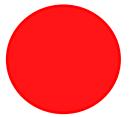


Del Mar City Council Meeting Agenda

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

April 7, 2026 City Council Meeting

**INFORMATION RECEIVED
AFTER THE COUNCIL AGENDA
WAS DISTRIBUTED
("Red Dots")**



Robert Silva

From: Robert Silva
Sent: Friday, April 3, 2026 9:01 AM
To: Robert Silva
Subject: FW: Red Dot - Encroachment Permit EP26-01

From: Janet Wilson <janet@silverhook.com>
Sent: Thursday, April 2, 2026 4:52 PM
To: City Manager Mail Box <CityManager@delmar.ca.us>
Cc: Tracy Martinez <tmartinez@delmar.ca.us>; Dan Quirk <dquirk@delmar.ca.us>; Terry Gaasterland <tgaasterland@delmar.ca.us>; John Spelich <jspelich@delmar.ca.us>; Ashley Jones <ajones@delmar.ca.us>
Subject: Red Dot - Encroachment Permit EP26-01

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Martinez and City Councilmembers,

The majority of Del Mar, including 1215 Cuchara Drive, is now in the **Very High Fire Hazard Severity Zone**.

There are two points of concern about this encroachment application. First, it approves a condition that allows dense vegetation to remain in or next to the public right-of-way despite the existing wildfire risk. Second, the covenant and indemnification provisions do not eliminate the City’s continuing responsibility to protect public safety.

Dense Vegetation in a Very High Fire Hazard Severity Zone

The staff report addresses sight lines, but not wildfire risks. Dense vegetation affects more than sight lines. It is also fuel for fires.

The report states that this area has had **dense, overgrown vegetation for many years**, and it treats that vegetation as a benefit because it screens the wall from view and acts as a natural barrier. The report says the vegetation will remain in place and be **trimmed only to improve sight distance at the intersection**.

Notifying the Fire Department before a road closure is not the same thing as analyzing fire hazard. That is a traffic-control condition, not a safety finding.

The staff report acknowledges this dense vegetation in a Very High Fire Hazard Severity Zone, leaves that fuel in place, and then concludes there are no significant environmental impacts. That skips over the obvious point: **in a wildfire-risk area, fuel load is itself an environmental concern**.

Because the report treats dense vegetation mainly as a sight-line issue and a natural barrier, rather than as fuel in a wildfire-risk area, it appears that the City’s public-safety analysis for encroachment permits has not yet caught up with the City’s changed fire hazard classification.

Covenant and Indemnification Requirement

The recorded covenant is a run-with-the-land document that records maintenance responsibility and removal upon demand by the City. The staff report also describes it as requiring indemnification.

Separate from the covenant, the City retains broad control through revocation, removal upon notice, vegetation maintenance to the City's satisfaction, change of conditions, retention of the City's ownership interest in the public right-of-way, and Public Works inspection and approval of right-of-way work.

The covenant does not say that the public right-of-way is now entirely the owner's problem and risk. Quite the opposite. The City keeps substantial control.

Under California Government Code section 835, the issue is not whether the owner promised to maintain the vegetation or indemnify the City. The issue is whether public property is in a dangerous condition and whether the City had notice and the ability to act. If the City approves this encroachment and keeps the power to control it, the covenant and indemnification language do not eliminate the City's potential exposure.

The covenant may shift costs, but it does not shift responsibility for public safety in the public right-of-way.

Request

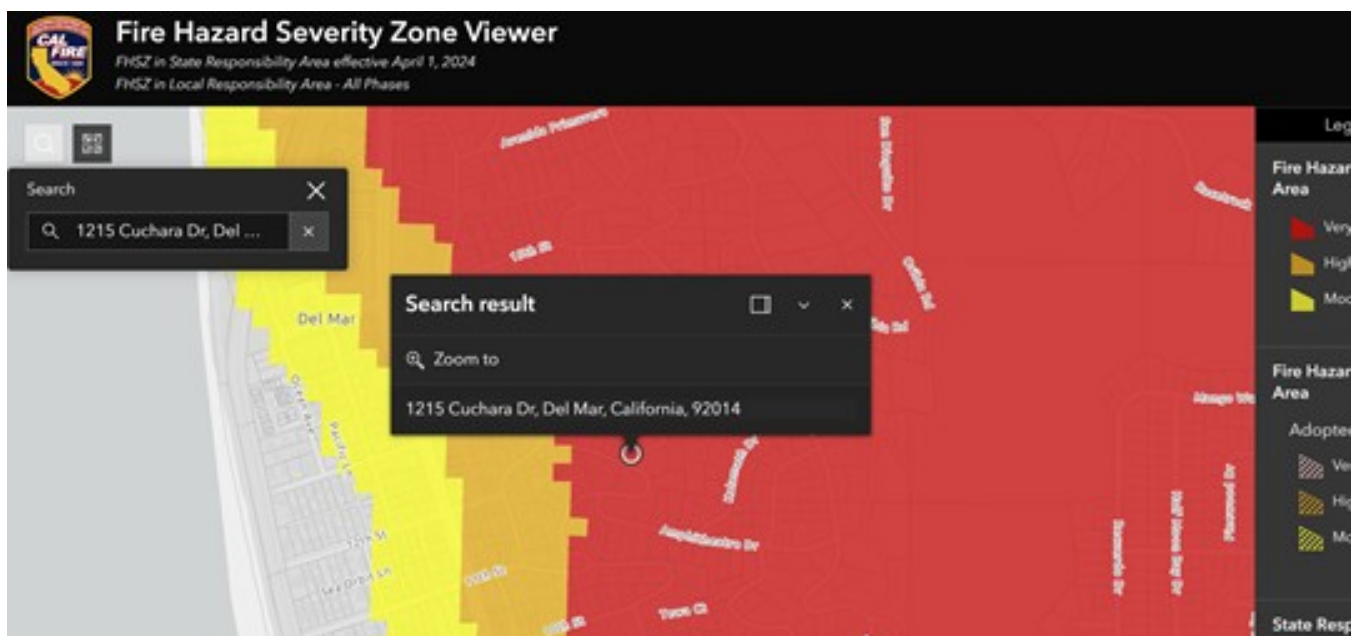
I respectfully ask that the Council decline to make Findings 1, 2, and 5 unless and until staff reassesses them in light of wildfire risk in this Very High Fire Hazard Severity Zone.

