucher:	6733				
6734	4/4/2025	uni21	DEL MAR CITY EMPLOYEES Ben179624	4/4/2025	DMCEA DUES: PAYMENT	299.00	299.00
		Voucher:	6734				
6735	4/4/2025	nat15	NATIONAL BENEFIT SERVICE Ben179628	4/4/2025	SEC. 125 FLEXIBLE SAVINGS AC	1,339.10	1,339.10
		Voucher:	6735				
6736	4/4/2025	par21	U.S. BANK PARS FFC 674602 Ben179626	4/4/2025	PUBLIC AGENCY RETIREMENT S	1,877.19	1,877.19
		Voucher:	6736				
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>14,609.53</b>

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11 checks in this report.

Grand Total All Checks: 127,386.19



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Bank : qusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
139504	4/8/2025	adt02 Voucher: 139504	ADT SECURITY SERVICES	1127898691	3/13/2025	ALARM PW APR	128.57	128.57
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							128.57	

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6737	4/8/2025	als02	ALS GROUP USA CORP	522501880	3/20/2025	WATER SAMPLING MAR	496.00	496.00
	Voucher:	6737						
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							496.00	

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
139505	4/8/2025	amb03	AMBERWICK CORP	69373	3/18/2025	HAZARDOUS WASTE DISP PW	2,923.75	2,923.75
	Voucher:	139505						
139513	4/8/2025	ats01	GARDA CL WEST LOCKBOX	10811805	4/1/2025	ARMORED SRVCS APR	722.65	722.65
	Voucher:	139513						
139506	4/8/2025	azt02	AZTEC LANDSCAPING INC, I	J1840	7/31/2024	JANITORIAL SRVCS JUL	8,582.40	
	Voucher:	139506		J1890	9/30/2024	JANITORIAL SRVCS CH SEP	2,564.00	
				J2033	3/31/2025	JANITORIAL SRVCS CH MAR	2,564.00	
				J1797	6/30/2024	JANITORIAL SRVCS PW	1,532.50	
				J2034	3/31/2025	JANITORIAL SRVCS PW	501.00	15,743.90
139507	4/8/2025	bad01	BADGER METER INC	1720823	3/21/2025	MAINT/REPAIR SUPP PW	953.14	953.14
	Voucher:	139507						
139511	4/8/2025	bee04	DENNIS L JOBE, DBA BEE CI	187006	3/25/2025	BEE REMOVAL MAR	180.00	180.00
	Voucher:	139511						
<b>Sub total for GENERAL ACCOUNT US BANK:</b>								20,523.44

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6738	4/8/2025	cha71	CHARTER COMM HOLDINGS	189123701	3/14/2025	FIBER CONNECTION PW MAR	412.74	
	Voucher:	6738		189123401	3/14/2025	CABLE/INTERNET PW MAR	231.19	643.93
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>								643.93

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Bank : qusbk GENERAL ACCOUNT US BANK

<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>
139509	4/8/2025	cli04	CLIFTONLARSONALLEN LLP L251135276	3/31/2025	AUDIT SRVCS MAR	4,000.00	4,000.00
	Voucher:	139509					
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							4,000.00

**Bank : eusbnk EFT GENERAL ACCOUNT US BANK**

<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>	
6739	4/8/2025	coa21	COAST NEWS GROUP	00156390	3/21/2025	AD - PUBLIC HEARING	395.25	395.25
	Voucher:	6739						
6740	4/8/2025	cor15	CORONADO MOBILE STORA APR-25		4/1/2025	STORAGE CONTRS APR	255.00	255.00
	Voucher:	6740						
6741	4/8/2025	del02	DEL MAR BLUE PRINT CO, I# 619922		4/2/2025	PRINTING SRVCS ASD	44.04	44.04
	Voucher:	6741						
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>								694.29

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Bank : qusbk GENERAL ACCOUNT US BANK

<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>
139510	4/8/2025	del06	DEL MAR AUTOMOTIVE SER 49704	3/31/2025	VEHICLE MAINT CS #392	184.50	
	Voucher:	139510	49719	4/1/2025	VEHICLE MAINT CS #394	113.29	297.79
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							297.79

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6742	4/8/2025	del14	DEL MAR VILLAGE ASSOCIA 10	4/3/2025	DMVA AGRMNT FEB	21,082.61	21,082.61
	Voucher:	6742					
6743	4/8/2025	dix01	DIXIELINE LUMBER CO	06-0591671	3/20/2025	MAINT/RPR SUPP PW	71.71
	Voucher:	6743	06-0590682	3/12/2025	OPERATING SUPP FIRE	71.66	
			06-0591949	3/24/2025	MAINT/RPR SUPP PW	29.31	
			06-0591613	3/20/2025	OPERATING SUPP PW	15.14	
			06-0591847	3/24/2025	OPERATING SUPP PW	13.28	201.10
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							21,283.71

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Bank : qusbk GENERAL ACCOUNT US BANK

<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>	
139512	4/8/2025	fer01	FERRELLGAS LP	1130177622	3/27/2025	PROPANE FIRE	986.51	986.51
	Voucher:	139512						
139514	4/8/2025	glo06	GLOBAL POWER GROUP INC	102715	3/18/2025	PM GENERATOR MTC CH	986.25	986.25
	Voucher:	139514						
<b>Sub total for GENERAL ACCOUNT US BANK:</b>								1,972.76

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6744	4/8/2025	kle01	KLEINFELDER	1524728	3/24/2025	CDM BRIDGE FEB	102,507.21	102,507.21
	Voucher:		6744					
6745	4/8/2025	lif01	LIFE-ASSIST	1584358	3/27/2025	AMBULANCE SUPP FIRE	125.64	125.64
	Voucher:		6745					
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>								102,632.85

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Bank : qusbk GENERAL ACCOUNT US BANK

<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>
139515	4/8/2025	Inc01 L.N. CURTIS & SONS	INV923490	3/6/2025	UNIFORMS - FIRE	1,332.77	1,332.77
	Voucher:	139515					
					<b>Sub total for GENERAL ACCOUNT US BANK:</b>		1,332.77

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6746	4/8/2025	mic11	MICHAEL BAKER INTERNATI	1242819	3/21/2025	CITY ENGR SRVCS FEB	89,833.26	89,833.26
	Voucher:	6746						
						<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>		89,833.26

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
139516	4/8/2025	nap01	NAPA AUTO PARTS	961972	2/26/2025	VEHICLE MAINT SUPP PW	238.10
	Voucher:	139516					238.10
139517	4/8/2025	por05	PORTILLO CONCRETE INC	2501-2969	3/19/2025	ROADWAY REPAIRS PW	32,010.77
	Voucher:	139517					32,010.77
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							<b>32,248.87</b>

**Bank : eusbnk EFT GENERAL ACCOUNT US BANK**

<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>
6747	4/8/2025	pru01	PRUDENTIAL OVERALL SUP 132305801	3/21/2025	UNIFORMS PW - 3/21	116.19	
	Voucher:	6747	132305799	3/21/2025	MATS PW - 3/21	15.47	
			132305800	3/21/2025	SHOP TOWELS - 3/21	4.93	136.59
6749	4/8/2025	san03	SAN DIEGO COUNTY WATEF 0000002849	3/3/2025	RAW WATER DEC BAL	3,103.78	3,103.78
	Voucher:	6749					
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							3,240.37

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Bank : qusbk GENERAL ACCOUNT US BANK

<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>
139518	4/8/2025	san112	SAN DIEGO HUMANE SOCIE APR-25	4/1/2025	ANIMAL SRVCS APR	4,255.00	4,255.00
	Voucher:	139518					
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							4,255.00

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6748	4/8/2025	san12	SAN DIEGO COUNTY SHERII	03272025	3/27/2025	LAW ENF FEB	227,457.59	227,457.59
	Voucher:	6748						
						<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>	<b>227,457.59</b>	

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
139508	4/8/2025	sol01	CITY OF SOLANA BEACH	221031	3/21/2025	PUMP STATION LEASE Q1/Q3	91,944.00
	Voucher:	139508					91,944.00
139519	4/8/2025	ter01	TERMINIX INT CO LTD, PART	457701403	3/17/2025	PEST CONTROL SRVCS FIRE	54.00
	Voucher:	139519					54.00
<b>Sub total for GENERAL ACCOUNT US BANK:</b>							91,998.00

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Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<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>	
6750	4/8/2025	tru09	TRUE NORTH COMPLIANCE	DM24-10/11/12	1/10/2025	BLDG CODE PC INSP Q2	75,156.90	75,156.90
	Voucher:	6750						
					<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>		75,156.90	

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
139520	4/8/2025	uli02	ULINE	190820490	3/25/2025	MAINT/REPAIR PW	192.39	192.39
	Voucher:	139520						
139522	4/8/2025	ver03	VERIZON WIRELESS	872374736-00003	3/18/2025	TELEPHONE MAR	502.94	
	Voucher:	139522		570653198-00008	3/18/2025	TELEPHONE MAR	359.02	
				570653198-00006	3/18/2025	TELEPHONE MAR	239.95	
				542070053-00002	3/20/2025	TELEPHONE MAR	168.46	1,270.37
139521	4/8/2025	ver12	VERIZON	73273050	3/20/2025	TELEPHONE MAR	128.54	128.54
	Voucher:	139521						
139523	4/8/2025	vis07	VISTA PAINT CORPORATION	2025-853912-00	3/20/2025	TRAFFIC PAINT PW	386.60	386.60
	Voucher:	139523						
139524	4/8/2025	wax02	WAXIE'S ENTERPRISES, LLC	83119565	3/24/2025	JANITORIAL SUPP PW	744.72	
	Voucher:	139524		83122139	3/25/2025	JANITORIAL SUPP PW	723.95	
				83119554	3/25/2025	JANITORIAL SUPP PW	48.51	1,517.18
<b>Sub total for GENERAL ACCOUNT US BANK:</b>								3,495.08

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35 checks in this report.

Grand Total All Checks: 681,691.18



**Bank : eusbnk EFT GENERAL ACCOUNT US BANK**

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6751	4/10/2025	san03	SAN DIEGO COUNTY WATEF 0225-2	3/10/2025	RAW WATER FEB	135,311.80	135,311.80
	Voucher:	6751					
6752	4/10/2025	san56	SAN ELIJO JOINT POWERS, 01132025	1/13/2025	RECLAIMED WATER NOV/DEC	20,313.41	20,313.41
	Voucher:	6752					
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>155,625.21</b>

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2 checks in this report.

Grand Total All Checks: 155,625.21



Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
6753	4/15/2025	kay01	ADAM KAYE	MAR-25	3/31/2025	COMM SRVCS MAR	3,825.00	3,825.00
		Voucher:	6753					
6754	4/15/2025	civ01	CIVICPLUS LLC	331988	5/22/2025	CIVICSEND ANNUAL FEE	1,822.89	1,822.89
		Voucher:	6754					
6755	4/15/2025	coa21	COAST NEWS GROUP	00156472	3/28/2025	AD - PUBLIC HEARING	143.38	
		Voucher:	6755	00156470	3/28/2025	AD - PUBLIC HEARING	116.25	
				00156471	3/28/2025	AD - PUBLIC HEARING	120.13	379.76
6756	4/15/2025	cor11	CORODATA MEDIA STORAGE	DS1311361	3/31/2025	STORAGE SRVCS MAR	233.33	233.33
		Voucher:	6756					
6757	4/15/2025	cor07	CORODATA RECORDS MGT	RS7075616	3/31/2025	STORAGE SRVCS MAR	166.98	166.98
		Voucher:	6757					
6758	4/15/2025	cor22	CORVEL CORPORATION	1793708	3/18/2025	MED MAINT - MAR	250.00	
		Voucher:	6758	1759524	1/21/2025	FNOL FEES - DEC	37.00	287.00
6759	4/15/2025	dix01	DIXIELINE LUMBER CO	06-0591828	3/31/2025	TOOLS/EQUIP CS	352.31	
		Voucher:	6759	06-0592896	3/31/2025	OPERATING SUPP PW	227.87	
				06-0593199	4/1/2025	OPERATING SUPP PW	113.28	
				06-0592201	3/25/2025	OPERATING SUPP PW	68.36	
				06-0592938	3/31/2025	OPERATING SUPP PW	45.49	
				06-0592473	3/26/2025	MAINT/REPAIR SUPP PW	39.49	
				06-0592364	3/25/2025	OPERATING SUPP PW	26.49	
				06-0592382	3/26/2025	OPERATING SUPP PW	9.98	
				06-0592846	3/28/2025	OPERATING SUPP PW	5.26	
				06-0592817	3/28/2025	OPERATING SUPP PW	3.90	892.43
6760	4/15/2025	fer07	FERGUSON ENTERPRISES I	0877557	3/25/2025	WATER METER PARTS	885.45	
		Voucher:	6760	0877573	3/27/2025	WATER METER PARTS	752.38	
				0876631	3/10/2025	WATER METER PARTS	475.62	
				0877560	3/27/2025	WATER METER PARTS	397.37	
				0877559	3/25/2025	WATER METER PARTS	135.94	2,646.76
6761	4/15/2025	nor13	NORTH COUNTY DISPATCH	202425-206	4/1/2025	DISPATCH - PW Q4	451.65	451.65
		Voucher:	6761					
6762	4/15/2025	opt03	OPTIMIZED INVESTMENT PA	1368	4/7/2025	INVSTMNT SRVCS - MAR	2,921.25	2,921.25
		Voucher:	6762					
6763	4/15/2025	par51	PARKWOOD LANDSCAPE M	109163	3/31/2025	LANDSCAPE SRVCS MAR	17,930.00	17,930.00
		Voucher:	6763					

Bank : eusbnk EFT GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6764	4/15/2025	pru01	PRUDENTIAL OVERALL SUP 132306960	3/28/2025	UNIFORMS PW - 3/28	116.19	116.19
		Voucher:	6764				
6765	4/15/2025	sol06	SOLANA CENTER FOR ENV, 40-45-3-25	4/11/2025	SB 1383 SUPP SRVCS MAR	3,433.06	3,433.06
		Voucher:	6765				
6766	4/15/2025	tow05	TOWNSEND PUBLIC AFFAIR 23199	4/1/2025	LEGISLATIVE SRVCS APR	4,000.00	4,000.00
		Voucher:	6766				
6767	4/15/2025	uti01	UTILITY SPECIALISTS INC 29122	3/31/2025	UP - 1A STRATFORD S FEB	35,732.50	
		Voucher:	6767	29123	3/31/2025	UP - 1A STRATFORD FEB	364.00
			29121	3/31/2025	UP - X1A CREST CNYN FEB	245.50	36,342.00
6768	4/15/2025	wex01	WEX BANK 0496-00-495760-1	4/6/2025	GAS & OIL - FIRE	918.08	918.08
		Voucher:	6768				
<b>Sub total for EFT GENERAL ACCOUNT US BANK:</b>							<b>76,366.38</b>

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
139525	4/15/2025	bng01	05 BNG LLC, DBA QUIKSILVE 75056346	4/1/2025	UNIFORMS - JR LFGRDS	3,740.00	3,740.00
		Voucher:	139525				
139526	4/15/2025	sbc03	AT&T 9391059863	4/1/2025	TELEPHONE MAR	667.37	
		Voucher:	139526				
			9391065056	3/27/2025	TELEPHONE MAR	30.10	
			9391065053	3/27/2025	TELEPHONE MAR	30.09	
			9391065054	3/27/2025	TELEPHONE MAR	30.09	
			9391065055	3/27/2025	TELEPHONE MAR	30.09	787.74
139527	4/15/2025	azt02	AZTEC LANDSCAPING INC, I J1921	10/31/2024	WINDOW CLEANING CH	1,172.00	1,172.00
		Voucher:	139527				
139528	4/15/2025	res01	CALWEN INC, DBA RESCUE 136194	2/3/2025	LIFEGUARD TOOLS CS	1,540.00	1,540.00
		Voucher:	139528				
139529	4/15/2025	car30	CARSTENS, BLACK & MINTE 34885	4/8/2025	SANDAG LOSSAN SRVCS MAR	512.00	512.00
		Voucher:	139529				
139530	4/15/2025	cin02	CINTAS 5263902201	4/10/2025	FIRST AID KIT SUPP CH	88.16	88.16
		Voucher:	139530				
139531	4/15/2025	cou16	COUNTY OF SAN DIEGO - RI 25CTOFDMC09	4/1/2025	RCS PAGING SRVCS - MAR	70.00	70.00
		Voucher:	139531				
139532	4/15/2025	fis12	FISHER INTEGRATED INC 2220	4/1/2025	VIDEO STREAMING MAR	850.00	850.00
		Voucher:	139532				
139533	4/15/2025	fri06	FRIEDMAN & SPRINGWATEF 1000884	4/2/2025	UG CONSULT SRVCS	3,952.00	3,952.00
		Voucher:	139533				
139534	4/15/2025	hal16	HALLOR, BRIDGET 04072025	4/7/2025	PHCC EVENT REFUND	800.00	800.00
		Voucher:	139534				
139535	4/15/2025	hea06	HEARTLAND FIRE TRAINING DMCPVRT0325	4/8/2025	TRAINING - FIRE	475.00	475.00
		Voucher:	139535				
139536	4/15/2025	dar05	JEFFREY SCOTT ARVESON, 04012025	4/1/2025	DEAD ANIMAL RMVL MAR	1,335.00	1,335.00
		Voucher:	139536				
139537	4/15/2025	kle05	KLEBER, EVAN 04042025	4/4/2025	CITATION REFUND	84.00	84.00
		Voucher:	139537				
139538	4/15/2025	los03	LOS ANGELES TRUCK CENT RA290039544:02	3/31/2025	VEHICLE MAINT PW #77	4,788.08	
		Voucher:	139538				
			RA290039544:01	3/27/2025	VEHICLE MAINT PW #77	968.37	5,756.45
139539	4/15/2025	nap01	NAPA AUTO PARTS 731730	3/28/2025	VEHICLE MAINT SUPP PW	66.47	66.47
		Voucher:	139539				
139540	4/15/2025	par35	PARADIGM MECHANICAL CC 110702	3/31/2025	HVAC SRVCS CH	2,062.00	2,062.00
		Voucher:	139540				

Bank : qusbk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
139541	4/15/2025	ran06	RANCHO SANTA FE FIRE	2025-076	3/5/2025	TRAINING - FIRE	1,448.90	1,448.90
		Voucher: 139541						
139542	4/15/2025	san138	SAN DIEGO ELEVATOR & LIF	9667	3/29/2025	ELEVATOR MAINT CH MAR	200.00	200.00
		Voucher: 139542						
139543	4/15/2025	sdq02	SAN DIEGO GAS & ELECTRI	0012 6209 1548 9	4/1/2025	UTILITIES MAR	100.58	
		Voucher: 139543		0081 7377 2988 5	4/7/2025	UTILITIES MAR	7,906.84	
				0066 5491 6833 1	4/7/2025	UTILITIES MAR	4,818.98	
				2100 0065 8024 7	4/7/2025	UTILITIES MAR	734.90	
				0067 3735 0888 1	4/4/2025	UTILITIES MAR	325.34	
				0069 0908 1676 1	4/7/2025	UTILITIES MAR	241.46	
				0085 7750 3585 7	4/4/2025	UTILITIES MAR	20.11	
				0066 5491 5032 1	4/3/2025	UTILITIES MAR	13.46	14,161.67
139544	4/15/2025	sde01	SD ELECTRIC BIKE LLC, DB/	13341	4/7/2025	ELEC BIKE MAINT CS	42.50	42.50
		Voucher: 139544						
139545	4/15/2025	smi20	SMITH, AMANDA	04072025	4/7/2025	PHCC EVENT REFUND	410.00	410.00
		Voucher: 139545						
139546	4/15/2025	uni25	STAXUP - UNITS LLC	19155	4/6/2025	STORAGE CS APR	289.85	289.85
		Voucher: 139546						
139547	4/15/2025	stu06	STUART, CHRISTOPHER	04072025	4/7/2025	PHCC EVENT REFUND	800.00	800.00
		Voucher: 139547						
139548	4/15/2025	t-mo01	T-MOBILE USA INC	980755647	3/21/2025	TELEPHONE MAR	11.90	11.90
		Voucher: 139548						
139549	4/15/2025	und01	UNDERGROUND SERVICE A	320250236	4/1/2025	CONT SRVCS MAR	198.70	198.70
		Voucher: 139549						
139550	4/15/2025	ver12	VERIZON	Z1275008	3/8/2025	TELEPHONE FEB	2.64	2.64
		Voucher: 139550						
139551	4/15/2025	wax02	WAXIE'S ENTERPRISES, LLC	83138355	4/1/2025	JANITORIAL SUPPLIES	1,229.15	
		Voucher: 139551		83080339	3/5/2025	JANITORIAL SUPPLIES	934.56	
				83116198	3/21/2025	JANITORIAL SUPPLIES	597.69	
				83136813	4/1/2025	JANITORIAL SUPPLIES	98.34	
				83140830	4/2/2025	JANITORIAL SUPPLIES	78.84	2,938.58
139552	4/15/2025	wes29	WEST COAST ARBORISTS IN	227094	3/15/2025	TREE MAINT 3/1-3/15	10,885.06	10,885.06
		Voucher: 139552						
139553	4/15/2025	zon02	ZONE TRAFFIC ENGINEERIN	INV 24001-03	3/25/2025	TRAFFIC ENGR SRVCS MAR	2,438.00	2,438.00
		Voucher: 139553						

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Sub total for GENERAL ACCOUNT US BANK: 57,118.62

45 checks in this report.

Grand Total All Checks: 133,485.00





# City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

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

DATE: April 21, 2025

SUBJECT: Second Reading and Adoption of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Amend Del Mar Municipal Code (DMMC) Chapters 30.22 (Central Commercial Zone) and 30.31 (Public Facilities Zone) in Local Coastal Program Amendment Ordinance No. 1006 Adopted by the City Council on April 15, 2024, for Consistency with the February 6, 2025, Coastal Commission Conditional Certification Decision

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council adopt the Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Central Commercial (CC) Zone regulations in DMMC Chapter 30.22 and Public Facilities (PF) Zone regulations in DMMC Chapter 30.31 to increase local housing capacity.

## BACKGROUND:

On April 15, 2024, the City Council adopted Ordinance No. 1006, amending the City's Local Coastal Program, as necessary for compliance with the City's certified 6th Cycle Housing Element (2021-2029) Program 1C (CC Zone) and Program 1H (PF Zone). The action applies to the CC Zone (9th Street to 15th Street along Camino del Mar) along with nine public facilities sites (10th and 28th Street vacant lots, Civic Center, library, post office, and four water towers). Following approval by the Council, the Ordinance was submitted to the CCC for certification as required.

Additional background regarding the Local Coastal Program amendments may be accessed in the following links to City Council Agenda reports for March 18, April 1, and April 15, 2024:

<https://www.delmar.ca.us/DocumentCenter/View/9230/Item-8---CC-PF-Zone-Amendments>

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/04012024-3423>

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/04152024-3436>

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City Council Action:

On February 6, 2025, the CCC conditionally certified the City's CC/PF LCPA application to allow 20 dwelling units per acre (du/ac), which increases the allowed density in the CC zone and PF zone for projects that include an affordable housing component. The CCC staff report (Item Th20d) may be accessed in the following link:

<https://www.coastal.ca.gov/meetings/agenda/>

The CCC conditional certification approval resulted in required modifications that include:

- Disclosure that the City-owned 28th Street lot is located in the Floodplain Overlay Zone;
- Clarification that the existing horizontal zoning requirement will apply to housing development;
- Removal of standards related to "bulk and mass" and "neighbor privacy" due to the redundancy with existing City design standards found in other Chapters of the DMMC; and
- Minor corrections made to strengthen existing coastal protection standards and to amend separately published lists of the use designations and allowed uses for the respective zones to ensure consistency.

On April 7, 2025, the City Council introduced an Ordinance to accept the changes required by the CCC as a condition of final certification approval of the CC/PF LCPA. The City Council Agenda report (Item 11) may be accessed in the following link:

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/04072025-3649>

#### DISCUSSION/ANALYSIS:

The required CCC modifications are consistent with the Del Mar Community Plan (General Plan) as amended by City Council action on April 1, 2024, which allows 20 dwelling units per acre (du/ac) density in the CC Zone and PF Zone subject to specific criteria and context specific factors that are applicable to the respective zones. The allowance of 20 du/ac density ensures that certain properties will be eligible to apply for processing of a Density Bonus project in accordance with State Density Bonus Law (DBL). However, it is important to note that the State's DBL does not supersede or lessen the effect of the California Coastal Act.

The amendments will continue to maintain small-scale pedestrian-oriented development that minimizes impacts to local neighborhoods and that maintain consistency with LCP protections including:

- Maximum building height (26 feet above grade on both sides of Camino del Mar and 14 feet above the adjacent curb on the west side of Camino del Mar);
- Protections of public scenic views (i.e., views of the Pacific Ocean from Camino del Mar and other public vantage points) to the maximum extent possible without preventing the reasonable use of private property;
- Protection of public access to the shoreline; and
- Protection of public safety from coastal hazards.

The proposed Ordinance will allow the City to obtain final certification approval from the CCC. The adopted regulations will take effect on the date CCC grants final certification approval, which typically occurs at the first available CCC hearing following City Council adoption.

**FISCAL IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

In accordance with the California Environmental Quality Act (CEQA), it has been determined based on substantial evidence in the record that the amendments would not result in any significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final Program Environmental Impact Report (PEIR) for the 6th Cycle Housing Element. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is therefore necessary because the certified 6th Cycle Housing Element Final PEIR analyzed the proposed action, and no further environmental document is required. The 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The Final PEIR is available at:

[www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020)

**HOUSING IMPACT:**

In April 2024, the Del Mar Community Plan was amended to increase the City's housing capacity by creating sites allowing 20 dwelling units per acre to facilitate future development of affordable housing in accordance with the certified 6th Cycle Housing Element. The associated code amendments are necessary for consistency with the Community Plan and will result in the completion of Housing Element Programs 1C and 1H. The result of this action will create new housing opportunities and implement the Housing Element Program 6B (Affirmatively Furthering Fair Housing) commitment to create new opportunities for housing mobility and relocation to and within Del Mar with a goal of creating 100 additional housing opportunities beyond the City's Regional Housing Needs Allocation (RHNA). These actions will further improve housing choices and affordability options for moderate income, lower income, and special needs households.

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

Implementation of the identified zoning actions in compliance with the City's 6<sup>th</sup> Cycle Housing Element is a Tier 1 (Highest) City Council priority work plan item for Fiscal Year 2024-2025.

**ATTACHMENT:**

Attachment A – Proposed Ordinance Accepting CCC Modifications to Ordinance No. 1006

## ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (ZONING CODE) CHAPTER 30.22 CENTRAL COMMERCIAL (CC) ZONE REGULATIONS AND CHAPTER 30.31 PUBLIC FACILITIES (PF) ZONE AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 1006; AND AMENDING THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM (LCP) BY AMENDING THE LCP LAND USE DESIGNATIONS/ALLOWED USES" LIST IN THE LCP LAND USE PLAN; AND AMENDING THE LCP "ZONING USE DESIGNATIONS/ALLOWED USES" LIST IN THE LCP IMPLEMENTATION PLAN; ALL RELATING TO AMENDMENTS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AS A CONDITION OF APPROVAL FOR THE CITY TO OBTAIN FINAL CERTIFICATION OF THE ORDINANCES NEEDED FOR IMPLEMENTATION OF THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT PROGRAMS 1C (CC ZONE) AND 1H (PF ZONE)

WHEREAS, the City's certified 6<sup>th</sup> Cycle Housing Element includes commitments identified in Program 1C (Central Commercial), Program 1H (Public Facilities), and Program 6B (Fair Housing) to increase local housing capacity by amending the City's Community Plan (General Plan), Del Mar Municipal Code (DMMC), and Local Coastal Program (LCP); and

WHEREAS, in a noticed public hearing on February 21, 2024, the Planning Commission recommended the City Council approve the CEQA determination and adopt amendments to the Central Commercial (CC) Zone and Public Facilities (PF) Zone land use designations and regulations in the Del Mar Community Plan, DMMC, and LCP with the stipulation that new project development will apply the maximum height of the certified LCP based on the local topography which slopes downward from east to west, the protection of existing public scenic views, and the need to maintain the existing pedestrian scale in accordance with the Del Mar Community Plan and certified LCP; and

WHEREAS, on April 1, 2024, the City Council approved the CEQA determination and adopted amendments to the Del Mar Community Plan to implement the City's 6<sup>th</sup> Cycle Housing Element commitments identified in Program 1C (Central Commercial), Program 1H (Public Facilities), and Program 6B (Fair Housing); and

WHEREAS, on April 15, 2024, the City Council adopted Ordinance No. 1006 with companion amendments required by Housing Element Programs 1C, 1H, and 6B amending the Del Mar Municipal Code and Local Coastal Program (LCP) for the Central Commercial (CC) Zone and Public Facilities (PF) Zone; and

WHEREAS, City staff engaged in extensive public outreach to encourage public participation in formulating these adopted regulations, which included articles posted on

the City's website, multiple announcements made in the City's weekly updates, and multiple announcements made during public meetings including the Planning Commission and City Council meetings; and

WHEREAS, the whole of the City of Del Mar is located entirely within the "Coastal Zone" boundary and is therefore subject to full compliance with the California Coastal Act; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City's LCP policies and regulations with the State housing laws to ensure protection of sensitive coastal resources, protection of public coastal view sheds, provide coastal parking to ensure public access, and protect the public health and safety of residents and visitors; and

WHEREAS, on February 6, 2025, the California Coastal Commission voted to conditionally certify the City's CC/PF Ordinance/LCPA with modifications imposed as a condition of approval; and

WHEREAS, on March 21, 2025, the notice of City Council public hearing was published in the Coast News and mailed notices were sent to all interested parties; and

WHEREAS, the required CCC modifications have been incorporated herein; and

WHEREAS, adoption of this Ordinance (allowing 20 dwelling units per acre density in the Central Commercial and Public Facilities Zones, subject to specific criteria and development context specific factors) allows the City to obtain final certification approval from the California Coastal Commission and to complete its implementation of the 6th Cycle Housing Element commitments, allowing the City to maintain compliance with State law and avoid decertification of its Housing Element.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the following:

1. The foregoing Findings and with the incorporation of the above stated Recitals are true and correct and are integrated into this action.
2. The Del Mar Community Plan land use designations for Central Commercial and Public Facilities adopted by Resolution on April 1, 2024, and the amendments to the Local Coastal Program and Zoning Code (Del Mar Municipal Code Title 30) in prospective Ordinance No. 1006 adopted April 15, 2024, and this Ordinance are consistent with State law requirements (California Government Code Section 65860 et seq) that requires that land use and zoning designations be consistent as applied to site development.

3. The CC Zone applies to the majority of land within the City's Village Center, which is a pedestrian-oriented downtown that runs along Camino del Mar between 9th Street and 15th Street. This area is Del Mar's principal commercial, visitor-serving, small-scale, pedestrian oriented downtown, which includes scenic blue water ocean views. The existing regulations limit building height to twenty-six (26) feet above grade and a maximum of fourteen (14) feet above the curb elevation on the west side of Camino del Mar. The applicable Community Plan and LCP policies reflect the community vision to maintain the unique, small-town character and strong community identity through building design and height limits, which preserve ocean views and promote an open space small-town atmosphere.
4. Within the CC Zone, there is one developed multi-tenant commercial property known as "Stratford Square" that is located at 1438 Camino del Mar in the Historic Preservation Overlay Zone. The property is a fully occupied commercial property that is small in size at 0.21 acres (9,375 sf). While the property may become eligible to process a Density Bonus project per State DBL as a result of the density increase to 20 dwelling units per acre, any proposed development would be required to be consistent with State and Federal law, including provisions for protection of historic resources and ensure protection of public health and safety.
5. The PF zone applies to ten public facilities, all of which are City-owned with the exception of the Del Mar Library (County-owned) and U.S. Post Office (Federally-owned). A Sites Analysis identified housing development potential for nine public facilities in the PF Zone including: the vacant 10th Street and 28th Street lots in the City's 6th Cycle Housing Element, the Del Mar Civic Center, Del Mar Library, United States Post Office, and four water towers (Pine Needles, Crest, 11th Street, and Zuni). Shores Park was explicitly excluded as a potential site for housing in the certified 6<sup>th</sup> Cycle Housing Element.
6. Within the PF Zone, there is one vacant property at 28<sup>th</sup> Street that is located within the floodplain identified by the Federal Emergency Management Agency (FEMA) as subject to periodic inundation due to flooding as identified by best available science, are being exacerbated by climate change and sea level rise (existing and projected). Applicable federal, state, and local regulations ensure that new development in the floodplain will be appropriately sited and constructed so as to avoid flood hazards to those who will occupy the development; and to avoid damage or hazards to the surrounding area. On a citywide basis, the City is addressing projected flood conditions to minimize flood risk through adaptation mitigation measures. These measures are consistent with the adopted City of Del Mar Sea Level Rise Adaptation Plan (Environmental Science Associates October 2018). Currently, the City has an existing system of shoreline protection along the shoreline in the North Beach neighborhood, which has been maintained in accordance with the Beach Preservation Initiative and the Beach Overlay Zone policies and regulations in the City's certified Local Coastal Program. In addition, the City has a Sand Compatibility Opportunistic Use Program in place to facilitate sediment management and maintenance of a wide beach and is in process of

preparing a conceptual plan for a living levee, vegetated berm system, to provide flood adaptation along the banks of the San Dieguito River in accordance with the City's adopted Sea Level Rise Adaptation Plan and the Coastal Act. All new development, including the City-owned vacant 28<sup>th</sup> Street parcel, must demonstrate how the proposed development will implement adaptation measures to minimize flood damage and avoid flood hazards in accordance with the City's certified LCP and the California Coastal Act Chapter 3, Article 6, Section 30253(a) (Cal. Pub. Res. Code Section 30253(a)). These protections will be further enhanced through the requirement for disclosure of applicable overlay zones (i.e., location of the City-owned 28<sup>th</sup> Street vacant lot in the Floodplain Overlay Zone).

7. There are no identified environmentally sensitive coastal resources or environmentally sensitive habitat areas that are located within the CC Zone or PF Zone. Protection of these natural habitats and environmentally sensitive resources is a cornerstone of the Coastal Act found in the California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240). State Density Bonus law specifically provides that coastal resource protections found in the California Coastal Act are not to be superseded or its effects lessened.
8. Within the CC Zone and PF Zone and surrounding neighborhoods there are public scenic view corridors to coastal resources that are protected under the California Coastal Act. Consistent with the Coastal Act Chapter 3, Article 6, Section 30251, these scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. (See: Cal. Pub. Res. Code Sec. 30251). New development in highly scenic areas such as those designated in the California Coastline preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (See: cal. Pub. Res. Code Section 30251).
9. In order to protect coastal resources and public access, State DBL does not supersede or lessen the effect of the California Coastal Act. (Cal. Gov. Code. Sec. 65915(m)). Density Bonus project development may not obstruct the public scenic and visual qualities of the City's coastal areas. To be consistent with the mandates of the California Coastal Act, building restricted easements are enforced and certain height restrictions, including the existing certified height limit of 26 feet above grade and a maximum of 14 feet above the curb elevation on the west side of Camino del Mar, may be enforced on Density Bonus project development to ensure protection of public scenic coastal vistas.
10. Application of the existing height in the certified LCP for the CC Zone will implement the Del Mar Community Plan and certified LCP Land Use Plan policies to maintain pedestrian scale and preserve public scenic views that exist throughout the CC Zone due to the topography which slopes from the hill above to the east of the CC Zone down toward the south beach shoreline located west of the CC Zone.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar hereby ordains as follows:

**SECTION ONE:** That DMMC Section 30.22.031 for the CC Zone shall be amended to read as follows:

**30.22.031 Allowance for Multi-Dwelling Unit Residential Use**

- A. Multiple dwelling unit residential use (0-20 dwelling units per acre) is an allowed use in the CC zone for mixed use projects that include an affordable housing component for lower income households. The minimum amount of affordable housing units included in a project must be calculated in accordance with Chapter 24.21 and provided on site. Any fractional unit obligation shall be rounded up.
- B. Proposed multiple dwelling unit development shall maintain a pedestrian-oriented, predominately retail village character, with attractive walkways and courts which encourage social interaction.
- C. Project design shall maintain public scenic views and public access protections consistent with the certified Local Coastal Program.

**SECTION TWO:** That DMMC Section 30.31.020 (PF Zone Allowed Uses) shall be amended as follows:

**30.31.020 Allowable Uses**

The following uses are allowable in the PF Zone:

- A. Public schools.
- B. Private schools that are open to the public and whose primary function is providing educational programs for pre-school students and students in grades K through 12.
- C. City, county, state and federal buildings and uses, including:
  - Administrative offices
  - Fire and police stations
  - Public works buildings
  - Public meeting rooms or chambers
  - Libraries
  - Postal offices
  - Public parking facilities
  - Public parks and playgrounds
- D. Utility structures, such as: Pump stations and water tanks

- E. With the exception of the Shores Park site (APNs 300-200-01, 300-200-02, 300-200-22, 300-200-23), multiple dwelling unit residential (at a density of 0-20 dwelling units per acre or the maximum number of dwelling unit specified for the parcel in the certified Housing Element, whichever is greater) that includes affordable housing for lower income households shall be an allowed use in the PF zone. State law defines a lower income household as people or families whose gross income does not exceed 80 percent of Area Median Income (AMI) and includes low income, very low income, and extremely low-income households.
1. Proposed multiple dwelling unit residential development shall comply with the maximum height and setbacks specified in Section 30.31.070 and with the maximum floor area and lot coverage applicable to adjacent properties with a common boundary in accordance with the certified Local Coastal Program.
  2. Project design shall maintain public scenic views and public access protections consistent with the certified Local Coastal Program.
  3. Prior to issuance of a Coastal Development Permit for the 28<sup>th</sup> Street parcel, located within the special flood hazard area identified on the most recent FEMA Flood Insurance Rate Map (FIRM), the project shall demonstrate compliance with the following conditions of approval:
    - a. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and flood hazards, including with consideration of sea level rise.
    - b. Development shall comply with the certified Local Coastal Program.
    - c. Owners and successors in interest of any development on the 28<sup>th</sup> Street parcel shall notify dwelling unit occupants of all overlay zones applicable to the property.

**SECTION THREE:** That the City's certified Local Coastal Program Land Use Plan Chapter II Land Use Development policies for the Village Center District shall be amended as follows:

### **C. LAND USE DEVELOPMENT GOALS AND POLICIES - BY DISTRICT**

#### **9. Village Center District**

This area is designated primarily as Central Commercial (CC) and is Del Mar's principal commercial, visitor serving and professional area. The Village Center is a pedestrian-oriented downtown that is intended to group housing, retail services, and commercial services with facilities for civic and community activities. It extends along both sides of Camino del Mar, beginning at 9th Street and reaching north to 15th Street. The District

contains the site of the U.S. Post Office, City Hall, and City of Del Mar's branch of the County of San Diego Library designated as PF (Public Facilities) on the Land Use Map.

Multiple specific plan areas are also included in the Village District. The Specific Plan for the Del Mar Hotel, (HSP west side of Camino del Mar at 15th Street) generally limits the uses on the site to a hotel, timeshare and short term rental units and associated retail uses. The Specific Plan for the Del Mar Plaza, (PSP east side of Camino del Mar at 15th Street) generally limits the uses on site to restaurant and retail uses with a small percentage allowed for office use. The 941 Camino del Mar Specific Plan (941SP east side of Camino del Mar at 10th Street) generally limits the uses to a combination of restaurant, retail, short term rental, and residential uses. Each of the Specific Plan areas devotes a portion of the property to public and quasi-public use. Each of these specific plans were voter approved and require a recorded Development Agreement between the City and the developer/property owner. Where a particular conflict arises between the provisions of a valid and recorded Development Agreement and any policies of this Land Use Plan that have been subsequently adopted, the former shall continue to be binding and shall supersede the subsequently adopted policies of this Land Use Plan. Subsequent development agreements or amendments to existing Development Agreements shall be consistent with the Land Use Plan in effect at the time.

The CC (Central Commercial) designation encompasses the majority of land within the Village District. The CC designation allows for a variety of commercial uses aimed at serving the needs of both residents and visitors to the area. Due to the City's popularity as a visitor-destination point, the majority of the property in the CC Zone has been developed with uses that serve both residents and visitors. The Central Commercial area allows pedestrian-oriented retail activities, commercial services and a limited number of offices; and multiple dwelling unit residential (0-20 dwelling units per acre) in non-street fronting building spaces (except as permitted by DMMC Section 30.22.033) that includes affordable housing for lower income households and is designed consistent with the policy intent to retain a pedestrian-oriented downtown and compliance with the certified Local Coastal Program. State law defines a lower income household as people or families whose gross income does not exceed 80 percent of Area Median Income (AMI) and includes low income, very low income, and extremely low-income households.

In order to facilitate the demand for more goods and services, the following policies have been developed to better utilize the commercially designated land in the Village Center District.

- a. In the Village Center District, large single purpose businesses, and businesses catering to an automotive public (drive-through banks, drive through food stands, etc.) shall be discouraged.
- b. In the Village Center District, building designs which incorporate a unique and small-town character shall be encouraged and building designs which are based on a corporate identity or logo shall be discouraged.

- c. In the Village Center District, retail enterprises whose primary purposes are to satisfy the needs of the community and enhance the quality and convenience of life in Del Mar shall be encouraged.
- d. In the Central Commercial portion of the Village Center District, retail uses shall be encouraged over office uses for floor area located at the street level of structures fronting Camino del Mar. Residential uses shall not be permitted in street-fronting building spaces (except as permitted by DMMC Section 30.22.033).
- e. While some office space is desirable, it shall be concentrated in the southern portion of the Village Center District.
- f. In addition to a variety of commercial businesses, the Village Center District should have a Community Center, complete with Council Chambers, City Hall, Library and Communications Center; attractive walkways, and a variety of open spaces such as courts and landscaped areas.
- g. Pedestrian-oriented streetscape which promotes social interaction, pedestrian use and a strong community identity shall be encouraged in the Village Center District.
- h. In the Village Center District, structures shall be in keeping with the pedestrian scale and village character of the community.
- i. In the Village Center District, structures shall be of an architectural style which retains a low scale intensity of development, utilizes designs which preserve ocean views, and promotes an open space small-town atmosphere.

[No change to #10]

**SECTION FOUR:** That the City's certified Local Coastal Program Land Use Plan Map "Land Use Designations/Allowed Uses" descriptions for the CC Zone and the PF Zone be amended as follows:

**LAND USE DESIGNATIONS/ALLOWED USES**

[No change to R1-40 through CVPP]

**CC** - Retailing of goods and dispensing of services, (exclusive of drive-through). Shops, Delis, Restaurants, Cafes, florists, Hardware, Offices, Financial institutions, Pharmacies, Gasoline service stations\*, Bars\*, Cocktail lounges\*, Theatres\*, Vet clinics\*, Hotels/Motels\*, and multiple dwelling unit residential (0-20 dwelling units per acre) in non-street fronting building spaces (except as permitted by DMMC Section 30.22.033) that includes affordable housing for lower income households. State law defines a lower income household as people or families whose gross income does not exceed 80 percent

of Area Median Income (AMI) and includes low income, very low income, and extremely low-income households.

[No change to BC through PSP]

**SECTION FIVE:** That the City’s certified Local Coastal Program Zoning Map “Zoning Use Designations/Allowed Uses” descriptions for the CC Zone and the PF Zone be amended as follows:

**ZONING USE DESIGNATIONS/ALLOWED USES**

[No change to R1-40 through CVPP]

**CC** - Retailing of goods and dispensing of services, (exclusive of drive-through). Shops, Delis, Restaurants, Cafes, Florists, Hardware, Offices, Financial institutions, Pharmacies, Gasoline service stations\*, Bars\*, Cocktail lounges\*, Theatres\*, Vet clinics\*, Hotels/Motels\*, and multiple dwelling unit residential (0-20 dwelling units per acre) in non-street fronting building spaces (except as permitted by DMMC Section 30.22.033) that includes affordable housing for lower income households. State law defines a lower income household as people or families whose gross income does not exceed 80 percent of Area Median Income (AMI) and includes low income, very low income, and extremely low-income households.

[No change to BC through PP]

**PF** - Public schools; City, County, State and Federal buildings; Utility structures; and with the exception of the Shores Park site (APNs 300-200-01, 300-200-02, 300-200-22, 300-200-23), multiple dwelling unit residential (at a density of 0-20 dwelling units per acre or the maximum number of dwelling unit specified for the parcel in the certified Housing Element, whichever is greater) that includes affordable housing for lower income households. State law defines a lower income household as people or families whose gross income does not exceed 80 percent of Area Median Income (AMI) and includes low income, very low income, and extremely low-income households.

[No change to 941 SP through PSP]

**SECTION SIX:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed actions have been the subject of prior environmental analysis in the 6th Cycle Housing Element Update Final Program Environmental Impact Report (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52), which analyzed and disclosed anticipated impacts of future housing development. Refer to the Final 6<sup>th</sup> Cycle PEIR: [www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020)

No new or substantially greater impacts would result. As such, pursuant to CEQA Guidelines Sections 15162, and based on the review of the entire record, including

without limitation, the Final PEIR referenced above, the proposed action does not require a subsequent EIR or further environmental review.

**SECTION SEVEN:**

Pursuant to the certified 6<sup>th</sup> Cycle Housing Element, these amendments were adopted prior to April 2024 to implement Housing Element Program 1C (Central Commercial Zone), Program 1H (Public Facilities Zone), and Program 6B (Affirmatively Furthering Fair Housing) to ensure the City's certified Housing Element continues to be maintained in compliance with State law. HCD indicated in its May 31, 2023, Housing Element certification letter that the City must continue the timely and effective implementation of all Housing Element programs to maintain its status of having a certified Housing Element, and that HCD has the authority to revoke the City's Housing Element compliance if the City's actions do not comply with State law or the Housing programs are not timely implemented. The Coastal Commission conditionally certified the Ordinance/LCPA on February 6, 2025. The City scheduled the introduction hearing for the amending ordinance to occur on the first available date for the associated public hearing of the City Council.

**SECTION EIGHT:**

This Ordinance was introduced by the City Council on April 7, 2025.

**SECTION NINE:**

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**SECTION TEN:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION ELEVEN:**

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for final certification of the Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held on the 21st day of April, 2025.

---

Terry Gaasterland, 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. XXXX, 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 21st day of April, 2025, 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 City Councilmembers

FROM: Mayor Terry Gaasterland and Deputy Mayor Tracy Martinez,  
Sustainability Advisory Committee Council Liaisons  
Prepared by Denise Galvan, Management Analyst

DATE: April 21, 2025

SUBJECT: Appointment to the Sustainability Advisory Committee

## REQUESTED ACTION/RECOMMENDATION:

The City Council Liaisons to the Sustainability Advisory Committee recommend that the City Council appoint Ann Feeny as a voting member to serve a full three-year term beginning April 21, 2025, and ending on April 30, 2028.

## BACKGROUND:

The Sustainability Advisory Committee (SAC) advises the Del Mar City Council on climate change, sustainability, and other environmental issues on which the Council may wish to act. The Committee also takes the lead on advising the Council on the City's Climate Action Plan (CAP), and assists in informing Del Mar residents and businesses about implementing the City's CAP and on environmental and climate action issues.

The committee currently consists of seven total members, including five voting members and two ex-officio non-voting members and require that all voting members be residents of Del Mar and shall be appointed based on their professional experience with environmental and sustainability issues.

## DISCUSSION/ANALYSIS:

There is currently one voting member vacancy on the SAC due to Valerie Dufort-Roy's term expiration on March 31, 2025. City staff advertised the voting member vacancy, and two Citizen Interest Forms were received during the recruitment period from Ann Feeny and Valerie Dufort-Roy (Attachment A). The Council Liaisons reviewed the applications and recommend appointing Ann Feeny as a voting member for a full three-year term beginning April 21, 2025, and ending on April 30, 2028.

If the recommended appointment is approved by the City Council, SAC will have one ex-officio non-voting member vacancy. A copy of the current roster is included as Attachment B for the Council's reference.

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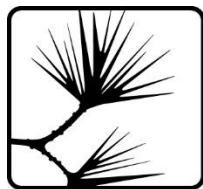
City Council Action:

City Council Agenda Report  
Sustainability Advisory Committee Appointment  
April 21, 2025  
Page 2 of 2

ATTACHMENTS:

Attachment A – Citizen Interest Forms

Attachment B – Current Sustainability Advisory Committee Roster

Received March 26,  
2025 5:13 PM

# 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

Feeney	Ann	J
_____ Last Name	_____ First Name	_____ Middle Initial
_____	Del Mar, CA	
Home Street Address*	_____ City, State	
<i>*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.</i>		
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"/> Arts Advisory Committee               | <input type="checkbox"/> Parks and Recreation Committee                  |
| <input type="checkbox"/> Design Review Board                   | <input type="checkbox"/> Planning Commission                             |
| <input type="checkbox"/> Finance Committee                     | <input checked="" type="checkbox"/> 1_ Sustainability Advisory Committee |
| <input type="checkbox"/> Lagoon Committee                      | <input type="checkbox"/> Traffic and Parking Advisory Committee          |
| <input type="checkbox"/> Measure Q Citizen Oversight Committee | <input type="checkbox"/> Undergrounding Program Advisory Committee       |
| <input type="checkbox"/> Other(s) (please indicate): _____     |                                                                          |

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

I have been on SAC before and am familiar with the roles and goals of SAC. While on SAC, we proposed, studied, researched what other cities were doing, and did outreach on several ideas to reduce plastic waste in Del Mar. Several were then passed by Council as ordinances (ban on Styrofoam, plastic straws, single use plastic bags, etc). In San Diego 350, we study draft Climate Action Plans from cities throughout the county and make suggestions if we see deficiencies. Since Del Mar is now planning its Climate Action Plan update, I feel very qualified to evaluate and make suggestions on it as it goes through various steps along the way.

### Education:

B.A. Newton College  
Ph.D. Cornell University  
Postdoctoral training. UCSD

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

Research Scientist (molecular immunologist), 39 years, retired  
Sustainability Advisory Committee. 2015-2023  
Parks and Recreation Advisory Committee. 2023-present  
SanDiego350 – volunteer (legislative, strategy and building electrification teams) 2018-present  
Sierra Club volunteer. 2016-present  
San Diego Building Electrification Coalition, co-founder, co-chair. 2020-present

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

Parks and Recreation Advisory Committee

**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:**

Sustainability Advisory Committee. 2015-2023

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

NAME	STREET NAME (no house number)	Phone Number
Dwight Worden	Seaview	
Silvia DeDea	Stratford Ct.	
Carol Kerridge	El Amigo	

*\*\*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:		1985
I have been a resident of San Diego County since:		1985
I have been a resident of Del Mar since:		1985

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.

- North Bluff
- North Beach
- South Beach
- Village Center
- South Bluff
- South Hills
- North Hills
- Valley

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 registered 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. 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): \_\_\_\_\_

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

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?**

I volunteer with several environmental groups and consider myself a strong environmentalist. Through the SanDiego350's legislative team, we meet with state level senators and assembly members and their staff to advocate for environmental legislation.

**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?**

I was involved in outreach on SAC when I was previously a member. When I was first on SAC, we talked with all the businesses in town when the city was doing the outreach for our Styrofoam ban and other plastic reduction bans (~2015-2016). I created a zoom outreach meeting with Nilmini Silva-Send, another SAC member, for the City of Del Mar about the advantages of all-electric homes, since Council was planning to work on a reach code for all electric homes at the time. I have been at many tabling events for SanDiego350 over the past several years. I am co-chair of San Diego Building Electrification Coalition and we have public events by zoom each month with speakers.

9. [Undergrounding Program Advisory Committee](#)

The Undergrounding Program Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

**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?**

10. [Design Review Board](#) and/or [Planning Commission](#)

**Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) [Chapters 2.34](#) and [2.38](#). You will be able to provide more information at a City Council public meeting during an open interview process.**

11. **For All Committees: 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?**

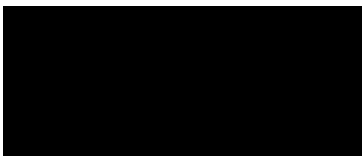
**IV. SIGNATURE AND ACKNOWLEDGEMENT**

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.



March 26, 2025

Signature

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

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# DEL MAR CITIZEN INTEREST FORM

## I. APPLICANT INFORMATION

Dufort-Roy	Valerie	
_____ Last Name	_____ First Name	_____ Middle Initial
_____ Home Street Address*	Del Mar, California _____ City, State	
<i>*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.</i>		
_____ 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"/> Arts Advisory Committee               | <input type="checkbox"/> Parks and Recreation Committee            |
| <input type="checkbox"/> Design Review Board                   | <input type="checkbox"/> Planning Commission                       |
| <input type="checkbox"/> Finance Committee                     | <input type="checkbox"/> 1_ Sustainability Advisory Committee      |
| <input type="checkbox"/> Lagoon Committee                      | <input type="checkbox"/> Traffic and Parking Advisory Committee    |
| <input type="checkbox"/> Measure Q Citizen Oversight Committee | <input type="checkbox"/> Undergrounding Program Advisory Committee |
| <input type="checkbox"/> Other(s) (please indicate): _____     |                                                                    |

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

My first term on the Sustainability Advisory Committee has deepened my appreciation for the dedication of volunteers, staff members, and council liaisons. During this time, I helped support a helium balloon ban ordinance and contributed to the implementation of SB1383.

Alongside other volunteers, I created informative material published through Del Mar's existing platforms addressing issues pertaining to climate change and aiming at reducing contamination between green waste, recyclables and trash. It was a privilege to represent our group with other SAC volunteers at events from the Del Mar Foundation, Del Mar Community Connections, Rotary Club of Del Mar, and the Del Mar Climate Change Coalition.

I feel that much is still to be done to make progress in ridding our community from single-use plastics, and, in turn protect our environment, adjacent waterways, and nearby sea life. The committee has ample work ahead looking forward to its Climate Action Plan update, as this will inherently shape the upcoming work of SAC. I am eager to continue contributing to how we live as a city in face of climate change.

**Education:**

Completed coursework towards UCSD's Behavior Change and Sustainability Certificate

- Behavior Change Strategies for Sustainability, 2023
- Conservation Psychology, 2022
- Introduction to Sustainability, 2022

Personal Financial Planning Certificate, UC Irvine, 2008

Master's Degree, Social Work, University of Montreal, Montreal, Canada, 1998

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

- Volunteer, Del Mar Sustainability Advisory Committee, since March 2022.
- President, 2019-2021, Parent-Teacher-Resource, La Petite Ecole de San Diego (Lycee Francais de San Diego): Emphasis on Eco-projects/Waste reduction for events in school year 2019-2020.

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

Del Mar Sustainability Advisory Committee

**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:**

- San Diego French American School, school year 2024-2025, 8<sup>th</sup> grade room-parent
- Del Mar Sustainability Advisory Committee, since March 2022
- Del Mar Sandpiper
  - o Editor, 2020-2022
  - o Writer, since 2019-2023
- Parent-Teacher-Resource, La Petite Ecole de San Diego (Lycee Français de San Diego)
  - o President, 2019-2021
  - o Secretary, 2018-2019
  - o Capital Expenditure Fundraiser Chair, 2017-2018
  - o Volunteer diverse functions (library, various events), 2014-2021
- CERT San Diego, 2008-2010

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

NAME	STREET NAME (no house number)	Phone Number
Jennifer Anderson	Serpentine Drive	
Silvia De Dea	Stratford Court	
Daria Flores	4 <sup>th</sup> Street	

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**Residency**

	Month	Year
I have been a resident of California since:	11	2001
I have been a resident of San Diego County since:	11	2001
I have been a resident of Del Mar since:	6	2011

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.

- North Bluff
- North Beach
- South Beach
- Village Center
- South Bluff
- South Hills
- North Hills
- Valley

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 registered voter in Del Mar?       Yes       No

**III. COMMITTEE SPECIFIC QUESTIONS**

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**What is your public art philosophy?**

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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): \_\_\_\_\_

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

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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.**

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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?**

As a member of the Sustainability Advisory Committee, I am eager to continue collaborating with fellow volunteers, staff liaisons, council liaisons, and the broader community to develop and implement a more comprehensive single-use plastic ordinance.

Additionally, and given the ongoing confusion I've observed in our community regarding waste sorting, I believe it's crucial to persist in supporting the implementation of SB1383. This will help divert waste from landfills and reduce contamination between green waste, recyclables, and trash.

With a potential update to the Climate Action Plan in the upcoming fiscal year, I look forward to contributing to its core goal of fostering long-term environmental sustainability, improving resource efficiency, and further reducing greenhouse gas emissions.

At a broader level, I support incorporating large scale circular economy to reduce our carbon footprint by focusing on resource efficiency and minimizing waste, extracting fewer resources from the environment, consequently reducing greenhouse gas emissions.

**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?**

Since 2022, I have been member of both the Plastic/Zero Waste and the Outreach subcommittees as part of my volunteering for Del Mar Sustainability Advisory Committee. When volunteering for both groups, I have generated printed and online material, posters, and presentations for specific groups in the community.

- Participation in the review of the *Del Mar Go Green* website in collaboration with SAC's staff liaison (2022).
- Participation in the development and content creation for the Trash Talk capsules (published in the *Del Mar Weekly* since April 2023).
- Creation of content for *Green Papers* discussing various topics, including:
  - o Redirecting gray laundry water to our gardens
  - o Back-up power during power outage
  - o Benefits of energy efficient homes
  - o Reduce, reuse, recycle
  - o Mark O'Connor is *Rising Above Plastics*: a local environmental leader's story
  - o EDCO: Family-owned and locally operated hauler of Del Mar's waste
  - o Del Mar's ordinances to reduce plastic pollution in our environment
  - o Pet waste belongs in the trash
- Outreach in the community includes:
  - o Del Mar Foundation 2023 picnic booth (SAC general information)
  - o Del Mar Community Connection, Tuesday Lunch Connection, 2024 (green waste recycling, reducing contamination when sorting refuse)
  - o Del Mar Climate Change Coalition information table, 2024 (Del Mar ordinances to reduce plastic pollution in our environment) (continued on next page)

- Farmer’s Market booth 2023 and 2024 (SAC general information, green waste recycling, reducing contamination when sorting refuse). September 7<sup>th</sup>, 2024 was a collaborative effort where EDCO and Canyon Crest Academy students from the Sustainability Club participated jointly along SAC Outreach.
- Rotary Club of Del Mar Lunch Speaker, 2024 (green waste recycling, reducing contamination when sorting refuse)

9. [Undergrounding Program Advisory Committee](#)

The Undergrounding Program Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

**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?**

10. [Design Review Board](#) and/or [Planning Commission](#)

**Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) [Chapters 2.34](#) and [2.38](#). You will be able to provide more information at a City Council public meeting during an open interview process.**

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Thank you for the opportunity.

**IV. SIGNATURE AND ACKNOWLEDGEMENT**

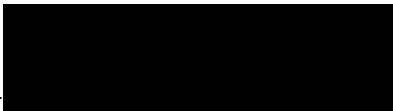
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Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

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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

\_\_\_\_\_  
*2/21/2025*

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

# Sustainability Advisory Committee

## Board Roster

### Valerie Dufort-roy

**1st Term** Mar 21, 2022 - Mar 31, 2025

**Position** Secretary

**Office/Role** Secretary

**Category** Voting Member

### Ken Olson

**1st Term** Dec 12, 2022 - Mar 31, 2025

**Appointing Authority** City Council

**Category** Ex-Officio, Non-Voting Member

### Jeanne Nilmini Silva-send

**2nd Term** May 01, 2022 - May 31, 2025

**Category** Ex-Officio, Non-Voting Member

### Alan Sweedler

**2nd Term** Jul 04, 2022 - Jul 31, 2025

**Appointing Authority** City Council

**Category** Voting Member

### Jennifer L Anderson

**1st Term** Sep 19, 2022 - Jul 31, 2025

**Appointing Authority** City Council

**Position** Chair

**Office/Role** Chair

**Category** Voting Member

### Silvia De Dea

**2nd Term** Feb 02, 2023 - Feb 28, 2026

**Appointing Authority** City Council

**Category** Voting Member

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□ **Dolores Davies Jamison**

**1st Term** Jan 08, 2024 - Jan 31, 2027

**Position** Vice Chair

**Office/Role** Vice Chair

**Category** Voting Member



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Ashlea Houston, Management Analyst  
Kaitlyn Elliott-Norgrove, Special Projects & Programs Manager  
Via Ashley Jones, City Manager

DATE: April 21, 2025

SUBJECT: Approval of Grant Agreements with the Del Mar Foundation to Purchase SCUBA Equipment and Automated External Defibrillators

## REQUESTED ACTIONS/RECOMMENDATION:

Staff recommends that the City Council: 1) Accept grant funds from the Del Mar Foundation in the amount of \$6,500 for new SCUBA equipment and \$17,500 for seven new automated external defibrillators; 2) Authorize the City Manager to execute the necessary grant agreements (Attachments A & B); and 3) Amend the Fiscal Year 2024-2025 Operating and Capital Budget to reflect the grant funds.

## BACKGROUND:

On February 27, 2025, the City of Del Mar received approval for grant funding from the Del Mar Foundation (DMF) to purchase new SCUBA equipment (Attachment A) and seven automated external defibrillators (AEDs) (Attachment B) in Fiscal Year (FY) 2024-2025. The SCUBA equipment is comprised of SCUBA Rapid Diver Response units, bailout bottles, and regulators.

## DISCUSSION/ANALYSIS:

The SCUBA Rapid Diver Response Units, which consist of lighter and smaller SCUBA set-ups, Buoyancy Compensators (bailout bottles), and regulators will be used in rescue incidents requiring a rapid response by the Del Mar lifeguards' dive rescue team. In addition, the bailout bottles and regulators are important for working dive teams, who are required per OSHA to have redundant breathing systems, which include a secondary air source.

The new AEDs will be used by the Community Services Department to replace older units that are nearing the end of their useful life. The new units will standardize equipment for staff, which makes training easier and provides more timely responses when needed.

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City Council Action:

**FISCAL IMPACT:**

Council approval of the recommended action for this agenda item will amend the FY 2024-2025 Operating and Capital Budget to reflect receipt of \$24,000 in grant funds as shown in the table below. There will be no impact to the General Fund Contingency resulting from this action.

