

CITY OF DEL MAR



CITY COUNCIL POLICY BOOK

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AMENDED ON DECEMBER 2, 2024 BY RESOLUTION 2024-56
AMENDED ON MAY 19, 2025 BY RESOLUTION 2025-10

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100	SELECTION OF MAYOR AND DEPUTY MAYOR	DATE REVISED:	12/15/14
		BY RESOLUTION:	2014-92
		PAGES:	1 OF 1

POLICY:

Del Mar Municipal Code, Section 2.20.020 A and B, addresses when the City Council shall meet to install newly elected Council members and states that its members shall choose one of its members as Mayor and one of its members as Deputy Mayor by motion of the Council and three affirmative votes. It further states that the Mayor and the Deputy Mayor shall serve a term of one year, or until a successor for each position is chosen.

1. The Mayor and Deputy Mayor are members of the City Council and are annually elected by majority vote of the City Council at the first regular meeting in December or, in the case of an election year, upon certification of the election results. As a member of the City Council, the Mayor and Deputy Mayor shall have all the powers of a member.
2. In choosing the Mayor and Deputy Mayor, it is the tradition of the Council to place the top two vote getters in any one election into a queue to rotate into the position of Mayor and Deputy Mayor. In each City Council election, the person with the most votes shall be placed first in the rotation of that group, the second highest vote getter will be placed second, and in the years when there is a third seat contest, the third highest vote getter will be placed third in that rotation. However, the Council member who received the third most votes in an election year filling three seats will not be in the queue for either Deputy Mayor or Mayor but would be in rotation should the Council member traditionally rotating into the Deputy Mayor or Mayor position be unavailable to serve in that role.
3. In case of appointment to the City Council to fill a vacancy, that person will occupy the last position in the current rotation. Each new election will determine the rotation only for the group in that election. Should any City Council member not be available to take their regular place in the established rotation, the next person in the rotation will be elevated to the Deputy Mayor's position and the rotation will continue as previously set.
4. In the event there are members of the City Council appointed in lieu of an election, the appointed City Council members will go into a Mayoral rotation based on tenure (seniority) on the City Council. The City Council member with the most tenure on the City Council will be placed first in the rotation of that group. If no seniority exists (e.g. members have the same tenure), then the appointed City Council members will be rotated based on a coin toss conducted at a publicly noticed meeting.



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101	APPOINTMENTS OF COUNCIL MEMBERS TO REGIONAL ORGANIZATIONS, AND LOCAL COUNCIL COMMITTEES AND SUBCOMMITTEES	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council to make or reaffirm Council Members' appointments to regional organizations, and local committees and subcommittees, prior to the second January meeting of City Council in odd years following an election in November of even numbered years unless requested by a Council Member regarding his/her own position.



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102	DIRECTION TO THE CITY MANAGER	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

The City Council shall give orders and instruction to the City Manager only when sitting in a duly held meeting of the Council. Orders and instructions to the City Manager shall be given only after a motion and vote supported by a majority of the City Council. No individual Councilmember shall give orders or instructions to the City Manager or his/her subordinates.



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103	SEQUENCE OF APPLICATION REVIEWS FOR DEVELOPMENT PROPOSALS THAT REQUIRE A VARIANCE AND A DESIGN REVIEW PERMIT OR A CONDITIONAL USE PERMIT AND A DESIGN REVIEW PERMIT	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that when a development proposal requires the receipt of a Variance issued by the Planning Commission (for relief from one or more provisions of the Zoning Ordinance), as well as a Design Review Permit issued by the Design Review Board, the application review sequence shall be as follows: The Planning Commission's review of the Variance application shall occur first. Upon the City's final action on the Variance, the Design Review Board's review of the separate but related application for a Design Review Permit may proceed.

If the City's final action on the Variance is a denial of the request, the associated DRB Permit application plans shall be modified such that the development proposal for which the Design Review Permit is sought is compliant with the applicable provisions of the Zoning Ordinance.

The policy set forth herein shall also apply to development proposals that require a Conditional Use Permit (CUP) and a Design Review Permit, such that the Planning Commission review of the CUP application shall precede the Design Review Board's review of the Design Review Permit application.



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104	COMMUNITY SUPPORT/SOCIAL SERVICE FUNDING	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City to review requests for Community Support/Social Service funding as part of the formal, bi-annual two-year budget review sessions.

In addition, to be considered for funding:

1. Community Support/Social Service projects, or organizations, must establish or maintain a resource which would enhance the quality of life of the Del Mar community and its residents.
2. Initial grants to Community Support/Social Service projects, or organizations, must create a new level of service for the clients of the requesting agency or must replace funding sources for existing levels of service which have been removed through no fault of the requesting agency.
3. Community Support/Social Service grants will be made to agencies which can demonstrate the capacity to perform diligently and efficiently.
4. Preference will be given to those projects, or organizations, which instill in their clients the resources to move beyond the need for assistance by that agency or which allow their clients to avoid greater dependency on other forms of social assistance.
5. Preference will be given to those projects, or organizations, which are most cost effective in delivery of benefits to low and moderate income citizens of Del Mar.
6. Preference will be given to those projects, or organizations, which would become self-sufficient or would secure other forms of assistance as a result of the City assistance.
7. Community Support/Social Service grants will be made only to agencies and projects which appear to have the capacity to expend those grant funds in a timely manner.



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105	USE OF CITY STATIONERY LIMITED TO CITY BUSINESS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that Council Members and City staff members shall not use public property, including City stationery (and facsimiles) for non-official reasons such as private business, personal relations, personal endorsements, personal campaign activities and private interests. Council Members and staff members may use City stationery only for City business.

City Council members may wish to show appreciation or sympathy for a member of the public. In such cases, individual City Council members use their own discretion to send such messages, utilizing their own resources.



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106	CITY'S PARTICIPATION AS AMICUS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that the City Attorney is authorized to consent to *amicus* participation under the following conditions:

1. The League of California Cities is supporting the request; or
2. The City's existing policy supports the issues being litigated.

If the matter being litigated is a subject of controversy within the City, or the City's participation is likely to involve the City in a controversy, then only the City Council may authorize the City's *amicus* participation. In that case, the item will be presented to the City Council if the City Attorney and the City Manager feel very strongly that the City should participate.



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107	NO SCHEDULED COUNCIL MEETING THE DAY PRIOR TO CITY ELECTION DAY	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council to not schedule a Council meeting the day prior to a Citywide Election Day, in accordance with City Council Resolution No. 2000-44.



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108	DEL MAR FAIR CAMPAIGN PRACTICES	DATE ADOPTED:	2-20-2018
		BY RESOLUTION:	2018-06
		PAGES:	1 OF 3

I. PURPOSE:

The foundation of representative democracy rests on the ability of the electorate to make informed decisions regarding the character and qualifications of those seeking to represent them, and on issues presented for voter approval or rejection.

Ideally, election campaigns reveal the true character and positions of candidates seeking to represent the electorate, and factual information regarding issues presented to the voters.

Election campaign conduct that is objectively unfair, untruthful, or misleading regarding the positions or character of candidates seeking office, or that misleads or misrepresents issues presented to the voters, denies the electorate an opportunity to make fully informed decisions on candidates or issues. Such campaign conduct is unfair and unethical.

Unfair and unethical campaign conduct promotes cynicism and distrust on the part of the electorate toward its representative government, and damages the ability of elected representatives to govern effectively.

It is incumbent upon elected representatives and community leaders to promote discussion and consideration of what constitutes ethical and fair campaign conduct within the values and mores of the community; and to inform both candidates and the public generally on principles and guidelines for ethical campaign conduct.

The following guidelines and activities are intended to promote fair and ethical conduct by candidates, committees, and the public, in the course of Del Mar municipal elections, ensure that candidates and committees have ready access to information and assistance needed to comply with state and City law related to campaigns and to conform to the expectations of the Del Mar electorate.

II. CAMPAIGN PRACTICES:

A. Supplemental Code of Fair Campaign Practices:

In addition to the Campaign Disclosure provisions of the Fair Political Practices Act (Gov. Code § 84100 et seq.), the State has declared that there are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues. In furtherance of these goals, candidates, along with their campaign managers and treasurers as applicable, for public office are invited to sign on to the State Code of Fair



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108	DEL MAR FAIR CAMPAIGN PRACTICES	DATE ADOPTED:	2-20-2018
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Campaign Practices (Elec. Code § 20440) (“State Pledge”). Signing on the State Pledge is voluntary.

The Institute for Local Government has proposed additional, updated and expanded fair campaign practices in various categories that local jurisdictions may adopt along with agency-specific provisions in addition to the State Pledge.

Therefore, the City of Del Mar shall enhance, as needed, the State Pledge with the additional pledges which shall, after adoption by the City Council, be attached hereto as Exhibit A and offered along with the State Pledge to all potential candidates, and their campaign managers and treasurers as applicable, for City Council and their controlled committees, and to independent committees in the City of Del Mar in support or opposed to such candidates, or in support or opposed to ballot measures submitted at any Del Mar municipal election.

B. Promulgation and Adoption.

1. Whenever it is deemed necessary or desirable, the City Council shall call for a public discussion to consider the community’s values and mores on the conduct of fair and ethical municipal election campaigns. Thereafter, in its discretion, the City Council may adopt or amend, by a resolution approved by a majority of its members, guidelines or examples that define conduct or activity that is deemed fair and ethical and conduct or activity that is deemed unfair or unethical, in its municipal election campaigns in the form of a Supplemental Fair Campaign Practices Pledge
2. Upon the approval by the City Council of a resolution adopting or amending these Supplemental Fair Campaign Practices, the City Clerk shall post a copy of the resolution in a public place for thirty days.
3. The City Clerk shall thereafter make copies of the approved or amended Supplemental Fair Campaign Practices available to any person upon request.

C. Candidate Education

1. Candidate Meeting and Pledge. Upon the close of the nominating period for each municipal election, the City Clerk, City Attorney, or other qualified person on behalf of the City, shall conduct one-on-one or group training and discussion session(s) for all qualified candidates to provide information regarding California and Del Mar campaign laws and to present the California Code of Fair Campaign Practices, as required under Section 20400 of the California Elections Code, and any Del Mar Supplemental Fair Campaign Practices



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108	DEL MAR FAIR CAMPAIGN PRACTICES	DATE ADOPTED:	2-20-2018
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adopted by the City Council pursuant to this Council Policy. Each candidate shall be offered the opportunity to voluntarily endorse, subscribe to, and solemnly pledge to conduct his or her campaign in accordance with these principles and practices. The City Clerk shall inform each candidate, along with their campaign managers and treasurers as applicable, that the subscription to the either of the Fair Campaign Practices Codes is voluntary. The City Clerk shall post all signed candidate pledges on the City website and make them available for inspection upon request by any member of the public.

2. Pre-Election Public Workshop. When, in the discretion of the City Clerk, there is sufficient interest and available resources, prior to the close of the candidate nomination period, the City Clerk may prepare, publish notice of, and provide for a public workshop and training program to be conducted regarding state and local campaign laws, and Fair Campaign Practices (as defined in this Policy) for all interested or concerned members of the public.

EXHIBIT "A"
COUNCIL POLICY 108

CITY OF DEL MAR SUPPLEMENTAL CODE OF FAIR CAMPAIGN PRACTICES

As a candidate, campaign manager, treasurer, or campaign committee chairperson in the City of Del Mar, I acknowledge and pledge as follows:

- (1) The release or distribution of campaign materials late in the campaign deprives candidates, against whom such materials may weigh, the opportunity to respond. Therefore, I pledge to refrain from distributing new campaign materials that are not a direct response to materials or statements by opponents or members of the public at least two days (Sunday and Monday) prior to Election Day. During the final two days prior to Election Day, I will focus my campaign activities on direct personal contacts and to "get out the vote" activities.
- (2) The use of anonymous surrogates or "straw men" as a campaign tactic misleads voters and deprives them of critical information regarding the relationship between such devices and the candidate who encourages or employs them. Therefore, I will not use such tactics, or allow my committee to use such tactics, in my campaign.
- (3) The voters of the City of Del Mar are entitled to expect that candidates will be truthful, honest, and forthcoming in all campaign materials and conduct. Therefore, I further pledge:
 - a. To take personal responsibility to review and to fact-check all campaign materials released by myself or my committee.
 - b. To disavow any assertions made on my behalf that I know or reasonably should know to be false or misleading.
 - c. Not to exaggerate or embellish any campaign information presented as fact.
 - d. Not to use personal slurs or innuendoes about another candidate.
 - e. Not to knowingly make any false claims and, if I discover an inadvertent false claim, to publicly acknowledge the falsehood and correct the record as soon as I discover it.

I, the undersigned, candidate for election to public office in the City of Del Mar, California or campaign manager, treasurer or chairperson of a committee making any independent expenditures in a Del Mar City Measure, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date

Signature

Print Name

EXHIBIT "A"
COUNCIL POLICY 108

CITY OF DEL MAR SUPPLEMENTAL CODE OF FAIR CAMPAIGN PRACTICES

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- (3) The voters of the City of Del Mar are entitled to expect that candidates will be truthful, honest, and forthcoming in all campaign materials and conduct. Therefore, I further pledge:
 - a. To take personal responsibility to review and to fact-check all campaign materials released by myself or my committee.
 - b. To disavow any assertions made on my behalf that I know or reasonably should know to be false or misleading.
 - c. Not to exaggerate or embellish any campaign information presented as fact.
 - d. Not to use personal slurs or innuendoes about another candidate.
 - e. Not to knowingly make any false claims and, if I discover an inadvertent false claim, to publicly acknowledge the falsehood and correct the record as soon as I discover it.

I, the undersigned, candidate for election to public office in the City of Del Mar, California or campaign manager, treasurer or chairperson of a committee making any independent expenditures in a Del Mar City Measure, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date

Signature

Print Name



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110	PRIVATE ENCROACHMENTS INTO CITY RIGHTS-OF-WAY	DATE ADOPTED:	10/19/15
		BY RESOLUTION:	2015-67
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POLICY

This policy memorializes the City Council’s position on which types of private encroachments are compatible with and enhance the public areas that City rights-of-way represent and, conversely, which types of encroachments are inappropriate because they would change the character and perception of a right-of-way area to one of being under private ownership and/or benefit rather than being a public space.

Appropriate Uses of City Rights-of-Way or Easements

There are numerous circumstances in Del Mar where an improved (paved) section of a City right-of-way is narrower than the width of the right-of-way itself. This results in an area of unimproved right-of-way adjacent to private property. In many cases, the owner of the adjacent property, or designee, proposes to install landscaping and other landscape-related improvements in the unimproved portion of the right-of-way. This has the beneficial effect of beautifying the area adjacent to the paved roadway, without the City having to bear the costs for installing or maintaining the improvements. These are generally considered to be an appropriate use of a right-of-way but still subject to review under the Encroachment Permit process.

There are also circumstances where an encroachment is proposed as a means to provide a driveway or entry path across the unimproved right-of-way between the paved section of the right-of-way and the adjacent private property. These too are deemed an appropriate and justifiable use of a City right-of-way or easement. Such proposals are generally approved, unless it is determined that the proposed encroachment would:

1. Present a public health or safety hazard, such as:
 - a) Creating a trip hazard or other impediment to pedestrians
 - b) Creating an unsafe line of sight for pedestrians or motorists
 - c) Interfering with or not accommodating safe pedestrian passage (retention/provision of a continuous, minimum five-foot-wide “safe harbor” along the edge of the paved roadway is the standard applied by the City);
2. Result in a loss of on-street public parking;
3. Be inconsistent with the City’s planned use for the area;
4. Result in a wholesale change in appearance or use of the area, to the detriment of the community;
5. Interfere with development or use on an adjacent public or private property;
6. Result in a permanent feature (e.g., stone wall or reinforced structure) that would be difficult to remove if the City exercises its right to modify the use of the area subject to the Encroachment Permit



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110	PRIVATE ENCROACHMENTS INTO CITY RIGHTS- OF-WAY	DATE ADOPTED:	10/19/15
		BY RESOLUTION:	2015-67
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Inappropriate Proposals for Use of a Right-of-Way or Easement

It is the City's policy that proposals for development encroachments that would result in an impression or appearance that the encroached upon area is owned by or reserved solely for the private use of the adjacent property will not be authorized unless the City Council makes a finding that the proposed encroachment will result in a public benefit to the community.

Examples of such inappropriate encroachments include: fences, hedges, or vegetation that would create the impression that the "walled-off" area is private vs. public property; and pools, spa or other amenities that would be used primarily for the benefit of the adjacent property, rather than for the public at large.



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111	PERIODIC UPDATES TO PEDESTRIAN WAY-FINDING/ DIRECTIONAL SIGNS	DATE ADOPTED:	11/16/15
		BY RESOLUTION:	2015-71
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POLICY

It shall be the policy of the City Council that periodic updates to Pedestrian Way-Finding/Directional Signs established pursuant to Resolution 2009-08 shall be implemented as follows:

PURPOSE AND BACKGROUND

- The City owns pedestrian way-finding/directional signs (“Signs”) within the Del Mar City right-of-way and adhered to City facilities.
- The purpose of the Signs is to provide useful, relevant information to residents and visitors regarding the locations of “commercial businesses and points of interest” within the “Central and Beach Commercial areas of the City” (hereinafter “Target Area”) in order to support a “pedestrian-oriented downtown commercial area” and “promote the economic development goals of the City.”
- The Del Mar Village Association (“DMVA”) is responsible for periodically updating and maintaining the Signs, to ensure the information is up to date and accurate and the signs are maintained and in good condition.

PROCEDURES AND IMPLEMENTATION

- On an annual basis, the DMVA shall review the content of the Signs and determine whether the information is accurate and current or needs to be updated. In general, if more than 10% of the information is inaccurate, Signs should be updated, but may be deferred, in the discretion of the City, for good cause shown by DMVA. Such good cause may include, but is not limited to, a major near-term improvement or other change which should be incorporated into the update. An update should occur at least once every 10 years.
- For purposes of this policy, the “Target Area” shall be further defined as the area along and within 500 feet of Camino Del Mar between Via de la Valle and 4th Street/Del Mar Heights Road; the area along and within 500 feet of Coast Boulevard between 18th Street and 15th Street; and the area along and within 500 feet of Jimmy Durante Boulevard between San Dieguito Drive and Camino del Mar.
- All commercial businesses located in the Target Area, and open to the general public, are eligible to be listed on the Signs (“Eligible Business”) at the next planned update.
- DMVA shall maintain a “Waiting List” of Eligible Businesses that have asked to be added to the Signs during the next update.
- Prior to any update, DMVA shall :



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111	PERIODIC UPDATES TO PEDESTRIAN WAY-FINDING/ DIRECTIONAL SIGNS	DATE ADOPTED:	11/16/15
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- Establish a uniform price for Eligible Businesses to be added to the Signs that will defray the costs of producing updated signs.
- Notify Eligible Businesses, including those on the Waiting List, in advance of planned updates that provides the cost to be listed, where any application materials may be obtained, and a deadline by which businesses must apply to be listed on the Signs.
- The City shall also be notified and given the opportunity to update the points of interest that will be included on the new Signs. The City will not be charged to add or update the points of interest.
- All businesses and points of interest will be in a similar font and size. No logos (with the exception of City of Del Mar and DMVA seals or logos) or corporate fonts will be permitted.
- The City of Del Mar shall have final approval authority over both the content of Signs and materials used in the fabrication of updated Signs. The City's approval shall be sought before any signs are fabricated. To facilitate the development of the fee to Eligible Businesses to be listed on updated Signs, the City's approval of materials may be sought before content is solicited from Eligible Businesses.



