



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JULY 25, 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 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

City Attorney Leslie Devaney reported that there were no reportable actions for the July 25, 2022, City Council Closed Session meeting. She also reported that for Item C Councilmember Druker was recused due to his personal and professional relationship with one of the parties involved in the matter.

PLEDGE OF ALLEGIANCE

Mayor Worden led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Mayor Worden reported on a recent letter from the City to the California Coastal Commission (CCC) providing comments regarding the CCC's Draft Public Trust Guiding Principles and Action Plan; the Del Mar Little League winning the District 31 Championship; former Del Mar resident Cecilia Rouse being appointed to serve as the Chair of the Council of Economic Advisers to President Biden; new gun legislation signed by Govern Newsom which outlaws ghost guns and gun sales in general at State owned properties both of which would apply to the 22nd Agricultural District; and his attendance at a seminar with other agencies considering a potential lawsuit against the California Department of Housing and Community Development (HCD) related to 6th Cycle Regional Housing Needs Assessment (RHNA) allocations. Mayor Worden stated he does not have a position on the potential lawsuit, but wanted the rest of the Council, staff and public to be aware of it.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported on the planned SDG&E power outage related to the removal of a utility pole in the 25th Street area occurring the evening of July 25, 2022 through the early morning of July 26, 2022; provided a status update on the Hillstone project, located at 1404 Camino del Mar, and activities

underway to facilitate the start of construction this fall; the transition of solid waste billing from the City to EDCO; and the November 2022 General Municipal Election candidate filing period.

CONSENT CALENDAR

Administrative Services Manager/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 DRUKER, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 7, 9, 11 AND 12. (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: JULY 11, 2022 REGULAR AND SPECIAL MEETING (CLERK’S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JULY 25, 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: CONTINUATION OF REMOTE PUBLIC MEETINGS IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953 (ASSEMBLY BILL 361) (CLERK’S FILE NO. 401-7)

Council adopted resolution 2022-54, “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 5: LICENSE AGREEMENT WITH EDCO DISPOSAL CORPORATION FOR USE OF PUBLIC WORKS YARD (CLERK’S FILE NO. 103-3, 406-1, 702-2)

Council approved a license agreement with EDCO Disposal Corporation (EDCO) for the use of approximately 10,000 square feet of space at the City’s Public Works yard for the temporary storage of container equipment and authorized the City Manager to execute the license agreement, on consent.

ITEM 6: CONSTRUCTION CONTRACT WITH PETERSON-CHASE GENERAL ENGINEERING CONSTRUCTION, INC. FOR THE TORREY PINES ROAD BRIDGE DECK TREATMENT PROJECT (CLERK'S FILE NO. 406-1)

Council awarded a construction contract for the Torrey Pines Road Bridge Deck Treatment Project (Project) to Peterson-Chase General Engineering Construction, Inc.; and authorized the City Manager to execute the contract, on consent.

ITEM 7: FINANCE COMMITTEE APPOINTMENTS (CLERK'S FILE NO. 401-5)

Council appointed Steven McDowell and William (Tate) Scott as voting members to the Committee to serve full three-year terms effective August 1, 2022, and ending on August 31, 2025, on consent.

ITEM 8: FIRST AMENDMENT TO THE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR AS-NEEDED CIVIL ENGINEERING, TRAFFIC ENGINEERING, AND DEVELOPMENT REVIEW SERVICES (CLERK'S FILE NO. 406-1)

The item was pulled from the Consent Calendar for City Council questions. City Manager Jones and Public Works Director Joe Bride responded to Council questions which focused on the Customer Price Index (CPI) increase included in the first amendment.

IT WAS MOVED BY MAYOR WORDEN AND SECONDED BY COUNCILMEMBER DRUKER TO APPROVE THE FIRST AMENDMENT TO THE AS-NEEDED CONSULTING SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, AMENDING THE COST OF SERVICES; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT, on consent. (VOTE 5-0)

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

ITEM 9: TASK ORDER WITH HELIX ENVIRONMENTAL FOR THE RIVERPATH DEL MAR EXTENSION PROJECT PHASE 3 (CLERK'S FILE NO. 406-1)

Council approved a task order with Helix Environmental (Helix) for additional environmental services related to the Riverpath Del Mar Extension Project Phase 3, on consent.

PUBLIC HEARING

ITEM 10: CONTINUATION OF 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. 301-5)

Councilmember Druker recused himself due to his long-time personal and professional relationship with appellant Nigel Hook. City Attorney Devaney provided an overview of the de novo hearing process and Assistant City Attorney Barry Shultz provided an overview of the voting requirements in the Del Mar Municipal Code, Design Review Ordinance, and outcome of a possible City Council tie vote given that Councilmember Druker is recused from the hearing.

Associate Planner Jennifer Gavin provided a presentation.

Council questions focused on the upper deck and covered patio included in the proposed modified plans versus the original plans that were presented to the City Council at the de novo hearing on May 2, 2022; type of windows proposed on the west side of the upper deck; and proposed changes to the eastern facing wall from the original plans.

