



**CITY OF DEL MAR
PLANNING COMMISSION REGULAR MEETING
DRAFT (ACTION) MINUTES
July 14, 2020
Via Teleconference**

The minutes set forth the actions taken by the Planning Commission on the matters stated. Audio/video recordings of the Planning Commission 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 Planning Commission, including Red Dots (materials provided to the Planning Commission 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

Chairperson Bakker called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Chair Ted Bakker, Vice Chair Philip Posner, and Commissioners John Farrell, Claire McGreal, and Don Countryman

Absent: None

Staff Present: Planning and Community Development Director Joseph Smith, Principal Planners Amanda Lee and Matt Bator, Associate Planner Jennifer Gavin, and Management Analyst Shaun McMahon

APPROVAL OF MINUTES

Motion by Vice Chair Posner, second by Commissioner Farrell to approve the meeting minutes for May 12, 2020. The minutes were approved (4-0-1). Commissioner McGreal recused herself from this item since she was not at the meeting.

UPDATE

Principal Planner Lee provided the following announcements:

1. As of July 7, 2020, the City is open to the public (remotely) Monday-Thursday 7:30am-5:30pm and will now be closed to the public on Fridays in response to the recent budget cuts. Also in light of the budget cuts, the Planning Department lost two staff members in the citywide reduction in force including Associate Planner Jean Crutchfield and Assistant Planner Afshin Atapour. City staff will still be working on Fridays while City Hall is closed to the public and will be dedicating the time to complete project reviews, staff reports, and other responsibilities.
2. Housing will continue to be a top priority planning program through 2020 and 2021. Additional information on the Housing Element Update will be shared as part of Item 2 on the agenda.

PLANNING COMMISSION/STAFF DISCUSSION (Non-Application Items)

The Chair welcomed new Commissioner McGreal.

ITEMS NOT LISTED ON THE AGENDA (Oral Communications) - None

DISCUSSION AND BRIEFING (Application Items)

Principal Planner Lee explained that this was the first Planning Commission meeting during the COVID pandemic where members of the public are able to register in advance to speak on any items on the agenda during the live teleconference meeting. The new process was tested at the City Council meeting on July 6, 2020. As has been done in the past, staff also posted and distributed all submitted red dot correspondence.

Principal Planner Lee also explained that there were three items on the agenda of which only Item 3 was eligible for consent.

CONSENT CALENDAR – Motion by Commissioner Countryman, second by Commissioner Farrell to approve Item 3 on consent was approved unanimously (5-0).

ITEM 3
CDP 20-005
EA 20-001
City of Del Mar
SCOUP

Location: City of Del Mar Shoreline between 15th Street and the northerly City Boundary, including the San Dieguito Lagoon river inlet

Applicant: City of Del Mar, Planning Department

Environmental Status: A Mitigated Negative Declaration (Environmental Assessment EA 20-001/ SCH # 2020040181) was prepared by the City as lead agency.

Contact Person: Amanda Lee, Principal Planner

Description: This item is a request for a recommendation from the Planning Commission to the City Council on the proposed Sand Compatibility Opportunistic Use Program (SCOUP) Coastal Development Permit and associated environmental document. The “SCOUP” is a special project that was prioritized by the City Council in 2019 to allow the City to replenish beach quality sand on the Del Mar beach as an adaptation measure to minimize the effects of flooding, erosion, and projected sea level rise.

NEW APPLICATION(S)

ITEM 1
TSVS 19-001
Restorative Action
Follow Up

Applicant: Harry and Ariadne Magoulas

Applicant's Address: 310 Del Mar Heights Road

Tree Owner: Nelly Mednansky

Site Address (Vegetation Location): 306 Del Mar Heights Road

Staff Contact: Jennifer Gavin, Associate Planner

Description: Per Resolution PC-2019-11, the Applicant is returning to the Planning Commission in accordance with the procedures in DMMC Section 23.51.080 for additional direction for how to best achieve consistency with the restorative action. Phase I of the restorative action was completed. The Applicant and Tree Owner have differing opinions about when or if Phase II action is needed.

Commissioner Bakker announced that he was again recusing from Item 1 because he lives within 300' of the subject properties, then excused himself from the meeting during Item 1.

Vice Chair Posner resumed the meeting by calling for Commissioner disclosures on Item 1.

Disclosures:

Vice Chair Posner stated he read all of the materials, spoke with the Tree Owner's son, spoke with the Applicant, and with Commissioner Farrell. Vice Chair Posner had been to the properties as part of the prior hearings but did not perform any site visits prior to this hearing due to restrictions related to the COVID pandemic.

Commissioner Countryman read all of the materials and had visited the sites as part of the prior hearings.

Commissioner McGreal was not on the Commission for the prior hearings, but stated she read through all of the materials for the previous hearings and the current hearing, studied the Trees, Scenic Views, and Sunlight Ordinance, and did not visit the sites but felt the photographs were adequate.

Commissioner Farrell read through the materials, walked outside near the properties but not onto the properties, and spoke to the Applicant's son and to the Applicant.

Associate Planner Gavin provided the staff presentation.

The Applicant, Harry Magoulias, reiterated their request that the Commission require the restorative action decided at the September hearing to reduce the vegetation to 1 inch above the patio wall.

The Tree Owner, Nelly Mednansky, stated that she completed the initial trimming required, had her landscapers perform maintenance on the trees, and submitted an arborist report as a part of step 2 of the restorative action outlined in Resolution PC-2019-11.

The following members of the public spoke in favor of the Applicant:

- Eugene Swiech, 314 Del Mar Heights Road
- Barb Davis, 755 Kalamath Drive
- John Wilson, 2703 Caminito Verdugo
- Shirli Weiss, 116 Spinnaker Ct.

Six comment letters submitted by the following were posted and distributed as red dot correspondence, and filed with the project:

- Eugene Swiech, 314 Del Mar Heights Road
- Barb Davis, 755 Kalamath Drive
- John Wilson, 2703 Caminito Verdugo
- Shirli Weiss, 116 Spinnaker Ct.
- Jon Finley, Eastpoint, Michigan
- Robert and Chrissy Fried, 910 Stratford Court

The Applicant, Harry Magoulias, and the Applicant's son, Konstantin Magoulias, submitted red dot correspondence with clarifying information regarding the Applicant's request.

The Tree Owner, Nelly Mednansky and the Tree Owner's son, Ladislav Mednansky, also submitted red dot correspondence providing clarifying information regarding the Tree Owner's request.

The Commissioners agreed that the previously adopted restorative action was to reduce the height of the Ficus trees to 1 inch above the patio wall. In order to further clarify the restorative action, the Commission identified the following clarifying details needed to be added to the Resolution:

- That the Ficus tree should measure no more than 6 feet-6 inches above the Applicant's grade when measured from the property line wall adjacent to the Ficus trees because that height above grade was equivalent to the height necessary to restore the view at 1 inch above the patio wall.
- That the Applicant and Tree Owner work together expeditiously to achieve the next step in the restorative action of reducing the height of the Ficus Tree to 6 feet 6 inches above the Applicant's grade no later than September 14, 2020. That a regular maintenance schedule should be specified for long term maintenance, including the right of the Applicant to pay for trimmings for the Ficus trees per the restorative action every 3 months (September 14, December 14, March 14, and June 14 or the next business day thereafter if landing on a weekend or holiday) in accordance with the Del Mar Municipal Code Chapter 23.51.

MOTION BY COMMISSIONER COUNTRYMAN, SECOND BY COMMISSIONER FARRELL TO ADOPT A RESOLUTION REPLACING THE PREVIOUSLY ADOPTED PLANNING COMMISSION RESOLUTION PC-2019-11 AS NECESSARY TO INCORPORATE CLARIFYING SUPPLEMENTAL DETAILS TO THE RESTORATIVE ACTION DECISION FOR TREES, SCENIC VIEWS, AND SUNLIGHT APPLICATION TVS19-001 PREVIOUSLY APPROVED ON SEPTEMBER 10, 2019, AND AMENDED ON JULY 14, 2020, TO FORMALLY SET A REGULAR TREE TRIMMING MAINTENANCE SCHEDULE AND IMPOSE A CONDITION OF APPROVAL TO ENSURE LONG-TERM VEGETATION MAINTENANCE AND IMPLEMENTATION CONSISTENT WITH THE FINAL RESTORATIVE ACTION DECISION RENDERED BY THE PLANNING COMMISSION ON JULY 14, 2020 (VOTE 4-0-1 CHAIR BAKKER RECUSED)

Ayes: Vice Chair Posner and Commissioners Farrell, McGreal, and Countryman
Noes: None
Absent: Chair Bakker (Recused)

ITEM 2
Summary of
Findings in 6th
Cycle Housing
Element Draft PEIR

Location: Citywide
Applicant: City of Del Mar, Planning Department
Environmental Status: The City of Del Mar as lead agency for the proposed 6th Cycle Housing Element and Program EIR pursuant to the California Environmental Quality Act (CEQA) prepared a Draft Program EIR.
Staff Contact: Shaun McMahon, Management Analyst
Description: This is an informational report to the Planning Commission. No formal action will be taken at this hearing. The purpose of this item is to update the Planning Commission and the public on the status of the 6th Cycle Housing Element Update, explain the CEQA environmental review process, summarize the findings of the draft environmental document, and outline the next steps. The City issued a Draft Program Environmental Impact Report (PEIR) for the 6th Cycle Housing Element Update project

and the document is being circulated for a 60-day public review period (July 2, 2020 – August 31, 2020). The City is soliciting comments on the environmental analysis contained within the Draft PEIR. No action will be taken on either the PEIR or the Housing Element during this meeting. A formal Planning Commission recommendation hearing and City Council certification and adoption hearings for the PEIR and associated Housing Element Update project will occur at a future date. The Planning Commission recommendation hearing is tentatively set for September 2020. The City Council will be the final decision maker on the PEIR and the Housing Element Update project.

Planning and Community Development Director, Joseph Smith, gave the staff presentation. Director Smith explained that this was an informational item only and that no direction was needed from the Planning Commission. Director Smith reported that the Draft Program Environmental Impact Report (PEIR) for the Housing Element Update had been released and that the public review period runs until August 31. The Draft Housing Element (separate document) is also underway and that both the PEIR and Draft Housing Element Update will return for review and recommendation by the Commission in September in preparation for Council review and decision in October.

Director Smith, Principal Planner Lee, and Management Analyst McMahon then took questions from the Commissioners. Principal Planner Lee clarified that programs related to amendments to the North Commercial (NC), Professional Commercial (PC), and Central Commercial Zones (CC) do not involve any change to the existing development standards of the zones, with the exception of allowing a density of 20 dwelling units per acre as necessary to increase residential capacity for new housing units as required per State law. In addition to increasing residential capacity, the City is also working on identifying programs to accommodate the City's assigned number of low income housing units as required per State law. Principal Planner Lee also clarified that the State Fairgrounds are a separate entity and, although the City does not retain land use control over the property, staff will be including programs in the Draft Housing Element Update that seek opportunities to provide new housing units on State Fairgrounds property.

ADJOURNMENT

Chair Bakker adjourned the meeting at 8:48 p.m.