



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**JULY 26, 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](http://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

**CITY ATTORNEY CLOSED SESSION REPORT**

City Attorney Leslie Devaney reported that Councilmember Druker was recused from one of the cases to be discussed for Item C and from Item E due to living within 500 feet of the subject location of these discussions.

**PLEDGE OF ALLEGIANCE**

Mayor Gaasterland asked Tom McGreal, who was being honored with a proclamation during the meeting, to lead the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

- 1) John Stahl
- 2) Shirli Weiss

**CITY COUNCIL COMMENTS**

None.

**COMMUNITY ANNOUNCEMENTS**

None.

**CITY MANAGER'S REPORT**

Interim City Manager Jones handed the report over to Planning and Community Development Director Joseph Smith, who provided an update on the City's Sand Compatibility Opportunistic Use Program (SCOUP) and status of efforts toward updating the City's parking code.

## **PRESENTATIONS**

**ITEM 1: PROCLAMATION RECOGNIZING TOM MCGREAL FOR HIS VOLUNTEER SERVICE TO THE CITY OF DEL MAR ON THE FINANCE COMMITTEE (CLERK'S FILE NO. 1201-5)**

Mayor Gaasterland presented the proclamation to Tom McGreal and thanked him for his service as did the rest of the City Council. Tom thanked the Council for the proclamation and wished his Finance Committee colleagues and staff who support the Finance Committee well.

**ITEM 2: PRESENTATION BY SANDAG ON DEL MAR BLUFF STABILIZATION PROJECT (CLERK'S FILE NO. 1506-1)**

San Diego Association of Governments (SANDAG) Chief Executive Officer Hasan Ikhata provided opening remarks for this item, followed by a presentation from Principal Engineer Bruce Smith and Senior Engineer Allie DeVaux.

Council questions focused on the major reason the bluffs are failing; how bluff retreat in Del Mar compares to other coastal areas; clarification on the bluff retreat data included in the presentation; plans and necessity of grading (decapitation) of the bluff in the area between 11th Street and Shippey Lane; location and process for installation of tie-backs; plan for project mitigation; timing for relocation of the tracks; whether sea walls, piles, tie backs, etc. will be removed following track relocation; clarification on fencing noted on one of the presentation slides; why the project includes engineering solid bluff face rather than nature bluff face; and whether vibrations from the train are contributing to bluff erosion.

The Mayor opened this item for public comment, and Laura DeMarco spoke.

Council discussion focused on the importance of mitigation for this project and continued coastal access; concern about planned decapitation of the bluff and taking steps to avoid this option; belief that vegetation will not solve the issue of water coming off the hill; need to maintain the naturalness of the bluff as much as possible; support for the acceleration of track relocation; seawall contribution to bluff erosion; concern about North County Transit District ridership; and potential to reduce train volume and speeds until tracks can be relocated.

## **CONSENT CALENDAR**

Mayor Gaasterland read the titles of the items included on the Consent Calendar, and Item 16 was added to the Consent Calendar for consideration. There were no public comments for items included on the Consent Calendar.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 3 THROUGH 11, AND 16. (VOTE 5-0)**

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

**ITEM 3: APPROVAL OF MINUTES: JULY 12, 2021 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED JULY 26, 2021 (CLERK'S FILE NO. 201-3)**

Council approved the list of demands, on consent.

**ITEM 5: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)**

Council waived the reading of ordinances, on consent.

**ITEM 6: AWARD OF A CONSTRUCTION CONTRACT TO PIPERIN CORPORATION FOR THE 2021 WATER, WASTEWATER, PAVEMENT IMPROVEMENTS PROJECT (CLERK'S FILE NO. 406-1, 803-3)**

Council awarded a construction contract for the 2021 Water, Wastewater, Pavement Improvements Project to Piperin Corporation; authorized the Interim City Manager to execute the contract; and approved the reallocation of \$1,448,470 from Fiscal Year 2020-2021 to FY 2021-2022 and amended the FY 2021-2022 Operating and Capital Budget, on consent.

**ITEM 7: AUTHORIZATION TO ACCEPT A PORTION OF REAL PROPERTY ABUTTING 2004 OCEAN FRONT CONSTITUTING THE NORTHERLY HALF OF THE 20TH STREET END (CLERK'S FILE NO. 702-1, 1306-1)**

Council adopted resolution 2021-41, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR ACCEPTING AN IN-FEE TITLE DEDICATION FOR PURPOSES OF PUBLIC RIGHT-OF-WAY, OF A PORTION OF REAL PROPERTY ABUTTING 2004 OCEAN FRONT LANE (APN 299-136-11) CONSTITUTING THE NORTHERLY ONE-HALF OF THE 20TH STREET END, AND AUTHORIZING RECORDATION OF A GRANT DEED", on consent.

**ITEM 8: APPROVAL TO PURCHASE DUMP TRUCK VEHICLE FOR THE PUBLIC WORKS DEPARTMENT (CLERK'S FILE NO. 201-4, 601-5, 601-7)**

Council approved the purchase of a 2022 Ford Super Duty F-450 truck from National Auto Fleet Group and additional necessary dump body equipment in the total amount of \$68,780; and authorized the Interim City Manager to execute the necessary paperwork to facilitate the purchase of the vehicle and equipment, on consent.

**ITEM 9: COMMUNITY SUPPORT FUNDING AGREEMENTS FOR FISCAL YEARS 2021-2022 AND 2022-2023 (CLERK'S FILE NO. 406-1)**

Council approved agreements with the Community Resource Center, Del Mar Community Connections, and the San Diego County Regional Task Force on the Homeless for Fiscal Years (FY) 2021-2022 and 2022-2023 for a two-year period beginning retroactively on July 1, 2021 and ending June 30, 2023, and authorized the Interim City Manager to execute the agreements, on consent.

**ITEM 10: AGREEMENTS WITH THE DEL MAR VILLAGE ASSOCIATION FOR DESTINATION MARKETING AND ECONOMIC DEVELOPMENT FOR FISCAL YEAR 2021-2022 (CLERK'S FILE NO. 406-1, 1202-16)**

Council approved an Agreement with the Del Mar Village Association (DMVA) for FY 2021-22 and FY 2022-23 Destination Marketing using a portion of Transient Occupancy Tax; approved an Agreement with the DMVA for FY 2021-22 Economic Development services totaling \$37,000; amended the FY 2021-22 Operating and Capital Budget to appropriate \$12,000 (donation received in FY 2020-21) to be provided to the DMVA for the FY 2021-22 Downtown Sidewalk/Street Furnishings Power Washing and Litter Abatement Program as described in the report; and authorized the Interim City Manager to execute the agreements, on consent.

**ITEM 11: APPROVAL OF A THIRD AMENDMENT TO THE AGREEMENT WITH ADAM KAYE FOR AS-NEEDED PUBLIC INFORMATION, COMMUNICATION, AND OUTREACH SERVICES (CLERK'S FILE NO. 406-1)**

Council approved a Third Amendment to the Agreement with Adam Kaye for as-needed public information, communication and outreach services through June 30, 2022 for an amount not to exceed \$27,500 and authorized the Interim City Manager to execute the Third Amendment, on consent.

**COMMISSION AND COMMITTEE INTERVIEWS**

**ITEM 12: DESIGN REVIEW BOARD INTERVIEWS AND APPOINTMENT (CLERK'S FILE NO. 401-5)**

Interim City Manager Ashley Jones provided an overview of the Design Review Board (DRB) interview process. The Council interviewed the applicants, who included Peter Lasensky; Karen Powell; Arlene Prater; and Gala Yayla. Following the interview process, Deputy Mayor Worden and Councilmember Druker voted to appoint Arlene Prater, and Mayor Gaasterland and Councilmembers Martinez and Quirk voted to appoint Gala Yayla to the DRB. Based on the outcome of the City Council vote, Gala Yayla was appointed to fill the balance of a vacant term on the DRB from July 26, 2021 to June 1, 2023.

There were no public speakers for this agenda item.

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 7:48 to 8:05 p.m.

**PUBLIC HEARING**

**ITEM 13: DESIGN REVIEW PERMIT DRB19-028, COASTAL DEVELOPMENT PERMIT CDP19-022, LAND CONSERVATION PERMIT LC19-013 AND TREE REMOVAL PERMIT TRP19-018, TO ALLOW THE DEMOLITION OF AN EXISTING RESIDENTIAL UNIT AND TWO DETACHED ACCESSORY STRUCTURES, AND CONSTRUCTION OF A NEW, TWO-STORY RESIDENTIAL UNIT OVER BASEMENT, SWIMMING POOL AND OTHER SITE IMPROVEMENTS, AND THE REMOVAL OF THREE TORREY PINE TREES**

**APPLICANT AND PROPERTY OWNER: WALTER C. ZABLE  
APPLICANT'S AGENT: BOKAL & SNEED ARCHITECTS (RICHARD BOKAL)  
LOCATION: 465 HIDDEN PINES LANE (APN 301-024-33)  
ZONING: R1-10 (LOW DENSITY RESIDENTIAL) (CLERK'S FILE NO. 301-5)**

A presentation was provided by Senior Planner Evan Langan.

Council disclosures were as follows: Mayor Gaasterland disclosed that she is familiar with the site, and that she did a cursory review of the development plans; Deputy Mayor Worden disclosed that he walked the site, reviewed the plans, talked to Rich Jamison regarding his concerns about the project, and listened to the prior Design Review Board (DRB) hearings for this matter; Councilmember Druker disclosed that he talked to the applicant and one DRB member, visited the site, and did a cursory review of the development plans; Councilmember Martinez disclosed that she reviewed the plans and listened to the related DRB hearings; and Councilmember Quirk disclosed that he reviewed the agenda materials.

Council questions focused on the size of three replacement trees; landscape plans; potential dedication of an easement on the property; whether the adjacent properties in the City of San Diego were noticed about this project; where fill for the project will come from; safety fencing for the pool; whether the City's code or design guidelines address pool location; clarification on the Floor Area Ratio (FAR) calculation and conformance with the City's municipal code; and submittal of red dot communication for this project.

There were no public speakers for this agenda item.

Council discussion focused on whether or not to hear the item or to remand it back to the Design Review Board (DRB) for reconsideration.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN TO REMAND THIS ITEM BACK TO THE DESIGN REVIEW BOARD FOR RECONSIDERATION. (VOTE 5-0)**

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

**ITEM 14: DE NOVO HEARING FOR DETERMINATION OF USE APPLICATION D20-001 TO CONSIDER IF DECORATIVE LANDSCAPE STRUCTURES ARE AN ALLOWED USE ON COMMERCIAL PROPERTY**

**APPLICANT AND PROPERTY OWNER: CARL REINHOLZ**

**APPLICANT'S AGENT: D. WAYNE BRECHTEL**

**APPELLANT: JUNIE YOUNG**

**LOCATION: 1125 CAMINO DEL MAR (APN 300-401-03)**

**ZONING: CENTRAL COMMERCIAL (CC) (CLERK'S FILE NO. 301-12)**

Deputy Mayor Worden recused himself from participation in this agenda item due to concerns about perception based on his past relationship with the applicant's law firm, Worden Williams, LLP.

City Attorney Leslie Devaney provided an overview of the De Novo Hearing Process.

Council disclosures were as follows: Mayor Gaasterland disclosed that she visited the site; Councilmember Druker disclosed that he visited and is familiar with the site; and Councilmember Martinez disclosed that she visited the site.

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

Council questions focused on the basis for staff's recommendation that this item be heard by the City Council as part of the Initial Consideration; what items were additionally constructed after the code complaint was filed; whether the applicant has paid their fine(s); what items would be removed if the Council approved staff's recommendation; clarification on drainage issues associated with related adjacent residential property; clarification on permanent vs. non-permanent structures/improvements; whether there is ambiguity in the City code regarding landscape setbacks; clarification on setback examples provided by the Applicant's representative; and whether the planted landscaping will grow and cover the block wall over time.

The Mayor opened the public hearing for this item. Representative for the Applicant, Attorney Wayne Brechtel, provided a presentation, which was followed by a presentation by Appellant Junie Young. There were no public speakers for this item. Mr. Brechtel provided a rebuttal on behalf of the Applicant. The Mayor closed the public hearing for this item.

Council discussion focused on the future "greenness" of the area in question once landscaping becomes established; concern about the improvements not meeting the requirements of the City's code; importance of consistency and protecting green space; concerns about unintended consequences; concern about the ordinance being a little too strict, need to have some allowance for decorative elements; improvements installed without a permit and proper design review; suggestion that the Applicant needs to present a landscape/design plan to the DRB for review/consideration; and clarification on definition of landscaping included in the City's code.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2021-42, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REGARDING DETERMINATION OF USE D20-001 FINDING THAT DECORATIVE LANDSCAPE STRUCTURES ARE NOT AN ALLOWED USE WITHIN THE REQUIRED TEN-FOOT LANDSCAPED SETBACK FOR A COMMERCIAL PROPERTY IN THE CENTRAL COMMERCIAL ZONE LOCATED AT 1125 CAMINO DEL MAR." (VOTE 3-1-1 WITH COUNCILMEMBER QUIRK OPPOSED AND DEPUTY MAYOR WORDEN RECUSED.)**

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

**MOTION TO EXTEND MEETING**

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND AT 9:55 P.M. TO EXTEND THE MEETING UNTIL 10:30 P.M. (VOTE 5-0)**

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

**CITY COUNCIL OTHER BUSINESS**

**ITEM 15: CITY COUNCIL DISCUSSION REGARDING SANDAG'S SAN DIEGO REGIONAL RAIL ALIGNMENT STUDY (CLERK'S FILE NO. 1005-2, 1506-1)**

Assistant City Manager Kristen Crane provided an overview of the purpose of this agenda item. A presentation was provided by SANDAG representatives Senior Planner Danny Veeh and Public Communications Officer Alex Wellings.

Mayor Gaasterland opened this agenda item to public comment and Mark Handzel spoke.

Mayor Gaasterland closed the item to public comment.

Council questions focused on what the outcome/deliverable of this current phase will be; what information is currently being analyzed; conceptually, whether a station in Del Mar is possible; estimated length of construction period for both options being considered; who makes final decision regarding alignment options; who will make decision about old rail right-of-way on the bluff; whether the Del Mar tunnel decision is tied to other regional improvements such as the Miramar tunnel; whether a cost/benefit analysis will be performed; future ridership projections; whether there will be any use of eminent domain as part of project; who insures potential damage during construction phase; whether there is any smell or pollutant during “venting” activities; how community acceptance will be scored; and how soon the environmental study will begin and whether preliminary analysis can be done.

**ITEM 16: DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) TO THE LEAGUE OF CALIFORNIA CITIES 2021 ANNUAL CONFERENCE (CLERK’S FILE NO. 1506-2)**

Based on the status of the pandemic and conference location in Sacramento with no virtual attendance option, the City opted out of attending this year’s League of California Cities annual conference, and this item was moved to the Consent Calendar for consideration. The City Council voted to opt out of this year’s League of California Cities annual conference, on consent.

**REGIONAL ORGANIZATION REPORTS**

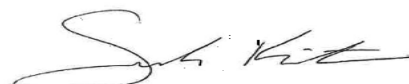
Updates were provided for the North County Transit Board; San Onofre Nuclear Generating Station (SONGS) Task Force formed by Congressman Levin’s office; San Dieguito Riverpark JPA; and the Regional Solid Waste Association.

**COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS**

Updates were provided for the Arts Advisory Committee; Committee Efficiencies Task Force; Parks and Recreation Committee; Traffic and Parking Advisory Committee; and Del Mar Village Association.

**ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 10:28 p.m.

  
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Sarah Krietor, Acting City Clerk