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112	PROCESSING SPECIFIC PLANS	DATE ADOPTED:	7-17-2017
		BY RESOLUTION:	2017-49
		PAGES:	1 OF 7

POLICY

Pursuant to the State of California Government Code §65450 – 65457, the City of Del Mar utilizes the Specific Plan process as a means to ensure development complies with the intent and goals of the Del Mar Community Plan when addressing zoning changes and Central Commercial (Measure B) development.

Any Specific Plan, regardless of whether it is prepared by an applicant or the City of Del Mar, becomes the City of Del Mar’s legislative policy. The City of Del Mar holds the final discretion as to the preparation and acceptance of any draft or final Specific Plan. As such, the final document is at the discretion of the City of Del Mar and the final decision as to initiate and/or adopt a Specific Plan lies with the City Council.

This policy sets forth processing guidelines to formalize the community outreach, legislative and discretionary actions required for, and during, the processing of a Specific Plan. The policy is intended to provide consistency to the application process and to set orderly scheduling parameters for applications involving both legislative and discretionary review. This policy shall be applicable to all Specific Plan applications, including those in process at the time of Policy adoption. This policy does not supersede required contents or actions of the State of California Government Code, CEQA, Resolution 87-114 Downtown Initiative, commonly known as Measure B, or other ordinances of the City of Del Mar.

This policy identifies two processes that may be undertaken, depending upon any Del Mar discretionary review permits (DRB, Coastal Development Permit, etc.) necessary.

Concurrent Process: The Concurrent Process processes any Del Mar discretionary permits concurrently with the Specific Plan and other legislative actions. This process could be utilized in most Measure B Specific Plans as well as Specific Plans developed for particular projects in other zones than the Central Commercial (CC) to which Measure B applies.

Sequential Process: The Sequential Process processes the Del Mar discretionary permits at a point in time after the adoption of the Specific Plan and other legislative actions. The Specific Plan will still specify the overall massing (height, bulk, mass, floor area ratio, setbacks/step-backs), general siting and other zoning stipulations as appropriate with the legislative action. Future discretionary review for Del Mar permits and entitlements will occur against these adopted legislative criteria and must be in compliance with such.



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SPECIFIC PLAN PROCESSING GUIDELINES

PROCESSING ACRONYMS:

CC = City Council	PC = Planning Commission
CEQA = Environmental Review/Document	DRB = Design Review Board
CPP =Community Participation Program	LCPA = Local Coastal Program Amendment
	SP = Specific Plan

PROCESS BEFORE APPLICATION IS DEEMED COMPLETE

[SP 1] Legislative Action Initiation: Interested land owner(s)/developer(s) (Applicant) seeks City Council approval to either: process a Specific Plan for a project subject to Measure B as required by the Municipal Code for a Measure B development project; or to change the existing land use designation and zoning of property outside the CC zone as applicable through the use of a Specific Plan. Specific information regarding the processing of a Specific Plan pursuant to Measure B is located at the end of this policy document.

The City Council may, at its discretion, also initiate a Specific Plan for one or more properties within the City regardless of ownership. This process would follow the same processing guidelines and is referred to as a “City Initiated Specific Plan” where needed throughout this policy.

The determination of whether or not to initiate the Specific Plan process is a decision of the City Council. Such decision will occur at a regularly noticed meeting of the City Council and be initiated by resolution of the City Council. At such initiation, a determination of the processing option will be made by the City Council (either Concurrent with any Del Mar discretionary permits; or Sequential processing with Del Mar discretionary permits processed at a later date). At any time, the City Council reserves the right to assign two City Councilmember Liaisons to the process.

[SP 2] Specific Plan Application: Applicant shall submit all necessary applications and establish a deposit account for the Specific Plan, other legislative actions as applicable (e.g. General Plan Amendment, Local Coastal Program Amendment) and the Environmental Assessment, as required by the City’s adopted Fee Schedule. All costs associated with the preparation of the Specific Plan, all related CEQA documentation, permit documents, and all other technical studies as required by staff, discretionary review bodies or the City Council, as well as staff time for management and review shall be borne in full by the project applicant(s) as stipulated in the City’s adopted Planning Fee Schedule. This includes any independent (third party) analysis of materials submitted by the applicant, specialty technical studies necessary for the decision makers, or review materials requested by the City.

Note that a complete project description will be required to begin the City’s process of initiating CEQA review as required.



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Upon receipt of the application, an initial meeting will be conducted between City Staff and applicant(s) to review the application of these guidelines to their specific project. The applicant will also provide an anticipated timeline for submission of required documents, including the draft Specific Plan and any supporting technical studies. Following the meeting, a memorandum will be prepared by staff in order to document the application of these guidelines and the target schedule. Said memorandum will be signed and accepted by the applicant and maintained in the project file. Based upon project information, the City retains the right to modify the memorandum. Absent any signed agreement, the City retains the right to interpret and apply the guidelines accordingly. The Specific Plan document and any associated plans (as required) must be provided for the application to be deemed complete [SP 5].

The applicant must provide an adequate project description and associated exhibits to initiate the CEQA compliance documents.

[SP 3] Specific Plan Scoping: Staff-level project scoping meeting with applicant to identify potential issues regarding:

- Contents of the Specific Plan, including all State required elements as well as local content necessary for the decision maker.
- Requirements for the Community (General) Plan Amendment, Local Coastal Program Amendment and other legislative actions, as necessary for the particular project
- Public infrastructure, streets, engineering issues
- Relationship to adjacent public rights-of-way, City property (if any)
- Impact on City services, public resources and programs, etc.
- Requirement for Exceptional Public Benefits for those projects requesting development rights in excess of current city zoning on the property (development bonus). Evidence shall be provided and justification and specific findings shall be made in the Specific Plan to support that the development bonus is justified by exceptional public benefits provided by the Plan.
- Other topics as dictated by the application and conditions set by the city.

[LCPA 1] Coastal Commission Staff Early Discussion: Staff meeting with California Coastal Commission staff, if needed, for early discussion of the project proposal and to solicit early concerns or comments from Coastal staff

[CPP 1] First Citizens' Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the "Initial Public Outreach" provisions of DMMC Section 23.08.068 (A-1-a) "Citizens' Participation Program". Refer to DMMC 23.08 for complete requirements.

[CEQA 1] CEQA Initiation: City of Del Mar Selection of Environmental consultant for completion of Initial Study and appropriate CEQA compliance documentation, including an Environmental Impact Report (EIR) or other required environmental documentation.

The CEQA process will follow the City's CEQA guidelines and State Law and will be the City's environmental compliance documentation. CEQA documentation will be prepared by the City's consultant at the expense of the applicant(s).



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[CEQA 2] CEQA Scoping: A CEQA Notice of Preparation (NOP) of any CEQA compliance documentation such as an Environmental Impact Report (EIR) will be prepared by the City (City’s consultant) with information provided by the applicant. A public Scoping Meeting will be conducted, if required.

[PC 1] Planning Commission Introductory Workshop: Staff and applicant presentation provided to the Planning Commission, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting (if applicable).

[DRB 1] Design Review Board Introductory Workshop: Staff and applicant presentation provided to the Design Review Board, giving a general overview of the project proposal and summary of early public input, including results of the CEQA Scoping meeting.

[CEQA 3] Draft CEQA Documentation Preparation: Concurrent preparation of the Specific Plan document/project design (by applicant) with the CEQA processing and preparation of the appropriate environmental documentation (by City’s CEQA consultant or staff), as required.

[SP 4] Specific Plan Community Outreach: Additional public outreach is performed at various stages of the development project design in accordance with the applicant’s project specific processing plan, adopted by City Council in step SP-1 of this processing document. This is recommended at the time when conceptual building location(s), massing, and heights are created.

[SP 5] Draft Specific Plan: Draft Specific Plan document and accompanying conceptual design plan is submitted by the Applicant for City Staff review and incorporation into the environmental review (project deemed “complete.”). The level of detail and contents of the Specific Plan and any associated conceptual design plans will be specified on a project by project basis as early in the process as practicable and in consultation with the applicant.

FORMAL PROCESSING (APPLICATION DEEMED COMPLETE)

[LCPA 2] Coastal Commission Staff Discussion: Second staff initiated meeting with California Coastal Commission staff to review conceptual design (if appropriate).

[CEQA 4] Draft CEQA documentation review: Public review of draft CEQA documentation, as required

[PC 2] Planning Commission Workshop: Non-action, noticed public hearing with the Planning Commission conducted for input during the CEQA public review period of the draft CEQA documentation.

[CEQA 5] Response to Comments: For projects with CEQA documentation, prepare written responses to public comment on CEQA documentation and prepare the final CEQA documents.



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FOR SPECIFIC PLANS PROCESSED CONCURRENTLY WITH DISCRETIONARY PERMITS (REQUIRES FULLY DEVELOPED ARCHITECTURAL PLANS), CONTINUE FOLLOWING THE PROCESS BELOW ENTITLED “CONCURRENT PROCESSING.”

FOR PROJECTS WHERE THE APPLICANT AND THE CITY AGREE TO CONDUCT THE DISCRETIONARY PERMITS AFTER SECURING THE LEGISLATIVE ACTIONS, SKIP BELOW TO THE NEXT SECTION ENTITLED “SEQUENTIAL PROCESSING.”

CONCURRENT PROCESSING

[CPP 2A] Second Citizens’ Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the “Project Proposal Meeting” provisions of DMMC Section 23.08.068 (A-1-b) “Citizens’ Participation Program”, which includes, at a minimum, the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility. Refer to DMMC 23.08 for complete requirements.

[DRB 2A] Discretionary Permit Application Materials: Applicant’s submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate) per DMMC requirements.

[DRB 3A] Design Review Board Hearing(s): Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing according to DMMC 23.08 and recommendation to the City Council for action.

[DRB 4A] Additional Design Review Board meeting(s) as needed for recommendation to City Council.

[PC 3A] Planning Commission Hearing(s): Planning Commission review and recommendation to City Council on the certification of the CEQA documentation and approval of the Specific Plan, Community (General) Plan Amendment, Local Coastal Program Amendment (as applicable).

[CC 1A] City Council Adoption/Certification Hearing(s): Noticed public hearing and action on the CEQA documentation, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council. If no public vote is required (non-Measure B project), the Council would also take action on all required discretionary permits. Discretionary permits would be conditioned for those projects requiring a Measure B vote.

[VOTE A] Measure B Vote (if necessary): Public vote required for Measure B Specific Plans only. (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.

[LCPA 3A] LCPA Certification: Review and approval of LCPA by California Coastal Commission. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.



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SEQUENTIAL PROCESSING

[DRB 2B] Story Poles for Legislative Hearing: Story poles are to be placed on the development site for consideration of proposed structural massing and location by the Design Review Board in step DRB 3B.

[DRB 3B] Design Review Board Hearing(s): Review of the Specific Plan, conceptual design plans and preliminary grading plans by the Design Review Board at a noticed public hearing and recommendation to the City Council for action on the Specific Plan design related elements (building height, massing and location only).

[DRB 4B] Additional Design Review Board meeting(s) if needed for recommendation to City Council.

[PC 3B] Planning Commission Hearing(s): Planning Commission review and recommendation to City Council on the certification or adoption of completed CEQA documents and on the Specific Plan, General Plan Amendment, Local Coastal Program Amendment.

[CC 1B] City Council Hearing(s): Noticed public hearing and action on CEQA documents, Specific Plan, General Plan Amendment, and Local Coastal Program Amendment by City Council, as needed, for approval, conditional approval, or denial of Legislative actions.

[VOTE B] Measure B Vote (if necessary): *Public vote required for Measure B Specific Plans only.* (See City of Del Mar Guidelines for the Downtown Initiative (Measure B) for requirements.

[LCPA 3B] Review and approval of LCPA by California Coastal Commission, if needed. Note that an action by the Coastal Commission to conditionally certify the LCPA will require additional public hearings of the City Council to consider and adopt any required modifications necessary for final certification.

City of Del Mar Discretionary Permits: Following the final action on the Specific Plan and LCPA, any applicant within the Specific Plan area may submit for Discretionary Permits. These may happen at any time and may be for all or part of the properties within the Specific Plan area.

[CPP 2B] Citizens' Participation Program Meeting: The applicant is required to conduct a public outreach meeting in conformance with the "Project Proposal Meeting" provisions of DMMC Section 23.08.068 (A-1-b) "Citizens' Participation Program", which includes the placement of story poles, and availability of DRB-level design plans, 3D modeling of the proposed development, and photo simulations of the project to illustrate community/neighborhood compatibility.

[DRB 5B] Discretionary Permit Applications: Submittal of necessary discretionary Development Permit Applications (DRB, CDP, LC, CUP, or others as appropriate).

[DRB 6B] Design Review Board Hearing: Design Review Board meeting and public hearing to review and conditionally approve the architectural plans (DRB) and Coastal Development Permit



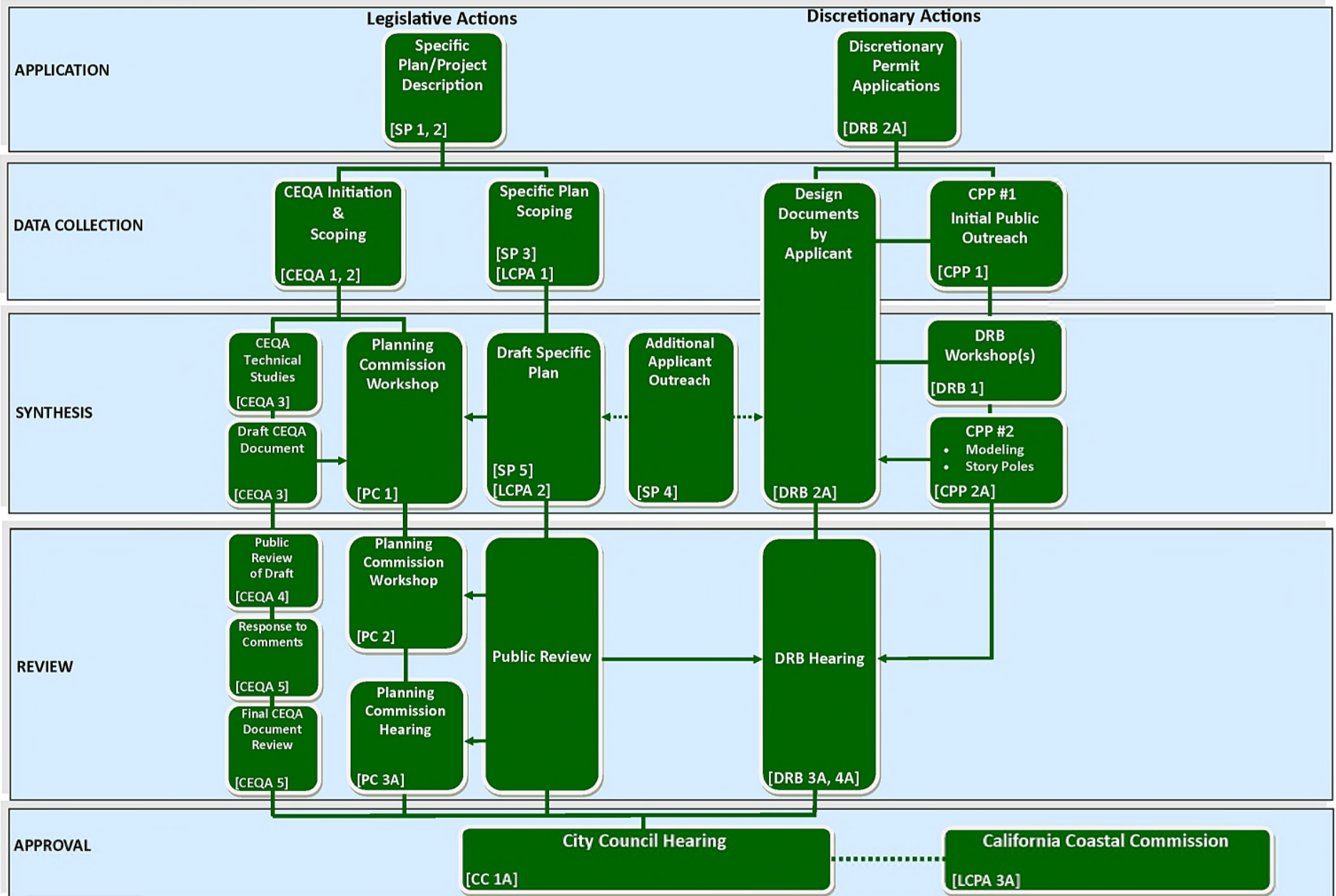
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(CDP). The DRB approvals/permit entitlements are subject to appeal to the City Council and will not be effective until the Specific Plan is approved by the City Council and unconditionally certified by the Coastal Commission.

Exhibit A – Diagram for “Concurrent” Specific Plan Processing

CONCURRENT PROCESS





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SCOPE:

The original concept of public art in Del Mar included art on public property (i.e. City Hall, Camino del Mar, parks and greenspace), and regulation of public art on private property and as a part of private development. The proposed course of action is to start slowly – displaying art on public property, and thereby demonstrating success – and at a later time consider art in conjunction with private development.

ACKNOWLEDGEMENTS:

These proposed guidelines are based on the very thorough work of the Del Mar Village Association (DMVA) Art Committee who researched the art policies of other successful programs in the country.

PROCESS:

This policy is the byproduct of grassroots community interest. The following steps are critical to successful implementation:

1. Concept and draft proposed by DMVA and interested community members
2. Draft discussed and modified by the City Council Ad-Hoc Committee
3. Draft reviewed by key community stakeholders
4. Draft reviewed and approved by the City Council, and implemented by City staff and the Art Advisory Committee

I. PROGRAM INTENT

It is the intent of the City of Del Mar to create a Del Mar Public Art Program (hereinafter “the Program”) with guidelines specifically designed to promote the arts in public places in the Commercial Zones (including the Visitor, Central, North, and Beach Commercial Zones hereinafter Commercial Zones), Public Facility Zones (including the City Hall and Del Mar Shores properties) and public parks in Del Mar. It is intended that art will serve as cultural enrichment to the residents of the City and the community life along with enhancing the economic vitality of the City.

The Program seeks to ensure the highest quality of design where public art has a constant presence. The City wishes to advance Del Mar’s reputation as a unique community by expanding



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residents' appreciation of art, reflecting the City's aspiration to improve the quality of life, enhancing public spaces for all residents and visitors and becoming a city recognized for innovation and creativity. The Program works to integrate art and the ideas of artists into the development of public settings by collaborating with local and nationally known artists to include the values and history of our community into their work.

The Program will be implemented as a pilot program to last five (5) years from the date of adoption by City Council. The first two years will be focused on art donated to the City or purchased with donated funds. After the two year period, the Policy will be expanded to include pieces purchased by the City. At the end of the five-year pilot program, the City Council should evaluate the Program and determine if the program should be continued or expanded.