DESCRIPTION	ACCOUNT	AMOUNT
<b>Revenue</b>		
Contributions	01.4800.4831	\$24,000.00
	<b>Subtotal:</b>	<b>\$24,000.00</b>
<b>Expenditures</b>		
Small Tools & Equipment	01.5631.2600	\$24,000.00
	<b>Subtotal:</b>	<b>\$24,000.00</b>
<b>TOTAL GENERAL FUND CONTINGENCY IMPACT:</b>		<b>\$0</b>

**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 – DMF Grant Agreement – SCUBA Equipment
- Attachment B – DMF Grant Agreement – AEDs



**GRANT AGREEMENT BETWEEN  
DEL MAR FOUNDATION AND CITY OF DEL MAR**

This Grant Agreement is entered into between Del Mar Foundation (the Foundation), a Non-Profit California Corporation, and the City of Del Mar (City) as of April 21, 2025.

WHEREAS, on February 27, 2025, the Foundation approved the grant funding set forth in this Agreement for the purposes described in this Agreement;

NOW, THEREFORE, the parties agree as follows:

**1. Purpose of Grant**

The City will use grant funds to purchase SCUBA equipment, including two Rapid Diver Response Units, two Bailout Bottles, and two regulators, for the use of the Del Mar Lifeguard Department.

**2. Term of Grant**

The term of this Agreement shall be from the date hereof through April 21, 2026.

**3. Documentation of Activity and Public Acknowledgment of Grant**

The Foundation shall have unrestricted authority to publicize the awarding of this Grant, including the publication, disclosure, distribution, or other use, in whole or in part, of any reports, data, photographs or other materials prepared under this Agreement. Grantee agrees to acknowledge this grant in its printed or online publications and publicity materials, including the Foundation's logo where practicable.

**4. Amount and Payment of Grant**

The amount of this grant is \$6,500. Foundation shall pay the City up to the grant total upon verification of purchase expenditures/receipts.

**5. Administrator of Agreement**

The Administrator of this agreement on behalf of the Foundation is the Foundation's Administrative Director, Jan Barnes.

**6. Communication**

All communications from City to the Foundation shall be sent to the Del Mar Foundation, ATTN Grants Committee, at the address listed below. Any notice or notices required or permitted to be given pursuant to this Agreement shall be sent by mail to the following addresses. A courtesy copy of communications and notices shall also be provided by email.

## **Grant Agreement: DMF & City of Del Mar**

Del Mar Foundation  
ATTN: Grants Committee  
P.O. Box 2913  
Del Mar, CA 92014  
info@delmarfoundation.org

City of Del Mar  
Ashley Jones, City Manager  
1050 Camino del Mar  
Del Mar, CA 92014  
ajones@delmar.ca.us

### **7. Governing Law**

This Agreement shall be construed and interpreted according to the laws of the State of California.

### **8. Complete Agreement**

This Agreement constitutes the entire agreement between City and the Foundation regarding the subject matter contained herein. All other representations, oral or written, are superseded by this Agreement. Neither party is relying on any representation outside of this Agreement. This Agreement may be changed only by written amendment signed by both parties.

### **9. Waiver**

The failure of either party to enforce any term, covenant or condition of this Agreement shall not be construed as a waiver of that party's right to subsequently enforce this, or any other term, covenant or condition of the Agreement. No waiver shall be deemed effective unless the waiver is expressly stated in writing and signed by the party waiving the right or benefit.

### **10. Consultation with Counsel**

Each party has had the opportunity to consult with independent legal counsel of its own choosing before executing this Agreement and has executed this Agreement without fraud, duress, or undue influence of any kind.

### **11. Interpretation**

The provisions of this Agreement shall be liberally construed to effectuate its purpose. The language of all parts of this Agreement shall be construed simply according to its plain meaning and shall not be construed for or against either party.

### **12. Terms and Conditions Survive Expiration of Term Agreement.**

Unless otherwise specified herein, all terms and conditions of this Agreement shall survive the expiration of the Term of Agreement specified in Item 2 above.

### **13. Remedies**

Unless otherwise expressly provided herein, the rights and remedies in this Agreement are in addition to, and not a limitation on, other rights and remedies under this Agreement, at law or in equity, and exercise of one right or remedy shall not be deemed a waiver of any other right or remedy.

**Grant Agreement: DMF & City of Del Mar**

WHEREFORE, the parties execute this Agreement on the date first written above.

**DEL MAR FOUNDATION**

By \_\_\_\_\_  
Tom Neumann, President

**CITY OF DEL MAR**

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



**GRANT AGREEMENT BETWEEN  
DEL MAR FOUNDATION AND CITY OF DEL MAR**

This Grant Agreement is entered into between Del Mar Foundation (the Foundation), a Non-Profit California Corporation, and the City of Del Mar (City) as of April 21, 2025.

WHEREAS, on February 27, 2025, the Foundation approved the grant funding set forth in this Agreement for the purposes described in this Agreement;

NOW, THEREFORE, the parties agree as follows:

**1. Purpose of Grant**

The City will use grant funds to purchase seven automated external defibrillators (AEDs) for the use of the Del Mar Community Services Department.

**2. Term of Grant**

The term of this Agreement shall be from the date hereof through April 21, 2025.

**3. Documentation of Activity and Public Acknowledgment of Grant**

The Foundation shall have unrestricted authority to publicize the awarding of this Grant, including the publication, disclosure, distribution, or other use, in whole or in part, of any reports, data, photographs or other materials prepared under this Agreement. Grantee agrees to acknowledge this grant in its printed or online publications and publicity materials, including the Foundation's logo where practicable.

**4. Amount and Payment of Grant**

The amount of this grant is \$17,500. Foundation shall pay the City up to the grant total upon verification of purchase expenditures/receipts.

**5. Administrator of Agreement**

The Administrator of this agreement on behalf of the Foundation is the Foundation's Administrative Director, Jan Barnes.

**6. Communication**

All communications from City to the Foundation shall be sent to the Del Mar Foundation, ATTN Grants Committee, at the address listed below. Any notice or notices required or permitted to be given pursuant to this Agreement shall be sent by mail to the following addresses. A courtesy copy of communications and notices shall also be provided by email.

## **Grant Agreement: DMF & City of Del Mar**

Del Mar Foundation  
ATTN: Grants Committee  
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City of Del Mar  
Ashley Jones, City Manager  
1050 Camino del Mar  
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ajones@delmar.ca.us

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This Agreement constitutes the entire agreement between City and the Foundation regarding the subject matter contained herein. All other representations, oral or written, are superseded by this Agreement. Neither party is relying on any representation outside of this Agreement. This Agreement may be changed only by written amendment signed by both parties.

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The failure of either party to enforce any term, covenant or condition of this Agreement shall not be construed as a waiver of that party's right to subsequently enforce this, or any other term, covenant or condition of the Agreement. No waiver shall be deemed effective unless the waiver is expressly stated in writing and signed by the party waiving the right or benefit.

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Each party has had the opportunity to consult with independent legal counsel of its own choosing before executing this Agreement and has executed this Agreement without fraud, duress, or undue influence of any kind.

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The provisions of this Agreement shall be liberally construed to effectuate its purpose. The language of all parts of this Agreement shall be construed simply according to its plain meaning and shall not be construed for or against either party.

### **12. Terms and Conditions Survive Expiration of Term Agreement.**

Unless otherwise specified herein, all terms and conditions of this Agreement shall survive the expiration of the Term of Agreement specified in Item 2 above.

### **13. Remedies**

Unless otherwise expressly provided herein, the rights and remedies in this Agreement are in addition to, and not a limitation on, other rights and remedies under this Agreement, at law or in equity, and exercise of one right or remedy shall not be deemed a waiver of any other right or remedy.

**Grant Agreement: DMF & City of Del Mar**

WHEREFORE, the parties execute this Agreement on the date first written above.

**DEL MAR FOUNDATION**

By \_\_\_\_\_  
Tom Neumann, President

**CITY OF DEL MAR**

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



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

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

DATE: April 21, 2025

SUBJECT: Introduction of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Ordinance No. 1002 Adopted by the City Council on December 18, 2023, to Amend Del Mar Municipal Code (DMMC) Chapters 30.91 (Accessory Dwelling Unit Regulations) and 30.75 (Coastal Development Permits) in the Local Coastal Program for Consistency with the March 13, 2025, CCC Conditional Certification Decision

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council take the following actions:

- 1) Confirm staff's determination that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to various statutory and categorical exemptions in the CEQA Guidelines and prior environmental analysis in the 6<sup>th</sup> Cycle Housing Element Program Environmental Impact Report as further described in the Environmental Impact statement in the Agenda Report below; and
- 2) Introduce an Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Accessory Dwelling Unit (ADU) regulations in DMMC Chapter 30.91 and Coastal Development Permit regulations in DMMC Chapter 30.75.

## BACKGROUND:

An ADU is an ancillary dwelling unit with complete independent living facilities that includes a kitchen, bathroom, and separate entrance. The ADU may be located within, attached to, or detached from a primary dwelling unit (existing or proposed) on the same lot. A Junior ADU (JrADU) is a smaller type of ADU (500 square feet maximum in size), in a single dwelling unit zone, that is developed entirely within the walls of a primary dwelling unit and that has a separate entrance, efficiency kitchen in the JrADU, and access to a bathroom.

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City Council Action:

State ADU law requires local jurisdictions to allow ADU development in all zones that allow residential use, including mixed-use zones. This includes overlay zones such as the Floodplain Overlay Zone and Bluff, Slope, and Canyon Overlay Zone where the proposed development meets all specified criteria for permit approval. Like other residential development, ADU's are also allowed in High Fire Hazard Severity Areas where the applicant demonstrates that wildland fire safety precautions are integrated into construction of the unit to mitigate potential hazards. This includes compliance with the California Building Code requirements for use of non-flammable building materials. The City's ADU Ordinance also provides mitigation in fire hazard severity areas by requiring off-street parking for proposed ADU development on a narrow street with an improved street width less than 20 feet.

Proposed ADU development generally is subject to approval of an administrative Coastal Development Permit (CDP). This allows for permit review to account for the site-specific development context, project conformance with the certified LCP, and the required findings for CDP approval under DMMC Section 30.75.140.

On December 18, 2023, the City Council adopted Ordinance No. 1002 (Attachment B), amending the City's Local Coastal Program (LCP), as necessary for compliance with State ADU Law and the City's certified 6th Cycle Housing Element (2021-2029) potential sites for low-income units and housing programs including Program 2F (Tiny Homes) and Program 6B (Affirmatively Furthering Fair Housing). Following approval by the City Council, the Ordinance was submitted to the CCC for certification as required.

Additional background regarding the Local Coastal Program amendments may be accessed in the following links to City Council Agenda reports for December 4 and December 18, 2023:

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/12042023-3343>

<https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/12182023-3353>

**DISCUSSION/ANALYSIS:**

On March 13, 2025, the CCC conditionally certified the City's ADU Regulations LCPA. See Attachment C for the required CCC modifications in Strikeout-Underline format and Attachment D for the CCC conditional approval letter. The CCC staff report (Item Th18c) may be accessed in the following link: <https://www.coastal.ca.gov/meetings/agenda/>

Coastal jurisdictions must comply with the State's ADU laws (California Government Code) and meet the mandates of the California Coastal Act and the City's certified LCP, which is achieved by harmonizing these laws. CCC's conditional certification action upheld several key components of the City's adopted ADU Ordinance that are important to the City of Del Mar. These include deed restrictions that ensure ADUs are used for their intended purpose as living units; and limitations on height, size, setbacks, and parking. These regulations are intended to protect access, sensitive coastal resources, and public scenic views. The CCC

action also approved the City's ADU Incentive Program approach to incentivize production of low-income units.

The proposed Ordinance incorporates CCC's required modifications, which are intended to ensure consistency with the City's certified LCP and Coastal Act as follows:

- Clarifies tiny homes are not allowed in the Beach Commercial (BC) or Visitor Commercial (VC) Zones because these zones do not allow housing.
- Clarifies that an exemption from a CDP for ADU development only applies where:
  - An ADU or JrADU is created through conversion of existing habitable space in a primary structure that will not remove or replace major structural components (i.e., roofs, exterior walls, foundations), or
  - A proposed ADU is attached to an existing single dwelling unit and complies with the CDP exemption provisions in Coastal Commission Section 13250 in the California Code of the regulations. (See Attachment E.)
- Maintains the existing requirement for the owner to record a deed restriction acknowledging the applicable use limitations that shall run with the land and that the deed restriction shall include information regarding the sale, occupancy, and rental of the unit consistent with State law. The CCC modification adds that the required deed restriction must also include notification disclosure of Overlay Zoning designation(s) for the property.
- Clarifies the standard for proposed redevelopment of nonconforming structures to build ADUs and JrADUs. An existing nonconforming structure may be modified to accommodate an ADU or JrADU. The resulting redeveloped structure cannot be in a geologic setback, public scenic view, public coastal access, or wetland buffer. CCC defines "redevelopment" as:
  - Additions to an existing structure, or
  - Exterior or interior renovations, or
  - Demolition or replacement of an existing principal structure, or portions thereof, that replaces 50% or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50% increase in floor area.
- The existing standard for ADUs on duplex lots applies a maximum height of 16 feet. Similar to what applies to single dwelling unit lots, the CCC modification allows ADUs on duplex lots at a second story level if there is not sufficient buildable area on the

ground floor level of the lot and if necessary to minimize potential impacts to the greatest extent (i.e., to maintain parking on-site in parking impacted locations).

- Clarifies that replacement parking (i.e., where existing garage, carport, or covered parking is demolished or converted to an ADU) shall only be required if loss of the off-street parking would have a significant effect on public access to the shoreline. Also, clarifies that no off-street parking requirements shall be required for ADUs proposed within one-half mile of a major transit stop, unless the ADU is in the CCC Appeals area and lack of parking would have a significant effect on public access to the shoreline.

A major transit stop is defined as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of services intervals of 15 minutes or less during the morning and afternoon peak commuter periods. At this time, Del Mar does not have any major transit stops.

- Removes requirement for replacement parking for JrADUs created within converted attached garages.
- Modifies the floodplain standard to require consideration of sea level rise in design. This codifies existing California Coastal Act regulations within the local ADU regulations in the certified LCP.
- Incorporates minor corrections to section references throughout, including a minor correction to fix an incorrect section reference within Section 30.75.120(E)(3) in the Chapter 30.75 Coastal Development Permit (CDP) regulations, which refers to the Planning and Community Development Director's authority to issue approvals for ADU development through an administrative CDP review and approval process consistent with State ADU law. The administrative changes also update outdated section references to reflect current California Government Code sections that changed due to State ADU legislation passed after City Council adoption of the Ordinance in December 2023.

The required CCC modifications are consistent with the Del Mar Community Plan (General Plan) and required protections in the City's certified LCP.

The introduction and adoption of the Ordinance reflecting the CCC modifications will allow the City to obtain final certification approval from the CCC. If introduced, the Ordinance would return to the Council for consideration and adoption on May 5, 2025. While the adopted ADU regulations will not take effect until the date CCC grants final certification approval, which typically occurs at the first available CCC hearing following City Council adoption; during this interim period, the City will continue to harmonize State ADU law with its certified LCP for all ADU applications in process. During this interim period, staff will be applying the standards

set forth in this Ordinance reflecting CCC's modifications read in combination with the previously adopted ADU Ordinance No. 1002, until the CCC grants final certification.

FISCAL IMPACT:

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

ENVIRONMENTAL IMPACT:

Pursuant to the California Environmental Quality Act (CEQA), the Ordinance has been analyzed and determined to be Exempt from CEQA as follows:

- Statutory exemption per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) applicable to the adoption of an ADU ordinance to implement the Government Code Section 65852.2 provisions; and
- Statutory exemption per CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) and this section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code for the activities necessary for the preparation and adoption of an LCP amendment in compliance with the Coastal Act. The proposed amendments to the City's Zoning Code are part of the certified City of Del Mar LCP as certified under Section 21080.5 of the Public Resources Code; and
- Categorical exemption per CEQA Guidelines Class 1 exemption per Section 15301 (Existing Facilities) because the proposed amendments would allow a negligible expansion of existing residential use in urban, infill locations to accommodate ADUs and accessory bonus units through the proposed incentive program for creation of affordable housing for low income households consistent with the City's certified Housing Element; Class 2 exemption per Section 15302 (Replacement or Construction) because the proposed amendments would allow new small accessory units and structures only on sites with existing residential development and would maintain substantially the same purpose and capacity; Class 3 (New Construction or Conversion of Small Structures) because the amendments would allow for a limited number of new structures in compliance with the California Government Code mandatory provisions for ADUs, the City's certified LCP, and other applicable State Housing Law and Coastal Act requirements; and Class 32 (Infill Development Projects) because the proposed development would allow small-scale infill development consistent with the certified Housing Element, would not result in any significant effects to traffic, noise, air quality or water quality, would not be allowed within any locations containing environmentally sensitive habitat for endangered, rare, or threatened species, and would be limited to sites that can adequately be served by public services and utilities.

Notwithstanding applicability of the Statutory Exemptions and Categorical Exemptions identified above, the proposed actions have been the subject of prior environmental analysis in the 6th Cycle Housing Element Update Final Program Environmental Impact Report (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52), which analyzed and disclosed anticipated impacts of future housing development. Refer to the Final 6th Cycle PEIR: [www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020)

No new or substantially greater impacts would result. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the entire record, the Ordinance does not require a subsequent EIR or further environmental review.

**HOUSING IMPACT:**

The ADU regulations will facilitate development of new housing options consistent with the City's certified 6<sup>th</sup> Cycle Housing Element, the California Government Code mandatory provisions for ADUs, the City's certified LCP, and other applicable State Housing Law and Coastal Act requirements. ADUs are a key component of the City's adopted, balanced housing strategy which identifies a target to create 15 low income ADU units through the City's ADU Incentive and Amnesty Programs, provisions for Tiny Homes, and other strategies to preserve existing units in the community that provide more affordable housing options.

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

Implementation of the ADU Regulations Ordinance in compliance with the City's 6<sup>th</sup> Cycle Housing Element is a Tier 1 (Highest) City Council priority work plan item.

**ATTACHMENTS:**

- Attachment A – Proposed Ordinance Accepting CCC Modifications to Ordinance No. 1002
- Attachment B – Previously Adopted Ordinance No. 1002
- Attachment C – CCC Modifications in Strikeout-Underline Format
- Attachment D – CCC Conditional Approval Letter
- Attachment E – CCC California Code of Regulations Section 13250

## ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (ZONING CODE) CHAPTER 30.91 ACCESSORY DWELLING UNIT (ADU) REGULATIONS AND CHAPTER 30.75 COASTAL DEVELOPMENT PERMIT REGULATIONS AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 1002; ALL RELATING TO AMENDMENTS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AS A CONDITION OF APPROVAL FOR THE CITY TO OBTAIN FINAL CERTIFICATION OF THE ADU ORDINANCE FOR IMPLEMENTATION OF THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT PROGRAMS 2F (TINY HOMES) AND 6B (AFFIRMATIVELY FURTHERING FAIR HOUSING)

WHEREAS, the City of Del Mar is a charter City and State Housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “Housing is a statewide concern”, that California faces a housing crisis, and that local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar is located entirely within the “Coastal Zone” boundary and is therefore subject to full compliance with the California Coastal Act; and

WHEREAS, State Accessory Dwelling Unit (ADU) law is one example of a State law that still applies the Coastal Act protections for environmental resources, public scenic views, coastal access, and public safety in coastal hazard areas to ensure they will not be compromised by housing development; and

WHEREAS, State ADU law provides that the California Coastal Act is not superseded, in any way altered, or lessened by its application (Cal. Gov. Code. Sec. Section 66310 et. seq. as amended); and

WHEREAS, the City has significant coastal resources that require protection under the Coastal Act, including but not limited to, the protection of scenic public coastal views which are found throughout the community, preservation of public access and recreation opportunities that must be assured including public access to the beach, viewpoints, and trail connections to the bluffs, lagoons, and open space preserve areas along the shoreline, and protection of environmentally sensitive habitat areas and coastal resources such as coastal bluffs, sandstone bluffs, wetlands, lagoons, river inlets, and protected tree species native to the City including Torrey Pines and Monterrey Cypress trees; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City’s LCP policies and regulations with the State’s housing laws to ensure protection of sensitive coastal habitats and resources,

public coastal view sheds, coastal parking for public access, and public health and safety; and

WHEREAS, City staff engaged in public outreach to encourage public participation in formulating these draft regulations, which included articles posted on the City's website, multiple announcements made in the City's weekly updates, and multiple announcements made during public meetings including the Planning Commission and City Council meetings; and

WHEREAS, the Notice of Availability and Notice of Planning Commission public hearing for the Amendments to the Zoning Ordinance and LCP was published in the Del Mar Times on August 24, 2023, and individual mailed notices were sent to all interested parties; and

WHEREAS, on September 12, 2023, the Planning Commission recommended approval of the ADU Ordinance to the City Council by a vote of 3-2 including modifications to 1) Require all ADUs be used for dwelling unit purposes and subject to deed restrictions; and 2) In R1 zones, prioritize ADUs at the first story level before second story ADU if buildable area is available on the first story level of the lot; and

WHEREAS, on October 2, 2023, the notice of City Council public hearing was published in the San Diego Union Tribune and mailed notices were sent to all interested parties including those who participated through the Planning Commission hearing on September 12, 2023; and

WHEREAS, on December 4, 2023, the City Council held a duly noticed public hearing and voted to introduce the ADU Ordinance; and

WHEREAS, on December 18, 2023, the City Council voted to adopt the ADU Ordinance; and

WHEREAS, on December 21, 2023, the City submitted the adopted ADU Ordinance/LCPA submittal to the Coastal Commission for certification review; and

WHEREAS, on March 13, 2025, the California Coastal Commission considered the City's ADU Ordinance/LCPA application and voted to conditionally certify with modifications imposed as a condition of approval; and

WHEREAS, on April 21, 2025, the Del Mar City Council held a duly noticed public hearing to consider whether to accept the CCC's required modifications and introduce this Ordinance; and

WHEREAS, the CCC modifications have been incorporated herein; and

WHEREAS, adoption of this Ordinance will amend the Del Mar Municipal Code Title 30 Zoning Code and certified Local Coastal Program to implement the 6th Cycle

Housing Element commitments in order to maintain compliance with State law and avoid decertification of the Housing Element.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the above stated Recitals are true and correct and are incorporated by reference into this action.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar hereby ordains as follows:

**SECTION ONE:** That DMMC Section 30.75.080 for the Coastal Development Permit Regulations in the certified Local Coastal Program shall be amended per CCC Modification #1 to read as follows:

**30.75.080 Coastal Development Permits Issued by the City—Issuing Authority, Public Hearing Required.**

[A. through D. No change in text]

E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:

[1. through 2. No change in text]

3. An application for an Accessory Dwelling Unit in accordance with Subsection 30.91.030.E that is not otherwise exempt from a Coastal Development Permit.

[E.4. through F. No change in text]

**SECTION TWO:** That DMMC Section 30.91.010 for the ADU Regulations (Purpose) shall be amended per CCC Modification #2 to read as follows:

**30.91.010 Purpose**

The purpose of this Chapter is to provide regulations and procedures for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JrADUs) on lots zoned to allow single unit and multi-unit residential uses which include a proposed or existing dwelling in accordance with California Government Code Section 66310 (et seq) as amended, and without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Division 20 commencing with Section 3000) and the City's Local Coastal Program.

**SECTION THREE:** That DMMC Section 30.91.020 (Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted) shall be amended per CCC Modification #3 to read as follows:

**30.91.020 Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted**

[A. Through B. No change in text]

- C. Tiny homes are permitted on any lot that allows an ADU. A tiny home may also be developed in non-residential zones, except the Beach Commercial and Visitor Commercial Zones, if the tiny home is deed restricted affordable for a lower income household for a term of at least 30 years.

[D. No change in text]

**SECTION FOUR:** That DMMC Section 30.91.030 (Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units) shall be amended per CCC modifications #4 and #5 to read as follows:

**30.91.030 Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units**

[A. Through D. No change in text]

- E. Approval of an ADU requires issuance of an Administrative Coastal Development permit implemented in accordance with DMMC Chapter 30.75, to harmonize State Housing law with the Coastal Act and ensure protection of coastal resources as follows:
1. California Government Code section 65852.21 provides that the Accessory Dwelling Unit statutes do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the City shall not be required to hold public hearings for Coastal Development Permit applications for ADUs.
  2. A proposed ADU or JrADU development is exempt from an Administrative Coastal Development Permit where it is:
    - a. Created through conversion of entirely existing legally established habitable space contained in an existing primary structure that will not involve removal or replacement of major structural components (e.g., roofs, exterior walls, or foundations); or

- b. Directly attached to an existing single-family residence, if the ADU otherwise qualifies as exempt development pursuant to Section 13250 of the Coastal Commission's regulations.

[3. No change in text]

- 4. Where an Administrative Coastal Development Permit is required by Section 30.91.030(E)(3), it shall be processed in accordance with the following procedures:

- a. Consistent with the public participation provisions found in the City's certified LCP, a Notice of Application informing the public of the filing of an application for an Administrative Coastal Development Permit for an ADU shall be posted at the project site on a notice card provided by staff of the City of the City of Del Mar Department of Planning and Community Development. The notice of application shall advise interested persons that plans are available for public review at Del Mar City Hall. The notice, however, will stipulate that the application is required to be administratively approved by the Department of Planning and Community Development and that no public hearings will be held.

[b. No change in text]

- c. A Notice of Administrative Coastal Development Approval stating that the Coastal Development Permit has been approved shall be posted at City Hall and on the City's website, and shall be mailed within five working days of the final action as follows:

[i. No change in text]

- ii. Notice shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office of the California Coastal Commission.

[iii. No change in text]

- d. Within five (5) working days of a final decision of approval or denial by the Planning and Community Development Director, the notice of final action shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office of the Coastal Commission and provided to any interested parties who requested notice in writing in accordance with Section 30.75.100.
- e. If the ADU qualifies as appealable development pursuant to Chapter 30.75, the Planning and Community Development Director's

decision to approve a Coastal Development Permit may be appealed to the San Diego District office of the Coastal Commission within ten (10) working days in accordance with Section 30.75.110(A) and (B).

[F. through H. No change in text]

- I. Prior to issuance of a building permit for an ADU or JrADU on private property, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, and shall include notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.

[J. No change in text]

**SECTION FIVE:** That DMMC Section 30.91.040 (Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #6 through #20 to read as follows:

**30.91.040 Accessory Dwelling Unit Development Regulations**

[A. through C. No change in text]

- D. The ADU shall be designed and operated in compliance with the regulations of the zone, except as otherwise specified in this Chapter, as a residential use dwelling unit that is subordinate to the primary dwelling unit on the property. One primary residential unit shall be designated on a lot which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.

1. The ADU shall be designed to comply with Government Code Section 66314, as amended, definition of ADU by including permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a fully functioning: Bathroom consisting of a toilet, sink, a bathtub or shower; and a kitchen. The kitchen includes a cooking appliance (not a hotplate), refrigeration, and other appliances, food storage cabinets, and a countertop or similar food preparation area. The kitchen area is to be proportional to the size of the ADU.

[2. through 4. No change in text]

5. In accordance with Section 30.91.030(I), the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, including notification to all occupants of any overlay zones in

which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.

- E. The ADU may be rented but shall not be sold or conveyed separately from the primary dwelling unit on the property, except that the City or qualified non-profit corporation per Government Code section 66341, as amended, may sell a deed restricted ADU to an eligible low-income owner.
- F. If rented, the term for rental of an ADU in a residential zone shall be for a term longer than 30 consecutive days per Government Code section 66315, as amended.
- G. In accordance with California Government Code Section 66321(b)(3), as amended, the City shall accommodate an ADU at least 800 square feet in size, which is also known as the “universal” ADU size provision. If the size of a proposed ADU exceeds 800 square feet, the remaining square footage beyond 800 square feet shall be subject to review against the applicable Floor Area Ratio (FAR) and lot coverage development standards of the zone. Additionally, should the combined total size of a proposed ADU greater than 800 square feet and the primary residence exceed the maximum FAR or lot coverage allowed for the site location, then the primary residence shall be required to reduce its square footage accordingly so as to preserve the ability to build at least an 800 square foot ADU. For the purpose of this section:

[1. through 6. No change in text]

- 7. In order to comply with the mandates of the California Coastal Act and the provisions of the certified LCP, the City is required to protect coastal access and coastal resources, which may require modification of the proposed ADU location and size to demonstrate conformity. The City shall approve a proposed ADU meeting the universal size provision of at least 800 square feet in size, unless the project would result in impacts to coastal resources or public access protected by the LCP, in which case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate a proposed ADU at least 150 square feet in size that meets the definition of an efficiency unit as defined by California Government Code Section 66313, as amended.

[8. No change in text]

[H. through J. No change in text]

- K. The following identifies the maximum building height for construction of an ADU:

[1. through 2. No change in text]

3. Attached ADUs must share a common wall horizontally with the primary dwelling unit. The maximum height for attached ADUs in single dwelling unit zones is as follows:
  - a. For consistency with local conditions and the certified LCP, attached ADUs in single dwelling unit zones shall be proposed at the first story level if sufficient buildable area is available on the first story level of the lot. The maximum building height for an ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level is 16 feet.
  - b. Attached ADUs may be proposed at a second story level only if there is not sufficient buildable area available on the lot and if necessary to accommodate an ADU up to 800 square feet on the lot as an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum building height for a proposed attached ADU that horizontally shares a common wall with the primary dwelling unit at a second story level shall not exceed 25 feet above grade, or the base zoning requirements, whichever is lower, and in no case shall exceed two stories.

[4. through L. No change in text]

- M. Where an accessory dwelling unit is attached to a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new ADU in accordance with Section 30.91.040.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of the accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

- N. A side and rear setback of four (4) feet shall be required for a new ADU structure, except as follows:
  1. An existing legal non-conforming structure, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, where the structure complies with the building and safety

standards of the California Building Code and California Fire Code and the minimum setbacks specified in Section 30.91.040 (N)(3).

[2. through 4. No change in text]

5. In all cases, including the conversion of non-habitable, legal conforming structures noted in Section 30.91.040(N)(1), the ADU shall comply with coastal resource protections that require the following additional setback requirements:

a. The required minimum coastal bluff setback in the Coastal Bluff Overlay Zone as required by DMMC Chapter 30.55.

[b. through e. No change in text]

O. The parking requirements for ADUs are provided in Section 30.91.040(O) and (P). Where an existing garage, carport, or covered parking, is demolished or converted to an ADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site only if the loss of the off-street parking supply has a significant effect on public access to the shoreline.

[1. No change]

2. The location of replacement parking shall be consistent with all wetland habitat buffers, environmentally sensitive habitat buffers, steep slope and geologic stability setbacks, and public scenic view protection regulations contained in the certified LCP.

[3. No change]

4. No off-street parking requirements apply to any ADUs proposed within one-half mile of a major transit stop regardless of whether the ADU would be located within the Commission's appellate jurisdiction.

P. The following parking requirements are specific to properties located along the shoreline or on the hillside within areas of high wildfire risk:

1. The ADU shall provide one off-street parking space (covered or uncovered), except as follows:

[No change to subsections a. through c.]

d. The ADU would be located on a property within one-half mile walking distance of public transit, including a bus stop, train station, or paratransit service, if applicable. This exemption does not apply to those lots within the Coastal Commission Appeals Jurisdiction where

the on-street parking supply has a significant effect on public access to the shoreline.

[No change to subsections e. and f.]

[2. No change in text.]

- Q. ADUs are required to comply with the same building and safety requirements as the primary dwelling unit in accordance with the California Building Code and California Fire Code. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), a proposed ADU or JrADU development shall not be eligible for ministerial approval if it includes improvements to expand or construct water wells, sewer, fire protection capacities, or septic systems, which is a class of development that requires a discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects.

[R. through S. No change in text]

- T. For consistency with the certified LCP, scenic views shall be protected as follows:
1. Projects shall be designed to ensure that no scenic views from public vantage points are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

[2. through 3. No change in text]

- U. Any additional accessory mechanical equipment or exterior building features that are not otherwise required by Section 30.91.040, or for a dwelling unit per the California Building Code, shall be subject to Design Review in accordance with Chapter 23.08.
- V. ADUs shall not be located or approved where the ADU is located on: a beach, a wetland or its buffer, seaward of the mean high tideline, in an environmentally sensitive habitat area or its buffer, within a coastal bluff setback, or in an area designated as highly scenic area as determined by the City's certified Local Coastal Program.
- W. The owner of an ADU is requested to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.

- X. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), ADU development shall not create significant alterations to landforms, which is a class of development that requires a discretionary coastal development permit because it involves a risk of adverse environmental effects. The following objective standards apply to proposed ADU development for protection of the public health and safety through the regulation of excavation and grading and protection of steep slopes and coastal resources consistent with the certified Local Coastal Program:

[1. through 5. No change in text]

- Y. If a proposed ADU is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the following shall apply as a requirement for the administrative Coastal Development Permit:

1. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and avoid flood hazards, including with consideration of sea level rise.
2. Proposed development shall comply with the certified Local Coastal Program.

**SECTION SIX:** That DMMC Section 30.91.050 (Junior Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #21 through #24 to read as follows:

**30.91.050 Junior Accessory Dwelling Unit Development Regulations**

[A. No change in text]

- B. A JrADU that is designed to meet all of the requirements in Section 30.91.050 shall be issued a permit in accordance with Section 30.91.030. The City is preempted by State Law from requiring a public hearing.

[C. through F. No change in text]

- G. Where a junior accessory dwelling unit is created within a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the junior accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new JrADU in accordance with Section 30.91.050.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or

junior accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

[H. through L. No change.]

- M. If a proposed JrADU is subject to approval of an Administrative Coastal Development Permit, and is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the permit approval shall be subject to the requirements in Section 30.91.040.Y.

**SECTION SEVEN:** That DMMC Section 30.91.060 (Regulations for ADUs on Lots with Multiple Dwelling Units) shall be amended per CCC Modifications #25 through #27 to read as follows:

**30.91.060 Regulations for ADUs on Lots with Multiple Dwelling Units**

- A. In a zone that allows two primary dwelling units per lot, a lot with two existing dwelling units is allowed up to two ADUs in accordance with the regulations in Section 30.91.040 and the following:

[1. through 4. No change in text]

5. For consistency with local conditions and the certified LCP, ADUs shall be proposed at the first story level. An ADU may be proposed at a second story level only if there is not sufficient buildable area available on the lot; and if necessary to accommodate an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum possible square footage shall be placed at the first story level.

[B. No change in text]

- C. Up to two detached ADUs are permitted on a lot with existing multiple dwelling units in addition to the ADUs allowed within the existing multiple dwelling unit structure per Section 30.91.060(B) subject to the following:

1. The City shall accommodate proposed ADUs meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable,

mitigation measures to alleviate such impacts as necessary to accommodate ADUs at least 150 square feet in size that meet the definition of an efficiency unit as defined per California Government Code Section 66313, as amended.

[2. No change in text]

3. A detached ADU shall comply with the required street fronting setbacks of the applicable zone, but otherwise may be located within 4 feet of the side or rear property lines, except that in all cases, including conversion of non-habitable, legal, non-conforming structures noted in Section 30.91.040(N)(1), the ADU shall comply with the following additional setback requirements.

a. The coastal bluff setback in the Coastal Bluff Overlay Zone as required by Chapter 30.55.

[b. through e. No change in text]

**SECTION SEVEN:**

The Coastal Commission conditionally certified the Ordinance/LCPA on March 13, 2025, and the City scheduled the introduction hearing for the amending ordinance on the first available date for the associated public hearing of the City Council.

**SECTION EIGHT:**

This Ordinance was introduced by the City Council on April 21, 2025.

**SECTION NINE:**

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**SECTION TEN:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION ELEVEN:**

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for final certification of the Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held on the 5th day of May, 2025.

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Terry Gaasterland, 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 NoXXXX, 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 5th day of May, 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

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

## ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REPEALING AND REPLACING THE DEL MAR MUNICIPAL CODE CHAPTER 30.91 ACCESSORY DWELLING UNIT (ADU) REGULATIONS; AND AMENDING RELATED SECTIONS IN THE DEL MAR MUNICIPAL CODE AND LOCAL COASTAL PROGRAM (LCP) ALL RELATING TO THE HARMONIZATION OF ADU REGULATIONS IN THE CALIFORNIA GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22 WITH THE CALIFORNIA COASTAL ACT AND THE CITY'S CERTIFIED LCP

WHEREAS, the City of Del Mar is a charter City and State Housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that "Housing is a statewide concern", that California faces a housing crisis, that Accessory Dwelling Units (ADUs) are a valuable form of housing, and that local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the State Legislature also declared that ADUs are an "essential component of California's housing supply" and that ADUs provide additional rental housing; and

WHEREAS, when the State revises ADU law found in Government Code Section 65852.2, a local jurisdiction's ADU Ordinance, if non-compliant with the new ADU laws, is rendered "null and void" and local jurisdictions must continue to process ADU applications through a ministerial process in accordance with State law; and

WHEREAS, proposed ADU projects must comply with the current ADU law, the California Coastal Act, and the remaining valid provisions in the City's certified Local Coastal Program (LCP); and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City of Del Mar and has an overall goal to "preserve and enhance the special character of Del Mar", this includes maintaining the "village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach" as well as preserving and enhancing "Del Mar's special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline"; and

WHEREAS, the City has a certified Housing Element for the 6<sup>th</sup> Cycle years 2021-2029 that has been incorporated into the City's Community Plan as a standalone element; and

WHEREAS, the certified Housing Element requires the City to accommodate a regional housing need allocation (RHNA) of 163 housing units, comprised of 37 very-low

income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units and an additional 12 low income unit “carryover” from the 5th Cycle planning period (2013-2021) for a total obligation of 175 units including 113 lower income units as well as 100 additional opportunities for moderate income households, lower income households, and special needs households; and

WHEREAS, production of ADUs is one strategy of a City Council-adopted multi-faceted approach to meet the City’s affordable housing obligations in compliance with State law; and

WHEREAS, the City’s overall stated housing goal in the Housing Element continues to be 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”; and

WHEREAS, the City has made and continues to make progress toward its housing programs and housing production targets in its certified Housing Element; and

WHEREAS, adoption of this ADU Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods; and

WHEREAS, ADUs are intended by the State Legislature to be used for dwelling purposes to provide for more housing stock in California and to create lower-cost housing opportunities, and during the public hearings concerning this Ordinance considerable public testimony and evidence was provided that homeowners have abused the ADU process by using ADUs as recreational rooms, office spaces, and to secure better private views of the ocean; and

WHEREAS, the California Department of Housing and Community Development (HCD) indicated in its May 31, 2023, Housing Element certification letter that the City must continue the timely and effective implementation of all Housing Element programs to maintain its status of having a certified Housing Element, and HCD has the authority to revoke the City’s Housing Element compliance if the City’s actions do not comply with State law or the Housing programs are not timely implemented; and

WHEREAS, ADU law provides that the California Coastal Act is not superseded, in any way altered, or lessened by its application to ADU laws; (Cal. Gov. Code. Sec. 65852.2(l)); and

WHEREAS, the City of Del Mar is located entirely within the “Coastal Zone” boundary and is therefore subject to full compliance with the California Coastal Act; and

WHEREAS, the City of Del Mar has significant coastal resources that require protection under the Coastal Act, including but not limited to, the protection of scenic

public coastal views which are found throughout the community, preservation of public access and recreation opportunities that must be assured including public access to the beach, viewpoints, and trail connections to the bluffs, lagoons, and open space preserve areas along the shoreline, and protection of environmentally sensitive habitat areas and coastal resources such as coastal bluffs, sandstone bluffs, wetlands, lagoons, river inlets, and protected tree species native to the City including Torrey Pines and Monterrey Cypress trees; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City's LCP policies and regulations with the State's housing laws; and

WHEREAS, the standard of review for proposed ADU development in the City of Del Mar must be balanced against the mandates of the Coastal Act and stated as objective standards within the City's certified Local Coastal Program to ensure protection of public scenic views, public access, coastal resources and public health and safety; and

WHEREAS, within the City of Del Mar there are narrow roads located in the residential zones and during times of emergencies or public emergency evacuations significant public safety issues are likely to arise where additional on-street parking is added to these already constrained streets; and

WHEREAS, within the City of Del Mar there are a number of residential structures in high risk wildfire areas in the State's identified Very High Fire Hazard Severity Zone that are served by narrow roads; and

WHEREAS, Del Mar Municipal Code (DMMC) Section 10.04.070 specifies required minimum unobstructed improved road widths to ensure fire apparatus access; and

WHEREAS, the City intends to update the Community Plan Safety Element to ensure that residents living in high-risk wildfire zones may safely evacuate in times of emergencies and that emergency response equipment will have adequate access to those areas; and

WHEREAS, while the Safety Element update is being prepared it is in the interest of public safety to ensure that any new development in high-risk areas has the ability to evacuate its residents in times of public emergencies; and

WHEREAS, within the City there are sandstone bluffs and coastal bluffs that are fragile and are protected as environmental resources and potential coastal hazards in the City's certified LCP; and

WHEREAS, consistent with all residential development and the City's certified LCP, proposed ADU development near sandstone bluffs and coastal bluffs requires

specific regulation to ensure protection of the bluff and the bluff's habitat values and protection of public safety; and

WHEREAS, this ADU Ordinance includes provisions necessary to protect sensitive coastal habitats, ensure public access, maintain public coastal view sheds, provide coastal parking requirements, and protect public safety in order to harmonize the State ADU regulations with the California Coastal Act and the City's certified LCP; and

WHEREAS, the City staff engaged in extensive public outreach to encourage public participation in formulating these draft ADU regulations, which included articles posted on the City's website, multiple announcements made in the City's weekly updates, multiple announcements made during public meetings including the Design Review Board and City Council meetings; and

WHEREAS, notice of the July 10, 2023, public workshop discussion related to ADUs was posted in the Del Mar Times on June 29, 2023; and

WHEREAS, the Notice of Availability and notice of Planning Commission public hearing for the draft ADU Ordinance was posted in the Del Mar Times on August 25, 2023, and individual mailed notices were sent to all interested parties; and

WHEREAS, during the September 12, 2023 public hearing, the Planning Commission recommended the City Council adopt the Ordinance with modifications to reflect concerns raised in submitted correspondence and during public testimony that many ADUs built in the City were built simply to add value to the primary residence, are not being used for housing purposes to add to the housing rental stock as the Legislature intended, and are instead being used for home offices, recreational rooms, vacation rentals, and other uses; and

WHEREAS, the Planning Commission recommended modifications to the City Council to be responsive to the public testimony and these modifications have been incorporated into the Ordinance; and

WHEREAS, on September 18, 2023, the notice of City Council public hearing was published in the Daily Transcript and mailed notices were sent to all interested parties who have participated through the Planning Commission hearing on September 12, 2023; and

WHEREAS, additional public notice was provided on October 2, 2023, in the San Diego Union-Tribune and mailed notices were sent to all interested parties with notification of the hearing continuance from October 2 to October 16, 2023, and again on November 16, 2023, with published notice in the Del Mar Times and mailed notices to all interested parties providing notification of the City Council hearing on December 4, 2023; and

WHEREAS, on October 16, 2023, the City Council held a duly noticed public hearing, considered public testimony and written correspondence, and continued the item with direction for staff to revise the Ordinance to add a Notice of Application requirement for ADU applications and incorporate additional citywide objective standards to address parking in areas of high wildfire risk, grading/landform alteration, and other objective standards consistent with those adopted as part of the Senate Bill 9 Ordinance/LCPA; and

WHEREAS, the City's certified 6<sup>th</sup> Cycle Housing Element includes six ADU-related housing programs (Programs 2A through 2F) to promote ADUs and create incentives to encourage the use of ADUs as a strategy to provide affordable housing for moderate income and lower income households; and

WHEREAS, this Ordinance implements Housing Element Program 2F (Tiny Homes) by incorporating a definition for tiny homes and allowing tiny homes through the same ministerial approval process as ADUs thereby facilitating development of small units ranging from 150 square feet to 400 square feet in size that if developed in the City is likely to provide more affordable housing options due to the smaller size of the unit type; and

WHEREAS, adoption of this Ordinance will facilitate implementation of an incentive program in accordance with Housing Element Program 2A (Incentives to create ADUs for low income households) by incorporating provisions into the certified LCP to authorize the granting of specific planning and zoning incentives subject to approval of an Administrative Coastal Development Permit and compliance with contractual requirements between the property owner and the City, required for the applicant to be eligible for participation in the incentive program, that limit the ADU use and occupancy based on restricted income limits and rental rates for a low-income households as established annually by the State of California and require a long-term deed restriction to ensure that the ADU remains affordable; and

WHEREAS, this Ordinance establishes an ADU Amnesty Program that will facilitate implementation of Housing Element Program 2B by incorporating provisions into the certified LCP to authorize the granting of fee waivers and permit streamlining incentives subject to approval of an Administrative Coastal Development Permit and compliance with contractual requirements between the property owner and the City, required for the applicant to be eligible for participation in the program, that limit the ADU use and occupancy based on restricted income limits and rental rates for low-income households and moderate-income households as established annually by the State of California and require a long-term deed restriction to ensure that the ADU remains affordable; and

WHEREAS, the ADU Amnesty Program is being created because it is likely that there are existing ADUs in the City that were constructed without obtaining the proper

permit approvals, that some of these unpermitted ADUs were built substandard, and as a result may pose a threat to public safety and welfare; and

WHEREAS, the ADU Amnesty program is intended to encourage compliance with standard building codes and public safety requirements; and

WHEREAS, the Amnesty Program reduces the amount of permit fees and in some cases penalties to those residents that voluntarily come forward within a specified time period to correct substandard construction of defect.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the following:

1. The foregoing Findings with the above stated Recitals are true and correct and are incorporated by reference into this action.
2. The City has received extensive written and oral public testimony attesting to the widespread misuse of ADUs. Such misuse is contrary to the legislative intent of ADU law.
3. The ADU Ordinance substantially complies with State ADU law, as provided in California Government Code Sections 65852.2 and 65852.22, as harmonized with the California Coastal Act and consistent with California Government Code Section 65852.2(l).
4. Within the City of Del Mar there are areas of high wildfire risk where homes are located on steep slopes and surrounded most of the year by dry and flammable vegetation. Some of these hillside areas also have narrow winding roads that serve as the only evacuation route for homes within these neighborhoods. The City is processing an update to the Safety Element in the Del Mar Community Plan to ensure that residents living in these high-risk wildfire zones may safely evacuate in times of public emergencies and that there is adequate access for emergency response personnel and equipment to reach those areas. To be responsive to these unique conditions, the City has recently prepared and approved an evacuation plan addressing these conditions, prepared appropriate mass evacuation emergency response approaches, and identified how to effectively respond to various types of emergency conditions. These combined conditions are unique to the City and there are limited options other than imposing parking requirements on all new developments where there are improved roads that are twenty feet or less in width, which will ensure compliance with DMMC Section 10.04.070. These provisions are also consistent with the public safety and welfare provisions of the California Coastal Act Chapter 3, Article 6, Section 30253(a).
5. While the citywide Safety Element update is being prepared, the City finds that it is in the interest of public safety to ensure that any new development, including

ADU development, located in high-risk areas have the ability to safely evacuate its residents in times of emergencies. Additionally, building structure separation is a critical component to ensure that fire personnel and their equipment can access structures during a fire. These building separations become even more critically important when emergency response is impeded by the City's narrow streets, or where the structures are located in high risk fire hazard hillside communities.

6. Within the City there are hundreds of existing homes located within FEMA flood zones identified by FEMA. The flood conditions in these areas, as identified by best available science, are being exacerbated by climate change and sea level rise (existing and projected). On a citywide basis, the City is addressing these flood conditions to minimize flood risk through adaptation mitigation measures. These measures are consistent with the adopted City of Del Mar Sea Level Rise Adaptation Plan (Environmental Science Associates October 2018). Currently, the City has an existing system of shoreline protection along the shoreline in the North Beach neighborhood, which has been maintained in accordance with the Beach Preservation Initiative and the Beach Overlay Zone policies and regulations in the City's certified Local Coastal Program. In addition, the City has a Sand Compatibility Opportunistic Use Program in place to facilitate sediment management and maintenance of a wide beach and is in process of preparing a conceptual plan for a living levee, vegetated berm system, to provide flood adaptation along the banks of the San Dieguito River in accordance with the City's adopted Sea Level Rise Adaptation Plan and the Coastal Act. All new development, including ADU development, must demonstrate how the proposed development will implement adaptation measures to minimize flood damage and avoid flood hazards in accordance with the City's certified LCP and the California Coastal Act Chapter 3, Article 6, Section 30253(a) (Cal. Pub. Res. Code Section 30253(a)).
7. Within the City there are eroding bluffs and unstable, fragile slopes that may pose a danger to residents building in these blufftop areas that are vulnerable to erosion and instability. The City is addressing these specific risks by requiring geotechnical reports and setback requirements consistent with existing requirements applicable to all proposed residential development on lots with steep slopes or coastal bluffs required by the City's certified LCP and the California Coastal Act Chapter 3, Article 6, Section 30253(b) (Cal. Pub. Res. Code Section 30253(b)); as well as implementation of adaptation measures in accordance with the City of Del Mar Sea Level Rise Adaptation Plan. These setback and geotechnical protection requirements are required hazard controls in the City's certified LCP that are intended to protect the public safety and welfare and apply to all new development. All new development, including ADU development, must demonstrate how the proposed development will implement adaptation measures to minimize and avoid erosion hazards in accordance with the City's certified LCP and the California Coastal Act Chapter 3, Article 6, Section 30253(b) (Cal. Pub. Res. Code Section 30253(b)).

8. Within the City there are significant sensitive coastal resources and environmentally sensitive habitat areas that are specifically protected under the California Coastal Act. ADU law specifically provides that coastal resource protections found in the California Coastal Act are not to be superseded or its effects lessened by the provisions of ADU law. Protection of these natural habitats and environmentally sensitive resources is a cornerstone of the Coastal Act found in the California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240). Consistent with case law, the California Coastal Act, and the State's housing policies and its implementing regulations, the City has made reasonable and good faith efforts to harmonize any conflicting regulations to ensure the protection of coastal resources and to ensure the protection of public safety and welfare while furthering the housing goals of the State. The City has reasonable relied on its certified LCP, public testimony, written evidence, and the City's unique infrastructure and environmental conditions in harmonizing the State's ADU laws with the Coastal Act and the City's police powers in protecting the safety of its residents.
9. Within the City there are public scenic view corridors to coastal resources that are protected under the California Coastal Act. Consistent with the Coastal Act, these scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. (See: Cal. Pub. Res. Code Sec. 30251). ADU law does not supersede or lessen the effect of the California Coastal Act. (Cal. Gov. Code. Sec. 65852.2(l)). As applied to all residential development in the City, an ADU development may not obstruct the public scenic and visual qualities of the City's coastal areas. To be consistent with the mandates of the California Coastal Act, building restricted easements are enforced and certain height restrictions may be placed on ADU development to ensure protection of public scenic coastal vistas.
10. Within the City there are rare and scenic trees that are native to Del Mar and protected under the California Coastal Act. On a case-by-case basis, the ADU location siting will be required to avoid impacts to these protected tree species and comply with DMMC Chapter 23.50. These coastal resource protections are consistent with Cal. Gov. Code. Sec. 65852.2(l) and these habitat value protective measures are consistent with California Coastal Act Chapter 3, Article 6, Section 30240 (Cal. Pub. Res. Code Section 30240).
11. The City's certified 6th Cycle Housing Element requires the creation of additional affordable housing stock.
12. The California Legislature made findings, declarations, and statements of intent in drafting the ADU laws. A paramount legislative finding states that ADUs "are an essential component to creating additional housing stock." The City's ADU ordinance is consistent with creating essential housing stock. During the public hearing process for this Ordinance numerous residents testified that a significant

majority of ADUs have been constructed for uses other than to serve as dwelling units; with the most common practice being to remodel existing dwelling units to access new or enhanced private views of the ocean for the existing occupants as a means to avoid the City's discretionary design review process that otherwise applies citywide. This Ordinance discourages the construction and use of ADU development for the enhancement of private ocean views, or use as home offices or recreational purposes. The intent of the City's Ordinance is to ensure that ADUs are built for dwelling purposes and to curtail the misuse of ADU law.

13. The City has considered HCD and California Coastal Commission staff comments and such comments are incorporated herein.
14. The ADU Ordinance includes provisions to harmonize ADU state law with the California Coastal Act's Chapter 3 protective provisions and the City's certified LCP. This includes specific measures to protect the public safety from environmental and infrastructure conditions that are unique to the City. The City's certified LCP has "Overlay Zones" as a means for implementing the hazard control policies in the LCP Land Use Plan in order to protect coastal resources, environmentally sensitive habitat areas, and high risk public endangerment areas. These Overlay Zones apply citywide and now by this ordinance include ADU development, including development within the Beach Overlay Zone, Bluff, Slope, and Canyon Overlay Zone, Coastal Bluff Overlay Zone, Floodplain Overlay Zone, Lagoon Overlay Zone, Open Space Overlay Zone, and the Wildland Urban Interface (WUI) Fire Hazard Severity Areas. The Overlay Zones implement the natural resource protection elements of the City's LCP as required by the California Coastal Act. The Coastal Act provides that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. (See: Cal. Pb. Res. Code 30240). The City's LCP Overlay Zones ensure that environmentally sensitive habitat areas are protected against any significant disruption from housing projects. ADU law recognizes that these fundamental Coastal Act protections are not superseded and ensures that its effects are not lessened by ADU development provisions that may conflict with the Coastal Act. The standards for development and the coastal resource protections afforded by these Overlay Zones will equally apply to all residential development including ADU development projects.
15. As required by the Coastal Act, the Ordinance includes provisions to ensure that the existing reservoir of public parking along the shoreline will be sufficient to maintain the public's right to coastal access. Public access to the shoreline is facilitated by on-street public parking. However, on-street parking in the City is highly limited. Therefore, the City's LCP policies, as certified by the California Coastal Commission, ensure that new residential development can self-park on its property. Use of on-street parking by ADUs or other development projects in coastal parking impact areas impedes public access to the shoreline. The parking standards under the ADU law are in conflict with existing California Coastal Act coastal access policies, as implemented by the City's existing LCP. However, ADU

law does not supersede or lessen the effect of the California Coastal Act. (Cal. Gov. Code. Sec. 65852.2(l). Public roads nearest to the sea are protected for public use to gain access to the shoreline. (See: 14 CCR Sec. 13011 and California Coastal Act Section 30212(a)). Therefore, the public's right to park along public streets that are near the shoreline is preserved by implementation of this Ordinance. (See: Cal. Pub. Res. Code Sec. 30212(a)).

16. Within the City there are some roadways that are substandard in width. When on-street parking is allowed in these areas without limitation, emergency response can be impacted if emergency response vehicles and equipment cannot safely respond to local incidents. Therefore, to ensure protection of public safety along these very narrow roadways, the Ordinance ensures safe access for emergency response vehicles and access to emergency response equipment. All new residential development located in these areas must ensure adequate off-street parking for its residents. These evaluations occur on a case-by-case basis.
17. As required by the Coastal Act, the Ordinance contains provisions to ensure protection of public coastal scenic views. Similar to other residential development within the Coastal Zone, this Ordinance limits ADU development where it would impact public scenic and visual corridors to the sea. Under the Coastal Act Chapter 3, Article 6, Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (See: cal. Pub. Res. Code Section 30251).
18. Within the City there are sandstone bluffs and coastal bluffs that are fragile, provide habitat value, and are protected in the City's LCP as environmental resources and potential coastal hazards. ADU development near sandstone bluffs requires specific regulation, as similarly applied to all other residential development, to ensure protection of the bluff and the bluff's habitat values and protection of public safety. These sandstone bluffs and coastal bluffs are highly susceptible to erosion and resulting collapse.
19. The City's certified 6<sup>th</sup> Cycle Housing Element includes six ADU-related housing programs (Programs 2A through 2F) to promote ADUs and create incentives to encourage the use of ADUs as a strategy to provide affordable housing for moderate income and lower income households and this Ordinance facilitates implementation of the ADU-related housing programs.

20. During the Planning Commission and City Council public hearings, considerable public testimony and written evidence was presented establishing that homeowners have abused the ADU process by building ADUs for the sole purpose of enhancing private views of the ocean and adding new home office and recreational rooms. These accessory structures and uses only benefit the primary dwelling unit and are in direct conflict with the legislative intent of ADU law to create additional dwelling units and a net-increase in California's housing stock that can accommodate additional households and provide new housing choices including lower cost dwelling units. Based on substantial evidence in the record, the ministerial permit process provided by State ADU law has been misused by property owners in the City of Del Mar to build ADUs for the sole purpose and benefit of the primary dwelling unit without making new housing options available. To ensure that ADUs comply with the State's legislative intent, ADUs must be developed as new dwelling units and used for dwelling purposes.
21. The ADU Amnesty Program is being created because it is likely that there are existing ADUs in the City that were constructed without obtaining the proper permit approvals, that some of these unpermitted ADUs were built substandard, and as a result may pose a threat to public safety and welfare. The Amnesty Program reduces the amount of permit fees and in some cases penalties to those residents that voluntarily come forward within a specified time period to correct substandard construction of defects.
22. This Ordinance incorporates provisions into the certified LCP to authorize the granting of fee waivers and permit streamlining incentives subject to approval of an Administrative Coastal Development Permit and compliance with contractual requirements between the property owner and the City, required for the applicant to be eligible for participation in the respective program, that limit the ADU use and occupancy based on restricted income limits and rental rates for low-income households and moderate-income households as established annually by the State of California and require a long-term deed restriction to ensure that the ADU remains affordable.
23. Where there are direct conflicts between ADU law and the California Coastal Act, the City has either harmonized the conflicts or ensured the protections afforded to coastal resources granted by the Coastal Act as further required by the California Government Code Sec. 65852.2(l).
24. The City of Del Mar Local Coastal Program as certified by the California Coastal Commission is incorporated by reference and is used herein to harmonize the State's ADU laws in manner so as not to supersede or lessen the effects of the California Coastal Act and its coastal resource protections.

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

**SECTION ONE:** That DMMC Section 30.04.190 (“T” Words and Phrases Defined) be amended as follows:

A. through C. [No change to *Tandem Parking Space* through *Temporary Enclosure*]

D. *Tiny Home* means a small accessory dwelling unit with at least 150 square feet of interior living space that meets all of the following criteria: a maximum of 400 square feet, installed on a foundation, and designed for independent living that has separate facilities for cooking, sleeping, and sanitation, including connections to water and sewer utilities.

E. [Modify order of *Trailer Coach* through *Trellis* to be sections E. through H.]

**SECTION TWO:** That DMMC Section 30.19.030 Medium Density Mixed Residential-South (RM-South Zone) be amended as follows:

**30.19.030 Allowable Uses**

The allowable uses in the RM-South Zone are:

- A. In conformity with density area and other development standards required by the RM-South Zone, and use that is allowed in the RM-East, RM-West or RM-Central Zones.
- B. A duplex with attached dwelling units, or with two unattached dwelling units where design constraints make attachment impractical.
- C. Multiple dwelling units.
- D. Boardinghouses and lodging houses.
- E. Licensed rest homes.
- F. Fraternity and sorority houses, except those where the chief activity is a service customarily carried on as a business.
- G. A Small Community Care Facility on each building site.

**SECTION THREE:** That DMMC Section 30.19.040 Medium Density Mixed Residential-South (RM-South Zone) be amended as follows:

**30.19.040 Accessory Uses**

Accessory uses that are lawful in the RM-East, RM-West or RM-Central Zones may be established in the RM-South Zone, including Accessory Dwelling Units in accordance with Chapter 30.91.

**SECTION FOUR:** That DMMC Section 30.21.030 Medium Density Mixed Residential-Central (RC Zone) be amended as follows:

**30.21.030 Allowable Uses**

The following uses are allowable in the RC Zone:

- A. Any use allowable in the R2 Zone; provided, however, that at least 60 percent of the floor area, exclusive of parking, shall be for such R2 zoned use.
- B. Any primary use (not requiring a conditional use permit) allowed in the CC Zone; provided, however, that not more than 40 percent of the floor area, exclusive of parking, shall be for such CC zoned use.

**SECTION FIVE:** That DMMC Section 30.21.040 (RC Zone) be amended as follows:

**30.21.040 Accessory Uses**

- A. Accessory buildings and uses customarily incidental to the allowable uses, including private garages and carports.
- B. Off-street parking for a permitted use.
- C. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code Section 1596.70.
- D. Accessory Dwelling Units in accordance with Chapter 30.91.

**SECTION SIX:** That DMMC Chapter 30.91 (Accessory Dwelling Units) be repealed and replaced with the following:

**30.91.010 - Purpose**

The purpose of this Chapter is to provide regulations and procedures for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JrADUs) on lots zoned to allow single unit and multi-unit residential uses which include a proposed or existing dwelling in accordance with California Government Code Sections 65852.150, 65852.2, 65852.22, and without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Division 20 commencing with Section 3000) and the City's Local Coastal Program. Should this Chapter conflict with existing State law or subsequent amendments then State law will prevail over the terms of this Chapter.

**30.91.020 Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted**

- A. An Accessory Dwelling Unit (ADU) is permitted subject to the development regulations in Sections 30.91.040 and 30.91.060, on any lot that is zoned to allow residential or mixed use including the Carmel Valley Precise Plan (permitted only on residential lots 3-9, 11-17, 20-29) and other Specific Plan zones that have been developed or are proposed to be developed with at least one or more residential units.
- B. A Junior Accessory Dwelling Unit (JrADU) is permitted within the walls of an existing or proposed single dwelling unit, including an attached garage, and is subject to the development regulations in Section 30.91.050. JrADUs are permitted on property when located on a lot within one of the following single dwelling unit zones:
  - 1. Very Low Density Residential Zone (R1-40)
  - 2. Modified Low Density Residential Zone (R1-14)
  - 3. Low Density Residential Zone (R1-10)
  - 4. Low Density-Beach Residential Zone (R1-10B)
  - 5. Medium Density Single-Family Residential Zone (R1-5)
  - 6. Medium Density Single-Family Residential Zone-Beach (R1-5B)
  - 7. Carmel Valley Precise Plan Specific Plan (CVPP), Residential lots 3-9, 11-17, 20-29
- C. Tiny homes are permitted on any lot that allows an ADU. A tiny home may also be developed in additional non-residential zones if deed restricted affordable for a lower income household for a term of at least 30 years.
- D. Development of an ADU, JrADU, or Tiny Home pursuant to Chapter 30.91 is not considered to exceed the allowable density of the parcel on which it is located.

