



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**MAY 2, 2022 – 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](http://www.delmar.ca.us/AgendaCenter) or by contacting the Administrative Services Department at (858) 755-9313.

**CALL TO ORDER**

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

**ROLL CALL**

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

**CITY ATTORNEY CLOSED SESSION REPORT**

Assistant City Attorney Christina Cameron reported that there were no recusals or reportable actions for the continued closed session discussion of Item C on April 18, 2022, following open session. For the May 2, 2022, closed session meeting there were no reportable actions; however, she reported that for Item A the City Council will be filing a motion with the Surface Transportation Board in support of the California Coastal Commissions (CCC) motion to stay North County Transit District's (NCTD) Surface Transportation Board petition while the CCC's lawsuit against NCTD under state law is pending.

**PLEDGE OF ALLEGIANCE**

Mayor Worden led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

Mayor Worden opened public oral communications and former Mayor and City Councilmember Sherryl Parks spoke. City Council consensus was for staff to return with an agenda report at a future meeting addressing the traffic and parking concerns Sherryl Parks raised in her comments.

**CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS**

Deputy Mayor Martinez reported on the fundraiser for Ukraine held at Viewpoint Brewery over the weekend. Mayor Worden reported on Beeside Balcony's fundraiser to support Central Kitchen's efforts in Ukraine; Del Mar's quarterly non-profit meeting; City's participation in the University of California sea-level rise adaptation webinar; recent complaints regarding graffiti and stickers in the community and appreciation to City Public Works staff for quick removal; State of California budget surplus; Monarch Butterfly Mayor's Pledge; and Bike to Work Week beginning on May 19, 2022.

**CITY MANAGER'S REPORT**

City Manager Ashley Jones thanked the Del Mar Rotary Club and the Del Mar Village Association efforts to refurbish benches around town and for installing updated bench plaques on recently refurbished benches; reported on the Del Mar Village Associations (DMVA) and Tamarindo Del Mar's

beach clean up event held on Monday, May 16, 2022, in partnership with Surfrider Foundation; and provided an update on the City's new waste hauler, EDCO, who has been working hard in anticipation of taking over solid waste collection services July 1<sup>st</sup>.

**CONSENT CALENDAR**

Acting 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 GAASTERLAND SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 8 AND 10.  
(VOTE 5-0)**

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

**ITEM 1: APPROVAL OF MINUTES: APRIL 18, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED MAY 2, 2022 (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: FINANCE COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)**

Council appointed Laura DeMarco as a voting member to the Finance Committee to serve a full three-year term effective May 2, 2022, and ending on May 31, 2025, on consent.

**ITEM 5: CONTINUATION OF REMOTE PUBLIC MEETINGS IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953 (ASSEMBLY BILL 361) (CLERK'S FILE NO. 401-7)**

Council adopted resolution 2022-26, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, MAKING FINDINGS REQUIRED UNDER GOVERNMENT CODE SECTION 54953 RELATED TO ASSEMBLY BILL 361 IN ORDER TO CONTINUE THE USE OF TELECONFERENCE OR A REMOTE MEETING PLATFORM TO FACILITATE REMOTE PUBLIC MEETINGS", for the next thirty (30) days during the local emergency declared in response to the COVID-19 global pandemic, on consent.

**ITEM 6: AUTHORIZE CITY MANAGER TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING WITH SANDAG FOR REGIONAL SHORELINE MONITORING (CLERK'S FILE NO. 406-1, 1404-4, 1506-1)**

Council authorized the City Manager to execute an amended Memorandum of Understanding (MOU) with SANDAG for continued participation in the Regional Shoreline Monitoring Program that extends the agreement term through July 31, 2024, and specifies the Program costs for FY 2022-23 and FY 2023-24, on consent.

**ITEM 7: COUNCIL CONSIDERATION OF PHASE II PLANNING STUDIES TO IMPLEMENT THE CITY'S HOUSING ELEMENT (CLERK'S FILE NO. 304-7, 406-1)**

Council approved Task Order Agreement 2022-2 with Steven Dalton Associates (SDA) for preparation of a zoning assessment and architectural concepts for Phase II feasibility studies to facilitate development of potential incentives for Council consideration in order to facilitate production of deed-restricted lower income units on privately-owned properties; approved Task Order Agreement 2022-2 with Keyser Marston Associates (KMA) for preparation of Phase II feasibility studies and financial analysis to facilitate development of potential incentives for Council consideration in order to facilitate production of deed-restricted lower income ADUs and lower income units within multiple dwelling unit development on privately-owned properties; and authorized the City Manager to execute the Task Orders, on consent.