Council disclosures related to this public hearing were as follows:

Deputy Mayor Martinez disclosed that, at the request of each resident/property owner, she met with Wynne Darby Spadafora who lives at 611 Hoska and viewed the proposed project looking east from Ms. Spadafora's property; met with Susan MacNamara at 623 Hoska in the resident's backyard which is immediately behind the proposed project; and met with Arline Paa who lives at 612 8th Street immediately west of the proposed project. Deputy Mayor Martinez disclosed that both Ms. MacNamara and Ms. Darby Spadafora were concerned that the resubmitted project plans would result in the project being moved 10 feet closer to their properties but did not know where the residents received this information. Deputy Mayor Martinez disclosed that she does not personally know or socialize with the Ziskins, Arline Paa, Susan MacNamara, Wynne Darby Spadafora, Janet Wilson or Nigel Hook. Deputy Mayor Martinez disclosed that she met Janet Wilson once at a site visit related to a separate matter. And, she disclosed that she reviewed prior related agenda materials and viewed previous related meeting recordings.

Councilmember Quirk disclosed that he did not meet with the applicant or any other residents, but reviewed the agenda materials, including the red dots, and reviewed the materials for the de novo hearing held on May 2, 2022. Councilmember Quirk disclosed that he conducted a site visit of the Wilson/Hook residence for the original hearing held on May 2, 2022.

Councilmember Gaasterland disclosed that she reached out to the neighboring property owners that provided public comment on the project including Brooke Houser who lives at 641 Hoska and viewed the project from the perspective of that property; visited the property of Janet Wilson and Nigel Hook located at 635 Hoska prior to the first hearing; and visited the property of Wynne Darby Spadafora located at 611 Hoska, and visited the home of Arline Paa who lives at 612 8th Street with Deputy Mayor Martinez. Councilmember Gaasterland disclosed that she has not socialized with Arline Paa, the Darbys/Spadaforas, Brooke Houser or her family, the Ziskins, nor Janet Wilson or Nigel Hook. Councilmember Gaasterland disclosed that she reviewed the agenda materials, red dots, and meeting recordings associated with the hearing.

Mayor Worden disclosed that he visited both the applicant and the appellant's properties prior to the May 2, 2022, hearing which he disclosed at that hearing, read the agenda report for the hearing, watched the Design Review Board hearing, reviewed the red dots, declined to visit the sites again, submitted questions to staff, and re-watched the May 2, 2022 City Council meeting recording and reviewed those agenda materials. Mayor Worden disclosed that he has not socialized with any parties involved in the hearing including Janet Wilson, Nigel Hook, and the Ziskins.

Mayor Worden gave the applicant the opportunity to present their project. Applicant Matt Ziskin stated that he would like to withdrawal their proposed revised plans, with the intent to resubmit another version of the plans for the project in the future, due to the new information received this evening regarding the outcome of a tie vote.

Council discussed Mr. Ziskin's request and options for proceeding. The Council received feedback from the City Manager and legal guidance from Assistant City Attorney Shultz.

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

- 1) Laura DeMarco
- 2) Susie MacNamara

Mayor Worden closed the item to public comment.

Council discussed the public comments related to site visits.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY MAYOR WORDEN TO CONTINUE THE HEARING TO AUGUST 10, 2022, IF POSSIBLE, OR TO THE NEXT AVAILABLE MEETING, SO THAT THE ZISKINS HAVE THE OPPORTUNITY TO RESUBMIT THEIR PROJECT. (VOTE 4-0-1 WITH COUNCILMEMBER DRUKER RECUSED)

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

It was the consensus of the Council that the reinstallation of story poles would not be required if the Ziskins were to return to the City Council on August 10, 2022, with the prior plans that were previously considered by the Design Review Board, due to timing constraints.

ITEM 11: CONTINUED FROM JULY 11, 2022: INTRODUCTION OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA 22-001) AND AN ASSOCIATED REGULATORY HOUSING AGREEMENT FOR A MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOCATED AT 941 CAMINO DEL MAR (APNS: 300-221-32 & 33) ("PROPERTY"). (CLERK'S FILE NO. 401-4, 406-1)

Mayor Worden opened the public hearing. There were no public speakers for the item. This item was then moved to the Consent Calendar for approval.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO INTRODUCE THE PROPOSED ORDINANCE APPROVING DEVELOPMENT AGREEMENT DA22-001 AND AN ASSOCIATED REGULATORY HOUSING AGREEMENT FOR 941 CAMINO DEL MAR, on consent. (VOTE 5-0)

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

CITY COUNCIL OTHER BUSINESS

ITEM 12: AMENDED 2022 CITY COUNCIL MEETING SCHEDULE (CLERK'S FILE NO. 401-1)

The item was moved to the Consent Calendar for approval. Council adopted Resolution 2022-55, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE

REGULAR MEETING SCHEDULE OF THE CITY COUNCIL FOR THE 2022 CALENDAR YEAR”, on consent.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the Traffic and Parking Advisory Committee; North County Transit District Board; Clean Energy Alliance; Regional Solid Waste Association; San Diego Association of Government Shoreline Preservation Working Group; Lagoon Committee; Sustainability Advisory Committee; and Del Mar Foundation.

ADJOURNMENT

Mayor Worden adjourned the meeting at 6:32 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk