



**CITY OF DEL MAR  
PLANNING COMMISSION REGULAR MEETING  
(ACTION) MINUTES  
January 12, 2021  
Via Teleconference**

The minutes set forth the actions taken by the Planning Commission on the matters stated. Audio/video recordings of the Planning Commission 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 Planning Commission, including Red Dots (materials provided to the Planning Commission 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**

Chairperson Bakker called the Regular Meeting to order at 6:04 p.m.

**ROLL CALL**

Chair Ted Bakker, Vice Chair Philip Posner, and Commissioners John Farrell, and Claire McGreal. Commissioner Don Countryman joined the meeting during the agenda staff update item.

Absent: None

Staff Present: Planning and Community Development Director Joseph Smith, Principal Planners Matt Bator and Amanda Lee, and Assistant Planner Adriana Jaramishian

**APPROVAL OF MINUTES**

Motion by Commissioner McGreal, second by Commissioner Farrell to approve the meeting minutes for December 8, 2020. Vote passed 4-0-1 (Commissioner Countryman absent).

**UPDATE**

Principal Planner Lee, provided the following update:

On Tuesday, January 19 the California Department of Housing and Community Development staff will be attending the City Council meeting for an item where the City Council will be asked to accept HCD's comments on the submitted draft 6<sup>th</sup> Cycle Housing Element Update; and discuss the desired approach to timely collect the missing data, revise the draft, and process a final Housing Element by April 15 for submittal to HCD for certification. Overall, HCD is supportive of the City's proposed approach to gain certification and their comments generally request clarifying information. The HCD comment letter is posted on the City's web page on the 6<sup>th</sup> Cycle Housing Element Update webpage.

**PLANNING COMMISSION/STAFF DISCUSSION** (Non-Application Items) - None

**ITEMS NOT LISTED ON THE AGENDA (Oral Communications)** - None

**DISCUSSION AND BRIEFING (Application Items)**

Principal Planner Lee confirmed that neither item was eligible for the consent calendar.

**REGULAR CALENDAR**

**ITEM 1**

**TTM18-004**

**CDP18-016**

**CUP18-004**

**SV20-001**

**EA18-002**

**Location:** 690 Serpentine Drive

**APNs:** 299-192-24, 299-261-14, 299-261-42, 299-261-43, 299-200-62, 299-200-63, 299-200-64, 299-200-65

**Applicant:** La Atalaya, LLC

**Agent:** Greg Shannon

**Zone:** R1-40

**Overlay Zone:** Bluff, Slope, and Canyon, Lagoon, WUI, Open Space

**Staff Contact:** Jennifer Gavin, Associate Planner

**Environmental Status:** The proposed subdivision is subject to review under the California Environmental Quality Act (CEQA). Based on an Initial Study and Determination, staff has prepared a Draft Mitigated Negative Declaration (MND). Pursuant to State Law, the MND was sent to the State Clearinghouse for distribution to appropriate public agencies and was subject to a 30-day review period (SCH Number 2020100558). The review period ended on November 30, 2020.

**Description:** A request for the Planning Commission's recommendation of City Council approval for: a Tentative Tract Map, Coastal Development Permit, Street Vacation, and Conditional Use Permit to subdivide an existing 18.1 acre site with 8 separate lots into eight (8) reconfigured lots south of San Dieguito Drive, west of Gatun Street, East of Serpentine Drive, and north of Zapo Street and to vacate various public easements. The Planning Commission will also consider an associated draft Mitigated Negative Declaration (EA18-002) for recommendation to the City Council for certification.

Principal Planner Bator provided a staff presentation and answered questions from Commissioners. The questions were primarily related to questions from neighbors raised in the submitted correspondence and to clarify the request for the wetland buffer reduction.

The applicant's representative, Greg Shannon, provided a presentation.