Finding 1 goes directly to whether the permit will endanger public health, safety, or welfare.

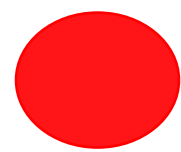
Findings 2 and 5 should also be reexamined because it is in the public interest to reduce fire risk in the public right-of-way, not approve a permit that leaves that risk in place.

Respectfully,
Janet Wilson

<https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0>







Leslie Carrillo

From: City Clerk Mail Box
Sent: Thursday, April 2, 2026 11:18 AM
To: Leslie Carrillo
Subject: FW: Item 13: EP25-049 (Rael) -- LETTERS OF SUPPORT
Attachments: 20260319_114606.PDF

From: Robert Scott <rjsplanning@gmail.com>
Sent: Wednesday, April 1, 2026 8:23 PM
To: Sarah Krietor <Skrietor@delmar.ca.us>
Cc: Nestor Machado <nmachado@delmar.ca.us>; Paul Rael <pauljrael@gmail.com>; Dean Meredith <wdeanmeredith@gmail.com>
Subject: Item 13: EP25-049 (Rael) -- LETTERS OF SUPPORT

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sarah,

Please share the attached letter of support with the City Council for EP25-049 (Rael). The letter was a red-dot at the previously-scheduled March 17 hearing but I did not see it in the current April 7 CC packet.

We have overwhelming support from the surrounding Stratford Way neighborhood and will have additional neighbor support letters prior to next Tuesday night's hearing.

Thanks,

Bob

--

Robert J. Scott, AICP, LEED AP
RJS Planning + Land Use Solutions, Inc.
1155 Camino del Mar #119
Del Mar, CA 92014
Tel. 858.692.8832

January 19, 2026

Nestor Machado
Associate Management Analyst
City of Del Mar Planning Department
1050 Camino del Mar
Del Mar, CA 92014

RE: Support for Encroachment Permit, EP25-049 (Rael)

Dear Mr. Machado,

I am a neighbor along the Stratford Way neighborhood and am writing to express my support for the right-of-way improvements being proposed by Paul Rael. The Stratford Way loop does not provide for much on-street parking for guests. And what is there is mostly a dirt shoulder, in no way indicative of Del Mar's charm and beauty.

What Mr. Rael is proposing not only provides needed public parking but does so in an attractive fashion. His thoughtful design is informal yet beautiful, is an improvement to the neighborhood overall, and should serve as a template for granting all other encroachment permits throughout the city.

Please approve EP25-09.

Respectfully,




Cole Cohen 1639 Luneta Drive Del Mar CA 92014

January 19, 2026

Nestor Machado
Associate Management Analyst
City of Del Mar Planning Department
1050 Camino del Mar
Del Mar, CA 92014

RE: Support for Encroachment Permit, EP25-049 (Rael)

Dear Mr. Machado,

I am a neighbor along the Stratford Way neighborhood and am writing to express my support for the right-of-way improvements being proposed by Paul Rael. The Stratford Way loop does not provide for much on-street parking for guests. And what is there is mostly a dirt shoulder, in no way indicative of Del Mar's charm and beauty.

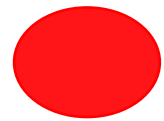
What Mr. Rael is proposing not only provides needed public parking but does so in an attractive fashion. His thoughtful design is informal yet beautiful, is an improvement to the neighborhood overall, and should serve as a template for granting all other encroachment permits throughout the city.

Please approve EP25-09.

Respectfully,

A solid black rectangular redaction box covering the signature of the sender.

Roberta Cohen 1655 Luneta Drive Del Mar CA 92014



Leslie Carrillo

From: City Clerk Mail Box
Sent: Thursday, April 2, 2026 1:46 PM
To: Leslie Carrillo
Subject: FW: Item 13: EP25-049 (Rael) Drawings
Attachments: EP25-049_Drawings_(Rael).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Robert Scott <rjsplanning@gmail.com>
Sent: Wednesday, April 1, 2026 8:14 PM
To: Sarah Krietor <Skrietor@delmar.ca.us>
Cc: Nestor Machado <nmachado@delmar.ca.us>; Paul Rael <pauljrael@gmail.com>; Dean Meredith <wdeanmeredith@gmail.com>
Subject: Item 13: EP25-049 (Rael) Drawings

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sarah,

Please forward the attached drawings to the City Council for the above item.

