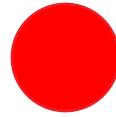


# Del Mar City Council Special Meeting Agenda

VIA TELECONFERENCE ONLY  
1050 Camino del Mar, Del Mar, California

**March 25, 2021 City Council Special Meeting**

**INFORMATION RECEIVED  
AFTER THE COUNCIL AGENDA  
WAS DISTRIBUTED  
("Red Dots")**



Note from Ken Olson, 404 Torrey Point Road. March 20, 2021

I'm responding to Terry Gaasterland's request of asking that residents send questions, concerns, or suggestions to her and the City Clerk, My assumption going in is that we want any future reader to immediately understand each provision of the document, so I have marked it up with that sole purpose in mind. Some people will say that I'm picking nits, and some will appreciate that now is the time to do so. Our collective failure to diligently review official documents in the past has led to problems.

Determining whether statements are objective or subjective is above my pay grade. Thank you for allowing me to participate. /ko

\*\*\*\*\*

20-25 units per acre –Objective Design Standards as of March 9, 2021

**30.92.040 Development Standards**

The development standards applicable to proposed development in the Housing Element Implementation Overlay Zone shall be in accordance with the applicable base zone, overlay zones, and all applicable provisions of DMMC Title 30, unless otherwise indicated herein, or where necessary to comply with Federal and or State law.

**A. Density. 20-25 dwelling units per net acre.**

**B. Construction Design Standards.**

**1) Setbacks.**

- a. Front yard: 10 feet  
Street Side Yard: 10 feet

- b. If parcels in the Overlay Zone share a property line with an adjacent parcel developed with an existing single dwelling unit or duplex residential use, the following additional setback requirements apply to proposed projects in the Overlay Zone to provide an appropriate transition to the existing use:

- i. A minimum 15-foot-wide landscaped buffer (setback) shall be provided and maintained on the project side of any property line unless accommodation, as determined by \_\_\_\_\_, is necessary to meet the minimum density range to provide affordable units.

- ii. Any-Upper stories of residential uses structures in the Overlay Zone shall be setback-set back at least 30 feet from any property line-adjacent to the residential use.-

- c. Construction, grading, or other encroachment of any kind on substantial steep slopes (as defined in DMMC Section 30.52.060.1.b), or within 20 feet of the top or 10 feet of the bottom of substantial steep slopes ~~exceeding 25 percent grade~~ *(please don't define a substantial state slope more than once -- it's already defined in Section 30.52.060.1.b)*, or the construction of structures which overhang *(will the reader know what the verb overhang means here? I don't.)* such steep slopes or steep slope setbacks, shall ~~be~~ not be allowed.

**2) Building Design.**

- a. ~~Maximum~~ Average size of dwelling units for a development site shall not exceed 1,000 square feet of "Bulk Floor Area" as defined and regulated in DMMC Chapter 30.72, ~~excepting that a~~ Attached dwelling units shall be measured to the center of shared building walls.
- b. No more than 75% of a building facade shall be in a single plane. An average of a five-foot offset, with a minimum of one-foot, is required for the remaining ~~25%~~ portion of the building ~~face-facade.~~ *(please don't change terminology here)*
- c. Decks on the roof of ~~the tallest building~~ any building ~~exceeding one-story~~ one story shall not be allowed.
- d. Habitable portions of the development one-story shall have a "flat roof" design, ~~allowing~~ with minimum necessary slope for drainage.

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20-25 units per acre –Objective Design Standards as of March 9, 2021

- e. Single-story design elements such as entries and clerestories with two-story volume or heights shall not be allowed.
- f. Ceiling heights ~~on~~ in any habitable building ~~level~~ shall not exceed 10 feet.
- g. Elevated deck areas associated with individual units shall be limited to 100 square feet in area and shall be oriented towards the street. *But what if they are inside a community with internal streets?*
- h. Covered outdoor areas, including, but not limited to, entries, porches, decks, and balconies shall be limited to a cumulative total of 10% of the associated unit size.

i. Earth tone ~~paint~~ (Why limit this to paint, shouldn't it include stone etc.?) colors (is there a definition of earth tone somewhere, or is it subjective?) shall be used for building exteriors.