**PUBLIC HEARING**

**ITEM 8: INTRODUCTION OF AN ORDINANCE TO EXTEND THE ACCESSORY DWELLING UNIT (ADU) PILOT PROGRAM (INCENTIVE PROGRAM) (CLERK'S FILE NO. 401-4)**

Mayor Worden opened and closed the public hearing and the item was moved to the consent calendar to introduce an Ordinance to extend the ADU Pilot Program, which is intended to incentivize creation of ADUs that are deed restricted affordable to low income households, on consent.

There were no public speakers.

**ITEM 9: A DE NOVO PUBLIC HEARING OF AN APPEAL OF THE DESIGN REVIEW BOARD'S DECISION TO APPROVE DESIGN REVIEW PERMIT (DRB21-018), LAND CONSERVATION PERMIT (LC21-008), AND COASTAL DEVELOPMENT PERMIT (CDP21-012) TO DEMOLISH A 2,091 SQUARE-FOOT, ONE-STORY RESIDENTIAL STRUCTURE AND TO ALLOW CONSTRUCTION OF A NEW 2,000 SQUARE-FOOT, TWO-STORY RESIDENTIAL UNIT WITH ASSOCIATED GRADING, LANDSCAPE, AND SITE IMPROVEMENTS AT 624 8TH STREET, IN THE R1-10 ZONE**

**PROJECT APPLICANT: MATTHEW AND CHELSEA ZISKIN**  
**APPELLANTS: NIGEL HOOK AND JANET WILSON**  
**PROJECT LOCATION: 624 8TH STREET**  
**(APN# 300-252-14-00)**

**(CLERK'S FILE NO. 301-12)**

Councilmember Druker recused himself from participating in this agenda item due to his long-time professional and personal relationship with appellant Nigel Hook. Assistant City Attorney Cameron provided an overview of the City's de novo hearing procedures. A presentation was provided by Associate Planner Jennifer Gavin.

Council questions focused on clarification of the proposed project's floor area ratio; square footage of the existing house; clarification on the proposed project's setbacks; whether the Design Review Board (DRB) considered noise impacts when reviewing the proposed project; average deck sizes for similar projects; clarification on the project's proposed deck size compared to the square footage of the proposed home; whether the right-of-way in front of the project is located in the City of San Diego; whether a sump pump option would lower the height of the project; clarification on the bulk and mass Design Guidelines provisions and whether there are standards for how they should be implemented or applied; and clarification on whether any aspect of this project went to the Planning Commission for consideration.

Councilmember Gaasterland disclosed that she visited the project site from the street, visited the street on different days and at different times of day, visited the property to the east to view the project site from the driveway, and listened to the meeting feed for the DRB hearing. Councilmember Quirk disclosed that he visited the property, watched the DRB hearing, and reviewed the red dots and agenda materials. Deputy Mayor Martinez disclosed that she watched the DRB hearings, visited the Ziskin property with Chelsea Ziskin and architect Brian Church were present, and viewed the project's story poles from the Wilson Hook property driveway but did not meet with the residents. Mayor Worden disclosed that he visited both sites and viewed the story poles, asked City Planning staff questions which were provide to the Council and public as a red dot, and read the red dots and agenda materials for the item.

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

- 1) Janet Wilson, Appellant

Mayor Worden closed the item to public comment.

The applicant's representative Brian Church and the applicant, Chelsea Ziskin, provided a rebuttal addressing the public comments.

Council discussion focused on appropriate application of the City's Design Review Ordinance and Design Guidelines related to the project and consideration of the areas of concern related to the project raised by staff in the agenda report.

**IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY MAYOR WORDEN TO REOPEN THE PUBLIC HEARING AND LAY ASIDE THE MOTION TO CONTINUE THE PROJECT. (MOTION FAILED WITH A VOTE OF 2-2-1 WITH COUNCILMEMBER DRUKER RECUSED)**

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

**IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY DEPUTY MAYOR MARTINEZ TO CONTINUE THE PROJECT, WITH DIRECTION TO THE APPLICANT TO SEEK TO SET THE HOUSE FURTHER BACK ON THE PROPERTY AND TO BE LESS CONCENTRATED ON THE EAST. (VOTE 3-1-1 WITH COUNCILMEMBER DRUKER RECUSED)**

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

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 6:46 p.m. to 7:00 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 10: DEL MAR VILLAGE ASSOCIATION'S (DMVA) PROPOSED "WELCOME SUMMER" BANNER AND FLAG PROGRAM (CLERK'S FILE NO. 1202-16)**

This item was moved to the consent calendar for consideration and approval. Council approved the Del Mar Village Association (DMVA) "Welcome Summer" Banner and Flag Program proposal; and authorized the City Manager and DMVA Council liaisons to work with DMVA to finalize the design of the banners and implement the program, on consent. There were no public speakers for the item.