**30.91.030 Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units**

- A. All Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with applicable state and local building codes and shall require approval of a building permit and Administrative Coastal Development Permit as applicable in 30.91.030.E. The City shall ministerially approve or disapprove a complete building permit application for an ADU/JrADU in compliance with time periods established by State law. If the City disapproves an application for an ADU or JrADU, the City

shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

1. ADU Submittal Requirements.

In addition to the general application and permit fees for planning and engineering review as applicable, the applicant shall submit the following as applicable to demonstrate compliance with Section 30.91.040 to the satisfaction of the Planning and Community Development Director:

- a. Site Plan: A site plan with proposed setbacks fully dimensioned for all existing and proposed structures on the project site, and calculations indicating the square footage of all structures on the lot.
  - (i) Calculation of the ADU size shall include all interior floor space within the surrounding exterior walls of the ADU as calculated from the inside face of the wall studs.
  - (ii) The site plan shall also depict all protected trees (Monterey Cypress and Torrey Pine Species) on the lot and identify a tree canopy dripline protection zone for each protected tree on-site to ensure protection during construction.
  - (iii) Additional site plan detail, per the City's ADU checklist on file with the City, shall be included for engineering review of any application to construct an ADU that would be either attached to the primary dwelling unit or constructed as a new detached structure. This includes plan details for proposed development that includes partial or full demolition of an existing structure on-site to accommodate the ADU, which may include partial demolition of the existing residence or demolition of an existing garage, carport, or other accessory structure.
  - (iv) In the Coastal Bluff Overlay Zone, a proposed ADU must comply with the recommendations of a geotechnical report in accordance with Chapter 30.55 when sited in a new structure or within a non-habitable space that would be converted to habitable space.
  - (v) Except where required per Section 30.91.030(A)(1)(a)(iv), engineering review is not required if the ADU would be located within an existing primary dwelling unit or existing accessory structure.

- b. The plans shall include building cross sections taken through the structure and adjacent grade in at least two directions and elevations with proposed height fully dimensioned showing all facade openings and exterior finishes. Elevations and sections shall indicate the line of existing and proposed grade as necessary to depict any grading to occur as a result of the ADU development.
- c. A floor plan to identify the exterior entry, number of bedrooms, fully functioning bathroom, and kitchen for the ADU to demonstrate compliance with the requirements for a separate exterior entry compliant with the maximum size allowance, and consistency with the Government Code Section 65852.2(j) definition of ADU that requires an ADU include permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a bathroom and a fully functioning kitchen, which includes a fully functioning cooking area (and not merely a hot plate) and includes other standard kitchen appliances, food storage cabinets, a countertop/food preparation area proportional to the size of the ADU, and a fully functioning sink.
- d. Information regarding available water and sewer utility easements, services, and connections, and whether the existing primary residence has an automatic residential sprinkler system.
- e. Standard notes printed on the construction plans prior to building permit approval, including the following statements:
  - (i) The ADU may be leased but shall not be sold separate from the primary dwelling unit, except that a qualified non-profit affordable housing organization per Government Code Section 65852.26 may sell a deed restricted ADU to an eligible low-income owner.
  - (ii) Until December 31, 2024, the City will not require the property owner to occupy the primary unit or the ADU for newly created ADUs. Effective January 1, 2025, the property owner shall reside on the property in either the primary dwelling unit or in the ADU.
  - (iii) For lots that have both an ADU and JrADU, the property owner shall reside on the property in either the primary dwelling unit, in the ADU, or in the JrADU.
  - (iv) If the ADU is rented or leased, the term for rental shall be the greater of 30 consecutive days, except where the ADU is located in zones that allow for commercial land uses.

- f. A certification of height, setback, and square footage compliance shall be submitted prior to framing inspection.
- g. A construction-phase parking and equipment/materials storage plan.
- h. If applicable, a Federal Emergency Management Agency (FEMA) elevation certificate shall be provided at initial application submittal, and updated (if necessary) prior to building permit issuance. An as-built elevation certificate will also be required prior to final inspection and occupancy.
- i. Any additional information as necessary to demonstrate the proposed ADU meets the criteria for ministerial approval in Section 30.91.040.

2. JrADU Submittal Requirements.

In addition to the general application and permit fee, the applicant for a JrADU shall submit the following as applicable to demonstrate compliance with Section 30.91.050 to the satisfaction of the Planning and Community Development Director:

- a. A site plan with setbacks fully dimensioned for all existing and proposed structures on the project site to demonstrate the site is, or will be, developed with a single dwelling unit; and that identifies any existing or proposed ADUs on the lot
- b. A floor plan to demonstrate compliance with Section 30.91.050 requirements for an efficiency kitchen, separate exterior entry, and the bathroom the JrADU will have access to.
- c. In the Coastal Bluff Overlay Zone, a geotechnical report is required in accordance with Chapter 30.55 for a proposed JrADU in a new structure or within a non-habitable space that would be converted to habitable space.

B. The following shall apply if the permit application is submitted for concurrent processing to create a new primary dwelling unit:

- 1. The application for the ADU or JrADU shall be submitted for review prior to consideration of the proposed primary dwelling unit in a public hearing.
- 2. The proposed location of the ADU or JrADU shall be depicted on development plans for the proposed primary dwelling unit.
- 3. The City may delay acting on the ADU or JrADU permit application until the City acts on the permit application to create the new primary dwelling unit.

However, the ADU or JrADU application will be processed without discretionary review or public hearing.

4. The decision maker on the primary dwelling unit is precluded from considering the pending ADU or JrADU as part of the discretionary review or hearing for the primary dwelling unit.
  5. If the applicant requests a delay, the 60-day time period for review and approval set forth in Section 30.91.030(A) shall be tolled for the period of the delay.
- C. Prior to development or occupancy of an ADU or JrADU, the applicant shall obtain all construction-related permits as applicable pursuant to Del Mar Municipal Code Chapter 23.04 (Building Construction General Provisions). ADUs or JrADUs located in High Fire Hazard Severity Zones shall comply with all applicable Building Code standards for those zones.
- D. Notwithstanding the provisions of the Del Mar Municipal Code, development of an ADU designed in accordance with Section 30.91.040 or a JrADU designed in accordance with Section 30.91.050 shall be exempt from the requirement to obtain a discretionary permit in all cases below, except where it requires an Administrative Coastal Development Permit, pursuant to Section 30.91.030.E
1. Exempt from a Design Review Permit (Chapter 23.08) in all zones including the Carmel Valley Precise Plan and Specific Plan zones.
  2. Exempt from a Land Conservation Permit (Chapter 23.33) for all grading proposed within the development footprint for the ADU structure; however, the requirement for an excavation or grading permit in accordance with Chapter 23.32 still applies. A Land Conservation Permit may be required through a separate approval process for any excavation and grading activities proposed outside of the ADU development footprint where such grading and excavation is not required for ADU occupancy.
  3. Exempt from a Floodplain Development Permit (Chapter 30.56) where located in the Floodplain Overlay Zone and the following apply:
    - a. ADU will be located entirely within the walls of an existing habitable structure or within existing non-habitable space located at or above the base flood elevation that is converted to habitable space for the ADU; or
    - b. ADU will be located in a structure that is designed as follows:
      - (i) The lowest floor (including basement) will be elevated to or above the base flood elevation plus one foot;

- (ii) The structure will be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - (iii) Construction materials will be resistant to flood damage; and
    - (iv) All plumbing, electrical, heating, ventilation, and air conditioning equipment will be designed to prevent water from entering or accumulating within the components during conditions of flooding.
- 4. Exempt from a Conditional Use Permit (Chapter 30.74) where:
  - a. Located in the Bluff, Slope and Canyon Overlay Zone, and the ADU will be set back at least 20 feet from the top of a steep slope and at least 10 feet from the bottom of a steep slope per Section 30.52.070; or
  - b. Located in the Coastal Bluff Overlay Zone, and the ADU will be constructed primarily above grade, and set back at least 40 feet from the top edge of a coastal bluff per Section 30.55.080.
- E. The California Coastal Act requires issuance of an Administrative Coastal Development Permit implemented in accordance with DMMC Chapter 30.75, to harmonize State Housing law with the Coastal Act and ensure protection of coastal resources as follows:
  - 1. California Government Code section 65852.2 (l) provides that the Accessory Dwelling Unit statutes do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the City shall not be required to hold public hearings for Coastal Development Permit applications for ADUs.
  - 2. The following proposed ADU or JrADU development is exempt from an Administrative Coastal Development Permit where it meets all of the following:
    - a. An ADU or JrADU created through conversion of entirely existing habitable space; and
    - b. Consistent with other residential development in the City, the ADU or JrADU is not located in any of the following Overlay Zones: Floodplain, Beach, Lagoon, Coastal Bluff, or Bluff, Slope, and Canyon; and
    - c. Consistent with other residential development in the City, that the ADU or JrADU application is not in a location subject to the permit

appeal authority of the Coastal Commission as defined by DMMC Section 30.75.030.

3. An Administrative Coastal Development Permit in accordance with Section 30.75.080 shall be obtained for an ADU or JrADU that does not meet the exemptions listed in Section 30.91.030(E)(2).
4. Where an Administrative Coastal Development Permit is required by Section 30.91.030(E)(3), it shall be processed in accordance with the following procedures:
  - a. Consistent with the public participation provisions found in the California Coastal Act and the City's certified LCP, a Notice of Application informing the public of the filing of an application for an Administrative Coastal Development Permit for an ADU shall be posted at the project site on a notice card provided by staff of the City of Del Mar Department of Planning and Community Development. The notice of application shall advise interested persons that plans are available for public review at Del Mar City Hall. The notice, however, will stipulate that the application is required to be administratively approved by the Department of Planning and Community Development and that no public hearings will be permitted.
  - b. In order to approve the ADU, the Planning and Community Development Director shall make a finding that the proposed development is consistent with the requirements of the certified Local Coastal Program, and where applicable, the public access and recreation policies of the Coastal Act, except that no public hearing shall be required.
  - c. A Notice of Administrative Coastal Development Approval stating that the Coastal Development Permit has been approved shall be posted at City Hall and on the City's website, and shall be mailed within five working days of the final action as follows:
    - (i) Notice shall be mailed to all owners of real property within 300 feet of the exterior boundaries of the property, which is the subject of the hearing with ownership as identified on County Tax Assessors' rolls; and to all occupants of property within 100 feet of the exterior boundaries of the property which is the subject of the application.
    - (ii) Notice shall be sent via U.S. Postal Service to the Executive Director of the California Coastal Commission.

- (iii) The content for the notice of final action by the City shall be in accordance with Section 30.75.120(B)(1-5) and shall contain the date of the decision.
  - d. Once a final decision of approval or denial is issued by the Planning and Community Development Director, the notice of final action shall be provided within five (5) working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing in accordance with Section 30.75.100.
  - e. If the ADU qualifies as appealable development pursuant to Chapter 30.75, the Planning and Community Development Director's decision to approve a Coastal Development Permit may be appealed to the Coastal Commission within ten (10) working days in accordance with Section 30.75.110(A) and (B).
- F. ADUs or JrADUs issued permits in accordance with Chapter 30.91 shall expire and become null and void two years after the date of issuance, unless a certificate of occupancy has been issued by the Building Division.
- G. The City shall maintain a record of all ADUs and JrADUs issued permits for reporting to the State of California.
- H. The construction of an ADU shall not constitute a Group R residential occupancy change as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official finds that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. This clause does not apply when changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use.
- I. Prior to issuance of a building permit for an ADU or JrADU on private property, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State Law.
- J. All dwelling units that meet the definition of a Tiny Home in Section 30.04.190(D) shall be processed as an ADU in accordance with this Chapter.

### **30.91.040 Accessory Dwelling Unit Development Regulations**

- A. An Accessory Dwelling Unit (ADU) that is designed to meet all of the requirements in Section 30.91.040, and Section 30.91.060 for lots with multiple dwelling units, shall be issued a permit in accordance with Section 30.91.030.

B. A lot with an existing or proposed single dwelling unit is permitted to develop a maximum of one ADU (in compliance with Section 30.91.040) and a maximum of one JrADU (in compliance with Section 30.91.050) per lot. The ADU may be created within the space of a primary single dwelling unit (including conversion of an attached or detached garage), as an addition to a primary single dwelling unit, within a structure (new or conversion of existing space) that is detached from a primary single dwelling unit, or attached to an existing detached garage, in compliance with one of the following:

1. One ADU or JrADU within the space of a primary single dwelling unit:
  - a. A maximum of one ADU or JrADU is permitted within the walls of a proposed or existing primary single dwelling unit, including an attached or detached garage. Development of the ADU or JrADU shall not expand beyond the physical dimensions of the existing structure, except as necessary to accommodate ingress or egress through a maximum expansion of 150 square feet beyond the physical dimensions of the existing structure.
  - b. If an ADU is developed under Section 30.91.040(B)(1)(a), then no JrADU or additional ADUs shall be allowed where a previous ADU or JrADU was permitted in accordance with section (a) in the above.
  - c. If a JrADU is developed within the footprint of a primary single dwelling unit, including conversion of an attached garage, then a maximum of one detached ADU (one converted detached structure or new ADU structure) shall be permitted on the lot in addition to the JrADU in accordance with Section 30.91.040(B)(3).
2. One ADU attached to a primary single dwelling unit:
  - a. An attached ADU involves the addition of square footage to a primary single dwelling unit. The attached ADU shall be constructed as part of the overall primary single dwelling unit and must share a common wall with the primary single dwelling unit.
  - b. If an attached ADU is developed, then no JrADU or additional ADUs shall be permitted on the property.
3. One Detached ADU (new structure or conversion of existing structure):
  - a. There shall not be more than one detached ADU per lot.
  - b. No additional ADUs shall be permitted on the property, except that one JrADU shall be permitted within the walls of the primary single

dwelling unit, including conversion of an attached garage, in accordance with Section 30.91.040(B)(1). A JrADU is not permitted within a detached structure.

- c. The detached ADU may be developed as a new structure or through conversion of an existing detached accessory structure.
- d. If necessary to accommodate ingress and egress, conversion of an existing accessory structure can include an addition of up to, but not exceeding, 150 square feet beyond the physical dimensions of the existing structure. This provision applies even where the existing accessory structure exceeds the maximum allowable square footage for an ADU.

4. Attachment to an Existing Detached Garage:

- a. An ADU is permitted to be attached to an existing garage, which can include either an attached or detached garage. An ADU cannot be attached to any other existing accessory structures.
- b. If an attached ADU is developed, then no JrADU or additional ADUs shall be permitted on the lot.

C. If the proposed ADU would be located in a designated historic district or on a property that is listed in a Register of Historic Resources (local, state, or national), then the applicant must demonstrate that the design of the proposed ADU, including exterior finishes, windows, access doors, and rooflines, is consistent with the Secretary of the Interior Standards for preservation of historic resources.

D. The ADU shall be designed and operated in compliance with the regulations of the zone, except as otherwise specified in this Chapter, as a residential use dwelling unit that is subordinate to the primary dwelling unit on the property. One primary residential unit shall be designated on a lot which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.

- 1. The ADU shall be designed to comply with the Government Code Section 65852.2(j) definition of ADU by including permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a fully functioning: Bathroom consisting of a toilet, sink, a bathtub or shower; and a kitchen. The kitchen includes a cooking appliance (not a hotplate) refrigeration and other appliances, food storage cabinets, and a countertop or similar food preparation area. The kitchen area is to be proportional to the size of the ADU.

2. The ADU shall be designed to comply with the California Building Code and Title 24 requirements for solar installation, if the ADU would be located within a new structure. Only newly constructed, non-manufactured, detached ADUs are subject to the Energy Code requirement to provide solar panels. The solar panels may be installed on the ADU or on the primary dwelling unit.
  3. The ADU shall have a separate address and mailbox from the primary dwelling unit, which must be requested and coordinated with the City.
  4. All new residential development must provide adequate access for emergency response equipment and personnel to ensure public safety for its residents. Consistent with fire protection access requirements applicable to all residential development in the City, a minimum of six feet between any buildings shall be maintained.
  5. In accordance with Section 30.91.030(I), the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State Law.
- E. The ADU may be rented but shall not be sold or conveyed separately from the primary dwelling unit on the property, except that the City or qualified non-profit corporation per Government Code Section 65852.26 may sell a deed restricted ADU to an eligible low-income owner.
- F. If rented, the term for rental of an ADU in a residential zone shall be for a term longer than 30 consecutive days per Government Code Section 65852.2(e)(4).
- G. In accordance with California Government Code Section 65852.2(c)(2)(C), the City shall accommodate an ADU at least 800 square feet in size, which is also known as the “universal” ADU size provision. If the size of a proposed ADU exceeds 800 square feet, the remaining square footage beyond 800 square feet shall be subject to review against the applicable Floor Area Ratio (FAR) and lot coverage development standards of the zone. Additionally, should the combined total size of a proposed ADU greater than 800 square feet and the primary residence exceed the maximum FAR or lot coverage allowed for the site location, then the primary residence shall be required to reduce its square footage accordingly so as to preserve the ability to build at least an 800 square foot ADU. For the purpose of this section:
1. The interior floor space within the surrounding exterior walls of the ADU (calculated from the inside face of wall studs) shall not exceed

850 square feet in size, or 1,000 square feet maximum if the ADU has more than one bedroom.

2. A proposed, attached ADU shall be subject to a maximum size of 50 percent of the habitable space of the primary dwelling unit.
  3. All interior floor space of the ADU shall count towards the maximum ADU size regardless of whether or not it meets the City's definition of gross floor area or qualifies for exclusion from the calculation of bulk floor area per DMMC Chapter 30.72.
  4. 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.
  5. The application of 50 percent size limitation to an attached ADU is regardless of bedroom count for that ADU. The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the primary dwelling or 800 square feet if the primary dwelling is less than 1,600 square feet.
  6. If a detached garage is demolished and converted to an ADU, the sizes listed in Section 30.91.040.G shall apply.
  7. In order to comply with the mandates of the California Coastal Act, the City is required to protect coastal access and coastal resources, which may require modification of the proposed ADU location and size to demonstrate conformity. The City shall accommodate a proposed ADU meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate a proposed ADU at least 150 square feet in size that meets the definition of an efficiency unit as defined per California Government Code Section 65852.2(c)(2)(A).
  8. The proposed conversion or relocation of square footage from the footprint of an existing ADU to another location on the lot shall be subject to the maximum floor area ratio, lot coverage, and permit process of the base zone(s), unless the proposed development is necessary to accommodate development of a proposed ADU 800 square feet in size.
- H. An ADU is not permitted within a building-restricted easement location.

- I. The ADU shall comply with the following objective design standards, unless the design standards prohibit construction of an 800 sq. ft. ADU, notwithstanding Section 30.91.040(G)(7):
  1. Wall and roof planes on each elevation must be varied with at least one projection, offset, or recess of the building (of at least one foot in depth) for each 20 feet.
  2. Walls and windows shall be located so that sight lines maximize privacy and avoid direct views into neighboring homes. Glass walls (any wall plane consisting of more than 75 percent opaque or transparent glazed surface) that are visible from adjacent neighboring homes shall be prohibited. Sizing and placement of windows shall be offset to stagger the window placement in relation to the adjacent neighbor's windows. When staggering or offset of the window cannot be achieved, the project shall utilize obscured or opaque window glass, clerestory windows, or windows with higher sills. Installation of skylights shall be tinted to avoid interior light transmission.
  3. Rooftop decks, including those accessed from a second story ADU, are prohibited.
  4. Where provided, fireplaces and chimneys shall be attached to the ADU and shall be no higher than the minimum height required per the California Building Code and shall not project into any required yard setback area.
  5. The ADU, including roof eaves, cantilevered portions or overhangs shall not encroach into the required four (4) foot side or rear setbacks.
  6. New detached or attached accessory dwelling units shall be constructed using the same architectural style, roof pitch, exterior building materials, paint colors and finishes as the primary unit, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings, if the accessory dwelling unit is attached to or located within twenty (20) feet of the primary dwelling unit.
  7. The foundation and underside of new detached or attached ADUs shall be fully screened with compatible materials and colors as the primary unit.
  8. Outdoor speakers, televisions or other permanent electronic entertainment features with mechanically or electronic generated noise are prohibited.

9. An exterior wall heating, ventilation, or air conditioning (HVAC) unit is permitted for an ADU if it maintains all required minimum setbacks applicable to the ADU. Consistent with other residential development in the City, the HVAC shall be fully screened from the public right-of-way and adjacent properties and compliant with the Chapter 9.20 Noise Regulations.
10. Consistent with screening requirements for other residential development:
  - a. Roof penetrations such as stacks, vents, and other roof-mounted equipment shall be located away from view from the public right-of-way. All flashing, sheet metal, vents and pipe stacks shall be painted to match the adjacent roof or wall material.
  - b. Equipment such as backflow preventers shall be screened from public view if located in a street yard setback.
  - c. All ground mounted mechanical equipment shall be completely shielded to eliminate noise and shall be screened from view by adjacent properties by use of a wall, view-obscuring fencing and/or landscaping, or enclosed within a building. Screening walls shall be designed to be architecturally consistent with the building design and materials.
  - d. Areas for trash containers shall be incorporated into the building design and located within a garage or fully screened from public view with walls and landscaping and secured with a lid if the top of the trash bin is not fully covered by the walls. Trash container storage shall be located at the rear or the interior side yard of a property.
11. Consistent with standards for other residential development, all fences and walls, including retaining walls, are subject to the following objective standards in compliance with Section 30.86.090. Fences and walls that are not part of the ADU structure or necessary to demonstrate compliance with the applicable ADU development standards require permit review and processing in accordance with applicable Municipal Code standards.
  - a. Retaining walls outside of the building footprint shall be at least four feet from a building wall and shall be fully landscaped and/or provide for a walkway adjacent to the home.

- b. The distance between two terraced retaining walls shall be, at a minimum, the average height of the two walls. Retaining walls shall not exceed four feet in height. The horizontal area between two retaining walls shall be vegetated.
  - c. Retaining walls, block walls, and planters shall be designed with stone, native, or natural appearing materials such as, but not limited to, split face or stone veneer and shall not be unfinished concrete masonry units (CMU) block.
  - d. Fences and walls shall follow the natural site topography.
  - e. Retaining walls shall be earth tone colors that match the surrounding natural hues of the hillsides. Use of colors that contrast with the surrounding natural terrain such as white are prohibited. Earth tone is defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.
  - f. Any perimeter fencing on hillside properties shall be visually open with the use of split rail, picket post, or cable.
  - g. Chain-link fencing is prohibited unless it can be fully screened from view with landscaping or is not visible for the public right-of-way or adjacent properties. If chain-link is proposed, it shall be vinyl coated in black or other dark color that matches the natural terrain.
12. Consistent with hardscape and driveway requirements for other residential development:
- a. Hardscape for access to parking areas shall have one unobstructed, permanently surfaced driveway not less than 10 feet in width and shall not exceed a total maximum of 20 feet along all abutting street lines. The finished grade of a new driveway for the ADU shall not exceed 15 percent, unless designed with Portland Cement Concrete (PCC) surface that incorporates a deep broom finish perpendicular to the direction of travel. Maximum grade shall not exceed 20 percent.
  - b. Line of sight visibility shall be retained for public safety in accordance with Engineering standards. No wall, structure, plant material, or other object that exceeds 42 inches shall be erected

or placed within a triangular area formed by measuring 10 feet from an intersecting driveway, street, or alley in a manner as to obstruct or impede vision for automobiles.

- c. Existing vehicular access and curb cuts shall remain in the existing locations and may be redesigned only if this standard would preclude the construction of an ADU less than 800 square feet.
  - d. Circular driveways are prohibited.
13. In accordance with the certified Local Coastal Program, new construction shall retain native landscaping and vegetation where possible. The ADU shall not be located within the tree canopy dripline of an environmentally "Protected Tree" native to Del Mar (Monterey Cypress and Torrey Pine Species). If ADU development within the tree canopy dripline protection area for a Protected Tree is necessary to accommodate an 800 square foot ADU, the owner would be subject to compliance with applicable tree removal permit procedures, mitigation, and/or penalties as identified in the City's Tree Ordinance in DMMC Chapter 23.50. All proposed landscaping for the ADU shall comply with DMMC Chapter 23.60 (Water Efficiency Landscape Ordinance) and any landscape plan requirements applicable to the lot at the time of application.
- J. The ADU shall have a separate exterior entry from the primary dwelling unit.
- 1. The ADU exterior entry shall not be required to have a pathway connection to the street.
  - 2. Consistent with other residential development in the City, if located in the Floodplain Overlay Zone, and the ADU is required to be elevated for compliance with applicable floodplain standards, the entryway to the ADU shall be limited to the minimum width for entry access as required by the California Building Code. Should an ADU application request a greater design width than the minimum required for exterior entry per the California Building Code, then approval of an Administrative Design Review Permit for the proposed entry design shall be required in accordance with DMMC Section 23.08.035.
- K. The following identifies the maximum building height for construction of an ADU:
- 1. The maximum building height of a detached ADU shall not exceed 16 feet above grade.

2. Notwithstanding Section 30.91.040(K)(1), on a lot that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code, the maximum building height of a detached ADU, shall not exceed 18 feet above grade.
  3. Attached ADUs must share a common wall horizontally with the primary dwelling unit. The maximum height for attached ADUs in single dwelling unit zones is as follows:
    - a. For consistency with local conditions and the certified LCP, attached ADUs in single dwelling unit zones shall be proposed at the first story level if buildable area is available on the first story level of the lot. The maximum building height for an ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level is 16 feet.
    - b. Attached ADUs may be proposed at a second story level only if there is not buildable area available on the lot and if necessary to accommodate an ADU up to 800 square feet on the lot as an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum building height for a proposed attached ADU that horizontally shares a common wall with the primary dwelling unit at the second story level shall not exceed 25 feet above grade, or the base zoning requirements, whichever is lower, and in no case shall exceed two stories.
  4. Consistent with other residential development in the City and for the purpose of Chapter 30.91, height shall be measured in accordance with DMMC Section 30.04.080(A), except on those parcels that fall entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM), or its updated versions, where the height of a new ADU structure shall be measured from the required base flood elevation. The ADU shall not exceed the maximum height limitation of the applicable zone.
  5. Within the Bluff, Slope, and Canyon Overlay Zone, the 14-foot maximum building height of the Overlay Zone shall apply in accordance with the provisions stated above, for consistency with the certified Local Coastal Program.
- L. Exterior lighting shall be limited to the minimum necessary for compliance with California Building Code requirements. Consistent with other residential development, all outdoor lighting of an ADU shall be fully shielded, a maximum of 2700 Kelvin, and directed downward and away from neighboring properties

and/or public rights-of-way and shall be certified Dark Sky Friendly by the Fixture Seal of Approval program of the International Dark-Sky Association. All exterior lighting shall be equipped with shut off controls or sensors, timers, or motion detectors. Shielded up-lighting and fixtures with an adjustable aiming angle are prohibited.

M. A side and rear setback of four (4) feet shall be required for a new ADU structure, except as follows:

1. An existing legal non-conforming structure, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, where the structure complies with the building and safety standards of the California Building Code and California Fire Code and the minimum setbacks specified in Section 30.91.040(M)(3).
2. Conversion of an existing living area or accessory structure to an ADU, that maintains the same location and dimensions of the structure, does not require additional setback requirements.
3. A new ADU structure shall comply with all street fronting setbacks of the applicable zone to provide for fire equipment access, unless necessary to accommodate placement on the property of an 800 square foot ADU, notwithstanding Section 30.91.040(G)(7). This regulation shall also apply to through lots, regardless of any relinquished vehicular access.
4. Newly constructed ADUs that abut an alley may use half the width of alley for purposes of setback calculation.
5. In all cases, including the conversion of non-habitable, legal non-conforming structures noted in Section 30.91.040(M)(1), the ADU shall comply with Coastal resource protections that require the following additional setback requirements:
  - a. The required minimum coastal bluff setback in the Coastal Bluff Overlay Zone.
  - b. The required minimum Beach Preservation Initiative setback in the Beach Overlay Zone.
  - c. The required minimum setback in the Bluff, Slope, and Canyon Overlay Zone.
  - d. Any minimum setbacks required to protect wetlands, wetland habitat, steep slopes, and environmentally sensitive habitat or related area buffers.

- e. The minimum interior side, street side, and rear yard setbacks required by the applicable zone, if necessary to protect public scenic views in compliance with the certified Local Coastal Program.
  
- N. The parking requirements for ADUs are provided in Section 30.91.040(N) and (O). In order to ensure the continuation of public access to coastal resources, where an existing garage, carport, or covered parking, is demolished or converted to an ADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site.
  - 1. The replacement parking may be covered or uncovered and may be located within a driveway or yard setback in a location with an improved parking surface (i.e. paving, hardscape, decomposed granite, etc.)
  - 2. The location of replacement parking shall be consistent with all wetland habitat buffers, steep slope and geologic stability setbacks, and public scenic view protection regulations contained in the certified LCP.
  - 3. The replacement parking may be provided as tandem spaces or accessible by mechanical lift (if the mechanical lift is within a garage).
  
- O. The following parking requirements are specific to properties located along the shoreline or on the hillside within areas of high wildfire risk:
  - 1. To avoid significant impacts to public access within the Coastal Commission Appeals Jurisdiction (where public parking has been determined by the Coastal Commission to be scarce), the ADU shall provide one off-street parking space (covered or uncovered), except as follows:
    - a. The property on which the ADU is situated is located outside of the Coastal Commission Appeals Jurisdiction, as delineated in the Del Mar Community Plan and certified LCP.
    - b. The ADU would be located within the existing primary dwelling unit.
    - c. The ADU would be located within an existing accessory building on the property.
    - d. The ADU would be located on a property within one-half mile walking distance of public transit, including a bus stop, train

station, or paratransit service, if applicable. This exemption does not apply to those lots within the Coastal Commission Appeals Jurisdiction, as additional parking is still required on those lots to maintain coastal access.

- e. The ADU would be located in a designated historic district or on a property listed in a Register of Historic Resources (local, state, or national).
  - f. The ADU would be located on a property within one block of a designated car share parking location.
2. To ensure public safety and emergency access, proposed ADUs located on a site with access from a street with an improved street width 20 feet or less shall provide one off-street parking space for the ADU. The off-street parking space may be located within a driveway or yard setback in a location with an improved parking surface (i.e., paving, hardscape, decomposed granite, etc.) or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Off-street parking shall not be located within a steep slope, wetland, geological setback, or other environmentally sensitive habitat area.
- P. ADUs are required to comply with the same building and safety requirements as the primary dwelling unit in accordance with the California Building Code and California Fire Code. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), a proposed ADU or JrADU development shall not include improvements to expand or construct water wells, sewer, fire protection capacities, or septic systems, which is a class of development that requires a discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects.
- Q. An automatic residential fire sprinkler system shall not be required for an ADU if the existing primary dwelling unit does not contain such a system.
- R. ADUs shall not be considered new residential uses for the purposes of calculating utility connection fees.
1. State law provides for a new or separate utility connection fee to be required for an ADU that is not contained within the existing primary dwelling unit or within an existing accessory building. The connection fee

shall be proportionate to the burden of the ADU based on the ADU size and number of plumbing fixtures.

2. Conversion of floor space to an ADU within an existing structure with the appropriate meter size shall not be subject to new water and sewer connection fees.
- S. For consistency with the Coastal Act, scenic views shall be protected as follows:
1. Projects shall be designed to ensure that no scenic views from public streets, roads or pedestrian trails are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.
  2. Protection of public views will be evaluated based on consistency with public view protection policies IV-22 through IV-27 of the City of Del Mar Local Coastal Program (LCP) Land Use Plan, as well as the appropriate setback(s) that protects public scenic views to the ocean.
  3. There are no private, primary scenic view protections from an ADU, and no protection of private views from a primary residence, as a result of ADU development.
- T. Any additional accessory mechanical equipment or exterior building features that are not otherwise required by Section 30.91.040, or for a dwelling unit per the California Building Code, shall be subject to Design Review in accordance with Chapter 23.08.
- U. ADUs shall not be located or approved where the ADU or JrADU is located on: a beach, a wetland, seaward of the mean high tideline, in an environmentally sensitive habitat area, within a coastal bluff setback, in a habitat buffer, environmentally sensitive habitat area or its buffer, or in an area designated as highly scenic area as determined by the City's certified Local Coastal Program.
- V. The owner of an ADU is requested to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.
- W. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), ADU development shall not create significant alterations to landforms, which is a class of development that requires a

discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects. The following objective standards apply to proposed ADU development for protection of the public health and safety through the regulation of excavation and grading and protection of steep slopes and coastal resources consistent with the certified Local Coastal Program:

1. If the ADU is proposed within a proposed structure, the development pad for the new ADU structure shall be located at a grade elevation with a slope that is no greater than 4 to 1.
  2. Proposed ADU development shall not encroach within a “substantially steep slope” which is defined as a slope with a slope gradient of 25% or greater and an elevation differential of at least 20 feet between the top and bottom of the slope area.
  3. Proposed ADU and development shall be located at least 20 feet from the top edge of a substantially steep slope and at least 10 feet from the bottom of a substantially steep slope. The ADU development shall not be permitted to overhang the steep slope or the required steep slope setback.
  4. Proposed grading and excavation shall be minimized to the greatest extent feasible and limited to the area required for the ADU. Proposed grading shall be limited to a quantity of 200 cubic yards of cut and fill quantities combined. Any grading outside of the ADU structure footprint shall be subject to the requirements and procedures identified in Chapter 23.33 (Land Conservation Permit).
  5. The design and placement of the ADU shall preserve the natural topography and physical characteristics of the site. To protect coastal resources and reduce wildfire impacts consistent with requirements for other residential development, ADU development shall not be located at the crest, ridgeline, or top of a hill. ADUs shall not project above the peak of the ridgeline.
- X. If a proposed ADU is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the following shall apply as a requirement for the administrative Coastal Development Permit:
1. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and avoid flood hazards.
  2. Proposed development shall comply with the certified Local Coastal Program.

- Y. To aid in the prevention of loss of life, proposed ADU development on a lot that falls entirely or partially within a mapped Very High Fire Hazard Severity Zone shall demonstrate that:
1. The ADU site location has at least two emergency evacuation routes, and the Applicant shall be required to prepare an evacuation map specific to the parcel; or
  2. The Applicant shall provide evidence of an equivalent measure that demonstrates that the development will have no adverse impacts to public health and safety.

### **30.91.050 Junior Accessory Dwelling Unit Development Regulations**

- A. A Junior Accessory Dwelling Unit (JrADU) is a small dwelling unit that is no more than 500 square feet in size and contained entirely within, and accessory to, an existing, or proposed, habitable primary Single Dwelling Unit pursuant to the regulations in Section 30.91.050 and California Government Code section 65852.22. The JrADU may be created within the walls of an attached garage as attached garages are considered to be within the walls of the primary dwelling unit consistent with State law.
- B. A JrADU that is designed to meet all of the requirements in Section 30.91.050 shall be issued a permit in accordance with Section 30.91.030. The City is preempted by State Law from requiring any type of discretionary review, or public hearing, except for an Administrative Coastal Development Permit where required in accordance with Section 30.91.030(C)(5).
- C. A maximum of one JrADU is permitted per lot developed with a single dwelling unit and located in a single dwelling unit residential zone that allows JrADUs as identified in Section 30.91.020.
1. A JrADU shall not be permitted in a multiple dwelling unit, mixed use, or non-residential zone or on a lot with multiple dwelling unit development.
  2. A JrADU shall be permitted only within the walls of a primary single dwelling unit, which can include an attached garage.
  3. A lot with a JrADU may also contain a detached ADU on the lot in accordance with Section 30.91.040(B).
  4. A JrADU shall not be permitted within a detached structure.
  5. The maximum floor area ratio of a lot shall not prohibit development of a JrADU within the walls of the primary dwelling unit. Relocation of any converted square footage from the footprint of the JrADU to another

location on the lot shall be subject to the maximum floor area ratio, lot coverage, and permit process of the base zone(s).

- D. A JrADU shall be constructed entirely within the walls of an existing or proposed primary single dwelling unit and shall include the following:
  - 1. A separate exterior entry to the primary dwelling unit that is separate from the main entrance;
  - 2. A cooking facility with appliances, and a food preparation counter and storage cabinets that are reasonable to the size of the unit; and
  - 3. Access to a bathroom within the JrADU or the primary dwelling unit.
  - 4. Although JrADUs are required to be within the walls of the primary dwelling unit, they are not required to have an interior connection to the primary dwelling unit.
- E. Post January 2025, the property owner shall reside on the property in either the primary dwelling unit or in the JrADU, unless the property is owned by a governmental agency, land trust or non-profit housing organization. The requirement for the property owner to reside in either the primary dwelling unit or in the JrADU shall also apply to properties developed with an ADU and JrADU.
- F. The JrADU may be rented, but shall not be sold or conveyed separately from the primary dwelling unit, nor shall authorization be granted for a condominium conversion of a JrADU. If rented, the term for rental shall be for a term longer than 30 consecutive days.
- G. In order to ensure the continuation of public access to coastal resources, where an existing garage, carport, or covered parking, is demolished or converted to a JrADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site.
- H. A JrADU shall not be considered a separate or new dwelling unit for the purpose of any fire or life safety regulation. Fire or life safety requirements that apply to a single dwelling unit may be applied to the structure as a whole inclusive of the JrADU. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required for the JrADU.
- I. An automatic residential fire sprinkler system shall not be required for a JrADU if the existing primary dwelling unit does not contain such a system.

- J. A primary dwelling unit with the appropriate meter size shall not be subject to new water and sewer connection fees for conversion of existing floor space to a JrADU.
- K. There are no private, primary scenic view protections from a JrADU.
- L. The owner of a JrADU is requested to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the JrADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.
- M. If a proposed JrADU is subject to approval of an Administrative Coastal Development, and is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the permit approval shall be subject to the requirements in Section 30.91.040.X.

### **30.91.060 Regulations for ADUs on Lots with Multiple Dwelling Units**

- A. In a zone that allows two primary dwelling units per lot, a lot with two existing dwelling units is allowed up to two ADUs in accordance with the regulations in Section 30.91.040 and the following:
  - 1. One ADU within the walls of the existing primary dwelling unit; or
  - 2. One ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level at a maximum height not to exceed 16 feet above grade; or
  - 3. One detached ADU per primary dwelling unit at a maximum height not to exceed 16 feet above grade.
  - 4. The two ADUs shall not be attached to each other.
- B. On a lot where multiple dwelling units are located within an existing structure that contains three or more dwelling units or within multiple structures that contain three or more dwelling units, the property owner shall be permitted to convert existing spaces within each multiple dwelling unit structure to ADUs as follows:
  - 1. The maximum number of ADUs permitted in accordance with Section 30.91.060(B) shall not exceed 25 percent of the total number of existing dwelling units on the lot.

2. The existing space to be converted to an ADU shall not be located within, or solely owned or controlled by, an individual dwelling unit on the multiple dwelling unit lot.
  3. Conversion of the space shall comply with the California Building Code Standards for a dwelling unit; unless inconsistent with State law.
  4. Conversion of the space would not be in conflict with the existing permits applicable to the property by removing required access, open space, or recreation amenities.
- C. Up to two detached ADUs are permitted on a lot with existing multiple dwelling units in addition to the ADUs allowed within the existing multiple dwelling unit structure per Section 30.91.060(B) subject to the following:
1. The City shall accommodate proposed ADUs meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate ADUs at least 150 square feet in size that meet the definition of an efficiency unit as defined per California Government Code Section 65852.2(c)(2)(A).
  2. The maximum height of a detached ADU shall be 16 feet above grade.
  3. A detached ADU shall comply with the required street fronting setbacks of the applicable zone, but otherwise may be located within 4 feet of the side or rear property lines, except that in all cases, including conversion of non-habitable, legal, non-conforming structures noted in Section 30.91.040(M)(1), the ADU shall comply with the following additional setback requirements.
    - a. The required coastal bluff setback in the Coastal Bluff Overlay Zone.
    - b. The required Beach Preservation Initiative setback in the Beach Overlay Zone.
    - c. The required setback in the Bluff, Slope, and Canyon Overlay Zone.

- d. Any setbacks required to protect wetlands, wetland habitat, coastal access, steep slopes, and environmentally sensitive habitat area buffers.
  - e. Per the City's LCP, the interior side and rear yard setbacks required by the applicable zone, if necessary to protect public scenic views to the ocean.
- D. All ADUs developed in accordance with Section 30.91.060 shall also comply with the standards in Section 30.91.040, unless explicitly stated otherwise. Where designed accordingly, proposed ADUs on lots with multiple dwelling units shall be issued a permit in accordance with Section 30.91.030.

**30.91.070 Incentive Program**

- A. In order to encourage the use of ADUs to provide housing for lower income households, as defined by the California Department of Housing and Community Development, the City has an incentive program available. Incentives shall be granted to property owners who commit to record a deed restriction, covenant, and/or similar instrument that limits the use and occupancy of the ADU based on restricted income limits and applicable rental rates for a low-income household as established annually by the State of California.
- B. The incentives may include fee waivers or refunds and other incentives adopted by Ordinance in addition to the following planning and zoning incentives:
- 1. On lots with single dwelling unit or duplex development (attached or unattached), one bonus unit of a maximum 500 square feet in size JrADU shall be awarded as a means to help the property owner offset the investment needed to create the rent restricted ADU. The bonus unit must comply with the provisions set forth in Section 30.91.050. Notwithstanding Section 30.91.050(A), a bonus unit may be developed as a JrADU in multiple dwelling unit zones for the purposes of the Incentive Program. In addition, a 500 square foot FAR bonus shall be awarded.
  - 2. On lots with multiple dwelling unit development containing three or more primary dwelling units in the RM zone, R2 zone, and commercial zones, shall be awarded bonus units (ADUs and/or JrADUs) at a percentage that is proportional to help offset the cost associated with creation of rent restricted units.
    - a. Owners shall identify and designate by deed restriction, covenant, and/or similar instrument each new deed restricted low-income unit to be created on-site, which may include a combination of any

existing dwelling units and/or any new units developed per the Incentive Program.

- b. Development of the bonus units must comply with the objective standards in Sections 30.91.060 and 30.91.050 except as follows:
  - (i) New bonus units shall be located either within the walls of existing structures on-site within converted or re-purposed space and/or consolidated and co-located within a maximum of one new structure developed in compliance with protections of the certified LCP for public scenic views, environmentally sensitive habitat areas, steep slopes, and minimum setbacks, maximum height, and parking standards of the applicable base zone and overlay zones. Bonus unit development shall be exempt from the Floor Area Ratio (FAR) and lot coverage limits of the zone.
  - (ii) Notwithstanding Section 30.91.050(A), bonus units may be developed as a JrADU in multi dwelling unit zones for the purposes of the Incentive Program.
  - (iii) Properties with existing non-conforming density shall be eligible for the Incentive Program if the property has an on-site property manager.
  - (iv) A maximum of 15 bonus units shall be awarded per project.
3. All applications for participation in the City's Incentive Program shall be subject to approval of an Administrative Coastal Development Permit processed in accordance with Section 30.91.030.

### **30.91.080 Amnesty Program**

To encourage owners with existing, unpermitted ADUs as of April 15, 2021, to obtain permits and formally legalize their units, the City has established a program whereby all applications for participation in the City's ADU Amnesty Program shall be subject to approval of an Administrative Coastal Development Permit processed in accordance with Section 30.91.030.

### **30.91.090 Severability**

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provisions are voided, then those regulations shall either become void in their entirety, or where the courts have determined that certain terms or provisions are void by operation of the law, then those terms and provisions shall have no force or effect.

**SECTION SEVEN:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed action has been analyzed and determined to be Exempt from CEQA as follows:

- Statutory exemption per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) applicable to the adoption of an ADU ordinance to implement the Government Code Section 65852.2 provisions; and
- Statutory exemption per CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) and this section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code for the activities necessary for the preparation and adoption of an LCP amendment in compliance with the Coastal Act. The proposed actions include corollary amendments to the City's Zoning Code, which is part of the certified City of Del Mar LCP as certified under Section 21080.5 of the Public Resources Code; and
- Categorical exemption per CEQA Guidelines Class 1 exemption per Section 15301 (Existing Facilities) because the proposed amendments would allow a negligible expansion of existing residential use in urban, infill locations to accommodate ADUs and accessory bonus units through the proposed incentive program for creation of affordable housing for low income households consistent with the City's certified Housing Element; Class 2 exemption per Section 15302 (Replacement or Construction) because the proposed amendments would allow new small accessory units and structures only on sites with existing residential development and would maintain substantially the same purpose and capacity; Class 3 (New Construction or Conversion of Small Structures) because the amendments would allow for a limited number of new structures in compliance with the California Government Code mandatory provisions for ADUs, the City's certified LCP, and other applicable State Housing Law and Coastal Act requirements; and Class 32 (Infill Development Projects) because the proposed development would allow small-scale infill development consistent with the certified Housing Element, would not result in any significant effects to traffic, noise, air quality or water quality, would not be allowed within any locations containing environmentally sensitive habitat for endangered, rare, or threatened species, and would be limited to sites that can adequately be served by public services and utilities.

Notwithstanding applicability of the Statutory Exemptions and Categorical Exemptions identified above, the proposed actions have been the subject of prior environmental analysis in the 6th Cycle Housing Element Update Final Program Environmental Impact Report (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52), which analyzed and disclosed anticipated impacts of future housing

development. Refer to the Final 6<sup>th</sup> Cycle PEIR:  
[www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020](http://www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020)

No new or substantially greater impacts would result. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Final PEIR referenced above, the proposed action does not require a subsequent EIR or further environmental review.

**SECTION EIGHT:**

This Ordinance was introduced by the City Council on December 4, 2023.

**SECTION NINE:**

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**SECTION TEN:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION ELEVEN:**

Within 30 days of City Council adoption, the Ordinance will be submitted to the California Department of Housing and Community Development for review in accordance with State Housing law.

**SECTION TWELVE:**

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.


PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 18<sup>th</sup> day of December, 2023.



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Tracy Martinez, Mayor  
City of Del Mar

APPROVED AS TO FORM:


  
\_\_\_\_\_  
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. 1002, 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 18<sup>th</sup> day of December, 2023, by the following vote:

AYES: Mayor Martinez, Deputy Mayor Quirk, Councilmembers Druker, Gaasterland, and Worden  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

**CCC Modification in Strikeout – Underline Format for Amending Ordinance**

**SECTION ONE:** That DMMC Section 30.75.080 for the Coastal Development Permit Regulations in the certified Local Coastal Program shall be amended per CCC Modification #1 to read as follows:

**30.75.080 Coastal Development Permits Issued by the City—Issuing Authority, Public Hearing Required.**

[A. through D. No change in text]

E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:

[1. through 2. No change in text]

3. An application for an Accessory Dwelling Unit in accordance with Subsection ~~30.91.030.D.5.~~ 30.91.030.E that is not otherwise exempt from a Coastal Development Permit.

[E.4. through F. No change in text]

**SECTION TWO:** That DMMC Section 30.91.010 for the ADU Regulations (Purpose) shall be amended per CCC Modification #2 to read as follows:

**30.91.010 Purpose**

The purpose of this Chapter is to provide regulations and procedures for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JrADUs) on lots zoned to allow single unit and multi-unit residential uses which include a proposed or existing dwelling in accordance with California Government Code ~~Sections 65852.150, 65852.2, 65852.22~~ Section 66310 (et seq) as amended, and without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Division 20 commencing with Section 3000) and the City's Local Coastal Program. ~~Should this Chapter conflict with existing State law or subsequent amendments then State law will prevail over the terms of this Chapter.~~

**SECTION THREE:** That DMMC Section 30.91.020 (Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted) shall be amended per CCC Modification #3 to read as follows:

**30.91.020 Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted**

[A. through B. No change in text]

- (C) Tiny homes are permitted on any lot that allows an ADU. A tiny home may also be developed in ~~additional non-residential zones,~~ except the Beach Commercial and Visitor Commercial Zones, if the tiny home is deed restricted affordable for a lower income household for a term of at least 30 years.

[D. No change in text]

**SECTION FOUR:** That DMMC Section 30.91.030 (Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units) shall be amended per CCC modifications #4 and #5 to read as follows:

**30.91.030 Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units**

[A.through D. No change in text]

- E. ~~The California Coastal Act Approval of an ADU~~ requires issuance of an Administrative Coastal Development permit implemented in accordance with DMMC Chapter 30.75, to harmonize State Housing law with the Coastal Act and ensure protection of coastal resources as follows:

1. California Government Code section ~~65852.2(1)~~ 65852.21 provides that the Accessory Dwelling Unit statutes do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the City shall not be required to hold public hearings for Coastal Development Permit applications for ADUs.
2. ~~The following~~ A proposed ADU or JrADU development is exempt from an Administrative Coastal Development Permit where it ~~meets all of the following is:~~
  - a. ~~An ADU or JrADU created~~ Created through conversion of entirely existing legally established habitable space contained in an existing primary structure that will not involve removal or replacement of major structural components (e.g., roofs, exterior walls, or foundations); and or
  - b. Directly attached to an existing single-family residence, if the ADU otherwise qualifies as exempt development pursuant to Section 13250 of the Coastal Commission's regulations.
  - ~~b. Consistent with other residential development in the City, the ADU or JrADU is not located in any of the following Overlay Zones: Floodplain, Beach, Lagoon, Coastal Bluff, or Bluff, Slope, and Canyon; and~~

- e. ~~Consistent with other residential development in the City, that the ADU or JrADU application is not in a location subject to the permit appeal authority of the Coastal Commission as defined by DMMC Section 30.75.030.~~

[3. No change in text]

- 4. Where an Administrative Coastal Development Permit is required by Section 30.91.030(E)(3), it shall be processed in accordance with the following procedures:

- a. Consistent with the public participation provisions found in the ~~California Coastal Act and the City's certified LCP~~, a Notice of Application informing the public of the filing of an application for an Administrative Coastal Development Permit for an ADU shall be posted at the project site on a notice card provided by staff of the City of the City of Del Mar Department of Planning and Community Development. The notice of application shall advise interested persons that plans are available for public review at Del Mar City Hall. The notice, however, will stipulate that the application is required to be administratively approved by the Department of Planning and Community Development and that no public hearings will be held ~~permitted~~.

[b. No change in text]

- c. A Notice of Administrative Coastal Development Approval stating that the Coastal Development Permit has been approved shall be posted at City Hall and on the City's website, and shall be mailed within five working days of the final action as follows:

- i. [No change in text]

- ii. Notice shall be sent ~~via U.S. Postal Service to the Executive Director~~ transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office of the California Coastal Commission.

- iii. [No change in text]

- d. ~~Once~~ Within five (5) working days of a final decision of approval or denial ~~is issued~~ by the Planning and Community Development Director, the notice of final action shall be ~~provided within five (5) working days to the Executive Director~~ transmitted by any acceptable delivery means pursuant to state law to the San Diego

Coast District office of the Coastal Commission and provided to any interested parties who requested notice in writing in accordance with Section 30.75.100.

- e. If the ADU qualifies as appealable development pursuant to Chapter 30.75, the Planning and Community Development Director's decision to approve a Coastal Development Permit may be appealed to the San Diego District office of the Coastal Commission within ten (10) working days in accordance with Section 30.75.110(A) and (B).

[F. through H. No change in text]

- I. Prior to issuance of a building permit for an ADU or JrADU on private property, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, and shall include notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.

J. [No change in text]

**SECTION FIVE:** That DMMC Section 30.91.040 (Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #6 through #20 to read as follows:

**30.91.040 Accessory Dwelling Unit Development Regulations**

[A. through C. No change in text]

- D. The ADU shall be designed and operated in compliance with the regulations of the zone, except as otherwise specified in this Chapter, as a residential use dwelling unit that is subordinate to the primary dwelling unit on the property. One primary residential unit shall be designated on a lot which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.
  - 1. The ADU shall be designed to comply with ~~the~~ Government Code Section ~~65852.2(j)~~ 66314, as amended, definition of ADU by including permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a fully functioning: Bathroom consisting of a toilet, sink, a bathtub or shower; and a kitchen. The kitchen includes a cooking appliance (not a hotplate), refrigeration, and other appliances, food storage cabinets, and a countertop or similar food preparation area. The kitchen area is to be proportional to the size of the ADU.

[2. through 4. No change in text]

5. In accordance with Section 30.91.030(I), the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, including notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.
- E. The ADU may be rented but shall not be sold or conveyed separately from the primary dwelling unit on the property, except that the City or qualified non-profit corporation per Government Code section ~~65852.26~~ 66341, as amended, may sell a deed restricted ADU to an eligible low-income owner.
- F. If rented, the term for rental of an ADU in a residential zone shall be for a term longer than 30 consecutive days per Government Code section ~~65852.2(e)(4)~~ 66315, as amended.
- G. In accordance with California Government Code Section ~~65852.2(e)(2)(C)~~ 66321(b)(3), as amended, the City shall accommodate an ADU at least 800 square feet in size, which is also known as the “universal” ADU size provision. If the size of a proposed ADU exceeds 800 square feet, the remaining square footage beyond 800 square feet shall be subject to review against the applicable Floor Area Ratio (FAR) and lot coverage development standards of the zone. Additionally, should the combined total size of a proposed ADU greater than 800 square feet and the primary residence exceed the maximum FAR or lot coverage allowed for the site location, then the primary residence shall be required to reduce its square footage accordingly so as to preserve the ability to build at least an 800 square foot ADU. For the purpose of this section:

[1. through 6. No change in text]

7. In order to comply with the mandates of the California Coastal Act and the provisions of the certified LCP, the City is required to protect coastal access and coastal resources, which may require modification of the proposed ADU location and size to demonstrate conformity. The City shall approve ~~accommodate~~ a proposed ADU meeting the universal size provision of at least 800 square feet in size, unless the project would result in impacts to coastal resources or public access protected by the LCP, in which California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. ~~In such a case,~~ the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate a proposed ADU at least 150 square feet in size that meets

the definition of an efficiency unit as defined ~~per by~~ California Government Code Section ~~65852.2(c)(2)(A)~~ 66313, as amended.

[8. No change in text]

[H. through J. No change in text]

K. The following identifies the maximum building height for construction of an ADU:

[1. through 2. No change in text]

3. Attached ADUs must share a common wall horizontally with the primary dwelling unit. The maximum height for attached ADUs in single dwelling unit zones is as follows:

a. For consistency with local conditions and the certified LCP, attached ADUs in single dwelling unit zones shall be proposed at the first story level if sufficient buildable area is available on the first story level of the lot. The maximum building height for an ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level is 16 feet.

b. Attached ADUs may be proposed at a second story level only if there is not sufficient buildable area available on the lot and if necessary to accommodate an ADU up to 800 square feet on the lot as an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum building height for a proposed attached ADU that horizontally shares a common wall with the primary dwelling unit at a second story level shall not exceed 25 feet above grade, or the base zoning requirements, whichever is lower, and in no case shall exceed two stories.

[4. through L. No change in text]

M. Where an accessory dwelling unit is attached to a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new ADU in accordance with Section 30.91.040.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of the accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or

portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or as 50 percent increase in gross floor area.

N. A side and rear setback of four (4) feet shall be required for a new ADU structure, except as follows:

1. An existing legal non-conforming structure, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, where the structure complies with the building and safety standards of the California Building Code and California Fire Code and the minimum setbacks specified in Section 30.91.040 ~~(M)(3)~~ (N)(3).

[2. through 4. No change in text]

5. In all cases, including the conversion of non-habitable, legal conforming structures noted in Section 30.91.040 ~~(M)(1)~~ (N)(1), the ADU shall comply with coastal resource protections that require the following additional setback requirements:

a. The required minimum coastal bluff setback in the Coastal Bluff Overlay Zone as required by DMMC Chapter 30.55.

[b. through e. No change in text]

O. The parking requirements for ADUs are provided in Section 30.91.040 ~~(N) and (O)(O) and (P)~~. In order to ensure the continuation of public access to coastal resources, where Where an existing garage, carport, or covered parking, is demolished or converted to an ADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site only if the loss of the off-street parking supply has a significant effect on public access to the shoreline.

1. [No change]

2. The location of replacement parking shall be consistent with all wetland habitat buffers, environmentally sensitive habitat buffers, steep slope and geologic stability setbacks, and public scenic view protection regulations contained in the certified LCP.

3. [No change]

4. No off-street parking requirements apply to any ADUs proposed within one-half mile of a major transit stop regardless of whether the ADU would be located within the Commission's appellate jurisdiction

P. The following parking requirements are specific to properties located along the shoreline or on the hillside within areas of high wildfire risk:

1. ~~To avoid significant impacts to public access within the Coastal Commission Appeals Jurisdiction (where public parking has been determined by the Coastal Commission to be scarce), the~~ The ADU shall provide one off-street parking space (covered or uncovered), except as follows:

[No change to subsections a. through c.]

- d. The ADU would be located on a property within one-half mile walking distance of public transit, including a bus stop, train station, or paratransit service, if applicable. This exemption does not apply to those lots within the Coastal Commission Appeals Jurisdiction where the on-street parking supply has a significant effect on public access to the shoreline, ~~as additional parking is still required on those lots to maintain coastal access.~~

[e. through f. No change in text]

[2. No change in text]

Q. ADUs are required to comply with the same building and safety requirements as the primary dwelling unit in accordance with the California Building Code and California Fire Code. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), a proposed ADU or JrADU development shall not be eligible for ministerial approval if it includes improvements to expand or construct water wells, sewer, fire protection capacities, or septic systems, which is a class of development that requires a discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects.

[R. through S. No change in text]

T. For consistency with the certified LCP ~~Coastal Act~~, scenic views shall be protected as follows:

1. Projects shall be designed to ensure that no scenic views from public vantage points ~~streets, roads or pedestrian trails~~ are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

[2. through 3. No change in text]

- U. Any additional accessory mechanical equipment or exterior building features that are not otherwise required by Section 30.91.040, or for a dwelling unit per the California Building Code, shall be subject to Design Review in accordance with Chapter 23.08.
- V. ADUs shall not be located or approved where the ADU ~~or JrADU~~ is located on: a beach, a wetland or its buffer, seaward of the mean high tideline, in an environmentally sensitive habitat area or its buffer, within a coastal bluff setback, ~~in a habitat buffer, environmentally sensitive habitat area or its buffer~~, or in an area designated as highly scenic area as determined by the City's certified Local Coastal Program.
- W. The owner of an ADU is requested to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.
- X. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), ADU development shall not create significant alterations to landforms, which is a class of development that requires a discretionary coastal development permit ~~per the Coastal Act~~ because it involves a risk of adverse environmental effects. The following objective standards apply to proposed ADU development for protection of the public health and safety through the regulation of excavation and grading and protection of steep slopes and coastal resources consistent with the certified Local Coastal Program:  
  
[No change to subsections (1) through (5)]
- Y. If a proposed ADU is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the following shall apply as a requirement for the administrative Coastal Development Permit:
  - 1. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and avoid flood hazards, including with consideration of sea level rise.
  - 2. Proposed development shall comply with the certified Local Coastal Program.

**SECTION SIX:** That DMMC Section 30.91.050 (Junior Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #21 through #24 to read as follows:

**30.91.050 Junior Accessory Dwelling Unit Development Regulations**

[A. No change in text]

- B. A JrADU that is designed to meet all of the requirements in Section 30.91.050 shall be issued a permit in accordance with Section 30.91.030. The City is preempted by State Law from requiring a any type of discretionary review, or public hearing, except for an Administrative Coastal Development Permit where required in accordance with Section 30.91.030(C)(5).

[C. through F. No change in text]

~~G. In order to ensure the continuation of public access to coastal resources, where an existing garage, carport, or covered parking, is demolished or converted to a JrADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site.~~

- G. Where a junior accessory dwelling unit is created within a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the junior accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new JrADU in accordance with Section 30.91.050.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or junior accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

[H. through L. No change in text]

- M. If a proposed JrADU is subject to approval of an Administrative Coastal Development Permit, and is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the permit approval shall be subject to the requirements in Section 30.91.040.~~XY.~~

**SECTION SEVEN:** That DMMC Section 30.91.060 (Regulations for ADUs on Lots with Multiple Dwelling Units) shall be amended per CCC Modifications #25 through #27 to read as follows:

**30.91.060 Regulations for ADUs on Lots with Multiple Dwelling Units**

- A. In a zone that allows two primary dwelling units per lot, a lot with two existing dwelling units is allowed up to two ADUs in accordance with the regulations in Section 30.91.040 and the following:

[1. through 4. No change in text]

5. For consistency with local conditions and the certified LCP, ADUs shall be proposed at the first story level. An ADU may be proposed at a second story level only if there is not sufficient buildable area available on the lot; and if necessary to accommodate an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum possible square footage shall be placed at the first story level.

[B. No change in text]

- C. Up to two detached ADUs are permitted on a lot with existing multiple dwelling units in addition to the ADUs allowed within the existing multiple dwelling unit structure per Section 30.91.060(B) subject to the following:

1. The City shall accommodate proposed ADUs meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate ADUs at least 150 square feet in size that meet the definition of an efficiency unit as defined per California Government Code Section 66313, as amended 65852.2(c)(2)(A).

[2. No change in text]

3. A detached ADU shall comply with the required street fronting setbacks of the applicable zone, but otherwise may be located within 4 feet of the side or rear property lines, except that in all cases, including conversion of non-habitable, legal, non-conforming structures noted in Section 30.91.040 ~~(M)~~ (N)(1), the ADU shall comply with the following additional setback requirements.

- a. The required coastal bluff setback in the Coastal Bluff Overlay Zone as required by Chapter 30.55.

[b. through e. No change in text]

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 (619) 767-2370



April 15, 2025

Ms. Amanda Lee  
 Principal Planner  
 City of Del Mar  
 1050 Camino del Mar  
 Del Mar, CA 92014

Re: Certification of City of Del Mar LCP Amendment No. LCP-6-DMR-23-0001-2  
 (ADU Update)

Dear Ms. Lee,

On March 13, 2025, the California Coastal Commission approved the above referenced amendment to the City of Del Mar Local Coastal Program (LCP). The amendment involves changes to the Implementation Plan (IP) to harmonize recent changes to State Accessory Dwelling Unit (ADU) laws in Government Code Sections 65852.2 and 65852.22 with the City's certified Local Coastal Program (LCP). Specifically, the City sought to modify Sections 30.04.190, 30.19.030, 30.19.040, 30.21.030, and 30.21.040, and repeal and replace Chapter 30.91 (Accessory Dwelling Units). The new Chapter 30.91 provides for updated review and permit processing of ADUs/Junior Accessory Dwelling Units (JrADUs), as well as development regulations for the construction of ADUs and JrADUs on single-family and multi-family lots. An incentive bonus and amnesty program were also included to further encourage housing opportunities.

