



CITY OF DEL MAR
CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 25, 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

PUBLIC ORAL

Mayor Gaasterland opened public comment for all agenda items and the following individuals spoke:

- 1) Jas Grewal - Spoke on items 1 and item 2
- 2) Arnie Wiesel - Spoke on item 1.

Interim City Manager Ashley Jones noted that Laura DeMarco requested to speak but was not available until later in the meeting.

PUBLIC HEARING

ITEM 1: INTRODUCTION OF ORDINANCES TO ESTABLISH THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AND IMPLEMENT 5TH CYCLE HOUSING ELEMENT PROGRAM 2G (CLERK'S FILE NO. 304-7, 401-4, 401-9)

City Attorney Leslie Devaney provided a conflict analysis for the item and Councilmember Martinez recused herself as she had a conflict due to living within 500 feet of the subject matter of the item.

A presentation was provided by Planning and Community Development Director Joseph Smith and Principal Planner Matt Bator.

Council questions focused on Ordinance 973's relationship to the overlay zone; whether the design standards apply to the Fairgrounds; various administrative revisions to the design standards ordinance proposed by Mayor Gaasterland; various revisions to the design standards ordinance proposed by the referendum proponent; and the process and timing for revising the design standards after they are adopted.

Mayor Gaasterland opened the item to public comment and Laura DeMarco spoke. Jas Grewal and Arnie Wiesel spoke on this item at the start of the meeting. Mayor Gaasterland closed the item to public comment.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO INTRODUCE AN ORDINANCE, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING ZONING CHAPTER 30.92 TO THE DEL MAR MUNICIPAL CODE TO CREATE A NEW HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS AN OVERLAY ZONING TOOL THAT CAN BE APPLIED TO REAL PROPERTY THROUGH FUTURE REZONE ACTIONS AT THE DISCRETION OF THE CITY COUNCIL WHEN NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR HOUSING ELEMENT PROGRAM ACTIONS PER STATE LAW” INCORPORATING THE FINAL CHANGES TO THE ORDINANCE SHOWN BY MAYOR GAASTERLAND DURING THE MEETING. (VOTE 3-1-1)

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

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO INTRODUCE AN ORDINANCE, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REZONING REAL PROPERTY IDENTIFIED AS ASSESSORS PARCEL NUMBERS 299-100-47 AND 299-100-48 LOCATED IN THE NORTH COMMERCIAL ZONE TO APPLY THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR 5TH CYCLE HOUSING ELEMENT PROGRAM 2G PER STATE HOUSING LAW AND AMENDING ZONING CHAPTER 30.92 TO REFLECT THE REZONE ACTION.” (VOTE 4-0-1)

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

ITEM 2: 6TH CYCLE HOUSING ELEMENT UPDATE – ADOPTION OF GENERAL PLAN AMENDMENT (GPA 20-003) (CLERK’S FILE NO. 304-7)

City Attorney Devaney provided a conflict analysis for the item indicating that Councilmembers Druker, Quirk and Martinez have real property interests within 500 feet of the North Commercial area or one of the proposed replacement parcels that are affected by this action. Therefore, they have disqualifying interests. In February, the 6th Cycle Housing Element was discussed by the Council and Councilmember Druker was randomly selected to be the third Councilmember to establish a quorum. Therefore, he has been designated to participate in the discussion and/or actions related to the 6th Cycle Housing Element. Because this item involved a 4/5th vote, participation of a 4th Councilmember was needed. As a result, a straw vote was conducted by Acting City Clerk Sarah Krietor between Councilmembers Quirk and Martinez to designate the 4th Councilmember. Councilmember Quirk was randomly selected to participate in the item. Councilmember Martinez was recused.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee

Council questions focused on the next steps in the process after the Housing Element is sent to the State of California Department of Housing & Community Development (HCD); various strategies for compelling the Fairgrounds to work with the City on affordable housing; the Memorandum of Understanding (MOU) that was previously proposed to the Fairgrounds; if HCD has a time limit for responding to the City after

the Housing Element is submitted; clarification on the use of the term “development agreement” in the Housing Element related to the Fairgrounds and the requirements of such an agreement including questions about who is responsible for California Environmental Quality Act (CEQA) review and costs; the City Council’s position on the potential for changes to single family housing via Senate Bill 1; clarification that HCD requested that the City Council consider removing the 4/5 voting requirement to amend the Community Plan (General Plan); timing for submitting or revising a submitted Housing Element; the feasibility of including a contingency plan without specifics to HCD; the feasibility of removing the Central Commercial Zone from the Housing Element this cycle; clarification about whether the Court Street or Shores Park sites are included in the proposed Housing Element; and incentives programs for deed restricted housing.

Mayor Gaasterland opened the item to public comment and Laura DeMarco spoke. Jas Grewal also spoke on this item at the start of the meeting. Mayor Gaasterland closed the item to public comment.

Council discussion focused on the 1E rezone program; the Council’s strong desire to establish affordable housing at the Fairgrounds; various creative options for contingency plans if affordable housing is not established at the Fairgrounds; the Council’s disappointment with the State’s formulaic approach to affordable housing; and Council desire to send a letter to the State stakeholders related to affordable housing at the Fairgrounds with Mayor Gaasterland and Councilmember Quirk to return to Council at a future meeting with a proposed letter.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMEBR DRUKER TO ADOPT RESOLUTION 2021-14, “ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT THE 6TH CYCLE HOUSING ELEMENT (GPA 20-003), WHICH IS THE CITY’S HOUSING PLAN COVERING THE YEARS 2021-2029, THAT CONSTITUTES AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN), APPLICABLE CITYWIDE WITHIN THE CITY OF DEL MAR, CALIFORNIA; AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED 6TH CYCLE HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR CERTIFICATION.” (VOTE 4-0-1)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:35 to 6:50 p.m.

ITEM 3: COUNCIL DISCUSSION REGARDING PRESERVATION OF HOUSING STOCK IN “BY RIGHT” AND HIGHER DENSITY PROJECTS (CLERK’S FILE NO. 304-7)

Mayor Gaasterland read the recommended action and provided a brief overview for the item.

There were no public speakers for this item.

Council questions and discussion focused on working with the City Attorney’s Office to determine the City’s ability to limit condo conversion and short-term rentals in “by right” or high density projects; the process that would be required; Council desire to maintain housing stock in future high density developments; City’s position to take this action in one zone versus citywide; the feasibility of condos being deed restricted affordable in this scenario; and the relationship between this proposal and the City’s overall, citywide short-term rental regulations.

Council directed staff to look into this item further with legal counsel and to work with Interim City Manager Jones on the timing, cost and City's ability to incorporate this item into the current work plan.

REGIONAL ORGANIZATION REPORTS

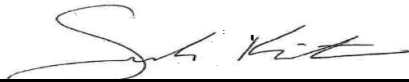
These reports will be provided at the April 5, 2021, City Council regular meeting.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

These reports will be provided at the April 5, 2021, City Council regular meeting.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 8:48 p.m.



Sarah Krietor, Acting City Clerk