The following members of the public provided oral comments on the item:

- Tom O'Neil, 532 Serpentine Drive
- Thomas Blake, 1905 Zapo Street
- Terry Plowden, 540 Serpentine Drive
- Tena Navarrete, 1858 Zapo Street, registered to speak via email but did not participate in the meeting

The following seven comment letters were posted and distributed as red dot correspondence, and filed with the project:

- Tom O'Neil, 532 Serpentine Drive

- Beth Allen, 1986 Zapo Street
- Thomas and Kathy Blake, 1905 Zapo Street
- Denis Cruzan, 450 Serpentine Drive
- Mary M. Smith-Haas and Paul M. Haas, 1952 Zapo Street
- Tena Navarrete, 1858 Zapo Street
- Terry Plowden and Linda Martin, 540 Serpentine Drive

The Commission unanimously supported adoption of the resolution recommending that the City Council adopt the Mitigated Negative Declaration and approve the requested Tentative Tract Map and associated development applications. Additionally, the Planning Commission recommended that staff revisit the issue concerning the public improvement plan required as a condition of approval for public sewer/alley access and determine whether there are alternatives that would address the neighbors' concerns prior to the item's consideration by the City Council.

**MOTION BY COMMISSIONER COUNTRYMAN SECOND BY COMMISSIONER FARRELL TO RECOMMEND TO THE CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION, APPROVAL OF APPLICATIONS TENTATIVE TRACT MAP (TTM18-004), COASTAL DEVELOPMENT PERMIT (CDP18-0160, CONDITIONAL USE PERMIT (CUP18-004), STREET VACATION (SV20-001), AND APPROVAL OF A 50 FOOT WETLAND BUFFER REDUCTION (VOTE 5-0)**

Ayes: Chair Bakker, Vice Chair Posner, and Commissioners Farrell, McGreal, and Countryman  
Noes: None  
Absent: None

**ITEM 2**  
**LCPA20-003**  
**GPA 20-004**  
**ZA20-003**  
**RP20-001**

**Project:** Proposed Housing Element Implementation Overlay Zone and Implementation of Programs 2E and 2G in the North Commercial Zone (5<sup>th</sup> Cycle Housing Element)

**Location:** North Commercial Zone parcels including APNs 299-100-47-00 and 299-100-48-00

**Applicant:** City of Del Mar, Planning Department

**Description:** The proposed actions are required pursuant to the City's existing 5<sup>th</sup> Cycle Housing Element. State Housing law (Government Code Sections 65583.2(h) and (i)) required the City as part of the 5<sup>th</sup> Cycle Housing Element Program 2G (required rezone program) to allow housing "by-right" at a density of 20-25 dwelling units per acre on APNs 299-100-47-00 and 299-100-48-00. In order to create additional adequate sites at a sufficient density (allowing at least 20 dwelling units per acre) to accommodate its assigned Regional Housing Needs Assessment (RHNA) obligation for lower income households, the City was also required to take action to allow multiple dwelling unit housing as a use in the North Commercial land use designation per Program 2E. The proposed implementation actions include: (1) Local Coastal Program Amendment (LCPA 20-003) to reflect a new Housing Element Implementation Overlay Zone and change the land use designation and zoning for North Commercial to demonstrate compliance with Housing law and the Coastal Act; (2) Zone Code Amendment (ZA 20-003) to create and implement a new Housing Element Implementation Overlay Zone per Housing Element Program 2G; (3) General Plan (Community Plan) Amendment (GPA 20-004) to amend the North Commercial land use designation per Housing Element Programs 2E and 2G

in accordance with State law; and (4) Rezone (RP 20-001) per Housing Element Program 2G that would apply the new Housing Element Implementation Overlay Zone to real property identified as APNs 299-100-47-00 and 299-100-48-00 located in the North Commercial Zone. The proposed Community Plan Amendment will effectively implement 5<sup>th</sup> Cycle Programs 2E and 2G by processing an amended land use designation and map to allow multiple dwelling unit housing on specified parcels within the NC land use designation per 5<sup>th</sup> Cycle Program 2E and explicitly identify the two parcels per 5<sup>th</sup> Cycle Program 2G that allow a higher density of 20-25 dwelling units per acre “by-right”. This is a Planning Commission recommendation hearing. The City Council will consider whether to adopt the proposed amendments and rezone in a future noticed public hearing.