After the City's submittal of the IP amendment, Commission staff identified several inconsistencies between the City's requested amendment and the existing standards of the certified LUP; accordingly, several suggested modifications were made by staff. Many of the suggested modifications were revisions to clarify the City's intent, correct references, and clarify Coastal Act requirements. With regard to coastal hazards, suggested modifications to the amendment require that sea level rise be considered during the design of an ADU or JrADU. While the proposed amendment includes a provision that the owner must record a deed restriction that acknowledges the applicable use limitations of the property prior to issuance of a building permit for an ADU or JrADU, an additional suggested modification requires that the owner also notice all occupants of any overlay zones in which the property is located.

Suggested modifications have been added to require that where an ADU triggers redevelopment of a primary residence that is nonconforming with regards to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, the correction of the nonconforming condition is required. Another suggested modification replaces the City's proposed language regarding when an ADU or JrADU may be considered exempt from an administrative CDP with new language that clarifies the only scenario where an ADU or JrADU could be found exempt is

when it is contained in the existing primary structure and does not include either increases in habitable area or conversion of non-habitable space. Other suggested modifications remove inaccurate language regarding a potential loss of public access in the City's appeal jurisdiction due to potential loss of off-street parking; restrict the development of tiny homes in the Beach Commercial and Visitor Commercial Zones to preserve priority visitor-serving uses; and allow for an attached ADU on a second story level on duplex lots where there is not sufficient buildable area on the first floor, or if necessary to accommodate an alternative that minimizes impacts to the greatest extent in compliance with the LCP.

Additionally, during the Commission hearing for this amendment, several changes were made on the mic to be incorporated into the amendment. The change to Suggested Modification #14 included clarifying language that replacement off-street parking for the primary dwelling unit is only needed where the loss of the off-street parking (due to the construction of an ADU) is found to have a significant effect on public access to the shoreline. An additional provision was added to the same section of the amendment to specify that no off-street parking requirements apply to any ADUs within one-half mile of a major transit stop even where the ADU is located in the Commission's appellate jurisdiction. The change to Suggested Modification #15 included adding a phrase that makes it clear that on-street parking within the Coastal Commission Appeals Jurisdiction has a significant effect on public access to the shoreline, and therefore an ADU in the appeals jurisdiction will be required to provide one parking space even when located within one-half mile walking distance of a public transit stop (where it would otherwise be exempt). These changes, as well as those identified in staff's March 12, 2025 addendum, have been incorporated into the final report and are listed in the attached list of final Suggested Modifications.

The Commission approved the LCP amendment with the above suggested modifications; however, before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as revised plan policies, rezonings or other ordinance revisions. This certification must also include production of new LCP text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified Local Coastal Program immediately upon concurrence by the Commission of the Executive Director's determination. The local government's action must be completely consistent with the Commission's certification order; if you are considering any change from what is presented in the attached suggested modification, you should contact this office immediately.

The Commission's certification order remains valid for six months from the date of its action; therefore, it is necessary for the City of Del Mar to take the necessary steps

within six months. If you believe that the City of Del Mar will need additional time, you may request up to a one-year time extension but such an extension must be granted by the Coastal Commission at a subsequent hearing. As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Leach".

Stephanie Leach  
Coastal Planner

### **Suggested Modifications**

1. Revise Section 30.75.120(E)(3) as follows:

An application for an Accessory Dwelling Unit in accordance with Subsection 30.91.030.E ~~D.5.~~ that is not otherwise exempt from a Coastal Development Permit.

2. Revise Section 30.91.010 as follows:

The purpose of this Chapter is to provide regulations and procedures for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JrADUs) on lots zoned to allow single unit and multi-unit residential uses which include a proposed or existing dwelling in accordance with California Government Code Sections 66310 (et seq), as amended ~~65852.150, 65852.2, 65852.22~~, and without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Division 20 commencing with Section 3000) and the City's Local Coastal Program. ~~Should this Chapter conflict with existing State law or subsequent amendments then State law will prevail over the terms of this Chapter.~~

3. Revise Section 30.91.020(C) as follows:

Tiny homes are permitted on any lot that allows an ADU. A tiny home may also be developed in ~~additional non-residential zones,~~ except the Beach Commercial and Visitor Commercial Zones, if the tiny home is deed restricted affordable for a lower income household for a term of at least 30 years.

4. Revise Section 30.91.030(E) as follows:

Approval of an ADU~~The California Coastal Act~~ requires issuance of an Administrative Coastal Development Permit implemented in accordance with DMMC Chapter 30.75, to harmonize State Housing law with the Coastal Act and ensure protection of coastal resources as follows:

1. California Government Code section 65852.21 ~~(f)~~ provides that the Accessory Dwelling Unit statutes do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the City shall not be required to hold public hearings for Coastal Development Permit applications for ADUs.

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Approved Suggested Modifications

2. ~~A The following~~ proposed ADU or JrADU development is exempt from an Administrative Coastal Development Permit where it is meets all of the following:
  - a. ~~An ADU or JrADU e~~Created through conversion of entirely existing legally established habitable space contained in an existing primary structure that will not involve removal or replacement of major structural components (e.g. roofs, exterior walls, or foundations); and or
  - b. Directly attached to an existing single-family residence, if the ADU otherwise qualifies as exempt development pursuant to Section 13250 of the Coastal Commission's regulations.
  - ~~b. Consistent with other residential development in the City, the ADU or JrADU is not located in any of the following Overlay Zones: Floodplain, Beach, Lagoon, Coastal Bluff, or Bluff, Slope, and Canyon; and~~
  - ~~c. Consistent with other residential development in the City, that the ADU or JrADU application is not in a location subject to the permit appeal authority of the Coastal Commission as defined by DMMC Section 30.75.030.~~
3. [No change]
4. Where an Administrative Coastal Development Permit is required by Section 30.91.030(E)(3), it shall be processed in accordance with the following procedures:
  - a. Consistent with the public participation provisions found in ~~the California Coastal Act and the City's certified LCP~~, a Notice of Application informing the public of the filing of an application for an Administrative Coastal Development Permit for an ADU shall be posted at the project site on a notice card provided by staff of the City of Del Mar Department of Planning and Community Development. The notice of application shall advise interested persons that plans are available for public review at Del Mar City Hall. The notice, however, will stipulate that the application is required to be administratively approved by the Department of Planning and Community Development and that no public hearings will be held permitted.
  - b. [No change]

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- c. A Notice of Administrative Coastal Development Approval stating that the Coastal Development Permit has been approved shall be posted at City Hall and on the City's website, and shall be mailed within five working days of the final action as follows:
  - i. [No change]
  - ii. Notice shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office sent via U.S. Postal Service to the Executive Director of the California Coastal Commission.
  - iii. [No change]
- d. Within five (5) working days of ~~Once~~ a final decision of approval or denial ~~is issued~~ by the Planning and Community Development Director, the notice of final action shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office provided within five (5) working days to the Executive Director of the Coastal Commission and provided to any interested parties who requested notice in writing in accordance with Section 30.75.100.
- e. If the ADU qualifies as appealable development pursuant to Chapter 30.75, the Planning and Community Development Director's decision to approve a Coastal Development Permit may be appealed to the San Diego Coast District office of the Coastal Commission within ten (10) working days in accordance with Section 30.75.110(A) and (B).

5. Revise Section 30.91.030(l) as follows:

Prior to issuance of a building permit for an ADU or JrADU on private property, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, and shall include notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State Law.

6. Revise Section 30.91.040(D)(1) as follows:

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The ADU shall be designed to comply with the Government Code Section 66314, as amended, 65852.2(j) definition of ADU by including permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a fully functioning: Bathroom consisting of a toilet, sink, a bathtub or shower; and a kitchen. The kitchen includes a cooking appliance (not a hotplate), refrigeration, and other appliances, food storage cabinets, and a countertop or similar food preparation area. The kitchen area is to be proportional to the size of the ADU.

7. Revise Section 30.91.040(D)(5) as follows:

In accordance with Section 30.91.030(I), the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, including notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State Law.

8. Revise Section 30.91.040(E) as follows:

The ADU may be rented but shall not be sold or conveyed separately from the primary dwelling unit on the property, except that the City or qualified non-profit corporation per Government Code section 66341 65852.26, as amended, may sell a deed restricted ADU to an eligible low-income owner.

9. Revise Section 30.91.040(F) as follows:

If rented, the term for rental of an ADU in a residential zone shall be for a term longer than 30 consecutive days per Government Code section 66315, as amended 65852.2(e)(4).

10. Revise Section 30.91.040(G) as follows:

In accordance with California Government Code Section 66321(b)(3), as amended, 65852.2(c)(2)(C), the City shall accommodate an ADU at least 800 square feet in size, which is also known as the “universal” ADU size provision. If the size of a proposed ADU exceeds 800 square feet, the remaining square footage beyond 800 square feet shall be subject to review against the applicable Floor Area Ratio (FAR) and lot coverage development standards of the zone. Additionally, should the combined total size of a proposed ADU greater than 800 square feet and the primary residence exceed the maximum FAR or lot coverage allowed for the site location, then the primary residence shall be required to reduce its square footage

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accordingly so as to preserve the ability to build at least an 800 square foot ADU. For the purpose of this section:

[No change to Subsections 1 – 6]

7. In order to comply with the mandates of the California Coastal Act and the provisions of the certified LCP, the City is required to protect coastal access and coastal resources, which may require modification of the proposed ADU location and size to demonstrate conformity. The City shall approve ~~accommodate~~ a proposed ADU meeting the universal size provision of at least 800 square feet in size, unless the project would result in impacts to coastal resources or public access protected by the LCP, in which California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate a proposed ADU at least 150 square feet in size that meets the definition of an efficiency unit as defined by ~~per~~ California Government Code Section 66313, as amended 65852.2(e)(2)(A).

8. [No change]

11. Revise Section 30.91.040(K)(3) as follows:

Attached ADUs must share a common wall horizontally with the primary dwelling unit. The maximum height for attached ADUs in single dwelling unit zones is as follows:

- a. For consistency with local conditions and the certified LCP, attached ADUs in single dwelling unit zones shall be proposed at the first story level if sufficient buildable area is available on the first story level of the lot. The maximum building height for an ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level is 16 feet.
- b. Attached ADUs may be proposed at a second story level only if there is not sufficient buildable area available on the lot and if necessary to accommodate an ADU up to 800 square feet on the lot as an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum building height for a proposed attached ADU that horizontally shares a common wall with the primary dwelling unit at the second story level shall not exceed 25 feet above grade, or the base zoning requirements, whichever is lower, and in no case shall exceed two stories.

12. Add a new Section 30.91.040(M) as follows, with renumbering of the subsequent items that follow:

M. Where an accessory dwelling unit is attached to a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new ADU in accordance with Section 30.91.040.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

13. Revise new Section 30.91.040(N) as follows:

~~M.~~ N. A side and rear setback of four (4) feet shall be required for a new ADU structure, except as follows:

1. An existing legal non-conforming structure, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, where the structure complies with the building and safety standards of the California Building Code and California Fire Code and the minimum setbacks specified in Section 30.91.040(~~M~~ N)(3).

[No changes to subsection (2) through (4)]

5. In all cases, including the conversion of non-habitable, legal conforming structures noted in Section 30.91.040(~~MN~~)(1), the ADU shall comply with Coastal resource protections that require the following additional setback requirements:
  - a. The required minimum coastal bluff setback in the Coastal Bluff Overlay Zone as required by DMMC Chapter 30.55.

[No changes to subsections (b) through (e)]

14. Revise new Section 30.91.040(O) as follows:

~~N. O.~~ The parking requirements for ADUs are provided in Section 30.91.040(~~N~~O) and (~~O~~P). ~~In order to ensure the continuation of public access to coastal resources, w~~Where an existing garage, carport, or covered parking, is demolished or converted to an ADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site only if the loss of the off-street parking supply has a significant effect on public access to the shoreline.

1. [No change]
2. The location of replacement parking shall be consistent with all wetland habitat buffers, environmentally sensitive habitat buffers, steep slope and geologic stability setbacks, and public scenic view protection regulations contained in the certified LCP.
3. [No change]
4. No off-street parking requirements apply to any ADUs proposed within one-half mile of a major transit stop regardless of whether the ADU would be located within the Commission's appellate jurisdiction.

15. Revise new Section 30.91.040(P)(1) as follows:

~~O. P.~~ The following parking requirements are specific to properties located along the shoreline or on the hillside within areas of high wildfire risk:

1. ~~To avoid significant impacts to public access within the Coastal Commission Appeals Jurisdiction (where public parking has been determined by the Coastal Commission to be scarce), t~~The ADU shall provide one off-street parking space (covered or uncovered), except as follows:

[No change to subsections (a) through (c)]

- d. The ADU would be located on a property within one-half mile walking distance of public transit, including a bus stop, train station, or paratransit service, if applicable. This exemption does not apply to those lots within the Coastal Commission Appeals Jurisdiction where the on-street parking supply has a significant effect on public access to the shoreline, as additional parking is still required on those lots to maintain coastal access.

[No change to subsections (e) and (f)]

16. Revise new Section 30.91.040(Q) as follows:

~~P.~~ Q. ADUs are required to comply with the same building and safety requirements as the primary dwelling unit in accordance with the California Building Code and California Fire Code. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), a proposed ADU or JrADU development shall not be eligible for ministerial approval if it includes improvements to expand or construct water wells, sewer, fire protection capacities, or septic systems, which is a class of development that requires a discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects.

17. Revise new Section 30.91.040(T)(1) as follows:

~~S.~~ T. For consistency with the certified LCP Coastal Act, scenic views shall be protected as follows:

1. Projects shall be designed to ensure that no scenic views from public vantage points ~~streets, roads or pedestrian trails~~ are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

18. Revise new Section 30.91.040(V) as follows:

~~U.~~ V. ADUs shall not be located or approved where the ADU or JrADU is located on: a beach, a wetland or its buffer, seaward of the mean high tideline, in an environmentally sensitive habitat area or its buffer, within a coastal bluff setback, ~~in a habitat buffer, environmentally sensitive habitat area or its buffer~~, or in an area designated as highly scenic area as determined by the City's certified Local Coastal Program.

19. Revise new Section 30.91.040(X) as follows:

~~W.~~ X. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), ADU development shall not create significant alterations to landforms, which is a class of development that requires a discretionary coastal development permit ~~per the Coastal Act~~ because it involves a risk of adverse environmental effects. The following objective standards apply to proposed ADU development for protection of the public health and safety through the regulation of excavation and grading and protection of steep slopes and coastal resources consistent with the certified Local Coastal Program:

[No change to subsections (1) through (5)]

20. Revise new Section 30.91.040(Y) as follows:

~~X.~~ Y. If a proposed ADU is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the following shall apply as a requirement for the administrative Coastal Development Permit:

1. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and avoid flood hazards, including with consideration of sea level rise.
2. Proposed development shall comply with the certified Local Coastal Program.

21. Revise Section 30.91.050(B) as follows:

A JrADU that is designed to meet all of the requirements in Section 30.91.050 shall be issued a permit in accordance with Section 30.91.030. The City is preempted by State Law from requiring ~~any type of discretionary review, or public hearing, except for an Administrative Coastal Development Permit where required in accordance with Section 30.91.030(C)(5).~~

22. Add a new Section 30.91.050(G):

G. Where a junior accessory dwelling unit is created within a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the junior accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new JrADU in accordance with Section 30.91.050.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or junior accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

23. Delete proposed Section 30.91.050(G) as follows:

~~G. In order to ensure the continuation of public access to coastal resources, where an existing garage, carport, or covered parking, is demolished or converted to a JrADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site.~~

24. Revise Section 30.91.050(M) as follows:

M. If a proposed JrADU is subject to approval of an Administrative Coastal Development Permit, and is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the permit approval shall be subject to the requirements in Section 30.91.040.XY.

25. Add a new Section 30.91.060(A)(5) as follows:

5. For consistency with local conditions and the certified LCP, ADUs shall be proposed at the first story level. An ADU may be proposed at a second story level only if there is not sufficient buildable area available on the lot; and if necessary to accommodate an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum possible square footage shall be placed at the first story level.

26. Revise Section 30.91.060(C)(1) as follows:

The City shall accommodate proposed ADUs meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate ADUs at least 150 square feet in size that meet the definition of an efficiency unit as defined per California Government Code Section 66313, as amended 65852.2(c)(2)(A).

27. Revise Section 30.91.060(C)(3) as follows:

A detached ADU shall comply with the required street fronting setbacks of the applicable zone, but otherwise may be located within 4 feet of the side or rear property lines, except that in all cases, including conversion of non-habitable, legal, non-conforming structures noted in Section 30.91.040(MN)(1), the ADU shall comply with the following additional setback requirements.

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Approved Suggested Modifications

- a. The ~~required~~ coastal bluff setback in the Coastal Bluff Overlay Zone as required by Chapter 30.55.

[No change to subsections (b) through (e)]

THOMSON REUTERS

**WESTLAW** California Code of Regulations[Home Table of Contents](#)

## § 13250. Improvements to Existing Single-Family Residences.

14 CAADC § 13250

Barclays Official California Code of Regulations

Barclays California Code of Regulations  
 Title 14. Natural Resources  
 Division 5.5. California Coastal Commission (Refs & Annos)  
 Chapter 6. Exclusions from Permit Requirements  
 Subchapter 6. Existing Single-Family Residences

14 CCR § 13250

## § 13250. Improvements to Existing Single-Family Residences.

[Currentness](#)

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

- (1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;
- (3) The expansion or construction of water wells or septic systems;
- (4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, an improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
- (5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.
- (6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

(c) In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

**Credits**

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(a), Public Resources Code.

**HISTORY**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment of subsection (b)(4) filed 8-24-77; effective thirtieth day thereafter (Register 77, No. 35).
3. Amendment of subsection (a)(5) filed 5-29-79; effective thirtieth day thereafter (Register 79, No. 22).
4. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
5. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).
6. Amendment of subsection (b)(1) filed 7-24-80; effective thirtieth day thereafter (Register 80, No. 30).
7. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
8. Amendment of subsection (c) filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).
9. Amendment of section heading and section filed 9-20-99; operative 10-20-99 (Register 99, No. 39).
10. Amendment of subsection (b)(4) filed 11-27-2019; operative 1-1-2020 (Register 2019, No. 48).

This database is current through 2/28/25 Register 2025, No. 9.

Cal. Admin. Code tit. 14, § 13250, 14 CAADC § 13250

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**END OF DOCUMENT**



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Jean Crutchfield, Associate Planner  
Karen Brindley, Planning and Community Development Director  
Via Ashley Jones, City Manager

DATE: April 21, 2025

SUBJECT: Request to Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; and to Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 related to amending recorded Parcel Map (TPM-77-03) for purposes of reducing the area of an existing Scenic Easement on the Property located at 1201 Cuchara Drive, Del Mar.

Applicants/Owners: Mark and Laura Weber Trust dated April, 2009  
Assessor Parcel Number (APN): 300-143-38-00  
Property Location: 1201 Cuchara Drive, Del Mar

## REQUESTED ACTION/ RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution (Attachment A) to: 1) Adopt a Mitigated Negative Declaration (MND) (State Clearinghouse (SCH) No. 2024080103) and associated Mitigation Monitoring and Reporting Program (MMRP); and 2) Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 to amend a recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the area of an existing scenic easement on property located at 1201 Cuchara Drive (Property).

## EXECUTIVE SUMMARY:

The applicant is requesting approval of an Amending Map and Coastal Development Permit to modify an existing scenic easement located on a property located in the R1-10 Zone, Open Space Overlay Zone and Wildland Urban Interface. The scenic easement was a condition of approval from the Subdivision Map in 1979 that created the Property. The easement prohibits development and encompasses 75% of the property. The remaining 25% of the lot is only slightly larger than the footprint of the existing residence and abutting small rear yard. The Applicant is requesting to reduce the easement area by the amount necessary to allow the opportunity to construct a detached Accessory Dwelling Unit and perform maintenance of the existing primary dwelling unit. If the Amending Map is approved, the Applicant is still required to process any necessary

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City Council Action:

applications for development review on the property. Additional details are provided regarding the applicant's request and any future development review process for this property later in this report.

The State Subdivision Map Act and City's Subdivision Ordinance regulate the process for subdivision of property, property boundary line adjustments, and ownership interests for real property (i.e. condo). Both the State and City regulations provide a process to amend a recorded map; the review process and required findings to approve an amended map would be similar for the original subdivision and include review by the Planning Commission for a recommendation to the City Council. The Planning Commission reviewed the proposed project at their regularly scheduled meetings on September 10, 2024, and January 14, 2025, the details for which along with recommendations made by the Planning Commission are provided later in this report.

The project is also subject to the California Environmental Quality Act (CEQA). Based on the analysis in the Initial Study prepared for the project, the conclusions are that with mitigation measures incorporated, all project impacts would be mitigated to less than significant. The Council is asked to adopt the Mitigated Negative Declaration (MND) prepared for the project. Additional details are included at the end of this report on the environmental review for the project.

## **BACKGROUND:**

### ***Property Description***

The Property is located at 1201 Cuchara Drive in the R1-10 Zone, Open Space Overlay Zone and Wildland Urban Interface (see Attachment B, aerial map). The property is 16,756 square feet in area and is currently developed with a 3,041 square foot two-story, single-unit dwelling with attached garage the northeast portion of the lot. An at-grade wood deck and brick patio are located to the south and east of the residence, respectively.

The residence is accessed from Cuchara Drive via a reciprocal access easement with the residence to the north at 1205 Cuchara Drive. A 10 to 12-foot-tall, cylindrical sandstone outcrop, known as the "Pinnacles", is located to the southwest of the residence. Nearly vertical cliffs are located to the east of the residence, forming the western portion of a canyon located on adjacent properties along Amphitheatre Drive and Kalamath Drive to the east of the property.

Eight Eucalyptus trees and various vegetation/medium sized shrubs are located to the west (in front of) the residence. Informal dirt pathways/steps are located on the site south and southwest of the residence. The Property is located within an urbanized area surrounded by existing single-unit residential development.

### ***Open Space Overlay Zone***

The Property is located within the Open Space Overlay Zone (OS-OZ), which is “designed to protect open space areas of community-wide importance, in order to satisfy the recreational needs of residents, define Del Mar as a distinct and separate community, ensure an atmosphere of openness, and preserve unique natural features in specific neighborhoods.” Approximately 0.1 acres (4,356 square-feet) at the southwestern portion of the property is identified as area “L” in the Del Mar Community Plan’s Open Space Element (CP) (see Attachment C). The Community Plan Open Space Element was adopted in 1976.

The Community Plan identifies the character and sensitivities of area L to include:

- Outstanding rock formation;
- Stand of trees and dense native shrubs; and
- Narrow scenic canyon.

Development criteria listed in the Community Plan intended to preserve the open space sensitivities of area L include:

- Preserve view corridor;
- Require any construction above canyon to be set back from steep slopes of canyon; and
- Establish scenic easement to preserve rock formations and vegetation.

### ***Wildland Urban Interface***

The Property is located within the Wildland Urban Interface, which is a defined geographical area where houses meet or are within proximity of undeveloped wildland vegetation. Construction methods and requirements to mitigate wildfire exposure shall be applied within these geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses.

### ***Background of Recorded Parcel Map No. 9174 (TPM-77-03)***

The Property was created in 1979 through the approval of Tentative Parcel Map TPM-77-03, recorded by the County of San Diego as Parcel Map No. 9174. The project involved merging two contiguous parcels (1205 Cuchara Drive and 694 Rimini Road) and then re-subdividing the land into three new parcels. The development of the Property (1201 Cuchara Drive) was created from the vacant southerly portions of 1205 Cuchara Drive and 684 Rimini Road. The staff report for TPM-77-03 contains a summary of the project and findings/mitigation measures of an Environmental Impact Report (EIR 76-1) produced for the project (Attachment D). The City Council Resolution of Approval in 1979 and the recorded Parcel Map 9174 is included as Attachment E. The Final Environmental Impact Report (FEIR) for TPM-77-03 is included as Attachment F.

The property currently contains a scenic easement, as required by the Community Plan and which is depicted on Parcel Map 9174. The easement is approximately 12,560 square feet in area and comprises 75% of the total lot area. The remainder of the lot is 4,192 square feet (25% of the total lot area) and comprises the developable area on the northeast portion of the lot. The scenic easement was a condition of approval of TPM-77-03 and was intended to protect the natural features on the site, specifically, the Pinnacle and vegetation and to protect the (then) narrow scenic views (in the 1970's) of the Pinnacle and canyon. The canyon is located mostly on adjacent properties to the east. No development is permitted within the scenic easement. However, vegetation changes are permitted with approval from the Design Review Board and driveways/walkways are permitted with approval from the Planning Commission.

### ***Map Amendment/ Revision Process***

In accordance with Section 66469 of the California Subdivision Map Act, the procedure to modify or revise the contents of a recorded subdivision map (Parcel Map) is to process an "Amending" Parcel Map for approval. Therefore, the Applicant is requesting approval of an Amending Map, specifically to revise the scenic easement size/configuration depicted on the original Parcel Map. Del Mar's Subdivision regulations (specifically, Del Mar Municipal Code [DMMC] §24.54.160) calls for Corrections and Amendments to Final Maps to be made and processed pursuant to the referenced section of the Subdivision Map Act. Therefore, an Amending Map requires the Planning Commission provide a recommendation to the City Council at a noticed public hearing. Based on the City's administrative record for the Property, similar review processes were applied at the time of the 1979 approval of TPM-77-03.

If the Applicant's requested Amending Map is approved, it would be recorded with the San Diego County Recorder. A new revised scenic easement would be recorded as a separate covenant document against the deed of the property. Staff is recommending the scenic easement covenant be recorded prior to the Amending Map.

### **PLANNING COMMISSION (PC) RECOMMENDATION TO THE CITY COUNCIL:**

#### ***September 10, 2024 - PC Meeting***

On September 10, 2024, the Planning Commission conducted a public hearing on the application request, at which time the Applicant explained that the purpose of the Map Amendment is to increase the lot's development area to allow for development of an Accessory Dwelling Unit (ADU). The applicant clarified that the current scenic easement encompasses the majority of the property (75% of the lot), except for the existing residence and the small rear yard to the east, and does not allow the opportunity to construct additional structures and/or site improvements on the property, nor would it allow routine maintenance on the south deck and entry stairs which are both located within the scenic easement.

The Commissioners expressed that while they understood the Applicant's desire to construct an ADU, they had concerns about reducing the size of the scenic easement on the Property in order to increase the buildable area significantly more than the minimal area necessary to reasonably accommodate an ADU on the Property. The Commission also sought to understand whether there are feasible project alternatives to reduce the proposed buildable area in a way that would both address the Commission's concerns and still allow for the minimum area necessary for to develop an ADU. The Commissioner's issues with the request were primarily due to concerns that revision of the scenic easement could potentially result in redevelopment of the site with a larger residence and associated site improvements in addition to, or instead of just the construction of an ADU. The Commission also expressed concerns regarding the project's compliance with the development criteria of the Community Plan's Open Space Element.

Staff clarified for the Commission that the project would not affect the property's Open Space Overlay Zone (OSOZ) designation which applies to the entire property, nor would it affect the Community Plan's Open Space designation for area L, which only applies to a specifically depicted 0.1-acre portion of the property. The proposed easement configuration would retain a larger footprint of Area L, as depicted in the Community Plan. Staff further explained that development *is* permitted for properties that are designated within an Open Space Overlay Zone, *if* it is demonstrated the proposed development complies the development criteria identified in the respective Community Plan designation, in this case, Area L. Staff also stated that, as proposed, the project would have preserved 7,412 square feet of undeveloped area and would preserve the scenic view and Pinnacle, which would be far greater than the approximately 4,356 square feet intended in the Community Plan for Area L, and therefore, would be consistent with the Community Plan Open Space objectives of Area L. Since the proposed project would not modify Area L and would retain the area in its entirety under a (revised) scenic easement, the project would not require a Community Plan amendment.

Staff also clarified that the proposed project, and all future projects, would be required to comply with the requirements of the Open Space Overlay Zone, the Community Plan Open Space Element and restrictions of the scenic easement. Finally, staff clarified that the project would not involve boundary adjustment of property lines, nor would it involve the creation of a new parcel.

After much discussion with the Applicant and staff, the Commission deliberated on the project and continued the application to a future meeting, with the Applicant's consent, to allow the Applicant to address the Commission's comments and return with a revised proposal.

**January 14, 2025 - PC Meeting**

On January 14, 2025, the Planning Commission conducted a public hearing on a revised project proposal that would reduce the scenic easement only to the minimal amount necessary to reasonably accommodate an ADU on the site. The Commission deliberated, asked questions of the Assistant City Attorney and staff, and requested that the following special conditions be included in their recommendation of the project to the City Council:

PC-1 *[New Buildable Area of the Property would be Limited to an the Development of an Accessory Dwelling Unit]*

Development in the new buildable area of the Property shall be limited to development of an ADU. Development associated with the primary residence shall not be permitted within the new separate development area.

PC-2 *[Approval of Revision Map Not Transferable]*

If the Applicant does not construct an ADU within the new buildable area prior to selling the Property, the Revision Map as approved becomes null and void and reverts back to the original Parcel Mar No. 9174 (TPM-77-03),

PC-3 *[Property Subdivision]*

The Property shall not be subdivided into separate parcel(s).

The Assistant City Attorney informed the Commissioners that the City Attorney's Office would need to conduct research into the legality and practicality of the PC's proposed conditions prior to the City Council meeting. To avoid further delay in processing the application while the City Attorney's Office conducted the necessary research, the PC recommended approval of the proposed project. The PC further recommended inclusion of the proposed conditions – pending confirmation from the City Attorney's Office as to the legality and practicality of imposing the conditions. The City Attorney's Office has determined that the proposed conditions would likely be unenforceable if challenged. Therefore, it is recommended that the City Council not condition approval of the Revision Map as recommended by the PC.

**DISCUSSION/ANALYSIS:**

***Proposed Revision Map***

The Applicant has submitted project plans that were reviewed by the Planning Commission at its January 14, 2025, meeting for the City Council's review. The request would reduce the area of the recorded scenic easement only the amount needed to reasonably accommodate the construction of an ADU. The Applicant depicted the proposed ADU on the Scenic Easement Exhibit as being approximately 939 square feet with yard areas around the ADU for minimal grading and site drainage that would be

required to comply with City development standards. The map revision also includes an additional new buildable area west of the existing residence to incorporate the front entry and wood deck located on the south side of the residence.

For the City Council’s reference, the Applicant’s Exhibit identifies the boundary area of the Community Plan Area L. The new buildable area would be located entirely outside the boundaries of Area L. Since the project does not propose to modify the Area L and would preserve Area L in its entirety under a (revised) scenic easement, the project would not require a Community Plan Amendment.

The proposed project would reduce the existing scenic easement to allow additional development by 2,853 square feet. The project would reduce the size and configuration of the recorded scenic easement from 12,564 square feet (75% of total lot size) to 9,711 square feet (58% of total lot size), and thereby, increase the size of the development area from 4,192 square feet (25% of the total lot size) to 7,045 square feet (42% of the total lot size).

The table below illustrates the existing condition and proposed project:

	<b>Existing Condition</b>	<b>Proposed Project</b>
<b>Subject Lot Size</b>	16,756 sq.ft.	16,756 sq.ft.
<b>Buildable Area</b>	4,192 sq.ft. (25% of lot)	7,045 sq.ft. (42% of lot)
<b>Scenic Easement</b>	12,564 sq.ft (75% of lot)	9,711 sq.ft. (58% of lot)
<b>Community Plan “L”</b>	4,356 sq.ft. (26% of lot)	4,356 sq.ft. (26% of lot)

A modification to the developable lot area would not affect the property’s maximum 25% Floor Area Ratio (Maximum FAR of 4,189 square feet) for the R1-10 Zone, which is computed from the gross lot area of 16,756 square feet in accordance with DMMC Chapter 30.72 (Bulk Floor Area Limitations). The total lot size would remain unaffected at approximately 16,756 square feet. Additionally, the proposed project’s scenic easement (undeveloped) area would still far exceed the minimum square footage required for CP area L of 4.

**Correspondence**

The Applicant submitted written correspondence to the Council regarding the project. The Planning Department also received six letters of support for the project by adjacent property owners and owners who reside within proximity to the Property. The letters generally express similar sentiments of support which include statements that the project: would be compatible with the neighborhood character; not result in environmental impacts; and the Eucalyptus trees located in the Wildland Urban Interface, if removed in the future, would reduce the fire risk for the lot and surrounding properties. One letter of concern was submitted by the adjacent property owner to the south and referenced removal of trees from the property, which can be addressed with

any future Tree Removal Permit application. Copies of the correspondence are included in Attachment G.

***Required Permits/ Process for Future Development***

The Amending Map would not grant an entitlement to build in the modified developable area. It would only allow the Applicant or future property owner the opportunity to propose development in the modified area. Construction of a new primary residence/addition/remodel and associated improvements would be subject to the Conditional Use Permit (CUP) and Design Review Board (DRB) Permit process. The CUP review would include an analysis of development within the Open Space Overlay Zone, appropriate setbacks from steep slope areas and a determination on hydrology and geotechnical measures to be used for new construction. The Design Review process includes analysis of a host of issues, including but not limited to: protection of views, appropriate building massing and protection of topographical features.

If a new Accessory Dwelling Unit (ADU) is proposed, pursuant to State law DMMC Chapter 30.91 and City's Local Coastal Program, the project would be exempt from discretionary review and processed ministerially without public review. The design and placement of any future ADU would be required to comply with DMMC Chapter 30.91. However, a (non-appealable) administrative Coastal Development Permit would be required and would be processed without a public hearing. Noticing would be provided in accordance with the DMMC.

The property is located within the Open Space Overlay Zone and pursuant to DMMC Chapter 23.50 (Trees), all tree species are considered protected. Removal of trees on the Property would be subject to a Tree Removal Permit and the requirements of DMMC Chapter 23.50 regardless of the location within or outside of the property's scenic easement area or Area "L" of the Community Plan's Open Space Element.

The applicant is proposing modification to the easement area to allow for potential development to occur in the area located south and west of the existing residence. The southerly extent of the Property is described in the Community Plan's Open Space Element Area L as having a narrow scenic canyon and the Pinnacle. The area west of the existing residence contains a smaller portion (now 8 remaining of the 24 Eucalyptus trees in 1979) of what is described in the CP as a stand of trees.

The proposed modification to create a larger developable area may affect at least three of the existing eight Eucalyptus trees, which are all located directly west of the existing residence. These trees are identified on Exhibit G as trees #4, #5 and #6. The Eucalyptus trees are considered "protected" on the Property. Currently, the restrictions on the scenic easement, as referenced on Parcel Map 9174, prohibit removal of vegetation, planting of new vegetation and installation of irrigation, unless approved by the Design Review Board.

The City's Tree Ordinance (DMMC Chapter 30.50) requires a Tree Removal Permit (TRP) for removal of trees located within the Open Space Overlay Zone. So, while the trees are located within the proposed development area, the subject request for an Amending Map to modify the Easement would not include tree removal authorization. Any (future) request to remove trees from the Property would require City approval of a TRP. Trees #4, #5 and #6 are not located within Area L of the CP Open Space Element.

It should be noted, there have been changes in the region over time as to how Eucalyptus trees may adversely impact public health and safety. Eucalyptus trees were introduced to the San Diego region as early as the late nineteenth century and have become ubiquitous in the regional landscape, however, they are now generally considered an inherently dangerous tree species and discouraged as new plantings.

After the Witch Creek Fire in October 2007 (affecting the San Diego region), a neighborhood petition was circulated and signed by Del Mar residents requesting that the City Council assist residents in the removal of fire hazards located within the public rights-of-way adjacent to private property. The assistance requested was for the City to waive the application fees for the Tree Removal Permit and Encroachment Permits required for removing Eucalyptus trees from a public right-of-way. Eucalyptus trees on private property are generally not protected and would not be subject to a TRP; all trees located within a public right-of-way and certain zones, such as the Open Space Overlay Zone, are protected.

This neighborhood petition was presented to the City Council at its meeting of December 3, 2007, as an agenda item. The Council heard testimony by residents, Planning Department staff, Public Works staff and Fire Department staff. The Council discussed the item and determined that all Eucalyptus trees are inherently hazardous. Based on this determination, the Council concluded that the Eucalyptus trees located within the right-of-way (protected tree) and adjacent to residential property may be removed with a TRP. Council also agreed to waive the application fees for a TRP and Encroachment Permit for requests to remove Eucalyptus tree located within the public right-of-way and directed staff to expedite such permits; however, all costs associated with the tree removal itself would be paid by the applicant.

Consistent with the EIR findings and mitigation measures for TPM-77-03 and as discussed in the Initial Study and MND for the project, appropriate engineering and construction methodology would need to be considered with any new development proposals to protect the Pinnacles and canyons. Conditions for any new development would require a Grading/Drainage Plan, and Geotechnical and Hydrology Reports to be reviewed and approved by the City Engineer. Planning Department review would also include evaluation of the construction staging and phasing, equipment usage, material storage and access to the site.

***Consistency with the Community Plan***

The Community Plan's Open Space Element, adopted in 1976, identified areas throughout the City with unique open space characteristics, which the City desired to either: acquire for public use as neighborhood parks; or provide regulations that would help to retain the site's open space characteristics after (future) development. As previously mentioned, the southwesterly portion of the subject lot is identified as Area L of the Community Plan Open Space Element which is described as being 0.1 acre in area (approximately 4,356 square feet) and rectangularly shaped. Development criteria for the property included a scenic easement for protection of the Pinnacle, canyon views and vegetation. Any amendment to the scenic easement protection provisions of TPM-77-03 must remain consistent with the development provisions (criteria) of the Community Plan's Open Space Element.

The Applicant's proposal to reduce the existing scenic easement area of 12,564 square feet (75% of the total lot size) by 2,853 square feet would create a revised scenic easement area of 9,711 square feet (58% of the total lot size). The revised scenic easement would include all of Area L and the area surrounding the Pinnacle and results in retaining more than double the 4,356 square foot area required by the Community Plan. Therefore, the Map Amendment request and the site would be consistent with the Open Space development criteria for Area L. Additionally, the new easement configuration would retain preservation of the Pinnacle and views to the canyons and is consistent with the development criteria specified in the Community Plan Open Space for Area L. As such, the proposed project would not require a Community Plan Amendment.

As noted previously, since the approval of TPM-77-03 in 1979 the number of Eucalyptus trees on the property have been significantly reduced from approximately 24 trees (referred to collectively in the CP as the "stand of trees") to 8 trees. The EIR analysis of the property included a Topographic Map of the Property (Figure 2-4) which depicts the number and location of Eucalyptus trees in existence at the time. The EIR view analysis noted that due to dense vegetation at the front of the property (at the time), public views (from Cuchara Drive) to the Pinnacles and canyon were then limited to a narrow view corridor along the south side of the property.

It was also noted in the EIR view analysis that the residential structure (proposed on the [then] vacant lot) located at the rear of the lot would have been mostly obstructed from public view. Through the course of 45 years and the eventual reduction and thinning of this previous "stand of Eucalyptus trees" and removal of other trees and vegetation as described in the EIR, it is reasonable to conclude that the current public view to the Pinnacles from Cuchara Drive has significantly improved.

Potential development within the revised proposed developable area (which would be located entirely outside of the Open Space designation identified as Area L) would be consistent with the goals and objectives of the Open Space Element and development criteria for in the Community Plan Open Space Element. In accordance with the

Community Plan, any proposed development on the developable areas (located outside the scenic easement area) should not adversely affect and/or detract from the visual qualities of the Pinnacles, the canyon or natural vegetation. It is staff's observation that, if proposed improvements are appropriately located and designed within the proposed developable area, adverse impacts to these natural features of the site can be minimized or avoided.

***Findings for Subdivision Map (or Amendment thereto)***

Although specific findings for the approval of a subdivision map are not called out in the DMMC Subdivision regulations (Title 24), the findings shown below are required in accordance with the California Subdivision Map Act (§66473.5, 66474) in the review of subdivision proposals. Staff is suggesting that the same findings (enumerated in bold font below) be applied for review of the subject Amending Map proposal and has provided discussion regarding each of the findings below.

**1. The proposed Map is consistent with the Del Mar Community (General) Plan in that the proposed project is permitted under the Community Plan requirements.**

Proposed Finding: The proposed Amending Map is consistent with the Del Mar Community Plan (General Plan) in that the existing and proposed residential use and density of development of a single-unit residence is currently permitted under the Community Plan in the Low Density Residential R1-10 zone. The Low-Density Residential district is "a land use category intended to allow the continuation of the predominately single-family residential character that has been historically development within the Del Mar hills area and at the north end of the beachfront." The proposed Amending Map is limited to modifying the area and size of the scenic easement area and development area, and thus would not create additional legal parcels to afford additional density development of the Property. A proposed ADU would not affect the density of the site. The southerly portion of the Property is located within the Community Plan's Open Space Element Area L which is described as being 0.1 acre (approximately 4,356 square feet in area). The proposed amendment would retain the southerly and westerly portion of the Property, which includes all of Area L, as a Scenic Space Easement (a total of 9,711 square feet) which would remain undeveloped and would be consistent with the Community Plan's Open Space Element. Pursuant to the Open Space Overlay Zone requirement, a scenic easement would be recorded against the deed of the property and would prohibit development and ground disturbance, thus protecting the Pinnacle, rock formations and vegetation on Area L.

**2. The design and improvement of the proposed subdivision are consistent with the Del Mar Community (General) Plan in that the design provides sufficient lot area and street access for proper development.**

Proposed Finding: The proposed Amending Map would be consistent with the Community Plan (General Plan) in that the existing and proposed design would provide

sufficient lot area and street access. The proposed project does not include subdivision of the lot and would modify the size and configuration of the recorded scenic easement. The Community Plan designation for the Low-Density Residential R1-10 Zone requires a minimum lot size of 10,000 square feet and minimum street frontage of twenty (20) feet. The proposed Amending Map would not modify the total lot size of the Property of 16,756 square feet in area nor would it affect the existing street access on Cuchara Drive which is provided via a reciprocal access easement with the property to the north at 1205 Cuchara Drive. The proposed reduction of the scenic easement size will result in an increase of 2,853 square feet, which could accommodate access to and construction of an Accessory Dwelling Unit.

**3. The site is physically suitable for the type of development in that the lot is capable of supporting the proposed residential development in the (R1-10) Zone.**

Proposed Finding: The proposed Amending Map would modify (decrease) the size and area of the scenic easement, and thereby, would commensurately modify (increase) the size and area of the potential development area by 2,853 square feet (with a total development area of 7,045 square feet). The Property contains a single-unit residence, and any additional development area would allow the opportunity for either new construction of a replacement single-unit residence, modifications to the residence, and/or construction of an Accessory Dwelling Unit permitted under the R1-10 Zone.

**4. The site is physically suitable for the proposed density of development in that the project is within the standards specified in the Del Mar Zoning Ordinance.**

Proposed Finding: The proposed Amending Map would not affect the Property's allowable single-unit residential density of the R1-10 Zone.

**5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife, as determined by CEQA review for this project.**

Proposed Finding: The proposed Amending Map is subject to review under the California Environmental Quality Act. An Initial Study and Mitigated Negative Declaration (EA24-001) did not identify any endangered or rare flora or fauna on the property and the project with the incorporation of mitigation measures would create less than significant impact to the environment. The proposed Amending Map, if approved, would allow potential additional development area located to the west and south of the existing residence. Development would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife since the project is located within an existing developed parcel. The Geotechnical Engineer's preliminary opinion on the stability of the Pinnacle, the feasibility of additional development without adversely affecting the Pinnacle, and that the Pinnacle would not pose a hazard to new structures.

**6. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.**

Proposed Finding: The proposed Amending Map, if approved, would allow the potential for additional development area on the property. The continued use of a single-unit residential development in the R1-10 Zone would not cause serious public health problems.

**7. The design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision.**

Proposed Finding: The proposed Amending Map is a request to amend the area and size of the scenic easement. If the Amending Map is approved, the revised scenic easement for the Property would be recorded with the County. The property has several other private and public (utility) easements and which would not be affected with this project.

**8. The proposed map meets the requirements of the Subdivision Map Act and the Del Mar Subdivision Ordinance, and has been reviewed by the City Engineer as being consistent with those requirements.**

Proposed Finding: The proposed Amending Map has been reviewed by the City Engineer and has been determined to be consistent with the Subdivision Map Act and the City of Del Mar Subdivision Ordinance. The Amending Map is not amending the legal property lines and exterior boundaries of the Property.

**9. All provisions of the Del Mar Municipal Code pertaining to subdivisions are met.**

Proposed Finding: The proposed Amending Map would only affect the scenic easement area on the existing property and would not affect the exterior boundaries or the overall size of the Property, therefore the project would comply with the minimum lot design requirements of the Del Mar Municipal Code.

***Findings Required for Coastal Development Permit/Consistency with the Local Coastal Program***

The Property is located within the City's Coastal Overlay (the CA Coastal Zone, non-appeals jurisdiction) and so, pursuant to DMMC §30.75.040, requires a Coastal Development Permit (CDP). Section 30.75.140 stipulates seven findings that must be made for approval of a CDP. As proposed, the subject project is found to comply with the standards of development noted in the referenced DMMC Section (enumerated in bold font below), and accordingly, recommended findings to approve the CDP request can be made.

In accordance with the procedural regulations of the certified LCP, the City's action on the Coastal Development Permit will be reported to the California Coastal Commission's Executive Director. The project is not located in a Coastal Development Permit appeals area. The City's action on the CDP application is, therefore, not appealable to the California Coastal Commission.

**1. That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located.**

Proposed Finding: The proposed Amending Map is requesting modification of the scenic easement to allow a larger development area for the property. The use of a single-unit dwelling and any proposed future Accessory Dwelling Unit are allowed uses in the R1-10 Zone. The retention of a scenic easement over the entirety of Area L on the Property is consistent with the Open Space Overlay Zone and will continue to preserve open space character/sensitivities (including the Pinnacle).

**2. That the proposal meets the criteria of the applicable chapters of this Title (DMMC Title 30 – Zoning).**

Proposed Finding: The proposed project to amend the recorded Parcel Map meets the criteria of the Del Mar Subdivision Ordinance DMMC Chapter 24.54, the lot design criteria of the R1-10 Zone and the development criteria of the Open Space Overlay Zone because the amended development area would not impact the natural character of the Area L which includes the Pinnacle, canyons and natural vegetation. The scenic easement would retain and protect the Pinnacle, canyon and natural topography of the property.

**3. That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP).**

Proposed Finding: The proposed Amending Map to modify the scenic easement would be in conformity with the certified LCP with respect to resource protection standards and avoidance of hazards regulations.

**4. That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

Proposed Finding: The Property is not located seaward of the first public roadway, therefore this finding would not apply.

**5. That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and**

**implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

Proposed Finding: The Property is not located on the beach or along the shoreline, therefore this finding would not apply.

**6. That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

Proposed Finding: The project does not include construction and therefore this finding regarding public view impact does not apply. Any future development would require design review and/or a Coastal Development Permit, so this finding would apply at that time.

**7. That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

Proposed Finding: The Property is not located within the Lagoon Overlay Zone and does not contain any wetlands or wetland resource, therefore this finding would not apply.

ENVIRONMENTAL IMPACT:

Pursuant to the provisions of CEQA, the Planning and Community Development Department prepared an Initial Study and Mitigated Negative Declaration (MND) (EA24-001).

While development is not proposed with the project, the IS/MND evaluates potentially significant impacts that could occur from full buildout of a home and accessory uses within the lot. Notwithstanding the analysis in the IS/MND, in the event future development is proposed on the lot, the scope of development would be further evaluated by the City for potential impacts and compliance with applicable regulations and mitigation measures discussed in the IS/MND.

While no rare or endangered flora or fauna were identified on the subject lot and within a 100-foot radius on the Biological Resources Survey, the Initial Study identified potential impacts for Biological Resources. A detailed review of the potential impacts is included in the Initial Study and includes mitigation measures that reduce all impacts to less than significant levels. The mitigation measures are included in the MND and Mitigation Monitoring and Reporting Program (MMRP) and would be included as conditions to any

project approval. The conclusions of the IS/MND are that with mitigation measures incorporated and attached, all project impacts would be mitigated to less than significant.

In accordance with Section 21091 of the California Environmental Quality Act (CEQA) and Section 15073 of the CEQA Guidelines, the Initial Study/Draft Mitigated Negative Declaration (IS/MND) was circulated for public review and comments for a minimum 30-day period from August 2, 2024 through September 3, 2024. The documents were made available at City Hall, the Del Mar Library, on the City of Del Mar website, and on the State Clearinghouse website (SCH Number 2024080103). One comment from the public in support of the project was submitted to the City during the circulation period.

Due to the size of the environmental documents, they have not been included as attachments to this report but can be reviewed in hard copy format at City Hall and the Del Mar Library or in electronic format by visiting the City of Del Mar website at the following link: <https://www.delmar.ca.us/Archive.aspx?AMID=57>. The City of Del Mar City Hall, located at 1050 Camino del Mar, Del Mar, CA 92014, is the custodian of the documents and other material which constitutes the record of proceedings upon which a decision is based.

#### HOUSING IMPACT:

The project does not include the demolition, alteration, or development of any housing units. However, if the Amending Map request is approved, the property could be developed with an Accessory Dwelling Unit, subject to compliance with local and state regulations. Therefore, the approval of the requested Amending Map application could result in increased housing supply or improved housing affordability in the City of Del Mar.

#### FISCAL IMPACT:

There would be no fiscal impact to the City as this is a private development proposal. All fees associated with the project and CEQA processing have been paid by the applicant. Additionally, all costs associated with any future development of the property would be paid by the applicant.

#### ATTACHMENTS:

- Attachment A – Proposed Council Resolution
- Attachment B – Aerial Map
- Attachment C – Community Plan Open Space Element excerpt
- Attachment D – Staff Report for TPM-77-03
- Attachment E – Council Resolution for TPM-77-03/ Recorded Parcel Map 9174
- Attachment F – EIR for TPM-77-03
- Attachment G – Public Correspondence

## RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR CALIFORNIA APPROVING AN AMENDING MAP RM22-001 AND COASTAL DEVELOPMENT PERMIT CDP24-012 RELATING TO AMENDING RECORDED PARCEL MAP NO. 9174 (TPM-77-03) FOR PURPOSES OF REDUCING THE AREA OF AN EXISTING SCENIC EASEMENT ON PROPERTY AT 1201 CUCHARA DRIVE, DEL MAR, CALIFORNIA, AND ADOPTING AN ASSOCIATED MITIGATED DECLARATION (EA24-001) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on March 5, 1979, the City Council of the City of Del Mar (City), after conducting a public hearing in the form and manner required by law, certified an Environmental Impact Report (EIR) and approved an application for Parcel Map TPM-77-03; and

WHEREAS, the approved Parcel Map TPM-77-03, which was recorded in the Office of the San Diego County Recorder as Parcel Map No. 9174, created a three lot subdivision, including the subject property located at 1201 Cuchara Drive, Del Mar (APN 300-143-38-00) (Property), which is located in the R1-10 Zone, Open Space Overlay Zone (OSOZ), and Wildland Urban Interface; and

WHEREAS, in compliance with the City's Community Plan Open Space Element development criteria for Area "L," a condition of approval for Parcel Map TPM-77-03 included recordation of a Scenic Easement to retain the natural features of the Property identified in the Community Plan Open Space Element Area "L," to include the "Pinnacle," canyon, and vegetation on the Property; and

WHEREAS, Mark and Laura Weber Trust, dated April 4, 2009 (Applicant/Owners), submitted an application to the City for a Revised Map (RM22-001), Coastal Development Permit (CDP24-012), and Environmental Assessment (EA24-001) (collectively referred to as the Project), to amend the Recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the size of the existing scenic easement on the Property; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (Public Resources Code §§ 21000-21189) (CEQA), and is not exempt; and

WHEREAS, a Mitigated Negative Declaration (MND) (State Clearing House (SCH) No. 2024080103), for the project was prepared in accordance with applicable laws, including CEQA and the CEQA Guidelines (14 Cal. Code of Regs. §§ 15000, et seq.). The MND was circulated for a 30-day review period to the public, responsible agencies, and other interested persons for review and comment during the period of August 2, 2024 to September 3, 2024, as required by CEQA; and

WHEREAS, the City received written comments on the MND during the 30-day review period; and

WHEREAS, the Initial Study (IS)/MND concluded that the implementation of the Project will have less-than-significant impacts, as mitigated, as referenced in the impacts to biological resources; and

WHEREAS, under CEQA, a lead agency makes a determination on a project requiring the implementation of measures to mitigate or avoid significant effects on the environment. CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the mitigation measures during Project implementation. A MMRP has been prepared for the Project for consideration by the City Council as the decision-maker of the City, which is the lead agency for the Project; and

WHEREAS, on September 10, 2024 and January 14, 2025, the Planning Commission held duly noticed public hearings to consider a recommendation to the Del Mar City Council regarding approval of application RM22-001 and CDP24-012 and on the adoption of the IS/MND, including MMRP, and at which time all persons desiring to be heard were heard; and

WHEREAS, oral and written evidence was submitted and considered during the Planning Commission public hearings to include, without limitation:

- a. Plans submitted by the applicant.
- b. Written information submitted with the application.
- c. Oral testimony from staff, the applicant, and the public.
- d. Staff report, dated September 10, 2024 and January 14, 2025, which is incorporated by this reference, as though fully set forth herein.
- e. Additional information submitted during the hearing.

WHEREAS, the Planning Commission unanimously voted to recommend approval of RM22-001, CDP24-012, and EA24-001, and adoption of the MND, including the MMRP, to the City Council; and

WHEREAS, on April 21, 2025, the City Council held a duly noticed public hearing to consider approval of RM22-001, CDP24-012 and EA24-001, and adoption of the MND, including the MMRP, at which time all persons desiring to be heard were heard; and

WHEREAS, written and oral evidence was submitted and considered during the City Council public hearing, including, without limitation:

- a. Plans submitted by the applicant.
- b. Written information submitted with the application.
- c. Oral testimony from Staff, the applicant, and the public.
- d. Agenda report, dated April 21, 2025, which is incorporated by this reference, as though fully set forth herein.
- e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, hereby adopts Mitigated Negative Declaration (MND) EA24-001 (State Clearinghouse No. 2024080103) and the associated Mitigation Monitoring and Reporting Program (MMRP), based upon the following findings:

1. That the revised MND EA24-001 (SCH No. 2024080103) for the Project has been prepared in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code §§ 21000, et seq.), as amended, and the CEQA Guidelines thereto (14 California Code of Regulations §§ 15000, et seq.);
2. That the MND for the Project reflects the independent judgment of the City of Del Mar as the Lead Agency; and
3. That the MND for the Project is accurate and complete.

AND BE IT FURTHER RESOLVED by the City Council of the City of Del Mar, recommends that application RM22-001 to revise the Scenic Easement, be recommended for conditional approval by the City Council, and that approval be based on conformance with Del Mar Municipal Code (DMMC) Section 24.50.140 and on the following findings for approval:

**1. The proposed Map is consistent with the Del Mar Community (General) Plan in that the proposed project is permitted under the Community Plan requirements.**

The proposed Amending Map is consistent with the Del Mar Community Plan (General Plan) in that the existing and proposed residential use and density of development of a single-unit residence is currently permitted under the Community Plan in the Low Density Residential R1-10 zone. The Low-Density Residential district is “a land use category intended to allow the continuation of the predominately single-family residential character that has been historically development within the Del Mar hills area and at the north end of the beachfront.” The proposed Amending Map is limited to modifying the area and size of the scenic easement area and development area, and thus would not create additional legal parcels to afford additional density development of the Property. A proposed ADU would not affect the density of the site. The southerly portion of the Property is located within the Community Plan’s Open Space Element Area L which is described as being 0.1 acre (approximately 4,356 square feet in area). The proposed amendment would retain the southerly and westerly portion of the Property, which includes all of Area L, as a Scenic Space Easement (a total of 9,711 square feet) which would remain undeveloped and would be consistent with the Community Plan’s Open Space Element. Pursuant to the Open Space Overlay Zone requirement, a scenic easement would be recorded against the deed of the property and would prohibit development and ground disturbance, thus protecting the Pinnacle, rock formations and vegetation on Area L.

**2. The design and improvement of the proposed subdivision are consistent with the Del Mar Community (General) Plan in that the design provides sufficient lot area and street access for proper development.**

The proposed Amending Map would be consistent with the Community Plan (General Plan) in that the existing and proposed design would provide sufficient lot area and street access. The proposed project does not include subdivision of the lot and would modify the size and configuration of the recorded scenic easement. The Community Plan designation for the Low-Density Residential R1-10 Zone requires a minimum lot size of 10,000 square feet and minimum street frontage of twenty (20) feet. The proposed Amending Map would not modify the total lot size of the Property of 16,756 square feet in area nor would it affect the existing street access on Cuchara Drive which is provided via a reciprocal access easement with the property to the north at 1205 Cuchara Drive. The proposed reduction of the scenic easement size will result in an increase of 2,853 square feet, which could accommodate access to and construction of an Accessory Dwelling Unit.

**3. The site is physically suitable for the type of development in that the lot is capable of supporting the proposed residential development in the (R1-10) Zone.**

The proposed Amending Map would modify (decrease) the size and area of the scenic easement, and thereby, would commensurately modify (increase) the size and area of the potential development area by 2,853 square feet (with a total development area of 7,045 square feet). The Property contains a single-unit residence, and any additional development area would allow the opportunity for either new construction of a replacement single-unit residence, modifications to the residence, and/or construction of an Accessory Dwelling Unit permitted under the R1-10 Zone.

**4. The site is physically suitable for the proposed density of development in that the project is within the standards specified in the Del Mar Zoning Ordinance.**

The proposed Amending Map would not affect the Property's allowable single-unit residential density of the R1-10 Zone.

**5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife, as determined by CEQA review for this project.**

The proposed Amending Map is subject to review under the California Environmental Quality Act. An Initial Study and Mitigated Negative Declaration (EA24-001) did not identify any endangered or rare flora or fauna on the property and the project with the incorporation of mitigation measures would create less than significant impact to the environment. The proposed Amending Map, if approved, would allow potential additional development area located to the west and south of the existing residence. Development would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife since the project is located within an existing developed parcel. The Geotechnical Engineer's preliminary opinion on the stability of the Pinnacle, the feasibility of additional development without adversely affecting the Pinnacle, and that the Pinnacle would not pose a hazard to new structures.

**6. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.**

The proposed Amending Map, if approved, would allow the potential for additional development area on the property. The continued use of a single-unit residential development in the R1-10 Zone would not cause serious public health problems.

**7. The design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The proposed Amending Map is a request to amend the area and size of the scenic easement. If the Amending Map is approved, the revised scenic easement for the Property would be recorded with the County. The property has several other private and public (utility) easements and which would not be affected with this project.

**8. The proposed map meets the requirements of the Subdivision Map Act and the Del Mar Subdivision Ordinance, and has been reviewed by the City Engineer as being consistent with those requirements.**

The proposed Amending Map has been reviewed by the City Engineer and has been determined to be consistent with the Subdivision Map Act and the City of Del Mar Subdivision Ordinance. The Amending Map is not amending the legal property lines and exterior boundaries of the Property.

**9. All provisions of the Del Mar Municipal Code pertaining to subdivisions are met.**

The proposed Amending Map would only affect the scenic easement area on the existing property and would not affect the exterior boundaries or the overall size of the Property, therefore the project would comply with the minimum lot design requirements of the Del Mar Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, hereby adopts Mitigated Negative Declaration (MND) EA24-001 (State Clearinghouse No. 2024080103) and the associated Mitigation Monitoring and Reporting Program (MMRP), based upon the following findings:

1. That the revised MND EA24-001 (SCH No. 2024080103) for the Project has been prepared in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code §§ 21000, et seq.), as amended, and the CEQA Guidelines thereto (14 California Code of Regulations §§ 15000, et seq.);
2. That the MND for the Project reflects the independent judgment of the City of Del Mar as the Lead Agency; and
3. That the MND for the Project is accurate and complete.

**1. That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located.**

The proposed Amending Map is requesting modification of the scenic easement to allow a larger development area for the property. The use of a single-unit dwelling and any proposed future Accessory Dwelling Unit are allowed uses in the R1-10 Zone. The retention of a scenic easement over the entirety of Area L on the Property is consistent with the Open Space Overlay Zone and will continue to preserve open space character/sensitivities (including the Pinnacle).

**2. That the proposal meets the criteria of the applicable chapters of this Title (DMMC Title 30 – Zoning).**

The proposed project to amend the recorded Parcel Map meets the criteria of the Del Mar Subdivision Ordinance DMMC Chapter 24.54, the lot design criteria of the R1-10 Zone and the development criteria of the Open Space Overlay Zone because the amended development area would not impact the natural character of the Area L which includes the Pinnacle, canyons and natural vegetation. The scenic easement would retain and protect the Pinnacle, canyon and natural topography of the property.

**3. That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP).**

The proposed Amending Map to modify the scenic easement would be in conformity with the certified LCP with respect to resource protection standards and avoidance of hazards regulations.

**4. That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The Property is not located seaward of the first public roadway, therefore this finding would not apply.

**5. That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.**

The Property is not located on the beach or along the shoreline, therefore this finding would not apply.

**6. That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.**

The project does not include construction and therefore this finding regarding public view impact does not apply. Any future development would require design review and/or a Coastal Development Permit, so this finding would apply at that time.

**7. That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.**

The Property is not located within the Lagoon Overlay Zone and does not contain any wetlands or wetland resource, therefore this finding would not apply.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar, California hereby approves Revision Map RM22-001 and Coastal Development Permit CDP24-012, subject to the following conditions:

1. *[Authorization Limited to Plan Set]*

This authorization is granted based on the applicant's submitted plans dated **December 10, 2024** and so identified by the staff of the Del Mar Planning Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

Approval of this Revision Map RM22-001 and Coastal Development Permit CDP24-012 shall not be construed as an authorization by the City to relieve the Property owner of the requirement to comply with the provisions of the Del Mar Municipal Code with respect to abatement of structural nonconformities, as such provisions may apply with future proposals for development. Approval of this Revision Map RM22-001 and Coastal Development Permit CDP24-012 does not constitute or authorize approval of the location or design of the structures depicted thereon.

2. *[Permit Expiration]*

This Coastal Development Permit shall expire three (3) years from the date of approval or conditional approval by the City Council.

