



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JULY 6, 2020 – 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 Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks, and Dwight Worden

PLEDGE OF ALLEGIANCE

Deputy Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

The following individual(s) spoke during Public Oral Communications:

Carla Hayes – Expressed concern about proposal to house homeless individuals at the Fairgrounds.

CITY COUNCIL COMMENTS

Councilmember Worden thanked the community for their support and donations of "mask on" signage in the community. Deputy Mayor Gaasterland also thanked those in the community that donated mask signage to the City for placement throughout the community. Mayor Haviland spoke about the importance of wearing masks and social distancing and she asked the City Manager about getting feedback from the Sheriff's department regarding enforcing the health guidelines.

COMMUNITY ANNOUNCEMENTS

Councilmember Worden talked about a letter that was mailed to the Governor from he and Deputy Mayor Gaasterland along with members of the community regarding keeping the beaches open for active use only; items affecting Del Mar to be considered by the California Coastal Commission on August 6; and new protocols being rolled out by the San Diego County Sheriff's Department. Deputy Mayor Gaasterland talked about the purpose and intent of the letter that was sent to the Governor's Office. Councilmember Druker noted that the horse races will open on July 10, with no spectators.

REGIONAL ORGANIZATION REPORTS

Councilmember Parks reported on the Metro Wastewater JPA. Deputy Mayor Gaasterland reported on the North County Transit District. Councilmember Worden reported on the Fairgrounds Community Relations Committee and San Dieguito Riverpark Joint Powers Authority. Mayor Haviland reported on the Clean Energy Alliance and San Diego Association of Governments.

CITY MANAGER'S REPORT

City Manager Johnson reported on the upcoming November 2020 Election; activity in the community and at the beach over the July 4th weekend; information released by the County Health Officer making San Diego one of twenty counties in the State that will be operating under corrective actions over the next three weeks; letter from Governor Gavin Newsome requiring local jurisdictions to enforce the local health orders; mask signage in the community; Seagrove Park lighting improvements; thanked Zuni Drive resident volunteers who cleared vegetation and put down mulch in a public area between Luneta Drive and Camino Del Mar; and Library Sidewalk repairs.

CONSENT CALENDAR

Mayor Haviland called for items to be added or removed from the Consent Calendar, and Item 5 was pulled for additional discussion, and Item 8 was added to the Consent Calendar for consideration. Mayor Haviland opened Items 1-4 and item 8 to public comment, and there were no comments

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER PARKS TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 4 AND ITEM 8. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

ITEM 1: APPROVAL OF MINUTES: JUNE 15, 2020 REGULAR AND SPECIAL MEETING; JUNE 17, 2020 ADJOURNED REGULAR MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JULY 6, 2020 (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: APPROVAL OF SIDE LETTER AGREEMENTS WITH THE DEL MAR FIREFIGHTERS ASSOCIATION AND DEL MAR CITY EMPLOYEES ASSOCIATION (CLERK'S FILE NO. 502-1)

Council approved side letter agreements with the Del Mar Firefighters Association and the Del Mar City Employees Association and authorized the City Manager to sign the agreements, on consent.

ITEM 5: RESOLUTION TO TEMPORARILY SUSPEND THE FILING OF NEW/MODIFIED TREES, SCENIC VIEWS, AND SUNLIGHT ORDINANCE APPLICATIONS (CLERK'S FILE NO. 306-1, 1403-7)

This item was pulled from the Consent Calendar for additional discussion. A presentation was provided by Planning & Community Development Director Smith.

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

- 1) Shirli Weiss – Expressed opposition to the recommended action.
- 2) Karen Lare – Expressed opposition to the recommended action and read red dot letters from Jas Grewal and Tracy Martinez who were also opposed to the recommended action.
- 3) Laura DeMarco – Expressed opposition to the recommended action.

Mayor Haviland closed the item to public comment.