II. PROGRAM GOALS

The City of Del Mar aims to develop a Program that represents a wide range of artistic styles and disciplines through a process that encourages community dialogue and involvement. All of these actions will help identify Del Mar as a community committed to art and culture. The goals of the Program include:

- **To acquire and commission quality and diverse works of art for community enrichment that is site specific and environmentally responsive.**
 - Five works acquired in three years
- **To support and involve artists in developing, collaborating and implementing Del Mar's public spaces and community development projects.**
 - 80% of Del Mar artists rate involvement high or very high on survey
- **To encourage collaboration between artists and architects, landscape architects and civil engineers for public projects.**
 - 60% of Del Mar artists, architects and engineers see improvement in collaboration
- **To encourage an environment for artistic creativity in Del Mar and promote Del Mar as a leader in arts, culture and public art.**
 - 70% of visitors rate Del Mar high or very high as leader in arts, culture and public art.
- **To increase awareness of Del Mar's art in public places as an integral component for attracting business and visitors to Del Mar.**
 - 80% of visitors aware of Del Mar's Public Art Program



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III. ELIGIBLE FORMS OF PUBLIC ART

The City of Del Mar wishes to encourage the broadest interpretation of art and the diverse venues used by artists. Art may include all forms of original creations of visual art, which may be temporary as well as permanent. The media and materials eligible to be used by artists include, but are not limited to, the following:

- Sculpture: Free standing, wall supported or suspended; kinetic, electronic, etc., in any material or combination of durable materials.
- Murals or portable paintings: In any material or variety of materials, with or without collage or the addition of non-traditional materials and means.
- Earthworks, fiber works, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound film, holographic and video systems, hybrids of any media and new genres.
- Standardized fixtures such as gates, streetlights, etc., may be contracted to artists for unique or limited editions, provided the work is designed specifically for the city as public art.
- Architectural elements designed and executed by visual artists in collaboration with an architect or landscape architect; which may be incorporated into, upon or adjacent to publicly funded structures or projects such as streetscapes, walls, and other development efforts.
- Design elements incorporated into a Capital Improvement Project, designed by an artist for fabrication and execution by the project contractor.
- Musical, sound and visual effects that highlight or accentuate a piece of art.

IV. INELIGIBLE FORMS OF PUBLIC ART

The following items are identified as ineligible for inclusion in the Program. (These items may be funded through other programs or departments within the city, but they do not fall within the parameters of public art):

- Directional elements such as super graphics, signage or color-coding except where these elements are integral parts of the original work of art.
- “Art objects” which are mass-produced as a standard design such as playground equipment, fountains or statuary objects.

V. COMMUNITY STANDARDS

All artwork considered by the Art Committee for inclusion in the Program shall be reviewed in the context of the contemporary, community standards of the City of Del Mar. No art will be selected that is obscene as determined by the aforementioned standards in the sole discretion of



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the Art Committee and the City Council. Further, it shall be the policy of the City of Del Mar that once artwork is selected by the Art Committee (after an opportunity for the public to comment) and approved by the City Council (which is a further opportunity for the public to comment), said artwork will be displayed by the City of Del Mar for the time period set forth in an agreement with the artist. No artwork will be removed from display before expiration of the agreed time based upon its content. All art will be displayed pursuant to a written agreement between the City and the artist/owner. All such agreements will contain waivers from the artist of the artists rights under 17 U.S.C. 106A, 17 U.S.C. 113(d) and California Civil Code Section 987. None of the foregoing will apply if the City of Del Mar is the owner of the work of art.

The Art Committee shall use the following criteria for determining if a work of art complies with community standards:

1. Is the art work appropriate for the site at which it is intended to be displayed?
 - a. Does the work fit with the architecture of the site?
 - b. Does the theme of the art complement the character of the site and the City?
2. Is the art work secular in nature?
 - a. Does the work fit with religious diversity in the City?
 - b. Does the work neither advance nor inhibit religion?
 - c. Does the work avoid excessive entanglement of the City in religious matters?
3. Does the art work fit with diversity of opinion within the City?
 - a. Is the work inclusive of all citizens of the City?
 - b. Does the work allow differing viewpoints and opinions?
 - c. Does the work promote a positive image of the community and its citizens?
4. Is the art work obscene?
 - a. Does the work avoid appealing to the prurient or sexual interest?
 - b. Is this a work that is suitable for viewing by children?
 - c. Would a large number of citizens find the work offensive because of sexual content or sexual suggestiveness?

All art submitted to the City for consideration for display on public property shall be initially evaluated by the Art Committee using the above criteria. If, in the sole discretion of the Art Committee, a work of art does not meet the initial criteria as set forth above, the work of art shall no longer be considered by the Art Committee. If any artist feels that the Art Committee has not appropriately applied the above criteria, the artist may seek review by the City Council. Public art owned by the City is a form of government speech from the City to the public which is protected by the First Amendment.

The City of Del Mar has the right to monitor and govern such speech in its sole discretion.



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VI. ART ADVISORY COMMITTEE

The Art Advisory Committee (AAC) plays an integral role in the implementation of the Program. The AAC serves in an advisory capacity to City Council as the review body for all public arts projects. The AAC advises the City of Del Mar on matters pertaining to public art and acts as the selection committee for public art projects. The AAC may be convened by the City of Del Mar on a project-specific basis, or to serve on multiple public art projects.

1. The AAC is composed of seven (7) members appointed by the City Council. AAC members serve at the will of the City Council and may be removed from office by the City Council at any time, without cause.
2. The term of office for AAC members shall be for a three (3) year period commencing on the actual date of appointment and ending on June 30 of the 3rd year thereafter. Members' terms shall be staggered, so that annually, two (2) or three (3) of the seven (7) members are subject to reappointment.
3. The members of the AAC will be selected on the basis of each member's specific expertise relating to public art.
 - a. Members shall be Del Mar residents, or individuals with a business located in one of the Del Mar Commercial Zones, and to whom one or more of the following apply:
 - i. Knowledgeable about contemporary art or related fields;
 - ii. Willing to represent the local community's interest in a public art project;
 - iii. Willing to become familiar with the public art process;
 - iv. Willing to be available for multiple or follow-up meetings if necessary.
 - b. The ideal make-up of the AAC will be a balanced membership consisting of four (4) residents (preference given to those with art backgrounds/experience), one (1) business owner (preference given to art-related business), One (1) DMVA representative, one (1) Del Mar Foundation representative.
 - c. Each member appointed to the AAC will be required to certify in writing that s/he has read the Public Art Policy and understands it.
4. The AAC shall appoint a chairperson and shall designate ex officio advisers to assist in the AAC functions without vote.
5. Non-voting ex-officio advisers may include:
 - a. A visual artist;
 - b. An architect or urban designer; and
 - c. An art professional such as a curator, fine arts collector, art critic or art educator.
6. The AAC will follow all guidelines for meetings specified in the Brown Act, including agendas, meeting notices, and public testimony.
7. The AAC shall not conduct any business unless a quorum is present. A quorum shall be a majority of the then-available seats on the AAC.
8. All selections and siting of public art approved by the AAC shall be subject to approval by the City Council.



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VII. REVIEW OF PUBLIC ART PROPOSALS

In general, acceptance and placement of art in Del Mar should be in accordance with these guidelines, current or historic use, community plans, and City Council goals. The location and design of the art should be consistent with the character and design intentions of the proposed site. The quality, scale and character of the art should be at a level commensurate with the particular setting.

The AAC may make requests for art proposals using the following methods:

1. Open Competition
2. Limited Invitation (a few artists)
3. Invitation (one artist)
4. Direct Purchase

All proposals for the display of public art on public property must be submitted to the AAC. The AAC shall consider the following criteria when reviewing art for permanent or temporary placement in the public spaces in Del Mar. The City Council shall utilize the same criteria when considering whether to accept or reject an AAC recommendation.

- The artistic quality, uniqueness, style and nature, aesthetic and/or historical significance of the art.
- The art's physical condition and whether the art is of exhibition quality.
- Whether the City already owns sufficient examples or better examples of this type of art by a particular artist in a particular style.
- Whether the signage for art on public property conforms to the City of Del Mar plaque standards to include the artist's name, title and date of work, and where appropriate, a dedication. The name of the donor or lender may be part of the installation.
- [Note: City of Del Mar Plaque Standards will need to be developed]
- Whether sufficient funds are available for insurance and maintenance
- Appropriateness of the site and location (working well within the scale and nature of the site).
- Whether there are any public safety or accessibility issues.
- Whether the art is permanent or temporary.
- Whether the art is thematically appropriate for the context of the site. The AAC will review artwork for its context and artistic expression, and assess for local thematic significance, such as Del Mar history, natural environment (beach, lagoons, bluffs, canyons, Torrey Pines, etc.), and/or fairgrounds (horses, agriculture, etc.).
- Whether the art is appropriate for the general public based upon contemporary community standards (in the case of obscenity) as determined at the sole discretion of the AAC and the City Council at the time of consideration pursuant to the criteria set forth in Section V above.



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During the review process, the AAC can request modifications to proposals before further consideration.

VIII. SITE SELECTION FOR PUBLIC ART

The AAC shall carefully consider all new proposals for public art as to the location where the art will be displayed. Sites may include areas within the Commercial Zones and public property. Particular attention will be given to displaying art along the Camino Del Mar, Public Facilities (City Hall) and parks.

In addition to a location's aesthetic possibilities, the following factors shall be considered when deciding the site and placement or presentation of the art.

- Lighting and visibility
- Public safety
- Future development plans for the area
- Landscape design
- Availability of utilities
- Existing art within the vicinity
- Environmental concerns/impact
- Public accessibility to the work
- Social/community context
- Significance to the proposed site
- Site appropriateness (fitting with the scale & nature of the proposed site)
- Traffic patterns (interior and exterior)
- Relationship to existing planned architectural and natural features
- Interior or exterior placement.
- Appropriateness of materials in relationship to the overall project. This includes consideration such as durability and resistance to vandalism.
- Historical, environmental and cultural factors of the project area.
- Environmental factors such as land forms, geographic features or predominate or pre-existing structures or landmarks.

All sites selected for public art must be on public property and accessible to the public. The Parks & Recreation Committee may be engaged to provide recommendations for siting of artwork in City parks and greenspaces.

The City shall, where feasible and at the discretion of the City Council, include public art as part of Capital Improvement Projects funded by the City.



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IX. PERMANENT SITING OF PUBLIC ART

The City will use the following guidelines when acquiring public art:

1. Most public art is temporary. Whether the art work is installed at a site for 4 months, 4 years or 40 years, it is temporary. It can be moved or relocated by the City, based on the recommendations of the Art Advisory Committee and pursuant to agreement with the artist if the art is not owned by the City. Ownership of a temporary piece of art may or may not be retained by the City. Notwithstanding the foregoing, temporary works of art may be removed, pursuant to agreement with the artist, at the end of the agreed upon display time and pursuant to any other terms regarding removal in the agreement. The City will not remove works of art based on content after a work of art has been considered and selected for display by the Advisory Committee and the City Council. Any work of art owned by the City may be moved, removed or decommissioned at the sole discretion of the City.
2. Art located on permanent structures such as buildings, walls and sidewalks will be owned by the City. The City reserves the right to remove the art piece if the permanent structure must be changed or demolished for public improvements.

X. MAINTENANCE OF PUBLIC ART

Art located on public property shall become the responsibility of the City of Del Mar, except in cases of any separate agreements with loaned or temporary-exhibition artists. Unless otherwise specifically agreed upon in advance, the City shall provide all maintenance necessary to preserve the work in good condition.

The City will pay for lighting, cleaning and security of public art.

Stolen or vandalized art shall be replaced or repaired in a manner that conforms to the originally approved art. In the event of repair, the original artist(s) shall be notified and given the opportunity to perform the repair work.

The artist or sponsoring organization will pay for restoring the site to original condition when the artwork is removed.

Additional maintenance details will be specified in artist and/or donor agreements on a case by case basis.



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XI. REMOVAL OF PUBLIC ART

- The City Council, acting in accordance with City policies and procedures, can approve and implement the disposal/removal of a work of art from the City of Del Mar.
- The City of Del Mar retains the right to convey art owned by the City to another site or to storage or for conservation. The City may also elect to remove the art from the inventory of the City collection by sale or other appropriate means, including discard. If the City decides to remove art from its inventory, then the procedures outlined in this section must be followed before removal can occur.
- Notwithstanding any other provision in the Program, if, in the judgment of a majority of the City Council an art piece is deemed to be detrimental to the public good due to a deteriorated condition, it may be removed immediately from public display.
- Works of art on display by agreement with an artist/owner will be removed pursuant to the terms of such agreement or when the agreement terminates unless the display period is extended pursuant to agreement of the parties.

City staff will administer the removal of any art with a value of less than \$1,500. City Council approval must be obtained for any work with a value of more than \$1,500. City Council will consult with the AAC before deciding to approve a removal of public art. Art removal may be approved if the art meets at least one of the following criteria:

1. The City cannot properly maintain or store the art.
2. The art medium (e.g., prints, sculptures, multiples) is duplicative of works already in the collection.
3. The City identifies a work of art as a copy or imitation, a fake or forgery, without significant value.
4. The art requires restoration in gross excess of its aesthetic value or the art is in such a deteriorated state that restoration would be unfeasible.
5. The art has been on display for a period greater than outlined in the original artist or donor agreement, there is no new agreement for continuing display of the art, and the AAC recommends replacing it with a new piece of art.

In the event of a permanent removal from public view and subsequent to approval by City Council, City staff shall make every reasonable effort to locate the artist or donor/heir advising them in writing of the City's intention to permanently remove the art. Every effort shall be made to honor the wishes of the artist or donors/heirs concerning disposition of the art after its permanent removal. Written concurrence of the artist or donor/heir shall be solicited but not required for removal.



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The artist/donor shall be given the right of first refusal to reacquire the work at fair market value subject to approval by the City Council. The cost of removal of the work may be considered by the City Council in determining the fair market value of the work.

If the City sells a work of fine art, as that term is defined in California Civil Code Section 986, the City shall comply with the payment of royalties to the original artist pursuant to the terms set forth in California Civil Code Section 986 unless the artist waives the right to receive said royalty.

All revenue generated from art sales shall be deposited in the City of Del Mar Public Art Program Reserve Fund.

If authorization to remove a work of art is approved by the City Council, every attempt will be made to replace the original piece with art of comparable value. Said value will be determined through a "qualified appraisal" such as the Art Advisory Panel (used by the IRS) to substantiate the value or by the original building valuation, or approved budget for the prior art, plus an inflation factor for construction and material costs based on the Engineering News Record.

XII. FUNDING FOR PUBLIC ART

In order to sustain annual funding for the Program, the following mechanisms/options may be considered. A combination of funding options enables the City to coordinate a consistent and enriching Program. Reliable funding for art may be provided by using a variety of sources described below. The funds may be allocated to the City of Del Mar Public Art Program Reserve Fund (hereafter "Reserve Fund") to cover short-term and long-term capital, operations, and maintenance costs.

1. **General Fund Appropriation**

Funds may be appropriated by the City Council during the budget process or at mid-year budget review. The AAC may recommend an annual budget allocation, however, final appropriation will be set by the City Council.

2. **Sponsorships/Fundraising and Donations**

Sponsorships, donations, and fundraising efforts are an integral aspect to public art throughout the world. These monies contributed for public art can be designated for a specific public art project location or pooled with other unrestricted contributions in the Reserve Fund to be allocated as determined by the City Council. Contributors can remain anonymous or be recognized appropriately depending upon the use of their donation for visual, music or the performing arts.

3. **Consignment Art**



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Another means to provide public art and funding for the Program is by consignment. This allows an artist to display their art for purchase at a public location. An agreement between the City and the artist, in accordance with this policy, will be negotiated to accommodate this arrangement, including installation, maintenance and removal/relocation after the art is sold or the designated time period has elapsed. A minimum display period of six (6) months is required with time extensions of up to two (2) years may be granted by the AAC. Additional public display time exceeding the two (2) year maximum must be approved by City Council.

- a. Consignment Art must go through the AAC selection process, and would be offered for sale with a discrete sign.
- b. Upon sale of the consignment art, the purchase transaction will be conducted by the City's Finance Department and a twenty five percent (25%) consignment fee will be withheld and placed in the Reserve Fund.
- c. The remaining proceeds from the art sale will be sent to the artist by the Finance Department within 30 days after the sale transaction.

4. Public/Private Partnerships

Cooperation among the City, artists, nonprofit organizations, cultural organizations, other agencies, and the private sector is essential to ensure a healthy arts environment. The City's primary role is one of "assistance or exposure to" rather than "responsibility for" the provision of public art. With this in mind, it is recommended that collaboration with private or corporate sponsors/partners be encouraged for community benefit. These joint activities, temporary exhibitions, or more permanent public art, can/will include negotiated fees that will be placed in the Reserve Fund.

5. Grants

Grants and/or matching grants should be sought from national, state and local foundations, arts agencies and other organizations to promote and guarantee a thriving Program.

XIII. AUDITING OF PUBLIC ART FUNDS

The City requires annual audits of its finances. A report of the audit is prepared by the auditor each year. The City shall request that the auditor specifically address the Reserve Fund as part of the annual audit and include a section in the audit reporting on the Reserve Fund. The auditor's report will be given to the Art Advisory Committee, the City Council and the public each year.



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XIV. CHILDREN'S ART

It is the intent of the City's Program that children's art be on display in our community at least one time per year.



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COMPLETE STREETS POLICY

EXECUTIVE SUMMARY

The City of Del Mar Complete Streets Policy seeks to direct future Del Mar mobility projects with the goal of creating a safe, balanced, multimodal street system to allow everyone to safely travel within Del Mar regardless of age, ability or mode of travel. “Complete Streets” is a term used to define streets designed and operated to enable safe access for all users, and accommodate people of all ages and abilities, travelling by all modes, including walking, biking, using public transit, and driving cars, commercial or emergency vehicles. In short, Complete Streets is the term given to the concept of a street that provides safe, comfortable, and convenient access for everyone, no matter who they are or how they travel. Del Mar’s Complete Streets Policy also contains elements of “Green Streets”, a means of reducing stormwater in traditional collection systems and treating stormwater runoff through more natural filtration processes, close to its source.

The Complete Streets Policy identifies policies, procedures and actions the City or its designees and applicants, will undertake when addressing any planning, design, implementation, or construction project that involves roadways, pathways or other components of the mobility network.

POLICY

Vision & Intent

The Del Mar Community Plan, adopted in 1976 by a vote of the City residents, established the precedence for a Complete Streets Policy with Community Plan Goal 2:

“Minimize the impact of the automobile on the character of Del Mar and emphasize a more pedestrian oriented environment, safer sidewalks, landscaped buffer zones, and alternative means of transportation.”

The Community Plan, under this goal, identified six objectives and numerous policies to encourage a pedestrian-oriented, non-motorized community by 1) developing a system of bicycle rights-of-way and pedestrian paths, and discouraging high speed traffic along city streets; 2) facilitating the movement of traffic in a safe and uncongested manner consistent with a pedestrian-oriented community, 3) encouraging alternative solutions to the transportation needs such as local transit, delivery systems and regional rapid transit; 4) reducing the level of noise created by major transportation routes; 5) minimizing air pollution by encouraging alternatives to the use of the automobile; and 6) reducing transportation related sources of water pollution, particularly in stormwater runoff¹.

¹ Del Mar Community Plan, Goal 2: Goals, Objectives, and Policies



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Although written decades before Complete or Green Streets legislation, the Community Plan clearly embodies the elements of Complete and Green Streets and forms the community vision for the mobility network in Del Mar.

This policy is intended to guide achievements of Community Plan objectives by directing citizens, elected officials, government agencies and their staff, developers, planners, engineers, and architects to use an interdisciplinary approach that incorporates the needs of all users into the design and construction of roadway, trail or other circulation projects.

The Complete Streets approach to roadway development and maintenance projects utilizes principles of non-prescriptive, flexible design; context sensitivity; and collaborative processes to establish a multimodal network for all users and facilitate the transportation and environmental conservation objectives outlined by the Del Mar Community Plan.