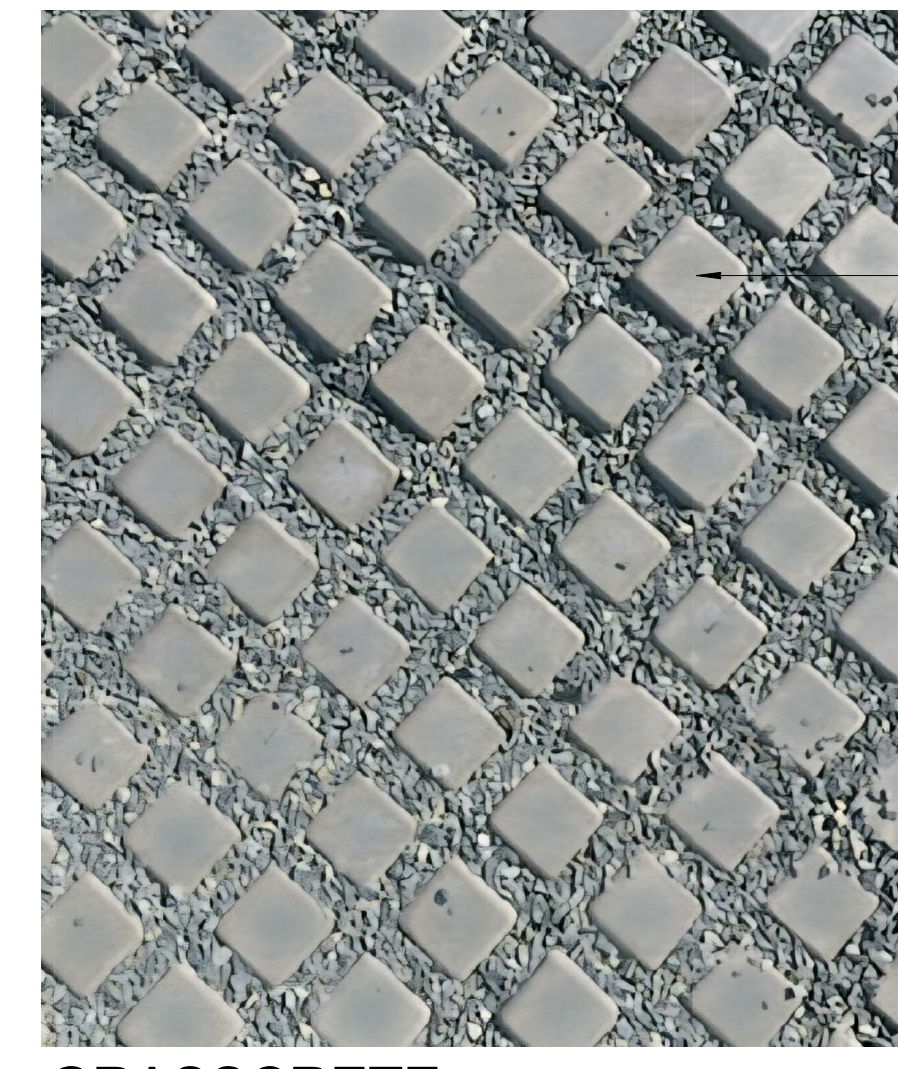
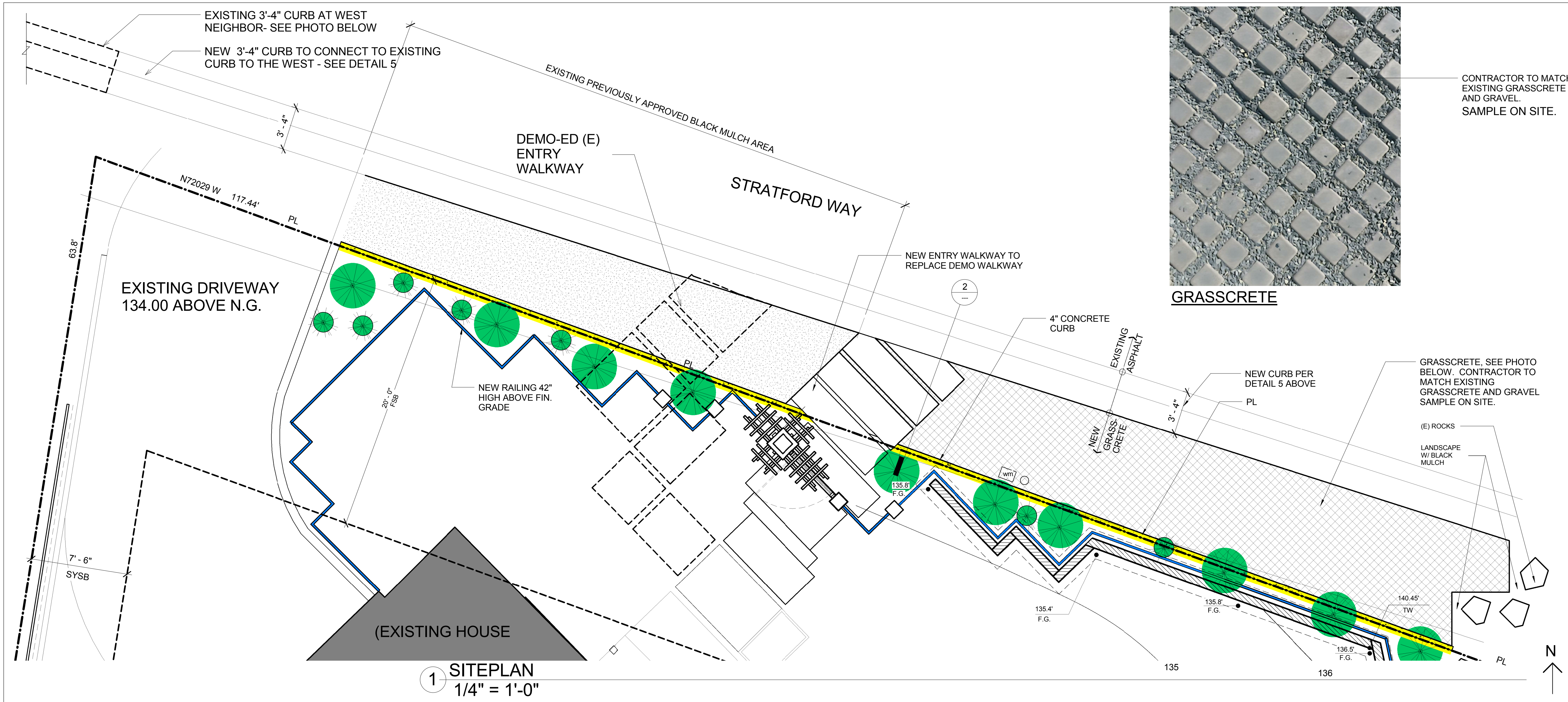
The item was continued from the March 17 City Council hearing and I want to be sure the Council has the most current set of drawings for consideration.

Thanks so much,

Bob

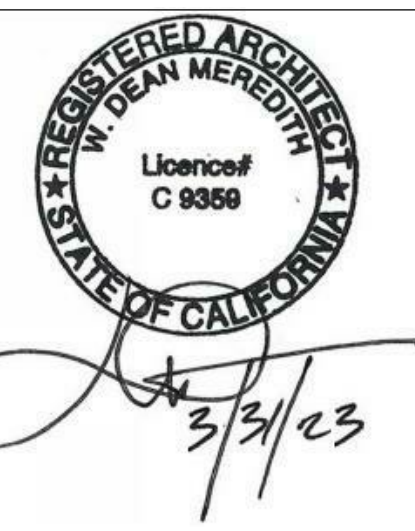
--

Robert J. Scott, AICP, LEED AP
RJS Planning + Land Use Solutions, Inc.
1155 Camino del Mar #119
Del Mar, CA 92014
Tel. 858.692.8832



GRASSCRETE

CONTRACTOR TO MATCH EXISTING GRASSCRETE AND GRAVEL. SAMPLE ON SITE.



1 SITEPLAN
1/4" = 1'-0"

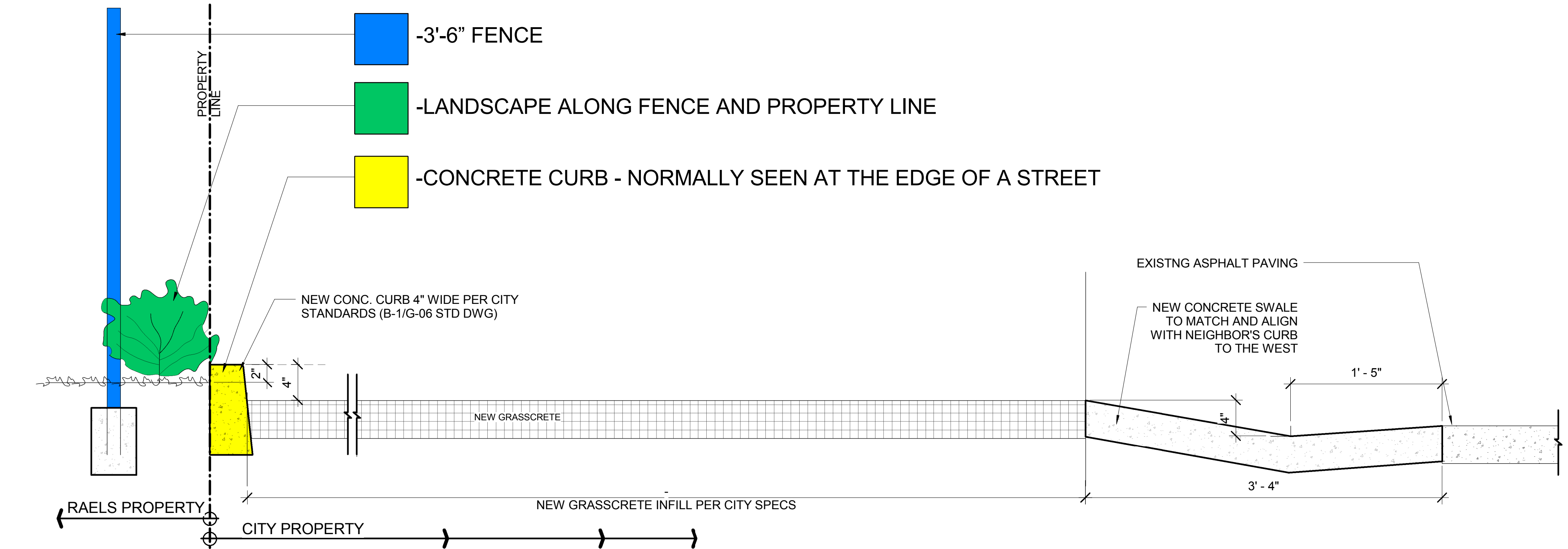
VISUALS THAT DEPICT PRIVATE PROPERTY VS PUBLIC PROPERTY DEL MAR

- 3'-6" FENCE
- LANDSCAPE ALONG FENCE AND PROPERTY LINE
- CONCRETE CURB - NORMALLY SEEN AT THE EDGE OF A STREET



PROPOSED CURB EXTENSION TO THE EAST
EXISTING 3'-4" CURB AT WEST NEIGHBOR. NEW CURB TO EXTEND TO PROPOSED SITE.

EXISTING CURB AT WEST NEIGHBOR

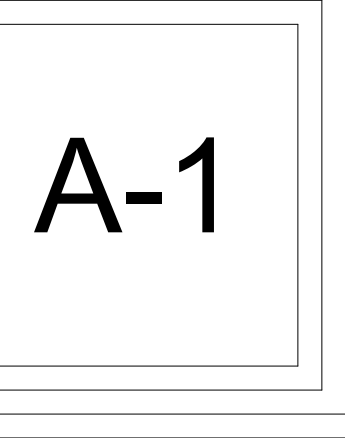


2 SECTION
1 1/2" = 1'-0"

W Dean Meredith ARCHITECT AIA

P.O. BOX 2142 DEL MAR CALIFORNIA 92014

RAEL RESIDENCE
1612 Stratford Way DEL MAR CALIFORNIA 92014





3/31/23

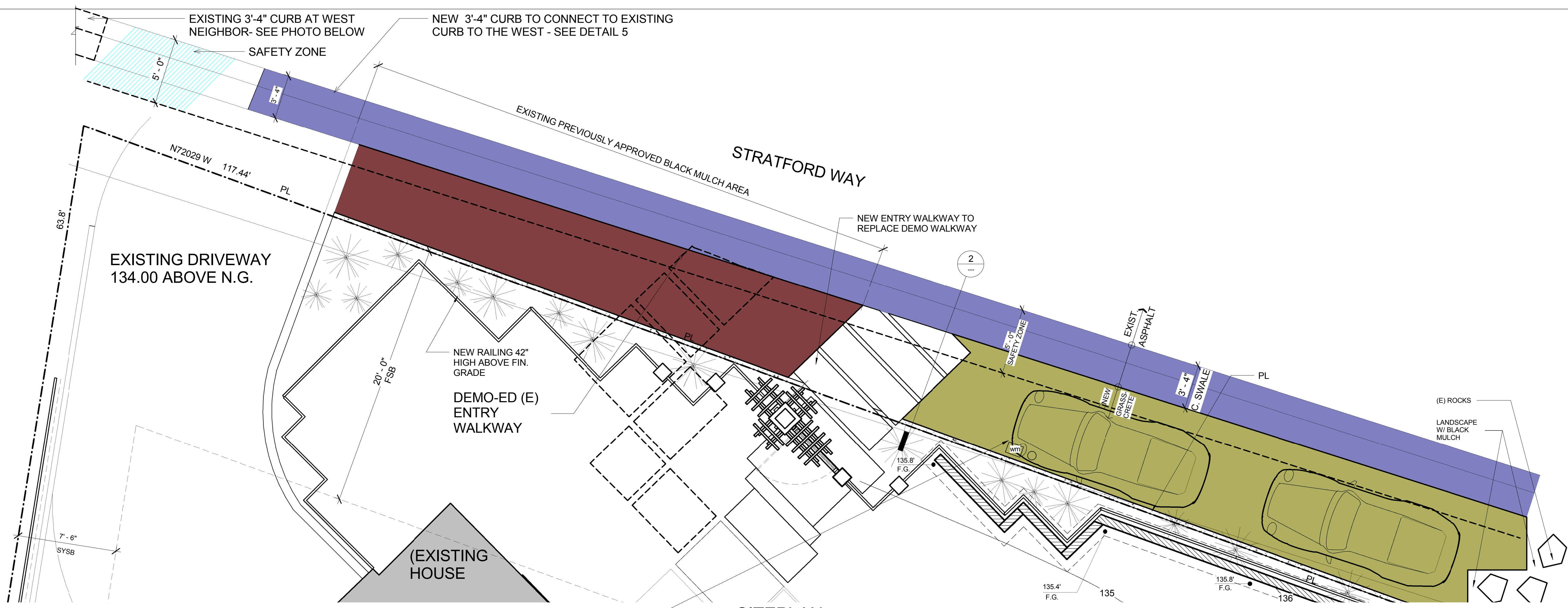
RAEL RESIDENCE

1612 Stratford Way DEL MAR CALIFORNIA 92014

W Dean Meredith ARCHITECT AIA

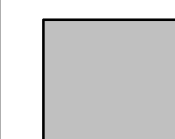
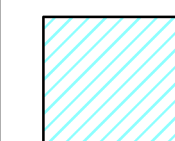


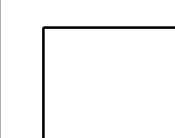

P.O. BOX 2142 DEL MAR CALIFORNIA 92014

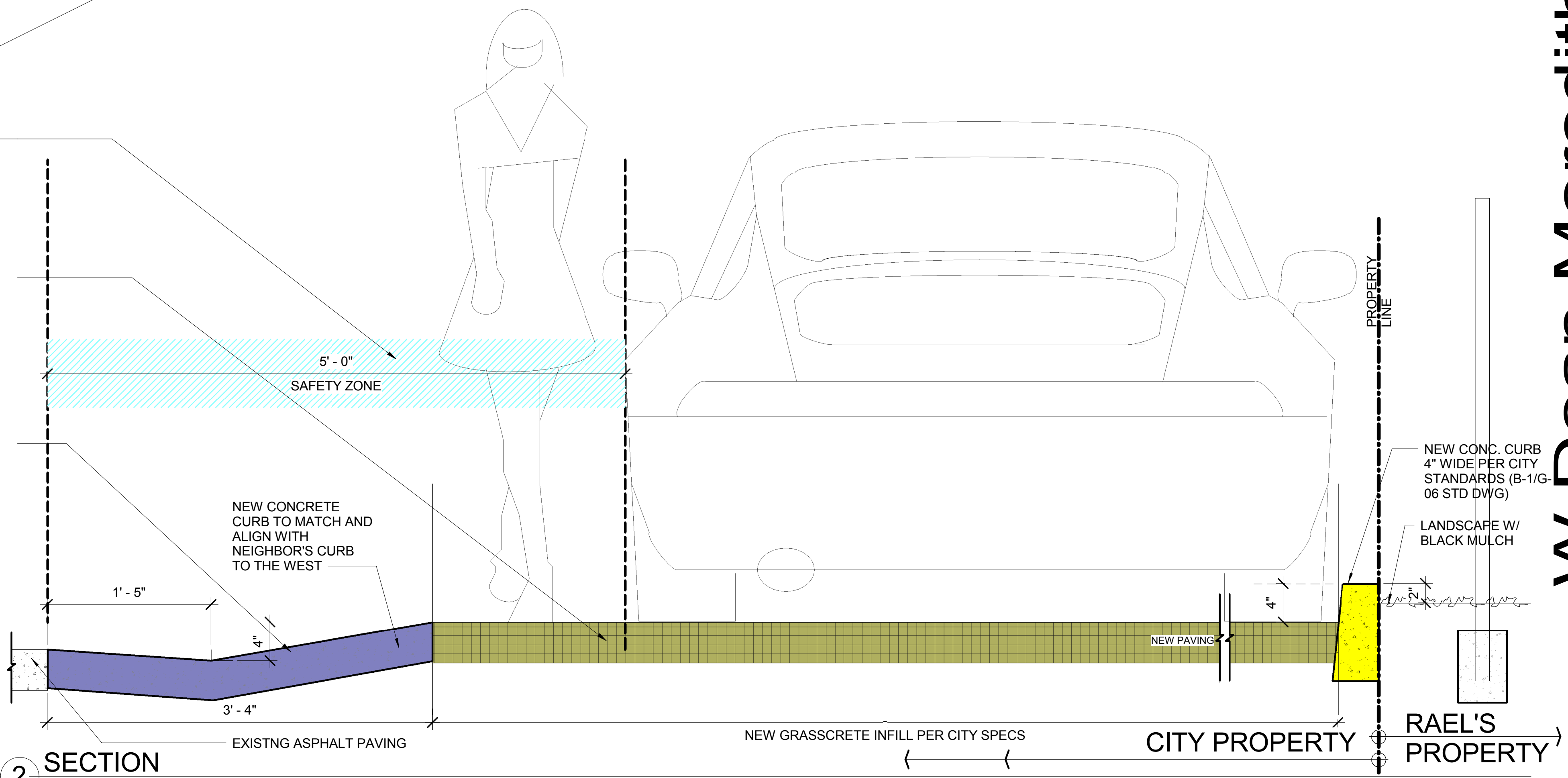
A-2



1 SITEPLAN
1/4" = 1'-0"

PUBLIC AND CITY OF DEL MAR BENEFITS

-  -TWO OFF STREET PARKING SPACES
-  -OUR DESIGN CREATES 5' SAFETY BUFFER FOR PEDESTRIANS TO EXIT STREET, PER DEL MAR REQUIREMENTS.
-  -PROPOSE A GRASSCRETE BASE WITH CHARCOAL GRAY DECOMPOSED GRANITE (COLOR TO MATCH THE EXISTING ASPHALT), APPEARS AS STREET EXTENSION FOR PARKING (NOT AS PART OF PRIVATE PROPERTY); SUPPORTS VEHICLE LOADS, STABILIZES GRANITE, ALLOWS WATER PERCOLATION, MORE AESTHETIC THAN ASPHALT; ECO-FRIENDLY WITH LESS NEGATIVE ENVIRONMENTAL IMPACT.
-  -PROPOSED NEW CONCRETE CURB AND GUTTER IMPROVEMENTS ALONG FRONTAGE, MATCHING WEST PROPERTY AND CORNER LOTS; AT RAE'L'S EXPENSE, RESOLVES CITY'S DRAINAGE/RUNOFF ISSUES.
-  -PROPOSED CONCRETE ENTRY PAVERS. WE ARE PROPOSING TO RELOCATE THE EXISTING ENTRY PAVERS EAST TO THE NEW ENTRY STRUCTURES AND GATES.
-  -PREVIOUSLY APPROVED BLACK MULCH AREA

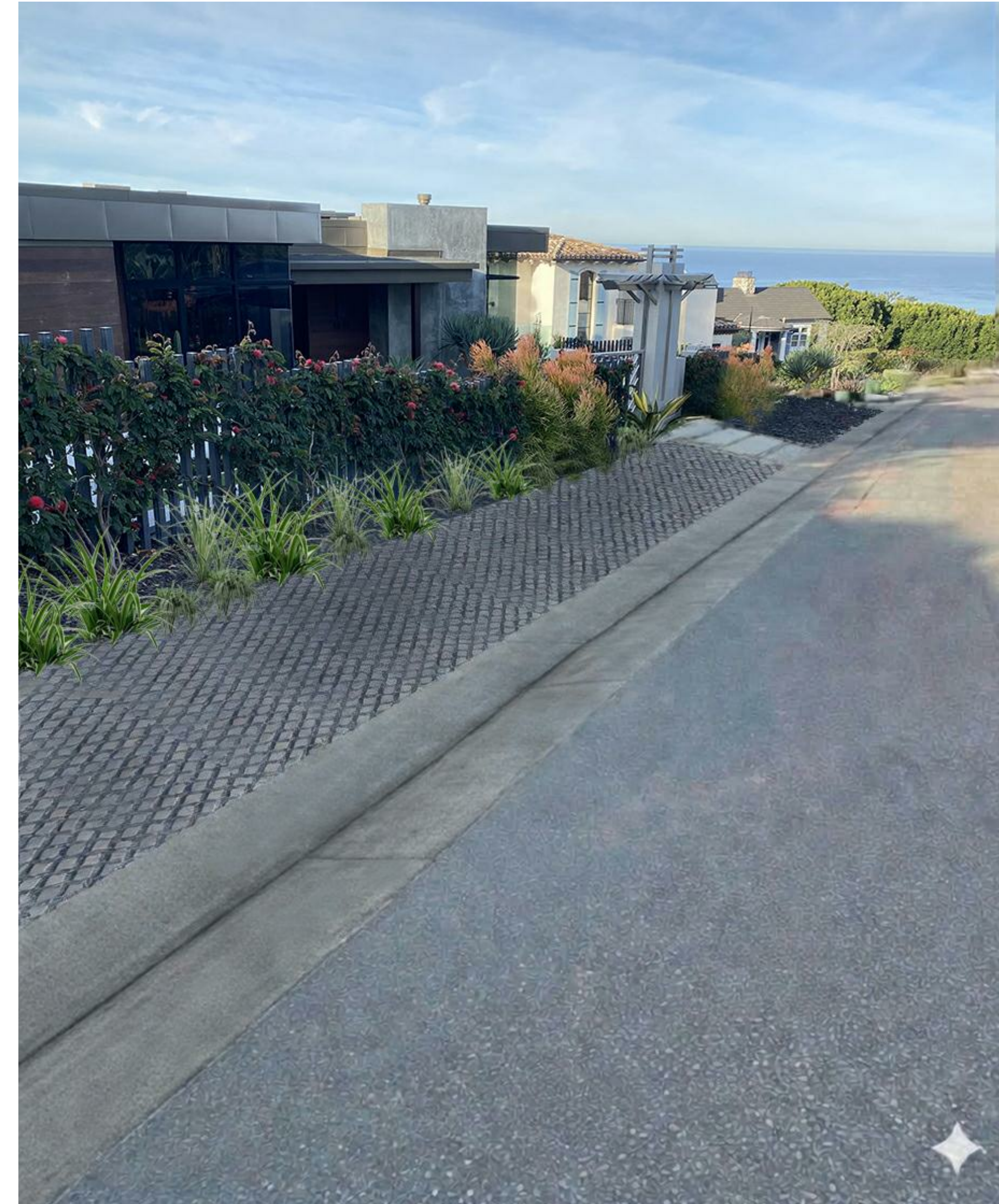


2 SECTION
1 1/2" = 1'-0"



ASPHALT

FOR SAMPLE OF ASPHALT SEE 355 BEL AIR STREET,
DEL MAR, CA.



GRASSCRETE W/ CHARCOAL GRANITE BASE

FOR SAMPLE OF GRASSCRETE SEE RAEI RESIDENCE



W Dean Meredith ARCHITECT AIA

P.O. BOX 2142 DEL MAR CALIFORNIA 92014

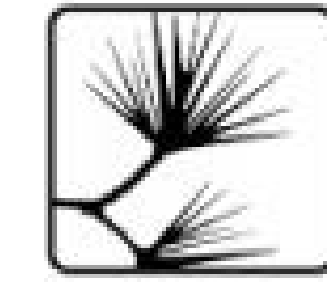
RAEL RESIDENCE
1612 Stratford Way DEL MAR CALIFORNIA 92014

A-3

3/29/2026 3:35:07 PM

CHAPTER 2 SINGLE-FAMILY DESIGN GUIDELINES

C. SITE PLANNING AND DESIGN



3/31/23





✓ Large pavers can replace concrete to increase permeability.



✓ Reduce the quantity of paving, or utilize pervious paving where possible.

C.8 HARDSCAPE DESIGN GUIDELINES (CONTINUED)

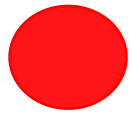
-  C. Limit hardscape to no more than 50% of the front yard/streetside setback.
 - 1. Avoid compacted landscaped areas which can inhibit site drainage.
 - 2. Maximize the use of pervious materials for driveways, walkways, and/or patios.
- D. Paved areas should be broken up by using colored or textured materials.
- E. Stormwater and non-stormwater runoff from the site to the street or neighboring properties should be minimized through the use of permeable materials, preservation of open space, and limiting paved areas.
- F. Changes to existing drainage patterns should not be altered in a way that would negatively affect neighboring properties or homes.
- G. Direct runoff from driveways, walkways, roofs, and/or patios onto pervious or vegetated areas.

 = Guidance does not apply to North Beach (Beach Colony) neighborhood due to its density, topography, and smaller lots.

W Dean Meredith ARCHITECT AIA

P.O. BOX 2142 DEL MAR CALIFORNIA 92014

RAEL RESIDENCE
1612 Stratford Way DEL MAR CALIFORNIA 92014



Robert Silva

From: Janet Wilson <janet@silverhook.com>
Sent: Thursday, April 2, 2026 5:05 PM
To: City Clerk Mail Box
Cc: Tracy Martinez; Terry Gaasterland; John Spelich; Dan Quirk; Ashley Jones
Subject: Red Dot - Initial Consideration of an Appeal of Encroachment Permit (EP) 25-049

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Martinez and City Councilmembers,

I am writing in support of **Encroachment Permit 25-049** and respectfully request that the Council approve the permit.