3. *[Scenic Easement Deed Restriction- Recordation]*

Prior to recordation of the Revision Map RM22-001, the applicant shall record a new Scenic Easement deed restriction against the deed for the Property. The open space deed restriction shall apply to the area as indicated on the submitted plans approved by the City. The purpose of the deed restriction is to preclude development that would encroach into or cause disturbance to the natural character of the open space area. The deed restriction shall prohibit the development and/or placement of structures, grading, hardscape, walls/fences, landscaping/irrigation, or removal of vegetation in the affected area, unless

approved by the City of Del Mar. The covenant document shall be prepared by the City of Del Mar, and recording fees shall be borne by the applicant.

4. *[Utility Letters]*

Prior to recordation of the Revision Map RM22-001, the applicant shall provide the City with a letter from each public utility holding easements within the Property stating that they have received from the applicant a copy of the proposed Revision Map, and that they object or do not object to the filing of the Revision Map without their signature.

5. *[Map Preparation]*

The Revision Map RM22-001 shall be prepared and signed by a registered civil engineer or licensed land surveyor. Upon recordation of the Revision Map, the County Recorder shall, within sixty (60) days of recording, transmit a certified copy to the County Surveyor or County Engineer, who shall maintain an index of recorded certificates of correction.

6. *[Payment of Deficit Accounts]*

Prior to recordation of the Revision Map RM22-001, the applicant shall pay off all existing deficit accounts associated with processing this application to the satisfaction of the City Department of Planning and Community Development.

7. *[Name(s) on Map]*

At the time of recordation of the Revision Map RM22-001, the name of the person(s) authorizing the map and whose name(s) appears on the map as the person(s) who requested the map, shall be the name of the owner(s) of the subject Property and shall be the same party or parties as shown on the Project applications, unless the Director of Planning and Community Development has approved the substitution of a successor-in-interest to such party or parties.

8. *[Compliance with Subdivision Map Act]*

The applicant shall submit a Revision Map, which complies with the most current provisions of the Subdivision Map Act and the City of Del Mar Municipal Code Title 24 (Subdivision Ordinance).

9. *[Required Document Submittal and Subdivision Guarantee]*

Prior to the approval of the Revision Map RM22-001 by the City Engineer, the applicant shall provide the City Engineer with a title report, copies of sufficient documentation to verify lot legality and current ownership, and a subdivision guarantee from a qualified title insurance company. The guarantee shall have a minimum \$1,000 liability coverage and in a form acceptable to the Planning Director and City Engineer.

10. *[Indemnification]*

With this approval Applicant acknowledges and agrees that applicant shall defend, indemnify and hold harmless, the City of Del Mar, and its elected and appointed boards, commissions, committees, officials, officers, employees, and agents (collectively, the City Indemnified Parties) from and against any and all claims, lawsuits, actions, or proceedings to attack, review, set aside, void, or annul the City's decisions relating to the applicant's project, or from any proceedings, acts, or determinations taken, done, or made prior to the

City's decisions relating thereto, or to determine the reasonableness, legality or validity of any condition attached thereto, including, but not limited to the City's approval of Revised Map (RM22-001), Coastal Development Permit (CDP24-012), and/or Environmental Assessment (EA24-001), which claims, lawsuits, actions, or proceedings are brought within the time period provided for in California Government Section 66499.37. Applicant further acknowledges and agrees that applicant shall defend, indemnify and hold harmless, the City Indemnified Parties from and against any and all claims, lawsuits, actions, or proceedings to attack, review, set aside, void, or annul the City's decisions relating to the environmental review conducted in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.), in conjunction with any approval granted by the City Indemnified Parties concerning the applicant's project, which claims, lawsuits, actions or proceedings are brought within the time periods provided for in California Public Resources Code Section 21167.

Biological Resource Conditions/Mitigation Monitoring and Reporting Program (MMRP):

*BIO-1: Monarch Butterfly.*

Prior to any vegetation removal and/or development within the area to be removed from the existing Scenic Easement, the Project applicant shall ensure the following actions are undertaken to avoid or minimize potential direct and indirect impacts to monarch butterflies:

- a. Conduct an overwintering site survey to determine if monarch butterfly are using the existing gum trees for roosting or if the site is otherwise suitable for overwintering.
- b. If the site is shown to support, or likely to support, overwintering monarch butterflies, site-specific mitigation measures will be developed. These measures will include:
  - If possible, site disturbance and construction activity that would impact Eucalyptus trees on-site shall not occur during the monarch butterflies' fall and winter migration period (October 15 through February 29).
  - If tree or vegetation removal or site disturbance is required during the monarch butterflies' fall and winter migration period (October 15 through February 29), a City-approved biologist familiar with monarchs and monarch overwintering habitat shall conduct focused surveys for monarch colonies within the identified overwintering site and will identify any colonies found within seven (7) days of proposed vegetation removal or site disturbance or when known monarch overwintering is occurring at other locations within the region. If monarch butterflies are detected, development shall be postponed until after the overwintering period or until the City-approved biologist determines monarch butterflies are no longer using the trees for overwintering.

To provide further protection to non-overwintering populations and/or adjacent overwintering populations, no *Asclepias curassavica* (tropical milkweed) shall be allowed

in any planting palettes for the Project. To contribute to local monarch butterfly conservation efforts, native nectar-providing plant species will be incorporated into landscaping following construction activities, such as those recommended in the Monarch Butterfly Nectar Plant List for Conservation Plantings, to enhance local nectar sources (Xerces Society 2024)

**BIO-2: *Legless Lizard.***

Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, a preconstruction survey shall be required no more than fourteen (14) days prior to soil disturbance. The survey shall be conducted when soil temperatures are between 60- and 70-degrees Fahrenheit. If southern California legless lizards are identified, a qualified biologist with an appropriate Scientific Collecting Permit shall relocate individuals to suitable habitat outside of the project footprint.

**BIO-3: *Nesting Birds and Raptors.***

Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, the following nesting bird mitigation requirements shall be implemented:

- a. If possible, site disturbance and construction activity shall not occur during the nesting bird breeding season (February 1 through August 31; January 1 through June 30 for raptors).
- b. If activities associated with vegetation removal, construction, or grading must be conducted during the bird nesting/breeding season (February 15 through August 31), a qualified biologist shall conduct surveys for active nests. Preconstruction nesting bird surveys shall be conducted no more than three (3) days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional preconstruction surveys should be conducted such that no more than three (3) days have elapsed between the survey and ground-disturbing activities.
- c. Active nests found within 100 feet of the construction zone shall be delineated with highly visible construction fencing or other exclusionary material that would inhibit entry by personnel or equipment into the buffer zone. The size of the buffer zone shall be at the discretion of the qualified biologist and shall be no less than 25 feet. Raptors may require a larger buffer zone, up to 300 feet. Installation of the exclusionary material will be completed by construction personnel under the supervision of a qualified biologist prior to initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by at least one adult bird) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist. The barrier shall be removed by construction personnel only at the direction of the biologist.

**BIO-4: *Indirect Impacts to Aquatic Resources.***

Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, measures shall be in place and/or planned during construction activities to address potential indirect effects on the aquatic resource located outside of the area to be removed from the Scenic Easement. Silt fencing, sandbags, or other debris-catching methods shall be used during any construction within this area to prevent construction materials and debris from entering nearby drainages.

**BIO-5: *Protected Trees.***

Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, the applicant shall identify the number, species, and size of trees in the area, all of which are considered protected per the Del Mar Municipal Code (DMMC). Any protected tree proposed for removal shall be replaced with a tree of the same species and be indicated in a covenant on the Property on which the tree is located. The replacement tree shall not be eligible for removal in accordance with DMMC Section 23.50.090(A)(1), until it has attained a circumference of at least twenty (20) inches when measured two (2) feet above ground level. The number and species of replacement trees required shall be determined by the City (Planning and Community Development Director or Design Review Board) in accordance with the Tree Mitigation Replacement Scale. If on-site replacement is not suitable due to site constraints, such as the location of existing structures and vegetation, then payment to the City's Tree Mitigation Fund is required. Each required replacement tree shall be equal to the estimated cost required to buy, transport, and plant a 15-gallon, 24- or 36-inch boxed tree of a species and size to be determined by the City.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on this 21st day of April, 2025.

---

Terry Gaasterland, Mayor  
City of Del Mar

APPROVED AS TO FORM:

---

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 2025-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 21<sup>st</sup> day of April 2025 by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

---

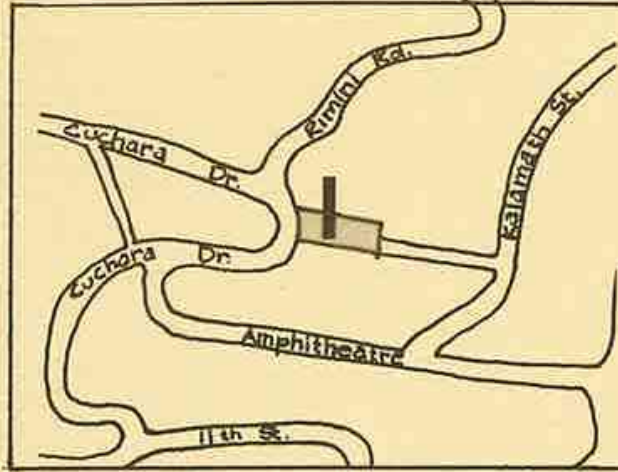
Sarah Krietor  
Administrative Services Manager/City Clerk  
City of Del Mar

# ATTACHMENT B



AREA L

CHARACTER/SENSITIVITIES	DEVELOPMENT CRITERIA TO PRESERVE OPEN SPACE SENSITIVITIES
-------------------------	-----------------------------------------------------------



°"The Pinnacles" - Eastside of Cuchara between Riniol and Amphitheatre. Area = .1 acres.

- °Outstanding rock formation, stand of trees and dense native shrubs.
- °Narrow scenic canyon.

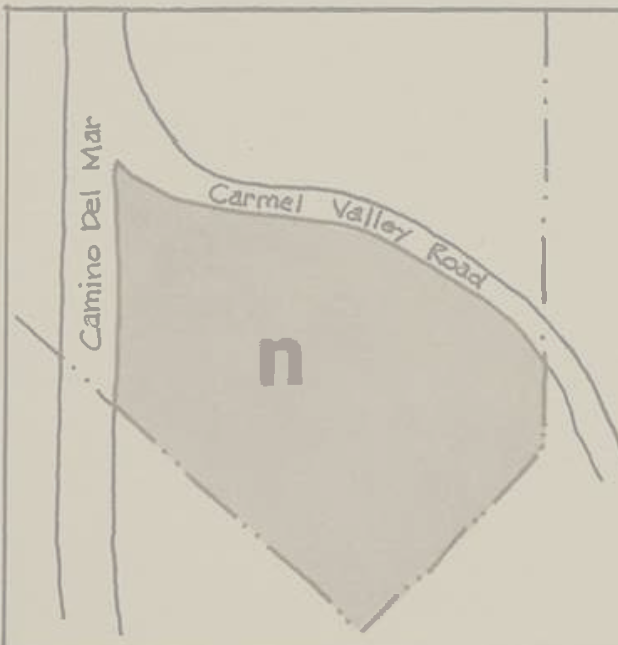
- °Preserve view corridor.
- °Require any construction above canyon to be set back from steep slopes of canyon.
- °Establish scenic easement to preserve rock formations and vegetation.



°Pine Needles - Ocean View Canyon between Camino del Mar and Ocean View Avenue. Area = .3 acres.

- °Picturesque valley swale with Torrey Pines and vegetation.
- °Portion of Loop Trail.
- °Access of Torrey Pines Subdivision to beach.
- °Potential neighborhood park.

- °Control drainage to reduce erosion.
- °Require scenic easement for Loop Trail.
- °Control height, setbacks, and coverage to preserve ocean vistas.
- °Require city approval prior to development in order to allow neighborhood to form assessment district for acquisition.



°Carmel Valley Bluff - South of Carmel Valley Road, adjacent to Los Penasquitos Lagoon. Area = 10 acres.

- °Gentle slope facing lagoon.
- °Steep fill slope at NW corner.
- °Adjacent to Torrey Pines State Reserve.
- °Prominent area as viewed from Carmel Valley Road, railroad, and Coast Highway.
- °Environmentally sensitive relative to lagoon.
- °Small wild animal corridor.

- °Large lot zoning and/or cluster development.
- °Setback requirements.
- °Scenic easements and restrictions.
- °Dedication for extension of Loop Trail to connect with Torrey Pines State Reserve.

# city of del mar

January 20, ATTACHMENT D

## STAFF REPORT

Application: TM-77-3

Request: A Tentative Map to combine two existing parcels of record into three parcels as follows: Parcel 1, 15,650 S.F.; Parcel 2, 13,700 S.F.; and Parcel 3, 15,700 S.F.

Applicant: Mr. Edward Pourade & Mr. Vernon Rye

Location: Eastside of Cuchara Drive at Rimini Road

Other Required Reviews: Land Conservation, View review

Related Cases: EIR-76-1

## Background

This request for a minor subdivision involves combining two existing lots of record totalling 45,050 S.F., and resubdividing into three lots as follows:

- Parcel 1: 15,650 S.F.
- Parcel 2: 13,700 S.F.
- Parcel 3: 15,700 S.F.

Parcels 1 and 2 are presently occupied by Mssrs. Pourade and Rye's residences, respectively. Parcel 3 is undeveloped, and contains a sandstone pinnacle and numerous eucalyptus trees on the middle and lower portion of the property.

## Analysis

1. Zoning Criteria. The following table indicates applicable zoning standards for subdivision in the R1-10 zone. The proposed subdivision exceeds such standards in all respects, and in fact, sufficient area exists to create 4 lots under the provisions of the R1-10 zone.

### PROPOSED SUBDIVISION

### ZONING STANDARDS

#### Lot Size

Parcel 1	15,650 S.F.	10,000 S.F.
Parcel 2	13,700 S.F.	10,000 S.F.
Parcel 3	15,700 S.F.	10,000 S.F.
Total	45,050 S.F.	30,000 S.F.

#### Lot Width

Parcel 1	160 feet	75 feet
Parcel 2	115 feet	75 feet
Parcel 3	98 feet	75 feet

1050 camino del mar, del mar, california 92014 (714) 755-9313

PROPOSED SUBDIVISIONZONING STANDARDS

## Lot Depth

Parcel 1	138 feet	100 feet
Parcel 2	122 feet	100 feet
Parcel 3	175 feet	100 feet

## Street Frontage

Parcel 1	245 feet	20 feet
Parcel 2	33 feet	20 feet
Parcel 3	45 feet	20 feet

## Resulting floor area to lot area ratio (FAR)

Parcel 1	2245 S.F. (14%) existing	3912 S.F. (25%)
Parcel 2	2170 S.F. (16%) existing	3425 S.F. (25%)
Parcel 3	2576 S.F. (16%) proposed	3925 S.F. (25%)

2. Neighborhood Conformity. Surrounding lots, as measured within 300 feet of the subject property, vary in size from 5,000 S.F. to 28,500 S.F. (see attachment). The average and median lot sizes are 11,816 S.F., and 11,000 S.F. respectively. The smallest lot of the proposed subdivision (Parcel 2) exceeds the neighborhood average by 1,884 S.F., and the lot for potential development (Parcel 3) exceeds the neighborhood average by 3,883 S.F. Per conditions providing for pinnacle protection and retention of the existing trees occupying the site, the proposed residence will be sited essentially out of view from the street. Access to the proposed residence will be provided from the existing driveway now serving Parcel 1 (Pourade).
3. General Plan Criteria. A portion of the property is described on page 38 of the Community Plan as having the following sensitivities:
  - (1) Outstanding rock formation, stand of trees and dense native shrubs.
  - (2) Narrow scenic canyon.

Development criteria to preserve the open space sensitivities are proposed in the Plan as follows:

- (1) Preserve view corridor.
- (2) Require any construction above canyon to be set back from steep slopes of canyon.
- (3) Establish scenic easement to preserve rock formations and vegetation.

The recommended conditions of approval establishing the scenic easement and setback from the canyon and pinnacle assure compliance with the Community Plan objectives.

4. Conformity with California Environmental Quality Act. An Environmental Impact Report was certified by the City Council on November 15, 1976 for the project, concluding that "with proper mitigating conditions (as described in the EIR) significant adverse environmental impacts can be avoided". Per recommended conditions of this approval, all applicable mitigation measures will be incorporated into the project design, including recommendations of the soils report prepared subsequent to the EIR.

Mitigation measure No. 9 (attached) incorrectly identifies the south property line of Parcel 2 as a rear property line, and should be corrected pursuant to the decision of the City Council (January 16, 1978), the Planning Commission (December 12, 1977), and the City Attorney and Planning Director (December 7, 1977) to the effect that the east property line of Parcel 2 is in fact its rear property line. Recommended condition No. 12 requires the proposed structure be located 20 feet from the Rye residence, rather than 15 feet as would be required by normal 7 1/2' sideyard setbacks. The 20 foot setback from the Rye residence will assure adequate light and air between buildings, yet allow the new structure to utilize more of the existing building pad as opposed to requiring the building to be located closer to the canyon wall. Utilization of the existing building pad, and preventing encroachment into the canyon, both are recommendations of the EIR, and in this respect are inconsistent with the first sentence of mitigation measure No. 9 as now written. In this respect, there are overriding considerations supporting approval of the split line closer than 25 feet to the Rye residence as recommended in mitigation measure No. 9.

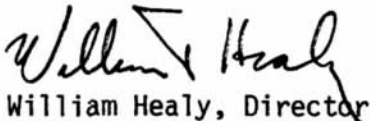
#### Conclusion

The proposed subdivision will create three lots well in excess of the minimum size required by zoning and the average lot size characterizing the neighborhood. The proposed residence will be located predominantly out of public sight, utilizing an existing driveway and existing building pad. A vertical cliff separates the adjacent property to the east, minimizing impacts on privacy, light and air. The trees and pinnacle will be preserved through recorded easements and required drainage facilities. Per certified EIR, the lot split and proposed residence should not pose a significant adverse environmental impact on the project site or surrounding environs. The proposed map and improvements are consistent with the provisions of the adopted Community Plan, and the site is physically suitable for the proposed type and density of development. Per attached conditions, the subdivision and proposed improvements will not cause substantial environmental damage or injure fish or wildlife habitat. All requirements of CEQA have been met.

#### Recommendation

Based on the findings set forth herein, the Department of Planning & Community Development recommends approval of Tentative Map 77-3, subject to the conditions set forth in Attachment A of recommended Resolution PC-78-2.

Respectfully submitted,



William Healy, Director  
Planning & Community Development

EXHIBIT "A", TM-77-3, CONDITIONS OF APPROVAL

1. That a fire hydrant be installed on Cuchara Drive of the type and location as specified by the City Fire Department;
2. That a public sewer lateral be installed to serve Parcel 3 to the standards of the City Engineer;
3. That all private sewers and utilities serving Parcels 1, 2, and 3 which encroach on neighboring properties shall be provided proper recorded easements; said easements to be reviewed by and approved by the City Attorney prior to recordation;
4. That all utilities constructed to serve Parcel 3 shall be undergrounded from the existing point of distribution;
5. That the location of the utility undergrounding required by condition Number 4 shall be reviewed and approved by the Department of Planning & Community Development prior to trench excavation; criteria for said review shall be maximum protection given to the existing trees on the site;
6. That drainage facilities be designed and installed to the standards of the City Engineer to divert water runoff away from the base of the Pinnacle;
7. That the proposed driveway of Parcel 3 intersect with the existing driveway of Parcel 1 not less than seventy feet (70'0") distant from the west property line of Parcel 3; 53'
8. That driveway easements over Parcel 1 in favor of Parcel 3 be recorded to assure continued vehicular access to Parcel 3 via the existing driveway of Parcel 1. Said easement document shall be reviewed and approved by the City Attorney prior to recordation;
9. That a scenic easement be recorded which includes all that portion of Parcel 3 lying within thirty-five feet (35'0") of the south property line of said Parcel 3, and all that portion of Parcel 3 lying within one hundred twenty five feet (125'0") of the west property line of said Parcel 3; the easement document shall be reviewed by and approved by the City Attorney prior to said recordation;
10. That no structure be located closer than ten feet (10'0") to the face of the Pinnacle;
11. Except for driveways and walks, no structures or fences shall encroach within the scenic easement and pinnacle setback areas as described in Conditions No. 9 and 10 above. Driveways and walks proposed within such scenic easement and pinnacle setback areas shall be reviewed by and approved by the Planning Commission prior to their installation;
12. That the proposed structure on Parcel 3 be located not closer than twenty feet (20'0") from the existing structure on Parcel 2 (ten feet (10'0") from the proposed split line);

13. That all recommendations of the soils engineer, as specified on pages 4-7 of the soils report dated November 7, 1977 (William Krooskos, RCE 11318), be followed in the design and construction of the proposed residence on Parcel 3;
14. That monuments be set by a licensed surveyor or engineer delineating each parcel of the subdivision pursuant to Section 24-135 of the Del Mar Municipal Code;
15. That all improvements required by these conditions of approval be installed or bonded for completion by the subdivider prior to the recordation of the Final Map; and
16. That California Coastal Commission permits shall be issued for the subdivision prior to submittal of the Final Map for City approval.

*Planning*

**ATTACHMENT E**

RESOLUTION NO. 79-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING DEL MAR SUBDIVISION 77-3, A FINAL SUBDIVISION MAP FILED PURSUANT TO CONDITIONAL APPROVAL BY THE CITY COUNCIL OF TENTATIVE MAP 77-3.

WHEREAS, Del Mar Tract Number 77-3 is a Final Subdivision Map properly filed in substantial reliance upon conditional approval by the City Council of Tentative Map 77-3, and pursuant to the Subdivision Map Act and Chapter 24 of the Del Mar Municipal Code; and

WHEREAS, said Tract and Final Map conforms to the requirements of said Map Act and Chapter; and

WHEREAS, said Tract and Final Map conforms to the conditions of approval specified in the action of the City Council approving Tentative Map 77-3; and

WHEREAS, Tentative Map 77-3 was conditionally approved by the City Council after said Council conducted a duly-noticed public hearing; and

WHEREAS, the requirements of the California Environmental Quality Act have been met;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar does hereby resolve to approve Del Mar Subdivision 77-3, a Final Subdivision Map.

PASSED AND ADOPTED, by the City Council of the City of Del Mar this 5th day of March 1979, by the following vote:

- AYES: Councilmembers Hoover, Roe, Tarkington; Mayor Sweetwood
- NOES: None
- ABSENT: None
- ABSTAIN: None

*Hervey A Sweetwood*  
 \_\_\_\_\_  
 Hervey Sweetwood, Mayor

ATTEST:

*Terri Bianco*  
 \_\_\_\_\_  
 Terri Bianco, City Clerk

DEL MAR SUBDIVISION 77-3

SUBDIVISION MAP GUARANTEE BY TITLE INSURANCE AND TRUST CO ORDER No 1052427 BEING A SUBDIVISION OF LOT E, BLOCK 24, ARDEN HEIGHTS No 2, MAP No 1291 AND LOT 524 AND PORTION OF LOT 523, ARDEN HEIGHTS No 5, MAP No 1372, TOGETHER WITH THE NORTHERLY HALF OF THE ALLEY ADJOINING SAID LOTS E AND 524 ON THE SOUTH. IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

SIGNATURE OF TITLE COMPANY [Signature] TITLE OFFICER

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF (OR ARE INTERESTED IN) THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS DEL MAR SUBDIVISION 77-3 AND WE HEREBY CONSENT TO THE PREPERATION AND RECORDATION OF THIS MAP CONSISTING OF 2 SHEETS AND DESCRIBED IN THE CAPTION THEREOF

WE HEREBY GRANT TO THE CITY OF DEL MAR AN EASEMENT OVER, UNDER, ACROSS AND UPON PORTION OF PARCEL 3 (HEREIN AFTER REFERRED TO AS THE SUBJECT LAND) AS SHOWN ON SAID MAP TO WIT

- (1) A PERPETUAL SCENIC EASEMENT FOR OPEN SPACE OVER, UNDER, ACROSS AND UPON THE SUBJECT LAND AND EXCEPT FOR DRIVEWAYS, WALKS AND UNDERGROUND UTILITIES, NO OTHER THING WHATSOEVER SHALL BE CONSTRUCTED, ERECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND
(2) DRIVEWAYS AND WALKS PROPOSED WITHIN SUCH SCENIC EASEMENT SHALL BE REVIEWED BY AND APPROVED BY THE PLANNING COMMISSION PRIOR TO THEIR INSTALLATION
(3) THE PERPETUAL RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE SUBJECT LAND AND REMOVE ANY BUILDING, STRUCTURES OR OTHER THINGS WHATSOEVER CONSTRUCTED, ERECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND CONTRARY TO TERMS, COVENANTS OR CONDITIONS OF THIS EASEMENT, AND TO DO ANY WORK NECESSARY TO ELIMINATE THE EFFECTS OF ANY EXCAVATION OR GRADING OR REPLACEMENT OF SAND, SOIL, ROCK OR GRAVEL OR ANY OTHER MATERIAL DONE OR PLACED ON THE SUBJECT LAND CONTRARY TO ANY TERMS, COVENANTS OR CONDITIONS OF THIS EASEMENT GRANTOR COVENANTS AND AGREES FOR ITSELF AND ITS SUCCESSORS OR ASSIGNS AS FOLLOWS

- (A) DURING THE TIME OF CONSTRUCTION ON ADJACENT BUILDABLE AREA, NO CONSTRUCTION, CONSTRUCTION EQUIPMENT/MATERIALS OR OTHER DISRUPTION SHALL BE PERMITTED BEYOND THE AREA DESIGNATED FOR DRIVEWAY
(B) NO CONSTRUCTION OF ANY KIND, INCLUDING FENCES SIGNS (PERMANENT OR TEMPORARY) CLOTHESLINES OR OTHER OUTSIDE AIRING FACILITIES TV, RADIO, OR OTHER TYPES OF ANTENNAE AND/OR ABOVE SURFACE UTILITY STRUCTURES SHALL BE PERMITTED
(C) NO GRADING OR ALTERATION OF SURFACE DRAINAGE SHALL BE PERMITTED
(D) NO STORAGE OF MATERIALS, ACCUMULATED WASTES, SHALL BE PERMITTED:
(E) NO PLANTING OR IRRIGATION SHALL BE PERMITTED UNLESS APPROVED BY THE DESIGN REVIEW BOARD THE CONCEPT WOULD ALLOW DRIP IRRIGATION OF APPROVED TREES SPECIES, AND
(F) NO CLEARING OR MODIFICATIONS OF EXISTING VEGETATION, INCLUDING USE FOR TRAILS OR GARDEN PLOTS SHALL BE PERMITTED, UNLESS APPROVED BY THE DESIGN REVIEW BOARD
(G) THAT THE TERMS, COVENANTS AND CONDITIONS SET FORTH HEREIN MAY BE SPECIFICALLY ENFORCED OR ENJOINED BY PROCEEDINGS IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE GRANTOR OF THIS EASEMENT AND ITS ACCEPTANCE BY THE CITY OF DEL MAR SHALL NOT AUTHORIZE THE PUBLIC OR ANY MEMBERS THEREOF TO USE OR ENTER UPON ALL OR ANY PORTION OF THE SUBJECT LAND, IT BEING UNDERSTOOD THAT THE PURPOSE OF THIS EASEMENT IS SOLELY TO RESTRICT THE USES TO WHICH THE SUBJECT LAND MAY BE PUT

THIS EASEMENT SHALL BIND THE GRANTOR AND ITS SUCCESSORS AND ASSIGNS

EDWARD K POURADE FLORENCE E POURADE

VERNON RYE, JR JANET K RYE

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THE DEL MAR CITY COUNCIL HAS ACCEPTED THE GRANT OF A SCENIC EASEMENT FOR OPEN SPACE OVER, UNDER, ACROSS AND UPON PORTION OF PARCEL 3 AS GRANTED ON SAID MAP

BY Terri Bianco 3/12/79 CITY CLERK, CITY OF DEL MAR DATE

THE SIGNATURE OF WILLIAM G KERCKHOFF CO OWNER OF AN EASEMENT FOR TELEPHONE AND/OR ELECTRIC POLES AND LINES FOR SEWER, WATER AND/OR GAS MAINS AND PIPES LINES, RECORDED JUNE 5, 1946 IN BOOK 2140, PAGE 326 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION 11587, OF THE CALIFORNIA CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURE OF SOUTH COAST LAND CO OWNER OF AN EASEMENT FOR TELEPHONE AND/OR ELECTRIC POLES AND LINES, AND RIGHT-OF-WAY FOR SEWERS, WATER AND/OR GAS MAINS RECORDED AUGUST 25, 1932 IN BOOK 149, PAGE 306 OF OFFICIAL RECORDS, RECORDER'S FILE NO 41050, OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION OF THE GOVERNMENT CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURE OF SAN DIEGO GAS AND ELECTRIC CO, A CORPORATION FOR A LINE OF WIRES AND ALL NECESSARY FIXTURES FOR USE IN CONNECTION THEREWITH RECORDED FEBRUARY 6, 1959 RECORDER'S FILE NO 25119 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION OF THE GOVERNMENT CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

- 1 VERNON RYE JR, JANET K RYE, EDWARD K POURADE AND FLORENCE E POURADE, AS OWNERS
2 HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF SAN DIEGO, A CORPORATION, TRUSTEE UNDER DEEDS OF TRUST RECORDED JULY 29, 1975 AS FILE/PAGE NO 75-196689 IN BOOK 1975 OF OFFICIAL RECORDS AND RECORDED SEPTEMBER 30, 1977 AS FILE/PAGE NO 77-402683 IN BOOK 1977 OF OFFICIAL RECORDS

B MARION WEBB - LOAN SERVICE AND ASST SECY ADMINISTRATION ROBERT L KNAUS ASSISTANT VICE PRESIDENT

STATE OF CALIFORNIA } ss COUNTY OF SAN DIEGO } ss WE TREASURER-TAX COLLECTOR OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, COUNTY ENGINEER OF SAID COUNTY AND DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL OF SAID COUNTY, HEREBY CERTIFY THAT THERE ARE NO UNPAID SPECIAL ASSESSMENTS OR BONDS WHICH MAY BE PAID IN FULL, SHOWN BY THE BOOKS OF OUR OFFICES AGAINST THE TRACT OR SUBDIVISION OR ANY PART THEREOF SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF.

JAMES E JONES, TREASURER-TAX COLLECTOR

BY [Signature] DEPUTY DATE

R J MASSMAN, COUNTY ENGINEER

BY [Signature] FOR THE COUNTY ENGINEER 2-28-79 DATE

C J HOUSON, DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL

BY [Signature] DEPUTY 2-28-79 DATE

STATE OF CALIFORNIA } ss COUNTY OF SAN DIEGO } ss ON THIS 28th DAY OF FEBRUARY 1979, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED EDWARD K POURADE, FLORENCE E POURADE, VERNON RYE, JR, and JANET K RYE PERSONALLY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN MY COMMISSION EXPIRES

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE HAVE CAREFULLY EXAMINED LOTS NO 1, 2, 3 OF THE SUBDIVISION SHOWN ON THE ANNEXED MAP AS TO ITS VALUE FOR RESIDENTIAL PURPOSES, AND WE FIND THEM SUITABLE FOR SUCH PURPOSES

B G HILDYARD BY [Signature] 3/13/79 CITY ENGINEER DATE

PLANNING DIRECTOR BY [Signature] 3/12/79 DATE

APPROVED THIS DAY OF 1979 AFTER EXAMINATION OF AND CERTIFICATES THEREON

CITY ATTORNEY BY [Signature] DATE

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THERE IS NO LAND SUBJECT TO A SPECIAL ASSESSMENT OR BOND WHICH MAY BE PAID IN FULL DIVIDED BY A LINE OF A LOT OR PARCEL OF SUBDIVISION OR LIENS ON ANY OF THE PROPERTY WITHIN ANY OF THIS SUBDIVISION FOR UNPAID CITY TAXES, EXCEPT TAXES NOT YET PAYABLE AGAINST OR ANY PART THEREOF, AS SUCH SUBDIVISION IS SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12th DAY OF March 1979

BY Terri Bianco CITY CLERK, CITY OF DEL MAR

I, WT HEALY, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, HEREBY CERTIFY THAT THE SUBDIVISION CONFORMS TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BY [Signature] WT HEALY

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THIS MAP HAS BEEN ACCEPTED BY THE DEL MAR CITY COUNCIL FOR RECORDATION BY RESOLUTION 79-20

BY Terri Bianco TERRI BIANCO

I, RAYMOND SPENCER, A REGISTERED CIVIL ENGINEER IN THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECTION BETWEEN JULY and AUGUST and SAID SURVEY IS TRUE AND COMPLETE AS SHOWN THAT MONUMENTS OF THE CHARACTER INDICATED HAVE BEEN FOUND OR SET AT THE SUBDIVISION'S BOUNDARY CORNERS AND I WILL SET ALL OTHER MONUMENTS OF THE CHARACTER AND AT THE POSITION INDICATED BY THE LEGEND OF THIS MAP WITHIN 30 DAYS AFTER COMPLETION OF THE REQUIRED IMPROVEMENTS OR AT SUCH TIME AS AGREED UPON WITH THE CITY ENGINEER, AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. SEE LEGEND ON SHEET 2

[Signature] RAYMOND SPENCER LS 3065 DATE 2-8-79

I, B G HILDYARD, CITY ENGINEER OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT TO BE SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP THEREOF, THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ORDINANCES OF THE CITY OF DEL MAR HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

BY [Signature] B G HILDYARD, CITY ENGINEER 3/13/79 DATE

STATE OF CALIFORNIA } ss COUNTY OF SAN DIEGO } ss ON APRIL 4, 1979 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT L KNAUS, KNOWN TO ME TO BE THE ASSISTANT VICE PRESIDENT, AND B MARION WEBB, KNOWN TO ME TO BE THE ASSISTANT SECRETARY OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE MY COMMISSION EXPIRES

I, PORTER D CREMANS, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH PORTER D CREMANS, CLERK OF THE BOARD OF SUPERVISORS

BY [Signature] DATE 4-4-79

FILE No. 79-147651

I, VERA L LYLE, RECORDER OF THE COUNTY OF THE COUNTY OF SAN DIEGO, HEREBY CERTIFY THAT I HAVE ACCEPTED FOR RECORDATION THIS MAP FILED AT THE REQUEST OF RAYMOND SPENCER THIS 10th DAY OF APRIL 1979 AT 2:43 O'CLOCK PM

FEE \$700 VERA L LYLE, COUNTY RECORDER

BY [Signature] DEPUTY

## DEL MAR SUBDIVISION 77-3

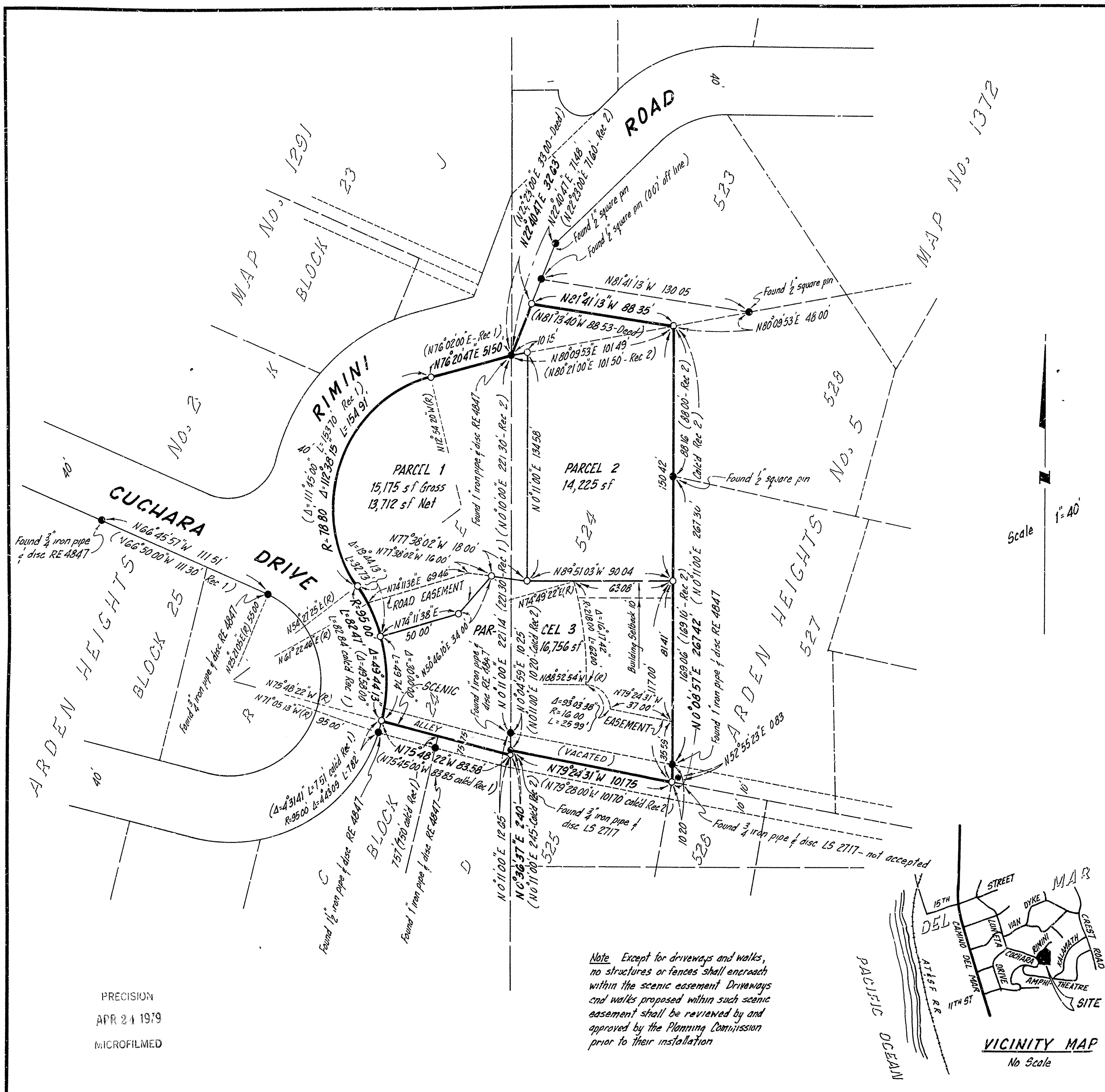
OF LOT E, BLOCK 24, ARDEN HEIGHTS No 2, MAP No 1291 AND LOT 524 AND PORTION OF LOT 523, ARDEN HEIGHTS No 5, MAP No 1372, TOGETHER WITH THE NORTHERLY HALF OF THE ALLEY ADJOINING SAID LOTS E AND 524 ON THE SOUTH, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

### LEGEND

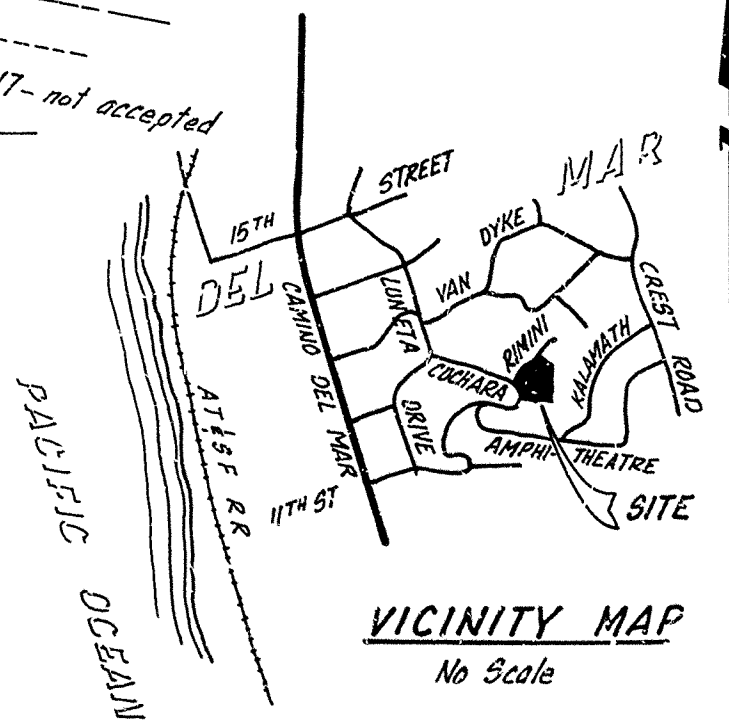
- Found monument as noted
- Set 1/2" x 18" iron pin w/ cap L.S. 3065
- Rec 1 Record per Map No 1372
- Rec 2 Record per Map No 1291
- Deed Deed - Book 6764, Page 413 O.R. dated September 18, 1957
- (R) Radial

### BASIS OF BEARINGS

The basis of bearings for this Parcel Map is portion of the Westerly line of ARDEN HEIGHTS No 5, Map No 1372 i.e. N 0° 11' 00" E



Scale 1" = 40'



Note: Except for driveways and walks, no structures or fences shall encroach within the scenic easement. Driveways and walks proposed within such scenic easement shall be reviewed by and approved by the Planning Commission prior to their installation.

PRECISION  
APR 24 1979  
MICROFILMED

FINAL ENVIRONMENTAL IMPACT REPORT

RYE - POURADE LOT SPLIT

PREPARED BY

DEL MAR CITY PLANNING DEPARTMENT

AND

SCIENCE APPLICATIONS, INCORPORATED

P.V. NEWMARK  
J.H. PEEK  
J.L. WILSON  
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OCTOBER 12, 1976



SCIENCE APPLICATIONS, LA JOLLA, CALIFORNIA

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## 1. INTRODUCTION

Environmental base information used in this report was prepared by Science Applications, Incorporated, under contract with the City of Del Mar. The final organization of the report, the insertion of supplemental information where required, and the response to comments received on publicly distributed draft copies were prepared by the Del Mar City Planning Department.

Together, this study constitutes a Final Environmental Impact Report filed pursuant to the California Environmental Quality Act, and Resolution No. 763 adopted by the City of Del Mar.

The project under study involves a proposed minor subdivision (Lot Split) of the "Pinnacle" property; i.e., the vacant portions of Lot 524, Arden Heights #5, Map 1372 and Lot E, Block 24, Map 1291, southerly of 1205 Cuchara Drive, Del Mar for which an Environmental Assessment Form was submitted in May 1976. After a review of the information contained in the Environmental Assessment Form and on-site discussions with the owners, Vernon P. Rye, Jr. and Edward K. Pourade, the Planning Commission determined that "a possibility of significant environmental impact"<sup>1</sup> was inherent in the proposal to split off portions of the lot to create a new single family parcel.

The concerns of the Planning Commission relate to development criteria set forth in the Del Mar Community Plan (March 1976)--both general goals and particularly the Open Space Overlay Element--the Zoning Ordinance, and the potential side effects associated with normal development of the property for single family use.

Science Applications, Inc. has reviewed these criteria in relation to the proposed lot split and house construction and herewith presents its report in satisfaction of the following tasks agreed to in the contract:

- Detailed and accurate topographic survey of lot.
- Description of vegetation and rock formations.
- Analysis of irrigation, drainage, and erosion problems adversely affecting the vegetation, rock formations, and/or canyon.
- Assessment of use factor in "normal" lot development; i.e., effects of foundation trenching, 25' rear setback, water and sewer hook-ups, etc. on lot environment.
- Assessment of aesthetic impact vis à vis Community Plan criteria to protect the vegetation and pinnacle as scenic open space elements.

<sup>1</sup>Letter to Messrs. Rye and Pourade from Nancy Allen, dated June 17, 1976

## 2. PROPERTY LOCATION AND DESCRIPTION

As shown in Figure 2-1, the subject property involves two adjacent lots<sup>2</sup> at least partially bordered on three sides by Cuchara Road, Rimini Road, and a vacated alley north of and parallel to Ampitheatre Road.

### 2.1 Background to Proposed Lot Split

Mssrs. Rye and Pourade purchased the subject property in 1952 and each built a single family dwelling on the northern portion of each lot. At the same time a 20 foot strip on the southerly portion of Mr. Pourade's property extending from Cuchara Road east to the southwesterly portion of the Rye-Pourade property was exchanged for a 10 foot strip on the westerly portion of Mr. Rye's property to allow Mr. Rye access to Cuchara Road. Several years later the proposed alley adjoining the acquired strip of land was vacated, giving additional footage.

Mr. Pourade has now agreed to sell Mr. Rye a portion of the southerly section of his property, thereby allowing Mr. Rye to split his property and create a new area estimated at between 14,000 sq. ft. and 18,000 sq. ft.<sup>3</sup> The property and proposed lot split are shown in Figure 2-2. The proposed lot split line is 22 feet from the southern border of Mr. Rye's present home. The owners emphasize, however, that the line is flexible, to be determined ultimately by the setback requirements of the zoning ordinance.

### 2.2 Physical Description

The property resulting from the proposed lot split includes part of the north side of a small steep-sided canyon and fronts on Cuchara Road. It has more than 20 eucalyptus trees and a small Torrey pine on its lower half and is largely brush-covered on its southeast quarter.

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<sup>2</sup>Lot 524, Arden Heights No. 5, Map No. 1372; and Lot E, Block 24, Arden Heights No. 2, Map No. 1291 (Parcel Numbers 300-143-40 and 300-143-42, respectively).

<sup>3</sup>Environmental Assessment Form (page 1) and letter to the Planning Director from Vernon P. Rye, Jr., dated February 11, 1976, respectively.

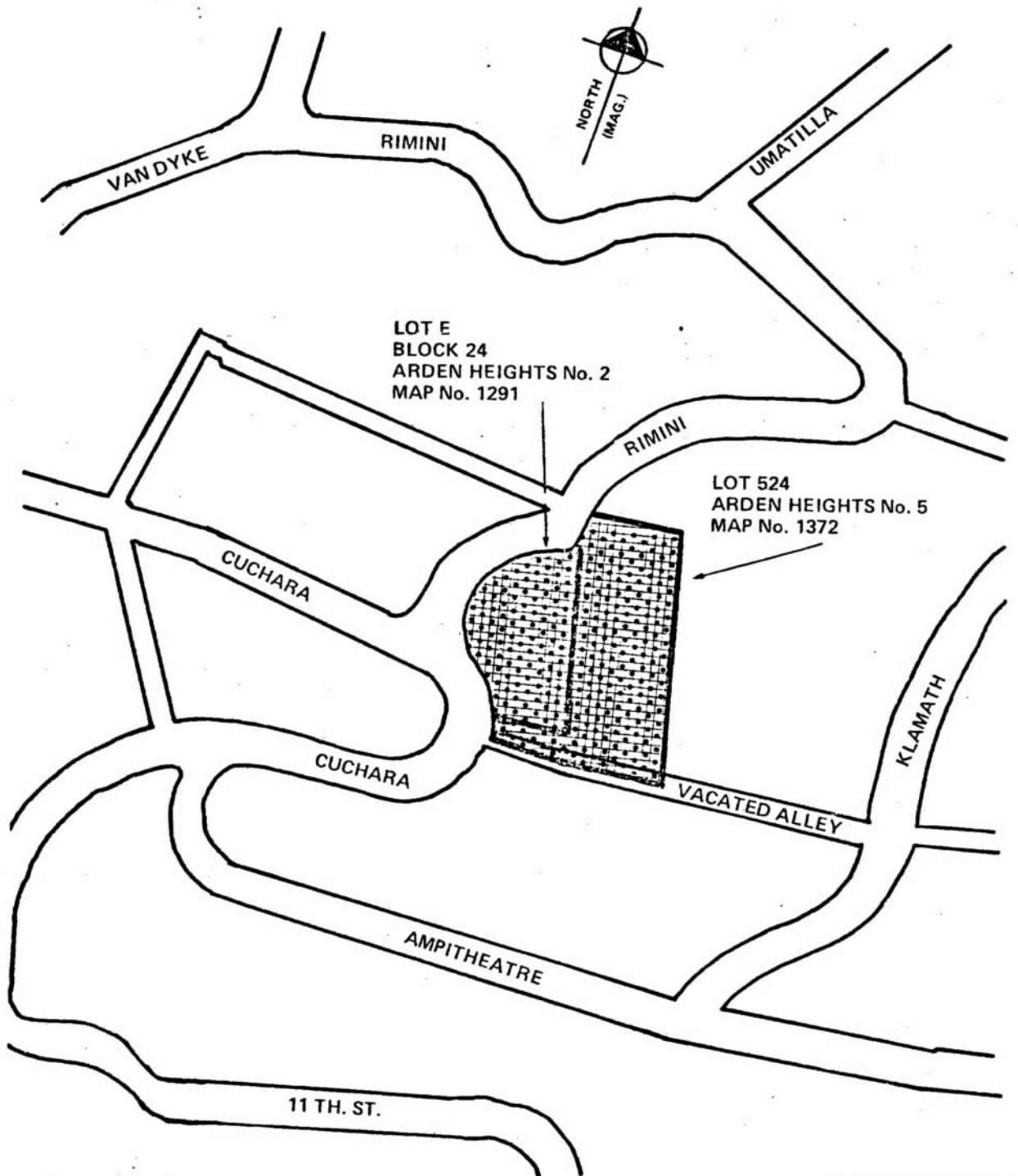


Figure 2-1. Vicinity Map of Subject Property  
(Not to Scale)

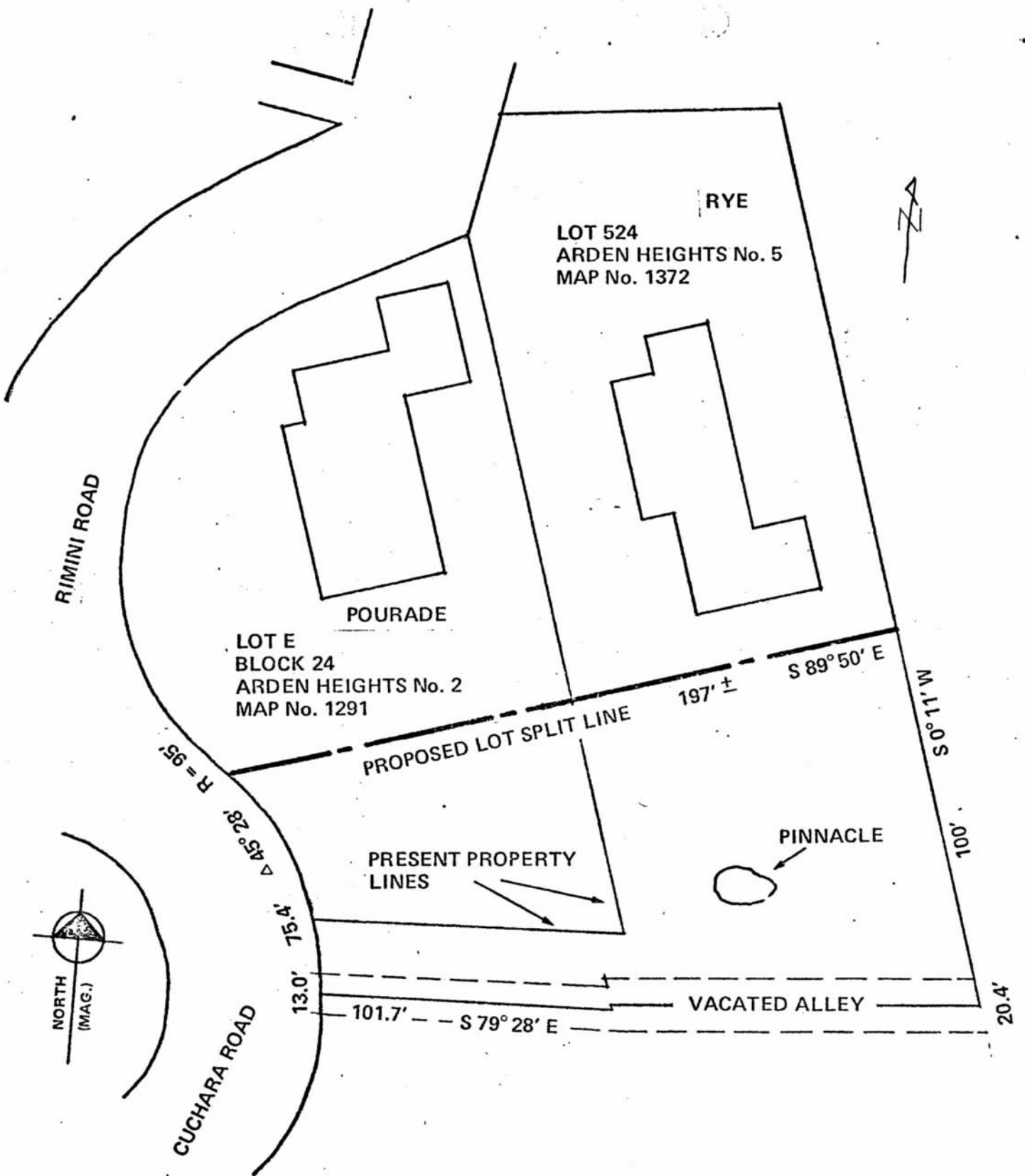


Figure 2-2. Diagram of Subject Property and Proposed Lot Split  
(Not to Scale)

Two species of eucalyptus trees exist on the property: *Eucalyptus macarthuri* and a believed hybrid, perhaps with *Eucalyptus cinerea*. Twelve other trees and shrubs were also identified as prominent, but at least twenty other flora stand on the property in minor amounts. The most conspicuous of the prominent flora are the Little Club-Moss (or Spike Moss) *Selaginella cinerascens*; Black Sage, *Salvia mellifera*; California Buckwheat, *Erigerium fasciculatum*; *Hythrum californicum*; *Buxaceae sp.*; and the Valerian, *Plectritis samolifolia* (probably var. *involutus*).

No rare or endangered flora were observed on the property.

Approximately 1/3<sup>4</sup> of the proposed lot has been graded for the existing parking and garden areas. A relatively even slope climbs up from Cuchara Road to the parking area and to the base of the pinnacle. Nearly vertical cliffs rise east of the garden area and along the north edge of the canyon at the upper part of the lot.

The property also includes a roughly cylindrical sandstone outcrop known as the pinnacle, two views of which are shown in the photograph in Figure 2-3. The pinnacle and the nearly vertical cliffs along the sides of the canyon are composed of the red-brown sandstone of the Linda Vista Formation. The upper 2 to 3 feet of the pinnacle and the canyon rim are made of a harder, more completely cemented sandstone bed that is much more resistant to erosion than the underlying sandstone. This bed protects the underlying material from erosion, a process which has resulted in oversteepening of the slopes below the resistant bed. Blocks of the resistant sandstone break off periodically when the softer material beneath erodes far enough. Near the back of the property blocks of sandstone up to six feet in maximum dimension lie on the slope near the bottom of the canyon where they have fallen as a result of this process. More sandstone blocks will eventually tumble from the canyon

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<sup>4</sup>This figure corrects the 50 percent estimation of graded area in the Environmental Assessment Form (page 6).



Figure 2-3. West-Southwest (Top) & East-Northeast (Bottom) Views of the Pinnacle.

walls or the pinnacle as natural erosion continues. Although the rate of erosion is relatively slow, it cannot be accurately predicted.

A photograph of the pinnacle taken by Mssrs. Rye and Pourade in 1952, compared with the pinnacle as it stands today, clearly indicates that an entire section on its northeastern portion has disappeared. The owners relate that the process of erosion has been accelerated over the years by occasional human interference to shave off potentially dangerous areas created by neighborhood children making footholds in the sandstone while attempting to climb the pinnacle.

A topographic map of the property is presented in Figure 2-4. Topographic contours were drawn using an arbitrary datum at 2.5 foot intervals. The location of the eucalyptus trees was plotted and their trunk size indicated. Stakes that were on the property at the time of the mapping are also shown. These stakes may or may not represent property boundaries, and no attempt was made to determine the accuracy of their location during the course of mapping. However, estimated property boundaries are shown as accurately as possible from the available information. (Existing property lines are drawn as indicated on subdivision map of Arden Heights #2 surveyed by William S. Post in August, 1910 and filed at the request of Rodney Stokes, October 7, 1910; and map of Arden Heights #5, Tract 1372, surveyed May, 1911 and notarized by William M. Cameron, August 14, 1911.) The topography in the canyon in the southeast quarter of the property was mapped less precisely due to the interference of thick brush with sightings. However, the accuracy of the topographic mapping should be suitable for planning use.

Existing sewer and water hook-ups, as well as telephone poles, have been shown on the map to indicate their relative positions on the property. These were located after the contours were mapped by measuring their distance from previously located objects with a steel tape. The proposed lot split line and building site area are also indicated.



### 2.3 Proposed Property Development

Mr. Rye proposes to erect a single family residence of approximately 1,800 sq. ft. on the upper portion of the property resulting from the lot split, utilizing for construction the area northeast and northwest from the pinnacle shown as shaded in Figure 2-4. Due to the fairly steep bank directly above the present parking area, it is proposed that a single story structure be constructed above the garage (proposed for the present parking area) and extending to the higher, relatively level area northeast of the pinnacle which is presently a garden. Outside finish materials are proposed to be wood and glass, substances compatible with the wooded environment of the lower portion of the property.

Access to the new house is proposed to be provided through at least partial utilization of the present driveway at the north side of the property. Several alternatives are discussed in Section 4.3.

### 3. DEVELOPMENT CRITERIA AND REQUIREMENTS

Per the Environmental Assessment filed in May of this year, the "possibility of significant environmental impact inherent in this proposal" was based on the criteria set forth in the March 1976 Del Mar Community Plan, the Zoning Ordinance, and the anticipated normal side effects of the property's development and use. This section of the report states the particular requirements and criteria applicable to the subject property and delineates the essential concerns relating to the proposed development.

#### 3.1 Zoning Ordinance Requirements

The subject property falls into the R-1-10 single family residential zone (December 1975). The concerns of the City relative to zoning and building requirements are threefold; the requirement for a 25 foot minimum rear setback, the requirement for water and sewer utilities, and the requirement for vehicular access to the proposed residence. In addition, concerns relating to the effects of development and normal single family use include the impact of artificial irrigation and drainage, potential erosion problems, the impact of foundation trenching, and the cumulative impact resulting from project implementation.

#### 3.2 Del Mar Community Plan (March 1976)

The objectives and criteria outlined in the adopted Community Plan and pertinent to the subject property are listed below:

##### Goal 1 - Objectives and Policies

1. "Protect open space areas...to preserve particularly unique natural features in specific neighborhoods." (#C-2)
2. Control the impact of private development on areas designated as having open space sensitivities." (#F-3)

##### Specific Recommendation - Open Space Element

The subject property falls within the Open Space Element (Item L, "The Pinnacles"), which cites the following sensitivities:

1. The "outstanding rock formation, stand of trees and dense native shrubs"; and
2. The "narrow scenic canyon."

The "development criteria to preserve open space sensitivities" pertinent to this property are twofold:

1. "Preserve view corridor."
2. "Establish scenic easement to preserve rock formations and vegetation."

#### 4. ASSESSMENT OF POTENTIAL ENVIRONMENTAL EFFECTS

This section discusses our findings relative to the requirements identified in Sections 3.1 and 3.2; namely, the effects of

- a 25' minimum rear setback
- water and sewer utility hook-ups
- vehicular access to the proposed dwelling
- foundation trenching
- artificial irrigation
- drainage
- erosion
- cumulative impact of development, and
- conformity to Del Mar Community Plan criteria

##### 4.1 25 Foot Rear Setback

On the proposed building site--the graded area shown as shaded in Figure 2-4--it is obvious that a 25' rear setback from the cliff to the northeast of the pinnacle would restrict the site so severely as to create an essentially unbuildable space. The maximum width of the essentially flat space between the existing cliff and the embankment to the present parking area is 35 feet; and between the cliff and the pinnacle, 18 feet. Thus the 25' rear setback requirement cannot be satisfied without moving the building site, something which would alter the existing land configuration or violate the open space criteria. Due to the land configuration, however, the setback requirement in this case is inconsequential. The "adjoining property" to the rear is a steep cliff, and a variance does not violate the spirit of the zoning ordinance.

##### 4.2 Water and Sewer Hook-ups

There is no apparent difficulty in satisfying the water and sewer requirements. At the time the sewer lines were originally brought up Cuchara Road, the City of Del Mar installed an additional sewer hook-up, allowing for the future development of the property. A water main to which the house can

easily connect is also located on the lower portion of the subject property, near Cuchara Road. These two potential hook-up locations are indicated in Figure 2-4.

Depending on the track chosen the excavation necessary for making the connections might sever some tree roots on the lower portion of the land. However, a three or four foot trench probably would not have a significant long term effect on the health of the trees, especially if routed to avoid the tree trunks by at least five to eight feet. If this is not possible, some sort of irrigation of the trees in summer is recommended for a year or two until the damaged root system can recover.

#### 4.3 Vehicular Access

Of several possibilities that have been considered for the provision of vehicle access to the proposed residence, none presents a perfect solution from all points of view. One possibility is to route the driveway along the alleyway on the southerly property border; another is to utilize the present driveway leading to Mr. Pourade's house. The likely routes--alternatives A through D--are shown in Figure 2-4 and discussed below.

##### 4.3.1 Alternative A - Utilization of Canyon and Alleyway

In the mid-1950's the exchange of a 10 foot north-south strip of property for a 20 foot east-west strip gave Mr. Rye access to Cuchara Road along the proposed but vacated alleyway which forms the southerly boundary of the subject property. This area lies in the canyon and is presently covered with thick brush. Utilization of this space would require extensive clearing of the vegetation, grading of the rather steep slope up the canyon side leading to the garden area north of the pinnacle, and location of the garage there rather than in the present parking area.

From a geological perspective this does not present a problem. Although no sign of recent water flow was seen along the canyon bottom, part of Klamath Road drains into the canyon. Replacement of part of the vegetation in the canyon with a driveway would increase the velocity of water runoff to Cuchara Road during periods of intense or prolonged rainfall, but this would be relatively minor. The materials and configuration of the driveway could be chosen so as to reroute the drainage and not collect and channelize the water.

The major problem with this alternative is its violation of the Open Space Overlay Element and the desire to maintain the narrow scenic canyon in its present state.

#### 4.3.2 Alternatives B, C, D - Utilization of Present Driveway

The access route proposed by the owners is along the northerly property border, utilizing at least the lower half of the present driveway leading to Mr. Pourade's home to bring Mr. Rye's new driveway off the existing driveway somewhere between the 92.5' contour line and the 97.5' contour line as shown in Figure 2-4. There are several variations of this route that can be considered. Based on the proposed lot split line, the highest point at which the existing driveway could be used and still remain at least partially within Mr. Rye's new property line is approximately at the 95.0' contour line. Splitting off from the driveway at this point has been proposed either easterly and northeasterly among the eucalyptus trees (Alternative B) or northeasterly following the property line (Alternative C). Both solutions would leave a small triangle of unused property between the two driveways. Although Alternative B might allow driveway pavement to invade the "scenic easement to preserve... vegetation" in the Open Space Overlay Zone, its obvious advantage is a lessening of the upward grade which a vehicle would be required to climb in approaching the house.