Context

The City of Del Mar and its transportation network are primarily built out. The transportation network consists of arterial streets with pedestrian sidewalks and bicycle lanes, residential streets, open space pathways, and one transit route. While the land use is primarily built-out and mainly consists of single-family residential dwellings, there are limited areas where redevelopment is occurring and areas with gaps in connectivity, primarily for the pedestrian and bicyclist. The City's transportation network accommodates both vehicular destination traffic (to residences, commercial and visitor serving areas) and through-traffic (primarily along Camino del Mar). Cyclists include both recreational and commuting bicyclists; and pedestrians include residents, visitors, recreationalists, elderly and mobility-challenged pedestrians. Transit is limited to one north-south bus route along Camino del Mar, and while the train traverses through the city, there is no current stop within Del Mar.

Community Plan Consistency

This Complete Streets Policy is consistent with and directly stems from the Community Plan Goals. To this extent, the policy provides directives and design guidance associated with transportation safety, multimodal network planning, context-sensitive design, and network connectivity to encourage a pedestrian-oriented, non-motorized community as defined by Community Plan Transportation Objectives. Furthermore, the policy's application of stormwater management and vegetated streetscape elements facilitate Community Plan directives pertaining to the prudent use of water resources by natural landscaping; improvements to local air and water quality; and the enhancement of community warmth, charm, interest, texture, and village aesthetic. Specific policies and objectives from the Community Plan are identified throughout this policy in italicized parenthesis, E.g. (*Community Plan Goal 2. Transportation Objective A*).



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Del Mar Climate Action Plan

The City of Del Mar's adopted Climate Action Plan (2016) (CAP) identifies a Complete Streets approach as a means of moving towards a more multimodal balance of transportation choices within the community. Per the CAP, the transportation sector accounts for 17 percent of the City's greenhouse gas emissions (GHG) based on trips that start or end in Del Mar. CAP Measure T3 calls to:

"...(r)etrofit Major Corridors to be 'Complete Streets': Consider every transportation mode and user when designing streets, and incorporate multimodal design principles in all projects."

The aim of this measure is to contribute to the reduction of GHG emissions by reducing vehicle miles traveled (VMT) and fuel use by passenger vehicles of residents, visitors, and employees in Del Mar, especially for vehicles that run on fossil fuels. This Complete Streets Policy is a means to implement a multimodal transportation network that contributes to the reduction of greenhouse gas emissions by lowering atmospheric carbon concentrations and improving public health as identified by the CAP.

California Complete Streets Act (AB 1358)

The California Complete Streets Act of 2008 (*Assembly Bill 1358*) requires cities and counties in California to include Complete Streets policies as part of their General Plans. The legislation enables the State's commitment of reducing greenhouse gas emissions through the context of regional and municipal governance while collectively ensuring roadways are designed to safely accommodate all users.

Del Mar's Community Plan incorporates transportation, community development, and environmental management policies that, while they predate the Complete Streets Act, are fundamentally consistent in terms of Community Plan's goals and objectives. This Council Policy expands on the implementation of referenced Community Plan goals and fulfills AB 1358 intent by establishing more detailed direction to implement Complete Streets than would be provided in the context of the Community Plan alone.

SANDAG Regional Complete Streets Policy

The San Diego Association of Governments (SANDAG) has adopted a Regional Complete Streets Policy, *"...because it is a process of ensuring the transportation system is safe, useful and attractive for all users of the transportation network..."*. SANDAG provides the "Local Complete Streets Sample Checklist" (Attachment A) for jurisdictions to assess whether transportation projects plan for and accommodate all modes of travel to the extent warranted. In 2017, SANDAG also identified a local Complete Streets Policy as a prerequisite for grant funding.



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Del Mar Stormwater Management Program

Del Mar's transportation network is also a component of the primary stormwater conveyance system. As such, the City shall consider provisions such as landscaping and pavement modifications in the public right-of-way as opportunities to implement stormwater collection and filtration systems appropriate to the local hydrological context. Considering Del Mar's geographical setting within the San Dieguito and Los Peñasquitos watersheds and adjacent to the Pacific Ocean, the City shall institute improvements that mimic natural hydrological processes in order to improve and preserve air and water quality. Elements of this stormwater management approach, in terms of streets, are defined as Green Street principles.

Application

This Complete Streets Policy applies to transportation improvements in the public right-of-way, streets on private property, and development review of private major (and minor) encroachments in the public right-of-way. Whether they be new improvements, retrofits, or maintenance efforts, Complete Streets principles shall be considered and implemented during the design phase and construction process of all transportation projects, including planning, programming, design, right-of-way acquisition, subdivision land development, new construction, construction engineering, reconstruction, operation, repair, and maintenance. Any redevelopment, improvement, modification or maintenance of the transportation network under a Complete Streets approach should respect the character of Del Mar while providing safe and convenient access to resources throughout the community.

Policies

Complete Street Policies are divided into eight (8) categories:

1. Process & Procedures
2. Users and Modes
3. Street Network
4. Street Design
5. Green Streets
6. Implementation
7. Performance Measures
8. Exceptions

Each policy section first states the intent and then the policies and related actions. References are provided at the end of this Council Policy.



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1. **Process & Procedures:** The intent of policies regarding the process and procedures is to ensure that all mobility projects receive the appropriate level of scrutiny and review. The City of Del Mar recognizes that Complete Streets may be achieved through single elements incorporated into a particular project and/ or incrementally through a series of smaller improvements and maintenance activities over time.
 - 1.1. Complete Streets policies, in guiding transportation improvement projects, shall be utilized only when the application is determined consistent with Del Mar's Community Plan.
 - 1.2. Apply Complete Street policies to all mobility projects: Complete Street policies will apply to development entities who may be constructing private or public streets; to the City as it retrofits existing streets; and to other agencies developing mobility infrastructure within Del Mar.
 - 1.3. Incorporate Complete Street principals into early land use planning: All mobility planning or implementation projects shall be reviewed against Complete Street principals and the policies outlined in this Council Policy. This review shall take place during the planning phases and be presented as to its consistency with this Council Policy in any discretionary or legislative review actions.
 - 1.4. Review and Update Complete Street Policies as needed: Complete Street policies will be reviewed at a minimum of every ten years, or with any Community Plan Circulation Element amendment. The review shall include an assessment of performance measures. Following this review, the City Council may direct changes to this policy.
2. **Users and Modes:** The intent of user and modal policy is to ensure that the needs of all potential users are included in the planning, design, operation, and maintenance of streetscape elements to provide safe and efficient mobility for all users of the community's transportation network regardless of age or ability.
 - 2.1. Application of the Del Mar Complete Streets Policy directs City Council, City Management, and City staff to consistently plan, design, construct, and maintain streets to provide travel options for a spectrum of anticipated user modes including, but not limited to, pedestrians, mobility-challenged persons, bicyclists of varying skill levels, transit riders, motorists, delivery and utility providers, and emergency response vehicles.



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- 2.2. The type and range of modes accommodated is expected to differ due to physical space constraints and varying modal demand relevant to each project's context. When there are conflicting needs among users and modes, Community Plan objectives shall be facilitated through the following prioritization: 1) above all, safety is paramount, followed by mobility; 2) among modes, pedestrians shall come first citywide (*Community Plan Goal 2. Transportation Objective A*), followed by the next most vulnerable types of users; and finally, 3) seek balance among all modes involved.
3. **Network:** A network approach ensures that all projects facilitate an integrated, comprehensive network that completes connections of all pathways, roadways and travel ways.
 - 3.1. Provide and maintain safe, connected and convenient bicycle and pedestrian mobility along the arterial corridors of Camino del Mar, Jimmy Durante Boulevard, and Via de La Valle.
 - 3.2. Discourage high speed traffic along city streets and prioritize safety provisions between active transportation modes (bicyclists and pedestrians) and automobile traffic with infrastructure elements such as continuous, protected bicycle lanes and sidewalks, traffic calming features, improved intersections/midblock crossings, and street lighting/reflectors. (*Community Plan Goal 2. Transportation Objective A*).
 - 3.3. Connect all elements of downtown in a way that reduces pedestrian conflicts with the automobile and establishes alternatives to the use of the vehicles for visitor and residential access (*Community Plan Goal 4. Community Development Objective C. Policy 4*).
 - 3.4. Provide a continuous north-south bicycle network through the community (*Community Plan Goal 2. Transportation Objective A. Policy 3*), by maintaining an unobstructed, multimodal corridor along the Camino del Mar thoroughfare, and establish connectivity to adjacent pathways at the City's borders. This type of accommodation shall coordinate with long-range planning of a regional multimodal network, providing opportunities for residents and visitors to exercise carbon-neutral travel methods through Del Mar.
 - 3.5. Preserve and improve pedestrian access to and along beaches, sea cliffs, parks, and walking paths by completing connections of bicycle and pedestrian pathways through the use of all public rights-of-way and prescriptive public easements (*Community Plan Goal 2. Transportation Objective A. Policy 5*).



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- 3.5.1. Integrate trail links between the fabric of streets and roadways to provide residents with a more direct and convenient accessway to services, open spaces, playfields, parks, and beaches.
 - 3.5.2. Pursue the creation of a coastal pedestrian trail along the railroad right-of-way with safe crossings.
4. **Design:** The intent of design policies is to ensure a contextually sensitive approach to the design of the transportation system. Implementation shall reflect the context and character of the community's overall surroundings including the natural environment, current and planned buildings and land uses, demographics, street functions, and current and expected transportation needs.
 - 4.1. Assure continuing public participation in street planning and design and utilize citizen participation in the developmental processes of streetscape projects (*Community Plan Goal 6*).
 - 4.2. Reference and institute the best and latest design guidance, standards, and recommendations available to maximize design flexibility and innovation. Design solutions should balance user and modal needs while enabling environmental remediation and protection opportunities.
 - 4.3. Prioritize a pedestrian-oriented network to enhance the community's walkability. Streetscape elements that facilitate this type of mobility may include wider sidewalks, reductions in road width and construction of separation between travel modes to discourage high-speed vehicular traffic along City streets and limit conflicts between automobiles and pedestrians.
 - 4.4. Bicycle Design: enhance designated pathways for cyclist along arterial roads; encourage separation from vehicular traffic and the use of traffic calming measures to create safe pathways for cyclists of varying abilities and confidence.
 - 4.5. Although pedestrian and bicycle mobility are prioritized, roadway improvements should maintain consideration for the movement of all types of traffic in a safe and regulated manner (*Community Plan Goal 2. Transportation Objective B*).
 - 4.6. Maintain a clear understanding of a project's context, integrating community values and environmental implications into roadway design decisions to



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preserve and enhance scenic, aesthetic, historic, and environmental resources while improving and maintaining pathway safety and mobility.

- 4.7. Design processes shall consider street design and width, desired operating speed, right-of-way availability, and connectivity to destinations to remediate modal imbalances. Design criteria should not be purely prescriptive and, instead, should be based on the thoughtful application of engineering, architectural, and urban design principles.
 - 4.8. Adapt design criteria and streetscape accommodations over time to consider emerging transportation technologies such as vehicle charging, rideshare programs and autonomous vehicles.
 - 4.9. Streetscapes shall provide adequate space and placement to integrate multifaceted design solutions for both transportation improvements and stormwater management, e.g. a biofiltration swale positioned within an existing street median enhances pedestrian mobility by providing refuge for midblock crossings, improves streetscape aesthetic, and manages stormwater flow while capturing runoff contaminants.
5. **Green Streets:** The intent of a green streets approach to street design, also known as green infrastructure, is to reduce and treat stormwater close to the source to realize the following benefits: improved water quality, increased groundwater infiltration, carbon sequestration, runoff reduction, erosion control, and aesthetics.
- 5.1. All mobility planning or implementation projects shall be reviewed by the Clean Water Manager at its onset to identify opportunities for incorporation of low impact design stormwater management techniques. All landscaped areas in any street project shall be evaluated for its ability to serve as bioretention or infiltration and implemented as such unless such conditions are not favorable for stormwater management.
 - 5.2. Subsequent to Regional Water Quality Control Board objectives, the City shall design and construct small-scale, decentralized stormwater management facilities that infiltrate, evaporate, transpire, filter, store, or detain runoff within relatively close proximities to pollutant sources.
 - 5.3. As directed by the Community Plan, natural landscaping, requiring little watering is encouraged in the design and construction of vegetated streetscape elements to promote prudent use of water resources (*Community Plan Goal 1. Objective M*).



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- 5.4. For stormwater infrastructural development where adequate space and the need for stormwater mitigation are present, the City shall reference the best and most recent management practices such as Caltrans Stormwater Management and Biofiltration Design Guidance manuals and California Stormwater Quality Association (CASQA) Best Management Practices (BMP) handbooks. These documents emphasize the use of bioremediation techniques to filter and remove surface contaminants through natural vegetative processes.
- 5.5. All landscaped areas in any street project shall incorporate street trees to mitigate surrounding temperature, sequester carbon and improve air quality.
- 5.6. Materials used for sidewalks and parking should utilize permeable pavements wherever feasible in order to infiltrate stormwater back into the groundwater.
- 5.7. Green streets shall have a component of education to inform the public of its role in stormwater management. This shall be established on a project by project basis as appropriate for that level of project.

6. **Implementation:** The City of Del Mar shall integrate Complete Streets principles and environmental consideration into everyday transportation decision-making practices and development processes. To this end, the policy shall be implemented through the following directives:

Departmental Procedures:

- 6.1. All City departments shall incorporate Complete Street principles and policies into development and review of all plans, manuals, procedural documents, rules, regulations, and programs as appropriate.
- 6.2. City departments shall review and update current design standards, including subdivision regulations which apply to new roadway construction, to reflect the best possible design standards and guidelines.
- 6.3. The City should amend existing performance measures and collective data documents affiliated with Del Mar’s transportation characteristics and CAP objectives to include objectives within Complete Streets implementation. Updated measures shall determine how well the network serves all users while instituting community health and greenhouse gas mitigation measures associated with CAP and State-mandated goals.



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Operations:

- 6.4. The City's appointed discretionary review bodies, including the Design Review Board and Planning Commission, shall utilize Complete Streets policies as adopted herein during appropriate discretionary reviews. The City's Advisory Committees to the City Council shall utilize Complete Streets policies when providing input on projects in their purview.
- 6.5. The City should use development tools and reference materials provided by SANDAG, Caltrans, and other transit operators such as guidance on best practices and innovation in street design, parking management strategies, stormwater best practices, incorporating bicycle and pedestrian access to transit stops and stations, traffic impact studies, and public engagement tools.
- 6.6. The City should utilize project development checklists provided by SANDAG throughout design and development processes of the transportation network to ensure projects result in Complete Streets (Attachment A).
- 6.7. The City should facilitate inter-departmental project coordination among entities interested in activities occurring in the public right-of-way to ensure efficient use of fiscal resources.
- 6.8. The City should coordinate and foster relationships with adjacent municipalities, private developers, and utilities (public and private) to further the Del Mar's vision of a connected Complete Streets network, continuing beyond the City's borders.
- 6.9. City staff should identify current and potential future sources of funding for transportation network improvements.

Education:

- 6.10. The City should encourage educational opportunities that allow community leaders and the public to establish an understanding of the Complete Streets vision and multimodal transportation opportunities. Information shall be made available through public documents on the City website and presented during project review.
- 6.11. The City should encourage staff professional development and training of non-motorized transportation issues, Complete Street principles, and



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environmental sustainability objectives through workshops, conferences, seminars, and reference materials.

6.12. The City shall seek to include an educational component in all Complete Street projects to ensure that all users of the transportation system understand and can safely utilize project elements and infrastructure in the public right-of-way. Comprehension may be achieved through a variety of means, such as signage, design and/or public notifications.

7. **Performance Measures:** The intent of performance measures is to develop a system for assessing the results of the policies with each implementation project. Because Del Mar's undeveloped land is minuscule, implementation will primarily occur through small infill projects, City capital improvement projects, and other agency transportation projects. Performance measures should be established with each implementation project concurrent with its adoption or construction and reviewed at five years after implementation to more accurately measure the results. These results should contribute to the monitoring of the CAP as well as the Complete Streets Policy. Targets for the performance measures should address, as applicable:

- 7.1. An increase in the number of pedestrians and bicycle ridership through and within the City.
- 7.2. An increase in the conversion of traditional stormwater infrastructure to low impact design stormwater features.
- 7.3. Reductions in local stormwater sediment and bacteria.
- 7.4. An increase in the number of linear feet of new and upgraded bicycle and pedestrian routes.
- 7.5. An increase in the number traffic calming features and vehicle speed in multi-modal areas.
- 7.6. Amount of porous pavement implemented.
- 7.7. Improvements to transit facilities (bus schedules added; shade provided; accessibility improvements).
- 7.8. Reductions in reported conflicts between transportation modes.



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7.9. A decrease in VMT below the CAP’s 2012 baseline for trips starting and ending in Del Mar².

7.10. A reduction of carbon emission output below the CAP’s 2012 baseline³.

8. **Exceptions:** All transportation projects in Del Mar are intended to be planned, designed and constructed for all foreseeable users; however, an exception to this standard may be warranted. A proposed exception will be reviewed as part of the discretionary approval process associated with the project (City Council, Design Review Board or Planning Commission, as appropriate). Exceptions must be documented with supporting data that indicates the basis of the decision and will be evaluated against the Community Plan objectives, this Complete Streets Policy, and Del Mar’s CAP. Exceptions may be appropriate in the following cases:

8.1. Where specific modes of travel are prohibited by law.

8.2. Where a proposed project for a limited access facility would cross a major barrier, for example the San Dieguito River or the railroad.

8.3. Where the cost of providing facilities for all travelers would be excessively disproportionate to the need or likely use through the life of the project. Cost analysis shall follow SANDAG’s Complete Streets policy guidance.

8.4. Where the facility is in conflict with the adopted Federal or State regulatory authorities and/or City of Del Mar Community Plan, Municipal Code, and the Local Coastal Program.

8.5. Where immitigable, detrimental environmental impacts outweigh the need for full accommodation of all travel modes.

8.6. Routine maintenance of the transportation network that does not change the roadway geometry or operations, such as mowing, sweeping, or spot repair.

Exceptions shall be reviewed as such, and not the norm or commonplace solution.

-End-

² Target of 178,855vehicle-miles-travelled per day or currently adopted CAP target.

³ Per the CAP, on-road transportation for both miles driven within Del Mar and miles outside of the Del Mar boundary for trips starting or ending in the community produced 4,921 MTCO_{2e} and 27,003 MTCO_{2e} (metric tons carbon dioxide equivalent) respectively for the 2012 baseline year. Cumulatively, greenhouse gas emissions from transportation activity makes up 57.1% of the community’s total emissions output. Subsequent updates to the CAP may set new targets.



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References: Best practices in policies, design criteria, sustainable development, standards and guidelines related to street design, and construction may be found in, but not limited to, the following materials:

- Caltrans *Highway Design Manual*
- National Association of City Transportation Officials (NACTO)- *Urban Street Design Guide* and *Urban Bikeway Design Guide*
- American Association of State Highway Officials (AASHTO) Guidelines
- Institute of Transportation Engineers (ITE) *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach*
- Americans with Disabilities Act (ADA) Guidelines
- Public Right-of-Way Accessibility Guidelines (PROWAG)
- San Diego Association of Governments (SANDAG) *2050 Regional Transportation Plan* and *Smart Growth Design Guidelines*
- *Main Street, California– A Guide for Improving Community and Transportation Vitality (3rd ed.)*
- *Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians*
- Documents and plans created for and approved by the City of Del Mar, including but not limited to, the Community Plan and Climate Action Plan

Attachments

Attachment A – SANDAG “Local Complete Streets Sample Checklist: A Tool for Local Agencies”

<http://www.sandag.org/index.asp?classid=12&projectid=521&fuseaction=projects.detail>

SANDAG’s “Local Complete Streets Sample Checklist” does not prescribe specific design solutions for Del Mar’s transportation system. Rather, the document should be referenced to consider the context of regional transportation facilities as they apply to Del Mar.