Council questions focused on whether this item could be suspended by resolution given that it was established by ordinance; whether staff considered streamlining or simplifying the process rather than suspending it; how many applications are in the pipeline now, and approximately how many are received each year; extent to which photos are used now as part of the review process; whether there is an opportunity to shift costs to the property owner who created the view blockage or to enforce a fine or penalty; and potential use of community volunteer mediators to resolve issues between neighbors prior to involving the City.

Council discussion focused on the possibility of increasing the Trees, Scenic Views, and Sunlight (TSVS) application fee to full cost recovery; primary issue being a lack of staff capacity due to workforce reductions in the Planning Department; encouraging neighbors to cooperate with each other and work things out on their own; concerns expressed by the community; use of volunteer mediators to resolve issues early on; interest in setting aside this issue for now and recognizing that there will be delays in the time to process TSVS applications; steps in the TSVS process; and concern about the impact to staff and financial resources relate to how the existing ordinance is written.

IT WAS MOVED BY MAYOR HAVILAND, SECONDED BY COUNCILMEMBER PARKS TO ADOPT A RESOLUTION TO TEMPORARILY SUSPEND THE FILING OF NEW/MODIFIED TREES, SCENIC VIEWS, AND SUNLIGHT ORDINANCE (TSVS) APPLICATIONS THROUGH JUNE 30, 2021. (VOTE 2-3)

Ayes: Mayor Haviland, and Council Member Parks; Noes: Deputy Mayor Gaasterland and Council Members Druker and Worden; Absent: 0; Abstain: 0. Motion Failed.

STANDING DISCUSSION ITEMS

ITEM 6: HOUSING (CLERK'S FILE NO. 303-1)

Planning & Community Development Director Smith provided an update on the SB2 Grant; the creation of floor plans for Accessory Dwelling Units that will be on the City's website at no cost; and an update on the number of Accessory Dwelling Unit (ADU) applications received since January 1, 2020.

PUBLIC HEARINGS

ITEM 7: APPROVAL OF THE CITY OF DEL MAR COMPREHENSIVE USER FEE SCHEDULE (CLERK'S FILE NO. 401-4, 401-9)

Council questions focused on whether or not the budget for fiscal year 2020-21 assumed an increase in fees, and what the basis is for staff recommending full cost recovery for planning fees.

Mayor Haviland opened the item to public comment and there were no speakers.

Council comments focused on use of public facilities by community non-profits; concern about full cost recovery for planning fees given the City's more onerous development review processes; feedback from the Finance Committee related to fee subsidies; need to recover the full cost of doing business; support for staff's recommendation; importance of including the Consumer Price Index (CPI) increase; potential for fees to be reduced or waived based on extreme hardship; the opportunity to revisit fee subsidies in the future as revenues recover.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO APPROVE INTRODUCTION OF THE PROPOSED ORDINANCE WITH AMENDMENTS PER RED DOT. (VOTE 4-1)

Ayes: Mayor Haviland, and Council Members Druker, Parks and Worden; Noes: Deputy Mayor Gaasterland; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER PARKS, SECONDED BY COUNCILMEMBER WORDEN TO ADOPT RESOLUTION 2020-39, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE CITY OF DEL MAR FEE SCHEDULE FOR PLANNING, PUBLIC WORKS, COMMUNITY SERVICES, ADMINISTRATION, AND FIRE PREVENTION SERVICES", WITH THE INCLUSION OF LANGUAGE APPROVING ANY RED DOT AMENDMENTS FROM STAFF AND CLARIFICATION OF DEL MAR NON-PROFITS BEING ADDED. (VOTE 3-2)

Ayes: Mayor Haviland, and Council Members Parks and Worden; Noes: Deputy Mayor Gaasterland and Councilmember Druker; Absent: 0; Abstain: 0.

ITEM 8: DRB19-022, 722 AMPHITHEATRE DR. (DUBREVILLE RESIDENCE) - TIE VOTE BY DESIGN REVIEW BOARD (CLERK'S FILE NO. 301-5)

The Mayor opened and closed the public hearing for this item, and the item was moved to the Consent Calendar for consideration. The City Council continued this item to July 20, 2020, on consent.