One consideration in this proposed route is the health of the most northeasterly and largest (two trunk) eucalyptus tree, as well as its possible interference with the telephone lines above it. Obvious signs of invasion--possibly from termites--are present, but we suggest that the determination of its actual and potential hazard to a structure built adjacent to it be made by the proper authorities. If the tree is determined to be a real threat and therefore removed, more space would be made available for driveway construction. (There is probably insufficient space {~ 5 feet} to bring the driveway up between the two large eucalyptus trees.) The owners also propose to remove the adjacent tree, a process which would ease the access situation considerably but destroy part of the vegetation in the overlay zone. For this reason also we propose a professional tree inspection of the property.

A fourth possibility (Alternative D) is to utilize the present driveway as a joint access route to both existing (Pourade) and proposed new (Rye) residences regardless of property lines. Although this solution is acceptable to the present owners, it creates the potential for future conflict if and when these homes are sold.

It appears that any of the four routes are possible but that each carries a potential negative impact or unsatisfactory result from a particular point of view. Results of the suggested professional tree inspection might aid in making this decision. However, the chosen alternative would depend on the relative importance given the factors involved; that is, remaining within (or moving) the proposed lot split line, grading as little as possible, and preserving the most vegetation as possible.

#### 4.4 Foundation Trenching

Assuming careful planning, no adverse effects of foundation trenching at the proposed building site are anticipated. As the Del Mar grading ordinance has not required it, a soil test is recommended on the outer edge of the pad to ascertain soil compaction. Care should also be taken to set back from the cliff and the canyon rim behind the angle of repose.

#### 4.5 Artificial Irrigation, Drainage, and Erosion

The apparent erosion process of the sandstone on the pinnacle and the canyon rim has been described in Section 2.2. Due to its vulnerability on all sides the pinnacle will erode faster than the cliffs. However, the pinnacle does not seem to pose a threat to a house on the proposed building site due to its orientation away from the house. The photograph of the pinnacle from Cuchara Road (Figure 4-1), as well as the close-up view in Figure 2-3, shows the partially dug out portion of the pinnacle near the ground facing the road.

Neither does construction of a house necessarily present a problem in maintaining the pinnacle. Drainage and erosion controls are discussed below and again in Section 4.7.2.



Figure 4-1. View of the Pinnacle from Cuchara Road

Considerable erosion has occurred on the sandstone cliffs above the proposed building site. Drainage off the house and deck of the newly constructed home on the ridge above these cliffs could intensify the erosion process if not counteracted. As a result of erosion on the softer sides of the cliffs, more chunks of hardened sandstone such as those already found in the canyon below could break off and fall in the direction of the proposed house.

Although the sandstones of the slopes of the lot will erode rapidly when excess amounts of irrigation water are applied, irrigation erosion can be readily prevented. If the house is constructed on the presently proposed site adjacent to the cliff, a water diversion mechanism will be necessary to protect the structure and the pinnacle from drainage from the adjoining property. Present drainage protection devices are rather rudimentary and include a bale of hay and a similarly sized wooden structure approximately along the 115' contour line (Figure 2-4). The opportunity to plan the diversion of the water around the proposed structure towards the natural canyon could have the effect of actually decreasing erosion, drainage and irrigation problems on the subject property.

Contrary to popular belief the bulk of the root system of most trees growing on medium textured soils is within three or four feet of the surface. A preliminary examination of this area indicates that this is likely the case with the eucalyptus trees on the property. Because of the degree of crowding, the lateral extent of the root system is probably not more than twice the diameter of the crown and most probably less.

The degree of impact on the trees due to inhibited surface drainage from above at the planned site would probably not be detectable if care is taken to route as much of the above drainage as possible to the lower lot in order to maintain flow to the tree roots. This routing is particularly important if a substantial quantity of tree root removal is anticipated by installation of a sewer line.

#### 4.6 Cumulative Impact of Development

The proposed lot split and introduction of an additional single family residence to the neighborhood would not significantly induce additional growth in the Community. Similar lot split requests could be anticipated only if there exists a number of hillside lots whose configuration and location of existing structures permits their eventual parceling. Such is not the case. In addition to normal yard requirements, existing R-1-10 zoning requires a 10,000 square foot minimum lot size, a 75 foot minimum width, and a 100 foot minimum depth. Instances are rare where all of the following conditions exist in a built up area: (1) Contiguous property owners agreeable to resubdivide existing lots of record; (2) Where the original lot(s) is of sufficient size to accommodate additional lot(s) not originally subdivided; (3) Where all resulting lot(s) can abide by the minimum frontage and depth requirements required by zoning (75 and 100 feet); and (4) Where the location of the existing structures is situated so that the split line(s) will accommodate required building setbacks. Applications in instances where all such conditions do exist are handled by current zoning and subdivision regulations, which will remain unaffected by the submittal of this particular application. It can therefore be concluded that the cumulative, growth inducing impact of this lot split application is not significant, since it does not affect the potential submittal of similar requests.

#### 4.7 Conformity to Del Mar Community Plan Criteria

The requirements of the Del Mar Community Plan, particularly the Open Space Overlay Element, are identified in Section 3.3. These criteria can be summarized as follows:

##### General:

- protect open space areas
- preserve unique natural features
- control the impact of private development on areas designated as having open space sensitivities

##### Specific

- preserve view corridor
- establish scenic easement to preserve rock formations and vegetation

#### 4.7.1 Impact of Lot Split and House Construction Relative to Community Plan Criteria

Ordinance Number I-250 requires a conditional use permit for new development in Open Space Overlay District, such as has been designated on the subject property. It appears that the house can be constructed on the upper portion of the lot, as proposed, and have a controlled impact on the open space area and preserve the pinnacle and native vegetation. A discussion of the specific criteria follows.

#### 4.7.2 Preservation of View Corridor

The house as proposed would not obstruct the view corridor from Cuchara Road to the pinnacle, shown in the photograph in Figure 4-3. The view corridor from the road to the pinnacle is actually quite narrow; the pinnacle disappears from view behind the eucalyptus trees only a few feet to the left and right of the spot from which this photograph was taken. Another view corridor exists from midway up the existing driveway, but this cannot be considered an access point to be preserved as a public view corridor. The location of the house to the north of the pinnacle would be imperceptible at best, and beyond the pinnacle at least, from the Cuchara Road view corridor. The requirements for setbacks and erosion limitations discussed in Section 5 help to ensure that this view corridor would be preserved.

Alternative locations for the house could be found on the lower section of the property that would not restrict the narrow view corridor, but these locations would be visible from the corridor and would be unsatisfactory from the point of view of preserving the natural vegetation.

#### 4.7.3 Preservation of the Pinnacle and Natural Vegetation

Although the sandstone pinnacle has been identified as a unique natural feature, the processes of erosion and human interference which have aided in its substantial diminution in the last twenty-five years will eventually destroy it if left untouched. Independent of any proposed construction on the property, the City of Del Mar should determine the importance of maintaining the pinnacle in its present state, as its ultimate preservation depends on the activation of some protective mechanism. This would require a study of the potential of arresting the erosion process and the available methods to accomplish this.

The house can be constructed to avoid increased erosion of the pinnacle if it is set back from the pinnacle and suitable measures are taken to control drainage. Alternatively, locating the house close to the pinnacle may prevent people from walking by and climbing or touching its soft, readily erodable sandstone sides.

Although the alternative vehicular access routes to the house discussed in Section 4.3 would not interfere with the view corridor to the pinnacle, they have some potential for disturbing the existing vegetation. The most obvious example is Alternative A, access through the canyon and old proposed alleyway, which would require extensive cutting of the thick brush and rerouting of the drainage. Of the other three alternatives, the one most preferable on the basis of vegetation preservation is Alternative D, fully utilizing the existing driveway to the new garage site. The other two alternatives--involving partial utilization of the present driveway--would require the removal of additional tree(s) as well as additional grading to accommodate the new driveway.

## 5. ALTERNATIVES TO THE PROPOSED PROJECT/MITIGATION MEASURES

The impact of the proposed lot split and house construction on the subject property has been considered by reference to physical and aesthetic elements, as follows:

- Community Plan goals, objectives, and criteria
- Irrigation, drainage, and erosion problems
- Normal development and use factors

The findings in this report reveal that although the "possibility of significant environment impact" does exist, the impact can be mitigated with careful planning. No environmental impact should result from the proposed lot split per se. From all three above-referenced viewpoints minimal impact should result from construction of a single family dwelling of approximately 1,800 sq. ft. dimensions if the house is placed within the already graded areas on the upper portion of the property.

Three options are available with respect to an ultimate decision on the lot split and construction of the single family residence. These options are: (1) No project, which would result if the lot split application is denied; (2) Approval without conditions, which would raise the possibility of significant environmental impact as discussed in this report; and (3) Approval with conditions, which would allow the project to go ahead but with specific conditions imposed to mitigate the possibility of adverse environmental impacts from occurring.

### 5.1 No Project Alternative

Withdrawal or denial of the lot split application would prevent the construction of the single family home on the upper graded portion of the property, but would also eliminate the City's opportunity to attach conditions on the property to assure the long term protection of the pinnacle. As discussed in preceding sections of this report, a "no project" alternative will not prevent the eventual destruction of the pinnacle due to natural processes of erosion and continued human interference, unless some specific protective mechanism is activated. Denial or withdrawal of the lot split application would remove the City's chances of assuring the activation of such protective mechanisms, short of full public acquisition. The site has not been specified in the adopted General Plan as one of the six open space areas to be

purchased; and therefore public acquisition of the pinnacle property would seem extremely remote at this time.

## 5.2 Approval With Conditions/Possible Mitigation Measures

If the project is approved, the following mitigation measures are suggested to eliminate or reduce adverse environmental impacts discussed in the preceeding sections of this report:

1. In order to preserve the vegetation on the lower portion of the property, the house should be placed in the already graded portions of the land.
2. A variance for the 25' rear setback is necessary for location of the house in the already graded area of the property; however, care should be taken to locate the house a sufficient distance away from the cliff and to consider constructing a small retaining wall in anticipation of falling sandstone. The proposed residence should be setback beyond the angle of repose of canyon walls.
3. Although no long-term damage is anticipated if some eucalyptus tree roots are cut during the excavation, water and sewer line trenches should be located five feet to eight feet from the base of the trees if possible.
4. A professional inspection is recommended for the eucalyptus trees-- particularly the apparently diseased tree--in order to establish the potential hazard to the proposed house and existing phone lines.
5. Driveway alternative "D" (utilizing existing driveway and parking pad) should be required in order to minimize adverse environmental impacts which would otherwise result from excessive tree removal and grade excavations.
6. A soil test is recommended to ensure that graded areas are properly compacted and not interlaced with brush.
7. Water diversion mechanisms should be required to protect the house and pinnacle from drainage coming off the newly constructed house and deck above the cliff. The new residence and water diversion mechanisms should be positioned in such a way as to limit the erosion process on the pinnacle. Drainage water should be diverted to the lower portion of the land, or irrigation provided, to help preserve the vegetation in the scenic areas.
8. A scenic easement should be delineated on the parcel map to permanently preserve the existing public vista of the canyon, pinnacle, and stand of eucalyptus trees now present on the property.
9. The new lot split line should be located a minimum of 25 feet from the existing Rye residence (minimum rear yard setback). Driveway easements should be granted over adjacent properties to assure long-term compliance with #5 above.

## 6. SUMMARY AND CONCLUSIONS

With proper mitigating conditions as described in preceeding sections of this report, significant adverse environmental impacts can be avoided. By utilizing the existing graded building pad the integrity and natural condition of the adjacent canyon will be unaffected. The view corridor to the pinnacle is relatively narrow and would be unobstructed by construction of the house on the graded area in the upper portion of the property. With proper water diversion mechanisms, the house poses no additional threat to the pinnacle and could even be positioned in such a way as to limit the natural erosion processes. The driveway location could utilize an already existing graded pad screened from public view by a stand of eucalyptus trees. The existing home above the project site is visually separated by a vertical rise of sandstone bluff, which lessens the normal impacts of a reduced rear yard setback; i.e., the more common encroachment impacts on privacy, air, light, etc. resulting from normal rear yard modifications.

In summary, the lot split and properly constructed residence should not pose a significant adverse environmental impact on the project site or surrounding environs, providing careful planning and construction techniques are utilized throughout all stages of project implementation.

## 7. COMMENTS RECEIVED

The following letters of comment were received during the public review period on the adequacy and accuracy of the draft Environmental Impact Report, distributed and advertised on August 7, 1976:

1. George N. Somero  
1210 Cuchara Drive  
Del Mar, California
2. Mollie and Arthur Wagner  
629 Rimini Road  
Del Mar, California
3. Charles D. Keeling, former Chairman Citizens Committee to revise the  
General Plan of Del Mar  
  
Joseph H. Lang, Chairman  
Friends of Del Mar

As provided for by City Resolution No. 763, City response follows in Section 8 for each of the significant environmental points raised in the letters of comment. Taken together, this report, public comments received, and the City's response to those comments form the Final Environmental Impact Report as required under the California Environmental Quality Act.

RECEIVED

AUG 30 1976

CITY OF DEL MAR  
PLANNING DEPARTMENT

RECEIVED

30 1976

CITY OF DEL MAR  
PLANNING DEPARTMENT

1210 Cuchara Drive  
Del Mar, California  
August 27, 1976

The Del Mar City Council  
City Hall  
Del Mar, California

Dear Councilmembers:

I wish to comment on the proposed "Rye-Pourade lot-split" which has been the subject of a recent environmental study by Newmark et al. I feel that there are two very compelling reasons for not allowing this additional subdividing of a canyon area which is recognized as environmentally sensitive.

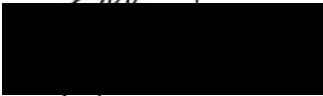
My primary concern about this proposed lot-split is based on the question of precedent. If the City allows this type of further subdivision in a highly environmentally sensitive area, then the City is promulgating a land-use policy which runs counter to the letter and the spirit of the recently adopted Community Plan. Furthermore, and even more importantly, the City will be setting a precedent which will open the door to similar requests for use--or misuse--of environmentally sensitive areas. In fact, the City will be inviting lot splits of the sort which will have highly dramatic effects on residential density. If this particular lot-split is approved, how will the City be able to deny any future requests of this type? In this context I am especially concerned about the long term effects of such a precedent. Whereas the current City Council has exhibited an enlightened attitude towards environmental questions and land use policies in general, what will happen if a Council with a very different land use philosophy is elected in the future? What types of land use decisions will this future City Council have to look back on and use for precedents in supporting its land use decisions? What the present City Council and Planning Commission decide in the near future about the use of land in Del Mar is apt to determine the fate of virtually all of the remaining natural, somewhat unperturbed areas within the City. Thus it is critical that the City government employ the highest standards of aesthetics and the utmost in foresight when they contemplate issues such as the pending lot-split.

My second concern about the proposed Cuchara canyon area lot-split arises in part because I am a research biologist by profession and thus have, on the one hand, a source of interest and enjoyment in the small mammals which inhabit the canyon and, on the other hand, a fairly good basis for appreciating what further disruption of the canyon ecosystem will mean to these animals. It is very surprising that the environmental report of Newmark et al. makes no mention of the foxes and other small mammals which inhabit the canyon. Certainly anyone living near the canyon is apt to have the pleasant experience of watching a small fox wander through the yard and perhaps stop to feed at night. To me at least, the presence of such animals in my immediate vicinity is largely what gives truth to the assertions in the Community Plan to the effect that Del Mar is, and should remain, a semi-rural village where the encroachment of man has not reached the extremes it has in most communities in Southern California. Further disruption of unspoiled areas such as the canyon above Cuchara Drive will spoil much of what is best about Del Mar. Small mammals require a large amount of territory for their support. Thus, whereas

the eucalyptus trees in the canyon may well tolerate some interference with their root systems, even slight tampering and damaging of the canyon habitat is apt to have devastating effects on the small mammal populations. Granted, there is no magic formula for computing the relative worths of financial gain for those wishing to extend the borders of "civilization" versus the esthetic awards for the human population at large and the survival of a natural fauna and flora which accrue from the preservation of natural, wild pockets in the midst of an urban setting. It is abundantly clear, however, that while the former interests have long held sway in our vicinity, the tide of public feeling has dramatically changed in favor of the other viewpoint, that of environmental awareness and protection. The present City Council was carried into office on this tide. It would be an act of disloyalty to now attempt to work against or reverse this positive momentum.

In closing I wish to thank the members of the Del Mar city government who have taken the time to consider the arguments I have raised. Since I feel that both of the points I have discussed were completely neglected by Newmark et al. in their environmental analysis, I would greatly appreciate having my letter appended to their report.

Sincerely,



George N. Somero

RECEIVED

AUG 30 1976

CITY OF DEL MAR  
PLANNING DEPARTMENT

August 30, 1976

To: The City of Del Mar Planning Department

Re: Supplemental Environmental Study--Rye-Pourade Lot Split


We have today been made aware of the Supplemental Environmental Study of the Rye-Pourade Lot Split. We are amazed that, as immediately contiguous property owners, we were not specifically informed of the report, either by the city or Mr. Rye. Since today is the final day for comments on the report, we have not had the opportunity to study the report as carefully as we would like. However, there are elements of the report which obviously have serious implications concerning our property.

Firstly, we are opposed to the recommendation for a variance to the 25' rear setback. Clearly the positioning of a house on adjoining property to us has an impact on the environmental ambiance of our house, and the setback ordinances are designed to protect that ambiance. We must, therefore, object to the proposed variance.

Our second concern is for the pinnacle, which we are most anxious to have preserved. We must raise two questions: 1) what will the erosion factor be to the pinnacle with the proposed structure within six feet of the pinnacle? and 2) will not our own view corridor to the pinnacle be essentially blocked by the structure between our house and the pinnacle?

It is our assumption that these comments will be made a part of the Environmental Impact Report. Would you kindly keep us informed of all future action in this matter?

Sincerely,

  
Mollie and Arthur Wagner  
629 Rimini Road

August 28, 1976

RECEIVED

AUG 30 1976

CITY OF DEL MAR  
PLANNING DEPARTMENT

COMMENTS ON  
SUPPLEMENTAL ENVIRONMENTAL STUDY: RYE-POURADE LOT SPLIT  
PREPARED BY SCIENCE APPLICATIONS° LA JOLLA

The Science Applications Study addresses the environmental impact associated with building a single family dwelling on a residential lot to be created by splitting off portions of two adjacent lots. The new lot would lie mostly within a canyon designated in the Del Mar Community (General) Plan for open space preservation. The City has discretion over the proposed development because the lot split requires a new subdivision and thus falls within the regulations of Chapter 24 of the Municipal Code

The Study concludes that the impact of the lot split on open space sensitivities could be mitigated by careful planning, and that the proposal is in conformity with the Community Plan. We believe that a more careful consideration would reveal that these conclusions are not supported by the facts.

A key concern is the conformity or nonconformity of the proposed lot split to the Community Plan, and the proposal's impact on the goals and objectives of that plan. The study summarizes the Community Plan's pertinent development criteria (page 18) as follows:

"Preserve view corridor to the pinnacle"

"Establish scenic easement to preserve rock formations and vegetation"

The first statement is a misquotation and should /read:

"Preserve view corridor"

Clearly the Plan did not intend narrowly to confine the open space and scenic value of the canyon to the pinnacle itself. Yet the Study uses the much narrower misquotation to find imperceptible impairment to "the" view corridor from Cuchara Drive. It may be granted that the pinnacle enhances the natural value of the canyon, but it is not its sole or even most important feature. Furthermore, there is no valid basis for ignoring vantage points at higher elevations in or above the canyon since the Community Plan does not restrict vista protection to views from public areas (Cf. Goal 3-B-1).

The Community Plan defines the features for preservation in the broad context:

"Outstanding rock formation, stand of trees and dense native shrubs"

"Narrow scenic canyon"

Clearly the view corridor is meant to include all of these features. Construction of a house within the canyon behind the pinnacle could scarcely fail to impact the view of the canyon from numerous locations.

With regard to other specific criteria, the study's treatment is grossly inadequate. The Study totally ignores the criterion:

"Require any construction above canyon to be set back from steep slopes of canyon"

Why were no development criteria formulated in the Plan for the canyon itself when such development obviously would impact the canyon more than construction above the canyon? The answer apparently is that this possibility was never considered because there are no existing building sites within the canyon. The Study suggests that a retaining wall might be necessary to protect the house from damage of falling rocks from the canyon wall (p.22). The impact of such a wall on the open space character of the canyon was not discussed. Surely the Plan would have specified criteria regarding such a wall and setbacks from the bottom of the steep slopes of the canyon if there had appeared to be any possibility of construction within the canyon. This question of interpretation is clarified by two additional considerations.

The third criterion, quoted by the Study, calls for a scenic easement to be established to protect natural features. Although the Study discusses protection of these features it makes no mention of establishing a scenic easement (p.19). Such a scenic easement, as provided in sections 51050-51065 of the State Government Code would presumably be forthcoming before any consideration of further

subdivision to create new building sites. Thus in the Plan there is no need to specify criteria regarding construction within the canyon.

In addition to this point, the Community Plan text and objectives explicitly ask that features such as this canyon be preserved intact. There is no need to specify construction criteria if this policy applies. The Plan identifies areas of bluffs and steep slopes (page 26 of the Plan). The pinnacles area is mapped as having both features. The Plan states:

"These bluffs serve as unique land forms providing visual relief and diversity within Del Mar. Efforts should be made to preserve these features, intact wherever possible"

"steep slopes can give a greater impression of openness than the area alone would indicate if left undeveloped. . Efforts should be made to preserve these features intact wherever possible." (Underlining added.)

This requirement is further supported by the general policies of the Plan, discussed below.

It is evident that the consultants of Science Applications were not aware of these additional criteria or the relationship of the requirement of setbacks above the canyon to the canyon as a whole. Thus the question of construction should be reviewed again carefully before completion of the Environmental Impact Report.

Encroachment on the cliff base by a house and retaining wall would not only violate criteria of the Community Plan, but zoning set-back standards as well. A variance would be required. The Study finds that:

"The adjoining property is a steep cliff, and a variance does not violate the spirit of the zoning ordinance."

Yet the zoning ordinance requires that variances be granted only when failure to do so would deprive the property of privileges enjoyed by nearby properties. No nearby property enjoys the privilege of substandard set-backs. It seems that the Study has interpreted the criteria of the Community Plan far more narrowly and the criteria of the zoning ordinance far more broadly than is justified in either case.

As disturbing as the attitude of the Study toward specific criteria of the Community Plan is the Study's attitude toward the overall policies and objectives of that plan. The consultants have indicated interest in the "spirit" of the zoning ordinance which predates the new Community Plan and which is only now being brought into conformity with it, but they have scarcely examined the "spirit" of the Plan itself embodied in its text goals, objectives and policies.

The principle open space goal is:

"Establish without delay a comprehensive program to preserve and acquire permanent open space. . . "

Such a program, strongly urged by the Citizens' Open Space Task Force, has been partially realized through the passage of a bond issue and by the preliminary consideration of properties for purchase, but enabling legislation, including amendments to the Municipal Code, is not yet adopted. A Park and Recreation Commission, mandated by the Plan, has not yet been set up. No scenic easements have been established. Until these activities are completed and a program is fully underway, it is both tragic and inconsistent with the Plan to construe narrowly the specific criteria of the Plan.

Similarly, the first objective of the open space program is:

"Secure sufficient land as permanent open space to preserve intact the locally and regionally significant natural environmental characteristics of Del Mar: bluffs, beach, canyons, outstanding geological formations..."

(Underlining added)

This objective is not mentioned in the Study. It confirms the intent of preserving this canyon intact. This can hardly be done by placing a house directly behind an outstanding geological formation, possibly

constructing a retaining wall against the canyon slope, and hoping that the family living in the new house will preserve their entire front yard (having no back yard) as part of a scenic canyon.

Apart from considerations of conformity to the Community Plan, the Study is deficient in its lack of precision in delineating the mitigating measures that would be taken. This is a critical lack since it is difficult to see how even the most careful planning of the construction of the house and driveway with utility connections could adequately mitigate their environmental impact so as to maintain the canyon in a manner consistent with the spirit of the Community.

For example, in regard to the house foundation (p.15) they state:

"Assuming careful planning, no adverse effects. ..are anticipated" (Underlining added)

The consultants thus suggest deferral of environmental considerations such as grading, trenching, and soil testing, on the assumption that careful planning will occur after the lot split has been approved, and that such careful planning, though unspecified, will solve the impact problem. The Del Mar Municipal code, however, does not allow such deferral. Chapter 24 requires a preliminary soils report for every subdivision (section 120) and requires a plan showing grading for the creation of building sites or for construction or installation

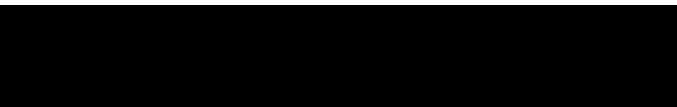
of improvements (section 119). These data are required prior to the granting of a subdivision. By deferring these specific considerations, the consultants would deprive the public and city officials of information essential to determining the actual impact of the proposal.

The most important environmental threat raised by the proposed lot split is not addressed: the matter of cumulative effect and the precedent that would be set. If this lot split is allowed under the new Community Plan, even if the area in question were not particularly important environmentally, then no future lot split even though it involved portions of three or more lots could not reasonably be denied. One need only glance at a map of Del Mar to discover many such possibilities. Such an eventuality would drastically alter the face of the North Hills district of our city in gross violation of the overall thrust of the Community Plan:


"To preserve the unique environment, low density character and quality of life within Del Mar."

The Planning Commission is urged to seek additional information to remedy the deficiencies in the present environmental study. We would like to have the opportunity to comment on the Environmental Report as part of the public record after such information has been

gathered, and we request that our comments be made part of the final environmental report document.

  
Charles D. Keeling

Former Chairman of Citizens'  
Committee to revise the  
General Plan of Del Mar

  
Joseph H. Lang  
Chairman, Friends of Del Mar

## 8. CITY RESPONSE TO COMMENTS RECEIVED

### 8.1 George N. Sommero

Comment: Approval of further subdivision in an environmentally sensitive area runs counter to the letter and spirit of the adopted Community Plan, and will set an undesirable precedent for further such requests. In addition, further loss of wildlife habitat in the canyon will have a devastating effect on the small mammal populations.

Response: Concern that the lot split approval might promote similar such requests, and thus cumulatively adversely affecting other portions of the City was specifically assessed by staff and appended as Section 4.6 to this final report. It concluded that similar instances are rare where all necessary conditions exist within a predominantly built up area to be concerned with the precedence affect of this lot split approval. No change was made to the draft Environmental Impact Report concerning loss of canyon wildlife habitat, since the proposed residence is recommended to be sited on the already graded upper portion of the site, well away from the more environmentally sensitive canyon sides. There would be no loss of significant vegetation or habitat if the location of the residence is restricted per conditions recommended in Section 5.2 of this report.

### 8.2 Molli and Arthur Wagner

Comment: A variance to reduce the 25 foot rear yard requirement will adversely impact our adjoining property. The proposed residence may also adversely affect our view of the pinnacle, and possibly contribute to the pinnacle's rate of erosion.

Response: The impact of the proposed residence on the Wagner's view of the pinnacle cannot be accurately assessed until the exact siting and elevation drawings of the house have been prepared. These drawings will not be prepared until the Environmental Impact Report and suggested mitigation measures are finalized. The new residence will require View review by the Design Review Board, which will give the Wagner's full opportunity to address this concern during the Design Review Board proceedings.

The erosion of the pinnacle is addressed in various sections of this report, with the conclusion that the design of the residence and water diversion devices may

actually arrest the normal erosion rate of the pinnacle. Without such mitigation measures, total erosion of the pinnacle will occur at a faster rate due to natural forces and unrestricted human interference.

The impact of a rear yard modification is dependent on the proposed height of the structure, the amount of yard modification requested, etc. These concerns will be specifically addressed during deliberations on the rear yard variance application.

8.3 Charles D. Keeling  
Joseph H. Lang

Comment: The conclusion that the impact of the proposed lot split on open space sensitivities could be mitigated by careful planning, and that the proposal is in conformity with the General Plan, is not supported by the facts. The General Plan is not limited to protection of "public views", but rather is meant to protect scenic vistas from both private and public areas. The "view corridor" includes all the scenic features of the site.

The report ignores the General Plan criterion: "require any construction above canyon to be setback from steep slopes of canyon." The impact of a required retaining wall on the open space character of the canyon was not discussed. The study makes no mention of establishing a scenic easement. The plan specifies that unique land forms and steep slopes should remain intact wherever possible; the EIR should therefore review the requirement of setbacks above the canyon. The proposed residence would violate Community Plan criteria and zoning setback standards. No nearby properties enjoy the privilege of substandard setbacks. The report does not sufficiently examine the "spirit" of the General Plan, embodied in its text, goals, objectives and policies. The Plan should not be narrowly construed until the implementing mechanisms to carry out the open space program are underway. The Plan objective to "secure sufficient land as permanent open space to preserve intact the...significant natural environmental characteristics of Del Mar" is not mentioned in the report. This objective intends to preserve this canyon intact. The study lacks precise mitigating measures that could be taken. It defers some studies, such as grading, soil testing, etc. until after the lot split has been approved; whereas the Municipal Code requires a preliminary soils report and grading plan prior to such approval. Such deferral prevents the public and City from determining the actual impact of the proposal. The most important environmental threat is not discussed: that matter of cumulative effect and the

precedent it would set. Such future lot splits would drastically alter the North Hills District in gross violation of the Plan objective to preserve the "unique environment, low density character and quality of life within Del Mar."

Response: In brief, three areas of concern are apparent in this comment:

1. That the project is not consistent with the adopted General Plan; i.e., that the new residence would adversely affect private views of the property, that the canyon would be inadequately protected as a habitat and scenic vista, and that the Plan calls for the open space character of the site to remain intact;
2. That the mitigation measures suggested in the report are inadequate; i.e., it does not require a scenic easement, specific canyon setback, or specific information (such as soils report) prior to tentative map approval; and
3. That the cumulative impact of approving the lot split has not been addressed.

Many of the above cited concerns initially lacking in the Draft Environmental Impact Report have been inserted into the final report. For instance, the mitigation measures have been substantially strengthened (Section 5.2 now includes specific recommendations for a driveway alignment, provides for a scenic easement as per the General Plan recommendation, and provides that the new residence be located on the existing graded area, setback beyond the canyon wall's angle of repose.) Possible cumulative impact is addressed in the new Section 4.6, however, it concludes that an approval of this lot split will not result in a rash of similar applications as suggested here. In fact, the criterion necessary to satisfy lot split requirements in previously built-up areas can be achieved only in unusual cases. City action, approval or denial, in this circumstance will not preempt the City's ability to take a different action under different circumstances. Thus, an approval of this lot split will not cumulatively affect other properties in the North Hills District of the City.

The contention that any development of the property would be inconsistent with the General Plan is not supported by fact. Indeed, the Plan sets forth specific "development criteria" which should be considered when the property is developed. These criteria are enumerated in this report, and have been instrumental in formulating the mitigation measures outlined in Section 5.2. The General Plan objective to "secure sufficient land as permanent open space to preserve intact...natural environmental characteristics of Del Mar" is obviously meant to establish a basis for the acquisition program--not to prevent future development on all 20 of the "sensitive" properties

listed on pages 34-40 of the Plan. The few properties that are meant to be purchased are listed on page 41 of the Plan; this property is not included on that list.

All information required by subdivision regulations prior to approval of a Tentative Map will be required here. Additional detailed information is not required for an accurate determination as to whether the proposed project poses a significant environmental impact.

Reports available from  
City Planning Department  
1552 Camino del Mar  
Del Mar, California

  
\_\_\_\_\_  
WILLIAM T. HEALY  
Planning Director

August 3, 1976  
\_\_\_\_\_  
Date of Draft Report

October 12, 1976  
\_\_\_\_\_  
Date of Final Report

# ATTACHMENT G

Dear City Council Members and Neighbors,

April, 2025

Thank you for the opportunity to review the boundaries of the Scenic Easement on our property at 1201 Cuchara Dr. We initiated this project over 5 years ago at the encouragement of Dwight Worden, and we're grateful for the continued support and time dedicated to partnering, reviewing, and revising our proposal by the City, the Planning Commission and our neighbors.

As drawn, the current Scenic Space Easement (established in 1978) is highly restrictive, covering our entire property, and inconsistent with the boundaries established for it in the Community Plan. Unfortunately, it does not afford us the opportunity to build outside of the current envelope of our existing home even though there is adequate space, we are well below our FAR, and the intention of the easement was to preserve specifically the South boundary of our property and the community's view of that canyon and the Pinnacle.

Unfortunately, over the last few years, we've had to confront the reality of providing care for our aging parents. We've spoken with friends and neighbors in similar circumstances who have either expanded the footprints of their homes or built accessory dwelling units as an option to provide housing to family members and caregivers. We are requesting to modestly modify the boundaries of the Scenic Space Easement adjacent to our home and driveway, with little impact on the open space or natural resources to provide us the opportunity to build an accessory dwelling unit.

A little background on our family. . .we originally moved to Del Mar nearly 35 years ago, attended college at UCSD, and immediately fell in love with the city during our time here. Our daughter was born in town 16 years ago and is currently a sophomore at Torrey Pines HS. As long-time residents of Del Mar, it's unique character and culture are special to us. One of the primary features that drew us to our home was the open space provided by the canyon to the South and the beautiful sighting alongside the sandstone outcropping known as the 'Pinnacle'. We will continue to care for those landmarks for the benefit of both our family as well as the community, as we have for nearly 10 years.

We've worked closely with the City to understand the potential impacts of this modification, and hired experts who are known and trusted in Del Mar to help us analyze the viability of our plan. Sowards & Brown Engineering, GEI Consultants (soil engineering), and SWCA Biologists have all thoroughly assessed the property and provided the Scenic Easement Exhibits, a Feasibility Study, and an Environmental Assessment and recommendations respectively. We believe strongly, that after several iterations and years working on the proposal, we've landed on a solution that is consistent with Community Plan's original intent, allowing us to potentially build an ADU while ensuring the long-term viability of the sandstone outcropping and preserving the natural open space to conserve the integrity of the neighborhood and its view of the Pinnacle.

Our proposal incorporates the feedback from the City Planning Department, City Attorney's Office, our neighbors, and the Planning Commissioners, and we're again grateful for their support and endorsements. The Planning Commission outlined a few conditions in their unanimous recommendation to approve our proposal, which takes those into account, and we have every intent to follow them, whether they are officially adopted or not.

Fortunately, all of the Planning Commissioners were able to visit our site in person to gain further insight and understanding of our plans and how we've strived to mitigate the impact to the open space and our neighborhood as much as possible. We invite and encourage the Council Members to do the same, and we will make ourselves available and work around any scheduling restrictions they might have if they choose to do so.

Thanks again for your time, sincerely,

The Weber Family

[mark@craftedforlife.com](mailto:mark@craftedforlife.com)

619.517.0607

Alison and Amit Hazan  
629 Rimini Rd. Del Mar, CA 92014

Del Mar Planning Commission  
City of Del Mar Town Hall  
1050 Camino Del Mar, Del Mar, CA 92014

RE: Support for Mark and Laura Weber ADU Project and Tree Removal - Del Mar Commission  
Agenda Item #2

To Whom it may Concern:

We are the owners/residents of 629 Rimini Road and we are writing to express our wholehearted support for the [proposed](#) Accessory Dwelling Unit (ADU) project by our neighbors, Mark and Laura Weber, located at 1201 Cuchara Drive in Del Mar.

In addition to our desire to support the ADU for the clear benefit of their family, our support for this project is particularly underscored by the necessity of removing several large eucalyptus trees on their property. As concerned residents and parents of two young children (ages 7 and 11) who often play near these trees (our property line literally runs into the adjacent canyon and the kids are there often to retrieve balls), we are well aware of the potential dangers associated with eucalyptus trees, both due to the fire risk they pose and also as highlighted by recent falling branch incidents reported in local news sources. These specific trees on the Weber property have grown to be quite substantial and thereby now pose a real risk to our neighborhood.

For instance, the news article on Fox 5 San Diego (<https://fox5sandiego.com/news/local-news/eucalyptus-trees-topple-onto-scripps-ranch-condo-building/>) details a distressing incident where eucalyptus trees toppled onto a Scripps Ranch condo building, posing a significant risk to the residents. Additionally, the CBS 8 report (<https://www.cbs8.com/article/news/local/working-for-you/falling-eucalyptus-trees-posing-danger-ucsd-students-and-their-families/509-b3c1ee73-346c-4b1f-85ff-de2e9912d4e1>) highlights the dangers of falling eucalyptus trees, specifically posing a threat to UCSD students and their families.

The urgency of the matter is further underscored by the tragic incident reported by Fox 5 San Diego (<https://fox5sandiego.com/news/local-news/tree-falls-on-woman-in-balboa-park/>), where a tree fell on a woman in Balboa Park, resulting in a loss of life. This unfortunate event emphasizes the serious and potentially fatal consequences of not addressing the risks associated with unstable trees in our community.

These incidents serve as stark reminders of the potential harm and safety risks associated with eucalyptus trees. Given these concerns and the proximity of these trees to our homes, especially where young children are regularly playing, we believe the removal of these trees as part of the Weber's ADU project is not only justified but imperative for the well-being of our community.

We trust that the Planning Department will carefully consider the safety concerns raised by the removal of these hazardous eucalyptus trees during the evaluation of this project. We

Alison and Amit Hazan  
629 Rimini Rd. Del Mar, CA 92014

appreciate your attention to this matter and your commitment to ensuring the safety and welfare of our community members.

Please feel free to contact us if you require any additional information or if we can be of assistance in any way during the evaluation of this project.

Thank you for your time and consideration.

Sincerely,

Alison and Amit Hazan  
629 Rimini Rd

**From:** Warren Kneeshaw <wkneeshaw@hotmail.com>  
**Sent:** Saturday, March 2, 2024 9:12 AM  
**To:** mark Weber  
**Subject:** Planning Commission Application

Mark and Laura,

Thank you for briefing us on your project. We are fully supportive. In particular, we agree with the Planning Commission that this change will have minimal environmental impact. Further, given that we reside in a “Wildland – Urban Interface” zone, the removal of Eucalyptus trees would actually reduce fire hazard risk for the community. Of note, Eucalyptus trees are not indigenous to California, and are not on the recommended tree list of the City of Del Mar.

Thanks, and best of luck with your project.

Warren and Leslie Kneeshaw  
692 Rimini Road,  
Del Mar, CA

**From:** Jim Blasingame <jamespblasingame@gmail.com>  
**Sent:** Saturday, March 2, 2024 7:38 PM  
**To:** Mark Weber  
**Subject:** Note to Mark Weber regarding new ADU project 1201 Cuchara

March 2, 2024

Mark,

Thanks for coming over last evening and discussing your planned ADU. As you note, the planned location has moved back to the site originally selected. From your description we have no concerns regarding view limitations or appearances of the structure. We are happy to support your efforts and are willing to convey this to the City of Del Mar. You may forward this to the City if you wish, or I can communicate directly with the City. At one point, the City told me that there was a “no build” easement on that area, but when pressed by me, they could not come up with it. I did find that somewhat odd at the time but, easement or not, we support your project as long as we clearly address our concerns regarding our utilities now and in the future.

As you know, what is now three lots was originally one lot with our house. As such the gas, sewer, and water lines all ran to our house from Cuchara, even though our address is on Rimini. Electricity was only recently undergrounded. I do not have clear drawings of the location of all these lines.

Our concerns, as discussed last night and back in 2020, have to do with these utility lines. The first concern is that they be appropriately engineered and relocated to avoid your structure. The second concern is the expense of future repairs to any of the lines given that they may be close to the ADU and now run under a cement driveway versus simply dirt. We would need some sort of legal agreement that we or the future owners of our property are protected from the increased cost of repairs or mandated upgrades given the course of the lines.

Thanks

Jim and Laurie Blasingame

**From:** Rick Lasch <dmslash@gmail.com>  
**Sent:** Tuesday, March 5, 2024 9:22 AM  
**To:** one.binc@gmail.com  
**Subject:** 1201 Cuchara project

Del Mar Planning Commission / City Council

It is the purpose of this letter to support Mark and Laura Weber in their proposed project at 1201 Cuchara Dr.

We have lived on Cuchara Dr for over 60 years so know the neighborhood intimately.

I have known Mark and Laura for many years. Having seen the care and attention given to all their endeavors, I am confident that this project will be in keeping with the character of Del Mar and a very positive addition to neighborhood.

Sincerely,

Rick Lasch and Family  
1130 Cuchara Dr

**From:** mark weber <one.binc@gmail.com>  
**Sent:** Wednesday, September 4, 2024 9:39 AM  
**To:** Jean Crutchfield  
**Subject:** FW: 1201 Cuchara Drive

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Jean.

Hopefully a couple more to come, but here's another letter of support. This is from Josie Michalak, who overlooks our house / the Pinnacle / and the canyon running between us from the Amphitheatre side.

Thanks,  
mark

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**From:** Josie Michalak <[jmichalak2017@gmail.com](mailto:jmichalak2017@gmail.com)>  
**Date:** Wednesday, September 4, 2024 at 9:04 AM  
**To:** [one.binc@gmail.com](mailto:one.binc@gmail.com) <[one.binc@gmail.com](mailto:one.binc@gmail.com)>  
**Subject:** 1201 Cuchara Drive

Del Mar Planning Commission/City Council,

I am writing to express our full support for Mark and Laura Weber and their project on 1201 Cuchara Dr.

Mark has gone over the plans with us in detail. Our home on Amphitheatre backs up to the shared "Wildlands - Urban Interface." We are confident that the Webers will give great detail and attention to the project and are not concerned with the removal of a couple of trees.

Thank you for your commitment to Del Mar. We are confident that this will only increase the property values of the community without disturbing any of the beautiful aesthetics of the property.

All the best,  
Josie and Chris Michalak  
574 Amphitheatre Dr  
Del Mar, CA 92014

**From:** juliepinney@aol.com  
**Sent:** Tuesday, March 5, 2024 1:20 PM  
**To:** planning@delmar.ca.us  
**Cc:** Mark Weber  
**Subject:** PLANNING COMMISSION, ITEM 2, 1201 Cuchara

Honorable Members:

We are writing to support the Planning Commission's recommendation to the City Council that they approve amending Map RM22-001 and CDP24-0121 and to modify an open space easement by amending Parcel Map TPM-77-03. This amendment would give the applicant more useable area to develop WITHOUT changing the size of the lot.

The proposed ADU development is nicely sited on the lot and it makes a lot of sense to modify the open space easement in order to use some of it. As an additional benefit, a few very old and large eucalyptus trees will be removed, leaving some in place, and thus reduce the potential fire hazard that has increased here in Del Mar over the years since this Map was created. This is an area with many trees that only increase this risk for the "hill"

Thank you for your consideration!

Charles and Julie Pinney  
727 Kalamath Drive



**From:** Joan Goodman <joanchristina@msn.com>  
**Sent:** Thursday, September 5, 2024 1:06 PM  
**To:** Planning Mail Box  
**Subject:** 1201 Cuchara Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Hello - I live at 538 Amphitheatre Drive and overlook the easement you are amending. I obviously do not have a clear picture of how this change will affect my enjoyment of my property as there were no details in the notice you provided. I just wanted to say that I very much appreciate the open space next to my house and have a lovely forested view out of my principal suite. I would not be happy if that was substantially changed. Thank you. Joan Goodman



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Martin Boyd, Principal Engineer  
Joe Bride, Public Works Director  
Via Ashley Jones, City Manager

DATE: April 21, 2025

SUBJECT: Undergrounding Program Update, Utility Undergrounding District 1A (Stratford Court South) San Diego Gas & Electric Cost Agreement, Approval of Task Order Amendment with Utility Specialists Southwest, Inc. for Utility Undergrounding District X1A (Crest Canyon), and First Amendment to the Agreement with Utility Specialists Southwest, Inc.

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council:

- 1) Receive an Undergrounding Program update from City staff with construction updates for Utility Undergrounding District (UUD) 1A (Stratford Court South);
- 2) Approve the San Diego Gas & Electric (SDG&E) Cost Agreement for UUD 1A (Stratford Court South) with a cost of \$1,592,881 (Attachment A);
- 3) Approve a Task Order Amendment (Attachment B) with Utility Specialists Southwest, Inc. for UUD X1A pre-construction services;
- 4) Approve the First Amendment to the Agreement with Utility Specialists Southwest, Inc. for as-needed specialized electrical engineering services (Attachment C);
- 5) Authorize the City Manager to execute the SDG&E Cost Agreement, and Utility Specialists Task Order and Agreement amendments; and
- 6) Amend the Fiscal Year 2024-2025 Operating and Capital Budget as described in the Fiscal Impact section below.

## BACKGROUND:

The City of Del Mar continues to implement the citywide Undergrounding Program (UP), which will remove utility poles and replace overhead cables for electricity and telecommunications with underground lines. A map of the planned citywide Utility Undergrounding Districts (UUDs) is included with this report as Attachment D. On July 12, 2021, the City Council authorized the formation of Stratford Court South (1A) and Crest Canyon (X1A). On October 16, 2023, the City Council authorized the formation of Stratford Court North (1B).

Following the public bid solicitation process in mid-2024, the City awarded a construction contract to Teichert Utilities for Stratford Court South (1A) on July 8, 2024. A notice to proceed was issued in August 2024, with an estimated construction completion date of

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## City Council Action:

March 2025. The City's undergrounding construction activities are primarily for trenching and installation of conduit and substructures. Additionally, completion of the project necessitates close coordination with the utility companies – SDG&E, AT&T, and Charter Communications/Spectrum.

For Crest Canyon (X1A), SDG&E and the City are preparing for the bidding process with construction expected to begin in fall 2025, pending the availability of financing. For Stratford Court North (1B), the design is currently at 60% with SDG&E with construction anticipated in 2027 depending on available funding.

On March 3, 2025, the Council passed a motion to direct staff to submit a pre-application to IBank for a \$17 million loan over a 10-year borrowing term and directed staff to bring back the required Borrower's Resolution for Council consideration. Additionally, staff was directed to evaluate a \$15 million loan over a 15-year borrowing term with the goal of keeping completion of Stratford Court North (1B) on schedule to occur in 2027.

#### DISCUSSION/ANALYSIS:

##### ***Stratford Court South (1A) Project Updates***

- A. General Updates. The City's construction activities are progressing mostly on schedule with substantial completion expected this month. Property owners are progressing with the installation of service lateral conduits with most on track for overall completion by May 2025.

On March 3, 2025, City Council established the date of May 14, 2025, by which properties must be ready to receive underground service in the district. The next step after all property owners' complete installation of their lateral conduits is for the utility companies to complete the installation of their wires underground and then proceed with removing the utility poles.

Telecommunication companies are currently working in work zone 1 and will begin construction in work zones 2 and 3 soon. SDG&E plans to begin their construction activities in May 2025, following the conclusion of their bidding process in April 2025. SDG&E's current schedule anticipates energization of the new system by September 2025 with pole removals following soon after for overall project completion in Fall 2025. Furthermore, staff will return with a subsequent resolution to establish the date by which all overhead facilities, including utility poles, overhead wires, and associated overhead structures in the UUD shall be removed.

- B. Project Coordination and Public Communications. The project involves multiple forms of coordination and communication, as it includes more stakeholders than a typical capital project. These stakeholders include the City project team, City staff, the City contractor (Teichert Utilities), utility companies (SDG&E, AT&T,

Spectrum/Charter, and Crown Castle), property owners with laterals, and residents in general. The City project team consists of the Undergrounding Program manager and consultant construction managers, and other City staff include the City's arborist and utility workers. There are fifty-four properties (which include seventy-four homes or buildings) requiring undergrounding of their private service lateral. Additionally, there are 464 residences within the district and the Winston School. Managing these multiple stakeholders requires careful planning and constant communication.

Staff has employed a multi-faceted public communications approach to reach out to residents in the district. After the construction contract is awarded by the Council, staff sends a project update letter to notify the district of the upcoming construction and schedules a neighborhood meeting. The neighborhood meeting provides residents with an overview of what to expect during construction and to address any questions they may have. Prior to construction, the contractor distributes door hangers with the anticipated project schedule. For road and driveway closures, a forty-eight-hour notice is typically required. However, Teichert Utilities has been accommodating local access with just fifteen to thirty minutes notice.

Staff also posts monthly construction notices on the City's website (<https://www.delmar.ca.us/913/Construction-Updates>) and sends e-blasts via the City's Notify Me system (<https://www.delmar.ca.us/list.aspx>) for the "UUD 1A Stratford Court S Project." Additionally, the project team coordinates and provides specific notices to property owners requiring the undergrounding of their private service laterals.

Overall, staff has received positive feedback regarding professionalism, communications, and friendly demeanor of the project team and Teichert Utilities. Teichert Utilities has noted that most residents are also friendly and understanding of the construction, which reflects the proactive communication efforts made by the project team prior to construction to help residents understand what to expect.

However, no project is without some challenges. Coordination with the Winston School and Del Mar Community Connections (DMCC) should have been better, particularly regarding driveway closures, which require careful planning on their end for school pick-up/drop-off and DMCC access. Moving forward, the project team will coordinate with special property uses during design to identify their needs and avoid coordination issues during construction.

Additionally, there has been some frustration in coordinating with residents regarding trees and landscaping that require trimming or removal in front of their properties. To address this, the project team will plan for early coordination and landscaping details discussions with residents during construction. In addition,

staff has developed a building information document (Attachment E) for property owners requiring the undergrounding of their private service laterals to address confusion about the building permit requirement. Lastly, with ongoing construction, some residents are experiencing construction fatigue and have expressed frustration over the prolonged work. However, this is an inherent challenge with large-scale projects.

- C. Teichert Utilities Construction Crews. The following is a description of how Teichert Utilities organizes its construction crews for informational purposes. At the top, a project manager oversees the entire project, including contract administration. Reporting to the project manager is a superintendent, who is responsible for overall field construction and supervises the various crews. The project manager and superintendent work closely with the City's construction managers and Undergrounding Program manager, holding weekly meetings to ensure coordination and project success. Each crew is led by a foreman who manages a team of laborers. Crews typically range from 3 to 10 members and are assigned to specific tasks such as trenching, traffic control, surface improvements, and restoration. At peak times, there were up to 31 crew members on-site. The primary crew is the trenching crew, which consists of machine operators, manual laborers, and trucking personnel. Machine operators handle excavators, backhoes, roller drum compactors, and jumping jack compactors. Manual laborers perform tasks such as hand digging trenches and potholes, chipping structures, placing conduit and substructures, spreading base material, paving asphalt, and placing cold mix. Trucking personnel use 10-wheelers to haul away spoils. Surface improvement and restoration crews perform tasks such as constructing retaining walls, flatwork, curbs, gutters, resetting of traffic signs, irrigation repairs, and hydroseeding.
- D. Challenges and Unforeseen Field Conditions. The project has encountered numerous challenges and unforeseen field conditions throughout its progress. Attachment F preliminarily outlines the challenges encountered and lessons learned. Utility conflicts have included abandoned water mains and encasements, unmarked and abandoned utilities, conflicts with SoCal Gas, and sewer force main issues. Additional challenges included the timing for the Storm Water Pollution Prevention Plan (SWPPP), the need for AT&T Christy boxes at intercepts, additional handholes, retaining walls interfering with anchor placements, and vandalism of concrete work. However, Teichert Utilities has collaborated effectively with the City to address these issues, requiring careful navigation and creative solutions. Fortunately, the sequencing of work zones was planned from less to more challenging, allowing the team to adapt as the project progressed.

Unforeseen field conditions often lead to change orders. If a change order requires significant plan modifications, SDG&E requires a field change order (FCO) (i.e., design revisions). Processing these FCOs has proven challenging, as SDG&E may require up to seven weeks for approval. Additionally, if a change order results

in net additional work, the City must process an additive change order for the associated costs. The City has primarily incurred costs for change orders related to utility conflicts, additional exploratory potholing to locate unknown utilities, and additional Christy boxes and handholes. The most significant change order involved a 20-inch abandoned water main running the full length of Stratford Court, with one segment encased in concrete. Fortunately, staff identified a solution that avoided the need to remove the water main, saving the City approximately \$300,000.

The project team has successfully avoided other additive change orders by identifying issues through exploratory potholing and processing SDG&E field change orders before Teichert Utilities proceeded with construction in certain segments. These included realignments in Little Orphan Alley, Melanie Way, and portions of Stratford Court. Since the work did not result in significant changes, additional costs were avoided, aside from those associated with additional exploratory potholing. Furthermore, Teichert Utilities has worked closely with the project team to adjust the construction schedule, mitigating delays and thus avoiding additive change orders.

While unforeseen field conditions always pose some risk, the City allocates project contingency to manage such risks. The City has set aside a 10% project contingency (\$511,531) for change orders, with only an estimated 2.5% spent so far. However, it is important to note that there is a 60-day lag time on invoices. Strategic decision-making has been essential in minimizing costs and delays, ensuring the project progresses efficiently.

On January 6, 2025, staff and SDG&E presented the SDG&E Roadmap and Lessons Learned to the City Council. For additional lessons learned during design, please refer to the agenda report ([Item 7 – UP SDG&E Roadmap staff report](#)). Staff plans to schedule a debrief with the UPAC and City Council upon the completion of the project.

### ***Stratford Court South (1A) SDG&E Cost Agreement***

SDG&E provided the Stratford Court South (1A) cost agreement to City staff on April 4, 2025, with a final pre-construction estimate amount of \$1.6 million (Attachment G), which is the initial cost due to SDG&E. The City's contract with SDG&E is based on actual cost billing for the installation of cable and connections, service cutovers, pole removals, and engineering and inspection fees. The City is responsible for trenching and the installation of conduit and substructures. As part of the actual cost billing process, SDG&E provides the City with an initial estimated cost invoice prior to construction, followed by a final reconciliation invoice based on actual costs after construction is completed.

In March 2024, SDG&E provided the City with a pre-bid cost estimate of \$3.6 million (Attachment G). Thus, the initial estimated invoice for Stratford Court South (1A) is \$2

million less, or 55% lower, than the pre-bid cost estimate. Furthermore, SDG&E's initial estimated invoice represents \$145 per linear feet of trench.

For the Tewa Court/10th Street project, SDG&E's final reconciliation invoice was 66% higher than the initial estimated invoice. However, the Tewa Court/10th Street project was small enough for SDG&E to bill on a time-and-materials basis, whereas the upcoming districts, including Stratford Court South (1A), are large enough where they will obtain fixed bids. The fixed bid process will offer more control over reconciled costs, as any changes in costs will be limited to change orders due to unforeseen field conditions, the need for specialty inspections, or other unanticipated costs during construction. SDG&E also includes a 15% contingency in the initial estimated invoice to account for change orders.

For comparison, SDG&E's final cost for the Tewa Court/10th Street project was \$244,595, which represents \$182 per linear feet of trench. The California Construction Cost Index (CCCI) has increased by 21% since the approval of the Tewa Court/10th Street SDG&E cost agreement in February 2022. When applying the CCCI increase, the cost per linear feet of trench is adjusted to \$219. As such, SDG&E's initial estimated invoice for Stratford Court South (1A) is 34% lower than SDG&E's final Tewa Court/10th Street costs on a linear feet of trench basis when adjusted for inflation. However, it is important to note that this metric is a simplified view, as multiple cost drivers (e.g., poles, transformers, homes, etc.) contribute to the overall cost.

For the next project, Crest Canyon (X1A), SDG&E provided a pre-bid cost estimate of \$4.9 million (Attachment H). Given that SDG&E's initial estimated invoice for Stratford Court South (1A) is 55% lower than the pre-bid estimate, staff believe the pre-bid cost estimate for Crest Canyon (X1A) is conservative and will ask SDG&E to re-evaluate the estimate based on the most recent bid results. For comparison, an estimate of \$3.3 million has been developed by staff using the SDG&E costs from Stratford Court South (1A), with a 30% contingency and one year of inflation applied. Note that, unlike Stratford Court South (1A), Crest Canyon (X1A) includes cable poles, and as such, this specific line item of the SDG&E cost estimate remains unchanged. Regardless, the results of the Crest Canyon (X1A) bidding process, for both the City and SDG&E, will serve as another milestone in refining the program cost estimate.

For the Undergrounding Program, the overall program estimate will significantly decrease, as staff's original SDG&E estimate for future districts was based on the Stratford Court South (1A) pre-bid estimate on a per linear feet basis for overhead or trench, if available. The updated cost estimate for the Undergrounding Program, using the revised SDG&E costs for Stratford Court South (1A), now ranges from \$91.4 to \$93.0 million, adjusted to the current year (2025), as shown in Attachment I. This represents a reduction of \$15.6 million to \$17.2 million compared to the previous cost estimate, once adjusted for inflation to the current year. However, the Undergrounding Program estimate will be revisited based on the results of the Crest Canyon (X1A) bidding process for both

the City and SDG&E, as well as once specific estimates are developed for Stratford Court North (1B).

The total project cost for Stratford Court South (1A) is now estimated at \$8.06 million, reflecting the cost decreases related to SDG&E. Attachment J includes a budget summary reflecting the estimated project costs from initial district formation to the current estimate for comparison. The cost estimate still includes a 10% project contingency to cover change orders due to unforeseen field conditions, need for specialty inspections, or any other unanticipated costs during construction. The estimated cost per linear feet of overhead conversion is now \$1,075, while the estimated cost per linear feet of joint trench is \$722. This includes the cost of required professional services during the design phase in preparation for the bid process, cost for construction, costs paid to the utility companies for their engineering fees and construction work, and the cost for third party construction management services during construction.

***Crest Canyon (X1A) and Stratford Court North (1B) Project Updates***

The design for Crest Canyon (X1A) is complete and SDG&E has received all necessary easements. SDG&E's bidding process will take approximately five months, after which the City will receive the cost agreement with a preliminary invoice. Based on this timeline, staff currently estimates a City construction contract award and the SDG&E cost agreement by September 2025. Concurrently, staff is also working on finalizing easements for AT&T and Spectrum/Charter. Staff is also preparing what is expected to be the final Utility Specialists task order amendment to wrap up pre-construction services in preparation for bidding and construction.

The 60% design for Stratford Court North (1B) has been submitted by SDG&E. Staff and the consultant team are now working on next steps including formal design review; environmental review; extensive homeowner outreach; distribution of preliminary lateral and easement exhibits for homeowners to reference along with permit-to-enter forms for signature; and preparation of the City civil and telecommunications design. Completion of upcoming preconstruction and bidding activities will cumulatively take approximately 13-18 months with construction anticipated in 2027, contingent upon the City receiving the necessary easements and permit-to-enter forms from property owners.

***Crest Canyon (X1A) Task Order Amendment and First Amendment to the Agreement with Utility Specialists***

A Task Order Amendment for Utility Specialists Southwest, Inc. is necessary to cover the cost of additional pre-construction services for UUD X1A. The additional pre-construction services include costs related to additional time for civil improvement plan revisions and enhanced communication and coordination with residents and SDG&E during the pre-construction phase. This includes preparation and additional revisions of homeowner lateral and easement exhibits, frequent updating of homeowner database, homeowner communications, and coordination with SDG&E beyond what was originally anticipated.

The City previously allocated funds and issued a task order to Utility Specialists Southwest Inc. for pre-construction activities related to UUD X1A. To continue implementing the Council's prior direction related to enhanced coordination/communications with residents prior to construction for the UP, the task order with Utility Specialists needs to be amended and increased funding authorized. The proposed UUD X1A task order amendment is for \$16,960, raising the task order total to \$910,652 (5.4% of estimated project cost) for preconstruction activities, which are further described in Exhibit A to Attachment B. Attachment K includes a budget summary reflecting the estimated project costs from initial district formation to the current estimate for comparison.

Due to an administrative oversight, the contract with Utility Specialists expired before an extension was executed. However, the work remained critical to the implementation of the UP and continued without interruption to prevent delays. For these reasons, staff recommends retroactive approval of a First Amendment to the Agreement to extend the term for an additional one-year period ending on December 16, 2025. Staff will release a Request of Proposal (RFP) for Design Services in September 2025, and execute a subsequent agreement to continue the work after the expiration of this Agreement.

***Undergrounding Program Financing Updates***

Staff is preparing the IBank loan pre-application packet as directed by the City Council with the goal of submitting it to IBank by the end of April 2025. Staff will return to the City Council at a future meeting to provide the required Borrower's Resolution related to the financing for consideration. Furthermore, staff will also return with an updated cash flow analysis for Crest Canyon (X1A) and Stratford Court North (1B) based on the recent updates from SDG&E for Stratford Court South (1A).

**FISCAL IMPACT:**

Approval of the recommended San Diego Gas & Electric (SDG&E) Cost Agreement for UUD 1A (Stratford Court South) (Attachment A) will require amending the Fiscal Year 2024-25 Capital Budget in the amount of \$1,592,900 as follows:

<b>PROJECT</b>	<b>FUND</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
UUD 1A – Stratford Court South	Measure Q	02.7000.7202	\$1,592,900
<b>Total Funding</b>			<b>\$1,592,900</b>

There are sufficient funds available in the Fiscal Year 2024-25 Capital Budget for the Crest Canyon (X1A) project to perform the \$16,960 in additional pre-construction work included in the proposed task order amendment without an amendment to the budget.

**ENVIRONMENTAL IMPACT:**

Pursuant to requirements of the California Environmental Quality Act (CEQA), a Notice of Exemption (State Clearinghouse No. 2023120205) for the Utility Undergrounding District 1A- Stratford Court South was adopted by Council on December 4, 2023. The agreement

currently being considered to allow SDG&E to complete work within the project including the installation of cable and connections, service cutovers, and pole removals were considered as part of the scope of work covered in the exemption. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary in that there have been no substantial changes proposed involving new significant effects or an increase in the severity of previously identified effects; no substantial changes have occurred with respect to the circumstances under which the project is being adopted; and no new information has demonstrated that new significant effects will occur.

Pursuant to requirements of the California Environmental Quality Act (CEQA), a Notice of Exemption (State Clearinghouse No. 2024101301) for the Utility Undergrounding District X1A- Crest Canyon Undergrounding District was adopted by Council on October 7, 2024. The task order being considered for pre-construction work by Utility Specialists Southwest, Inc. falls under the scope of work considered for the exemption. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary in that there have been no substantial changes proposed involving new significant effects or an increase in the severity of previously identified effects; no substantial changes have occurred with respect to the circumstances under which the project is being adopted; and no new information has demonstrated that new significant effects will occur.

