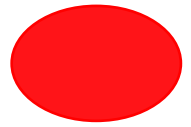


# **Del Mar City Council Special Meeting Agenda**

Del Mar Town Hall  
1050 Camino del Mar, Del Mar, California

## **January 6, 2026 City Council Special Closed Session Meeting**

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**Leslie Carrillo**

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Del Mar City Council,

Regarding the closed session hearing discussion of the De Novo Hearing related to Variance Application V24-003:

I would ask what the applicants can legally establish as their expectation for developing the property when they purchased it. Did its zoning as an R1-40 lot merely ALLOW development of a single-family dwelling unit as long as setback and other development standards of the code could be met? Or did its zoning as an R1-40 lot grant a RIGHT to develop a single-family dwelling unit?

What can the applicants establish as their "*antecedent investment-backed expectation*" to develop the lot when they purchased it? Was the development of a single-family dwelling unit on the lot a "*proscribed use interest... (that was) part of (their) title to begin with*"?

This analysis would presumably also apply to all substandard lots in the city. Taken to the extreme, are there lots in the city for which granting of a zoning variance with zero foot setbacks to allow development of a single-family dwelling unit be required as a matter of law?

In addition, I would ask whether the owners can establish that without the development of a single-family dwelling unit, they would be deprived of ALL economically beneficial uses of the land.

*“Where the State seeks to sustain regulation that deprives land of all economically beneficial use, we think it may resist compensation only if the logically antecedent inquiry into the nature of the owner's estate shows that the proscribed use interests were not part of his title to begin with.”* Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992)

Thanks for your consideration,  
Michael Deftos