Local Complete Streets Sample Checklist: A Tool for Local Agencies

Introduction

This Complete Streets Sample Checklist is designed as a tool for local agencies to use in developing their own internal process for evaluating whether new transportation projects plan for and accommodate all modes of travel to the extent warranted. *Use of the local sample checklist is optional, can be adapted to meet specific local agency goals, and is not a requirement for receiving any transportation funds administered by SANDAG.*

Using the Checklist

The Complete Streets Sample Checklist is a tool that can be used when a transportation project is initiated to ensure that all modes are considered in the initial scoping and budgeting of the project. When evaluating existing and potential facilities for each mode, it is often useful for the project to take a holistic approach and consider the corridor context or surrounding transportation network. Because it may not be necessary or feasible to accommodate all modes in every project, the sample checklist provides a mechanism for exploring the application of complete streets solutions in the broader project area and documenting the circumstances that explain the decision.

Project Initiation Complete Streets Checklist

Project Title: _____

Project Location: _____

Project Manager, Phone, and Email: _____

Existing Conditions

What infrastructure currently exists to support each mode of travel?

- | | |
|---|---|
| <input type="checkbox"/> Auto | Total number of travel lanes _____ |
| <input type="checkbox"/> Transit | Route numbers/headways _____ |
| | Transit stops/amenities _____ |
| | Transit priority measures _____ |
| <input type="checkbox"/> Pedestrian facilities | Sidewalk - width and condition _____ |
| | Sidewalk - both sides of street? _____ |
| | Adequate street crossings _____ |
| | Sidewalk shading / street trees _____ |
| <input type="checkbox"/> ADA compliant? | Deficiencies _____ |
| <input type="checkbox"/> Bike facility/facilities | Type(s) _____ |
| <input type="checkbox"/> Lighting | Street lighting? ____ Pedestrian lighting? ____ |
| <input type="checkbox"/> Storm water | _____ |
| <input type="checkbox"/> Auto parking | Number of spaces _____ |
| <input type="checkbox"/> Bike parking | Number of spaces _____ |

Add details as necessary to describe any infrastructure deficiencies, walking and biking conditions, and/or challenges for transit performance.

What is the existing level of demand to the extent data are available?

- Auto ADT _____
- Transit Passengers per day by route _____
 Passengers per day by stop _____
- Pedestrians* _____
- Bikes* _____

* In the absence of existing demand data for bike and pedestrian traffic, document the surrounding land uses that are likely to attract significant traffic by these modes.

What is the safety record over the last five years for the project area?

- Auto-involved crashes _____
- Pedestrian-involved crashes _____
- Bicycle-involved crashes _____
- Pedestrian and bicycle-involved crashes within ¼ mile of transit stops _____

Coordination with transit agencies

- What existing challenges could the proposed project address for transit routes in the vicinity of the proposed project? What transit priority measures could improve transit performance? (Recommendation: Coordinate with the Metropolitan Transit System [MTS] or North County Transit District [NCTD])

Recommendations:

- Test existing and potential future bus turn movements using “auto-turn” software to accommodate 45-foot coach buses
- Minimize corner bulb-outs that conflict with bus movements; avoid installing bulb-outs on corners with bus stops or with bus turns; consider creating in-lane bus stops as an alternative
- Work with transit operators to assess impacts of roadway capacity reductions to buses
- Work with transit operators to assess impacts of traffic calming measures to buses
- Provide separate travel ways for bike and bus traffic whenever possible
- Ensure 11-foot minimum lane widths for travel lanes used by buses
- Avoid traffic calming measures on bus travel lanes that are incompatible with buses (e.g., speed bumps, speed tables, etc.)
- Coordinate proposed bus stop relocations with MTS/NCTD
- Provide safe path of travel to/from bus stops (adequate sidewalks, crosswalks)
- Ensure vertical/horizontal clearances for buses
- Coordinate with transit operators on need for existing or future transit priority measures such as transit signal priority in future transit-only lanes

Planning Context

Have the following documents been checked for planned facilities?

- Pedestrian Master Plan
- Bicycle Master Plan
- Community Active Transportation Strategy
- Community Plans and Facility Financing Plans
- Climate Action Plan
- SANDAG Regional Plan (highway, transit, rail, transportation demand management)
- SANDAG Regional Transportation Improvement Program
- SANDAG Regional Bike Plan
- SANDAG Smart Growth Concept Map (to help determine context)
- Pending local development proposals

Briefly describe relevant planned facilities and development proposals. Is there an opportunity to enhance this transportation project beyond existing plans to provide an enhanced walking, biking, or transit experience for future users of this corridor?

Forecasted travel demand

- Auto ADT _____ Forecast year _____
- Transit _____ Forecast year _____
- Pedestrian* _____ Forecast Year _____
- Bike* _____ Forecast Year _____

*If forecasts do not exist for future bike and pedestrian traffic, identify significant future land uses or other conditions that would influence demand.

Proposed Project

Will the proposed transportation project adequately and safely accommodate all modes, or are there opportunities to adequately and safely accommodate all modes through the larger project area?

- Auto
- Auto parking
- Transit
- Pedestrian
- Bike
- Bike parking
- ADA Compliant

For the proposed transportation project: Briefly describe the proposed accommodations or traffic calming measures for each mode and the features that will make the accommodations more friendly to people walking, biking, and using transit including urban greenery such as street trees, buffers from high speed traffic, street lighting, transit stop amenities, transit priority measures, etc.

For any mode not adequately accommodated through the proposed transportation project, describe the constraints or justify the lack of demand. Describe any relevant alternative access.

Complete Streets Certification

This project does/does not accommodate all modes of travel as outlined in the [local guiding policy].

Completed by _____
Name Title Date

Reviewed and approved by: _____
Name Title Date

Resources

The following documents are useful resources for how to plan and design Complete Streets:

[Smart Growth in the San Diego Region](#), a brochure that provides descriptions of the seven smart growth place types and the Smart Growth Concept Map.

[Designing for Smart Growth, Creating Great Places in the San Diego Region](#), provides guidance on applying smart growth principles to transportation projects in smart growth areas.

Transportation design guidance for Complete Streets is available from a variety of sources including, but not limited to, those listed below:

- [Riding to 2050 \(see Chapter 7, Bicycle Design Guidelines\)](#)
- [Planning and Designing for Pedestrians](#)
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CITY OF DEL MAR CITY COUNCIL POLICY BOOK

115	REVIEW PROCESS FOR AMENDMENTS TO PREVIOUSLY APPROVED SPECIFIC PLANS THAT LACK AMENDMENT PROVISIONS	DATE ADOPTED:	10-29-2018
		BY RESOLUTION:	2018-79
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POLICY:

Purpose: As with any land use document, future amendments may be necessary and appropriate, either to modify a policy or regulation of a Specific Plan or to clarify its language or exhibits. This Policy sets forth the review processes for amendments to two existing Specific Plans, the Del Mar Plaza and Del Mar Hotel Specific Plans which were approved in the late 1980s by the Del Mar City Council and the City's electorate pursuant to the then-applicable Measure B citizens' initiative. At the time of adoption, neither of the two Specific Plans included a section or chapter on procedures for the review of future Specific Plan amendments. The City Council's July 2, 2018 determination that the provisions of Measure B were no longer applicable resulted in a need to establish amendment procedures that, in the case of these two Specific Plans, would have otherwise been governed by Measure B. This policy sets forth those procedures. It is applicable solely to the Del Mar Plaza and Del Mar Hotel Specific Plans.

Process for Adoption of Specific Plan Amendments: The procedures for amendment to a Specific Plan subject to this Policy shall be by ordinance or resolution, as specified by State of California Government Code 65453(a), through a public hearing before the City Council and pursuant to the Del Mar Municipal Code.

Classification of Specific Plan Amendments: The review processes for an amendment(s) to a Specific Plan subject to this Policy vary, depending on the extent of the modification to, or deviation from, the approved Specific Plan. Amendments are categorized as Tier-One, Tier-Two or Tier-Three Amendments, as described below.

- A. The following constitutes a Tier-One Amendment:
1. A modification to the Specific Plan which triggers the requirement for a Community Plan Amendment.
 2. Increases in building height in excess of the existing Specific Plan allowances.

Examples:

- Any increase in building height in excess of the current Specific Plan allowances for either the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- An addition of a use that is not currently allowed by the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- A change in land use designation to either Specific Plan.



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B. Any of the following constitute a Tier-Two Amendment:

1. A change to the geographic boundaries of the Specific Plan, other than to correct typographical or mapping errors.
2. A change to the applicability of a portion or portions of the Specific Plan to reflect changes in circumstances since the Specific Plan’s original adoption under the provisions of Measure B.
3. An increase in the allowable Floor Area Ratio or Lot Coverage maximums identified in the Specific Plan.
4. A change to the categories of uses listed as being allowed in the respective Specific Plans, or a change to limitations or requirements regarding the extent, mix or location of uses, as identified in the Specific Plan.
5. A modification to incorporate and apply Municipal Code regulations or standards which the City Council has already adopted and applied to the adjacent Central Commercial Zone.
6. A modification of the manner in which the amount of required off-street parking otherwise regulated in the specific plan, is calculated, provided or utilized.
7. A modification of the signage regulations identified in the Specific Plan.
8. Any other modification that does not qualify as a Tier-One or Tier-Three Amendment, or as an Exemption, as each are described in this Policy.

Examples:

- Any increase in Floor Area Ratio in excess of the current Specific Plan allowances for either Specific Plan; or
- Any reduction in parking requirements for either the Hotel Specific Plan or the Del Mar Plaza Specific Plan; or
- A change in geographical boundary which does not also trigger a Community Plan Amendment; or
- Any Specific Plan Amendment not explicitly listed in Tier-One, Tier-Two, or Tier-Three.

C. Any of the following constitute a Tier-Three Amendment:

1. A modification required to satisfy an amendment(s) to municipal ordinances mandated by Federal and/or State law.



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2. A modification required to satisfy a Coastal Commission requirement(s) for certification of any future Local Coastal Program amendment(s) applicable to the Specific Plan.
3. A modification to the designation, design or implementation strategies for public improvements identified in the Specific Plan.
4. A modification to clarify the intent or meaning of the narrative or exhibits contained in one or more sections of the Specific Plan.
5. A decrease in the Floor Area Ratio, building height, or lot coverage maximums identified in the Specific Plan’s zoning regulations.

Approval requirements for Tier-One, Tier-Two and Tier-Three Amendments.

- A. Approval of a Tier-One Amendment shall require an affirmative super-majority (4/5) vote of the Del Mar City Council.
- B. Approval of a Tier-Two Amendment shall require an affirmative simple majority (3/5) vote of the Del Mar City Council.
- C. Approval of a Tier-Three Amendment shall require a resolution by the Del Mar City Manager, or designee, after a public hearing, supported by written findings as to consistency of the proposed amendment with the goals and objectives of the adopted Specific Plan and with such determination posted for public notice at Del Mar City Hall and subject to the Appeal process identified in Chapter 1.12 of the DMMC.
- D. The Planning Commission shall review and make a written recommendation to the City Council on all proposed Tier-One and Tier-Two Amendments.

Specific Plan Amendment Application Requirements: An applicant for an amendment to a Specific Plan shall submit a completed application with graphics, statements, or other information as may be required to support the proposed amendment.

Public Noticing Requirements for Amendments to the Specific Plan: All amendments to a Specific Plan shall be subject to the applicable public noticing requirements of State law and of the DMMC, in effect at the time of the amendment request.

Exemptions from Requirements for a Specific Plan Amendment: The following actions are exempt from the requirement for an amendment to a Specific Plan subject to this City Council Policy:

- A. Corrections of typographical or administrative errors found in the Specific Plan



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- B. Minor modifications to a Specific Plan's area boundaries that respond to more accurate or recent data or actual on-site conditions.
- C. Minor modifications to the architectural or landscape elements that do not increase the allowable building height envelope or floor area ratio limitations, as identified in an approved Specific Plan's zoning regulations. Although exempt from a Specific Plan Amendment, such modifications shall be subject to compliance with applicable provisions of the City's Design Review Ordinance (DMMC Chapter 23.08).
- D. Updating of a Specific Plan's maps, exhibits and/or text to accurately reflect changed or previously unknown conditions. Adoption or modification of a Specific Plan's Tenant Design Manual or set of Implementing Guidelines, each of which shall be subject either to the review process identified in the respective Specific Plan, or, where no such process has been adopted, to City Council approval.

Exemption from Requirement for Concurrent Community Plan Amendment: Unless otherwise required based on its content, an amendment to a Specific Plan shall not, in and of itself, trigger a requirement for a concurrent Community (General) Plan or Local Coastal Program Amendment.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

116	DESIGN STANDARDS FOR SMALL CELL WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY	DATE ADOPTED:	4-1-2019
		BY RESOLUTION:	2019-18
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PURPOSE/INTENT

The design standards contained within this policy shall supplement Chapter 23.28 (Encroachment Permits) of the Del Mar Municipal Code as necessary and appropriate to protect the public health, safety, and welfare – including the aesthetic character of the City, its neighborhoods, and community – from the potential harm caused by unregulated small cell wireless facilities and other infrastructure deployments, while balancing the benefits that flow from technological advancements such as advanced wireless services.

PERMIT REQUIREMENT

Small cell wireless facilities, as defined in the FCC-CIRC1890-02 may be installed, erected, maintained and operated in any dedicated public right-of-way upon the issuance of an Encroachment Permit from the City of Del Mar.

DESIGN STANDARDS FOR SMALL CELL WIRELESS FACILITIES

1. **Location.** The following siting standards shall apply to small cell wireless facilities to be placed within the public right-of-way.
 - a) Each small cell wireless facility must be at least 350 feet away from the nearest small cell facility (Facilities mounted on traffic signal poles are not subject to this standard with regard to other facilities located on traffic signal poles).
 - b) Small cell wireless facilities shall not displace any existing landscape features unless: such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the City and the applicant submits and adheres to a landscape maintenance plan.
 - c) Small cell wireless facilities should be located and installed with consideration of public scenic views and scenic views from Primary Living Areas, as defined by the Del Mar Municipal Code.
 - d) The placement of small cell wireless facilities on utility or stand-alone poles within a paved/improved alley shall be preferred over placement within an unpaved/unimproved alley.
 - e) To ensure aesthetic harmony and consistency with neighborhood character, if technically feasible, the City shall have the ability to require the horizontal relocation of any proposed pole in the public right-of-way, up to a distance of 50 feet.



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2. **Overall Height.** Small cell wireless facilities shall not extend higher than twenty-six feet (26”) above grade or the finished surface adjacent to the support pole or structure. This shall be the distance between the grade/surface and the top of the antenna or its shroud/enclosure, whichever is higher.

3. **Antennas.** The following concealment, size and mounting criteria apply to all small cell wireless antennas located in the public right-of-way:
 - a) Concealment - All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.

 - b) Antenna Volume - Each individual antenna may not exceed three cubic feet in volume.

4. **Small Cell Wireless Facility Sites within the Public right-of-way**
 - a) Traffic Signal Poles - Applicants that propose to install small wireless facilities on a new, replacement, or existing traffic signal support pole shall install the antenna above the pole within a single, canister style shroud or radome that tapers to the pole, unless: 1) an antenna already exists in that top-of-pole location; or 2) the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. No more than two small cell wireless facilities shall be located on a single traffic signal support pole. Facilities mounted on traffic signal poles are not subject to the 350 foot spacing requirement in section 1-a of this policy with regard to facilities on other traffic signal poles.

 - b) Streetlights - Attachment of small cell wireless facilities to streetlights within the Central Commercial Zone, as depicted within the City of Del Mar Zoning Map, shall not be allowed. Applicants that propose to install small wireless facilities on an existing streetlight outside of the Central Commercial Zone must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications for that geographic area but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the street lighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the



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removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

- c) Wood Utility Poles - Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. Location on wood utility poles shall only be allowed outside of commercial zoning districts.
- d) New “Stand-Alone” Poles - Applicants that propose to install small wireless facilities within the public right-of-way of the Central Commercial Zone may do so only on traffic signal support poles and on a new stand-alone poles proposed to match the overall height, colors, style and design of the streetlight poles within the Zone (see Exhibit A). All antennas, must be installed above the pole within a single, canister style shroud or radome, side-mounted installations shall not be permitted. In the case that wooden utility poles containing small cell wireless facilities are “undergrounded” within a residential zone, new stand-alone poles may be permitted as a replacement support for the approved facility and shall be designed to blend in with the surrounding character of the neighborhood. All surfaces shall be non-metallic and painted in natural tones. The overall height of the antenna shall be no higher than previously approved for the utility pole.

5. Accessory Equipment

- a) Installation Preferences - All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred:
 - (i) underground in any area in which the existing utilities are primarily located underground;
 - (ii) on the pole or support structure; or
 - (iii) integrated into the base of the pole or support structure.

Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.



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- b) Undergrounded Accessory Equipment - All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

- c) Pole-Mounted Accessory Equipment – RRU's shall be placed within antenna shrouds, as attaching them to poles is discouraged. However, if that is determined to not be technically feasible, the smallest possible RRU volume shall be utilized and mounting of any and all accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.

- d) Base-Mounted Accessory Equipment - All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.

- e) Ground-Mounted Accessory Equipment - The City shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters.

- f) Accessory Equipment Volume - All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with



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the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

- 5. Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit/lease term.