### 3) Auxiliary Structures/Equipment and Utilities.

- a. All roof appurtenances including, but not limited to, air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets, and adjacent properties.
- b. All ground-mounted mechanical equipment, ~~including,~~ but not limited to, heating and air conditioning units, trash receptacle areas and ~~adequate~~ ( I understand the intent, but this is pretty subjective ) areas for collecting and loading recyclable materials, shall be completely screened from surrounding properties by use of ~~a~~-walls, view-obscuring fencing, (just trying to be consistent in the use of the Oxford comma so nobody will ever say that not using it here indicates a different intent) and/or landscaping, or enclosed within a building.
- c. Ground-mounted mechanical or electrical equipment shall be screened using ~~a combination of~~ ~~elements including~~ solid masonry walls, berms, and landscaping.
- d. Screening walls shall be designed to be architecturally compatible with the building design. All new and existing utility service connections within the ~~e~~- boundaries of the development site shall be placed underground.
- f. ~~or is it e?~~ Trash receptacles and adequate areas for collecting and loading recyclable materials shall be incorporated into the building design, located in garages, and/or enclosed by a six-foot high masonry wall with view-obscuring gates and also (? I'm asking) screened with vegetation. The finish materials and colors of an exterior enclosure shall match the exterior building materials.
- g.f? Outdoor storage areas shall be entirely enclosed by ~~solid~~ masonry walls not less than six feet in height to adequately screen such areas from public view. Substitutions such as ~~masonry,~~ wood, or metal pilasters with wrought iron or chain link ~~and~~ or view-obscuring material must be harmonious with exterior building materials.
- h. Any gutters, scuppers, or downspouts proposed on the exterior of a building shall ~~be decorative or designed to~~ be integrated with the building façade.

Commented [K01]: ( we don't really insist on using more than one element, do we?)

Commented [K02]: (no wood or composite materials allowed? Just asking.)

Commented [K03]: (I think this redundantly covers the same topics as b. above. I suggest that b. be rewritten to not address trash and recycling.)

20-25 units per acre –Objective Design Standards as of March 9, 2021

#### 4) Site and Landscape Standards.

- a. Hardscape shall be limited to ~~no more than~~ 20 percent of front yard and street side yard setbacks, including driveways and drive aisles. The balance shall be vegetation

~~b. Screening plants shall be dense and fast growing evergreen species that buffer privacy-encroaching views in at least 75% of the intended area, with species selected to reach this standard within one-year of planting. Grasses and deciduous plants shall not be used for screening purposes.~~

Ken's proposal for this paragraph 4b:

b. Screening plants shall **be dense and fast growing evergreen species** that buffer privacy-encroaching views in at least 75% of the intended area, with species and sizes selected to reach this standard within one-year of planting. Heights of the screening plants must be maintained by \_\_\_\_\_ at no more than \_\_\_ feet above the area being screened.

Grasses and deciduous plants shall not be used for screening purposes.

- ~~c. For screening purposes, any new trees shall be provided at a minimum 24 inch box size and any new shrubs shall be provided at a minimum five gallon size. (We already said that they will be fast growing and I don't think we want to state and police container sizes.)~~
- d. New trees shall be regionally native as defined in \_\_\_\_\_ (a total aside: some authorities now say that eucalyptus has been here so long that everything has acclimated to it, so it should have native status.) or selected from the City of Del Mar's Recommended Tree List.
- e. Only regionally native species shall be planted within steep slope setback areas and wetland buffer areas.
- f. **Twenty five percent of all trees planted on site shall be Torrey Pines**

#### 5) Parking.

Parking shall be provided in accordance with DMMC Chapter 38.80, with the following exceptions:

- a. Units which are deed-restricted to be affordable to extremely low, very low and low income households (as defined in California Health and Safety Code Sections 50105 and 50079.5, respectively) shall provide off-street parking as follows:

- Studios and one bedroom – 1.0 space per unit.

- Two bedrooms – 1.5 spaces per unit.

- Three or more bedrooms – 2.0 spaces per unit.

- Guest Parking – Inclusive in standards above.

- b. Garage parking shall be required in accordance with the provisions of DMMC Chapter 30.80, unless accommodation without a garage enclosure is necessary, ~~as determined by \_\_\_\_\_~~, to meet the minimum density range to provide affordable units. ~~(awkward sentence)~~

- c. ~~When garage parking is not required per the exception listed in Section 30.92.040.B 5(b), required~~ Non-garage parking areas/spaces shall be:

- i. Located at the rear of the development site and screened from public view by the dwelling unit structure(s) and/or landscape screening; or

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20-25 units per acre –Objective Design Standards as of March 9, 2021

- ii. Located at ~~grade,~~ or situated beneath dwelling units and screened from view along fronting streets by architectural and/or landscaping features.
- d. Private drive aisles accessing parking shall be located at the rear or side of a property to avoid excessive curb cuts and maximize landscaping at the street frontage.
- e. Curb cuts shall be located to maximize sight distances for motorists, bicycles and pedestrians entering or exiting the property, ~~or~~ crossing the driveways, and to limit interference with off-site circulation, parking, and safety. Any vegetation ~~proposed to be~~ planted adjacent to a driveway shall be selected and located so as to maintain ~~adequate~~ sight lines to and from the property, and along the property frontage to the public street(s) and intersection(s).
- f. Driveway slope angles shall not exceed 15%.

- g. Open-sided parking coverings that ~~contain~~ support solar collectors/panels on 75% of the coverings shall not be calculated towards maximum allowed Lot Coverage.
- h. Surface parking areas shall be separated from a building with both a raised pedestrian sidewalk (minimum four feet in width) and a landscape strip (minimum eight feet in width). *( my concern here is that this will be a serious constraint on the square footage of structures allowed)*

**6) Exterior Lighting.**

- a. All exterior lighting shall be low intensity and directed downward, below the horizontal plane of the fixture, to prevent objectionable brightness or light trespass onto adjacent properties. The source of the light ~~bulb~~ must not be visible from adjacent properties or public rights of way. Natural gas lighting shall not be allowed.
- b. Fixtures must be "Full Cut Off" designated or "Fully Shielded" fixtures, so that no light is emitted above the lowest light emitting part of the fixture. ~~Shielded and unshielded~~ up-lighting shall not be allowed.
- c. Light fixtures shall be located no closer to the property line than four times the mounting height of the fixture, and shall not exceed the height of adjacent off-site structures.
  - d. Focused flood lighting ~~may be~~ is allowed for security purposes but shall be mounted to be downward directed only and shall ~~utilize-use~~ motion/sensor or infrared activation at all times.
- e. Accent lighting used only for highlighting architectural features (e.g., "wall washing") shall not be allowed.
- f. Pole-mounted lights are prohibited unless the lighting source is entirely screened from public view from a public street or shielded in a courtyard or interior portion of a multiple-dwelling unit complex.

*Should we cover street address numbers as required by fire codes?*



**From:** Camilla Rang <camillarang@yahoo.com>  
**Sent:** Tuesday, March 23, 2021 11:46 AM  
**To:** City Clerk Mail Box  
**Subject:** Input on Objective Design Standard, discussion on March 25, 2021

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Dear City Council,

Thank you for sharing your thoughts on the suggested "Objective Design Standard" for the Jimmy Durantee lots. I read through the proposed Objective Design Standard in regards the the Jimmy Durantee lots and I think with these implements, it has a chance of becoming a nice addition to Del Mar.

However, I hesitate in regards to 4b. I cannot out of my head visualize the existing houses there, but I think that the houses just south of the project aren't situated much higher (in elevation) than the project so if tall trees are planted there, their whole ocean view is gone. On the other hand, if their choice is to look into the bedrooms of the new dwellings, perhaps a tree is better. But in any case, a tree never has to be taller than the building itself, so a height limit could definitely be put it and a clause to choose species in agreement with the owner of the closest already existing house.

In regards to 4f, if I were to decide, I would not recommend planting any more Torrey Pines or Monterrey Cypresses in high density housing areas. Much of my hesitant to those two species are of course due to personal experience with sad and selfish people ab(using) TP's and MR's protected status to build 80 foot walls around themselves and blocking views and light for everyone else around. Those two trees are simply too large for densely populated areas. Soon enough, their roots will destroy everything close to them, infiltrate the sewage and break up bricks, asphalt and walk ways. They need a large area to grow. I would remove clause 4f. In fact, if it were up to me, I would say that those two species are not suitable for that high density area, but I know that's asking a lot 🙄.

Thank you for everything you do! Stay Safe!

Best,

Camilla Rang  
159 10th Street, Del Mar, CA 92014  
858 353 1948



**From:** Frank Stonebanks <outlook\_A2DEA1646C519B48@outlook.com>  
**Sent:** Wednesday, March 24, 2021 8:49 AM  
**To:** City Clerk Mail Box  
**Subject:** Item 1, upcoming Council Meeting red dot

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Dear Council

I am submitting this red dot to oppose the ridiculous suggestion brought up by one DRB Board member to codify allowing Torrey Pines to be “required” as part of 25% of the Watermark development.

There is a large group of people currently working with Council to try and revise the existing city ordinance re Torreys as it has resulted in neighbors overgrowing and blocking scenic views. The ordinance is outdated, has led to unintended consequences, and must be revised this year.

