



**CITY OF DEL MAR  
CITY COUNCIL REGULAR MEETING MINUTES  
JANUARY 23, 2023  
City of Del Mar Town Hall  
1050 Camino del Mar, Del Mar California 92014**

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at [www.delmar.ca.us/AgendaCenter](http://www.delmar.ca.us/AgendaCenter) or by contacting the Administrative Services Department at (858) 755-9313.

**CALL TO ORDER**

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

**ROLL CALL**

Present: Mayor Tracy Martinez; Deputy Mayor Dan Quirk; Councilmembers Dave Druker, Terry Gaasterland, and Dwight Worden

**CITY ATTORNEY CLOSED SESSION REPORT**

City Attorney Leslie Devaney reported on the January 23, 2023, City Council Closed Session meeting. She reported that for Item A there were no reportable actions and no recusals. For Item B, there were no reportable actions and Councilmember Druker was recused due to living within 500 feet of the subject matter of that discussion.

**PLEDGE OF ALLEGIANCE**

Mayor Martinez led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

None.

**CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS**

Councilmember Quirk provided clarification and a correction to his statement at the prior City Council meeting regarding his attendance record at the North County Transit District (NCTD) Board meetings. Councilmember Druker reported that the Clean Energy Alliance (CEA) will be setting 2023 rates at their January 26, 2023, meeting and also reported that the exit fee will be negative for Del Mar, Solana Beach, and Carlsbad this year. Mayor Martinez reported coyote sightings in Del Mar and encouraged residents to keep their pets safe.

**CITY MANAGER'S REPORT**

City Manager Ashley Jones reported on the upcoming CEA board meeting; the City's efforts to treat the Canary Island Palms on City property for the South American Palm Weevil infestation and encouraged members of the public inspect and treat Canary Island Palm trees on their property as may be needed; and that the annual turf treatments at the Shores, Powerhouse, and Seagrove Parks are completed and the parks have been reopened to the public.

**CONSENT CALENDAR**

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

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR QUIRK TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 4, 6 AND 7. (VOTE 5-0)**

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

**ITEM 1: APPROVAL OF MINUTES: DECEMBER 12, 2022 REGULAR MEETING, JANUARY 9, 2023 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JANUARY 23, 2023 (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: THIRD AMENDMENTS TO AGREEMENTS FOR SALE OF RECLAIMED WATER (CLERK'S FILE NO. 406-1)**

Council approved the Third Amendment to the Agreement for Sale of Reclaimed Water with the San Elijo Joint Powers Authority; approved the Third Amendment to the Reclaimed Water Sales Agreement with the San Elijo Joint Powers Authority and the 22<sup>nd</sup> District Agricultural Association; and authorized the City Manager to execute the Amendments, on consent.

**ITEM 5: ENGINEERING DESIGN, GEOTECHNICAL, AND ENVIRONMENTAL CONSULTING SERVICES FOR THE RIVERPATH DEL MAR EXTENSION PROJECT PHASE 3 (CLERK'S FILE NO. 406-1)**

The item was pulled from the consent calendar for a staff presentation and City Council questions. Principal Engineer Karen Falk provided a brief presentation. City Council questions focused on status of outside agency approval and permitting for the Project; appreciation for staff, Del Mar Foundation and the Riverpath Conservancy for their work on this project; clarification on the estimated construction cost and funding sources for the project; and anticipated timing and schedule for project construction.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPROVE A \$97,300 TASK ORDER WITH MICHAEL BAKER INTERNATIONAL TO PERFORM FINAL ENGINEERING DESIGN SERVICES; APPROVE A \$27,014 TASK ORDER WITH BARNETT QUALITY CONTROL SERVICES, DBA NOVA SERVICES TO PERFORM GEOTECHNICAL**

**CONSULTING SERVICES; APPROVE A \$29,218 AMENDMENT TO AN EXISTING TASK ORDER WITH HELIX ENVIRONMENTAL PLANNING TO PERFORM ENVIRONMENTAL SERVICES; AND AUTHORIZEE THE CITY MANAGER TO EXECUTE THE TASK ORDERS. (VOTE 5-0)**

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

**ITEM 6: PARKS AND RECREATION COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)**

Council re-appointed Mary Friestedt as a voting member of the Parks and Recreation Committee to serve a second full three-year term starting February 3, 2023, and ending on February 28, 2026, on consent.

**ITEM 7: LAGOON COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)**

Council re-appointed Julie Kawasaki to the Lagoon Committee as a voting member to serve a second full three-year term starting February 1, 2023, and ending on February 28, 2026, on consent.