Exhibit A – Camino del Mar Streetscape Light Pole Specifications

Exhibit A

Submitted by OCS Lighting & Control (OCS)



Job Name:
(new) Camino Del Mar Streetscape Improvements
Architect: City Electric Supply - Santee (Santee)

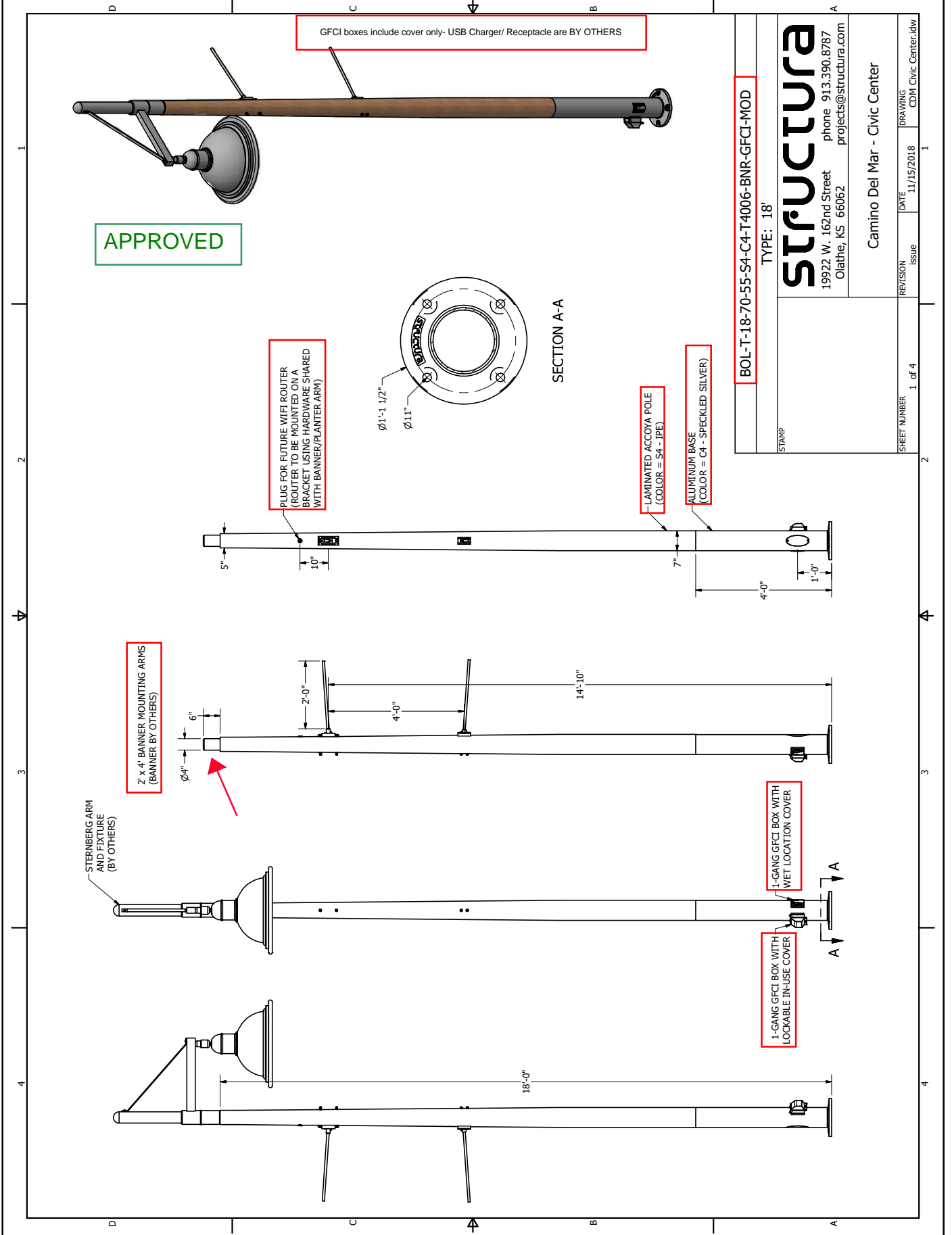
Catalog Number:
BOL-T-18-70-5" TOP DIA-S4-C4-
T4006- 2GFCI-BNR

Notes: Bol, Straight, 18', 7.0" base, Top diameter @ 5", TA 4" x 6"

Type:

4

OCS18-56906



TYPE: 18'
BOL-T-18-70-55-S4-C4-T4006-BNR-GFCI-MOD

STAMP

STRUCTURA
19922 W. 162nd Street phone 913.390.8787
Olathe, KS 66062 projects@structura.com

Camino Del Mar - Civic Center

SHEET NUMBER	1 of 4	REVISION	Issue	DATE	11/15/2018	DRAWING	CDM Civic Center.dwg
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CITY OF DEL MAR CITY COUNCIL POLICY BOOK

117	INCLUSION OF A HOUSING IMPACT STATEMENT IN DESIGN REVIEW BOARD, PLANNING COMMISSION, AND CITY COUNCIL AGENDA REPORTS	DATE ADOPTED:	2/22/2022
		BY RESOLUTION:	2022-14
		PAGES:	PAGE 1 OF 2

POLICY:

Purpose and Intent: The State Legislature declared a statewide housing crisis; and the City’s Housing Element reflects the importance of protecting and enhancing the local housing supply. As part of the City’s adopted 6th Cycle Housing Element covering years 2021-2029, the City Council adopted Program 5B committing to establish a City Council policy that a “Housing Impact Statement” be included in all staff reports for discretionary land use and planning decisions. The intent is to demonstrate the City’s commitment to analyze how proposed development actions would meet the City’s allocated Regional Housing Needs Assessment (RHNA) and adopted housing goals as stated in the Housing Element, prior to approval of discretionary actions with the potential to impact available housing options and affordability levels within the City.

Procedure: A “Housing Impact Statement” shall be included within each agenda report for pending decisions of the Design Review Board, Planning Commission, and City Council on discretionary land use and planning permits or legislative actions.

This type of analysis would be conducted for agenda reports relating to pending legislative actions and discretionary quasi-judicial actions as follows:

- Legislative actions involve the adoption of policies, resolutions, and ordinances and would include the processing of amendments such as Community Plan amendments; new land use plans or amendments thereto; new zoning, subdivision, and construction ordinances or amendments thereto; amendments to the Local Coastal Program; new specific plans or amendments thereto; and development agreements.
- Quasi-judicial actions involve the application of adopted policies and ordinances to projects as part of discretionary review on a permit or action before a decision maker. This includes binding, appealable decisions involving the application of adopted land use policies, subdivision regulations, zoning regulations, and building construction regulations to discretionary development applications, as applicable. The most typical quasi-judicial actions relating to housing capacity include pending applications for subdivision maps, coastal development permits, conditional use permits, floodplain development permits, and Design Review Board (DRB) permits.

Planning-related projects where this type of analysis and housing impact statement would not be required include applications with no potential to affect the capacity of housing in the City (i.e., Tree, Scenic Views/Sunlight applications).



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

117	INCLUSION OF A HOUSING IMPACT STATEMENT IN DESIGN REVIEW BOARD, PLANNING COMMISSION, AND CITY COUNCIL AGENDA REPORTS	DATE ADOPTED:	2/22/2022
		BY RESOLUTION:	2022-14
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Content for Housing Impact Statement: The Housing Impact Statement is intended to be an informative statement that explicitly addresses the relationship between the proposed action and the City's adopted Housing Element. Following are examples of the type of content that could be included in the Housing Impact Statement for consideration by respective decision makers:

- *State whether the proposed action would facilitate the development of housing consistent with the adopted Housing Element.*

Provide details to specify how the proposed action would facilitate housing consistent with the Housing Element, including the City's assigned Regional Housing Needs Allocation (RHNA); and where applicable, identify the number of dwelling units proposed, the proposed density, and the targeted affordability level of the units.

- *State whether the proposed action would be in conflict with the adopted Housing Element.*

Provide details to specify how the proposed action would be in conflict with the Housing Element, including RHNA; and where applicable, identify the number of dwelling units proposed, the proposed density, and the targeted affordability level of the units.

- *State whether the proposed action would have no impact on the local housing supply or housing affordability.*

If applicable, explicitly state why the proposed action would not have an impact on the local housing supply or housing affordability.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

118	Roles & Responsibilities of the Council-Appointed Mayor and Deputy Mayor	DATE ADOPTED:	9/18/2023
		BY RESOLUTION:	2023-38
		PAGES:	PAGE 1 OF 3

I. PURPOSE:

The City of Del Mar Mayor and Deputy Mayor are appointed annually by the City Council. The purpose of this policy is to outline the roles and responsibilities of the Council-appointed Mayor and Deputy Mayor and to establish guidelines to assist the Mayor and Deputy Mayor in performing their duties.

II. POLICY:

A. MAYOR'S DUTIES:

The Mayor shall be a member of the City Council and shall perform all the functions and have the same authority and rights as the rest of the Council in their capacity as Councilmembers. In addition to said Councilmember functions, authority and duties, the Mayor shall have the responsibilities of:

- 1) Serving as the presiding officer of the City Council in accordance with the Del Mar Municipal Code (DMMC) Chapter 2.20.020, and in doing so ensuring equal opportunity for participation among the Council and members of the public, as well as ensuring decorum by members of the Council and public consistent with the City's adopted Code of Civil Discourse and Council Policy.
- 2) Working with the City Manager and City Clerk on the planning and management of regular City Council meeting agendas consistent with Council Policies 300 and 301.
- 3) Being the official head of the City for all political and ceremonial purposes and in the name and on behalf of the City, unless the City Council has designated another Councilmember to do so.
- 4) Representing only the City of Del Mar's official Council-approved position at any public forum, meeting with elected officials, or when being interviewed by the press on behalf of the City, regardless of the Mayor's personal views.
- 5) Regularly report out and keeping the Council informed as to their activities as Mayor on behalf of the City as part of the regularly agendized City Council reports at City Council meetings.
- 6) Notifying the Deputy Mayor and City Manager when unable to represent the City as requested by the City or outside parties to ensure that the City is properly represented at outside meetings, functions and other engagements.
- 7) Signing all legal instruments and documents to which the City is a party except where otherwise provided herein or by applicable law, ordinance, or resolution, minute action, or order of the Council.
- 8) Representing the City in any and all matters involving other governmental agencies, unless another Councilmember has been designated to do so by the City Council, and provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City unless duly authorized or ratified by the City Council.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

118	Roles & Responsibilities of the Council- Appointed Mayor and Deputy Mayor	DATE ADOPTED:	9/18/2023
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- 9) Performing such other duties consistent with the office as may be prescribed by this policy or delegated to or imposed on the Mayor by the City Council if not inconsistent with the provisions of this policy.

B. DEPUTY MAYOR’S DUTIES

The Deputy Mayor shall be a member of the City Council and shall perform all the functions and have the same authority and rights of a duly elected Councilmember. In the Mayor’s absence, the Deputy Mayor shall serve as the presiding officer of the City Council and will fulfill the mayoral duties described in this policy, as needed.

C. EXPECTATIONS OF THE MAYOR AND DEPUTY MAYOR

It is the expectation of the City Council that the Mayor and Deputy Mayor, in the absence of the Mayor, be available to perform the duties outlined in this policy as well as duties set forth in DMMC Chapter 2.20.020 and other applicable City Council policies. Additionally, it is the expectation of the City Council that the Mayor and Deputy Mayor comply with the Del Mar City Council and City Manager Guiding Principles when performing mayoral duties.

D. CONSIDERATION OF THIS POLICY WHEN APPOINTING MAYOR AND DEPUTY MAYOR

In accordance with DMMC Chapter 2.20 - City Council, the City Council will select a Mayor and a Deputy Mayor annually at the first meeting in December. Three affirmative votes shall be required to choose or change the Mayor or Deputy Mayor (DMMC 2.20.020(B)).

Additionally, as outlined in City Council Policy 100- Selection of the Mayor and Deputy Mayor, it has been the tradition of the City Council to place the top two vote getters in any election into a queue to rotate into the position of Mayor and Deputy Mayor, but it is not required that the City Council do so. Policy 100 states further that should any City Council member not be available to take their place in the traditional rotation, the next person in the rotation will be elevated to the Deputy Mayor or Mayor position, as applicable.

In accordance with this policy and Policy 100, the City Council will take into consideration the availability and willingness of its members to perform the duties and responsibilities of the Mayor and Deputy Mayor when voting on appointments to these important roles.

E. CHANGE OF THE MAYOR AND DEPUTY MAYOR

Once appointed, if the Mayor or Deputy Mayor fail to meet the expectations of the City Council as identified in this Policy, in accordance with City Council Policy 301- Request by Members of the City Council to Place an Item on a City Council Agenda, two City Council members may place an item on the City Council agenda for the Council to consider



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

118	Roles & Responsibilities of the Council- Appointed Mayor and Deputy Mayor	DATE ADOPTED:	9/18/2023
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changing the Mayor and/or Deputy Mayor. Three affirmative votes shall be needed to change the Mayor and/or Deputy Mayor.

F. RELATED REGULATIONS & POLICIES

DMMC Chapter 2.20.020- Presiding Officer states that the City Council shall appoint a Mayor and Deputy Mayor at the first City Council meeting in December by three affirmative votes; establishes a one-year term for the Mayor; and designates the Mayor, or in the Mayor's absence, the Deputy Mayor, as the presiding officer of the City Council. In addition, the City Council has adopted various City Council policies included in the City Council Policy Book that include additional duties and responsibilities of the Mayor and Deputy Mayor for specific functions such as proclamation and managing public oral communications at City Council meetings. The Del Mar City Council and City Manager Guiding Principles also applies to the Mayor and Deputy Mayor in their capacity as members of the City Council and when performing their mayoral duties.



**CITY OF DEL MAR
CITY COUNCIL POLICY BOOK**

119	ACCESSORY DWELLING UNIT (ADU) AMNESTY PROGRAM	DATE ADOPTED:	12/04/2023
		BY RESOLUTION:	2023-48
		PAGES:	1 OF 3

I. PURPOSE AND INTENT:

This policy establishes the City of Del Mar Accessory Dwelling Unit (ADU) Amnesty Program and outlines the procedure by which a property owner would legalize an existing ADU that was previously constructed without the benefit of permits. The intent of the policy is to legalize unpermitted dwelling units and identify undocumented dwelling units that can be documented and reported to the State Department of Housing and Community Development Department in the Annual Housing Progress Report. Further, this Program will provide incentives to create deed-restricted moderate and low-income housing that can be assigned as moderate and low-income units in the City’s Regional Housing Needs Allocation (RHNA) and adopted housing goals as stated in the Housing Element. The establishment of this policy satisfies Program 2B and is a component of Program 6B of the City’s Certified 6th Cycle Housing Element.

II. POLICY

A. PROCEDURE:

The Amnesty Program shall commence on the date the policy is adopted by the City Council and be active for two years, unless extended by the City Council. Property owners will come forward, either voluntarily or through the City’s Code Enforcement process, to legalize the unpermitted dwelling unit(s) on their property. During the two-year Program, fee waivers may be granted in accordance with Table 1 below, depending on how the ADU is utilized.

Below is a step-by-step procedure to legalize an existing, unpermitted Accessory Dwelling Unit, and for creation of a low-income housing unit.

- 1) Property owner contacts the Planning Department for assistance with legalizing the existing ADU.
 - a. If the property owner comes forward due to a code enforcement complaint, a portion of the code enforcement fees may be waived in accordance with this Program.
- 2) City staff shall verify the unit existed as of April 15, 2021, and that the unit has not been previously counted toward the City’s RHNA.
- 3) The City shall provide confidential consultation and free initial inspection by Building Inspectors.
- 4) Applicant applies for Administrative Coastal Development Permit (Admin CDP), consistent with Chapter 30.91 and Chapter 30.75 of the Del Mar Municipal Code



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

119	ACCESSORY DWELLING UNIT (ADU) AMNESTY PROGRAM	DATE ADOPTED:	12/04/2023
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(DMMC). A portion of the permit fees may be waived for the Admin CDP as an incentive to create affordable housing for moderate-income or low-income households.

- 5) A building permit is required through the Building Division. The Applicant shall submit plans and a building permit application to begin the process. A portion of the building permit fees may be waived as an incentive to create affordable housing for moderate-income or low-income households.
- 6) Once the building permit is issued, the Applicant has five years to bring the ADU into compliance with Building Code Standards. The building permit standards related to timing for permit expiration identified in DMMC Section 23.50.030 shall be waived.
- 7) After the ADU has been brought into compliance with the California Building Code, and final building permit inspection has been completed on the building permit, if the Applicant agrees to rent the unit as a rent-restricted unit for moderate-income or low-income households for a 30-year period, a deed restriction shall be recorded with the County of San Diego documenting the income-restrictions of the unit.

See Table 1 on next page



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119	ACCESSORY DWELLING UNIT (ADU) AMNESTY PROGRAM	DATE ADOPTED:	12/04/2023
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Table 1: Fee Waivers/Concessions based on ADU Type

	Above Moderate (Market Rate)	Moderate-Income ADU	Low-Income ADU
Code Enforcement Fees/Fines	Partial waiver up to \$500 maximum	100% waiver applied	100% waiver applied
Administrative Coastal Development Fees	No waiver applied	50% waiver applied	100% waiver applied
Building Permit Fees, including Building Inspection	No waiver applied	50% waiver applied	100% waiver applied
Deed Restriction Recordation Fee	No waiver applied	50% waiver applied	100% waiver applied
ADU Incentive Program	N/A	N/A	<ul style="list-style-type: none"> • Bonus JrADU • 500 SF FAR bonus towards non-ADU development on-site
Additional Concessions	No additional concessions	<ul style="list-style-type: none"> • Accommodate existing ADU size that exceeds allowed maximum ADU size (attached or detached ADU) • Accommodate ADU with existing height greater than 16 feet • Accommodate existing ADU size that exceeds allowable FAR/lot coverage for the lot 	



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

120	Referral of Public Communications and Concerns Regarding City Operations	DATE ADOPTED:	12/2/2024
		BY RESOLUTION:	2024-56
		PAGES:	PAGE 1 OF 1

BACKGROUND:

The City of Del Mar operates under a Council-Manager form of government, as established by the general laws of California, Del Mar Municipal Code, Del Mar City Council and City Manager Guiding Principles, and the City Manager’s employment contract. In this system, the City Council sets policies but does not manage the daily operations of the City or direct City staff. The City Manager’s role is to implement Council policies, manage City staff, and oversee daily operations.

PURPOSE:

This policy defines the roles and responsibilities of City Councilmembers and the City Manager in responding to public inquiries related to City operations. Its goal is to ensure timely, accurate, and appropriate responses to residents' and the general public’s communications and concerns related to City operations.

POLICY:

When Councilmembers receive communications from the public regarding City operations (such as issues with facilities, open space, roadways, sidewalks, City staff, or City services) they should promptly refer these communications to the City Manager for handling. Once received, the City Manager will assess and respond in a timely manner and keep the City Council informed as appropriate.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

200	CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS	DATE REVISED:	5/19/2025
		BY RESOLUTION:	2025-10
		PAGES:	PAGE 1 OF 6

POLICY:

A. Vacancies

It is the City Council policy to advertise vacancies of the City Council advisory committees, Design Review Board, and Planning Commission on the City website for a minimum of 10 calendar days, and at least once in the Del Mar Weekly and/or through CivicSend eblast. Upcoming vacancies may also be announced by the City Manager or Council Members at City Council meetings. The deadline for interested citizens to file a Citizen Interest Form (application) is by the close of business (4:30 p.m.) on a Friday.

B. Council Appointments to City Council Advisory Committees

1. It shall be the policy of the City Council to direct its liaisons to each Council advisory committee to make recommendations to the full Council regarding appointments to City Council advisory committees.
2. If by the application deadline, the number of applications received by the City for such committees is equal to the number of vacancies, or less than the number of vacancies when recruiting for multiple vacancies, the Council liaisons to the specific committee shall determine whether to extend the deadline or review the Citizen Interest Form(s) and/or interview the applicant(s), and make a recommendation to Council that the applicant(s) be appointed to serve on the committee.
3. If by the application deadline, the number of applications received by the City for such committees is more than the number of vacancies, then the Council liaisons to the specific committee shall review the Citizen Interest Forms and/or interview the applicant(s). Council liaisons shall then make a recommendation to Council as to which applicant(s) should be appointed to serve on the committee. If the Council liaisons determine the applicants are not qualified or do not meet the needs of the committee, the application period may be reopened by the Council liaisons in order to solicit additional interest.
4. If the Council liaisons to a committee cannot agree on a recommendation for appointment(s), they shall direct staff to prepare an agenda report for the next available City Council meeting where the City Council will vote on the appointment without discussion. Three affirmative votes are needed in order for the City Council to make an appointment. If an applicant does not receive the necessary votes, the Council may re-vote or may direct staff to reopen the vacancy to solicit additional interest.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

200	CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS	DATE REVISED:	5/19/2025
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5. Applicants nominated to serve on a Council advisory committee are encouraged, but not required, to attend the City Council meeting when the City Council is scheduled to consider their appointment to serve on the Committee.
6. In the event that there is only one Council liaison to an advisory committee, the Mayor will act as the second Council liaison for the purposes of reviewing Citizen Interest Forms to recommend to the City Council for appointment.
7. Prior to the City Council meeting where the Council will vote on an appointment, any Council member can request an un-redacted copy of all qualified Citizen Interest Forms in order to review applicant information and contact interested applicant(s) prior to the meeting if so desired.
8. In accordance with Del Mar Municipal Code Chapter 2.30 “Commissions, Boards and Committees: General Provisions”, it shall be the City Council’s policy to select for appointment the candidates who received three affirmative votes by the City Council. In the case where a candidate does not receive three affirmative votes, the Council may re-vote or direct the City Clerk to re-advertise the vacancy.
9. When there are open vacancies for City Council advisory committees, other than Planning Commission or Design Review Board, the City Clerk will bring forward to the City Council the names of the candidates, the number of vacancies, and the liaison recommendation(s). The City Council will then vote on the recommendation to fill the vacancies. When the Council liaisons to a committee agree on a recommendation for appointment, the item will be included on the consent calendar. When the Council liaisons to a committee do not agree on the recommendation for appointment, the item will be brought forward as a Council Business item as described in Section B(4) of this policy.
10. If the spouse or significant other of a City Council member is an applicant to fill a vacancy on an advisory committee, the City Council member must recuse themselves from voting on that appointment.

C. Council Appointments to the Design Review Board and Planning Commission

1. The City Council shall make appointments to the Planning Commission and Design Review Board in accordance with the membership requirements of Chapter 2.34 “Planning Commission” and 2.38 “Design Review Board” of the Del Mar Municipal Code, respectively.



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2. It shall be the policy of the City Council to hold interviews for appointments to the Planning Commission and Design Review Board only when applications received for such commission or board exceed the number of vacancies.
3. Interviews shall be public and televised as part of the City Council meeting.
4. If, by the application deadline, the number of applications received by the City for such board or commission equals or is less than the number of vacancies, then there shall be an automatic extension of time to accept applications.
5. Prior to the City Council meeting where the Council will vote on an appointment, an un-redacted copy of all qualified Citizen Interest Forms will be provided to the full City Council in order to allow the full Council to review applicant information and contact interested applicant(s) prior to the meeting if so desired.
6. In accordance with Del Mar Municipal Code Chapter 2.30 “Commissions, Boards and Committees: General Provisions”, it shall be the City Council’s policy to select for appointment the candidates who received three affirmative votes by the City Council. In the case where a candidate does not receive three affirmative votes, the Council may re-vote or direct the City Clerk to re-advertise the vacancy.
7. When there are advertised vacancies for Planning Commission or Design Review Board, the City Clerk will bring forward to the City Council the names of the candidates and the number of vacancies. After interviewing candidates in a public forum, the City Council will vote on the candidates to fill the vacancies. The City Clerk will read aloud the vote of each Council member.
8. Because of conflicts of interest which might exist, or which might give the appearance to the public of existing, and in order to preserve public confidence in the City’s vital planning processes and avoid questions of fairness and bias, prejudice or influence, the immediate family member of a City Council member, Design Review Board Member or Planning Commissioner may not serve or be appointed to serve simultaneously on the Design Review Board or Planning Commission. For purposes of this policy, immediate family member is defined as an individual’s parent, child, spouse, significant other, or sibling.
9. In accordance with Section C(8) of this policy, should an immediate family member of a Design Review Board Member or Planning Commissioner be elected to serve on the City Council, said Board Member or Commissioner shall be required to resign from their position no later than the day prior to the day the City Council member’s term of office commences.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

200	CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS	DATE REVISED:	5/19/2025
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D. City Advisory Committee Membership Categories

1. Subject to the membership limits set forth in Section E(6) of this policy, the City Council liaisons to the Sustainability Advisory Committee (SAC) may designate one (1) additional seat for an ex-officio member in the committee's charter and direct staff to fill the vacancy in accordance with this policy, when desired by the SAC Council liaisons. Ex-officio members are non-voting subject matter experts who may be residents or non-residents.
2. Subject to the membership limits set forth in Section E(6) of this policy, the City Council may designate membership categories for business representatives in a committee's charter. Business representation is preferred but shall not be a requirement for any member. Business representatives are business owners or operators whose business has a physical entity within the City of Del Mar and who have a current City of Del Mar business license.

E. Concurrent Committee Assignments, Term Limits and Length, Membership Size and Rotation of Chair and Vice Chair

1. It shall be the policy of the City Council to limit the number of concurrent appointments that any one individual has to City Council advisory committees, Design Review Board, and Planning Commission. The limit of concurrent appointments shall be two. If an individual has two concurrent appointments, they will not be eligible to serve on ad hoc committees, except in special circumstances as determined by the Council or Council liaisons.
2. The number of consecutive terms an individual may serve on a committee is two, as further described in Section E(5) below. However, the City Council has the flexibility to make an exception if they feel it is to the benefit of the committee to re-appoint an individual for a third term. Committee members who would like to continue to serve another term once their appointed term has expired must re-apply by filing a Citizen Interest Form prior to the advertised deadline for applications. Former committee members must wait one year from the expiration of their second consecutive term before being appointed to the same committee.
3. The term length for all City Council advisory committees shall be three years. Terms will expire on the last day of the month.
4. The term length for voting members of the Planning Commission and Design Review Board shall be four years, in accordance with Del Mar Municipal Code Sections 2.34.020 and 2.38.020, respectively. The term length for ex-officio members on the



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

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Design Review Board shall be two years, in accordance with Del Mar Municipal Code Section 2.38.020.

5. In order to ensure that terms remain appropriately staggered, individuals appointed to fill an unexpired vacancy shall finish the remainder of the term of the vacating committee member. If the balance of the vacant term is less than six (6) months, it shall not count as a term towards the two-consecutive-term limit.
6. With the exception of the Undergrounding Program Advisory Committee, all other City advisory committees have a maximum committee membership of five (5) total voting members at the recommendation of the committee's Council liaisons and approval of the full City Council. If a committee membership size is to be reduced via attrition, attrition shall not affect members who complete their first term and are eligible and willing to serve a second term. However, such members must be recommended for reappointment by the committee's Council liaisons, and their reappointment shall be confirmed by the full Council at a Council meeting.
7. It shall be the policy of the City Council that the members of each advisory committee appoint a chair, vice chair and secretary at the last meeting of the calendar year, with the new chair serving at the first meeting of the new year, and that these positions rotate annually among all the committee members. It is recommended that the vice chair assist with committee responsibilities and provide for a succession plan for chairing the committee. In the event a committee does not have volunteers to serve as chair and vice chair, then the committee has the flexibility to allow consecutive appointments to the chair/vice chair or secretary positions, i.e. rotation of such positions among the members is not required if there are no volunteers to serve in those positions. At the discretion of the committee, the vice chair and secretary positions may be filled by the same committee member.
8. It shall be the policy of the City Council that the members of the Design Review Board and Planning Commission appoint a chair and vice chair at the last meeting of the calendar year, with the new chair serving at the first meeting of the new year, and that these positions should rotate annually among all the members. The functions of a secretary for the Design Review Board and Planning Commission, such as preparing minutes, will be managed by City staff.

F. Incumbents to Serve Until New Appointments Confirmed

It shall be the policy of the City Council to allow an incumbent on a City Council advisory committee, Design Review Board, or Planning Commission, whose term has expired to



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

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continue to officially serve until the vacancy is filled or three months has passed, whichever occurs sooner.

G. Attendance Policy for Boards, Commissions, and Committees

In accordance with Del Mar Municipal Code Chapter 2.30, if a member of a City advisory committee, Design Review Board, or Planning Commission is absent from three regular, adjourned, or special meetings within a 12-month period without cause, the term of said member is automatically vacated. Council liaisons to the commission, board, or committee shall determine whether the absence was for cause. If an advisory committee, which does not include the Design Review Board or Planning Commission, does not have two Council liaisons, then the Mayor and the Deputy Mayor shall act as liaisons to that commission, board, or committee for this purpose. If the liaisons do not agree about whether the absences were without cause so as to warrant removal, the item will be presented to the full City Council to make the determination.

H. Formation and Dissolution of Boards, Commissions, and Committees

1. New committees must be formed by Resolution of the City Council and must include a committee charter detailing, the committee mission/purpose, type of committee (standing or ad-hoc), membership requirements, conflict of interest requirements, and open meeting requirements.
2. If the newly formed committee is an ad-hoc committee, the Resolution and charter should include a sunset date. The sunset date can be extended by Council action, if necessary.
3. Committees may be dissolved by Resolution of the City Council at any time or during the annual review of the City Council Local Appointments. Ad hoc committees shall automatically be dissolved on their sunset date unless extended in advance by the City Council.

I. City Council Review of City Board, Commission, and Committee System

At least every four (4) years the City Council shall establish a subcommittee or alternative process to review the City's boards, commission and committee system to provide recommendations to improve committee efficiencies to the City Council. However, the City Council may, in its discretion, elect to review the City's boards, commission and committee system outside of the four (4) year review as it deems necessary.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

201	POLICIES SET BY BOARDS AND COMMISSIONS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that any policies set by boards and commissions that involve project review shall be ratified by the City Council at a regularly scheduled City Council meeting.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

202	RESPONSIBILITIES AND EXPECTATIONS OF COUNCIL LIASIONS TO CITY ADVISORY COMMITTEES AND OF COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES	DATE REVISED:	1/10/2022
		BY RESOLUTION:	2022-07
		PAGES:	PAGE 1 OF 4

POLICY:

The following guidelines are to assist City Council members in performing their duties as liaisons to City advisory committees, ad hoc committees, Del Mar Community Connections (DMCC), Del Mar Village Association (DMVA), various Del Mar non-profits, and as Del Mar representatives to outside agencies. These guidelines also apply to the appointed community representatives to outside agencies, including the Del Mar Representative to the San Diego County Water Authority Board.

A. CITY ADVISORY COMMITTEES

1. Council Liaison Primary Responsibilities

- a) Assist with the recruitment of qualified volunteers and encourage them to apply to serve on the committee when vacancies occur, recognizing that the City's goal is to have at least two qualified applicants for each position.
- b) Recruit another Council member to attend meetings in their place when the liaison is unable to attend.
- c) Assist Committee Chairs with the following:
 - i. How to run a meeting.
 - ii. How to accommodate public testimony and input.
 - iii. How to work with the committee's staff liaison to prepare agendas, including review of draft agendas with the Chair and staff liaison (A sample agenda is attached to use as a template);
 - iv. Clarify the process for committee members and the public to get something on the committee agenda.
 - v. Ensure that the committee stays on task.
 - vi. Determining when City staff should, and should not, be asked for assistance. Generally, simple requests for information from staff can be made directly by the Chair or committee members while requests for staff work should go through the Council liaison(s) who can carry them to the City Manager and staff for response.
 - vii. Establishing goals and a work plan for the committee at the beginning of each year in conjunction with the City's budget and goal setting process.
- d) Inform and assist the committee as a whole including:
 - i. Understanding the City's system of advisory committees including:
 1. Understanding the role of a committee member.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

202	RESPONSIBILITIES AND EXPECTATIONS OF COUNCIL LIASIONS TO CITY ADVISORY COMMITTEES AND OF COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES	DATE REVISED:	1/10/2022
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2. Understanding the scope of the committee’s charge.
 3. Understanding the relationship between the committee, Council, public, and City staff.
 4. Understanding any budgetary constraints applicable to the committee’s work.
- e) Ensures the committee stays on task and within the scope of its charter and mission, adopted Council goals, and any direction provided by Council.
- f) Ensures the committee understands its role is advisory only.
- g) Assist the committee in completing its advisory recommendations to Council in a timely manner.
- h) Effectively communicates committee advisory recommendations to Council.
- i) Facilitates in transition to a successor Council liaison when there is change.
- j) Where appropriate, advocates for committee recommendations.
- k) Ensuring that meetings are welcoming and that the Code of Civil Discourse is followed.

2. Reporting

- a) **To the Committee.** The Council liaison(s) should give a brief report to the committee at the beginning of each meeting covering:
- i. Any recent actions of the City Council or upcoming Council agenda items relevant to the committee’s work; and
 - ii. Any recent actions of outside entities or governments, of which the liaison has knowledge, relevant to the committee’s work.
- b) **To the Council, Staff, and Public.** The Council liaison(s) should give a report, in public session, at Council meetings covering:
- i. Updates on the committee’s work;
 - ii. Identify, and discuss as may be appropriate, any difficulties the committee is experiencing and provide recommendations for how assistance can be provided;
 - iii. Any committee actions/recommendations;



**CITY OF DEL MAR
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- iv. Any specific requests from the committee for assistance, guidance, or other support; and
- v. In addition to providing oral updates to the Council, written reports are encouraged for matters of importance which can be included in the public agenda packet and accessible following the Council meeting.

3. Attendance

- a) Council Liaison Attendance. It shall be the policy of the City Council that Council liaison(s) assigned to Council advisory committees make it their goal to attend the advisory committee meetings. The liaison(s), in communication with the committee Chair and each other, may determine whether one, both, or neither of the committee Council liaison(s) are needed at a particular committee meeting. It is also the goal of the City Council to promote the continued progress of the advisory committees and not to require that a Council liaison be in attendance in order for that committee to meet.
- b) Committee Member Attendance. Del Mar Municipal Code, Chapter 2.30 states that if a member of a commission, board, or committee is absent from three meetings within a 12-month period without cause, the term of said member is automatically vacated. Council liaison(s) shall work with committee chairs to determine whether absences are for cause and will notify the City Clerk and the City staff liaison for the committee when a committee member has three or more absences without cause within a 12-month period. Examples of absences for cause include but are not limited to injury or illness of the member or their immediate family member, family obligations, and observance of religious holidays.

B. COUNCIL APPOINTED REPRESENTATIVES TO OUTSIDE AGENCIES

1. Responsibilities

- a) Represents Del Mar to the outside agency, its staff, and to the public in conformance with the City’s goals, priorities, and objectives in a manner consistent with the City’s adopted policies and priorities and with any direction from Council as a whole.
- b) Attends meetings of the outside agency to which the Council member or appointee serves as a representative, securing the services of an alternate when the primary Council member or appointee is unable to attend.
- c) Diligent in reviewing agenda materials and preparing for meetings.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

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- d) Speaks up, orally or in writing, to the outside agency to represent Del Mar’s positions on issues relevant to Del Mar and be an advocate for Del Mar’s positions.

2. Reporting

The Council representative or appointee should report to the Council, staff, and public at Council meetings as follows:

- a) When appropriate, a summary of the outside agency’s significant activities since the prior report.
- b) Any specific actions, polices, or directions of the outside agency that affect Del Mar.
- c) Any significant upcoming activities of the outside agency of potential interest to Del Mar.
- d) On any outside agency committee or subcommittee changes affecting Del Mar.
- e) In addition to providing oral updates to the Council, written reports are encouraged for matters of importance which can be included in the public agenda packet and accessible following the Council meeting.

Arranging Presentations. From time to time it may be appropriate for a Council liaison or appointee to an outside agency to coordinate a presentation by the agency to the full Council in a public meeting. When this seems appropriate, the following guidelines can be followed:

- a) Bring the request to Council for discussion and concurrence before taking it up with the outside agency;
- b) Work with the Mayor and City Manager to put the presentation on a Council meeting agenda; and
- c) Work with the outside agency to assist them in preparing their presentation.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

203	Supplemental Policy to the Del Mar Code of Civil Discourse	DATE ADOPTED:	12/7/2021
		BY RESOLUTION:	2021-51
		PAGES:	1 OF 2

POLICY:

On April 4, 2016, the City Council adopted *Civility Works: The Del Mar Code of Civil Discourse* (Attachment A) which is a pledge for respectful and inclusive communication practices that foster fruitful dialogue and promote progress at City public meetings and workshops. This policy supplements the *Del Mar Code of Civil Discourse* and provides additional standards for conduct of City Councilmembers; City advisory committee members, Planning Commissioners, Design Review Board members; and members of the public at public meetings and workshops.

A. DEFINITIONS

1. “Member” is an appointed member of a City committee, commission, or board.
2. “Speaker” is a member of the public or an applicant that makes public comment at a public meeting.

B. SUPPLEMENTAL GUIDANCE TO THE *DEL MAR CODE OF CIVIL DISCOURSE*

1. Respect yourself, the public, and fellow members

- a) Be aware of how you represent the City as leaders in the community. As a member of a committee, commission, or board you represent the City in everything you do and say. Be professional and keep decorum of meeting throughout.
- b) When speaking, be respectful of everyone’s time and be concise. Avoid being repetitive on requests and comments.

2. Maintain a welcoming atmosphere

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members towards an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

3. Maintain an open mind with the public and each other

- a) The public deserves an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member’s ability to conduct a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity. Give speakers your undivided attention and do not hold side conversations. Question from the public should be addressed only to the Chair.
- b) Ask questions of other members if you are unsure of their position.

4. Ask for clarification, but avoid debate and argument with the public

- a) Only the Chair, not individual members, can interrupt a speaker during a presentation. However, a member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

203	Supplemental Policy to the Del Mar Code of Civil Discourse	DATE ADOPTED:	12/7/2021
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b) If speakers become flustered or defensive by questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

5. No personal attacks of any kind, under any circumstance

Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive. Address the issue, not the person.

C. ENFORCEMENT

Should the public feel this policy has been violated by a member of a City committee, commission or board, the concerned person may file a complaint with the City Clerk including the date of the meeting, name of the committee/commission/board member(s), and pertinent details related to the member's conduct at the meeting, specifically how the Supplemental Policy to the Del Mar Code of Civil Discourse was violated. The City Clerk will then forward the concern to the City Council, who may take appropriate action at a public meeting should two or more Councilmembers deem it necessary.



Civility Works:

The Del Mar Code of Civil Discourse

Together we will:

Promote inclusion

Share and respect diverse perspectives

Listen to understand

Be attentive, ask questions to clarify and confirm our understanding

Show respect

Value all perspectives and look for common ground

Be clear and fair

Explain our positions and our reasoning

Focus on the issue

Embrace the facts and avoid personalizing debate

“Civility costs nothing, and buys everything.” Mary Whortley Montagu



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

204	ADVISORY COMMITTEE WORK PLANS	DATE ADOPTED:	04/04/2022
		BY RESOLUTION:	2022-23
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PURPOSE:

The City of Del Mar (City) has various committees established to advise the City Council on topics of importance to the City. The City benefits greatly from the many committee members who volunteer their time serving their community. The purpose of this Policy is to provide committee members and Council and staff liaisons with additional procedures related to committee work plans to effectively engage advisory committees and manage City financial and staff resources.

Advisory committee efforts are directed by each committee's Council approved charter and annual work plan. Committee activities fall within the scope of their respective charter and may include educational outreach and events; drafting documents for City Council consideration; preparing recommendations or comments for City Council consideration; and assisting with approved City operational (routine in nature and/or relate to the City's daily operations), special projects, and Capital Improvement Program (CIP) work plan items (collectively referred to as the City Workplan) as may be appropriate. The amount of staff time and/or City financial resources required for committee work plan items ranges from significant to minimal.

The City Council established this Policy to set clear expectations for committee members, ensure committee work plan efforts are managed consistently from committee to committee, and to guide committee efforts to encourage alignment with established City Council Goals & Priorities (Council Goals) and the approved City Workplan.

POLICY:

The following procedures should be followed when preparing proposed advisory committee annual work plans and for ongoing management of committee work plan items and related City resources.

A. Advisory Committee Annual Work Plans

1. In accordance with the Standard Operating Principles for Advisory Committees, each committee will develop a proposed work plan for City Council approval annually.
2. Each year, committee chairs shall meet with the committee's Council and staff liaisons to draft a proposed committee work plan for committee consideration at the first meeting of the calendar year. The proposed work plan shall include a description of each work plan item, estimate of staff hours and City resources required, priority level, nexus to Council Goals and/or the City Workplan, and any additional pertinent information the committee would like to include. The City Clerk's Office will provide committees with standardized format for drafting annual work plans.
 - a. City Council will review and approve and/or modify committee work plans annually.



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204	ADVISORY COMMITTEE WORK PLANS	DATE ADOPTED:	04/04/2022
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- b. City Council approval is required to allocate resources to any committee generated items, including any new work plan items, that fall outside of the approved City Workplan. This will ensure the item can be considered in the context of the City's overall work plan, staff capacity, and financial position.

