



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 1, 2021 – VIA TELECONFERENCE ONLY
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 or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Councilmember Quirk led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

- 1) Sudepto Roy – Spoke about efforts to address social/racial equity.
- 2) Terri-Ann Skelly – Spoke in support of tobacco/smoke free requirements for affordable housing.
- 3) Barbara Gordon – Spoke in support of tobacco/smoke free requirements for affordable housing.

CITY COUNCIL COMMENTS

Deputy Mayor Worden thanked Sudepto Roy for his comments during public oral regarding social/racial equity; and reported that the San Diego County Board of Supervisors recently adopted a Sustainability Strategy framework. Mayor Gaasterland reported on the San Diego Association of Government's (SANDAG) consideration of a social equity statement and her participation on a related Board subcommittee.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

City Manager Johnson reported that the Del Mar branch of the San Diego County library will be expanding its services; how recent storms impacted the local area; changes to County public health restrictions; and about ongoing collaboration with the Del Mar Village Association and opportunities for a container exchange program.

PRESENTATIONS

ITEM 1: PRESENTATION BY ADAM YOUNG FROM THE UNIVERSITY OF CALIFORNIA SAN DIEGO, SCRIPPS INSTITUTION OF OCEANOGRAPHY REGARDING COASTAL BLUFF EROSION (CLERK'S FILE NO. 1404-2)

A presentation was provided by Adam Young from the University of California San Diego, Scripps Institution of Oceanography regarding coastal bluff erosion.

The entire City Council thanked Mr. Young for his thorough and insightful presentation. Council comments and questions focused on the effects of irrigation runoff on bluff erosion; poles related to the 10th Street natatorium; whether the information from Mr. Young's study can help provide the ability to predict bluff slides; location of sea caves in Del Mar and how they interact with the study; ability to detect chronically damp areas; ability to map and monitor sea caves; and how many miles of coastal bluffs/cliff can benefit from this study.

CONSENT CALENDAR

Administrative Services Director Ashley Jones read the titles of the Consent Calendar items. There were no public speakers. Items 6, 10 and 11 were pulled from the Consent Calendar for discussion.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 2-5, 7-9, AND 12. (VOTE 5-0)

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

ITEM 2: APPROVAL OF MINUTES: JANUARY 11, 2021 REGULAR AND SPECIAL MEETING; JANUARY 19, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, including the modification read into the record by the City Clerk related to the motion included in the January 19, 2021, meeting minutes for Item 1 which is as follows: "To direct staff to do everything in their power to assist the Council in meeting the April 15, 2021 deadlines", on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 1, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 4: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 5: RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA STATE PARK PROPOSITION 68 PER CAPITA PROGRAM (CLERK'S FILE NO. 201-13)

Council adopted resolution 2021-03, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING THE APPLICATION FOR

PROPOSITION 68 PER CAPITA GRANT FUNDS”, and authorized the City Manager to execute the necessary grant documents, on consent.

ITEM 6: REVIEW AND ACCEPTANCE OF A DESIGN REVIEW BOARD POLICY MANUAL UPDATE (CLERK’S FILE NO. 401-5)

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO CONTINUE THIS ITEM TO A FUTURE MEETING TO OCCUR ON FEBRUARY 16, 2021, OR A LATER DATE AS DETERMINED BY THE MAYOR AND CITY MANAGER. (VOTE 5-0)

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

ITEM 7: APPROVAL OF AGREEMENT FOR WATER QUALITY TESTING SERVICES (CLERK’S FILE NO. 406-1)

Council approved the Agreement for Water Quality Testing Services (Attachment A) for an initial period beginning on February 1, 2021, and ending February 1, 2024; and 2) Authorized the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the consultant firm, on consent.

ITEM 8: FIRST AMENDMENT TO AGREEMENT WITH MSC JANITORIAL, INC. FOR JANITORIAL SERVICES (CLERK’S FILE NO. 406-1)

Council approved the First Amendment to the Agreement between the City of Del Mar and MSC Janitorial, Inc. (Attachment A), adjusting the cost of services effective February 1, 2021; and 2) Authorized the City Manager to execute the First Amendment and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the contractor, on consent.

ITEM 9: RESOLUTION TO EXTEND THE FORBEARANCE PERIOD RELATING TO EXISTING NONCONFORMING SHORT TERM RENTALS (CLERK’S FILE NO. 301-19)

Council adopted resolution 2021-05, “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”, on consent.

ITEM 10: AGREEMENT WITH DEL MAR COMMUNITY CONNECTIONS FOR ADMINISTRATION OF THE CITY’S SHARED HOUSING AND RENTAL ASSISTANCE PROGRAMS AND AFFIRMING THE NUMBER OF RENTAL SUBSIDY PARTICIPANTS (CLERK’S FILE NO. 406-1, 1202-15)

This item was pulled from the Consent Calendar for discussion. Council questions focused on the relationship of the program to housing element requirements; and the funding source for program.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN TO APPROVE A THREE-YEAR AGREEMENT, EFFECTIVE JULY 1, 2019

THROUGH JUNE 30, 2022, BETWEEN THE CITY OF DEL MAR AND DEL MAR COMMUNITY CONNECTIONS (DMCC), AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND AFFIRM THAT THE RENTAL SUBSIDY PROGRAM BE LIMITED TO FOUR PARTICIPANTS. (VOTE 5-0)

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

ITEM 11: APPROVAL OF THE 2021 LEGISLATIVE POLICY GUIDELINES (CLERK'S FILE NO. 401-7, 401-8)

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO CONTINUE THIS ITEM TO A FUTURE MEETING TO OCCUR ON FEBRUARY 16, 2021, OR A LATER DATE AS DETERMINED BY THE MAYOR AND CITY MANAGER. (VOTE 5-0)

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

ITEM 12: COUNCIL CONSIDERATION TO APPROVE AN AGREEMENT FOR SPECIALIZED LEGAL COUNSEL RELATED TO HOUSING (CLERK'S FILE NO. 406-1)

Council authorized the City Attorney to enter into a Letter of Engagement with Goldfarb & Lipman, LLP for specialized legal counsel services related to housing; and 2) Authorized the expenditure of up to \$20,000 for these services and an appropriation in that amount from the General Fund Contingency to the Outside Attorney Services budget, on consent.

COUNCIL MEETING RECESS

The City Council took a meeting recess from approximately 6:00 to 6:05 p.m.

PUBLIC HEARING

ITEM 13: ENCROACHMENT PERMIT EP20-072 – REQUEST TO MAINTAIN EXISTING VEGETATION THAT EXCEEDS A HEIGHT OF 30 INCHES WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 964 CREST ROAD (APPLICANTS: SANDRA AND GREGG WOLFSON) (CLERK'S FILE NO. 802-1)

A presentation was provided by Senior Management Analyst Beth Murray.

Council questions focused on whether there is an alternative path of travel available to pedestrians or if they are forced to walk in the street to avoid the hedge; prevalence of accidents in this area; designated speed for this area; and how many hedges and miles of similar hedges exist in other areas of Del Mar.

Mayor Gaasterland opened the item to public comment and the following people spoke:

- 1) Gregg Wolfson, Applicant – Expressed support for the encroachment permit.
- 2) Victoria Bradshaw – Expressed opposition to the encroachment permit.

Mayor Gaasterland closed the item to public comment.

Council discussion focused on the low speed limit and lack of documented accidents in the area; improvements made by applicant to the public right of way to improve public access; concern about the fairness of enforcement; ongoing maintenance by property owner of the area; benefit of the greenery on the environment/community; concern about public safety issues caused by the hedge; ability for applicant to move the hedge out of the right-of-way; prior Design Review Board vegetation plan review/approval; whether there is a way that the bushes can be trimmed to make the area passable without using the street; whether a survey has been done to clearly identify where the right-of-way is; option to direct staff to bring this item back with the findings needed for approval and include provision of maintenance to make path available.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO DIRECT THAT STAFF COME BACK WITH APPROVAL OF ENCROACHMENT PERMIT WITH PROVISION OF MAINTENANCE TO MAKE PATH AVAILABLE. (VOTE 3-2)

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

ITEM 14: REQUEST TO ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE TENTATIVE TRACT MAP (TTM18-004), COASTAL DEVELOPMENT PERMIT (CDP18-016), STREET VACATION (SV20-001), AND CONDITIONAL USE PERMIT (CUP18-004) FOR AN EIGHT-LOT RECONFIGURATION ON 18.1 ACRES, INCLUDING ROADWAY AND UTILITY IMPROVEMENTS AND A SUMMARY VACATION OF PUBLIC EASEMENTS AND ALLEY

**APPLICANT/OWNER: LA ATALAYA, LLC
ASSESSOR PARCEL NUMBERS (APNS): 299-200-65-00, 299-261-43-00, 299-261-42-00, 299-261-14-00, 299-192-24-00, 299-200-64-00, 299-200-62-00, AND 299-200-63-00**

LOCATION: SOUTH OF SAN DIEGUITO ROAD, NORTH OF ZAPO STREET, EAST OF GATUN ROAD, AND WEST OF SERPENTINE DRIVE. THE PROJECT IS LOCATED IN THE CALIFORNIA COASTAL COMMISSION'S APPEAL JURISDICTION. (CLERK'S FILE NO. 301-1)

A presentation was provided by Associate Planner Jennifer Gavin.

Council questions focused on ownership of the snake wall; whether the wall or primary residence on the site have any historical significance; whether approval would allow for the two developed properties on the site to change their footprint or if it would provide a larger lot site allowing for greater floor area ratio; environmental buffer requirements; whether any of the existing structures become non-conforming; whether there is an existing pathway in the paper alley that is being used; what the overall improvement and benefit to Del Mar is related to this project; rationale for wetland buffer reduction from 100 feet to 50 feet; whether the easement vacations would be a gift of public funds; opportunity to bring non-conforming lots into conformance; and acreage of dedicated green space for the project.

Mayor Gaasterland opened the item to public comment and the following people spoke:

- 1) Greg Shannon, Applicant Representative – Expressed support for the recommended action.
- 2) Randy Brown, Applicant Representative – Expressed support for the recommended action.

Mayor Gaasterland closed the item to public comment.

Council discussion focused on concerns about the proposed wetland buffer reduction and risk of setting precedent; ability to put conditions on the property for future development; general support for the project; concern about implications of the Tentative Tract Map (TTM) approval; proposed lot acreages; whether modification of the snake wall will be considered as part of future development application; Fish & Game's authorization of the wetland buffer reduction; potential to include TTM approval condition to preserve the snake wall.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN TO ADOPT RESOLUTION 2021-05, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM AND APPROVING A TENTATIVE TRACT MAP (TTM18-004), COASTAL DEVELOPMENT PERMIT (CDP18-016), AND CONDITIONAL USE PERMIT (CUP18-004) TO SUBDIVIDE EIGHT LOTS TOTALING APPROXIMATELY 18.1 ACRES OF LAND KNOWN AS "LA ATALAYA" INTO EIGHT RECONFIGURED LOTS SOUTH OF SAN DIEGUITO DRIVE, NORTH OF ZAPO STREET, EAST OF GATUN STREET, AND WEST OF SERPENTINE DRIVE; TO MAKE RELATED ROADWAY AND UTILITY IMPROVEMENTS", WITH CONDITION OF APPROVAL THAT EACH LOT PRESERVE INTACT THE WALL, AND MINOR MODIFICATION TO THE WALL ON LOT 1 AS NEEDED TO ACCESS THE PROPERTY. (VOTE 5-0)

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

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2021-06, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING SUMMARY VACATION OF TWO PUBLIC EASEMENTS FROM A VACANT LOT (APN 299-192-24-00) AND AN ALLEY BETWEEN THE VACANT LOT AT APN 299-192-24-00 AND THE PROPERTY AT 690 SERPENTINE DRIVE (APN 299-200-65-00)." (VOTE 5-0)

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

CITY COUNCIL OTHER BUSINESS

ITEM 15: PRESENTATION OF THE FISCAL YEAR 2019-2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT BY NITIN PATEL, CLIFTONLARSONALLEN LLP AND AUDITED FINANCIAL RESULTS (CLERK'S FILE NO. 205-1)

A presentation was provided by Finance Manager Monica Molina and Nitin Patel from CliftonLarsonAllen LLP.

Council questions focused on why the total reported assets for FY2019-2020 went down from the prior year; basis of the jobs data information provided by the State Employment Development Department; clarification on reported transfers in and out of the General Fund; why the reported revenues for sales tax and Measure Q are different; and how revenues are shaping up for the beginning of FY 2020-21.

There were no speakers for this item.

REGIONAL ORGANIZATION REPORTS

Mayor Gaasterland provided an update on the San Diego Association of Government (SANDAG) Board; Councilmember Druker reported on the Clean Energy Alliance (CEA) Board; Councilmember Martinez

reported on the 22nd District Agricultural Association (DAA); and Deputy Mayor Worden reported on the San Dieguito Riverpark Joint Powers Authority (JPA).

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

Councilmember Druker reported on the Arts Advisory Committee and Del Mar Village Association; Deputy Mayor Worden reported on the Arts Advisory and San Dieguito Lagoon Committees; and Mayor Gaasterland reported on the Sea Level Rise Adaptation subcommittee.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 7:58 p.m.



Ashley Jones, Administrative Services
Director/City Clerk