**ITEM 8: RESOLUTION TO EXTEND THE FORBEARANCE PERIOD RELATED TO EXISTING NONCONFORMING SHORT TERM RENTALS (CLERK'S FILE NO. 301-19)**

Principal Planner Amanda Lee provided a brief presentation on the City's next steps related to short term rentals (STR) which include proceeding with STR data collection and the City's coordination with the California Coastal Commission (CCC).

The item was pulled from the Consent Calendar for public comment and the following individuals spoke:

- 1) Jessica Solano
- 2) Kimberly Jackson
- 3) Gina Mattern
- 4) Laura DeMarco (received a donation of time from Gerard Pascale)
- 5) Camilla Rang

City Council questions focused on what may happen if the City Council failed to adopt the proposed resolution and the potential consequences for STR owners; whether or not the action before the City Council is considered an urgency ordinance; basis for the two year timeframe included in the Resolution for the extended forbearance period and the completion of the City's legislative process relate to STRs; and the number of short term rentals that currently exist in Del Mar and historical data.

City Council discussion focused on whether to amend the language in the Resolution related to the extended forbearance timeframe; City Council desire to revisit STR regulations in the future and to maintain the status quo by adopting the Resolution; encouraging the public to participate in the City's process for developing new STR regulations; City Council desire to complete this process as quickly as possible for the benefit of all parties and interests; and importance of good neighbor practices related to short-term rentals.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO ADOPT RESOLUTION 2023-2, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO EXTEND THE EXISTING FORBEARANCE RELATED TO ENFORCEMENT OF SHORT TERM RENTAL OPERATIONS", WHICH WILL DEFER ENFORCEMENT ACTION AGAINST QUALIFYING STR OPERATIONS FOR TWO YEARS UNTIL JANUARY 23, 2025, WHILE NEW REGULATIONS ARE BEING EVALUATED AND PROCESSED FOR ADOPTION. (VOTE 5-0)**

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

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 7:50 to 8:05 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 9: HOUSING ELEMENT PHASE II STUDIES OF POTENTIAL INCENTIVES TO CREATE LOWER INCOME UNITS ON IDENTIFIED HOUSING ELEMENT SITES (CLERK'S FILE NO. 303-1, 304-7)**

A presentation was provided by Principal Planner Amanda Lee and Assistant City Attorney Ralph Hicks. City Consultants Linnie Gavino and Paul Marra with Keyser Marston Associates, Inc. and Stephen Dalton of Stephen Dalton Architects participated in the presentation and were available to answer questions.

Council questions focused on how density bonus law may interact with the City's zoning code; locations included in the feasibility studies; the administrative coastal development process for projects processed under the density bonus law; parking proposal included in 2010 Jimmy Durante feasibility study site; whether the feasibility study takes into account the trend of converting commercial space into housing; clarification on the difference between the City's zoning requirements and the state density bonus requirements; assumptions used in the Phase II studies; whether the consultants considered scenarios for 100% affordable housing options; whether shared work space is considered a commercial use; assumptions related to the analysis for 2010 Jimmy Durante Boulevard; how the \$100 per square foot price point used in the feasibility study was established; whether tax incentives or financial subsidies may be available for the sites included in the feasibility study; whether the North Commercial (NC) sites are within a quarter mile of the fairground transportation hub; whether State Housing and Community Development (HCD) is looking for the City to explore affordable housing opportunities beyond the City's Regional Housing Needs Assessment (RHNA) requirements; and clarification on the number of affordable units included in the Central Commercial Zone (CC-3) plan.

There were no public speakers for the item.

Council discussion focused on appreciation to staff and the consultants for their work on the feasibility studies which support the City's 6<sup>th</sup> Cycle Housing Element; desire to explore property tax exemptions, senior living, faculty housing/partnering with larger employers on housing projects; identify next steps including exploring 100% affordable options; explore the best case scenario for each site and prepare to establish zoning to enable the Council preferred scenario (height, Floor Area Ratio, lot coverage and parking); restating the City's commitment to establishing affordable housing; desire to encourage community input throughout this process; lack of state assistance programs to complete these type of housing projects; and encourage the City's Legislative Subcommittee to discuss the lack of state funding

for the type of affordable housing projects included in the feasibility study with the City's state representatives.

Council consensus was to receive a presentation from staff with a schedule of the City's commitments include in the 6<sup>th</sup> Cycle Housing Element as part of the 2023 City Council Goals and Priorities Workshop to receive subsequent updates moving forward.