All other information covered in this staff report were updates which does not constitute a "Project" subject to CEQA Guidelines Section 15262 since there were no actions to be taken.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Utility Undergrounding is listed as a Tier 1 City Council priority for FY 2024-2025.

ATTACHMENTS:

- Attachment A - Stratford Court South (1A) SDG&E Cost Agreement
- Attachment B – Utility Specialists Southwest, Inc. Task Order Amendment
- Attachment C – First Amendment to Agreement with Utility Specialists Southwest, Inc.
- Attachment D - Undergrounding Program Citywide Map
- Attachment E - Undergrounding Building Permit Information
- Attachment F - Stratford Court South (1A) Challenges and Lessons Learned
- Attachment G - SDG&E Stratford Court South (1A) Final Cost Estimate
- Attachment H - SDG&E Crest Canyon (X1A) Pre-Bid Cost Estimate
- Attachment I - Undergrounding Program Cost Estimate
- Attachment J - Stratford Court South (1A) Budget
- Attachment K – Crest Canyon (X1A) Budget



Submitted to Applicant by: Ilario Romano  
SDG&E Job Number(s): 3-43700,  
3-43693,3-474221,3-474183  
3-474231,3-596846,3-474172

AGREEMENT FOR REPLACEMENT OF OVERHEAD  
WITH UNDERGROUND FACILITIES

THIS AGREEMENT, made and entered into, by and between SAN DIEGO GAS & ELECTRIC COMPANY, a corporation, hereinafter called "Utility", and City of Del Mar, hereafter called "Applicant(s)".

WITNESSETH:

WHEREAS, Applicant(s) are the owners, lessees, or others having a legal interest in those certain premises known as 20B CONVERSION - STRATFORD CT SOUTH, located along portions of STRATFORD CT, DEL MAR, CA 92014; and

WHEREAS, Applicant's desire that existing overhead facilities be replaced with underground facilities, and in consideration of the desirability and value which said underground facilities will add and contribute to the above premises;

NOW, THEREFORE, it is agreed by and between Utility and Applicants as follows:

1. Subject to the conditions hereinafter provided, Utility, upon obtaining satisfactory easements for any required rights of way, shall remove its existing overhead electric power facilities serving Applicants and shall replace these facilities with underground facilities, in accordance with its Rule 20.B for Replacement of Overhead with Underground Facilities as filed with the California Public Utilities Commission.
2. All work performed by the Utility and Applicants pursuant to this Agreement shall be in conformity with the General Conditions and the Specifications attached hereto and by this reference made a part hereof. Utility shall furnish underground electric service to the premises shown on Specifications and, upon completion of the work specified herein, Utility shall not furnish overhead electric service to any of such premises.
3. This Agreement shall become effective only upon compliance with all of the following conditions:
  - a) All Applicants shall execute this Agreement and shall perform all of the conditions herein contained.
  - b) All Applicants shall execute a companion agreement with each company, municipality, or agency that is a joint user with Utility of poles, or maintains other poles, within the area from which Utility's pole will be removed pursuant to Section 1, for providing communication service, traffic signals, police or fire alarm boxes, or street or safety lighting supplied by overhead wiring. Such agreement or agreements will provide for such service to be discontinued or converted and maintained through underground circuits or other appropriate and lawful means, so that all of said poles can be removed from the area within a reasonable time after Utility has removed its poles.
  - c) Applicants will, at their expense and in conformity with the Contract Documents as defined in the General Conditions, furnish and install the material, and facilities and perform the work indicated below by a check mark. The material facilities and work listed below which are not indicated with a check mark shall be furnished, installed and performed by Utility at Applicants' expense.

Excavation, backfill and compaction

Conduits

Concrete substructures

- d) Utility shall notify Applicants, in writing, of final acceptance of the work specified herein. Applicants hereby grant to Utility all facilities installed by Applicants pursuant to this Agreement, said grant to be effective upon receipt of Utility's written final acceptance.
- e) Each Applicant shall, at his expense, promptly provide any necessary changes to the existing facilities on his property so as to receive underground electric service at the points specified on the Specifications. The Applicants' work shall be in accord with Utility's Rule on Service Connections filed with the California Public Utilities Commission effective as of the date of this Agreement, and in accord with the Contract Documents. Underground electric service will not be supplied until all affected premises are equipped to receive electric service in accordance with said plan and specifications.
4. Receipt is acknowledged from Applicant(s) of \$ 1,592,881 which is an amount equal to the estimated cost of Utility's conversion work computed in accordance with its Filed Rule on Replacement of Overhead with Underground Facilities. Said amount includes any engineering fee or fees that may have been paid to Utility in contemplation of the work provided for in Section 2. Said amount also includes a credit of \$22,840 for the reinstallation of a concrete pad at 519 Stratford Ct. due to a design error attributable to SDG&E. The conversion work will be tracked and billed on an actual cost basis, meaning that all costs will be reconciled at completion of the work and SDG&E will bill or refund to Applicant any differences larger than \$100.
5. In the event any additions, rearrangements, or changes to the electric wiring are required or performed on Applicants' several premises, other than the work pursuant to Section 3.e) above, Applicants shall cause said additions, rearrangements, and changes to be made at their expense.
6. All wires, cables, conductors, conduits, ducts, connectors and appurtenances installed by Utility, or its agents, on the premises of Applicants, or elsewhere, and all facilities granted to Utility by Applicants, shall become and remain the property of Utility notwithstanding any payment made under this Agreement. Such facilities will be maintained and operated by Utility in accordance with its Rules for the Sale of Electric Energy on file with the California Public Utilities Commission.
- a) Utility shall be under no obligation to perform and complete the work undertaken by it pursuant to this Agreement until Applicants' obligations incurred pursuant to Paragraphs 3.b) and 3.e) of this Agreement shall have been fulfilled.
- b) If the Specifications attached hereto require the installation of new street lighting standards, Utility shall be under no obligation to remove and cease operating its overhead electric facilities nor to furnish underground electric service to any of the premises shown on the Specifications until said street lighting standards have been installed and energized.
- c) Utility at its sole election, may undertake to perform the work to be performed by it prior to the occurrence of the conditions specified in section 7. and subsection b) of this Section. The commencement of any such work by Utility under the provisions of this subsection shall not constitute a waiver of any of the requirements imposed upon any Applicants under section 7. or subsection b) of this Section, or under any other provisions of this Agreement.
- d) If any Applicants shall, within one year of the date of this Agreement, fail or refuse to comply with any of the conditions hereof or to perform all work required under the contracts executed pursuant to Paragraph 3.b) of this Agreement, Utility shall have the right to make such changes and to impose such further conditions upon the Applicants as may be necessary to protect its rights under any existing agreement for any increase in its costs of installation, and to provide in any other manner for the accomplishment of the purposes of this Agreement consistent with applicable rules, laws, ordinances and its contractual obligations hereunder.
7. Once Applicant has started to perform the work required by the Contract Documents, Applicants agree to exercise reasonable diligence in pursuing such work to completion within one year after the effective date of the Contract Documents. If such work has not been completed within one year after the effective date of the Contract Documents, Utility shall have the right, upon giving written notice to Applicants, to cancel and terminate the Contract Documents. Utility shall return to

Applicants, an amount equal to the above cash advance, minus Utility's costs. Utility's costs are defined as the actual cost (including but not limited to labor, materials and overhead) incurred by Utility prior to such cancellation and termination in connection with work done in furtherance of Applicant's project, plus the actual cost of removing any of the Utility installed facilities which Utility desires to salvage, minus the salvage value of such facilities. Upon exercise of this right to cancel and terminate, and upon payment to Applicants, all of Utility's obligations under the Contract Documents shall cease.

8. This Agreement shall at all times be subject to such changes or modifications by the California Public Utility Commission as said Commission may, from time to time, direct in the exercise of its jurisdiction.
9. All terms and situations heretofore made and agreed to by the parties in relation to said electric line replacement are set forth in this Agreement and no representation of any agent or employees shall be binding upon Utility except as expressed herein. Appendix A attached hereto is solely for use by Utility and nothing contained therein shall in any way alter or vary any term, condition or stipulation contained in this Agreement.
10. If Applicant is a corporation, partnership, joint venture or a group of individuals, the subscriber hereto represents that he has the authority to bind said corporation, partners, joint venture or individuals as the case may be. Each Applicant signing this Agreement agrees that he shall be jointly and severally liable under the terms of this Agreement with every other applicant signing the Agreement.
11. All of the terms and conditions of this Agreement shall be binding upon and shall insure to the benefit of the parties hereto, their heirs, administrators, executors, personal representatives, trustees, successors and assigns.
12. The Contract Documents shall become effective only upon the date signed by the authorized representative of Utility.

IN WITNESS WHEREOF, the parties hereto have individually executed, or have caused this Agreement to be executed for and on behalf of each, by and through their responsible agents, partners, or duly authorized corporate officers, as the case may be.

APPLICANT: CITY OF DEL MAR,  
a municipal corporation

SAN DIEGO GAS & ELECTRIC COMPANY,  
a corporation

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

By: \_\_\_\_\_

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

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

Address: 1050 Camino Del Mar,  
Del Mar, CA 92014





4429 Morena Boulevard  
 San Diego, California 92117  
 858.581.2250

Rev 4/15/2025

**City of Del Mar Undergrounding Program - Task Order #03d- District X1A Add Hours**

Task Order #03d includes additional services highlighted below from December 2024 through Bid package completion through September 2025

Task Order #03d Services - District X1A Crest Remaining to Complete										
Item #	Description	US Principal	KCM Principal	US Sr. PM	KCM Sr. PM	US Asst PM	KCM PM	KCM PE	Fuscoe	Total Cost
<b>1</b>	<b>City and Agency Coordination</b>									
a	Participate in by-weekly coordination calls with CDM staff - assumes a one-hour call every other week for 4 months with time divided between Districts 1A, X1A & IB.									\$0
b	Prepare agendas, draft and distribute minutes for by-weekly coordination calls.									\$0
c	Attend City Council hearings, if requested by City staff. Assumes attendance at two hearings plus travel.				0.0		0.0			\$0
c2	Attend quarterly UPAC meetings during design & bidding phases. Attendance at quarterly in-person meetings (3 EA), assist City staff with meeting preparation and follow up action items with time divided between Districts 1A, X1A & IB.									\$0
d	Prepare X1A status reports and other handout materials, as requested by City staff, for City Council hearings.						0.0			\$0
e	Assist staff with negotiations with SDG&E and other utility agencies - Assist in obtaining SDGE easements.									\$0
f	Draft and distribute meeting minutes for SDGE and utility meetings and site visits									\$0
g	Filing and document management.						0.0			\$0
h	Assist staff with AT&T and Crown Castle & Spectrum easement eminent domain material preparation.									\$0
i	*Prepare New Equipment Map and Boundary Map									\$0
<b>Subtotal City and Agency Coordination</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>\$ -</b>
<b>2</b>	<b>District X1A Design</b>									
a	Surveying & Mapping									\$0
b	Concept Layout									\$0
c	Design Coordination for Public ROW									\$0
	* Develop design and construction schedules. Update design schedule periodically. 1/2 hour /week.									\$0
	* Prepare exhibits/technical documents for Phase 3: as required. 743 Crest Rd, "IF" needed, as directed by CDM.									\$0
	* Easement coordination; Permit To Entry (PTE); includes communications/meetings with homeowners as necessary to obtain executed SDG&E and City easements, includes driving time. Compile PTEs and distribute to SDGE. At the direction of City Staff						0.0			\$0
	* Coordinate with homeowners on AT&T & Crown Castle fourteen (14) total easements									\$0
d	Design Coordination for Private lateral extensions									\$0
	* Revise exhibits/technical documents for Phase 3									\$0
e	50% Civil Design - complete.									\$0
f	100% Civil Design: Allowance for Plats & Legals for Retaining Wall Easements									\$0
g	Improvement Plan Processing								\$5,000	\$5,000
h	Allowance for other design support services, as requested.									\$0
i	Filing and document management. Exhibits.						1.0			\$175
<b>Subtotal District Design</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>\$5,000</b>	<b>\$5,175</b>
<b>3</b>	<b>Resident Interface and Project Status Tracking</b>									
a	Attend meetings with City Attorney and staff to finalize City policy									\$0
b	Draft, in coordination with CDM, Right of Entry request									\$0
c	Draft, in coordination with CDM, homeowner notification letters regarding laterals and easements. Exhibits 2"-inch pipe upsized. Phase 1. As directed by CDM.				1.0		28.0			\$5,095
d	Assist City in responding to resident questions (PTE) submitted via the website, by phone or in person.									\$0
e	Finalize format of Customer-Based Tracking and Monitoring Database						3.0			\$525
f	Populate database with property owner and resident contact information: Periodic repopulation of database with more current owner information from GIS and water billings have been required.									\$0
g	Regular updates to the database with project status and homeowner communications. Includes tracking and reports, assumed at approximately 1 hours average—per month.						1.0			\$175
h	Schedule, coordinate, PowerPoint and lead neighborhood meeting									\$0

**Task Order #03d Services - District X1A Crest Remaining to Complete**

Item #	Description	US Principal	KCM Principal	US Sr. PM	KCM Sr. PM	US Asst PM	KCM PM	KCM PE	Fuscoe	Total Cost
i	Draft, in coordination with CDM, district design and bidding status update letters to residents. Assumed sent out quarterly.									\$0
j	Provide technical content and status updates for use in periodic media outreach and website updates.									\$0
k	Draft, in coordination with CDM, hearing notification to residents for City Council decision on progressing into construction.									\$0
l	Filing and document management.						1.0			\$175
<b>Subtotal Resident Interface and Communications</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>		<b>\$5,970</b>
<b>4</b>	<b>Public Bidding Support</b>									
a	Preparation of front-end bid documents, bid items, and special terms and conditions. As requested by the City.				2.0		22.0			\$4,240
b	Publish Notice Inviting Bids.									\$0
c	Contact potential bidders and distribute bid package.						1.0			\$175
d	Coordinate and manage Pre-Bid meetings. Based on experience, this is a City task.									\$0
e	Manage bid RFI's, preparation of bid addendums, and distribute addendums to bidders, assumes up to three separate addendums.						8.0			\$1,400
f	Coordinate and manage Bid Opening meeting. Based on experience, this is a City task.									\$0
g	Review bids for completeness and accuracy, assumes six bidders, and prepare bid analysis. Based on experience, this is a City task.									\$0
<b>Subtotal Public Bidding Support</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2.0</b>	<b>0.0</b>	<b>31.0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$5,815</b>
<b>Total Hours During Design &amp; Bidding</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3.0</b>	<b>0.0</b>	<b>65.0</b>	<b>0.0</b>		
<b>Average Hours per Week (based upon 4 month schedule)</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>4.1</b>	<b>0.0</b>		
<b>Rate Per Hour</b>		<b>\$190</b>	<b>\$215</b>	<b>\$180</b>	<b>\$195</b>	<b>\$120</b>	<b>\$175</b>	<b>\$165</b>		
<b>Total Cost During Design &amp; Bidding</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$585</b>	<b>\$0</b>	<b>\$11,375</b>	<b>\$0</b>	<b>\$5,000</b>	
<b>Total Estimated Cost for Remaining to Complete Design &amp; Bidding</b>						<b>\$16,960</b>				

**Exclusions**

Attendance at Meetings/Hearings not Specifically Included  
 Notifications to property owners regarding consequences of refusing to underground  
 Participation in enforcement actions on homeowners refusing to underground  
 Management of private lateral undergrounding excluded – assumes coordination only  
 Communications Subconsultant Support - to be provided by City Consultant  
 Social Media Development, Operations - Assume by City

Graphic Design will be a Reimbursable Expense  
 Direct Mail will be a Reimbursable Expense  
 GIS Support and GIS Exhibits  
 City Resident Engineer Inspections

**Summary of District X1A Design Task Orders**

TO #03 Approved	\$663,985
TO #03a Approved	\$67,100
TO #03b Approved	\$104,852
TO #03c Approved	\$57,755
TO #03d Pending	\$16,960
<b>New Total</b>	<b>\$910,652</b>

**FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF DEL MAR  
AND UTILITY SPECIALISTS SOUTHWEST, INC.  
FOR AS-NEEDED SPECIALIZED ELECTRICAL ENGINEERING SERVICES  
RELATED TO IMPLEMENTATION OF A CITYWIDE UNDERGROUNDING  
PROGRAM**

THIS FIRST AMENDMENT to the Agreement (First Amendment) is made and entered into effective the 17<sup>th</sup> day of December, 2025, by and between the City of Del Mar, a Charter City and municipal corporation (“City”), and Utility Specialists Southwest, Inc. (“Consultant”) (collectively “Parties”).

**RECITALS**

WHEREAS, on December 16, 2019, the City and Consultant entered into an Agreement (Agreement), by which the City and Consultant established the terms and conditions for providing specialized electrical engineering and other professional services for a five-year period terminating December 16, 2024, and

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

WHEREAS, the First Amendment is necessary in order to extend the term of the Agreement.

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 December 16, 2019, and terminating December 16, 2025 (“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.

**[SIGNATURES ON THE FOLLOWING PAGE]**

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

UTILITY SPECIALISTS SOUTHWEST,  
INC.

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

By: \_\_\_\_\_  
— Duane Strooboscher, Vice President

ATTEST:

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

APPROVED AS TO FORM:

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



### **Building Permit Information**

Please follow the steps below to obtain a Building Permit for the installation of the utility service lateral on private property, from the City established point of connection to the undergrounded utilities in the City Right of Way:

1. Set up an e-trakit account (if you do not already have one). You can apply for an e-trakit account here: <https://www.delmar.ca.us/865/eTRAKIT---Online-Portal>

Please note, if your contractor is applying for the building permit, they will need a valid City of Del Mar business license to obtain an e-trakit account. If they do not have a business license, one can be applied for here: <https://delmar.hdlgov.com/Home/Index>

2. Once an e-trakit account is obtained, please go to e-trakit (<https://delm-trk.aspgov.com/eTRAKiT/>) and navigate to “apply for a permit.” From there you will be able to apply for a building permit. You will need to be prepared to upload:
  - A building permit application: <https://www.delmar.ca.us/DocumentCenter/View/6937/Building-Permit-Application-Fillable-62220>
  - A site plan showing the location of the work
  - Your SDG&E work order and lateral exhibit for telecommunications

If you have any questions or difficulty navigating the e-trakit site, please contact Planning at [planning@delmar.ca.us](mailto:planning@delmar.ca.us), during counter hours Mondays and Wednesdays 1:00 to 5:30 PM, or by calling Jennifer Gavin, Associate Planner at 858-793-6148

3. Once submitted, the building department will receive your application and send out an invoice to the email address included on the building permit application within 1-2 business days. The building permit fee is \$160, which can be paid either via e-trakit (whoever is paying will need an e-trakit account and have it linked to the building permit) or in person at City Hall (Monday – Thursday 7:30 AM to 5:30 PM).

Building permits will be issued as the trenching and conduit is completed for each phase of the undergrounding project . Once the Building department receives payment for the permit the permit is typically issued within 1-2 business days as long as the Applicant is within an area that has been cleared for permit issuance based on project progress.

Once a building permit is obtained, the private service lateral will need to be installed after the City's contractor completes their work in each zone and establishes the point of connection. Contractors should be in coordination with the Undergrounding Program Team to ensure that the lateral is placed in the correct location. Questions about lateral placement coordination can be directed to: [up@delmar.ca.us](mailto:up@delmar.ca.us)

## Stratford Court South (1A) Challenges and Lessons Learned

	<b>Challenges</b>	<b>Lessons Learned</b>
1	SWPPP Development	Due to the size of the project, a full storm water pollution prevention plan (SWPPP) is required, which will take time for the contractor to develop at the start. During design, clearly define the timeline for its development as part of the bid documents.
2	Utility Conflicts	During design, identify opportunities for strategic exploratory potholing to minimize utility conflicts during construction. This is especially critical for pressurized utilities (water, sewer force main, and transmission gas), which typically require five feet of separation. Other utilities, such as gravity sewer or gas distribution, can have reduced clearances.
3	Abandoned Utility Conflicts	During design, identify abandoned utilities as much as possible by referencing City record as-built plans and exploring opportunities for strategic exploratory potholing in streets with minimal space for utilities.
4	Identification of AT&T Christy Boxes	During design, AT&T will identify christy boxes for intercept locations on the plans.
5	Additional Handholes	The need for additional handholes arose at the border between Stratford Court South (1A) and Stratford Court North (1B), as well as due to cable-in-conduit (CIC) intercepts. During the design phase, the design team will assess potential overlaps between districts to determine if additional handholes are necessary. While the design assumes standard intercepts, CIC cables require a handhole. Identifying this during the design process would typically involve exploratory potholing at each intercept. However, this approach is cost-prohibitive. As a result, staff will treat this as an anticipated unforeseen field condition, to be addressed using the project contingency.
6	Retaining Wall Conflict with Anchor	During design, perform additional field measurements to avoid conflicts and consider raised box pads as needed. Raised box pads are an alternative to retaining walls, placing the transformer on an elevated pad. They are generally more affordable than retaining walls, though they may be less aesthetically pleasing.

	<b>Challenges</b>	<b>Lessons Learned</b>
7	Special Property Use Communications (eg School, Businesses, etc)	During design, coordinate with special property uses to identify their needs and avoid coordination issues during construction.
8	Trees and Landscaping Property Coordination	During construction, identify trees and landscaping that require trimming or removal and notify the property owners. Communicate the details and provide residents with the opportunity to trim or remove the trees and landscaping themselves.
9	Confusion on Building Permits	Staff has developed a <a href="#">building information document</a> for property owners requiring undergrounding of their private service lateral to reference.
10	Vandalism of Concrete Work	During construction, pour concrete in the morning to monitor its setting process and/or provide protection against vandalism.



April 4, 2025

Martin Boyd  
City of Del Mar  
1050 Camino Del Mar  
Del Mar, CA 92014

**RE: City of Del Mar | Rule 20B | District 1A - Stratford Court South | Final Cost Estimate**

Thank you for your continued partnership with San Diego Gas & Electric (SDG&E) to underground our overhead electric power lines to help improve community aesthetics and meet our commitment to provide clean, safe and reliable energy to our customers. This letter includes the final pre-construction cost estimate for the City of Del Mar's Rule 20B project, Stratford Court South 20B. SDG&E has completed the competitive bid process for our electrical construction scope and the cost estimate has been updated to reflect expected construction costs.

Del Mar City Council has established Utility Underground District (UUD) No.1A: West of Camino Del Mar to the coast and from 4th Street to 12th Street. The City has opted to utilize municipal trenching to complete this district and will be responsible for all civil work and all community outreach activities.

Stratford Court South (UUD 1A) Rule 20B project will utilize an Actual Cost Billing Contract, whereby in advance of construction SDG&E will collect from the City an amount equal to the estimated cost of the conversion work computed in accordance with its Filed Rule on "Replacement of Overhead with Underground Facilities", including engineering fees. The conversion work will be tracked and billed on an actual cost basis, meaning that all costs will be reconciled at completion of the work and SDG&E will bill or refund to the City any differences larger than \$100.00.

Please note, SDG&E is providing the following cost estimates for reference purposes only and makes no representations, warranties or promises regarding the accuracy, timeliness, quality or completeness of the estimates. Estimates are based on known, current information and existing circumstances. SDG&E will not be liable for any damages, causes of action or losses arising or claimed to arise out of the use of these estimates.

**District 1A | Stratford Court South | Preliminary Estimate Provided in March 2024**

Description	Preliminary Estimate	Contingency (30%)	Total
Cable & Connections	\$ 2,210,194	\$ 663,058	\$ 2,873,252
Cable Pole installation	\$ 462,984	\$ 138,895	\$ 601,879
Service Cutovers	\$ 135,981	\$ 40,794	\$ 176,775
Overhead Removals (Non-Billable)	\$ 999,086	\$ 299,726	\$ 1,298,812
<b>Subtotal Electric Scope</b>	<b>\$ 3,808,245</b>	<b>\$ 1,142,473</b>	<b>\$ 4,950,718</b>
Less Overhead Equivalent (Credit)	\$ 50,885	\$ 15,265	\$ 66,150
Less Overhead Removals (Credit)	\$ 999,086	\$ 299,726	\$ 1,298,812
Less Pad Reinstallation (Credit)	\$ -	\$ -	\$ -
<b>BILLABLE TOTAL</b>	<b>\$ 2,758,274</b>	<b>\$ 827,482</b>	<b>\$ 3,585,756</b>

**District 1A | Stratford Court South | Final Pre-Construction Estimate**

Description	Final Estimate	Contingency (15%)	Total
Cable & Connections	\$ 1,417,184	\$ 212,578	\$ 1,629,762
Cable Pole installation	\$ -	\$ -	\$ -
Service Cutovers	\$ 178,908	\$ 26,836	\$ 205,744
Overhead Removals (Non-Billable)	\$ 842,070	\$ 126,310	\$ 968,380
<b>Subtotal Electric Scope</b>	<b>\$ 2,438,162</b>	<b>\$ 365,724</b>	<b>\$ 2,803,886</b>
Less Overhead Equivalent (Credit)	\$ 191,117	\$ 28,668	\$ 219,785
Less Overhead Removals (Credit)	\$ 842,070	\$ 126,310	\$ 968,380
Less Pad Reinstallation (Credit)	\$ 19,861	\$ 2,979	\$ 22,840
<b>BILLABLE TOTAL</b>	<b>\$ 1,385,114</b>	<b>\$ 207,767</b>	<b>\$ 1,592,881</b>

The variance between the preliminary cost estimates provided in March 2024 and final estimate values are driven by the following:

- There was a notable decrease in the labor bids for the cable and connections work vs. our initial estimates. Material costs did increase slightly.
- In the preliminary estimate, we accounted for several cable poles to be installed for a total of \$601,879. However, following design updates and finalization, the cable poles are no longer required, eliminating this cost.
- The preliminary estimate included a 30% contingency. The current contingency value has been reduced to 15% as our designs are final, resulting in fewer potential FCOs, if applicable.
- SDG&E has updated the methodology for calculating its overhead equivalent credits resulting in an increase of the overhead equivalent credit for this project.
- A \$22,840 credit has been included to account for the City’s civil contractor to reinstall a concrete pad at 519 Stratford Ct. due to a design error attributable to SDG&E.

Please contact Ilario Romano or me with any questions or concerns.

Sincerely,

Kelli Fitzgerald  
 Manager, Franchise Planning & Project  
 Management  
 M 858.239.5764



cc:

Joe Gabaldon – SDG&E | Regional Public Affairs | Senior Public Affairs Manger  
 Kate Loreda, PMP – SDG&E | Design & Proj Mgmt | Franchise Project Manager  
 Ilario Romano, PMP – SDG&E | Design & Proj Mgmt | Franchise Project Manager



December 26, 2024

Martin Boyd  
City of Del Mar  
1050 Camino Del Mar  
Del Mar, CA 92014

**RE: City of Del Mar | Rule 20B | District X1A – Crest Canyon | Cost Estimate**

Thank you for your continued partnership with San Diego Gas & Electric (SDG&E) to underground our overhead electric power lines to help improve community aesthetics and meet our commitment to provide clean, safe and reliable energy to our customers. This responds to your request for a preliminary cost estimate for the City of Del Mar’s Rule 20B project, Crest Canyon.

Del Mar City Council has established Utility Underground District (UUD) No.X1A for its Rule 20B Crest Canyon Project. The City has elected to perform all work associated with the trenching, conduit placement, substructure installation, backfill, and paving (Muni-Trench) for this project. The City will be responsible to select a qualified vendor to perform this work, and will compensate them directly. Since the City has opted to utilize Muni-Trench for Crest Canyon 20B, the City will also be responsible for Community Outreach efforts and will be responsible for the coordination of Joint Trench Offers (JTOs) and design work with the Communications Infrastructure Providers (CIPs) and the Permit to Enter (PTE) coordination with private property owners.

Crest Canyon (UUD X1A) Rule 20B project will utilize an Actual Cost Billing contract, whereby in advance of construction SDG&E will collect from the City an amount equal to the estimated cost of the conversion work computed in accordance with its Filed Rule on “Replacement of Overhead with Underground Facilities”, including engineering fees. The conversion work will be tracked and billed on an actual cost basis, meaning that all costs will be reconciled at completion of the work and SDG&E will bill or refund to the City any differences larger than \$100.00.

Please note, SDG&E is providing the following cost estimates for reference purposes only and makes no representations, warranties or promises regarding the accuracy, timeliness, quality or completeness of the estimates. Estimates are based on known, current information and existing circumstances. SDG&E will not be liable for any damages, causes of action or losses arising or claimed to arise out of the use of these estimates.

This preliminary cost estimate will be updated once SDG&E's bid process is complete and the revised costs will be reflected in the contract to be stipulated between SDG&E and the City of Del Mar.

**District X1A | Crest Canyon**

SDG&E Electrical Contractor – Cable & Connections	\$	4,288,704
SDG&E Electrical Contractor – Cable Poles	\$	361,127
SDG&E Electrical Contractor – Service Cutovers	\$	238,521
SDG&E Electrical Contractor – Overhead Removals	\$	1,713,328
<b>TOTAL</b>	<b>\$</b>	<b>6,601,680</b>
Overhead Removals (SDG&E Responsibility)	\$	- 1,713,328
<b>Net BILLABLE to City</b>	<b>\$</b>	<b>4,888,532</b>

Sincerely,

Kelli Fitzgerald  
Design & Project Management  
Franchise Planning Manager



cc:

Michael McEachern – SDG&E | Design & Proj Mgmt | Project Manager II  
Damien Ramirez – SDG&E | Design & Proj Mgmt | Franchise Planning Supervisor  
Joe Gabaldon – SDG&E | Regional Public Affairs | Senior Public Affairs Manger  
Kate Loreda, PMP – SDG&E | Design & Proj Mgmt | Franchise Project Manager  
Ilario Romano, PMP – SDG&E | Design & Proj Mgmt | Franchise Project Manager

**Undergrounding Program Cost Estimate (2024 Dollars)**

	Tewa	1A	X1A	1B	2	3	4	5	TOTAL
<b>November 2024</b>	\$0.9M	\$10.0M	\$17.8M	\$5.5M	\$16.4M	\$28.6M	\$17.3M	\$9.1M	<b>\$105.6M</b>
<b>April 2025</b>	\$0.9M	\$8.1M	\$15.3M to \$17.0M	\$4.6M	\$13.8M	\$24.1M	\$14.6M	\$7.6M	<b>\$89.0M to \$90.7M</b>
<b>Difference</b>	\$0M	\$1.9M	\$0.8M to \$2.5M	\$0.9M	\$2.6M	\$4.5M	\$2.7M	\$1.5M	<b>\$14.9M to \$16.6M</b>

**Undergrounding Program Cost Estimate (2025 Dollars)**

	Tewa	1A	X1A	1B	2	3	4	5	TOTAL
<b>November 2024</b>	\$0.9M	\$10.0M	\$18.1M	\$5.7M	\$17.0M	\$29.6M	\$17.9M	\$9.4M	<b>\$108.6M</b>
<b>April 2025</b>	\$0.9M	\$8.1M	\$15.4M to \$17.0M	\$4.8M	\$14.2M	\$25.0M	\$15.1M	\$7.9M	<b>\$91.4M to \$93.0M</b>
<b>Difference</b>	\$0M	\$1.9M	\$1.1M to \$2.7M	\$0.9M	\$2.8M	\$4.6M	\$2.8M	\$1.5M	<b>\$15.6M to \$17.2M</b>

Note: Costs are only increased for upcoming projects, while expended costs remain at the amounts already paid.

The Undergrounding Program Cost Estimate will be updated in the coming months based on the UUD X1A bid results for the City and SDG&E, and the SDG&E cost estimate for UUD 1B.

**UUD 1A Estimated Total Project Costs (02-7000-7202)**

Does not include costs for internal staff time or necessary City personnel for project management

Work Categories	District Formation Budget 7-12-21	Budget as of 10-16-23	Pre-Bid Budget 12-4-23	City Contract Award Budget 7-8-24	SDG&E Cost Agreement Budget 4-5-25	
<b>Pre-Construction Phase - Professional Services</b>						
<b>Utility Specialists - Pre-Construction Services (Includes US, KCM, Fuscoe)</b>	\$543,900	\$576,700	\$647,878	\$657,856	\$657,856	
1. City and Agency Coordination	\$27,100	\$43,370	\$43,370	\$45,515	\$45,515	
2. District 1A Design	\$423,010	\$439,540	\$505,352	\$505,712	\$505,712	
3. Resident Interface and Project Status Tracking	\$56,160	\$56,160	\$68,926	\$76,399	\$76,399	
4. Public Bidding Support	\$37,630	\$37,630	\$30,230	\$30,230	\$30,230	
<b>City Arborist Review</b>	\$5,000	\$5,000	\$3,525	\$3,525	\$3,525	
<b>Additional Pre-Construction Services</b>	\$7,000	\$7,000	\$5,000	\$4,000	\$4,000	
<b>Subtotal for Pre-Construction Professional Services</b>	<b>\$555,900</b>	<b>\$588,700</b>	<b>\$656,403</b>	<b>\$665,381</b>	<b>\$665,381</b>	
<b>Utility Companies - Estimates for City Paid Design and Construction Costs</b>						
<b>SDG&amp;E</b> 7-12-21 estimated by Staff based on UUD Tewa per LF of overhead. 10-16-23 & 12-4-23 estimated by Staff based on UUD Tewa per LF of trench. 7-8-24 & 4-5-25 estimates provided by SDG&E.	\$904,842	\$959,175	\$1,004,850	\$3,585,756	\$1,615,721	
<b>AT&amp;T</b> 7-12-21 estimated by Staff based on UUD Tewa. 10-16-23 to current updated based on UUD 1A specific including 10%-15% contingency.	\$678,632	\$180,000	\$163,944	\$156,816	\$156,816	
<b>Spectrum/Charter</b>	\$284,297	\$0	\$0	\$0	\$0	
<b>Crown Castle</b>	\$0	\$0	\$0	\$0	\$0	
<b>Subtotal for Utility Company Costs</b>	<b>\$1,867,771</b>	<b>\$1,139,175</b>	<b>\$1,168,794</b>	<b>\$3,742,572</b>	<b>\$1,772,537</b>	
<b>Construction Phase</b>						
<b>City's General Contractor</b> (Actual amount will be determined via City bid process). 7-12-21 estimate based on \$120/LF of overhead. 10-16-23 estimate based on UUD Tewa \$344.40/LF of trench. 12-4-23 estimate based on engineer's estimate. 7-8-24 based on actual bid minus additional city construction.	\$918,000	\$3,146,108	\$3,049,746	\$4,628,550	\$4,628,550	
<b>Utility Specialists Construction Management and Support</b> (12-month construction) 7-12-21 for as needed for duration of construction. 10-16-23 to current for full-time for City construction and as-needed for remainder.	\$169,820	\$423,740	\$423,740	\$415,250	\$415,250	
<b>Storm Water Compliance Services</b> 7-12-21 included as part of above line item. 10-16-23 to 7-8-24 removed as to be done by contractor.		\$22,080	\$22,080	\$0	\$0	
<b>NOVA Geotechnical Services</b> 7-8-24 task order from NOVA	\$42,455	\$33,964	\$84,748	\$71,513	\$71,513	
<b>Subtotal for Construction Phase</b>	<b>\$1,130,275</b>	<b>\$3,625,892</b>	<b>\$3,580,314</b>	<b>\$5,115,313</b>	<b>\$5,115,313</b>	
<b>Contingency for Construction Phase</b> 10% of Construction Phase Costs	\$0	\$0	\$0	\$511,531	\$511,531	
<b>Total Project Estimate for UUD 1A</b>	<b>\$3,553,946</b>	<b>\$5,353,767</b>	<b>\$5,405,511</b>	<b>\$10,034,797</b>	<b>\$8,064,762</b>	
<b>Additional City Construction (General Fund)</b>						
<b>City's General Contractor for Penny Lane Improvements</b>				\$70,695	\$70,695	
<b>City's General Contractor for 931 Stratford Court Curb</b>				\$7,150	\$7,150	
<b>Contingency for Construction Phase</b> 10% of Construction Phase Costs				\$7,785	\$7,785	
<b>Total Project Estimate for Additional City Construction</b>				<b>\$85,630</b>	<b>\$85,630</b>	
				<b>COMBINED CONTINGENCY</b>	\$519,316	\$519,316
				<b>COMBINED ESTIMATED TOTAL</b>	<b>\$10,120,427</b>	<b>\$8,150,392</b>

### UUD X1A Estimated Total Project Costs (02-7000-7203)

Does not include costs for internal staff time or necessary City personnel for project management

Work Categories	District Formation Budget 7-12-21	Budget as of 10-16-23	UP Update Budget 11-18-24	Pre-Bid Budget 4-21-25
<b>Pre-Construction Phase - Professional Services</b>				
<b>Utility Specialists - Pre-Construction Services (Includes US, KCM, Fuscoe)</b>	\$663,985	\$731,085	\$893,692	\$910,652
1. City and Agency Coordination	\$27,820	\$45,440	\$56,600	\$56,600
2. District X1A Design	\$542,015	\$591,495	\$717,416	\$722,591
3. Resident Interface and Project Status Tracking	\$56,160	\$56,160	\$81,686	\$87,656
4. Public Bidding Support	\$37,990	\$37,990	\$37,990	\$43,805
<b>City Arborist Review</b>	\$5,000	\$5,000	\$3,525	\$3,525
<b>Environmental Review</b>	\$18,500	\$52,588	\$52,588	\$52,588
<b>Additional Pre-Construction Services</b>	\$7,000	\$7,000	\$5,000	\$5,000
<b>Subtotal for Pre-Construction Professional Services</b>	<b>\$694,485</b>	<b>\$795,673</b>	<b>\$954,805</b>	<b>\$971,765</b>
<b>Utility Companies - Estimates for City Paid Design and Construction Costs</b>				
<b>SDG&amp;E</b> 7-12-21 and 10-16-23 estimated by Staff based on UUD Tewa per LF of overhead and then trench. 11-18-24 estimated by Staff based on UUD 1A per LF of trench. 4-21-25 estimate provided by SDG&E.	\$1,324,736	\$1,378,650	\$5,543,229	\$4,888,532
<b>AT&amp;T</b> 7-12-21 estimated by Staff based on UUD Tewa. 10-16-23 to current updated based on UUD X1A specific including contingency.	\$993,552	\$223,560	\$238,788	\$238,788
<b>Spectrum/Charter</b>	\$408,793	\$0	\$0	\$0
<b>Crown Castle</b>	\$0	\$0	\$0	\$0
<b>Subtotal for Utility Company Costs</b>	<b>\$2,727,081</b>	<b>\$1,602,210</b>	<b>\$5,782,017</b>	<b>\$5,127,320</b>
<b>Construction Phase</b>				
<b>City's General Contractor</b> (Actual amount will be determined via City bid process). 7-12-21 estimate based on \$120/LF of overhead. 10-16-23 estimate based on UUD Tewa \$344.40/LF of trench. 11-18-24 & 4-21-25 estimate based on engineer's estimate using UUD 1A bids.	\$1,344,000	\$4,946,639	\$8,836,700	\$8,937,074
<b>Construction Management and Support</b> (18-month construction) 7-12-21 for as needed for duration of construction. 10-16-23 to current for full-time for City construction and as-needed for remainder.	\$240,680	\$624,860	\$624,860	\$687,346
<b>Additional Construction Management Services</b> For any additional professional services during construction (geotechnical / environmental)	\$60,170	\$80,140	\$122,594	\$255,853
<b>Subtotal for Construction Phase</b>	<b>\$1,644,850</b>	<b>\$5,651,639</b>	<b>\$9,584,154</b>	<b>\$9,880,273</b>
<b>Project Contingency</b> 10% of Construction Phase Costs at City Contract Award	\$0	\$0	\$1,466,982	\$988,027
<b>Total Project Estimate for UUD X1A</b>	<b>\$5,066,416</b>	<b>\$8,049,522</b>	<b>\$17,787,957</b>	<b>\$16,967,385</b>



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Ashley Jones, City Manager  
Clem Brown, Assistant City Manager  
Kseniia Izgarskaia, Senior Management Analyst

DATE: April 21, 2025

SUBJECT: Recap of the 2025 City Council Goals and Priorities Setting Workshop and Council Approved FY 2025-26 and FY 2026-27 City Work Plan

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council receive this report, which includes the approved Fiscal Year (FY) 2025-26 and FY 2026-27 City Work Plan reflecting Council feedback from the 2025 City Council Goals and Priorities Setting Workshop, and provide direction to staff as appropriate.

## DISCUSSION/ANALYSIS:

On March 5, 2025, the City Council held a Goals and Priorities Setting Workshop (Workshop) to review and update the City Work Plan for FY 2025-26 and FY 2026-27, in preparation for the upcoming two-year budget process. At the Workshop, the City Council received an update on the work plan items that have or will be completed in FY 2024-25; reviewed and provided feedback on the FY 2025-26 and FY 2026-27 City Work Plan; and considered Council-proposed work plan items.

The City Council was supportive of the proposed updates to the FY 2025-26 and FY 2026-27 City Work Plan as presented by staff at the Workshop. The Fiscal Years 2025-26 and 2026-27 City Work Plan (Attachment A) reflects some Tier 3 work plan items added by the City Council as follows: 1) Added an item to evaluate increasing the City's solar capacity on City owned property; and 2) Added an item to create a new City Facilities Gas Appliances Inventory, evaluate the replacement of City gas-powered vehicles and equipment with electric as feasible, and for staff to work on a policy that prioritizes the purchase of electric appliances when possible for recommendation by Sustainability Advisory Committee and consideration by the City Council.

Throughout the year, staff will update the FY 2025-26 and FY 2026-27 City Work Plan as may be needed to reflect any new work plan items approved by the City Council.

Much of the workshop discussion focused on new work plan items proposed by individual Councilmembers for consideration by the full Council. Council consensus was to remove the following Council-proposed items from the list for future consideration: Shores Park

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## City Council Action:

Community Garden; 2050 Vision for Del Mar; reactivating the upper deck expansion project at the Powerhouse Community Center; and Cannabis/CBD Retail Sales/Stores Ordinance.

The City Council also discussed the remaining items on the FY 2025-26 Council-proposed Work Plan Items list and directed staff to return with more information on each item at a future meeting. A summary of the Council direction provided on these items along with a staff response for each is included in Attachment B.

FISCAL IMPACT:

There is no fiscal impact or action to be taken by the City Council related to this agenda item. Funding needed for any approved FY 2025-26 and FY 2026-27 work plan items will be incorporated into the proposed FY 2025-26 and FY 2026-27 Operating and Capital Budget for the Council's consideration during the May 2025 City Council Budget Workshop.

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:

The purpose of this item is to memorialize the FY 2025-26 and FY 2026-27 City Council Goals and Priorities/City Work Plan.

ATTACHMENTS:

Attachment A - Final FY 2025-26 and FY 2026-27 City Council Goals and Priorities  
Attachment B - Summary of Proposed Council-Initiated Work Plan Items

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
1	Short-Term Rentals (STR) Regulation Administration <i>(New)</i>	Issue RFP and complete implementation of an STR administration platform including registration and permitting, maintaining an STR database, monitoring STR activity, compliance and code enforcement support, community outreach, and TOT remittance and auditing.	Staff is in the process of preparing a Request for Proposals (RFP) to hire a consultant who would manage short-term rental (STR) administration with the City. The City aims to initiate contractor services as soon as possible with "go live" coordinated to begin when the California Coastal Commission (CCC) approves the City's STR regulations (anticipated to be in late 2025).	FY2025-2026	Administrative Services Planning
2	City Website ADA Compliance <i>(New)</i>	Evaluate City Website ADA compliance and implement solutions to maintain compliance and meet the newly released DOJ mandate by April 2027 as required by law.	Staff is working with its website hosting vendor to analyze current state of compliance and evaluate solutions.	FY2025-2026 FY2026-2027	Administrative Services Information Systems
3	Participation in Multiple SANDAG Major Projects:  - San Diego LOSSAN Rail Realignment  - DM Bluff Stabilization 5  - DM Bluffs Access Improvements  - San Dieguito Double Track & Special Events Platform	On-going coordination and work with SANDAG and the public on significant CIP projects happening in parallel, including the San Diego LOSSAN Rail Realignment Project; Del Mar Bluff Stabilization Project 5; Del Mar Bluffs Access Improvements Project (informed by the Coastal Connections Conceptual Planning Study); and the San Dieguito Double Track and Special Events Platform project, which involves relocation of City water/wastewater utility lines, a pedestrian undercrossing, license agreements, and an encroachment permit.	Coordination and participation with SANDAG on various SANDAG projects affecting Del Mar is ongoing and involves a substantial amount of City staff time from multiple departments.	FY 2025-2026 FY 2026-2027	City Manager's Office Public Works Planning City Attorney
4	Senate Bill 9 (SB 9) Implementing Ordinance/LCPA	Ordinance/LCPA is in process to implement State law provisions consistent with CCC guidance to harmonize housing law with the Coastal Act. SB 9 provisions took effect January 1, 2022; however, the CCC confirmed that any application submitted prior to processing of the LCPA must be processed in accordance with the existing certified LCP to ensure protection of coastal resources. Coastal Commission certification is pending.	In-process. City Council adopted Ordinance in June 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning
5	ADU Ordinance/LCPA for Consistency with State Law	Ordinance/LCPA is in process for consistency with State law as needed to harmonize State housing law and the Coastal Act and address inconsistencies previously identified. Prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process. City Council adopted Ordinance in December 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning
6	Tiny House Regulations (6th Cycle Housing Element Program 2F)	Ordinance/LCPA is in process to clarify that tiny houses are allowed in accordance with the ADU regulations. Prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process with ADU Ordinance. City Council adopted December 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning

**TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
7	Amend Central Commercial (CC) Zone (6th Cycle Housing Element Program 1C)	Ordinance/LCPA is in process to allow 20 du/ac density to create adequate sites and facilitate affordable housing. City must prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process. City Council adopted Ordinance April 2024. CCC conditionally certified the LCPA February 2025. Final certification to complete project is anticipated by June 2025.	FY2025-2026	Planning
8	Process Ordinances to create incentives and an Affordable Housing Overlay Zone - (6th Cycle Housing Element Program 1D and 1I)	Utilize data from Phase II studies completed January 2023 to prepare Ordinance/LCPA creating an overlay zone to apply objective design standards and provide site-specific incentives for affordable housing projects on sites relied upon for the 6th Cycle Housing Element. Will involve discussion of potential options related to scale and compatibility of development that could occur. Action is required per Housing Element Program 1D due to production of less than 30 lower income units by April 2025.	In-process. Will require Planning Commission recommendation, City Council introduction and adoption of Ordinance, and Coastal Commission certification.	FY2025-2026 FY2026-2027	Planning
9	Prepare Fair Housing Materials (6th Cycle Housing Program 6B)	Prepare and publish Fair Housing Materials in English and Spanish in order to implement a component of Program 6B, Affirmatively Furthering Fair Housing. Materials will be made available on the City's website and local non-profits.	In-process. Will coordinate with implementation of Housing Element Programs 4A/4B.	FY2025-2026	Planning
10	Fairgrounds Housing Strategy (6th Cycle Housing Element Program 3A)	Secured Exclusive Negotiating Rights Agreement (ENRA) with 22nd District Agricultural Association (DAA) in March 2024. City is utilizing findings of Phase I feasibility studies to assist DAA with preparation and processing of task orders and other tasks specified in the ENRA for site selection and negotiation of a lease agreement that aligns with the Fairgrounds strategic planning process.	In-process. Continue to implement terms of ENRA, which was approved by Fair Board February 20, 2024 and Del Mar City Council March 4, 2024. Next steps include the 22nd DAA site selection, with feasibility studies continuing through March 2026 to facilitate site selection and other due diligence studies for solicitation of affordable housing developer.	FY2025-2026 FY2026-2027	Planning City Manager's Office
11	Affordable Housing on City-Owned Properties at 10th Street and 28th Street (6th Cycle Housing Element Program 3B)	Pursue Cycle 6 Smart Growth Incentive Program (SGIP) funds to facilitate completion of feasibility and due diligence studies (supplemental economic studies, mobility access, environmental assessment, site design feasibility, view corridor analysis, infrastructure and utilities assessment); affordable housing developer selection, planning, engineering, and building plans; CEQA documentation and entitlements for City development project on City-owned vacant lot on 10th Street to develop 4-8 units for lower income households per Housing Element Program 3B. Additionally, staff will evaluate next steps for the 28th Street site.	In-process and requires multiple steps. Preparation of City Council Resolution is in process for City Council March/April 2025 to request authorization for SGIP grant submittal, which is due to SANDAG by April 11, 2025. Grant funding will facilitate items included in description.	FY2025-2026 FY2026-2027	Planning
12	STR Permit Fee Ordinance <i>(New)</i>	Prepare and process Ordinance to establish a STR Permit Fee. Coordinate with consultant to identify the associated cost for implementation of STR permit issuance, monitoring, and enforcement.	In-process. RFP process to select consultant is in process. Ordinance adoption anticipated summer 2025.	FY2025-2026	Planning, Administrative Services, City Attorney

**TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
13	Short Term Rental Regulations/Preservation of Existing Housing Stock (6th Cycle Housing Element Program 5C)	Process Ordinance/LCPA to regulate short term rentals. Update correlates with NC Zone Referendum Settlement Agreement.	In-process. City Council adoption September 2024. Coastal Commission certification review of Ordinance/LCPA is pending and CCC certification action is anticipated in fall 2025.	FY2025-2026 FY2026-2027	Planning City Attorney
14	General Plan Update: Safety Element Update (6th Cycle Housing Element Program 6H)	City must update the Safety Element per Housing Element and State law. Update correlates with other required updates relating to Environmental Justice Element and Open Space Element updates, Fire Hazard Severity Zone Map Update, and ADU Regulations Update.	In-process. Planning staff is working with CalFire to finalize a draft for public review and processing. Will require Planning Commission recommendation and City Council approval to complete.	FY2025-2026	Planning
15	General Plan Update: New Environmental Justice Element (6th Cycle Housing Element Program 6E)	City must create a new Environmental Justice Element per Housing Element. Update correlates with other required updates relating to the Safety Element and Open Space Element updates.	In-process. Planning staff is preparing a draft document for public review and processing. Will require Planning Commission recommendation and City Council approval to complete.	FY2025-2026	Planning
16	General Plan Update: Open Space Element Update (SB 1425)	By January 1, 2026, City must update Open Space Element to address specified climate resilience and rewinding criteria to provide coordinated mitigation of impacts to new development. Correlates with Environmental Justice Element and Safety Element updates.	Not yet started.	FY2025-2026 FY2026-2027	Planning
17	Residential Care Facilities (6th Cycle Housing Element Program 4A)	Prepare and process Ordinance/LCPA to clarify this land use type and bring the regulations into compliance with State law. City is using HAP Grant funds to implement by March 2026.	In-process. Will require Planning Commission recommendation, City Council approval, and Coastal Commission certification to complete.	FY2025-2026 FY2026-2027	Planning and City Attorney
18	Emergency Shelters, Transitional Housing, Supportive Housing, and Low Barrier Navigation Centers (6th Cycle Housing Element Program 4B)	Prepare and process Ordinance/LCPA for compliance with State law. Develop procedures and informational handouts to connect people to resources. City is using HAP grant funds to implement by March 2026.	In-process. Will require Planning Commission recommendation, City Council approval, and Coastal Commission certification to complete.	FY2025-2026 FY2026-2027	Planning and City Attorney
19	Mid Cycle ADU Production Evaluation (6th Cycle Housing Element Program 2E) <i>(New)</i>	Prepare Mid Cycle ADU Production Evaluation that accounts for data collected in the 2024 APR report to HCD (March 2025) and identifies potential new opportunities to create low income ADUs, which may involve future processing and consideration of amendments to existing incentive programs adopted in December 2023.	Not yet started.	FY2025-2026	Planning
20	Reasonable Accommodation Regulation Zone Code Amendment <i>(New)</i>	Prepare and process an Ordinance to create a new Del Mar Municipal Code Chapter that will update regulations for reasonable accommodation requests consistent with applicable State and Federal Fair Housing regulations. Relates to Housing Element Program 7F.	Not yet started.	FY2025-2026	Planning and City Attorney

**TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
21	Update to Building and Fire Codes <i>(New)</i>	Prepare and Process Ordinance to adopt the latest California Building and Fire Codes and incorporate local modifications as desired. Routine update processed every three years. New Codes will be effective January 1, 2026.	Not yet started.	FY2025-2026	Planning and City Attorney
22	Annual Water System Priority Improvements	Water System repairs and improvements.	Preparing bid documents to complete high priority valve repairs throughout City. Construction anticipated in spring 2026.	FY2025-2026 FY2026-2027	Public Works
23	Annual Wastewater System Priority Improvements	Wastewater System repairs and improvements.	Project modified once USEPA FY24 Community Grants Project Funding received. Preparing application documents for federal review. Design to be completed in FY2025-2026.	FY2025-2026 FY2026-2027	Public Works
24	Annual Storm Drain System Priority Improvement	Replace storm drain facilities that have surpassed their useful life.	Project modified once USEPA FY24 Community Grants Project Funding received. Preparing application documents for federal review. Design to be completed in FY2025-2026.	FY2025-2026 FY2026-2027	Public Works
25	Annual Bike Route Repairs	Repair bike lanes on major arterials; CDM, JDB, Via de la Valle, Carmel Valley Road.	Work to be completed as part of Annual Pavement Management Program.	FY2025-2026 FY2026-2027	Public Works
26	Annual Pavement Management Program (baseline)	Annual Roadway Repairs to Major Arterials and Residential Streets.	City staff is working with Del Mar Fairgrounds staff to consider striping and pavement improvements on Jimmy Durante Blvd.	FY2025-2026 FY2026-2027	Public Works
27	Annual Small Area Pavement Repair Contract	Citywide small area asphalt paving/repairs.	Occurs twice per year depending on repair quantities.	FY2025-2026 FY2026-2027	Public Works
28	Camino del Mar Bridge Replacement Project	Replace Camino del Mar Bridge over San Dieguito River in accordance within Federal Highway Bridge Program requirements.	Design documents are at 65% complete and most resource agency permits are completed. Design will be completed by December 2025. Caltrans review for construction approval and Construction Management procurement will begin in early 2026. Project construction scheduled to begin December 2026.	FY2025-2026 FY2026-2027	Public Works Planning
29	Riverpath Del Mar Phase 3	Extend Riverpath Del Mar from Grand Avenue Bridge to Crest Canyon.	Continuing to work on grants to secure construction funding. Construction targeted for September 2025, but may need to be pushed to 2026 due to uncertainty with various grant funding timelines; timing will need to be coordinated with Crest Canyon Undergrounding to avoid construction overlap.	FY2025-2026 FY2026-2027	Public Works Planning
30	Utility Undergrounding District 1A (Stratford South)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	City Construction substantial completion by March 2025. Final paving to be completed after Utility companies construction. Homeowner Service Laterals estimated completion May 2025. Utility Companies estimated completion by end of 2025.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
31	Utility Undergrounding District X1A (Crest Canyon)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	Design and permitting completed March 2025. SDG&E IFC bidding phase another 5 months. Construction targeted to begin Fall 2025 and last approximately 18 months.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
32	Utility Undergrounding District 1B (Stratford North)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	SDG&E preliminary design completion February 2025. Design and permitting currently paused until FY 2026-2027. Construction targeted to begin in Early 2029. Final decision pending City Council.	FY2025-2026 FY2026-2027	Public Works City Manager's Office

**TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
33	Utility Undergrounding District 25th Street (20A) <i>(New)</i>	Undergrounding of above ground dry utilities into joint trench and underground service laterals. Funding included as part of Rule 20A.	District formation completed August 2024. Design targeted to start FY 2025-2026. Construction needs to be completed by December 2030 to use 20A funds.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
34	Water Valve Replacement Project	Replace broken water valves as identified in maintenance program.	Occurs annually usually around April of each year.	FY2025-2026 FY2026-2027	Public Works
35	Major Facility Repairs	Essential building (City Hall, Library, Public Works, Community Services, etc.) repairs including exterior, doors/windows, electrical, plumbing, HVAC, fire and security systems.	Work will occur throughout each fiscal year.	FY2025-2026 FY2026-2027	Public Works
36	Storm Drain Capture Devices	A "storm drain capture device" is a system installed at a storm drain inlet designed to catch and trap debris, primarily trash, before it enters the storm drain system and flows into waterways. This is required by California Regional Water Quality Control Board. The City installs/replaces approximately 7 storm drain capture devices per year. The exact number and locations of the devices are determined based on the results of annual inspection and the proximity to sensitive ocean reception points.	Occurs annually usually around or by June of each year.	FY2025-2026 FY2026-2027	Public Works Clean Water Consultant
37	Jimmy Durante Boulevard Bike Lane Modification Project <i>(New)</i>	Safety enhancements to modify four curb inlets along northbound Jimmy Durante Boulevard between Luzon Avenue and San Dieguito Drive.	Engineering evaluation complete. Recommended remove and replacing the existing five (5) Type C Curb inlets and Concrete Aprons with modified Type B Curb inlets.	FY2025-2026	Public Works
38	Amendment to City of San Diego Wastewater Transportation and Disposal Agreements	Identify options to amend Metropolitan Wastewater Commission Treatment and City of San Diego Wastewater Transportation Agreements for Council consideration. The City currently transports majority of its wastewater to the San Elijo Joint Powers Authority water reclamation facility in Encinitas via Solana Beach's system.	Amendment discussions with City of San Diego and Regional Wastewater Commission JPA underway.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
39	Jimmy Durante Boulevard Bluff Repair Project	Design and construct improvements to permanently protect bluff in City right of way along Jimmy Durante Boulevard.	60% Engineering Design and draft CEQA Notice of Determination Complete. Scheduled informational Item at April 7, 2025 City Council Meeting.	FY2025-2026	Public Works Planning

**TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
1	Enterprise Resource Planning (ERP) System Selection Process	The City's current financial system will sunset on March 1, 2027. To ensure timely selection and implementation of new financial system, the solicitation process for a replacement ERP system began in mid-2024.	Began reviewing options and pricing of new system in 2023. Vendor selection and contract approval are planned for Council consideration in April-May 2025 with project initiation anticipated in May-June 2025	FY2025-2026 FY2026-2027	Administrative Services
2	Cost Allocation Plan Update	The last update to the City's cost allocation plan was completed internally in 2016, and needs to be updated (best practice is to complete every 5 years). This is a multi-year process that is expected to begin in July 2025 and involves issuing a Request for Proposal (RFP) to hire a consultant to assist with this effort.	Goal is to start the process by issuing a RFP for consulting services in FY 2025-26, with the goal of completing an updated Cost Allocation Plan by end of FY 2026-27.	FY2025-2026 FY2026-2027	Administrative Services
3	Civic Center Operations Guide	Comprehensive update to the City's facility use policies, including proposed updates to the list of eligible non-profits.	Staff brought an initial discussion item to Council on January 22, 2024. Staff continues working on the item in collaboration with the Council subcommittee with plans to return to the Council with recommended changes in 2025.	FY2025-2026	Administrative Services
4	Climate Action Plan Update	With support from a consultant, staff will update the City's 2016 Climate Action Plan, Greenhouse Gas (GHG) Inventory, and mitigation strategies to align with other CAPs in the region and industry best practices.	Staff will issue an RFQ in FY2024-2025 to hire a technical consultant to assist the City developing new GHG inventories, updating the CAP, associated mitigation strategies, and monitoring. In FY2024-2025, staff will apply for Cycle 6 SGIP grant funds to complete the update (April 2025). The CAP Update will be completed in FY2025-2026.	FY2025-2026	City Manager
5	Solar Energy Partnership (6th Cycle Housing Element Program 6D)	Partner with programs like CEA or the Center for Sustainable Energy to install solar on multi-unit, lower income housing to meet renewable energy goals in Climate Action Plan.	Staff is analyzing available programs, but has not yet entered into a partnership.	FY2025-2026	City Manager Planning
6	Citywide Curbside Management Inventory <i>(New)</i>	Staff has identified a need to conduct a comprehensive curbside management inventory of all existing red curbs and "no parking" areas along public streets. Working with the City's traffic Engineer, MBI, staff will coordinate with the Fire Department to review intersections for accessibility and validate the City's existing red curbs. Finally, the data will be used to calculate the City's available parking supply to assist with compliance reporting requirements of the City's Coastal Development Permit.	MBI has developed a scope of work totaling \$135,500 to complete this work. If approved, the project would be completed in FY 2025-2026.	FY2025-2026	City Manager Planning Public Works Community Services Fire Department
7	Housing Acceleration Program (HAP) Grant Funding - Cycle 2	SANDAG awarded Cycle 2 HAP grant funding (October 2023) for implementation of the City's Housing Element including \$1.5 million capital funds for Fairgrounds Housing project and \$181,000 planning funds for Objective Design Standards and 4A/4B Supportive Housing Ordinance. Funding applies to work starting January 1, 2024. HAP grant funds must be expended by March 2026.	In-process through March 2026.	FY2025-2026	Planning

**TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
8	Tree, Scenic Views, and Sunlight Ordinance (TSVS) Update	Prepare and process and amendment to the TSVS Ordinance.	In-process. The City Council identified Guiding Principles and Objectives in September 2024 and staff is preparing the Ordinance. Will require Planning Commission recommendation (anticipated March 2025), City Council introduction and adoption (anticipated May 2025).	FY2025-2026	Planning
9	Comprehensive Tree Policy and Regulatory Standards Update	Revise existing City tree policies for both public and private trees, with an overall goal of protecting and enhancing the City's urban forest tree canopy while managing the City's wildfire risk.	Anticipated to start summer of 2025.	FY2025-2026	Planning
10	Amend Sand Compatibility Opportunistic Use Program (SCOUP) Permits with Resource Agencies to Account for Change in San Dieguito Lagoon Conditions <i>(New)</i>	Prepare and process permit applications with United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) to amend the existing SCOUP permits to allow the City to accept beach quality sand for beach nourishment when available. The permit issued by USACE in July 2024 impacted the feasibility of City implementation due to the restrictive limits on sediment quantities imposed and USACE's large volume sand placement in Encinitas and Solana Beach in 2024.	Work has not yet started.	FY2025-2026	Planning
11	San Dieguito Lagoon Shoreline Protection Planning Project (Levee/Trails) and Implementation of State Parks Grant Funding <i>(New)</i>	City and San Dieguito River Park JPA are coordinating on a joint project to develop living levees and trails along the north and south banks of the San Dieguito River. State Parks awarded \$500,000 grant funding to City and \$1.3 million to the SDRP JPA. The City executed task orders with Dudek (\$500,000) and kicked off work in January 2025 to complete environmental, engineering, and permitting task orders. A MOU with SDRP JPA will be executed to facilitate completion of additional task orders using grant funds through June 2027. This effort correlates to new City CIP project.	In-process through June 2027.	FY2025-2026 FY2026-2027	Planning Public Works
12	Review and Update the Carmel Valley Precise Plan (CVPP)	Comprehensive review and potential updates to the CVPP, through the appropriate process (entitlements, environmental review, public participation, etc.), as may be recommended by staff/City Attorney's office.	The City Attorney initiated the review of the CVPP. Should the CVPP need to be updated, a completion date of Fall 2026 is anticipated.	FY2025-2026 FY2026-2027	Planning City Attorney
13	Evaluate updating Del Mar Municipal Code Chapter 24.70 (lot line adjustments) <i>(New)</i>	Evaluate updating lot line adjustment/lot consolidation regulations, with consideration of requiring a lot line adjustment parcel map for any lot line adjustments or lot consolidation. Update would require processing a Zone Code Amendment and preparing an Ordinance; Planning Commission recommendation and City Council introduction and adoption of Ordinance.	Work has not yet started.	FY2026-2027	Planning and Engineering
14	San Dieguito Drive Improvements	Construction of San Dieguito Drive between Racetrack View Drive and Oribia Road as part of an approved assessment district.	Construction anticipated after Work Zone 1 of UUD X1A (Crest Canyon) in FY 2025-2026.	FY2025-2026	Public Works City Manager's Office Planning

**TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
15	29th Street Seawall and Beach Access	Design and permit the northern half of the sea wall and beach access.	Conceptual design and cost estimate is proceeding FY 2024-2025. Design and permitting is targeted to begin FY 2025-2026 and construction in FY2026-2027.	FY2025-2026 FY2026-2027	Public Works
16	Caltrans Bridge Inspection Program Recommended Bridge Repairs	Critical bridge infrastructure repairs recommended by CALTRANS as a result of annual inspection of the City's five bridges.	Bridge inspections identified concrete and miscellaneous repairs needed at three City bridges. Project will need to be designed and put out for public bid. Project on hold until after programmatic EIR is completed in 2025.	FY2025-2026	Public Works
17	Stratford Court South Pavement Improvements	Paving improvements for the Stratford Court South area following the undergrounding project. Grind & overlay improvements for low PCI (Pavement Condition Index) streets of Stratford Court from 4th St to 12th St, Little Orphan Alley, and Melanie Way. Pavement sealing application for other streets within the Stratford Court South UUD 1A District with trench lines.	Construction targeted after UUD 1A (Stratford Ct South) in FY 2025-2026.	FY2025-2026	Public Works
18	Crest Canyon Pavement Improvements <i>(New)</i>	Paving Improvments for the Crest Canyon area following the undergrounding project. Grind & overlay improvements for portions of low PCI (Pavement Condition Index) streets of Zuni Dr, Avenida Primavera, and Serpentine Dr. Pavement sealing application for Crest Road and adjacent streets with trench lines.	To be included as alternative bid item with UUD X1A (Crest Canyon). Construction targeted after UUD X1A (Crest Canyon) end of FY 2026-2027.	FY2026-2027	Public Works
19	Public Right of Way (ROW) Vegetation Maintenance Regulations <i>(New)</i>	Development of an Ordinance regulating the maintenance of private property vegetation and trees by private property owners, if the vegetation encroaches on the City's right-of-way.	Work has not yet started. The Ordinance would make clear that maintenance and related liability of vegetation originating from private property in the public ROW is the responsibility of the property owner who owns the vegetation, not the City.	FY2025-2026	Public Works Planning

**TIER 3: Discretionary/Non-Essential Work Plan Items That Could be Differed or Eliminated (Not Required)**

Reference No.	Item Name	Description	Status	Fiscal Year(s)	Department(s)
1	California Municipal Treasurers Association (CMTA) Investment Policy Certification Program	Pursue CMTA Investment Policy Certification. CMTA program provides professional guidance and assistance in developing and/or improving investment policies that meet industry best practices for California's public sector agencies.	Begin certification process in July/August 2025. Will solicit feedback from the City's Finance Committee.	FY2025-2026	Administrative Services
2	Citywide Plaque Policy	Development of a City plaque policy that is consistent with the City's branding guide for consideration by the City Council in FY 2025-26.	The item is on the Parks & Recreation Committee Work Plan for FY2025-26.	FY2025-2026	City Manager's Office Planning Public Works
3	Del Mar Foundation Proposal to Plant 40 Trees in Del Mar	The Del Mar Foundation has proposed to plant 40 trees throughout Del Mar to commemorate their 40th Anniversary. The Council referred the proposal to staff and the Parks and Recreation Committee for further vetting and a recommendation.	Del Mar Foundation's proposal includes trees on private property, City replacement trees, and new trees in public spaces. DMF has paid to replace 15 City trees and plant 8 additional private trees. The Parks & Recreation Committee has recommended for approval new City trees. City staff has recommended DMF complete community outreach and further refine the proposal, if necessary, before moving forward to City Council.	FY2025-2026	Public Works
4	Major Arterial Median Improvements	Design of drought tolerant landscaping and irrigation efficiency enhancements along major arterial median segments, currently planned for four locations as Phase I of project.  CDM 15th Street to San Dieguito River Bridge; Jimmy Durante Blvd/Via De La Valle Triangle; Jimmy Durante Roundabout to CDM Merge; and CDM 4th to 9th Street.	Landscaping palette and conceptual design is currently underway for FY 2024-2025. Final design is anticipated FY2025-2026 with construction in FY2026-2027. Work will continue on this project as time permits based on CIP project management staff capacity.	FY2025-2026 FY2026-2027	Public Works
5	Native American Plaque	Development of a proposal for content and location for placement of a sign honoring the Native American history in Del Mar by the Parks and Recreation Committee in FY 2024-25 for City Council consideration in FY 2025-26.	Parks & Recreation Committee has reviewed work for a panel at Grand Avenue Bridge. Second proposal for smaller rock or monument along Riverpath trail forthcoming.	FY2025-2026	Public Works City Manager's Office
6	Solar Capacity on City Owned property	Evaluate the possibility of increasing the City's solar capacity on City owned property.	The work will commence in FY 2025-2026. the Sustainability Advisory Committee (SAC) will support staff in research funding prospects to support City electrification and the expansion of solar on City facilities. Staff will work with the Public Works Department on more technical components of understanding facility capacity.	FY2025-2026 FY2026-2027	City Manager's Office
7	City Facilities Gas Appliances Inventory	Development of a policy that prioritizes the purchase of electric appliances when possible for recommendation by Sustainability Advisory Committee and consideration by the City Council.	The work will commence in FY 2025-2026.	FY2025-2026	Public Works City Manager's Office

**FY 2025-26 City Council Goals & Priorities Workshop  
List of Council-Identified Proposed Work Plan Items**

**1) Turn the Design Review Guidelines into Design Review Ordinances**

There was Council consensus to move forward with turning the design review guidelines into design review ordinances.