Thank you  
Frank Stonebanks

**From:** S. Gill Williamson <gill.williamson@gmail.com>  
**Sent:** Wednesday, March 24, 2021 10:32 AM  
**To:** City Clerk Mail Box  
**Subject:** RED DOT: item 1 Clty Council Meeting this Thursday, March 25, 2021

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Re: Torrey Pines tree requirements for "by right" projects

This tree requirement should be dropped. Torrey Pines trees are not endangered. They are a member of Subsection Ponderosae of the Genus Pinus. Their natural association is with the other trees in this Subsection with which they hybridize. They do best in rugged isolated situations where they can get their roots down between rocks if possible. Requiring that they be planted in situations where they will get unneeded water from drainage near homes, trimming, fertilizing, etc. does them or us no service. This requirement is about as smart as requiring that every organ grinder have a monkey.

S Gill Williamson  
1352 Oribia Road  
Del Mar, CA 92014

**From:** Ann Williamson <ann.williamson@gmail.com>  
**Sent:** Wednesday, March 24, 2021 10:47 AM  
**To:** City Clerk Mail Box  
**Subject:** Red Dot: March 25, 2021 Special City Council Meeting Item 1

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Dear City Council:

I agree with the Objective Design Standards as I believe they can help control the quality of development within our community. However I oppose the requirement that 25% of trees be Torrey Pines. When a Torrey Pine is young it sends down a taproot, but the taproot is vertical, not lateral. If it is in an area where it gets runoff water from landscaping, it often fails to get its lateral roots out very far because the tree cannot distinguish runoff from natural rain. When it adapts in this way it does not have sufficient lateral roots to stabilize it, so it can fall over. Torrey Pines are protected in Del Mar. As such, it is difficult to get a permit to remove them. It is often better not to plant them in the first place. So I believe predetermining the type of tree to plant in a development is unwise unless the specifics of the project are analyzed.

As a Torrey Pines State Reserve Docent I understand the love for these trees, but if they are planted, they should be in locations that do not cause problems.

---Ann Williamson  
1352 Oribia Road

**From:** Arnold Wiesel <delmarhillside@yahoo.com>  
**Sent:** Wednesday, March 24, 2021 11:23 AM  
**To:** City Clerk Mail Box; Terry Gaasterland; David Druker  
**Subject:** Fw: letter for March 25th meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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## RED DOT LETTER - 3/25/2021 City Council Meeting / Public Hearings ITEM #1

Honorable Mayor Gaasterland and City Council members,

Thank you Mayor Gaasterland for all your endless dedication, determination, critical intellectual investigative thoroughness and immeasurable hours of difficult hard work you have done to protect the health, safety and welfare of our citizens, residents and community.

This time of establishing development / design standards where there were none, reinforces that with honest effort the citizens of Del Mar can be represented and protected.

Our community understands and appreciates that future development within Del Mar is now being carefully attended to with development / design standards. Including issues concerning wild fires, emergency evacuation, emergency rescue response times, traffic gridlock and how all these issues cumulatively impact our residents and community.

Very important and needs to be acknowledged, is that without a similar spirit and dedication from the City Council majority, none of this would be happening.

In conclusion, I look forward to my attorney working with Del Mar's attorney to reach an agreement which will result in the withdrawal of the referendum.

With all due respect,  
Arnie Wiesel  
Del Mar Hillside Community Association - friends and neighbors



**From:** Sheila Sharpe <sasharpe@yahoo.com>  
**Sent:** Thursday, March 18, 2021 3:43 PM  
**To:** City Clerk Mail Box  
**Subject:** Red Dot: 6th Clycle Housing Element Update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

To: Del Mar City Clerk,

My husband and I support the City Council to adopt Resolution A to adopt the "6th Cycle Housing Element Update."

Thank you,

Sheila & Michael Sharpe  
442 15 St.



**From:** Camilla Rang <camillarang@yahoo.com>  
**Sent:** Tuesday, March 23, 2021 10:53 PM  
**To:** City Clerk Mail Box  
**Subject:** Item 2 and 3 on March 25 agenda

**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.

Dear City Council,

Item 2:

I would like to express my support for requesting the full 8 years in regards to the Fairgrounds Contingency, as opposed to 3. It may take longer than 3 years to establish affordable housing at the Fairground so if we can get 8 years, that would be fantastic.

Item 3:

I definitely support any wording and decision to disallow condo conversion for residential units built "by right" and also to make it illegal to rent out high density area units as STR. It would be complete chaos there! If we want people to come in and live in Del Mar and make this as their home, especially the affordable housing families, it has to serve as a real home and community. Not as a hotel with different people coming and going every other day or week. That's just wrong.

Sincerely,

Camilla Rang  
159 10th Street, Del Mar, CA 92014  
858 353 1948