**ITEM 10: HOUSING ELEMENT PROGRAM 2A – POTENTIAL INCENTIVES FOR CREATION OF LOW INCOME ACCESSORY DWELLING UNITS (CLERK'S FILE NO. 303-1, 304-7)**

A presentation was provided by Principal Planner Lee and Paul Marra and Linnie Gavonio with Keyser Marston Associates, Inc.

Council questions focused on the residential mix south (RM-South) scenarios; clarification on what would be involved to incentivize multi-family property owners to participate in the development of ADUs; clarification on the location of the RM-West zone; whether tiny homes are considered Accessory Dwelling Units (ADUs); whether building tiny homes would be less expensive to construct than traditional ADUs; whether the City could purchase tiny homes and move them to different locations in the City; whether additional flexibility could be built into the ADU program's deed restriction time period; whether the City learned anything about SB 9 implementation when studying the economic feasibility of the City's ADU program; whether partnering with an employer such as the University of California San Diego (UCSD) for employee/student ADU housing would be feasible; whether non-monetary motivation can be built into this model; potential property owner concerns over the required ADU deed restriction; whether the City considered the development of ADUs on hotel property; and the City's 6<sup>th</sup> Cycle Housing Element programs related to hotels.

There were no public speakers for the item.

Council discussion focused on capacity to add ADUs on existing multi-family sites; whether parameters could be placed to regulate bonus units under these programs; concern over how ADUs are integrated into the community; whether the City is able to have more control over preventing ADUs in setbacks and protecting primary views that could be blocked by ADUs; desire to incentivize hotels and apartment complexes to build ADUs; desire to discuss the feasibility of partnering with UCSD on a student housing ADU program; and desire to have the Legislative Subcommittee talk to state legislative representatives to allow for local jurisdictions to require ADUs be used for housing.

**ITEM 11: COUNCIL DISCUSSION REGARDING SANDAG WEIGHTED VOTING PROCESS (CLERK'S FILE NO. 1506-1)**

A presentation was provided by Councilmembers Gaasterland and Worden.

Council questions and discussion focused on an opinion that the City's efforts at SANDAG should be focused on the City's goals of removing the railroad tracks from the bluff, protecting the City from sea-level rise, and establishing affordable housing at the Fairgrounds; time and energy better spent on efforts toward reforming other aspects of SANDAG's governing structure that are not regulated by state law; the SANDAG weighted voting structure; desire to limit time and effort spent on the weighted voting issue in consideration of the Council, City staff, and City Attorney limited time and indication based on recent actions that the SANDAG Board majority are not interested in making any changes to the voting structure; clarification on whether other agencies use a weighted vote; and whether to direct the City Attorney to prepare responses to Councilmember Gaasterland's questions related to interpreting Assembly Bill 805 and the SANDAG weighted vote.

There were no public speakers for the item.

Council consensus was to direct the City Attorney to look into Councilmember Gaasterland's questions related to AB 805 and SANDAG's weighted vote and to provide information to the City Council.

**ITEM 12: PREPARATIONS FOR 2023 CITY COUNCIL GOAL SETTING WORKSHOP (CLERK'S FILE NO. 401-1)**

A brief presentation was provided by City Manager Jones and Administrative Services Manager Krietor.

There were no public speakers for the item.

Council questions and discussion focused on a request that staff include a comparison of current reserve projects for June 30, 2023, and what the reserves would have been projected to be if reserve fund contributions would not have been reduced or eliminated due to COVID; Council's options and interest in holding a Council retreat in 2023; discussion of the format for prior Council retreats; potential to hold a Council team building in 2023; and request to have the prior Council wish list distributed to the Council including which items were included in the current Council priorities and City work plan.

Council consensus was to direct Mayor Martinez and Councilmember Druker to work on a proposal for a City Council team building retreat and to direct staff to proceed with the 2023 City Council Goals and Priorities Workshop on February 13, 2023 at 2:00 p.m.

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

City Council representatives reported on the Clean Energy Alliance, San Diego Association of Governments (SANDAG) Board of Directors, City Traffic and Parking Advisory Committee, San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), 22<sup>nd</sup> Agriculture District, SANDAG regional committees, Del Mar Village Association, City Measure Q Citizen Oversight Committee, and City Undergrounding Project Advisory Committee.

**ADJOURNMENT**

Mayor Martinez adjourned the meeting at 9:10 p.m.



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Sarah Krietor, Administrative Services Manager/  
City Clerk