Staff could not make two of the six required findings for this encroachment permit application.

Finding 2: The proposed encroachments would not unreasonably interfere with the intended use of the City right-of-way.

Finding 5: The proposed encroachments would not be detrimental to the interests of the general public.

Staff explained that unless the shoulder is asphalted, the public may be discouraged from parking within the area because other surface improvements might create the impression that the space is private property, potentially resulting in a loss of public parking.

In other words, the concern is **not about safety or a physical obstruction**, but the possibility that the area could **appear private** unless the shoulder is asphalted. Asphalt is not an attractive solution, and I am not aware of any requirement that public parking surfaces must be asphalt.

In this case, the property's physical condition makes it especially difficult to understand the concern. **A fence separates the private yard from the area outside it.** Everything inside the fence is clearly private property, and the natural assumption would be that the parking area outside the fence is not private property.

The proposed improvement is not decorative. It is a parking surface specifically intended to accommodate vehicles.

Because the fence creates a visually obvious boundary between private and public use, and because the surface outside the fence is designed specifically for parking, it should be clear that the area is for public parking.

If there is still concern about public perception, the solution is straightforward. The City could install a "**Public Parking**" sign with the Del Mar logo to make it clear that the space remains available to everyone.

So **the real issue** here is not whether the area is public space, but whether someone might mistakenly perceive it as private.

And **the real question** is whether improving the surface of that public space with something other than asphalt actually interferes with public parking.

This issue has been ongoing for quite some time. It is difficult to think about the number of hours Mr. Rael has spent trying to resolve this matter, as well as the unnecessary expense involved. Architects and consultants are not inexpensive, and the time, energy, and money invested to reach this point must be significant.

In this case, a private citizen is willing to improve the curb appeal of his property by **upgrading** the surface of the adjacent parking area within the right-of-way. That type of investment should be viewed as **a benefit to the community**. A maintained surface is more usable and more attractive than a dirt shoulder where people park or walk.

For these reasons, **approving Encroachment Permit 25-049 is a reasonable outcome**. The **right-of-way clearly remains public**, and the proposed improvement **does not interfere with its use**.

More importantly, this situation highlights the need to modernize the City's approach to encroachments. Asking Planning staff to revisit and clarify the framework used to evaluate these applications would help reduce the number of encroachment applications that need Council review and would allow staff to resolve more of them administratively.

Thank you for your consideration.

Janet Wilson
635 Hoska Dr.

This is now the **fourth encroachment matter** to come before the Council in recent months. Why do these situations keep coming up?

One reason may be that the framework staff must use when evaluating encroachment applications is **too limited**, leaving staff with little flexibility when applying the required findings. At the **November 17, 2025 City Council meeting**, Planning and Community Development Director **Karen Brindley** explained that when staff evaluates encroachment permits, they must apply the findings strictly and **do not have discretion**, but the Council does. That rigid framework may be part of the reason these applications keep coming before the Council for resolution. During the **2026 Goals and Priorities Workshop**, **Councilmember Spelich suggested** that the city should have a more holistic review of encroachment policies. Clarifying the framework staff can use when evaluating these permits could **reduce appeals, save staff time, and make the process more efficient**.

Leslie Carrillo

From: Tate Scott <tate.scott@gmail.com>
Sent: Wednesday, April 1, 2026 8:24 PM
To: City Clerk Mail Box; Tracy Martinez (tmartinezrn@lapbypass.com); John Spelich; Terry Gaasterland; Dan Quirk
Subject: Red Dot Item 15 – Additional Pension Fund Transfer (FY 2025-26)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor and Councilmembers,

I am writing to urge your support for the proposed \$425,000 additional pension transfer. As a former member of the Finance Committee and the Pension Subcommittee that specifically designed the Section 115 Trust, I find the current 2-2 stalemate on this item to be a concerning departure from the fiscal discipline we established in 2023.

When we built the Section 115 Trust, our intent was clear: to create a protected, City-controlled vehicle to systematically buy down our at a minimum \$19.3 million unfunded liability. The 2032 target wasn't a suggestion; it was a calculated strategy to insulate future taxpayers from compounding debt. By authorizing only \$250,000 of what should be a \$1.1 million transfer per policy guidelines, the Council is effectively dismantling the very architecture designed to ensure Del Mar's long-term solvency.

There is a common "wait and see" argument—that we should hold onto this cash or wait for a better market year. As a former CEO, I can tell you that ignoring a debt while you have a surplus is not a "savings strategy"—it is a compounding error. Every dollar we fail to transfer today is a dollar that isn't earning market returns to offset the high interest CalPERS charges us on that \$19.3M debt. Waiting for a "better year" is mathematically no different than taking out a high-interest loan to pay for current expenses.

Furthermore, we must consider the impact on our workforce. If you've ever run an organization that depends on retaining top-tier professionals, you know that pensions are core to total compensation. When the Council ignores its own 2023 policy, it signals to City staff that our commitments are subject to political whims. In a competitive market for municipal talent, this foolish approach, an unforced error, makes it harder to keep the high-level staff we need to manage massive capital projects, like the \$121.8 million Undergrounding Program and its associated 42% forecast volatility.

The Finance Committee has unanimously recommended this transfer because it aligns with the policy and the current revenue surplus. If Councilmembers wish to move the goalposts on the 2032 funding target, they should bring that as a separate, transparent agenda item. Until then, I urge you

to honor the policy, follow the expert recommendation of your Committee, and approve the \$425,000 transfer.

Respectfully,

Tate Scott

Del Mar, CA

/wts