**Environmental Status:** Pursuant to the California Environmental Quality Act (CEQA), the proposed actions on Program 2G have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City’s certified Local Coastal Program (LCP) and CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of a LCP amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Del Mar LCP constitutes a plan for use in the CCC’s regulatory program as certified under Section 21080.5 of the Public Resources Code. The proposed actions on Program 2G include corollary amendments to the City’s Community (General) Plan and Municipal Code (Zoning). Notwithstanding the applicability of the Statutory Exemption, future development of the two parcels included in Program 2G for multiple-dwelling residential use as affected by the proposed actions, as well as the proposed action on Program 2E have been the subject of prior environmental analysis including the Final Program Environmental Impact Report (PEIR) for the Professional Commercial and North Commercial Zoning Code Amendment (SCH #2019029058) certified by the City Council on September 8, 2020 (Resolution 2020-47) and the 6th Cycle Housing Element Update Final PEIR (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52). Anticipated impacts for the proposed actions have been disclosed in these prior environmental documents and the proposed Housing Element Implementation (HEI) Overlay Zone incorporates standard Mitigation Monitoring and Reporting protocols (see proposed Section 30.92.050) to ensure impacts are minimized consistent with prior environmental documents. No new or substantially greater impacts would result from implementation of Programs 2G and 2E, including the HEI Overlay Zone. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Final PEIRs referenced above, the proposed actions do not require further environmental review. Pursuant to CEQA Guidelines Section 15162(b), no further analysis or environmental documentation is necessary. Accordingly and notwithstanding the applicability of the Statutory Exemption referenced above, the proposed actions are merely a step in furtherance of the original programs for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

**Contact Person:** Amanda Lee, Principal Planner [alee@delmar.ca.us](mailto:alee@delmar.ca.us)

Principal Planner Lee provided a presentation and answered Commissioner questions about the referendum of Ordinance 973 (North Commercial) in process that has placed a stay on completion of 5<sup>th</sup> Cycle Housing Element Program 2E; and the associated State penalties and consequences for the City missing the deadline for completion of the required 5<sup>th</sup> Cycle Housing Element implementation programs. Staff clarified that the referendum prevents the City from timely completing 5<sup>th</sup> Cycle Program 2E, unless the referendum is timely withdrawn by the referendum proponent; and that if the referendum is withdrawn, the proposed actions would otherwise help the City complete all of its required implementation programs to avoid State enforcement.

The following member of the public provided oral comments on the item:

- Arnold Wiesel, 2139 Heather Lane

The following two comment letters were posted and distributed as red dot correspondence, and filed with the project:

- Everett DeLano, 104 W. Grand Avenue, Suite A Escondido, CA 92025
- Marco Gonzalez, 1140 S. Coast Hwy. 101 Encinitas, CA 92024

Commissioners asked questions of public speaker Arnold Wiesel to understand if he as the referendum proponent intends to withdraw the referendum based on the proposed revisions presented to the Planning Commission for the Community Plan Amendment amending the North Commercial land use designation, which explicitly prohibits housing on certain parcels, including those adjacent to the Lagoon, and allows housing development only on the specified parcels along Jimmy Durante Boulevard.

**MOTION BY VICE CHAIR POSNER, SECOND BY COMMISSIONER FARRELL TO RECOMMEND THE CITY COUNCIL TIMELY APPROVE THE REQUESTED ACTIONS INCLUDING LOCAL COASTAL PROGRAM AMENDMENT LCPA20-003, GENERAL PLAN AMENDMENT GPA20-004, ZONE CODE AMENDMENT ZA20-003, AND REZONE R20-001. (VOTE 5-0)**

Ayes: Chair Bakker, Vice Chair Posner, and Commissioners Farrell, McGreal, and Countryman  
Noes: None  
Absent: None

**ADJOURNMENT**

Chair Bakker adjourned the meeting at 9:05 p.m.