*Staff Follow-Up:* This effort will first require obtaining clear direction from the City Council regarding its expectation. Once that information is obtained, it is anticipated that staff will either be 1) drafting an ordinance to amend DMMC Chapter 23.08 (Design Review) to incorporate the Design Guidelines into that Chapter as regulatory “standards of review” for DRB permit approval; or 2) incorporating the Design Guidelines into Title 30 of the DMMC (Zoning Code) as regulatory development regulations. Staff will need to study the alternatives in consultation with the City Attorney to determine the most appropriate way to proceed and what procedural changes to the development review/permitting process should be considered, if any. If it is determined that incorporating the Design Guidelines in the Zoning Code would be most beneficial to the development review process, processing a Local Coastal Program Amendment (LCPA) with the Coastal Commission will be required. It should be noted that the Design Guidelines are divided into three sections, Single-Family Residential, Multi-Family Residential, and Commercial.

No outside consultants will be required for the drafting of an ordinance to amend the Municipal Code. However, it is estimated that approximately 30 hours of City Attorney time will be required.

Given the priority placed on special projects currently underway and staff capacity, it is anticipated that this work effort could commence at the beginning of 2026 (Jan./Feb.) and would take approximately 6-8 months to complete the City process. There would be an estimated additional 12-18 months of processing time if LCPA is required.

Because the Design Guidelines are already incorporated heavily into the discretionary development review process but in a less “regulatory” fashion, staff would suggest that City Council categorize this as a Tier 2 or Tier 3 priority item and not delay or defer any other item currently on the Planning Department’s workplan in order to start this one sooner.

**2) Reconsider Advisory Committee Structure**

Council consensus was to form a subcommittee of Mayor Gaasterland and Deputy Mayor Martinez to evaluate potential revisions to the City’s advisory committee structure with the goal of bringing any proposed changes to the City Council for consideration before the end of the calendar year with changes going into effect in 2026.

*Staff Follow-Up:* Council directed a subcommittee comprised of Mayor Gaasterland and Deputy Mayor Martinez to work with City staff to evaluate potential revisions to the City’s advisory committee structure and related policies/practices. The initial recommendations will be presented to City Council on May 5, 2025, with the goal of bringing any additional proposed changes to the Council for consideration before the end of the calendar year. This item is expected to have minimal cost impacts, and it is estimated to require approximately 10-20 staff hours.

**3) Amend City Appeals Procedure Consider Modifications to the Del Mar Municipal Code.**

Council consensus was to direct staff to work with the City Attorney’s Office to evaluate the appeal procedure for administrative approvals with the goal of streamlining the process to put the appeal decision in front of the right decision-making body.

*Staff Follow-Up:* This effort will involve staff collecting and reviewing appeal procedures from neighboring agencies and other coastal agencies of a similar size. Staff will then work with the City Attorney’s Office to identify options for Council consideration of potential code revisions that would be effective for Del Mar. If the Council decides to proceed with code changes, staff will prepare an ordinance for City Council’s consideration and adoption. It is anticipated that this effort will include conducting the research, preparing and presenting options to Council, and drafting a related ordinance, all of which will take approximately 25 staff and City Attorney hours.

**4) LOSSAN Rail Realignment Lobbying**

There was Council consensus to for staff to work with the City’s consultant Townsend Public Affairs to get cost estimates and more information about what would be involved in the LOSSAN Rail Realignment lobbying effort as proposed by Council.

*Staff Follow-Up:* Staff will work with Council to understand how Townsend Public Affairs (TPA) and/or other outside consulting resources could support LOSSAN Rail Realignment advocacy, obtain estimated costs, and determine next steps.

**5) Options to Obtain Resident Input on How/Whether to Continue Undergrounding Program**

There was Council consensus in support of having staff gather more information about the various options (ballot measure, survey, etc.) for the Council to receive resident input on whether to continue with the Citywide Undergrounding Program.

*Staff Follow-Up:* The City Council could consider various options for receiving resident input on the Citywide Undergrounding Program including conducting an informal survey distributed by staff, conducting a formal community survey led by a specialized consultant, holding community workshops or public City Council discussions to solicit feedback, and/or placing a measure on the November 2026, General Municipal Election ballot. These options vary in cost and staff time.

As an example, a city-initiated ballot measure is estimated to cost \$30,000-\$40,000 and would take approximately 50 staff and City Attorney hours, and the last formal third-party community survey conducted by the City in 2016 cost \$21,000.

**6) Bike Lanes Safety Improvements**

The Council discussed looking for opportunities to improve bike lane safety when possible, such as through the existing Jimmy Durante Bike Lane Improvement workplan item.

*Staff Follow-Up:* Staff proactively works with City traffic engineers and bicycle advocacy groups to identify bicycle lane safety improvements. The physical improvements are typically integrated into the City’s Pavement Management Program because fresh asphalt pavement is the City’s best opportunity to install the improvements with new thermoplastic striping.

For example, staff has been working with the City’s Traffic Engineer, Del Mar Fairgrounds (including Del Mar Thoroughbred Club), and bicycle advocacy groups to improve bicycle safety along Jimmy Durante Boulevard. The improvements are targeted for installation after Jimmy Durante Boulevard receives a fresh asphalt grind and overlay in late 2025/early 2026. Previous bicycle lane improvements along the City’s major arterials include narrower vehicle lanes, wider bicycle lanes, and green conflict zone striping.

The cost of this work is included in the funding for the City’s Pavement Management Program. The City also budgets an additional \$60,000 annually for major arterial bike route repairs. This work is ongoing and operational.

**7) Traffic Speed Calming**

Council consensus was for staff to work with the City’s contract Traffic Engineer to weigh in on whether the City can reduce the speed by 5mph without a speed study; evaluate other traffic calming measures for major arterials; and if necessary, complete speed surveys which would allow the City to set the speed limit within 5 mph of the 85<sup>th</sup> percentile and then reduce it further by 5 mph.

*Staff Follow-Up:* Staff proactively works with City traffic engineers and the Traffic Parking Advisory Committee (TPAC) to conduct speed surveys and post the lowest possible enforceable speed limits in compliance with California Vehicle Code. As an annual work plan item, staff works with TPAC to identify major arterial roadway segments to conduct speed surveys with a goal to lower posted speed limits. TPAC’s proposed FY 2025-26 Workplan includes a speed survey item where: 1) TPAC will identify major arterial segments for staff to conduct speed surveys; 2) Staff will conduct the speed surveys and round the 85% percentile to the nearest 5 mph limit; and 3) then potentially reduce the posted speed limit by an additional 5 mph as recommended by the City Traffic Engineer.

The City also proactively identifies and installs traffic calming measures along major arterials such as narrower vehicle lanes, wider bicycle lanes, green conflict zone striping, pedestrian bulb outs, pedestrian activated flashing crosswalks, proactive traffic striping, and retro-reflectivity traffic signage.

These activities are ongoing and routine, and funded annually through the City's approved operating budget or incorporated into capital improvement projects as appropriate.

**8) Smoke Free City Signs to Enforcement Ordinance**

Council consensus was for staff to explore potential enforcement options including following up with apartment complexes where people smoke outside; increasing enforcement activities by the City's Beach and Community Patrol Officers (BCPO); partnership with Del Mar Village Association (DMVA); and consideration to place additional no smoking signage in key areas, including the Del Mar Plaza.

*Staff Follow-Up:* Signs in one of the areas discussed, 4th Street and Stratford Court, were recently replaced based on a recommendation from Community Services due to several recent contacts on the sidewalk adjacent to the high-density housing complex noted in the Goals and Priorities discussion. Community Services will perform an assessment of current signage, most of which is in City parks and public beach accesses, and refresh or replace the existing inventory. The two areas noted by Council were the 4th Street and Stratford Court location and the public sidewalk adjacent to the Plaza along the 1500 block of Camino Del Mar. Community Services will identify potential locations for signage in the public ROW to add non-intrusive "No Smoking" signage in accordance with the City's municipal code related to smoking. Other areas of the City with frequent complaints or recommended by Council may also be considered. Staff does not anticipate additional costs beyond the City's approved operating budget to provide enforcement and add or replace signage, as needed.

**9) Electrification Incentivization**

Council consensus was for staff to look for opportunities to incentivize the implementation of electrification specifically for new construction or major remodels.

*Staff Follow-Up:* Staff and the Sustainability Advisory Committee (SAC) will continue to research and gather information about high-performance reach codes similar to one recently adopted by the City of Encinitas. Staff has not been directed by the Council to develop a high-performance reach code, as the City Attorney continues to advise a "wait and see" approach to any electrification ordinance (i.e., a high-performance reach code) due to recent court rulings that have challenged and overturned ordinance that require building electrification.

It is estimated that moderate staff time would be needed to research high-performance reach codes and to coordinate with SAC and organizations that offer electrification incentives. Given that staff's primary focus for FY 2025-26 will be on the City's Climate Action Plan update, it is anticipated that staff can bring an informational update on this topic to the Council by the end of calendar year 2025.

**10) City Facilities Gas Appliances Inventory**

Council consensus was to add creation of a City Facilities Gas Appliances Inventory to the FY 2025-2026 Citywide Work Plan as a Tier 3 Priority; to add the item to the Sustainability Advisory Committee (SAC) FY 25-26 Workplan; and for staff to work on a policy that prioritizes the purchase of electric appliances and vehicles when possible for recommendation by SAC and consideration by the City Council.



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Sarah Krietor, Administrative Services Manager/City Clerk  
Kseniia Izgarskaia, Senior Management Analyst  
Via Ashley Jones, City Manager

DATE: April 21, 2025

SUBJECT: Fiscal Year 2025-2026 Advisory Committee Work Plans

## REQUESTED ACTION/RECOMMENDATION:

Staff requests that the City Council: 1) Review the proposed Fiscal Year (FY) 2025-2026 work plans for the City's advisory committees (Attachment A); 2) Consider the work plan recommendations provided by staff included in Attachment B; and 3) Provide direction to staff as may be needed to approve the FY 2025-2026 advisory committee work plans.

## BACKGROUND:

Each year, the City Council goes through an annual Goals and Priorities Setting process to establish and update the City's Work Plan and inform the City's budget and allocation of resources. As a kickoff to the upcoming two-year budget cycle, the City Council held a Goals and Priorities Setting Workshop on March 5, 2025, to establish the City's FY 2025-2026 and 2026-2027 Work Plan. An update on the FY 2025-2026 and 2026-2027 Work Plan will be discussed under a separate agenda item for the City Council Meeting on April 21, 2025.

In accordance with the Standard Operating Principles for Advisory Committees (Attachment C) and City Council Policy 204 - Advisory Committee Work Plans (Attachment D), advisory committees met in early 2025 to prepare draft FY 2025-2026 work plans for City Council consideration and approval.

The next step in the goal setting and budgeting process is for the City Council to evaluate the proposed committee work plans against the Council's Goals and Priorities to see where they overlap and/or align. The City's current practice is to align advisory committee work plans with the City's approved Work Plan that will inform the next two-year budget.

## DISCUSSION/ANALYSIS:

Following the Council Goals & Priorities Setting Workshop, staff reviewed the proposed advisory committee work plans and organized work plan items into three categories: 1) Work plan items related to City operations (routine in nature and/or relate to the City's daily operations); 2) Work plan items with a direct nexus to the Council's Goals and Priorities/City Work Plan; and 3) Work items that are not directly related to the Council's Goals and Priorities/City Work Plan for the upcoming fiscal year (2025-2026).

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## City Council Action:

Taking into consideration the City's operations, Council-approved City Work Plan items, and limited staff capacity for FY 2025-2026, staff provided recommendations on the proposed committee work plan items, which are included in Attachment B. It should be noted that most of the committee work plan items are being recommended by staff (highlighted in green) or recommended with an amendment, with one exception highlighted in pink.

Staff is seeking City Council feedback on the proposed FY 2025-2026 advisory committee work plans. If the Council approves the proposed work plan item not recommended by staff, staff will need to evaluate the impacts of adding this item on the Council-approved City Work Plan and report back to Council at a future meeting.

#### Next Steps

As a next step in the budget process, staff is working to prepare a preliminary FY 2025-2026 and 2026-2027 Operating and Capital Budget for City Council feedback at the Budget Workshop scheduled for Tuesday, May 27, 2025, at 1:30 p.m. in the Town Hall. The budget will be informed by the City's FY 2025-2026 and 2026-2027 Work Plan, including any advisory committee requested work plan items approved by the City Council for inclusion on the Work Plan.

#### ATTACHMENTS:

- Attachment A – Proposed FY 2025-2026 Advisory Committee Work Plans
- Attachment B – Summary of Proposed Committee Work Plans & Staff Recommendations
- Attachment C – Standard Operating Principles for Advisory Committees
- Attachment D – Council Policy 204, Advisory Committee Work Plans



# CITY OF DEL MAR

## FINANCE COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Finance Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their March 25, 2025, meeting.

**Item #1: Review FY 2025-2026 Budget Update and Related Financial Reports**

- **Description:** Review the Final FY 2024-25 Annual Financial Report; Mid-year FY 2025-26 Financial Report; and proposed budget update for the City's Fiscal Year 2026-27 Operating and Capital Budget and provide feedback and recommendations to the City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

**Item #2: Review Quarterly Treasurer's Reports**

- **Description:** Review quarterly Treasurer's report and provide feedback and recommendations to the City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None
- **Priority:** High

**Item #3: Review CalPERS Actuarial Valuation Reports**

- **Description:** Review CalPERS Actuarial Valuation Reports and City staff's calculated unfunded liability balance to be used internally to determine the annual funding reserve requirement. Provide feedback to City Council related to funding levels.
- **Subcommittee:** Pension Reserve Subcommittee.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

**Item #4: Review Updated Capital Reserve Policy (Finnell Plan)**

- **Description:** Review updated capital reserve policy and provide feedback and a recommendation to the City Council related to the Policy and proposed funding levels.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

**Item #5: Review Updated Cost Allocation Plan**

- **Description:** Review updated Cost Allocation Plan and provide feedback to the City Council related to changes to the plan.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

**Item #6: Receive Undergrounding Financing Update**

- **Description:** Receive update on items related to Undergrounding financing including meeting updates related to actions taken by UPAC Financing Subcommittee, UPAC, and City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High



# CITY OF DEL MAR

## LAGOON COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Lagoon Committee, in coordination with staff and Council liaisons, prepared the following proposed Fiscal Year 2025-2026 Work Plan, which was approved by the committee at its March 4, 2025, Special Meeting for City Council consideration.

### **Item #1: Receive Updates and Provide Comments on Lagoon Health**

- **Description:** Receive updates and review reports on dredging, water quality, wildlife, and plant life, including the City's new bi-annual water quality monitoring program for the San Dieguito Lagoon. Determine how the Committee can receive additional water quality monitoring data for the lagoons from other agencies and make requests for data. Receive annual lagoon report update provided by consultants working for SCE & SDGE as required by the Coastal Permit for Lagoon restoration. Provide questions and comments on reports to City staff and Council Liaisons at committee meetings. Organize outside speakers to attend meetings and present on the health of the lagoons.
- **Subcommittee:** Water Quality & Sand Dredging Subcommittee
- **Resources Requested:** Staff time to prepare updates for regularly scheduled committee meetings. Reports forwarded to committee members for review.
- **Additional Information:** Coordinate requests for data and speakers from the following agencies: California Department of Fish and Wildlife, Los Peñasquitos Lagoon Foundation, San Dieguito River Park JPA, San Dieguito River Valley Conservancy, California Coastal Commission, and Coastal Environments (consultant for Southern California Edison's San Dieguito Lagoon Restoration Project), Wildcoast, and Surfrider.
- **Priority: 1 (highest)**

### **Item #2: Development/Projects Adjacent to or Impacting the Lagoons**

- **Description:** Receive updates and presentations on pending developments and/or projects that are adjacent to or may impact the lagoon (e.g., Camino del Mar Bridge Replacement Project, Riverpath Del Mar Extension Phase 3, San Dieguito Lagoon Shoreline Protection Planning Project, San Dieguito Doubletrack Project, LOSSAN Rail Realignment Project, Watermark development projects, Del Mar Fairgrounds east parking lot, San Dieguito River Park JPA Coast to Crest Trail, and City of San Diego's El Camino Real bridge project. Provide questions and comments to City staff and Council Liaisons at committee meetings.
- **Subcommittee:** N/A
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 2**

**Item #3: Lagoon Related Outreach**

- **Description:** Coordinate with City staff using currently available communication tools to raise awareness about the lagoons and trails within the City of Del Mar through education, field work, and outreach. Participate at outside agency events involving the lagoon as representatives of the Lagoon Committee.
- **Subcommittee:** Education & Outreach Subcommittee
- **Resources Requested:** Currently available City communication tools and staff time for review of any electronic publications or materials that would be handed out at events.
- **Additional Information:** N/A
- **Priority:** 5

**Item #4: Blue Carbon Collaborative**

- **Description:** Lagoon Committee members to participate in the Blue Carbon Collaborative sponsored by WILDCOAST and Coastal Quest. Provide report out of activities at quarterly committee meetings.
- **Subcommittee:** Restoration & Blue Carbon Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority:** 6

**Item #5: Monitor Condition of Trails Surrounding Lagoons**

- **Description:** Monitor trails surrounding the lagoons within the City of Del Mar. Provide updates, questions and comments to City staff and Council liaisons to share with the Parks and Recreation Committee, or, if there are potential follow up actions, work with Council liaisons to obtain City Council approval (if not on City staff's annual work plan). Request presentations from the San Dieguito River Park JPA on their "Reach the Beach" trail project.
- **Subcommittee:** Trails Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority:** 4

**Item #6: San Dieguito River Park Citizen's Advisory Committee Meetings**

- **Description:** Appoint a Lagoon Committee member to participate in monthly San Dieguito River Park Citizen's Advisory Committee meetings and provide summary of meetings at quarterly committee meetings.
- **Subcommittee:** Appointed Lagoon Committee Member
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority:** 7

***Item #7: Attend San Dieguito River Valley Conservancy Meetings***

- **Description:** Lagoon Committee members to attend monthly San Dieguito River Valley Conservancy meetings and provide summary of meetings at quarterly committee meetings.
- **Subcommittee:** Lagoon Committee Members
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 8 (lowest)**

***Item #8: Fishing in the San Dieguito Lagoon***

- **Description:** Seek to understand how fishing is impacting the San Dieguito Lagoon. Engage with other stakeholder agencies (SDRP JPA and California Department of Fish and Wildlife) to understand how fishing impacts them. Receive education and provide outreach about fishing rules, regulations, current usage, and seasonal considerations. Receive a presentation from MPA Collaborative. Discuss potential recommendations to City Council.
- **Subcommittee:** Fishing Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 3**



# CITY OF DEL MAR

## MEASURE Q CITIZEN OVERSIGHT COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

Given that the scope of the Measure Q Citizen Oversight Committee is narrowly focused on review and audit of Measure Q funds, staff prepared the Proposed FY2025-2026 Work Plan for City Council for consideration.

**Item #1: Review Revenue and Expenditures related to the Use of Measure Q Funds**

- **Description:** Identify revenue and expenditure key risks; review differences between general sales tax and Measure Q tax results; review revenue and expenditure financial transactions; and report annual results to City Council.
- **Subcommittee:** None
- **Resources Requested:** Staff will provide committee with: Major Industry Groups Comparison Report; Measure Q revenue and expenditure detail reports; committee randomly selected Measure Q revenue remittance reports; Measure Q expenditure invoices and supporting documents; and if applicable any documentation related to authorized transfers.
- **Additional Information:** None
- **Priority:** High/Operational



# CITY OF DEL MAR

## PARKS & RECREATION COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Parks & Recreation Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their February 12, 2025, meeting.

**Item #1: Update Website Map to Include Additional Information on Regional Trails**

- **Description:** Update City's interactive map to include more information on regional trails <https://www.delmar.ca.us/240/Parks-Recreation-Committee>
- **Subcommittee:** Website Subcommittee - members TBD
- **Resources Requested:** 80 staff hours to update website
- **Additional Information:** Operational Item
- **Priority:** medium

**Item #2: Provide Guidance on Other Website Updates Related to Parks**

- **Description:** Committee to review the existing website and recommend updates for the Parks and Recreation information on the City's website
- **Subcommittee:** Website Subcommittee - members TBD
- **Resources Requested:** 40 staff hours to review wording and update website
- **Additional Information:** Operational Item
- **Priority:** medium

**Item #3: Annual Survey of Paths and Trails**

- **Description:** City staff will prepare a shortened list of feasible paths and trails that are easily accessed. Once the list is finalized, the committee and staff will visit the public paths and trails, complete the survey form including a summary of recommended maintenance, and request work orders. Surveys are not a requirement of all committee members
- **Subcommittee:** N/A
- **Resources Requested:** 40 staff hours to perform surveys, prepare work orders, and Public Works staff time to complete work orders
- **Additional Information:** Operational Item
- **Priority:** high

**Item #4: Annual Survey of Parks**

- **Description:** Committee to create a checklist of things to observe during park surveys. Once completed, visit the public parks, complete the survey form, prepare a summary of recommended maintenance, and request work orders. Surveys are not a requirement of all committee members
- **Subcommittee:** Need a short-term committee to create a checklist – members TBD.
- **Resources Requested:** 40 staff hours to participate in surveys, prepare work orders, and Public Works staff time to complete work orders
- **Additional Information:** Operational Item
- **Priority:** medium

**Item #5: Annual Survey of Adopt-A-Spot Locations**

- **Description:** Visit the approved Adopt-A-Spot locations to review conditions. Request improvements from resident or work orders from City, as appropriate.
- **Subcommittee:** Mary to lead
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** medium

**Item #6: Provide Recommendations for Wording and Location for Native American Plaque in a Public Location**

- **Description:** Prepare a proposal for a plaque to honor the Native American history in the Del Mar region. Proposal to include draft wording, size, location, materials, cost, and any necessary details. Engage with interested community members and Native American tribe representatives as appropriate. Proposal to be presented to the City Council for consideration of approval.
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** City Council Tier 3 Priority
- **Priority:** low

**Item #7: Review Adopt-A-Spot Application Requests**

- **Description:** Review and comment on proposed Adopt-A-Spot requests and provide recommendation
- **Subcommittee:** not applicable
- **Resources Requested:** None
- **Additional Information:** Operational Item
- **Priority:** medium

**Item #8:**     **Respond to Parks & Recreation needs throughout City, including beach, as directed by the City Council and/or staff**

- **Description:** Review and comment on various requests for changes at City parks and beaches, as they are received from committee members or the public. This includes CIP projects, such as Median Improvements and Shores Park Improvements
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** low

**Item #9:**     **Review Draft Policy for Plaques in Public Parks, Once Prepared by City Staff**

- **Description:** Staff will be working on a plaque policy for Del Mar that provides guidance on who or what is memorialized in plaques in public parks, how big the plaque can be, what it looks like, where it goes, etc. Once staff prepare a draft policy, the Committee will review and provide feedback on the policy prior to City Council consideration.
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** low



# CITY OF DEL MAR

## SUSTAINABILITY ADVISORY COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Sustainability Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed Fiscal Year 2025-2026 Work Plan, which was approved by the committee at its March 18, 2025, Special Meeting for City Council consideration.

### **Item #1: Urban Tree Recommendations**

- **Description:** SAC will make recommendations on tree issues including how the City and residents can obtain free trees offered by local and regional programs. SAC will receive an update and provide feedback on the City's Tree Policy Manual; Tree Ordinance (Del Mar Municipal Code Chapter 23.50); and Trees, Scenic View and Sunlight Ordinance (Del Mar Municipal Code Chapter 23.51) in Fiscal Year 2025-2026 prior to City Council consideration. SAC will receive an update about the City of San Diego's LiDAR tree study, which was conducted in 2022 and includes regional analysis and comparison to 2014 data.
- **Subcommittee:** Tree Subcommittee
- **Resources Requested:** Staff time to coordinate presentations.
- **Additional Information:** N/A
- **Priority:** 4

### **Item #2: General Outreach on Solid Waste and Sustainability Issues**

- **Description:** SAC will make suggestions and draft general outreach content on solid waste and diversion programs (above and beyond what is provided by the City's franchise waste hauler), sustainability-related and new plastics ordinances, and sustainability issues on the City Council-approved citywide work plan in consultation with staff and SAC's Council Liaisons. This includes:
  1. Reviewing the "Go Green Del Mar" section of the City's website to ensure it is up to date;
  2. Drafting "Green Papers" (one per month) for publication in the Del Mar Weekly and on the City's website;
  3. SAC member attendance at up to six (6) community events during the year to provide outreach on SAC work plan items;
  4. Recommend guest speakers to present on pertinent issues at SAC meetings or at public workshops to be organized by SAC in conjunction with City staff; and
  5. Drafting content for SAC's ongoing series "Trash Talk" in the Del Mar Weekly.
- **Subcommittee:** Outreach Subcommittee & Plastics/Zero Waste Subcommittee
- **Resources Requested:** Staff time to review and publish material on behalf of the SAC. Staff time to organize SAC member attendance at community events in a Brown Act compliant manner and to review associated collateral. Staff time to coordinate relevant speakers at SAC meetings.
- **Additional Information:** N/A
- **Priority:** 3

**Item #3: Energy Efficiency**

- **Description:** SAC will review and provide feedback on a draft City Council policy for gas appliance inventorying and replacement when cost effective. SAC recommends the City adopt a high-performance reach code. SAC will also monitor funding opportunities to improve energy efficiency of City facilities and current legal challenges and State guidance related to building electrification regulations and make recommendations for City Council work plan consideration as appropriate.
- **Subcommittee:** Energy Efficiency/Solar Subcommittee
- **Resources Requested:** Staff and City Attorney time to draft and review the new City Council policy and a potential high-performance reach code.
- **Additional Information:** N/A
- **Priority:** 2

**Item #4: Climate Action Plan Update**

- **Description:** SAC will review and provide feedback on an update to the City's Climate Action Plan and accompanying greenhouse gas inventories prior to City Council consideration, and will support CAP-related outreach activities. SAC recommends that adaptation, resilience, equity, and new approaches like micromobility are considered in the CAP Update process.
- **Subcommittee:** Climate Action Plan Update Subcommittee
- **Resources Requested:** Staff time to provide updates to SAC.
- **Additional Information:** N/A
- **Priority:** 1



# CITY OF DEL MAR

## TRAFFIC AND PARKING ADVISORY COMMITTEE FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Traffic & Parking Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their January 28, 2025, meeting.

**Item #1: Speed Survey & Traffic Studies**

- **Description:** Speed Survey and traffic studies of major arterial segments as selected by TPAC.
- **Subcommittee:** N/A
- **Resources Requested:** Approximately \$18k plus 60 staff hours.
- **Additional Information:** N/A
- **Priority:** Medium

**Item #2: Review and Advise City Council on Coastal Development Permit Citywide Paid Parking Facilities and Low-Income Beach Parking Pass Program**

- **Description:** Required by the City's California Coastal Commission Coastal Development Permit; condition of approval. Annual program evaluation.
- **Subcommittee:** N/A
- **Resources Requested:** Monitoring is ongoing; 10 staff hours for TPAC.
- **Additional Information:** N/A
- **Priority:** High

**Item #3: Provide Input and Recommendations on City Workplan or Operational items as identified by Council or City Staff**

- **Description:** Provide input and recommendations on City workplan or operational items as determined by City staff. For example: changes to City parking code.
- **Subcommittee:** TBD
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority:** TBD

**Item #4: Evaluate Concerns or Citizen Requests Related to City Major Arterials as Brought Forward for Consideration by City staff**

- **Description:** Consider requests from citizens or evaluate safety concerns raised about the City's major arterials as deemed appropriate and brought forward by City staff.
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority:** TBD

**Item #5: Quarterly Comprehensive Citywide Accidents / Enforcements / Violations data**

- **Description:** Quarterly review of data on citywide accidents, traffic enforcement, and traffic violations.
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority:** TBD

**Item #6: Participate in the Development of the Citywide Red Curb Program**

- **Description:** TPAC to participate in the development of a comprehensive red curb program
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority:** TBD

**Item #7: Comprehensive Traffic/Pedestrian Intersection Analysis of Via de la Valle and Camino del Mar**

- **Description:** TPAC to receive and review a comprehensive traffic, bicycle, and pedestrian analysis related to the intersection of Via de la Valle and Camino del Mar
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority:** TBD



# CITY OF DEL MAR

## UNDERGROUNDING PROGRAM ADVISORY COMMITTEE (UPAC) FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Undergrounding Program Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their April 10, 2025, meeting.

### **Item #1: Prepare Recommendations Related to Utility Undergrounding District (UUD) 1A (Stratford Court South)**

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) 1A for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

### **Item #2: Prepare Recommendations Related to UUD X1A (Crest Canyon)**

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) X1A for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

### **Item #3: Prepare Recommendations Related to UUD 1B (Stratford Court North)**

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) 1B for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

**Item #4: Prepare Recommendations Related to UUD 25<sup>th</sup> Street**

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District 25<sup>th</sup> Street for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

**Item #5: Prepare Recommendations Related to Undergrounding Program Financing**

- **Description:** Develop recommendations and provide feedback related to the Undergrounding Program Financing for City Council consideration.
- **Subcommittee:** Financing Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

**Item #6: Development of a Utility Undergrounding Program Cash Flow Analysis**

- **Description:** Project financing subcommittee to work with staff to develop and monitor a long-term project schedule/cash-flow analysis to ensure financial resources are available when needed throughout the life of the citywide Utility Undergrounding Program.
- **Subcommittee:** Financing Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

**Item #7: Review of Property Owner Communications Procedures**

- **Description:** Subcommittee to review and provide feedback to staff on processes/protocols for communications with property owners.
- **Subcommittee:** Property Owner Communications Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

## Fiscal Year 2025-2026 Advisory Committee Proposed Work Plans

ARTS ADVISORY COMMITTEE			
Item N	Proposed Work Plan Items	Alignment with City Council Goals/City Operations	Staff Recommendation
N/A	N/A	N/A	N/A
FINANCE COMMITTEE			
Item N	Proposed Work Plan Items	Alignment with City Council Goals/City Operations	Staff Recommendation
1	Review FY 2025-2026 Budget Update and Related Financial Reports	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
2	Review Quarterly Treasurer's Reports	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
3	Review CalPERS Actuarial Valuation Reports	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
4	Review Updated Capital Reserve Policy (Finnell Plan)	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
5	Review Updated Cost Allocation Plan	Tier 2 City Council priority	<i>Recommended</i> - Consistent with Committee Charter and purpose.
6	Receive Undergrounding Financing Update	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
LAGOON COMMITTEE			
	Proposed Work Plan Items	Alignment with City Council Goals/City Operations	Staff Recommendation
1	Receive updates, reports and provide comments on Lagoon Health	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
2	Development/Projects Adjacent to or Impacting the Lagoons	Operational/Tier 1 City Council priority (related to review of SANDAG projects)	<i>Recommended</i> - Consistent with Committee Charter and purpose.
3	Lagoon Related Outreach	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
4	Blue Carbon Collaborative	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
5	Monitor Condition of Trails Surrounding Lagoons	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
6	San Dieguito River Park Citizen's Advisory Committee Meetings	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
7	Attend San Dieguito River Valley Conservancy Meetings	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
8	Fishing in the San Dieguito Lagoon	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
MEASURE Q CITIZENS OVERSIGHT COMMITTEE			
	Proposed Work Plan Items	Alignment with City Council Goals/City Operations	Staff Recommendation
1	Review Revenue and Expenditures related to the Use of Measure Q Funds	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
PARKS & RECREATION COMMITTEE			
	Proposed Work Plan Items	Alignment with City Council Goals/City Operations	Staff Recommendation
1	Update Website Map to Include Additional Information on Regional Trails	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
2	Provide Guidance on Other Website Updates Related to Parks	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
3	Annual Survey of Paths and Trails	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
4	Annual Survey of Parks	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
5	Annual Survey of Adopt-A-Spot Locations	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
6	Provide Recommendations for Wording and Location for Native American Plaque in a Public Location	Tier 3 City Council priority	<i>Recommended</i> - Council approved City Work Plan item.
7	Review Adopt-A-Spot Application Requests	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
8	Respond to Parks & Recreation needs throughout City, including beach, as directed by the City Council and/or staff	Operational	<i>Recommended</i> - Consistent with Committee Charter and purpose.
9	Review Draft Policy for Plaques in Public Parks, Once Prepared by City Staff	Tier 3 City Council priority	<i>Recommended</i> - Council approved City Work Plan item.

**SUSTAINABILITY ADVISORY COMMITTEE**

	<b>Proposed Work Plan Items</b>	<b>Alignment with City Council Goals/City Operations</b>	<b>Staff Recommendation</b>
1	Urban Tree Recommendations	Tier 2 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.
2	General Outreach on Solid Waste and Sustainability Issues	Operational	<b>Recommended with an Amendment</b> - Staff recommends removing the language regarding scheduling guest speakers. Staff's recommendation is that scheduling is done through the Staff Liaison, as is the practice with other committees. Item consistent with Committee Charter and purpose.
3	Energy Efficiency	Tier 3 City Council priority	<b>Recommended with an Amendment</b> - Staff recommends removing the language regarding adopting a high-performance reach code based on current City Attorney guidance and limited staff capacity outside of Climate Action Plan Update. Council approved City Work Plan item.
4	Climate Action Plan Update	Tier 2 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.

**TRAFFIC & PARKING ADVISORY COMMITTEE**

	<b>Proposed Work Plan Items</b>	<b>Alignment with City Council Goals/City Operations</b>	<b>Staff Recommendation</b>
1	Speed Survey & Traffic Studies	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
2	Review and Advise City Council on Coastal Development Permit Citywide Paid Parking Facilities and New Low Income Beach Parking Pass Program Monitoring	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
3	Provide Input and Recommendations on City Workplan or Operational items as identified by Council or City Staff	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
4	Evaluate Concerns or Citizen Requests Related to City Major Arterials as Brought Forward for Consideration by City staff	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
5	Quarterly Comprehensive Citywide Accidents / Enforcements / Violations data Reporting	Operational	<b>Recommended with an Amendment</b> - Staff recommends annual comprehensive updates (instead of quarterly) on traffic enforcement data in order to have a longer timeframe for data collection. Consistent with Committee Charter and purpose.
6	Participate in the Development of the Citywide Red Curb Program	Tier 2 City Council priority	<b>Recommended with an Amendment</b> - Staff will develop a Citywide Curbside Management Inventory & Program and will bring to TPAC for review and feedback prior to being presented to the Council. Council approved City Work Plan item; Tier 2.
7	Comprehensive Traffic / Pedestrian Intersection Analysis of Via de la Valle and Camino del Mar	Not on Council Approved City Work Plan	<b>Not Recommended at this time</b> - Due to the upcoming Double Track SANDAG project and the City's Camino Del Mar Bridge replacement project substantial expected impacts to the intersection in the next few years, a comprehensive analysis on the intersection would be more appropriate after both projects are completed.

**UNDERGROUNDING PROGRAM ADVISORY COMMITTEE**

	<b>Proposed Work Plan Items</b>	<b>Alignment with City Council Goals/City Operations</b>	<b>Staff Recommendation</b>
1	Prepare Recommendations Related to Utility Undergrounding District (UUD) 1A (Stratford Court South)	Tier 1 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.
2	Prepare Recommendations Related to UUD X1A (Crest Canyon)	Tier 1 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.
3	Prepare Recommendations Related to UUD 1B (Stratford Court North)	Tier 1 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.
4	Prepare Recommendations Related to UUD 25th Street	Tier 1 City Council priority	<b>Recommended</b> - Council approved City Work Plan item.
5	Prepare Recommendations Related to Undergrounding Program Financing	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
6	Development of a Utility Undergrounding Program Financing / Cash Flow Analysis	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.
7	Review of Property Owner Communications Procedures	Operational	<b>Recommended</b> - Consistent with Committee Charter and purpose.

RESOLUTION NO. 2022-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING STANDARD OPERATING PRINCIPLES FOR DEL MAR ADVISORY COMMITTEES AND BOARDS

WHEREAS, the City of Del Mar ("City") has an exceptional pool of talented residents who are willing to contribute their time and efforts on committees established to benefit the Del Mar community; and

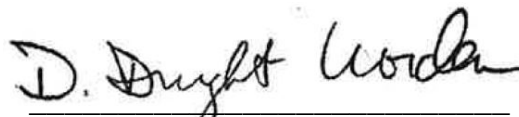
WHEREAS, on February 3, 2014, the City Council adopted Resolution No. 2014-08 establishing Standard Operating Principles for all Del Mar Advisory Committees and Boards; and

WHEREAS, on November 19, 2018, the City Council adopted Resolution No. 2018-81 amending Standard Operating Principles for all Del Mar Advisory Committees and Boards; and

WHEREAS, the City Council now desires to update and amend the Standard Operating Principles.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Del Mar, California, that the Standard Operating Principles for Advisory Boards and Committees are hereby amended as shown in Exhibit A of this resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 10th day of January 2022.



Dwight Worden, Mayor  
City of Del Mar

APPROVED AS TO FORM:



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, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-08, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 10th day of January 2022, by the following vote:

AYES: Mayor Worden, Deputy Mayor Martinez, Council Members Druker, Gaasterland, and Quirk  
NOES: None  
ABSENT: None  
ABSTAIN: None



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Sarah Krietor, Acting City Clerk  
City of Del Mar



# CITY OF DEL MAR

## STANDARD OPERATING PRINCIPLES FOR ADVISORY COMMITTEES

Del Mar relies on a robust and important system of advisory committees and ad hoc task forces staffed by appointed volunteers to help the City achieve its goals, engage the community in City affairs, and take advantage of the deep bench of talent in the Del Mar community.

The following standard operating principles are provided for all City of Del Mar advisory committees to help guide committees in best practices for common areas, in accordance with [Del Mar Municipal Code Chapter 2.30](#).

### I. MEMBERSHIP

- a. The membership composition of Del Mar advisory committees shall be adopted for each committee by resolution of the City Council.
- b. All Del Mar advisory committee members will be residents of the City of Del Mar, unless otherwise specified.
- c. All Del Mar advisory committees will consist of voting members selected by a majority (three or more) of the total authorized City Council membership.
- d. One or two City Council members, as appointed by a majority of the City Council, will act as Council liaison(s) to each Del Mar advisory committee.
- e. One City staff member, as designated by the City Manager, will act as a staff liaison to each Del Mar advisory committee. Additional City staff support for committees shall be allocated based upon: (1) any direction given in the committee charter; (2) consistent with the adopted City budget and pursuant to the City Manager's management of staff resources; and (3) the annual work plan approved by the City Council.

### II. AGENDAS

- a. The designated City staff liaison to the committee will prepare the agenda in the City's standard format, with the assistance of the committee Chair and Council liaison(s). Once the meeting agenda is finalized, the agenda will be posted by City staff in accordance with California's Open Meetings Law (the Ralph M. Brown Act, Gov. Code § 54950 et seq.).
- b. The agenda shall include the following:
  - i. The name of the committee;
  - ii. A summary of the Code of Civil Discourse
  - iii. The date, time and place of the meeting;
  - iv. A general description of each agenda item that will be discussed, including a time set aside for oral communications as described in Section IV(g).
  - v. Any other information that may be required by law.

- c. Items can be placed on a committee agenda in one or more of the following ways:
  - i. City staff;
  - ii. Council liaison(s);
  - iii. By committee direction, or the committee can agree to let the committee Chair place an item on the agenda;
  - iv. If a member of the public or a committee member other than the Chair requests an agenda item, it should go the Chair, City staff, or Council liaison(s) for approval to place it on the agenda.

### III. PUBLIC COMMUNICATION ON AGENDA ITEMS

Del Mar advisory committees do not follow the red dot process. Instead, public communications should be sent to the staff liaison for distribution via email to the committee prior to the meeting. The communications will not be posted on the City's website but will be distributed to the committee members, Council liaisons, and staff liaisons, and the communication will be made available to the public and filed with the official record for the meeting.

### IV. CONDUCT OF MEETINGS

- a. **Regular Meetings.** Advisory committees should establish regular meeting times and place in accordance with the Brown Act. The frequency of a committee's meetings will be set by the Council, preferably in the committee charter. The Council may modify the time, place, and frequency of a committee's meetings from time to time as appropriate. To assist with agenda planning, the standard meetings length will be two hours, which may be extended by a majority vote of the committee.
- b. **Changing Regular Meetings.** Committee members can propose a new regular meeting time or date by having the item placed on a committee agenda, with the majority of the members voting in favor of changing the regular meeting time. Council, staff liaisons, and meeting room availability should be considered when changing the regular meeting time or date. Meeting time or date changes must be approved by the Council liaisons and City staff.
- c. **Selection of Officers.** All established Del Mar advisory committees will have an agenda item to select a Chair, Vice Chair, and Secretary from among its members at the last meeting of the calendar year, with the new Chair serving at the first meeting of the new year. It is encouraged that these positions rotate annually among the committee members.
- d. **Quorum.** A quorum (1/2 or more of the committee membership) of voting membership must be present to transact business. If less than a quorum is present, those present may still discuss matters, but may not take action on any item.
- e. **Duties of Secretary.** All Del Mar advisory committees will select a Secretary from among its members. The Secretary will prepare action minutes of the committee meetings for the committee's approval and shall file a copy of the approved minutes with the Administrative Services Department within ten (10) business days of the meeting when the minutes were approved.

- f. **Brown Act (Open Meetings).** All Del Mar advisory committees will conduct their affairs in full compliance with California's Open Meetings Law (Ralph M. Brown Act, Gov. Code § 54950 et seq.). A copy of the Open Meetings Law will be provided to all new committee members. Members of the public can communicate with the committee prior to the meeting through the process described in Section III – Public Communication on Agenda Items.
- g. **Discussion Limited to Agenda Items.** Only matters listed on the posted agenda for a regular or special committee meeting may be discussed at that meeting. An opportunity for the public to speak on items not on the agenda will be provided at all Del Mar advisory committee meetings through a time set aside for oral communications and also during each agenda item before action is taken. Advisory committees are not required to use speaker slips; however, they may use speaker slips if there are large number of speakers for a given item. The committee Chair should remind public speakers to state their name for the record.
- h. **Meetings not Recorded.** Advisory committee meetings are not typically recorded or televised. Council liaison(s) can recommend that the full City Council approve in advance an advisory committee meeting be televised. Committees can work with City staff to audio record a meeting through the Town Hall dais recording system or as otherwise may be possible.
- i. **Public Participation Encouraged.** All Del Mar advisory committees will encourage the public to offer ideas and suggestions that contribute to the mission/scope of the committee. Working closely with their Council liaison(s), committees will determine if any suggestions or ideas should be brought forward to the City Council.
- j. **Attendance.** All Del Mar advisory committee members will make every attempt to attend all regular and special meetings of the committee, according to the Del Mar Municipal Code Section 2.30.020.
- k. **Continuance of Meetings.** There are special procedures for continuing meetings. Committees should work with the Council liaison(s) and City staff to properly notice and continue meetings.
- l. **Remote Attendance.** There are special procedures for patching in absent members by phone or online platform. Participation by phone or online platform should be approved by a Council liaison and should only be used for special circumstances. Participation by phone or online platform is not the City's standard practice. Participation by phone should be coordinated with City staff in advance of the agenda going out, as there are special noticing requirements for remote attendance.
- m. **Brown Act Assistance.** If uncertain what Brown Act requirements might apply to particular situations, please ask the City staff liaison or the Council liaison(s) for help, in advance.
- n. **Recusals.** Committee members designated in the City's Conflict of Interest Code must follow the applicable State laws related to recusals and must recuse themselves from items in which they have a personal, financial interest. These committee members should consult City staff for guidance when needed.

Committee members not designated in the City's Conflict of Interest Code should avoid participating in items in which they have a real or perceived bias. For example, a member of the Traffic and Parking Advisory Committee should recuse themselves on a vote for an item in very close proximity to their home.

- o. **Meeting Locations.** All committee or sub-committee meetings that have staff attending should be held at the Civic Center either at City Hall or in the Town Hall. Regular meetings of the full committee will be at the Civic Center or as directed by Council. Subcommittee meetings where staff are not attending can be held at a location other than the Civic Center or City Hall, provided that, if the sub-committee is subject to the Brown Act, the location is in compliance with Brown Act requirements.

- V. **SUBCOMMITTEES.** Committees may establish through consensus informal subcommittees of limited scope and duration that are made up of less than a quorum of the committee members. Subcommittees may be used to keep committee work plan items moving between formal committee meetings. Informal subcommittees may meet with residents, volunteers, and City staff, but may not discuss committee related information with other committee members outside of a public meeting. Informal subcommittees are generally not subject to the Brown Act (open meeting law); however, certain committee actions related to subcommittees may trigger Brown Act requirements. Committees should seek guidance from City staff and Council liaisons when establishing informal subcommittees.

## VI. HELPFUL TIPS FOR RUNNING A GOOD MEETING

The job of the committee Chair is to keep things on track and ensure the following:

- a. Make everyone feel welcome.
- b. Meetings should start promptly at the assigned start time.
- c. Make sure everyone is treated with respect: committee members, public, and staff.
- d. When taking public testimony:
  - 1) Announce in advance any time limits and procedures to be followed.
  - 2) It may be helpful to let members of the public know that their comments will be heard but often there is no dialog between the committee and the public during the public comment portion of the meeting and that, generally, discussion of comments raised on items not on the agenda are not allowed.
  - 3) When appropriate, remind speakers that they may simply say, "I agree with the prior speaker."
  - 4) The Chair and all committee members should give each speaker their undivided attention.
- e. Make sure everyone on the committee or in the audience is heard once before anyone is heard twice. The Chair typically speaks last.
- f. The Chair's role is to consolidate the committee's discussion and find consensus among the members.
- g. Ensure that questions from members of the public are addressed only to the Chair and not to other committee members, Council or staff liaisons, or other members of the public.

- h. The Chair should take the lead on enforcing the Code of Civil Discourse and Supplemental Policy Related to the Code of Civil Discourse regarding committee member and public conduct at the meeting.
- i. Absent unusual circumstances, the following process for running a meeting is recommended:
  - i. Staff or sub-committee report to present the item;
  - ii. Take questions from committee members — this is the time for questions, not stating opinions;
  - iii. Take public testimony; and
  - iv. Committee discussion and action - this is the time for committee members to express opinions. Generally, the Chair will speak last.

## VII. WORK TASKS AND TAKING ACTIONS

Taking action on an item is one of the most important things an advisory committee does. When doing so, the following guidelines should be followed:

- a. Make sure the proposed action item has been properly noticed and placed on the agenda.
- b. Make sure it falls within the scope of the committee's mission and any applicable City goals and priorities.
- c. Recognize that, normally, all committee actions seeking City action or commitments will be in the form of a recommendation to Council.
- d. Review the proposed action with City staff and Council liaison(s) in advance, especially if it requires a commitment of City staff time or resources.
- e. Remember that the committee is advisory to the City Council and should not undertake to act independently.
- f. If there is a new item the committee would like to work on, send a request to the Council through the Council liaisons(s) for approval before starting work.
- g. If the committee wants to comment to an outside agency or person, for example on an environmental document, send the committee's draft comments via the Council liaison(s) to the City Council for approval, recognizing only the City Council can speak for the City.
- h. Advisory committee requests to staff or outside agencies should be submitted directly to the Council liaison(s).
- i. If an advisory committee receives a request from an outside organization, the request should be forwarded to the City staff and Council liaison(s). The advisory committee should not respond directly to the requestor without authorization from the Council liaison(s).

## VIII. REPORTING/RECORDS

### A. Records

Committees shall record actions taken at their meetings by producing meeting minutes, which should include the following:

- a. The name of the committee.
- b. The date, time and place of the meeting.
- c. The time the meeting began.
- d. The names of those committee members in attendance.
- e. The names of those Council liaison(s) and staff in attendance.

- f. Approval of the previous meeting minutes.
- g. A brief summary of the discussion for each agenda item and a description of the actions taken by and recommendations of the committee.
- h. The hour of adjournment.
- i. Names of public speakers and a brief summary of their input.

The Administrative Services Department will maintain the final approved minutes for the City's official record. The minutes, records, reports, and documents of the committee are public record.

#### B. Reporting

- a. All advisory committees will briefly report on their activities to the City Council annually. This may be done in-person (typically by the Chair) at a City Council meeting, or in writing and included in the City Council agenda packet as a report related to the standing Committee Update section of the City Council agenda.
- b. All advisory committees will use their Council approved charter and City Council Goals and Priorities as a guide in developing an annual work plan and schedule for Council consideration. At the conclusion of work, a summary report will be submitted to the City Council by the Chair to document the findings or rationale of the concluded work. If the committee has both a majority and minority opinion, both reports may be submitted to the City Council for consideration. The summary report may be presented to the Council liaison(s), or to the full Council, and will be filed with the Administrative Services Department for the City's official record.
- c. Only Del Mar advisory committee members designated in the Del Mar Conflict of Interest Code will file Conflict of Interest Statements with the Administrative Services Department in accordance with the regulations of the California Fair Political Practices Commission and the Del Mar Conflict of Interest Code.

#### IX. **WORKING WITH COUNCIL LIAISONS**

Council liaison(s) are there to assist committees by:

- a. Providing a communication channel between the committee and the Council.
- b. Advocating to Council in support of committee recommendations.
- c. Helping committees to interface with City liaisons.
- d. Assisting and advising on proper meeting procedures, answering questions, and in other respects as the committee carries on its work.

More information about the role of City Council liaisons can be found in City Council Policy 202 – Responsibilities and Expectations of Council Liaisons to City Advisory Committees and of Council Representatives to Outside Agencies

RESOLUTIONS: 2014-08; 2018-81; 2022-08

RESOLUTION NO. 2022-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A CITY COUNCIL POLICY 204 ADVISORY COMMITTEE WORK PLANS

WHEREAS, the City of Del Mar has established various advisory committees to advise the City Council of topics of importance to the City; and

WHEREAS, the Standard Operating Principles for Advisory Committees requires committees prepare an annual work plan for City Council approval; and

WHEREAS, the City Council wishes to clarify in a City Council Policy the City's procedures for advisory committee work plans, allow advisory committees to work on committee generated items, and set expectations for the use of City staff and financial resources related to advisory committee work plans; and

WHEREAS, the City Council has reviewed City Council Policy 204 Advisory Committee Work Plans and wishes to adopt the policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, hereby ratifies and approves City Council Policy 204 as set forth in Exhibit A to this resolution; and

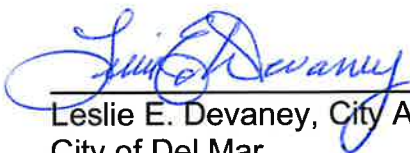
BE IT FURTHER RESOLVED that City Council Policy 204 be incorporated into the City Council Policy Book.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4<sup>th</sup> day of April, 2022.



Dwight Worden, Mayor  
City of Del Mar

APPROVED AS TO FORM:



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, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-23, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4<sup>th</sup> day of April, 2022, by the following vote:

AYES: Mayor Worden, Deputy Mayor Martinez, Council Members Druker, Gaasterland, and Quirk

NOES: None

ABSENT: None

ABSTAIN: None



Sarah Krietor, Acting City Clerk  
City of Del Mar



**CITY OF DEL MAR  
CITY COUNCIL POLICY BOOK**

<b>204</b>	<b>ADVISORY COMMITTEE WORK PLANS</b>	<b>DATE ADOPTED:</b>	04/04/2022
		<b>BY RESOLUTION:</b>	2022-23
		<b>PAGES:</b>	1 OF 3

**PURPOSE:**

The City of Del Mar (City) has various committees established to advise the City Council on topics of importance to the City. The City benefits greatly from the many committee members who volunteer their time serving their community. The purpose of this Policy is to provide committee members and Council and staff liaisons with additional procedures related to committee work plans to effectively engage advisory committees and manage City financial and staff resources.

Advisory committee efforts are directed by each committee’s Council approved charter and annual work plan. Committee activities fall within the scope of their respective charter and may include educational outreach and events; drafting documents for City Council consideration; preparing recommendations or comments for City Council consideration; and assisting with approved City operational (routine in nature and/or relate to the City’s daily operations), special projects, and Capital Improvement Program (CIP) work plan items (collectively referred to as the City Workplan) as may be appropriate. The amount of staff time and/or City financial resources required for committee work plan items ranges from significant to minimal.

The City Council established this Policy to set clear expectations for committee members, ensure committee work plan efforts are managed consistently from committee to committee, and to guide committee efforts to encourage alignment with established City Council Goals & Priorities (Council Goals) and the approved City Workplan.

**POLICY:**

The following procedures should be followed when preparing proposed advisory committee annual work plans and for ongoing management of committee work plan items and related City resources.

**A. Advisory Committee Annual Work Plans**

1. In accordance with the Standard Operating Principles for Advisory Committees, each committee will develop a proposed work plan for City Council approval annually.
2. Each year, committee chairs shall meet with the committee’s Council and staff liaisons to draft a proposed committee work plan for committee consideration at the first meeting of the calendar year. The proposed work plan shall include a description of each work plan item, estimate of staff hours and City resources required, priority level, nexus to Council Goals and/or the City Workplan, and any additional pertinent information the committee would like to include. The City Clerk’s Office will provide committees with standardized format for drafting annual work plans.
  - a. City Council will review and approve and/or modify committee work plans annually.



**CITY OF DEL MAR  
CITY COUNCIL POLICY BOOK**

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- b. Committee work plan items will be allocated City resources as described in Section B of this Policy.
3. Committees can amend their work plan throughout the year with approval of the committee and Council liaisons in order to adapt and be responsive to changing circumstances so long as the new work plan item does not require additional City resources. New work plan items requiring additional City resources must receive City Council approval as described in Section B(4)b of this policy.
4. In accordance with the Standard Operating Principles for Advisory Committees, at the conclusion of any work plan items, a summary report will be submitted to the City Council by the Chair to document the completion of the work and findings. If the committee has both a majority and minority opinion, both reports may be submitted to the City Council for consideration. The summary report may be presented to the Council liaison(s), or to the full Council, and will be filed with the Administrative Services Department for the City's official record.

**B. Allocation of Resources for Committee Work Plan Items**

1. Committee efforts should be focused on work plan items related to established Council Goals and approved City Workplan or on work plan items as designated by Council liaisons and City staff. Resources for committee workplan items related to Council Goals and/or the City Workplan are allocated as part of the budget process.
2. Wherever possible, committees should prioritize items that relate to Council Goals and/or the City Workplan where the work will result in a tangible lasting change or public benefit.
3. Minor committee efforts or work plan items that fall outside of Council Goals and/or the City Workplan and require little or no staff time and/or City resources, such as organizing speakers or developing informational materials, may be approved by the committee's Council liaisons. The Council and staff liaisons for each committee will provide guidance on the types of items requiring minimal or no staff time.
4. Committee members may volunteer their time to complete items that are not specifically related to current Council Goals or on the City Workplan but fall within the scope of the committee's charter, so long as the item does not require staff time and/or City resources and is approved by the committee's Council liaisons.
  - a. If the item reaches a point where staff time and/or City resources are required to proceed, the committee's Council liaison may choose to recommend the City Council consider options related to the committee generated item.



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CITY COUNCIL POLICY BOOK**

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- b. City Council approval is required to allocate resources to any committee generated items, including any new work plan items, that fall outside of the approved City Workplan. This will ensure the item can be considered in the context of the City's overall work plan, staff capacity, and financial position.
- c. City Council may take action related to committee generated work plan items including determining the item be added to the City Workplan, deferring the item for consideration as part of a future City Workplan, modifying the work plan item, providing additional direction to the committee, or not pursuing the item further.
- d. Committees will be notified of the City Council meeting when the proposed committee work plan item will be considered and the outcome of the City Council decision.