ITEM 9: INTRODUCTION OF AN ORDINANCE AMENDING SECTION 23.08.025 OF THE DEL MAR MUNICIPAL CODE REGARDING ADMINISTRATIVE DESIGN REVIEW PERMIT COMPONENTS AND NOTICING (CLERK'S FILE NO. 401-4, 401-9)

Planning & Community Development Director Smith and Principal Planner Matt Bator provided a presentation on this item.

Mayor Haviland opened the item to public comment and there were no speakers.

Council questions focused on a hypothetical application and what the design review process would be; processing of swimming pools; how written objections are factored into the approval process; clarification on list of items recommended for administrative design review (ADR) during the coming fiscal year; how issues related to noise and lighting will be addressed; and how "hot button" issues will be considered as part of the review process.

Council discussion focused on feedback received from Design Review Board members and concerns raised by members of the community about potential erosion of the City's design review process; suggestion to include a sunset in the ordinance for it to expire by June 30, 2021 and including a provision that items found not to be in compliance with the Design Review Guidelines should be sent to the Design Review Board (DRB) for consideration; consideration to add a subset of the items proposed for ADR to

the list, but not the entire list; want to ensure that the hard work of the community to establish and preserve the design review process.

It was the consensus of the Council for the Council Planning Subcommittee to work with staff to modify the recommendation and bring something back to the Council for consideration.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO CONTINUE THIS DISCUSSION AND FOR THE PLANNING SUBCOMMITTEE TO WORK WITH STAFF TO MODIFY THE RECOMMENDATION AND BRING SOMETHING BACK TO THE COUNCIL FOR CONSIDERATION AS SOON AS PRACTICABLE. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:45 to 8:00 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 10: 6TH CYCLE HOUSING ELEMENT UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT INFORMATIONAL SUMMARY (CLERK'S FILE NO. 303-1, 304-7)

A presentation was provided by Planning & Community Development Director Smith.

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

- 1) Karen Lare – Read red dot letter into the record from Housing Task Force members.
- 2) Laura DeMarco – Expressed concern about the sites included in the Housing Element Draft Environmental Impact Report.

Mayor Haviland closed the item to public comment.

Council questions focused on clarification on the Housing Element (HE) Program Environmental Impact Report (PEIR) process; clarification on what the process is for carrying out the programs that are included in the approved Housing Element and applicable voting requirements; information included in the PEIR related to rezoning of the North Bluff; what drives the Housing Element process; the focus areas included in the PEIR and how areas outside of the City would be handled; the specific details about various sites included in the PEIR; Council voting requirements (i.e. 3/5 majority or 4/5 super majority) to change the Community Plan and/or zoning requirements; density requirements; and requirements in order to obtain State certification of the Housing Element.

Council discussion focused on support and need for affordable housing in the community; reality that there are no “easy” affordable housing sites in Del Mar; and what Council can do to support the process.

ITEM 11: RESOLUTIONS AMENDING THE USE OF MEASURE Q FUNDS AND SETTING PRIORITIES FOR THE USE OF INCREASED REVENUES DURING FISCAL YEAR 2020-21 (CLERK'S FILE NO. 202-3)

A presentation was provided by Administrative Services Director Jones.

Mayor Haviland opened the item to public comment and there were no speakers.

MOTION TO EXTEND THE MEETING: IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO EXTEND THE MEETING TO 10:15 P.M. (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-40, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING RESOLUTION 2018-63 REGARDING THE USE OF MEASURE Q FUNDS." (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-41, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SETTING PRIORITIES FOR THE USE OF INCREASED REVENUES DURING FISCAL YEAR 2020-21." (VOTE 5-0)

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

There were no reports.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 9:59 p.m.



Ashley Jones, Administrative Services
Director/City Clerk