**ITEM 11: FOLLOW-UP REPORT FROM CITY COUNCIL GOAL SETTING WORKSHOP REGARDING CITY COUNCIL WORK PLAN "WISH LIST" ITEMS FOR CONSIDERATION (CLERK'S FILE NO. 401-1)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Assistant City Manager Kristen Crane. City Manager Jones and City department heads were available to answer questions.

There were no public speakers for the item.

Council discussed staff's recommendations and provided direction on each of the "Wish List" items as provided below.

Reengagement on Short Term Rental (STR) Regulations: Council consensus was to support staff's recommendation to re-engage on Short Term Rentals (STR) regulations in January 2023 beginning with extension of the forbearance period via Resolution of the City Council and a Request for Qualifications (RFQ) process to facilitate consultant selection for gathering data on the number of rentals and potential revenues from an STR Transient Occupancy Tax (TOT) or fee.

Consider Policy Regarding Accessory Dwelling Units to be used for Housing Only: Council consensus was to support staff's recommendation for staff to engage the City Attorney's Office, California Coastal Commission (CCC), and California Department of Housing and Community Development (HCD) to explore whether there are alternatives that may be incorporated into the local ordinance to meet the City Council's intent to establish a policy that ADUs be used for housing only as part of the ADU ordinance update that is currently underway. At the Council's request, City Manager Jones will work with the City Attorney's office to potentially share Mayor Worden's white paper on this topic with the whole City Council in a Brown Act compliant way.

Restart Underground Project Advisory Committee (UPAC): Council consensus was for the City Council liaisons to work with staff to reevaluate the Utility Project Advisory Committee (UPAC) Charter and return to Council with any proposed changes and a plan for restarting the Committee prior to starting construction for 1A and X1A.

Consider Policy Change Regarding Trimming of City Owned Trees: Council discussed a potential policy change regarding trimming of City trees for view blockage. Council questions and discussion focused on the City's current practice of trimming trees for the health of the tree and for public safety; clarification on the City's current process for resolving view blockage issues involving City owned trees; desire for a streamlined approach to address view blockage issues that involve City owned trees; and consideration of a policy change that would prioritize the trimming of City owned trees that block private views.

Council consensus was to include exploration of a potential policy change regarding trimming of City trees for view blockage in the Fiscal Year 2022-2023 Work Plan and to begin with a City Council discussion of the policy's goals.

Trees Scenic Views and Sunlight (TSVS) Ordinance Update: Council consensus was to consider a comprehensive update to the Trees Scenic Views and Sunlight (TSVS) Ordinance as part of the potential City work plan during the next two-year budget process (Fiscal Years 2023-24 and 2024-25).

Revisions to Oversized Vehicle Ordinance: Council consensus was to refer revisions of the oversized vehicle ordinance to Traffic and Parking Advisory Committee (TPAC) to provide a recommendation to City Council on whether there is an issue with the City's current regulations and, if there is an issue, to clarify the parameters of the issue.

Consider Building Electrification Ordinance: Council consensus was to review and consider the draft building electrification ordinance being prepared by the Sustainability Advisory Committee (SAC) in Fall 2022. Council would then determine whether to direct staff to complete additional work and finalize the proposed Ordinance for Council consideration and adoption.

City Attorney Services Request for Qualifications: Council consensus was to begin the Request for Qualification (RFQ) process for City Attorney services in February 2023.

Median Improvements: Council consensus was for City staff to work with the neighbors and Del Mar Garden Club to identify and replace plant materials in the median at 15<sup>th</sup> Street/Ave Primavera/Crest Canyon with the goals of the plants being low water, low maintenance, and adhere to City roadway safety standards.