- c. City Council may take action related to committee generated work plan items including determining the item be added to the City Workplan, deferring the item for consideration as part of a future City Workplan, modifying the work plan item, providing additional direction to the committee, or not pursuing the item further.

- d. Committees will be notified of the City Council meeting when the proposed committee work plan item will be considered and the outcome of the City Council decision.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

300	PLACEMENT OF ITEMS ON THE CITY COUNCIL AGENDA	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

1. City Council meetings are held so that the City Council may conduct the business of the City. Items will be placed on the agenda only as follows:
 - a. By the City Manager or City Attorney; or
 - b. By the City Council, in accordance with City Council Policy #301.

DISCUSSION: The agenda is a lawful tool used by the City Council to conduct the public's business.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

301	REQUEST BY MEMBERS OF CITY COUNCIL TO PLACE AN ITEM ON A CITY COUNCIL AGENDA	DATE REVISED:	7-1-2019
		BY RESOLUTION:	2019-34
		PAGES:	1 OF 1

POLICY:

1. Any two City Councilmembers may request that an item be placed on a City Council Agenda for discussion and possible action.
2. For the item to be placed on the agenda:
 - a. Councilmembers intending to request that an item be placed on a City Council Agenda shall notify staff as soon as possible, but not later than a week and a half prior to the agenda packet distribution.
 - b. The request must be submitted to the City Manager in writing and include the wording of the agenda item and a brief explanation of the issue to be discussed; and
 - c. The information and materials needed for agenda packet distribution must be submitted no later than 5:00 p.m. on the Thursday prior to the City Council agenda packet distribution date.
 - d. Exceptions will be made for requests that are time sensitive or are deemed an emergency.
3. Generally, a staff report will not be prepared for the item.

DISCUSSION: The agenda is a lawful tool used by the City Council to conduct the public's business. To accommodate the diversity of the City's citizens, City Councilmembers, as representatives of the public, should be afforded the opportunity to present matters for City Council consideration.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

302	EARLY RELEASE OF AGENDA MATERIALS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that documents prepared by or at the discretion of the City staff for City Council discussion or consideration at a public meeting shall not be available to the public until after the documents have been made available to the City Council members, at which time, they will be released to everyone.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

303	PROCLAMATIONS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. Proclamations are reserved for accomplishments and/or events of significant importance to the Del Mar community. Proclamations are less formal than official Resolutions of the City Council. Proclamations do not require formal vote or action by the Council at a Council meeting, and are prepared by the City Clerk and are not numbered. Proclamations are used for various forms of recognition, including:
 1. Recognition of individuals and organizations whose contributions and achievements have community-wide significance;
 2. Recognition of Del Mar residents on the occasion of their 100th birthday;
 3. To call public attention to a significant community event, service, or program; or
 4. To highlight a special period of observance, celebration, or recognition for community, regional, state, or national occasions.
2. All requests for Proclamations should be directed to the Mayor's office for review. Proclamations will be issued at the discretion of the Mayor, but may be requested by individual Councilmembers through the Mayor. A copy of each proclamation is maintained in accordance with the City's Records Retention Schedule.
3. The Mayor shall determine whether a proclamation is signed only by the Mayor, or by the entire Council, and whether or not it is appropriate to present the proclamation at a Council meeting or other venue. If presented at a Council meeting, the Mayor and/or his/her designee shall make the presentation under "Presentations/Announcements." If no venue is designated, a proclamation may be mailed to the recipient.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

304	CALLING OF A CITY COUNCIL SPECIAL MEETING	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. A Special Meeting can be called at any time by the Mayor or a majority of the City Council.
2. The Notice and Agenda shall be prepared under the direction of the City Manager.
3. The Notice and Agenda shall be submitted to the City Clerk to accomplish the noticing in accordance with the Government Code.
4. Notice to a Councilmember may be accomplished by personal delivery, electronic mail (email), telephone, telephone answering machine, or facsimile machine.
5. Before a Councilmember goes out of town or will otherwise be unable to be reached for a significant period of time, the Councilmember will file, with the City Clerk, a waiver of notice of special meetings. The waiver will allow a special meeting to be conducted even though the absent Councilmember did not receive notice.

DISCUSSION:

This policy provides for the use of special meetings as a lawful tool for the accomplishment of the public's business.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

305	CITY COUNCIL QUESTIONS OF STAFF REGARDING AGENDA ITEMS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

Prior to the meeting, Councilmembers should contact the City Manager or appropriate staff with questions on items on the agenda.

DISCUSSION:

This policy is intended to assist in the production of accurate and timely staff responses to City Council questions asked during the meeting. It allows staff to understand and be better prepared to address the issues that arise with agenda items during a meeting. This policy is designed to avoid some of the causes for having to continue agenda items and to assume that there are no surprises in Council requests or staff responses.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

306	WRITTEN COMMUNICATIONS RECEIVED ON AGENDA ITEMS BEFORE A CITY COUNCIL, PLANNING COMMISSION, OR DESIGN REVIEW BOARD MEETING BUT AFTER THE AGENDA AND STAFF REPORTS ARE PUBLISHED (“RED DOT” ITEMS)	DATE REVISED:	11-6-2017
		BY RESOLUTION:	2017-69
		PAGES:	1 OF 1

POLICY:

“Red Dots” are written communications received from members of the public and staff on City Council, Planning Commission, or Design Review Board (DRB) items after the agenda for an upcoming meeting has been published, and are submitted prior to the meeting taking place.

The following Red Dot procedures will be followed:

1. City Council red dots shall be submitted to the City Clerk at cityclerk@delmar.ca.us and Planning Commission and Design Review Board red dots shall be submitted to the Planning Department at planning@delmar.ca.us. Red dots can also be hand delivered or mailed to City Hall.
2. The communication shall be marked with a “red dot” and distributed to all City Councilmembers and the City Manager prior to commencement of the meeting. The communications will also be posted on the city’s webpage.
3. Red Dots must be received no later than 12 p.m. on the day of the meeting. If the Red Dot is submitted after this cut off time, there is no guarantee that it will be reviewed by the City Council, Planning Commission, or Design Review Board prior to the meeting. However, the communication will be distributed and included in the record for that agenda item.
4. The communication shall be retained from the time of receipt until the City Council meeting in the City Clerk’s office and be made available for public review in accordance with the Brown Act and public records requirements. And, the communication will be distributed and included in the record for that agenda item.
5. The Mayor may acknowledge receipt of “red dot” communications, but need not read them aloud at the City Council meeting.

Communications related to advisory and ad-hoc committees will not be processed as red dots. They can be emailed to the City Clerk at cityclerk@delmar.ca.us and will be distributed to the committee and the staff liaisons. Advisory committee correspondence will be available for public review in accordance with the Public Records Act.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

307	USE OF THE CONSENT CALENDAR	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

1. Each agenda for a regular City Council meeting shall include a category entitled "Consent Calendar." The agenda of a special meeting may include a "Consent Calendar" category.
2. In preparing the agenda, the City Manager shall place an item on the "Consent Calendar" when it is anticipated that the item will be approved, adopted and/or accepted without the need for providing additional information and without needing City Council deliberation.
3. After a particular meeting is called to order, matters listed on the agenda may be moved to the "Consent Calendar" upon the suggestion of the Mayor or other Councilmembers, subject to an objection by a Councilmember.
4. Items placed on the "Consent Calendar" will be removed by the Mayor at the request of a Councilmember.
3. The Mayor shall request the City Clerk to read the titles and recommendations of the Consent Calendar items.
4. Before adoption of the "Consent Calendar," the Mayor shall ask for questions or receive comments from the public concerning any "Consent Calendar" item.
5. All items on the Consent Calendar shall be acted upon by a common vote on a motion to adopt the Consent Calendar. Councilmembers may register a "no" vote on any item placed on the Consent Calendar.

DISCUSSION:

The Consent Calendar is intended to provide a means for the City Council to expeditiously deal with an item which does not need further public airing.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

308	ADOPTION OF ORDINANCES ON CONSENT CALENDAR	DATE REVISED:	9-15-2014
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POLICY:

1. Unless otherwise required by law, an item involving the adoption of an ordinance may be placed on the agenda as a consent item.

2. A City Councilmember voting "No" may simply voice his/her objection to that single item prior to the Consent Calendar vote. The City Councilmembers vote will be recorded as such for the purpose of the record.

DISCUSSION:

This policy is intended to allow the adoption of an ordinance to remain on the consent calendar while allowing a Councilmember who opposes the adoption a recorded "No" vote.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

309	MAKER OF MOTION TO STATE ACTION	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

The maker of the motion shall clearly state the motion prior to the final vote by the City Council. The Mayor will state the result of the vote.

DISCUSSION:

This policy is designed to provide clarification of actions taken by the City Council at its meetings. It is intended to assist in giving direction to staff and to promote understanding by the public of City Council actions.



**CITY OF DEL MAR
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310	EFFECT OF COUNCILMEMBER ABSTAINING ON A VOTE	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. Only those votes that are cast "Aye" or "No" on a motion are counted.
2. A Councilmember who abstains will be deemed to have acquiesced in the action taken by a majority of the City Councilmembers who voted.
3. The following exemplifies this policy:

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Action</u>
	3	1	1	0	Motion Passes
	2	1	1	1	Motion Passes
	2	0	2	1	Motion Passes
	2	2	1	0	Motion Fails

DISCUSSION:

This policy is based upon several California Appellate Court decisions, an opinion of the Attorney General interpreting Robert's Rules of Order, and the common law. It supports the objective that when a Councilmember present at a meeting desires to defeat a proposed action, the member must vote against it.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

311	REQUEST FOR CONTINUANCE OF AGENDA ITEM BY MEMBER OF THE CITY COUNCIL	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. Any member of the City Council is entitled to request the continuance of an item contained on the agenda of a City Council meeting. A City Councilmember's request for continuance may be submitted:
 - a. Prior to the City Council meeting;
 - b. At the commencement of the City Council meeting; or
 - c. At the time the agenda item is taken up for consideration.
2. The request for continuance shall be submitted to the Mayor or the City Council, either in person or in writing.
3. A request shall include a statement of the specific reason why the continuance is appropriate.
4. The request shall be deemed to have been granted by consensus unless:
 - a. The law precludes a continuance; or
 - b. One or more members of the City Council requests a vote. If a request for a vote is made, the vote shall be taken on the request for continuance and no "second" is required. The vote will decide whether the continuance is granted.

DISCUSSION:

The purpose of this policy is to enable a City Councilmember to request a continuance of any item appearing on a City Council Agenda. This policy is not intended to indefinitely put off the Council's consideration of an agenda item.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

312	RECONSIDERATION OF A MATTER UPON WHICH THE CITY COUNCIL HAS VOTED	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. The Council shall not reconsider a matter upon which the City Council has voted unless:
 - a. A Councilmember on the prevailing side of the prior vote, or a non-disqualified Councilmember who was absent from the vote, moves to reconsider the matter;
 - b. The motion is seconded; and
 - c. The motion to reconsider passes.
2. If the motion to reconsider passes, the matter can be placed on the next available agenda. Or, the motion to reconsider and the particular matter can be included in the same item on the agenda.
3. If the prior vote resulted in a two-to-two tie vote, any Councilmember may request that the item be placed on an agenda for further City Council consideration. Such a request is not a motion for "reconsideration" and is therefore not subject to #1, above.
4. Reconsideration of a "subsidiary" motion (e.g., a "substitute" motion or a motion to amend the main motion) may only be made while the main motion is pending.
5. Notwithstanding the requirement in #1, above, that a motion for reconsideration be made only by a Councilmember whose prior vote was on the prevailing side, any Councilmember who was not seated at the time of the prior vote on the matter may move to reconsider any matter upon which the City Council has voted, at any time. If the vote on reconsideration, made in accordance with this part (#5), should fail then, in that event, further reconsideration shall be in accordance with this policy.
6. Notwithstanding the right to reconsideration granted by this Policy, a motion to reconsider is not permitted under the following circumstances:
 - a. Where the provisions of the motion have been partially carried out;
 - b. Where the motion has caused something to be done that is impossible to undo;
 - c. To reconsider a previous vote of reconsideration; or



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- d. When practically the same result as desired may be obtained by some other motion of the City Council.

DISCUSSION:

This policy is designed to give finality to City Council actions which are determinative of a matter, while allowing reconsideration and further consideration when appropriate.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

313	ORAL COMMUNICATIONS FROM THE PUBLIC DURING CITY COUNCIL MEETINGS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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POLICY:

1. During a meeting of the City Council, when the public has the opportunity to present oral comments to the City Council, the Mayor shall request each person wishing to address the City Council to:
 - a. Complete a “Speaker Slip” provided at the meeting, with the speaker’s name and topic he/she wishes to address;
 - b. Step to the rostrum;
 - c. State, in an audible tone of voice for the tape recorded record, their name, address, and affiliation (if applicable);
 - d. Address their remarks solely to the City Council.
2. The person addressing the City Council shall be limited to up to three minutes, unless the Mayor grants an extension or the City Council adopts a motion extending the time.
3. The person addressing the City Council shall not ask a question of a Councilmember, except through the Mayor.
4. A Councilmember shall not ask a question of the person addressing the City Council, except with the permission of the Mayor.
3. There is no quantity limitation on written comments submitted to the City Council by a member of the public.
4. Thirty minutes shall be set aside for oral communications from the public on items not on the agenda at the discretion of the Mayor. Speakers will be called on a first-come-first-served basis. Persons who did not have the opportunity to speak during the thirty minute period will be permitted to speak for three minutes each, just prior to the end of the City Council meeting.

DISCUSSION:

This policy is intended to provide a reasonable structure for the public to submit oral comments to the City Council in accordance with the laws of the State of California and the policies of the City of Del Mar.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

314	PUBLIC COMMENT THAT DISCLOSES CLOSED SESSION INFORMATION	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

1. City Council members and interested staff are not to improperly disclose information generated in a Closed Session of the City Council on any matter which may come before the Council in Closed Session. The Council shall, as a body and in accordance with the Brown Act and other appropriate laws and regulations, determine that information which is appropriate for disclosure and the method of such disclosure. In general, information generated during a Closed Session is not to be discussed publicly unless:
 - a. Disclosure is required by law, or;
 - b. When disclosure is not prohibited by law, and the City Council authorizes such disclosure.
2. Such disclosure shall be made by the City Attorney in open session.
3. City Councilmembers who, for any reason, do not participate in a closed session shall disclose their non-participation either prior to or following the closed session.

DISCUSSION:

This policy is intended to regulate a City Official's public comment that discloses Closed Session information.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

315	DELIBERATIONS OF THE CITY COUNCIL	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

1. City Council deliberation is subject to the direct supervision of the Mayor and shall be conducted in a manner that expedites the conduct of business by the City Council.
2. A Councilmember desiring to speak on an item being deliberated by the City Council shall so indicate to the Mayor. When recognized by the Mayor, the Councilmember shall confine the Councilmember's comments to the item being deliberated.
3. Councilmembers shall not interrupt a Councilmember who is speaking in accordance with the recognition of the Mayor.
4. A motion which is seconded may then be the subject of further deliberation. A vote on the motion can be called for by the Mayor or any Councilmember and will then be taken unless the City Council, by consensus, permits further deliberation.
5. A motion which is seconded may be amended with the consent of the maker of the motion and the seconder.
6. After a motion is made and seconded, but before a vote is taken, a substitute motion can be made and seconded. The substitute motion shall be voted upon prior to a vote being taken on the initial motion.

DISCUSSION:

This policy is intended to regulate the City Council's deliberation so as to allow participation of all Councilmembers and to expedite the taking of action by the City Council.



**CITY OF DEL MAR
CITY COUNCIL POLICY BOOK**

316	USAGE OF ELECTRONIC COMMUNICATION DEVICES AT THE DAIS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council that City Council Members, and any other members of the City's Boards, Commissions, and Committees, shall not use electronic communications (i.e. text, emails) with anyone in the public, or between themselves, while at the dais and/or participating in a public meeting.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

317	CITY COUNCIL MEETING ADJOURNMENT	DATE REVISED:	7-15-2019
		BY RESOLUTION:	2019-38
		PAGES:	1 OF 1

POLICY:

The City Council will adjourn City Council night meetings by 10:00 p.m. time certain. City Council may extend the meeting if 4/5 of all Councilmembers present affirm, by vote, the decision to continue the meeting past 10:00 p.m.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

318	MINUTES OF CITY COUNCIL MEETINGS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 2

POLICY:

1. The City Clerk is responsible for the preparation of the Minutes for each City Council meeting.
2. Once approved by the City Council, the prepared “Minutes” become part of the official record of the meeting and are entered into the City archives as such.
3. Recordings of the City Council meetings are available for a period of ten years, according to the City’s Records Retention Schedule.
4. In accordance with Resolution No. 2006-34 establishing Action Minutes, and for the purpose of reflecting what action was taken by the City Council, each set of Council Meeting Minutes shall include:
 - a. Name of the legislative body, date, time, and place of the meeting;
 - b. Names of the members present and absent;
 - c. Brief description, or title, of the items discussed in the order that the discussion took place;
 - d. A listing of all people who spoke to an item;
 - e. All motions made by the legislative body, including who made the motion, who seconded the motion, and the vote;
 - f. All actions taken, including by Consensus;
 - g. On all Oral Communications items, the name of the person addressing the Council, and a brief description of the topic;
 - h. Time of adjournment
5. The City Clerk shall place the proposed Minutes, for one or more prior meetings, on an agenda of a subsequent meeting for approval by the City Council. The minutes of a prior City Council meeting will not be read aloud during the meeting unless the City Council passes a motion directing the reading of the Minutes of a particular meeting.
6. A Councilmember has the right to recommend corrections to the proposed Minutes at the City Council meeting where the proposed Minutes are on the agenda for approval for the purpose of better describing the action that was taken by the legislative body.

DISCUSSION:

The Minutes of a City Council meeting are intended to accurately reflect the action that the City Council took during a City Council meeting. Roberts Rules of Order recommend that the minutes reflect “what is ‘done’ by the assembly, and not what is said by the members.” The actual words spoken and the wording of each resolution, ordinance, or other document produced as a result of the meeting take precedence over the action Minutes. While the actual words



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

318	MINUTES OF CITY COUNCIL MEETINGS	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
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spoken are recorded electronically, the “record of the Action Minutes” is indeed used as reference in many instances. Therefore, despite the policy that the recordings are maintained in accordance with the City’s Records Retention Policy, it is extremely important that any corrections of the written action “Minutes” on the part of a Councilmember be entered prior to the formal approval of the Minutes by the City Council.



CITY OF DEL MAR CITY COUNCIL POLICY BOOK

319	CITY COUNCIL PUBLIC HEARING PROCEDURES FOR DEVELOPMENT- RELATED APPLICATIONS	DATE REVISED:	7-12-2021
		BY RESOLUTION:	2021-40
		PAGES:	1 OF 1

POLICY:

Public hearings conducted by the City Council on land use and development related applications/matters forwarded to the City Council by the Planning Commission or Design Review Board for decision, including de novo hearings, shall be performed in accordance with the procedures specified in the adopted Policy Manual of the subordinate decision-making body.

PURPOSE:

By utilizing the same public hearing procedures that are followed during the hearings performed by the subordinate decision making bodies, the City Council would maintain consistency and provide clarity for applicants and interested parties of development related applications/matters.

REFERENCE:

1. PC Policy Manual – adopted July 12, 2021 by Resolution 2021-39
2. DRB Policy Manual – adopted May 3, 2021 by Resolution 2021-15