Council discussed potential median improvements at Camino del Mar (Area 1) and Council questions focused on whether Design Review Board (DRB) approval and/or a Coastal Development Permit (CDP) would be required. Council consensus was to refer this item to the Parks and Recreation Committee to prioritize the various median improvement projects around town and provide a recommendation to the City Council.

Based on limited staffing and financial resources, Council concurred with staff's recommendations to defer an update to the City's Climate Action Plan (CAP); consideration of an Ordinance allowing for Cannabidiol (CBD) Retail Sales; and reevaluating City's ability to collect a portion of Fairgrounds Admission Fees for consideration as part of a future goal setting or two-year budget process.

**ITEM 12: PROPOSED CITYWIDE STAFFING PLAN (CLERK'S FILE NO. 502-1, 504-3)**

A presentation was provided by City Manager Jones.

Council questions focused on the City's current full-time employee count and what the new full-time employee count would be if the proposed staffing plan were to be approved.

There were no public speakers for the item.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2022-27, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE RECLASSIFICATION OF THE FACILITIES SUPERVISOR POSITION TO PUBLIC WORKS OPERATIONS MANAGER, THE**

**RECLASSIFICATION OF ADMINISTRATIVE SERVICES DIRECTOR POSITION TO ADMINISTRATIVE SERVICES MANAGER, AND AUTHORIZING THE ADDITION OF ONE ASSOCIATE ENGINEER AND ONE BEACH AND COMMUNITY PATROL OFFICER /II POSITIONS, AND AMENDING THE COMPENSATION PLANS FOR MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL EMPLOYEES AND GENERAL EMPLOYEES.” (VOTE 5-0)**

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

**ITEM 13: DEL MAR RENTAL ASSISTANCE PROGRAM UPDATE (CLERK’S FILE NO. 301-19, 303-1)**

A presentation was provided by City Manager Jones.

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

- 1) David Ralph
- 2) Terry Kopanski, Del Mar Community Connection

Mayor Worden closed the item to public comment.

Council questions and discussion focused on clarification of the Rental Assistance Program (Program) as it relates the 6<sup>th</sup> Cycle Housing Element; clarification on the annual expenditure of the program and the average rent for each participant in the program; timing for exhausting Housing Assistance Fund reserves; support for extending the program through June 2023; Council desire to use Housing Assistance Funds towards facilitating production of affordable housing units and other critical Housing Elements goals; clarification on the reference to the Rental Assistance Program in the 6<sup>th</sup> Cycle Housing Element; and potential issue of equity and fairness related to the Program.

Council consensus was to authorize the extension of the deadline for discontinuing the Rental Assistance Program from June 30, 2022 to June 30, 2023.

**ITEM 14: COUNCIL DISCUSSION REGARDING EXPECTATIONS FOR COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES AND DEL MAR CITY COUNCIL OFFICIAL POSITION ON RAIL ISSUES (CLERK’S FILE NO. 1005-2, 1506-20)**

An introduction to the item was provided by Councilmembers Druker and Gaasterland.

Council questions and discussion focused on the need for Council representatives to outside agencies to follow Council policy and advocate for the City’s official positions; the need for City clarification on the City’s position related to rail related issues; the City’s official position related to the San Diego Association of Governments (SANDAG) Regional Transportation Plan and rail relocation; desire to reflect the language used in the 2022 Legislative Policy Guidelines in the letter to the North County Transit District (NCTD) Board; tunneling options in Del Mar included in the SANDAG Regional Transportation Plan; clarification on contents of the emails Councilmember Quirk sent to NCTD and SANDAG staff; consideration of a request for the City Council to revisit regional appointments; clarification on the contents of Councilmember Quirk’s presentation to the NCTD Board; and Council desire to receive timely updates from Council representatives to outside agencies.

There were no public speakers for the item.


Council consensus was to authorize NCTD Alternate Board Members, Councilmembers Druker and Gaasterland to prepare a letter to send to the NCTD Board confirming the City's official position with regard to safe crossings, rail relocation, and other significant rail related issues as may be appropriate.

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

City Council representatives reported on the Clean Energy Alliance; Del Mar Village Association; Housing Subcommittee; Safe Rail Crossing and Bluff Stabilization Subcommittee; San Diego Regional Association of Governments (SANDAG) Board; Traffic and Parking Advisory Committee; SANDAG Shoreline Preservation Working Group; and Sustainability Advisory Committee.

**ADJOURNMENT**

Mayor Worden adjourned the meeting at 9:12 p.m.



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Sarah Krieter, Acting City Clerk